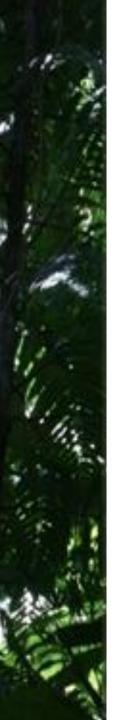


Environmental Impact Assessment in the Solomon Islands

Elaine Johnson, Legal Officer

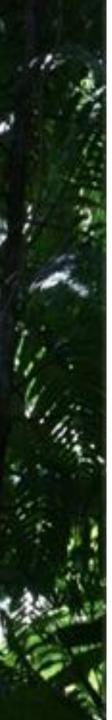
Landowners' Advocacy and Legal Support Unit Public Solicitor's Office



Outline

- Understanding environmental impact assessment (EIA)
- EIA in the Solomon Islands
- Enforcement
- What are your rights as landowners?
- Checklist of things to look out for

Understanding EIA • What is the 'environment'? Everything around you Natural environment Human environment Includes culture and communities



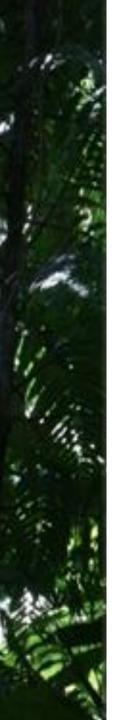


- What is 'development'?
- Eg, logging and mining
- Includes agriculture, building resorts and hotels









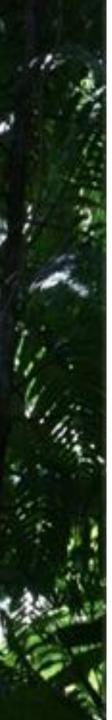
Environmental impacts

- Soil erosion
- Water pollution
- Marine pollution
- Loss of animals/plants

Social/cultural impacts

- More employment / cash flow / financial benefits
- Destroy tambu sites
- Hard to find food and building materials
- Land boundary disputes
- Community disruption (eg, alcohol, behaviours, unwanted pregnancies)

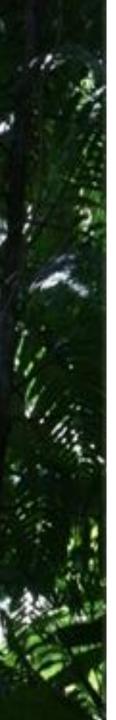




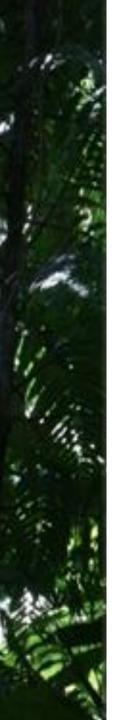
- What is 'EIA'?
 - Environmental Impact Assessment
 - Predicting all of the impacts caused by a development <u>before</u> it happens
- Why do EIA?
 - Forward planning
 - Considers mitigation and alternatives
 - Helps decision-makers
 - Participation of whole communities (not just chiefs or LOs or company)



- What is an 'EIA report'?
- Environmental Impact Assessment
- Describes environment (incl cultural)
- Describes likely environmental impacts (incleuted cultural/social impacts)
- Justify need for the project (env, social, cultural, economic)
- Includes alternatives (and alternate sites)
- Offence to provide false or misleading information (\$10,000 and/or 12 months jail)



- Who needs to make an EIA report?
- Prepared by expert approved by Ministry
- The developer (eg, logging company, mining company) pays the costs
- Attached to Development Application made to Ministry
- Must be <u>before</u> they start logging/mining
- It is <u>illegal</u> to do logging or mining without making an EIA Report (fine \$10,000 and/or one year jail)

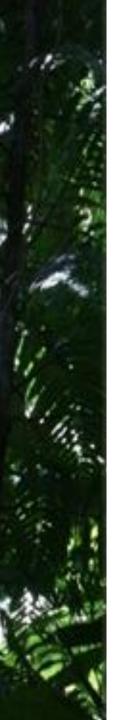


- Who reads the EIA report?
- YOU!! Ask to see it!
- And Director of Environment and Conservation, Ministry of Environment
- Ministry must give you a copy
- Ministry must hold a public meeting
- You can attend the meeting and write letters of objection to the Director
- All of this must happen <u>before</u> anyone starts logging or mining



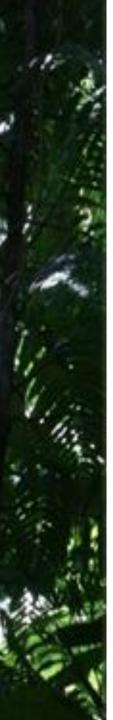
- Who decides whether development can go ahead?
- The Director of Environment and Conservation at the Ministry of Environment
- He reads the EIA report, and your letters and comments.
- Then decides whether to grant development consent for logging or mining
- It is <u>illegal</u> to do logging or mining without a development consent (fine \$10,000 and/or one year jail)





EIA in the Solomon Islands

- Controlled by Environment Act 1998 (in force 2003)
- Deals with EIA (and pollution)
- The Act sets out:
 - EIA process;
 - Offences; and
 - Appeal procedures
- Environment Regulations add more detail (made by Minister)

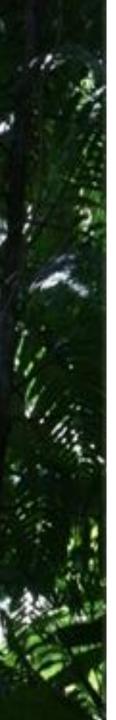


EIA in the Solomon Islands

Developers need to do EIA for any large project, including:

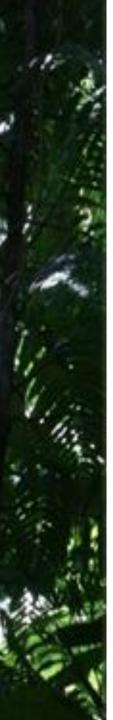
- Logging
- Mining
- Large agricultural projects
- Development of resorts, hotels, hospitals etc
- Infrastructure (eg roads, electricity, water)
- Commercial fishing operations





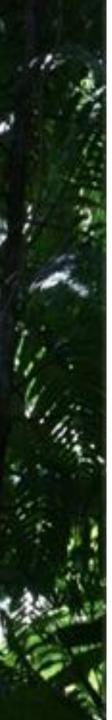
EIA in the Solomon Islands

- EIA process set out in fact sheet:
- I. Application + EIA Report
- 2. Public Notice of EIA Meeting (30 days)
- 3. EIA Meeting and letters of objection
- 4. Public Notice of Director's decision
 - 5. Right of Appeal to Environment Advisory Committee (30 days)
- 6. Right of Appeal to Minister (30 days)



Enforcement under Environment Act 1998

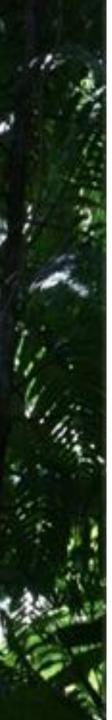
- Criminal offences:
 - It is illegal to do logging or mining without an EIA Report or a Development Consent (section 19)
 - Penalty: \$10,000 and/or one year imprisonment
 - It is illegal to provide false or misleading information in an EIA Report (section 26)
 - Penalty: \$10,000 and/or one year imprisonment
 - If a corporation is guilty of an offence, its officers, directors and agents can also be found guilty suffer same penalties (section 53)



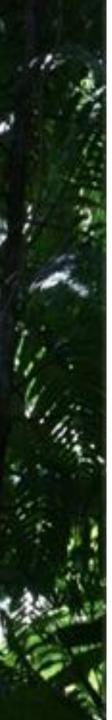
- Applicants: Nathan Kera, Ronald Kitu
 & Agnes Lodge Limited
- Respondents: Attorney-General, Belo Belo Tribe, Rupasi Murray and CIP International (SI Limited)
 - AG representing Director of Environment and Conservation, Ministry of Env
- Court: High Court, Civil Case



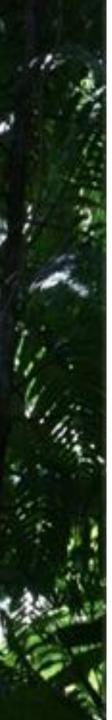
- Background
- Logging on Belo Belo Island, Roviana Lagoon, Western Province
- Logging Licence issued March 2006
- No Development Application made to Ministry of Env under Environment Act
- 2007 case brought by



Legal Issues

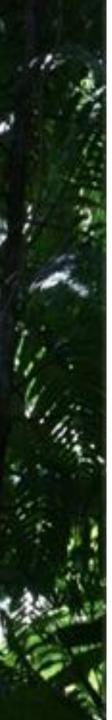


Findings of the Court



Bella Bella case

Implications for landowners



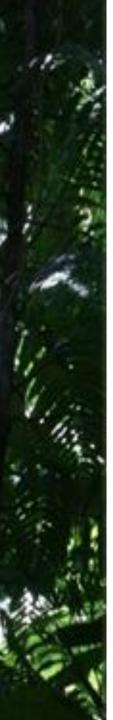
What can you do as landowners?

- You have a right to be given a copy of the EIA Report, if logging or mining will affect your land or your community.
- You have a right to be properly notified about any public meeting on the EIA Report.
- You have a right to be included in the public meeting about the EIA Report, and to say what you think about the application for logging or mining.
- You have a right to object to any logging or mining application in your area, and write letters about your objections to the Ministry of Environment.
- You have a right to appeal against any development consent granted by the Ministry of Environment for logging or mining in your area.
- You have a right to challenge any logging or mining company that has not done an EIA Report or received a development consent from the Ministry of Environment.



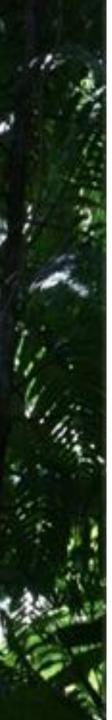
What can you do as landowners?

- Questions to ask yourselves if logging or mining is happening in your area:
 - Has the logging or mining company made an EIA Report?
 - Did a public meeting take place where the EIA Report was discussed?
 - Were you given proper notice of the EIA Meeting before it happened?
 - Were you given an opportunity to voice your concerns about the logging or mining?
 - Were you given notice about the Director's decision?
 - Does the logging or mining company have a development consent from the Ministry of Environment?
- If the answer to any of these questions is "NO", then logging or mining cannot continue, and you should seek legal advice.



What can you do as landowners?

- Monitor projects for EIA procedures ask the company to show you their consent
- Participate in public meetings
- Write letters of objection to the Ministry
- Report illegal logging or mining to the Ministry of Environment
- Ask the Ministry to enforce their own laws
- Use the media
- Take legal action if non-compliance
- Seek legal advice from LALSU or a private lawyer



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Thank you

Questions?