

Environmental Impact Assessment in the Solomon Islands

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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



Understanding EIA



- **What is ‘development’?**
- Eg, logging and mining
- Includes agriculture, building resorts and hotels

Understanding EIA

- **Who is a ‘developer’?**
- Anyone who does ‘development’
- Logging companies
- Mining companies



Understanding EIA

- **What are ‘environmental impacts’?**
- Changes to the environment
- Positive and negative
- Environmental and social/cultural



Environmental Impacts of Logging



Understanding EIA

- **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)





Understanding EIA

- **What is ‘EIA’?**

- **E**nvironmental **I**mpact **A**ssessment
- Predicting all of the impacts caused by a development **before** 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)



Understanding EIA

- **What is an 'EIA report'?**
- **Environmental Impact Assessment**
- Describes environment (incl cultural)
- Describes likely environmental impacts (incl 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)



Understanding EIA

- **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 before they start logging/mining
- It is illegal to do logging or mining without making an EIA Report (fine \$10,000 and/or one year jail)



Understanding EIA

- **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 **before** anyone starts logging or mining

Understanding EIA

- 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 **illegal** 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:
 1. 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)



Belo Belo case (2007)

- **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



Belo Belo case (2007)

- **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



Belo Belo case (2007)

- Legal Issues



Belo Belo case (2007)

- 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?