

PRINCIPLES FOR PLANNING AND APPROVAL PROCESSES FOR SUSTAINABLE DEVELOPMENT

1. INTRODUCTION

The governments of nations in the Pacific Islands Forum region have a major responsibility to ensure that development is sustainably managed. This includes managing the use, development and protection of natural and physical resources for the benefit of the people of their countries. The benefits to people include avoiding, remedying and mitigating adverse social, cultural, and environmental effects.

The desire for development to support foreign income-earning activities, such as new industries and tourism, can place a government under particular pressure, especially if the custody, control and management of the land has over many generations been undertaken in a culturally traditional way.

Additionally, government may itself be both the developer and the agency required to give permission and this can create a conflict of interest unless carefully managed. Aid-funded projects can create a particular pressure if the government wishes to accept the assistance, but in doing so does not want to compromise the traditional values of the nation's communities.

This means governments in the region need well-designed and well-managed processes for evaluating and approving (or not) projects intended for national economic development. These approvals need to balance economic development, environmental impacts and social and cultural interests.

2. GOOD PRACTICE RESOURCE MANAGEMENT

Internationally, there has been ongoing development of good practice for making decisions on what development activities should proceed and the use of natural resources in the land, and water. Commonly applied principles include:

- Decisions should be made by democratically elected bodies, able to call on independent, expert advice, where possible.
- Broad plans need to be developed setting out principles for future land use and identifying permitted uses for land to ensure that adjoining land uses are compatible. Within the context of these plans, lower thresholds need to be defined for which activities are considered to have sufficiently minor environmental, social or cultural impacts and no permissions need be sought.

- Where permission is required (usually either to undertake an activity permitted under the plan or to seek authority for an exception to the plan), applicants should have the responsibility of preparing a detailed application following a locally developed guideline. The applicant should precede any application by discussing the project and likely impacts with officials acting for the decision making authority. The application needs to outline the environmental social and cultural impacts of the development with supporting evidence. The application should also outline the prior consultation that has taken place with affected communities, community leaders and affected property owners.
- The processes need to ensure that applications are adequate, compliance costs of preparing applications are not excessive, and formal consultation, submission and decision making processes are undertaken in a timely manner.
- Processes of natural justice should be observed, but the ability to input into the process should be limited to those for whom the decision is likely to have material impact (so as to avoid spurious submissions).
- Consultation by the decision making body should include providing relevant information to affected persons, providing a reasonable opportunity for presentation of views, the views should be considered with an open mind, and submitters should be advised of the outcome and the reasons for the decision.
- The submissions to the decision making body, the decision, and the reasons for its decision should be made available publically.
- There should be an independent appeal mechanism, but this needs to be carefully managed to avoid the use of appeal mechanisms for delays.
- The decision making body is that most representative of those affected – local decisions should be made by local bodies, but decisions that transcend the regional boundaries between local bodies should be made by regional or even national bodies.
- If there is a conflict of interest (for example, where the applicant is also the decision maker) or there could be a perceived conflict of interest, there should be a mandatory process for the decision maker to stand down from that role, instead appointing independent commissioners to hear the matter.
- For any conflict of interest situations, transparency of the decision making process is key. This includes outlining the reasons for the decision.
- On matters of such gravity or importance that the competence of the relevant local body is in question there should be a system whereby the Minister responsible can refer the matter to a higher level body.
- In providing an approval, conditions should be set, outlining the standard to which the necessary work is to be carried out, and requirements to ensure environmental, social and cultural impacts are avoided, remedied or mitigated. For resources for which there is a limited supply, the mechanism for allocation should be principle-based, respecting traditional use, and the necessity for maintaining certain minimum levels for ecology (where applicable). The allocation system might be first-in, or competitive (e.g. based on price).

3. IMPLICATIONS FOR PACIFIC ISLANDS FORUM NATIONS

Because of the different ways in which resources such as land, water and air have been managed over many generations in different cultures, and between different communities, there is no one right model for governments to adopt. It may also be not

worthwhile to document or attempt to change traditional resource use patterns in rural communities.

The first important role of government is to establish the thresholds below which no permissions need be obtained, or which can be decided informally using existing traditional protocols. This is a significant and important decision, and the threshold set may vary significantly between jurisdictions. The cost of preparing applications, and the limited ability to process them may mitigate against the threshold being set low in many small communities.

The second important role of government is therefore to ensure that applications for resource use for non-traditional activities are well-managed. Governments may conclude that local decision making bodies in small rural communities are not suitably qualified, in which case there needs to be a higher body to provide an alternative mechanism for decision making, but if that is the case, then the relationship of that higher body to traditional existing bodies needs to be clear.

In all likelihood, in many smaller nations, management of perceived conflicts of interest will be difficult to avoid. Government is likely to be involved with many applications, be they aid-funded projects, or involving the use of foreign capital to develop ventures such as tourism. In these circumstances, the establishment of an independent decision making body, with the resources to procure suitable expert advice to assist it, may well prove to be the best model, albeit more expensive than government making the decision directly.

A key to success will ultimately be to balance the cost to applicants and affected people of participating in a process, with the potential loss of amenity or rights of those affected if a permissions approval process is not required.

4. THE CONTRIBUTION OF THE SOUTH PACIFIC ENGINEERS ASSOCIATION

Ensuring a suitable resource management regime is in place is important to the economic future for Pacific communities. It is also a challenge for both governments and for professional support communities. By involving its professional engineering community as a key player in providing advice on the impacts of proposed development projects governments can ensure the consequences of decisions are fully understood in advance. The national professional body, as a chapter of the SPEA can assist to identify experts who can give independent advice, and itself can provide a collective and considered view. Maximally using the engineering profession's expertise will assist governments ensure the best-possible use of resources, thereby maximising the potential to deliver improved standards of living for the people of the countries and the region as a whole.

[The SPEA President has acknowledged his confidence in and was encouraged by the theme of the Pacific Island Forum for this year, delivered in a speech by the current Secretary General of PIF which was held in Apia in July-August 2011. That theme is to see all PIF countries working and unite together as one unity to achieve its long term goals.](#)

The engineering profession can be involved in both providing technical advice to the applicant and advice to the decision making body. Engineers need to ensure that they avoid these potential conflict of interest situations, and meet the obligations of their Code of Ethics.

5. DISCLAIMER

The South Pacific Engineers Association (SPEA) is the non-aligned association of national professional engineering bodies in the South Pacific. It seeks to contribute on matters of national and regional importance. One part of its contribution is to issue position papers, which give a learned view on important issues, independently of any commercial interest. Such notes are not consensus papers of the Association membership, although they have been widely peer reviewed amongst the membership. Others are free to quote or use materials from this note.