



RESCCUE



STRENGTHENING THE MITIGATION HIERARCHY IMPLEMENTATION IN PACIFIC ISLAND COUNTRIES AND TERRITORIES

OVERVIEW OF THE RESCCUE PROJECT REGIONAL ACTIVITY

KEY MESSAGES

- ✓ The mitigation hierarchy is increasingly used as a way to achieve no net loss or even sometimes net gains of biodiversity when managing the impact from development projects. As such, it is identified as one of the main opportunities to support ecosystem services and biodiversity conservation in Pacific Island Countries and Territories (PICTs), and therefore climate change resilience.
- ✓ Different PICTs deal with very specific and contrasted needs, opportunities and constraints for mitigation hierarchy implementation. Strengthening associated policies and practices implies a tailored strategy and requires coordination across sectors and multiple government departments over several years, as well as intensive consultations with all stakeholders involved.
- ✓ Several partners including regional agencies, developments banks, bilateral cooperation agencies and NGOs have agreed to further collaborate to raise capacity and develop best practice for strengthened implementation of the mitigation hierarchy.



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BACKGROUND

At a time of rapid socio-economic development, more and more pressure is placed on Pacific Island environment. To avoid irreversible loss of biodiversity and ecosystem services, which are key to local communities' climate change resilience, smarter development practices are vitally needed.

The RESCCUE project has promoted a strengthened implementation of the mitigation hierarchy, a tool that aims at minimizing the negative impacts of development projects on biodiversity and ecosystem services. It helps better quantify, anticipate and take into account the environmental impacts of development projects while systematically exploring ways to mitigate these impacts through avoidance, minimisation, restoration and – as a last resort – biodiversity offsetting.

The mitigation hierarchy has been increasingly used internationally as a way to achieve no net loss or even sometimes net gains of biodiversity when managing the impacts of development projects. Strengthening the implementation of the mitigation hierarchy is an opportunity for development projects to reduce their costs and risks while minimising their negative impacts and maximising opportunities. Applying the mitigation hierarchy to projects' impacts on biodiversity can generate investments for restoration and conservation through offsets. With an integrated planning vision and an enabling framework provided by government, offsets can be channelled to strategic biodiversity conservation projects, help maintain ecosystem services and contribute meeting climate change goals of resilience and mitigation. Application of the mitigation hierarchy is now mandated by the Equator Principles which, as of March 2019, have been adopted by 96 financial institutions including many of the Pacific Islands' major investors.



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While environmental impact assessments (EIA) have already received much attention in the Pacific, the mitigation hierarchy has been implemented on a very *ad hoc*, project-by-project basis and without much exchange of experience.

RESCCUE activities to strengthen the mitigation hierarchy aimed at filling this gap while allowing the Pacific region to take a more active part in a key international conservation debate. RESCCUE hence raised awareness on the ecological, economic and social benefits PICTs can derive from better implementation of the mitigation hierarchy, and developed national capacity both within Governments and among civil societies.

AT THE REGIONAL LEVEL

The Pacific Community (SPC), through the RESCCUE project, contracted a consortium consisting of The Biodiversity Consultancy (TBC) as lead consultant with BioEko, CDC Biodiversité, Environment Consultants Fiji/NatureFiji-MareqetiViti, Pae Tai – Pae Uta (PTPU) and SPREP (PEBACC Project) as partners. This team was mandated to contribute strengthening the mitigation hierarchy implementation in PICTs, with a special focus on Vanuatu, French Polynesia and Fiji, while fostering regional and international exchanges of experience.



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Phase I

The first phase consisted in [reviewing national policies and practices](#) relating to the mitigation hierarchy including offsets across all PICTs. The review assessed in particular:

- whether to invest in new policies or to focus on practice and implementation of existing policies;
- whether there are opportunities to integrate mitigation hierarchy requirements into other policies which are currently under review;
- whether there is adequate capacity for oversight, regulation and delivery of current and improved mitigation hierarchy policies, including effectively-managed offsets;
- the status of other key enabling conditions for effective implementation of improved policies; notably an up-to-date National Biodiversity Strategy and Action Plan, a comprehensive and accessible biodiversity database, strategic land-use plans, adequate protected area legislation and effective environmental impact assessments.

A regional training and workshop was then co-organized with SPREP's PEBACC and SPC's INTEGRÉ projects in Nadi, Fiji, in December 2016. It gathered about 50 participants representing 16 (out of 22) Pacific Island Countries and Territories, four regional organisations (SPC, SPREP, USP, PIDF), and five international NGOs (TNC, WWF, CI, WCS, Live & Learn). Importantly seven representatives of RESCCUE's operator consortiums participated to build bridges between this regional activity and pilot sites. Participants came up with sub-regional groups of PICTs with similar needs, capacity, enabling conditions, and current status of policy and practice. For each group, [pragmatic provisional roadmaps](#) were co-developed to move beyond a project-by-project approach towards strengthened and consistent mitigation hierarchy policies and practices in the Pacific so as to achieve the No Net Loss or Net Gain objective. Some workshop participants later reported using these roadmaps to advocate for improved national policies and practices, with some follow-up funding secured.



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This first phase highlighted that different PICTs deal with very specific and contrasted opportunities and constraints. This means that differentiated approaches are required to address the needs of countries with heavy mining, fishing, aquaculture and/or forest industries on one hand, and those with virtually no industrial activity besides tuna fishing, and little urban or infrastructure development. Sometimes strengthening environmental impact assessment procedures and capacities as well as their use in decision-making is enough at least as a first step. In other contexts there is a need for fully-fledged mitigation hierarchy laws, policies and implementation. The parameters vary widely from case to case and so the strategy needs to be flexible - one size does not fit all.

Phase II

The second phase focused more specifically on fostering roadmaps implementation in Fiji, French Polynesia and Vanuatu, while supporting establishment of a regional community of practice.


In Fiji, [a legal review](#) on using the Environmental Management Act to strengthen the mitigation hierarchy was produced. This concluded that the existing legislation enables the Department of Environment to include application of the mitigation hierarchy in its assessment and permitting of environmental impacts.

In French Polynesia, following consultations and [a review](#) of EIA policies and practices, several stakeholder workshops led by the Department of Environment (DIREN) have initiated a process of engagement to explore opportunities to strengthen the implementation of the mitigation hierarchy. It is hoped that the stakeholders involved will champion and lead implementation of [the recommendations](#) produced to reinforce the existing EIA regulatory framework, and enhance engagement and buy-in from the general public.

In Vanuatu, a strategic planning process was carried out for Tanna Island, identifying unsustainable practices, land-use conflicts and areas requiring protection for ecosystem services provision as well as biodiversity conservation. The Tafea provincial government Secretary General has committed, with the anticipated support of SPREP, to enhance and validate the provisional land-use map for Tanna for incorporation within the Tafea five-year plan. Building on work in Tanna, awareness raising conducted by the project, and encouragements by development banks, the national government (led by the Department of Environmental Protection and Conservation) has committed to incorporating Strategic Environmental Assessments into the EIA regulation. A consolidated report on activities conducted in Vanuatu is available [here](#).

At the regional level, several technical guidance notes for applying the mitigation hierarchy in PICTs were produced comprising:

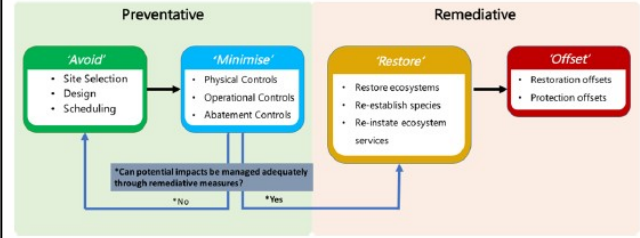
1. [Basic explanatory note](#) on the mitigation hierarchy implementation in PICTs;
2. Technical guidance note for applying the mitigation hierarchy to the [mining sector in PICTs](#);
3. Technical guidance note for applying the mitigation hierarchy to the [hydropower sector in PICTs](#);
4. Technical guidance note for applying the mitigation hierarchy to the [infrastructure and tourism sectors in PICTs](#).



Using the Mitigation Hierarchy to manage impacts on biodiversity in Pacific Island Countries and Territories
Guidance note

The Mitigation Hierarchy provides a strong foundation for sustainable development and is the best-practice approach for companies and governments to manage impacts.

What is the mitigation hierarchy?
The mitigation hierarchy (MH) is a step-by-step tool used to limit the negative impacts of development projects. It can be used for many disciplines; this guidance note focuses on its use to manage risks and impacts to biodiversity. Very similar approaches can be used for ecosystem services and even social impacts.



Adapted from: Cross-Sector Biodiversity Initiative (CSBI). (2015). *A Cross-sector Guide for Implementing the Mitigation Hierarchy* (p.9)

The mitigation hierarchy consists of four steps:

Enhance 0. Positive Impacts → 1. Avoid → 2. Minimise → 3. Restore → 4. Offset

These four steps have to be followed in order – Avoid, then Minimise, then Restore impacted areas and finally Offset any impacts that remain. Preventing impacts (steps 1 and 2) is most effective. Restoring or offsetting impacts is usually more costly, and has a higher risk of failure.

In practice, applying the MH is not a linear process: An additional first step is to enhance any positive impact projects will often need to go through a series of avoid and minimise iterations to ensure that they have prevented impacts as much as possible. The diagram above shows a simple illustration of this iterative process.

A regional agencies forum was then organized in Nadi, Fiji, in December 2018 with the objective to identify potential funding and technical partners to take over RESCCUE's work beyond the end of the project. It gathered 18 participants from key regional agencies, international NGOs, bilateral donor agencies, multilateral development banks and the private sector. Participants agreed to further collaborate to raise capacity and develop best practice for strengthened application of the mitigation hierarchy. Proposed actions include developing a peer-to-peer platform and providing support to a regional mitigation hierarchy learning centre. Furthermore, the Pacific Regional Infrastructure Facility's Safeguards Working Group provides an opportunity to align the approaches of participating financial institutions. Elsewhere in the world, financial institutions have driven improvements in policy and practice, providing examples and incentives for governments and other sectors to follow.



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Overall, the work undertaken by RESCCUE at the regional level has raised awareness, enthusiasm and opportunities for other actors to strengthen the implementation of the mitigation hierarchy in PICTs. The numerous outputs and outcomes were widely communicated and disseminated through various regional or international conferences, publications and social medias. Nevertheless, upgrading policies related to the mitigation hierarchy requires coordination across sectors and multiple government departments over several years. A specific example is how the PNG sub-regional roadmap has been greatly advanced through a project funded by UNDP to develop a national mitigation and offsets policy. In Fiji, Vanuatu and French Polynesia, and indeed all PICTs, attaining aspired levels of practice requires longer-term work programmes, political will, and collaboration between governments, industry, financial institution and civil society.

IN NEW CALEDONIA

The Northern and Southern Provinces requested RESCCUE’s support to strengthen the governance of the mitigation hierarchy implementation, whose dual objective was to:

- Offer the various stakeholders solutions for improving the use of environmental assessments, which form the basis of decisions and action for preventing and reducing the impact of plans, programmes and projects on the country’s environment; and
- Define a roadmap for ensuring that robust biodiversity offset practices emerge so as to help achieve the biodiversity “no net loss” objective.



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To do so, the RESCCUE project, with co-funding from SPC’s INTEGRÉ project, contracted a team of consultants led by BIOTOPE, in association with ENVIE and Natura Legis, to:

- [Assess](#) the existence, use and effects of environmental assessments as well as biodiversity offset practices in New Caledonia through extensive consultations and a detailed analysis of 32 case studies;
- Identify the main current and future issues regarding the regulatory framework and governance of offsets;
- Conduct a participatory analysis of the strengths and weaknesses revealed by the background research;
- Produce [a roadmap](#) to pave the way for strengthened mitigation hierarchy implementation.



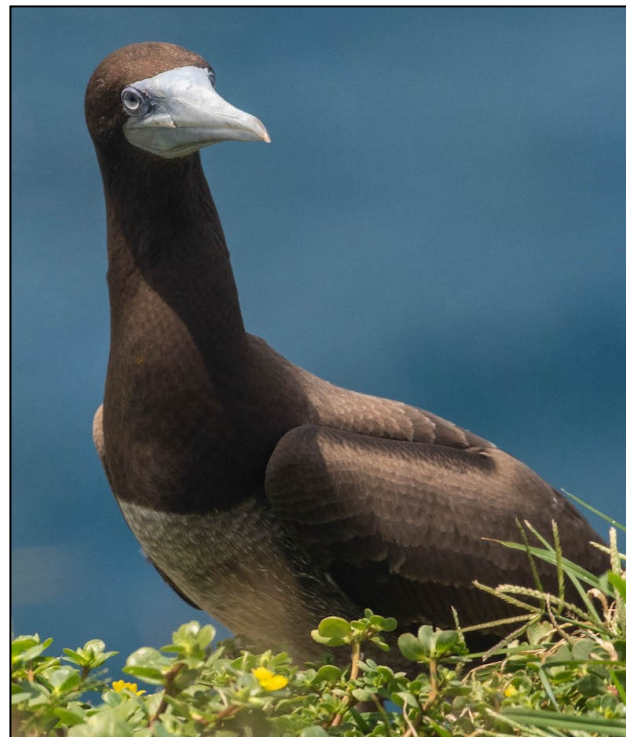
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Both the assessment and roadmap involved an extensive consultation and participatory process, with over 200 New Caledonian stakeholders mobilized through an online questionnaire and several workshops, therefore demonstrating a significant interest.

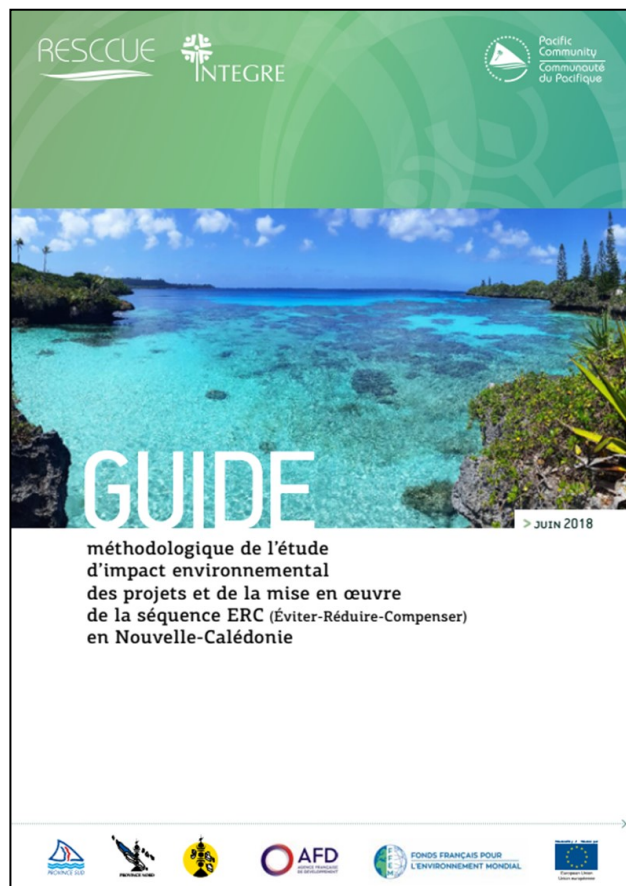
The assessment found that New Caledonia has solid and relevant frameworks to allow for positive changes in dealing with environmental issues in its sustainable development strategies. While major differences currently exist within the territory, the New Caledonian Government and provinces do have considerable flexibility due to their political and administrative organisation. This provides real opportunities to implement or strengthen innovative practices that could even serve as models beyond their borders. New Caledonia is also a leader in certain aspects of the mitigation hierarchy as compared to other French overseas territories as well as to other Pacific Island countries.

As for the roadmap, it contains some 50 recommendations matched to the various responsibilities at the territorial and provincial levels. One of the recommendations, i.e. the development of a methodological guide to environmental impact assessment and mitigation hierarchy implementation in New Caledonia, was given priority by the provinces and so was the focus of a new consultancy, supported by RESCCUE in partnership with the three provinces.

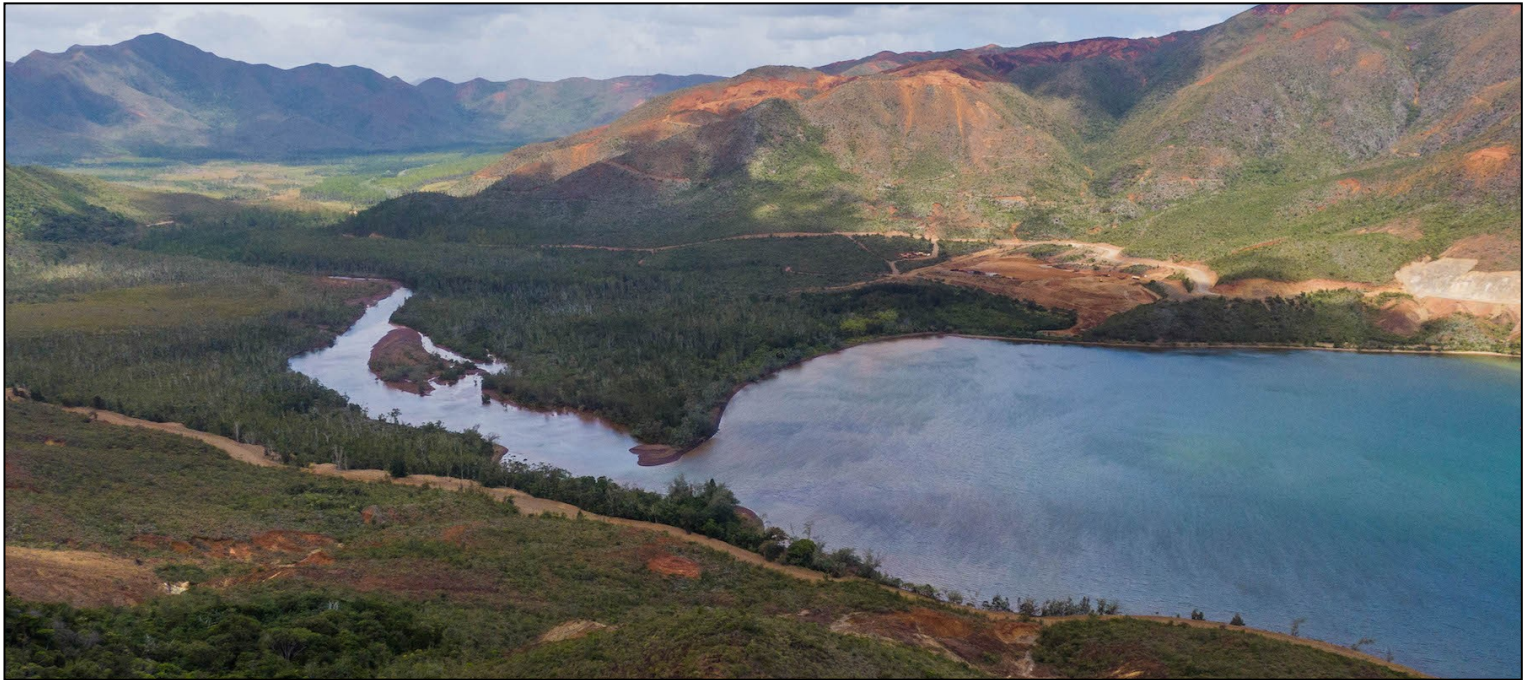
[The guide](#), published by SPC, is the result of a close collaboration with the agencies involved. It provides technical and regulatory support to stakeholders carrying out the environmental impact assessment and implementing the mitigation hierarchy for land planning and development projects, i.e. public or private project developers, consultants, researchers, consultative bodies, administrations' departments in charge of project appraisal or environmental oversight and control, and civil society. A total of more than 300 people were consulted in New Caledonia's three provinces and contributed to the guide's development, once again demonstrating the wide audience potentially interested and involved.



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The guide reviews best practice and summarises, for all stakeholders, the key stages and essential components of mitigation hierarchy implementation in New Caledonia, while taking into account the unique legal characteristics of each province and their specific economic, social, political and cultural backgrounds. Based on shared definitions and practical examples, the guide was definitely designed as an operational tool and is already used by stakeholders in the field. In particular, users could quickly find out under which circumstances an environmental impact assessment is required for their projects depending on the various regulations.



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