



A COMPARATIVE EVALUATION OF EIA LEGISLATION IN FIJI AND WALES

A Case Study of the Forestry Sector

ABSTRACT

When it comes to implementing EIA in different regions, there are significant differences. Usually, in developed countries, environmental impact assessments (EIAs) perform better than those in developing countries because of their lack of development and their activities to promote economic growth (Bowonder, 1987). This study aimed to evaluate the EIA legislation in place for forestry activities in Wales and Fiji and compare them against the modified criteria developed by Wood (1995, 2003) to determine the extent to which they follow the “good practice” and how emerging environmental issues have been incorporated into EIA. The results showed that the two countries are almost on a par in terms of meeting the criteria used in this study.

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1.0 Introduction

An environmental impact assessment (EIA) is conducted before a project is implemented to offer information to decision-makers on the effects of the planned activities to ensure environmentally sound and sustainable development (Terri S., 2018;).

It all began in the United States in the early 1970s, when environmental impact assessments (EIAs) were first introduced to mitigate the negative impacts of land use activities on the environment and people. Since then, more than 100 countries have adopted EIA policies, legislation, and institutions (Betey and Godfred, 2013).

The regulatory framework and the capacities of the actors required to carry out their responsibilities to achieve EIA goals can be described as an EIA system (Van Loon et al., 2010; Leest, 2013); however, this definition is not exhaustive. Regulatory frameworks explain how the system is expected to function, offering instructions on evaluating options and the implications that should be evaluated. In addition, it explains how licences and permissions are issued (Van Loon et al., 2010). Therefore, the first step to sound environmental management is to have an EIA law in place, allowing for sustainable development to be encouraged (Harrison, 2005).

When it comes to implementing EIA in different regions, there are significant differences. Usually, in developed countries, environmental impact assessments (EIAs) perform better than those in developing countries because of their lack of development and their activities to promote economic growth (Bowonder, 1987). However, even within the same area, there are differences in the efficiency and effectiveness of the EIA system (Abdul-Sattar, 2007).

Forestry activities such as deforestation for development projects, logging, reforestation and afforestation can have devastating impacts on the environment. Therefore, an Environment Impact Assessment must be done for large-scale forestry activities to determine the impact of the proposed activity on the environment and its mitigation strategies. Furthermore, this assessment acts as a tool for decision-makers which they can use to permit or not permit the said activity. For this essay, the EIA regulations of Fiji and Wales with relevance to forestry activities and how they compared to each other will be studied. Furthermore, an analysis of their strengths and weakness will be done.

2.0 Background

Environmental impact assessment (EIA) has been a valuable approach for appraising development projects in Oceania throughout the last three decades. Several island republics, notably Samoa, Tonga, Kiribati, and the Solomon Islands, have taken advantage of training and awareness programmes coordinated by the South Pacific

Regional Environment Program (SPREP) (SPREP, 1994). SPREP and its funders have the goal to bring Western-developed impact assessment methodologies to the tiny island governments and form government units that use these approaches as part of their national development strategy (Boer, 1996).

An EIA administration system has been in place in Fiji since 1981. Fiji is one of the most developed economies in the Pacific because of its abundance of timber, mineral, and seafood resources. More than 85 per cent of the land in Fiji is administered as native land under the Native Land Trust Act 1940, Cap. 134, by the iTaukei Lands Trust Board, a legislative entity. The rest of the land is split about half between public land and private property.

The Fijian government-commissioned EIA guidelines in 1981 when the South Pacific Commission (SPC), the first inter-governmental institution formed in the South Pacific, was promoting the need for EIA throughout the islands. Official departments and agencies have since demanded the preparation of environmental studies by developers of such ventures as hotels, lumber mills, mines, and industries to get government clearance for these projects.

In March of 2005, the Fijian parliament passed the Environment Management Act. Part 4 of the Environment Management Act of 2005 establishes the foundation for the Environmental Impact Assessment process, which must be used before most applications for development activities or undertakings can be accepted. However, some aspects were left to be filled up by regulations under the Act. Following section 61 of the Act, in 2007, the Environment Management (EIA Process) Regulations were made by the then Minister for Labour, Industrial Relations, Tourism and Environment. These regulations gave a noticeably clear picture of the EIA process in Fiji.

In the United Kingdom, it has been more than a quarter-century since the Environmental Impact Assessment (EIA) was officially adopted in 1988 as part of the Town and Country Planning Regulations for England and Wales and the Environmental Assessment Regulations for Scotland and Northern Ireland. Since then, the country's EIA practice changed, as has its conceptual understanding, thanks in part to evaluations offered by some writers, including Wood (2000a), Glasson (1999), and Arts et al. (2012). The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 was laid before parliament on the 9th of August 1999. It came into force on the 6th of September 1999. These regulations applied to England and Wales. An amendment to these regulations was done in 2017, and the amended regulations came into force on the 16th of May 2017. The England and Wales EIA system for forestry activities has been hailed as one of the best in the world.

3.0 Methodology

A thorough study of both the country's EIA legislation was undertaken for this essay. For Fiji, the Environment Management Act 2005 and the Environment Management Regulations 2007 were studied, and for Wales, the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 and the Environmental Impact Assessment (Forestry) (England and Wales) (Amendment) Regulations 2007 were studied. A comparison of the regulations was made to draw opinions and conclusions. The author of this essay does not have any background in Law; therefore, these legislation are being studied from the perspective of an environmental manager.

While overall conclusions regarding an EIA system are challenging to obtain, there is a need for an evaluation framework to compare formal legal processes and practices in their execution in EIA systems. The emphasis of the evaluation criteria is often on the requirements and functioning of the EIA process, i.e., procedural EIA performance. Wood's (1995) evaluation criteria are a checklist of the prerequisites of a successful EIA system. The criteria are derived from an examination of the various stages of the EIA process, which include, among other things, screening, scoping, impact identification, mitigation measures, alternative consideration, report preparation, report review, consultation and public participation, mitigation, decision making, and monitoring of project impacts. The criteria comprise fourteen (14) questions that aid in determining how effectively the Law addresses critical aspects of EIA. Mubanga et al. 2020, on the other hand, modified the criteria to include three more environmental issues: ecosystem services, societal impact assessment, and climate change.

Further to Mubanga (2020), due to the limitations of this study, nine criteria from Mubanga are applied to analyse the legislation in place in Wales and Fiji. An additional criterion added is the forestry specific EIA legislation. This is because this study focuses on EIA legislation for forestry activities.

The primary aim of this study is to compare the EIA regulations of the two country's keeping forestry activities in mind. Furthermore, further analysis of each of these strengths and weaknesses is done. The following questions provided a basis for the study:

1. How are EIAs defined in the two countries?
2. EIA process
3. When does the law mandate it?
4. A comparison of the two countries laws for EIA in Forestry using modified criteria from Wood (1995).

4.0 Results and discussion

4.1 How are EIAs defined in the two countries?

It is essential to note that Wales did not define EIA in its 1999 regulation, and Law did not define it until 2017 when the regulations were amended. In the amendment, EIA is defined as

1. the preparation of an environmental statement
2. the conducting of consultations
3. the consideration of the environmental statement and other information
4. concluding the significant effects of the project, and
5. the consideration of that conclusion under regulation 15 before deciding whether to grant consent. (Environmental Impact Assessment (Forestry) (England and Wales) Regulations (Amendment) 2017 (Wales))

The definition of EIA by Law in Fiji is straightforward. It states in the Environment Management Regulations of 2007 that “EIA” means an environmental impact assessment (Environment Management (EIA Process) Regulations 2007 (Fiji)). In the EMA 2005, it is defined as follows; “environmental impact assessment” or “EIA” means the environmental impact assessment of a development proposal approved following Part 4 (of EMA) (Environment Management Act 2005 (Fiji)).

The definition of EIA by Law in Fiji seems very naïve compared to how the Wales law defines it. Therefore, it can be implied that Fiji is defining EIA as a document more than a process to mitigate environmental impacts from activities. In contrast, the definition by Wales makes it clear that EIA is an institutional process that is there to protect the environment, particularly in the last part, where it states to consider the environmental impacts of a particular activity when deciding whether to grant consent for the activity.

Keeping in mind the best interests of forest conservation, EIA by Law, for Forestry related activities should be defined as is done in Wales rather than how it is in Fiji. The definition itself should speak volumes of what the process is trying to do: protect the environment based on information and studies undertaken by professionals.

4.2 When is it required by Law

Forestry activities usually tend to have a significant impact on the environment; hence, when does the law mandate an EIA to undertake forestry activities such as logging, reforestation, afforestation, and reafforestation?

Fiji does not have a forestry specific EIA regulation or Law; hence the general requirement for EIA comes into practice. An EIA is to be undertaken if the activity or

undertaking in a particular development proposal is likely to cause significant environmental or resource management impact. It should be noted that Fiji, in many instances within the Act and regulations (e.g., Part 4, Paragraph 28 under EIA process), has pointed out environment impact assessment is required for development proposals. For example, the EMA 2005 defines “development proposal” as a proposal for a development activity or undertaking submitted to an approving authority for approval under any written law’ (Environment Management Act 2005 (Fiji)); In this case, will a reforestation activity (suppose a major one which is more than 5 hectares) be considered development activity and require a development proposal? Since these activities significantly impact the environment, it would be wise to define their stand clearly as it does not seem to fall under a development activity directly.

Some Forestry activities are covered under Schedule 2 Part 1 of the EMA, which sets out the requirement for an EIA to be undertaken.

Excerpts from Schedule 2 Part 1 of EMA	Possible Forestry Connections
(a) a proposal that could result in the pollution of any marine waters, ground water, freshwater body, or other water resource;	Some forestry activities such as deforestation/logging could result in the outcomes mentioned.
(b) a proposal that could result in erosion of any coast, coastline, beach, or foreshore ; a proposal that could result in the contamination or degradation of any agricultural area or land important for agriculture;	Some forestry activities such as deforestation of mangroves could result in the outcomes in bold
(c) a proposal for commercial logging or for a saw milling operation;	This is a forestry activity in itself
(d) a proposal that could jeopardise the continued existence of any protected, rare, threatened, or endangered species or its critical habitat or nesting grounds ;	Some forestry activities such as deforestation/logging could result in the outcomes in bold
(e) a proposal that could deplete populations of migratory species including, but not limited to, birds, sea turtles, fish, marine mammals;	Some forestry activities such as reforestation could result in the outcomes mentioned. Example: depletion of migratory birds in the case where heavy reforestation is done on beaches which are nesting places in routes of migratory birds.
(f) a proposal that could harm or destroy designated or proposed protected areas including, but not limited to, conservation areas, national parks , wildlife refuges, wildlife preserves, wildlife sanctuaries,	Some forestry activities such as deforestation/logging could result in the outcomes in bold.

mangrove conservation areas, forest reserves , fishing grounds (including reef fisheries), fish aggregation and spawning sites, fishing or gleaning areas, fish nursery areas, urban parks, recreational areas and any other category or area designated by a written law;	
(g) a proposal that could destroy or damage an ecosystem of national importance , including, but not limited to, a beach, coral reef, rock and gravel deposit, sand deposit, island, native forest, agricultural area, lagoon, sea-grass bed, mangrove swamp, natural pass or channel , natural lake, or pond, a pelagic (open ocean) ecosystem or an estuary;	Some forestry activities such as deforestation/logging could result in the outcomes in bold.
(h) a proposal that is controversial from an environmental standpoint, or is not supported for environmental or resource management reasons by a considerable number of representatives from the local community, local government, churches, villages, and other groups;	Some forestry activities in the case of Fiji (mostly logging) do not have the consent of 100% of the landowning unit. This is because the iTLTB (a native land trust board) has the requirement of 50% of the landowning unit to give their permission for the logging operation.
(i) a proposal that could challenge or contravene established customary controls over the use of natural resources;	Some forestry activities such as deforestation/logging could alter how the local people use natural resources such as forests in their day to day lives.

Table 1. Forestry activities that are covered under Schedule 2 Part 1 of the EMA in Fiji. (Environment Management Act 2005 (Fiji))

Since Wales has Forestry specific EIA regulations, it lays out when an EIA is required to undertake Forestry activities. It gives certain thresholds (as seen in the table below) for deciding whether an EIA is required. It states that an EIA will be required if a (deforestation; afforestation; forest road works; forest quarry works) project is considered as a 'relevant project' which is likely, under factors such as its nature, size, or location, to have significant effects on the environment (Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (Wales)). The threshold set out for a relevant project is if it exceeds what is shown in the table below

Column 1: Type of project or part of project	Column 2: Threshold where any part of the land is in a sensitive area	Column 3: Threshold where no part of the land is in a sensitive area
Afforestation	2 hectares, where the sensitive area is a National Park or Area of Outstanding Natural Beauty. No threshold in the case of other sensitive areas.	5 hectares.
Deforestation	0.5 hectare, where the sensitive area is a National Park or Area of Outstanding Natural Beauty. No threshold in the case of other sensitive areas.	1 hectare.
Forest road works	No threshold.	1 hectare.
Forest quarry works	No threshold.	1 hectare.

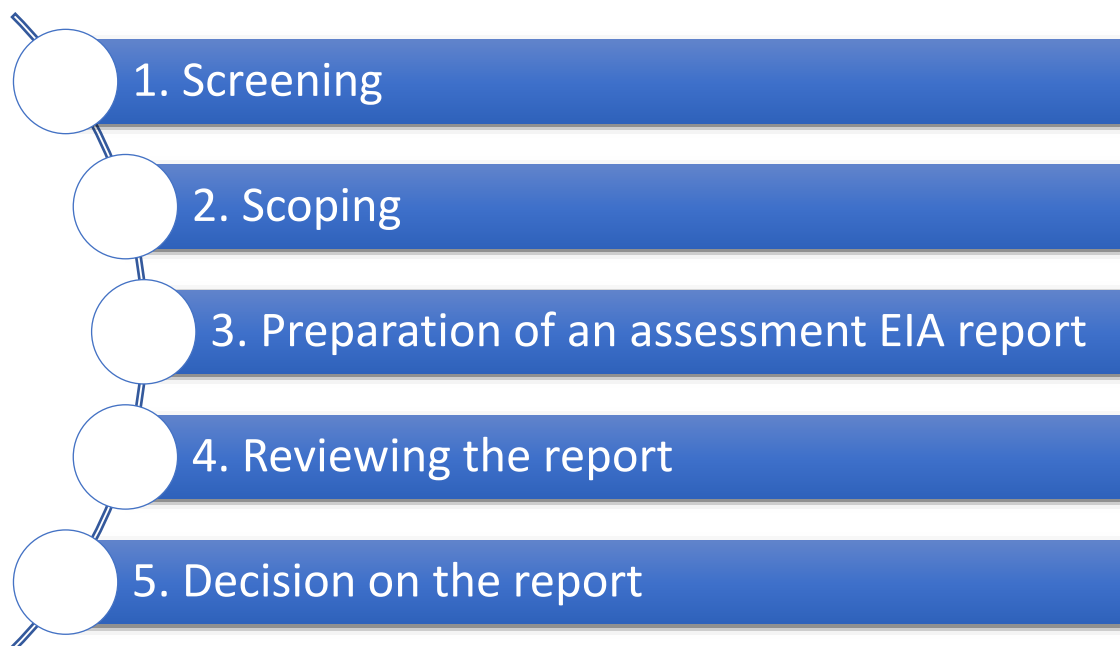
Table 2. The threshold set out for a relevant project in Wales (Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (Wales))

This threshold set is a setting stone for laying it by Law on when an EIA is required. However, this threshold was set in 1999, two decades ago. It would be wise to review this threshold once every decade as new developments in technology used in forestry activities may increase the level of impact they have on the environment. A key point to note is that deforestation (where no part of the land is in a sensitive area) requires an EIA only if it exceeds the 1hectare limit. However, the impact that 1hectare of deforestation will have in today's world is massive.

4.3 The EIA processes of Fiji and Wales

4.3.1 Fiji

Fiji very clearly lays out the EIA processes under the Environment Management Act of 2005 Part 4 as follows:



(Environment Management Act 2005 (Fiji))

In the context of a development proposal, screening entails determining whether the project is subject to the EIA process. The purpose of scoping a project is to identify the scope and terms of reference for the proposal's EIA study (Environment Management (EIA Process) Regulations 2007 (Fiji)).

Scoping includes inspecting the proposed development or activity site, sampling soil, water, or other materials in or on the proposed development site, consulting with relevant authorities and stakeholders (in the case of forestry, the Ministry of Forestry, and its immediate stakeholders), and public participation (Environment Management (EIA Process) Regulations 2007 (Fiji)).

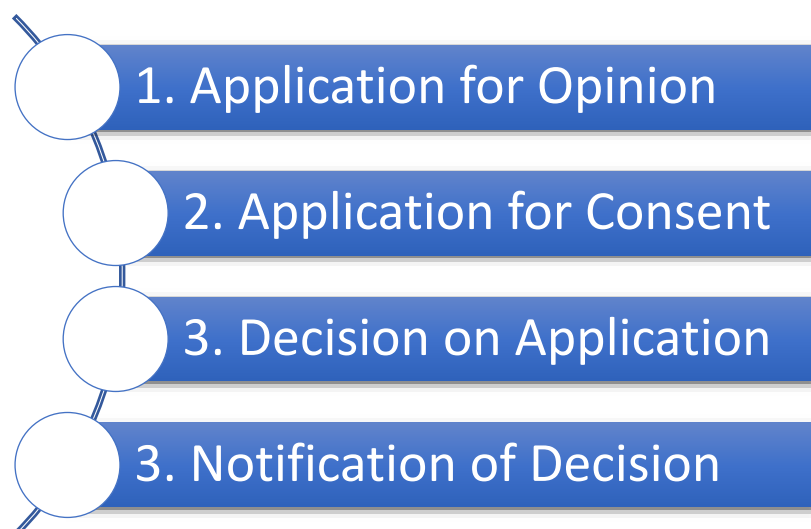
The purpose of an EIA study on a proposal is to identify and assess the proposal's potential environmental and resource management impacts, to recommend appropriate methods for eliminating or mitigating those impacts, to allow the proponent to modify the proposal by mitigating potentially significant impacts before an EIA report is produced and to facilitate the production of an EIA report on the proposal. As required by section 28(4) of the EMA Act, the EIA report on a project must be produced by an EIA consultant and contain the information required by the Terms of Reference and rule 25 of the EIA regulations 2007. Although the report may be in any format that contains the information required by the EMA Act 2005 and EIA Regulations 2007, the Director Environment can issue Guidelines for the layout of an EIA report (Environment Management (EIA Process) Regulations 2007 (Fiji)).

The processing authority organises a review of the EIA report. The review must be conducted by a qualified review consultant (not the proposal's EIA consultant), or a review committee appointed by the Director Environment. In addition, the processing

authority may require the proponent to hold public consultations for the review of an EIA report in the form of one or more review meetings (within 21 days of the EIA report's submission), at times and locations determined by the processing authority and convenient for those who wish to participate. At least one review session must occur near the proposed development location. In the case of review meetings, the proponent must provide notice of the review meeting and inform the public of the location and nature of the development, where copies of the EIA report can be obtained, the location and time of the review meeting, and the time limit for submitting written comments, which is 28 days from the submission of the report. Within 35 days following the submission of an EIA report on a proposal, the processing authority will produce a written report on the review. The review report must state the processing authority's decision on the EIA report and specify if conditions are attached to approval – the conditions, including any environmental management plan required and any environmental bond recommended in the report – and the nature of the study if an additional study is recommended. If the report is not accepted, the grounds for non-approval should be included, as well as a review report, which should contain the following information: critical issues identified in the EIA report, critical issues identified in the review, perspectives of various interested parties, the quality and relevance of the EIA process concerning the proposal, recommendations regarding the proposals in the EIA report and any suggested changes to the proposals, and recommendations for future EIA action on the proposal based on the review (Environment Management (EIA Process) Regulations 2007 (Fiji)).

4.3.2 Wales

The legislation for Wales does not provide a specific process for the environmental impact assessment system. However, based on the legislation, the procedure for EIAs for forestry operations may be stated as shown below.



The proposer will submit a written request to the Commissioners to assess whether a project is relevant. The application should include or be accompanied by a map or plan sufficient to identify the land subject to the proposed project and the extent of the proposed project, a brief description of the nature of the proposed project and its potential environmental effects. If the Commissioners believe that they have not been provided with enough information to form an opinion, they will notify the proposer in writing of the matters on which they require additional information, and the proposer must provide that additional information to the Commissioners within a time frame specified by the Commissioners or mutually agreed upon by the Commissioners and the proposer (Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (Wales)).

An application for consent must be made in writing to the Commissioners. It must include the following: a map or plan sufficient to identify the land on which the relevant project would be carried out and the extent of any planting, regeneration, construction, works, or operations, a description of the nature of the relevant project, an environmental statement concerning the relevant project, and a copy of the notice to be published. In addition, an applicant for permission must provide the Commissioners with as many copies of the application and any associated documentation as the Commissioners need (Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (Wales)).

When an application for consent is made to the Commissioners, they may grant consent or refuse consent, subject to the following provisions: consent is granted either subject only to the conditions set out in Regulation 18 of the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, or subject to such additional conditions as they see fit. The Commissioners will consider the environmental information; any representations received concerning the application, and any other material consideration in determining an application, including their assessment of the direct and indirect effects of the relevant project on the environmental factors (Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (Wales)).

When the Commissioners rule on an application for consent, they must notify the applicant and anyone else who made representations about the application in writing, stating that they considered the environmental information related to the application and giving the reasons and considerations on which the decision was based, and by publishing a notice of their decision in the newspapers (Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (Wales)).

4.3.3 Comparison

Both systems include screening, scoping, baseline research, impact assessment, project alternative identification and analysis, reporting, report review, and compliance monitoring. Despite the similarities, several differences between the two systems were discovered. The way things are defined and spelt forth in the appropriate legislation is a significant distinction. Wales makes few indirect references to the EIA document, but Fiji makes several direct references to the EIA document. Wales has referred to the EIA report as an environmental statement. In Fiji, scoping may involve a complete examination of impacts and alternatives. Furthermore, the Fijian method often incorporates impact and alternative evaluation. However, in Wales, there is no mention of scoping.

4.4 To what extent have the EIA legislation of Wales and Fiji been updated to meet the International good practices?

The modified Wood's (1995) criteria adopted from Mubanga et al. (2020) were used to assess the efficiency of Wales' and Fiji's EIA laws. The examination of the two nations' EIA laws is shown in Table 3 below. "Yes" indicates that the requirement for that specific criterion is set out in the regulations or both the Act and the Regulations; "Partially" indicates that the requirement is set out in the laws but without specific mention; and "No" indicates that the requirement is not set out in either document. Mubanga gave the Acts a 'Partially' level because, although they are directly connected to EIA, they serve as broad frameworks within environmental management and plan execution, rather than specifically for EIA unless a specific component relates expressly to EIA.

SN	Criterion	Criterion met?	Fiji	Criterion met?	Wales
	Forestry Specific Regulations	No	The legislation is mandated as EIA laws of Fiji, and all the different domains (forestry, town, and country planning etc.) piggyback on the same legislation.	Yes	The legislation is Forestry specific (The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, and The Environmental Impact Assessment (Forestry) (England and Wales) Regulations (Amendment) 19 of 2017).
1	Screening	Yes	Every proponent of a development proposal must apply for screening of the proposal in accordance with these Regulations and section 27 of the Act. (Environment Management (EIA Process) Regulation 4 of 2007)	Yes	The proposer may apply in writing to the Commissioners for their opinion whether a project is a relevant project. (The Environmental Impact Assessment (Forestry) (England and Wales) Regulation 3 of 1999)
2	Scoping	Yes	Upon receipt of an EIA processing application on a proposal in due form, the processing authority must perform a scoping exercise in relation to the proposal. (Environment Management (EIA Process) Regulation 11 of 2007)	Partially	There is no direct mention of the scoping exercise. Scoping is bleakly laid out in other forms such as opinions of Commissioners. In no place it states clearly how a scoping exercise should be undertaken and by whom.
3	Content of EIA report	Yes	The EIA regulations stipulate that An EIA report must be prepared in accordance with the terms of reference produced under section 28(3). The contents of an EIA report must include matters required by the terms of reference, mitigation measures and any other prescribed matter. (Environment Management Act of 2005 Section 29)	Yes	Information for inclusion in environmental statements is clearly laid out in Schedule 1 of the Environmental Impact Assessment (Forestry) (England and Wales) of 1999.

4	EIA report review	Yes	Once an EIA report on a proposal has been published, the processing authority must arrange for a review of the report to be conducted, as required by section 30 of the Act. (Environment Management (EIA Process) Regulation 29 of 2007)	No	There is no mention of the Environmental Statement or EIA report review in the relevant regulations.
5	Decision making	Yes	The decision to either grant or refuse authorisation is based on findings in the EIA review report. (Environment Management (EIA Process) Regulation 31 of 2007)	Yes	In determining an application, the Commissioners shall take into consideration the environmental information, any representations received by them in relation to the application and any other material consideration, including their assessment of the direct and indirect effects of the relevant project on the environmental factors specified in Schedule 4. (The Environmental Impact Assessment (Forestry) (England and Wales) Regulation 15 (3) of 1999)
6	Impact monitoring	Yes	Conditions of an EIA approval may require the monitoring of any environmental impacts and reporting of them to the Director. (Environment Management (EIA Process) Regulation 31 (3) (c) of 2007)	Yes	A condition to be included in every consent is the applicant shall implement procedures to monitor significant adverse effects on the environment. (The Environmental Impact Assessment (Forestry) (England and Wales) Regulations (Amendment) 19 of 2017)
7	Mitigation	Yes	An EIA report must include measures to mitigate any significant impacts. (Environment Management (EIA Process) Regulation 25 (1) (g) of 2007)	Yes	In the inclusions of an Environment Statements, it states that where appropriate, it must include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment. (The Environmental Impact

					Assessment (Forestry) (England and Wales) Regulations (Amendment) 28 of 2017)
8	Consultation and public participation	Yes	The proponent must conduct one or more public consultations during the EIA study on a proposal (Environment Management (EIA Process) Regulation 23 (4) (a) of 2007). The processing authority must require the proponent to conduct public consultations on the review of an EIA report by way of one or more review meetings (Environment Management (EIA Process) Regulation 30 (1) of 2007). Once an EIA report has been submitted under regulation 27 the processing authority must make the complete report available at appropriate locations for inspection by the public and for purchase at cost. The processing authority may, and in respect of a major development proposal must, give notice of the publication of a report on every radio or television station that broadcasts around the site of the proposed development, and in every newspaper that circulates around the site. If notice such notice is given must set out the locality and the nature of the	Yes	The commissioners are to ensure the public concerned is given an opportunity to express an opinion before the application for consent is determined (The Environmental Impact Assessment (Forestry) (England and Wales) Regulation 13 (a) of 1999)

			development, where copies of the EIA report can be obtained, how the community can participate in identifying the issues of concern by commenting on the report, the time limit for the submission of comments in writing, being 28 days from the submission of the report (Environment Management (EIA Process) Regulation 29 of 2007).		
9	Climate Change	No	There is no mention of climate change neither in the EMA 2005 nor the EIA regulations 2007.	Yes	A description of the significant effects of the project on the environment resulting from the impact of the project on climate (for example, the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change (The Environmental Impact Assessment (Forestry) (England and Wales) Regulations (Amendment) 5 (f) of 2017). The characteristics of projects having significant impacts on the environment must be considered,

					having regard to the risk of major accidents or disasters relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge (The Environmental Impact Assessment (Forestry) (England and Wales) Regulations (Amendment) 26 (1) (f) of 2017).
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4.5 What is the significance of the missing issues, and how might they be included in the Law to make it more effective?

Most of the criteria that were not fully met by both countries can be integrated by revising the EIA legislation, particularly the EIA regulations.

Though the Wales regulations were amended recently (4years ago), it still has not laid out some things, such as scoping. Scoping is crucial because it specifies the EIA's limits, including the project area; it establishes what the EIA will cover and how to put the EIA together in compliance with the terms of reference (TOR). An EIA is a time-consuming procedure in terms of expenses, cross-sectoral expertise and evaluations that must be undertaken, and the kinds and scope of consultations that must be held. Scoping assists in determining what is required and what is not and acts as a work plan for the full EIA process. The information acquired during the scoping phase is used in the EIA's subsequent phases (International Institute for Sustainable Development 2021). Hence it is crucial to include a scoping exercise in the EIA legislation. (<https://www.iisd.org/learning/eia/eia-7-steps/step-2-scoping/>).

The Wales EIA regulations also do not mention any use of a review system of the EIA document (or, in the case of Wales, the Environmental Statement). One of the critical checks and balances incorporated into the EIA process is examining the quality of an EIA report. It aids in ensuring that the information supplied is reliable and adequate for decision-making reasons. Reviewing EIA reports may significantly increase their quality, leading to more informed approvals and better environmental consequences (UNEP 2002).

In addition to the above discussion, the importance of the other two criteria, name forestry specific EIA regulations and integration of climate change into an EIA system, will be discussed below.

4.6 Forestry Specific EIA

The goal of environmental impact assessment in forestry is to identify the environmental repercussions of activities and determine if these actions will have significant environmental effects; if so, how can these be mitigated. Most general principles of an EIA system apply to Forestry EIAs. However, when there is a forestry specific EIA regulation, it sets out precedence to protect the forests in the best ability of Law. Forests are the lungs of Earth; hence its protection to our maximum ability should be our highest priority.

Wales, like many other countries in the world (Ireland, Canada, Germany, France, Luxembourg, to name a few), has a Forestry specific EIA legislation from 1999, which was amended in 2017. However, as stated earlier, some vital elements of a good EIA legislation were missed out even in the review.

On the other hand, Fiji does not have a Forestry Specific EIA. With more than 50% of the country's landmass covered with forests (Ministry of Forestry 2020), something must be done to develop EIA legislation for forestry activities. The current program of planting 30 million trees in 15 years in Fiji will indeed impact the environment. Has this impact been measured? No. A guideline for reforestation EIA to conduct reforestation activities should be immediately prioritised as the country moves towards conservation and protection of its pristine natural forests. If not done so, these forests can be lost to loggers and the reforestation activities (if not done right, e.g., the species planted depending on the location and environment) may have a significant negative impact on the overall environment, and things can go more wrong than any decision-maker has ever anticipated.

4.6 Integration of climate change in EIA.

The 13th Sustainable Development Goal (SDG) asks for increasing resilience and adaptation ability to climate-related risks and natural catastrophes by incorporating climate change measures into national policies, plans, and planning. The need to reduce biodiversity loss and ecological degradation caused by climate change has been widely acknowledged worldwide (EU, 2013). Therefore, climate change must be included in project planning and execution. Due to the vast spectrum of urgent vulnerabilities, the SADC Climate Change Strategy and Action Plan 2015 emphasises the need for more robust climate change adaptation measures in Southern Africa. DEA (2019).

While Wales had included a consideration for climate change in the EIA regulations when it was amended in 2017, Fiji being a nation at the forefront of being impacted by climate change has not strived towards it.

Climate change has tremendous repercussions, and Stern (2007) suggests in The Economics of Climate Change review that ignoring it in project execution harms economic development. As a result, Stern emphasises two approaches to climate change: (1) Mitigation- the process of reducing greenhouse gas (GHG) emissions that contribute to climate change, including means and strategies to reduce GHG emissions and improve GHG sinks; (2) Adaptation- the process or set of measures to reduce the vulnerability of natural and human systems to expected or actual climate change effects. Simply put, adaptation is learning to live with the consequences of climate change. Although mitigation and adaptation are distinct, they are interconnected, and understanding the relationship between the two is critical since some adaptation

solutions have obvious mitigation benefits. In contrast, others increase susceptibility to climate change (EU, 2013). As a result, one of the essential functions of EIA is to find strategies to reduce these conflicts while creating synergies. In addition, EIAs should assess the cumulative impact of any number of effects to address biodiversity concerns and climate change effects fully.

5.0 Conclusion and Recommendations

The study aimed to evaluate the EIA legislation in place for forestry activities in Wales and Fiji and compare them against the modified criteria developed by Wood (1995, 2003) to determine the extent to which they follow the “good practice” and how emerging environmental issues have been incorporated into EIA. The results showed that the two countries are on par in meeting the criteria used in this study.

Fiji does not have a forestry specific EIA legislation and has not incorporated an assessment criterion to assess the impacts of activities that contribute to climate change. Apart from the legislation, Fiji does not have any official EIA guidelines sanctioned by the government. In the case of forestry activities, the current legislation in place for EIAs in Fiji seems to be bleak. It lacks mandating EIA for afforestation activities. As mentioned above, the current program of planting 30million trees in 15years will impact the environment; hence an EIA legislation (or at least to start with, a strategy) must be developed for reforestation and afforestation activities. Fiji has also failed to mandate EIAs for any indirect development that affects forests, such as forests being cut down to create roads for mining activities. The mandate only stands for logging. As activities such as mining are seen growing in Fiji in recent years, the cutting down of forests as an indirect consequence will increase; hence it is essential to mandate an EIA for cutting down of forests (deforestation) strictly under the deforestation definition (area of more than 0.5ha, having tree canopy of more than 10% and tree with a height of more than 5m) be it for any purpose.

On the other hand, Wales has seen some significant changes to its legislation with the latest amendment of the EIA regulations for forestry activities. However, as discussed above, this amendment has failed to incorporate good international practices such as scoping and reviewing the environment statement. These significant changes should have been mandated in the recent amendment to keep at par with good international practices. In addition, the

threshold for a project to be considered to undertake an EIA is also more than two decades old and should have been amended in the recent amendments. These changes can be incorporated with a thorough review of the regulations with consultations from experts of the field and rigorous public consultations, resulting in an official amendment to the regulations. Overall, the Wales legislation for EIA in forestry activities has proven to be very stringent compared to the Fiji legislation; however, there is still significant room for improvement.

Further studies using different methodology such as interviews can be done for these two EIA systems to evaluate theory versus practice. In addition, things such as transparency and costs involved in the EIA system are worth studying.