

TECHNICAL ASSISTANCE COMPLETION REPORT

Division: PAHQ

TA No. and Name TA 4273-COO: Legal and Institutional Strengthening of Environmental Management			Amount Approved: \$350,000	
			Revised Amount: N.A.	
Executing Agency Ministry of Finance and Economic Management	Source of Funding: TASF		TA Amount Undisbursed \$8,734	TA Amount Utilized \$341,266
Approval			Completion Date	
	Date		Original	Actual
	Signing	Fielding of Consultants	30 June 2005	31 July 2006
18 December 2003	5 February 2004	1 February 2005	Closing Date	
			Original	Actual
			30 June 2005	30 August 2007
Description				
<p>The Cook Islands comprises 15 small volcanic islands and coral atolls with a total land area of 240 square kilometers (km²) dispersed over an ocean area of 1.8 million km². The population is estimated at about 17,000, with the southern group islands having twice as many people as the northern group. To the resident population must be added the increasing number of tourists, which in 2000 reached a peak of nearly 73,000. The country's economy is dominated by tourism and pearl production. In view of the country's vulnerability and dependence on an attractive environment, special attention is needed to protect the environment and ensure that economic development is environmentally sustainable. In this context, Environment Act 2003, passed on 17 November 2003, provides comprehensive national legislation for the protection, conservation, and management of the environment in a sustainable manner. Among other things, the Act extends environmental management to the outer islands and provides for the establishment of an appropriate institutional structure and an effective regulatory and enforcement/compliance framework for environmental management. To become fully operational, the Act requires the promulgation or adoption of a substantial body of new regulations and bylaws, including outer island bylaws. The final objective is to properly distribute responsibilities among the sectoral agencies, especially with regard to compliance with and enforcement of the Act and its associated regulations and bylaws. The intended outcome is establishment of appropriate institutional mechanisms for facilitating compliance with regulations and achieving more effective enforcement of environmental legislation.</p>				
Expected Impact, Outcome and Outputs				
<p>The main purpose of the technical assistance (TA) is to assist in developing an integrated system of regulations, by-laws, and laws that together will provide the institutional mechanisms for the effective and coordinated implementation of the Environment Act (2003). To achieve this objective, the TA has focus on the formulation of appropriate regulations and by-laws to facilitate compliance and enforcement, and the review of legislation that may now require amendment as a result of the enactment of the Act. The expected TA outputs include (i) draft a suite of core environmental regulations, by-laws, and monitoring and compliance guidelines and procedures for effective environmental management and institutional coordination; (ii) comprehensive review of sectoral legislation that needs to be revised to ensure overall coherence; (iii) a set of new and revised operational guidelines, and an institutional mechanisms; (iv) an implementation action plan for effective follow-up of the legislative reform; (v) recommendation on interagency and institutional coordination; (vi) strengthened stakeholders participation; and (vii) training program for environmental management for both central government and the Islands Environment Committee staff. The expected TA outcome will be a strengthened institutional capacity equipped with a suitable set of environmental regulations, by-laws, and monitoring and compliance guidelines and procedures and better institutional coordination for effective environmental management.</p>				
Delivery of Inputs and Conduct of Activities				
<p>The Ministry of Finance and Economic Management as the executing agency, and Crown Law Office and National Environment Service (NES) as the implementing agencies. It provided counterpart staff (from the NES) to jointly work with the consultants in TA implementation. A team of four consultants, including one international consultant and three domestic consultants were recruited through a consulting firm for a period of 14 months. The total committed input of 29 months has been fully utilized. The Government commitment to the TA was strong. A stronger relationship among stakeholders on Rarotonga and the outer islands was developed, particularly a good working relationship among the Crown Law Office, NES, and the related line ministries. Adequate office space and logistical support were provided by the Government. The performance of the Executing Agencies was Satisfactory. The Equipment, including computer hardware and software have been procured through the TA and are now being used in its operation. TA administration and supervision undertaken by ADB staff is considered satisfactory, including fielding an inception, midterm, and a review mission. These missions adequately monitored progress and evaluated the TA progress and achievements.</p>				
<p>The TA commenced in February 2005, and it has been implemented for 18 months. At the inception phase, a list of priority legislations was identified and discussed at the first national consultative workshop. At the midterm phase, a series of reports on legal and institutional frameworks, institutional profiles, and proposed regulatory framework has been produced and presented at a consultative workshop. The reports include: Vol. 1. Review of Legal and Institutional Frameworks; Vol. 2. Institutional Profiles; Vol. 3. Proposed Regulatory Framework; and two handbooks, i.e. (i) Handbook of Permits and Approvals, and (ii) Multilateral Environmental Agreement. At the final phase of TA implementation, four draft bills, ten draft regulations, and three draft bylaws have been prepared in consultation with stakeholders and presented at the final national consultative workshop.</p>				

Evaluation of Outputs and Achievement of Outcome

The main outputs of the TA, comprising five priority bills, ten draft regulations, three bylaws, related guidelines, and strengthened capacity of NES. The bills which will eventually become laws include: (i) Water Resource Management Bill 2006, (ii) Framework for a Biodiversity Prospecting Bill, (iii) Framework for a Trade in Endangered Species Bill, (iv) Framework for Ozone Depleting Substances Bill, and (v) Framework for a Hazardous Substances and Foreign Organisms Bill. The TA also produced the following draft priority regulations: (i) Environment (Atiu) Regulations 2006, (ii) Environment (Aitutaki) Regulations 2006, (iii) Environment (Biodiversity Conservation) Regulations 2006, (iv) Environment (Environment Protection Fund) Regulations 2006, (v) Environment (Mitiaro) Regulations 2006, (vi) Environment (Permits and Consents) Regulations 2006, (vii) Environment (Suvarrow National Park) Regulations 2006, (viii) Environment (Takuvaive Water Catchment) Regulations 2006, (ix) Environment (Waste Licensing) Regulations 2006, (x) Public Health (Sewage) Regulations 2006. Bylaws produced by the TA include: (i) Atiu Bylaws 2006, (ii) Aitutaki Bylaws 2006, and (iii) Mitiaro Bylaws 2006. New and revised operational guidelines, working procedures, and detailed institutional mechanisms applicable to NES included as part of the following regulations: (i) Environment (Environment Protection Fund) Regulations 2006, (ii) Environment (Permits and Consents) Regulations 2006, (iii) Environment (Waste Licensing) Regulations 2006, and (iv) Public Health (Sewage) Regulations 2006. Public Health (Sewage) Regulations has been approved. The rest of the bills and the draft regulations are still under consideration by the Crown Law Office.

A training program for environmental management delivered for both central government and outer islands environment staff. Training undertaken on: (i) legal drafting and international conventions provided to NES counterpart staff; (ii) enforcement training (mock trial) provided to NES and outer islands environment authorities and staff, (iii) training to island councils, outer islands environment and authorities and staff on Public Health (sewage) regulations 2006, Environment (Permits and Consents) Regulations 2006, and on enforcement under the Environment Act 2003, and (iv) training program on new Public Health (Sewage) Regulations 2006, provided to inspectors, plumbers, engineers. These trainings have strengthened the capacity of stakeholders and enhanced through participation in environmental legal related processes.

The TA was well implemented throughout its duration. National consultative workshops were done at the end of each three phases involving stakeholders. TA implementation, particularly in drafting bills, regulations, and bylaws, has been done in participatory process involving NES staff in all steps of the processes. Among them, three bills and two regulations have been drafted by NES staff under the guidance of the international consultant. Works and assignment under the TA have been a useful learning curve and has strengthened NES institutional capacity. In cooperation with the Department of Justice, a mock trial on a pollution case was held to familiarize the NES staff in handling violation of the Environmental Act, and bring the case to the court.

Overall Assessment and Rating

Overall, implementation of the TA is rated Highly Successful. The TA has provided substantial outputs and assisted the Government in preparing an integrated system of environmental legislation (laws, bylaws, and regulations) and the institutional mechanisms for the effective and coordinated implementation of the Environment Act (2003). The TA has also serve as capacity building for the NES through on-the-job training in preparing environmental legislations and train them to implement and enforce them. The laws, bylaw, and regulations prepared under the TA have been submitted to the Crown Law Office for approval, which then being submitted to the Cabinet for endorsement.

Major Lessons

The TA has received strong support from key officials from the Ministry of Finance and Economic Management, the Solicitor General of the Crown Law Office, NES, related line agencies, and also other stakeholders that facilitated the formulation of the bills, draft by-laws, regulations, and guidelines, and adoption TA recommendations. Strong commitment of counterpart staff in NES office has been instrumental in the successful implementation of the TA. The strong role and the leadership given by the consultant during TA implementation have been the driving force of the successful implementation of the TA.

Recommendations and Follow-Up Actions

NES stated that the TA has assisted in strengthening the environmental legal framework in the country. Considering that major works still needed to address the need of the communities to better access clean water, a follow-up TA was proposed (supported by Ministry of Finance and Economic Management). The main objective of the proposed TA is to facilitate implementation of a coastal and water resource management framework that will apply to all the islands of the Cook Islands, thereby ensuring universal access to clean coastal and fresh waters upon which future development – including social and tourism development relies. This TA will establish the framework to balance the competing needs of resources users, including housing, industry, business, and tourism users, whilst protecting the environmental integrity of the coastal and freshwater resources. The TA will assist in putting in place the key elements of the framework, including the legal, policy and institutional framework, the necessary information systems, and strengthen the capacity of key stakeholders