

TONGA- CLIMATE CHANGE POLICY

**DEPARTMENT OF ENVIRONMENT
2006**

1. Introduction – Basis for a Climate Change Framework

The adverse effects of climate change, climate variability and sea level rise identified in the Kingdom of Tonga's First National Communication present significant risks to sustainable development in Tonga. From the information gathered it is evident that Tonga will be among the first to suffer from these effects due to its physiographic, ecological and socioeconomic characteristics.

Concern for the environmental consequences of man made activities in the Kingdom and in this context the impacts of climate change, climate variability & sea level rise go relatively unnoticed.

The Government has been aware for at least the past three decades of the importance of including environmental issues in its development planning (National Strategic Development Plan 5, 6 and 7). This level of awareness, however, has not been considered high enough to be an essential part of the process. This low level of awareness of the true dimensions of environmental problems has been a key characteristic defining the response by government and the country to the effects of climate change, climate variability and sea level rise.

An apparent lack of knowledge, plus added physical and financial resource restraints, has combined to prevent definitive and positive steps from being taken to strengthen existing environmental policy and legislation. Historically, the focus by government on sustained economic growth has been at the expense of the physical environment and environmental priorities. As a consequence this trend will almost certainly continue unless public perceptions and certain institutional constraints are addressed with new environmental guidelines and standards sanctioned.

The way forward for appropriate government response is therefore beset with a multitude of obstacles which include **a lack of knowledge, lack of physical and financial resources, a lack of comprehensive environmental legislation, inherent difficulties in discerning overlapping and unclear management powers, lack of appropriate policy support, lack of public participation, coupled with a basic lack of political will and commitment for sustainable development.**

A working framework must be found to address these difficulties and especially those concerning climate change, climate variability and sea level rise. From this framework it will then be possible to formulate the Kingdom of Tonga's first Climate Change Policy. This policy will be a major step forward in addressing the impacts of climate change, climate variability and sea level rise in the Kingdom. It is crucial that decision makers recognise and respond accordingly for given the limited resources of the country; sustainable development and environmental concerns of utmost significance such as climate change, climate variability and sea level rise will continue to be accorded low priority unless a crisis results from continued negligence and mismanagement of the environment.

2. Existing National Environmental Legislation and Policy

2.1 Existing Regulatory Regime

The Kingdom of Tonga is historically a class structured society. Tonga's tenure system is different from other Pacific Island countries. In these countries, customary land and marine tenure is in the hands of the tribe or community. By contrast, in Tonga it was always vested with the chiefs who could restrict, distribute or allow their people to use resources as they pleased. The 1875 Constitution, however, confirmed the King's liberation of commoners from chiefly authority, as well as legalising private land tenure. The following Land Act of 1927 then prescribed strict rules for land acquisition through the Minister of Lands who is the sole representative of the Crown in all matters concerning land and sea in the Kingdom. In this context marine tenure is vested in Government and land is vested in both the chiefs, His Majesty and Government.

Tonga's current environmental and resource management framework is founded in the 1875 Constitution. This basically sets out the constitutional and administrative structure that established the modern land and marine tenure as practiced today. Environmental management is handled through the mandate of individual Ministries and Departments such as the Ministry of Health for the management of solid waste, Ministry of Fisheries for the management of coastal areas with a small environment section in the Ministry of Lands and Survey to carry out menial tasks. These Ministries also retain the legislative authority as illustrated below for the management of different environmental areas.

- Birds and Fish Preservation Act (1989)
- Pesticides Act (1981)
- Plant Quarantines Act (1981)
- Animal Diseases Act (1979)
- Parks and Reserves Act (1976), (1988)
- Tourism Act (1976)
- Petroleum Mining Act (1969)
- Water Board Act (1966)
- Forests Act (1961)
- Public Health Act (1913)
- Noxious Weed Act (1903)
- Harbours Act (1903)

2.2 Inherent Constraints to Environmental Policy Development

The difficulty perceived here is that the mandate to each and every piece of legislation is divided among the many government ministries. It is noted that the length of this list of legislations indicates the current inherent difficulty, if not impossibility, of administering environmental controls in a cohesive and coordinated manner as each Ministry sectorally implements its own initiatives. This is seen as a major flaw which cannot be corrected unless comprehensive environmental legislation and policy measures are introduced.

Management of the environment in Tonga as identified above is therefore characterized by its ad hoc nature and the sectoral mandate from which upon different environmental problems are dealt with. This improvised nature in design hinders rather than enhances the environmental management response to issues such as climate change, climate variability and sea level rise. As a consequence of the above, political perceptions, the supporting institutions, and the resource management structure found in Tonga today, are a reflection of the past and of priorities at the time. This of course was to quickly elevate the economy and raise the standard of living to a more affluent level, regardless of the price to society and the environment.

The complication created here is that the country's priorities have shifted with time, assisted by the increasing global focus on sustainable development and the environment, yet the old institution remains. For a small country with very limited natural resources, sustainable development should be the key objective for the government. However, it is noted that these concerns are only taken into consideration at the sectoral and project levels to meet demands made by external forces, such as the requirements of aid donors or regional and international treaties.

In this context, it is evident that there is a clear lack of recognition and appreciation at the policy decision level for the fact that the economy is inextricably based on its natural resources and the environment. As a consequence, despite the need to strengthen perceptions of the environment by increasing institutional arrangements and capacity, the original institutional arrangement remains.

2.3 Strengthening Environmental Policy and Legislation

The Environmental Impact Assessment Act (EIA) was passed in September 2003, as the first piece of legislation that has sustainable development as its main objective. The creation of this piece of legislation arose out of the recognised need to bring about environmental control over developmental proposals. To an extent, it provides a framework for development planning which aims to prevent the making of arbitrary decisions with regard to land, marine, coastal areas and resources use. This is highlighted under Section 16 which establishes an Environmental Assessment Committee (EAC) comprising all authorities concerned with all aspects of the environment in an attempt to integrate management into one single body.

The main objective under Section 3 of this Bill, is the achievement of sustainable development with the 'environment' defined, under Section 2, to incorporate all natural and physical resources, as well as ecological, social and economic well-being. Other key features of the Act that are relevant in this context include the following:

- Section 6 (EIA Reports) – All major projects must be supported by an environmental impact assessment report.

- Section 8 & Section 9 (Project Classification and Effects) – Significant development projects are defined either as those creating a certain class of effect, which allows for an interpretative discretion, or those belonging to a certain class of activity generally known to create such effects.
- Section 21 (Public Participation) – Regulations must allow for effective public participation in the process. This is in recognition of those whose land and properties are directly or indirectly affected by project activities.
- Section 28 (Government Agencies) –All development activities by government agencies will be subject to the Bill. Historically, major project activity carried out in the Kingdom has been conducted by government. They are no longer exempted from the rule (EIA Act, 2003).

In this context, it was not until the Sixth Five Year Strategic Development Plan (SDP6) from 1991-1995, that environmental issues were integrated into the national planning framework. The main argument behind it, though, remained economic, with the belief that effective support for environmental planning and management will yield economic savings in comparison to the potential costs of rehabilitation and regeneration.

The SDP6 goal was to achieve sustainable economic growth conducive to a higher per capita income. More importantly, it represented a sharp turn away from past rigid Government policy and a downsizing of its involvement in the commercial sector and economic development activities. This new strategy relied on the private sector as the sole engine for economic growth. The main objective was to free up Government resources to reinforce the core functions of Government with priority given to providing and upgrading basic services in support of private sector investment.

The Strategic Development Plan (SDP7) for 2000-2003 brought about an even more important shift in strategy for the Government by switching from the original 5 year Development Plans to a Strategic Rolling Development Programme over 3 years. Together with the passing of the EIA Bill, this indicates an important shift in government to finally reflect the recognised need to adapt to arising environmental issues.

Strategic Result Area 8 of SDP7 provides for the sustainable utilization and management of natural resources and the environment. It also sets out the following policy guidelines which complement the mandate of the Department of Environment.

- The central policy guideline is to promote environmentally sustainable development that is consistent with priority economic and social needs.
- To implement procedures for assessing and monitoring the environmental impact of development activities.

- To support environmental management institutions in strengthening their capacity to anticipate, identify, assess and resolve issues of environmental protection, natural resources management, and nature conservation.
- To effectively integrate environmental protection into policy and investment programmes.
- To cooperate with communities, private sector, NGOs and other stakeholders involved in environmental and natural resource management to ensure their actions facilitate environmentally sustainable forms of economic and social development.
- To ensure that local governments give priority to ensuring a clean healthy environment.
- To have contingency plans in place to minimize the effects of natural and manmade disasters.

Pursuing the above themes in the long term accordingly will create a suitable policy making environment whereby environmentally sustainable policies will be encouraged to emerge and critically support national economic and social development priorities. In this context SDP7, together with the EIA Bill, is a step in the right direction. More importantly, it has set a long term vision for the Kingdom in support of activities to address the impacts of climate change, climate variability and sea level rise with the overall development goals complimenting sustainable objectives.

2.4 Existing Climate Change Legislation and Policies

Environmental legislation in Tonga is not codified in one single comprehensive statute. There are instead however environmental provisions made in a number of pieces of legislation. These provisions are found scattered through areas such as that providing for public health, land, fisheries, and water. The oldest source is the public health laws. In this context, it is important to note that public health laws which address nuisances and direct threats to health are considered to be inadequate to protecting the environment. The changing nature and scale of environmental problems have meant that a new distinct body of law recognized as ‘environmental’ should emerge. These new laws should not only protect human health but also the very systems which sustain life as well as address the needs of future generations.

Historically, the Ministry of Lands, Survey and Natural Resources was the main environmental policy-making body working in close cooperation with a range of Ministries such as Health, Agriculture, Forestry, Fisheries and Central Planning. Responsibility for environmental matters was concentrated in the Environmental Planning Section. This Section was changed into a full Department by the year 2001. The

following are the range of environmental issues in the Kingdom administered under the auspices of different government departments.

1. **Ministry of Lands, Survey and Natural Resources**

- *Land Use, Natural Resources and Environmental Planning Bill* - To put in place a framework for land use planning and to regulate proposed new developments. These planning schemes take into account land uses providing guidelines for future development in areas detailing in Part VI that all development applications require an Environmental Impact Assessment.
- *Land Act (1903)* - makes provision for development within the littoral zone whereby under Section 22(1) (e), provisions are made to regulate the cutting and taking of timber, stone and sand from any holding.
- *Parks and Reserves Act (1988)* - Provisions to regulate disposal of litter in public places but more importantly to set up Land and Marine Parks and Reserves. Considered one of the more important pieces of environmental legislation enacted in Tonga.
- *Land (Removal of Sand) Regulations (1936)* - prohibits taking of sand from the foreshore within the limits of the harbour, from Crown land or any holding without written permit from the Minister of Lands.

2. **Ministry of Health**

- *Garbage Act (1949); Public Health (Refuse Dumping Ground) Regulation; Part V Public Health Act (1913)* – Municipal solid waste management, including waste pick up, dumping and maintenance of the dump site. Also provides some remedies for a host of environmental problems under the law of public nuisance.

3. **Ministry of Fisheries**

- *Birds and Fish Preservation (Amendment) Act (1989)* – Makes provision under Section 7 to prohibit within designated areas without prior consent any construction activity, discharge of effluent or the permanent cutting, damage, or removal of any mangroves.
- *Fisheries Management Act (2002)* - Makes provision under Section 59 for the Minister to make regulations, among other things, prescribing fisheries management and conservation measures, and schemes for limiting entry into all or only specified fisheries. The Ministry as well to progressively prepare and keep under review plans for the conservation, management and development of marine living resources.

4. **Ministry of Agriculture and Forestry**

- *Noxious Weed Act (1903); Forests Act (1961); Animal Diseases Act (1979); Plant Quarantine Act (1981)* – all provide for and regulate specific activities relating to agriculture. There is no one comprehensive act but these statutes together control and regulate different sections of the agricultural environment. Section 4 of the Forests Act makes provision for regulations for specific important areas. One such area is control of fire in deforestation especially in dry periods with fire preventive measures to be considered.

5. Tonga Water Board (TWB)

- *Water Board Act (2000)* – Established the body corporate with regulation and control of water supplies detailed in the *Water Supply Regulations*.
- In this context, water supplies in Tonga are managed through three distinct authorities, Public Health department of the Ministry of Health, Hydrogeology section of Ministry of Lands, and TWB. The Ministry of Health is responsible for the water supplies in rural areas in conjunction with the Village Water Committees. The Ministry of Lands is responsible for managing ground water resources by controlling drilling of wells, water lense monitoring and maintenance of water quality. TWB on the other hand mainly supplies the 4 main urban areas.

6. Department of Environment

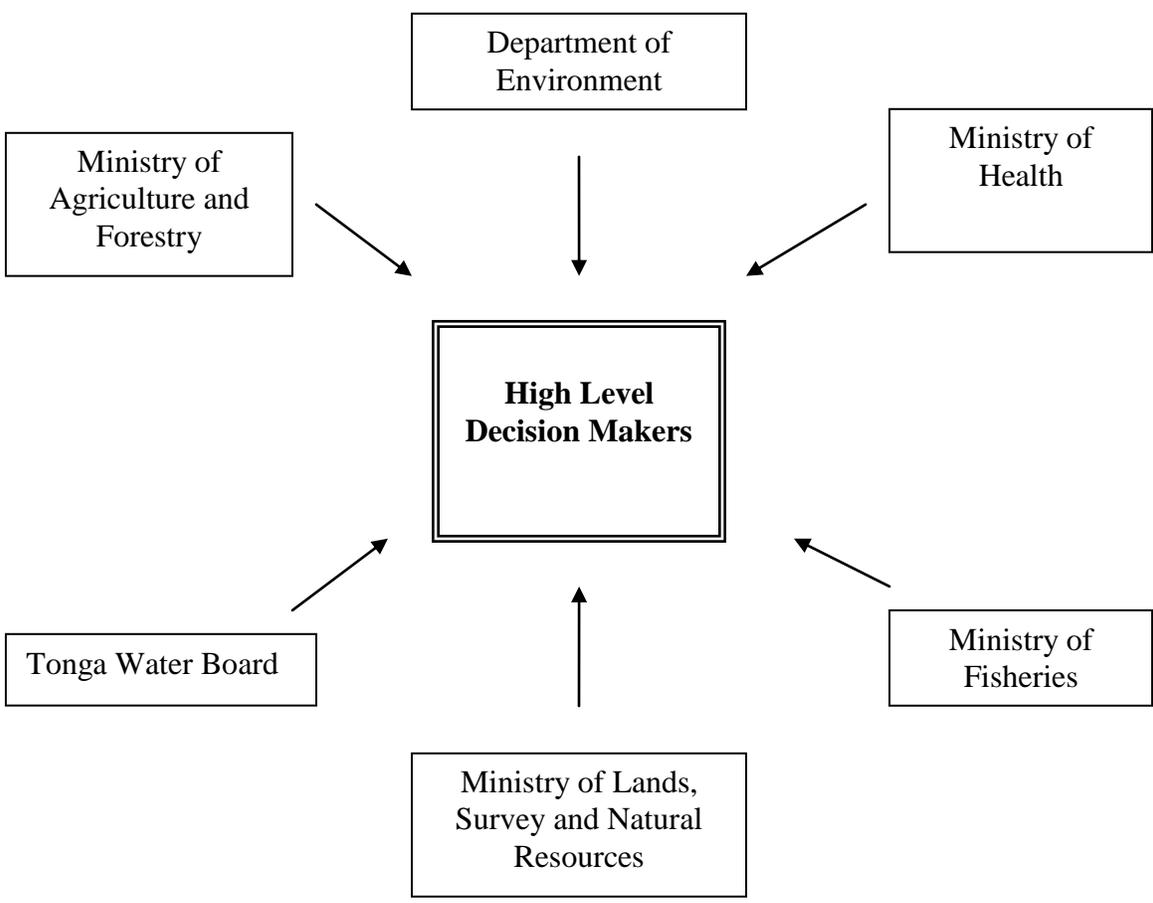
- *Environmental Impact Assessment Act (2003)* - Provides a framework for development planning which aims to prevent the making of arbitrary decisions with regard to land, marine, coastal areas and resources use.

The mandate to each and every piece of legislation as illustrated above is divided among the many government ministries and Statutory Boards. It is noted that the length of this list of legislations indicates the current inherent difficulty, if not impossibility, of administering environmental controls in a cohesive and coordinated manner as each Ministry sectorally implements its own initiatives. As a consequence of the above, environmental management in Tonga is characterized by the ad hoc nature and the sectoral mandate from which upon different environmental problems are dealt with. This improvised nature in design hinders rather than enhances the environmental management response to issues such as climate change.

Institution	Legislation	Responsibility
Ministry of Lands, Survey & Natural Resources	Land Act (1903) Parks and Reserves Act (1988) Land (Removal of Sand) Regulations (1936)	- development within the littoral zone - sets up Land and Marine Parks - prohibits taking of sand
Ministry of Health	Public Health Act – 29 of 1992	- Municipal solid waste management
Ministry of Agriculture & Forestry	Forests Act (1961) Pesticides Act (1981)	- regulates specific activities relating to agriculture
Ministry of Fisheries	Birds and Fish Preservation (Amendment) Act (1989) Fisheries Management Act (2002)	- removal of any mangroves - Conservation, management and development of marine living resources.
Department of Environment	Environmental Impact Assessment Act (2003)	- sustainable development
Tonga Water Board	Tonga Water Board Act (2000)	- regulation and control of water supplies

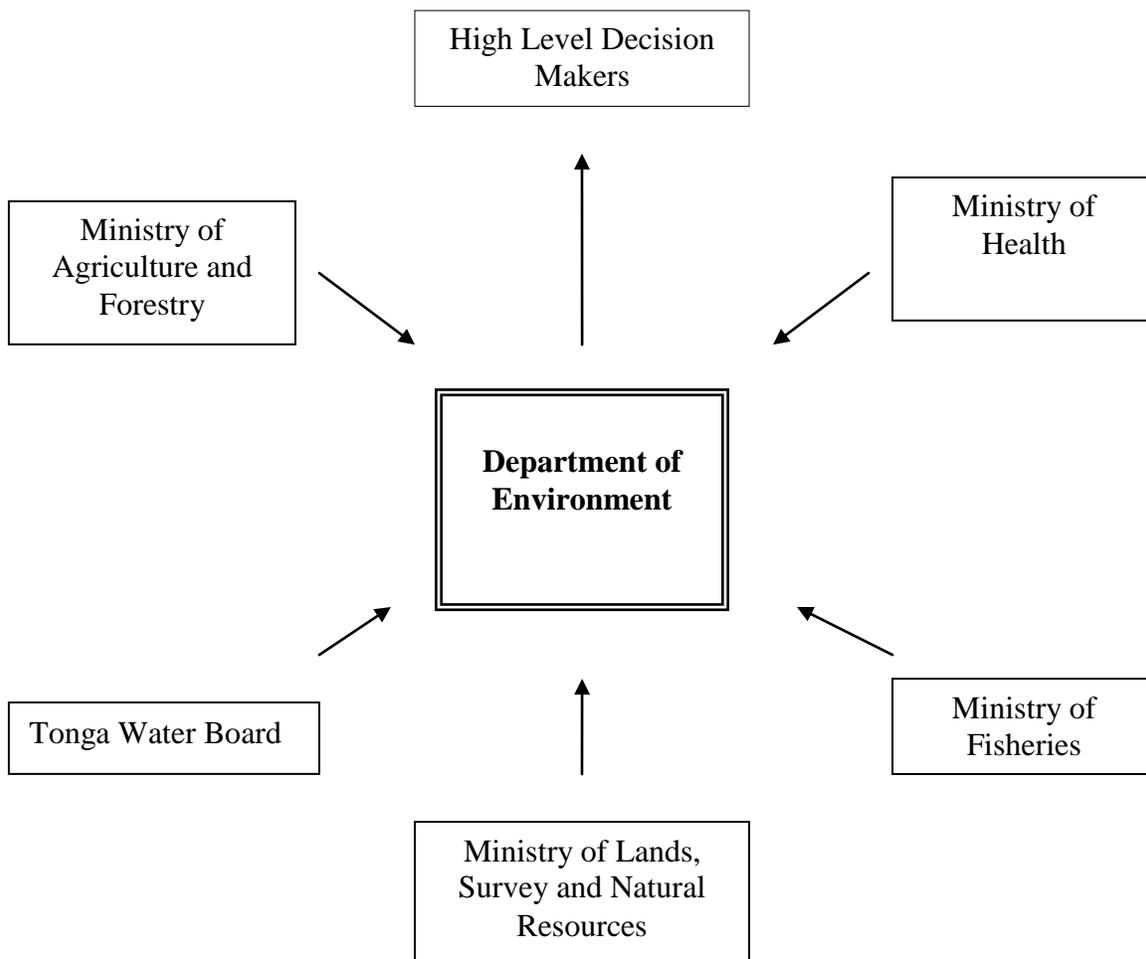
2.5 Existing Climate Change Framework

SECTORAL ADMINISTRATION
WITH
SEGMENTED LEGISLATION AND
POLICY



3. Proposed Climate Change Framework

A COORDINATING AGENCY
WITH
COMPRHENSIVE LEGISLATION



4. Climate Change Policy

Government has priorities already in place whereby resources are committed and these are traditional priority areas such as education and health. In order to reprioritize government expenditure to meet the resource requirements for implementing climate change adaptation and mitigation strategies envisioned, then government will need to be guided by a clearly defined policy and strategy. This will most importantly serve to define the position of government and other stakeholders on the issues of climate change,. It will also define the direction or way forward and the various responsibilities of each stakeholder in the short and long term.

4.1. Policy Statement;

To promote understanding and to formulate appropriate responses to climate change.

4.2. Policy Objectives;

1. To amend the existing framework or to endorse the proposed climate change framework.
2. To mainstream climate change issues into all environmental, social and economic processes including enactment and amending existing legislation
3. To improve and strengthen the collection, storage, management, analysis and use of data (including GHG, vulnerability & climate data) to monitor climate, sea level change and their effects.
4. To promote the raising of awareness and understanding of climate change, variability, sea level changes, mitigation, vulnerability and adaptation responses.
5. To protect the populations, resources and assets, vulnerable areas at risk from climate change impacts.
6. To mitigate the causes of human induced climate change

4.3. Policy Strategies

<p>Objective 1 To amend the existing framework or to endorse the proposed climate change framework</p>	<p>Strategies</p> <ol style="list-style-type: none"> 1.1 Legislation to be formulated ruling that all specific climate change related issues concerning climate change mitigation, adaptation, and vulnerability assessment fall under the auspices of the Department of Environment. 1.2 The Department of Environment to amend, strengthen and fill in the gaps in legislation whereby mandate over the issue cannot be obtained.
<p>Objective 2 To mainstream climate change issues into all environmental, social and economic processes including enactment and amending existing legislations</p>	<ol style="list-style-type: none"> 2.1 Strengthen Government, Non-Government Organisations, and private sectors networking capacity in the implementation of climate change policy /initiatives. 2.2 Establish a National climate change team from all relevant sectors and stakeholders to oversee and monitor progress. <ol style="list-style-type: none"> (a) Responsible for mainstreaming climate change issues into their respective ministries, departments and organisations. (b) Ensure that relevant acts and regulations are reviewed and responses strengthened across all relevant sectors. 2.3 Establish village committees composed of town officers with members from the community to work closely with the national climate change team. This will generate the necessary grassroots interest.
<p>Objective 3 To improve and strengthen the collection, storage, management, analysis and use of data (including Greenhouse gases, vulnerability & climate data) to monitor climate, sea level change and their effects.</p>	<ol style="list-style-type: none"> 3.1 To review existing data, data collection and development of an integrated approach for data aggregation and mechanisms for sharing with private and public sector agencies. 3.2 To seek technical assistance from relevant regional and international agencies in carrying out research, collection, and bringing up to date of data. 3.3 To build both human and technical capacity for management and storage of climate related data. 3.4 Train and draw on local personnel whose local knowledge of the area will be of utmost value. 3.5 Establish national database to avoid duplication of information and for better security and access.
<p>Objective 4 To promote the raising of awareness and understanding of climate change, variability and sea level changes, mitigation, vulnerability and adaptation responses.</p>	<ol style="list-style-type: none"> 4.1 Increase technical capability to address and promote climate change issues. 4.2 Promote and host on a frequent basis climate change awareness programmes, trainings and workshops. 4.3 Develop effective communication mechanisms and strengthen partnerships through the establishment of village committees to raise awareness at the community

	<p>level.</p> <p>4.4 Integrate climate change programmes into school curriculum.</p> <p>4.5 Seek funding to carry out all the above activities.</p>
<p>Objective 5 To protect the populations, resources and assets, vulnerable areas at risk from climate change impacts.</p>	<p>5.1 Identify vulnerable areas and develop adaptation options that are cost effective and culturally sensitive to reduce vulnerabilities (foreshore construction, tree planting).</p> <p>5.2 Extensive consultation and cooperation amongst government ministries, local communities and all relevant stakeholders in prioritizing adaptation options that can be implemented to reduce vulnerability.</p> <p>5.3 Encourage the participation of communities in the planning, management and implementation of adaptation measures within their communities.</p> <p>5.4 Enforce and enact new regulations to support the building code and all other relevant provisions prohibiting sand removal, mangrove cutting, smoking vehicles and free ranging animals.</p> <p>5.5 Investigate alternative sites for possible relocation of settlements from low lying vulnerable areas.</p>
<p>Objective 6 To mitigate the causes of human induced climate change.</p>	<p>6.1 To identify and measure levels of different sources of Greenhouse gas emissions in the Kingdom (Energy, Agriculture, Waste, Forestry)</p> <p>6.2 To formulate and implement programmes to reduce Greenhouse gas emissions (encourage tree planting, promote usage of renewable energy resources, cleaner vehicles, waste generation and combustion)</p> <p>6.3 Enact and enforce regulations to prohibit human activities that are detrimental to the environment (sand removal, deforestation, burning of solid waste, below par vehicles).</p>