

## Comparative Analysis of Maldives Framework and ADB Safeguard Policy Statement

(A) ADB Safeguard Policy Statement	(B) Corresponding Legal Provisions of the draft of the Law on EIA <sup>1</sup>	(C) Extent of Equivalence <sup>2</sup>	(D) Recommended Gap-filling Measures
Policy Principle 1: Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment so that appropriate studies are undertaken commensurate with the significance of potential impacts and risks.			
Key element (1) Use a screening process to determine the appropriate extent and type of environmental assessment	The <b>EIA regulations</b> , in particular Part III elaborates the process by which screening is used to identify proposals that have little or no environmental impact that are separated by projects that require an in-depth study. Schedule D of the EIA regulations list of projects that need to undertake an EIA because of likely severity of impacts. Proposals not listed in Schedule D are required to submit a Development Proposal Screening Form (Schedule C 1 of EIA Regulations) that is submitted to the Ministry of Environment where a decision is made either to approve the project or determine if further information is required through the preparation of an IEE needs (Schedule C 3 of EIA Regulations provides the Development Proposal Screening Decision Form). For projects falling under Schedule D an EIA application needs to be submitted along with TORs for the EIA to the Ministry of Environment for approval with or without proposed revisions. An EIA then should be prepared based on the TORs approved by the Ministry of Environment	Full Equivalence	None required
Policy Principle 2: Conduct an environmental assessment for each proposed project to identify potential direct, indirect, cumulative, and induced impacts and risks to physical, biological, socioeconomic (including impacts on livelihood through environmental media, health and safety, vulnerable groups, and gender issues), and physical cultural resources in the context of the project's area of influence. Assess potential trans-boundary and global impacts, including climate change. Use strategic environmental assessment where appropriate.			

<sup>1</sup> There are relevant provisions of the Environment Protection and Preservation Act of 1993, Environmental Protection Regulations of 2007 that deal with environmental assessment and management..

<sup>2</sup> “Full Equivalence” denotes that the Maldives legal requirement(s) are in complete harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element thereof. “Partial Equivalence” denotes that the Maldives legal requirement is in partial harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element; and “No Equivalence” denotes that no Maldives legal requirement can be found that corresponds to the particular ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element.

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Key element (1)  Identify indirect as well as direct impacts	<b>Schedule E of the EIA Regulations</b> requires that the direct and indirect environmental impacts on bio-physical, economic and human environment, including impacts on human well-being be assessed	Full compliance	None required
Key element (2) Identify cumulative impacts	The <b>EIA Regulations</b> , defines “EIA” as a means of identifying, predicting, evaluating and mitigating the biophysical, social, cumulative, economic and other relevant effects of a proposed development and “Cumulative Impacts” as the contained effect on the environment of two or more activities, or parts of projects, including synergistic projects  Similarly, the EIA Regulations require the project proponent to provide information on other similar projects in the area and IEEs and EIAs done for those projects	Full equivalence.	None required
Key element (3) Identify induced impacts	<b>The EIA Regulations</b> requires the assessment of indirect impacts, which are defined as “indirect results....as those caused by an action or actions and are later in time or further removed in distance, but are still reasonably foreseen, and includes growth-regulating effects and other effects to induced changes in the patterns of land-use, population density or growth rate and related effects on air, water and other natural systems, including ecosystems”	Full equivalence	None required
Key element (4) Identify physical impacts	<b>Schedule E of the EIA Regulations</b> requires that the direct and indirect environmental impacts on bio-physical, economic and human environment, including impacts on human well-being be assessed and that includes the description and direct and indirect impacts on the following: <ul style="list-style-type: none"> <li>- Soil, relief, landforms, land use and drainage systems</li> <li>- Surrounding infrastructure and drainage; and</li> <li>- Beach systems, including composition, stability, tide and wave dynamics</li> </ul>	Full Equivalence.	None required
Key element (5)	<b>Schedule E of the EIA Regulations</b> requires that the direct and indirect environmental impacts on bio-physical, economic and human environment, including the impacts on the following biological elements:	Full Equivalence.	None required

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Identify biological impacts	<ul style="list-style-type: none"> <li>- Flora, fauna, rare or endangered species, sensitive habitats of ecological importance, including mangroves and wetlands; and</li> <li>- Marine environment, including sandy and rocky bottoms, coral reefs and sea grass beds</li> </ul>		
Key element (6)  Identify socioeconomic impacts (including on livelihood through environmental health and safety, vulnerable groups, and gender issues)	<p>In the <b>EIA Regulations</b>, “EIA” is defined as a means of identifying, predicting, evaluating and mitigating the biophysical, social, cumulative, economic and other relevant effects of a proposed development and “the Human Environment” as the natural and physical environment and the relationships of people.</p> <p><b>Schedule C.1 of the EIA Regulations Part 3</b> requires the EIA to identify and assess the impacts on public well-being, public health, public safety, public transport, employment and economic status.</p>	<p>Partial Equivalence</p> <p>There is no reference in the EIA legislation regarding need to assess impacts on vulnerable groups and gender issues.</p>	<p>For full equivalence, the EIA Regulations should include assessment of the impact on vulnerable groups and gender related impacts.</p>
Key element (7)  Identify impacts on physical cultural resources	<p><b>Part II (2) of the EIA Regulations</b> requires EIAs and IEEs to consider effects of development programs on:.....(d) material assets and cultural heritage.</p> <p><b>Schedule E of the EIA Regulations</b> requires description of natural, economic and human environment, that includes among other things.....socio-economic characteristics....., including unique cultural characteristics.</p>	Full equivalence	None required
Key element (8) Identify impacts in the context of the project’s area of influence	<p>There is reference to defining the boundaries of the area affected by the development project, but no specific reference to the context of the project’s area of influence, although the <b>EIA regulations</b> refers to induced impacts relating to changes patterns of land-use, population density or growth rate and related effects on air, water and other natural systems, including ecosystems, that might extend beyond the boundaries of the project area</p>	Full equivalence	None required
Key element (9)  Assess potential trans-boundary impacts	<p>There is no explicit reference to “assessment of trans-boundary impacts” in the legal framework.</p>	No Equivalence.	<p>For full compliance, new or revised legislation/regulations should require assessment of trans-boundary impacts</p>
Key element (10)  Assess potential global impacts, including climate change	<p><b>Part II Section 4 of the EIA Regulations</b> requires that project proponents take into account all policies and legislation, including commitments as Party to relevant International Conventions and Protocols</p>	Full Equivalence	None required

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Key element (11) Use strategic environmental assessment	There is no explicit reference to conduct of strategic environmental assessment in the legislation	No equivalence	To achieve full compliance the EIA regulations or similar legislation should require the conduct of SEAs, including assessment of plans, programs and policies
Policy Principle 3: Examine alternatives to the project's location, design, technology, and components and their potential environmental and social impacts and document the rationale for selecting the particular alternative proposed. Also consider the no-project alternative.			
Key element (1) Examine alternatives to the project's location, design, technology.	<b>Schedule E of the EIA regulations</b> discusses the need for consideration of alternatives such as: <ul style="list-style-type: none"> <li>(i) To identify and describe at least 3 alternatives, one of which should be the no-development option, define clear criteria to evaluate the alternatives, and determine the preferred alternative;</li> <li>(ii) Discuss whether the project be undertaken elsewhere, perhaps an alternate locations with less likely impacts; and</li> <li>(iii) Include discussion of alternative ways in which the project can may be carried out to cause less harm to the environment.</li> <li>(iv) Discuss the preferred alternative and why it was selected</li> </ul>	Full equivalence	None required
Key element (2) Consider the no-project alternative	<b>Schedule E of the EIA regulations</b> requires the need to: <ul style="list-style-type: none"> <li>(i) To identify and describe at least 3 alternatives, one of which should be the no-development option, define clear criteria to evaluate the alternatives, and determine the preferred alternative;</li> </ul>	Full equivalence	None required
Policy Principle 4: Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management. Prepare an environmental management plan (EMP) that includes the proposed mitigation measures, environmental monitoring and reporting requirements, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators. Key considerations for EMP preparation include mitigation of potential adverse impacts to the level of no significant harm to third parties, and the polluter pays principle.			
Key element (1) Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts	<b>The EIA Regulations</b> recognizes the following explicit mitigation actions to emanate from the EIA process: <ul style="list-style-type: none"> <li>(a) Avoiding the impact altogether by not taking a certain action or a part of an action</li> <li>(b) Minimizing negative impacts by limiting the degree and magnitude of the action and its implementation</li> </ul>	Full equivalence	None required

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and enhance positive impacts by means of environmental planning and management	(c) Optimizing the positive impacts of development (d) Rectifying the impact by repairing, rehabilitating or restoring the affected environment (e) Reducing or eliminating the impact over time by conservation operations during the life of the action; and (f) Compensating for the impact by replacing or providing substitute resources or environments		
Key element (2) Prepare an environmental management plan (EMP)	<b>Schedule E of the EIA Regulations “Contents of an IEE of EIA study”</b> outlines the Content of an IEE study or EIA study report that development proponents are expected to prepare and submit to the Ministry of Environment for review and provision of environmental clearance of a development project, that includes a report with proposed measures to mitigate adverse environmental impacts.	Full equivalence	None required
Key Element (3) Prepare an environmental management plan (EMP) that includes the proposed... environmental monitoring and reporting requirements	<b>Schedule E of the EIA Regulations “Contents of an IEE of EIA study” under title “Environmental Monitoring”</b> requires the preparation of an environmental monitoring plan that includes provisions for on-site monitoring during (i) site preparation; (ii) construction/implementation and (iii) decommissioning phases, as well as the longer-term maintenance requirements <b>Schedule M of the EIA Regulations “Format for Environmental Monitoring Reports”</b> requires the submission of summary reports at 2 monthly intervals and a final report at the end of the decommissioning phase or as specified in the Environmental Decision Statement to be submitted to the Ministry	Full Equivalence	None required
Key Element (4) Prepare an environmental management plan (EMP) that includes... related institutional or organizational arrangements	<b>Schedule I of the EIA Regulations “Review of IEE or EIA study”</b> Number 7: “Mitigation” requires the mitigation measures or “EMP” Plan to define in specific, practical terms the costs, manpower, equipment, timing and technology needed	Partial Equivalence  While, the EMP is required to provide for manpower requirements for its implementation, it is not explicit in terms of requiring institutional or organization arrangements for its implementation	To attain full equivalence, the EMP should explicitly require the definition of institutional or organization arrangement
Key Element (5) Prepare an environmental management plan (EMP) that includes the	<b>Schedule I of the EIA Regulations “Review of IEE or EIA study”</b> Number 7: “Mitigation” requires an assessment of institutional capacity to carry out mitigation measures	Partial Equivalence The requirement for capacity development and training for	To attain full equivalence, the legislation should made explicit reference for including capacity building and training

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proposed... capacity development and training measures		implementation of EMP is implicit, rather than explicit in the legislation	needs in the EMP
Key Element (6) Prepare an environmental management plan (EMP) that includes the proposed ...implementation schedule	<b>Schedule I of the EIA Regulations “Review of IEE or EIA study”</b> Number 7: “Mitigation” requires the mitigation measures or “EMP” Plan to define in specific, practical terms the costs, manpower, equipment, <u>timing</u> and technology needed	Full Equivalence	None required
Key Element (7) Prepare an environmental management plan (EMP) that includes the proposed... cost estimates	<b>Schedule I of the EIA Regulations “Review of IEE or EIA study”</b> Number 7: “Mitigation” requires the mitigation measures or “EMP” Plan to define in specific, practical terms the <u>costs</u> , manpower, equipment, timing and technology needed	Full Equivalence	None required
Key element (8) Prepare an environmental management plan (EMP) that includes the proposed ...performance indicators	<b>Schedule M of the EIA Regulations “Format for Environmental Monitoring Reports”</b> is comprehensive, including requirements for monitoring and reporting on (i) implementation of mitigation measures; (ii) monitoring results, including date, time frequency and duration; (iii) presentation of environmental quality performance and standards; (iv) presentation of monitored parameters, etc.	Full Equivalence	None required
Key Element (9) Key considerations for EMP preparation include mitigation of potential adverse impacts to the level of no significant harm to third parties, and the polluter pays principle.	The legislation is implicit in terms of the requirement to avoid or minimizing the impact on the environment or human health and safety	Partial Equivalence  There is no explicit reference to the polluter play principle	To attain full equivalence, the legislation should explicitly made requirement for ensuring that the developer or polluter pay if there is damage to the environment or third party
Policy Principle 5: Carry out meaningful consultation with affected people and facilitate their informed participation. Ensure women’s participation in consultation. Involve stakeholders, including affected people and concerned nongovernment organizations, early in the project preparation process and ensure that their views and concerns are made known to and understood by decision makers and taken into account. Continue consultations with stakeholders throughout project implementation as necessary to address issues related to environmental assessment. Establish a grievance redress mechanism to receive and facilitate resolution of the affected people’s concerns and grievances regarding the project’s environmental performance.			
Key element (1) Carry out meaningful	<b>Schedule E of the EIA Regulations</b> lists the Public Consultation requirements as follows:	Partial equivalence	For full equivalence, the EIA Regulations should explicitly

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consultation with affected people and facilitate their informed participation	<p>That the IEE and EIA process and report should include:</p> <ul style="list-style-type: none"> <li>(a) A list of persons consulted including persons in statutory bodies, atolls and island offices, community groups and NGOs, local residents, local fishermen, tourism operators and others likely to be affected by the proposed development</li> <li>(b) Information on how, when and where consultations were conducted, e.g. stakeholder meetings in affected area, individual meetings, questionnaires; and</li> <li>(c) Summary of outcome of consultations, including the main concerns identified.</li> </ul>	There is no clear timeline established when consultation should occur, if consultation should take place throughout project implementation and the means for resolution of any affected person's concerns	identifying the different stages at which consultation should take place (e.g. early in EIA process, before finalization of EIA and during project implementation and monitoring) as well as means to address people's concerns and grievances
Key element (2) Ensure women's participation in consultation	There is no explicit reference to women's participation in the consultative process, although reference to consultation in the EIA regulations.	No equivalence	For full equivalence the EIA Regulations should explicitly require consultation and participation of women in the EIA process and during project implementation
Key element (3) Involve stakeholders, including affected people and concerned nongovernment organizations, early in the project preparation process.	<p>While there is explicit reference in <b>Schedule E of the EIA Regulations</b> of the requirements for involving stakeholders and affected people as outlined below, it does not specify the stages (including early in project preparation process) that consultation is mandatory:</p> <p>That the IEE and EIA process and report should include:</p> <ul style="list-style-type: none"> <li>(a) A list of persons consulted including persons in statutory bodies, atolls and island offices, community groups and NGOs, local residents, local fishermen, tourism operators and others likely to be affected by the proposed development</li> <li>(b) Information on how, when and where consultations were conducted, e.g. stakeholder meetings in affected area, individual meetings, questionnaires; and</li> <li>(c) Summary of outcome of consultations, including the main concerns identified.</li> </ul>	<p>Partial equivalence</p> <p>There is no reference in the legislation to the stages and timing of consultations</p>	To attain full equivalence, the EIA Regulations should explicitly identifying the different stages at which consultation should take place, including early in the project preparation process
Key element (4) Establish a grievance redress mechanism	There is no explicit reference to establishment of a grievance redress mechanism at the project level.	No equivalence	For full equivalence the EIA Regulations should specify mechanisms for addressing people's grievances both during the EIA process and during project implementation
Policy Principle 6: Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to			

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affected people and other stakeholders. Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders.			
Key element (1) Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal, in an accessible place.	The EIA Regulations require public consultations, and the invent that the project is complex and sufficiently controversial, the Ministry of Environment can request additional public consultation. This would take place before the EA report is finalized.	Partial equivalence  There is no guidance on the disclosure of draft EA (and EMP), including timing, location and language	To achieve full equivalence, the EIA Regulations should clearly specify the timing, location, language and other specifics regarding the disclosure of the draft EA (and EMP)
Key element (2) Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders	There is no guidance in the legislation regarding the disclose of the final EA report and EMP, although the decision of approval or environmental clearance has to be disclosed	No equivalence	For full equivalence, the EIA Regulation should explicitly specify the need for disclosure of the final EA and EMP reports in an accessible location and in a language that is understandable to the affected people and other stakeholders
Policy Principle 7: Implement the EMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.			
Key element (1) Implement the EMP and monitor its effectiveness.	<b>The EIA Regulations, Schedule J “Environment Decision Statement”</b> issued to the developer by the Ministry of Environment, Item 2 (i) (ix) requires that all mitigation measures proposed in the EIA report for the construction phase and operational phase as outlined in page/s (as per the EIA Report) shall be fully implemented.	Full equivalence	None required
Key element (2) Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.	<b>The EIA Regulations, Part IV Item 13 “Environmental Monitoring and Mitigation</b> has the following instructions:  (i) The proponent shall fund and conduct environmental monitoring and implementing mitigation measures for the development proposal if specified and required by virtue of the Environmental Decision Statement (ii) The proponent shall regularly submit summary environmental monitoring reports..... (iii) The proponent shall maintain records of all monitoring data and on request make these available to the Ministry of Environment (iv) The proponent shall submit a final environmental monitoring and mitigation report to the	Partial equivalence  There is no requirement for public disclosure of the monitoring results, disclosure is limited to submission to government agencies	For full equivalence, the EIA Regulations should specify requirement for public disclosure of monitoring results

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	<p>Ministry of Environment when the project is completed or at such time as may be specified in the Environment Decision Statement</p> <p>(v) The Ministry of Environment may request to put in place necessary additional measures based on the finding of the monitoring reports</p>		
<p>Policy Principle 8: Do not implement project activities in areas of critical habitats, unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated. If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area. In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated. Use a precautionary approach to the use, development, and management of renewable natural resources.</p>			
<p>Key Element (1)</p> <p>Do not implement project activities in areas of critical habitats, unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated.</p>	<p><b>The EIA Regulations</b> defines natural environment as:</p> <ul style="list-style-type: none"> <li>(i) Natural features consisting of physical and biological formations or groups of such formations</li> <li>(ii) Geological and physiological, geomorphical, lithostratigraphical, palaeontological and hydrological functions and precisely delineated areas which constitute the habitat of threatened species of fauna and flora; and</li> <li>(iii) Natural sites of precisely delineated areas of value from the point of view of science, scenic value, conservation or natural beauty.</li> </ul> <p>The <b>EIA Regulations Schedule B</b> further requires development to ensure that economic development is sustainable and that any development project assess the “presence or absence of critical ecosystems” that would “Environmental Sensitive Areas” (ESA) that have been identified by the Ministry of Environment. If such an ESA has been identified in the development area, that that site should be either removed for consideration for future development or that development could take place, taking into consideration the conservation of the sensitive area, there by mitigating the negative impacts.</p>	Full Equivalence	None required
<p>Key Element (2)</p> <p>If a project is located within a legally protected area, implement additional programs to promote and enhance conservation aims of the protected area</p>	<p>The <b>EIA Regulations Schedule B</b> further requires development to ensure that economic development is sustainable and that any development project assess the “presence or absence of critical ecosystems” that would “Environmental Sensitive Areas” (ESA) that have been identified by the Ministry of Environment. If such an ESA has been identified in the development area, that that site should be either removed for consideration for future development or that development could take place, taking into consideration the conservation of the sensitive area, there by mitigating the negative impacts.</p> <p>However <b>Schedule B of the EIA Regulations</b> clarifies that if a site/island or its surrounding reef is part of the island/reef ecosystem included in the ESA sites listed for special protection, such sites should not be</p>	Partial Equivalence	To attain full equivalence, the legislation should be explicit if development can take place in protected areas or ESAs, and if so under what conditions and what added measures are necessary for enhancing conservation of the area

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	considered for any development. Also, any site/island selected for development must have at least a 20 m space (measured from the seaward edge inland) for maintenance of an undisturbed band of vegetation that could serve as a “no-development” buffer zone, or else it should be removed from any development activity		
Key Element (3) In an area of natural habitats, there must be no conversion or degradation, unless (i) alternatives are not available; (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated	While, the legislation recognizes the need to ensure that development is excluded from specially designed environmentally sensitive sites, <b>the EIA Regulations</b> calls for evaluation of alternatives ways to development that cause less harm of the environment (that is defined as fauna, flora and natural habitats....)	Partial equivalence  There is no explicit requirement for evaluating cost and benefits of damaging the environment (including natural habitats) in decision-making on conversion or degradation of natural habitats	To attain full equivalence, the legislation should specify the options for conversion and/or degradation of natural habitats including assessment of costs and benefits of conversion and mitigation options
Key Element (4) Use a precautionary approach to the use, development, and management of renewable natural resources	<b>Schedule B of the EIA Regulations</b> states that development that is in harmony with the natural environment is the preferred approach for the Maldives and environment is defined as the fauna, flora, natural habitat and the human environment. However, there is no specific reference to use of a precautionary approach to management of renewable natural resources	No Equivalence	To attain full equivalence, the legislation should require the explicit use of a precautionary approach to use and management of renewable natural resources
Policy Principle 9: Apply pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank Group’s Environmental, Health and Safety Guidelines. Adopt cleaner production processes and good energy efficiency practices. Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges, including direct and indirect greenhouse gases emissions, waste generation, and release of hazardous materials from their production, transportation, handling, and storage. Avoid the use of hazardous materials subject to international bans or phaseouts. Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides.			
Key element (1) Apply pollution prevention and control technologies and practices consistent with international good practices.	The main piece of legislation that provides regulations for the protection and prevention of pollution is the <b>Environment Protection and Preservation Act of 1993</b>  Under section 1 of Act, requires the Government and citizens to give special attention to the protection of its environment including both sea and the atmosphere. The relevant Government authorities shall also provide guidelines for the protection and preservation and everyone is required to respect such guidelines.  Under section 7(a), any type of wastes, oils, poisonous gases or any substance that may have harmful	Partial equivalence  While the EPPA does not make reference to international standards of pollution management	For full equivalence, guidelines are required as stipulated by the EPP Act to manage and deal with the pollution of air, water, land based on internationally recognized standards

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	effects on the environment shall not be disposed of within the territory of the Maldives. In cases where the disposal of such substances becomes absolutely necessary, they shall be disposed of only within those areas designated for such purposes by the Government. If such waste is to be incinerated, appropriate precautions should be taken to avoid any harm to the health of the population. Similarly, the Act also states that wastes that are harmful to human health and the environment shall not be disposed of anywhere within the territory of the country and permission should be obtained from the relevant authority at least 3 months in advance of any trans-boundary movement of such wastes through the territory of the Maldives.		
Key Element (2) Adopt cleaner production processes and good energy efficiency practices	<b>Schedule E of the EIA Regulations “Project Description”</b> requires the project proponent to identify measures to be adopted to promote sustainable development, including cleaner production, renewable energy systems) during the implementation and operational phases of the project	Full Equivalence	None required
Key Element (3) Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges, including direct and indirect greenhouse gases emissions, waste generation, and release of hazardous materials from their production, transportation, handling, and storage.	<p><b>Environment Protection and Preservation Act</b> in Article 7 and 8 address the issues related to waste disposal and hazardous toxins.</p> <p><b>Article 7 “Waste disposal, Oil and Poisonous Substances”</b> states that</p> <ul style="list-style-type: none"> <li>(a) Any types of waste oil, poisonous gases or any substance that may be harmful on the environment shall not be disposed within the territory of the country</li> <li>(b) In case, where the disposal of substances stated in (a) becomes absolutely necessary, they shall be disposed within the areas designated by the government. If such wastes are incinerated, appropriate precautions should be taken to avoid harm to the health of the population</li> </ul> <p><b>Article 8 Hazardous/Toxic or Nuclear Wastes</b> states that such wastes that is harmful to human health and the environment shall not be disposed in the territory of the country. Permission is required for any transboundary movement of such wastes through the territory of the Maldives</p>	<p>Partial Equivalence</p> <p>There is no recognition of load minimization and control, including measures for generation, release, handling and storage</p>	To attain full equivalence, the legislation should require avoidance and control of emission and discharge loads and handling, production and storage of such materials
Key Element (4) Avoid the use of hazardous materials subject to international bans or phase-outs	The legislation (Environmental Protection and Preservation Act) refers to disposal of hazardous wastes and transboundary movement of such wastes, but is silent on its use and phase-outs	Partial Equivalence	To attain full equivalence, the legislation should deal explicitly with the use of hazardous materials on the basis of international norms and phase out schedules
Key Element (5) Purchase, use, and	There is no specific legislation that governs the purchase, use and management of pesticides in the	No Equivalence	To attain full equivalence, the legislation should provide

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manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides.	<p>Maldives.</p> <p>The Environment Protection and Preservation Act deals more broadly with the impacts of development related activities on the environment (fauna, flora, natural resources, etc.) and on the health and well being of the people. The direct and indirect impacts on air, water, and other natural systems (that likely refers to soil, renewable and non-renewable natural resources.</p>		guidance on the purchase, use and management (production, transport, storage, handing, disposal) of chemicals use in agriculture
Policy Principle 10: Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease. Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the health and safety of local communities.			
<p>Key Element (1)</p> <p>Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease.</p>	<p><b>Articles 73 -76 of The Employment Act of 2008</b>, provides coverage of measures for the safety and protection of employees at the work place..... Such measures shall include:-</p> <ul style="list-style-type: none"> <li>i. implementation of a safe work place and procedures, procurement of secure tools and machinery for carrying out work, and ensuring the continued safety of the same;</li> <li>ii. provide safe materials to work with;</li> <li>iii. provide protective equipment and safety equipment in the event that the nature of work is such that it is not possible to eliminate or control health hazards arising out of the work;</li> <li>iv. provide education and training to employees on the use of protective gear and safety equipment, and disseminate to employees information on all issues of related concern;</li> <li>v. conduct regular health checks for employees engaged in work involving chemical or biological materials that may cause a hazard to physical health or employees involved in any work that may cause physical ill health;</li> <li>vi. provide or arrange for appropriate medical care for employees injured while carrying out employment; and</li> <li>vii. arrange the facilitation of first aid to employees in emergencies or accidents.</li> </ul> <p>74. The following are duties imperative upon every employee:-</p> <ul style="list-style-type: none"> <li>i. maintenance of safe work practices at work to avoid danger to the safety and well being of the employee and co-workers which may be caused by inattentiveness to safety and security measures;</li> <li>ii. assist the employer and co-workers in maintenance of measures designed to ensure health and safety in the work place;</li> <li>iii. use safety equipment and protective gear as instructed in accordance with the training and education provided for use of such equipment and gear;</li> <li>iv. report to the employer any damage, loss of or destruction of protective gear or safety equipment;</li> <li>v. inform the employer or his designated supervisor immediately of the occurrence of any incident which the employee believes may cause danger and which the employee is unable to resolve;</li> <li>vi. inform the employer or his designated supervisor of any accidents or damage sustained occurring at</li> </ul>	Full equivalence	None required

(A) ADB Safeguard Policy Statement	(B) Corresponding Legal Provisions of the draft of the Law on EIA <sup>1</sup>	(C) Extent of Equivalence <sup>2</sup>	(D) Recommended Gap-filling Measures
	work or related to work.		
<p>Key Element (2)</p> <p>Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the health and safety of local communities</p>	<p><b>The Disaster Management Act of 2006</b> recognizes that it is the state responsibility to protect its people, their property and the natural and built environment they live in from natural and man-made disasters as well as requiring the government to act to manage risks, ensure preparedness, relief and recovery through capacity building, and establishing partnerships with organized local communities and international organizations, as well as preparing a national disaster management plan and national emergency operations plan.</p> <p>The intent is to promote an integrated and coordinated system of disaster management with emphasis on prevention and mitigation, communication, public awareness, knowledge, community participation, etc.</p>	Full Equivalence	None required
<p>Policy Principle 11: Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment. Provide for the use of “chance find” procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation.</p>			
<p>Key Element (1)</p> <p>Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment.</p>	The <b>EIA regulations</b> requires the need to conserve and protect cultural resources	<p>Partial equivalence</p> <p>The legislation lacks mention of the need to use field-based surveys and qualified experts during the EIA process</p>	<p>To attain full equivalence, the legislation should require the use of field based surveys and qualified experts to assess impacts on cultural resources during EIA preparation</p>
<p>Key Element (2)</p> <p>Provide for the use of “chance find” procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation</p>	None	<p>There is no guidance on how to deal with “chance finds”</p>	<p>For full equivalence, the EIA regulations or other legislation should provide for the use of “chance find” procedures</p>