



APLYS Final Report:
*Strengthening of policy and institutional
capacity for integrated coastal and water
management at national and state levels*

Project final report prepared for:

Department of Environment, Climate Change and Emergency Management (DECEM)

On behalf of the Federated States of Micronesia (FSM) Adaptation Fund Project:

Enhancing the Climate Change Resilience of Vulnerable Island Communities in FSM

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Background & Acknowledgements

In 2017, the Government of the FSM received a grant of US\$9,000,000 from the Adaptation Fund under the “*Enhancing the Climate Change Resilience of Vulnerable Island Communities in FSM*” Project. The project is executed by the FSM Department of Environment, Climate change and Emergency Management (DECCEM), with the Secretariat of the Pacific Regional Environment Programme (SPREP) as implementing entity. The project sought to enhance community resilience by working with communities focusing on improving water security measures in the outer islands of Yap, Chuuk and Pohnpei, and increase resilience and adaptive capacity of coastal communities to hazards and risks induced by climate change in Kosrae.

The project is expected to deliver a set of targeted and interlinked economic, social, and environmental benefits, as well as serve as a model for future replication throughout the four states of the FSM in other sectors such as food security and marine resource management. It is also intended promote a set of innovations, with partner institutions and organizations that will review enabling conditions that foster better living conditions for the outer islands and coastal communities of FSM.

The overall goal of the project is to build social, ecological, and economic resilience of the target island communities of the FSM and reduce their vulnerabilities to extreme drought, sea level rise, and other climate risks through water resource management, coastal resource conservation, and development planning, by promoting ecologically sound climate resilient livelihoods and ensuring gender needs and gender equity were fully integrated into the project.

Under Component 1, APLŸS Consulting, with support from Ramp & Mida Law Office, sought to support the project’s aims by analyzing legislation, regulations, and policies, and conducting an evaluation of development plans to support and design a proposed development guideline that integrated climate change into all stages of development in the FSM.

There were two primary outputs:

1. Legislative Review of the FSM Environment and Conservation Laws at the National and State government.
2. Design a suite or suggested Development Processes that integrates Climate Change Adaptation

APLYS Consulting worked with Ramp & Mida Laws Offices in the development of the legislative review and the Development Guidelines. In addition, Mr. Ezekial Kenfathlee of Yap, Mr. Curtis Graham of Chuuk; and Mr. Richard Moufa from the FSM National government were highly instrumental in providing support, at the ground level, for this project.

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List of Acronyms

CCP	Climate Change Policy
CCS	Chuuk Conservation Society
CLIMAP	Climate Action Plan
CSP	Conservation Society of Pohnpei
DECEM	Department of Climate Change Emergency Management
DLNR	Department of Land & Natural Resources
DMR	Department of Marine Resources
EbA	Ecosystem-based Adaptation
EEZ	Exclusive Economic Zone
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
FSM	Federated States of Micronesia
IDP	Infrastructure Development Plan
IOM	International Office of Migration
KDR	Kosrae Development Regulations
M&E	Monitoring & Evaluation
MCT	Micronesia Conservation Trust
MOU	Memorandum of Understanding
NbS	Nature-based Solutions
PM	Project Manager
SDP	Sustainable Development Plan
SPC	Secretariat of the Pacific Community
SPREP	Secretariat of the Pacific Regional Environment Programme

Methodology

This consultancy, under the project “*Enhancing the Climate Change Resilience of Vulnerable Island Communities in FSM*”, started with the:

- Development of a comprehensive project workplan;
- A complete desktop review; and,
- A series of workshops intended to engage stakeholders to review the desktop review findings, provide input, and fact check the information collected.

The implementation of the workplan and the activities, especially the workshops, were highly dependent on in-state and onsite facilitators and the state project focal points. The activities within the workplan had to be altered slightly due to the COVID-19 pandemic which restricted travel and limited large gatherings. The in-state facilitators and the project focal points were key in coordinating activities with stakeholders at the state levels, and the project manager (PM) coordinated activities at the national levels and supported and facilitated communication between the APLŸS Consultants and the lawyer from Ramp & Mida Law Offices.

The project had 2 primary outputs:

- A comprehensive legislative analysis of the FSM and state climate change, environment, and conservation laws, with a particular focus on freshwater, coastal, and nearshore marine areas.
- Develop a suite of suggested development guidelines that mainstreamed climate change.

Throughout the 12-month contract period, APLŸS Consulting submitted monthly status reports that informed the PM about the progress of the project as well as of any challenges the project was facing in fulfilling the terms of the agreement.

The Legislative Analysis

The legislative analysis was conducted through a comprehensive desktop review of the FSM environment, climate change, and conservation legislation, regulations, and policies. The first draft of the legislative analysis was submitted in **December 2021**, which was followed by four stakeholder engagement workshops at the national level, in December 2021, and three state governments (Yap, Chuuk, and Pohnpei), in **January 2022**. Each of the workshops were attended by government departments, legislative officials, civil society organizations (e.g., Conservation Society of Pohnpei (CSP), Chuuk Conservation Society (CCS)), as well as regional organizations (e.g., Micronesia Conservation Trust (MCT), Secretariat of the Pacific Community (SPC), and International Office of Migration (IOM)).

State Government coordination was set-up with the support of each of the state focal points, each of the three states environmental protection agencies, and at the national level, coordination was supported by the project PM. The workshops served specific functions: 1) to relay to the stakeholders legislative findings; 2) to determine if the information gathered within the document was accurate; and 3) to supply or direct the APLYS team access or support the retrieval of necessary documents to incorporate into the legislative analysis.

The second (2nd) draft of the Legislative Analysis was submitted in **March 2022**. The second draft was disseminated to all persons who attended the workshop, by the PM for one last review, by all stakeholders. All feedback was submitted to the PM and passed on to APLYS and Ramp & Mida Law Offices to either amend the document or address clarifying questions. There were delays from key stakeholders in submitting their comments and feedback. As such, APLYS was granted an extension to allow participants more time for comment and provide the APLYS team more time to incorporate any additional feedback.

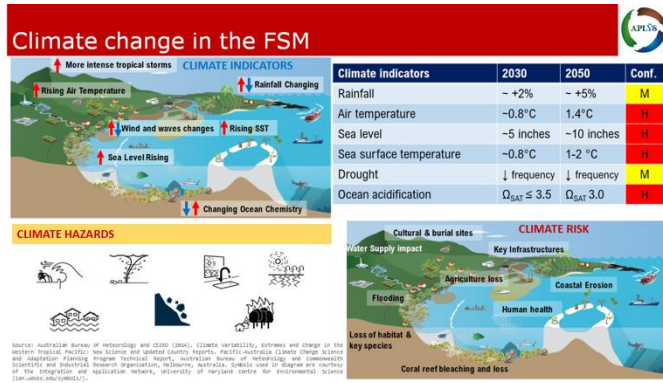
The third (3rd) and final draft was submitted to DECEM in **July 2022**. There was a request by the PM that a second (2nd) Legislative Analysis workshop be conducted to address questions posed by stakeholders. The workshop would occur remotely with the facilitators, Mae M. Bruton-Adams and Dr. Chiara Franco, dialing in from their respective locations, and each of the states and their participants, including DECEM, would also dial-in. The final workshop would take place over Zoom. Unfortunately, the workshop was postponed until the 9th of November 2022 due to the rampant spread of COVID-19 in the FSM. (It should be noted that the 2nd Legislative Analysis workshop is not in the initial workplan; is not in the original suit of deliverables in the contract; nor a part of the contract extension and amendment.)

Legislative Review Workshops

All of the workshops were conducted in two ways. The primary facilitators from APLYS Consulting and the lawyer from Ramp & Mida facilitated the workshop via Zoom with support from “in-state¹” APLYS team members who were located in each of the states.

¹ APLYS in-state facilitator is defined as a person from a state in the FSM who is contracted by APLYS Consulting to support the implementation of projects in the contractor’s home state. Support is provided by,

Due to the COVID-19 pandemic, all FSM borders were closed, and the primary facilitators from APLYS Consulting and Ramp & Mida Law Offices were unable to facilitate the workshops in person. As a result, the consultants from APLYS Consulting and Ramp & Mida, Law Offices conducted the workshop through Zoom. Additionally, Zoom access was provided to stakeholders if they were unable to attend in person.



The workshops were broken up into four (4) thematic parts: freshwater, land use & land management, coastal areas, and nearshore marine (See Appendix II for Agenda). Each thematic section began with an overview of climate change projections and potential risks and hazards that could be expected in the future. It was then followed up with an extensive explanation of the

legislative findings based on the results from the legislative desktop review. Each section was followed by breakout sessions where the stakeholders were asked to:

- Determine if there were any gaps in the legislation, policies, and regulations.
- Identify challenges and barriers to implementing legislation, regulations, and policies.
- Resolve or fill in any gaps and design strategies to deal with barriers.
- Identify gender gaps and how to include gender participation in the implementation of laws.

The Development Guidelines

The Development Guidelines Report was conducted through a desktop review and analysis of existing development plans from an array of sources: the Climate Change Policy (CCP), Sustainable Development Plan (SDP), the Infrastructure Development Plan (IDP), CLIMAP, and the amended Kosrae Development Regulations (KDR), to name a few. The first draft of the Development Guidelines was submitted to DECEM and stakeholders for written comment and feedback, in **May 2022**. A workshop was conducted to relay initial findings and to receive feedback and suggestions from stakeholders on how climate change mainstreaming could and should be included in the Development Guidelines Report.

A second (2nd) and final draft was submitted to DECEM, in **July 2022**. APLYS Consulting and DECEM intended to have a Zoom workshop to go over any lingering comments and feedback to the authors of the Development Guidelines, on July 21. Unfortunately, due to a COVID-19 outbreak in the FSM, the workshop was postponed until the 9th of November 2022.

but limited to, on the ground research, follow-up meetings, organizing and facilitating workshops, interviews, and other duties as required or specified in contractual agreement.

Development Guidelines Workshops



Similar to the Legislative Review workshop, the Development Guidelines workshop was intended to not only relay the outcomes of the Development Guidelines report, conducted by APLŸS Consulting and Ramp & Mida, Law Offices, it was also an opportunity to get feedback and input on guidelines that should be considered by the FSM and the state governments. Furthermore, the facilitators utilized the opportunity to engage the stakeholders to provide input into the drafting of the guidelines, especially in the context of Gender inclusion, equity, and equality.

Identified Gaps & Recommendations

Several key challenges and gaps were identified at legislative level in the “Legislative Analysis for Integrated Coastal, Water, and Marine Management at the National and State Levels”, prepared by APLŸS Consulting and Ramp & Mida Law Office. Among these the most relevant were:

- The presence of many outdated laws at the national and state levels;
- National level policies often lack the force of law, as they do not progress further into legislation;
- many environmental and conservation laws were created during the Trust Territory government and often grant authority to offices, officers, and departments that no longer exist;
- some legislation grants specific authority to the executive branch to promulgate regulations, however, often regulations are never passed or are not updated to reflect new data and/or technology;
- legislation and laws often have vague standards that need to be tailored and specific in order to ensure enforceability; and,
- several laws have loopholes which renders the law/legislation moot and with no real practical or implementable significance.

Specific gaps identified during the workshops with the national and states government are listed below in the tables 1 to 4:

1. National Government Legislative Gaps

ITEM	GAP
FSM Environmental Protection Act – statutory obligation regarding Environmental Impact Statements (EIS)	<p>Implementation of National EIS is limited:</p> <ul style="list-style-type: none"> Action must occur within the national government’s physical jurisdiction as prescribed in § 302(1).² Action must have potential to “significantly affect the quality of the environment.” There is no statutory definition of the key phrase “significant affect.” Environmental Impact Assessment is over 30 years old – promulgated in 1989, under previous FSM Environmental Protection Act. It references defunct departments and positions: Secretary of the Department of Human Resources.
Private Lands	<ul style="list-style-type: none"> “[t]he law concerning ownership, use, inheritance, and transfer of land in effect in any part of the Trust Territory on December 1, 1941, shall remain in full force and effect to the extent that it has been or may hereafter be changed by express written enactment made under authority of the Trust Territory.”³
Infrastructure Planning	<ul style="list-style-type: none"> According to the FSMNG, the absence of an FSM Building Code hampers infrastructure development at all levels.⁴
Resolution No 01-2011	<ul style="list-style-type: none"> Proposed for development and agreed and signed by the President and the four governors, in 2011, despite national and state agreement, the FSM still lacks a water and sanitation policy guiding framework.
Marine Species & Other Wildlife	<ul style="list-style-type: none"> Legislation from the Trust Territory era provides national level protection, much of it qualified, for various marine species.⁵

² The meaning and extent of the EEZ in the FSM is discussed in Section 3.1 of the Legislative Analysis.

³ 1 FSM Code § 205 (“Land law not affected”).

⁴ Efforts to develop an FSM Building Code are underway. See the following:

- “President Panuelo Begins Developing an FSM Building Code” at www.kpress.info/index.php?option=com_content&view=article&id=1437:president-panuelo-begins-developing-an-fsm-building-code&catid=8&Itemid=103;
- “State Governments Requested to Nominate Representatives to Form Working Group By January 29th, 2021,” FSM Press Release, January 22, 2021, at <https://gov.fm/index.php/fsm-publicinfo/announcements/35-pio-articles/news-and-updates/417-president-panuelo-begins-developing-an-fsm-building-code-state-governments-requested-to-nominate-representatives-to-form-working-group-by-january-29th-2021>

Currently, projects are designed in accordance with international codes, standards, and guidelines, with only limited account taken of the FSM’s specific circumstances. (IDP at 49.)

Legislation at the state levels take into consideration the design and implementation of the respective state building codes or adopts foreign codes by reference. See 31 Pohnpei Code ch. 6; Kosrae State Code tit. 11 ch. 21; CSL 191-11 (Chuuk) (adopting Council of American Building Officials Code); Yap State Code tit. 20 ch. 4.

⁵ See, generally, FSM Code tit. 23 ch. 1. Title 23 is the Code’s resource conservation title.

2. Yap State Legislative Gaps

ITEM	GAP
Gender policies	<ul style="list-style-type: none"> Currently lacks gender policies that address work place protection, domestic violence, family protection, an increase in age of consent. The age of consent is still only 13.⁶
Freshwater	<ul style="list-style-type: none"> Yap has not developed a Freshwater Policy for the state.
Yap Fishing Authority & Yap Marine Resources	<ul style="list-style-type: none"> There is some confusion as to who has legislative authority in fisheries management.

3. Chuuk State Legislative Gaps

ITEM	GAP
Climate change	<ul style="list-style-type: none"> No climate change legislation
Public lands held in trust by governor	<ul style="list-style-type: none"> Need to revisit as it impacts consistency and decisions could be based on the whims of any administration.
Water Policy	<ul style="list-style-type: none"> The state lacks a water policy that specifically addresses current or future access to safe drinking water.
Mangrove Regulation Act of 2018	<ul style="list-style-type: none"> The bill has yet to be passed.
State Fisheries Zone Act of 1983	<ul style="list-style-type: none"> Needs to be reviewed and potentially updated in accordance with new technology and scientific data.
Inshore-Nearshore Fishing Program	<ul style="list-style-type: none"> Established during the Trust Territory era
Chuuk state building codes	<ul style="list-style-type: none"> Are outdated and modeled after US building standards from over 30 years ago.

4. Pohnpei State Legislative Gaps

ITEM	GAP
Pohnpei Land Use Planning and Zoning Commission	<ul style="list-style-type: none"> Inactive
Pohnpei Soil and Water Conservation Act of 1992	<ul style="list-style-type: none"> The Act references a department that no longer exists – Department of Land and Natural Resources (DLNR). The duties of DLNR have been assumed by Department of Resources and Development, however amendments to the Act or evidence of such transfer of powers and the dissolution of the DLNR has yet to be shown.
Pohnpei Land Use Planning and Zoning Act of 1993	<ul style="list-style-type: none"> A proposed master land use plan;⁷

⁶ Micronesia 2018 Human Rights Report (p.8) <https://www.state.gov/wp-content/uploads/2019/03/MICRONESIA-2018.pdf>

⁷ The Master Plan consists of a general body of texts, maps, and descriptive material that constitutes an overall plan for the development of land, physical resources, and facilities within the state. 41 Pohnpei Code § 1-105(6). The Master Plan must account for, among other factors, environmental needs and cultural considerations. *Id.* § 1-109.

5. Kosrae State Legislative Gaps

ITEM	GAP
Age of consent	<ul style="list-style-type: none"> The law has not been amended and age of consent is still 13 years old.
Kosrae State Code tit. 19, ch.5, § 19.503	<ul style="list-style-type: none"> Lack comprehensive policy approach for conservation and access to clean water and watershed protection Conduct analysis of Kosrae State Code tit. 19, ch.5, § 19.503 to determine if the provisions within are sufficient to address impacts of climate change to source water. Consider conducting a water analysis survey to develop a water outlook for Kosrae.
Kosrae EIA & EIS	<ul style="list-style-type: none"> Financial projections for continued cost of mitigation due to development.

Project Closure Workshop

APLYS Consulting, with DECEM, coordinated a final workshop, on 09 November 2022, with stakeholders from the four states, to review the legislative gaps and identify and prioritize recommended actions that each state and the national governments could act on.

Mr. Richard Moufa, Project Manager, DECEM, welcomed all the participants who attended in person and those who attended via Zoom. Ms. Cindy Ehmes, Assistant Secretary, DECEM, gave the welcoming address.

The goals of the workshop were to:

- Deliver key recommendations for the national, state, and municipal governments to consider implementing to bolster resilience and adaptive capacity of communities across the FSM.
- Provide suggestions on legislation, regulations, and policies for governments at all levels in the FSM to consider for deeper review and possible amendment.

Objectives:

- To deliver recommendations to workshop participants a suite of recommendations for their consideration and prioritization.
- To receive feedback from workshop participants on the feasibility of recommendations.
- To provide an opportunity for workshop participants to identify key recommendations for potential implementation.

Expected Outputs:

- To have a suite of recommendations by participants to fill gaps in the Legislative Analysis.
- To have an assortment of concepts for implementation to reduce adaptation barriers and establish enabling conditions to ensure community resilience.

The workshop was broken down into three thematic areas: Freshwater Conservation, Coastal Systems, and Marine Systems. Each session gave a brief overview of the targeted

policies, legislation, or lack of such mechanisms for each of the states and the national government.

Freshwater Conservation


				
<p>Resolution No 01- 2011</p> <p>Recognized that “safe and clean water is scarce in the country and has limited the economic growth and improvement to public health across the nation”</p>	<ul style="list-style-type: none"> -Env. Quality Protection Act - Regulations for freshwater quality & Earth Moving - Lack of a comprehensive approach with focus on water resources on main and outlying islands 	<ul style="list-style-type: none"> - Regulations for freshwater quality -Chuuk Protected Areas Network Act of 2017 - Lack of a comprehensive approach for water conservation for lagoon and outlying islands - Some local approaches exist 	<ul style="list-style-type: none"> - Regulations for freshwater quality - Earth Moving regulations - Water Policy endorsed in 2018 - Watershed protection 	<ul style="list-style-type: none"> - Regulations for freshwater quality - Kosrae Regulations for Dev. Projects - Lack of a comprehensive policy approach for conservation and access to water - Watershed protection

(Please see the full [workshop presentation](#) to see all the recommendations and recommendations.)

Once the gaps were pointed out, a suite of recommendations were provided for the participants per jurisdiction to consider during thematic breakout sessions. Then they would choose the top five (5) and rank them according to their island and/or the national government’s priority. Stakeholders were also asked to identify and report on any missing/gap in the listed recommendations.

The following are the list of recommendations provided by APLYS Consulting. Following the recommendations are the state and national government priorities. Please note that due to the nature of coastal areas, much of the laws that exist in each of the states encompass coastal areas, whether they were designed for marine or terrestrial areas. As such, the results for the coastal areas were included in the marine section.

Theme: Freshwater Conservation

Below are listed the recommendations provided to the stakeholders during the workshop. These are built on the previous workshops conducted with national and states stakeholders and their discussions on how to overcome potential barriers.

Freshwater recommendations		
A	Consider A State-wide policy to provide an organic approach to water conservation and management, integrating aspects of watershed management, equity in water access and considerations of future impacts	L
B	Consider /Enhance Traditional water conservation management approaches	M
D	Investigate opportunities for application of 'water-saving' technologies	N
D	Work with traditional leaders to increase support to legislations and awareness	O
F	Strengthen local ordinances for solid waste management and improving traditional practice for sewage disposal	P
G	A Monitoring and Evaluation (M&E) plan shall supplement all new or updated ordinances, regulations and laws in order to assess their impact	Q
H	Develop water investment plans	R
I	Water policies can be built to integrate existing regulations, legislations and plans, and include a plan of action for implementation of goals and objectives	S
J	Create a National Authority for water resource management	T
K	Build upon 2011 Resolution to develop a national water policy framework / Develop State water policy	U
L	Best practices for water management and saving should be integral part of water conservation approaches and associated awareness and trainings shall be designed to be inclusive and gender/youth responsive	
M	Trainings on water systems management shall be gender-inclusive	
N	Activities from water policy associated plans can be built on existing efforts (i.e., WASH, SDGs, etc.)	
O	Municipal ordinances for safe/cleaning drinking water are lacking and can help address the needs of Pohnpei outer islands	
P	Strengthen municipal ordinances by align them to the State laws and policies	
Q	Management of local water resources can be operated by communities and under forms of agreement with 'water owners' (i.e., MoU)	
R	Water Regulations updated to address neighboring islands needs	
S	Climate proofing water development projects with the goals of ensuring that water infrastructures are able to stand climate impacts and ensuring that water demand is meet during period of water scarcity	
T	The importance of water resources shall be central in national dialogue	
U	Include aspects of safeguarding water resources and ecosystems that support freshwater – potential for NbS and EbA approach	

During the breakout session on Freshwater stakeholders identified their priorities as follow:

1. FSM National & Pohnpei

CODE	Recommendation
H	Develop Water investment plans
J	Create a National Authority for water resource management
M	Trainings on water systems management shall be gender-inclusive
N	Activities from water policy associated plans can be built on existing efforts (i.e., WASH, SDGs, etc.)
Additional Recommendations – inputs from participants	
V	Publish the FSM Water outlook
W	Amend National Code-Title 25 to ensure that National EPA regulations do not infringe on States capacity to implement their own regulations
X	Complete the review and establishment of the Pohnpei Water and Soil Conservation Board

2. Yap

CODE	Recommendation
A	Consider A State-wide policy to provide an organic approach to water conservation and management, integrating aspects of watershed management, equity in water access and considerations of future impacts
I	Water policies can be built to integrate existing regulations, legislations and plans, and include a plan of action for implementation of goals and objectives
N	Activities from water policy associated plans can be built on existing efforts (i.e., WASH, SDGs, etc.)
R	Water quality Regulations updated to address neighboring islands needs
B	Consider /Enhance Traditional water conservation management approaches


3. Chuuk

Chuuk selected recommendations for national, state and municipal governments as follow	
CODE	Recommendation
National	
J	Create a National Authority for water resource management
K	Build upon 2011 Resolution to develop a national water policy framework / Develop State water policy
I	Water policies can be built to integrate existing regulations, legislations and plans, and include a plan of action for implementation of goals and objectives
E	
U	Include aspects of safeguarding water resources and ecosystems that support freshwater – potential for NbS and EbA approach
G	A Monitoring and Evaluation (M&E) plan shall supplement all new or updated ordinances, regulations and laws in order to assess their impact
State	
A	Consider A State-wide policy to provide an organic approach to water conservation and management, integrating aspects of watershed management, equity in water access and considerations of future impacts
I	Water policies can be built to integrate existing regulations, legislations and plans, and include a plan of action for implementation of goals and objectives
H	Develop water investment plans
Q	Management of local water resources can be operated by communities and under forms of agreement with ‘water owners’ (i.e., MoU)
K	Build upon 2011 Resolution to develop a national water policy framework / Develop State water policy
D	Work with traditional leaders to increase support to legislations and awareness
R	Water quality Regulations updated to address neighboring islands needs
S	Climate proofing water development projects with the goals of ensuring that water infrastructures are able to stand climate impacts and ensuring that water demand is meet during period of water scarcity
P	Strengthen municipal ordinances by align them to the State laws and policies
L	Best practices for water management and saving should be integral part of water conservation approaches and associated awareness and trainings shall be designed to be inclusive and gender/youth responsive

Chuuk Continues...	
CODE	Recommendation
State	
M	Trainings on water systems management shall be gender-inclusive
N	Activities from water policy associated plans can be built on existing efforts (i.e., WASH, SDGs, etc.)
U	Include aspects of safeguarding water resources and ecosystems that support freshwater – potential for Nature-based Solutions (NbS) and Ecosystem-based Adaptation (EbA)) approach
G	A Monitoring and Evaluation (M&E) plan shall supplement all new or updated ordinances, regulations, and laws in order to assess their impact
Municipal	
O	Municipal ordinances for safe/cleaning drinking water are lacking and can help address the needs of Pohnpei outer islands
Q	Management of local water resources can be operated by communities and under forms of agreement with ‘water owners’ (i.e., Memorandum of Understanding (MoU))
S	Climate proofing water development projects with the goals of ensuring that water infrastructures are able to stand climate impacts and ensuring that water demand is meet during period of water scarcity
F	Strengthen local ordinances for solid waste management and improving traditional practice for sewage disposal
B	Consider /Enhance Traditional water conservation management approaches
L	Best practices for water management and saving should be integral part of water conservation approaches and associated awareness and trainings shall be designed to be inclusive and gender/youth responsive

Theme: Coastal and Marine Systems

Below are listed the recommendations provided to the stakeholders during the workshop. These are built on the previous workshops conducted with national and states stakeholders and their discussions on how to overcome potential barriers.

Coastal and Marine Recommendations		
A	Compilation of existing and updated laws to be able to share to public in order to increase awareness	L Design of Marine Protected Areas aligned with state and national legislations
B	Ensure that legislations related to fishing report on traditional fishing practices and traditional practices utilized on outer islands	M Assess the need to revisit Acts for amendments, including alignment between municipal, state and National laws and policies.
C	Continuous updating of PAN	N Consider developing State Aquaculture Policy
D	Utilize existing examples of community-based plans to inform/update legislations and policies	O Harmonization of legislation between English and state language (i.e., Chuukese) to ensure text reflects the same information
E	A bottom-up approach to ensure enforcement of existing and new laws	P Consider update earth moving regulations to reflect the needs of outer islands
F	Provide support to outer islands community to design solid waste management plans to be integrated into the States solid waste management plan, and related ordinances (where needed).	Q Conduct a comprehensive assessment of outer islands local ordinances to get a better understanding on the need for updates/develop local ordinances to support existing state regulations.
G	Ensure that laws related to fishing report on gendered-traditional fishing practices and traditional practices utilized on outer islands	R Existing and new legislations to be designed to include budgets for education and awareness, monitoring of activities and reporting back on progresses.
H	Science-based data as foundation to inform new policies and laws	S Investigate option for traditional and new technologies systems for sewage and opportunities for local regulations
I	Review and revise Chuuk State Code -Title 25 Maritime and Marine Resources, with particular focus on enforcement	T Tie Marine and freshwater regulations to other agencies (i.e., DMR) since monitoring and data are relevant also for them
J	Clear recognition of management of marine resources operated by communities through traditional practices	U Investigate opportunities for application of new low-cost sewage technologies for outer islands respectful of custom and traditions
K	Trainings and capacity building shall be built considering connectivity across systems and sectors rather than in silos (e.g., solid waste management training associated with marine resources trainings)	V Consider/Enhance Traditional conservation management approaches

During the breakout session on Freshwater stakeholders identified their priorities as follow:

1. FSM National & Pohnpei

CODE	Recommendation
H	Science-based data as foundation to inform new policies and laws
O	Harmonization of legislation between English and state language (i.e., Chuukese) to ensure text reflects the same information
T	Tie Marine and freshwater regulations to other agencies (i.e., Department of Marine Resources (DMR)) since monitoring and data are relevant also for them
Additional Recommendations – inputs from participants	
W	National government to collaborate in the development of the Pohnpei Climate Change Policy on parts specific to coastal and marine systems

2. Yap

CODE	Recommendation
V	Consider/enhance traditional conservation management approaches
D	Utilize existing examples of community-based plans to inform/update legislation and policies.
N	Consider developing state aquaculture
M	Assess the need to revisit Acts for amendment, including alignment between municipal, state, and national laws and policies.
L	Investigate options for traditional and new technology systems for sewage and opportunities for local regulations.

3. Chuuk

CODE	Recommendation
R	Existing and new legislations to be designed to include budgets for education and awareness, monitoring of activities and reporting back on progresses.
H	Science-based data as foundation to inform new policies and laws
D	Utilize existing examples of community-based plans to inform/update legislations and policies
O	Harmonization of legislation between English and state language (i.e., Chuukese) to ensure text reflects the same information
Q	Conduct a comprehensive assessment of outer islands local ordinances to get a better understanding on the need for updates/develop local ordinances to support existing state regulations.
G	Ensure that laws related to fishing report on gendered-traditional fishing practices and traditional practices utilized on outer islands
A	Compilation of existing and updated laws to be able to share to public in order to increase awareness
M	Assess the need to revisit Acts for amendments, including alignment between municipal, state, and National laws and policies.
K	Trainings and capacity building shall be built considering connectivity across systems and sectors rather than in silos (e.g., solid waste management training associated with marine resources trainings)

Access to Documents

The Legislative Review, the Development Guidelines, the monthly reports, and all workshop reports can be accessed through a Google Folder provided to the PM, Richard Moufa, DECEM.

The links to the main reports are listed below:

	Document	Link
1	AF_FSM Legislative Analysis for Integrated Coastal, Water and Marine Management- National and States	https://drive.google.com/file/d/1OBC-w3XaKmhig08Lx15RUZ6kB1COgEmO/view?usp=share_link
2	2022_20_01_AF- Chuuk_Wrkshp 1 Report	https://drive.google.com/file/d/13HPfN0X58CAglWSIveuJ-hiS7aefA5JR/view?usp=share_link
3	2022_30_01_AF- National_Wrkshp Report-1_	https://drive.google.com/file/d/17Q1mGThf5L-x9wUp2JjY6nlwC23ZD1Po/view?usp=share_link
4	2022_30_01_AF- Pohnpei_Wrkshp Report-1_	https://drive.google.com/file/d/1t7YbC9crZc3WDGjx6wpsHZD6o2s2hKV3/view?usp=share_link
5	2022_30_01_AF- Yap_Wrkshp Report-1_	https://drive.google.com/file/d/1h6NtBLD8AfOZWfLTDhgkDtvETgTl_Bfq/view?usp=share_link
6	2022_31_07_Deve lopment Guidelines Mainstreaming Climate	https://drive.google.com/file/d/1_6rojEyT_aW62jVMxcw0Z7FzxlsNVGV0/view?usp=share_link
7	AF_Final Workshop presentation_Nov0 92022	https://docs.google.com/presentation/d/1w-74osa5bIUG-sUnYnSrSuquB26D5th/edit?usp=share_link&oid=106835034936832196449&rtpof=true&sd=true

Appendix I: Workplan

(See full workplan on Google Drive "[AF APLYS Workplan 2021-2022](#)")

ADAPTATION FUND, APLYS Consulting: June 2021 - June 2022																																																		
APLYS Contract #: C210569																																																		
Expected due dates																																																		
Local consultants																																																		
Workshop week dates																																																		
Deliverable	Task	Who is responsible	Who is contributing	2021													2022																																	
				Q2			Q3							Q4			Q1							Q2																										
				Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun					
PART 1: RESILIENT COASTLINE, WATERS AND MARINE RESOURCES																																																		
Signing of contract	Review national and state legislations and policies for regulation of climate resilient coastal, water and marine management	APLYS	R&D, DECEM, EPA, KRMA																																															
Desktop review of existing relevant national and state legislations and policies and institutional arrangements for the regulation of climate resilient coastal, water and marine management	Review national and state institutional arrangements for regulation of climate resilient coastal, water and marine management	APLYS	R&D, DECEM, EPA, KRMA																																															
Consultations with National relevant stakeholders to verify findings from desktop review		APLYS & Local consultants	Local Consultants																		Comments to be signed																													
Development of a draft with finalized recommended actions for climate resilient coastal, water and marine management	National level consultation report	APLYS	APLYS																																															
Develop guidelines, based on consultation and desktop review results, for the National government to inform the development of recommended regulatory and policy instruments and support implementation, enforcement and monitoring of compliance with the regulation and policy.		APLYS	APLYS																																															
Revision of the draft document		Legal consultant																																																
Final consultation with national stakeholders for inputs and comments		APLYS	Local Consultants																																															
NATIONAL CONSULTATION REPORT	Submission of the guidelines to AF Project Manager with comments, feedback and inputs from National Government	APLYS & Local consultants																																																
Project manager review the document and provides comments		PM																																																
Integrate comments, feedbacks and inputs from AF Project Manager for finalization of regulation, policy, guidance document for climate resilient coastal and marine management		APLYS																																																
Revision of final guidelines for development of recommended legislation/regulators and policies		Legal consultant	APLYS																																															
Submission of final guidelines draft/ FINAL REPORT		APLYS																																																
Develop communication plan recommendation for the dissemination of guidelines and project results		APLYS																																																
PART 2: INTEGRATE CLIMATE CHANGE AND RESILIENCE INTO DEVELOPMENT PROJECTS- STATE LEVEL																																																		
Review existing regulations and policies on integrating climate change and resilience (CCR) into development projects, in particular environmental protection regulations, including EIA guidelines and review process.		APLYS																																																
Development of a roadmap to guide stakeholders' consultation on the desktop review findings and recommended		APLYS																																																
Consultations with state stakeholders (Pohpep, Chuak, Yip) to verify findings from desktop review and recommended actions from the desktop review		Local consultants																																																
Develop guidelines to inform the development of recommended regulators and policies to address the gaps in the existing regulatory and policy framework and support implementation, enforcement and monitoring of compliance		APLYS																																																
Submit consultation report to the AF Project Manager for distribution to the States' stakeholders for comments and feedback before report finalization		APLYS																																																
Revision of draft document with guidelines for development of recommended legislation/regulators and policies		Legal consultant																																																
Final consultation with state stakeholders for validation of developed regulation, policy, guidelines (validation) and guidance document.		Local consultants	APLYS																																															
STATE CONSULTATION REPORT	Integrate stakeholders input into the draft	APLYS																																																
Project manager review the document and provides comments		PM																																																
Prepare relevant documents to submit guidance guidelines for development of recommended legislation/regulators and policies for each state.		APLYS																																																
Revision of final document with guidelines for development of recommended legislation/regulators and policies		Legal consultant																																																
Submission of final guidelines draft/ FINAL REPORT		APLYS																																																
Develop communication plan recommendation for the dissemination of information of results of project		APLYS																																																

Appendix II: Legislative Review Workshop Agenda

(A DRAFT Example only; final agenda for each workshop is located in Google Drive. The link to the Google Drive was provided to Richard Moufa, Project Manager at DECEM)

Climate Change Adaptation Legislative Analysis Workshop

Thursday, 09 December – Friday, 10 December 2021

DECEM Conference Room

Palikir, Pohnpei

Goal(s):

- Involve key stakeholders from National government agencies to deliver comments on the discoveries provided in Climate Change Legislative Analysis report.
- Review existing Multilateral Environmental Agreements (MEA) that pertain to climate adaptation and building resilient, adaptive communities.
- Review existing national and state climate change legislation, regulations, policies and institutional arrangements that focus on building the adaptive capacity of communities across the FSM.

Objective(s):

- To receive recommendations from workshop participants on how to improve the information in the Legislative Analysis.
- To receive feedback from workshop participants on barriers that exist to implement National adaptation and conservation goals and objectives.
- To provide an opportunity for workshop participants to work collaboratively to develop ideas on how best to reduce and/or remove barriers and gaps that inhibit climate adaptation.

Expected Output(s):

- To have a suite of recommendations by participants to fill gaps in the Legislative Analysis.
- To have an assortment of concepts for implementation to reduce adaptation barriers and establish enabling condition to ensure community resilience.

Day 1: Thursday, 09 December 2021

<i>Time</i>	<i>Activity & Facilitator</i>	<i>Intended Output</i>
8:30 – 9:00 am	Set up and Zoom Log-in [Tamara Booth & IT Manager DECEM]	Check audio, video and set up with Zoom counterpart
9:00 – 9:10 am	Welcome participants and introduction to the event [Richard Moufa, DECEM decem]	Welcome participants
9:10 – 9:15 am	Prayer	
9:15 – 9:30 am	Opening Remarks by Secretary Yatilman, DECEM	Secretary Yatilman will set the tone of workshop and introduce the APLŸS & Ramp & Mida
9:30 – 9:45 am	Introduction to the workshop goals and objectives [Tamara Booth, R&M]	<ul style="list-style-type: none"> • Get everyone on the same page • Set expectation for workshop
9:45 – 10:00 am	Establish Ground Rules [Tamara Booth, R&M]	<ul style="list-style-type: none"> • Establish how everyone will conduct themselves during the workshop.
10:00 – 10:15 am	Brief climate change projection overview with emphasis on low-lying atolls [Dr. Chiara Franco, APLŸS]	<ul style="list-style-type: none"> • Remind everyone of the areas we are covering: coastal, freshwater, and marine environments.
10:15 – 10:30am	FSM's Global & Regional Commitments – UNFCCC and other Agreements [Mae Bruton-Adams, APLŸS]	<ul style="list-style-type: none"> • Overview of agreements FSM has entered into internationally and regionally.
10:30 – 10:45 am	Defining terminology and their legislative merit [Dave Angyal, Esq, R&M]	<ul style="list-style-type: none"> • Define various legislative terms • Understand their legislative merits
	<ul style="list-style-type: none"> • Legislation • Regulation • Reseolution • Policy • MOU – MOA • Contract 	
10:45 – 11:00 am	Short Break	
11:00 – 12:00 pm	Healthy and resilient water systems	<ul style="list-style-type: none"> • Understanding the nation wide situation on water. • Understanding the current laws that protect and ensure water quality and security.
	<ul style="list-style-type: none"> • Nationwide situational anlysis – 15 min. [Dr. Chiara Franco, APLŸS] ◦ Climate/social - gender • Existing legislative framework [Dave Angyal, R&M] 	

	<ul style="list-style-type: none"> Gaps in existing legislative framework [Dave Angyal, R&M] 	<ul style="list-style-type: none"> Understanding some of the potential gaps in legislation and institutional arrangements that may reduce adaptive capacity
12:00-1:15 pm	Lunch Break	
1:15 – 2:30 pm	Breakout Session & Group Discussion: Water Security [Mae Bruton-Adams, APLYS] <ul style="list-style-type: none"> Barriers to adaptive capacity-water Decrease barriers and strengthen capacity to implement water conservation How to fill implementation gaps 	<ul style="list-style-type: none"> Barriers to streamlining climate change into legislative framework Have participants list barriers they've experienced and develop actions to lower and/or eliminate them. Provide ideas that can help fill gaps and ensure strengthen enabling conditions How to move forward/specific next step
2:30 – 3:30 pm	Land Use & Land Management <ul style="list-style-type: none"> Nationwide situational analysis – 15 min. [Dr. Chiara Franco, APLYS] <ul style="list-style-type: none"> Climate/social - gender Existing legislative framework – 45 min. [Dave Angyal, R&M] Gaps in existing legislative framework [Dave Angyal, R&M] 	<ul style="list-style-type: none"> Understanding nationwide situation on land use and land management. Understanding the current laws that protect and ensure water quality and security. Understanding some of the potential gaps in legislation and institutional arrangements that may reduce adaptive capacity
3:30 – 3:40 pm	Short Break	
3:40 – 4:45 pm	Breakout Session & Group Discussion land use & land management: [Mae Bruton-Adams, APLYS] <ul style="list-style-type: none"> Barriers to to adaptation capacity-Land Decrease barriers and strengthen land use and land management How to fill implementation gaps 	<ul style="list-style-type: none"> Barriers to streamlining climate change into legislative framework Have participants list barriers they've experienced and develop actions to lower and/or eliminate them. Provide ideas that can help fill gaps and ensure strengthening of enabling conditions.
4:45 – 5:00 pm	Wrap up of Day 1 [Tamara Booth, R&M]	

	<ul style="list-style-type: none"> • Setting expectation for Day 2 • Housekeeping 	
Day 2: Friday, 10 December 2021		
<i>Time</i>	<i>Activity & Facilitator</i>	<i>Intended Output</i>
8:30 – 9:00 am	Set up and Zoom Log-in [Tamara Booth, rm & IT Manager, DECEM]	Check audio, video and set up
9:00 – 9:15 am	Introduction to day 2 [Richard Moufa, DECEM]	<ul style="list-style-type: none"> • Goals and objectives for day 2
9:15 – 9:30 am	<ul style="list-style-type: none"> • Review of material and outputs of day 1 [Tamara Booth, R&M] 	<ul style="list-style-type: none"> • Everyone is up to date with discussions from day 1
9:30 – 10:30 am	<p>Healthy and resilient Coastal Systems</p> <ul style="list-style-type: none"> • Nationwide situational analysis – 15 min. [Dr. Chiara Franco, APLYS] <ul style="list-style-type: none"> ○ Climate/social - gender • Existing legislative framework [Dave Angyal, R&M] • Gaps in existing legislative framework [Dave Angyal, R&M] 	<ul style="list-style-type: none"> • Understained the nationwide situation on coastal areas • Understanding the current laws that protect and ensure water quality and security. • Understanding some of the potential gaps in legislation and institutional arrangements that may reduce adaptive capacity
10:30 – 10:45 am	Short Break	•
10:45 – 12:15 pm	<p>Breakout Session & Group Discussion</p> <p>Healthy Coastal Systems [Mae Bruton-Adams, APLYS]</p> <ul style="list-style-type: none"> • Barriers to healthy coastal systems • Decrease barriers and strengthen healthy coastal systems • How to fill implementation gaps 	<ul style="list-style-type: none"> • Barriers to streamlining climate change into legislative framework • Have participants list barriers they've experienced and develop actions to lower and/or eliminate them. • Provide ideas that can help fill gaps and ensure strengthen enabling conditions
12:15 – 1:30 pm	Lunch Break	
1:30 – 2:30 pm	<p>Healthy and resilient Marines Systems</p> <ul style="list-style-type: none"> • Nationwide situational analysis – 15 min. [Dr. Chiara Franco, APLYS] <ul style="list-style-type: none"> ○ Climate/social - gender • Existing legislative framework [Dave Angyal, R&M] 	<ul style="list-style-type: none"> • Understanding the nationwide situation on marine systems • Understanding the current laws that protect and ensure water quality and security. • Understanding some of the potential gaps in legislation

	<ul style="list-style-type: none"> Gaps in existing legislative framework [Dave Angyal, R&M] 	and institutional arrangements that may reduce adaptive capacity
2:30 – 2:45 pm	Short Break	
2:45 – 4:15 pm	Breakout Session & Group Discussion Healthy Marine Systems [Mae Bruton-Adams, APLYS] <ul style="list-style-type: none"> Barriers to Healthy Marine Systems Decrease barriers and marine management How to fill implementation gaps 	<ul style="list-style-type: none"> Barriers to streamlining climate change into legislative framework Have participants list barriers they've experienced and develop actions to lower and/or eliminate them. Provide ideas that can help fill gaps and ensure strengthen enabling conditions
4:15 – 4:45 pm	Next Steps [Richard Moufa, DECEM]	<ul style="list-style-type: none"> Share key dates for the project Inform participants of next workshop and objective Date for workshop report
4:45 – 5:00 pm	Thank yous & Closing Remarks [DECEM]	

Facilitators and Resource Person(s)

Name	Role	Email
Richard Moufa	FSM AF Project Manager (PM)	Richard.moufa@gov.fm
Luan Lavern Gilmete	Communication & Knowledge Management Officer	luangilmete@gmail.com
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