

MSIA Reading Series 1

“Improving Social Impact Management Plan (SIMP) from the Perspectives of SIA Review Panel Members”

Panel Speakers:

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Malaysian Association of Social Impact Assessment
SIA HARD TALK

WEDNESDAY, 24 FEBRUARY 2021
1600 – 1730 HRS

TOPIC
Improving SIMP - Perspectives of SIA Review Panel Members



SIA HARD TALK
SIA Hard Talk is a series of technical forums by MSIA targeted at the SIA practitioners to encourage sharing of knowledge on various technical aspects related to SIA.

RESOURCE PERSONS

- Dr Shahwahid Othman
- Assoc Prof Dr S Kuppusamy
- TPr Herlina Ab Aziz (Moderator)

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1. Introduction

The motivation for this MSIA Hard Talk deliberation revolves around

- i. Intention of the Social Impact Management Plan (SIMP) Section in the SIA Reporting
- ii. Identifying Common Problems Experienced in the SIMP
- iii. Understanding the Role of Panel Members in the SIA Report Assessment Panel
- iv. Suggestions from Panel Members on SIMP Improvements.

2. Intention of the SIMP in the SIA Reporting Process

The PlanMalaysia Manual for Preparation of Social Impact Assessment (SIA) Report for Development Projects 2nd Edition (2018), has highlighted the intent and content of the SIMP section in the SIA report.

In general, the SIMP is intended to clearly state the roles and responsibilities of project proponents, government agencies, relevant parties and communities involved in managing social impact throughout the duration of a development project. The impact management needs to be accompanied by a measurable commitment for the purpose of performance monitoring.

More specifically, the SIMP must:

- i. Describe the findings and recommendations of the study, including aspects of social development resulting from consultation with the community.
- ii. State the negative and positive impacts of development projects, proposed mitigation strategies and impact management and implementation measures.
- iii. Cover the entire duration of the project life (construction, operation and decommissioning phases (if necessary)).
- iv. State the roles and responsibilities that should be played by project proponents, government agencies, relevant parties and the community involved in impact management.

The impacts to be managed should be categorized according to the degree of significance as follow:

Significant - Very High Priority,
Significant - High Priority,
Significant - Medium Priority,
Significant - Low Priority, or Insignificant.

In identifying the social impact, attention is also given to the cumulative impact in formulating the SIMP.

Jadual 4.8: Penentu Tahap Impak Dan Tindakan					
Kod Warna	Hijau	Kuning	Oren	Merah Jambu	Merah
Skor	1 - 2	3 - 5	6 - 7	8 - 11	12 - 16
Impak	Tidak Ketara	Ketara (prioriti rendah)	Ketara (prioriti sederhana)	Ketara (prioriti tinggi)	Ketara (prioriti sangat tinggi)
Tindakan	Tidak memerlukan mitigasi	Penambahbaikan berterusan atau langkah-langkah mitigasi dan kawalan	Langkah-langkah pencegahan	Langkah-langkah segera pencegahan dan mitigasi	Projek tidak boleh diluluskan melainkan tapak dipindahkan ke lokasi atau direka bentuk semula

Source: SIA Manual 2 (2018)

In developing mitigation and impact management strategies and implementation actions, consultation with relevant parties should be undertaken. Outcomes that are to be generated as a result of these actions need to be in congruent with policies/strategies/programmes at the national, regional, state and local levels.

The SIMP also serves as a mechanism to monitor the implementation of mitigation and impact management strategies as well as implementation actions. The components available in the SIMP for the purpose of this monitoring are the Desired Outcome, targets in the form of Key Performance Indicators (KPIs) and the frequency of monitoring. The KPIs must be in line with the KPIs set by the relevant existing government policies/strategies/programs. KPIs for the purpose of this SIMP should be informative, relevant, measurable, useful, widely recognized and easy to understand.

For impacts with a high degree of significance, specific timeframes for implementing impact mitigation strategies and measures should be identified.

3. Understanding the Role of Panel Members in the SIA Report Assessment Panel

To evaluate the SIA reports under SIA Category 1 and SIA Category 2 prepared by SIA consultants, the SIA Report Evaluation Panel at the PLANMalaysia level has been established. This panel is chaired by the Director General of PLANMalaysia, and if necessary devolution of powers to the Deputy Director General can be made with the consent of the Director General of PLANMalaysia. The panel consists of several agencies at the Federal

level, PLANMalaysia@State and relevant Local Authorities (PBT), as well as appointed experts from the Malaysian Institute of Planner (MIP), Malaysian Association of Social Impact Assessment (MSIA) and academics.

To evaluate the SIA report involving SIA Category 3, the SIA Report Evaluation Panel is chaired by the State Director of PLANMalaysia. The panel consists of several agencies at the Federal level, Local Authorities (LAs) and appointed experts again consisting of the Malaysian Institute of Planner (MIP), Malaysian Association of Social Impact Assessment (MSIA) and academics.

Among the roles of the SIA Report Evaluation Panel are:-

- i. Approve the SIA report either Fully Accept or Accept with Amendments or Reject the SIA report;
- ii. Provide expert inputs to improve the SIA report;
- iii. Ensure that the contents of the SIA report meet the requirements of the SIA Manual for Development Projects (2nd Edition); and
- iv. Ensure that the Social Impact Management Plan (SIMP) is comprehensive and effective.

4. Common Problems Experienced in the SIMP and Suggestions from Panel Members on SIMP Improvements

Taking note of the intent and content of the SIMP above, the Hard Talk moderator and panelists have further singled out and elaborated on the following matters:

i. SIMP as the continuity from the mitigation chapter in the SIA Report.

It is of utmost importance, to acknowledge that the SIMP should be a follow through from the issues raised in the mitigation chapter. There is a need that the issues and suggestions provided as mitigations provided be raised again in the SIMP chapter but with further elements added on the expected outcomes, KPIs, monitoring and responsible parties.

ii. Identified unclear issues that needed further deliberations.

It was highlighted that very often, what are stated in the SIMP table are to focus directly to the themes of the social impact parameters, thus making it difficult to relate the mitigation measures, and the actions that follow. It is important that the issues or the social impact variables first be highlighted to be followed by the parameters and expected outcomes to achieve with the mitigations being suggested. Some reports just stated the parameters instead.

iii. Expected outcomes that require further clarifications.

Expected outcomes should be focussing on what the ideal or intended targeted outcomes or desires to be achieved from taking appropriate mitigation measures. They are the goal posts to strive towards. There are situations where the consultants are reflecting the

objectives of overcoming the issues and not the end result outcomes that would resolve the issues or potential impacts of the proposed project.

iv. Responsibilities to implement the required mitigation measures

There are contentions as to which party (ies) have to implement the mitigation measures being suggested. In many occasions, where within the control and budget of the project proponent to be placed responsible to implement mitigation measures for social and environmental impacts for the prosed project. An illustration is provided below:

Bil	Impak Sosial	Tahap/ Keketaraan	Langkah Pencegahan dan Mitigasi/ Enhancement	Outcome	KPI	Peleksana Langkah Mitigasi	Pihak Pemantau	Jadual Pemantauan
FASA OPERASI								
Kesihatan dan Kesejahteraan Sosial								
1	Impak Bunyi Bising dari Trafik	Ketara (Prioriti sederhana)	<ul style="list-style-type: none"> Memasang penghadang bunyi dengan jenis dan reka bentuk yang betul di lokasi yang memerlukan Kawalan bunyi seperti kawalan laju kenderaan dan penyelenggaraan permukaan jalan. 	Had bunyi tidak melebihi had garis panduan bunyi yang ditetapkan oleh JAS	Pematuhan had bunyi kepada kelulusan EIA bersyarat	JAS XYZ Pejabat Daerah dan Tanah ABC	JAS XYZ JKP XYZ	Pemantauan dilakukan jika ada aduan.

It is felt for the above example of an impact of noise coming from increased traffic of a highway project that the project proponent should be the implementor of the mitigation measures not the Department of Environment (JAS) or the District and Land Office

v. Placement of too many mitigation measures for identified issues.

There is a need to prioritise the mitigation measure required for each identified issue and to focus on the pragmatic and implementable measures not one that is only theoretically sound but not implementable given the circumstances.

There may be difficulties from having too many mitigation measures over an impact especially when the measures are to involve several agencies and parties to monitor and provide technical inputs. Often confusion may arise as to which party is to do what often raises some concerns.

vi. Should positive and negative impacts be separated?

The above matter was also discussed. Mitigations normally refer to actions required to avoid or reduce negative impacts. Yet there are many positive impacts from a proposed project. In this case a better word to use is enhancement activities of the positive impacts being identified. Hence, a suggestion was given that within each phase, the SIMP may want to segregate appropriate sections for positive and negative impacts.

vii. The need to separate of the SIMP according to project development phases.

The SIMP is a matrix that is anticipated to be referred by the project proponent and agencies having interest to ensure that the relevant mitigation measures are implemented by the project proponents as part of its self-monitoring mechanisms of Government regulations. In case of agencies by relevant impacts and measures are only those that fall under the purview of these agencies technical function. These agencies may monitor such impacts under their own agency regular timeline or in reaction to public complaints whenever required summons may be issued to the project proponent for failure to comply to measures stated in the SIMP.

For this purpose and for easy reference, the panel felt that the SIMP table should be better presented coinciding to different phases of the proposed project development, such as during planning, construction, operation, and in certain case decommissioning.

Placing all impacts and measures in one table can be confusing and difficult to refer. As illustration the following SIMP matrix is provided where the list of the expected outcome, mitigating measures, KPIs, responsibility and monitoring parties are placed in the same matrix for project development phases covering both construction and operation. Are all monitoring parties involved in both project development phases? It should be noted also that the project proponent is not one of the responsible party to implement the mitigation measures.

Impact	Risk Impact	Expected Outcome	Mitigation Measure	Project Phase			KPIs	Responsibility	Monitoring Agency	Monitoring Frequency							
				Planning	Construction	Operational											
C. LIVEABILITY AND SOCIAL WELLBEING																	
C.1 Access to Infrastructure, Services and Amenities																	
• Increased demand on community amenities and adding pressure to existing infrastructure and utility services, i.e. water supply, school, clinic	Medium	<ul style="list-style-type: none"> • To upgrade existing community facilities or provide additional amenities • To improve infrastructure and utility services 	<ul style="list-style-type: none"> • PP to engage with the relevant agencies and service providers throughout operational phase to facilitate planning for upgrading or provision of facilities and services • Special Area Plan to assess and plan for additional demand for services and amenities 		✓	✓	<ul style="list-style-type: none"> • Implement at least 50% of the public facilities projected in District Local Plan or Special Area Plan by 2030 (start of Phase 2 of the Project) 	<ul style="list-style-type: none"> • Local Authority • Utility and other service providers 	<ul style="list-style-type: none"> • Local authority • PLAN Malaysia • TNB • Water authority • Health Department • Education Department 	<ul style="list-style-type: none"> • Continuous throughout operational phase 							

viii. Handling contradicting views of Department Officers at Federal/State/District

There have been situations that there are contradicting views from department agencies at Federal and State levels. The Federal level is guided by national policies on the management of natural resources. Land is a State matter and at the State level the agency is guided by its own enactments passed by the State Assembly with certain land

development priorities. Hence, the consultant would have to understand the legal jurisdiction and should seek advice from the relevant agencies, both at Federal and State levels, prior to suggesting mitigation measures in the SIMP.

ix. Principles of KPI to adopt

In the SIMP, the principle of SMART should be adopted. The indicators should be Specific in nature; be Measurable and not vague and intangible; the targeted level be Attainable; and Realistic to be implemented by the project proponent in terms of technical feasibility; and within their acceptable budget; and the targeted implementation of the measures be Timely to ensure achievement of the intended outcomes of the mitigation efforts.

An issue of concern raised is that the performance indicator for social measures are not easily measurable. Unlike environmental indicators, social indicators do not have permissible level or standards as basis for comparison.

x. Identifying the monitoring party

That mitigation measures require monitoring is mandatory. At issue who is to undertake the task. In general, self-monitoring commitment has to be that of the project proponent. In addition, government agencies would monitor as part of their routine functions at the district level, not dedicated to just this proposed project. When and where non-compliance is detected, appropriate actions would be taken. Hence, the consultant in identifying the monitoring party has to engage and seek guidance as to the appropriateness of writing the monitoring party for certain impact mitigation measures in the SIMP.

There have been circumstances that community grievance management is needed and requested by agencies dedicated to certain resource management. A clear case is that of fisheries where there are several agencies involved namely the Department of Fisheries (DoF) with presence at the Federal/State/District levels; Lembaga Kemajuan Perikanan Malaysia (LKIM) also at similar levels; and Persatuan Nelayan mainly at the relevant fishing area (PNK) and specific fishing units Unit Persatuan Nelayan. In the case of taking care of the socio-economic well-beings of the fishermen, it is more of the LKIM function liaising with the PNK. Hence, it is important for the SIA consultant in suggesting the establishment of a grievances mechanism to include a community grievances management committee, to identify to whom should the grievances be reported to and to select which agency and which level to be the chair of the committee.

There are certain agencies that may not be appropriate to be listed as the chair of the SIMP management committee. For instance, to place the Menteri Besar or State Secretary's office or even the State Assemblyman / Member of Parliament or even State PlanMalaysia Director, who are too high in the hierarchy is not appropriate since they may not have time to dedicate to monitor the management of the SIMP of a specific proposed project. But it is acknowledged the chair of this monitoring body must be

powerful to execute and direct local agencies to ensure that the project proponent comply to the mitigation measures. The said agencies have to be approached to obtain their approval to take on such responsibilities and to have the time to lead the committee.

xi. Sequencing of the monitoring management

The SIMP matrix has provided the mitigation measures for the various impacts identified, the desired outcomes, KPIs, mitigation measures implementor, monitoring parties and timeline. The management plan of the SIMP has to be supported among others by the following to ensure that the mitigation measures in the SIMP get to be implemented:

- a. Grievances Management Plan
- b. Consultative Community Committee
- c. High Level Committee / Task Force

It is suggested that (a) is a plan dedicated to specific grievances of a community group such as the fishing community, business community or local residents as the chair of the grievance management committee, has to be able to champion the interest of the said community (for fishing community it will be LKIM), local residents by the District Officer or the business community by the Local Council.

The Community Consultative Committee (b) is of a higher level of hierarchy having concern beyond the need of dedicated specific group of community whereas (c) is of a higher level committee for example in the case of the The Johor Bahru–Singapore Rapid Transit System (RTS Link) is a cross-border rapid transit system that will connect Woodlands, Singapore, and Johor Bahru. Given inter-country nature of the project and the political sensitivity of the project, impact mitigation measures would have to be handled systematically and authoritatively. Hence, the need for a higher level of monitoring or task force.

5. Conclusion

The crux of the deliberations in this session evolves around the intent and contents of the SIMP and the common problems associated with the SIMP management plan implementation and monitoring. The key issue of concern here is ‘who is responsible to do what’. In other words, which parties are responsible for implementing and which parties should monitor the management plan of the SIMP .To ensure that the mitigation measures are effectively undertaken, it should be supported by administrative mechanisms such as the Grievance Management Committee, the Consultative Community Committee and task forces at the local, state and federal level, depending on the nature and severity of the mitigation measures

Finally, as highlighted by the speakers, an acceptable SIA report is one that understands who are those most impacted by the proposed project, identify and assess potential social impacts, recommend measures to mitigate negative impacts while enhancing positive impacts and developing SIMP which is implementable and adequately monitored.

Acknowledgement

The contributions and deliberations of the panelists during the SIA Hard Talk session are very much appreciated.

Disclaimer

The opinions expressed in this MSIA Reading Series are those of the panelists. They do not purport to reflect the opinions or views of MSIA and the editors.