

(1) Bangladesh situation of the development of legal system for EIA

Bangladesh is a developing country that is particularly vulnerable to environmental change. Bangladesh is prone to natural disasters, particularly cyclone, floods, tidal surges, erosion, landslides, tornadoes, and earthquakes due to its geographical location. Bangladesh is also suffers major human-caused environmental degradation aggravated by a high annual population growth rate, including loss of agricultural lands, deforestation, riverbank & coastal erosion, landslides, wildlife extinction, air pollution, water pollution, improper disposal of solid and toxic wastes, discharge of untreated sewage and industrial wastes, land degradation, salinity intrusion, unplanned urbanization, mismanagement and abuse of coastal resources, and climate change etc.

Since independence in 1971, Bangladesh has implemented a number of environmental initiatives and is prominent in the global push for sustainable development. Environmental impact assessment (EIA) has a key role in achieving this goal.

In the late 1980s, the international donor agencies started undertaking EIA on a voluntary basis for the development projects funded by them. In 1989, the ADB undertook a three-year Technical Assistance Project for institutional strengthening of the Department of Environment (DoE). In 1993, the ADB undertook measures to strengthen the EIA process by improving the legislation and organizing training for personnel from different ministries.

In 1990, a specialized task force was set up by the Government to determine development strategies to be adopted. In 1991, the reports of the task force were compiled in four volumes of which one was dedicated to addressing environmental problems in Bangladesh, it was the first reasonably comprehensive work on the Bangladesh environment. One of its recommendations was to strengthen the environmental institution and legislation. In October 1991, the MOEF prepared the Bangladesh Country Report for UNCED, where EIA has been identified as a management tool for sustainable development of the country. In line with the general recommendations of the Rio Earth Summit, the National Environmental Policy (NEP) was framed in 1992 for the protection of the environment in Bangladesh. This policy first incorporated the provision to require EIAs for all new public and private projects. In collaboration with the IUCN, the Government formulated a Draft National Conservation Strategy (NCS) in 1992 that also recommended the mandatory provision of EIA for development activities. In 1993, the National Environmental Committee was formed, headed by the Prime Minister, to address environmental issues at the central level.

Also, in the early 1990s, there were two other EIA-related initiatives. The first was the preparation of EIA guidelines under the USAID-assisted Flood Action Plan (FAP) in 1992. The second initiative in 1992 was geared by the Local Government and Engineering Department (LGED) under the Ministry of Local Government, Rural Development and Cooperatives prepared Guidelines on Environmental Issues Related to Physical Planning. The guidelines are designed to assist local engineers to analyze the adverse consequences of the project and adopt measures to eliminate or reduce such adverse consequences to acceptable levels through proper planning and design. Three years later, the LGED proposed EIA Guidelines for Physical Planning of Rural Areas in Bangladesh.

In 1995, with support from the UNDP, the Government prepared the National Environmental Management Action Plan (NEMAP) to address environmental issues and management requirements during the period 1995–2005 and set out the framework for implementing the NCS. EIA was also addressed in a number of major Government policy documents, including the National Energy Policy 1995, National Power Policy 1995, National Water Policy 1998 and Fifth Five-Year Plan 1997–2002. In order to implement the NEP and NCS, an appropriate legal framework was felt necessary by the Government, and ultimately, through the enactment of the Environment Conservation Act (ECA), 1995 and the Environment Conservation Rules (ECR), 1997, EIA gained formal status in Bangladesh. Later, the ECA, 1995 was amended in 2000, 2002 and 2010. On the other hand, in 2002, 2003, 2005, 2010 and 2017 the ECR, 1997 also has been amended.

In June 1997, “EIA Guidelines for Industries” has been prepared and published by the DoE on the basis of the work done by different projects as well as on the requirement of the ECR, 1997 under the ECA, 1995. In this guideline, DoE has incorporated EIA procedures, screening, categorization of projects/industries into four categories, steps involved in environmental clearance, steps in IEE & EIA study, methodology, structure of an IEE & EIA report and list of checklists. LGED also amended EIA Guidelines in 2017.