

Why environmental impact assessment does not live up to its promise in Asia

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Abstract

At each step of the environmental impact assessment (EIA) process in Asia, one or more flaws undermine the promise of EIA to improve project design and ensure that adverse environmental and social impacts are either avoided or mitigated. At the screening stage, reliance on project lists for categorization is easily manipulated. At scoping, project boundaries are drawn too narrowly, so wider impacts are missed. Alternative means of achieving the same project objectives are ignored or glossed over. During EIA investigation and reporting, reliable scientific data is either not available or ignored. At the EIA review stage, responsible agencies fail to conduct field verification. During implementation, environmental management and monitoring plan or environmental clearance certificate mitigation measures are not incorporated into construction contracts or operation plans. On project completion, post-evaluation studies are not conducted or the lessons are not learned. At all stages, inadequate public participation means that local knowledge and opinions are not honoured, often leading to project delays or community conflicts. Resettlement and relocation plans are particularly problematic as disrupted livelihoods are rarely reinstated or improved. In general, EIA as currently practiced needs to be changed to improved project design or implementation.

Main Paper

Nearly all jurisdictions in Asia have developed legislation, regulations, and procedures for environmental impact assessment (EIA). The common objective is to identify any adverse environmental and social impacts associated with proposed projects and through improved project design attempt to avoid, mitigate, or offset the adverse impacts. Any residual impacts that cannot be mitigated may be sufficiently serious to stop the project from proceeding, although this is relatively rare. In general, the same EIA processes are followed, with minor variations—screening, scoping, investigation and reporting, review, approval, implementation and monitoring. The key actors are the project proponents (public or private), contracted EIA consultants, government EIA authorities (often a dedicated EIA department), other government agencies (from which other project permits may be required), project affected people, and other stakeholders (such as nongovernmental organizations, academia, or the interested public).

At each step of the EIA process in Asia, one or more flaws undermine the promise of EIA to improve project design and ensure that adverse environmental and social impacts are either avoided or mitigated. When combined, these flaws have made EIA little more than an administrative procedure to ensure nominal compliance with the law. This paper examines some of the most common flaws observed in EIA practice in Asia with a view to invigorating reform efforts and shared good practices across the region.

Screening – Screening is conducted because not all projects have significant adverse impacts and, therefore, require full EIA procedures. By categorizing projects according to anticipated adverse impacts, scarce resources can be devoted to the most important projects and protect the most important ecosystems. Often, a long list of project types and sizes is used to mandate whether or not a full EIA, initial environmental evaluation, or a simple environmental review is needed. Unfortunately, at the screening stage, reliance on project lists for categorization is too easily manipulated. For example, if a tourist resort with more than 80 hotel rooms requires a full EIA, the project proponent can plan for a phase 1 development with only 79 rooms. Ideally, the EIA authority should conduct a field inspection at the screening stage and there should be some public participation, but these two safeguards rarely happen, resulting in undue exemption from conducting a full EIA.

Scoping – The scoping stage is intended to identify the key environmental issues that need to be addressed, draw the project boundaries, establish the investigation methods needed, and prepare terms of reference for the EIA consultants and a public participation plan. Often at the scoping stage, project boundaries are drawn too narrowly, so wider impacts are missed. For example, an electricity transmission line project may only require an environmental assessment of the line itself, without taking into account the source of the power, or the end uses of electricity. Alternative means of achieving the same project objectives are ignored or glossed over. For example, a road project may only consider alternative routes, rather than the alternatives of a railway or cable car connection.

EIA Investigation and Reporting - During EIA investigation and reporting, reliable scientific data is either not available or ignored. In many Asian countries, there have been inadequate scientific surveys to date, so information on rare and endangered species may not be available. The future impacts of climate change may be recognized as an important issue, but reliable downscaling of climate models to the project level is not available. Where complex ecological relationships are involved, local expertise may not be sufficient but the project proponent is often reluctant to hire expensive I experts. Heavy reliance is placed on the EIA consultants at this stage, but in many countries such consultants are poorly trained and may not need to be certified. As a result, the quality of EIA reports is often lacking, commonly involving extensive cutting and pasting from previous reports.

EIA Review – The government EIA authority and often an independent expert review panel are required to review the draft EIA report, which should also include the environmental management and monitoring plan (EMMP). At the EIA review stage, unfortunately responsible agencies are often under tight time frames to review the EIA report (or have it approved by default if the review is completed on time). These time pressures mean that there is insufficient time (and often resources) to conduct field verification of the claims in the EIA report. If the EIA report appears to be adequately comprehensive then the natural tendency is to approve it, rather than go back to the EIA consultants for further investigation.

EIA Approval – Most EIA reports in Asia are approved with minimal amendment and insufficient attention to the EMMP. The environmental clearance certificate, or equivalent permit, may be required to obtain other permits for the project to proceed to construction. However, there is generally inadequate cross-sectoral consultation between the respective government agencies to ensure that the conditions attached to the permits fully reflect the intended measures in the EMMP.

Implementation – Once the environmental clearance certificate and other construction permits are issued, the project proponent will engage a construction company and possibly a supervising engineer. During implementation, however, the EMMP or environmental clearance certificate's mitigation measures are not incorporated fully into construction contracts or operation plans. The EIA authority typically does not see these contracts and merely assumes that the project proponent will faithfully incorporate the mitigation measures into project budgets and relevant contracts. As these documents are usually regarded as commercial-in-confidence, neither the government nor the project affected people have any way of knowing if the contracts are deficient or the contractor has not followed the contractual obligations.

Post-evaluation – The objective of post-evaluation in relation to EIA is to check that the predicted adverse environmental and social impacts have been adequately mitigated and the residual impacts are no greater than expected. On project completion in Asia, post-evaluation studies are rarely conducted or if they are, the lessons are not learned. Rarely is information from a previous similar project or another project in the same location used to predict adverse environmental impacts of a cumulative nature.

Public Participation - At all stages of the EIA process, public participation is critical to build trust between project affected people and the project proponent, to identify local concerns about the project, collect previously undocumented local or indigenous knowledge, and to ensure that local

communities will actually benefit from the project, either during construction or in the operation phase. Inadequate or ineffective public participation means that local knowledge and opinions are not honoured, often leading to project delays or community conflicts.

Resettlement and Relocation – Many projects in Asia require the compulsory acquisition of land leading to resettlement and relocation for hundreds or thousands of people. The general principle is that people who are forced to move should have their livelihoods reinstated to at least an equivalent or better condition than prior to the project. Resettlement and relocation plans are particularly problematic in Asia, however, as disrupted livelihoods are rarely completely reinstated or improved.

Conclusion - In general, EIA as currently practiced in Asia does not lead to improved project design or implementation. Too often, blindly following the administrative procedure dominates the real intent of EIA—to make a proposed project better than the original concept. Based on experience to date there is no jurisdiction in Asia that could claim to have a perfect EIA system, for many of the reasons outlined above. Nevertheless, there is a widespread reform program underway and the prospects for improved EIA systems in future are quite promising.