

Chapter three

3. Responsible bodies and their roles

▪The principal actors involved in EIA and in the associated planning and development process divide broadly in to five main groups.

These are:

1. the developers/proponent
2. the consultant
3. those directly or indirectly affected by or having an interest in the development
4. the competent agency
5. licensing Agency

3.1. Proponent

The proponent

- is the project applicant (i.e. the developer)
- is responsible for complying with the requirements of the EIA and for all associated costs incurred when following the EIA process.
- is responsible to appoint an independent consultant who will act on the proponent's behalf in the EIA process
- must ensure that adequate participation of the competent agency and interested and affected parties and the public in general has been carried out.
- is responsible to ensure that the conditions of approval are carried out (including monitoring and auditing).

3.2. Consultant

- Statutory consultees are an important group in the EIA process.
- The planning authorities must consult such bodies before making a decision on a major project requiring an EIA.
- The independent consultant acts on behalf of the proponent in complying with the EIA process and is responsible for showing that he/she has:
 - expertise in environmental assessment and management;
 - the ability to manage the required participation process;
 - the ability to produce reports that are readable;
 - a good working knowledge of environmental impact assessment

3.3. Interested and affected parties

The accommodation of the interest of the interested and the affected parties by a developer is often viewed as an important step in the legitimizations of a project. Like the developers, some environmental groups, especially at the national level, may have a long term, continuing role. Some local amenity groups also may have a continuing role and an accumulation of valuable knowledge about the local environment.

Generally, interested and affected parties are important to a successful EIA and are responsible for providing input and comments at various stages in the EIA process. The input from interested and affected parties should be sought in all EIA process.

3.4. Licensing Agency

- Licensing Agency is any organ of government empowered by law to issue an investment permit, trade or operating license or work permit or register business organization as a case may be.
- The licensing agencies have a legal duty to ask that *environmental performance criteria are included in the incentive structure to get environmental clearance certificate from the environmental (competent) agencies.*
- These are required to ensure that renewal or additional permits issuance should also consider environmental performance of the applicant, thus required to seek advice or opinion from the appropriate environmental agency, etc.

3.5. Competent Agency

- The government, at various levels, will normally have a significant role in regulating and managing the relationship between the groups previously outlined.
- In Ethiopia, the principal authority/ competent agency involved currently is the Environmental Protection Authority (EPA) at federal level and Environmental Protection Land Administration and Use authority (EPLAUA) at regional level.
- The competent agency is responsible for ensuring that the proponent/consultant comply with the requirements of the EIA process and the authority through a regular and effective communication between the authority and the proponent to provide general guidance on procedure, information and reports required by involving other responsible authorities.
- The competent agency must not be responsible for conducting EIA, as this would constitute a serious conflict of interest in the decision-making process.

➤ The Competent Agency should:

- ensure that the evaluation/review and decisions provided are done efficiently and within reasonable time and that the proponent is informed timorously of any delays that may be incurred through the review process; and
- ensure that the proponent is informed of any shortfalls in the process as identified through the reviews.

3.6 Public Consultation and Participation

What is a public?

- A public is any person, or group of people, that has a distinctive interest or stake in an issue.
- Thus, the identification of public which would potentially be involved in the various stages of an EIA is a basic element in the development of a public participation program.

Types of publics

- There are several ways of categorizing various publics that might be involved in a public participation program for an EIA study.

- However, the broad based system for grouping publics consists of using four separate categories. These are:

- persons who are immediately affected by the project and live in the vicinity of the project.

- environmentalist and ecologists ranging from preservationists to those who want to ensure that development are as effectively integrated in to the needs of the environment as possible.

- business and commercial developers who would benefit from initiation of the proposed action.

- the part of the general public comprising those who enjoy a high standard of living and who do not want to sacrifice this standard in order to preserve wilderness or scenic areas or to have pollution free air and water.

What is public participation?

• ***Public participation*** /public hearing can be defined as a continuous, two-way communication process which involves promoting full public understanding of the processes and mechanisms through which environmental problems and needs are investigated and solved by the responsible agency.

• The basic purpose of including public participation programs or activities in the environmental decision making process is ***to enable productive use of inputs and perceptions from governmental agencies, private citizens and public interest groups in order to improve the quality of environmental decision making.***

- In essence, public participation involves both information *feed-forward* and *feed-back*.
- *Feed forward* is the process whereby information is communicated from public officials to citizens concerning public policy, whereas
- *feedback* is the communication of information from citizens to public officials regarding public policy.
- Feedback information is useful to decision makers in reaching time and content decisions.

- **Who are the stakeholder's?**
- The involvement of the "public", or often referred to as "stakeholders", is a vital component in successful EIA



➤ ***Local people:***

- individuals
- communities/villages
- traditional authorities e.g. village leaders

➤ ***Project beneficiaries:***

- not necessarily have to be local

➤ ***NGOs:***

- those which are active in local area or have interest on natural resources/social welfare
- interested parties in the country of any external financing agency

➤ ***Voluntary organizations:***

- local community . development or users groups
 - kinship societies . recreational groups
 - neighborhood associations . labor unions
 - gender groups . ethnic organizations . cooperatives
- etc

Private sector:

- business interest groups
- trade associations
- professional societies etc

National/local governments:

those with responsibilities for management of natural resources along with people welfare and those likely to be affected by the development project.

Scientist/experts:

those who focus on technical aspects of the project,
such as

- land use planning
- natural resource management
- social infrastructure etc

Need for stakeholder involvement

Consultation and participation can be useful at most stages of the EIA process:

- In determining the scope of EIA;
- In providing specialist knowledge about the site
- In evaluating the relative significance of the likely impacts
- In proposing mitigation measures
- In ensuring that the EIS is objective, truthful and complete
- In monitoring any conditions of the development agreement.

○ Experience has shown that there are benefits of stakeholder involvement in EIA process. However, there are conditions and constraints which hinder plans for public involvement. Both are displayed below

Benefits

Disbenefits

- | | |
|--|---|
| <ul style="list-style-type: none">• improved understanding• identification of alternative and mitigation measures• clarification of trade-offs for each alternative• identification of forums to resolve issues• induces of transparent procedures• creation of accountability and sense of local ownership | <ul style="list-style-type: none">• difficult to identify all affected parties• communication difficulty due to linguistic and cultural diversities• illiteracy• lack of local knowledge on the projects• unequal access to consultations (for example, women)• time/cost implications |
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Advantages and disadvantages of public participation

The major advantages of public participation are:

- Benefits occur when affected person, likely to be unrepresented in EIA processes, are provided an opportunity to present their views.
- An added accountability is placed on political and administrative decision makers, since the process is open to public view.
- Openness exerts pressure on administrators to adhere to the required procedures in decision making.
- Finally, through public participation, the agency is forced to be responsive to issues beyond those immediately related to the project.

The disadvantages of public participation are:

1. Potential for confusion of the issue, since many new perspectives may be introduced
2. It is possible to receive erroneous information that results from lack of knowledge on the part of the participants.
3. Uncertainty of the results of process, as well as project delay and increased project costs if the public participation program is not properly planned.

Methods for stakeholder involvement

In participatory decision making, there is no single source of ultimate control or authority. The participating parties must discuss and reach a decision by means of an agreed process. There are numerous methods which can be utilized to involve stakeholders, especially the public, in EIA process

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|---|------------------------------------|---|
| 1 | Public meetings | <ul style="list-style-type: none">• open with no restriction as to who may attend |
| 2 | Advisory panels | <ul style="list-style-type: none">• group of individuals chosen to represent stakeholders• meet periodically to assess work done/results obtained• advise on future works |
| 3 | Public information centres | <ul style="list-style-type: none">• facility in an accessible location• contains information on the project• members of the public can visit, obtain information and express concerns |
| 4 | Interviews | <ul style="list-style-type: none">• open-ended interviews with selected community representatives |
| 5 | Questionnaires | <ul style="list-style-type: none">• a written, structured series of questions issued to local people assemble concerns/views/ideas |
| 6 | Participatory Appraisal techniques | <ul style="list-style-type: none">• a systematic approach to appraisal based on group inquiry and analysis with multiple and varied inputs |

Approaches to Stakeholder Involvement

Preparation of public involvement plan will require consideration of the following aspects:

- objectives of the EIA,
- identification of the stakeholders,
- budgetary/time constraints and opportunities,
- identification of appropriate techniques to involve stakeholders,
- traditional authority structures and decision making process,
- identification of approaches to ensure 'feedback' to stakeholder,
- identification of mechanisms to ensure consideration of stakeholders views/opinions/suggestions by the study team, and
- need to guide involvement to focus on issues.

Stages of Stakeholder Involvement

The stages at which involvement may occur are during:

- scoping and in the preparation of TOR for an EIA,
- project appraisal (while conducting EIA/feasibility studies) either at release of the preliminary/interim EIA report or the draft or final EIA report,
- project implementation (application of EIA recommendations), and
- project evaluation (extent to which a project has achieved its objectives).

Chapter Four

EIA Methodologies