

Towards 'sustainable development' in the Southern African Development Community (SADC)

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ABSTRACT

Sustainable development has become one of the most popular concepts in the evolution of ideas about managing the environment. Most of the definitions for sustainable development basically refer to development activities that do not deplete non-renewable resources at a rate that jeopardizes the ability of future generations to meet their own needs.

Environmental Impact Assessment has been accepted globally as an effective decision making tool in the move towards sustainable development. However, unlike developed countries, most developing countries are still at the initial stages of establishing the Environmental Impact Assessment (EIA) process.

Based on apparent environmental degradation emanating from economic activities, the SADC Region is now proposing to harmonize the EIA process. The main objective of the proposal is to ensure that, within the region, equity issues are given the same weighting as economic and environmental issues in the decision making process. To emphasize this approach, the region has proposed the renaming of EIA to EIA3 which takes care of the three components to be considered equally in the decision-making process, namely; *Equity, Environment and Economic*.

Tanzania is among the SADC countries still fumbling with the EIA process in the absence of a comprehensive EIA policy, legislation, effective political commitment, adequate expertise and public awareness. This paper attempts to discuss pertinent issues that need to be addressed in the SADC member countries in order to facilitate harmonization of the EIA process regionally. Practical examples of recent experience in EIA in use will be drawn from Tanzania.

INTRODUCTION

Tanzania has subscribed to the new Southern African Development Community (SADC) policy for sustainable development - 'towards equity-led growth and sustainable development in Southern Africa.' The gist of the policy is that the integration in all key policy sectors of Economic,

See Topic10

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Decision making

Environmental and Equity Impact Assessments (EIA³) should improve decision-making.

It is envisaged that EIA³ would compel decision-makers to assess and defend their choices in terms of economic, social and environmental sustainability (SADC-ELMS, 1996). In order to achieve its goals SADC is now proposing to establish a common charter for the EIA process.

This paper gives an account on the status of EIA process in Tanzania and the challenges for the implementation of the SADC policy. The discussion will mainly dwell on the following questions:

- Who should give final decisions on EIA reports (EIS) ?
- Ideally where should the institution responsible for EIA be located ?
- What should be the role of the EIA institution ?

NATURE AND SCOPE OF ISSUES

Harmonization of the EIA process depends primarily upon the state of art in individual countries. Despite the official recognition and commitment to EIA as exhibited in various policies such as the National Conservation Strategy for Sustainable Development (NCSSD), National Environmental Action Plan (NEAP), National Environmental Policy and Forestry Policy and pledged by our leaders, Tanzania is yet to establish a comprehensive EIA system. The existing legislation and policies do not provide for the implementation of the EIA process.

Institutional framework and legal deficiencies

Various institutions are empowered by sectoral laws to propose and regulate development in their respective areas of responsibility. Moreover, legal deficiencies as regards institutional frameworks have to a certain extent continued to pose serious threats to the EIA process in Tanzania. Lack of an effective sectoral and institutional co-ordination at national level is a major weakness in the EIA process. There is no requirement for one institution to liaise with others and ensure that a project has fulfilled the requirements in other relevant sectors prior to issuing a permit. This tendency leads to inter-agency conflicts either through duplication in mandates or violation of sectoral laws.

Lack of effective EIA co-ordination

The cross-sectoral nature of environmental issues calls for coordinated and holistic approaches. The mechanism for coordination of assessment and registration of development projects and programmes at the national level is currently done through the Planning Commission, whereas registration of the private investment is undertaken by the Tanzania Investment Centre (TIC). Ideally TIC should, together with all other stakeholders, ensure that

all feasibility studies of new projects and major expansions include a component of environmental assessment. However, there are no effective linkages between the government and private sector on environmental management issues. There is no overall mechanism in place to provide adequate support and guidance to the government and private sector (*Financial Times*, 6-12 May 1998). The two bodies entrusted with the control of development projects do not have established criteria for impact assessment to guide the review and eventual project approval.

There is no single authorizing agency whose advice on technical matters is regarded as final and conclusive. At present there are ambiguities regarding who should issue an environmental approval or a permit upon which other licenses may be issued. Officially there is no recognized standard procedure and guidelines for conducting EIA. This implies that proponents are not formally bound to use the draft National Guidelines prepared by the National Environmental Management Council (NEMC). Although NEMC is an established body by Act No 19 of 1983 (the NEMC Act), its functions are essentially advisory on all matters related to the environment. The Act does not provide for regulatory and supervisory powers on environmental impact assessment.

Inadequate public participation in the EIA process

Lack of clear methodologies for ensuring participation of all stakeholders, especially local communities, is among the weaknesses of the EIA process in Tanzania. These weaknesses, however, are related to the socio-political system e.g. lack of effective environmental leadership, lack of openness and transparency, increasing political interference, minimal political will, lack of independent decision-making capabilities and general lack of environmental awareness.

The aforementioned issues show clearly that in Tanzania proponents are not officially bound to integrate environmental concerns in the early stages of project design. Consequently, most of the EIAs are conducted either voluntarily or due to pressure from financial institutions as a loan condition. This has contributed to a tendency for EIA studies to be carried out in a way that is tailor-made to suit the requirements of the commissioning body. As a result most of the EIA studies carried out so far are commissioned after the projects have been designed; they differ greatly in terms of content and quality.

PROCESS AND PROCEDURAL CONTEXT

The state of art of the EIA process in Tanzania as indicated above poses a great challenge to the implementation of the SADC policy. In a practical sense, it is difficult to establish how the Government is committed to the principles of sustainable development. The National Environmental Policy, which was approved in December 1997, states that 'EIA shall be a

mandatory requirement to ensure that environmental concerns receive due and balanced consideration in reconciling urgent development needs and long term sustainability before a final decision is made.' Although this statement is a positive move towards EIA legislation and consequent implementation, the pace is rather slow.

EIA procedure and guidelines

Current changes in macro-economic policies in Tanzania have to a great extent promoted the rate of investment in the private sector. This is quite a change in comparison to the time when the Government was the sole investor in many areas such as agriculture, industries, infrastructure, etc. Thus, in order to guide private investments in a more sustainable way, development of EIA procedures and guidelines is more important now than before.

Tanzania is yet to enact a comprehensive environmental law with a requirement for EIA properly elaborated, and setting out clearly the guidelines, procedures and arrangements for institutional mandates and stakeholder participation. Cognisant of the need for an authorized EIA procedure and guidelines, NEMC has prepared draft national guidelines which are awaiting approval from the government (NEMC, 1997). One of the key requirements of the guidelines is that, prior to undertaking an EIA study, a proponent must submit a draft Terms of Reference identifying all stakeholders and key environmental issues. The terms of reference which in essence guides the EIA study would be reviewed by NEMC in collaboration with a cross-sectoral Technical Review Team to ensure involvement of all stakeholders.

Lack of official guidelines as well as a legal requirement to conduct EIA has been a major cause of EIAs being undertaken in a haphazard way. For example, it has been revealed that the Tanzania Investment Centre (TIC) had registered 1025 projects valued at US\$ 3.2 billion; however, there are no reports to establish that these investments were subjected to EIA (*The Guardian*, 1998). According to a study carried out on EIAs (Mwalyosi and Hughes, 1997), there is no documented list of EIAs so far undertaken in Tanzania. The study further identified over 40 documents that were purported to be environmental impact assessments, but only 26 were found to be genuine EIAs. These cases indicate that EIA at the national level has not been adequately adopted (NEMC, Newsletter, 1999).

EIA practitioners and the quality of EIA reports

Due to the absence of official procedures, there is no formal mechanism to ensure that EIA practitioners (consultants) have the required expertise. A study by the Institute of Resource Assessment (1997) on EIA competency has indicated that 69 per cent of organizations involved in EIA lack specific expertise. On the other hand, for the qualified organizations, only 20 per

cent of the experts had been involved in the EIA process. This indicates that the qualities of most EIA studies conducted are inadequate as a basis for informed decision making.

APPROACHES TAKEN

Decision making process

Throughout the SADC region the policies and programmes for economic reform, social progress and environmental improvement are very much separated. Essentially, these key development efforts must be increasingly integrated as a 'single agenda and strategy' for sustainable development.

The new SADC policy is an attempt to achieve this integration. In order to anchor and reinforce the new policy in the development agenda, SADC countries must incorporate impact assessment as an integrated part of decision making in at least three key respects:

- assessing the likely 'environmental' impacts of economic policies and activities;
- assessing the likely 'economic' impact of the environmental policy and measures; and
- assessing the likely 'equity impacts' of both economic and environmental policies.

The new SADC Environmental Policy is basically trying to advocate that development strategies that fail to improve the lives and livelihood of the poor majority are not socially or politically sustainable.

If an EIA review of a proposed policy or programme indicates that it will not lead to at least some improvement in the living conditions and prospects of the majority, then a sustainable alternative must be found that does' (SADC-ELMS, 1996).

With the current situation of the EIA process in Tanzania it is not clearly established as to who should give a final decision when it comes to approving a project. In fact the first project which unveiled the weaknesses in the decision-making process in Tanzania was the Prawn Farming Project in the Rufiji Delta. The most striking part is the fact that decision-makers preferred the proponent's EIS though it was found to be very inadequate by the technical review team.

In the course of reviewing the proponent's EIS prior to approving the project, the review team saw a necessity of visiting the site to ascertain facts presented in the EIS. The exercise enabled the review team to identify a number of negative impacts not only on the local communities but also on the already existing activities in the Delta. Thus, the Government was advised to reject the project. Alternatively, NEMC advised the Government

to carry out a detailed baseline study so as to explore more viable options for the Delta, and to prepare a holistic land use plan to harmonise the various development activities in the delta (NEMC Report, 1997).

Public involvement in the decision making process

Participation of the public in decisions affecting their livelihood can only be achieved by making people aware and involving them during the early stages of project proposals. The prawn farming project approach was basically top down. Residents of the Delta were involved in the project at a very advanced stage when the site had been determined and the project design completed. The same applies for the EIA study that seems to have been commissioned merely to document the project location and its purported economic returns. This can be judged from the EIS that lacks costs and benefits analysis as well as alternatives in terms of site, design and technology.

Review of the prawn farming EIS

The review process included a workshop and public hearing meeting involving a number of interested parties as well as the Government. The forums were meant to seek opinions from both experts and general public. Views expressed by people from the Delta were focused on opposing the project. Their argument was that apart from endangering the environment, the project would be a hindrance to the socioeconomic development of the area.

The experts warned that the project had far-reaching implications on the livelihood of the villagers as well as on legally approved activities in the Delta. The decision also contravenes a number of international conventions that Tanzania has assented to. As for domestic laws the decision contravenes a number of sectoral laws *inter alia* the Marine Parks and Reserves Act No.29 of 1991 that gives protection to Mafia Island Marine Park; protection of the Mangrove Forest under the Forestry Ordinance Cap. 381, etc.

Lack of awareness of the long-term implications of the project among the communities and the leaders contributed to the formation of two groups with contradictory opinions. The contradiction was centered around the envisaged financial perspectives of the project. Looking at short-term benefits the project may appear to be beneficial to the Rufiji area which in comparison to other parts of the country is relatively undeveloped (*JET News*, March, 1999). Nevertheless, one would have expected the Government to guard its poor majority against projects that will in the long run make them worse off.

Despite opposing arguments from the experts, Rufiji Delta communities and other interested and affected stakeholders, the Government approved the project. *The Family Mirror* (August, 1998) argued that the project was approved by the Cabinet without debate ostensibly because most Ministers

knew very little about prawn farming. One would have expected the Cabinet to consult experts to explain the intricacies of the project before approving it.

In the mean time, it has been revealed that the proponent has yet to be issued with a Tanzania Investment Centre (TIC) certificate of incentives for the envisaged US\$ 180 million project in the Rufiji Delta (*Family Mirror*, 1998). According to TIC, the proponent has to meet certain requirements before getting the certificate, this includes a Title Deed and Environmental Permit from NEMC.

RESULTS AND IMPLICATIONS

The villagers are now seeking an injunction to prevent the proponent from undertaking the prawn project in the Delta. Two thousand villagers have taken both the Government and AFC to court stating that they are dissatisfied with the decision that will displace them from their villages and deny them access to the natural resources.

Notwithstanding the outcry from the Delta people, experts and other affected stakeholders, the Government stands firm on its decision. According to a report by one daily newspaper, the Minister for Natural Resources and Tourism affirmed that the Cabinet decision on the Prawn Project in the Delta was final. 'All that was required were remedial measures to take care of any environmental risks as certain people have cautioned' (*The Guardian*, 1998). A monitoring team has been formed to prepare a monitoring programme that will ensure that the negative impacts from the project area minimized

Contradictory statements given by the Government leaders regarding the prawn farming project revealed that the Government lacks a clear vision of the whole question of development. It also became apparent that Government commitments to the principles of sustainable development are highly dependent on a strong political will. Therefore, there is a need for the Government to show, in a transparent way, its practical commitment to development activities.

The prawn project was handled in a manner that revealed previous perceptions that politicians regard EIA as a stumbling block in the path of economic development. Moreover this indicates a lack of awareness among our leaders on the value of natural resources and their inability to recognize the use of technical advice. Our politicians overlook the fact that confidence in technical information is an important parameter for guiding an informed decision-making process (*The Guardian*, April 7 1998). The fact however remains that EIA is a tool for development planning as it ensures that potential problems are foreseen and addressed.

CONCLUSION

In short, the experience of current practice shows that EIA in Tanzania is being used passively as a rubber stamp. A more active role for EIA is envisaged where proposals should be turned down if they reveal environment effects that cannot be mitigated. The challenge ahead is to encourage economic activities that are environmentally friendly while discouraging those practices which are not. Under such circumstances conditional approval may be issued in which projects must satisfy certain conditions in order to gain approval. This will make EIA a more effective tool in the decision making process towards achievement of sustainable development.

LESSONS LEARNED

Institutionalisation of EIA

Tanzania needs to recognize that the cross- sectoral nature of environmental issues calls for coordinated and holistic approaches. Therefore, there is an urgent need to institutionalize the EIA process by ensuring that:

- a formal EIA system is in place and is backed by law to ensure that all development proposals, plans, policies and agreements are sufficiently screened prior to their implementation and execution;
- existing sectoral procedures and guidelines are harmonized within the frameworks of national EIA procedures guidelines;
- appropriate Terms of Reference (ToR) for EIA studies are produced and approved prior to undertaking investigations;
- roles and mandates of EIA institutions are clearly stipulated to avoid sectoral conflicts;
- EIS reviews are geared to evaluating adequacy of the information for decision making; and
- EIA practitioners are capable of clearly linking the implications of project activities on the biophysical and socioeconomic environment; most of the time alternatives are not provided and there is a lack of analysis of the costs and benefits of each alternative. As a result the outcome of EIA studies have been nothing more than encyclopedic documentation containing basic scientific inventories.

Informed decision making

In order to fulfil its commitment to the principle of sustainable development Tanzania needs to strengthen analytical decision making. The following issues are important:

- there is a need to support and strengthen the technical capabilities of the EIA institution;
- decision makers should be well informed and rely primarily on technical opinion prior to approving a project;
- holistic land use plans should be established as a strategy for all development plans;
- there should be criteria to guide the decision making process as well as stipulating relevant Government levels to be involved at project level; and
- there should be a mechanism to ensure public involvement from initial stages of project proposals up to the decision-making stage.

LIST OF RELEVANT PUBLISHED PAPERS AND OTHER SOURCE MATERIAL

Act, No 19 of 1983 - The Parliamentary Act that established the National Environment Management Council, NEMC Act.

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JET NEWS, March 1999: *'Nolan's Version of a desert in Rufiji Delta -Residents, Foreigners, shocked by facts turned upside down'*

NEMC Review Report (1997) on the *'Environmental Impact Assessment for an Environmentally Responsible Prawn Farming Project in the Rufiji Delta, Tanzania'*

NEMC. 1997, Tanzania Environmental Impact Assessment Procedure and Guidelines (Draft)

Raphael Mwalyosi and Ross Hughes (1998). The Performance of EIA in Tanzania: an assessment

SADC-ELMS. 1996, *SADC Policy and Strategy for Environment and Sustainable Development* - SADC - Environment and Land Management Sector Co-ordination Unit, Lesotho

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