ROLE OF EIA PRACTITIONERS IN IMPROVING EIA REPORTING QUALITY - CHALLENGES AND SOLUTIONS: A CASE STUDY OF EIA SYSTEM IN PUNJAB PAKISTAN

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ABSTRACT

Environmental impact assessment is an amalgamation of vast a varied subjects of sciences, arts, society, economics and a lot more thus making EIA a complex study needing expertise from different fields that could come together and assess the impacts of any single project on the environmental and socio-economic fabric simultaneously. Despite the increasing knowledge regarding EIA, the quality of EIA reports are constantly declining. There are various contributing factors to this decline. First and foremost, the absence of a legal mechanism for registration of EIA specialist or practitioners makes it convenient for anyone with a slight knowledge of EIA to enter the field of EIA study. Role of educational institutes in creating skilled experts in Punjab is also questionable. According to a study conducted by International Union for Conservation of Nature, Pakistan under its project titled National Impact Assessment Programme, there are only few tertiary level institutes in the public sector that offer EIA as a compulsory subject but none of them have dedicated courses to teach EIA consequently creating a gap between the market requirements and actual skills that an EIA student is equipped with. Lack of training and capacity building opportunities for EIA practitioners' is also a reason restricting the professional growth. Absence of EIA ethics and code of conduct is yet another issue that prevails in the current system of governance. Absence of a common platform at a regional or national level for professional training and sharing of knowledge and information on EIA practices is also an impediment.

INTRODUCTION

The Environmental Impact Assessment (EIA) process in Pakistan was initiated in 1983 with the promulgation of Pakistan Environmental Protection Ordinance of 1983. The Ordinance led to the creation of federally governed Pakistan Environmental Protection Agencies all across the country. However EIA was made a mandatory tool for project planning and decision making in July 1994 (Aslam, 2006) and the Ordinance of 1983 was eventually replaced by the Pakistan Environmental Protection Act of 1997 commonly referred to as the PEPA, 97. This new Environmental Act provided the basis for environmental governance in the country until the 18th Amendment[1] and subsequent devolution of environment as a provincial jurisdiction as contrary to its previous status of being a federally administered and implemented matter. Under the new

[1] "The constitutional amendment done to alter the division of legislative powers between Parliament and the Provincial Assemblies thereby significantly increasing the extent of Provincial autonomy"
Pastakia, F. (2012) Environmental Protection and the Eighteenth Amendment: Impact of Constitutional Amendments on Environmental Protection Legislation, Analysis of Laws in Force and Assessment of Implementation Issues, IUCN, Pakistan

implementation mechanism, provincial EPAs have the authorities over the subject of environment in their respective provincial jurisdictions. The process of devolution destabilized the pre-established mechanism developed for environmental governance by rendering the status of PEPA, 97 null and void. Hence, the EPA Punjab is in the process of drafting new environmental legislation that caters to the provincial needs. considering the fact that PEPA 97 lack in providing legal basis for EIA practitioners, it is important to re-evaluate the role of EIA practitioners, the challenges that they are confronting and address those challenges though appropriate actions.

RATIONALE:

As evident from the title, the rationale behind this paper is to identify the shortcomings in the system of EIA implementation that has been compromising the effectiveness and efficiency of EIA practitioners hence resulting in a diminished EIA reporting quality. The focus of this paper is solely the EIA consultancy scenario in Punjab, the most populated province of Pakistan.

METHODOLOGY:

In order to fulfill the objectives of this paper, two important methods of data collection were adopted. Firstly, the literature survey to get detailed information regarding the current situation of the EIA mechanism. Secondly, through a composite sampling technique, a set of twenty EIA reports prepared by ten different environmental consultants was reviewed. This step was followed by a round of discussion with the consultants currently functional in the province to identify their needs. Criteria for the selection of consultants were size of the firm both in terms of human capital as well financial resources, scope of work and the frequency of EIA reports received at the EPA for environmental approvals.

EIA MECHANISM IN PUNJAB

An EIA process in Punjab (Figure I) is mandatory under PEPA, 97 and therefore development projects both in the public and private sector have to undergo an environmental assessment prior to commencement. The proponent submits an EIA report to the Environmental Protection Agency (EPA) which is reviewed by an expert EIA Review Committee constituted of officials from the EPA. Public consultation is a mandatory part of the entire process.

The EIA system involves important stakeholders each playing a significant part in ensuring the credibility of the entire process. These include the government agencies, proponent, NGOs and CBOs, media and the general public. PEPA, 97 establishes coordination between the proponents and the EPAs however; the same Act lacks to establish a coordination mechanism between the EIA practitioners and the many stakeholders involved in the process. Under the current regulatory framework, the EPA deals with the proponents directly thus surpassing the quintessential role of the consultants who are involved in the EIA execution process by the proponent and their responsibility also includes dealing with the EPAs on behalf of the proponent. The consultant submits an IEE or EIA Report on behalf of the proponent under Section 12 of PEPA, 97 prior to commencement of the project. The EPA, Punjab conducts the EIA Review and Public Hearing before granting an Environmental Approval. General public participates in the EIA process at two significant stages, firstly during the EIA execution stage to

share their concerns with the proponent and secondly during the EPA held public hearing to ensure their concerns are rightly addressed.

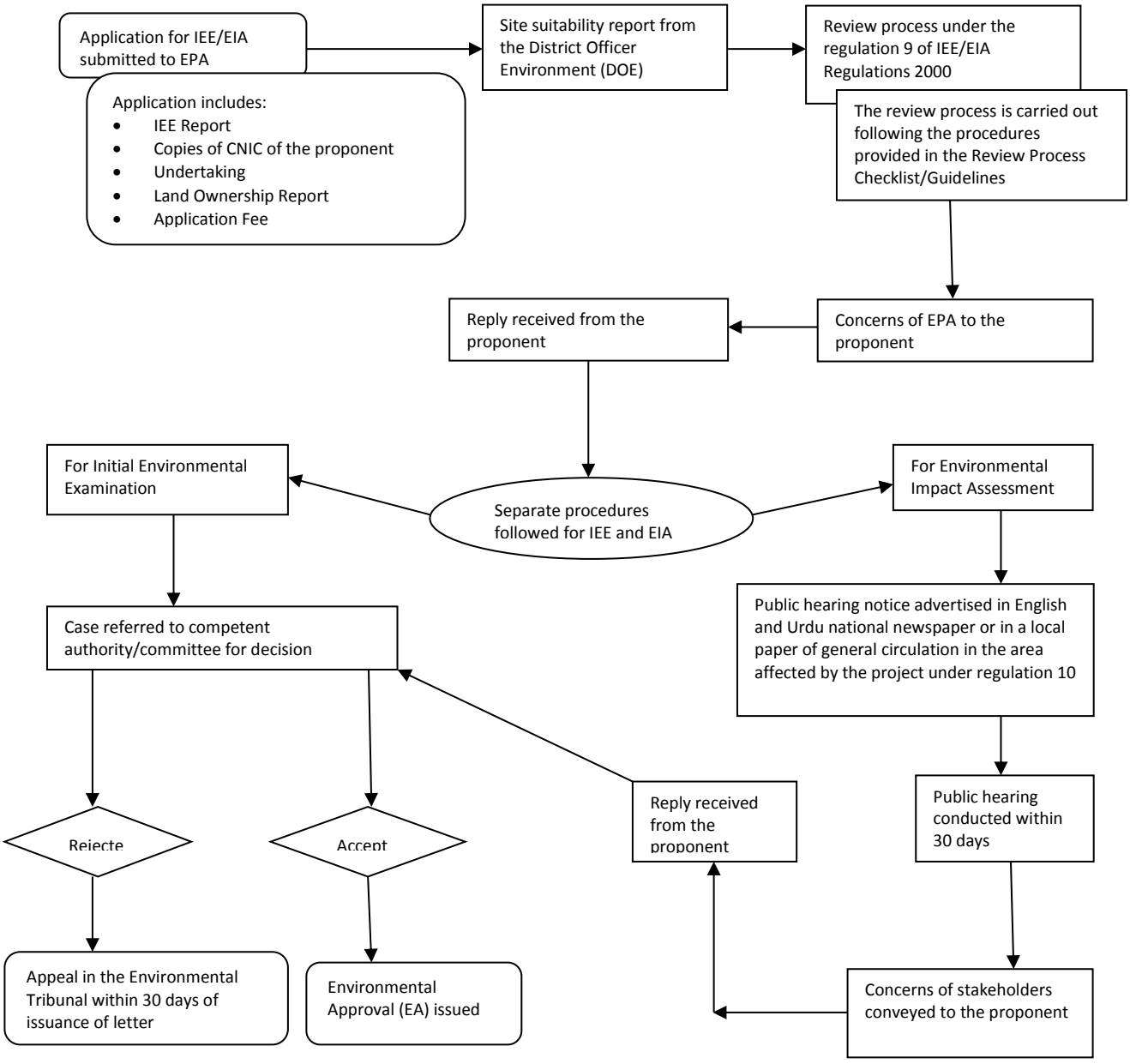

Figure I: Flowchart-Review Process of Initial Environmental Examination/Environmental Impact Assessment at the EPA Punjab

ROLE OF EIA PRACTITIONERS

An EIA Practitioner is not just a term rather it represents a complex web of professionals with varied educational and professional backgrounds who come together to assess the significant impact that a project may generate. Besides, it also includes the group of people involved in EIA

policy making and EIA planning. However, more commonly this term is used to refer to the EIA consultants or environmental consultants. EIA practitioners play a pivotal role in bridging the gap between proponent, the concerned EIA regulatory authority and general public. As far as the Environmental Protection Agency Punjab is concerned, the EIA practitioner, in consent with the proponent, has to evaluate the impacts of a project by using assessment tools involving questionnaires, checklists, surveys, sampling and laboratory analysis. The outcome of the assessment has to be compiled in accordance with the notified guidelines (EPA, 1997). Consultant's credibility is thus very crucial in ensuring quality of an assessment report. An EIA consulting team may consist of individual EIA practitioners with different educational backgrounds and professional experiences to justify the needs of the assessment. Depending upon the complexity of a project, a consulting team may decide to involve subject specialist besides the core EIA professionals. As according to Münster, (2005) it is important to devise a systematic approach to identify the role and scope of subject specialist involved during the EIA process in order to ensure the quantitative analysis of significant environmental impacts and provide credibility to the information provided in the report.

ISSUES

Despite the efforts made to improve the EIA quality through legislative and administrative network, the constant decline in the EIA reporting quality is concerning. Following are the issues identified in the current system that have been limiting the effectiveness and efficiency of EIA practitioners consequently resulting in a poor EIA report quality.

First and foremost, the absence of legislative frame work for EIA practitioners has been creating issues in many ways for both the practitioners and the reviewers as well. Though the legislative framework for EIA process in Punjab is extensive however, EIA practitioners and their roles are entirely overlooked in the Environmental Act leaving the status of EIA practitioner's ambiguous. In addition, absence of a formalized arrangement for coordination between EIA reviewers and EIA practitioners is another important factor behind the declining quality of EIA reports and delayed decision making process. This also hinders the consulting firms from fulfilling their roles and responsibilities effectively thus creating issues of credibility and authenticity. Currently, there are no formal or informal platforms to mechanize the coordination between the two essential stakeholders at any level. The situation is dire for the small scale environmental consulting firms with limited resources and lack of professional expertise. Moreover, EIA reviewing is systematically categorized wherein the EIA Review Committee examines the positive and negative impacts of a project on the environment as well as socio-economic fabric of the nearby community. There are certain evidentiary requirements which need to be fulfilled by the proponent prior to applying for an environmental approval. These include both the statutory requirements as well as the policy. The EIA consultants are usually well equipped with the former however they lack knowledge regarding the policy requirements for an environmental approval owing to the fact that such requirements are decided during the review committee meetings. Lack of formal coordination mechanism puts the consultants into oblivions regarding the decision taken during the review committee meetings thus delaying the decision making process.

Yet another issue identified was lack of consultant's registration criteria and their accreditation system by a competent authority. Absence of a legal mechanism for registration of EIA associates or practitioners as well as subject specialist makes it convenient for anyone with a

slight knowledge of EIA to enter the field of EIA. Under the current registration methods, a consulting firm has to obtain its registration as a profit making company. No procedure for registration of environmental consulting firms or individual EIA practitioners has been notified by the regulatory authority/ EPA till date. Additionally, identification of subject specialist also appeared as an ignored territory. Presently, there are no such criteria for selection of subject specialist. The team leader or highest authority within a consulting firm has the powers and authority to decide if and when a subject specialist is required. The decision to select a certain subject specialist is also influenced sometimes.

Cost of conducting an EIA is yet another determining factor that affects quality of an EIA report. Proponents usually designate limited budget for an EIA study therefore the consultants have to operate within their given financial resources. Lack of funds for EIA results in omission of certain important assessment stages. Greater the cost of a project, higher would be budget of EIA and hence a better quality report. Small scale investment projects usually tend to ignore the importance of EIA.

Professional expertise, knowledge, skills and educational background of individual EIA practitioner contributes towards building of a strong EIA team and vice versa. The EIA consulting firms in Punjab can easily be categorized into different hierarchies. Those with sufficient funds can afford to hire sound professionals and those with limited resources tend to hire fresh graduate with less practical experience. The differences in the quality of EIA reports are vivid as the competent team provides quality information on various aspects of the project contradicting the approach and tools of environmental assessment adopted by an amateur.

Role of educational institutes in creating skilled experts in Punjab is also questionable. According to a study conducted by International Union for Conservation of Nature, Pakistan under its project National Impact Assessment Programme there are only few tertiary level institutes in the public sector that offer EIA as a compulsory subject but none of them have dedicated courses to teach EIA consequently creating a gap between the market requirements and actual skills that an EIA student is equipped with.

Training and capacity building are important tools for sustainable professional growth. In order to keep abreast of the latest information and development in the field of EIA, it is important to have a common platform where EIA practitioners could interact. Absence of any such common platform at a regional or national level for professional training and sharing of knowledge and information on EIA practices prove as impediments for the professional growth of the EIA practitioners.

Absence of EIA ethics and code of conduct is yet another issue that prevails in the current system of governance. Transparency of the system was identified as an important hindrance in improving the quality of EIA reports quality.

RECOMMENDATIONS

In order to move forward, it is essential to fill the voids that are preventing the progress. Here are few recommendations drawn to tackle the issues that are limiting the stakeholders from taking full advantage of the EIA process.

Post 18th amendment and devolution, the provincial EPAs are required to draft their respective Environmental Acts according to their provincial requirements and suitability. This is an opportunity which could be used to provide a legal basis for EIA practitioner's roles, responsibilities and authorities. Different provinces are at different stages of drafting of new Environmental Act (EPA, 2012). Given the fact that setting the regulatory basis for EIA practitioners was a totally ignored matter in PEPA, 97, Punjab can now utilize this opportunity and incorporate role of EIA practitioners in the new Environmental Act.

It is essential to establish a formalized coordination arrangement between the EIA consultants and the EIA reviewers. The effectiveness and efficiency of the EIA execution and EIA review greatly depends on the coordination mechanism between these two important stakeholders. The policy requirements as identified earlier could be easily fulfilled if the methods of communication and coordination are effectively designed between the two.

Registration and accreditation system can significantly improve the roles of EIA practitioners as well as the reporting quality. Prior to 18th amendment, Pakistan Environmental Protection Agency initiated the activity of enlisting renowned environmental consultants however the it could not formulate a well-developed criteria to regularize the process of EIA consultants categorization into different ranks and level based on their qualification and experience. International Union for Conservation of Nature (IUCN) Pakistan drafted EIA accreditation system for environmental consultants under its project national impact assessment programme (NIAP) which suggests categorization of EIA practitioners and subject specialists to ensure credibility and authenticity of EIA reports.

The EPA can conduct awareness campaigns highlighting the significance of EIA in environmental conservation for the general masses as well as the potential proponents. This could be coupled with training and capacity building opportunities at different professional levels for the EIA practitioners. Though the province lacks a common platform provide innovative opportunities for EIA trainings. This issue can be addressed by reviving the Pakistan Environmental Assessment Association (PEAA) as a common platform for exchange of information and knowledge on EIA (IUCN, 2012).

Transparency in the system of obtaining an EIA can be ensured through providing a legal support for the EIA coordination mechanism between the practitioners and reviewing authorities. Transparency can also be achieved by crafting EIA ethics and code of conduct for all the vested parties including the practitioners.

CONCLUSION

The role of EIA practitioners is critical in determining the overall efficiency of an EIA system. Proponents usually need expert assistance for their environmental requirements that only a qualified environmental consultant can provide. It is therefore essential to establish parameters for environmental consultant selection and regulate their functions through proper legislative framework. An effective communication mechanism between the consultants and all the stakeholders involved would considerably reduce the delays in seeking environmental approvals. By improving the coordination between all stakeholders of EIA through a stringent legal framework the efficiency of consultants could be enhanced. However, this would require amendments both at institutional as well and legislative front. Capacity building and training of

EIA practitioners along with educating the general public, more specially the proponents about the significance of EIA would substantially improve the role EIA practitioners.

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