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**ENVIRONMENTAL IMPACT ASSESSMENT SYSTEM IN LEBANON
AN EVALUATION OF THE NEED FOR HARMONIZING THE
EIA POLICIES IN THE ESCWA MEMBER STATES**

by

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ENVIRONMENTAL IMPACT ASSESSMENT SYSTEM IN LEBANON AN EVALUATION OF THE NEED FOR HARMONIZING THE EIA POLICIES IN THE ESCWA MEMBER STATES

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ABSTRACT

Until recently, the Environmental Impact Assessment (EIA) system in Lebanon has relied upon the requirements of international funding agencies financing main infrastructure projects in the country. These agencies generally require that an EIA be prepared as a pre-requisite to releasing a fund. Currently, a more solid and sustainable EIA policy is being formulated by the Unit of Planning and Programming (UPP), funded by the Mediterranean Environmental Technical Assistance Program (METAP), and executed by the Ministry of Environment (MoE) under World Bank management. The policy covers the legal, institutional and capacity building requirements to implement an efficient EIA system in the country. Although increasing environmental awareness in the country, requirements from foreign funding agencies, and public pressure are assisting in the implementation of the EIA policy in the country, legislative, political, economic, technical, social and institutional constraints are slowing down its implementation. Misperceptions that stringent EIA policies would discourage economic development and investment in the country also contribute to its slow establishment. Although the achievement of a regionally harmonized EIA system within ESCWA member states is facilitated because of the use of similar international directives by most member countries, the ratification of international environment-related conventions, which would avoid the creation of pollution havens, is still lacking. Finally, without an adequate legislative framework, the EIA process in Lebanon and other ESCWA member states will not improve, and its associated benefits will remain hindered.

1. INTRODUCTION

The concept of Environmental Impact Assessment (EIA) was first introduced in Lebanon in the early 1990's, when the post-war reconstruction phase started. At that time, Lebanon was seeking financial assistance from several international funding agencies for development and infrastructure projects. These agencies, such as the World Bank and the European International Bank (EIB), typically request that an EIA be conducted for each proposed project as a pre-requisite to financing the project. On the other hand, because there is no effective local legislation that imposes the preparation of an EIA for specific types of projects and sets the guidelines for conducting such studies, the EIA process has ended up being nothing but a bureaucratic procedure required to obtain the project fund.

In the mid 1990's, several unsuccessful attempts were made to develop and pass an EIA decree. In late 1999, the Ministry of Environment (MoE), with the assistance of the Mediterranean Environmental Technical Assistance Program (METAP), has initiated an aggressive program for the establishment of a comprehensive EIA system in Lebanon.

This paper describes the on-going procedures that are currently being followed to establish a solid EIA system in Lebanon, defines the current status of the adopted EIA policy and the factors

hindering its development, assesses the need to harmonize EIA procedures in the ESCWA member states, and provides recommendations and guidelines to allow the implementation of a sustainable EIA system in ESCWA member states.

2. ESTABLISHMENT OF AN EIA SYSTEM IN LEBANON

In November 1999, the Unit of Planning and Programming (UPP), a unit funded by METAP, and executed by MoE under World Bank management, has initiated a program to establish a comprehensive EIA system in Lebanon. This program covers the legal, institutional and capacity building aspects needed to establish a solid EIA system in the country.

2.1. The EIA Decree

On the legal front, the UPP, with the assistance of a Lebanese lawyer, has prepared a draft EIA decree that complies with the World Bank operational directives. This draft decree provides a comprehensive description of the EIA procedures as illustrated in Figure 1. It also identifies the responsibilities of the major stakeholders, and the MoE would be the principal coordinator within the EIA system (Ministry of Environment, 2000).

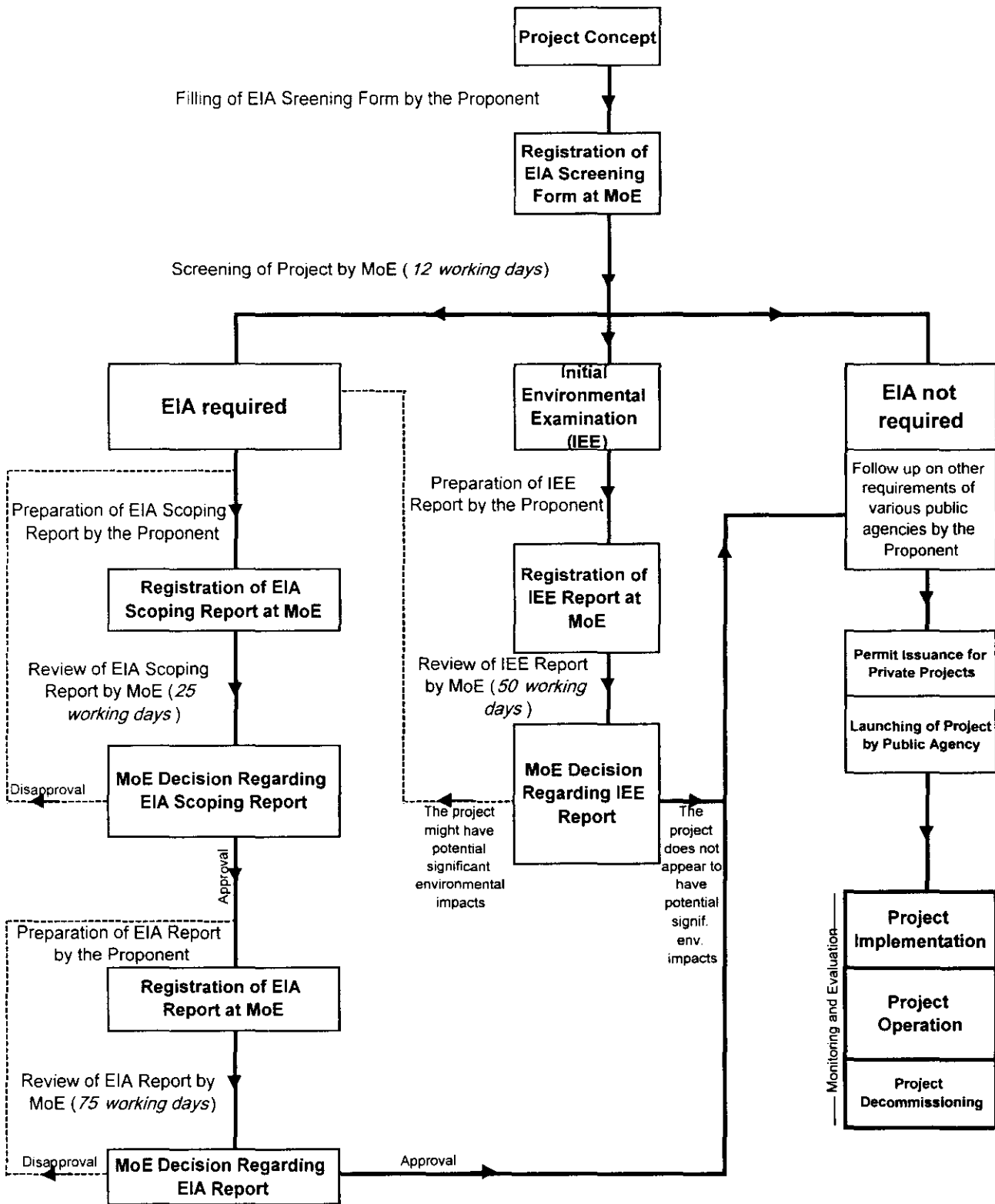
The draft decree was reviewed by an advisory committee composed of representatives from major line ministries and public agencies. It was also reviewed by private environmental consulting firms, members of academic institutions, research centers, non-governmental organizations (NGOs), relevant syndicates and professional associations. The comments of the different stakeholders were then incorporated in the final version of the draft decree. The latter will be submitted to the Council of Ministers for approval once the Draft Environmental Framework of Lebanon or the law pertaining to the reorganization of the MoE is ratified by the Parliament. The decree has to rely on either one of these two laws.

2.2. Institutional Strengthening

The UPP is establishing an EIA unit that will be working under the Service of Protection of Technological Impacts and Natural Hazards, which is one of the six operational services at the MoE. This unit will coordinate the operation of the EIA system.

It is believed that the establishment of environmental units in the various line ministries in the future will decentralize the system, thus ensuring a smooth operation of the EIA system, whereby MoE's role would be to supervise the entire EIA process. Such environmental unit was already established at the Ministry of Public Works and Transport (formerly Ministry of Public Works), about four years ago. This unit has been responsible for the operation of the EIA system that was developed for the rehabilitation/ redesign of roads that were funded by the World Bank (Ministry of Public Works, 2000). Other line ministries have already shown interest in establishing such environmental units. In the mean time, cooperation between MoE and the various line ministries and public agencies during the scoping and review stages of the EIA process is taking place, whereby EIA reports written under the supervision of different line ministries are submitted to the MoE for its review and approval.

Figure 1. Proposed EIA Process in Lebanon



2.3. Capacity Building

The UPP has launched an extensive EIA training program through six EIA sectorial training sessions targeting both the private and the public sector. Each training course has targeted a specific sector (roads and highways, quarries, solid waste, wastewater, harbors and marinas, and dams and reservoirs). Additional training courses will target the industrial sector, the MoE, and the NGOs, each course having a different emphasis. The first will focus on demonstrating the benefits of the EIA system to the industrial sector. The second will train MoE staff on the operation of the EIA system, with particular emphasis on the EIA review process. The third will focus on the role and contribution of NGOs in the EIA process (Unit of Planning and Programming, 2001).

Last but not least, the UPP has planned to organize a comprehensive EIA awareness campaign to sensitize the remaining stakeholders, such as government agencies and municipalities, about the importance and benefits of the EIA process.

3. CURRENT STATUS OF THE EIA SYSTEM IN LEBANON

This section summarizes the main tools and methods practiced by the MoE to assess and review EIA reports, and describes the factors that are facilitating and the ones that are hindering the implementation of the EIA policy in Lebanon.

3.1. EIA Assessment and Review

In reviewing current EIA reports, the EIA unit¹ checks the compliance of the report with the terms of reference, if available. The EIA unit always makes use of an EIA review checklist such as the ones developed by the World Bank, the European Union or the EIA Center of the University of Manchester. To assess technical aspects of the report, the EIA unit consults existing guidelines developed by international agencies such as the World Bank or the United Nations Environment Program (UNEP), or by various countries such as the United States, Tunisia, and Egypt. In some cases, the unit consults experts from within the MoE or from outside the MoE.

Upon completing the technical assessment of the EIA report, the EIA unit writes a review report to the Director General of MoE. This report presents the comments, if any. These comments are subsequently transmitted to the proponent. Often, the EIA unit meets with the proponent to discuss the various comments and to provide recommendations to correct the deficiencies found in the draft report. Once the proponent submits a final version of the EIA report, the MoE informs the decision-makers of the EIA results.

3.2. Factors Facilitating the Implementation of the EIA System

Although the EIA system has not yet been legalized as discussed earlier, the number of EIA studies conducted and subsequently reviewed by the MoE has been progressively increasing. Three main factors are facilitating the implementation of the EIA system in the country:

- Submittal of an EIA report is becoming a major pre-requisite from international funding agencies prior to approving funds;

¹ The EIA unit is currently composed of the UPP team and the EIA focal point

- Line ministries and public agencies are more aware of potential environmental impacts from major development projects, which is mainly attributed to the extensive environmental awareness campaign that is being organized by the MoE; as a result, these institutions are requesting EIA studies as a pre-requisite to granting permits; and
- NGOs are becoming increasingly active in the country, and are often exerting sufficient pressure to convince proponents to conduct an EIA prior to approval of major projects.

3.3. Factors Hindering the Implementation of the EIA System

3.3.1 Legislative Constraints

The main factor that is hindering the proper implementation of the EIA policy is the lack of an efficient environmental legislative framework. As long as the EIA is not required by law, the compliance of locally funded projects with EIA requirements will be hard. Moreover, the review of EIA reports prepared for internationally funded projects will be loose due to the absence of proper legislation, and the enforcement of public participation and environmental monitoring plans will not be guaranteed.

3.3.2 Political Constraints

As it is often the case in many developing countries, proponents of major development projects often try to use political connections to avoid conducting EIAs. Unfortunately, this has often been successful. In other cases, the proponents attempt to use such connections to convince decision-makers to approve the projects despite a deficient EIA study.

Nevertheless, the public, and especially NGOs, can create a counter pressure to stop the project. This has happened with a marina that was supposed to be built next to a Roman citadel in Jbail, Lebanon. The local residents and the NGOs have successfully challenged a ministerial decree that had granted the proponent the permission to build the marina (Council of State, 2000).

3.3.3 Economical Constraints

EIA is often perceived as an obstacle to investment and thus to economical development. This misperception hinders the proper implementation of the EIA process, particularly in countries like Lebanon, where the economical crisis is at its climax and investments are badly needed to boost the economy. Why is EIA accused to stop investment? Simply because people in general, and decision-makers in particular, ignore the economic benefits of EIA. They simply consider it as an unnecessary administrative procedure that will require additional resources (mainly time and money), especially because it is not required by law. The EIA awareness campaign that the MoE is planning to conduct will attempt to alleviate this misconception and try to highlight the benefits (including financial benefits) of conducting an adequate EIA study.

3.3.4 Technical Constraints

The EIA reports that have been prepared so far, with few exceptions, are often too simplistic rather than being a thorough scientific assessment of the potential impacts of the project. Although local consultants are usually adequately trained to conduct EIA studies, several factors are contributing to the poor quality of these studies:

- Unqualified consultant(s) are often selected by proponents to conduct the EIA based on a financial basis rather than on a technical basis;
- The limited budget that proponents are generally willing to dedicate to EIA studies restricts the scope of work of the consultant;
- Some proponents would rather have the EIA study conducted by one single person/consultant, than have it prepared by a multi-disciplinary team; and
- The review system tends to be quite loose, which is closely related to the legal constraints previously discussed.

3.3.5 Inadequate Public Participation

To date, most EIA studies that were carried out in Lebanon have not included an efficient public participation activity throughout the process. This can be attributed to three main factors:

- The lack of appropriate EIA legislation that would impose public participation during the EIA process;
- The lack of proper public participation enforcement by international funding agencies since there is no local legislation that compels them to do so; and
- The proponent's misperception and fear of involving the public in the early stages of the project's life.

One project that has so far adequately involved the public at all stages of project's design and environmental assessment is the Beirut Urban Transportation Project (BUTP), sponsored by the World Bank. All public, private and academic stakeholders have participated in the form of public hearings and consultations to most stages of the EIA (TEAM, 2000).

3.3.6 Institutional Constraints

The MoE used to face, and sometimes still faces, the problem of not being involved in the EIA process, neither during scoping and preparation of terms of reference nor during reviewing. This is again due to the absence of an EIA regulation in which the leading role of the MoE is clearly stated. The role of the different institutions in the EIA process is not clearly defined, which encourages duplication and overlap of activities, as well as confusion and competition between the various parties involved (El-Fadel *et al.*, 2000).

4. IMPACT OF EIA POLICY ON ECONOMIC DEVELOPMENT

4.1. Economic Development and Stringency of EIA Implementation

Most people have the misperception that stringent EIA implementation requirements would halt economic development instead of stimulating it. It is often perceived that EIA preparation leads to delays in the implementation of projects. Such delays are typically attributed either to inefficiency in the EIA implementation or to a late start of the EIA process in the project's cycle. However, the proper execution and management of an EIA would save time rather than incur delay, simply because it facilitates project approvals since environmental impacts are detected in the early stages of the project (Lee and George, 2000).

Another typical misperception is that the proponent incurs additional costs in both the pre-implementation and implementation phases of the project. These costs are normally attributed to the preparation of the EIA study and the implementation of the Environmental Management Plan (EMP). However, the proponent often neglects the medium and long-term benefits of the EIA process. The proponent usually ignores that he will eventually be compelled to mitigate the negative environmental impacts of the project, generally because of legal, economical, health or social reasons. Given that prevention costs are significantly less than remedial costs, the proponent is encouraged to use any prevention tool that would anticipate the necessary mitigation measures very early in the project's life cycle. A properly conducted EIA represents such a prevention tool.

Quantification of the costs and benefits related to EIA implementation is a rather complex task. It is very difficult to demonstrate mathematically that the benefits of conducting an adequate EIA outweigh its costs, and consequently that reducing the stringency of EIA requirements would discourage economic development. Previous experiences however clearly show this trend. Lebanon has recently witnessed the freezing of two major development projects, namely the Koura landfill (Liban Consult, 1997) and the Kesrouan Waste Water Treatment Works (Associated Consulting Engineers, 1995). This was attributed to the lack of stringent EIA requirements. In these projects, public participation was not properly conducted, and the concerns of the affected community were not addressed. This situation has compelled the public to object to the execution of these projects, hence halting the associated investments. On the other hand, the exhaustive public participation activities that were imposed by the World Bank during the preparation of the EIA for the BUTP project have addressed public concerns and thus have avoided delays due to public objection.

4.2. Investments and Stringent EIA Policies

Stringent EIA policies should not cause the migration of foreign and national investments from Lebanon to other countries. In fact, developed countries have witnessed a remarkable investment activity that exceeds by far that observed in other less developed countries that have much looser environmental policies. For example, in the United States, some projects may take up to two years to comply with all environmental requirements before obtaining a permit. Such stringent regulations do not appear to discourage investors.

In fact, investors typically consider different factors in selecting the investment location. The easiness of obtaining environmental acceptance is not the only factor. Other important factors include the quality and cost of the labor force, labor laws, tax and economic incentives, market prospects, and cost of living to name a few. Even if the environment were to be the only factor considered by the investors, stringent EIA requirements should not discourage investors for three main reasons:

- The lack of stringent environmental regulations leads to higher environmental liabilities for the investors; sooner or later, stringent environmental regulations will be adopted in most countries, which will compel investors to eventually pay for the pollution associated with their activities;
- Industries are compelled to comply with stringent environmental practices and standards (e.g. ISO 14000) to be able to compete and survive in the international scene;

therefore, stringent EIA requirements should not discourage investments in the industrial sector; and

- Investors in the tourist sector prefer to invest in countries with stringent environmental regulations, where the environment is probably more attractive to tourism; in countries with poor environmental control, gradual deterioration of the environment would eventually reduce the attractiveness of tourist activities, and consequently the return on investment.

4.3. Need for a Regionally Harmonized EIA Policy in the ESCWA Region

Countries that do not adopt international environment-related conventions², or that disrespect these conventions, promote the creation of pollution havens in these countries. Rather than a harmonized EIA policy, it is the ratification and respect of international environment-related conventions by the respective member states that would avoid the creation of these pollution havens in the ESCWA region. In fact, looking at the EIA systems in some of the ESCWA member states as well as in other neighboring countries, one can notice that these systems, still not legalized in most of the countries, are almost harmonized since they follow international directives (World Bank, European Commission, etc.), which are similar. The METAP Regional Institutional Strengthening Project is also significantly contributing to such harmonization with its three major objectives: capacity building, assistance in developing EIA legislation, and information exchange among METAP countries. Generally, three components differ in the respective EIA system of the ESCWA member states:

- The number of projects which are subject to EIA requirements: usually, the number of projects that are subject to initial environmental examination or to reduced scale EIA differs from one country to another depending on the availability of other environmental regulations such as those related to planning and pollution discharge criteria;
- The public participation component which is closely related to the political regime of the country as well as to the awareness of the public, their level of education and their access to information; and
- The decision-making process which is a combination of political, socio-economical and environmental considerations and which is very much country-specific.

5. CONCLUSION AND RECOMMENDATIONS

Generally, the ESCWA member states have already established an EIA system which has not been legally adopted. Additionally, the adequate implementation of most of these systems suffers from similar political, economical, technical and institutional problems. The EIA systems in ESCWA member states are to some extent harmonized since they follow one of the major recognized international EIA guidelines which are similar. To achieve better and more harmonized EIA systems in ESCWA member states, the following recommendations might be of help:

² Conventions refer to conventions, treaties, protocols, and other types of agreements

- Promoting the ratification and respect of international environment-related conventions by ESCWA member states to prevent environmental dumping;
- Assisting in the development and promotion of environmental enforcement policies;
- Promoting the legalization of EIA processes in ESCWA member states; this would directly reflect on the quality of the EIA reports and the stringency of the review process;
- Promoting the preparation and ratification of other environmental regulations such as planning regulations, pollution discharge criteria and environmental guidelines in ESCWA member states; this would alleviate the load of the projects subject to EIA requirements, thus refining the system and exhibiting the real scientific aspect of EIA for major development and infrastructural projects; and
- Increasing public awareness to EIA in ESCWA member states and to the major role the public has to play in various stages of the EIA process such as scoping; this would improve the project design, construction and operation. It would also reduce conflict and make the EIA process more transparent, thus achieving decisions that make a balance between political, socio-economical, environmental and technical considerations.

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