

**ENVIRONMENTAL  
ASSESSMENT (EA) AS A  
PLANNING TOOL FOR  
SUSTAINABLE DEVELOPMENT-  
THE CASE OF BOTSWANA**

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  - Examples- Projects with/ without SEAs
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# Introduction:

- Environmental Assessment (EIA & SEA) is one of the policy innovations of the 20<sup>th</sup> Century which has been formally introduced in several countries and organisations to help decision- makers consider the environmental consequences of proposed development actions.
- Other tools that have been used in planning development activities include: Participatory Rural Appraisal, Cost Benefit Analysis & Ecosystems Approach.
- Presentation focuses on Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) as tools that contribute to sustainable development.



## **Definition of Environmental Impact Assessment:**

- EIA is a predictive exercise in which the significant potential changes induced by projects are identified, evaluated and taken into account by decision-makers before the permission to proceed is granted.
- The integration of EIA into project planning cycle of projects features prominently in the development policy agenda of most countries, including Botswana.
- The EIA project cycle consists of managed processes which are intended to provide information to decision-makers at every stage of project planning cycle.
- Theoretically, the process is supposed to ensure that before a planning permission is granted for a project to proceed:
  - ❖ The baseline environment prior to project development is established;
  - ❖ Impacts of projects are predicted;

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- ❖ Negative impacts that would harm the environment are identified and mitigated;
  - ❖ Provide for monitoring or follow-up of developments to ensure compliance with development conditions;
  - ❖ Assure accuracy of the predicted impacts;
  - ❖ Address unanticipated impacts; and
  - ❖ Provides feedback to EIA so that lessons learned from completed projects can inform future projects.



# The Purpose of EIA

- It is a procedural mechanism which provides information that can be used to improve the quality of decision making
- It guides planners and developers on issues of location, design and size, and helps provide alternative solutions



# Purpose of EIA (cont)

- It provides opportunity for interested and affected people **to participate** in the planning and implementation of planned development activities
- It is a tool that treats environmental, social and economic considerations at the same level to ensure the viability of projects / sustainable development, although trade-offs are sometimes made.





## Background to EA Practice in Botswana

- The need for EIA for major projects has been spreading throughout the world, and the use of this process in Botswana, is no exception.
- Concern for increased pressure on the environment originating from the increasing socio-economic activities in Botswana led to Parliament in 1990 adopting the Policy on Natural Resources Conservation and Development (also known as the National Conservation Strategy -NCS).

## Background to EIA Practice in Botswana (cont)

- National Conservation Strategy -NCS).  
The main thrust of the Policy advocates the introduction of new and strategic approaches to achieve the integration of conservation of natural resources into the overall development process.
- Paragraph (b) of section 7.4.5, of the NCS states the need for EIA for new development projects (NCSA, 1990).
- The first EIA in Botswana was done in 1985 (due to conditions imposed by the lead donor) with an evaluation of a soda ash plant at Sowa Pan.

## Background to EA Practice in Botswana (cont)

- Following the adoption of EIA policy by Parliament in 1990, several government/donor supported, and private sector EIAs for major projects have been undertaken (NCSA, 2000).
- Although Botswana did not have a specific EIA law then, there are many examples of EIA requirements to be found in sectoral legislation (e.g. Section 65 (2) of the Mines and Minerals Act of 1999, requires an applicant to submit a comprehensive EIS as part of the project feasibility study report with the application for the licence.

## Background to EA Practice in Botswana (cont)

- The Town and Country Planning Act of 1977 provides for the orderly and progressive development of land in both urban and rural areas and environmental concerns about the development of land to be raised in the planning decision process.
- In other instances, EIA were undertaken as a part of well established administrative practice and quasi-legal permitting procedures. For example, a number of government departments (e.g. Department of Water Affairs, Department of Roads) made it a practice to conduct EIAs for major projects.



# Background to EIA Practice in Botswana (cont)

- In some cases EIAs were carried out due to ministerial decisions, others were required by donor agencies funding projects.
- Therefore, by focusing only on the absence of a framework law, one should not get the impression that there were no requirements for EIA in Botswana before an EIA legislation was enacted.

# Development of EIA Legislation

- Parliament enacted the EIA legislation in March 2005 and the law came into force on 27th May 2005.
- The object of the Act is to provide for the establishment and strengthening of EIA in the decision making process, and also to ensure that the environmental implications of policies, programmes and projects, are evaluated before approval.
- The legislation on EIA specifies the general framework to be implemented through statutory orders and regulations from the Minister of Environment, Wildlife and Tourism.

# The Principal Actors in the EIA Process in Botswana

- Of particular importance in the EIA process is the Department of Environmental Affairs (DEAs) referred to as the Competent Authority
- Its role administer the EIA Act through reviewing and authorising the terms of references and EIS before the issuance of planning permissions for the implementation of proposed development activities by Licensing Authorities such as the Department of Mines, Councils, Town and Country Planning Board and the National Industrial Licensing Authority, etc.
- Other key players in the EIA process include: central/local government authorities; local communities; NGO's; consultants; research institutions; individual developers; donors; and the greater public.

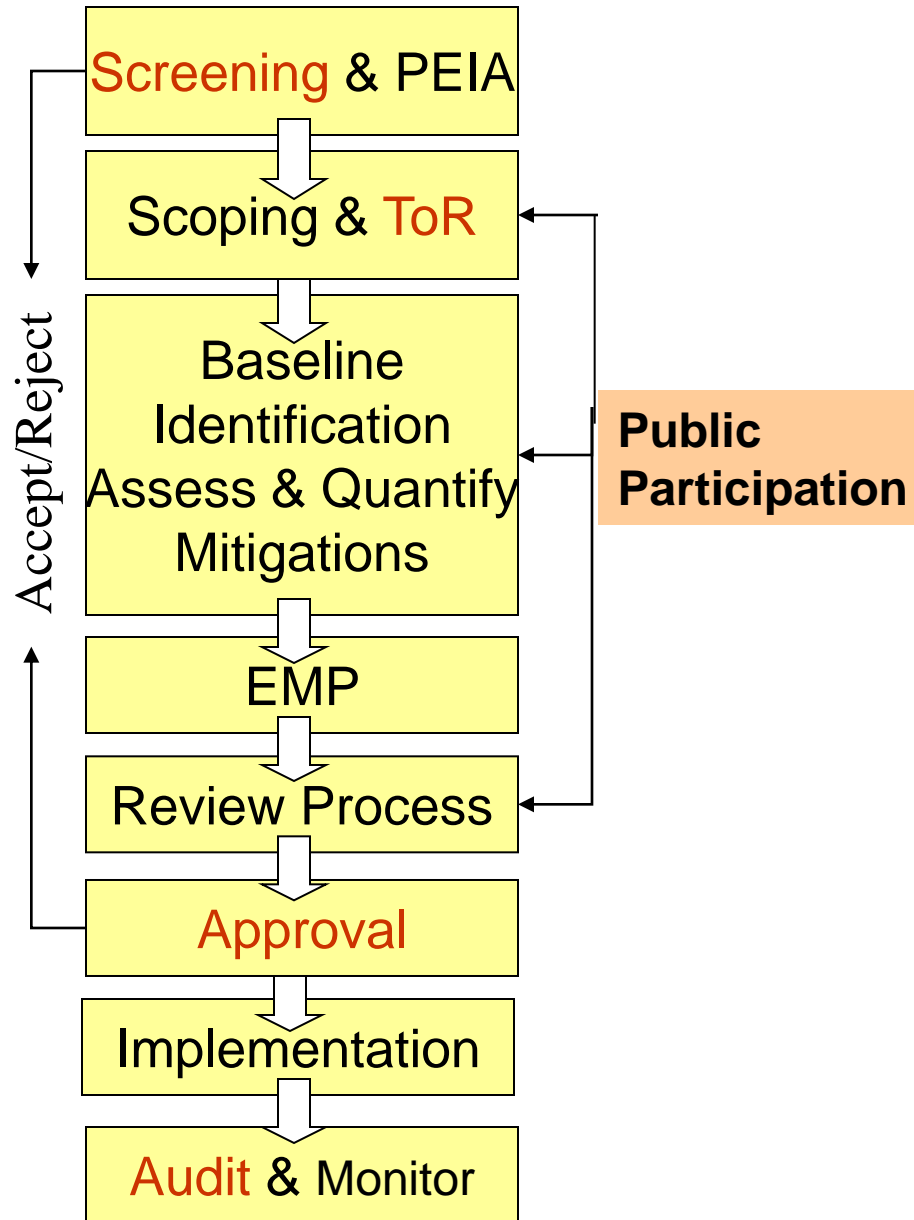


## The EIA Process in Botswana

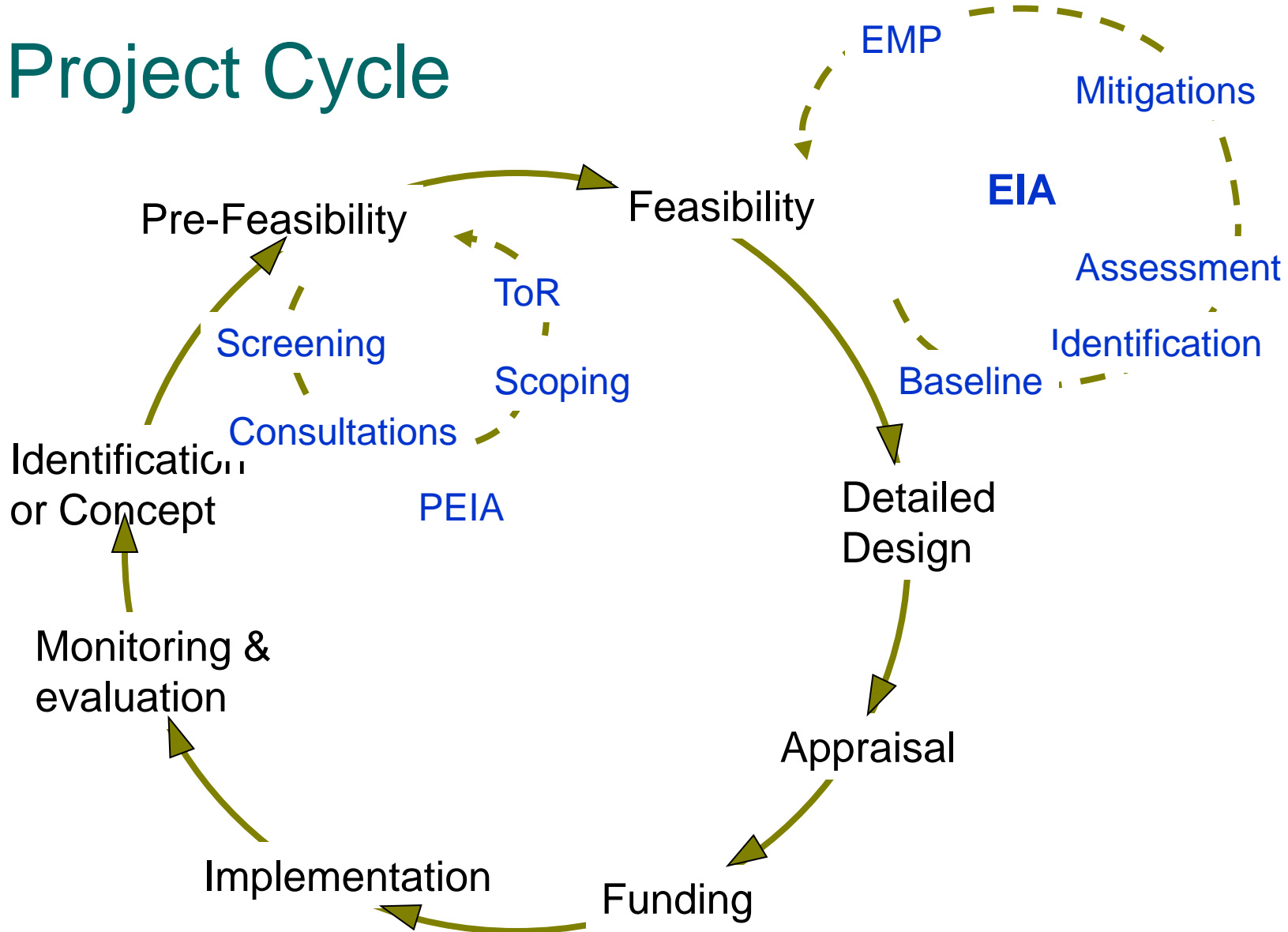
- The EIA project cycle in Botswana, like in other countries, consists of managed processes which are intended to provide information to decision-makers at every stage of project planning cycle.
- The ultimate responsibility for managing and undertaking EIAs lies with the developer, who normally engages consultants.



# Important steps in the EIA Process



# EIA- Project Cycle





## Strategic Environmental Assessment (SEA)

- SEA is a systematic process for evaluating the environmental consequences of proposed policy, plan or programme initiatives in order to ensure they are fully included and appropriately addressed at the earliest appropriate stage of decision-making on par with economic and social considerations” (Barry Dalal-Clayton and Ross Hughes, IIED 1998)
- SEA evaluates the environmental consequences of PPP.
- SEA extends environmental assessment into strategic decision-making
- SEA aims to ensure that environmental issues are addressed from an early stage in the process of formulating PPP's.

# Differences Between EIA and SEA

EIA	SEA
Is usually reactive to a development proposal	Is pro-active and informs development proposals.
Assesses the effect of a proposed development on the environment.	Assesses the effect of a policy, plan or programme on the environment, or the effect of the environment on development needs and opportunities.
Addresses a specific project	Addresses areas, regions or sectors of development
Has a well-defined beginning and end.	Is a continuing process aimed at providing information at the right time.
Assesses direct impacts and benefits.	Assesses cumulative impacts and identifies implications and issues for sustainable development
Focuses on the mitigation of impacts.	Focuses on maintaining a chosen level of environmental quality.
Has a narrow perspective and a high level of detail.	Has a wide perspective and a low level of detail to provide a vision and overall framework.
Focuses on project-specific impacts.	Creates a framework against which impacts and benefits can be measured.

## Examples of projects with/ without EIAs

- Trans Kalahari Highway- Appropriate mitigation: wildlife corridors, no fencing
- North-South Water Carrier - Appropriate routing incl. environmental and socio-economic factors
- BUIST- Issues related to treatment and discharge of sewerage
- Gweta Hospital- location of sewage ponds on top of aquifer that supplies water to the hospital
- Gantsi Landfill- location of landfill on top of aquifer that supplies water to the village
- Serowe sports complex- located on black cotton soils

## Examples of projects with/ without SEA

- Ramotswa Wellfield- pollution of underground aquifer (cumulative impact)
- Gaborone Dam Catchment Area-SEA- appropriate location and type of activities within catchment area
- Mmamabula Development Plan-
- Regional Environmental Strategic Assessment of coal fired power stations and related mines in the Botswana- South African border

# Progress on Implementation of EIA Act

- Directives

- Awareness Creation -

- ❖ Meetings held with various institutions (BHC, DTRP, TCB, DEBES, Councils, Land Boards, Oil Industry, Association of Surveyors, Schools, etc) about requirements of EIA Act (still on going- led by EE)
- ❖ Exhibitions at fairs – led by EE (still on-going)

- Training

- ❖ Officers trained in ISO 9001, 14001 and OHSAS 18001
- ❖ Officers trained on SEA, EIA and report Review Methodologies.

# Progress on Implementation of EIA Act Cont...

- Screening and processing of submissions
  - ❖ Total PEIA processed at H/Qs = 3777
  - ❖ Exemptions = 1905
  - ❖ EMPs = 545
  - ❖ EIAs = 1197
  - ❖ SEA = 130
  - ❖ These figures exclude information/documentation contained in old files at the registry
  - ❖ Several other PEIAs/EMPs/EISs/SEAs now being processed at DEA District offices
  
- EIA Guidelines developed and printed – distribution ongoing
  - ❖ General guidelines developed – includes:
    - Structure and content of EIS
    - Structure and content of EIA ToR
    - Guidelines for scoping exercise
    - Guidelines and procedure for the manner of holding public meetings
    - Guidelines and format for monitoring
    - Guidelines and format for auditing
  
  - ❖ Sector guidelines developed – not printed due to inadequate funding



# Progress on Implementation of EIA Act Cont...

- EIA Process Reengineering – facilitated by DPSM but report yet to be presented and approved by Management
- Environmental Impact Assessment Report Tracking and Document Management System (ERTDMS)
- The goals of the ERTDMS to:
  - ❖ Enable DEA to undertake internal monitoring and quality control of the EIA Process;
  - ❖ Improve client friendliness by providing an EIA tracking system;
  - ❖ Enable consultants and other clients to access a library of EIA documents on line for
  - ❖ learner support and progressive improvements in the quality of EIA reports; and
  - ❖ Facilitate transparency in EIA administration and decision-making in order to improve the quality of public participation.

# Progress on Implementation of EIA Act Cont...

- The system will:
  - ❖ Allow for a registration of the project and its details;
  - ❖ Assign the registered project a primary key and/or an identification number (ID#);
  - ❖ Accept particulars of the developer attached to the project through the primary key and/or the ID#;
  - ❖ Provide systematic librarying of all the material within the database (Date, Developer, Project Type, Sector, Location, Status, Documents, etc.);
  - ❖ Provide for the capture baseline data from EIA projects; and
  - ❖ Link headquarters with district offices and rollable to district new offices when the need arises.
  - ❖ Classify the projects through predefined methodology;
  - ❖ Allow for a simple and a detailed search of the information within the system;
  - ❖ Provide flags and system alerts for performed actions, reminders and overdue actions;
  - ❖ Allow for an accurate report generating system with manipulability;
  - ❖ Allow for customer document and action tracking over the internet;
  - ❖ Be interfaced with e-mail (Exchange) for information dissemination and alert generating systems.
  
- These processes will help DEA to track reports and to ensure that assessments are completed within agreed timelines, reminders should be sent to the responsible role during the execution of the review workflow, and it should also be possible to create escalation reminders once certain deadlines are not met.

# Challenges in Implementation of the EIA Act

- Some of the identified concerns include:
  - ❖ Lack of institutional capacity to facilitate the implementation of EIA by other Sectors
  - ❖ Lack of institutional capacity to facilitate the implementation of EIA by DEA at both H/Qs and Districts
  - ❖ Gaps in the EIA Act and emerging issues such the need to regulate the conduct of consultants registered and certified under this Act and the charges for their services.
  - ❖ Lack of legal basis (Regulations) to adequately enforce the EIA Act;
  - ❖ Concerns that EIA is costly and delays projects implementation;

# Challenges in Implementation of the EIA Act

- Some of the identified concerns include:
  - ❖ Conflict of interest and lack of transparency in carrying out EIAs;
  - ❖ The use of EIA as a tool for obtaining development permission and other licences;
  - ❖ Inadequate quality of reports;
  - ❖ In ability of other Technical Departments to comments on reports on time;
  - ❖ In adequate monitoring by Technical Departments and auditing by DEA
  - ❖ Conflict of interest by government
  - ❖ Independence of SHE Officers

# Measures to address challenges

- The EIA Act is being amended to address gaps and emerging issues. Draft EIA (Amendment) Bill is at the final stages of being sent to Cabinet for consideration. It is expected that the Bill will be considered for enactment during the next parliament sitting
- EIA Regulations currently being re-aligned to the EIA Bill by AGCs who have promised to submit the draft before end of August 2010. Cabinet had deferred the initial regulations for further consultations on the thresholds. The consultations have been concluded with Ministries and thresholds agreed upon. The realigned EIA regulations will be resubmitted to Cabinet for approval once the parliament has approved the Amended Act. Once approved, the regulations will be Gazetted for public review and comments and implementation of regulation will follow thereafter in line with established thresholds
- The Botswana Environmental Assessment Practitioners Association (BEAPA) registered. The association will regulate the conduct of EIA consultants, including professional fees that they charge. Establishment of office pending approval of Bill by Parliament. MEWT will provide seed money for the establishment of the office, expected before the end of 2010.
- MEWT Management has been notified about the issue of high staff turn-over. Efforts by DEA to retain staff have not been successful and it is hoped that the MEWT management will give priority to addressing the concern as it affects all Departments in the Ministry.

## Measures to Address Challenges Cont...

- Staff will continue to be trained in order to improve knowledge and skills on EIA resources permitting. In addition to training to be undertaken this financial year, some budget for short term training on EIA related field is included in the 2011/12 financial year.
- Some recommendations from the EIA re-engineering process are being implemented in order to improve service delivery
- Secondment of DEA units at Technical Departments - Dept Roads
- Directives or public notices have been issued to stakeholders on various issues so as to provide guidance on EIA issues with a view to improve service delivery
- EIA guidelines and sector guidelines develop to facilitate implementation of the Act.

# Conclusions

- EIA is a tool required for sustainable development.
- The advent of EIA legislation enhances the quality of decision making for projects & planning for environmentally sound development.
- The finalization and adoption of EIA regulations is envisaged to complement the EIA Act.
- Amendments to the EIA Act are expected to address existing gaps in the Act and emerging issues.
- The establishment of professional body of Environmental Assessment Practitioners is expected to help address issues on professional conduct of consultants.
- The deliberate directives taken by government are meant to address concerns and public perception about EIA.
- Most of EIA complaints are related to insufficient understanding of established EIA process by some stakeholders.
- It is important that DEA should ensure that all institutions (government & private) familiarize themselves with EIA requirements & process & where relevant appoint in-house environmental officers.

# Conclusions Cont...

- The challenges that we face in the implementation of the EIA legislation will continue to be experienced over sometime
- Against this background, it is important that we should persevere and do our best to provide service to our stakeholders within the confines of the resources available to us.
- Partnering with other stakeholders can assist in addressing the challenges we face.
- Addressing the various challenges will be a process that is likely to take considerable time.
- This therefore calls for commitment on our part. Without this commitment, the function of the environmental legal regime meant for the protection and conservation protection of the environment can only remain a distant dream.





**Thank you!**