

PROBLEMS WITH PUBLIC PARTICIPATION IN EIA PROCESS: EXAMPLES FROM SUB-SAHARAN AFRICA

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INTRODUCTION

Experiences from large-scale infrastructural development projects, such as the construction of dams and irrigation schemes, have demonstrated that effective environment impact assessment (EIA) depends upon full and rigorous community participation. Ideally, community participation should include representatives from all socioeconomic backgrounds, to ensure acceptable and appropriate project design. Although project documents frequently stipulate community participation, these are all too often neglected; and when such participation is attempted, it does not necessarily include a representative sample of the target community, focusing instead on community leadership.

This paper, examines some of the problems associated with public participation in the EIA process that have been experienced in Africa and suggests possible solutions.

APPROACHES TO PUBLIC PARTICIPATION IN DEVELOPMENT ACTIVITIES AFFECTING THE ENVIRONMENT

The involvement and support of local people in efforts to define problems and incorporate local initiatives and ideas in the design and implementation

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process are prerequisites for EIAs. The success and sustainability of projects depends upon local understanding, approval, and participation in all aspects of the project cycle. Local communities have established systems of agricultural production, resource management, and conservation, together with a wealth of indigenous knowledge about natural resources and their local environments, and all that experience should be made use of.

“Top-down” planning and management that lacks appreciation of local needs, priorities, and constraints, has had unfortunate, harmful, and costly consequences. However, a number of rural survey methods have been developed for “bottom-up” project planning, design, and implementation.

Two of the most common approaches are *rapid rural appraisal* (RRA), known from the work of Chambers and Conway of the International Institute for Environment and Development, and *participatory rural appraisal* (PRA), introduced by Kabutha, Thomas-Slayter, and Ford of Kenya’s National Environment Secretariat (NES) and Clark University.

RRA strategies include local people in project appraisal and the assessment of rural conditions, social relationships, and existing initiatives. The best approach and technique for appraisal in each case varies according to the specific objectives and the local conditions.

In Kenya, the Mbusyani study undertaken by NES and Clark University outlines how an appraisal team using PRA techniques can gather data, define problems, rank solutions, and, in a relatively short period of time, devise an integrated village plan for natural resource management with substantial community participation. The rapid appraisal team in that case consisted of NES staff, a Clark University representative, technical officers, and community leaders. The study demonstrates that community participation in PRA’s system of community involvement in the gathering and analysis of data has a capacity to “. . . (a) focus attention on problems that people already knew about, but have been unable to act upon; (b) organize solutions that were generally known, but not seriously contemplated; (c) integrate the services of local labour and of skilled technical officers already assigned to the region, and modest external inputs; and (d) give the entire community a target as well as a systematic way to achieve it” (Kabutha et al. 1988).

In Lesotho, the Ministry of Agriculture, Cooperatives and Marketing (MACM), with assistance from the Swedish International Development

Authority, has developed a process that expands techniques of rapid appraisal by increasing public participation in all aspects of the project cycle (MACM 1994). The *production through conservation* (PTC) approach begins with awareness training for district extension workers to ensure their understanding of the benefits of local participation in the decision-making and planning process. Discussion groups are convened consisting of village workshops, which are adaptations of traditional community gatherings that have existed for centuries. The workshops are attended by community residents and farmers, local spokespersons, representatives of village organizations, village authorities including chiefs, and facilitators from district offices of the Ministry of Agriculture. Priorities for action are established collectively at the workshops. District field officers inform participants about their obligations and the role of government in their region. The participants then agree on program initiatives. Periodic progress reviews include the public in further discussions of those program initiatives and of future activities.

In brief, rapid appraisal techniques have proven useful in the process of gathering information for analysis and incorporation into project design and implementation. However, they cannot substitute for the necessity to ensure local participation not only in the process of gathering information at the project planning stage, but also in project design and implementation. Non-governmental organizations (defined to include both established organizations and informal associations that operate at the village level) and government extension services are two vehicles for facilitating community participation throughout the project cycle.

FACTORS IMPEDING PUBLIC PARTICIPATION IN EIA PROCESS IN AFRICA

The main factors affecting public participation are described in the following paragraphs.

Lack of Consultation

Project documents are often drafted in technical language, preventing proper understanding except for the well-educated few. Such lack of understanding may be to the advantage of government authorities who wish to ensure that project implementation is not unduly delayed, since the participation can thus be limited to inputs from the educated minorities. In the case of Lesotho

Highlands water project, for example, consultation was done at the level of central government rather than within the affected communities themselves.

Lack of Communication between Government and Local People

Projects are formulated without the dissemination by the government of information among local people, information that is necessary to prevent any misunderstanding of project initiatives. Various studies have shown that project authorities frequently make promises during the EIA process—including promises of financial compensation, resettlement packages, and employment for the local population—promises that are rarely kept. This was the case, for example, with Osborne Dam in Zimbabwe (ICEA 1989) and the Lesotho Highlands water project (LHWP) in Lesotho (World Bank 1991)

Lack of Legal Framework

A number of studies have shown that the lack of environmental legislation in developing countries limits environmental protection (Kakonge and Imevbore 1993, and others). In Lesotho, for example, the EEC financed the drafting of environmental protection legislation for parliamentary approval, but it has yet to be discussed and enacted. Hence, because it lacked the full backing of the law, the EIA to justify public funding for the LHWP had to be undertaken as a series of studies rather than as a legal requirement (McAuslan 1987). Moreover, as happened in the cases of Masinga Dam in Kenya (Hirji and Ortolano 1991) and the LHWP in Lesotho (World Bank 1991), the recommendations of the studies were not reflected in the EIA process and subsequent project design.

Inadequate Government Capacity to Foster Public Participation

Studies have confirmed that many governmental institutions lack the necessary experience in capacity to foster public participation. Rather, such institutions often exhibit a superiority that sets them apart from local and often illiterate populations. Community participation in the Osborne Dam project in Zimbabwe and LHWP could have been fostered through recruitment of social scientists such as anthropologists and sociologists rather than relying on engineers and economists to achieve it; project design for LHWP was, in effect, a white-collar exercise in which public participation was lacking.

Lack of Transparency

The EIA process for major projects lacks adequate provision for informing the public. For example, the classification of documents as confidential can prevent public dissemination and in the absence of transparency (openness), it is difficult for effective public participation to be achieved. Moreover, lack of transparency fosters mistrust and misunderstanding between project authorities and communities. This was the case with the EIA for the Bura irrigation project in Kenya, funded by the Dutch government, whose EIA reports were never submitted to National Environment Secretariat for approval or even comments (Hirji and Ortolano 1991).

Late Preparation of EIA

The EIA for Kiambere Dam in Kenya was prepared toward the end of the project and **only** when its funding was threatened. According to Hirji and Ortolano (1991), no information was provided to the general public by the Tana River Development Authority (TARDA).

ADVANTAGES OF PUBLIC PARTICIPATION IN EIA PROCESS

Public participation in the industrialized countries has enriched the EIA process by—

- Exerting pressure on project sponsors/donors to address the negative environmental impacts of some projects. For example, after the communities protested against the project at Amlwch (northwest Wales), Shell/UK was forced to abandon it (Kakonge 1989).
- Drawing attention to the concerns of local people.
- Focusing on specific issues of local concern the process has been made more relevant and useful.
- Inducing many of the larger agencies and commercial organizations to set up special environmental units/departments to focus on EIA (e.g., Shell/UK, World Bank, ADB/ADF, etc).
- Extending and improving public awareness of environmental concerns. For example, Kakonge (1989) noted that a major reason British Gas did well in its EIA process was because it launched a public awareness campaign before the project started.
- Promoting the sustainability of some projects (Blackwell et al 1992).
- Building and strengthening indigenous capacity (Qu Geping 1992).

STRATEGIES FOR PUBLIC PARTICIPATION IN EIA PROCESS

A wide range of strategies for encouraging the involvement of the public in the decision-making process and implementation of projects have been adopted and have met with varying degrees of success. Much depends on local circumstances. Some of the most commonly used strategies in developed and developing countries of southeast Asia are listed below (UNEP 1992). Unfortunately, however, many of these are impractical for local realities in Africa and are rarely practiced there.

- Public opinion polls and other surveys
- The ballot box
- Letters to the editors or public officials
- Public hearing of inquiries
- Advocacy planning
- Representation of pressure groups
- Public meetings
- Workshops or seminars
- Protests and demonstrations
- Court action
- Task forces

There are, however, isolated cases where pressure groups successfully sought injunctions in court against a project that was not environment-friendly. For example, the Management of Green Movement in Kenya obtained an injunction to stop the construction of a 60-story building at the Central Park in Nairobi, because it is the only recreational area near the city center. The application was widely supported, including backing from the international donor community, and the project was eventually abandoned by the government.

Donors in Africa often organize workshops or seminars once projects are operational, but rarely do they discuss the actual preparation of EIAs with project beneficiaries. Protests and demonstrations are hardly practiced in Africa, because they would be interpreted as opposition to government. Furthermore, EIAs are technical and not easily understood, and hardly ever are they translated into local languages. According to Pescord (1992), in most countries (especially in Africa), poor people are more concerned with

survival than with the preservation of environmental quality and tend to tolerate even highly polluted condition without complaint,

The World Bank (1992) has suggested four other strategies for improving public participation:

Use of indigenous institutions that are already involved in managing natural resources

Use of local voluntary organizations in order to reach the rural poor in remote areas

Increased access to information through sharing information with local communities at the early stage of identifying projects; discussing worries with the affected communities, encouraging public comments on the draft EIA, etc.

Institutional reforms—especially recruiting staff trained in the social sciences (e.g., anthropology, sociology, etc.)

These are sound suggestions, but they have some limitations. For example, most NGOs have limited capacities in terms of funds and expertise to help local people respond effectively to EIAs. While it is true that NGOs are best placed to reach rural people, they need to be mobile to be able to do so effectively. Yet many local NGOs have no offices or transport, and their personnel cannot travel easily throughout the country. Thus, although many NGOs or local groups may be in touch with the local people concerning their worries or problems relating to resettlements/compensations, the NGOs may not be able to represent these problems to the officials in central government. Neither the church groups nor local pressure groups, for example, were unable to represent effectively to the government the views of the local people regarding the environmental aspects of Lesotho Highlands water project. It was not until Rivers International, an NGO based in California (USA) wrote directly to the president of the World Bank that government officials began to pay attention to local people's problems.² Perhaps this situation could have been avoided if the concerns and worries of the local people had been channeled through elected representatives.

² Memo about the Lesotho Highland water project from Mr. O. Lanners of Rivers International, dated 23 July 1993, sent to the president of the World Bank.

On the other hand, there are examples of successful traditional mechanisms that can be used to encourage community participation in the EIA process. In Lesotho, for example, a *Pitso* system³ is used for community participation. The Pitso system is a simple and effective process because decisions reached have the support of all members of the community. Conflicts are minimized through an open debate, and at the end of the day the decisions taken are binding on all members of the community. Participation and decision making are not discriminatory. In the rural areas, for instance, where women are a majority of the *de facto* heads-of-households, women are able to make major decisions that would otherwise be the prerogative of the men. This ensures effective implementation and monitoring of development activities because the process is carried out through traditional institutional structures that are respected by members of the community, so the decisions reached are likewise respected by the community.

Unfortunately, the essential value of Pitso is sometimes diluted when traditional leaders (chiefs), politicians, or government officials use the Pitso as a one-way forum to tell people about decisions that have been taken without their involvement. Evidence shows however, that such decisions have not gained popular support and measures taken have not been sustainable.

Africa has much to learn from the Chinese approach to local participation in EIA. According to Qu Geping (1987), there are various reasons why public participation has increased in the EIA process in China. First, EIA is a legal requirement. In addition, the Chinese government and organizations at grass-roots level provide favorable conditions for soliciting and assessing public opinion. And finally, China's EIA law stipulates that the public has the power of supervision over the environment. This is important as it creates a sense of ownership and responsibility; certainly a public supervision mechanism, when enforced, strengthens the EIA process.

³ *Pitso* is the traditional Sesotho democratic forum for the local community to express their own views, needs, and aspirations.

PRACTICAL MEASURES TO IMPROVE PUBLIC PARTICIPATION

The EIA process can be made more relevant to African circumstances through the adoption of four sets of measures. The proposed adjustments relate to the following areas:

- Monitored, participatory communications strategy
- Ensuring equitable socioeconomic benefits from the project
- Development of a legal framework for EIA
- Incorporating EIA into the project's decision-making process

Monitored, participatory communications strategy

A communications strategy for effective local consultation regarding the project's benefits and costs should be sensitive to, and based upon, the sociocultural context. By definition, a communications strategy should be formulated in a manner that facilitates dialogue between project planners/officials and the affected communities. This requires an understanding of how people in that society communicate, institutionally as well as individually. An effective communications strategy must be based on the following principles.

First, there should be a first sociological study to provide an overview of the structures and the dynamics of the relevant social groups, because the ways in which decisions are taken and power exercised are important indicators of social structure. With the results of such a study in hand, professional project planners will have richer understanding of the ambitions and motivations of the affected population, as well as problems that may come up.

Second, a communications strategy should specify the institutional mechanism through which local representation is incorporated into the consultative process. In other words, the lines of communication between project personnel and local representatives should be clearly defined and transparent mechanisms for regular meetings should be prescribed.

Third, the medium through which information is exchanged should be understood by all parties. Technical material on a project written in English will be useless for a largely illiterate audience, who may require more visual and oral communication. Selecting an appropriate medium for communication should be facilitated by the broad sociological study referred to above.

Finally, the communications strategy should be seen as an evolving proactive process, rather than as a one-off exercise. Accordingly, as the strategy is prepared, benchmarks should be established on how the communication process is to be monitored and followed up.

Ensuring equitable socioeconomic benefits from the project

By their very nature, development projects provide a stream of economic benefits. Not all groups benefit equally, however; indeed, some groups are actually made worse off by some projects. Clearly, the aggregate benefits should exceed the costs imposed on particular groups, otherwise the project would not be worth considering. But a difficult dilemma arises when local inhabitants, for example, stand to lose from a project, although the benefits for the greater population—located some distance away—are great. This is frequently the case with infrastructure projects such as dams, which involve resettlement and dislocation. In such situations, the “losers” must be provided compensation as well as development assistance.

Compensation consists typically of payments that compensate directly for a loss, while development assistance refers to measures that create an income-earning capacity for the adversely affected population. For example, a trust fund may be formed for the education of children from households who lose from a project. This is a form of transfer that will ensure investment in human capital right up to a technical/professional level. Similarly, there could be immediate income-earning asset transfer to ensure that the local poor benefit from the project. In many cases, standard international procedures have been established for compensation as well as development assistance. An effective EIA ought to stipulate the form and magnitude of such transfers and link disbursement of development funds with the execution of compensatory measures.

Developing a legal framework for EIA

The third reform measure required to make EIA more effective is to provide a legal cover for the process. Without mandatory guidelines, the EIA process is doomed to ad hoc and arbitrary implementation. Most industrial countries have developed a legal framework for the EIA process. Similar legal backing is required for the implementation of EIAs in developing economies. In the absence of a legal framework, other developmental pressures take over, making the EIA process somewhat nebulous and ineffective. However, the form that the EIA legislation should take must, of course, reflect domestic

realities. Simply copying the U.S. legislation, for example, would probably be entirely inappropriate. In many cases, various outdated environment-related laws in African societies need to be rationalized into a coherent framework, with a mandatory EIA process becoming part of the larger restructuring of environmental legislation.

incorporating EIA into the project's decision-making process

Finally, putting additional legislation on the statute books is not likely to lead to the desired result if the implementation machinery is weak. Legislation will only be effective if there is a recognition within the country of the need to address the environmental and socioeconomic problems associated with particular projects. Thus, the demand for **EIA** legislation and its implementation must be articulated from within the country. If it is imposed by pressure from outside, the legislation will be inadequately, even half-heartedly implemented. It is, therefore, important that legislation be preceded by an extensive domestic dialogue on its necessity. Only through such a process can the implementation machinery effectively incorporate **EIA** into a project's decision-making process.

CONCLUSION

To sum up, there is no clear-cut formula for involving the public in the **EIA** process in Africa, where there is a high rate of illiteracy in rural areas. However, a number of lessons have been learned. Planners must make efforts to ensure a bottom-up approach in project design. This can be fostered through oral and written briefings and discussions with local people to obtain advice and agreement on project initiatives. Planners should ensure that incentives for public participation are established. Local decision-making bodies, such as Lesotho's participatory Pitso system, could be used as decision-making forums. Planners should also utilize participatory forums to discuss the exploitation of resources hand-in-hand with adequate protection and replacement, perhaps through a Chinese-style model with the public having some power of supervision over the environment and project design. Effective and acceptable project design and implementation depend upon local ownership of the project and participation in it.

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