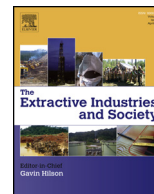




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### Viewpoint

# Environmental Impact Assessments in developing countries: We need to talk about politics

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#### ABSTRACT

This opinion piece highlights the lack of impact of Environmental and Impact Assessments (EIA) in developing countries and the faults in current analysis of why this is the case. I draw on the political economy literature to propose alternative explanations. When political economy theories are applied, it becomes clearer why the possibility for effective implementation of EIA in many developing countries is low. This raises many questions about the potential for EIA to facilitate the management of the negative impacts of extractives in developing countries.

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### 1. Introduction

Environmental Impact Assessments<sup>1</sup> have been widely adopted in developing countries over the last 20 years. However, the evidence suggests that EIAs are not having their intended impact and implementation of procedures is weak (Bitondo et al., 2014; Clausen et al., 2011; Khadka and Shrestha, 2011; Marara et al., 2011). Gamu et al. (2015), who investigated evidence of the relationship between poverty indicators, including environmental pollution and mining from 52 empirical studies—most of which were gathered from developing countries—recently examined the extent to which EIAs are failing to achieve their intended impact. The authors found that industrial mining is more frequently associated with poverty exacerbation than with poverty reduction (Gamu et al., 2015).

This opinion piece reviews the literature on EIAs. It then uses political settlements theory as a framework for determining whether EIA is likely to be implemented effectively in a given country. It synthesises the findings of a longer briefing paper published by the Overseas Development Institute (McCullough, 2016) to share

knowledge, reach a wider audience and facilitate further research and implementation of the proposed framework in this area.

Analysis of why EIAs have been poorly implemented in developing countries has largely focused on form, including the lack of procedural correctness and the low level of resources and capacity among the staff of environmental protection agencies and national consultants (e.g. Ahammed and Harvey, 2004; Ahmad and Wood, 2002; Alemegi et al., 2007; Ali, 2007; Glasson and Salvador, 2000). However, despite the significant progress made in developing appropriate legislative and administrative EIA frameworks in a range of developing countries, including Kenya, Rwanda, Tanzania (Marara et al., 2011), Egypt, Uganda (Ali, 2007), Bhutan, India, Nepal (Khadka and Shrestha, 2011) and Vietnam (Clausen et al., 2011), implementation remains weak. In light of the continuing weak effectiveness of EIA, a number of authors have considered context as a key factor influencing outcomes (e.g. Clausen et al., 2011; Kolhoff et al., 2009; Marara et al., 2011). Of the studies that recognise the importance of context in EIA effectiveness, only a limited number have taken seriously the extent to which politics works to influence, and in some case prevent, findings from having an impact on decision-making in developing countries (Arbelaez-Ruiz et al., 2013; Bebbington and Bury, 2009; Goldman, 2001; Tang and Huhe, 2014). Meuleman (2015) set out to examine how impact assessment is related to governance but used three governance types that are somewhat limited when applied to developing country contexts.

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<sup>1</sup> In this article, I limit the discussion to the EIAs however many of the conclusions can equally be applied to the more advanced version of EIA - 'Environmental and Social Impact Assessments' or ESIAs.

The failure to sufficiently delve into the problem of political influence in existing explanations of EIA weakness in developing countries can be traced back to the foundational theory on EIA. The broader literature on EIA effectiveness (i.e. looking at both developing and developed countries) has been dominated by a rationalist approach. Much writing on EIA is based on an, albeit implicit, assumption that passive provision of accurate predictions on the environmental and social consequences of a range of alternatives, on its own, will lead to better—that is, more rational – decisions (Cashmore et al., 2004: 298). According to this view, the purpose of EIA is to provide decision-makers with scientific analyses of probable environmental and social consequences; the way decision-makers interpret and use this information is outside the EIA remit. Alternative theories about how decisions are made in practice, and what this means for EIA, first infiltrated the literature in the early 2000s (Cashmore et al., 2004). Since then, there has been more critical analysis of the influence of politics and power on EIA. But this is used to critique and deconstruct our understanding of EIA effectiveness rather than to propose approaches to improve its effectiveness (e.g. Cashmore et al., 2010). While discussions of Strategic Environmental Assessments (SEA), which examine the environmental and social impacts of country plans and policies at a national level, have recognised the potential for political factors to undermine processes (e.g. see World Bank 2011), such discussions have been lacking in the debate on EIAs in developing countries.

A key feature of attempts to implement EIA in developing countries has been to replicate a set of institutional structures and policies which were originally designed in the US. Over the last decade, there has been much focus in political science on why institutions which mimic effective institutions in developed countries fail to function in a similar way in developing countries. The reasons proposed in the literature can be grouped around two principal themes: persistence of informal rules and deep power relations. The former denotes the influence of informal rules on the functioning of institutions. Research suggests that despite the introduction of a set of formal rules and procedures, informal rules remain relevant and override formal rules in many developing countries. In relation to EIA, this means that although legislation supporting EIA may be in place, informal rules interfere with the processes. Some attention has been paid to the role of informal rules in decision making in SEAs (e.g. Hansen et al., 2013; ; World Bank 2011) but there has been little discussion of how informal rules influence the implementation of EIA. There is general consensus in the political science literature that unless institutions are designed to address informal rules either through de-incentivising the behaviour they produce or through adjusting formal rules to acknowledge their existence, they are likely to override formal rules (see for example Unsworth, 2010; Levy, 2014).

A more recent development in political science has focused on the influence of deep power relations or ‘political settlements’ to explain why institutions based on Western models implemented in developing countries often do not have the impact expected. The underlying theory is that a society’s institutional structure and the policies that flow from it reflect the interests of powerful groups in society (Khan, 2010; North et al., 2007). ‘Political settlements’ denotes these interests and the unwritten agreement between powerful groups in society on how to divide resources and allocate positions of power.

## 2. Taking a political settlement approach to EIAs

A political settlement approach has been used in the literature on extractives to examine institutional arrangements in resource-rich countries that increase possibilities for inclusive growth (Bebbington, 2013), the influence of political settlements on contract negotiations (Hickey et al., 2015; Mohan and Asante, 2015)

and the uptake and negotiation of EITI (Bebbington et al., 2016), as well as how Corporate Social Responsibility (CSR) influences the dynamics of national and local political settlements (Frederiksen, 2017). In the development literature, and particularly on the subject of services delivery, there has been some experimentation with the use of political settlement theory to make predictions about whether pro-development policy is likely to be implemented or not (Kelsall et al., 2016). As EIA epitomises pro-development policy, it is worth examining this approach in more detail to identify what the implications are for effective EIA implementation in developing countries.

According to Kelsall et al. (2016), the nature of the political settlement will affect the state’s will and implementation capacity for a given policy – two factors that evaluations of EIA in developing countries often allude to as being lacking. Kelsall et al.’s conceptualisation can be adapted to capture the essence of the proposed relationship between political settlements, political will and a pro-development policy, in this case EIA implementation (See Fig. 1). In this causal chain, political settlement is hypothesised to be the underlying balance of power on which the political order is based. The policy domain is the realm of ideas, interest groups and coalitions concerned specifically with environmental protection and the social impacts of extractives. These two variables interact to create a certain level of political commitment to EIA regulation, which in turn influences the level of funding and resources allocated to EIA.

Kelsall et al. (2016) outlined four political settlement typologies and used these to generate analytical narratives about why some countries succeed in implementing pro-development policies while others struggle, even though on the surface, they have appropriate governance arrangements in place to facilitate implementation. The different political settlement types that the authors use to make predictions are summarized here in turn.

The first is dominant-developmental, or a situation in which the leader or group in power has a great deal of discretion over the performance of the bureaucracy while at the same time is oriented towards development outcomes (e.g. Rwanda). There may be formal structures – that is, elections – that make it appear as if there are opportunities for political groups to compete for power, but the dominant leader or leadership group works to disable these structures through, inter alia, control of the media and suppression of the opposition. As the leader has much control over the bureaucracy, he/she has the power to create and incentivise strong bureaucratic performance.

The second is dominant-predatory, where the leader or group in power has discretion over the performance of the bureaucracy but

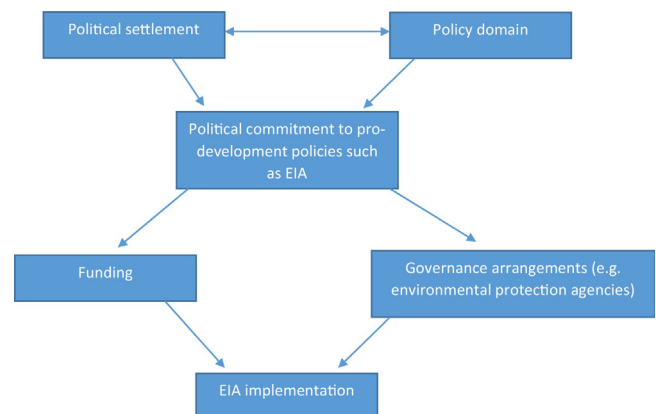


Fig. 1. Conceptualisation of the relationship between political settlements, political will and EIA implementation.

Source: Adapted from Kelsall et al. (2016).

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