**Committee:** Economic and Social Council (ECOSOC)

Topic: Addressing the role of EIAs in promoting sustainable consumption and production practices

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**Topic Introduction** 

Long-term human well-being depends significantly on environmental sustainability. However, we

often overlook the fact that most activities related to human development, such as building

infrastructure, have a major impact on the natural environment, along with economic and social

impacts. This raises questions about the impact of large-scale development projects and shows the

importance of assessing such activities and evaluating and predicting their possible environmental,

social, and economic effects. That is why the U.S. environmental policy introduced Environmental

Impact Assessments (EIAs), which evolved over the years into a mandatory evaluation process for

development projects prior to decision-making.

Nevertheless, in order to benefit from these mandatory assessments, we must first investigate some

cases in which they were not implemented properly. Challenges with public consultation and

non-implementation or ineffective mitigation measures also arose. From the above, it is evident that

finding feasible and effective solutions for these deficiencies in the current EIA practices and

establishing the necessary legal framework for EIAs is vital in promoting and achieving sustainable

consumption and production. These assessments pave the way toward a more sustainable and

environmentally responsible future.

Definition of key concepts

Environmental Impact Assessment (EIA)

"An Environmental Impact Assessment (EIA) is commonly described as an assessment of the impact

of planned activities on the environment, including impacts on biodiversity, vegetation and ecology,

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water, and air. An EIA can be seen as a process of identifying, predicting, and evaluating the likely environmental, socioeconomic, cultural, and other impacts of a proposed project or development to define mitigation actions—not only to reduce negative impacts but also to provide positive contributions to the natural environment and well-being." <sup>1</sup>

#### Strategic Environmental Assessment (SEA)

"Strategic Environmental Assessment (SEA) is a tool for including environmental considerations into policies, plans, and programs at the earliest stages of decision-making. SEA extends the application of environmental impact assessments (EIAs) from projects to policies, programs, and plans."<sup>2</sup>

#### Environmental Impact Statement (EIS)

"A report to the government on the possible effects on the environment of a large project, such as a road or industrial development".<sup>3</sup>

National Environmental Impact Assessment System (Sistema Nacional de Evaluaci n de Impacto Ambiental - SINEA)

"The National Environmental Impact Assessment System (SINEA), is an online licensing system in which stakeholders can submit development projects, or any other public or private activity, likely to pollute the environment or natural resources, in order to conduct an Environmental Impact Assessment (EIA) and prevent possible negative effects." <sup>4</sup>



<sup>&</sup>lt;sup>1</sup> International Institute for Sustainable Development. (n.d.). EIA: What? Why? When? In EIA Online Learning Platform. <a href="https://www.iisd.org/learning/eia/eia-essentials/what-why-when/">https://www.iisd.org/learning/eia/eia-essentials/what-why-when/</a> Accessed on 25 June 2024

<sup>&</sup>lt;sup>2</sup> Ahmed,Kulsum; Mercier,Jean-Roger Roger; Verheem, Rob. "Strategic environmental assessment - concept and practice (English). Environment Strategy Notes" World Bank Group. <a href="http://documents.worldbank.org/curated/en/922351468139198880/Strategic-environmental-assessment-concept-and-practice">http://documents.worldbank.org/curated/en/922351468139198880/Strategic-environmental-assessment-concept-and-practice</a> Accessed on 25 June 2024

<sup>&</sup>lt;sup>3</sup> Cambridge Dictionary. "Environmental impact statement." In Cambridge English Dictionary, <a href="https://dictionary.cambridge.org/dictionary/english/environmental-impact-statement">https://dictionary.cambridge.org/dictionary/english/environmental-impact-statement</a> Accessed on 25 June 2024

<sup>&</sup>lt;sup>4</sup> Tribunal Superior de Cuentas de Honduras. "Reglamento del Sistema Nacional de Evaluación de Impacto Ambiental." https://www.tsc.gob.hn/web/leyes/Reglamento\_sistema\_nacional\_de\_evaluacion\_impacto\_ambiental.pdf. Accessed on 9 July 2024 – translate to English from Spanish

### **Background Information**

### Historical Background of EIAs

Since the idea first originated in 1970 as a component of the U.S. environmental policy<sup>5</sup>, EIAs have transformed from assessing only the environmental impact of development projects to evaluating the socio-economic impacts as well. Soon after the introduction of the process, EIAs were implemented in federal actions due to the signing of the U.S. National Environmental Policy Act (NEPA)<sup>6</sup>, which mandated the use of this procedure for all major federal projects that could harm the environment. However, this raised awareness and intrigued countries all around the world to implement similar assessments. By 1983 eleven countries had already required EIAs for all federal or national actions.

Seeing their significant effect, in 1985, the European Union (EU) implemented the EIA Directive<sup>7</sup> for all EU Member States and mandated the conduction of EIAs prior to any major development project, which led Member States such as Italy and the Netherlands to introduce the assessment. As a result, today 28 countries have introduced EIA legislation. This has led the UN to declare EIAs an "international instrument"<sup>8</sup>. Continuing, an important year in the history of EIAs was 2009, when Honduras introduced the National Environmental Impact Assessment System (Sistema Nacional de Evaluaci n de Impacto Ambiental - SINEA)<sup>9</sup> to modernize the global EIA system.

### **Key Stages of EIAs**

The EIA process consists of seven stages. The first is screening, which determines which proposals require a full EIA and which do not.<sup>10</sup> After that follows scoping, which forms the foundation for an

https://circabc.europa.eu/ui/group/3b48eff1-b955-423f-9086-0d85ad1c5879/library/a9f8a19a-fba5-440f-abf2-29d3f9ed7a63/details



<sup>&</sup>lt;sup>5</sup> Vig, Norman J. "US Environmental Policy and Politics: From the 1960s to the 1990s." Governance: An International Journal of Policy and Administration, vol. 3, no. 2, 1990, pp. 223-241, www.cambridge.org/core/services/aop-cambridge-core/content/view/48E1FE467160CF9B72782B2C4B9CF723/S0898030600002712a.pdf/us-environmental-policy-and-politics-from-the-1960s-to-the-1990s.pdf . Accessed 24 July 2024.

<sup>6</sup> U.S. Environmental Protection Agency "What is the National Environmental Policy Act?", <a href="https://www.epa.gov/nepa/what-national-environmental-policy-act">https://www.epa.gov/nepa/what-national-environmental-policy-act</a> Accessed on 24 July 2024

<sup>&</sup>lt;sup>7</sup> European Parliament. Environmental Impact Assessment Directive. European Parliamentary Research Service, 2020, <a href="https://www.europarl.europa.eu/cmsdata/226402/EPRS\_ATAG\_627136\_EIA\_Directive-FINAL.pdf">www.europarl.europa.eu/cmsdata/226402/EPRS\_ATAG\_627136\_EIA\_Directive-FINAL.pdf</a>. Accessed 24 July 2024.

Natural Resources Defense Council (NRDC). High Seas Areas Environmental Impact Assessments: Briefing Paper for PrepCom2. United Nations, 2016, <a href="https://www.un.org/depts/los/biodiversity/prepcom\_files/NRDC\_HSA\_EIA\_Brief\_PrepCom2.pdf">https://www.un.org/depts/los/biodiversity/prepcom\_files/NRDC\_HSA\_EIA\_Brief\_PrepCom2.pdf</a>. Accessed 24 July 2024.

Tribunal Superior de Cuentas de Honduras. "Reglamento del Sistema Nacional de Evaluación de Impacto Ambiental."
<a href="https://www.tsc.gob.hn/web/leyes/Reglamento\_sistema\_nacional\_de\_evaluacion\_impacto\_ambiental.pdf">https://www.tsc.gob.hn/web/leyes/Reglamento\_sistema\_nacional\_de\_evaluacion\_impacto\_ambiental.pdf</a> Accessed on 24 July 2024
For further information regarding the screening process follow the following link:

effective EIA. It identifies the issues that are important and eliminates those that are not. This ensures that time and money are not wasted on unnecessary studies.<sup>11</sup> Evaluation is the following part. It assesses the effects of the project and its alternatives and identifies the mitigation measures to minimize them. Before mitigation, impact management takes place, which prepares the plans required for addressing mitigation measures and other project risks, such as technological failures and natural disasters. Moving on, the EIA report is a critical document, which assembles the information to be submitted to the authorities responsible for project authorization.<sup>12</sup> The authorities review the EIA report to determine if the project will get approved or if it requires changes. The last step is monitoring which takes measures and actions during project implementation.

### Challenges of EIAs

#### **Data Quality and Technical Issues**

It is common that the mitigation measures proposed by the conducted EIA are not effective and could possibly harm the environment. That happens due to inaccurate or outdated data, especially in remote or undeveloped areas. This challenge has increased since the development of the SINEA system since there are often cases of algorithm failure and data not aligned with international developments. This creates concerns regarding the effectiveness of EIAs and leads stakeholders to be hesitant to conduct one or rely on the output.

### Disagreement of stakeholders with proposed mitigation measures

Often, while proposing mitigation measures to stakeholders, disagreements are observed, regarding the financing, the resourcing, and the time schedule of the mitigation measures, combined with those of the original project. In addition, conflict arises, due to suggestions that are difficult to implement in the area. As a result, stakeholders disregard the measures in order to save money and start their project as soon as possible, contradicting the purpose of the process, as there is a high possibility of environmental damage and socio-economic impacts.

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For further information regarding the scoping process follow the following link: https://circabc.europa.eu/ui/group/3b48eff1-b955-423f-9086-0d85ad1c5879/library/38742302-d9d2-41e1-85de-aa88653ebe7c/details information regarding report follow https://circabc.europa.eu/ui/group/3b48eff1-b955-423f-9086-0d85ad1c5879/library/b7451988-d869-4fee-80de-0935695f67f2/details

#### <u>Limited Public Participation</u>

For the EIA to be effective, public participation is necessary. However, the circumstances for effective public consultation can be challenging and most citizens are not aware of the procedure. Firstly, public consultations are superficial and are done mainly for regulatory requirements. They are often held at inconvenient locations and are not incorporated into the final decision-making process. Moving on, the language in which the information is presented can be too difficult for the public to comprehend, making it almost impossible for them to participate in the conversation. Lastly, all these lead to loss of local knowledge as the circumstances are too difficult for this knowledge to be incorporated into the EIA which can lead to incomplete and ineffective mitigation proposals.

1970	The EIA originates as a key element of the US environmental policy. 13
1 <sup>st</sup> of January 1970	The U.S. National Environmental Policy Act (NEPA) is signed and mandates the use of EIA for every major federal project and program that could affect directly the environment. <sup>14</sup>
16 <sup>th</sup> of June 1972	1972 - UN Stockholm Declaration presents 29 principles concerning the environment and development. <sup>15</sup>
27 <sup>th</sup> of June 1985	The EIA Directive for EU Member States requires that before the authorization of development projects, EIAs must be conducted. <sup>16</sup>
16 <sup>th</sup> of January 1987	The UNEP implements 13 rules to introduce and promote EIA, adopting the Goals and Principles of EIAs. 17



<sup>&</sup>lt;sup>13</sup> Vig, Norman J. "US Environmental Policy and Politics: From the 1960s to the 1990s." Governance: An International Journal of Policy and Administration, vol. 3, no. 2, 1990, pp. 223-241, www.cambridge.org/core/services/aop-cambridge-core/content/view/48E1FE467160CF9B72782B2C4B9CF723/S0898030600002712a.pdf/us-environmental-policy-and-politics-from-the-1960s-to-the-1990s.pdf . Accessed 24 July 2024.

U.S. Environmental Protection Agency "What is the National Environmental Policy Act?", <a href="https://www.epa.gov/nepa/what-national-environmental-policy-act">https://www.epa.gov/nepa/what-national-environmental-policy-act</a> Accessed on 24 July 2024

<sup>&</sup>lt;sup>15</sup> United Nations "Report of the Untied nations Conference on the Human Environment", Stockhol 5-16 June 1972, <u>nl730005.pdf (un.org)</u>. Accessed 24 July 2024

<sup>&</sup>lt;sup>16</sup> European Parliament. Environmental Impact Assessment Directive. European Parliamentary Research Service, 2020, <a href="https://www.europarl.europa.eu/cmsdata/226402/EPRS ATAG 627136 EIA Directive-FINAL.pdf">https://www.europarl.europa.eu/cmsdata/226402/EPRS ATAG 627136 EIA Directive-FINAL.pdf</a>. Accessed 24 July 2024.

<sup>&</sup>lt;sup>17</sup> United Nations Environment Programme (UNEP). Environmental Impact Assessment: Guidelines and Principles. UNEP, 1987, <a href="https://www.elaw.org/wp-content/uploads/archive/unep.EIA">www.elaw.org/wp-content/uploads/archive/unep.EIA</a> .guidelines.and .principles.pdf . Accessed 24 July 2024.

31 <sup>st</sup> of December 2009	Honduras introduced SINEA, in order to modernize the EIA system, an online licensing system to register and submit EIAs. <sup>18</sup>
25 September 2015	Transforming our World: the 2030 Agenda for Sustainable Development - 17 SDGs <sup>19</sup>

### Major countries/ organizations and alliances

#### Australia

In 1974, Australia signed the Environment Protection (Impact of Proposals) Act (Cth)<sup>20</sup>, in which the EIA process was first introduced. It has since been replaced with the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).<sup>21</sup> Since then, many assessments have been carried out, including the Great Barrier Reef assessment, which aims to protect the Great Barrier Reef World Heritage Area against potential impacts from activities ranging from increased shipping to urban development. Although criticisms of bias, lengthy delays, costs, and duplication of processes are leveled at the EIA process in Australia, many projects are going on, such as the National EIA Improvement Task Force with the goal of improving this much-needed process.<sup>22</sup>

#### **Honduras**

Honduras introduced the EIA legislation in 2009<sup>23</sup>. Since then, no other country has introduced the legislation. Honduras's contribution to the EIA process is large and of great importance, as it



Tribunal Superior de Cuentas de Honduras. "Reglamento del Sistema Nacional de Evaluación de Impacto Ambiental." <a href="https://www.tsc.gob.hn/web/leyes/Reglamento">https://www.tsc.gob.hn/web/leyes/Reglamento</a> sistema nacional de evaluación impacto ambiental.pdf Accessed on 24 July 2024

<sup>&</sup>lt;sup>19</sup> United Nations General Assembly. Transforming Our World: The 2030 Agenda for Sustainable Development. United Nations, 25 Sept. 2015, <a href="https://www.digitallibrary.un.org/record/3923923/files/A\_RES\_70\_1-EN.pdf?ln=en">www.digitallibrary.un.org/record/3923923/files/A\_RES\_70\_1-EN.pdf?ln=en</a>. Accessed 24 July 2024.

<sup>&</sup>lt;sup>20</sup> "Environment Protection (Impact of Proposals) Act 1974." UNEP Law and Environment Assistance Platform, United Nations Environment Programme, <a href="http://sleap.unep.org/en/countries/au/national-legislation/environment-protection-impact-proposals-act-1974">http://sleap.unep.org/en/countries/au/national-legislation/environment-protection-impact-proposals-act-1974</a>. Accessed 26 July 2024.

<sup>&</sup>lt;sup>21</sup> "Environment Protection and Biodiversity Conservation Act 1999." Department of Climate Change, Energy, the Environment and Water, Australian Government, <a href="https://www.dcceew.gov.au/environment/epbc">www.dcceew.gov.au/environment/epbc</a>. Accessed 26 July 2024.

For further information regarding the EIA procedure in Australia follow the following link <a href="https://classic.austlii.edu.au/au/journals/PrecedentAULA/2012/71.pdf">https://classic.austlii.edu.au/au/journals/PrecedentAULA/2012/71.pdf</a>

<sup>&</sup>lt;sup>23</sup> Centro Nacional de Producción Más Limpia de Honduras. Compilación de Reglamentos: Versión Borrador Pendiente de Aprobación por el Poder Ejecutivo. CNP+L Honduras, www.cnpml-honduras.org/wp-content/uploads/docu tecnicos/doc/Compilacion de reglamentos version borrador pendiente aprobacion poder ejecutivo.pdf. Accessed 24 July 2024.

developed SINEA to modernize the global EIA system, an online licensing system to register and submit EIAs. Additionally, the country has managed, through this assessment, to successfully preserve its natural beauty, with the Río Plátano Biosphere Reserve and the Bay Islands being a few examples.

### United States of America (USA)

The United States introduced the EIA legislation in 1970 when the National Environmental Policy Act was signed<sup>24</sup>. It is the country in which the idea originated in 1960. The Council on Environmental Quality (CEQ) in the White House provides public notice regarding meetings, hearings, and documents on EIA procedures. Additionally, it holds or sponsors public hearings and provides the public with the necessary information. Lastly, it mandates public involvement before decision-making and requires accurate scientific analysis through expert agencies. It is obvious that the role of CEQ is crucial in the promotion of public participation and transparency in the assessment.<sup>25</sup>

#### United Nations Environment Programme (UNEP)

The United Nations Environment Programme (UNEP) is the leading global authority on the environment. UNEP has released a report providing an overview of the national legislation and institutional arrangements relevant to EIAs. It emphasizes improving the importance of the conduction of EIAs in achieving our Sustainable Development Goals (SDGs). Additionally, it has made efforts to improve the consistency of EIA practices by establishing fundamental principles, standards of good practice, and guidelines for an integrated approach. Lastly, in 1987, UNEP adopted the goals and principles of Environmental Impact Assessments, which presented 13 rules of the EIA system in order to promote this procedure<sup>26</sup>.



<sup>&</sup>lt;sup>24</sup> U.S. Environmental Protection Agency "What is the National Environmental Policy Act?", <a href="https://www.epa.gov/nepa/what-national-environmental-policy-act">https://www.epa.gov/nepa/what-national-environmental-policy-act</a> Accessed on 24 July 2024

<sup>&</sup>lt;sup>25</sup> For further information regarding CEQ's role in public participation follow the following link: https://ceq.doe.gov/docs/get-involved/citizens-guide-to-nepa-2021.pdf

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#### World Bank

The World Bank's contribution to EIAs is major, as it provides the necessary legal framework, funding, and technical assistance. In 1989, the World Bank adopted the Operational Directive 4.01– Annex A: "Environmental Assessment"<sup>27</sup> and since then it has systematically implemented the EIA as standard procedure for projects financed by the Bank, serving as the primary method to ensure the environmental and social quality of the project. Today, more than 1,200 projects, funded by the World Bank have been assessed with the EIA process.<sup>28</sup>

### Previous attempts to solve the issue

### U.S. National Environmental Policy Act (NEPA) in 1970

The U.S. National Environmental Policy Act (NEPA) was signed into law on the 1<sup>st</sup> of January 1970 and required the assessment of the environmental effects of any federal action before its implementation. Through this process, agencies could evaluate the effect that the project could have on the environment, assessing at the same time its economic and social impacts. The signing of NEPA was the first legal action regarding EIAs and the first to mandate their use. It raised awareness on the matter and encouraged countries all around the world to implement this assessment. However, the policy act, affected only federal programs in the U.S. As a result, the public was still unaware of the procedure.<sup>29</sup>

### European Union EIA Directive (1985, revised 2014)

On the 27th of June 1985, the EU EIA Directive was signed. It was later revised on the 16<sup>th</sup> of April 2014. According to the directive all EU Member States were required to conduct an EIA prior to the authorization of development projects. This action promoted EIAs and raised awareness in Europe. In addition, it removed the limitation of the conduction of EIAs only for national projects as it mandated

For further information regarding NEPA follow the following link: https://www.epa.gov/nepa/what-national-environmental-policy-act.



World Bank. OP 4.01 - Environmental Assessment. World Bank, Jan. 1999, <a href="https://thedocs.worldbank.org/en/doc/f3077ee7a3590f4f4610ede4734496fc-0290012023/original/OP-4-01-Environmental-Assessment.p">https://thedocs.worldbank.org/en/doc/f3077ee7a3590f4f4610ede4734496fc-0290012023/original/OP-4-01-Environmental-Assessment.p</a> df . Accessed 26 July 2024.

<sup>&</sup>lt;sup>28</sup> For further information regarding the World Banks contribution in the EIA procedure follow the following link: https://documents1.worldbank.org/curated/en/771381468749086135/pdf/300670PAPER0English0EIA0in0ECA.pdf

their use for every major development project. However, until today, out of the 27 Member States, only 6 have introduced the EIA legislation.<sup>30</sup>

#### Possible solutions

#### Transparency

For the EIA process to be effective, public consultation is necessary. However certain circumstances make public participation almost impossible. One way to encourage engagement is through transparency in all documents related to the EIA conducted. This way the local communities will be informed about the proposed activities and be able to actively help in the procedure through the contribution of local knowledge regarding the natural environment of the specific area. As a result, not only will there be an increase in public engagement, but also, the challenge of inaccurate and outdated data will be tackled, since the mitigation measures will be adjusted according to the information provided by the local communities. The validity of the community input can be cross-checked with scientific information and satellite imagery. The recurring problem with this solution is that even if the public has access to the EIA documents, the language in which these are written is still difficult to comprehend, which creates a problem of communication during the public consultations.

#### Collaboration between the stakeholders and the project developers

It is important to avoid any disagreements and misunderstandings over the EIA report and its applications. Specifically, disagreements often occur from surprises in the mitigation proposal regarding their financing and the time schedule. That is why it is important that stakeholders and those responsible for the EIA collaborate. This could happen in many ways. Firstly, continuous dialogue is encouraged from an early stage in the EIA process, so that trust can be built, and stakeholders are following the procedure. Through this, they can participate in the decision-making process. If they have difficulties in agreeing, neutral third-party mediation can be involved to



<sup>&</sup>lt;sup>30</sup> For further information regarding the European Union EIA Directive follow the following link: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0052

facilitate the discussions between the stakeholders and the project developers. This work can be done by environmental consultants. Additionally, feedback mechanisms could be established in order for the stakeholders to provide feedback on the proposals. However, there is a possibility that those responsible for the EIA do not take into consideration and do not integrate the feedback provided by the stakeholders.

### **Cost Management**

One of the reasons why mitigation measures are often neglected by stakeholders is the high cost that they require. There are many ways in which the budget can be limited, and the trust of the stakeholders can be gained. First, it is important that the stakeholder is aware of the expenses. That is why project developers should provide them with a detailed budget estimate based on similar past projects and industry standards. Additionally, the cost-benefit analysis is highly encouraged since unnecessary expenses will be cut off, in search of cheaper but still effective alternatives, and major expenses will be prioritized in order to be within budget. This will not affect the effectiveness of the procedure, as all the environmental and social costs will be covered. Also, as resourcing is a challenge for EIA mitigation measures, stakeholders' internal expertise and resources should be considered before outsourcing. If all the above are implemented, it is almost certain that the budget will be lower. However, the amount that the budget is lowered could be minimal and stakeholders could still struggle financially to cover the EIA.

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