

New concepts for environmental impact assessment in Syria

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ABSTRACT

Syria is in a phase of transition, which involves major economic activities and change. At the same time, the environmental resources in Syria are being continuously degraded.

In this paper, the current situation of EIA in Syria (in 1999) is briefly reviewed. The main shortcomings identified relate to: the absence of binding EIA related legislation; weak environmental institutions and weak environmental authorities; lack of awareness and experience; lack of environmental data; lack of coordination and cooperation; the weak role of the private sector and the public in EIA.

The analyses showed that an integrated solution could be developed that would aim at:

- securing high level political will and support for the environment;
- enhancing the existing legal base and bringing it into force;
- maintaining effective communication, coordination and cooperation;
- improving information flow and management; establishing a national Geographic Information Systems data centre;
- reforming the administrative structure; and
- carrying out continuous training and raising awareness programmes.

Also, strategic environmental assessment (SEA) should play a major role by steering and controlling high level planning to promote sustainable development. Indeed implementing effective EIA and SEA would be a major element and potentially powerful tool that supports the national environmental strategy outlined in the National Environmental Action Plan (NEAP).

As a result of the review, a number of major recommendations are made. These would involve: seeking a high level political will and support for the environment in Syria; strengthening SEA implementation; strengthening communication, coordination and cooperation between the different actors

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involved; strengthening the environmental capacity in the public and private sectors; and introducing new fields of science to Syria, such as environmental economics.

INTRODUCTION

During the past few years, the Arab Republic of Syria has witnessed many changes, *inter alia*, in the economic situation. For 1995, however, a real economic growth of approximately 4 per cent has been estimated.

Reform of economic policy in Syria is gradually shifting the country's economy from a centrally planned socialist economy to a market based one which would involve more private sector economic and industrial activities.

Investment Law No. 10, introduced in 1991 to encourage private investment, is a key player in this area. This law provides incentives, including special investor tax and duty rates and facilitates the investments of Syrians abroad as well as other Arabs and foreigners in Syria. During the years 1991-1996, Investment Law No. 10 contributed 1494 projects at a cost of approximately US\$ 7.3 billion, which is a significant investment in the Syria economy (Arabicnews 19 November 1997).

However, it is crucial that this economic development must be paralleled by developments in other sectors. For the long term, environmental considerations stand out as a priority for sustainable progress.

According to 1996 estimates, the Syrian population is 15 608 648 (The World Factbook 1998b). However, with an annual growth rate of 3.4 per cent, it is estimated that this number will reach 20 million by the year 2005 (ERM 1998). Moreover, the rate of urbanization is very high, caused by a similar high rate of rural-urban migration. In 1996, 51 per cent of the total population was living in the major cities of Syria. Illegal settlement areas have increased significantly and currently accommodate an estimated 10 per cent of the total population. This situation is a cause of significant degradation of living and environmental conditions. It has also contributed to an increasing uneven income distribution (ERM 1998).

The Syrian environmental situation is being continuously degraded. Surface and ground water resources are almost completely exploited. Water resources face another problem. Discharges of domestic and industrial waste water is causing severe water pollution especially near big cities (ERM 1998).

Land degradation affects more than 50 per cent of the currently productive agricultural land. Erosion, desertification or salination are crucial factors. In addition, increasing urbanization is taking out green areas surrounding cities and converting them into domestic, industrial or waste disposal sites. The country's rich genetic and biological diversity is currently depleted and endangered. Also, dumping collected waste, estimated at 5 000 tonnes per day, near to the edge of towns and cities with no segregation or treatment is causing

acute environmental problems of groundwater pollution, while waste burning is causing air pollution. Moreover, air pollution caused by traffic and industry is severe. The air quality in major cities is poor and, sometimes, is five fold World Health Organization (WHO) standards (ERM 1998).

The Ministry of Environment (MSE) has two executive agencies: the General Commission for Environmental Affairs (GCEA), the technical arm; and the Scientific and Environmental Research Centre (SERC), the research arm. EIA is the responsibility of GCEA which contains the EIA Unit. GCEA has no enforcement powers, as the Environmental Protection Act (EPA) and the EIA Decree are not yet in force. Thus, the GCEA lacks legislative authority. Furthermore, other Ministries see activities of GCEA as interfering with their authority and are anxious that environmental concerns might slow down economic growth.

THE CURRENT PRACTICE OF EIA

Currently EIAs are carried out by the EIA Unit itself as Syria lacks environmental consultancies and the EIA related law is not endorsed.

According to an unattributable source, 741 EIAs were carried out in the period 1994-1996. Given the human resources available in the EIA Unit and the current circumstances that prevail, this rate of EIA performance seems to be unrealistically high. Unfortunately, the author has no access to any of the EISs produced in order to assess the validity of this statement. On the other hand, ERM (1998) indicated that only three EIAs were performed in 1996, while in 1997 no EIAs were produced at all. Probably, this means that the 741 EIAs were performed without producing Environmental Impact Statements (EISs) and only three EIAs in 1996 led to the production of EISs. It also means that in 1997 no EIAs led to an EIS.

While working for approximately one year (during 1996) in GCEA, the author observed that most EIAs do not follow the full procedures and generally EIA were carried out without an EIS being produced and with the assessment completed in just one day.

It is generally the case that proponents from the private sector who have small-sized projects will be informed by another Ministry (the permitting authority) that, in order to proceed with the authorization of their project, they will need a signature from GCEA. The proponent will then apply to the EIA Unit. Afterwards, the proponent will have some discussions with the EIA Unit about the project and be given some advice and recommendations together with the required permit. In some cases, a short visit to the location is conducted by the staff of the EIA Unit.

Thus, it appears that, in reality, the number 741 does not indicate the number of EIAs conducted, but rather the number of permits applied to the EIA Unit by proponents. The vast majority of these permits, therefore, are processed and given permission without a proper EIA study having been conducted.

A very brief overview of the theoretical stages is summarized below with appropriate comments and issues included. However, the actual current practice may deviate significantly as there is yet no binding legislation.

EIA stages

First, the relationship between the EIA process and project authorization and implementation should be clarified. Permits needed for a project, before its authorization, are sectoral from the relevant Ministry and administrative from the relevant Governorate.

After receiving the sectoral permit, which is generally the first permit to be obtained, the proponent can begin construction work. However, production cannot begin until the administrative permit is obtained. The administrative permit, however, cannot be issued until the proponent has an environmental permit from the Governorate's environmental department. Recently, the EIA Unit has been involved on the basis of an informal agreement between the two governmental bodies, given the lack of legislation or formal procedures. This equates to the screening process.

More than 50 per cent of the applications submitted for permits to the EIA Unit are for projects which are already in operation and which have significant environmental impacts. Ahmad (1996) identified two possible decisions taken by the EIA Unit when this is the case. In the first situation, if mitigation measures can be undertaken, the permit will be given. Nevertheless, the enforcement of these mitigation measures is not in the hands of GCEA, but rather based on informal arrangements with the permitting authority (the Governorate) who may not necessarily act. In the second situation, when mitigation measures are not feasible, the decision will also be to issue the permit, but with a condition requiring the closure of the establishment or its relocation to a less sensitive area. Also in this case, action is in the hands of the Governorate.

Scoping is the next stage, where an EIA programme should be prepared. However, alternatives are not taken into consideration and the programme is developed by the EIA Unit itself. The public should be informed by the State Gazette. However, currently, only announcements on notice-boards in the Governorate in which the activity should be registered are used.

The next stage, according to the EIA Decree, is to implement the EIA programme. This includes the preparation and submission of an EIS. DHV *et al.* (1995a) indicated that the results of the scoping and the impact areas identified will be reported in the EIS. Also, it indicates that the aim of the assessment is to produce information that will help the authority to assess an impact's significance.

Non technical summary for decision makers
Institutional requirements and conditions with which the project should comply
A project description defining its objectives, site, design and size. etc.
Baseline study for the situation before the project
Identification and assessment of environmental impacts likely to result
Alternatives and their analysis
Detailed mitigation plan
Environmental management plan that deals with the mitigation measures
Monitoring plan
References used in preparation of the EIS

Table 1: The ten items representing the contents of an EIS

The current practice in preparing EISs is limited to a description of the project, a baseline description and a prediction of likely impacts (Ahmad 1996). This situation is justified by the absence of binding legislation and by the fact that the people who prepare an EIS will also, at a later stage, be responsible for its review and for recommending a decision about it (the EIA Unit). This also reduces the objectivity of the current process.

The next step mentioned in the EIA Decree is a review of the EIA report by the EIA Unit. The European Commission review criteria were suggested by DHV *et al.* (1995a and b) as a review package. However, the current practice is that reviewing of EISs (if any), is performed by the same people who prepare them (the EIA Unit staff). This action lacks the required objectivity.

Subsequently, a decision statement, clarifying the results of the review, should be produced by the EIA Unit. In the statement, recommendations on the preferred alternative and the mitigation measures for a project that is to be approved, or the decision to reject the project, should be clarified.

Ahmad (1996) indicates that the decision is heavily influenced by political considerations. The EIA Unit prefers not to ruin good relations with other permitting authorities by rejecting important projects. A negative decision from the Unit might result in other governmental bodies ignoring environmental permits and EIA altogether in their future projects. However, Ahmad (1996) considers environmental protection is achieved by ensuring the implementation of good mitigation measures. Consequently, it could be argued that the EIA Unit, knowing that a decision must be positive in most cases, would support almost all developments without proper EIAs.

The EIA Decree mentions very briefly that appeals can be made to the Ministry of Environment against the decision statement. Also, the EPA gives proponents the right to appeal against the licensing authority at a later stage. So, an appeal could be made in two stages!

Monitoring is not mentioned in the EIA Decree, but is tackled in the EPA and other relevant documents by DHV *et al.* (1995a and b). Nevertheless, there are no details regarding what to monitor, where and when.

Violations and compliance are also tackled. It is the responsibility of GCEA to check compliance in cooperation with other governmental bodies. Nevertheless, the action is in the hands of the licensing authority, which is not identified in the EPA.

PROBLEMS AND WEAKNESSES OF THE EIA SITUATION IN SYRIA

The major point is the absence of binding legislation, accompanied by a confusion over the distribution of EIA related tasks and procedures amongst different governmental bodies. The enforcement powers were assigned in the EPA and the EIA Decree to the licensing or permitting authority. The expression 'licensing authority' is used in the EPA, while the expression used in the EIA Decree is the 'permitting authority'. This authority is not identified in the EPA and could be understood as being GCEA. On the other hand, it is stated in the EIA Decree that this authority is not GCEA but the Governorate. However, generally, it is the Governorate that enforces the regulations when requested to do so by the EIA Unit.

This means that, even after bringing relevant legislation into force, the Act will always be in the hands of other agencies and the likelihood of the EIA Unit acting independently is small. This might create bureaucratic problems, as more procedures have to be followed when action is needed. Even the final decision will always be in the hands of the other agencies, as they have the authority which is, in effect, the most powerful tool. Therefore, a dilemma could arise when the other governmental body has another opinion about the matter. Basically, the environment will be the loser.

Initialling the EIA to decision making

According to Ahmad (1996), there are two authorization permits – sectoral and administrative. Construction can start after receipt of the sectoral permit, leaving production to be dealt with by the administrative permit, which involves EIA. Thus, the proponent will begin the construction works and maybe even finish them, before hearing whether an EIA will be required.

This delay means that, even if the project is rejected before production begins, the impacts of the construction phase will have already occurred. Moreover, supposing that proponents know about the need for an EIA at an early stage, they will seek to finish construction before dealing with the other permission, hoping that they will find a solution later for the additional bureaucratic procedure. Furthermore, a project is unlikely to be rejected after considerable resources have been invested in construction.

Ahmad (1996) commented upon the position of EIA in saying that it may come at various stages, sometimes during the first stage and often very late when the establishment is already in existence.

Some attention should focus on the scoping process which enable 741 EIAs to be carried out in two years by fewer than five people, the staff of the EIA Unit. No doubt many essential topics are missed.

Article 4 (a) of the EIA Decree indicates that Terms of Reference (ToRs) for EIAs should follow the general guidelines. However, the Decree also seems to indicate that the results of scoping should form the basis for the EIS. This is related to the fact that the Decree (excluding the definition of EIA), does not mention predicting and assessing significance of impacts. Also, it does not contain any EIS structure, although both are mentioned in the guidelines.

The guidelines will never be binding. The GCEA is already weak and in a weak position. So, it is difficult to see how it could enforce non-binding guidelines, which were, very briefly, referred to in the Decree. This might cause a problem in the future in enforcing the missing EIA stages that are not mentioned directly in the Decree and also in deciding when and how they are to be conducted.

It is worth noting that EIA expertise in the governmental sector is lacking. Those people who cooperate in the process will do the required analysis without having a sense of the reasoning behind it. This lack of understanding of the EIA framework might also influence its results or presentation. On the other hand, private environmental consultancies, as known in Europe for example, do not exist in Syria. Syrian EIA experts are very few. Therefore, the situation where EIAs are produced by proponents and their consultants will put great pressure on those experts who do exist. There are certainly not enough of them to perform all of the required work. Therefore, if EIA were to become a legal requirement for development projects and the current circumstances remained the same, EIA would be ineffective. Because EIA experts are limited in number, non-specialized people would become involved in producing the huge number of legally required EIAs. This also might encourage EIA to be seen as an unnecessary bureaucratic procedure.

Information flow in Syria does not run easily. If official information exchange procedures and high-level signatures do not exist, difficulties are faced in obtaining information, even among different governmental bodies. However, personal relations play a role in facilitating this aspect. Additionally, some information from governmental bodies is not compatible and some information just does not exist. Therefore, the private sector and its EIA consultants will face severe difficulties in obtaining the required data about a site in order to conduct a baseline study or impact prediction.

RECOMMENDED DECISION AND APPEALS

A crucial point in the whole process involves political pressure on the decision statement produced by the EIA Unit. Currently, decisions might