



CAPACITY DEVELOPMENT AND
LINKAGES FOR ENVIRONMENTAL
ASSESSMENT IN AFRICA



ECONOMIC COMMISSION FOR AFRICA
COMMISSION ECONOMIQUE POUR L'AFRIQUE

INFORMATION NOTE

Key Recommendations Regarding An Agenda for Action on the Effectiveness of EIA Systems in Africa

As developed and endorsed by the

African Experts' Workshop on the Effectiveness of Environmental Impact Assessment Systems

(Addis Ababa, April 2007)

Jointly sponsored by:

The United Nations Economic Commission for Africa

And

**Capacity Development and Linkages for
Environmental Assessment in Africa (CLEAA)**

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Workshop proceedings: http://www.encapafrika.org/cleaa_workshop.htm

1. The Issues: EIA, the Sustainable Development Agenda, and African Development

Environmental Impact Assessment (EIA) is an essential policy instrument for achieving sustainability in development. Commitments to the application and institutionalization of EIA are enshrined in the international sustainable development agenda (including the Rio Principles, Agenda 21, and the Johannesburg Plan of Action); and in the African Development agenda (e.g. the African Ministerial Conference on the Environment (AMCEN) ministerial declarations of 1995 and 2006, in the Environment Initiative and the African Peer Review Mechanism (APRM) of the New Partnership for Africa's Development (NEPAD)), and in the Paris Declaration on Aid Effectiveness.

In the past decade, African governments have made significant efforts to implement EIA requirements in policy, law and environmental governance structures. These systems are particularly important in Africa, where EIA systems often take on many of the roles and responsibilities fulfilled by media-based pollution control systems in wealthier economies.

However, the effectiveness of EIA as a planning and regulatory tool depends on a number of factors, among the most critical being **EIA review** and **Environmental Management Plan (EMP) implementation and follow-up**. These functions require a combination of expertise, sufficient and sustained financial capacity, and well-performing institutional and regulatory mechanisms. Meeting these needs has been a challenge in the context of many African countries, with significant adverse impacts on the effectiveness of EIA systems.

2. ECA & CLEAA Involvement in EIA Effectiveness

These issues are highlighted in the findings and recommendations of the United Nations Economic Commission for Africa (ECA; www.uneca.org) study *Review of the Application of Environmental Assessment in Selected African Countries* (2005),¹ the product of an extensive multi-country evaluation.

CLEAA is a Pan African network of EIA institutions and associations facilitating development of capacity for and promoting the use of EIA in Africa. CLEAA has placed EIA effectiveness at the top of its agenda and understands the challenges of EIA review and EMP implementation and follow-up from the practitioner's, regulator's and policy-maker's perspective. CLEAA's program of work was endorsed by AMCEN 2006, and incorporated in the AMCEN work plan for the 2007–2008 biennium.

More information about CLEAA is available at www.encapafrika.org/cleaa.htm.

3. The Experts' Workshop: Purpose, Participation and Sponsorship

Over 12–13 April 2007, CLEAA, and ECA sponsored an experts' workshop on the effectiveness of EIA systems in Africa, with a special focus on issues of the quality and financial sustainability of EIA review, follow-up and compliance. The workshop brought together a diverse group of EIA experts, including: Regulators from EIA agencies recognized as leaders in Africa and from agencies now engaged in, or committed to improving the effectiveness of their EIA systems;² representatives of Environment Assessment (EA) associations; representatives of partner, donor and other institutions engaged in efforts to increase EIA effectiveness in the continent³; and private EA consultants from various sub-regions in Africa.

¹ The study is available for download at http://www.uneca.org/eca_programmes/sdd/documents/EIA_book_final_sm.pdf.

² Experts in these categories were drawn from Benin, Cameroon, Ethiopia, Ghana, Kenya, Madagascar, Namibia, Tanzania, Tunisia, Senegal, South Africa and Uganda.

³ Included in this category were CLEAA and ECA, the workshop's co-sponsors, The Cadmus Group, The United Nations Environment Programme (UNEP) Regional Office for Africa/AMCEN Secretariat), USAID East Africa, IUCN EARO, Global Conservation Organization (WWF)/Senegal, the Millennium Challenge Cooperation/USA, the Netherlands Commission for Environmental Impact Assessment (NCEIA), the Norwegian Institute for Urban and Regional Research (NIBR) and the World Bank/Africa Region.

While there is no single prescription for a “perfect” EA system, African policy-makers and institutions need feasible, innovative options and models that are effective in the reality of the African context. The premise of the workshop was that such options, models and lessons do exist, accumulated in EA systems across the continent.

The workshop was thus convened to build on and go beyond the ECA study's recommendations, identifying and endorsing *specific* technical approaches and *concrete* actions and priorities to enhance EIA effectiveness. In these discussions, all experts participated in their individual capacities to share knowledge, experience and lessons.

CLEAA's contributions to the workshop were funded by USAID via its ENCAP program (www.encapafrika.org) and the IUCN East Africa Regional Office, host to the CLEAA Secretariat. Key technical support was provided by The Cadmus Group, also with USAID funding via ENCAP. The Government of the Netherlands provided travel support for many participants, obtained through the good offices of the Netherlands Commission for Environmental Impact Assessment (NCEIA; www.eia.nl/eia/).

4. Workshop Recommendations

Participants agreed on and strongly endorsed critical recommendations in six different areas for action. Recommendations in each area were divided between: (1) “technical recommendations”—EIA regulatory and institutional practices identified as critical to or strongly supporting EIA effectiveness; and (2) “recommended implementation actions”—the actions and strategies recommended to governments, partners and donors to implement the technical recommendations.

Summaries of these recommendations are presented below. The complete recommendations as agreed and endorsed by the participants as well as the workshop proceedings are available at www.encapafrika.org/cleaa_workshop.htm.

Action Area 1: Quality of EIA Review and Independence of EIA Decision-Making

Technical recommendations	Recommended Implementation Actions
<p>Composition of review committees, teams should vary according to project needs</p> <p>Clear procedures, processes must exist for engaging external expertise when required.</p> <p>Simplified procedures for small-scale activities are critical; these should impose simple, practice-based environmental management requirements.</p> <p>Transparency and clarity of review and decision-making criteria and procedures are essential to the integrity of the review and decision-making process, and to public confidence in the process.</p>	<p>Develop and promulgate the statute/regulatory changes necessary to implement the technical recommendations.</p> <p>Undertake a comparative study of and develop an information resource on EIA review systems.</p> <p>Undertake sectoral pilots of “general permit” approaches to small-scale projects and decentralized enforcement/follow-up, with broad dissemination of lessons learned and best practices.</p>

Notes: The quality of available environmental and social information is critical both to review and to supporting the quality of and controlling the costs of the EIA itself. Accessibility of EIA documents and information is critical to public participation in and confidence in the process. See action area 4. Public participation is critical to the quality of the review process and to public support for the EIA function. See action area 5



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Action Area 2: Financing

Technical recommendations	Recommended Implementation Actions
<p>EIA fees with a clear basis in statute/regulation should be levied on project proponents. Two-part fee systems are recommended, comprised of a processing fee and a permit/licensing fee. Fees should scale to project size/ complexity.</p> <p>Mitigation costs rest with the project proponent and project budgets and workplans must reflect these costs.</p> <p>Where decommissioning activities are critical to sound environmental management (such as in the mining sector), escrowing and set-asides for decommissioning should be implemented.</p>	<p>Develop and promulgate the statute/regulatory changes necessary to implement the technical recommendations.</p> <p>Undertake a comparative study of and develop an information resource on the financing of EIA systems</p> <p>Financing entities should assure that project budgets reflect costs of EMP implementation and donors/ partners/ governments undertake actions to make such environmental due diligence business as usual.</p>

Action Area 3: Follow-up on EMP Implementation and EMP Adequacy

Technical recommendations	Recommended Implementation Actions
<p>EIAs should include mitigation and monitoring conditions in clear, auditable language. There must be a statutory or regulatory regime that requires compliance with these conditions and establishes a monitoring process. In addition clear, meaningful penalties in statute or regulation for failing to comply with these conditions must exist.</p> <p>Careful, partial "privatization" or outsourcing of EMP implementation monitoring has significant promise. This requires a certification regime for private-sector inspectors, including incentives and safeguards against corruption and conflict-of-interest. A code of ethics should be considered.</p> <p>Commercial or multi-lateral project financing should be contingent on existence of a conforming EMP and provisions in budgets & workplans to implement the EMP.</p>	<p>Undertake sectoral pilots of "privatized"/ "outsourced" approaches to follow-up monitoring. These pilots should be followed by wide dissemination of lessons learned & recommended good practices.</p> <p>Donors/Partners/Governments undertake actions to make the contingency of financing on adequate and adequately funded EMPs "business as usual."</p>

Note: Effective and efficient follow-up requires the capability to easily verify environmental management conditions and to compare monitoring information to these conditions. See Area 4.

Action Area 4: Information

Technical recommendations	Recommended Implementation Actions
<p>Straightforward, open, searchable access to five types of information is critical to an effective EIA</p>	<p>A single national portal for information categories 1, 2 and 3 at left is desirable.</p>



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<p>system:</p> <ol style="list-style-type: none"> 1. Information covering the “full lifecycle” of individual EIAs, including processing status; the EIA documents themselves; conditions imposed on approved projects; and monitoring information. 2. EIA procedures, the norms & criteria used in decision-making, and the disposition of EIA fees. 3. National environmental quality standards, and environmental and social data. 4. Information regarding clean technologies and mitigation options. 5. EIA practitioners and experts, substantiated by meaningful accreditation processes developed in consultation between government and the private sector. The generation and maintenance of such information may be a specific function of government in some cases or an initiative of regional EIA bodies and professional associations (e.g., CLEAA nodes) in others. 	<p>Information should be accessible via the internet wherever possible. However, recognizing the problems of internet access in Africa, access should also be provided via other means—e.g., on DVD, via reservable public terminals in an environmental information center</p> <p>Information systems entail significant development costs; these costs would be substantially reduced by the development of basic software platforms or packages available at subsidized rates and customizable to the needs of individual states. There is a need for donor-funded, partner-led efforts to develop such products, access to which should be contingent on practicable governmental commitments to the technical and financial dimensions of data system maintenance.</p> <p>Regional associations and institutions are encouraged to develop certification approaches in consultation with governmental authorities and national associations, and to take the lead in developing databases of EIA professionals.</p>
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Note: The quality of and access to information was identified as a cross-cutting issue implicated in EIA review, follow-up, and the financial and political sustainability of the EIA system.

Action Area 5: Public Participation

Technical recommendations	Recommended Implementation Actions
<p>Meaningful public participation is essential to the quality of the EIA, the quality of EIA review, and public confidence in and support of the EIA process. Public participation in scoping, development and review should be explicitly supported and defined in EIA laws or regulations, consistent with known best practice in this area.</p> <p>Critical information in EIA documents must be available in plain language to support community consultations, and this information must be actively disseminated in affected communities.</p> <p>The informed participation of civil society and the media is critical to provide a check and balance on the views and priorities of project proponents in the process, and to building and maintaining popular support for the EIA process.</p>	<p>Broader dissemination of the products of the Calabash project, and its extension to non Southern Africa Development Community (SADC) regions is strongly encouraged: This should include simultaneous foci on building regulator, civil society and media capacity for public participation.</p> <p>(The Calabash project aimed to improve civil society participation in environmental assessment. Reference www.saiea.com/calabash/Index.html)</p>

Action area 6: Certifying Host Country Systems

This action area refers to efforts to “certify” host country EIA systems to enable their use to satisfy donor EA requirements for donor-funded projects. The World Bank and African Development Bank are engaged in such pilots.

Technical recommendations	Recommended Implementation Actions
nill	Such initiatives are a powerful mechanism for strengthening/ upgrading host country systems, particularly when matched with commitments to increased use of host country professionals for EIAs of donor-funded projects. The expansion of existing efforts is strongly recommended.

5. Next Steps

Participants identified and endorsed four “channels” to advance the recommendations of the workshop.

1. Many participants are key decision-makers in their own organizations, and will advance the recommendations in their own organizations when and as opportunities arise.
2. As an assembly of experts contributing in their individual, rather than institutional, capacities, the workshop did not have the agenda-setting power that is reserved to deliberative, multilateral bodies. However, it was clearly understood that consideration, endorsement or adoption of the recommendations by key multilateral fora would significantly enhance their influence and effectiveness.

As AMCEN has endorsed/adopted the CLEAA program of work for the 2007-08 biennium, CLEAA will work with the AMCEN Secretariat to incorporate the workshop recommendations into AMCEN preparatory meetings. As co-sponsor, ECA committed to raise the workshop recommendations within the current meeting of the ACSD.

3. CLEAA will seek to implement the recommendations through its own program of work, via both CLEAA Secretariat and node activities. CLEAA would incorporate the recommendations into the suite of activities for which it seeks funding under the new *Partnership for Environmental Assessment in Africa (PEAA)*.⁴
4. CLEAA and ECA committed to disseminating the results of the workshop within their respective organizations and networks.

⁴ The PEAA is a collaboration between donors, CLEAA and other partners to “harmonize, scale up and raise the visibility of support for EA and environmental management capacity-building in Africa, and in particular of initiatives to strengthen CLEAA and its nodes,” with the goal that “African governments, regional organizations, civil society and the private sector will effectively use EA and other environmental management tools for sustainable development in Africa.” Development of the PEAA concept was led by the World Bank, in consultation with CLEAA and other donors and partners, and is being launched over June–October 2007. The PEAA has received World Bank Development Facility Grant support for 2007–2009, with (to date) USAID, SIDA, NORAD and NCEIA/Government of the Netherlands also funding CLEAA activities under the PEAA umbrella.