

African Experts Workshop on Effectiveness of Environmental Impact Assessment Systems

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CAPACITY DEVELOPMENT AND LINKAGES FOR
ENVIRONMENTAL ASSESSMENT IN AFRICA



ECONOMIC COMMISSION FOR AFRICA
COMMISSION ECONOMIQUE POUR L'AFRIQUE

African Experts Workshop on Effectiveness of Environmental Impact Assessment Systems

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and



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List of Abbreviation

AfDB	African Development Bank
AMCEN	African Ministerial Conference on the Environment
AU	African Union
CBBIA	Capacity Building in Biodiversity in Impact Assessment
CIDA	Canadian International Development Agency
CITET	Centre International des Technologies de l'Environnement de Tunis/Tunis International Centre for Environmental Technologies
CLEAA	Capacity Development and Linkages for Environmental Assessment in Africa
CSO	Civil Society Organization
EA & M	Environment Assessment & Management
EA	Environment Assessment
EAAIA	Eastern Africa Association for Impact Assessment
EAC	East Africa Community
ECA	United Nations Economic Commission for Africa
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EMS	Environmental Management System
ENCAP	EN vironmentally Sound Design and Management CAP acity-building for USAID Partners and Programs in Africa
EPA	Environmental Protection Agency
ESDM	Environmentally Sound Design and Management
ESM	Environmental Sound Management
EU	European Union
IAIA	International Association for Impact Assessment
IRA	Institute of Resource Assessment
IRG	International Resources Group
IUCN EARO	The World Conservation Union, Eastern Africa Regional Office
IUCN TCO	The World Conservation Union, Tanzania Country Office
MAP	Madagascar Action Plan
MCC	Millennium Challenge Corporation
MDG	Millennium Development Goals
METAP	Mediterranean European Technical Assistance Programme
MoU	Memorandum of Understanding
NCEIA	Netherlands Commission for Environmental Impact Assessment
NEMA	National Environment Management Authority
NEMC	National Environment Management Council
NEPAD	New Partnership for Africa's Development
NGO	Non Governmental Organization
NIBR	Norwegian Institute for Urban and Regional Research
PEA	Programmatic Environmental Assessment
REC	Regional Economic Communities
SADC	Southern African Development Community
SAIEA	Southern African Institute for Environmental Assessment
SEA	Strategic Environmental Assessment

SEACA	Secretariat for Environmental Assessment in Central Africa
SIDA	Swedish International Development Cooperation Agency
STEP	Sudan Transition Environmental Program
TA	Technical Assistance
ToR	Terms of Reference
ToT	Training of Trainers
UNEP	United Nations Environment Programme
USAID/East Africa	United States Agency for International Development/East Africa
WAAEA	West African Association for Environmental Assessment
WB	World Bank

Acknowledgement

This meeting provided a platform to review recommendations made by the United Nations Economic Commission for Africa (ECA) study report on “*Review of the Application of Environmental Assessment in Selected African Countries (2005)*”¹ and to deliberate and identify practical and feasible measures, for improving the quality of EIA review, enforcement and compliance, financial sustainability and overall improvement of the role of EIA, in environmental governance and sustainable development in Africa. In addition, the workshop provided an opportunity to strengthen networks and partnerships in environmental assessment and management in Africa. Planning and realization of the objectives of the meeting could not have been possible without the valuable support received from many collaborators and partners.

The organizers of the meeting, IUCN-The World Conservation Union Eastern Africa Regional Office, Capacity Development and Linkages for Environmental Assessment in Africa (CLEAA) and ECA, would like to acknowledge and sincerely thank USAID Africa Bureau and USAID East Africa through the **EN**vironmentally Sound Design and Management **CAP**acity-building for USAID Partners and Programs in Africa program (ENCAP), and the Netherlands Government through the Netherlands Commission for Environmental Impact Assessment, for providing financial support to the workshop.

We also thank all development partners from United States Agency for International Development (USAID) East Africa, the Norwegian Institute for Urban and Regional Research (NIBR), The Cadmus Group, International Resources Group (IRG), the Millennium Challenge Corporation (MCC), The World Bank, United Nations Environment Programme /African Ministerial Conference on the Environment Secretariat (UNEP/AMCEN), the various Government institutions in Africa charged with the responsibility of environmental management, the Global Conservation Organization (WWF), CLEAA’s sub-regional nodes and all delegates for their participation and valuable contribution in the deliberations. We highly appreciate the invaluable support given by Dr. Mark Stoughton, Mr. Weston Fisher and Ms. Stephanie Rosch in preparations for this important workshop.

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Office

¹ The study report can be accessed at www.uneca.org/eca_programmes/sdd/documents/EIA_book_final_sm.pdf

1. Introduction: Motivation, Nature and Objectives of the Workshop

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), in the African Development agenda (e.g. the African Ministerial Conference on the Environment (AMCEN) ministerial declarations of 1995 and 2006), the Environment Initiative of 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 adverse impacts on the effectiveness of EIA systems.

The CLEAA-ECA Experts' Workshop

These issues are highlighted in the findings and recommendations of the United Nations Economic Commission for Africa (ECA) study *Review of the Application of Environmental Assessment in Selected African Countries* (2005), the product of an extensive multi-country evaluation study. CLEAA, an African network of EIA institutions and associations, 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.

Over 12–13 April 2007, CLEAA, and ECA held 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 "lead" EIA agencies now engaged in, or committed to improving the effectiveness of their EIA systems, representatives of Environment Assessment (EA) associations and private EA consultants from various sub-regions in Africa,² and representatives of partner, donor and other institutions engaged in efforts to increase EIA effectiveness in the continent.³

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.

A complete list of participants is provided as Annex 1. The workshop vision is provided in Annex 3.

The workshop was 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 as individuals to share knowledge, experience and lessons.

Critical recommendations were agreed in six different areas for action. These are synthesized and presented in the "key recommendations" section, below. Recommendations in each area are 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.

2. Organization of this Report

The remainder of this workshop report is divided into two sections, namely:

- Section 3. **Key recommendations for an agenda for action on EIA effectiveness.** The *contents* of this section are a *synthesis and formal presentation* of the *discussions and deliberations* captured in sections 4D.2, 4D.3 and 4F.3 of the proceedings.

CLEAA and the workshop participants' endorse that this section is the official and definitive version of the workshop's recommendations. CLEAA, and the workshop participants in their individual capacities express the strong hope that these recommendations be presented for endorsement and consideration in the various key meetings by African Governments, Donors/development partners, and public environment management institutions e.g., Environmental Protection Agencies (EPAs)/National Environmental Management Authorities (NEMAs), etc.

- Section 4. **Proceedings.** This section summarizes the *presentations, discussions, findings and recommendations* from the plenary sessions.
- **Annexes.** This contains the original slides and papers presented at the workshop.

3. Key Recommendations for an Agenda for Action on EIA Effectiveness

To enhance EIA effectiveness on the continent, the workshop participants, acting in their individual capacities, strongly endorse the technical approaches enumerated herein, and respectfully submit the enumerated actions and priorities for consideration by governments, donors and partners.

3A. Action Area 1:

Quality of EIA Review and Independence of EIA Decision-Making

Technical recommendations

EIA Review teams or committees should not be static, but should be specifically constituted to address the technical questions and issues involved. There must be clear provisions, procedures, and sources

of funding to engage external experts where necessary, while preventing direct or indirect conflicts of interest. To focus available review resources where they are needed.

Streamlined or simplified procedures for small-scale or routine projects are essential. At the same time, control of the impacts of small-scale activities is critical, particularly in urban and peri-urban areas. These procedures should impose simple, practice-based environmental management requirements on small-scale, routine activities.

It is not only the EIA itself which should be subject to review. The scoping statement or the terms of reference for the EIA, should be equally subject to review, preferably by the same team that reviews the EIA itself.

Clarity of review and decision procedures and criteria are essential to the integrity of the review and decision-making process, and to public confidence in the process.

Recommended implementation actions for governments, donors, and partners

Governments are urged to implement the technical findings above, while donors and partners are urged to prioritize technical assistance and capacity-building to enable this. In addition and particularly:

While a number of different EIA review systems are in place across the continent, information about implementation experience and practical operation of these systems—particularly with regard to how they utilize and access external expertise and involve line ministries—is not readily available. A comparative study and information resource on EIA review systems would have high value in helping African governments and institutions upgrade the financing of their EIA systems.

Similarly, a number of models are in place for addressing small-scale and routine projects, but there is little information available regarding how effective these procedures are in achieving sound environmental management at low transaction costs. Sectoral pilots are needed to evaluate general permit approaches based on simple, practice-based environmental management requirements and decentralized enforcement/follow-up.

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*

3B. Action Area 2: Financing of EIA Systems

Technical recommendations

The financing of the EIA system is an integral part of the overall financing of environmental management activities. At a minimum, EIA fees with a clear basis in statute or regulation are essential to the sustainable financing of EIA systems, and thus to their effectiveness. In general, two-part fee systems are recommended: (1) a processing fee, which supports the regulatory agency in the execution of its screening, scoping and EIA review responsibilities; and (2) a permit or license fee, which supports the regulatory agency(ies) in the execution of monitoring of EMP implementation. Fees should scale to the size and complexity of the project.

As a matter of principle and practicality, the costs of implementing mitigation measures properly rest with the proponent, and project budgets and work plans must reflect these costs. Where decommissioning requirements are a critical part of the environmental conditions, as in the mining sector, an up-front commitment of funds against decommissioning costs is strongly preferable, e.g., bonds or escrows.

Recommended implementation actions for governments, donors, and partners

Governments are urged to implement the technical findings above, while donors and partners are urged to prioritize technical assistance and capacity-building to enable this. In addition and particularly:

While a number of different funding models for EIA systems are in place across the continent, information about the performance and operation of these systems in practice is not easily available. A comparative study and information resource on EIA funding systems would have high value in helping African governments and institutions upgrade the financing of their EIA systems.

In some cases, multilateral and commercial banks already verify that project financing packages cover the projected costs of mitigation and EMP implementation. Donors, partners and government actions to make such environmental due diligence “business as usual” should significantly reduce the phenomenon of unfunded EMPs, and EMPs never integrated into project work plans.

3 C. Action Area 3: Follow-Up on EMP Implementation and Adequacy

Technical recommendations

EIA decisions must include environmental management requirements and conditions in clear, auditable form. There must be a statutory or regulatory regime which 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.

Partially “privatizing” or “outsourcing” monitoring of EMP implementation to 3rd-party firms in the private sector 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. Changes to regulation or statute will often be required to implement this approach.

Financing by commercial or multi-lateral institutions should be contingent on the existence of an EMP meeting EIA conditions, and clear provision in the project budgets/business plans to meet these obligations.

Recommended implementation actions for governments, donors, and partners

Governments are urged to implement the technical findings above, while donors and partners are urged to prioritize technical assistance and capacity-building to enable this. In addition and particularly:

“Privatized” or “outsourced” models for follow-up monitoring have great promise but there is little practical experience on their implementation. Development and sponsorship of sectoral pilots, with documentation of lessons learned and recommended good practice, are recommended to evaluate and advance this approach.

In some cases, multilateral and commercial banks already verify that project financing packages cover the projected costs of mitigation and EMP implementation, and that the project has received

appropriate environmental approvals. Donors, partners and government actions to make such environmental due diligence “business as usual” will significantly reduce the phenomenon of unfunded EMPs and EMPs never integrated into project work plans.

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

3D. Action Area 4: Information

Information was identified as a cross-cutting issue implicated in EIA review, follow-up, and the financial and political sustainability of the EIA system.

Technical recommendations

Straightforward, open, searchable access to five types of information is critical to an effective EIA system:

1. Information covering the “full lifecycle” of individual EIAs, including processing status (e.g. received, under review, approved); the EIA documents themselves (e.g., preliminary assessments, scoping statements/Terms of Reference (ToRs), and EIAs); conditions imposed on approved projects; and monitoring information. This system should also support the public comment process. This information is critical to the transparency of—and thus public support for and the integrity of—the EIA process. It is also essential to supporting efficient administration of the EIA system and effective follow-up.
2. EIA procedures, and the norms and criteria used in EIA decision-making, and the disposition of EIA fees; This information is critical to the transparency of—and thus public support for and the integrity of—the EIA process, and also facilitates both EIA development and EIA review.
3. National environmental quality standards, other environmental requirements, and environmental and social data (including baseline data series & sectoral observatories) are critical to improving the quality of EIAs and reducing the costs of EIA development.
4. Information regarding “clean technologies” and mitigation options is critical to development and review of EMPs.
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.

A single portal for information categories 1, 2 and 3 is desirable. 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 Digital Video/Versatile Disc (DVD), via reservable public terminals in an environmental information center.

Recommended implementation actions for governments, donors, and partners

Governments are urged to implement the technical findings above, while donors and partners are urged to prioritize technical assistance and capacity-building to enable this. In addition and specifically:

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.

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.

3 E Action Area 5: Public Participation

Public participation was identified as a cross-cutting issue implicated in EIA review, financing and follow-up.

Technical recommendations

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.

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.

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.

Recommended implementation actions for governments, donors, and partners

Governments are urged to implement the technical findings above, while donors and partners are urged to prioritize technical assistance and capacity-building to enable this.

In addition and specifically, broader dissemination of the products of the Calabash project (The project aims to improve civil society participation in environmental assessment. Reference www.saiea.com/calabash/Index.html), and its extension to non Southern Africa Development Community (SADC) regions is strongly encouraged: This should include simultaneous focus on building regulator, civil society and media capacity for public participation.

3 F. Action Area 6: Certification of Host Country Systems for Donor-Funded Projects

Technical recommendations

None.

Recommended implementation actions for governments, donors, and partners

Efforts to "certify" host country EIA systems to enable their use to satisfy donor EA requirements for donor-funded projects are a powerful vehicle to strengthen and upgrade host country systems, particularly when combined with targeted capacity-building and commitments to increased use of host country professionals for these assessments. Consistent with the Paris Declaration on Aid Effectiveness, the expansion of existing efforts is strongly indicated.

4. Proceedings

Note that the workshop agenda is provided in Annex 3. Original slides and papers are contained in the annexes

4 A. Welcome Remarks by United Nations Economic Commission for Africa, and Capacity Development and Linkages for Environmental Assessment in Africa

Mr. Josue Dioné, the Director of Food Security and Sustainable development Division on behalf of the Executive Secretary of ECA welcomed workshop participants. He said that the collaboration between ECA and CLEAA in organizing the workshop illustrated the importance of partnerships in driving the sustainable development agenda. He highlighted the mandate given to the United Nations Regional Commissions in promoting the balanced integration of the three dimensions of sustainable development at regional and sub-regional levels. He said that ECA has been promoting a number of policy instruments and analytical tools aimed at demonstrating the linkages among the three dimensions of sustainable development. Noting the inextricable link between environmental resources and socio-economic development in Africa, he underscored the importance of EIA as an instrument for integrating environmental concerns into the development agenda.

He pointed out that while ECA's multi-country study *Review of the Application of Environmental Assessment in Selected African Countries (2005)* acknowledges progress made in undertaking initiatives to ensure coherence and coordination of EIA-related initiatives at the regional, sub-regional and national levels, the study also found out that overcoming capacity constraints remains a major obstacle to the effective institutionalization and application of EIA in Africa.

He welcomed and expressed appreciation of the initiative of CLEAA to co-organize the workshop with ECA and thereby take forward the recommendations of the ECA study report. He emphasized the importance of the workshop coming out with an appropriate agenda for action and the broader dissemination of specific, practical and feasible measures for improving the quality and financial sustainability of EIA review, enforcement and compliance, as espoused in the workshop objectives. He expressed appreciation to the CLEAA-ECA workshop secretariat and the Cadmus Group for their valuable contributions to the organization of the workshop.

In his remarks Mr. Abdulrahman Issa, the Coordinator of CLEAA, pointed out that the workshop is one of the important activities of CLEAA network and stressed that the workshop will review the effectiveness of the application and practice of EIA in Africa. He also underscored the partnership opportunities that the workshop brings, especially between CLEAA and ECA, in implementing elements of their respective work programmes that promote EIA as one of the key policy instruments and analytical tools for improving the sustainability of development programs, and projects in Africa.

He pointed out that most of the countries, regardless of the efforts made, still face a multitude of challenges in terms of capacity, functioning institutional mechanisms and harmonized legal frameworks.

He joined Mr. Dioné in urging the workshop to work towards establishing practical actions for implementing the recommendations of the ECA EIA study, with particular focus on developing an action plan for improving the effectiveness and financial sustainability of EIA Review and implementation of Environmental Management Plans (EMPs).

Mr. Issa outlined the mission of CLEAA as agreed on by partners, namely: "To promote the use of Environmental Assessment and Management (EA&M) as a tool for sustainable development in Africa, and assist African countries to establish and develop their own working EA&M systems adapted to their own needs and capacities". He further outlined the key areas needed to realize the mission which include partnerships, capacity building, information sharing, awareness creation, promotion of compliance and good practice, and adherence to principles of transparency in its own activities.

He commended CLEAA nodes on their great efforts and expressed appreciation to the partners in supporting CLEAA and its nodes. In particular, he thanked USAID Africa Bureau and USAID East Africa for supporting most of CLEAA's activities in 2006/2007, including the organization of this workshop. He also thanked the Governments of Norway, Sweden, Netherlands and others donors including the World Bank for their support to the CLEAA initiative and its activities; the UNEP Regional Office for Africa (AMCEN Secretariat), regional economic communities, National Environment Management Authorities, Environmental Protection Agencies in different countries for their encouragement and recognition of efforts made by CLEAA and its nodes; and to Cadmus Group and ECA through its Food Security and Sustainable Development Division, for their support and partnership that enabled the workshop to be held.

Detailed welcome speeches are attached as Annex 2

4 B. Part I: Establishing a Common Frame of Reference

4 B.1 Purpose of the Workshop and review of the agenda

CLEAA's coordinator, Mr. Issa gave an overview of the workshop purpose and facilitated a review of the agenda (Annex 3) for adoption.

The workshop had two main objectives namely:

i. To share and review recommendations made by the ECA study report on *"Review of the Application of Environmental Assessment in Selected African Countries (2005)"*;

ii. To address the identified needs for improvement of EIA reviews and implementation of Environmental Management Plans. This is with an aim to identify practical and feasible measures, for improving the quality of EIA review, enforcement and compliance, financial sustainability and overall improvement of the role of EIA, in environmental governance and sustainable development in Africa.

It was expected that the workshop would provide a platform for national environmental agencies from selected countries to share their experience on EIA systems, sustainable financing mechanisms for their EIA reviews and related follow up processes, including implementation of EMP. Case studies related to sustainable financing mechanism from some countries like Mali, Ghana, etc were used to provide relevant experiences to help guide the discussions and identification of feasible actions.

The expected outputs from the workshop include:

- Identified actions and plan necessary for implementation of the ECA recommendations on improving EIA review, compliance, enforcement and follow through of implementation of environmental management plans;
- Suggestions for increased consultations and strengthening of CLEAA for capacity building, knowledge and expertise sharing in EIA among professional bodies, and government

organizations in Africa.

It is expected that the workshop outputs would provide elements for developing a follow up proposal on enhancing effectiveness of EIA reviews, follow-through and mechanisms for financial sustainability in EIA management in national environmental agencies in Africa. In addition, the workshop report will be published and shared with other networks and presented in various fora, one of which is the upcoming 2007 Annual Conference of the International Association for Impact Assessment (IAIA) to be held in Seoul, Korea.

4 B.2 Characteristics of effective EIA systems, including the critical role of review, follow-through, and financing

Dr. Stoughton led this session. By way of introduction, he explained that while all participants in the workshop knew a great deal about EIA, most experts work within the context of one EIA system, or focus on particular elements of the EIA process. The aim of the presentation was not in any way to "teach" EIA, but to put forward a framework for evaluating the effectiveness of EIA systems. The framework was not intended to serve as an agreed document, but to stimulate discussion and feedback, and to serve as a useful reference during the workshop.

The framework simplified the EIA process into the steps of screening, EIA development, review and monitoring/ enforcement. The presentation was based on a model provided as Annex 4 to this report.

During the ensuing discussions the following issues were flagged as important additional elements for effective EIA systems:

- Scoping and development of Terms of Reference (ToR) which form the foundation of the Environment Impact Statement (EIS)/EIA report, should be highlighted in the model as important elements in EIA systems;
- Effective civil society and public participation in the EIA process is important. In this regard the participation of groups that are significantly affected should be facilitated through an open process and an enabling environment for their input;
- Good quality data and information, including accessibility to this information, are important elements in the effectiveness of EIA systems;
- Under monitoring and enforcement, it is important to ensure provision of adequate tailor-made information to the public;
- A public information and complaint system should be put into place and incorporated into the entire EIA process;
- Institutional arrangements for the implementation of the mitigation measures identified in the EIA study were considered as an important element in the EIA system. Therefore clear definition of roles including those in sectoral institutions is important. In addition, adequate funding is required for the mitigation plan to be implemented;
- Environmental audit as an important element should also be highlighted in the model.

4 B.3 "The Baseline Situation,"

Summary of ECA's findings re: state of EIA effectiveness with particular emphasis on review, follow-through, financing

Ms. Gaye made this presentation on behalf of ECA. The report on *"Review of the Application of Environmental Impact Assessment in selected African Countries (2005)"* acknowledges that African countries have undertaken many actions to put in place well-functioning environmental assessment systems, in addition to initiatives undertaken to ensure coherence and coordination of EIA-related initiatives at the regional and sub-regional levels, and to support actions at national levels. However, effectiveness of EIA application amongst other EIA related issues remains a challenge.

Ms. Gaye pointed out that the findings from the study aim to provide recent documentation on institutionalization and application of EIA in Africa; identify, document, share information on challenges, good practices, success stories and lessons learned; promote knowledge and networking; intensify advocacy; enhance application effectiveness; and promote EIA as a tool for promoting sustainable development.

Outlining the findings from the study carried out by ECA, Ms. Gaye recalled the AMCEN meeting on EIA held in Durban in June 1995, as a landmark in the development of EIA in Africa. She highlighted the existence and role of CLEAA and its nodes in EIA in Africa. She further explained the main findings of the study as documented in the publication, and these are highlighted in her presentation in Annex 5 and summarized as shown below:

- Institutional and regulatory frameworks are established in many countries;
- Number of EIA applications is increasing;
- There's increased inter-agency collaboration;
- Administration/regulation is more centralized;
- Environmental assessment networks are increasingly being established;
- Quality, review systems and follow through, are constrained by inadequate human and financial resources;
- Public participation is increasingly integrated into the EIA process however consultations amongst stakeholders is still inadequate;
- Influence on decisions, particularly projects of strategic importance is not significant;
- Some countries are integrating EIA systems within Environmental Management Systems (EMS); and
- Some countries are conducting Strategic Environmental Assessments (SEAs).

4 C. Part II. Feasible & Innovative Options, Models & Lessons Learned For EIA Effectiveness

4 C.1 Presentations on successes, key challenges & anticipated way forward, by experts from Environmental Protection Agency (EPA)/National Environment Management Authority (NEMA)

I. National Environmental Management Authority, Uganda

Mr. Waiswa, the EIA coordinator of NEMA Uganda gave an exposition on recent important developments in EIA systems in the country. He pointed out that EIA is now largely recognized as a basis for decision-making, noting its entrenchment in the country's constitution.

Points of success are largely attributed but not limited to, revision of old sectoral laws and policies to

include EIA requirements; development of sectoral guidelines; establishment of a code of ethics for Environmental Assessment (EA) professionals; collaboration with financial institutions, Ministry of Education among others, to integrate EIA in their policies which currently forms the basis of funding and approval of related projects by these institutions; involvement of critical stakeholders in EIA application; decentralization of environmental management to the lowest administrative levels; increased demand for public participation in which NEMA and the civil society continue to play a major role in creation of awareness down to the community levels.

The major challenges he highlighted include: inadequate follow-up after project approval, poor quality of some reports, allocation of funds for implementation of mitigation measures is often overlooked or not sufficient, methods of soliciting views from the public to ensure effective public participation requires tremendous improvement, there's unscrupulous use of EIA for financial gains by some practitioners and timely decision making is often lacking.

II. Environmental Protection Agency, Ghana

Mr. Ebenezer Sampong made a presentation on Ghana's EIA successes stories, challenges and possible solutions. He pointed out that the country had made significant progress since the establishment of the Environmental Protection Agency in 1974. Establishment of institutional and legislative frameworks was based on public participation, decentralization and EIA fees system. In addition, it is positive to note that compliance with EIA requirements is growing in the country. Among the drivers of the process, as highlighted by Mr. Sampong include adequate legal framework, institutional network and inter-agency collaboration, existence of core local EIA expertise, continuous capacity building, decentralization of decision-making structures and upholding integrity of EIA management.

He outlined actions to address the challenges faced by the Agency as, mainstreaming environment issues in strategic decision making level, putting in place comprehensive follow up and capacity building programmes, bringing private sector expertise on board, as well as promoting speedy decision making and more flexibility.

III. National Office of the Environment, Madagascar

The Madagascar case was presented by Mr. Jean Chrysostome. He emphasized the role of the international dimension in informing the Madagascar Action Plan (MAP) in promoting environmental reflexes at all levels. EIA practice in the country builds on the social dialogue as a basis for public participation. He emphasized on the need to build capacity of the general public in order to enhance effective public participation in the EIA process.

Mr. Chrysostome pointed out that an e-forum was being developed to facilitate the assessment of large-scale projects in Madagascar. With regards to finding a balance between development and conservation of biodiversity in the country which is renowned for its richness in biodiversity, it was reported that some projects e.g. mining related projects are subjected to remittance of compensation fees to protect biodiversity. Madagascar aims to have at least 70% of investment projects subjected to EIA by 2012.

Detailed presentations are provided as Annex 6

4 C.2 External support for EIA Regulators and Developers

I. The Southern Africa Institute for Environmental Assessment (SAIEA) experience

The CLEAA node is an indigenous non-profit organization within the Southern Africa Development Community (SADC) region. It was established in Windhoek, Namibia in 2001, and recently opened its second office in Cape Town, South Africa. It has board members representing SADC region (1), government (4), Non-Government Organization (1), Academia (1), International Association for Impact Assessment (IAIA) (1), EA practitioner (1), Private Sector (1).

The presenter, Mr. Hauptfleish highlighted the core activities and functions of SAIEA which include (a) Guide and review of EIAs (e.g. offshore gas exploration, agriculture, tourism, waste management, fisheries, mining, transport, etc.) (b) Research and development (c) Training and capacity building. Outputs from these include a training that promotes public participation in EIA. The training is an output from the Calabash project and Capacity Building in Biodiversity in Impact Assessment (CBBIA) (d) Networking

With regard to funding and financial sustainability, the trends of the institute's sources of funds demonstrate increasing self-reliance as donor funds continue to diminish over time. At present, donor contributions are no longer the main source of funding. Yet despite this encouraging trend, financial sustainability is a major concern for SAIEA. As a result, SAIEA has had to balance its role in delivering quality goods of public good nature (e.g. human capacity building) and profit making activities such as consulting for business firms. To address this challenge, the institute is engaging in long-term projects as a key strategy for ensuring sustainable financing.

Following the presentation, the meeting raised concerns regarding SAIEA's challenges in achieving financial sustainability, as the current business model had increasingly been advocated for amongst CLEAA nodes. The meeting agreed that the issue of financial sustainability demands special attention and should be addressed in the group discussions, with an aim to reach consensus on ways to explore collaborative activities and partnerships, to help achieve financial sustainability.

II. Insights from the Mediterranean Environmental Technical Assistance Program (METAP)-EIA project: The Tunis International Center for Environmental Technologies (CITET) experience

Objectives of the Mediterranean Environmental Technical Assistance Program are (i) improved efficiency and effectiveness of EIA systems, and (ii) compatibility of national EIA systems with international procedures. The two presenters Messrs. Naffi and Hamouda, explained that EIA is practiced in all countries partner to the program (these are countries South of the Mediterranean Sea), but the efficiency varies from one country to another. There are challenges in strengthening EIA in METAP region due to insufficient local capacity to implement EIA, lack of integration of cross cutting issues in harmonized regional EIA guidelines amongst others.

The future plans for this region would involve looking into strengthening legal and institutional frameworks; addressing compatibility issues; improving efficiency by ensuring access to EIA reports which are largely considered private reports, ensuring quality of EIA reports; sharing lessons and project achievements; providing a platform for member countries to share their experiences with an aim to facilitate dialogue within the region and contributing to emergence of local/regional expertise etc.

Detailed presentations are attached as Annex 7

4D. Part III. Identifying Critical Strategies for EIA Effectiveness

4 D.1 Revisiting the baseline situation: the case of Mali

Results of the CLEAA pilot EIA system assessment/strategic recommendations in Mali

Over 2006, an international team lead by The Cadmus Group conducted an assessment of Mali's EIA system and identified options for improved financing of this system. The study was funded by USAID/Mali, and involved piloting the methodology developed for the CLEAA proposal on strategic technical assistance to national EIA systems. A key element of the study was its emphasis on funding; the team included an environmental financing expert.

The study shows that the Government of Mali is committed to EIA as a strategic tool for environmental management. The EIA system is almost the only functioning environmental management system in Mali. However, major public sector projects are often not subjected through the EIA process, which is characterized by low level of follow-up and lack of fee-based financing. In addition the institutional arrangement does not reinforce the independence of the mechanism and critical projects are still outside its scope. On a positive note, the study does indicate that key stakeholders are keen on ensuring that the EIA process is operational.

Major recommendations to enhance the country's EIA system comprise the revision of the EIA decree in order to improve the scope of EIA and to clearly define environmentally sensitive areas and penalties. The development of tools for effective and uniform application of EIA procedures (sectoral procedures, etc.) and the creation of "environmental cells" in line ministries were advocated. The study also recommends improved funding through additional central budget resources, EIA fees system and advocating for implementation of the polluter-pays principle. It was suggested that a two-year donor-funded capacity-building project would make a significant difference.

The presentation prompted discussions by participants on issues of operationalizing financing mechanisms for environmental management. For example in Uganda, It was noted that disbursement of money from the environmental fund had not been operationalized thus inhibiting implementation of mitigation measures. While Ghana represents a different positive scenario whereby the laws support the established and use of the country's environmental fund, as well as defining the purposes for these funds. Learning from the experiences of these two countries, would be beneficial for Mali.

Detailed presentation attached as Annex 8

4 D.2 Critical technical strategies for EIA effectiveness

During this plenary session participants identified topics for discussion in the working groups that would follow. The focus of these working groups was the identification of critical technical strategies for EIA effectiveness. The topics are tabulated below (Table 1)

	Factors that influence EIA effectiveness	Proposed topics for discussion
1.	Review and Independence	<ul style="list-style-type: none">• Use of external expertise for EIA review• Capacity of public sector for EIA review• Importance of/how to involve line ministries in EIA review/follow-up• What are the pros and cons of certifying EIA

		<p>practitioners</p> <ul style="list-style-type: none"> • How to keep EIA organizations/decisions apolitical • How we can assure independence of EIA authority? • How to make EIA relevant to the public---key to political support for EIA • Separating political vs technical decisions? • Integrity and transparency---key to EIA systems, but how to ensure this? • How to deal expeditiously but effectively with small-scale projects?
2.	Financing and Information	<ul style="list-style-type: none"> • Financing of mitigation measures • Financing—integration with national planning and budgeting systems • How are optimal financing options determined • Financing of environmental agencies to carry out their mandate & how to avoid conflict of interest when agency is project-financed? (conflict of interest makes enforcement difficult) • How to convince project developers to sustainably fund monitoring, mitigation • How can we create understanding among developers, promoters of EIA as value-added? • Carrot approach (versus stick): incentives to developers to implement mitigation measures. • Importance of Socio-economic baseline for effective EIA • Quality, ease of access to environmental information
3.	Follow up and participation	<ul style="list-style-type: none"> • Effective follow-up • How should EIA systems deal with existing facilities/operations? • How do you enforce compliance with EIA requirements • What is the role of local government in an effective EIA system? • What is the optimal level of decentralization, given limitations in local government capacity? • Civil society participation • Integration of civil society, financial institutions • System performance assessment and continuous improvement mechanisms
4.	Other key elements of an effective EIA system would	<ul style="list-style-type: none"> • How are EIA capacity needs best identified? • Action plans/effective implementation of EIA

	address the proposed topics on the right, referred to as "orphan topics"	<ul style="list-style-type: none"> • Promoting harmonization, compatibility with international funders—a pathway to improving system effectiveness • Sustainability of EIA systems (a larger question than just financing) • Capacity-building to keep up with the rate of development • Where does EIA feature with strategic regional development • Regional funding pools to support mitigation measures. • Paris Declaration (re: harmonization & use of local systems). • Leveraging implementation of international agreements. • What are the appropriate criteria of sustainable development against which to develop EMPs, mitigation measures • Effectiveness of EIAs with respect to transboundary measures & avoiding overlaps of authority
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4 D.3 Secretariat's summary: Critical strategies for EIA effectiveness

Participants were further tasked in working groups to identify technical strategies for EIA effectiveness in the 4 general topic areas listed in the table above (Table 1). The specific questions under each topic were taken as a guide for the discussions, but not as specific charges to the groups. The technical strategies identified by the working groups are summarized in Table 2 and were presented at plenary for endorsement.

In all discussions all experts participated in their individual capacities

	Factors that influence EIA effectiveness	Technical recommendations
1.	Review and Independence	<ul style="list-style-type: none"> • Need to take into consideration peculiarity of projects; • Need to come with a certification process for reviewers; • Sensitization of the public on their input on EIA review; • EIA reports should be easily accessible; • External expertise should be used to validate EIA reports. However, external expertise with direct or indirect conflict with the public should not be involved; • Transparency of decisions; There's need to have clear procedures or criteria to improve decision making; • Restoration of confidence in EIA decision makers; • Strengthen Non Governmental Organizations (NGOs) involvement in EIA process;

2.	Financing and Information	<p>(a) <i>Financing</i></p> <ul style="list-style-type: none"> • Have in place laws that support fees system within a environmental management regulatory body; • An example of a fee system model is as follows: the fee system could be structured into three levels (i) Screening, scoping, review; costs to be facilitated by administrative and processing fee (ii) Monitoring, follow up, annual report, implementation and review of the EMP; these costs to be facilitated by a permit fee (iii) Mitigation; costs to be taken up by the developer responsible <p>Additional country examples include:</p> <ul style="list-style-type: none"> • In the case of Tunisia, financing is provided in 2 categories (i) environmental fund to support management of the EIA system which is largely the responsibility of the government (ii) Mitigation; costs for this process is the proponent's responsibility • In Ghana, certificate fees assist in funding for follow up, to ensure that mitigation measures are been implemented by the proponent. <p>(b) <i>Information</i></p> <ul style="list-style-type: none"> • Need to establish a database where information from screening to mitigation, alternatives, appropriate technology is readily available and accessible. In addition information derived from follow up during implementation of EMP should also be included; • Networks among the regions should be encouraged to share information as a means of enhancing learning;
3.	Follow up and Participation	<p>(a) <i>Follow up</i></p> <ul style="list-style-type: none"> • Have in place a comprehensive EMP that sets out what should be done to avoid or minimize negative environmental impacts; • Follow up should not only be the responsibility of the regulatory body within the government, a proposed model would consist of the government (NEMA/EPA), developer, private sector working together as a team; • In this model, some monitoring/verification functions could be "outsourced" to private sector firms The private sector firms would need to be certified to ensure competency in carrying out proper monitoring and follow-up; • There should be strong support given to EPA/NEMA to carry out EIA; • Prioritize projects to be monitored; • Have in place legal provision to enforce and guide follow

		<p>up. There should be consequences when there's violation to this law;</p> <ul style="list-style-type: none"> • Establish a feed back mechanism to incorporate all outputs from the monitoring process; • Follow up should be enforced in cases where projects are implemented in the absence of an EIA e.g. emergency projects; <p>(b) <i>Public participation</i></p> <ul style="list-style-type: none"> • Have in place comprehensive guidelines on public participation; • Public participation should be conducted at every stage of the project cycle.
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In the discussion that followed, the following additional points were noted (these included the "orphan topics" noted in Table 1 above):

- With regard to the topic of "sustainability of EIA systems," the focus shouldn't be only on financial sustainability. Other issues that should be considered but not limited to include, achieving buy-in by the civil society; staff retention mechanisms of qualified EIA personnel; promotion of south-south, north-south cooperation; consideration of alternative financing sources e.g. national environment funds, ecological funds to support EIA; building political leadership for sound environmental management—deliberate programs/strategies for this must be incorporated; have in place an appropriate criteria of sustainable development against which EMPs are developed.
- Efforts to "certify" host country systems to satisfy donor EA requirements for donor-funded projects are a powerful means to upgrade host-country EIA systems. This is particularly true if they include targeted capacity-building and commitments to use host country EA professionals.
- Effective procedures for small-scale projects are important, to avoid EIA systems being overwhelmed with review of small-scale activities. At the same time, the impacts of small-scale activities cannot be ignored. Practice-based, "standard conditions" approaches have promise. Sectoral pilots are needed to evaluate and refine this approach.
- It was underlined that sustainable development integrates the three pillars - economic, social and environmental. The EIA system should incorporate/reinforce the sustainable development paradigm, as EIA examines social, economic, environmental impacts—but perhaps EIA has become "pigeonholed" by its "environmental" label.

4E. Part IV. Effective Technical Assistance for EIA Systems

4 E.1 CLEAA proposal on 'financial resources, mechanisms and expertise for EA review and follow through: Public policy guidance and assistance for effective EA systems'

A brief presentation was given by Dr. Stoughton on CLEAA's proposal on providing strategic technical assistance to national EIA system by African teams sourced from the CLEAA network. The proposal envisions engaging with six to eight national systems in Africa over the next two years.

He stated that a number of countries recognize the need to upgrade their EIA systems, which do not often pay adequate attention to review, follow through, financial sustainability and public participation and yet these are important in ensuring EIA effectiveness.

Making reference to the pilot assessment of the Mali EIA system conducted with USAID/Mali funding, Dr. Stoughton explained that the assessment was executed in cooperation with Mali's Ministry of Environment with active involvement of senior government officials, two local experts and experts from Madagascar, including the Executive Director of Madagascar's EIA agency, the National office of the environment (also in attendance at this workshop). The assessment was supported by two preliminary desk studies, stakeholder interview and multi-stakeholder workshops. These elements would be retained in the scaled-up program.

The discussions that followed (i) identified the need to establish a link between financial and EIA system sustainability (ii) stressed that public confidence is required on own country EIA system (iii) role of private sector and practitioners in EIA review, follow up etc is required and should be integrated therefore supplementing the role of the government to ensure that the process is balanced (iv) emphasized that technical assistance should be delivered in a balanced manner, attending to the needs of both the public and the private sectors.

4 E.2 The Netherlands Commission for Environment Impact assessment (NCEIA) approaches to technical assistance

Mr. Post stated that NCEIA assists developing countries in establishing EIA systems or improving existing systems through (i) capacity and institution building, and (ii) knowledge development. In practice, its action is limited to developing countries that have cooperation agreement with the Netherlands Government. In Kind assistance is provided to countries in the Great Lakes and the Congo Basin regions. The Commission provides assistance to national associations of EIA practitioners, which in turn provide technical assistance to their respective Governments within Central Africa.

National associations in Central Africa are forums that bring together all key EIA stakeholders (private sector, government, civil society). These associations are active in ensuring transparency and integrity of EIA systems are upheld, promoting capacity building and lobbying. They mainly depend on membership contributions for their day-to-day operations, and this model has proved challenging.

The Commission is currently providing to each national association a grant of US \$12,000 for their day-to-day operations. The support also provides assistance to countries in the region to develop and implement a framework for EIA mapping. Currently there are eight of the ten countries involved in this activity. As a result of the support being provided through the Commission, accountability of national associations, proper EIA review practices and follow through are being promoted. The associations have developed action plans for the next five years.

It was further pointed out that activities of the national EIA Associations are not in conflict with those of the Governments in Central Africa. There are active representatives from the Government that are members of these associations.

Detailed presentations are provided as Annex 9

4 E.3 Panel discussion: what makes Technical Assistance (TA) to EIA systems effective?

Chair: Mrs. Charlotte Bingham (MCC, USA)

Panel members: Messrs. Jonathan Allotey (EPA Ghana), Ignace Mchallo (NEMC Tanzania), Rachid Nafti (CITET/METAP Tunisia), Dieudonné Bitondo (SEACA, Cameroon), Reinoud Post (NCEIA, The Netherlands), Jean Chrysostome (National Office of the Environment, Madagascar)

As guidance, the panelists provided the following topics for deliberation:

- Examples/aspects of successful EIA technical assistance that they had participated in and examples/aspects that was successful. What were the key factors for success/failure;
- “Constituency-building” for EIA—is there a role for technical assistance;
- Requirements in terms of government commitment for successful TA;
- Long term vs. short-term assistance;
- Prioritization and sequencing of development of regulations/procedures vs. human capacity development within the EIA agency;
- Identifying and defining the role of TA in supporting decentralization; and
- Discussing whether donors should support operating budgets for EIA departments—or only start-up/wrap-up/capacity-building costs.

Members of the panel and participants from the floor identified the following as key characteristics of effective technical assistance to EIA systems:

- Paternalism should be avoided in the receipt and provision of Technical Assistance (TA). In this regard, TA should be based on good capacity needs assessment to avoid conflict between development partners and recipient countries. TA should therefore be demand driven;
- TA must be aligned with, and integrated to national capacity building strategies. It should build effective public participation and avoid the creation of parallel institutions, by building onto existing national bodies;
- Sustainability of results derived from the TA and the post-assistance challenges must be considered and integrated into the TA plan during TA program planning;
- Ownership of the proposed TA should be ensured;
- TA should be adapted to the local context and be responsive to the needs of the recipients;
- TA by various bilateral and multilateral donors should be coordinated to avoid duplication. Furthermore, sharing of experiences among countries should be an integral component of TA;
- There should be increased focus on sustainable capacity building, transparency and accountability of project managers;
- Stakeholder consultation, participation, and mobilization of local expertise and experience within Africa, supported by external experience is essential;
- Local political support is key to the success of TA;
- Capacity building should be accompanied by practical experience development through integration and engagement of local expertise in undertaking EIA for large-scale development assistance projects;
- Technical Assistance must be delivered in a balanced manner to meet the needs of both the

- private sector /EIA practitioners and the public sector; and
- Technical Assistance should integrate a learning strategy to ensure hands-on experience is provided, and this should be part of the assistance process to the human resources in the concerned country/organizations. CLEAA has recognized this need and through the Professional Development Fellowship Programme in EIA, it offers opportunities for EA experts to be linked to on-going EIA projects for hands-on experience.

4F. Part V. Towards an Agenda for Action

4 F.1 The ECA Recommendations

Presentation and commentary on the recommendations from the ECA study, “Review of the Application of Environmental Assessment in Selected African Countries”

As a continuation of the earlier presentation made on the ECA study, Ms. Gaye stated that the workshop discussions had come up with a number of recommendations which support those outlined in the ECA study report. She expounded on the recommendations that are based on the findings of the study, and these have been summarized below:

- There's need for developing and strengthening institutional regulatory frameworks for EIA;
- The institutionalization of EA should be implemented within a sustainable development policy framework;
- Ensuring consistency in the institutionalization and application of environmental assessment at the regional level;
- Enhancing the sustainability of CLEAA and the nodes;
- Enhancing EIA capacity and supporting networking;
- Assuring quality and rationalizing review systems;
- Promoting public participation;
- Putting in place credible and trusted EIA systems that embody follow-through;
- Ensuring that EIA systems become an integral part of Environmental Management Systems; and
- Promoting the institutionalization and application of Strategic Environmental Assessments.

A detailed presentation is provided as in Annex 5, Part II

Highlighting the importance of the study and its recommendations, participants emphasized the need for the study report to be translated in other languages like French to assist in its wider dissemination for use and applicability.

Reacting positively to this presentation, Mr. Rachid expressed CITET's readiness to reinforce capacity building programs at the regional level, and to develop networking between African countries on these matters.

While welcoming the recommendations and commending ECA for the study, it was observed that most of the recommendations would require the support of decision-makers for their effective implementation. In this regard the following channels were identified for bringing the recommendations to decision makers:

- (i) Table the recommendations at ECA African Committee on Food Security and Sustainable Development and eventually to the Commission's Conference of Ministers of Finance, Planning and Economic Development; and

- (ii) African Ministerial Conference on the Environment (AMCEN) secretariat to table the recommendations at AMCEN conferences and through it, to AU Summit of Heads of State and Government.

4 F.2 Current donor and partner engagement in EIA effectiveness in Africa

Before the presentations by the development partners, a couple of minutes in the session were allocated for a brief historical overview on the establishment of CLEAA. The history was ably narrated by three notable participants referred to as 'CLEAA Stars' recognized for their invaluable support since inception of the Pan African EIA network. These Stars, among others who were not participating at the workshop are Mrs. Charlotte Bingham, Messrs. Arne Dalfelt and Peter Acquah.

CLEAA traces its beginnings at a high-level meeting of AMCEN held in June 1995, The meeting focused on EA in development, resulting to a broad recognition of the value of EA, and identified a number of priorities for EA development in the region. This was a watershed event that gave new impetus to EA development, this time with high-level African political support. The World Bank responded by funding a needs assessment on capacity building, in a sample of African countries. Thereafter, a Pan African stakeholder conference for EA capacity was held in Nairobi in 1998, to discuss the assessment results and propose a way forward. About hundred participants from all over Africa and the donor community participated in this event. The Pan African conference precipitated several subsequent working level discussions that led to the '*African Stakeholder Action Plan for EA Capacity Building in Africa*' in 1999.

This gathered momentum also led to growth of a number of regional and sub-regional efforts, for organized environmental assessment development. A consultative meeting between representatives from Africa and donor community on EA capacity development in Africa was held in Hague, The Netherlands in May 2000. This resulted to the formation of Capacity Development and Linkages for Environmental Impact Assessment in Africa (CLEIAA). In the course of further and recent consultations, it was agreed to change the name to Capacity Development and Linkages for Environmental Assessment in Africa (CLEAA), with a vision that CLEAA would develop to become a regional network of environmental assessment professional, practitioners and interested groups.

I. United States Agency of International development (USAID/East Africa)

Mr. Kinyua explained that USAID policy ensures that the environmental consequences of USAID-financed activities are identified and considered by USAID and the host country, prior to a final decision to proceed and that appropriate environmental safeguards are adopted. USAID also assists developing countries to strengthen their capabilities to effectively evaluate the potential environmental effects of proposed development.

Focusing on USAID East Africa, he highlighted its recent investments in the environment which include assistance to the East Africa Community (EAC) in developing environmental assessment guidelines for shared ecosystems in East Africa; establishment of the Eastern Africa Association for Impact Assessment (EAAIA); promoting environmental assessment and management capacity under its ENCAP program among others.

Via the ENCAP program which it co-funds, USAID/East Africa has specific grants in place to support the following programs or activities:

- to IUCN/EARO to facilitate this CLEAA-ECA African Experts workshop;
- to a Francophone African firm to facilitate Environmentally Sound Design and Management (ESDM) training in Madagascar and Burundi;

- to IUCN/EARO for provision of EAAIA/CLEAA secretariats and Professional Development Fellowships in EIA;
- To an East African NGO to evaluate the effectiveness of the past ENCAP capacity building efforts in EA;

Since 1996, ENCAP's training program has trained nearly 1000 development professionals (USAID partner staff, host country government staff and USAID staff) in EA process and its application to environmentally sound design and management of development activities.

USAID/EA also supports

- improved natural resource management through USAID/Kenya which has a funding arrangement with National Environmental Management Agency in Kenya for capacity building, institutional strengthening and policy and legislative reform among others; and
- The Sudan Transition Environmental Program (STEP) under USAID/Sudan to train over 200 Southern Sudan EIA practitioners, assist Southern Sudan develop environmental legislative and policy frame work. This assisted the development of Roads rehabilitation Programatic Environmental Assessment (PEA) that meets USAID environmental requirements and provides a roadmap for the Sudan institutions.

II. The World Bank

The presentation is based on the proposed World Bank Partnership for Environmental Assessment (PEEA) program in Africa. Mr. Martin explained that under this initiative the Bank had small grants targeted towards the establishment of partnerships to strengthen environmental management.

There are three goals that the fund aims to achieve namely:

- Harmonized support for CLEAA and its nodes;
- Scale-up funding for CLEAA and its nodes; and
- Raise the visibility of CLEAA and its member nodes.

The fund targets eight activities mainly:

- Training in EA;
- Support to environment governance activities;
- Professional development fellowships in EA;
- Development of case studies and training materials;
- Development of EA professionals register;
- Support of EA reviews;
- Incorporation of EA management; and
- Support for workshop seminars and conferences.

Mr. Martin emphasized that the vision of the program is to have capable EIA practitioners in Africa and to minimize the intervention of international experts/consultants in environment assessments involving big developments projects.

Side meetings dubbed "CLEAA Core group meetings" were held on 11th and 13th April 2007 to further discuss operationalization of the PEEA program. The meeting reports are attached as Annex 10

III. The Norwegian Institute for Urban and Regional Research (NIBR)

Mr. Dalfelt explained that the Norwegian Government has immense interest in environment and development, and a Government White Paper on this theme had been produced. This paper among others deals with the need for improved quality of development assistance; and the need to further develop EIA as a tool for sustainable development. He said that the Institute is currently carrying out a study aimed at mapping institutions dealing with EIA. He said the outputs from this study would be used to formulate a proposal on EIA systems development. He emphasized that the Norwegian Government was however interested in co-funding arrangements and welcomed the World Bank partnership initiative as potential opportunity for co-funding.

IV. Millennium Challenge Cooperation (MCC)

Mrs. Bingham explained that MCC is committed to program design that reflects results of public participation during design and implementation, country ownership of compact projects including country responsibility to mitigate adverse impacts. She said that MCC compact projects are expected to comply with country laws, regulations and standards; and requirements by which benefiting countries are bound under international agreements.

The rest of the presentation was based on responses to the following guiding questions:

- To what extent does MCC rely on country environmental management systems, and particularly EIA systems?
- How does MCC verify or evaluate the effectiveness of country EIA/environmental management systems?
- How does MCC assure EIA implementation and follow-through in the context of its own projects?

In this regard she explained that:

- MCC doesn't provide funding to a project unless there is provision for appropriate screening and appropriate environmental and social impact analysis;
- Compact agreements require that countries also comply to MCC Environmental Guidelines;
- Disbursement agreements have conditions such as, funds will not be provided for a specific quarter unless environmental requirements are met;
- EIA agencies or NGOs should engage in preparing country proposal(s);
- EIA Agencies or NGOs should be clear in what they or implementing agencies require prior to Compact signing; and
- MCC proposes that EIA agencies and practitioners review the programs.

V. The Netherlands Commission for Environmental Impact Assessment (NCEIA)

The Commission is under the Netherlands Foreign Affairs Ministry. Mr. Reinoud said that NCEIA assists developing countries in establishing EIA systems or improve existing systems through capacity and institution building, and knowledge development. In practice, its action is limited to developing countries that have cooperation agreement with the Netherlands Government. In Kind assistance is provided to countries in the Great Lakes and the Congo Basin regions. He further explained that assistance could be extended to areas where the Commission does not currently provide assistance. In such cases, the costs are borne by the requesting party or country. The Commission also provides training in negotiation in EA and gives support to SEA activities.

VI. United Nations Environment Program (UNEP)/African Ministerial Conference on Environment (AMCEN) Secretariat

Mr. Acquah traced AMCEN's involvement in EIA systems from the Durban, South Africa AMCEN meeting, and the Hague consultative meeting on EIA capacity development in Africa. He highlighted NEPAD's environment initiative developed under the auspices of AMCEN. He pointed out that AMCEN recognizes and endorses CLEAA activities. CLEAA presented its activities at the AMCEN's 11th session of the Technical Committee in 2006 for endorsement, and its activities have since been integrated into the AMCEN Work Programme for the biennium 2007-2008, which has programme elements covering support to capacity development and linkages efforts in Africa in the areas of EIA and EA. In this respect he highlighted the project entitled "Addressing land-based activities in the Western Indian Ocean" (WIO-LaB), which has a lot of anticipated outputs related to EIA/EA and offered opportunity for strengthening EIA systems.

VII. African Development Bank (AfDB) and Canadian International Development Agency (CIDA)

Mr. Issa extended the apologies of AfDB and CIDA who could not be represented at the workshop. A statement from both organizations on their engagement on EIA effectiveness is provided as Annex 11, in addition to other development partners presentations.

4 F.3 Key recommendations for effectiveness of EIA systems in Africa (plenary discussions)

A second round of working groups were convened to identify specific actions and measures for donors, partner and national governments to implement the technical strategies identified in the first round of working groups. It was clearly understood that the workshop was not a forum with the authority to dictate policy, funding allocations, or work programs to these entities. However, as a representative group with significant expertise, the workshop participants sought to identify *specific* actions and *concrete* priorities to enhance EIA effectiveness that we strongly recommend or suggest for consideration, adoption and integration by these various entities. The actions & measures identified by the working groups are summarized in Table 3, below.

In all discussions all experts participated in their individual capacities

	Issue	Technical recommendations	Recommended Actions/ Strategies for implementation
1.	Review and Independence		
	Review	<ul style="list-style-type: none"> • Clear definition of roles of the different actors 	<ul style="list-style-type: none"> • Carry out a study and document the roles of the different actors in the different countries to provide clarity on roles and avoid duplication of efforts
		<ul style="list-style-type: none"> • Use of external expertise when required 	<ul style="list-style-type: none"> • To establish a database of environmental assessment experts • Document good practice and promote exchange between environmental assessment practitioners
		<ul style="list-style-type: none"> • Establish a review team with the required expertise for a specific project/program 	<ul style="list-style-type: none"> • Establish an inventory and an evaluation system of the review work in the different countries • Set up funds to allow accessibility of high level environmental assessment experts when required
		<ul style="list-style-type: none"> • Take into account the characteristics of the project in the Terms of Reference (ToR) 	<ul style="list-style-type: none"> • Validate the ToR by the committee charged with the responsibility of reviewing EIA reports • Promote an exchange of the ToR for the sectoral projects and the strategic studies

		<ul style="list-style-type: none"> • Develop, organize and ensure accessibility of data and information (statistics, standards, norms etc) 	<ul style="list-style-type: none"> • Create sectoral observatories • Record baseline data and indicate source of information
		<ul style="list-style-type: none"> • Consider implication of project to the public 	<ul style="list-style-type: none"> • Compile a reference on good practice • Ensure accessibility of the information (non-technical format) to the public
	Independence	<ul style="list-style-type: none"> • Clarify and ensure accessibility of procedures and criteria used in decision making to the public 	<ul style="list-style-type: none"> • Information on procedures and criteria used in decision making made available in the NEMAs/EPAs websites. This information should also be easily accessible
		<ul style="list-style-type: none"> • Enhance the capacity of NGOs and media in EIA 	<ul style="list-style-type: none"> • Organize training sessions for the NGOs and journalists • Involve the journalists and NGOs in through out the EIA process
2.	Financing and Information		
	Information	Development of Information Database	<ul style="list-style-type: none"> • Development of a database hosted by the national environmental management agencies that will consolidate information on EIA processes, approvals, review and monitoring as well as relevant legislative (environmental) requirements. This database should also contain country environmental status reports and other baseline data. • Donor-funded, partner-led development of database "platforms" licensable and adaptable at low cost • The regional associations should establish information databases that focus on accredited professionals, developments in EIA practice, Best Practice models, Appropriate Technologies, Networking opportunities,

			Capacity building opportunities and other such material.
		Funding of Database	<ul style="list-style-type: none"> • The national environmental agencies and regional association nodes may apply for grants available for such initiatives to develop the databases. • The national environmental agencies should develop mechanisms for supporting operation (technical and financial sustainability) of their database. • The regional association nodes should develop innovative mechanisms to generate financial resources to support the operations of their databases. Such could include selling marketing space on their website, donor support, fee collections from member parties and individuals, training service etc.
		Networking and Information Sharing	<ul style="list-style-type: none"> • Regional associations to undertake intensive networking initiatives. Networking mechanisms should include electronic information exchange, peer-to-peer networking, seminars, conferences, training programmes and regional exchange programmes.
	Funding of EIA systems	Legal integration of funding mechanisms	<ul style="list-style-type: none"> • National environmental agencies should integrate clear funding mechanisms into their National EIA legislations. • Countries to develop models for acquisition and administration of financial resources to sustainably support EIA systems. A number of different successful models are available and each country can adopt the most suitable for them. Institutions such as ECA and CLEEA may support research on the available models and offer findings and recommendations to national agencies for their use.

		Correctly considering the necessary funding requirements for EIA Systems.	<ul style="list-style-type: none"> • The EIA financing models should consider the different levels of EIA Systems financial resources requirement i.e. (1) Review of EIA reports and general agency administration; (2) Monitoring and review of approved projects. • Financing resources for mitigation measures are the responsibility of the developer or project proponent. Multilateral and other large banks are already offering complete financing packages that consider and integrate mitigation costs.
3.	Follow-up and participation		
	Follow-up	<p>Enable "outsourcing" of certain EMP monitoring/ verification functions to 3rd-party private sector firms by:</p> <ul style="list-style-type: none"> • Developing a certification system • Develop continuous capacity building programmes • Regulation of established review systems to accommodate new model • Establish a code of ethics to guide follow-up <p>Establish financing mechanisms to adequately fund this follow-up model and other elements of the EIA system</p>	<ul style="list-style-type: none"> • Conduct a number of pilots of the proposed model in selected sectors • Documentation of good practice for sharing of lessons and replication
	Public Participation	<ul style="list-style-type: none"> • Ensure there are provisions in the EIA regulations advocating for public participation 	<ul style="list-style-type: none"> • Develop guidelines to operationalize public participation; (see example of the Calabash project in SADC area) • Develop public participation mentoring programmes

		<ul style="list-style-type: none">• Operationalizing and measuring extent of public participation	<ul style="list-style-type: none">• Develop indicators for measuring the extent of public participation
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Table 3

The ensuing discussions addressed the actions identified by the groups and provided elements for the way forward to ensure taking forward the ECA study recommendations, as well as the outputs of the workshop. The discussion therefore came up with the following:

- (i) Political endorsement should be secured to ensure implementation of the recommendations of the ECA study, as well as those recommendations emanating from the workshop. In this connection the following were deemed important:
 - Given the richness of the discussions, the workshop organizers will distil the recommendations of the workshop and present them in succinct manner. These recommendations should be made available to all the participants and presented at relevant important forums at national, sub-regional, regional and global levels;
 - The participants, some of whom are decision makers, should act on the relevant recommendations;
 - The respective participants should take lead in bringing the recommendations to the attention of their organizations who should act on them as appropriate;
 - ECA will hope to table the recommendations at a meeting of ECA's Africa Committee on Sustainable Development, where a resolution would be drafted for presentation at ECA's Conference of Ministers of Finance, Planning and Economic Development. The resolution should take into account the mandate of this ministerial body; eg. Financing, National Development Planning etc.
 - Given the AMCEN endorsement of CLEAA's program of work, these recommendations should also be presented at a meeting of the sectoral intergovernmental body (AMCEN technical committee, then AMCEN). Any resolution passed by AMCEN would then be channelled through the African Union (AU) Commission and, it is hoped, thereafter tabling them at African Heads of State Summit for endorsement. ,
- (ii) The capacity of CLEAA and its nodes should be further enhanced to enable them prepare bankable projects that meet the funding criteria of various donors and development partners;
- (iii) With regard to public participation, NGO involvement in the EIA process should be further enhanced by not only consulting them in the EIA process, but also engaging them in the conduct of EIA studies; and
- (iv) Financing of mitigation measures identified in the EIS should be considered part and parcel of the investment/project.

There are already financial institutions that require a proponent seeking for a loan to first obtain clearance from their respective environmental management authority or agency, these institutions should be assisted to ensure that mitigation measures are actually budgeted for as part of the investment/project, for which funds are being sought.

Financial due diligence sought by financing institutions may require further exploration and strengthening taking into account that regional banks such as the African Development Bank are already fully exercising financial due diligence.

4G. Wrap-up & Closing

In his closing remarks, Mr. Ousmane Laye, Chief, Environment and Sustainable Development Section of ECA Food Security and Sustainable Development Division, thanked CLEAA for coordinating the activities of the workshop, which he said had been timely and very productive. He applauded the progress made in the development of EIA systems in the region and said that the results show that Africa is on the right path. He thanked countries for the major strides made. Noting the daunting challenge of limited financial resources, he welcomed the emerging opportunities for further development of EIA systems in the region. In particular, he highlighted the encouraging developments such as the proposed World Bank partnership initiative for environmental assessment in Africa, and the opportunities offered by MCC, USAID, NCEIA and UNEP/AMCEN.

He said the recommendations of the workshop should be disseminated widely. He reiterated that at the level of ECA, key workshop recommendation will be brought to the Africa Committee on Food Security and Sustainable Development and also ensure that they are channelled to the Commission's Conference of Ministers of Finance, Planning and Economic Development. He expressed confidence that the AMCEN Secretariat represented at the workshop, will forward the recommendations through relevant channels for uptake by the political leadership in the region.

In conclusion, Mr. Laye thanked all the participants for their active participation and urged them to promote the implementation of the recommendations.

Mr. Issa also thanked participants for their active participation in the workshop which he said had generated valuable actions and knowledge for enhancing effectiveness of EIA systems in general, in particular to EIA review and follow through. On behalf of the workshop Secretariat, he thanked all those who worked behind the scenes including ECA and IUCN staff, to ensure the success of the workshop. He thanked ECA for the productive partnership with CLEAA and called for this partnership to be continued and strengthened.

ANNEXES