# EIA mapping: a tool for rapid assessment of EIA – effectiveness

The Netherlands Commission for Environmental Assessment (NCEA) works with environment and sector ministries, environmental assessment professionals and non-governmental organisations to achieve better environmental assessment practice. Before the NCEA and her partners can decide on the priorities for EIA system improvement and capacity development in a specific country, they will first need detailed insight into the workings of that countries EIA system. The NCEA has developed a tool to provide such insight, called EIA mapping. After application in over 10 countries in Africa and Asia, the tool has been refined, and is available for widespread use.

## Why this tool?

EIA mapping assesses the quality of regulatory framework for Environmental Impact Assessment (EIA) in a country, and the level of compliance with this framework in practice. At the heart of the tool is a questionnaire of approximately 500 questions, which is completed by a group of representatives of all stakeholders in EIA, in a two day workshop. In the course of the workshop, the EIA practitioners discuss the full range of EIA aspects. Their collective answers are processed in a spreadsheet, producing a range of diagrams that clearly display the strengths and weaknesses of EIA in that country.

The results of the assessment can directly be shown to the participants in the workshop, as well as to high level decision makers. On basis of these results, the relevant stakeholders can decide which parts of the EIA system need improvement. The EIA map results can also function as a reference for monitoring and evaluation purposes, or to assess compliance of a countries regulatory system with other regulatory frameworks, such as that of the EU.

## How does it work?

### Scope
The analyses performed in the EIA map concern the regulatory base, the practice of EIA and the practice of decision-making on environmental licensing. It looks at governance aspects of EIA and decision-making and at the existing institutional capacity of government to perform its related regulatory tasks, including follow-through.

### Form
The EIA-map is designed as a set of 10 interlinked worksheet pages, programmed in Microsoft Excel. Of these pages, one page (the questionnaire) serves as an interface for data input. A second sheet is processing data. The other 8 sheets present the results of data processing in the form of diagrams.

### Questionnaire
The questionnaire is structured according to the two main tropics addressed: EIA and decision-making on licensing. For each topic, the questionnaire explores the legal (and

regulatory) base, and practice. The questions are then grouped according to subtopic, e.g. 'screening', 'scoping', 'reviewing' etcetera.
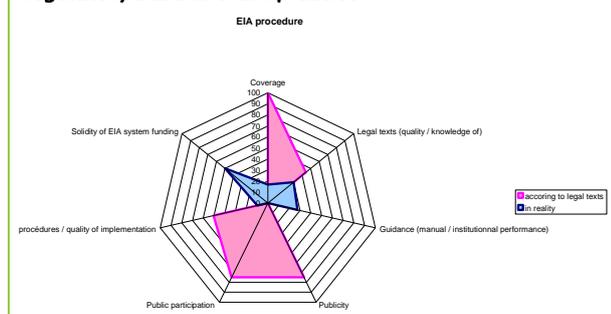
## Data input
Data is entered on the questionnaire page. Most questions are answered with a score on a scale of 0 to 100. Some questions require a 'yes' or a 'no' answer, some ask for statistical data, and others require an estimation, sometimes pre-categorised.

| BOX 1 Part of the Questionnaire Presence / completeness / clarity / coherence of legal texts | | | |
|---|---|---|---|
| **Presence and exhaustiveness of legal texts** | | | |
| Environmental Framework Law present | 1 | 100 | |
| Number of sector laws that impose environmental licensing + EIA | 2 | 0 | |
| All laws together cover the following percentage of investment projects | 3 | 100 | % |
| EIA regulation present | 4 | 100 | |
| Set of other implementing regulations is complete to the following % | 5 | 100 | % |
| Set of environmental criteria, norms and standards is complete to the following % | 6 | 100 | % |
| Sector guidelines / regulations for specific guidelines is complete to the following % | 7 | 100 | % |
| **Clear and coherent texts with regard to** | | | |
| Obligation to get a permit / obligation to do EIA | 8 | 100 | % |
| Start of the procedure | 9 | 100 | % |
| Screening | 10 | 100 | % |
| The procedure, roles and responsibilities / authority | 11 | 100 | % |
| Requirements with regard to content | 12 | 100 | % |
| Public participation | 13 | 100 | % |
| Terms | 14 | 100 | % |
| Monitoring requirement | 15 | 100 | % |
| Enforcement | 16 | 100 | % |
| Sanctions | 17 | 100 | % |

## Presentation of results

To produce usable results, scores are weighted and subsequently, categorized by subtopic. Results are presented on a 0-100% scale. Results of scores on topics are logically grouped and presented in diagrams. The tool generates diagrams on the legal basis for EIA, on EIA-practice and on EIA legal basis and practice compared. For decision-making on licensing, the tool provides the same set of diagrams (legal base, practice and legal base and practice compared). In addition, EIA mapping provides a diagram comparing (the potential for) performance of central and decentralised (provincial or district) EIA-administration on the four topics. A last sheet shows scores on four indicators: three indicators giving information on potential ease of system strengthening and one indicator comparing EIA-agency staff's judgment of the quality of the EIA and licensing systems with the overall results of the tool.

### Box 2. Anonymous example: Combination diagram EIA Regulatory base and EIA practice



EIA procedure

## Process

The data processing is only half of the tool. The other, equally important half is 'the process' that leads to the scores. Completion of the questionnaire takes place in a two-day moderated workshop. Preferably, participation in this workshop is broad; including participation of staff members of government agencies administering EIA, representatives of line agencies, representatives of local governments, inspectorate, NGO's, EIA-consultants, investors etcetera. A number of approximately 10-20 participants works well.

An important feature of the process is, that it generates a debate on practically all aspects of the EIA and decision-making system. Due to the nature of the questions, this debate, if well moderated, raises awareness of root causes of EIA ineffectiveness, and shared priorities for EIA system change. The moderator of the process is an EIA-professional, who is aware of causes for ineffectiveness of EIA-systems and has a good understanding of the thinking behind the questions in the questionnaire.

### Box 3 Overview of questionnaire items

#### Miscellaneous aspects
- legislative framework
- participatory genesis of the legal and regulatory framework
- prerequisites of democracy
- learning capacity of agencies making decisions on environmental licensing / project approval

#### EIA
##### Legal basis
- presence/exhaustiveness/clarity/coherence of legal texts
- public nature of the procedures
- guidance (EIA-manual)
- obligation to provide information beforehand
- requirements on screening
- requirements with regard to substance
- requirements on scoping
- requirements for good quality knowledge documents
- requirements on reviewing
- solidity of EIA system funding

##### Practice
- dissemination and knowledge of legal texts
- management of the procedure
  - institutional capacity
  - available experience and expertise for managing the procedures
  - use of independent external expertise
  - available means
  - percentage of investment projects effectively supported by EIA
  - reality with regard to public nature of EA procedures
  - realities of public participation in EIA
  - results of EIA
  - opinion of agency staff members on EIA

#### Decision making on environmental licensing
##### Legal basis
- presence/exhaustiveness/clarity/coherence of legal regulatory framework
- customer friendliness
- decentralisation of decision-taking
- power sharing and control on the use of power
- public nature of the decision-making procedures
- transparency/justification
- public participation in decision-making and decision-taking
- administrative reclamation, juridical appeal and mediation

##### Practice
- awareness of legal texts relating to environmental licensing decision-making
- facilitation of decentralisation of decision-making
- decision-making statistics
- functioning of democratic checks and balances on the use of powers
- publicity of decision-taking on env. licensing in practice
- transparency / justification in practice
- practices on public participation in (preparing) decision-making
- practice of administrative complaint, juridical appeal and mediation
- functioning inspectorate/enforcement