Evolution of Environmental Impact Assessment Systems in Central Africa: The role of national professional associations

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Preface

Environmental assessment is an instrument of good governance par excellence in that it makes it possible to integrate the interests of multiple actors. In a region as dynamic and fragile as Central Africa, which is experiencing rapid economic growth characterised by public and private investments based on the use of – finite – natural resources, it is recognised as being an indispensable instrument for sustainable development.

The Netherlands Commission for Environmental Assessment (NCEA) salutes the efforts, dynamism and professionalism of the national environmental assessment associations and their regional secretariat, SEEAC. Through the PAANEEAC programme, all of these associations, in concert with the administrations concerned, have progress in the use of environmental assessment in their countries over the course of the last six years. Indeed, notable progress has been made in the legal framework, implementation, quality and effectiveness of the instrument. As a recognised synergetic process, the whole is clearly more than just the sum of the parts. Everyone has gained and learnt much from the wealth of exchanges and cordial sub-regional working relationships, while contributing to the cross-border harmonisation of the environmental management of development.

This important book is based on an analysis of the evolution of national systems of environmental assessment. It provides an account of this evolution and indicates prospects for further development and for building capacities in environmental assessment in the countries of Central Africa.

The NCEA is proud to have been at the side of SEEAC and its member national associations during this journey. We wish them a fruitful continuation with an eye to building on the significant results they have obtained.

Vice president of NCEA

Prof. R. Rabbinge

Foreword

Towards a mutualisation of efforts to promote environmental assessment in Central Africa

Environmental assessment can be defined as the set of procedures aimed at integrating aspects connected to the natural and human environment in making decisions related to the design, planning, implementation and monitoring of interventions, with an eye to balanced and sustainable development. The best-known form of environmental assessment in Central Africa is still the Environmental Impact Study (EIS) used in projects under appraisal. More and more use is being made of environmental audits of projects already being executed, and what are known as Strategic Environmental Assessments (SEAs), which cover policies, plans or programmes.

Incontestably, environmental assessment seems to be one of the principal ways for sustainable development actors to contribute to the integration of aspects related to governance and sustainability in development processes in the countries of Central Africa. Effectively, it is an instrument that is:

- → explicitly integrated in the majority of international conventions and multilateral accords related to managing natural resources and the environment;
- → accepted and prescribed by the legal frameworks of almost all these countries. as well as the procedures of development partners working in Central Africa;
- → the focus of specific institutional arrangements, in particular as it encourages the involvement of the stakeholders, including indigenous populations and civil-society organisations (CSOs), in making decisions.

However, and despite all its acknowledged potential, its effectiveness in the countries of Central Africa, although improving, remains relatively weak. This weakness is due to a multitude of barriers, which must be removed. The Secretariat for Environmental Assessment in Central Africa (SEEAC), which aims to bring together the national environmental-assessment associations and to be a neutral space for scientific and professional exchanges, is one of the responses from professionals in Central African countries in this respect. Furthermore, and since, as it emerges from the analyses and conclusions in this collective work, the workplaces necessary to achieve it are also potential meeting points between SEEAC and all the other stakeholders contributing to sustainable development, there must be a mutualisation of means around the promotion of Environmental Assessment at both national and sub-regional levels.

Using the example of several countries and the Programme of Support to National Associations for Environmental Assessment in Central Africa (PAANEEAC) as a point of departure, this book hopes to position itself as the first publication of a platform that considers the evolution of EIA systems in the countries of Central Africa as the fruit of mutual efforts of all parties involved.

This book gives us the opportunity to sustain our solidarity in working to promote environmental assessment in Central Africa. I invite you all to enjoy it.

Dieudonné Bitondo, PhD
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Our sincere thanks go to all stakeholders, notably the administrations and participants in the mapping workshops, the results of which are the basis for this book.

SEEAC

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ABEIE: Burundi Association for Environmental Impact Assessment;
ACAMEE: Cameroon Association for Environmental Assessment;
ACAPEE: Central African Association for Professionals in Environmental Assessment;
ACEIE: Congolese Association for Environmental Impact Assessment;
ACFPE: CAR Agency for Vocational Education and Employment;
AGETIP: Public Works Agency;
APEIER: Association for the Promotion of Environmental Impact Assessment in Rwanda;
ARCOS: Albertine Rift Conservation Society;
ADB: African Development Bank;
AWP: Annual Work Plan;
CAR: Central African Republic;
CARPE: Central Africa Regional Program for the Environment;
CBBIA: Capacity Building in Biodiversity and Impact Assessment;
CEEAC: Economic Community of Central African States;
CEFDHAC: Conference on Dense and Humid Forest Ecosystems of Central Africa;
CEMAC: Central African Monetary and Economic Community;
CIONGCA: Inter NGO Council in CAR;
CLEAA: Capacity Development and Linkages for Environmental Assessment in Africa;
CMED: World Commission on the Environment and Development;
CNSS: National Social Security Fund (CAR);
CSO: Civil Society Organisation;
COMIFAC: Central Africa Forests Commission;
DGE: Directorate General of the Environment;
DGIS: Netherlands Directorate General for International Cooperation;
DSRP: Poverty Reduction Strategy Paper;
EA: Environmental Assessment;
EIA: Environmental Impact Assessment;
EMS: Environmental Management System;
ESIA: Environmental and Social Impact Assessment;
ESMP: Environmental and Social Management Plan;
FAO: Food and Agriculture Organisation;
FFD: Femmes Forêts Développement;
FONERWA: National Environmental Fund in Rwanda;
IAIA: International Association for Impact Assessment;
ICE: Interministerial Committee on the Environment;

IFDC: International Fertilizer Development Centre;
INECE: International Network for Environmental Compliance and Enforcement;
ISO: International Standards Organisation;
ITC, Enschede: International Institute of Geo-information Science and Earth Observation;
IUCN: International Union for the Conservation of Nature.
MDDEFE: Ministry of Sustainable Development, the Forest Economy and the Environment;
MEEATU: Ministry of Water, the Environment, Physical Planning and Town Planning (Burundi);
MINEPDED: Ministry of the Environment, Protection of Nature and Sustainable Development;
MINIRENA: Ministry of Natural Resources;
MTAD: Ministry of Interior, Decentralisation and Land (Congo);
MTE: Ministry for Tourism and the Environment;
NCEA: Netherlands Commission for Environmental Assessment;
NGO: Non-Governmental Organisation;
OCDN: Central African Organisation for the Defence of Nature;
PAANEEAC: Programme of Support to National Associations For Environmental Assessment in Central Africa;
PPP: Policies, plans and programmes;
RACEEAC: Network of Administrations Responsible for Environmental Assessment in Central Africa;
RBS: Rwanda Bureau of Standards;
RDB: Rwanda Development Board;
REA: Regional Environmental Assessment;
REMA: Rwanda Environmental Management Authority;
REPAR: Network of Parliament Members for the Sustainable Management of Forest Ecosystems of Central Africa;
RNRA: Rwanda Natural Resources Authority;
RONGEDD: Network of Environmental and Sustainable Development NGOs;
SEA: Strategic Environmental Assessment;
SecEA: Sectoral Environmental Assessment;
SEEAC: Secretariat for Environmental Assessment in Central Africa;
SIFEE: International Francophone Secretariat for Environmental Assessment;
SOD: Strategic Orientations Document;
ToR: Terms of Reference;
TT: Teacher Training;
UNCED: United Nations Conference on the Environment and Development;
UNDP: United Nations Development Programme;
UNEP: United Nations Environment Programme;

Contents

Chapter 1

Context and reason for the book

Dieudonné Bitondo

1.1. Why is this book needed?

In the wake of the 1992 Earth Summit in Rio de Janeiro, in almost all of the countries of Central Africa the use of environmental assessment, and in particular, the Environmental Impact Assessment (EIA) became to some degree a requirement for projects which might affect the environment. To this effect, administrative structures (ministries, permanent secretariats, directorates general, management, services) were put into place. However, these normative and organisational frameworks are still mostly incomplete and are not always effective. Several factors can be cited as causes: unfavourable frameworks; inadequate regulatory instruments (legislation and regulations) which were poorly implemented; the limited power and capacity of the structures in charge of environmental assessment, gaps in administrative coordination; deficiencies in the collecting and management of environmental information; insufficient human resources and lack of awareness, information and public participation; etc.

Faced with this situation, environmental assessment professionals from ten Central African countries (Burundi, Cameroon, Gabon, Equatorial Guinea, the Central African Republic, Democratic Republic of the Congo, Republic of the Congo, Rwanda, Sao Tomé and Principe, and Chad) decided in 1998 to organise into National Associations for Environmental Assessment. These national associations in turn are united in a Secretariat for Environmental Assessment in Central Africa (Secrétariat pour l'Evaluation Environnementale en Afrique Centrale, known by its French abbreviation: SEEAC).

Since 2008, SEEAC and the member national associations have benefited from the Programme of Support to National Associations For Environmental Assessment in Central Africa (Projet d'Appui aux Associations Nationales pour l'Evaluation Environnementale d'Afrique Centrale, known by its French abbreviation: PAANEEAC). PAANEEAC is financed by the Netherlands Ministry of Foreign Affairs, and administered and given its technical framework by the Netherlands Commission for Environmental Assessment (NCEA). The programme was developed on the basis of a diagnostic analysis of EIS systems carried out between late 2005 and early 2006 in eight Central African countries (Burundi, Cameroon, Gabon, the Central African Republic, Democratic Republic of the Congo, Republic of the Congo, Rwanda and Chad). [1]

As the period of the PAANEEAC was ending, it seemed opportune to publish a work that takes stock of the new situation regarding EIA systems in the countries concerned, not only to assess their evolution, but also to determine the impact of PAANEEAC on this evolution.

1.2. Objective of the book

The objective of this volume is, on the one hand, to narrate the evolution of national EIA systems over the last six years in Central African countries[2] and on the other, to put together all that has been acquired and learned from PAANEEAC with a view to contributing to the improvement of the design, elaboration, implementation and monitoring of the approaches to capacity building in environmental assessment.

1.3. Editing process of the book and the contributions from involved parties

The editing of this book was coordinated by SEEAC with technical support from the NCEA. An editorial board was put together, as well as a team of proofreaders. One of the people recruited to this end headed the programme secretariat.[3]

The role of SEEAC is:

- To coordinate the implementation of the project and editorial monitoring;
- to elaborate the project documentation along with a timeline of all activities;
- to identify potential editors and proofreaders and to edit their terms of reference;

1. The national associations of Equatorial Guinea and of Sao Tomé and Principe have not yet been formed.
2 Burundi, Cameroon, Congo, Central African Republic, Rwanda
3. see list of contributors

- To edit the general nomenclature of this work and inform the various stakeholders in the editing (style, language, definition of the scope of each theme and of the expected content);
- to prepare the general layout of the book;
- to edit the editorial summaries;
- to edit selected parts of the book;
- to arrange for proofreading and send manuscripts to the proofreaders;
- to oversee the editing and publication of the book.

The NCEA has made multiple contributions, particularly in:

- Editorial support, providing a framework memorandum for each chapter explaining the expected content and desired level of information;
- support in developing the methodology and the tools on which the editors depended;
- editing selected parts of the book;
- identifying specialised resource people and proofreaders;
- formulating suggestions for finalising the manuscript;
- making available the necessary financial means in its capacity as manager of PAANEEAC.

The national associations contributed by:

- providing the necessary information;
- sending suggestions about the framework document;
- editing of selected parts of the book;
- identifying specialised resource people and proofreaders;
- sending suggestions about the manuscripts of this book.

Specific thematic resource persons qualified to edit particular sets of themes in the book were sought out, in particular for those sections related to the challenges of integrating and institutionalising environmental assessment.

The proofreading committee was in charge of reading the manuscript and sharing its observations and suggestions for improvement.

The programme secretariat, in its mission of assisting coordination, had the tasks of:

- Streamlining the information flows connected with the project and keeping progress on schedule;
- seeing to the timing of operations;
- providing liaison between stakeholders;
- assisting SEEAC in standardising the various contributions and publishing the book.

1.4. **Organisation of the book**

This book is organised around five chapters:

- the introductory first chapter presents the context and reason for the book. It adds the objectives pursued in its compilation, the approach used and the structuring of the book;
- the second chapter examines the challenges of integrating and institutionalising Environmental Assessment (EA). In particular it touches on the definitions of the concepts, the importance of EA for sustainable development, the different processes in EA, the actors and the practice, the interaction with other environmental management instruments and the problems of institutionalising EA in a given context;
- the third chapter is devoted to the evolution of EIA systems in the various countries, and is based mainly on an analysis of the results of diagnostic studies completed in 2005-2006 and in 2013;
- the fourth chapter, about PAANEEAC and capacity building in EIA in the countries concerned, discusses the history of the programme, its objectives and lines of intervention, the support mechanisms implemented by the NCEA and SEEAC, and the experiences of the national associations;
- to conclude, the fifth chapter discusses perspectives of evolution of EIA systems and of capacity building in environmental assessment in Central Africa. It discusses the current state of affairs, drivers during the last six years, the gains made and lessons learnt from PAANEEAC.

Chapter 2

Environmental assessment amid the challenges of integration and institutionalisation

Georges Y. Lanmafankpotin,
Pierre André,
Dieudonné Bitondo

2.1. The beginnings of Environmental Assessment

Back in 1970, no one would have suspected that the first modern-day environmental-protection law, which required the US government to consider environmental criteria before making a decision, would have spread around the world today. This innovation is recognised as the precursor to environmental assessment, a set of processes that have been institutionalised over the years in a number of States and international institutions. Today, over 190 countries have enshrined this practice in their legal and administrative frameworks (Morgan, 2012: 5-14). The major international conventions see environmental assessment as an instrument for planning and prevention, while donors see it as a requirement for granting financial aid. The environmental movement first touched the industrialised countries, and then, especially after the early 1990s, the developing countries including those of Sub-Saharan Africa. In the late 1990s, most of these countries saw the rise of environmental assessment (EA). They were influenced by the 1992 Earth Summit as well as by the World Bank, which imposed it as a condition for development aid. This aspect in particular has taken the form of the adoption of legislation and regulations requiring the use of these procedures. This drive to institutionalise environmental assessment will remain inadequate unless EA becomes part of an adaptive process mindful of the contextual characteristics, in order to assure, beyond the enactment of laws and the creation of structures, the effectiveness of the system of impact evaluation as a whole (Bitondo and André, 2007; Lanmafankpotin *et al.* 2013: 81).

Along with the dissemination of environmental assessment as a useful innovation in fighting pollution and in proactively preventing environmental degradation due to mindless, runaway industrialisation, there has been an expansion of the concept of the environment and the birth of the idea of sustainable development.

At the beginning of the 1970s, the environment had a biophysical connotation. The essence of the concept was the physical-chemical and biological elements surrounding humankind. Environmental protection laws were aimed at combating pollution. Today, the environment is seen more as an organised and dynamic system of interactions between biophysical and human factors, in which organisms evolve and in which human activities take place (Vaillancourt, 1995; André *et al.*, 2010). Therefore, the environmental system now appears to be a socio-ecological system.

The notion of sustainable development made its way to the United Nations between the Conference on the Human Environment held in Stockholm in 1972 and the Earth Summit in Rio de Janeiro in 1992. Furthermore, the World Commission on the Environment and Development, headed by Ms. Brundtland, formulated its now-historic definition: 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs' (WCED 1988: 10). This consensual definition makes the consideration of the ecological, social and economic dimensions of the process of development a requirement in decision-making processes. Since the United Nations Conference on the Environment and Development (UNCED) held in Rio in June 1992, which led nearly all of the world's countries to adopt the notion of sustainable development, the epistemological community has attempted to develop this notion into an effective frame of reference and of analysis of the effective consideration of the environment in development policies, plans, programmes and projects. Most of the 'Rio generation' conventions/covenants[4] urge that this direction be taken.

After more than 40 years of existence, what are the challenges with regard to integrating environmental assessment in the planning and decision-making processes from a sustainable-development perspective? What are the obstacles and incentives to institutionalising these procedures? This chapter will attempt to answer these two questions, after defining environmental assessment.

4 Every commitment of the Rio generation explicitly calls for environmental assessment in investment decisions. Principle 17 of the Declaration echoes this, as does Article 14 of the Convention on Biodiversity, Article 4 paragraph f of the Framework Convention on Climate Change, section 135 of the Johannesburg Action Plan and Article 37 paragraph 2 of the Lomé Convention ACP-CEE IV following the revised accord of 4 November 1995 signed at Mauritius (André *et al*., 2003: 25-27)

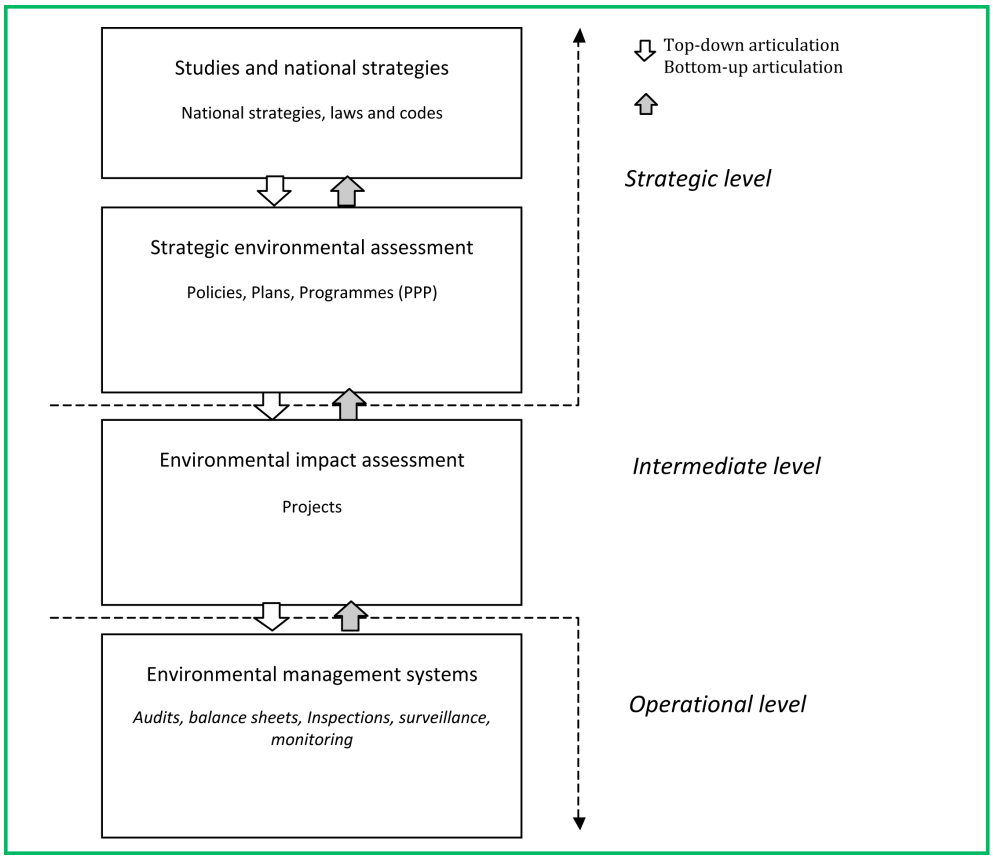
2.2. Environmental assessment, an integrated system of environmental and social protection

To many people, the environment and development seem to be irreconcilable enemies. As defined by Rist (2007: 27-34), 'development comprises a set of sometimes apparently contradictory practices which, to ensure social reproduction, generally require transformation and destruction of the natural environment and social relationships for the sake of increasing production of goods and services destined to meet consumer demands'. Thus, development de facto modifies the environmental system.

Although it is essential, taking the environment into account only when analysing individual projects cannot guarantee the functional integrity of the socio-ecological system. Consequently, a set of processes should be sought, articulated in an integrated and global structure, that aim to take the environment into consideration at all levels of decision making, from national strategies, policies, plans and programmes, down to environmental impact studies and environmental management systems. This integration of the system comprises both rules for imposing the results of the most strategic processes on the most operational processes (top-down articulation) and performance evaluation measures (surveillance, monitoring, auditing, etc.) which question these practices as strategic choices (bottom-up articulation). We maintain that such an integrated environmental assessment system, in itself anticipatory, preventive, participative and dynamic, makes it possible to reconcile the environmental system and the development process, and is therefore on, and part of, the path proposed by the goals of sustainable development. A detailed look at the process in question in the integrated environmental assessment system will enable us to better grasp how the environment and development are reconcilable.

Environmental assessment designates the set of steps intended to analyse the effects of projects as well as on policies, plans and programmes (PPP) on the environment, to measure their environmental acceptability and to inform decision makers (Michel, 2002: 6), for all phases of their life cycle. This toolkit comprises processes aimed at taking the environment into consideration in the planning, development and operations of projects and applications of the PPP. Figure 1 illustrates this idea, articulated in an integrated system.

Figure 1: The integrated environmental assessment system



Source: adapted from André *et al. (2010:62)*

Studying the impact of projects, the best-known and historically the most widespread process, is aimed at integrating projects in their natural and human environments in the most harmonious way possible. It contains a description of the project; an analysis of the environmental system; a study of interactions between the project and the environment which includes the positive and negative effects identified and an assessment of the impacts of projects on the environment and human environment; an environmental and social management plan that raises awareness of responsibility and incorporates measures to prevent and mitigate negative impacts, increase positive impacts and compensate losses; and a public, technical and scientific review of the results (André *et al.*, 2010: 55). After the report has been approved, the procedure ends with a decision, clarified by the competent authority for the particular project, which may be refused or authorised, with or without modifications.

Table 1: Types of procedures in environmental impact studies

Inputs	Phases	Products
Notice or description of projects; sometimes a prior assessment	Screening	Decision on the necessity for an EIA and degree of detail.
Notice or description of project and prior assessment	Scoping	Directives
Directives	Carrying out study	Environmental impact report
Environmental impact report	Internal review	Technical analysis report
Environmental impact report	External review	External review report
Joining the three reports	Approval	Recommendations on EIA report
EIA report approved	Decision	Notice of authorisation
Notice of authorisation	Surveillance and monitoring of effects	Surveillance and monitoring reports

Source: Adapted from André *et al.* (2010: 66)

More recently adopted by several states and embedded in their legislation, strategic environmental assessment (SEA) concerns the PPP, principally those of physical planning. Bringing up the matter of the environment at an early stage in particular allows for the establishment of priorities for intervention and investment, the comparison of different solutions to one problem, and for 'greening' the PPP in order to give environmental criteria a more prominent place among the government authorities' decision criteria. This procedure thus addresses the main issues of strategic development, while the decisions taken will justify the choice of projects. The sequence of steps sometimes resembles that of the EIA. However, SEA is characterised by a less precise statement, impacts which are more diffuse and spread out over a wider territory, greater uncertainty with regard to impacts, a wider and more diverse public and lastly a sphere of influence closer to the decision makers, which creates apprehension on their part. The approach is sometimes limited to that of greening the PPP when they are worked out in advance. And in some cases the approach closely follows that of the development of the PPP, in which environmental concerns intervene at each stage.

In the SEA field, sectoral environmental assessment (SecEA) examines the environmental implications of potential projects at the level of a sector as a whole (energy, mining, tourism, etc.), providing an analysis of their impacts before pre-feasibility studies have been carried out and thus helping to justify choices and the selection of options. The regional environmental assessment (REA) introduces issues representing various facets of the environment into the regional development plan, with the distinctive feature being that it provides the spatial dimension, while advocating the examination of a group of potential projects in all sectors. The SecEA and REA allow for a better consideration of the cumulative effects on the natural and human environment, and for establishing priorities that maximise benefits for the biophysical and social environment.

The environmental management system (EMS) concerns the construction and operation of projects as well as their implementation and the application of the PPP. In addition, it comprises international standards such as the ISO 14001 and ISO 26000. The principal objective of these standards is to encourage businesses to make commitments to being good corporate citizens with regard to environmental and social aspects, to make sure they honour these commitments and that they report their performance. Instruments for environmental control and management abound: environmental management systems and plans, surveillance and monitoring, environmental monitoring, audits, inspections, balance sheets, etc. Environmental monitoring, aimed at controlling the anticipated impacts of a project in order to improve environmental management practices, is an instrument that results in an EIA, in particular for monitoring activities that have adverse impacts on the environment. The environmental and social management plan (ESMP) specifies in detail the environmental recommendations to implement in order to compensate for the negative environmental effects, or to reduce them to an acceptable level.

As a management tool designed to examine an organisation's environmental management practices systematically, periodically and objectively, the environmental audit[5] is an evaluation of how practices conform to enacted standards and to the organisation's own environmental policies. It facilitates the operational control of practices liable to have impacts on the environment and society. The analysis of a product's life cycle, still called 'eco-balance sheet', evaluates the environmental burden of a product from cradle to grave. Particularly interesting from the viewpoint of sustainability, it covers the entire production cycle of a product and ensures that local environmental improvements are not simply the result of shifting the burdens

5 It should be specified that there are two types of audit: the system audit and verification audit, further broken down into (environmental) operations audit and site audit, which are regulatory verifications used in the audit field. These specifications seem useful in this chapter to avoid confusion among less-well-informed readers, given the similarity of names among certain environmental assessment instruments and types of audits.

of pollution to somewhere else. It also offers the advantage of generating a strong interaction between environmental performance and economic functionality, since harmful emissions and the use of raw materials are brought in relation to the representative unit depending on the product or system studied.

The environmental assessment procedure is considered to lack the objectivity expected of scientific data, because it is based on decisions made using both 'objective' scientific data and selective cultural values (Douglas, 1993). Mancebo (2003), in an analysis of the first years of implementation of environmental impact assessment, of which the overly descriptive nature of the analyses and lack of rigour were often criticised, (Beanlands and Duinker, 1983), maintains with just cause that 'there is a large measure of subjectivity in the assessment of the impacts studied. Depending on the point of view taken, one can come to totally opposite conclusions.' Indeed, the descriptive, predictive and interpretative nature of EIA and SEA remains a source of uncertainty, ambiguity and interpretation, especially if it involves predicting future conditions and determining the importance or significance of the impacts. Practitioners thus have an ethical obligation to justify their positions and actions, and the responsibility to study and respond to the moral values and attitudes of the other participants in the environmental assessment procedure (Lawrence, 2003: 394).

It must be acknowledged that EIA is both a science and an art, a technical/scientific and socio-political experience. Like any science, it describes, formulates and verifies hypotheses. Like a political science, it expresses local values and sometimes differing objectives, and often reflects political orientations. In many countries, EIA has taken the form of a scientific and political procedure whose various participants often have conflicting interests (Holtz, ND). This opposition is reflected, as emphasised by André *et al.* (2010: 43-44), in the idea of impact itself. Figure 2 illustrates this concept. Referring to the original work by Leopold *et al.* (1971), they stress that an impact comprises two essential dimensions, size and importance, to which they add a third dimension, significance. While size assesses the change in absolute terms, importance refers to the judgement by the expert according to the spatial, social and legal contexts. Significance in turn refers to the assessment of the change in context by various stakeholders. Although independent, these three dimensions are combined in the impact assessment. They are arranged along an increasing gradient of subjectivity, 'size' tending more towards objectivity when the impact is explicitly measured, followed by 'importance', referring to the well-founded assessment of experts based on explicitly defined criteria. The legal aspects interfere with assessing the importance, and the socio-political aspects with assessing significance, which can moreover disguise differing assessments according to the stakeholders in question.

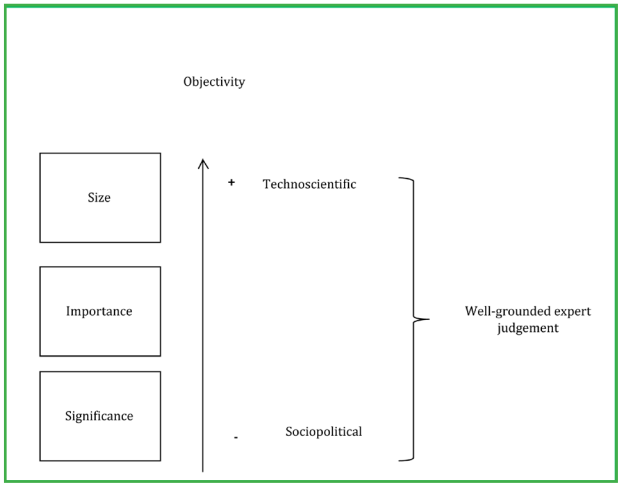


Figure 2: The dimensions of an impact

Source: Adapted from André *et al.* (2010:44)

In the decision chain, the impact study is not a substitute, but a participant from the conception of the project to its global evaluation, while questioning its legitimacy, and shedding new light on it while guaranteeing transparency of procedures and the participation of the 'true spatial planners'. The recommendations in the EIA are the product of negotiations between the assessor and the project manager so that they become internalised. In their case studies of northern Canada, Mulvihill and Baker (2001) raise two important challenges for practitioners: (1) the need to adapt the formal process to local culture and customs, with respect to the habits and consultation procedures of the key actors, and (2) the duty to remain receptive to local knowledge systems and to modes of expression, principally traditional ecological knowledge.

In becoming the field of expression of public action, the environment makes environmental assessment a socio-political field of multidisciplinary practice in which each actor can contribute to sustainable development in their way, formulating actions which reduce the negative consequences or reinforce the benefits of projects and the PPP. From the perspective of achieving sustainable development, for each actor and/or group of actors – contracting authority and engineering firm, operational and reviewing bodies, and the public – there is a requirement[6] of accountability, competence and ethics which must lead to changes in the practice of managing development.

6 The accountability requirement obliges the specialist to assure semantic coherence in his predictive activity in firstly recognising that every concept may have multiple meanings according to professionals, regulatory frameworks and contexts, and to always, whenever possible, define them in order to avoid any and all ambiguity and to remain faithful to the attributed meaning, while knowing how to adapt. The specialist must also assure ethical and deontological consistency, putting professionalism first (doing one's best, managing knowledge, continuously updating competence, not trying to do the impossible, optimising one's efforts, avoiding plagiarism, experience in communication, well-considered judgement), promoting and encouraging impeccable behaviour in those around by maintaining his or her role with equity, integrity, dignity and impartiality. He or she must also guarantee impartiality and avoid conflicts of interest, undue favours or advantages, interfering or attempts at influencing outcomes.

We have just defined environmental assessment, putting forward its advantages and limits. In line with the embedding of sustainable development in national legal frameworks and the translation of these frameworks into evaluation criteria for projects and PPP, how does environmental assessment fit in with this recent trend?

2.3. Environmental assessment and sustainable development

Art. 3. We therefore acknowledge the need to further mainstream sustainable development at all levels integrating economic, social and environmental aspects and recognising their interlinkages, so as to achieve sustainable development in all its dimensions.

Final declaration, Rio +20

From the outset, we have stated that the environment is a socio-ecological system and that development is a change process which alters the environmental and social system. Sustainable development is thus also a process, a different form of development that came about as a reaction to a more destructive form in place (on a contemporary scale) since the beginning of the Industrial Revolution. Since the remarks by the World Commission on the Environment and Development and the Earth Summit, this form of development has comprised three explicit objectives. These are (1) the satisfaction of basic needs for all people, (2) the protection of the environment and the processes that sustain life and (3) intergenerational solidarity. In this way, everyone must aspire to a better life. Thus, supporting sustainable development requires changing our relationship with nature, with business and with the economy (André *et al.*, 2010: 10).

One way of designing projects and PPP from a sustainable-development perspective is to respect a number of guiding principles and to assess interventions before implementing them[7].These principles were presented in the 1992 Rio Declaration on the Environment and Development[8], and the United Nations reiterated its support for them in its final Declaration of the Rio+20 Conference on Sustainable Development (art. 15)[9]. Inspired by these principles, in 2006 the National Assembly of Quebec enacted the *Law on Sustainable Development* which incorporates 16 principles[10],which can be grouped as follows:

7 To access the 1992 Rio Declaration, see www.diplomatie.gouv.fr/fr/sites/odyssee-developpement-durable/files/9/Declaration_de_Rio_1992_fr.pdf, consulted 7 September 2013.

8 To access the 2012 Rio+20 Declaration, see www.diplomatie.gouv.fr/fr/politique-etrangere-de-la-france/environnement-et-developpement/sommet-rio-20/toute-l-actualite-rio-20/article/declaration-finale-de-rio-20, consulted 7 September 2013.

9 To access the Law on sustainable development and its principles, see www.mddep.gouv.qc.ca/developpement/principe.htm, consulted 7 September 2013.

10 To access the Stockholm Declaration, www.unep.org/Documents.Multilingual/Default.asp? DocumentID=97&ArticleID=1503&l=fr, consulted 7 September 2013.

1. Environmental principles: Protection of the environment, prevention, precaution, preservation of biodiversity, respect for the supporting capacity of ecosystems;
2. Social principles: health and quality of life, equity and social solidarity, participation and commitment, access to knowledge, protection of cultural heritage;
3. Economic principles: cost-effectiveness, the polluter pays, internationalisation of costs;
4. Principles of good governance: subsidiarity, intergovernmental partnership and cooperation, responsible production and consumption.

Although it cannot address all the principles promoted by national and international commitments to sustainable development, environmental assessment appears to be an essential tool for addressing those of an environmental nature, while contributing to addressing the others.

As early as 1972, principle 18 of the Declaration of the Stockholm Conference on the Human Environment[11] pleaded that '[S]cience and technology […] must be applied to the identification, avoidance and control of environmental risks and the solution of environmental problems.' The Rio Declaration's principle 17, explicitly devoted to impact studies, says: 'environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.'

Considered on various levels, environmental assessment allows for ensuring a continuity of assessment, an informed decision and quality in government action. In this sense, it unites the ambitions of integrating the ecological, social and economic dimensions promoted by the United Nations. In going beyond the activities intended to design the PPP, it also makes it possible to consider the potential or acknowledged effects of government action on the environment and to put forth new development proposals. It facilitates rational spatial planning, involvement in and commitment to the protection of natural and cultural resources, the prevention of damage and pollution, the implementation of precautionary measures, in particular with regard to the risks of natural disasters and of climate change, maximisation of benefits for the people and informed decision making.

11 Coherence, both internal and external, is the liaison between the various links in the environmental-assessment chain, which allows a continuity of assessment from plan to policy, from policy to programme, from programme to project, etc.

Environmental assessment thus represents an important contribution to environmental management, a valuable way to organise the implementation of corrective measures and a notable aid in decision making that permits greater public participation. Because of this, it shares several objectives with assessment of government action: preparation of decisions related to continuation, stopping or revising the PPP ('decision-related'), better allocation of resources and improved implementation of government action ('management'), contribution to the training and mobilisation of public agents and their partners in aiding the comprehension of the processes in which they are participating and the appropriation of the objectives ('educational'), accountability to stakeholders in the implementation of the PPP and achieving results ('democratic') (Lerond *et al.*, 2003: 15).

Since the advent of environmental assessment in 1970, the knowledge community has been concerned with using it as an aid in decision making and, since the late 1980s, as an implementation tool for sustainable development. Consequently, environmental assessment must integrate and embed all of these component tools in a harmonious (Partidàrio, 1996; Sadler, 1996; Thérivel and Partidàrio, 1996; World Bank, 1996) and coherent whole[12] in order to assure a complete chain of environmental assessment that standardises procedures and methodologies, so that they are logically linked to each other, without appearing to be unclear and superimposed approaches (Lerond *et al*., 2003) to more effective management and different levels of assessment, standardisation of decisions at all levels, avoiding repetitions and lost time and money, all while assuring a high quality of assessment.

Environmental assessment thus faces a few important requirements in order to guarantee its role and to effectively contribute to sustainable development. First, there is a need for strong commitment on the part of contracting authorities to build a complete chain of environmental assessment, define standardised procedures and methodologies and improve assessment tools so that the continuity of the political assessment procedure of projects is an aid to decision making and not a constraint.

Secondly, there is a need for methodologies that will assure a repeatable course of action between the drafting the plan or programme and its assessment, allow shifts in the programme planning depending on the assessment and improve the performance of new tools that facilitate the construction of a PPP with simple and adaptable methodologies that can be improved upon later, rather than complex, overly rigid systems. Thirdly, there is a need for education in order to develop or update methodological implementation manuals, inform and educate the principal actors and raise awareness among politicians to allow an assessment culture to emerge

12 Figures are from 2012, 2011, 2010 or the most recent year available.

that, to put it simply, goes step by step and involves local actors. Lastly, to guarantee a relationship with sustainable development that makes sustainable development not just a slogan, but a connecting thread in decision making, it is necessary to rethink the decision-making process to establish a real and clear relationship between the development programme and sustainable development, define how to fit environmental assessment in the assessment of sustainable development, while integrating synergies between the economy, society and the environment (Lerond *et al.,* 2003; Lerond and Lanmafankpotin, 2007).

2.4. Environmental assessment and its institutionalisation

When I go to a country, said Montesquieu,
I don't investigate whether it has good laws,
but whether they execute the ones they have, because good laws are everywhere.

Le Prestre, 1997

In general, the concept of institutionalisation refers to the process by which an object acquires the official character of an institution, the term institution itself referring to a plurality of facts and characteristics such as the normative, organisational or symbolic aspect (Authier and Hess, 1997; Sliwinski, 2000; Bitondo, 2005). It has three main dimensions, which cannot be dissociated from each other: the normative and organisational dimensions, and the dimension related to the interactions of the actors:

- ***The normative dimension***. To a degree, institutionalisation can be considered either a response by the State to the emergence and evolution of practices, or as the reflection of an interaction between social actors, whose respective weights are reflected at one point or another in legislation, in a process of negotiation (Bouchard *et al.*, 1995). The process manifests itself in the identification of laws and rules, the goal being to regulate behaviour and to create and implement opportunities for negotiation. Friedberg (1997) stresses the profoundly ambivalent nature of the rules, which imply limitations while simultaneously crystallising and reflecting the minimal collusion necessary for the stability of the negotiation relationship which inevitably results in compromise. Moreover, the actors concerned quickly express this ambivalence by their own ambivalent behaviour, sometimes attempting to evade, when seeking to get around the rule, sometimes by defensive withdrawal, when using it as protection from attempted outside influence, in this way seeking respect.

- ***The organisational dimension.*** This dimension comprises the distribution of power within the organisation or state, the working interactions between the political, executive and administrative powers, and the relationships between the different levels of government (Lourau, 1976). This implies the creation of organisational structures responsible for administering legislation and regulations. This dimension concerns the process of structuration and restructuration of the contexts in which collective action takes place. Given that the complex world of human relations and social interaction always has potential for conflict, this dimension is nothing more than the set of empirical mechanisms that stabilise this world, and that allow for building the indispensable cooperation and coordination between the initiatives, actions and conduct of the various participants (Lourau, 1976). The analysis, understanding and comparison of the nature and consequences of the context-specific modalities of organisation form the fundamental question which organisational reflection attempts to answer.

- ***The dimension related to the interaction of the actors***. Institutionalisation also encompasses the development of processes of interaction, on the one hand between structures and on the other, between the structures, individuals and groups outside of these structures. In other words, beyond the laws and structures, it also concerns the functionality of the whole which is its purpose. The implementation of the instituted object will result from the interactions of the actors following the establishment of rules and organisations, thus dependent on how the social system adapts to the resulting changes. Influence, control and conflict are three basic social relations from which it will be possible to subsequently imply the representation of interests (Bélanger and Lemieux, 1996).

If they are to evolve, EIA systems in the Central African countries will have to take these three dimensions into account.

Chapter 3

Mapping the evolution of EIA systems in the Central African countries

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3.1. EIA mapping: instrument for analysing EIA systems

3.1.1. History of EIA mapping

In 2004, in an attempt to cope with difficulties in operations and development, the national environmental-assessment associations of the Central African countries appointed the Secretariat for Environmental Assessment in Central Africa (SEEAC) to ask for the support of the Netherlands Ministry of Foreign Affairs, referred to in this chapter as 'the Ministry', as well as other interested parties, in order to relaunch their operations. This support took the form of a regional capacity-building programme in Environmental Impact Assessment (EIA), lasting for 5 years.

Although the Ministry expressed interest in this request for support, it nevertheless felt the proposed programme was too uniform, not reflecting the potential gaps in the state of development of EIA systems in the countries concerned. To remedy this, it suggested that this request add programmes geared to each national association, which would emphasise the elements of environmental assessment that promote 'good governance'. Still on the recommendation of the Ministry, the Netherlands Commission for Environmental Assessment (NCEA) would assist the national associations in developing these plans, after analysing the strengths and weaknesses of the systems in force in their respective countries.

It was in this context that the NCEA developed the 'EIA mapping' tool in order to: (i) assess the strong and weak points of EIA systems in the countries concerned and make a list of possible improvements; (ii) increase awareness on these strong and weak points and opportunities for improving the performance of the EIA system and; (iii) compare past and present performances of the EIA system in one country (assess change over time) or compare performance of EIA systems with other countries or funding institutions (comparative assessment or benchmarking).

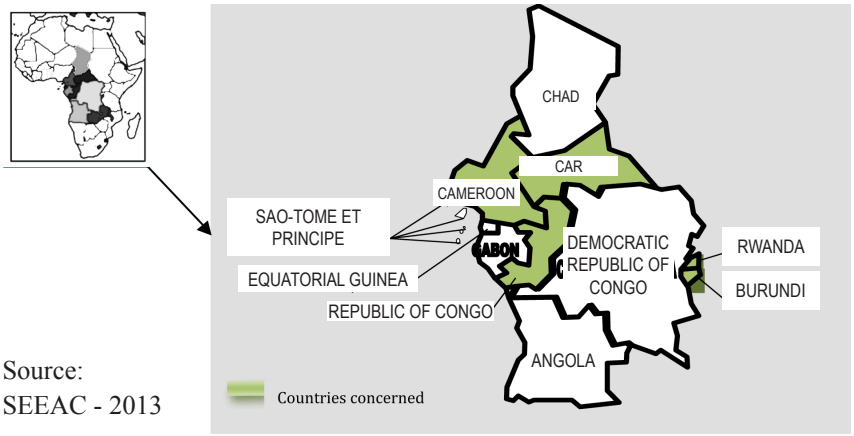
3. 1. 2. Context of using EIA mapping in Central Africa

EIA mapping was done in 2005 and 2006 in eight Central African countries (Burundi, Cameroon, Republic of Congo, Gabon, Central African Republic, Democratic Republic of the Congo, Rwanda, Chad). It established a baseline status for these countries' national EIA systems, so that SEEAC could formulate its Support Programme for Central African National Environmental Assessment Associations (known by its French acronym PAANEEAC). In 2013, at the end of the PAANEEAC programme, a second series of mapping workshops was held in the five countries which continued to benefit from the support of the PAANEEAC: Burundi, Cameroon, Republic of Congo, the Central African Republic and Rwanda.

This chapter presents the evolution of the national EIA systems of these countries, based on the results of these two series of EIA mappings, carried out in 2005-2006 and 2013. It should be mentioned that the 'EIA mapping' tool added a number of criteria between 2005 and 2013. However, the NCEA feels that this development does not impede a proper comparison of the results based on the 2005 criteria.

Figure 3 and table 2 show the locations and some general characteristics of these countries.

Figure 3: Central African countries in which a second series of mapping workshops was held in 2013



Source:
SEEAC - 2013

Table 2: Some characteristics of the Central African countries involved in the 2013 mapping[13]

Country	Area in km²	Total population, (both sexes, in thousands)	Average annual population growth (%)	GDP per capita (in PPP* in $ 2005) 2011	Human develop-ment index (HDI) 2012	Average age of total popula-tion (years) 2010	Life expect-ancy (in years)	Population under poverty level (%) 2012
Burundi	**27,834**	**8,749.4**	**2.9**	**533**	**0.355**	**20.2**	**50.9**	**81.3**
Cameroon	**475,440**	**20,468.9**	**2.2**	**2,090**	**0.495**	**19.3**	**52.1**	**9.6**
CAR	**622,980**	**4,575.6**	**1.8**	**716**	**0.352**	**19.4**	**49.1**	**62.8**
Congo	**342,000**	**4,233.1**	**2.7**	**3,885**	**0.534**	**19.6**	**57.8**	**54.1**
Rwanda	**26,000**	**11,271.8**	**2.9**	**1,097**	**0.434**	**18.7**	**55.7**	**63.2**

* purchasing power parity

Source: PNUD http://hdrstats.undp.org/fr/tableaux/

3.1.3. Analytical framework of EIA mapping

EIA mapping assesses the quality of a country's legal framework with regard to conducting EIA and to the decision-making process on environmental authorisation, as well as the level of conformity to this legal framework in practice. Indeed, this instrument makes the distinction between the more scientific and technical process of elaboration and approval of the EIA and the political process of granting environmental authorisation. It integrates outside factors which can influence the quality of the procedures and their application, such as the solidity of a country's financing mechanisms, its culture, democratic practices and governance. In 2013, it integrated a new factor, the knowledge-development infrastructure, which takes into account the aspects of education, belonging to networks relevant to EIA or even making explanatory documents available (*annex 1)*.

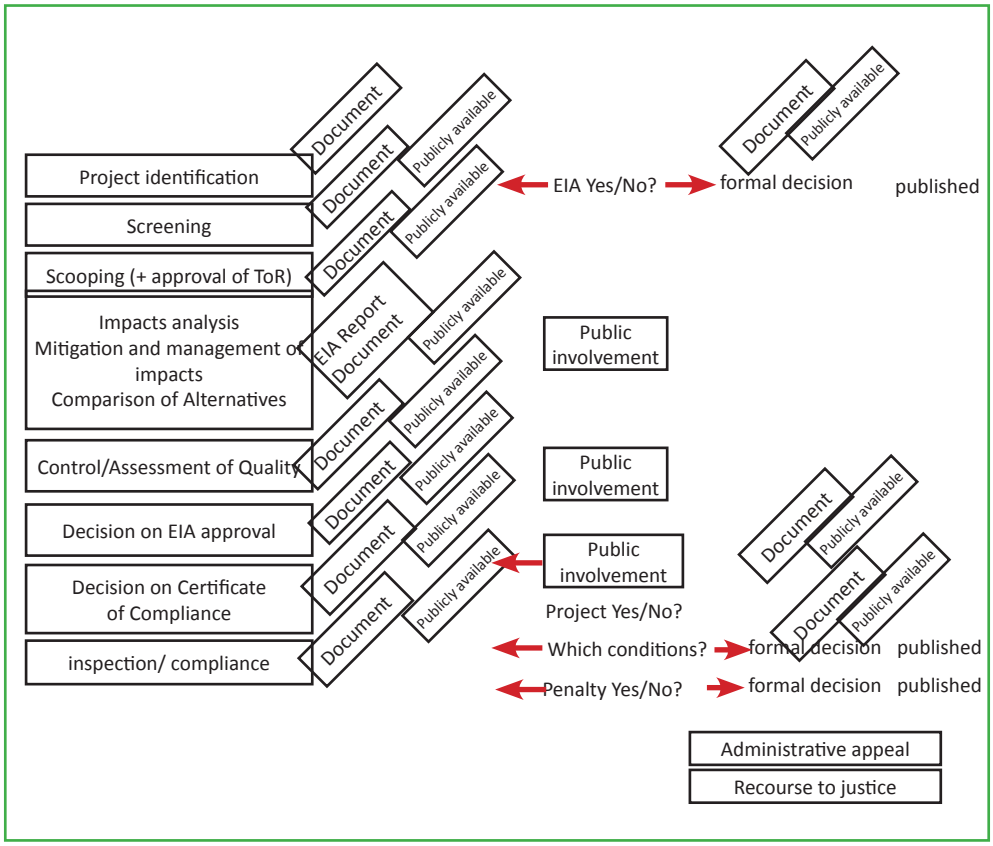
This tool revolves around a questionnaire of approximately 800 questions based on criteria perceived as fundamental to the effectiveness of the procedure. The questionnaire was filled out during a workshop of the actors involved with EIA, in particular: representatives of the administration responsible for the procedure at national level, the sectoral administrations and other executive government bodies, local governments, the private sector, consultants, professional organisations and

13 The results of the mapping in 2013 and the comparison of the results between the mappings of 2005/2006 and 2013 have been the subject of feedback workshops in each country.

civil society. The dynamics of EIA mapping are adapted to a group of about twenty participants. During the workshop, these EIA actors discussed all the aspects of EIA. Their consensual responses are transcribed on a spreadsheet. The majority of the answers give a score from 0-100. Some questions require a 'yes' or 'no' answer, some require statistical data and others require an interpretation or an estimate. Algorithms taking into account the relative importance of the criteria for the EIA procedure and for decision making have been developed to assign scores corresponding to the scores of the indicators associated with them.

In terms of transparency and credibility, mapping compares the systems considered with an ideal system (figure 4). This is a system in which each step of the process, from screening to inspection and compliance, is the subject of a publicly available document. The formal decisions (screening, granting of environmental authorisation, imposing penalties), based on clearly established procedures and criteria, are published and give the right to administrative and legal redress. To limit complaints afterwards, the system includes the public in the decision-making process.

Figure 4: Reference architecture of the EIA system



To give participants and decision makers a visual display that is easy to interpret, at the end of the workshop[14] the results of the assessment are presented in the form of graphs or diagrams. Moreover, on the basis of these results, the actors concerned can decide which elements of EIA require improvement.

In the EIA mapping that was carried out, the choice of criteria that had to be taken into account is in line with those used in publications assessing environmental assessment systems. As reference, the International Study on the Effectiveness of Impact Assessment (Sadler, 1996) was used. Some of these publications assess the effectiveness of a given system or compare the effectiveness of different systems, based on criteria which give more weight to the process or to practice, depending on the case (e.g. El-Fadl and El-Fadel 2004, Wood and Coppell 1999, Leu et al. 1996, Ramjeawon and Beedassy 2004, Ahammed and Harvey 2004, Ahmad and Wood 2002). The most commonly used criteria are adapted from those developed by Wood (2002) divided into the two categories from Fuller (1999): (1) the category of measures known as systemic, which evaluate the ability of the system to provide quality assurance in the administration of the process, and (2) fundamental measures involving the characteristics that promote good practices and underlie the proper application of the process. However, Morgan (2012) points out that the evaluation criteria are not meaningful unless they take into account the socio-economic, political and cultural contexts of the country or countries concerned. This is why the criteria used were contextualised by the NCEA based on its experience and knowledge of the sub-region of Central Africa.

Tables 3 and 4 present a brief description of the criteria used.[15]

14 For more information on the procedure and criteria for mapping, the reader should refer to the mapping manual produced by the NCEA and the Excel spreadsheet which serves as an interface to introduce the data available on the following websites: www.eia.nl or www.seeaconline.org

15 This book does not make a judgement about the EIA systems it discusses. We fully recognise that they may be the products of deliberate political choices or the consequences of socioeconomic or political conditions that are sometime favourable and sometimes not.

Table 3: Assessment criteria for legal standards and practice related to carrying out and approval of the EIA

Criteria used	Description
Coverage	Percentage of investments subject to EIA; in practice, number of EIAs completed out of potential number
Quality of texts	Presence, exhaustiveness, clarity, coherence
Public nature of procedure	Explicit statement of the EIA as a public procedure, specifying the documents to be published and instructions for their publication
Manual	Developing one or more manuals or explanatory manuals for the procedure
Financial soundness	Soundness of the financial system of the branches of government managing the EIA system; provision of adequate funds for public-sector EIA
Advance information requirement	Requirement to provide adequate information about the project in advance; requirement to publish this information
Screening	Reliability of the procedure, use of independent expertise, involvement of the environmental inspectorate
Requirements	Requirements to: consider all aspects of sustainability; describe alternatives at the same level of detail as the proposed project; use quantitative data, use certified providers, mention uncertainties or gaps in knowledge
Scoping	Reliability of the procedure, requirement for public participation, use of independent expertise, involvement of the environmental inspectorate
Review	Reliability of the procedure and criteria, requirement for public participation, use of independent expertise, involvement of the environmental inspectorate, requirement to compile a publicly available report
Monitoring	Requirement to monitor the main impacts of the project, description of methods and criteria, definition of responsibilities and frequency of visits. *In practice this entails the administration's ability to monitor adequately*
Knowledge of texts	Percentage of potential users familiar with the texts
Institutional capacity	Ratio of the number of studies processed to the number of procedures that can be processed
Expertise in managing the procedure	Percentage of managers available who are adequately educated for the specific task; availability of and access to a good institutional memory
Outside expertise	Use of external expertise at all stages of the procedure

Table 4: Assessment criteria of standards and practices related to the procedure of granting environmental authorisation

Criteria used	Description
Quality of texts	Separate decisions approving the EIA report and granting an environmental authorisation: presence, comprehensiveness, clarity and coherence of the texts about granting authorisation
Sharing /control of power	Democratic controls on government action, joint decision making, and whether or not decision maker is an elected body or not. *In practice this is the number of recorded questions by the parliament*
Decentralisation	Level of decentralisation of authorisation decisions and sanctions. *In practice, depending on the case, this involves evaluating the soundness of the system*
Monitoring	Level of robustness of provisions for monitoring the conditions for granting licences and permits. *In practice this is the number of monitoring reports available, the percentage of reports reviewed and the conditions for authorisation by the competent authority*
Inspection and compliance	Level of robustness of provisions for inspections and compliance: qualifications of inspectors, deterrent effect of penalties. *In practice this involves evaluating the number and qualifications of available inspectors, access to specialised laboratories, ability to enforce sanctions*
User-friendliness	Requirement for a single point ('one-stop') to support developers; level of bureaucracy; setting deadlines. *In practice this involves assessing the number of offices one needs to visit or of forms to fill out to obtain a decision, and judging the service mentality of the responsible authorities and agents*
Public nature	Decision making during public hearings; publication of the decision. *In practice, this involves assessing the number of public hearings held with a view to decision making, and the number of decisions published*
Public participation	Requirement for public participation during various phases of the decision-making process. *In practice, this involves assessing the number of times the public has participated at various stages of the decision-making process*
Justification	Requirement to properly justify decisions, including results of public participation and using external expertise. *In practice, this involves assessing the percentage of decisions taken that have written justification, and the soundness of these justifications*
Complaints, appeal, mediation	Provided for, accessible and affordable. *In practice, this involves assessing the number of procedures started and if necessary the number of revisions after the start of the procedures*

This analytical framework shows that EIA mapping is a systems approach, because of the approach and criteria used. It considers the state of development of an EIA system to be the result of a dynamic interaction between different elements of a given context as produced by the interaction of the actors present[16]. It provides ample opportunity for participation of the actors concerned. Such an approach can have an interventionist value if the exposition of the main actors to such an institutional analysis of the EIA triggers mechanisms likely to favour its integration in the decision-making process[17]. Consequently, the results of the mapping cannot be regarded as mechanical and/or frozen in time. They demand an amount of subjectivity inherent in the analytical framework and in the methodological approach of the mapping, which makes them dependent on the dynamics and characteristics of the workshop participants.

The remainder of this chapter presents the evolution of EIA systems by country, following the interpretation of graphs produced by comparing the results of the two mappings. The annexes show a more comprehensive overview of the state of the systems as of the 2013 mapping, the explanation of the criteria used and the graphs of the results.

3.2. Evolution of EIA systems in the countries concerned

3.2.1. Evolution of the EIA system in Burundi

3.2.1.1. Legal and institutional foundations of EIA in Burundi

Promulgated in March 1992, in the wake of preparing for the Earth Summit, the constitution of 1992 addressed the question of the environment for the first time. Updates to the constitution continued the trend. The present constitution, promulgated in March 2005, stipulates in article 35 that 'the state will assure proper management and rational use of the country's natural resources, while preserving the environment and conserving these resources for generations to come'. The presence of the environmental issue in the constitution paved the way for legislation and regulations on the matter (CLEAA-SEEAC, 2011).

16 This book does not make a judgement about the EIA systems it discusses. We fully recognise that they may be the products of deliberate political choices or the consequences of socioeconomic or political conditions that are sometime favourable and sometimes not

17 From this point of view, EIA mapping is suitable for a self-evaluation by the administration in charge of the procedure.

Law no. 010, enacted 30 June 2000, laying down the Environmental Code of the Republic of Burundi, sets the fundamental rules intended to allow the management and protection of the environment from all forms of damage, in order to safeguard and develop the rational use of natural resources, to combat the different forms of pollution and undesirable impact and to thus improve human living conditions while respecting the balance of its ecosystems. Chapter 3 of title II of this code is devoted to the EIA procedure, which is required for any project which carries a risk of an impact on the environment. This law was supplemented by an implementing decree: decree 100/22 of 7 October 2010 containing measures implementing the Environmental Code in relation to the EIA procedure, and a ministerial decision, no. 770/083 of 9 January 2013, which applies to the scoping in the EIA procedure in Burundi.

By law, implementation of the provisions related to environmental assessment is assigned to the ministry responsible for the environment, acting alone or jointly with other ministries concerned. Since 1998, this responsibility has fallen to the Ministry of Water, the Environment, Physical Planning and Urban Planning (MEEATU). At national level, the Ministry has three directorates general, among them the Directorate General of Forests and the Environment. Within it is the Directorate of the Environment, which is the central body in charge of EIA.

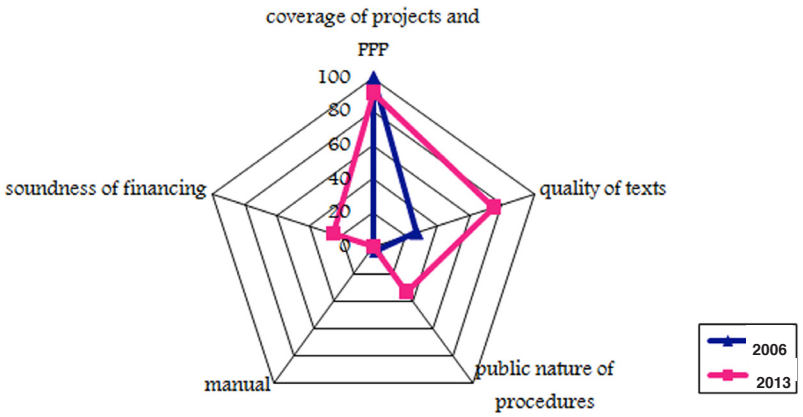
3.2.1.2. Evolution of the EIA procedure in terms of legislation/regulations and practice

3.2.1.2.1. Evolution of the EIA procedure in terms of legislation/regulations

Graph 1 shows that in general, the *quality of the texts* has greatly improved. This is certainly due to the promulgation of decree 100/22 of 7 October 2010 and the ministerial decision on scoping which clarified certain legal provisions. However, the regulatory framework is still incomplete, since the implementation of the articles of the decree, in particular articles 6, 14, 15, 22 and 32, assumes the existence of additional orders or directives; however they do not yet exist. The fact that the decree is not clearly backed by the law has led to a lack of coherence between the texts. Also, the texts do not provide for the involvement of the environmental inspectorate at the different phases of EIA, and they remain relatively ambiguous, in particular concerning screening.

The ***level of coverage of projects*** affected by the EIA procedure appears greater for 2006 than for 2013 (graph 1). This could be explained by the facts that in 2006 the law required an EIA for any project with a risk for the environment and that the 2010 decree, clarifying which projects required an EIA, among other things, introduced elements which could be ambiguous (articles 5 and 12).

Graph 1: Evolution of the general EIA procedure in terms of the texts in Burundi



An analysis of graph 1 reveals that from 2006 to 2013, the lack of a ***manual of procedures*** or general manual for EIA and sectoral manuals to elaborating an EIA has been a major handicap, and is one factor contributing to the poor functionality of the system.

The ***public nature of the procedures*** has a better legal framework. Whereas, in 2005, the law of 2000, which was practically the only legal document making reference to EIA, did not go into detail about the public nature of the EIA procedure, the 2010 decree devotes its articles 21-24 to making the EIA report available for public comment. However, neither the law nor the decree state explicitly that EIA is a public procedure. Moreover, there is no clarification about the public nature of other documents arising from the EIA, such as terms of reference or various quality assessment reports.

While the 2005 law did not dwell on the ***financing*** of branches of government linked to EIA, in 2013, certain related aspects are structurally regulated as a result of the 2010 decree, in particular those concerning the costs of reviewing the reports (article 32). The fact that the law requires an EIA for government projects should oblige the state to make available the means for carrying them out. However, the decree does not provide structural support to the Directorate of the Environment for its ongoing operations, as well as those necessary for recruiting external expertise if needed.

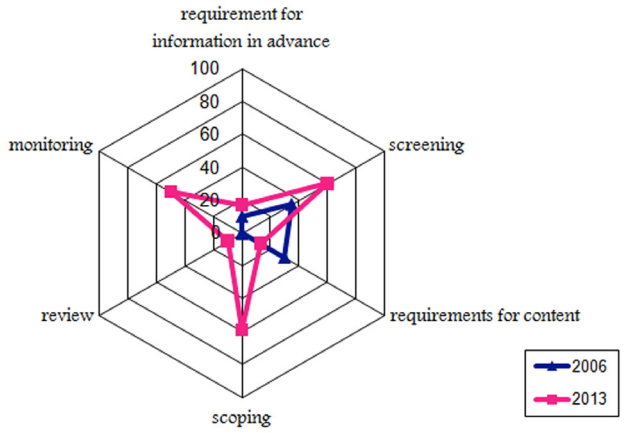
Analysis of graph 2, which deals with the EIA procedures, leads to the conclusion that the EIA procedures related to ***scoping*** have improved as a result of the publication of the decree (article 14), as well as the ministerial decision on scoping which have

contributed to operationalising the provisions of this article. However, this ministerial decision, which provides for scoping at each phase, must be supplemented with specific guidelines enshrined in a text with stronger legal significance, such as a decree.

The obligation to provide adequate information in advance about the project is more explicit. The score for this criterion remains low since, among other factors, this information is not required to be made public.

Although the 2010 decree, also describing (as already mentioned) the nature of projects covered by the ***screening***, introduces elements which may be ambiguous, the description of the procedure has improved and is perceived as quite robust.

Graph 2: Evolution of the EIA procedure in terms of the texts in Burundi



The quality of texts related to ***requirements about content*** of impact studies was rated more harshly in 2013 than in 2006. This is probably due to the fact that in the absence of directives on the subject from the ministry responsible for the environment, the content of the EIA is still directed by article 23 of the 2000 Environmental Code. Improvement of the level of knowledge of the actors, a precondition for a proper EIA, could mean than provisions once considered relatively satisfactory are now being rated more critically. The low score given to this criterion in 2013 reflects the fact that aspects such as the elements of sustainability to be considered, the description of different categories of options, the use of quantitative data, mentioning a gap in knowledge or even carrying out additional studies are not explicitly required. However, the decree does require that the EIA is carried out by an authorised natural or legal person, although the conditions for this authorisation are not specified. Likewise, it calls for public participation but the details on how to proceed are not yet available.

Although it still received a low score, the quality of requirements for the ***review*** of the EIA report is improving (graph 2). It is provided for by the decree (chapter V), but is lacking in indications as to the procedure and above all, the review criteria, the expertise required, the involvement of the environmental inspectorate and the publication of the review report.

The quality of the ***monitoring requirements*** is also improving (graph 2) since the decree deals more explicitly with this aspect (articles 30 and 31). The procedure, methods to use and the way of reporting as far as monitoring is concerned still need to be specified.

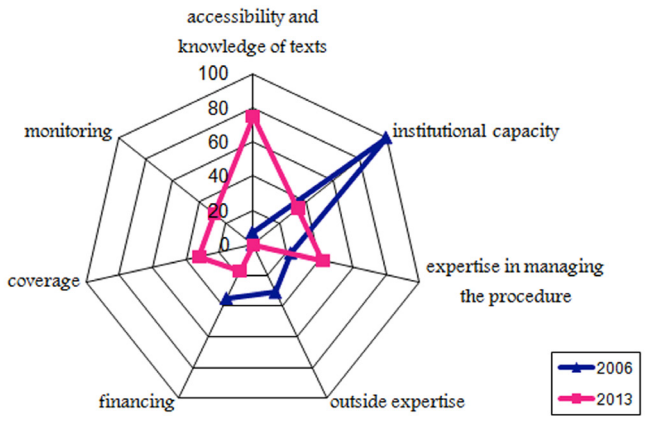
With regard to ***infrastructure for knowledge development*** (annex 2), the texts in force provide for developing manuals to support the developers, but there is no explicit requirement to introduce EIA education or for the administration responsible for the environment to belong to networks that are relevant to EIA.

3.2.1.2.2. Evolution of the EIA procedure in terms of practice

A general if slight improvement can be seen in practices related to conducting an EIA and the approval of the EIA report (graph 3). Scores for certain criteria have declined, most probably because of an increase in need in relation to capacity. Thus, in general an increase in ***accessibility and knowledge of the relevant texts*** by the majority of the actors can be observed, with the exception of the wider public (graph 3).

With regard to the ***level of coverage***, a relatively higher percentage of projects (over half) have eluded the procedure.

Graph 3: Evolution of EIA practice in Burundi



Institutional capacity, perceived as sufficient in 2006, scores much lower in 2013. This is certainly due to greater growth in the workload compared with available capacity. This insufficiency is translated into an insufficient number of dedicated frameworks, weak institutional memory and gaps in the existing financing mechanisms.
The practice of ***scoping*** is not widespread and the quality of scoping documents is rated as relatively unsatisfactory. A higher satisfaction score can be seen for content, quality of consultants and the clarity of EIA reports. The review is quite often carried out by a multi-actor commission and the quality of the reports is rated relatively satisfactory by those familiar with it (annex 2).

The percentage of projects submitted to an impact study and ***monitoring*** is growing although still relatively low. Actually, it should be noted that despite its limited means, the administration not only requires that monitoring reports be submitted, but whenever possible it also takes the appropriate action.

The financing was rated relatively more adequate in 2006 than in 2013, most certainly because the need for funding has seen greater growth than the funds that are actually available. Indeed, the analysis of this aspect reveals that the state budget barely meets financial needs, that the directorate of the environment effectively lacks the means to pay external experts, and that only a small portion of the financing necessary for EIAs of government projects has been mobilised, with the majority coming from projects funded by international sources. The mobilisation of fees for reviewing the reports is also still low. This is due to the absence of a joint order from ministers entrusted with the environment and finances, who are supposed to specify the amount of the applicable charge.

The expertise in managing the procedure has improved, due to the managers concerned having more training and having gained more experience. One can observe more use of external expertise in 2006 than in 2013, which indicates the increasing difficulty of mobilising this expertise, probably due to a lack of available financial resources.

With regard to the ***infrastructure for knowledge development***, there are very few manuals to support developers in making an EIA, nor specialised EIA educational programmes, whether at university, college or professional level, despite the fact that the administration responsible for the environment benefits from the existence of a network of EIA professionals (annex 2).

3.2.1.3. Evolution of the decision-making process in terms of legislation/ regulations and practice

3.2.1.3.1. Evolution of the decision-making process in terms of legislation/ regulations

Graph 4 illustrates the evolution of the decision-making process in EIA in terms of the legal texts. It shows that ***the quality of these texts*** connected to decision making scored lower in 2013 than in 2006. This is probably due to the actors becoming more critical about the thoroughness and specificity of the legal requirements for these aspects. There seems to be no clear separation between the decision to approve the EIA report and the decision granting environmental authorisation. Although the EIA procedure is required, the decree does not explicitly speak about obtaining an environmental authorisation or permit. It could be said that the approval of the EIA implicitly serves as authorisation.

Burundi's institutions include a parliament whose mission is to check the actions of the executive. However, ***decisions*** related to the EIA are still not ***made jointly*** but are made by the ministry responsible for the environment, which is not an elected body.

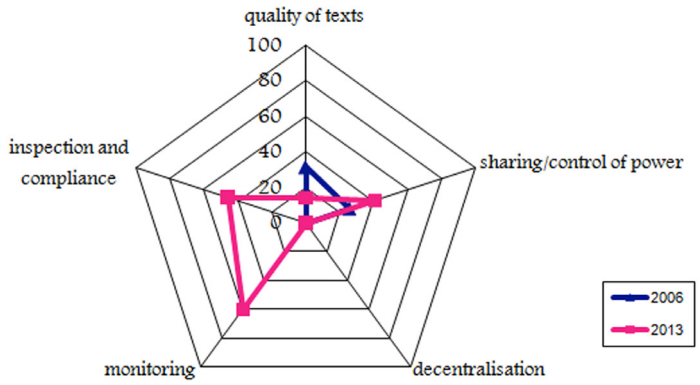
The quality of the requirements for ***monitoring and compliance*** is rated below average. Monitoring, inspections and penalties for non-compliance with required measures are provided for, but aspects such as the qualification and accreditation of inspectors still need to be fleshed out. Similarly, certain penalties were rated as having relatively little deterrent value.

The quality of the texts connected to ***user-friendliness*** was rated lower in 2013 than in 2006. Given that the decree is not explicit on the issuing of an environmental permit, it is difficult to make a pronouncement on user-friendliness in this regard.

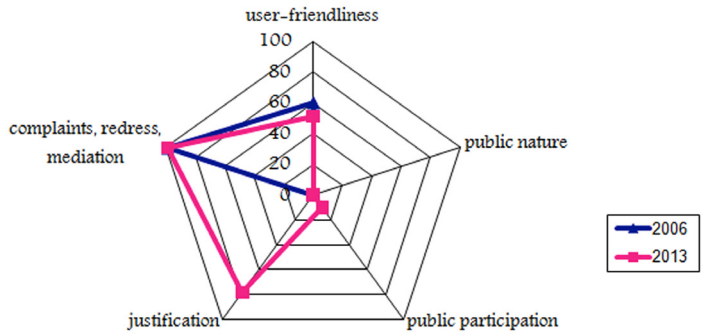
The quality of the texts related to ***justification*** scored better, since in effect, the decree provides for justifying the decisions both in terms of the screening and the approval of the study. However, the criteria on which this justification should be based still need to be specified.

In both 2006 and 2013, there was still no regulation of ***decentralisation*** or the ***public nature*** of the procedures or public participation at various phases of decision making. On the other hand, opportunities for administrative and legal ***redress*** and even mediation are in principle provided, accessible and affordable.

Graph 4: Evolution of the decision-making procedure in terms of the texts in Burundi (1/2)



Graph 4: Evolution of the decision-making procedure in terms of texts in Burundi (2/2)



3.2.1.3.2. Evolution of the decision-making process in terms of practice

Graph 5 summarises the evolution of decision-making practices in the procedure granting environmental authorisation in Burundi. Progress has been made in very few of the criteria, with the exceptions of justification of decisions, user-friendliness and monitoring. Because of the decree's lack of clarity on decision-making in environmental authorisation, the ***knowledge of legislation and regulations*** by the

various groups of actors is perceived as poor. However, environmental authorisations are issued without too much difficulty for the projects' proponents. The directorate of the environment effectively has the role of an EIA helpdesk and its service mentality is seen as acceptable.

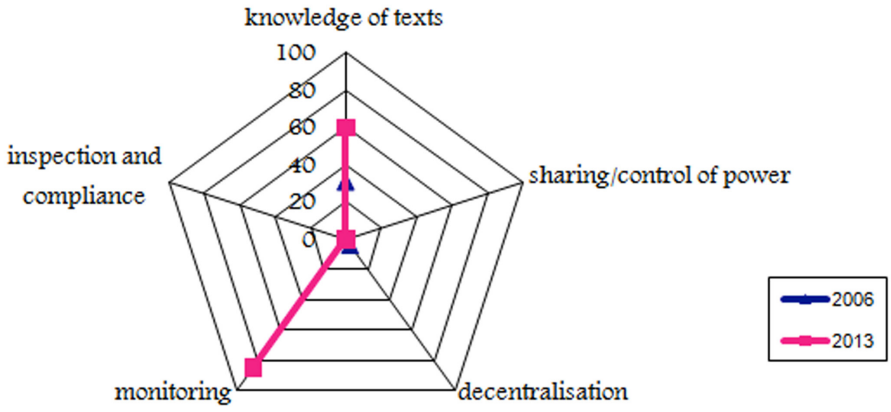
Neither in 2006 nor in 2013 was the experience of decisions disclosed, whether taken in public sessions or published. There has also not been a case observed where the government was questioned by the parliament about an EIA-related decision.

The score of the robustness of the ***supporting documents*** justifying decisions is mixed, since there are few decisions with written justification observed that were made with the use of public comments.

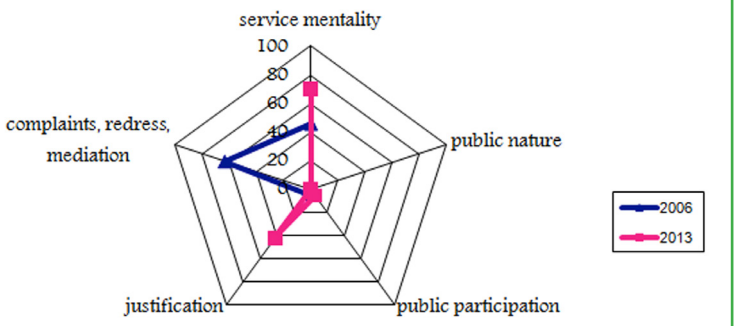
The practice of ***inspection and compliance*** has been slow to make progress, because of the lack of a corps of environmental inspectors and the non-use of qualified laboratories.

In contrast to 2006, when several cases of ***redress*** were identified, none were mentioned in 2013.

Graph 5: Evolution of the decision-making procedure in terms of practice in Burundi (1/2)



Graph 5: Evolution of the decision-making procedure in terms of practice in Burundi (2/2)



Summary for Burundi

Generally, the analysis of the evolution of the EIA system in Burundi finds a significant improvement between 2005 and 2013. However, despite this progress, the legal basis of EIA is still relatively weak and incomplete. There is insufficient institutional capacity to manage the procedure. Decision making is still a black box, not open to the public. Inspections and compliance are relatively undeveloped. The infrastructure for knowledge development still needs improvement. The efficacy of the instrument remains relatively limited, with many projects still bypassing assessment, and with mixed views of participants on its influence on the quality of projects. The directorate of the environment, who in the first instance is responsible for implementing the procedure, and whose ability to learn and to improve is rated as very good, is involved in several actions which should improve the current situation even more. This will be even easier when a growing number of stakeholders will take ownership of the instrument.

3.2.2. Evolution of the EIA system of Cameroon

3.2.2.1 Legal and institutional foundations of EIA in Cameroon

The principle of taking the environment into account in public action is enshrined in Cameroon's constitution of 1996, thus emphasising at the highest level possible the country's commitment to sustainable development. The preamble to the constitution proclaims the right of every citizen to a healthy environment. It states that protecting the environment is a duty for everyone, and that the state ensures its defence and promotion. This willingness to take the environment into account in development projects has created a relatively complex legal and institutional framework.

Although the law no. 94/001 of 20 January 1994 on forests, wildlife and fisheries already explicitly required an EIA for projects that could impact the ecological balance of forests, it is law no. 96/12 of 5 August 1996, establishing a more general framework for environmental management, that is devoted to the principle of EIA. Its article 17 states that an EIA is required for any project liable to have an impact on the environment. Subsequently, other sectoral laws such as the mining code make explicit reference to the requirement for an EIA. At the regulatory level, decree no. 2005/0577/PM of 23 February 2005 laid down the process and framework for carrying out an EIA for the first time. It was followed by several orders including one detailing the list of projects required to undergo the procedure. Since 14 February 2013, decree no. 2013/0171/PM has laid down the rules for carrying out environmental and social impact assessments (ESIA).

At the institutional level, Cameroon seems to have opted for a multisectoral, regional, decentralised and participatory approach to environmental management, coordinated by a ministry responsible for the environment, currently the Ministry of the Environment, Nature Protection and Sustainable Development (MENPSD), assisted by an Interministerial Committee on the Environment (ICE), whose missions include making recommendations on all impact assessments before the competent authority makes its decision.

3.2.2.2. Evolution of the EIA procedure in terms of legislation/regulations and practice

3.2.2.2.1. Evolution of the EIA procedure in terms of legislation/regulations

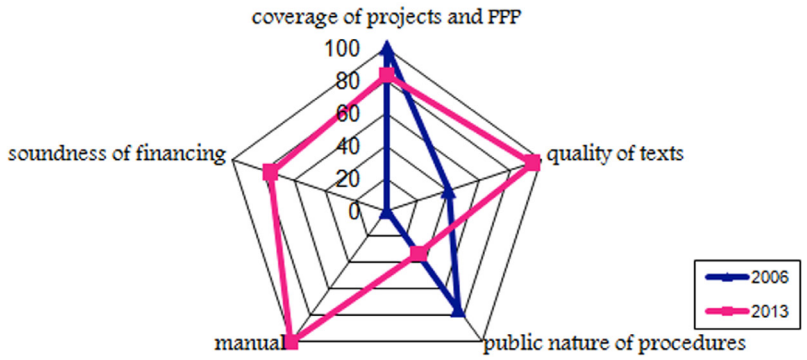
Between 2006 and 2013, the ***quality of the texts*** greatly improved in Cameroon (graph 6). The publication of the 2005 decree laid down the methods for carrying out EIA. Several orders have also helped improve regulatory provisions related to EIA, notably the order of April 2005 laying down the various categories of operations requiring an environmental impact study, of February 2007 defining in general the terms of reference of environmental impact studies and of July 2007 laying down the conditions for authorisation of consultancies carrying out EIAs. However, certain requirements can still be refined, adapting them if necessary to the new policy directions of the decree of 14 February 2013, which lays down the procedures for conducting environmental and social impact assessments. It has also been observed that the documents do not provide for the involvement of the environmental inspectorate at the various phases of EIA.

The ***level of coverage of projects*** to which the EIA procedure applies appears higher in 2006 than in 2013 (graph 6). This could be explained by the fact that in 2006 the law (which was the only legal instrument considered during the 2006 mapping) stipulated that EIA be required for any project with a potential impact on the environment (100% coverage), and that the order of April 2005, laying down the different categories of operations subject to an environmental impact study (which was considered in the 2013 mapping), contained several flaws which allowed certain projects to circumvent the procedure (less than 100% coverage).

In 2008, the ministry responsible for the environment adopted a manual for carrying out and evaluating EIAs, which was well received. Faced with a lack of national environmental standards legally in force, this manual authorised the use of international standards, although doing so created a certain amount of confusion (PAANEEAC, 2011).

The quality of the requirements related to the ***public nature of the procedure*** was seen as lower in 2013 than in 2006. The decree of February 2013 provided for publicising the study to give local people the opportunity to comment on its conclusions.

Graph 6: Evolution of the general EIA procedure in terms of the texts in Cameroon



However, these decrees do not pronounce disclosure of other documents related to the EIA, such as terms of reference or various quality-assessment reports. Indeed, this seems to be perceived as a limitation given the principle, stated in the framework law on environmental management of 1996, that every citizen must be given access to information related to the environment (article 9).

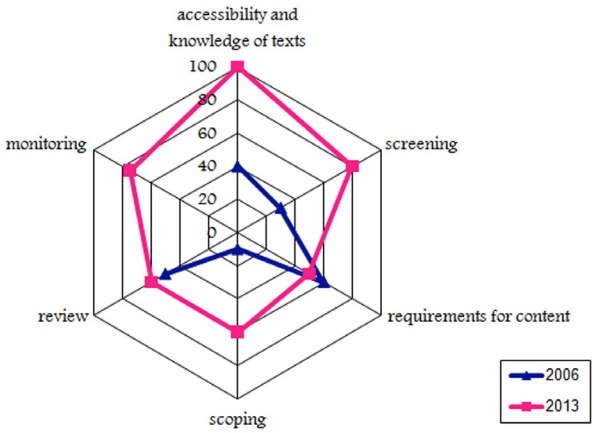
The ***financing*** of the procedure is perceived as much better managed (graph 6). Article 6 of the decree stipulates that the impact study is at the developer's expense. The charges for the review of the terms of reference and EIA reports are laid down by article 17 of the decree of February 2013. Given that by law, government projects must be submitted to an EIA, parent administrations of projects concerned are supposed to arrange budgets for these costs. The means available from the ministry responsible for the environment for its day-to-day operations, as well as those necessary for recruiting any necessary outside expertise, are not structurally regulated by the decree and appear to be funded from the state budget.

Graph 7 illustrates the evolution observed in the procedures. The quality of the ***screening requirements*** was also rated as satisfactory. Decree no. 2013/0171/PM of 14 February 2013 introduced the environmental impact statement (EIS) and the strategic environmental assessment (SEA) in addition to the comprehensive EIA and summary EIA. The order of April 2005, which laid down the different categories of operations whose implementation is subject to an environmental impact assessment, will have to be revised in order to reflect this new categorisation. It would be desirable for the texts to specify how to make the formal decision on what projects are submitted to EIA.

The quality of the ***requirements for scoping*** has improved to a relatively satisfactory level, in particular the description of the procedure in the decree of February 2013 and the requirements in the order defining the general outlines of the EIA terms of reference and the manual for carrying out and reviewing the EIA. The procedure requires that information about the project be provided with adequate advance notice, but it would be improved by making an explicit pronouncement on the nature of the required expertise, or on the use of independent expertise or public participation at this phase.

The quality of the texts connected to ***requirements for the content*** of impact studies was rated less highly in 2013 than in 2006 (graph 7). This is probably due to the fact that in 2005 the participants in the mapping workshop were relatively more satisfied with the minimal content required for an EIA at the time. The improvement in the level of the actors' knowledge of requirements for a good EIA may explain the negative assessment in 2013. Thus the 'downgrade' is due to certain aspects of sustainability such as the landscape not being explicitly taken into account, and also to the fact that the alternatives are not described at the same level of detail as the option of the proposed project itself.

Graph 7: Evolution of the EIA procedure in terms of the texts in Cameroon



Similarly, the methods to be used are not specified. However, the decree does require that EIA be done by an authorised natural or legal person. The conditions for authorisation laid down by the order of 2007 are nevertheless considered more administrative than technical.

The quality of the ***requirements for the review*** of the EIA report is improving, and was found relatively satisfactory (graph 7). Indeed, the decree of 2013 describes the review procedure involving the Interministerial Committee on the Environment, and the 2008 manual to making and evaluating the EIA provides more information on the subject, in particular the review criteria. However, the procedure was found only moderately robust due to, among other things, the fact that the texts do not explicitly describe the competences required for reviewers and do not provide for the review to be made public. The composition and qualifications of the 'mixed' team reviewing the study for admissibility, formed from the competent authority and the administration responsible for the environment, as well as the criteria for judging the admissibility of the study (article 18 of the decree of 2013) could be specified in more detail.

The quality of the ***requirements for monitoring*** is also improving, since chapter IV of the decree of February 2013 is more explicit on this aspect (graph 7). It clarifies the distribution of roles and in particular requires the developer to submit a report twice yearly to the Ministry of the Environment. It also provides for the use of outside experts. The exact procedure and methods are still not specified.

In relation to the ***infrastructure for knowledge development*** (annex 3), it should be mentioned that the laws and regulations in force more or less explicitly require the introduction of EIA education, and the development of manuals for project developers, but are not explicit as to whether the administration responsible for the environment must join relevant international networks in EIA.

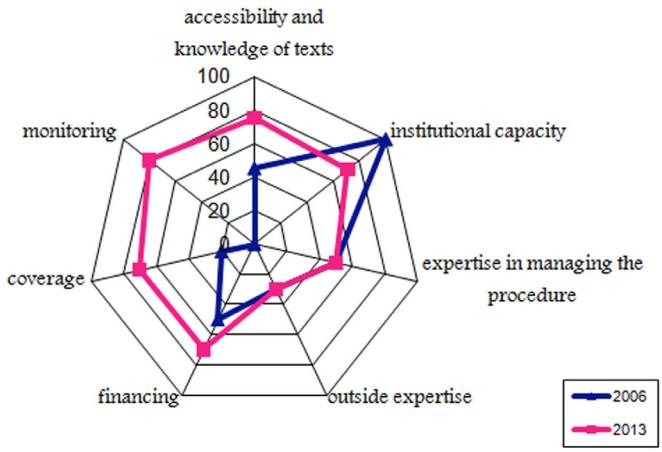
3.2.2.2.2. Evolution of the EIA procedure in terms of practice

Graph 8 shows the evolution of the EIA procedure in terms of practice. With regard to ***knowledge of the legislation/regulations***, more effort needs to be made, in particular with regard to a wider public. About a quarter of the projects still do not undergo the procedure.

The quality of the teams in charge of writing the reports, as well as the quality of the content and clarity of the reports, although improving, still score moderately. In practice, the terms of reference submitted by the developers are not always validated on the basis of on-site visits as the regulations require. Independent expertise was very seldom sought out for the review of the reports by the Interministerial Committee on the Environment (ICE) (annex 3).

The percentage of projects submitted to EIA, which are essentially subjected to monitoring, is increasing and is considered satisfactory. However, the number of on-site visits is not optimal, response from the administration is not systematic and outside experts are very seldom sought out.

Graph 8 : Evolution of the EIA procedure in terms of practice in Cameroon



Because the costs of reviewing the terms of reference and preparing the EIA report are effectively covered, the availability of ***financing*** is growing (graph 8). However, mobilisation of funds from the state budget is still insufficient to cover the requirements related to financing the EIA of government projects, on-site visits, monitoring of projects and any required laboratory analyses.

The ***institutional capacity,*** found sufficient in 2006, was less so in 2013, undoubtedly because the workload grew faster than the available capacity (graph 8).

The expertise in managing the procedure is relatively stable. Although the managers responsible for the procedure have adequate basic training, there is still a significant need for task-specific training, considering the increasing complexity of the projects (graph 8). One of the aspects affecting this capacity is the relatively weak institutional memory.

Utilisation of external expertise also has remained relatively low. This can be explained by the fact that despite regulatory provisions, this option is not often used by the administration in charge of EIA (graph 8).

With regard to ***infrastructure for knowledge development*** (annex 3), there are manuals for the developers preparing the EIA, as well as specialised EIA teaching programmes at universities, engineering schools and even public-administration colleges. Although the administration in charge of EIA is not a formal member of networks relevant to EIA, it is using these manuals, and thus it is working quite closely with the network of EIA professionals at national level.

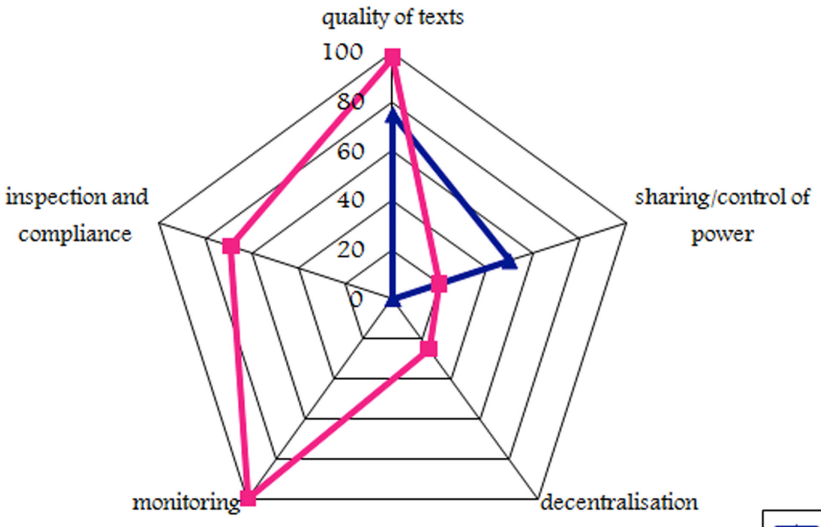
3.2.2.3. Evolution of the decision-making process in terms of legislation/ regulations and practice

3.2.2.3.1. Evolution of the decision-making process in terms of legislation/ regulations

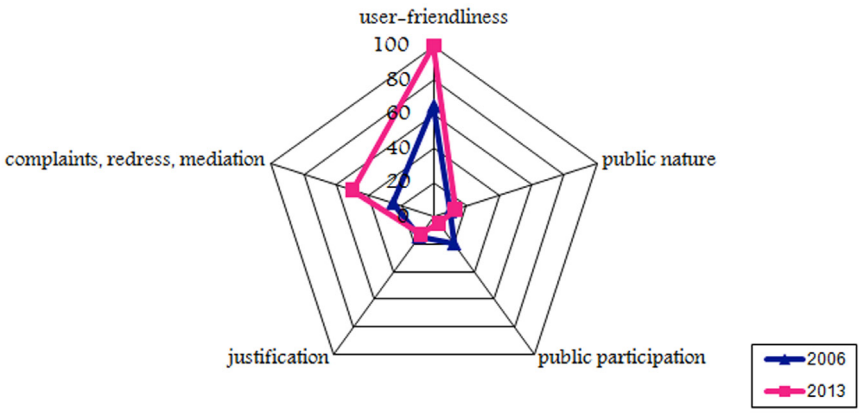
The ***quality of the legislation/regulations*** connected with decision making was rated higher in 2013 than in 2006 (graph 9). Despite the apparent lack of separation between the decision to approve the EIA report and the decision granting an environmental authorisation, the decree of February 2013 clearly states the obligation to obtain an environmental compliance certificate. Approval of the EIA report implies the issuance of this certificate.

The quality of legislation/regulations related to ***user-friendliness*** was rated better in 2013 than in 2006. There is indeed a resolve to minimise bureaucracy and to respect deadlines.

Graph 9: Evolution of the decision-making procedure in terms of the texts in Cameroon (1/2)



Graph 9: Evolution of the decision-making procedure in terms of the texts in Cameroon (2/2)



The institutional organisation in Cameroon provides for a National Assembly and a Senate, whose missions are to oversee the action of the executive branch. However, the decisions about the comprehensive and summary ESIAs are still unilateral and are taken by the ministry responsible for the environment, which is not an elected body. Neither is there a separation between the authority deciding EIA matters and the authority overseeing inspections. As far as environmental impact statements are concerned, their management has been decentralised to the authorities at municipal level, which are elected. Thus, decentralisation of the procedure has advanced compared with 2005.

The quality of the laws/regulations related to ***justification*** is still relatively poor. Although article 20 of Law no. 96/12 of 5 August 1996 stipulates that all impact studies result in a justified decision by the competent authority, this requirement for justification is not taken up by the decree of 14 February 2013. It is even possible that in some cases, silence from the authority is considered a tacit approval.

The quality of the ***requirements for monitoring and compliance*** was found to be progressing and at a high level, since the decree of 14 February 2013 contains requirements for monitoring while that of 26 September 2012 sets the requirements for the positions of inspector and of controller of the environment. The latter decree requires inspectors to be accredited, although the requirements for qualification were perceived as relatively lacking in robustness. Issues related to coordinating interventions by the different actors and the fact that certain legal penalties may be of little deterrence value, still need to be solved.

Whether in 2006 or in 2013, the ***public nature of the procedures*** or public participation at the different phases of decision making remain unregulated. On the other hand, while noting that Cameroon does not have a national ombudsman, the paths to administrative and legal redress are in principle provided, accessible and affordable.

3.2.2.3.2. Evolution of the decision-making process in terms of practice

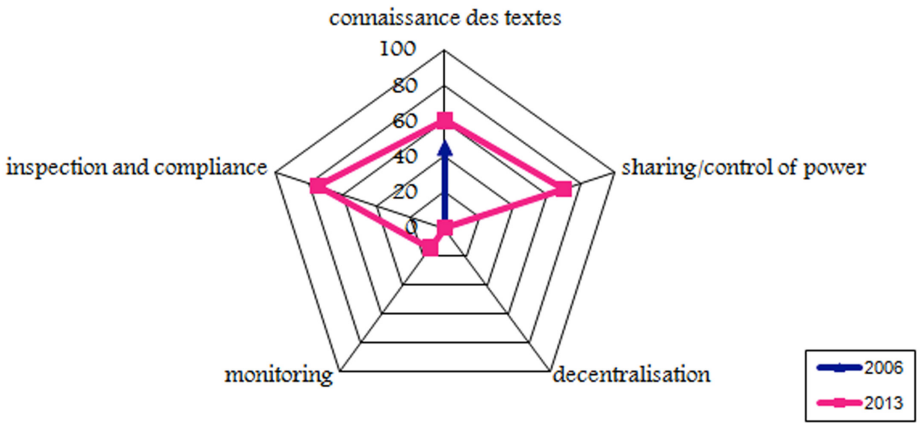
The evolution in EIA decision making in terms of practice is shown in graph 10.

As with the ***quality of the legislation/regulations*** related to the process, although in principle everyone has access to documentation related to decision making, there is still room for improvement in their dissemination, in particular among a broader public.

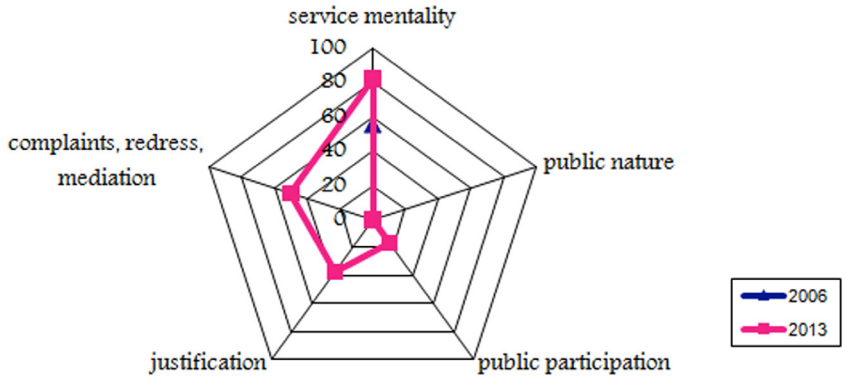
User-friendliness was found satisfactory; the administration responsible for the environment has the role of a 'helpdesk' and assists project developers. Few visits are required in order to obtain decisions and the service mentality is found to be good.

For both 2006 and 2013, there were practically no cases of decisions taken in an 'open' way and subsequently published. Although few, there have been cases observed of decisions being well justified, and where there was redress or even questioning of the government with regard to the impact study.

Graph 10 : Evolution of the decision-making procedure in terms of practice in Cameroon (1/2)



Graph 10: Evolution of the decision-making procedure in terms of practice in Cameroon (2/2)



Monitoring and compliance, although effective, were rated moderately satisfactory, because of the lack of available resources to oversee on-site visits and carry out necessary second-opinion analyses. Also, despite favourable regulatory provisions, there was practically no use of outside expertise in this phase.

Summary for Cameroon

Generally, analysis of the evolution of the EIA system in Cameroon shows that various orders and manuals need to be updated to reflect the decree of 14 February 2013. A significant improvement can be detected in the requirements governing all aspects of the EIA procedure from screening to monitoring and compliance, although more precision is still necessary with regard to procedures and decision-making criteria.

Improvement was also observed in knowledge of the laws/regulations and in monitoring during the implementation phase of the project.

Institutional capacity remains relatively unsatisfactory because of weak institutional memory and relatively few requirements for expertise. Despite favourable regulatory provisions, there was practically no use of outside expertise.

The aspects still with a weak regulatory framework and virtually absent in practice are the public nature of EIA, public participation in decision making and the obligation to justify decisions.

It is important to note the improvements in decentralisation of the process introduced by the decree of February 2013, which entrusted the responsibility for impact statements to the municipalities.

3.2.3. Evolution of the EIA system in the Republic of Congo

3.2.3.1. Legal and institutional foundations of EIA in Congo

The Constitution of Congo assigns an important place to the environment, with five articles (art. 35, 36, 37, 38, and 63) containing provisions for the protection of the environment and health. In its article 35, this constitution guarantees every citizen a healthy, satisfactory and sustainable environment and obliges them to defend it. The state thus oversees the protection and conservation of the environment. This national perspective, driven by the fundamental law of the country, makes the Republic of Congo a country resolutely committed to the sustainable management of the environment.

At the level of legislation, the general framework of environmental management in Congo is governed by the law no. 003/91 of 23 April 1991 on the protection of the environment. Its article 2 stipulates that 'every socio-economic development project must include an impact study', thus requiring EIA, which has become the principal instrument of environmental management. This was supplemented by the decree no. 2009/415 of 20 November 2009, which set the scope, content and procedures of the study and of the environmental and social impact statement, as well as the order no. 835/MIME/DGE of 6 September 1999, which sets the conditions for authorisation for carrying out EIAs in the Republic of Congo. It is also worthwhile to mention memorandum no. 001647/MDDEFE/CAB-DGE of 25 May 2010, which determines the organisation and operations of the technical validation committee of EIAs, and memorandum no. n°002521/MDDEFE/CAB-DGE of 29 July 2010, which sets the fees to be paid for the review of the terms of reference and of the reports by the technical validation committee.

Currently, management of the EIA procedure is overseen by the ministry responsible for the environment, the Ministry of Forest Economy and Environment. Under its authority, the Directorate General of the Environment (DGE) is the governing body responsible for environmental management. It coordinates and supervises the work of the technical validation committee on environmental impact studies or statements. It is also responsible for environmental and social monitoring, and for checking the use of measures recommended in the environmental management plan of each project. At regional level, the DGE has Regional Directorates of the Environment which can support the environmental selection procedure of projects to be approved, and their monitoring. The other sectoral administrations, the decentralised local authorities, the private sector, and civil society also participate in the EIA process.

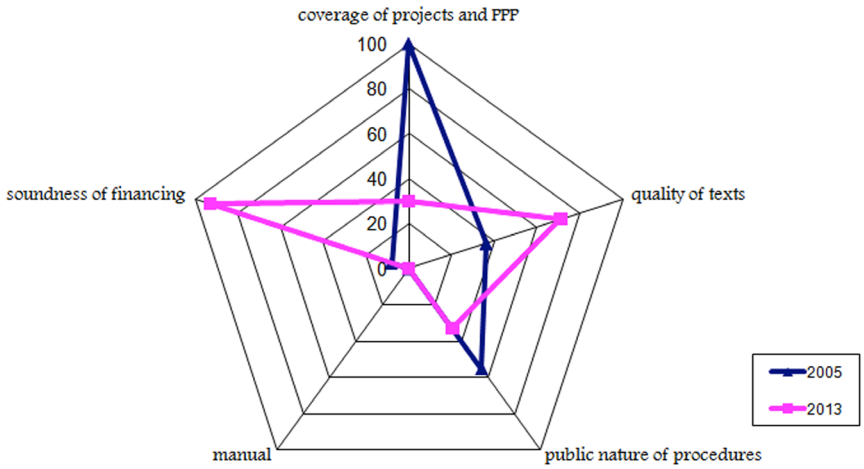
3.2.3.2. Evolution of the EIA procedure in terms of legislation/regulations and practice

3.2.3.2.1. Evolution of the EIA procedure in terms of legislation/regulations

Graph 11 summarises the evolution of the EIA procedure. During the 2005 mapping, the law of 23 April 1991 on the protection of the environment had already been promulgated, but the implementation texts provided for in its article 2 were not available. However, in practice the decree no. 86/775 of 7 June 1986 was referred to. By the 2013 mapping, the decree of 20 November 2009 had set the scope, content and procedures for both the environmental and social impact study and statement. In addition, certain orders and memoranda resulted in a de facto improvement in quality of the texts, although the system had yet to be completed. The orders defining the activities subject to EIA or setting the scope and procedures for public hearings are still awaited. The involvement of the environmental inspectorate at the various phases of EIA could also be improved.

The ***rate of coverage of projects*** to which the EIA procedure applies seems higher in 2005 than in 2013 (graph 11).

Graph 11: Evolution of the general EIA procedure in terms of the texts in Congo



This could be explained by the fact that in 2005, the 1991 law applied, requiring an EIA for any socio-economic development project, while by 2013, the 2009 decree had introduced three categories of project (article 7), including category C for activities requiring neither an EIA nor an environmental impact statement. The order delineating the contours of these categories is still expected. This makes it particularly difficult to estimate the rate of coverage and screening, which were still rated as poor.

As in 2005, there is still no guide or ***procedures manual*** for carrying out EIA, despite ongoing efforts in that direction. With regard to the standards, it must be concluded that there are no national-level texts setting admissible limits for environmental parameters. However, the texts do stipulate that in the absence of national standards, international standards must be referred to (PAANEEAC, 2011).

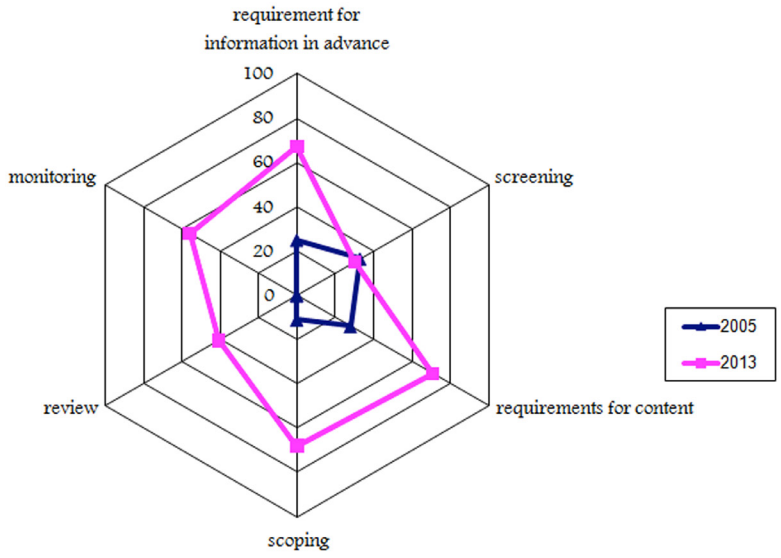
The aspects related to the ***public nature of the procedures*** remain moderately well framed. Article 37 of decree 2009/415 stipulates that the impact study or statement, as well as the feasibility study, be made available to the public. Although it calls for a public inquiry before finalising the terms of reference for scoping (article 16 of the decree) and even public participation during the study period (article 31), it does not make a pronouncement on the public nature of the documents issued during the other phases of EIA, such as the various reports by committees of inquiry or quality assessments.

Graph 12 gives an idea of the development of EIA procedures. It was found that the quality of the ***scoping requirements*** is improving considerably. They are now covered by articles 15-19 of the decree 2009/415 (graph 12). It is important to mention that the developer is obliged to involve the public at this stage through a public inquiry. The request for an EIA addressed to the administration, with the draft terms of reference to be validated, must include a copy of this draft. The decree announced guidelines for the contents of the terms of reference, but they are not available. The qualifications of experts hired to work out and validate the terms of reference are not specified. The quality of the texts connected to ***requirements for content*** of impact studies is improving and was rated relatively good. Article 10 of the decree stipulates that the content of the EIA must be proportional to the significance of the work and the anticipated impacts.

Article 11 provides a quite detailed overview of the minimum content of an EIA. It integrates the elements of sustainability, the choice of alternatives, the use of figures, both in terms of impact and costs associated with mitigation measures, and indicates knowledge gaps as well as uncertainties. It does not require an analysis of the alternatives at the same level of detail as the proposed project. Similarly, it does not prescribe methods to be used. Order no. 835/MIME/DGE sets the conditions for authorisation of specialised agencies and institutions and consultancies conducting EIA. Authorisation is subject to a technical inquiry by the accredited inspectors of the

Directorate General of the Environment. The fact that the elements to be taken into account for this technical inquiry are not well known could in some circumstances pave the way to agreements of convenience.

Graph 12: Evolution of the EIA procedure in terms of the texts in Congo



Although improving, the quality of the ***requirements for the review*** and validation of EIA was rated only moderately satisfactory. Article 30 stipulates that the validation procedure has two phases: the public hearing or consultation and the technical analysis. Article 27 mentions in detail the aspects to verify when validating the EIA report. Articles 39-42 of the decree deal with the technical analysis, indicating that it is to be done by the technical validation commission set up by memorandum no. 001647/MDDEFE/CAB-DGE of 25 May 2010 in anticipation of the order from the Minister of the Environment, envisaged by the decree. However, these texts make no explicit pronouncements about the competences of reviewers, and do not stipulate that the review must be made public. One gap in these provisions is the lack of standardisation of the results of the two phases of public hearings. In addition, the technical analysis is not clearly explained in these results.

The quality of the ***requirements for monitoring*** is also improving. These are found in articles 43 through 45 of the decree. Monitoring is the responsibility of the administration responsible for the environment, which, if necessary, can call on independent expertise. The role of the developer of the project and other stakeholders, e.g. the public, at this level of the procedure, as well as methods to use, are not discussed explicitly.

In addition to the principle that the impact study is paid for by the developer, decree 2009/415 and certain later texts provide more information on the sources of ***financing*** of the EIA procedure. Thus, under articles 28 and 29 of the decree, memorandum no. 002521/MDDEFE/CAB-DGE of 29 July 2010 sets the fees for the review of the terms of reference and the reports by the technical validation committee, with the amount depending on whether the activity is in category A or B. Similarly, article 10 of the order setting the conditions for authorisation for carrying out EIA stipulate that for any contract concluded involving the national territory, the provider must pay a sum equivalent to 5% of the value of the contract, as a donation to the fund for environmental protection. Article 47 of the decree stipulates that the costs of the environmental and social monitoring are chargeable to the state. The requirement for government projects to undergo an environmental impact assessment is perceived as an implicit obligation to provide the means for conducting an EIA. The text does not make a clear pronouncement on the management of the various phases of public consultation. It is implicitly admitted that the means available from the Directorate General of the Environment operations budget, as well as those for hiring any necessary outside expertise, are chargeable to the state budget.

With regard to the ***infrastructure for knowledge development*** (annex 4), it should be noted that the laws and regulations in force do not require EIA education, or that the administration in charge join relevant EIA networks, or that a manual of procedures be developed for the developers.

3.2.3.2.2. Evolution of the EIA procedure in terms of practice

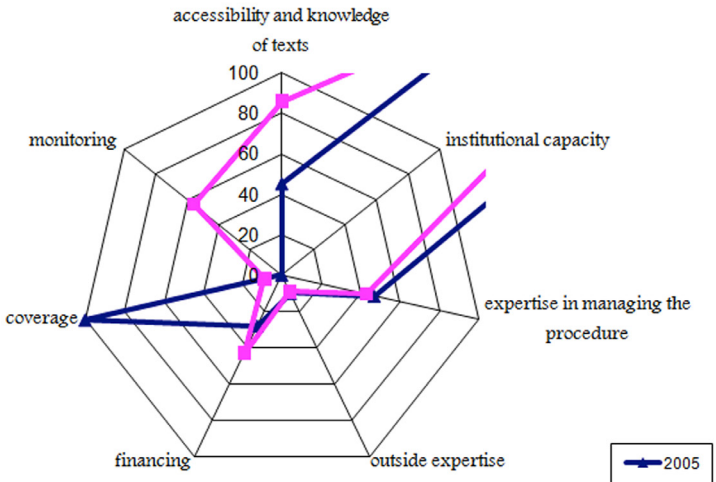
Graph 13 shows how the EIA procedure has changed in terms of practice. There is much improvement in the dissemination and knowledge of the laws/regulations by the various stakeholders. However, efforts need to be intensified to improve the levelOf familiarity among the wider public. A large percentage of projects is still not undergoing the procedure.

The quality of the teams writing the reports, as well as the content and readability of the reports, have all improved.

However, this quality is still rated as fair. Moreover, the quality of the validation reports of the terms of reference and the reports by the technical commission were also rated fair (annex 4).

The percentage of projects submitted to EIA, which are essentially the object of **monitoring,** is improving and is considered satisfactory. It should be noted that the mobilisation of resources to meet the monitoring needs is still quite difficult, which limits capacity of the DGE to act in this area, in particular on such aspects as the use of laboratory analyses for second opinions.

Graph 13: Evolution the EIA procedure in terms of practice in Congo



In general, the availability of ***financing*** is growing because of the fees charged for reviewing the terms of reference and EIA reports, and from the percentage of EIA contracts paid by the developers. However, there is still great need, in particular for financing the EIAs of government projects. There was an excess of ***institutional capacity*** in 2006 and 2013. This is probably due to the fact that a relatively large number of projects are still not undergoing the procedure, which creates an artificial reduction of the workload.

The level of satisfaction with ***expertise in managing the procedure*** was relatively stable and was rated fair. Although the managers in charge of the procedure had received adequate basic training, a great need remains for task-specific training, considering the growing complexity of projects subject to EIA. One aspect affecting this capacity is the relative lack of institutional memory.

The use of ***outside expertise*** also remained at a relatively low level, which shows that in spite of favourable regulatory provisions, this option is not often used by the administration in charge of EIA.

With regard to the ***knowledge development infrastructure*** (annex 4), there are still no EIA manuals for project developers. Specialised training programmes for EIA are gradually being established. The administration in charge of EIA does maintain collaborative ties with the network of EIA professionals at national level, without being a formal member.

3.2.3.3. Evolution of the decision-making process in terms of legislation/ regulations and practice

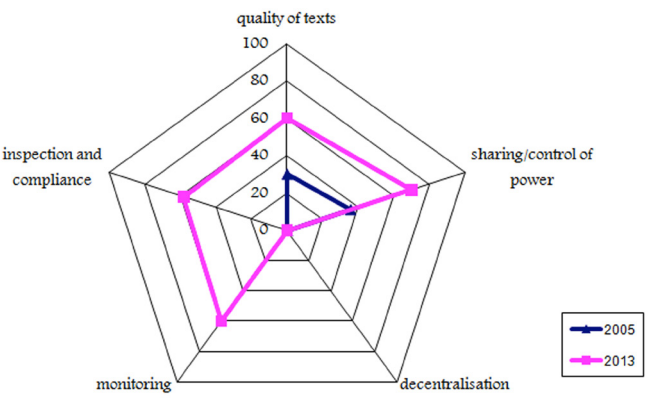
3.2.3.3.1. Evolution of the decision-making process in terms of legislation/ regulations

Graph 14 shows the progress in decision making in EIA in terms of legal texts. It is clear that the ***quality of the texts*** related to decision making has improved, and this shows in the rating. The decree defines administrative authorisation as the act by the competent authority granting the developer the right to carry out its project or to pursue the activity. Its article 7 states that activities liable to have significant environmental impact are subject to a recommendation in advance, based on an EIA report, from the minister responsible for the environment. This also seems to at least implicitly establish a distinction between the decision approving the EIA report and that granting an environmental authorisation.

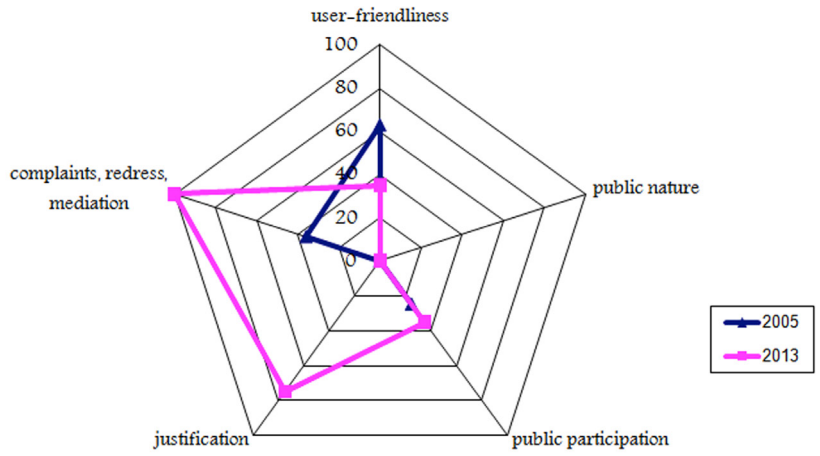
Article 21 stipulates that a developer remain in permanent contact with the ministry responsible for the environment for the entire duration of the impact study or statement process. This contact is intended to ensure that all the elements required by the directive are dealt with in a manner satisfactory to all parties. This stipulation is not, however, explicit as to the availability of the ministry in providing support to the developers, which would explain the relative decline in the score for ***user-friendliness***.

In Congo, one of the missions that has devolved to Parliament is the oversight of the action of the executive branch. For the moment, ***decisions*** related to EIA are not jointly taken as they are taken only by the ministry responsible for environment, which is not an elected body. Neither is there any separation between the authority deciding on EIA matters and the authority overseeing inspections.

Graph 14: Evolution decision-making procedure in terms of the texts in Congo (1/2)



Graph 14: Evolution of the decision-making procedure in terms of the texts in Congo (2/2)



The quality of the texts related to ***justification*** is considered relatively good. Article 42 obliges the technical commission to justify its notice of ineligibility or request for additional information. There is room for improvement, since this requirement should extend to positive decisions. It is also possible that in many cases a lack of response from the administration is considered a tacit approval.

The quality of the ***requirements for monitoring and compliance*** is perceived as improving. In addition to the stipulations for monitoring in articles 43 and 45, article 46 regulates inspections. It requires that the developer, local authorities and the other stakeholders be informed of any shortcomings or flaws found in the measures prescribed in the environmental management plan. Failure to notify these actors of the inspection results is penalised by a report drawn up by an authorised agent. Improvement can still be made in some aspects of coordination of interventions between the various actors, and in the apparently meagre deterrent value of certain legal penalties.

As in 2006, the ***public nature*** of the decision-making procedures was still not regulated in 2013. Article 40 specifies that the minister responsible for the environment endorses the advice of the validation committee about the environmental feasibility of the project, which will have been drawn up with the results of the public consultation taken into account. This could lead to the conclusion that there is indeed a form (although perhaps quite indirect) of public participation in decision making.

In principle, the avenues to mediation or to administrative or legal redress in Congo are provided, accessible and affordable.

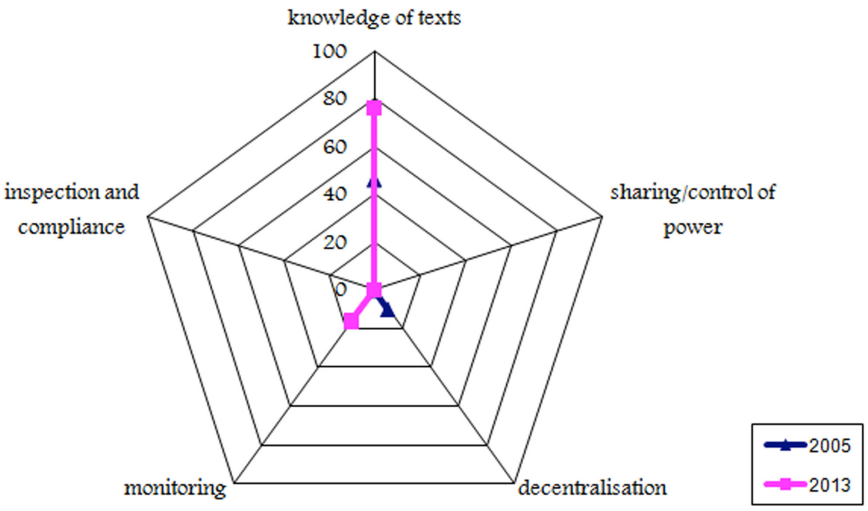
3.2.3.3.2. Evolution of the decision-making process in terms of practice

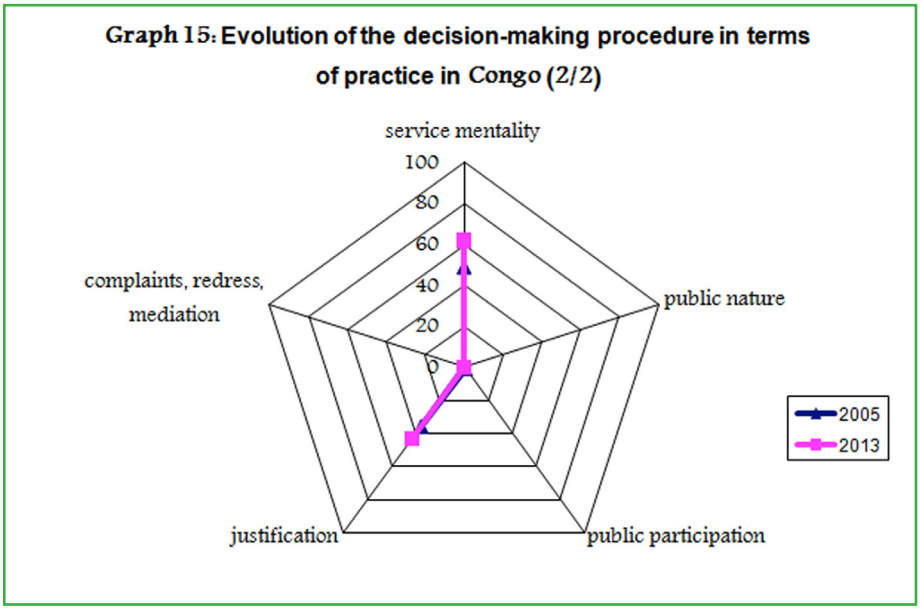
Graph 15 illustrates the progress of the decision-making process in terms of practice. It shows a general improvement in the level of knowledge of the laws/regulations by the various stakeholders, one manifestation of which is a more palpable interest in EIA from the Directorate of Public Works. The level of ***knowledge of the laws/ regulations*** among the wider public is still poor.

User-friendliness was found moderately satisfactory. The Directorate General of the Environment is the main management centre of the procedure, with a service mentality rated as good. Nevertheless, the number of offices to visit and the number of visits necessary to obtain the decisions related to validation of the terms of reference and the report are relatively high. Moreover, there were cases where the decision was not justified. In both 2006 and 2013, there were practically no cases of a decision taken in a public manner and subsequently published. Neither is there access to mediation or to administrative or legal redress for stakeholders as of 2012, the year of reference.

Monitoring and compliance are perceived as effective but timid, partly because of the limited operational capacity of the environmental inspectorate as well as limited human, financial and logistical resources. In addition, despite favourable regulatory provisions, there is very little use of outside expertise at this stage.

Graph 15: Evolution of the decision-making procedure in terms of practice in Congo (1/2)





Summary for Republic of Congo

With regard to practice, there is a significant improvement in the quality of texts regulating EIA in Congo, principally the decree 2009/415 setting the methods for carrying out EIA, the order regulating authorisation to carry out studies, and the memoranda on the fees for reviewing the terms of reference and reports and establishing the organisation of the technical validation committee. This improvement deals with the robustness of financing and practically all aspects from the screening procedure to monitoring, although they need further refinement. Indeed, these provisions could be better specified in all aspects, such as the use of outside expertise, financing the EIA of government projects, the qualification and skills of experts carrying out EIAs, management of the DGE and the environmental inspectorate, and the technical validation commission.

The aspects still insufficiently or not at all developed concern public participation and above all the decentralisation and public nature of decision making, as well as aspects of transparency and good governance, which are still not required by the legislation/ regulations in force. The latter must also explicitly require education related to EIA and encourage the responsible administration to join relevant networks. The lack of a manual and a reliable institutional memory continues to undermine the procedure.

Although available, the options of complaints, redress or mediation are still greatly underused, which could underline the needs for awareness raising and making the issue more popular. It is important to point out that a large percentage of projects continues to elude the procedure, and that the influence of an EIA on the quality of the project is only rated as moderate.

3.2.4. Evolution of the EIA system in the Central African Republic (CAR)

3.2.4.1. Legal and institutional foundations of EIA in the CAR

The preamble to the Constitution of the Central African Republic (law no. 04.392 of 27 December 2004) declares that a rigorous and transparent management of the environment is a prerequisite to sustainable development. The constitutional framework of the environment gives latitude to regional and local authorities and to all citizens to ensure the protection of the nation's heritage. The idea of transparency is given form in good governance of the environment and the integration of the principle of citizen participation.

At the legal level, the general framework for environmental management is directed by law no. 07.018 of 28 December 2007, promulgating the Environmental Code. Its article 87 provides that before any development or physical works project, or any other project with a risk of impact on the environment is begun, it must be subjected to an EIA, authorised by the minister responsible for the environment.

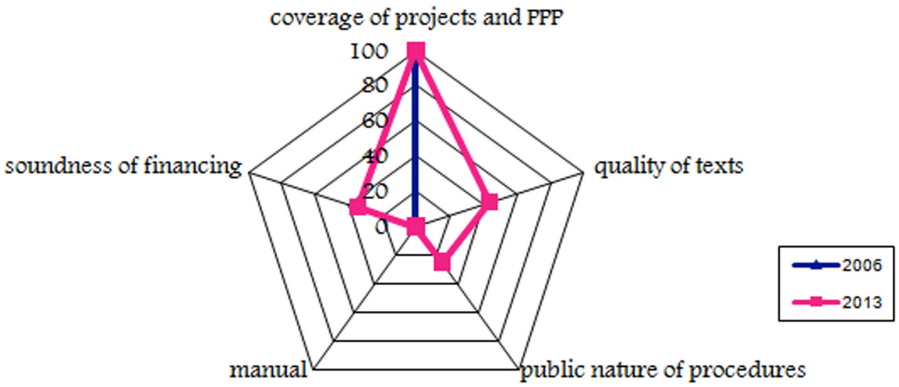
At the institutional level, environmental management in CAR has made considerable progress in the last three decades. Initially part of an environmental unit within the Ministry of Water and Forests in the late 1980s, this responsibility currently lies with the Ministry of Environment and Ecology (MEE) created in 2009. Day-to-day management of EIAs is done by the Directorate General of the Environment (DGE), responsible for overseeing the national procedure in this area, and analysing and validating the EIA reports. The DGE has an EIA Analysis Service at its disposal, employing officers trained in the subject matter. Non-governmental organisations, consultancies and national professional environmental-assessment associations exist and participate in EIA. Local populations or their representatives are stakeholders in the decision-making process related to the implementation of projects, in particular through consultations and public hearings.

3.2.4.2. Evolution of the EIA procedure in terms of legislation/regulations and practice

3.2.4.2.1. Evolution of the EIA procedure in terms of legislation/regulations

Graph 16 illustrates the progress of the EIA procedure in terms of legislation/regulations. In 2005, a certain number of sectoral regulations already required submitting an EIA. In particular these were the Code of Wildlife Protection of 1984, the Electricity Code of 2004 and the decree setting the conditions for implementation of the ordinance of February 2004 promulgating the Mining Code. Since 2007, this aspect has been framed at national level by law no. 07.018 of 28 December 2007.

Graph 16: Evolution of the general EIA procedure in terms of the texts in CAR



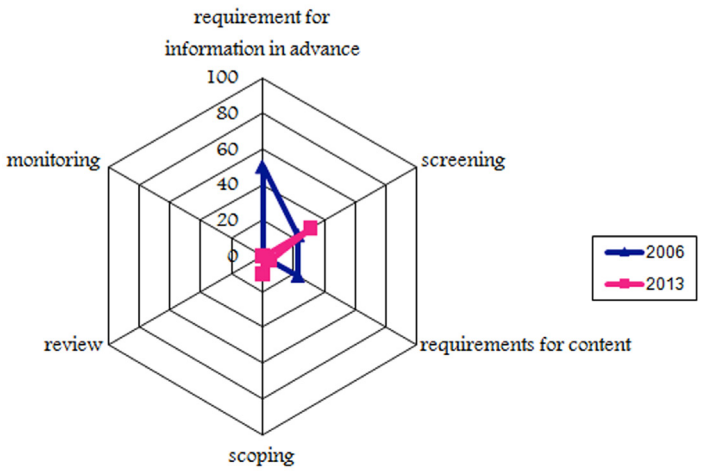
However, with regard to article 87, the operational ***coverage of projects*** is very satisfactory. Similarly, subject to the regulatory provisions which set the conditions by which EIAs are made public (article 91), the level of publicity of the current requirements are scored as relatively acceptable.

There is currently no ***manual of procedures*** for conducting EIA, and no rules have been adopted for implementing provisions for national environmental standards. The only texts available are national standards for elaborating forest management plans, community laws concerning approval of pesticides and the joint regulations on control of the use of substances that thin the ozone layer within the Central African Monetary and Economic Community (CEMAC) (PAANEEAC, 2011).

The law on ***financing*** the procedure only states that the costs of EIA are borne by the developer. There is nothing further about managing the administrative and other fees.

With regard to the procedures, graph 17 provides a picture of the progress observed. The requirements ***to provide information*** about projects ***in advance*** and the ***requirements for content*** were found to have sharply declined. These aspects were actually better elaborated in the sectoral texts dating from before this law.

Graph 17: Evolution of the EIA procedure in terms of texts in CAR



On the other hand, in 2013, a slight improvement was seen in ***screening*** and the ***robustness of scoping***. Article 89 provides that the rules for authorisation for carrying out EIA must be set by regulatory means, although this has not yet taken place.

The texts regarding ***infrastructure for knowledge development*** (annex 5) do not mention EIA education and the need for the responsible administration to belong to relevant EIA networks. Article 91 of the 2007 law paves the way to elaborating the manuals for carrying out EIA.

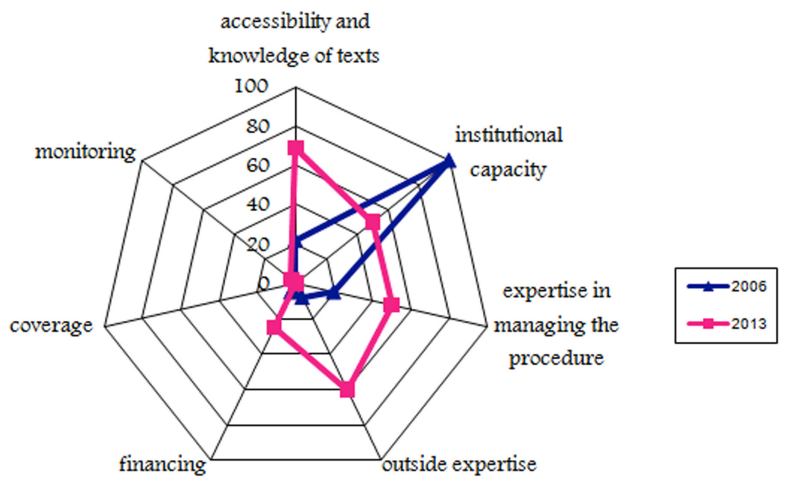
In general, it is difficult to voice an opinion about the development of requirements for the procedure, in the absence of regulations which should specify the precise content of these steps.

3.2.4.2.2. Evolution of the EIA procedure in terms of practice

The evolution of the EIA procedure in terms of practice is shown in graph 18. It emerges that a majority of the actors are aware of the legal requirement to have an impact study carried out, as well as sectoral requirements or those of international partners and investors such as the World Bank. Most of the studies carried out were required by international partners, and the country's investment charter requires that projects have a certificate of environmental compliance in order to enjoy any of the charter's benefits.

Furthermore, the ***rate of coverage*** with regard to the law is extremely low. ***Institutional capacity*** also seems to have declined in 2013, undoubtedly because of the increase in the number of studies which were not monitored by the managers responsible for this aspect. The DGE has relatively lower technical, material and financial capacities than it needs to properly oversee the monitoring of implementation of the EIAs of projects.

Graph 18: Evolution of EIA practice in CAR



The **use of outside expertise** shows an increase in the support provided by experts validating the EIAs of projects involving international partners.

Concerning ***financing***, it was observed that the developers are financing meetings of the interdepartmental validation committee, and that the administration responsible for EIA has been given financial assistance by the development partners for projects in which they are involved. It is also important to note that the law on finances of 2013 introduces fees for issuing certificates of environmental compliance, based on an allocation key according to the amount of investment in the projects in question. Its operationalisation is nonetheless complicated, since this provision is not explicit in the Environmental Code (article 93).

Although there is no ***manual of procedures*** for EIA, it has been observed that more and more training is being given in EIA at university level. The Directorate General of the Environment is said to have benefited from collaboration with the national network of EIA professionals.

3.2.4.3. Evolution of the decision-making process in terms of legislation/ regulations and practice

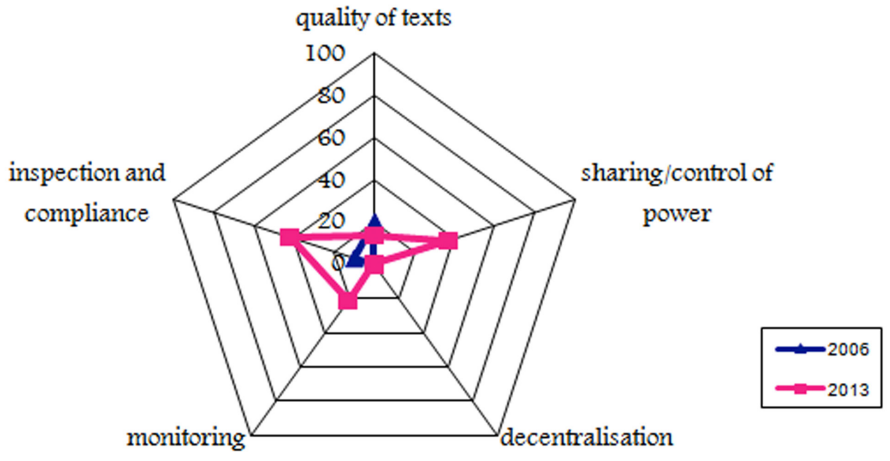
3.2.4.3.1. Evolution of the decision-making process in terms of legislation/ regulations

Graph 19 shows the development of decision making in EIA. The quality of the texts connected to this aspect has improved considerably since 2006. Article 93 of the Law on the Environment of 2007 provided for the issuance of a certificate of environmental compliance. The decision to grant this certificate is nevertheless confused with the decision to approve the EIA or not. Its ***user-friendliness*** seemed also to be improving, since the law appoints the office of the Ministry of the Environment as the sole representative in matters involving EIA.

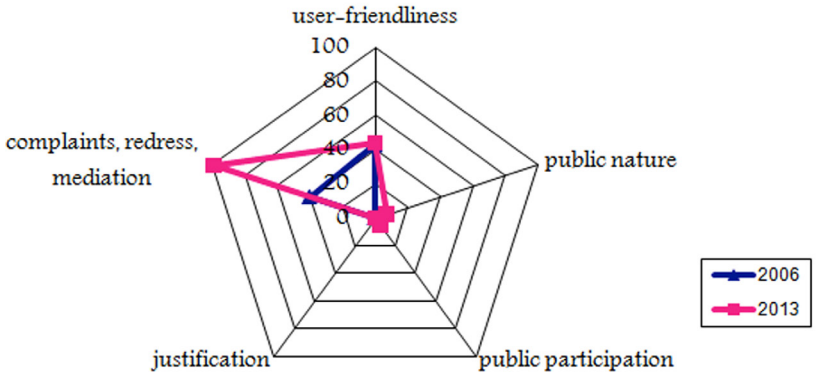
Under normal conditions, Parliament supervises government action, but the decision to grant the environmental certificate lies with the ministry responsible for the environment, which is not an elected body.

The aspects related to ***decentralisation***, the ***public nature of the procedures*** and public participation in decision-making procedures and even ***justification*** of the decision are not yet regulated. The decision authorising an EIA (article 91) must be made public, under as-yet-undefined conditions, but it must be admitted that the law lends a certain public nature to the decision-making procedure.

Graph 19: Evolution of the decision-making procedure in terms of texts in CAR (1/2)



Graph 19: Evolution of the decision-making procedure in terms of texts in CAR (2/2)



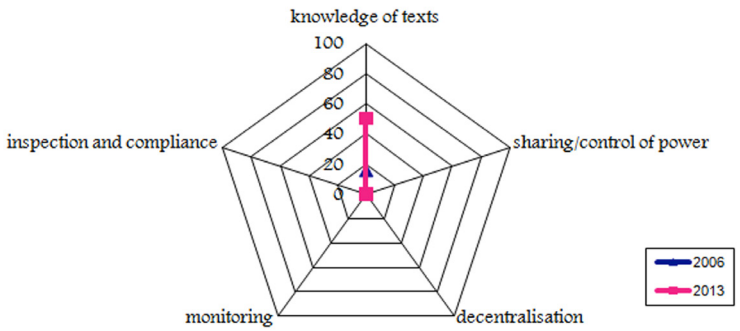
Monitoring and compliance are supposedly covered by article 93 of the law on the environment. This law stipulates that the minister responsible for the environment requires that appropriate emergency measures be taken to interrupt work that is planned, or has already started, if the terms of reference from the impact study have not been complied with. These emergency measures are undertaken without prejudice to penal sanctions, which nonetheless were found to have relatively little deterrent value.

In principle, in accordance with the general texts, all ***channels of mediation and administrative and legal redress*** are provided, accessible and affordable.

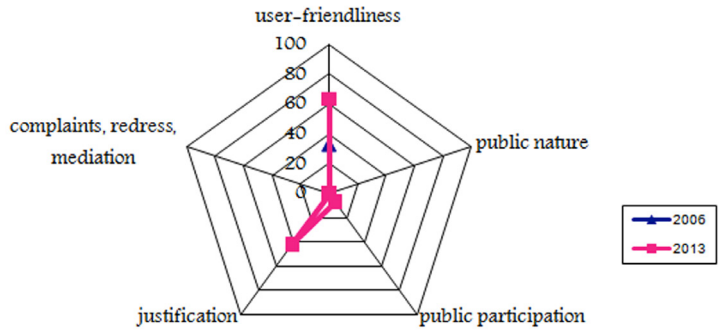
3.2.4.3.2. Evolution of the decision-making process in terms of practice

Graph 20 illustrates the development of decision making in EIA in terms of practice. The stakeholders, in particular project developers, have a better knowledge of the laws/regulations, particularly because of the reference to the certificate of environmental compliance in the investment charter. Several certificates of environmental compliance were issued, with a level of ***user-friendliness*** described as good, from the administration responsible. The opinions issued were also somewhat justified.

Graph 20: Evolution of the decision-making procedure in terms of practice in CAR (1/2)



Graph 20: Evolution of the decision-making procedure in terms of practice in CAR (2/2)



Summary for the CAR

On the whole, the EIA system is characterised by an absence of decrees, order, manuals or standards which would take better advantage of the law no. 07.018 of 28 December 2007, and by the presence of a separate ministry which since 2009 has been fully responsible for the environment. In this context, it is difficult to assess the development of the quality of the texts, especially when they involve the very aspects of EIA outside of the general guidance given by the law. It seems clear that practice is improving compared to the texts (annex 5), which makes the need to update the latter all the more urgent in view of conferring legal legitimacy on what is being done and to improve entrenching the system.

3.2.5. Evolution of the EIA system of Rwanda

3.2.5.1 Legal and institutional foundations of EIA in Rwanda

The Republic of Rwanda's Constitution of 4 June 2003 ensures the protection and sustainable management of the environment and encourages rational use of natural resources. The protection and management of the environment are among the pillars of its 'Vision 2020'. From now until the year 2020, the government aims to build a nation whose management and protection of its resources and of the environment are more rational and well regulated, in order to preserve the heritage necessary for sustainable development for future generations.

In order to realise this objective, particular attention was given to environmental considerations at all levels of decision making. Thus the Organic Law 04/2005 of 8 April 2005 introduced EIA. It requires that all projects liable to impact the environment be subjected to EIA before they obtain authorisation for implementation. In 2006, a general manual to the EIA procedure was published to put into force the legal requirements for conducting an EIA in practice. These requirements are contained in Ministerial Order no. 003/2008, which describes the procedure for carrying out an EIA, and Ministerial Order no. 004/2008 which defines the different activities that are to be subjected to an EIA.

With a view to the implementation of the Organic Law, article 65 created the Rwanda Environmental Management Authority (REMA), and a National Environmental Fund known by its French abbreviation FONERWA. Similarly, article 66 creates committees responsible for the conservation and protection of the environment at provincial level, and for the city of Kigali's districts, towns, sectors and cells. Article 69 of this law stipulates that the EIAs be reviewed and approved by the REMA or a representative with written authorisation. In accordance with this step, and with an eye to facilitating the establishment of businesses, the REMA transferred some of its responsibilities for the management of the EIA procedure to the Rwanda Development Board (RDB). The REMA remains the competent authority in matters of surveillance and monitoring the implementation of environmental protection measures in the EIAs. The REMA operates under the Ministry of Natural Resources (known by its French abbreviation MINIRENA), which is responsible for formulating policies and laws aimed at the protection and rational use of the environment.

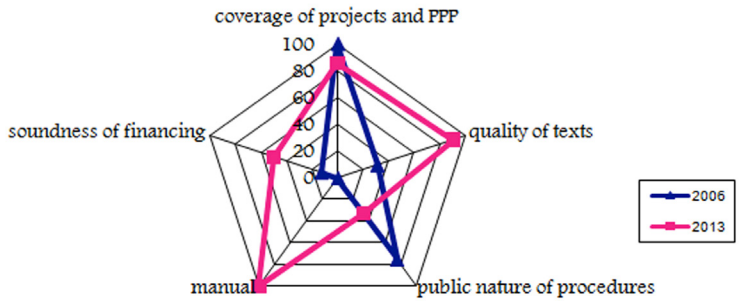
3.2.5.2. Evolution of the EIA procedure in terms of legislation/regulations and practice

3.2.5.2.1. Evolution of the EIA procedure in terms of legislation/regulations

Graph 21 illustrates the evolution of the EIA procedure in terms of legislation and regulations. The publication of Ministerial Orders nos. 003/2008 and 004/2008, and the general manual for the EIA procedure resulted in an improvement in the requirements for EIA contained in the Organic Law. There are still aspects that need to be specified further, such as the amount of money developers need to pay for the review of the reports, or even a clarification of the status of public participation, which appears to be optional. Another issue to settle is the standardisation of the content and the presence of the available provisions. In fact, a 2006 manual seems to have more detail than the orders of 2008, although the latter have more legal weight.

The rate of ***coverage*** of projects affected by the procedure has declined in 2013 from its position in 2006. The scope of intervention of EIAs seemed vaster in 2006 probably because article 67 of the Organic Law required an EIA for every project before any authorisation for implementation. However, Ministerial Order no. 004/2008, which set the list of works, activities and projects which had to proceed with an EIA, introduced the notion of categories of activities with different levels of impact: (i) activities not requiring a more detailed environmental analysis; (ii) activities not requiring a complete EIA; and (iii) activities requiring a complete EIA, which de facto has resulted in a margin for error in the percentage of investments subjected to EIA.

Graph 21: Evolution of the general EIA procedure in terms of the texts in Rwanda

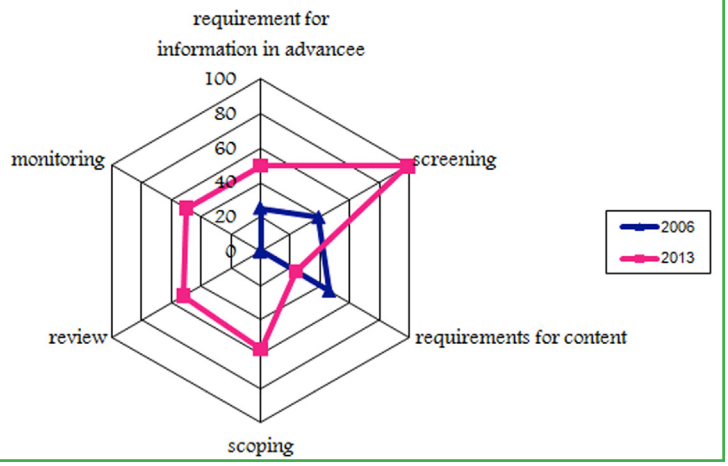


Besides the 2006 general manual for EIA, Rwanda has developed several sectoral manuals, and adopted over ten standards with a view to regulating the emissions of polluting substances into the environment.

Although it contains methods for protecting the environment, the Organic Law does not mention the ***public nature of the procedure*** of EIA. Only article 9 of Ministerial Order no. 003/2008 stipulates that interested parties may have the opportunity to comment on the environmental impact study report and to express their opinions about the impact of the proposed project. The general EIA manual contributes more details about the conditions for publication of this report. Still, neither the law nor the orders state explicitly that EIA is a public procedure, and the manual does so even less. In addition, there are no further specifications about the public nature of other documents resulting from EIA such as the terms of reference or the various quality assessment reports.

The Organic Law gives some indications about the ***financing*** of the EIA procedure. Its article 69 stipulates that the costs of EIA are to be paid by the developer.

Graph 22: Evolution of the EIA procedure in terms of the texts in Rwanda



The same article provides that at the time the EIA is reviewed, the developer is obliged to pay an administrative tax to the National Environmental Fund (FONERWA) determined as a percentage of the estimated cost of the investment. Article 9 of the ministerial order provides that the costs incurred for public consultation in the EIA process are the responsibility of the RDB. The means made available from this office for its ongoing operations as well as those necessary for any monitoring or recruiting outside expertise are implicitly from the state budget. To be in compliance with the legal provisions, the government should oversee the financing of EIA for its projects which require an EIA.

In relation to procedures, graph 22 illustrates the progress observed. It is recognised that the screening procedure is described in more detail in the general manual and was perceived as quite robust.

The Organic Law does not go into detail regarding ***scoping***. According to the general EIA manual, however, scoping is based on a summary of the project provided by the developer at the time of the request for authorisation. It requires input from the competent authorities, stakeholders and the developer in order to determine what should be included in the study and the alternatives to be considered. Ministerial Order no. 003/2008 provides that the RDB must submit the terms of reference to the developer, but that the developer may also prepare terms of reference, provided they are approved by the RDB before the study is conducted.

Article 5 of the Ministerial Order provides that experts who conduct EIA must be chosen from a list of experts published by the ministry responsible for the environment. The developer may suggest experts not on this list, subject to their approval by the RDB, but the order specifies that the experts may not have any direct or indirect interest in the project. In any case, it is the responsibility of the RDB to ensure that the experts chosen by the developer, who will conduct the study, have the necessary qualifications to do so. However, the criteria to be used by the RDB are not clarified.

Whereas article 68 of the Organic Law (2005) defines the minimum number of aspects that must be in the EIA in a general way, annex 3 of the general EIA manual provides more detailed information about the requirements for the content of the EIA report. These directions cover almost all aspects of sustainability and require the use of scientific methods and quantitative data. However, there is no requirement to discuss the alternatives at the same level of detail as the proposed project. Article 6 of the Ministerial Order stipulates that the EIA must be conducted in cooperation with all stakeholders, and the general EIA manual specifies the methods for ensuring public participation.

With regard to the ***review***, among the tasks of the RDB are the mandate to assess and approve the EIAs in return for payment of a tax. The Ministerial Order of 2008 specifies that this review must verify compliance with the terms of reference. The manual stipulates that reviewers are selected from the competent authorities, academic institutions, and recognised experts. The selection of members depends on the nature, location and level of impact of the proposed project. One limitation of these requirements is that public participation at this phase is not systematic (article 8 of the Ministerial Order). There is no clear indication about publication of the review report.

Although almost nonexistent in the Organic Law and the Ministerial Order, the requirements for ***monitoring*** are specified in detail in the general manual. The task entails verifying whether or not the predictions made in the EIA reports are correct. Monitoring is the task of the REMA, which may rely on the data from self-monitoring

by the developer. The manual is not explicit as to the role of the public at this stage.

With regard to the ***infrastructure for knowledge development*** (annex 6), it can be noted that the prevailing legislation/regulations implicitly require the introduction of EIA education, while on the other hand they explicitly require the formulation of manuals for the developers. However, there is no formal requirement for the administration in charge to belong to relevant international EIA networks.

3.2.5.2.2. Evolution of the EIA procedure in terms of practice

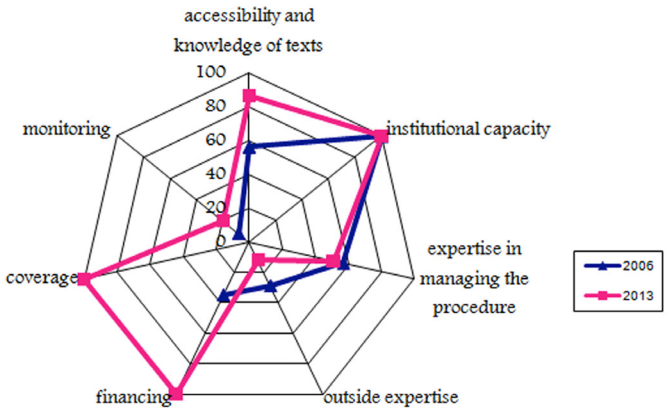
The evolution of the EIA procedure in terms of practice is shown in graph 23. In practice an improvement can be observed in accessibility and in knowledge of the laws/regulations by the majority of the actors, with the exception of the wider public. Nearly half of the projects, however, are not subjected to the procedure.

Participation of the public in the scoping phase was rated relatively satisfactory. There is moderate satisfaction with the content, the teams of consultants and the clarity of the EIA reports. It could be that the teams are not driven to do their best, on the grounds that the desire to facilitate investments could override the requirements to have a good EIA report. The need to respond to the deadlines required by the developers also puts undue pressure on the teams validating the reports, which by nature will affect the quality of the review.

The percentage of projects having had an EIA is effectively subjected to ***monitoring***, which is perceived as progress.. This reflects a greater involvement by the REMA in this area. However, this percentage remains relatively low, probably due to the mobilisation of resources to cover the totality of needs for monitoring.

The ***institutional capacity*** was rated as sufficient in 2006 and in 2013, in terms of its capacity to absorb the workload in relation to the number of managers.

Graph 23: Evolution of the EIA practice in Rwanda



The level of ***expertise in managing the procedure*** remains relatively low, which could be explained by the need for the management in charge at RDB to be reinforced in specific areas.
There were more cases where outside expertise was used in 2006 than in 2013. Given that, in the opinion of the participants, there does not seem to be a practical problem of finances, this could be explained by the fact that it is less and less linked to the procedure by the RDB.

In connection with the ***infrastructure for knowledge development*** (annex 6), the manuals for developers conducting EIA as well as training programmes specialised in EIA, whether at university, college or vocational level, are operational. The administration responsible for EIA is taking advantage, albeit timidly, of the existence of a network of EIA professionals.

3.2.5.3. Evolution of the decision-making process in terms of legislation/ regulations and practice

3.2.5.3.1. Evolution of the decision-making process in terms of legislation/ regulations

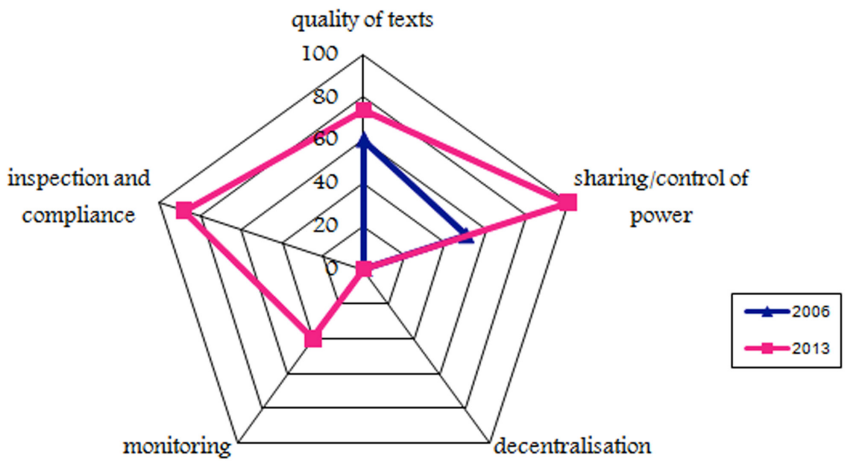
The progress in decision making in EIA in terms of legislation and regulations is shown in graph 26. The quality of the texts related to decision making has improved. The Organic Law made the first reference to granting an environmental authorisation on condition of an EIA. Article 10 of the Ministerial Order of 2008 about the EIA procedure stipulates that the decision must be communicated to the developer in writing. The general manual discusses in detail the aspects related to authorisation. Also, it is provided that if the EIA is approved, the RDB will issue a statement of its decision.

When the review of the EIA documents is finished, a committee decides whether to approve the project, with or without conditions, or to reject it. If the project is approved, two documents are issued: (i) a legal authorisation for implementation and operationalisation specifying the methods and conditions during implementation and operation of the project and (ii) a certificate of authorisation of the EIA which grants permission to start activities, but which cannot be issued unless the developer accepts the conditions of authorisation for implementation. This makes a distinction between the decision on the EIA and the decision to grant environmental authorisation for the project.

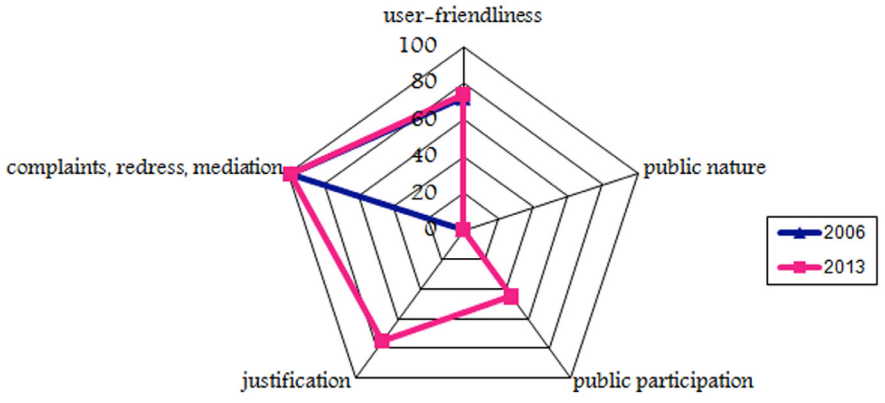
There is a Parliament, which oversees government action. The decision to approve the project is taken by the executive committee, composed of the director of RDB, the person responsible for the EIA unit of the RDB, and the representative from the competent authority for the project. Thus the decision is made somewhat jointly, but not by an elected body. It is however specified that the review by the executive committee should stress the implications of the identified impacts, their mitigation measures and the taking into account of the conclusions from the public hearings.

Legal provisions related to ***user-friendliness*** were also found to have improved, since they offer 'one-stop' opportunities such as the RDB, where investors can find all the help they need in setting up businesses and dealing with EIA under the same roof.

Graph 24: Evolution of the decision-making procedure in terms of the texts in Rwanda (1/2)



Graph 24: Evolution of the decision-making procedure in terms of the texts in Rwanda (2/2)



The quality of the legal provisions related to ***justification*** is considered better, since the order of 2008 on the EIA procedure explicitly stipulates that any refusal to use an expert suggested by the developer for its impact study must be justified. The justification of other decisions is still implicit. This is the case in particular for the decision to approve the project or not, which must be communicated in writing (article 10 of the order of 2008 on EIA procedure), all the more so since article 11 of the same order stipulates that the developer may appeal the decision, and describes the appeal procedure. Moreover, it is accepted that the opportunities for mediation and redress are still open.

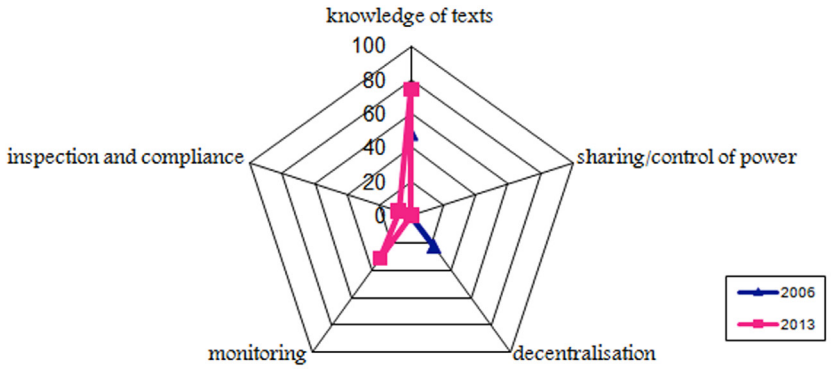
The quality of the ***requirements for monitoring and compliance*** was rated as good. In fact, they clearly stipulate that an environmental authorisation will not be issued unless the developers accept the conditions for implementation, which are also criteria for monitoring and compliance. According to the general EIA manual, the developer and REMA must jointly implement and monitor environmental performance during the two phases of construction and operation of the project. The REMA and the competent authorities must review the monitoring reports together on an ongoing basis and advise the developer of any mitigation measures to take. Environmental officers at local government level assist in inspecting and monitoring environmental compliance during project implementation.

Whether in 2006 or in 2013**,** neither ***decentralisation*** nor the ***public nature of the procedures*** are regulated. The fact the general EIA manual specifies that the results of public participation must be considered by the executive committee in deciding whether to approve the project was considered a form of involving the public in decision making.

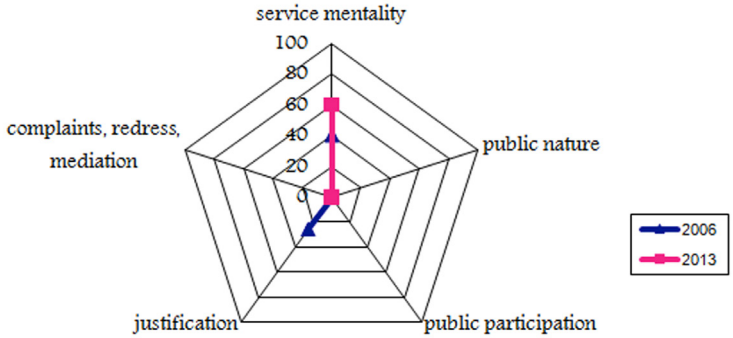
3.2.5.3.2. Evolution of the decision-making process in terms of practice

The evolution of the decision-making process in EIA in terms of practice is shown in graph 25. ***Knowledge of the laws/regulations*** by the various groups of actors is improving, especially among developers. ***User-friendliness*** was rated as good, because of the transfer of management of the EIA procedure to the RDB, although there were still complaints about deadlines from certain developers. Inspections and compliance were operational but at a low level.
In practice, there is little in the way of announcing decisions, the use of public hearings in decision making, or the publication of decisions. There was also not one case of Parliament questioning the government about a decision related to an EIA. There were no cases identified of the use of mediation or administrative or judicial appeals.

Graph 25: Evolution of the decision-making procedure in terms of practice in Rwanda (1/2)



Graph 25: Evolution of the decision-making procedure in terms of practice in Rwanda (2/2)



Summary for Rwanda

The publication of the order of 2008 and of the general EIA manual of 2006 has brought about a considerable improvement in the quality of the provisions regarding the majority of the requirements for the EIA procedure and the decision-making phase of EIA. In this case, the 2013 provisions more explicitly require the justification of decisions. The aspects still having a weak legal framework and not yet widely in practice mainly involve the public nature of the procedures, decentralisation and the public nature of decision making. The options of lodging complaints, redress and mediation provided by law are not taken in practice. The transfer of management of

the procedure to the RDB has also had positive effects on user-friendliness. However, certain aspects such as the quality of the studies and the review could be affected by pressure on the system from developers. A review of prevailing legislation and regulations is needed in order to take into account the necessity to specify certain stipulations in more detail and to standardise them according to the hierarchy of legal standards.

Summary for the evolution of EIA systems in these countries

To conclude this chapter on the evolution of EIA systems in the countries concerned, it appears that since the period of the first EIA mapping in these countries in 2005-2006, there has been a – proportionally – significant evolution, in both legislation/regulations and in practice, related to the making and approval of the EIA report as well as the granting of environmental authorisation.

At the level of legal provisions, depending on the particular country, there were new laws promulgated, new implementation decrees, orders or memoranda signed and manuals or procedure manuals elaborated. This has resulted in a general improvement in the quality of requirements for the various phases of the EIA procedure and decision making. In practice, improvement was seen in the accessibility and knowledge of the laws/regulations by the various stakeholders and in the quality of the content, the teams responsible for conducting studies and the clarity of EIA reports. In some cases there was progress in the legal provisions in practice.

In general, while in 2005 and 2006, the majority of the countries concerned were in categories C and D on the scale developed by Koassi (2001)[18], in 2013 the following would apply: category C for CAR, category B for Burundi, and category A for Cameroon, Republic of Congo and Rwanda.

In this move by the Central African countries towards greater effectiveness and efficacy in EIA, it is important to highlight the aspects which should arouse particular interest, among them: (i) the insufficient clarity of existing legal provisions and standards, (ii) the type of institutional arrangements, (iii) the public nature of the EIA procedure, (iv) the inadequate means allocated to managing the procedure, (v) the separation of the decision to approve the EIA report from the decision to grant environmental authorisation, (vi) the use of appropriate expertise, (vii) the integration of the environmental inspectorate at an earlier stage of the procedure and (viii) the institutional memory and the management of information. Comments on these various aspects follow:

18 This scale considers the following categories: Category A: Operational institutional and regulatory EA framework, an acknowledged experience in this area; Category B: Functional but still fragile institutional and regulatory EA framework; Category C: Incomplete institutional and regulatory framework, EIA procedure seldom or never used, institutional, legislative, human, material and financial problems; Category D: Nonexistent institutional and legislative EA framework, institutional, legislative, human, material and financial problems.

The insufficient clarity of existing standards. The fact that decisions made about an impact study are subject to appeal requires great clarity and precision in the provisions that direct it. The analysis of current texts shows that many provisions are implicit, which may lead to confusion. These provisions, therefore, should be made more explicit. This need for clarification is even more crucial for the environmental standards formally in force, which are supposed to constitute the 'legally sound' and non-negotiable basis for evaluating the environmental compliance of an investment (Post and Bitondo, 2011).

The type of institutional arrangements. The centralised model of the administration responsible for the environment is the most common. In the context of the process of decentralisation, it is important to follow the experiences of devolution of certain aspects of managing the procedure to Rwanda's Development Board (RDB), and the very recent decision by Cameroon to entrust the management of the procedure for environmental impact statements to local-government level.

The public nature of the EIA procedure. The requirement for transparency and public participation at different phases, in particular decision making, is not sufficiently reflected in the current texts. Administrations are not obliged to make public the criteria supporting the decision granting an environmental authorisation. There is no provision for involving the public in decision making at this level. Even when there is a legal requirement to justify the decision, the justification is not required to be published.

The inadequacy of resources allocated to managing the procedure. Managing the EIA procedure requires significant means, to ensure not only that the procedure is followed correctly, but also that the reports are of high quality and above all that the measures recommended for mitigating the impacts are complied with. Although current laws do specify that the cost of impact studies is to be paid by the developer, in practice the effect of this provision is limited in a context where environment ministries generally have small budgets. It should be clear that this situation has serious implications for the procedure.

The separation of the decision to approve the EIA report from the decision to grant environmental authorisation. One way to reduce the contextual pressure allowed by EIA would be to explicitly restore its role as a technical tool, separating the technical decision about the quality of the EIA report from the political decision regarding the environmental authorisation of the project. The body approving the report would thereby confine its task to verifying the relevance and quality of the information contained in the EIA reports. The decision about and responsibility for environmental authorisation of the project must be taken, based on the data from the EIA, but should be taken separately from the environmental and social issues involved by the projects.

The use of appropriate expertise. Several provisions authorise the administration to make use of outside expertise if need be, but in practice this option is seldom taken. For example, most of the countries have opted to entrust the review of the quality to their administration responsible for the environment, with the participation of officers from several other authorities[19]. By contrast, the technical review could be conducted by independent resources outside the administration. The latter scenario increases the chances of having the necessary competence and neutrality for a rigorous and uncompromising review of this kind.

The integration of the environmental inspectorate at an earlier stage of the procedure. The current structuring and practice of the EIA process confine the environmental inspectorate to the inspection and compliance phases of the implementation of projects. It could be more effective to link it with earlier phases such as the approval of the terms of reference, the review of the technical quality of the report or even the elaboration of the conditions for granting an environmental permit.

The institutional memory and the management of information. Without context, the quality of an EIA system depends on its ability to obtain, analyse, make available and manage the available information. This function is still only weakly ensured in all of the countries whose EIA systems were analysed.

This summary is still approximate. In the point he makes about the evolution of EIA, Morgan (2012) stresses that for both the practice and effectiveness of EIA, the problems will remain relevant, depending on the countries and aspects considered. He cites the conclusions of relatively recent studies and reports conducted in the United Kingdom (IEMA, 2011) and by the European Community (Commission of the European Communities, 2009). Concerning effectiveness in particular, he points out that any assessment of the effectiveness of EIA only makes sense if it integrates the context of the country in question, and that the points of view about effectiveness depend on how everyone understands the nature and the objective of EIA (Elling 2012). Indeed, it seems that it is up to each country to take up the situation of its environmental assessment system and to decide which points deserve greater attention. In one way or another, the PAANEEAC will have made a positive contribution to the evolution now underway in Central Africa.

19 In Cameroon, the Interministerial Committee of the Environment, whose advice is required by law, is composed of representatives from various ministerial departments, whose selection is not necessarily due to their competence, expertise or experience in the area. Similarly, because of a shortage of specialists, the administration in charge of the environment involves itself only timidly in the assessment process, its only role being to passively transmit the advice of the Interdepartmental Committee of the Environment to the political authority (the Minister), while in fact it should inform, or if necessary, be a counterweight to the Interdepartmental Committee (Tekeu, 2004).

CHAPTER 4

The PAANEEAC approach to capacity building in EIA

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4.1. Introduction of PAANEEAC

4.1.1. Genesis of PAANEEAC

The history of PAANEEAC is to a great extent connected with that of SEEAC, which was at the basis of its development and implementation. Their genesis can be dated to June 1996 in Estoril, Portugal, during the 16th annual conference of the International Association for Impact Assessment (IAIA), the world association of reference on the subject of EIA.

Faced with under-representation within the IAIA by people from developing countries, the Estoril congress recommended the establishment of national and regional branches. During the congress, a French-speaking secretariat was set up at the executive level of the IAIA, which had only used English until then. The chief mission of this secretariat would be to promote the IAIA's objectives in francophone countries.

Accordingly, in January 1997 the first meeting of EIA professionals of Sub-Saharan francophone Africa was held in Yaoundé in Cameroon, thanks to the multiform support from the Netherlands Ministry for Development Cooperation. The principal objective of this meeting, which was attended by representatives from 20 countries, was to take stock of the situation of EIA in these countries and to examine opportunities for improvement, in particular by strengthening ties with the IAIA.

One of the resolutions taken as a result of this meeting was on the necessity to put national EIA associations into place as neutral spaces for scientific and professional exchanges to help EIA develop at national level. These national associations could form sub-regional and even regional entities, in order to take into account the regional economic communities within what was then the Organisation of African Unity (OAU). The idea was that these entities could serve even better as an interface between the development of EIA at global level and its integration in the context of African countries.

In 1998 a meeting was held in Yaoundé as a follow-up to the '*Yaoundé 97*' recommendations. It was at this meeting that participants from ten Central African countries (Burundi, Cameroon, Gabon, Equatorial Guinea, the Central African Republic, Democratic Republic of the Congo, Republic of the Congo, Rwanda, Chad, and Sao Tomé and Principe) decided to organise into national environmental assessment associations within a sub-regional entity, thus creating the Secretariat for Environmental Assessment in Central Africa (known by its French acronym SEEAC).

The creation and operations of the national associations have met with various fates depending on the country. In the first decade of 2000, only a limited number of them were actually operational. Their funding basically relied on contributions from members, with the membership fees varying between 5,000 and 10,000 FCFA[20] per member. With between about ten and fifty members in each association, depending on the country, the amounts amassed in this way remained modest, making the group's activities dependent on periodic support from selected partners. These parameters combined made it difficult for the associations to achieve their objectives. A support programme was envisaged that would allow national associations to be set up and which could ensure them a certain amount of credibility and a sufficient number of members, with a view to establishing partnerships on a programmatic basis. In addition, the associations' aim of a successful integration of environmental assessment would undoubtedly entail a proportional increase in activities. The latter would result in an increase in the rates of contribution and payment, thus providing the associations with the basic financial resources to develop further.

The idea for this programme was the subject of conversation during the international workshop on environmental assessment and armed conflict held by the Democratic Republic of the Congo National Association for Environmental Assessment (known by its French acronym ANEE-RDC) in October 2004 in Kinshasa. These exchanges in particular, involved the delegate from the Netherlands Commission for Environmental Assessment (NCEA), the representative of the Cameroon Association

20 or CFA franc – 1 Euro equals approximately 655.957 FCFA

for Environmental Assessment (ACAMEE) and the executive secretary of SEEAC and executive director of the ANEE-RDC. The representatives of the national associations seized this opportunity to further justify the relevance of this idea of the support programme they would submit to DGIS.

The Netherlands had been selected because of its commitment to developing EIA in developing countries. This commitment had already taken the form of trust funds, in particular with the World Bank and the United Nations Environment Programme (UNEP), with a view to supporting several capacity-building initiatives, among them the creation of Capacity Development and Linkages for Environmental Assessment in Africa (CLEAA). Similarly, DGIS support enabled representatives of developing countries to participate in IAIA annual meetings, as part of the Capacity Building in Biodiversity and Impact Assessment (CBBIA) programme implemented by the IAIA. It is also important to remember that, as stated earlier, DGIS had provided multiform support at the meeting of Sub-Saharan African francophone EIA professionals held in Yaoundé in 1997 and the meeting on EIA in Central Africa of 1998, which saw the creation of SEEAC.

After a three-year appraisal period, the Netherlands Ministry of Foreign Affairs agreed to the creation of PAANEEAC in 2007. It entrusted the administrative and technical framework to the NCEA.

4.1.2. Objectives and lines of intervention of PAANEEAC

The general objective of PAANEEAC is to allow national environmental-assessment associations to contribute effectively to the development of EIA as an instrument in the promotion of good governance, the fight against poverty, and sustainable development.

This general objective of the programme encompasses four specific objectives:

- **Specific objective 1: contribute to the coordination of initiatives in capacity-building, dialogue and the promotion of professional ethics and conduct.** This specific objective aims to establish the necessary foundations to allow for judicious deployment of the missions of the national associations. Achieving it will mean a certain number of results have been attained: (i) the existence of a functional framework for dialogue between professionals; (ii) good organisation among EIA professionals, and their adopting best practices and observing strict rules of conduct and ethics; (iii) the coherence and synergy of the various capacity building initiatives.
- **Specific objective 2: contribute to the improvement of the legal, regulatory and organisational framework of EIA.** This objective, which should contribute to improving the adequate legal and regulatory basis of EIA, will be achieved through a certain number of results: (i) legal and regulatory provisions of good quality; (ii) the presence and availability of

standards and directives in support of EIA; (iii) the explicit allocation of responsibilities for management of the procedure and for decision making; (iv) securing the necessary financial resources for the effective management of the procedure.

- **Specific objective 3: contribute to building capacities of all the actors in the field of EIA.** Achieving this objective, which in particular aims to give the different actors the necessary means to fulfil the potential of these tools entirely, will entail the following results: (i) the acquisition of the required competences and knowledge by the various actors; (ii) the existence of a system for managing and coordinating data on environmental assessment.
- **Specific objective 4: promote EIA as an instrument of good governance.** To achieve this objective, which aims to fully integrate good governance in the environmental assessment process, it is essential to obtain the following results: (i) the involvement of stakeholders, in particular local populations, at every stage of the process; (ii) all stakeholders having knowledge of the criteria for approval of the EIA reports and for decision making on environmental authorisations; (iii) for all stakeholders, the availability and exercise of the right of redress on decisions taken; (iv) exposure of any shortcomings related to good governance.

Operationally, the national associations and SEEAC have five-year working plans around the different lines of intervention. Notwithstanding the nuances specific to each association, the generic framework for intervention of the associations is organised around eight lines of intervention, described as follows (SEEAC-NCEA, 2007).

- **Line of intervention 1: the creation and consolidation of working frameworks for professionals.** The overall objective of this line of intervention is to guarantee the national associations and SEEAC an effective working framework by providing offices, staff and all necessary communication facilities. The results anticipated from the implementation of this line are: (i) boosting the membership of the national professional associations; (ii) positioning the associations as key actors in environmental assessment in their respective countries; (iii) creating and maintaining international contacts; (iv) achieving financial autonomy of the national associations and SEEAC.
- **Line of intervention 2: standardisation and optimisation of the synergies of the different capacity-building initiatives in EIA**. The objective of this line involves, among other things: (i) continuous updating of an inventory of the different capacity-building initiatives in EIA; (ii) comparative analysis of their objectives and activities; (iii) elaboration of a strategy for optimising the benefits of these initiatives; (iv) favouring links between these initiatives.

- **Line of intervention 3: increased awareness by the different actors of the importance of EIA and of their participation in the process**. This line should contribute to enabling all stakeholders in the EIA process to: (i) have a proper knowledge of the laws and regulations related to EIA; (ii) require the use of EIA for all projects carrying a potential risk; (iii) participate actively in the different phases of the EIA process; (iv) require transparency in the EIA procedures.
- **Line of intervention 4: capacity building of the various actors**. This line of intervention aims to work towards: (i) adequate expertise being available for validating the EIA reports; (ii) professionals responsible for conducting EIA having the required competences; (iii) the professionalism of local and national practitioners when conducting environmental assessments; (iv) environmental information being updated by the national ministries responsible for the environment; (v) local populations and other stakeholders participating effectively in the environmental assessment process.
- **Line of intervention 5: professional organisation, conduct and ethics.** This line of intervention should permit: (i) professionals and consultancy firms to become members [of national associations]; (ii) the creation and regular updating of listings of professionals and consultancy firms; (iii) the observance of best practices, and the adoption and respect of codes of conduct and ethics; (iv) the creation of professional associations in the longer term.
- **Line of intervention 6: advocacy and lobbying for the development of EIA as an instrument of good governance**. This line of intervention is a question of researching the improvement of good governance and the development of EIA, learning from shortcomings found among the national associations and other stakeholders.
- **Line of intervention 7: advocacy and lobbying to secure financial resources necessary for the effective management of the procedure.** This line of intervention is a question of investigating whether the administrations responsible for the environmental assessment procedure have sufficient funds available to accomplish their mission effectively.
- **Line of intervention 8: studies, etc**. This line concerns studies which could be recognised as necessary for supporting the achievement of the objectives of PAANEEAC.

4.2. Support mechanisms of the NCEA

It would be difficult to understand PAANEEAC's work and to appreciate the results it has obtained without including the support mechanisms of SEEAC and the national associations, put in place by the NCEA[21]. The support from the NCEA applied to two aspects: as a sponsor, it provided financial administration for the programme, and – probably the most important aspect – it acted as a specialised technical partner in capacity building in EIA. We will discuss in turn the key principles and the different types of support from the NCEA.

4.2.1. The key principles of the NCEA's support

The support provided by the NCEA was aimed at the structuring of the programme, as financed by DGIS. From the beginning, the budget package allocated to PAANEEAC has comprised the following main components:

1) Basic support to national environmental-assessment associations and SEEAC, covering in particular:

- For each of the national associations:
  - *core financing* of 12,500 Euros to equip the office (purchase of computer, photocopier, desks, tables, chairs, post office box, internet connection, telephone line);
  - *an annual amount* of 8,500 Euros allocated for office operations (rental of office, salary of office manager, internet and telephone connections, photocopies and printing, newsletter, contribution to SEEAC);
- For SEEAC:
  - *core financing* of 15,000 Euros to cover installation costs (purchase of computer, photocopier, desk, tables, chairs, post office box, internet connection, telephone line);
  - 5,000 Euros *annually* to allow SEEAC to attend the meetings of CLEAA;
  - 20,000 Euros *annually* to allow SEEAC to organise annual sub-regional meetings;

21 For more information about the Netherlands Commission for Environmental Assessment (NCEA), please visit the website www.eia.nl

2) Programme for study and capacity development in environmental assessment, with as priorities:
   - Studies with a relevant regional interest;
   - support to administrations managing the environmental assessment procedure, in order to improve the legal and regulatory framework or even to improve the management of the information system in connection with environmental assessment, and;
   - training environmental assessment and strategic environmental assessment trainers;

3) Programme of capacity building in negotiation techniques for environmental management, which essentially involve training trainers in these subjects.

This plan has had to undergo several adjustments. First of all, at the end of the first year, it seemed preferable to cancel the 'Programme of capacity development in negotiation techniques for environmental management' in order to concentrate on EIA itself. This allowed enough resources to be freed to finance more seminars and workshops on the subject.[22] The expenses incurred for core financing and the support budget for SEEAC and the national associations are shown below.

Table 5: Summary of expenses incurred for core financing and support activities

	CORE FINANCING		SUPPORT	
	€	FCFA	€	FCFA
SEEAC	216,152	141,786,417	206,091	135,186,834
ASSOCIATIONS	338,851	222,271,685	191,334	125,506,877
OTHERS	0	0	0	0
Subtotals	555,003	364,058,103	397,425	260,693,711
TOTAL	1,001,428 €[23] or 656,893,707 FCFA			

The NCEA's role was based on several fundamental principles aimed at optimising the chances for success with the objectives envisaged by PAANEEAC. These principles are enumerated in box 1.

22 It is also important to mention that the effective start of the programme was delayed by one to one-and-a-half years depending on the country, and that during the course of the programme, three countries of the eight to be covered (Chad, Democratic Republic of the Congo, Gabon) stopped receiving support from PAANEEAC for various reasons, which allowed the programme to be extended until 2013.

23 Does not include costs of administrative fees, which amounted to € 90,056 or FCFA 59,072,864

- **Preventing over-dependence on the programme**: the funding available to the national associations was limited, for both operations and particular activities. It was sufficient to start up the associations, while at the same time encouraging them to actively seek other sources of financing if they had more ambitious plans. This was to avoid over-dependence on PAANEEAC, which was intended as a temporary programme.
- **Giving the national associations and SEEAC responsibility**: implementation activities and technical support from the NCEA was only available through a justified request from the national associations or SEEAC, based on a concept note approved by the NCEA. Financing for day-to-day operations and activities was only put into effect once justification for the use of the amounts previously received was approved by the NCEA.
- **Experimentation**: the NCEA considers experimentation crucial for capacity building, and makes it an integral part of its approach.
- **Continuous coaching**: the NCEA has taken care to be available for any type of question or information by physical or electronic means, according to need.
- **Annual monitoring visit**: each year, the NCEA visited the national associations and SEEAC to take stock together of the development of the association's operations, followed by in-depth discussions of strategic questions.
- **Specific contracting**: at the start of the programme, the NCEA signed a separate contract with each entity.

Box 1: The NCEA's key principles of support

4.2.2. Types of support

4.2.2.1. *Technical support*

Technical support primarily involved the setup and implementation of the EIA mapping project, which was largely discussed in chapter 3, training of trainers, conducting various studies and making technical expertise available.

Training of trainers met the need to make available a national team of trainers who would be ready to carry out trainings according to a country's needs (multiplier effect) on a more long-term basis, instead of depending on external trainers, who are not always easy to mobilise. In this regard, the national associations entered into collaborative agreements with the teaching institutions in their countries. Five trainers from each of these institutions, or experts designated by mutual agreement, took a training course which prepared them to teach in the training courses identified as necessary and organised by the national associations.

The first training began in 2010, followed in 2013 by a follow-up course training teams of trainers in four countries.

The initial teacher training procedure in 2010 had three stages:

Stage 1: the first regional teacher training session, during which the national teams from Burundi, Congo Brazzaville and Rwanda were put together with trainers from Cameroon, Gabon and the Central African Republic to be trained in EIA and teaching methods. The pedagogical approach, based on the participants' learning and experience, arranged the session as follows: (i) exploration of the different notions and of the context of EIA (what do EIA systems do? How is EIA related to decision making?); (ii) role playing for the future trainers, on the principle of 'learning by doing', for three days; (iv) joint assessment of the 'learning by doing' by participants and facilitators. This assessment applied to the content of the training, the teaching techniques used, the discussions of questions and any problems experienced by the participants.

At the end of this stage, the participants prepared and then practiced the elements of the training that they would be providing in their respective countries. The session ended with a general and constructive assessment of the performances by the facilitators and the trainees;

Stage 2: pilot sessions in each country. Following the first regional session**,** the national teams organised and facilitated a pilot training session for an audience made up of members of their national association. These members had been informed of the trial nature of this session and were asked for their suggestions at the end of the training. Next, with the mentor from the NCEA and the national association, the national team of trainers evaluated the pilot session, discussed the training programme planned for their country, and formulated suggestions for the content of the second regional review session;

Stage 3*:* second regional training session for the trainers. Structured on the same pedagogic principle as the first regional session (training-evaluation-practice-evaluation), this second session dealt with aspects/subjects of the course that emerged from the analysis of the previous pilot sessions held in the participants' countries, so that elements needing review could be more precisely identified.

In 2013, four national associations expressed the need to reinforce their teams of EIA trainers, for various reasons. For the Burundian and Rwandan teams working actively since 2010, it was a question of: (i) expanding the team and preparing the new trainers for their tasks, while at the same time, (ii) giving current trainers the opportunity to enhance their competences. For the teams from Congo and CAR, who were less active and had organised few training courses since 2010, it was more a matter of: (i) re-energising existing teams and (ii) expanding the team in order to increase capacity.

These sessions were held in Rwanda (for the Rwandan and Burundian national teams) and in the CAR (for the Congolese and CAR national teams).

The regional teacher training sessions of 2013 were practically like the first one in 2010, but made use of feedback and acquired experience. More specifically, with regard to the content of EIA, the teams wished to build their competences in 'Identifying impacts and choosing predictive methods', and 'Organising and presenting the results of using the tools and methods for predicting impacts'.

Conducting various studies applied in particular to two sensitive areas in the effectiveness of a national EIA system: financing governmental tasks in the EIA procedure, and the presence of prevailing legal standards.

The financing study had two objectives. The first of these was to determine the mechanisms used by all levels of government entities to mobilise and deploy financial resources to cover the financing of an EIA in the broad sense, from screening to the implementation of the requirements in the authorisations, permits, or environmental management plans of projects that were approved. The second was to make suggestions for optimising the mobilisation of the necessary means. Their preliminary conclusions were that countries were having difficulties finding adequate financing mechanisms and had proposed innovative pathways for mobilising funds, which will be discussed with the authorities studied and with other sectoral administrations to direct their strategies in this area.

It emerged from the study of standards that the Central African countries face a significant lack of availability of standards legally in force setting limits for allowable levels of various parameters relevant to EIA. Even if most legislation stipulates that international standards be referred to in the absence of national standards, this situation creates a certain amount of confusion and by nature tends to weaken the foundation for judging the environmental compliance of an investment in an EIA.

Making technical assistance available took the form of making technical expertise available to support the implementation of an activity, at each request from national associations or SEEAC. The NCEA led a seminar on surveillance, monitoring, inspection and compliance, and even mobilised seasoned experts for the teacher trainings.

4.2.2.2. *Support in financial administration and autonomy*

Since credibility is key for the survival of any organisation, PAANEEAC has emphasised this aspect from the beginning. In conformance with its intervention principles, and to reduce the risks connected with financial management, the NCEA required that the grant contracts signed with each national association and SEEAC contain very strict clauses related to management and financial documentation. These clauses mainly concerned bookkeeping, compliance with deadlines for reporting

financial activity and for financial management, and planning and budgeting of activities. Non-compliance with the clauses was penalised. Likewise, the NCEA instituted a series of actions to augment the associations' and SEEAC's skills in bookkeeping and mobilising funds to ensure they become financially autonomous. These actions included: (i) developing and making available a financial management instrument, (ii) training courses, (iii) the conditionality of grants, (iv) coaching, (v) experimentation (learning by doing).

Developing a financial management instrument: The NCEA asked the International Institute of Geo-information Science and Earth Observation (ITC, Enschede, the Netherlands), to develop a simple instrument for acceptable financial justification, using Microsoft Excel and made up of a cash book and bank book. The national associations and SEEAC had to use this tool to organise their financial management. With an eye to preparing the national associations for financial autonomy, the NCEA worked continually to elaborate and improve the accounting tool during the years of the PAANEEAC programme. Today, the tool still uses Microsoft Excel and includes the budget, journal, bank book and cash book, specific accounts for activities, the operating account, inventory and the balance sheet.

Training: At the end of 2008, the NCEA held the first accountancy training course for the office managers of the associations and SEEAC in Kinshasa. Two additional training courses were conducted, partly because of new inexperienced staff replacing departed permanent staff, and partly because of the development of the financial management system over the years. These courses were organised in conjunction with the annual meetings of SEEAC, in Bujumbura in 2011 and Bangui in 2012; a third is planned to be held concurrently with the 2013 annual meeting.

More particularly as to financial autonomy, the NCEA provided two training sessions:

(i) a course in project proposal writing (Kinshasa, 2009). The objective of this regional session was to allow office managers of the national associations and SEEAC to acquire essential tools to be able to select a project meeting their development needs, write/edit the proposal and seek financing;

(ii) a course in mobilising resources in 2013 (Kigali, Bujumbura, Yaoundé, Brazzaville and Bangui). These national training sessions targeted the executive office, the committee responsible for fundraising, and the office manager of each association concerned, and was aimed at strengthening their knowledge and skills in writing fundraising proposals to technical and financial partners and in the level of communication with the latter.

Conditionality of grants: The contract with the associations stipulated that they submit an annual financial report modelled on one provided by the NCEA. This report includes accounts of the association's receipts and expenditures, accompanied by original supporting documents. The contract also stipulated that the NCEA would verify and approve the financial report by the end of February of the year following the date of submission of the annual report. The NCEA makes its grants available for the following year partly based on the approval of the annual financial reports from the associations.

The NCEA feels that although the associations have had to adjust to the rigour of this condition, they have understood over the course of the programme that their credibility as a partner for sponsors and development partners largely depends on financial accountability.

Coaching: Each year, during the follow-up visit and at the annual meeting of SEEAC, the NCEA puts discusses potential strategies towards financial autonomy of the national associations. A few of these revolved around the following points:

- obtaining revenues through membership fees and from contributions paid by members, which although relatively modest, could guarantee a certain amount of continuity;
- organising training courses or other paying activities, since the beneficiaries often assign more value to things they have to pay for. Revenues from these activities could be substantial and could pay for a good needs analysis, good market research and access to tested promotion strategies;
- diversifying sources of financing. It is more sustainable to develop partnerships with several sponsors than with only one.

Experimentation (learning by doing): To build competence in writing grant proposals, the NCEA had participants submit an activity first for elaboration and then submit a request and concept note to the NCEA for approval. In the same spirit, it provided the service to national associations of reading their proposals to sponsors or other potential partners, then giving advice about the quality of the proposals. Also, each year, to encourage seeking additional funds, the NCEA required that the income from the annual meeting held jointly by SEEAC and the host national association be divided among the two organisers.

Towards the end of PAANEEAC, the NCEA identified two other ways to encourage the creation of financial reserves that would permit the associations to operate for at least a year (2014) after the closure of the programme. The national associations which can demonstrate that they have secured two thirds of their annual operating budget of 8500 Euros will receive the other third from PAANEEAC. To help raise this amount, it introduced a mechanism under which any application for funding in the framework of PAANEEAC in 2013 should earmark 10% of the allocated budget for building financial autonomy.

4.3. Support mechanisms by SEEAC

4.3.1. Presentation of SEEAC

The Secretariat for Environmental Assessment in Central Africa (SEEAC), originally the Sub-regional Secretariat for Environmental Impact Assessment for Central Africa (SEIEAC), is a non-governmental, non-political, non-confessional and non-profit association founded in 1998. Its head office is currently in Yaoundé, Cameroon, where it shares offices with the Cameroon Association for Environmental Assessment (ACAMEE).

Its ambition is to be recognised as a centre of excellence in contributing alongside the other actors to create the right conditions in order to fulfil the potential of environmental assessment as a preferred tool for the implementation of sustainable development policies and sub-regional integration in Central Africa.

SEEAC has de facto taken on the role of coordinating, supporting and/or facilitating the activities of the associations in PAANEEAC in close collaboration with the NCEA.

In general, SEEAC helped the national associations, at their request, to elaborate and implement their activities, and facilitated the networking and standardising of their operations.

With this in mind, SEEAC's action plan revolves around the following areas of intervention:

- helping the national environmental assessment associations achieve financial viability and function effectively;
- standardising the work of the national associations and sharing it within the network;
- promoting sub-regional expertise in environmental assessment;
- contributing to the standardisation of impact assessment procedures and to the consideration of cross-border and strategic questions of sub-regional interest.

It is understood that implementation of these areas was dependent on the efficient operation of the working environment of SEEAC.

4.3.2. Achievements and impacts by area of intervention

4.3.2.1. Area 1: The efficiency of the professional working environment

SEEAC shares offices with ACAMEE and pays one third of the rent. The office's continuity is ensured by an office manager whose work it is to ensure proper implementation of the Annual Work Plan (AWP) and to produce reports (activity and financial reports). Three people have held this position since its inception[24].

SEEAC's office is a space for exchange and an ideal setting for meetings on the subject of environmental assessment. This office has truly served as a base for learning from the work of PAANEEAC, in close relation with the NCEA. SEEAC and the national associations are also a source of environmental-assessment documentation. They all have libraries housing many reports on particular aspects of environmental assessment, which are available for consultation.

SEEAC's operating expenses are covered by the annual contributions of its members and the NCEA's contribution to the manager's salary.

The strategies for becoming financially autonomous include controlling the operating expenses by keeping the option to share the costs of rental and operations with the host national association in the short term, negotiating the membership fees paid by member associations and charging the fees for managing sub-regional projects implemented with the support of the partners. In this regard, SEEAC is counting on stronger relations with several sub-regional actors, such as the Economic Community of Central African States (CEEAC) through the Network of Administrations Responsible for Environmental Assessment in Central Africa (RACEEAC), or even the Central Africa Forests Commission (COMIFAC). Over time, consolidating a functional working environment is making SEEAC an increasingly respected partner by the other actors involved in promoting sustainable development.

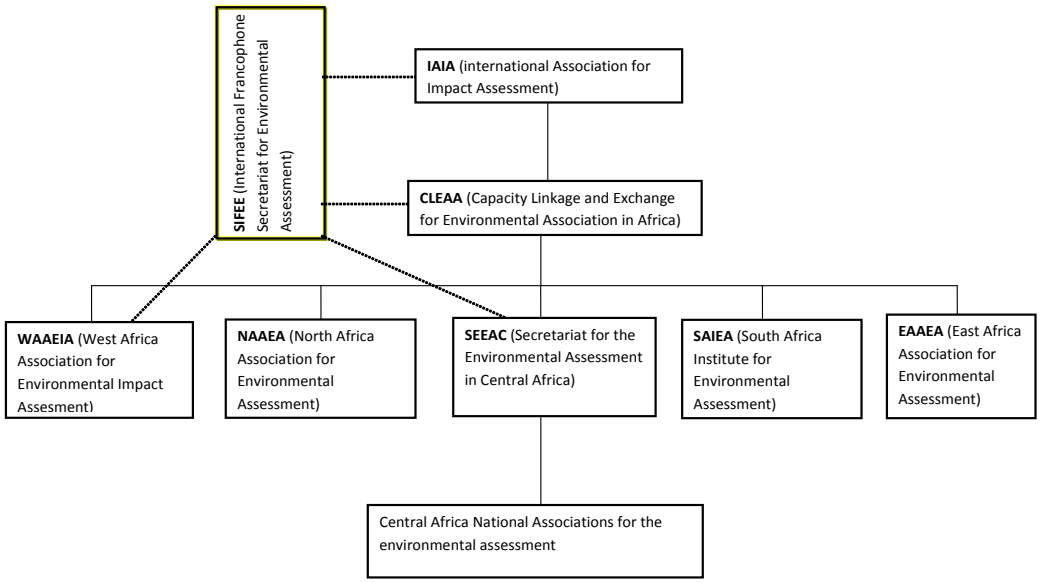
4.3.2.2. Area 2: Assisting the national environmental-assessment associations in achieving financial viability and operating efficiently

SEEAC's work in this area took the form of support to the associations in order to allow them to comply with contractual commitments as part of PAANEEAC, in particular concerning the implementation of working plans and the quest for financial autonomy.

24 MadiVondou Justin from 2008 to 2011, Nguefang Wilson Musoro from 2011 to 2012 and EMOUGOU Marcienne since 2012.

4.3.2.3. Area 3: Sharing and standardisation of the work of the national associations

In the context of this line, SEEAC's role was that of a real communication channel between different structures: (i) the national associations and the NCEA; (ii) national associations; (iii) the national associations and regional and international networks such as the CLEEA, SIFEE and IUCN-Netherlands. The following organisation chart shows SEEAC's position in the organisation of professionals in environmental assessment.



SEEAC's position in the organisation of environmental assessment professionnals

SEEAC has thus promoted the creation of a website (www.seeaconline.org) and the publication of a news bulletin as places to share experiences and inspiration for developing synergies between the national associations.

Since 2008, the key activity in this area was the opportunity to hold a general assembly each year, to allow the national associations and SEEAC to discuss the life of their network and perspectives for development. The organisation of international seminars, held concurrently with the general assemblies, has since 2009 provided the opportunity to open up this space for exchange to other regional and international experts, thus allowing the work of the national associations to be put in a larger perspective. Organising these meetings on a rotating basis has allowed national associations to build capacity in the area and to become more involved in the network.

In Central Africa, SEEAC is the focal point of the Capacity Development and Linkages for Environmental Assessment in Africa (CLEAA). Thanks to CLEAA and through the Partnership for Environmental Assessment in Africa (PEAA)[25] the national associations have been able to benefit from several projects and studies (Table 6).

Table 6: Projects and studies conducted by the national associations under the coordination of SEEAC as part of CLEEA/PEAA

ACTIVITIES	OBJECTIVES
Training in setting up and managing EIA consultancy firms	To facilitate the organisation of professionals in consultancy firms
Scholarship for young professionals	Build capacity among young graduates and professionals searching for experience
Experts' database	Take an inventory of sub-regional expertise and create a data bank, currently on the website of the CLEEA
State of legal frameworks	Make information available about legal and institutional frameworks related to EIA

The partnership with the International Francophone Secretariat for Environmental Evaluation (SIFEE) took the form of co-organising the colloquium on **'*Forests, energy, climate change and environmental assessment*'** from 12-16 September 2011 in Yaoundé, and the 15th session of the summer school at the Francophone Institute of Energy and the Environment (IEPF)[26] as well as the SIFEE colloquium on **'Assessing the sustainability of urban and industrial development: tools for analysing the ecological footprint and social and health impacts'** from 5-9 September 2011 in Douala.

25 PEAA was an agreement between the World Bank, the Swedish Environmental Impact Study Centre acting for the Swedish International Development Agency (SIDA), the Africa Bureau of the United States Agency for International Development (USAID), the Norwegian Development Agency and the Netherlands Commission for Environmental Assessment acting for the Netherlands Ministry of Foreign Affairs, to work together in order to achieve shared objectives in capacity development in environmental assessment in Africa. The objective of PEAA was to standardise, scale up and increase the visibility of capacity-building initiatives in environmental assessment in Africa.

26 Now known as the Francophone Institute for Sustainable Development

The cooperation with IUCN Netherlands involved the implementation of the synergy of knowledge project and the provision of education with regard to the EIA procedure of mining projects in Central Africa. The purpose of this was to contribute to ensuring that Central African Civil Society Organisations (CSOs) have the competences and tools necessary to effectively carry out their role as 'law enforcement agents' with regard to compliance by mining companies with the process and results of the EIA.

4.3.2.4. Area 4: Building sub-regional capacity in environmental assessment

The contribution to this area was in particular to the elaboration of a database of regional experts in environmental assessment, on the CLEEA website. It showcases the quantity and quality of the EIA expertise available in Africa in general and in Central Africa in particular.

SEEAC also kept its eyes open, to seek and disseminate job opportunities, calls for tenders and candidates, largely within its network. Many association members have benefited from it.

Through the events organised by SEEAC and its members, the idea emerged of putting a panel of sub-regional experts in place to support the administrations responsible for the environment, in particular with the review of EIA reports. This was the subject of discussions by SEEAC and CEEAC through RAACEEAC.

4.3.2.5. Area 5: The contribution to standardising impact assessment procedures and to the consideration of cross-border and strategic questions with sub-regional interest

It is important to place de facto coordination of several ideas of a sub-regional nature in the framework of this line. In particular, the following should be mentioned: (i) the study of the situation of the national standards legally in force and; (ii) the study of the mechanisms for financing governmental tasks connected with the EIA process, from the initiation phase of the project to the environmental surveillance and monitoring phases.

With a view to considering questions connected with EIA from a sub-regional perspective, as part of PAANEEAC, SEEAC promotes the operationalising of the Network of Administrations Responsible for Environmental Assessment in Central Africa (RACEEAC) institutionally embedded at the level of CEEAC. RACEEAC sees itself as a platform for sub-regional collaboration, information exchange and for standardisation of environmental assessment systems between the CEEAC member countries.

The signing of collaboration agreements with COMIFAC, the Conference on Dense and Humid Forest Ecosystems of Central Africa (CEFDHAC), and the Network of Parliament Members for the Sustainable Management of Forest Ecosystems of Central

Africa (REPAR) is also helping to make this line of intervention more concrete. For example, the agreement with COMIFAC revolves around the idea of producing sub-regional directives for environmental assessment in forest environments.

To sum up, the existence of SEEAC as a coordinating body will have brought added value to the work of the national associations, in terms of support for its implementation and synergy, and for putting it into perspective at the national, regional and international levels. SEEAC is hopeful that these national associations will continue to support its work by regularly paying their contributions. This is crucial for the continuation of its missions.

4.4. Experiences of the national associations

4.4.1. Experience of the ABEIE

4.4.1.1. Presentation of the ABEIE

The Burundi Association for Environmental Impact Assessment (ABEIE) is a non-profit association of Burundian professionals in environmental assessment. It was created by ministerial order no. 530/907 of 25/09/2007. Initially, it had only 10 founding members, mostly agricultural engineers and biologists working in the environmental sector. It was the first association with EIA in a country where it was already a concern among the public authorities in charge of the environment, but not a reality at the level of practice as yet. ABEIE's self-proclaimed mission is to promote environmental assessment in general and environmental impact studies in particular.

Currently, it has about forty members from both the public and private sectors. They are agricultural engineers, biologists, lawyers, geologists, meteorologists, economists, etc. To function more efficiently, the members have been divided into commissions with specific duties in view of the association's different lines of intervention.

The achievements of the ABEIE during the years of PAANEEAC's support and their impact are described below.

4.4.1.2. Achievements and impacts

4.4.1.2.1. Line of intervention 1: Creation of a professional environment for dialogue

After obtaining financing from PAANEEAC in June 2008, the ABEIE's initial concern was setting up an adequate working environment: hiring an office manager[27], and renting and equipping an office.

From the beginning, ABEIE was committed to be financially autonomous after five years (in 2012). Today, the association has nowhere near the 17,400 Euros planned for year five on the timeline for financial autonomy that was set up at the beginning of PAANEEAC. The strategy for autonomy, revolving around provision of services, has not been as effective as hoped at the start. In 2010 the association elaborated a strategic plan to deal with the situation, and reviewed certain of the provisions in its internal regulations, in particular with regard to membership fees and contributions. Some revenue has come in from fees for managing projects implemented with the financial support of sponsors other than DGIS, or fees earmarked for the long-term financial autonomy of operations under the 'support' heading of PAANEEAC. Still today, after the training course on resource mobilisation in March of 2013, the association is continuing to brainstorm about a genuinely effective strategy.

Despite this challenge, we are observing that having physical office space and a steady office manager has helped the association become recognised by national and international partners. This recognition has taken concrete form in the signing of a partnership between the Burundian minister for the environment and ABEIE, as well as in more requests for membership.

4.4.1.2.2. Line of intervention 2: Improving the legal framework

In collaboration with the administration in charge of the environment and more particularly the Directorate for the Environment, ABEIE has contributed to improving the legal framework through its participation in elaborating the general EIA manual. In this context, ABEIE and the Directorate of the Environment elaborated a joint project which was validated by the NCEA. The final version of the general manual is in preparation.

We are hoping for a significant improvement in the quality of the ESIA, especially if the manual becomes widely distributed and used.

27 The first office manager, Madame Ntukamazina Jacqueline, worked for the association for four years. She was replaced by Olivier Abayisenga for one year. Ariane Habimana is the current office manager.

4.4.1.2.3. Line of intervention 3: Standardising capacity-building initiatives in EIA

For the moment, very few actors are investing in the promotion of EIA in Burundi. All in all, one of the internal commissions at the association is looking out for new initiatives to contribute to their synergy.

4.4.1.2.4. Line of intervention 4: Raising awareness of the different actors on the importance of EIA and participation in the process

Several awareness-raising seminars were held, listed in the table below.

Table 7: Awareness-raising seminars organised by ABEIE

Themes	Objectives
'The practice of environmental assessment in Burundi'	(i) to urge for ESIA being taken into account in the elaboration of laws and regulations; (ii) to raise awareness among the public powers, the private sector and civil society of the obligation to conduct ESIAs for any project or activity liable to impact the environment.
'The environmental impact study: Administrative formality or instrument of good governance and sustainable development'	
'Popularisation of the decree of 7 October 2010 implementing the code of the environment with relation to the EIA procedure in Burundi'	To inform participants about the content and importance of the decree. The association expects that the participants, representatives of local people and upper management, will contribute to a greater dissemination of the decree.
'Environmental assessment and sustainable land management'	To raise awareness of the role of environmental assessment as a tool for promoting sustainable land management in Central Africa.
'Monitoring EIA/ compliance (inspection/ penalties)'	To assess the situation, raise awareness, and provide information about the system of surveillance/monitoring/ inspections/ implementation of sanctions.

Organising these events had a significant impact for the association. For example, the seminars in 2009, the first events organised by ABEIE for the public, served to bring the association to the attention of the ministry responsible for the environment, our principal partner, as well as other potential partners and participants involved in EIA. The 2011 international seminar raised the association's visibility.

4.4.1.2.5. Line of intervention 5: Capacity building of the various actors

With a still-emerging EIA system (from the year 2000 and beyond), Burundi is one of the countries where capacity building in EIA is indispensable to accelerating the evolution of the system. ABEIE has contributed to this by organising various training courses, based on what was learnt in the process of the teacher training initiated in 2010 as part of PAANEEAC.

The ABEIE has also organised two training courses, one on scoping and the other on the entire EIA procedure. The scoping course took place in August 2010 and was aimed at members of ABEIE and managers in the Directorate of the Environment of the ministry in charge of the environment. The objective of the course was to understand the procedure for delineating the scope of an EIA. The course allowed the participants to realise the importance of first defining the scope of the assessment before starting the impact assessment proper. The subject was all the more interesting because the scoping phase was not yet part of the EIA system in Burundi.

The course on the EIA process, held in September of the same year, was financed by the IUCN through CARPE. It had 21 participants from civil-society environmental organisations, public institutions, the environmental police, a senator who was on the environment commission, and several members of the ABEIE and the national focal point, the CARPE. It allowed participants to familiarise themselves with the EIA procedure and to understand the importance of the instrument.

In addition to the various participants in EIA, these courses contributed to building capacity among the members of ABEIE.

4.4.1.2.6. Line of intervention 6: Professional organisation, conduct and ethics

The association's only activity along these lines was organising a training course on setting up and managing a consultancy firm in environmental assessment.

The workshop, which aimed to build capacity among professionals to better organise and involve themselves in environmental assessments, was held in Burundi in December 2010 and drew about 20 participants. Some were members of ABEIE and some were independent consultants.

After the course, the association was informed that one of the participants had begun a consultancy firm.

4.4.1.2.7. Line of intervention 7: Advocacy and lobbying for the development of EIA

This line took the form of several communications to the ministry in charge of the environment concerning the integration of strategic environmental assessment and the environmental audit in regulatory provisions. Mention should also be made of the participation of Burundian NGOs in the synergy of knowledge projects around the EIA of mining projects, aimed at, among other things, building the participants' capacity in lobbying and exposing non-compliance. Apart from this, lobbying is an activity done every time the members of ABEIE participate in activities organised by the partners. This has resulted in recommendations from our general assemblies.

Thanks to these interventions, ABEIE is increasingly better informed of projects that fail to undergo the EIA procedure. It has also received more invitations to activities of other organisations.

4.4.1.2.8. Line of intervention 8: Studies, etc.

ABEIE has helped create the national component of various studies coordinated at regional level by SEEAC. These include: (i) elaboration of a report on the situation at the legal and institutional level in Central Africa; (ii) elaboration of a report on the situation of legal and institutional frameworks for EIA in Central Africa; (iii) the study on environmental standards; (iv) the study on mechanisms for financing the EIA system; (vii) the state of affairs of EIA for mining projects.

ABEIE has also conducted several studies with financing from outside PAANEEAC. One was a study on the impact of socio-economic activities on the sago palm, including the development of a participatory conservation plan for the palm-growing sector in the RUSIZI natural reserve (financing from ARCOS in 2010).

Participation in these studies was an opportunity for the association to compile a database on the different topics covered, to support its activities.

ABEIE has successfully set up a forum for exchanges to promote EIA in Burundi. The number of members has grown from 10 at the start to 45 at the end of 2012, which is not insignificant given that there are few professionals in the area. In terms of achievements, the ABEIE above all has raised awareness and provided training, and was able to reach various target groups.

Financial autonomy remains a challenge. From time to time we were able to mobilise small amounts from other sponsors besides the DGIS, such as ARCOS, OSIENALA (Friends of Lake Victoria), CARPE and other bodies, in particular during the SEEAC international seminar. Substantial efforts must be made to continue our association's activities beyond PAANEEAC.

4.4.2. The experience of ACAMEE

4.4.2.1. Presentation of ACAMEE

The Cameroon Association for Environmental Assessment (ACAMEE), registered as association no. 000007/RDA/J06/BAPP on 4 January 2006, is a group of actors in environmental assessment from many backgrounds (public administration, business, consultancy, training and research firms, sponsors, civil society) working in Cameroon.

ACAMEE intends to serve as a framework for scientific and professional exchange, which will help guarantee the use of best practices, as well as the observation of codes of conduct and ethics in conducting environmental assessments. It aims to generally build capacity in environmental assessment. In this context, the essence of its mandate is raising awareness, providing correct information, and training and organising professionals and stakeholders in the environmental assessment procedure. ACAMEE is affiliated with the IAIA.

Since 2008, the ACAMEE, as a member of the Secretariat for Environmental Assessment in Central Africa (SEEAC), has benefited from the support of PAANEEAC. Below is a summary of our achievements and the impact of PAANEEAC in Cameroon in the various areas of intervention.

4.4.2.2. Activities and their impact

4.4.2.2.1. Line of intervention 1: Creation of a framework for professional dialogue

Currently, ACAMEE has a furnished and equipped office and office manager, who regularly updates his/her skills through attending new training courses[28]. This space serves as a meeting point for its members and accommodates several working meetings including those organised by partner organisations.

For communication, ACAMEE has a website www.acameeonline.org which regularly informs the professional world about its activities, as well as those of its members and of the partners in environmental assessment in Cameroon. The list of members (individuals and approved consultancy firms) listed on the site constitutes a database of experts, which is continually updated.

The association organises an annual general assembly around a relevant topic chosen by consensus among the members. It has also participated in meetings organised by other stakeholders in the environmental assessment sector, such as the National Forest Forum of Cameroon.

In order to increase its scientific and professional contributions, ACAMEE has established internal thematic working groups[29]. Similarly, as part of its work, ACAMEE has contacts within several public and quasi-public administrations, which serve as an interface with the administration. In the context of decentralisation, ACAMEE is also involved in creating regional sub-branches, in order to get closer to its members and their local environmental realities.

28 The first office manager Nguefang Wilson Musoro, after working three years at ACAMEE became the office manager of SEEAC before obtaining a fellowship. The position is currently held by ETEME MBASSI Pauline, née Mlle NGAH NDZODO.

29 From 2009-2013, we had 11 thematic working groups at the ACAMEE. Their work, which was supposed to result in projects, was centred around autonomously setting up action plans. The topics of these groups were: Biodiversity and environmental assessment; Public Participation and Environmental Assessment; Environmental Assessment and Decentralisation; Environmental Assessment and Indigenous Peoples; Environmental Assessment and Renewable Energies; Professional Ethics and Conduct; Environmental Assessment and Mining Projects; Economic Assessment of Environmental Costs; Environmental Compensation; Environmental Assessment and Agricultural Operations; Environmental Assessment and Climate Change.

Through this dynamic, ACAMEE has managed to create a physical and virtual space for meetings and exchanges, serving as a framework for its members and partners. The association has also managed to increase its visibility and credibility both within the country and beyond its borders. This state of affairs has had a positive effect on the number of members, which went from 40 in 2008 to 250 in 2012, and of which over 20 are consultancy firms.

As regards research and maintaining its financial autonomy, ACAMEE intends to rely on its increased credibility to secure income from membership fees, management fees for the projects implemented with or on behalf of the partners, and the organisation of its annual meetings. For 2013, ACAMEE is counting on earmarking 10% of the budget planned for activities subsidised by PAANEEAC and the profits from the co-organisation of the annual meeting with SEEAC.

4.4.2.2.2. Line of intervention 2: Contributing to the improvement of the legal and regulatory framework of EIA

Several of the ACAMEE's projects have contributed in one way or another to the improvement of the legal and regulatory EIA framework. These include organising debates and participating in discussions about revising legal texts relevant to EIA. However, the principal action that can be put to their credit with regard to this line of intervention concerns the ongoing implementation of the project aimed at contributing to better regulation of Strategic Environmental Assessment (SEA), in conjunction with the ministry responsible for the environment. One objective of this project was to make the distinction clearer between SEA and EIA. This is even more important since the recent decree setting the methods for conducting ESIA in Cameroon also mentions SEA. The end of this joint project is eagerly awaited, as it will standardise the use of each of these instruments.

4.4.2.2.3. Line of intervention 3: Standardisation and optimisation of the synergies of the different capacity-building initiatives in EIA

At national level, ACAMEE is continuing its efforts to update the database on the situation of capacity-building initiatives in EIA in Cameroon, with emphasis on the list of institutions offering training in EIA and applied programmes. It also keeps informed of relevant seminars and workshops held in the country, and has available a preliminary list of the development partners who intervene directly in the area of EIAs.

At sub-regional and international levels, ACAMEE participates in annual meetings organised by SEEAC, the IAIA and the International Francophone Secretariat for Environmental Assessment (SIFEE). These annual meetings are opportunities for the integration of events in EIA taking place outside the country. They contribute to ACAMEE's contacts with actors in EIA at national and international level, as well as to the consolidation of its position as a source of information on aspects of capacity building.

4.4.2.2.4. Line of intervention 4: Increasing awareness of the different actors on the importance on EIA and of their participation in the process

Four links to the implementation of this line should be mentioned: the launch and maintenance of the association's website, the organisation of several awareness-raising seminars, the joint project implementing a computerised information system and the development of partnerships with news organisations.

Among other things, the website contains information about legal and institutional aspects. It also contains information about the different activities organised by the association (e.g. the annual work plan) as well as its reports, and events connected with the work of the partners, individual members and the consultancy firms, to name a few.

ACAMEE has also organised seminars and conferences/debates, summarised in the below.

Table 8: Awareness-raising seminars organised by the ACAMEE

Topic	Objectives
'Capacity building at local government level in Yaoundé in Environmental Assessment'	Contribute to improved integration of environmental and social considerations the programmes and projects in local communities in Yaoundé, the capital of Cameroon, at the time of devolution to local level
'The effectiveness of a national EA system'	Reinforcing lessons learnt by members of the ICE about the national EA system
'Feedback on the study of standards'	Share the results of the study with as many actors as possible, to give rise to measures for closing the gaps identified in the material
'Surveillance, monitoring, inspection and applying sanctions'	Assess the situation, raise awareness, inform and exchange ideas for improvement
'Effective development of the EIA system'	Build capacity among specific experts in ACAMEE in understanding the issues and deciding factors for effectiveness of EIA systems
'Approaches to assessing EIA reports'	Build capacity among stakeholders in the EIA process, in particular Civil Society Organisations (CSOs) and local populations, in the approach to assessing EIA reports

The implementation of a computerised information and management system for the environmental assessment procedure, and training managers in using it, have contributed to improving public exposure of the EIA process.

ACAMEE is also working with the news media on an ad hoc basis, to relay information during certain events such as the general assemblies of ACAMEE, and seminars organised within ACAMEE to increase awareness. To increase impact, ACAMEE held an awareness-raising seminar in environmental assessment for the media. It was attended by six journalists from print media (paper and electronic), six from television and six from the radio. Its objective was to provide journalists with the right information and the necessary tools for them to contribute to raising awareness and mobilising the public around environmental assessment.

All of these events contributed to better informing a large number of actors by making the most of the information available from ACAMEE.

4.4.2.2.5. Line of intervention 5: Capacity building of the various actors

Since 2008, ACAMEE has had about ten training courses in its repertoire, shown in the table below. These courses have helped increase the visibility of ACAMEE's work and allowed it to educate, inform and raise awareness with a large number of actors. shows the topics and objectives of these courses.

Table 9: Training courses organised by the ACAMEE

Topics	Objectives
'Starting and managing a consultancy firm in environmental assessment'	Build capacity of professionals to better organise and involve themselves in environmental assessment
'Quality review of an EIA report'	Contribute to improving technical and administrative capacity in environmental assessment among members of the association
'How to write and present an EIA report'	Build capacity of members of the association by showing them the fundamentals of writing and presenting an EIA report
'Quality review of an EIA report'	Build capacity of members of ACAMEE to review an EIA report and familiarise them with the procedure and tools used
'Feedback and dissemination'	Disseminate the principal teachings from the sub-regional meeting/training on 'Capacity building of CSOs in Central Africa in EIA for mining projects'
'Scoping'	Familiarise participants with current procedures and methods in scoping
'Development of young professionals'	Give young university graduates the opportunity to familiarise themselves through practical experience at consultancy firms

This has allowed the actors to arm themselves with the necessary competences for carrying out 'best-practice' EIA in Cameroon. This is still a source of concern for the association, which despite having achieved satisfactory results, needs the help of other stakeholders if it is to have any significant influence on the management system in place.

4.4.2.2.6. Line of intervention 6: Professional organisation, conduct and ethics

To develop this line, a general assembly and a work group on Professional Ethics and Conduct are operating at the ACAMEE level. Also worthy of mention is that the training course on starting and managing a consultancy firm in EIA, or even the consultancy firms' membership in the ACAMEE, are also factors which can promote compliance with codes of conduct and ethics among professionals. In any case, it is regrettable that the objective of having an order of professionals is still far from being achieved.

4.4.2.2.7. Line of intervention 7: Advocacy and lobbying for the development of EIA as an instrument of good governance

Two activities can be mentioned regarding the implementation of this line: the sub-regional capacity building meeting/course for Central African civil-society organisations on Environmental Impact Studies of mining projects, and the seminar on the approach to reviewing EIA reports.

ACAMEE, represented by five members, participated in the meeting/training in Cameroon, which was part of the project called 'Synergy of knowledge and learning about EIA for mining projects in Central Africa'. The topics discussed included exposing errors/non-compliances and bringing cases to court, and strategies for advocacy.

ACAMEE also organised a seminar on the approach to reviewing EIA reports, the objective of which was to build capacity of stakeholders, in particular CSOs and local populations in the approach to reviewing EIA reports. This seminar provided the participants with tools, and reinforced their roles in critiquing the reports and if necessary questioning the administration.

4.4.2.2.8. Line of intervention 8: Studies, etc.

ACAMEE has contributed to shaping a national component of different studies, coordinated at regional level by SEEAC, including: (i) elaboration of a report on the legal and institutional situation in Central Africa; (ii) elaboration of a report on the situation of legislative and institutional frameworks for EIA in Central Africa; (iii) a study of environmental standards; (iv) the study of mechanisms for financing the EIA system; (v) an assessment of EIA for mining projects.

To sum up, during the last five years ACAMEE has organised approximately 20 seminars, workshops, conference/debates, and training courses, as well as events attended by hundreds of participants in total, to carry out the missions entrusted to it. The association has also succeeded in increasing membership from a few dozen to over 200, including about 20 consultancy firms.

Although the task is far from completed and although PAANEEAC funding period has ended, ACAMEE continues to develop strategies for acquiring the necessary financing to pursue its mission. It has a Strategic Orientations Document (SOD) containing the necessary strategies to implement. The core strategy is controlling membership fees and consolidating credibility with various partners, in particular the administration in charge of the environment, but also among the project developers, consultancy firms, and the other stakeholders in promoting sustainable development. Indeed, this should guarantee its participation in projects which could cover a share of the operating expenses.

4.4.3. The experience of ACEIE

4.4.3.1. Presentation of ACEIE

The Congolese Association for Environmental Impact Assessment (ACEIE) is a non-governmental, non-political and non-profit association working in the area of environmental assessment, in particular environmental and social impact studies. It is registered with the Ministry of Interior, Decentralisation and Land, under declaration no. 068/08/MTAD/DGAT/DER/SAG of 28 February 2008.

In 2013 ACEIE's membership numbered nearly 60 actors in environmental assessment from many academic and professional backgrounds (university graduates, engineers, administrators, sociologists, lawyers, etc.). ACEIE's approach to intervention is based on raising awareness, disseminating information, training and organising professionals and stakeholders in environmental assessment.

We will discuss our principal achievements by line of intervention and their impacts.

4.4.3.2. Achievements and lessons learnt

4.4.3.2.1. Line of intervention 1: Creation of a framework for professional dialogue

This line generally consisted of acquiring a head office, adequately equipped for the association's operations. Two office managers have worked there, the second one replacing the first[30].

30 The position was filled by Daniela FOUTOU MATONGO from 2009 to 2010 and Willy KOMBO from 2010 to 2013.

This working environment is a place for meetings and exchanges both between members and between members and the executive committee. It facilitates a wider understanding of ACEIE's work. This has allowed the organisation to improve its respectability with the various actors, particularly with the administration in charge of the environment, with which the association has built a good working relationship based on mutual trust.

The ACEIE is counting on basing its financial autonomy first of all on membership fees, which have now become regular. It is also counting on alternative sources of funding post-PAANEEAC, thanks to the contribution made by members who have just obtained valuable tools from the workshop on mobilising funds.

4.4.3.2.2. Line of intervention 2: Contribution to improving the legal and regulatory framework of EIA

The principal activity in this line of intervention was seeking to provide the ministry responsible for the environment with a general manual, sectoral manuals, a manual of administrative procedures and techniques and a technical manual for impact studies, in order to flesh out the regulatory provisions of EIA in Congo and improve their operation. The joint project to this end with the Directorate General of the Environment was approved by the NCEA. The contract for producing the documents mentioned above was signed between ACEIE and the consultant on 2 April 2013.

This achievement should allow a frame of reference to be more widely available. It will contribute to remedying the main causes of shortcomings, in particular, the variable quality of presentation of EIA reports by consultants, the poor quality of certain studies conducted by consultancy and research firms, the varying interpretations of the texts governing EIA and of the terminology used.

4.4.3.2.3. Line of intervention 3: Standardisation and optimisation of the synergies of the various capacity-building initiatives in EIA

ACEIE is practically the only association working at national level to promote EIA, besides the administration in charge of the environment and several development partners. This line of intervention is concretised primarily at the sub-regional level by the participation of ACEIE at annual meetings.

These meetings have effectively served as a forum for the national associations to present and discuss their activities. InIn particular, ACEIE participated in the deliberation of strategic directions to take, in order to continue its work in the network of national associations after PAANEEAC.

For ACEIE, which is convinced of the necessity for national associations to ensure the synergy of their work, this line of intervention is of particular importance.

4.4.3.2.4. Line of intervention 4: Raising awareness among the various actors on the importance of EIA and participation in the process

Although several activities can be connected to this line, ACEIE is above all counting on developing relations with the media, in particular following the awareness-raising seminar it held for them, to realise its objectives. Summarises some of our more notable work in this direction related to organising awareness-raising seminars or workshops.

Table 10: Awareness-raising seminars organised by the ACEIE

Topics	Objectives
Feedback workshop and distribution of the results of the workshop on the EGP project	Distribute the results of the meeting/training of Central African Civil Society Organisations on EIA of mining projects, held 26 July to 4 August 2010 in Cameroon, to a larger number of actors
Feedback workshop on the results of the study of environmental standards in force in Congo	Share the results of the study of the situation of environmental standards in force in Congo Brazzaville with the largest number of actors possible
Workshop on surveillance, monitoring, inspection and applying environmental sanctions	Assess the situation, raise awareness, become informed about the system of surveillance/monitoring/inspections/ applying sanctions
'ESIA mapping workshop'	Make participants aware of strong and weak points of the ESIA system in Congo

The impact of these activities could be measured by the use made of the stakeholders of the information made available to them. As an example, we understand that following the workshops on the subject, both thinking and action on making the standards available and activating the environmental inspectorate have speeded up at the level of the administration.

4.4.3.2.5. Line of intervention 5: Capacity building of the various actors

The achievements around this line of intervention concern in particular the organisation of two training sessions:

- 'Starting and managing a consultancy firm in environmental assessment', on 3 and 4 April 2009, aimed at building capacities of professionals in the sector to organise better, in order to produce better-quality EIAs;
- 'Approaches to reviewing ESIA reports' on 4 and 5 April 2012, with the objective of contributing to building competences of the participants in the approaches to reviewing ESIA reports.

The project implementing an information-management system and the EIA procedure, which will improve information management relative to EIA, can be seen as a capacity-building initiative of the DGE.

Through these capacity-building interventions, ACEIE has contributed to improving the performance of the actors concerned in the key phases of EIA: conducting studies, reviewing their quality and questions linked to institutional memory and to access to information.

4.4.3.2.6. Line of intervention 6: Professional organisation, conduct and ethics

No concrete action was implemented that was explicitly intended for the objectives of this line of intervention. However, ACEIE now has a database of expert contacts in EIA which could serve as a point of departure.

4.4.3.2.7. Line of intervention 7: Lobbying for the use of EIA as an instrument of good governance

Indirectly, one could mention the involvement of ACEIE in this line because of its participation in the synergy-of-knowledge project and the provision of education with regard to EIA for mining projects in Central Africa. Indeed, through this channel, the capacities of several NGOs have been strengthened in lobbying and exposing shortcomings around EIA for mining and petroleum projects, both of which are significant economic factors in Congo.

4.4.3.2.8. Line of intervention 8: Studies, etc.

As part of this line of intervention, ACEIE participated in a series of studies programmed as part of PAANEEAC or the partnership with SEEAC, listed below:

- A report on the situation of EIA for mining projects;
- a report on the situation of EIA in judicial and institutional plans;
- an assessment of the situation of environmental standards legally in force;
- the financing mechanisms of governmental tasks connected with EIA.

This line will have allowed elements to be made available to the association that are essential for sustaining it in its mission to promote EIA.

In total, the implementation of PAANNEEAC has given Congo an association capable of contributing to promoting EIA in the country. Its organisation of several awareness-raising workshops and training courses has certainly contributed to building capacity among the various stakeholders in EIA. The association has entered into relationships of trust with the administration in charge of the environment. In this context, it has contributed to improving the quality of regulation and of legislation for implementing joint projects, and is a member of the interdepartmental committee for validating the terms of reference and reviewing EIA reports. ACEIE also seems to be a credible partner to the other stakeholders.

ACEIE intends to rely on this base to secure the necessary means to continue its work after PAANEEAC has ended.

4.4.4. Achievements at the level of ACAPEE

4.4.4.1. Presentation of ACAPEE

The Central African Association for Professionals in Environmental Assessment or ACAPEE was established in 2005 and was given authorisation in July 2008 under law no. 61/233 of 27 May 1961 on associations in the Central African Republic. Intended as a platform of experts in environmental assessment, its principal objectives are: (i) to assess the environmental impacts of socio-economic activities; (ii) promote environmental assessment as a tool in decision making; (iii) guarantee a framework of scientific expertise in environmental assessment; (iv) conduct environmental mediation and; (v) assess the economic effects of environmental degradation.

4.4.4.2. Achievements and impacts

4.4.4.2.1. Line of intervention 1: Creation/consolidation of a framework for professional dialogue

After its launch as an association, ACAPEE elaborated its first Annual Work Plan (AWP) as part of PAANEEAC in 2008, but the AWP activities were only operational during the course of 2009. The time was used by ACAPEE, under the provisions of the contract in the context of this programme, to find and rent office space and hire an office manager.

Since its establishment, ACAPEE has taken every opportunity to introduce itself and air its views and objectives on the national scene. It is also active within the Inter NGO Council in CAR (CIONGCA), working to find synergy with other civil-society organisations; this has raised general awareness of EIA. Among the members of ACAPEE are presidents of environmental NGOs such as the Central African Organisation for the Defence of Nature (OCDN), 'Femmes Forêts Développement' (FFD) and 'Bata Gbako' for Women and Environment. One notable accomplishment is that ACAPEE is now recognised as a key partner of the ministry in charge of the environment and other stakeholders in EIA.

Regarding financial autonomy, ACAPEE has deployed several strategies. It is counting on growth in both the number and expertise of members of the association and thus greater financial contributions. As such, it should be mentioned that from about 10 members in the beginning, the association today has about 50. A portion of the receipts is also expected from contributions to the operations of the national association, set at 0.5% of the value of the studies conducted by the members (the association's governing texts have been modified to reflect this as a result). Likewise, the association is counting on management fees from broad-based projects, with financing from various partners.

In parallel, with a view to diversifying its income, since 2010 ACAPEE has been a member NGO with the Ministry of Planning, which offers it the opportunity for a subsidy from the State of CAR in the amount of 1,000,000 FCFA annually. The order

approving membership was made public on 20 March 2012 under no. 0045/2012/MCIIRF/DIRCAB/DGPD/DDC. In the same vein, the association has also joined the CAR Agency for Vocational Education and Employment (ACFPE) and the National Social Security Fund (CNSS). The membership in the Public Works Agency (AGETIP) was re-launched after October 2012, with the long-term objective of being able to apply for certain benefits that the agency normally allocates to NGOs.

However, the country's socio-economic and political-military troubles during the entire period of the programme had a negative impact on the payment of the expected revenues. Indeed, very few investors were interested in the CAR during the term of the project. Any tenders for environmental assessment that were sent were obtained by foreign agencies, who were not members of ACAPEE and therefore did not have to contribute to funding it. This situation has been aggravated today by the looting of numerous institutions, including ACAPEE's offices.[31]

Thus, the association currently is far from obtaining the annual income of 6500 Euros needed to sustain its operations according to the provisions of the financial autonomy timeline worked out at the beginning of the programme. However, the ACAPEE is continuing to refine its strategies, so as to be ready to optimise its income as soon as circumstances permit.

4.4.4.2.2. Line of intervention 2: Improving the legal framework

One of ACAPEE's most remarkable achievements must be its support to the ministry in charge of the environment in its elaboration of legislation relevant to environmental assessment, implementing the Environmental Code, law no. 07.018 of 28 December 2007. Thus, in the framework of PAANEEAC, ACAPEE mobilised the necessary financial resources and expertise. These legislative projects are in place today, and are only awaiting signature by the Chief of State. They relate to the Strategic Environmental Assessment Decree, the Environmental Impact Study Decree, the Environmental Audit Decree and the Public Hearing Decree.

After these laws are signed, the next major challenge will be to inform the stakeholders of their implementation. ACAPEE is fully counting on playing its assigned role during this phase.

31 Following this tragic event, the ACAPEE received a special PAANEEAC subsidy to help it adequately set up and equip the offices again.

4.4.4.2.3. Line of intervention 3: Standardisation and optimisation of the synergies of the different capacity-building initiatives in EIA

At national level, ACAPEE has continued to compile a list of relevant seminars and workshops being held in the country, the idea being to have elements which could direct the discussion on standardisation. At sub-regional level, ACAPEE also participates in the annual meetings organised by SEEAC, with one of its objectives to take other associations' work into account in its planning.

This activity contributes to strengthening the relationships between ACAPEE and the other actors in the EIA process at the national and sub-regional levels.

4.4.4.2.4. Line of intervention 4: Raising awareness among the various actors on the importance of EIA and participation in the process

One of the highlights of this line of intervention will have been the organisation of the awareness-raising seminar for journalists in EIA, held from 21-22 August 2013 in Bangui. There is no doubt that these journalists, who resolved to form a network revolving around promoting EIA, will play an important part in helping the different stakeholders become more aware of EIA.

Another principal activity of this line is the meeting of decision makers in 2009, which brought together the directorates general of the ministries involved in environmental governance. The meeting was an opportunity for exchanges on topics related to EIA, in order to help improve the integration of environmental and social considerations in development programmes and projects.

ACAPEE also was co-organiser (along with SEEAC) of the 2012 annual meeting, with the theme 'The State of Environmental Assessment in Central Africa'. This event, which brought together about 50 participants, was one of the great moments in raising awareness among the different stakeholders in EIA in the CAR over the course of the year. In particular, it was another opportunity to urge the timely signature of the EIA legislation implementing the law of the environment by the members of the government who took part in the opening ceremony.

The organisation of the 'awareness-raising seminar on surveillance, monitoring, inspection, applying sanctions and compliance' on 20-21 September 2012 was also among the awareness-raising work of ACAPEE.

In total, it is agreed that the number of actors better informed about EIA is growing thanks to the work of ACAPEE.

4.4.4.2.5. Line of intervention 5: Capacity building among the actors

In this regard, we would like to mention the organisation of two training seminars:

- 'Setting up and managing a consultancy firm in environmental assessment' on 17-18 December 2010, the objective of which was to make strategies and methods for setting up and managing EIA consultancy firms available to the participants;
- 'Training members for an effective EIA system' on 22-23 April 2011, aimed at providing participants with proper procedures to ensure the effectiveness of an EIA system.

The impact of these trainings can be measured in the improvement of contributions from the managers trained at the different phases of EIA. Training the managers involved in the different meetings for validation of the laws implementing the Environmental Code has resulted in an observable improvement in the quality of texts reviewed. The performance of the interdepartmental EIA validation committee has also improved for the same reasons.

4.4.4.2.6. Line of intervention 6: Professional organisation, conduct and ethics

No work of note was carried out in this line of intervention.

4.4.4.2.7. Line of intervention 7: Advocacy and lobbying for the development of EIA

Whenever the opportunity presents itself, the association always finds ways to talk with public and political authorities on issues related to EIA. Thus on 26 May 2012, the president of the association met with the environmental officers of the Prime Minister's office to talk about the importance of signing the laws implementing the Environmental Code. On this occasion, the documents needing the Prime Minister's signature were delivered personally.

In the same vein, letters were sent to the main ministries involved, in particular Planning, Mines and Energy, Urbanism, Planning, Equipment, Habitat and Agriculture, to encourage their support for the speedy elaboration of the laws implementing the Environmental Code.

In addition, as a member of the CIONGCA, ACAPEE plays an important part in the consideration of issues around indigenous populations. It is also a member NGO of the environmental platform RONGEDD (Network of Environmental and Sustainable Development NGOs). Belonging to these networks has allowed it to carry out mass actions, as well as environmental advocacy and lobbying. As one of the NGOs supervising the uranium-mining operations in Bakouma, one of its most meaningful actions was the open letter from these NGOs to the National Ombudsman, demanding that the EIA report by the AREVA Company be made public.

These actions contributed to the establishment of a separate ministry in charge of the environment in 2009, and to its recognition by all actors as the leader in the environmental assessment procedure. The integration of environmental issues, in particular through EIAs for development projects, is today enshrined in the second Poverty Reduction Strategy Paper (DSRP II) of the CAR.

4.4.4.2.8. Line of intervention 8: Studies, etc.

Like all the national associations benefiting from PAANEEAC, ACAPEE has contributed, on behalf of the CAR, to studies of the financing mechanisms of governmental tasks connected to EIA and to those on the situation of environmental standards legally in force. These studies underscored the limitations of the country in these different areas, and have pushed those concerned to commit themselves to work towards improving the situation.

To sum up, the implementation of PAANEEAC will have permitted ACAPEE to carve out a place for EIA in discussions of development issues in the CAR, despite a socio-political context marked by armed conflict. In the beginning, ACAPEE's activities were seen as obstacles to investment, or even as manoeuvres by politicians wanting to tarnish the reputation of the government. Thanks to the convergence of these interventions with those of certain funding bodies such as the World Bank and the ADB, this suspicion has been allayed somewhat.

The increased awareness among the national authorities, and the other actors involved, of the necessity of sustainability of development, and the presence of draft implementation laws on environmental assessment are achievements that can be built on. The efforts by ACAPEE, with the support of its partners, should result in even more information, education and awareness of EIA among a wider public.

4.4.5. Experience of APEIER

4.4.5.1. Presentation of APEIER

The Association for the Promotion of Environmental Impact Studies in Rwanda (APEIER) was founded in 2006 and obtained provisional accreditation on 20 July 2009. Its ambition is to promote the use of environmental assessment as an instrument in sustainable development and good governance for all development projects, programmes and policies carrying risks for the environment of Rwanda. In particular, it aims to help with implementing the recommendations issued in the EIAs. In this context, APEIER is working to build capacity among its members and those of Rwandan local government associations, by organising training sessions on techniques for collecting and analysing environmental data, assessing the state of the environment, methods of raising public awareness of the importance of EIA and of environmental inspection.

In general, the association intends to become well-known because of its capacity to promote a socio-economic development based on knowledge and expertise of national EIA experts with an effective involvement of the public at all phases of an EIA.

APEIER has only been eligible for support from PAANEEAC since 2009, when it was awarded its provisional accreditation. Difficulties in the organisation's internal operations limited its ability to take advantage of the opportunities offered by this support. Not until in 2011, after a change in management, did APEIER begin to implement the activities set out in its work plan for 2009-2012 with any regularity.

4.4.5.2. Achievements and impacts

4.4.5.2.1. Line of intervention 1: Creation of a framework for professional dialogue

APEIER has an equipped office and an office manager to ensure the smooth operations of the association. The office has a library with relevant books and legal documents.

APEIER has 40 members who participate to one degree or another in the association's professional life. This involvement, which in itself is a motivating factor for these members, takes the form of regular monthly contributions, active involvement in training activities, contributing to preparing projects for mobilising the necessary funding to take it towards financial autonomy, etc. The member-recruitment strategy put in place favours qualifications, dedication and experience. The principal places for recruitment are still universities, public administration, consultancy firms and environmental NGOs.

Besides the membership fees from members and facilitation measures from PAANEEAC in 2013 designed to contribute to APEIER's financial autonomy, its strategy in this area is based on the development of fee-based courses for different groups of actors. It also considers the improvement in partnership relations with the public authorities and district services, which paves the way to the joint elaboration and implementation of environmental-protection projects, a potential source of substantial income.

4.4.5.2.2. Line of intervention 2: Improving the legal framework

APEIER's strategy in this area has consisted of contributing to a greater knowledge of the laws/regulations and existing mechanisms by the various stakeholders, who will thereby be better able to identify needs for improvement. A version of the computerised information management system about environmental assessment and of its user's manual in Kinyarwanda, the national language, were prepared and implemented by the association jointly with the Rwanda Development Board (RDB).

4.4.5.2.3. Line of intervention 3: Standardising capacity-building initiatives in EIA

At national level, APEIR has not fully invested itself in this line of intervention, its priority being to consolidate its place among the principal actors involved with EIA.

At sub-regional level, APEIER's participation and contribution since 2009 to the annual SEEAC meetings offered the opportunity to standardise its work plan with those of other national associations of the sub-region and of SEEAC.

4.4.5.2.4. Line of intervention 4: Raising awareness of actors on the importance of EIA and participation in the process

The national seminar on surveillance, monitoring, inspection and applying sanctions, held on 5-6 July 2012 in Kigali in collaboration with the Ministry of Natural Resources of Rwanda, the Rwanda Development Board (RDB) and the Rwanda Environmental Management Authority (REMA), should be mentioned in this area. It had about 20 participants from various institutions in charge of environmental inspections, such as the Rwanda Natural Resources Authority (RNRA), the Rwanda Bureau of Standards (RBS) and the National Police.

The nature of the seminar participants and the relevant recommendations which came out of it illustrate its interest. Among other things, these recommendations involved: (i) listing in detail the procedures to be followed in order to properly conduct inspections; (ii) clarifying the authorisations of the institutions in order to standardise their work; (iv) developing and making accessible the environmental standards in all sectors and (v) putting in place a national network of accredited inspectors.

4.4.5.2.5. Line of intervention 5: Capacity building of the various actors

As part of this line of intervention, APEIER organised several training courses. Their themes and objectives are shown in below.

Table 11: Capacity-building courses organised by the APEIER

Topics	Objectives
'How to assess the quality of an EIA report'	Build capacities of the participants in assessing EIA reports
'How to write and present an EIA report'	Build technical capacities of the participants in producing an EIA
'Developing an effective EIA system'	Build capacities of the participants in understanding an EIA system and its possibilities for improvement
'Scoping'	Build capacities of the participants in scoping

In total, even including the possibility that some participants took part in more than one of these courses, an estimated several dozen professionals were involved, with a possible multiplier effect. Their diverse backgrounds give rise to the hope to have actors at different stages of the process who, thanks to these courses, will have received some tools and information that can contribute to improving their performance in EIA.

4.4.5.2.6. Line of intervention 6: Professional organisation, conduct and ethics

There was no notable work in this area.

4.4.5.2.7. Line of intervention 7: Advocacy and lobbying for EIA as an instrument of good governance

In this area, we should mention APEIER's participation in the synergy-of-knowledge project and the provision of education with regard to EIA for mining projects in Central Africa, one of the objectives of which was building capacities of CSO participants in lobbying and exposing non-compliance.

During the feedback meeting organised to this end, the idea was envisaged of creating a framework for encounters between civil society and governmental agencies concerned with environmental management of mining projects.

4.4.5.2.8. Line of intervention 8: Studies, etc.

Like other national associations benefiting from the support of PAANEEAC, APEIER participated in studies coordinated by SEEAC, including:

- The study of the state of the legal and institutional frameworks for EA in Central Africa in 2012;
- the study of the state of environmental standards legally in force in 2011;
- the national studies on the mechanisms for financing governmental tasks connected with the process of EIA in 2013.

These studies, which were conducted in a participatory fashion and included feed-back workshops after which the different stakeholders elaborated work plans, will have contributed to greater awareness of and commitment to improving Rwanda's EIA system.

To sum up, in its nearly three years of effective participation in PAANEEAC, APEIER cannot claim to have achieved all its objectives. Our review of the accomplishments leads us to conclude that APEIER is on the right track, but must make great efforts to survive and ensure the sustainability of the activities it has initiated once the PAANEEAC programme has ended. The perceptible improvement in relations with the administration responsible for EIA and the gradual positioning of APEIER as a heavyweight actor in promoting EIA in Rwanda are nonetheless encouraging signs.

Summary of gains and lessons learnt from PAANEEAC

To conclude this chapter, and without trying to assess the programme itself,[32] we will evaluate the level of achievement of the four specific objectives and the global objective of the programme, and will discuss some of the lessons learnt from the programme.

Concerning the objective of contribution to coordinating initiatives for building capacity, for dialogue and for promoting professional ethics and conduct, it seems that thanks to the creation and consolidation of functional working environments, the national associations and SEEAC have made spaces available, in particular setting up a physical and virtual framework for work and for exchange, which has allowed them to substantially increase their visibility and credibility. As a consequence, membership has increased and relations have improved with other high-level EIA stakeholders such as the administration responsible for the environment. Securing the resources necessary to maintain this framework post-PAANEEAC remains a challenge. Progress has been less remarkable in setting up societies of professionals. Similarly, although there was visible standardisation and synergy at sub-regional level, between the various initiatives of the national associations at the annual meetings of SEEAC, the level of effort to create this dynamic at national level proved to be insufficient in the countries where it is acknowledged to be necessary.

For the specific objective of contribution to improving the legal, regulatory and organisational framework of EIA, even if PAANEEAC cannot claim to be the only factor underlying this improvement mentioned in chapter 3, it would not be an exaggeration to say that it has contributed in no small way, at the very least through the awareness-raising and capacity-building work that it has made possible. Likewise, through joint projects with the respective administration(s) responsible for the environment and the national associations, some concrete aspects have improved, such as writing procedural manuals. The discussions of the studies aiming to increase awareness of the need for 1) a complete set of national environmental standards legally in force and 2) an adequate financing mechanism for managing the EIA procedure effectively have yet to bear the fruits expected.

With regard to the specific objective of contributing to building capacity of all the actors in EIA, it can be said, considering the improvement in performance of the various actors in EIA discussed in chapter 3, that this objective has been achieved, of course without claiming that this achievement is solely attributable to PAANEEAC. Nonetheless, its contribution is far from negligible if we take into account all the work done in the area of training in the context of PAANEEAC. The lack of a system

32 Interested readers are asked to consult the document through the websites of the NCEA www.eia.nl and SEEAC www.seeaconline.org

for managing and coordinating information about EIA continues to be a weak link in the systems, while the joint projects related to it, between the national associations and the administration responsible for the environment, are starting to have some effect.

Of all the specific objectives, the fourth, dealing with the promotion of EIA as an instrument of good governance, is the one that appears to be the least successful. Indeed, the results from the comparison of EIA mapping of the countries discussed in chapter 3 show little progress in this area. Although we can observe a few positive signs in the public nature of the procedures related to environmental assessment, the decision-making procedure for environmental authorisation is still a black box for every country. The public is not involved in making decisions, and the decision-making criteria and decisions are neither documented nor published. The knowledge of the laws/regulations by a wider public is improving but is still relatively poor. Some anecdotal examples, such as the demand by civil society NGOs in the Central African Republic for the publication of the EIA report of the AREVA project, nonetheless demonstrate that with time, there may be an increase in incidents exposing non-compliances with good governance in the area of EIA.

Generally, it can be said that we are on the right track to achieving the global objective of PAANEEAC, which was to allow the national environmental assessment associations to make an effective contribution to the development of EIA as an instrument for promoting good governance and sustainable development, and combating poverty. However, it is clear that efforts should be intensified in several areas to develop certain indicators, such as the number of projects still failing to undergo the procedure, or even more fundamentally, the contribution of EIA to improving projects in terms of sustainable development.

The lessons learnt, listed below, can help to better understand the programme and its conditions for participants, and provide perspective for evaluating the levels of achievement for the objectives just presented.

- The core financing, which allowed the associations to set up and equip offices, install communication facilities and hire an office manager, has been acknowledged as a determining factor for the continuity of the work begun under PAANEEAC. It is regrettable that office managers could not always be kept on longer, in view of better capitalising on the experience they acquired over the course of the programme.
- The area of intervention of the national associations and SEEAC deserves to be better regulated. PAANEEAC was staffed by members of the national associations working on a voluntary basis, who were also busy with their regular work. Although there are advantages, both direct and indirect, to

be found in this kind of member involvement, the approach clearly had its limits, since as the workload increased, it became increasingly difficult to count on volunteer help. Given that these are not-for-profit associations, the limits to what can be asked are not clear. In addition, it was apparent that the work that the national associations or SEEAC could commit to without compromising the necessary neutrality and credibility vis-à-vis their members and with their partners, also had vague boundaries. For example, under what conditions can the associations and SEEAC commit themselves as such to working on contracts without causing conflicts of interest and a climate of suspicion between the members?

- Putting PAANEEAC in place required some time and a substantial mobilisation of administrative and technical support extending beyond providing the necessary financial assistance. The appraisal of the programme took nearly three years. Although it was approved in 2007, it was not until 2009 that most of the associations began to benefit from funding, having needed two years to fulfil the relatively basic contractual obligations. The start of the real operational phase can be set in 2010-2011, two years before the programme ended. Even the extension of the programme until 2013 did not make up for the time lost at the start-up phase. Beyond its provision of funding to the associations, the NCEA was continually providing technical support to the associations: working visits, regular exchanges over the internet, proofreading of drafts and reports, bringing in experts to teach courses, monitoring of financial management, etc. Sharing the coordination of the programme with SEEAC will have allowed the network to better internalise the benefits of this closer supervision.
- Membership in SEEAC network gave added value to the operations of the associations. SEEAC seemed a veritable family, whose different members (the countries) shared concerns and interests centred around common goals, which facilitated joint efforts. The annual meetings, also attended by the respective country administrations, were valuable opportunities for discussing the ups and downs of the associations and learning from the experiences of others. The exchange of information over the internet between associations, and between the associations and SEEAC, frequently helped in the consolidation of reports or other documents.
- The direct collaboration with the administrations was a factor for effectiveness. The fact that PAANEEAC integrated the national associations' way of working, which makes the collaboration with the administration a way to facilitate channelling suggestions for improvement, turned out to

be very useful. There was a departure from the stereotype of a civil society systematically opposing the public powers, and a move towards a civil society that gets results through persuasion. This attitude, which has not prevented the national associations from pursuing their objectives, still requires effort and additional time to accommodate the often-full schedules of the administration's managers. The setting up of the RACEEAC is a good illustration of the positive results of this collaboration.

Chapter 3 discussed the evolution of EIA systems in the countries concerned in Central Africa, and chapter 4 discussed the approach of PAANEEAC. To conclude, chapter 5, taking into account the limitations on the institutionalisation of EIA brought up in chapter 2, outlines a few ideas for the future of EIA systems and for building capacity in the area in Central Africa.

Chapter 5

Perspectives for evolution and capacity building in EIA in the Central African countries

Dieudonné Bitondo

The dual objectives of this book were to describe the evolution of national EIA systems in the Central African countries concerned over the course of the last six years, and to make the best use of all the achievements and the lessons learnt from the PAANEEAC programme, in order to help improve the design, elaboration, implementation and monitoring of approaches to capacity building in environmental assessment.

It seemed important to examine the prospects for the evolution of EIA systems and EA capacity building in Central Africa on the basis of the current situation, the factors affecting evolution, and the achievements and lessons learnt from PAANEEAC. We will first summarise the prospects for evolution of EIA systems in the form of a SWOT analysis (strengths, weaknesses, opportunities and threats) based on a comparative assessment of the mappings of 2005-2006 and 2013, and then propose some directions for future capacity-building programmes based on the lessons learnt from the PAANEEAC approach as discussed in the conclusion of chapter 4.

Keeping in mind the contextual particularities of these countries and the sub-region as a whole, the analysis of the evolution of EIA systems of the Central African countries leads us to consider a certain number of elements in the SWOT analysis:

The principal *strengths* appear to be developing and involve the existing legal and institutional frameworks related to EIA. There is a satisfactory level of access to the legal texts, and the procedure is becoming increasingly recognised by the wider public. The practice of EIA is also progressively tried and tested, in certain circumstances even going beyond the legal requirements. A community of practice is being created and structured. In general, the capacity and performance of the professionals are improving at almost every level. Studies related to EIAs are available and a database of EIA professionals is being constructed.

The *weaknesses* in EIA are the result of a combination of factors that produce a poor quality of both information and the decisions arising from the process. Among these weaknesses, and differing in degree by country, are the inadequacy of the implementation laws, standards and directives, and the lack of clarity or precision in some specifications in the existing texts. One of the more notable points is the lack of an explicit separation between the technical decision validating the information in the EIA report and the political decision granting environmental authorisation, which puts pressure on the procedure and weakens it. The transparency of the decision-making process also remains problematic. The competences of the actors and the institutional capacity, although improving, still cannot adequately handle the requests, as they are both growing in number and becoming increasingly complex. This is reflected predominantly in the quality review of the reports. Professionals in the countries concerned have not attained the desired level of organisation, where they have a significant influence on the practice. Weak institutional memory is a persistent handicap, although solutions are beginning to emerge. The relatively limited financial resources are particularly impacting the effectiveness of monitoring.

The *threat* that most classically comes to mind in the current context of global-scale privatisation is the emphasis on liberal economics, which is not always favourable for sustainable management of the environment in general. In a context of poverty, there is an observed predominance of short-term political and socio-economic arguments over the arguments of sustainability promoted by EIA. The public perception that EIA is a factor that hampers investment in a country, and thereby limits the socio-economic benefits for local populations, may be affecting the level of support for the process. The lack of observation of rules and ethical codes, which creates the perception that EIA is merely an administrative formality, could affect the credibility of the process in the long term. Requesting so much engagement from the public while not considering them in the final decision may also cause them to be disaffected with the process. One of the most significant threats concerns the unstable socio-political and security situation, which could put aspects of sustainable management on a back burner, as currently seems to be case for the CAR.

Fortunately, there are still numerous *opportunities* for EIA systems in Central Africa to evolve. A very important one is EIA's potential to genuinely function as an instrument of good governance and as an integrating factor in the process of developing aspects of sustainable development such as biodiversity, sustainable land management, gender issues, indigenous populations, transparency in the management of natural resources, and climate change. EIA remains an essential element in approaches envisaging the contribution of business to sustainable development through certification for standards such as the ISO 26000 for social responsibility or ISO 14000 for environmental management. In addition, the investment codes for the countries studied require that investors conduct an EIA if they are to benefit from the advantages these codes provide. There is still strong pressure from the

international community to use environmental assessment in development projects carrying a potential environmental risk, such as mining and petroleum projects. The openness of administrations to working with professional organisations, whether at national or international level, offers a promising opportunity for EIA to develop in Central Africa.

In view of the above, it would seem that all in all, good fortune lies ahead for EIA, provided it can fulfil its potential, and the capacity-building initiatives in EIA in Central Africa will certainly help it along this path.

'Capacity' must be understood as the aptitude for performing one's duties, solving problems, and setting and achieving goals. In a nutshell, it is the way in which a society organises itself, and the evolution of its will, vision, cohesion and values over time (Ayeva, 2003). Whether we refer to 'capacity development', which implies some existing capacities, or pure 'capacity building', which teaches new capacities, its application to EIA inevitably refers to a complex process of interactions. It is also a systematic approach, one which would be worthwhile to use more often. Capacity building is conceived of as a multi-level intervention involving multiple actors, in the processes, connections and relations of power. This approach was explained by Bolger (2000) and cited by Ayeva (2003), who suggests four levels of capacity (individual, organisational, sector/network, and the enabling environment), and underlines the necessity of being familiar with and being able to work on the relationships between these levels.

In this context, we would like to mention several points for attention in current and future capacity-building programmes:

- Capacity-building programmes must rely on a proper analysis of the context and needs since, as Koassi states, (2001) 'one cannot think of intervening correctly and adequately in the area of building capacity in environmental assessment without first thoroughly getting to know what exists, what is happening, what the needs are, and which of these needs are the priority for the users'. In this case, EIA mapping, which is continually improving, with results now available for a good number of the Central African countries, could serve as a basis for the needs assessment. The NCEA has committed itself to remaining available; if need be, they will continue to help the countries concerned in the implementation of this instrument.
- Capacity-building programmes in EIA must be part of an adaptive approach, one that is attentive to contextual particularities, given that the procedure is under constant pressure from the actors to reorganise the spaces of negotiation. Whether one decides to act at the level of the legal and institutional framework or the level of practice, putting an emphasis on administrative authorities, project developers, consultancy firms, local communities, NGOs or professional associations, it is important to keep in mind the perceptions of both the target group and others who are part of the EIA system.

- Perhaps more than any other area, Central Africa lacks data for supporting research on the evolution of systems, not only in terms of practice and factual information, but also from the more fundamental point of view of the theory and internalisation of the concept. Capacity-building programmes, which have a tendency to work in a vacuum, must concern themselves with contributing to pooling the data resulting from their experiences. This effort to synergise the initiatives in a context of increasingly scarce resources for building capacity is acknowledged as being essential for achieving meaningful results.
- Building capacity in EIA must keep in mind both the end and the means. There is a tendency to focus on the former without sufficiently integrating the latter. The experience of PAANEEAC has shown that the two must go together. It is known that the national associations and SEEAC, despite their goal of promoting EIA, cannot do so without a minimum of organisation and professionalism, which should not only sustain their work but lend them credibility with the other actors. Thus it is part of a long-term process. It is therefore important that the relevant EIA actors in the sub-region integrate the necessity to contribute to the maintenance and long-term viability of the seedling which PAANEEAC has sown and nourished.

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Annex 1: Summary of criteria used in the 2013 EIA mapping

Annex 1.1 – Criteria for analysis of conducting and approval of the EIA report, in terms of governing texts and practice

Direction	Description	
	Texts	Practice
Legal texts	Presence and comprehensiveness, clarity; coherence	Access to texts, dissemination and knowledge of the laws/regulations by the different groups of actors
Coverage/ Screening	Percentage of investment projects legally requiring EIA, percentage of sectors covered, distinction between private – public – international projects, quality of the screening procedure (judgement: soundness, transparency, involvement of the inspectorate)	Applying the results of screening, or the number of EIAs that should be done vs. the number actually done, per category (public-private-international)
Scoping	Existence of guidelines: solid basis for scoping; request for information in advance, description of the procedure, requirement for ToRs; use of expertise/involvement of the inspectorate/independence (formulation, assessment); specific ToRs / focus on significant impacts	Percentage of cases where: scoping was done, there is a report, site was visited; percentage of cases where: advice was sought from sectoral authorities or inspectorate; judgement of the quality of the scoping documents / correct focus of the EIA
Quality of EIA	Requirements for report to contain elements of sustainability, description of alternatives (different categories), qualitative vs. quantitative data and support mechanisms /ESMP Requirements for quality of interventions of developer: certification of consultancy firms, use of required prediction/ comparison methods, integration of public opinion, mention of any knowledge gaps, additional research	Judgement of quality: of content, EIA writing team and clarity /presentation of EIA report
Review	Requirement during the review procedure , criteria, focus on appropriate impacts for decisions, use of adequate/independent expertise /involvement of the inspectorate and publication of the review report / recommendations for conditions	Percentage of cases with a review report/ on-site visit, existence of a link between the scoping/compliance and policies / standards; judgement of the quality of the review reports and conditions on the certificate; use of external expertise for review /wording of conditions on certificate
Monitoring impacts	Requirement for monitoring the impacts of the project, how to do it, who will do it? Requirement for use of methods for predicting effects – not surveillance!	Percentage of cases of responses to the monitoring report by the responsible authority, requirement to submit monitoring reports/completed, visits /use of outside experts

Annex 1.2 – Criteria for analysis of the decision-making process and of environmental compliance in terms of texts and practice

Direction	Description	
	Texts	Practice
Legal texts	Presence and comprehensiveness, activities requiring a permit, competent authorities and necessary information	Access to texts, dissemination and knowledge of the laws/regulations by the different groups of actors
User-friendliness	Presence of a 'one-stop' office and support for the developer, level of paperwork/ bureaucracy, setting of deadlines	Statistics on number of places to visit and forms to complete for each decision to be made, availability of a helpdesk, judgement of the service mentality of the authorities
Public nature of the procedures	Requirement to publish the intention to make a decision, decision making in public hearing, requirement to publish the decision	Statistics on number of announcement and subsequent publications of decisions, number of public hearings
Participation in decision making	Requirement for public participation at the different phases	Process of public participation at the different phases
Decentralisation of decision making	Decentralised decisions about certification and sanctions	If there is decentralisation, are financial resources, adequate managers, specific training courses for the decentralised authorities, and external expertise all available?
Democratic oversight	Establishment of democratic controls, joint decisions or not, decisions made by elected body or not	Statistics on the number of questions from Parliament, for each decision
Transparency / justification	Legal obligation for decisions to be well justified (certificate, sanctions), use of participation and outside expertise	Percentage of decisions on environmental certificate / administrative sanctions, with written justification, as well as the use of public comments and judgement of the soundness of the justification
Mediation	Provided for, accessible and affordable	Statistics on the number of procedures emerging from each decision and the number of revisions after mediation
Administrative and legal redress	Provided for, accessible and affordable	Statistics on the number of appeals for redress after each decision and the number of revisions afterwards
Monitoring and compliance	Texts ruling on monitoring and compliance: objectives, responsibilities, procedures and use of the results; texts ruling on the accreditation of inspectors and effective deterrent nature of sanctions	Statistics on monitoring (number of available monitoring reports, percentage of reports reviewed by the competent authority, percentage of reviews of conditions for environmental certificate) and on inspection (number of available inspectors, judgement of their qualifications, percentage of accredited inspectors, judgement of availability and use of qualified laboratories, number of inspections, sanctions, irregular cancellations of sanctions)

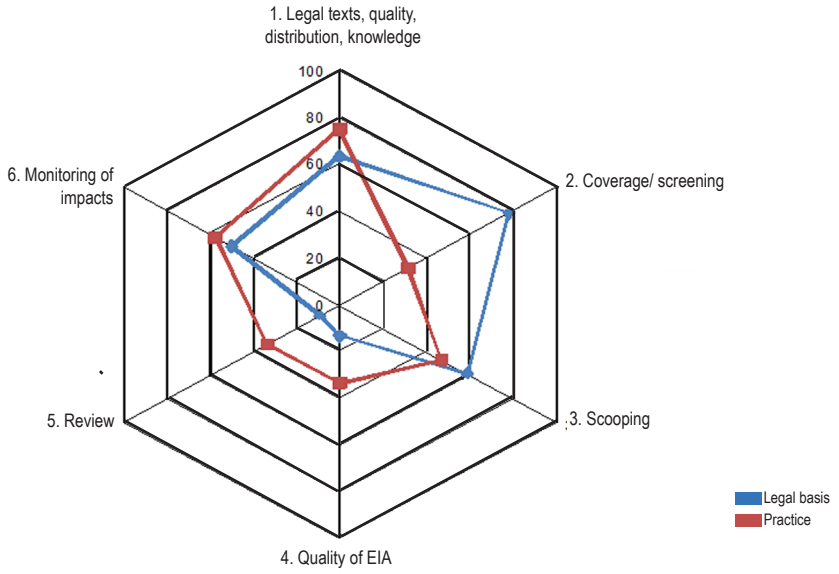
Annex 1.3 - Criteria for analysis of the financing of governmental tasks in the EIA procedure

Direction	Description
Financing of structural governmental tasks in EIA	The texts provide for the financing of governmental tasks related to EIA
Financing of frameworks and operations of the EIA authority	Means available to the Directorate of the Environment
Adequate financial provisions for hiring outside expertise	Existence of the means for recruiting any necessary consultants to support Directorate of the Environment in aspects related to EIA
Adequate financial provisions for EIA of government projects	Do the public administrations allocate budgets for conducting studies for government projects?

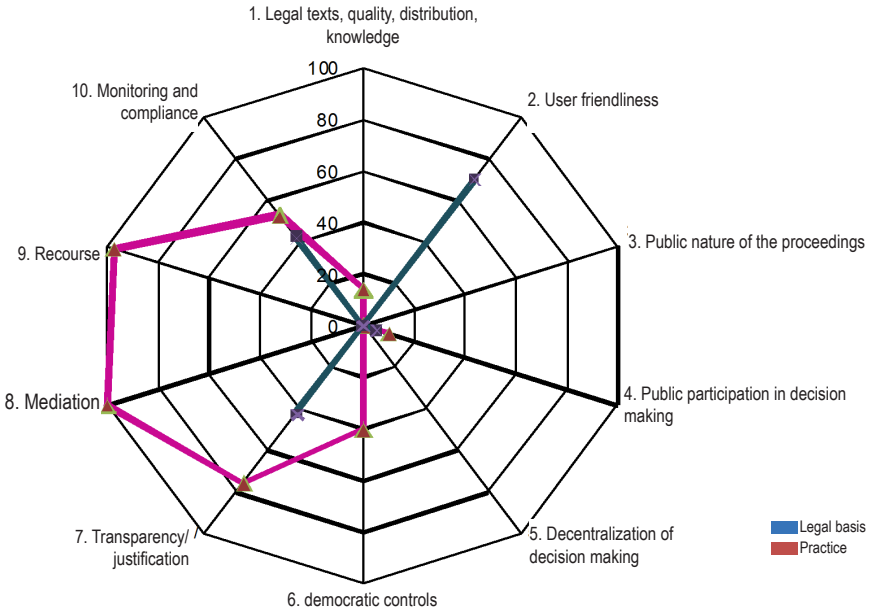
Annex 1.4 - Criteria for analysis of the expertise development infrastructure in EIA

Direction	Description
Education	Do the texts regulate education in EIA? Are there specialised degree programmes in EIA?
Network for professional exchanges	Do the texts regulate membership in EIA networks? Does the administration responsible for EIA belong to a network?
Support	Do the texts require that guidelines be available? Are there manuals for EIA?

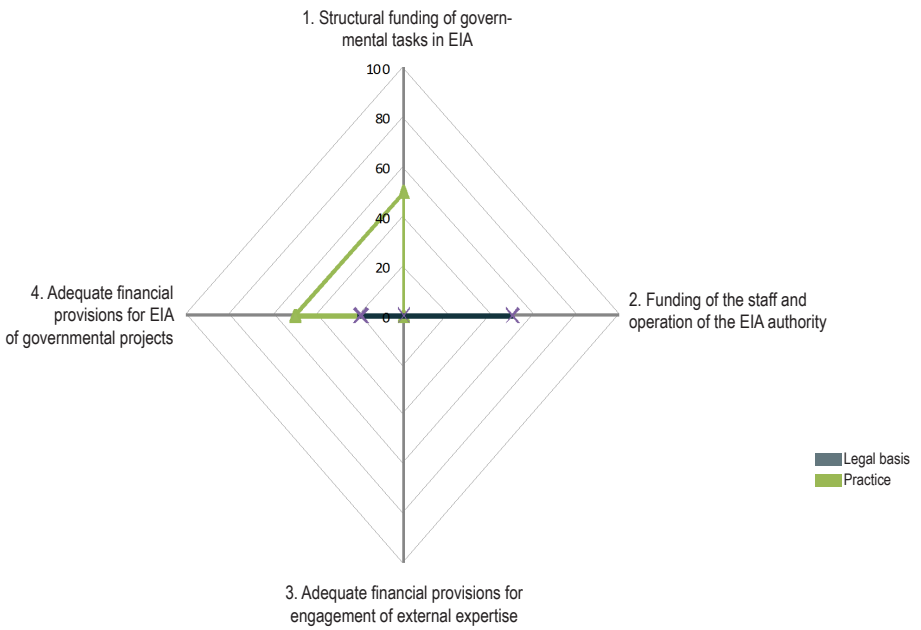
Annex 2: Results of EIA mapping of Burundi in 2013



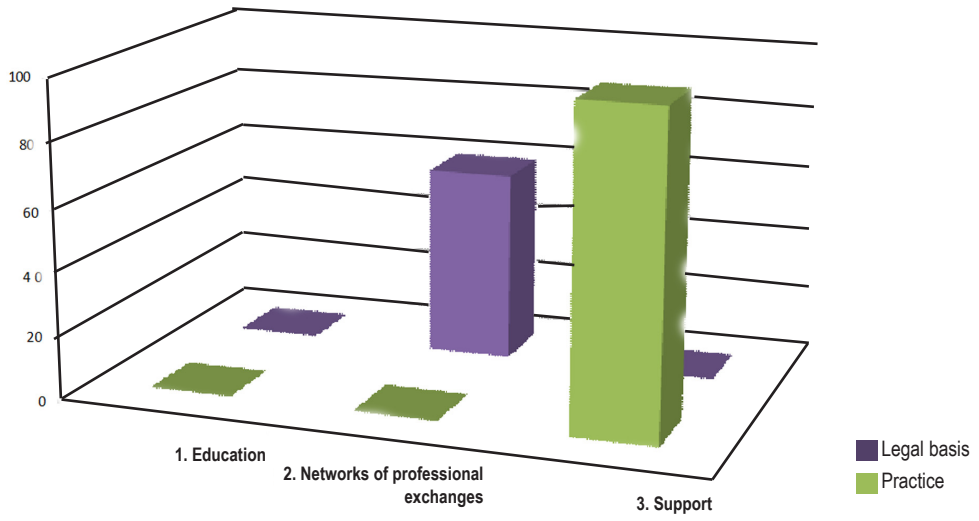
State of the EIA procedure in terms of legislation/regulations and practice in Burundi



State of the decision-making process in terms of legislation/regulations and practice in Burundi

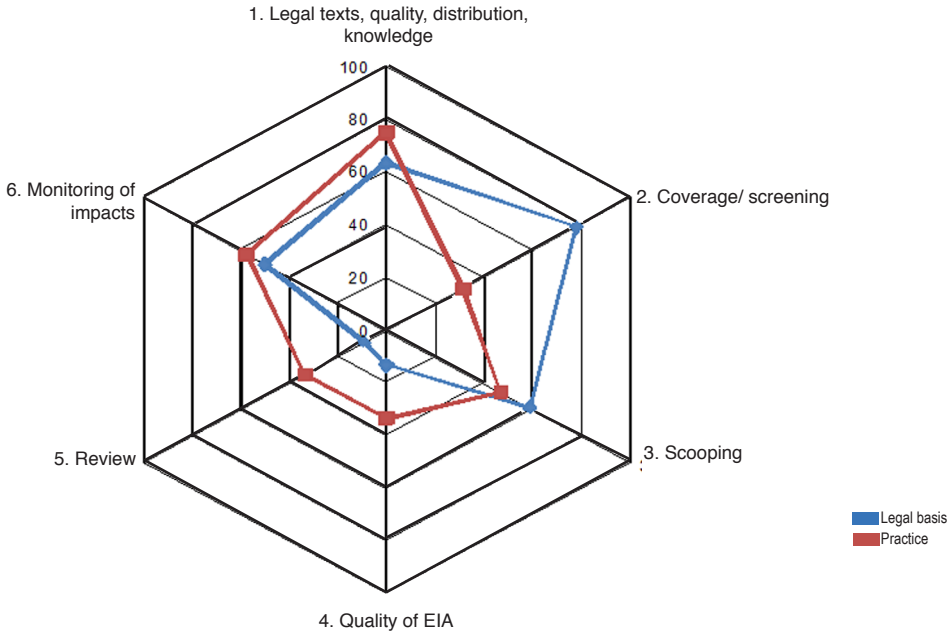


State of the decision-making process in terms of legislation/regulations and practice in Burundi

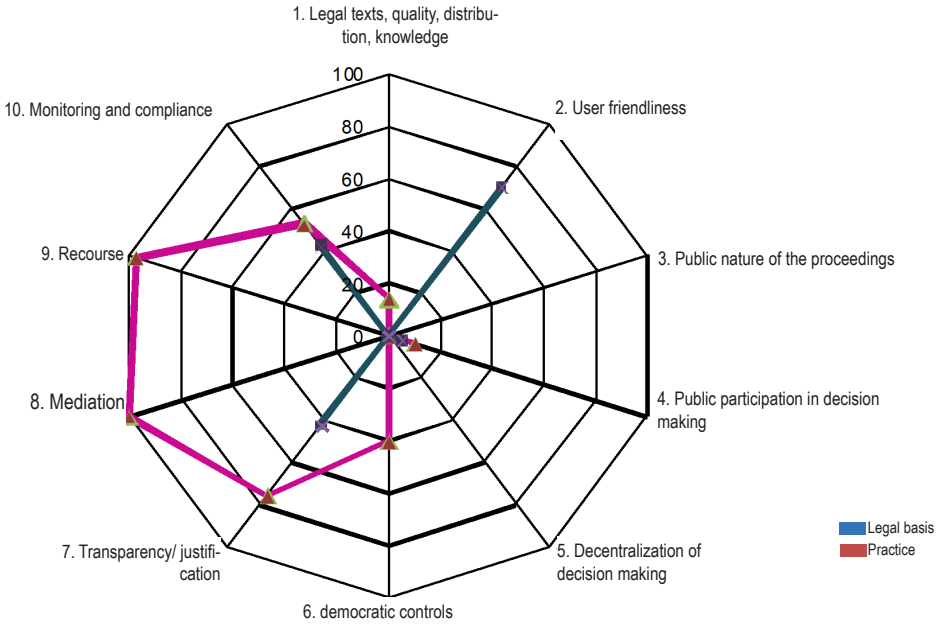


State of the decision-making process in terms of legislation/regulations and practice in Burundi

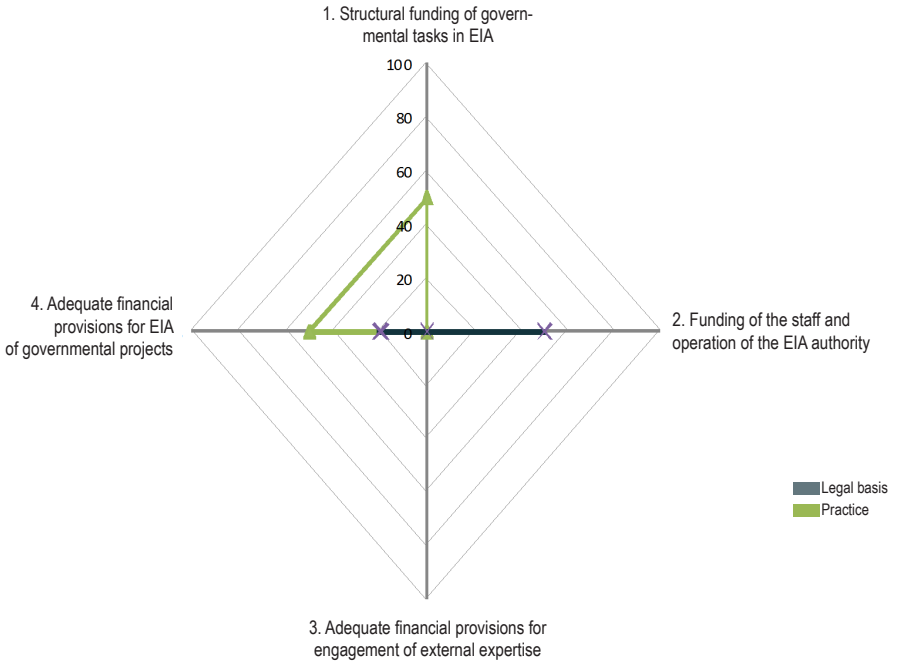
Annex 3: Results of EIA mapping of Cameroon in 2013



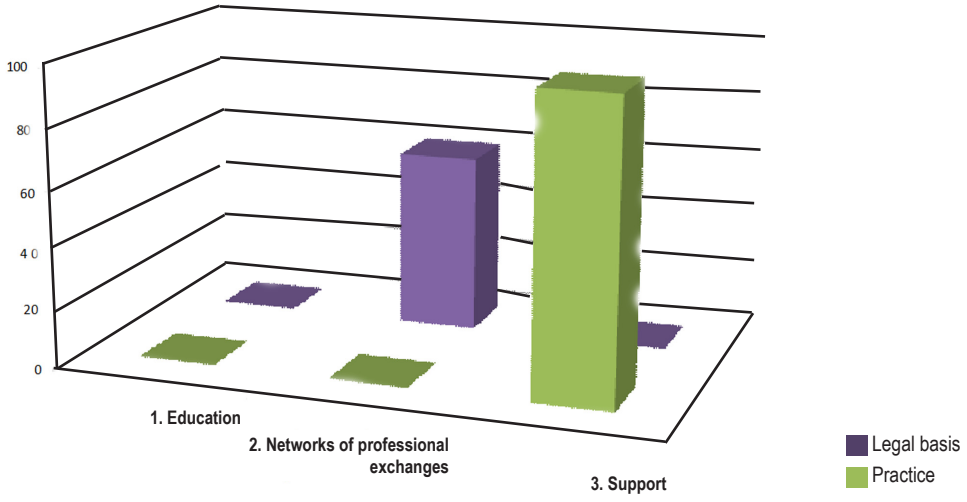
State of the EIA procedure in terms of legislation/regulations and practice in Cameroon



State of the decision-making process in terms of legislation/regulations and practice in Cameroon

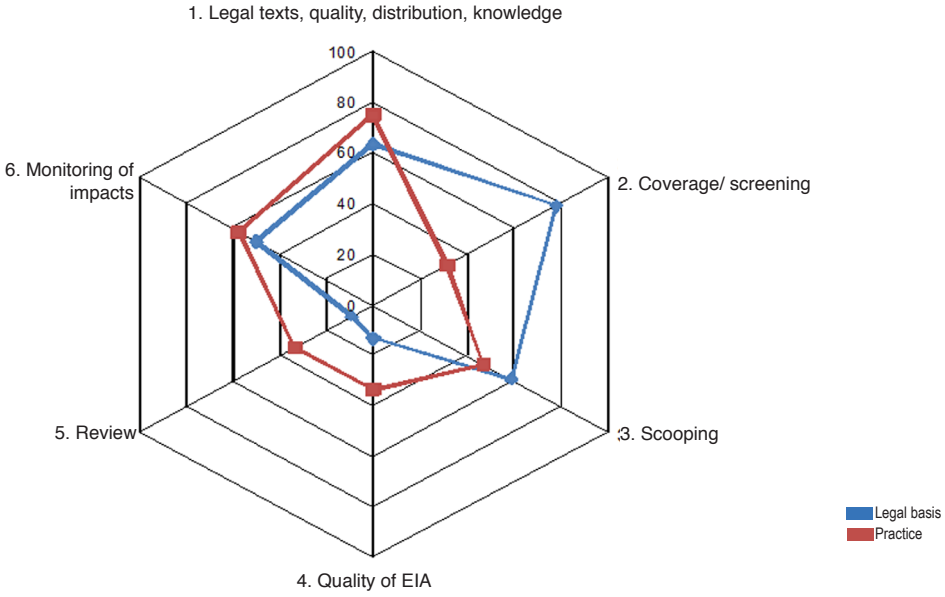


State of the financing of EIA in governmental tasks in Cameroon

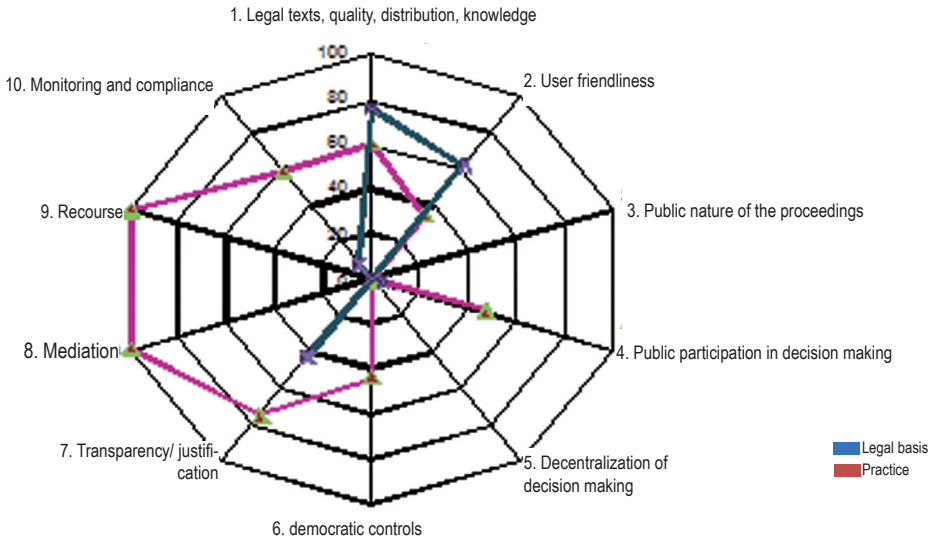


State of the EIA expertise development infrastructure in Cameroon

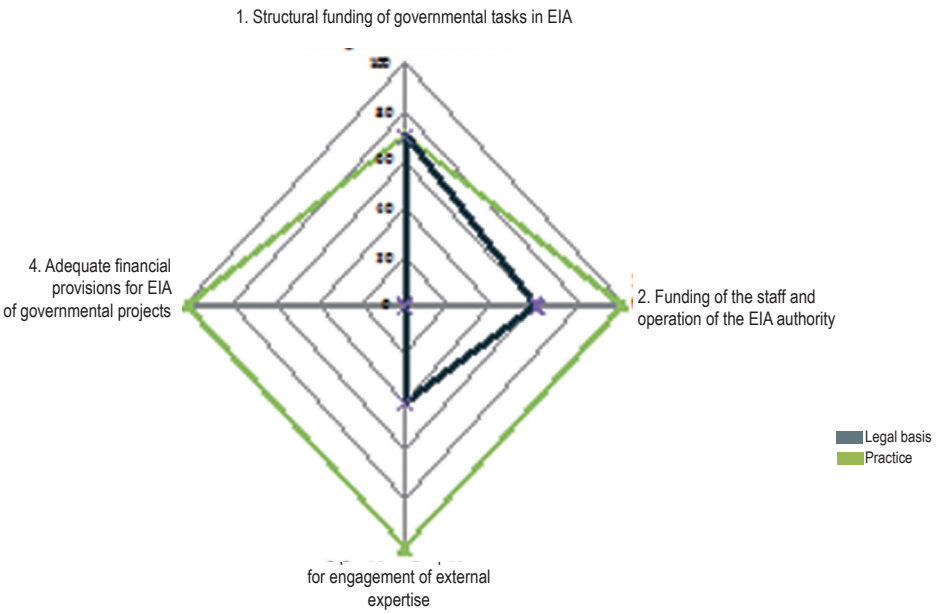
Annex 4: Results of EIA mapping of Congo in 2013



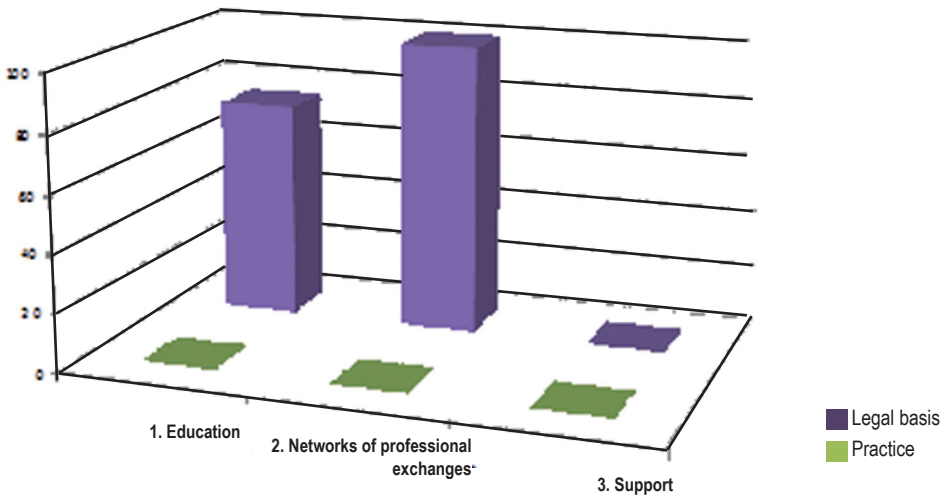
State of the EIA procedure in terms of legislation/regulations and practice in Congo



State of the decision-making process in terms of legislation/regulations and practice in Congo

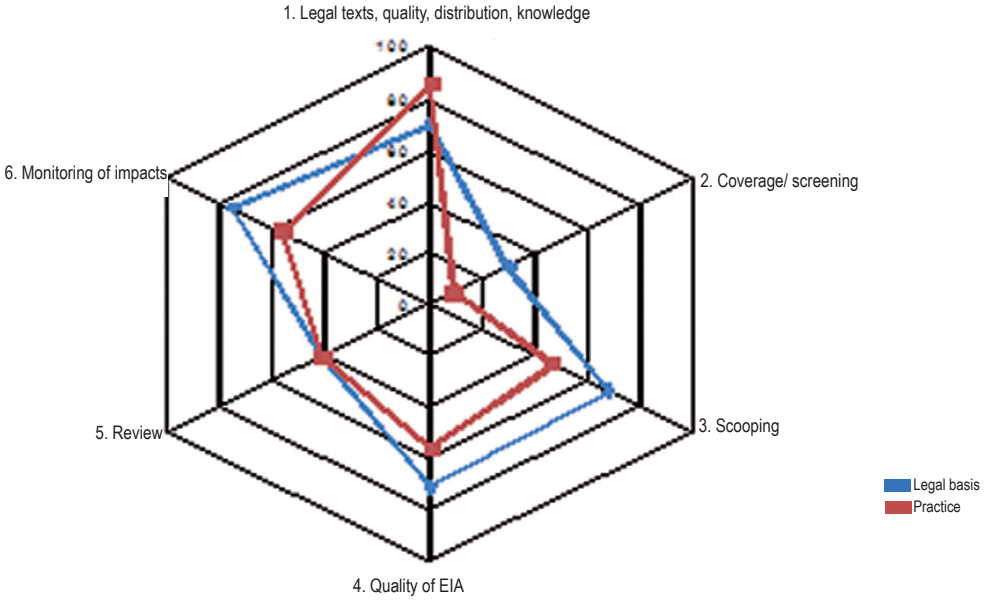


State of the financing of EIA in governmental tasks in Congo

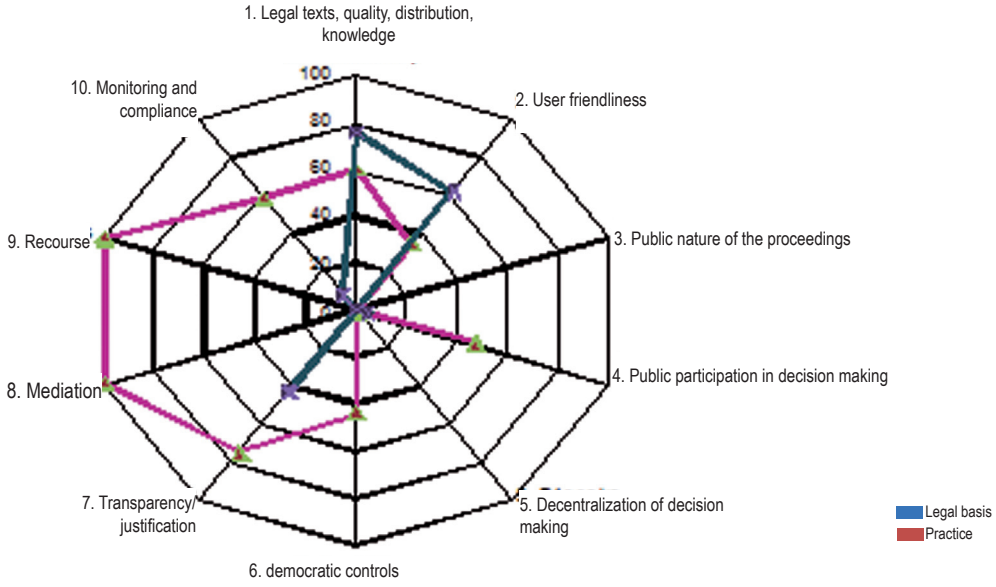


State of the EIA expertise development infrastructure in Congo

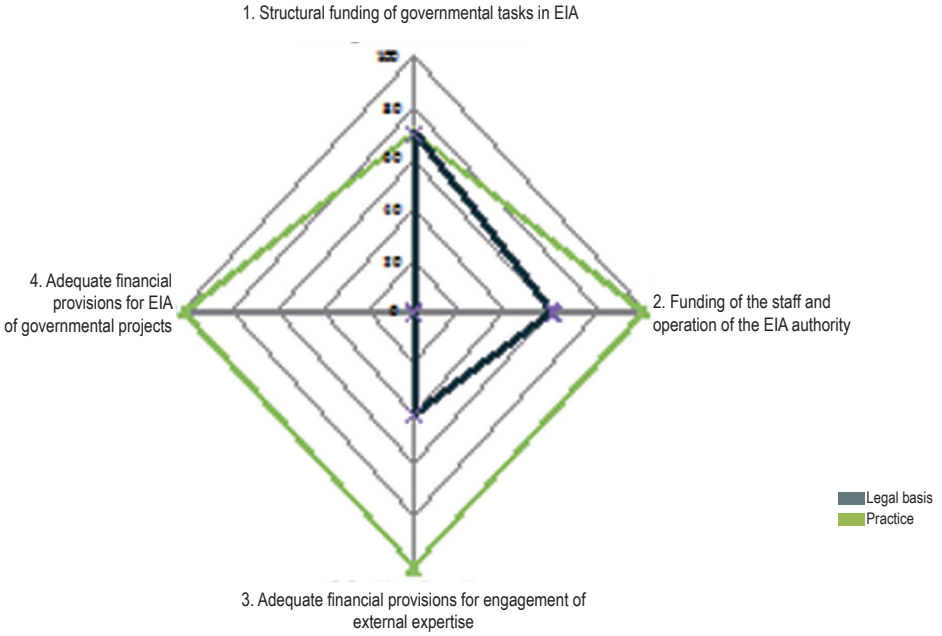
Annex 5: Results of EIA mapping of the CAR in 2013



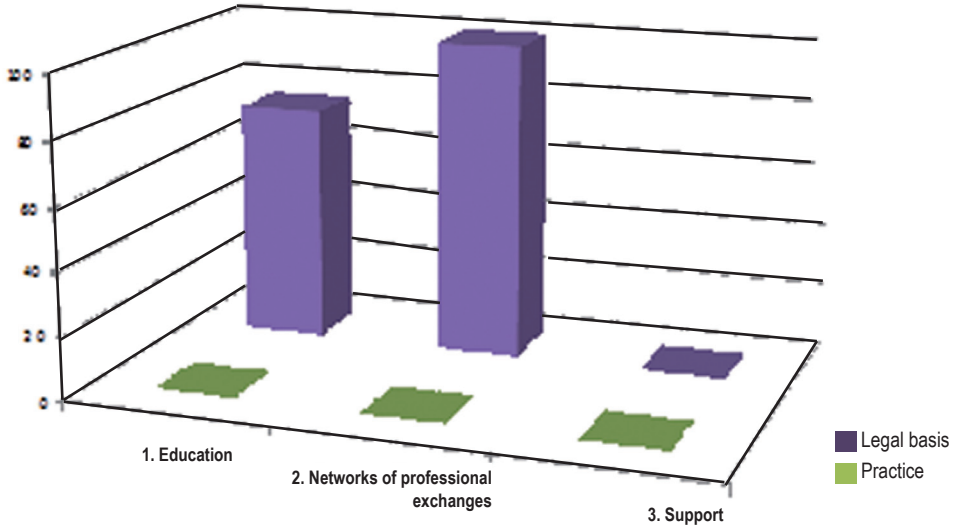
State of the EIA procedure in terms of legislation/regulations and practice in the CAR



State of the decision-making process in terms of legislation/regulations and practice in the CAR

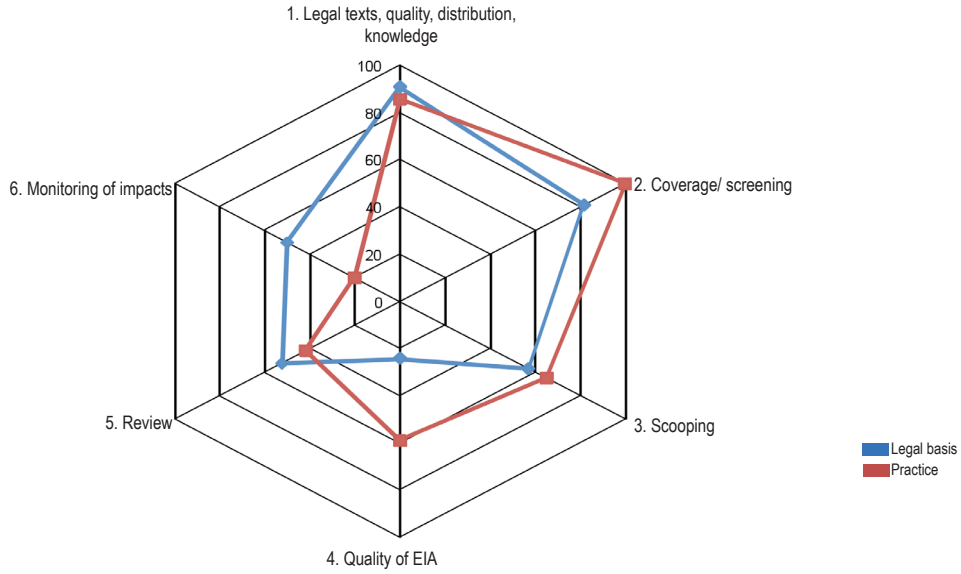


State of the financing of EIA in governmental tasks in the CAR

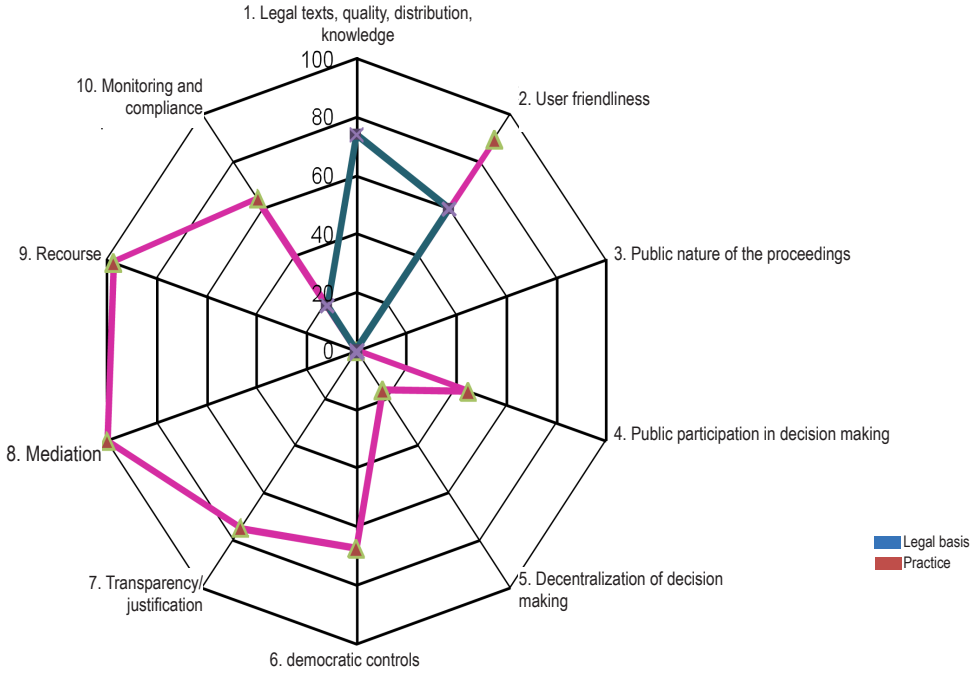


State of the EIA expertise development infrastructure in the CAR

Annex 6: Results of EIA mapping of Rwanda in 2013



State of the EIA procedure in terms of legislation/regulations and practice in Rwanda



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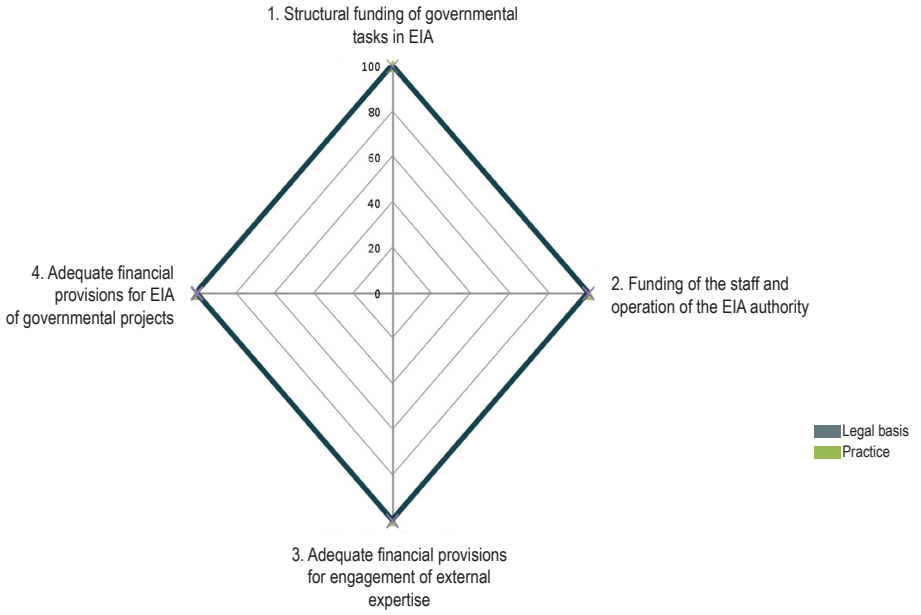

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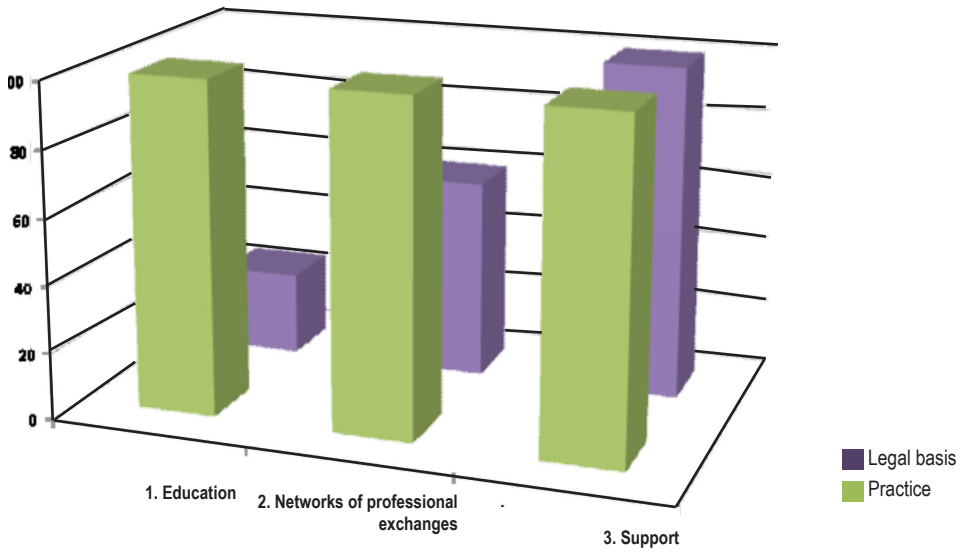

State of the EIA expertise development infrastructure in Rwanda

Evolution of Environmental Impact Assessment Systems in Central Africa: The role of national professional associations

Comparing the results of EIA mapping carried out in 2005-2006 and 2013 in Burundi, Cameroon, Congo, Central African Republic and Rwanda, shows that there has been, relatively speaking, a significant change in the legislation and in practice, relating to both the elaboration and approval of the EIA report and the granting of environmental authorisation. PAANEEAC, the support programme to national associations for environmental assessment in Central Africa , has in several ways contributed positively to this development. Still problematic aspects are: insufficient clarity of existing legislation and norms, the type of institutional arrangements, the public nature of the EIA procedure, the lack of resources allocated to the management of the procedure, the non-separation of the decision to approve the EIA report from the decision to grant environmental authorisation, limited access to appropriate expertise, the non-integration of the environmental inspectorate at an earlier stage of the procedure and the weak institutional memory and management of information. But all things considered, EIA still has beautiful days to come in Central Africa provided there is awareness of its full potential .To ensure that initiatives for capacity development will help with this, they will need, among other things, to be based on a sound analysis of the context and needs to engage, to apply an adaptive approach, and to develop and maintain synergies between them and be credible in the eyes of various stakeholders.

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