

EFFECTIVENESS CRITERIA FOR EIA FOLLOW-UP GOVERNANCE




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Aims

- Identify **best practice principles and criteria** for **effective EIA follow-up governance**.
 - Understand what would constitute effective EIA follow-up governance at **the jurisdiction (macro) level**.
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Methods

- Derive **best practice principles (10) and criteria** for effective EIA follow-up governance by literature review.
- Apply to **Malta** case study through a **policy Delphi** (Beiderback et al., 2021; Franklin & Hart, 2007; Turoff, 1970) with stakeholders (proponents, architects, consultants, local council associations, gov. entities, & eNGOs (e.g., Hanna & Noble, 2015)).

Background (1)

- EIA follow-up governance incorporates all the processes, mechanisms and arrangements required to enable the implementation of EIA follow-up (Arts & Morrison-Saunders, 2022).
- All EIA follow-up elements essential to understanding outcomes of development projects subject to EIA.

The image shows the cover page of a publication from the International Association for Impact Assessment (IAIA). The title is 'International Best Practice Principles: Impact Assessment Follow-up'. The cover is divided into two main sections. The left section contains metadata and introductory text, while the right section contains the main content of the principles. A green oval highlights the 'Engagement and communication' and 'Governance' items in the list of key elements.

IAIA
International Association
for Impact Assessment
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PURPOSE
These international best practice principles for impact assessment (IA) follow-up are intended to guide development and capacity building amongst practitioners for improving IA outcomes, thereby enhancing sustainable development.

BACKGROUND
These principles are an update of the 2007 IAIA IA Follow-up principles document. They were developed through literature review and presented and discussed in collaborative sessions at IAIA conferences between 2018 and 2022.

HOW TO CITE THIS PUBLICATION
Arts, J. and Morrison-Saunders, A. (2022) Impact Assessment Follow-up International Best Practice Principles. Special Publication Series No. 6. Fargo, USA: International Association for Impact Assessment.

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International Best Practice Principles

Impact Assessment Follow-up

Definition
Impact assessment (IA) follow-up is defined as:
Understanding the outcomes of projects or plans subject to impact assessment.

Objective
The primary objective of IA follow-up is to determine and learn about the outcomes of impact assessment of projects or plans in order to inform ongoing management of that development. Secondary objectives (beyond the scope of these principles) are: to learn about IA performance, and to enhance efficacy and legitimacy of decision-making and impact assessment for projects or plans, including future IA applications for other development.

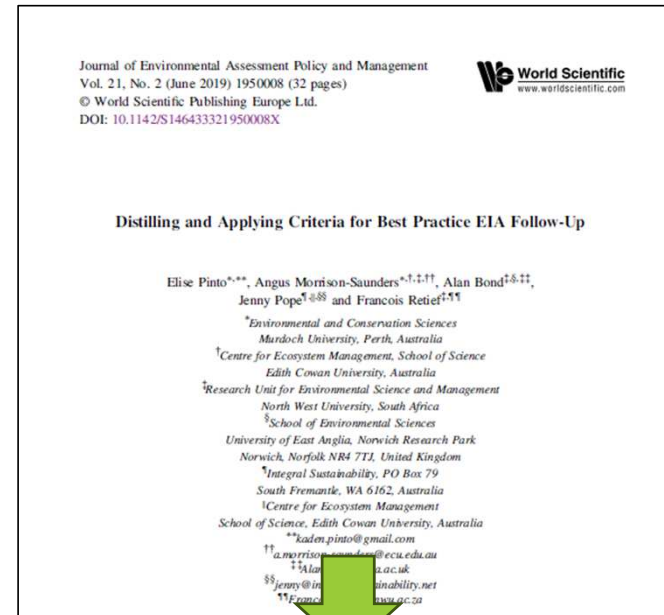
What is IA follow-up?
Follow-up is a fundamental component of IA and essential if outcomes of a plan or project subject to IA are to be known. Thus, a commitment to follow-up should be present for every IA whether this is through inclusion in legislative provisions for IA or within individual approval decisions. This includes appropriate resourcing for all IA follow-up undertakings throughout the life-cycle of development. IA follow-up comprises five key elements:

- **Monitoring** – collection of activity and environmental data relevant to project or plan performance determination.
- **Evaluation** – of monitoring data in light of performance standards, objectives, predictions or expectations.
- **Management** – making decisions and taking appropriate actions in response to issues arising from monitoring and evaluation activities.
- **Engagement and communication** – with stakeholders on all aspects of IA follow-up.
- **Governance** – processes and arrangements enabling the implementation of IA follow-up activities.

Background (2)

- Importance of Pinto et al. (2019) who distilled the EIA follow-up best practice principles into 24 criteria aimed to aid qualitative assessment of EIA follow-up performance of a project.
- Added 'governance' to the elements of EIA follow-up.

(5) *Governance*: The processes and structures for ensuring that there is commitment to implement the Principles in categories 1–4, and that processes to do so are in place and functioning.



This leads us to the following criteria for evaluating the governance dimension of a follow-up study of an individual project:

- (19) Are there plans in place to ensure that follow-up is maintained throughout the life of the development and tailored accordingly?
- (20) Does the proponent accept responsibility for the follow-up process and accountability for the environmental impacts of the development?
- (21) Does the regulator actively ensure that appropriate follow-up is taking place?
- (22) Are roles and responsibilities for follow-up clearly and appropriately defined?
- (23) Are there mechanisms to promote collaboration between stakeholders in follow-up?
- (24) Is the follow-up process pragmatic, fit-for-purpose and cost effective?

Background (3)

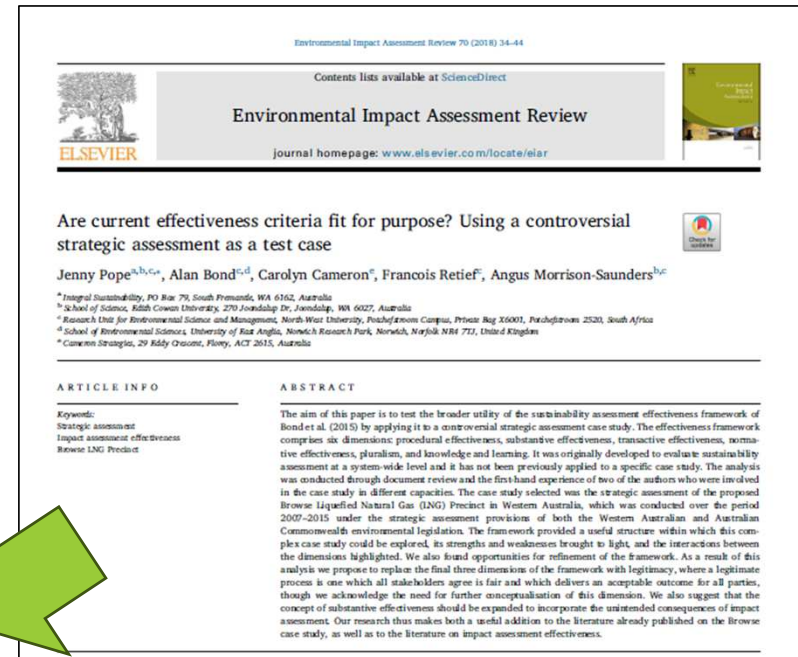
- Importance of Pope et al. (2018) who propose an EIA effectiveness framework with four dimensions – procedural, substantive, transactive and legitimacy.

Procedural effectiveness: Have appropriate processes been followed that reflect institutional and professional standards and procedures?

Substantive effectiveness: To what extent does the assessment lead to changes in process, actions, learning or outcomes?

Transactive effectiveness: To what extent, and by whom, is the outcome of conducting the assessment considered to be worth the time and cost involved?

Legitimacy: Was the assessment process perceived to be legitimate by a wide range of stakeholders?



Applying the EIA follow-up governance best practice principles (1) to Malta

1. Have a *legislative framework* which specifies EIA follow-up requirements.

<i>EIA follow-up governance principles</i> <i>Procedural</i>	<i>Detailed criteria for effective EIA follow-up governance</i>	<i>Stakeholder Responses (Yes/No/Partial/Unable to Judge)</i>
1. Have a <i>legislative framework</i> which specifies EIA follow-up requirements.	A. Is follow-up a requirement for all EIAs?	Yellow
	B. Are processes in place for each component of EIA follow-up?	Yellow
	(i) Are processes in place for monitoring?	Green
	(ii) Are processes in place for evaluation?	Grey
	(iii) Are processes in place for management?	Red
	(iv) Are processes in place for stakeholder communication and engagement?	Red
	C. Are the above processes implemented in practice?	Yellow
D. Have any guidance documents to aid the appropriate implementation of EIA follow-up processes been published?	Red	

Applying the EIA follow-up governance best practice principles (2, 3) to Malta

EIA follow-up governance principles		Detailed criteria for effective EIA follow-up governance	Stakeholder Responses (Yes/No/Partial/Unable to Judge)
Procedural			
2. Establish <i>clear identification of responsibilities</i> in EIA follow-up.	2. Establish clear identification of responsibilities in EIA follow-up.	A. Is there staff within the regulatory authority with specific responsibilities for EIA follow-up?	
		B. Are the responsibilities of all stakeholders for follow-up, i.e., regulator/s, project proponent/s, eNGOs and the public clearly identified?	
3. Specify <i>compliance and enforcement</i> provisions.	3. Specify compliance and enforcement provisions.	A. Do the regulations include provisions for compliance and enforcement, in relation to EIA follow-up?	
		B. If yes, is a penalty system related to enforcement and compliance in place?	

Applying the EIA follow-up governance best practice principles (4) to Malta

4. Ensure *reporting of EIA follow-up outcomes*, to facilitate *adaptive management* and promote continuous *learning from experience* to improve future practice.

<i>EIA follow-up governance principles</i> <i>Substantive</i>	<i>Detailed criteria for effective EIA follow-up governance</i>	<i>Stakeholder Responses (Yes/No/Partial/Unable to Judge)</i>
4. Ensure <i>reporting of EIA follow-up outcomes</i> , to facilitate <i>adaptive management</i> and promote continuous <i>learning from experience</i> to improve future practice.	A. Are EIA follow-up outcomes reported to all stakeholders, including the public?	
	B. Have all (significant) impacts of a project been addressed?	
	C. Have all mitigation measures been implemented?	
	D. Is there opportunity/evidence of learning within project/s?	
	E. Is there opportunity/evidence for adaptive management?	
	F. Is there opportunity/evidence for learning/sharing with other proponents and/or stakeholders?	

Applying the EIA follow-up governance best practice principles (5,6) to Malta

5. Establish clear, pre-defined and well-justified *performance criteria* for EIA follow-up.

6. Have a *clear understanding* of the purpose and importance of EIA follow-up.

<i>EIA follow-up governance principles</i> <i>Substantive</i>	<i>Detailed criteria for effective EIA follow-up governance</i>	<i>Stakeholder Responses</i> <i>(Yes/No/Partial/Unable to Judge)</i>
5. Establish clear, pre-defined and well-justified <i>performance criteria</i> for EIA follow-up.	A. Are clear EIA follow-up performance criteria pre-identified in order to appraise information, results and outcomes emerging from follow-up actions?	[Red]
6. Have a <i>clear understanding</i> of the purpose and importance of EIA follow-up.	A. Are all stakeholders informed of the purpose of EIA follow-up?	[Grey]
	B. Are there provisions for communicating the importance of follow-up?	[Red]
	C. Is there clear and ongoing collaboration between regulatory authorities who are responsible for EIA follow-up?	[Grey]

Applying the EIA follow-up governance best practice principles (7,8) to Malta

- 7. Allocate *adequate resources* to ensure EIA follow-up.
- 8. Ensure that EIA follow-up governance arrangements are appropriately *efficient and effective*.

<i>EIA follow-up governance principles</i> <i>Transactive</i>	<i>Detailed criteria for effective EIA follow-up governance</i>	<i>Stakeholder Responses (Yes/No/Partial/Unable to judge)</i>
7. Allocate adequate resources to ensure EIA follow-up.	A. Do both the regulators and the project proponent/s have adequate human resources to ensure the carrying out of EIA follow-up?	
	B. Is appropriate time being allocated by both the regulators and the project proponent/s towards EIA follow-up?	
	C. Are enough financial resources being allocated by both the regulators and the project proponent/s towards EIA follow-up?	
8. Ensure that governance arrangements are appropriately <i>efficient and effective</i> .	A. How did the environmental outcomes come about? (i.e., to what extent can the outcomes be attributed to EIA follow-up governance specifically?)	
	B. Was there evidence of redundancy or inefficiency in EIA follow-up processes by the regulator? (e.g., did the stakeholders identify ways these processes could be have been done more efficiently and effectively by regulators?)	


Applying the EIA follow-up governance best practice principles (9,10) to Malta

9. Ensure *transparency and accessibility* of EIA follow-up to all stakeholders/parties involved.

10. Ensure *legitimacy* of EIA follow-up governance arrangements.

EIA follow-up governance principles Legitimacy	Detailed criteria for effective EIA follow-up governance	Stakeholder Responses (Yes/No/Partial/Unable to judge)
9. Ensure <i>transparency and accessibility</i> of EIA follow-up to all stakeholders/parties involved	A. Have regulators and/or project proponents taken reasonable steps to make EIA follow-up accessible to all stakeholders, including the public? (e.g., provisions of non-technical summaries, printed material, dedicated websites, social media accounts?)	
	B. Are there appropriate feedback mechanisms in place where all stakeholders and the public can provide feedback in relation to EIA follow-up, ensuring transparency and legitimacy?	
10. Ensure <i>legitimacy</i> of EIA follow-up governance arrangements.	A. Were the existing governance arrangements upheld or delivered appropriately by regulators in the views of stakeholders?	

Reflections and Conclusions

- Application of the best practice principles is relatively easy and offers clear feedback in relation to the performance of EIA follow-up governance.
 - Lack of information on EIA follow-up governance may hinder a robust judgement of its performance.
 - May be applied to any jurisdiction worldwide, providing guidance and enabling practice rather than acting as a simple compliance check-box tool.
 - In conclusion, understanding governance processes, arrangements and mechanisms is vital in making EIA follow-up happen.
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Let's continue the conversation!

Post questions and comments in the IAIA24 app.



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