Starting at the end: a proposal to improve ESIA effectiveness

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Prepared jointly with Sarah Murfitt from SMC Limited
Collaborators

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Environmental and Social (E&S) Consultant with over 20 years of experience advising clients on international E&S financing requirements for development projects.

Was a Partner at ERM before starting her own company in 2015.

Works globally, experience extends across a range of industry sectors.

Works with Development Financial Institutions (DFIs), commercial banks, private equity firms and project developers.

Involved in many ESIs as ESIA team member/manager and as as Client advisor.

Stephen McIlwaine, QUB

Chartered Engineer, with 30 years experience at addressing the environmental and social challenges of infrastructure projects.

Senior Lecturer at Queen’s University Belfast, works with SMC on project-basis.

ESIA/ESDD experience in many countries.

Provides E&S advice to project developers and financial institutions. Project experience with the World Bank, EBRD, and other lenders.

Involved in many ESIs as ESIA team member/manager, and as Client advisor.
Known frustrations with EIAs/ESIAs

Resources often focused on costly baseline data collection

Production of very lengthy reports

Management plans (MPs) often light, done last minute. Yet are only surviving part of the ESIA

Many MPs general, non-specific and rarely capture spatial detail of baseline. 80% could have been written before the ESIA study was done?

MPs often drawn up wholly by the ESIA team, without involvement from the project specialists

Often no consideration of project’s ability to implement MPs, written without understanding of the project schedule, procurement plans, capacity.....
Top-heavy resourcing and emphasis

Scoping

Baseline studies

Impact assessment
Mitigation & management measures

Development of management plans

Maps in baseline chapter

Impact assessment chapter

Management plans

Remain live during project construction & operation
**Case A. Mine Project 1**  
**Africa**

EIA approved for previous operation

1. EMP found to have been copied from different project
2. EMP irrelevant & too complex to be implemented
3. No linkage between EIA and EMP
4. EMP could not be used effectively to manage E&S risks

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**Case B. Mine Project 2**  
**Africa**

EIA approved

1. EIA and EMP have no spatial detail, only general statements, despite clear understanding by project team of spatial constraints
2. EMP could not be used effectively to manage E&S risks

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**Case C. Highway Project**  
**Europe**

EIA approved

1. OEMP implementation not under control of project client and neither budget nor actions could be guaranteed.
2. No involvement of client in EMP finalisation/budgeting
3. No consideration of capacity to implement EMP

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**Case D. Linear infrastructure**  
**Africa**

ESIA under development

1. Poor scoping meant baseline not well focused
2. Detailed ESMP but without consideration of differential impacts along baseline findings not reflected in ESMP
3. No client understanding or capacity (human or financial) to implement
A new approach needed

Stronger connection between impact assessment (incl baseline) and ESMP

Emphasis on ESMP as key output.

ESMP must reflect better understanding of the project and how ESMP will be implemented. Smarter, adaptive

Plans to be developed in conjunction with Project owner’s technical team

ESMP must reflect understanding of capacity of project owner to implement the actions and identify any shortcomings or support needed
Proposed revised approach

Scoping Stage
- Initial review of project info
- Review of available baseline info
- Consultation with stakeholders

Formulation of Terms of Reference

Impact Assessment Stage
- Development of project description & alternatives analysis
  - Baseline data collection & characterisation
  - Stakeholder engagement
    - Impact assessment
    - Development of mitigation & management measures

Development of management plans
Proposed revised approach

Proposed revised approach

Scoping Stage
- Initial review of project info
- Review of available baseline info
- Consultation with stakeholders

Preparation of provisional management plans

Formulation of Terms of Reference
Asking what needs to be done during 1. data collection, 2. project description and 3. impact assessment to ensure that the provisional management plans can be developed in sufficient detail to adequately manage the risks?

Impact Assessment Stage
- Development of project description & alternatives
  - Baseline data collection & characterisation
  - Stakeholder engagement
  - Impact assessment
  - Development of mitigation & management measures

Finalisation of management plans
With input from the Project technical teams and including an assessment of the additional competence, capacity and resources are needed to implement them

Provisional MPs produced at the outset - scoping stage

Focus of study orientated more towards: ‘What information do we need to design appropriate management controls for the project to enact?’

Provisional MPs inform the TOR and scope for baseline, and the IA stages

More focus on detail required for MPs, and more input from technical teams

Consideration of how the MPs will be implemented
Advantages of new approach

Identifies gaps in baseline understanding – focuses on extra info needed to detail the MPs

‘How could this project potentially affect its environment?’ becomes ‘What do we need to know to design the management measures this project needs to enact to manage the E&S risks?’

More project-focused ESIA, smarter, shorter?, less unwieldy, focused on management plans

Highlights inputs needed from project team, on project, implementation, procurement, capacity…

Asks about capacity of project team to implement MPs
1. Impacts need to be identified before mitigation measures are proposed, so the ESIA study should not preclude identification of effects not known at scoping stage.

2. It is risky to reduce focus on the baseline data collection, and many regulators are comforted by large data collection campaigns.

3. ESIA study often conducted too early in the process to identify management measures and develop management plans in detail.

Potential criticisms:

Fair, but how often totally unforeseen effects identified if using experienced consultants? Resources are limited and secondary data often exists, so study should focus primary data collection on known knowledge gaps.

If primary baseline information collected does not alter ESIA conclusions and does not inform MPs, was it really needed?

If purpose is permitting, fine. But if purpose is risk mitigation, then specific controls are needed. If not arising from ESIA, then what is process to detail these?
A. Clients to produce ESIA Terms of Reference, with new requirements:

1. Provisional management plans to be developed during scoping

2. Provisional plans to inform the ESIA Terms of Reference and each subsequent stage of the work – used to identify data gaps, and information needed on project and plans

3. Strengthen emphasis on workability and outcomes of the final management plans

4. Require client input into management plans and carefully consider implementation capacity

B. Monitor how this innovation changes or improves the process
Let’s continue the conversation!
Post questions and comments in the IAIA24 app.

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