

MANUAL

Implementing Africa's Environmental Assessment Barometer

2013



Capacity Development and Linkages for Environmental Assessment in Africa (CLEAA)

Reference: CLEAA/G/001/10

Date: 14 June 2013

Manual for implementing the EA barometer for Africa¹

This product was developed by CLEAA, which is an indigenous, Regional Network that promotes sustainable development through the use of Environmental Assessment and Management (EA&M) tools in Africa. The CLEAA network consists entirely of the sub-regional nodes, institutions, associations and other organisations concerned with EA&M in Africa.

The development of the Barometer was made possible through the generous support of USAID and the Swedish EIA Centre who are thanked for their commitment to helping build local capacity to manage Environmental Assessment systems in Africa. CLEAA wishes to thank the following for participating in workshops that refined the Barometer; Dr Peter Tarr – SAIEA – Namibia, Ms Bryony Walmsley – SAIEA – South Africa, Mr John Pallett – SAIEA – Namibia, Ms Zuna September – Ministry of Environment and Tourism, Government of Namibia, Ms Allison Burger – EA practitioner, South Africa, Mr David Aniku – Environment agency, Government of Botswana, Mr Z.Dlamini - Environment agency, Government of Swaziland, Ms Lize McCourt – Department of Environmental Affairs & Tourism, Government of South Africa and Dr Doug Trotter – Council for Scientific and Industrial Research, South Africa.

¹ This CLEAA project was coordinated by the Southern African Institute for Environmental Assessment – for further enquiries please contact peter.tarr@saiea.com

Table of Contents

Background.....	4
The concept	5
Implementing the barometer	6
Step 1: Sensitise stakeholders	6
Step 2: Book venue, caterers and facilitator.....	7
Step 3: Compile agenda.....	8
Step 4: Invite participants	8
Step 5: Follow-up invitations	9
Step 6: Hold workshop	9
Step 7: Disseminate results	9
Step 8: Decide on need for external verification.....	9
Barometer Structure.....	9
EA Barometer Scoring Sheet.....	23

Background

Environmental institutions have developed more slowly in African countries than most other parts of the world, and along with them the legislation, administration and capacity to implement sound environmental management.

However, in recent years there has been notable progress in Africa and now most countries have some basic arrangement of law, policy, administrative procedures, and government institutions to implement EA. However, capacity in almost all respects remains inadequate. The existing capacity gaps are compounded by the ever-increasing demands placed upon the authorities by new development initiatives, various donor and development agency requirements, more complex environmental issues and an increasingly articulate civil society lobby. Thus, there is a strong and urgent need to strengthen capacity in the region and to do so in a systematic way that builds on existing, indigenous initiatives that are well established at sub-regional levels.

CLEAAs vision is that *‘by 2015, all African countries have the capacity for, and commitment to, employing environmental assessment and management tools in the promotion of sustainable development’*.

It is envisaged that this vision will be reached by a professional African EA organizational architecture that mobilizes resources, communicates effectively among network partners, and coordinates the programmes and activities needed to realize the Vision. This infrastructure will support and collaborate with regional initiatives such as NEPAD and various other environmental and assistance strategies for Africa.

CLEAA’s strategy is built around the following five broad programme areas:

Programme	Programme Objective
1. EA Organizational Architecture Building the network for implementation and practice	To strengthen the existing networks of EA&M organizations and practitioners to implement the development framework and strengthen EA&M capacity and practice
2. Training and Education Building knowledge	To provide instruction in EA&M theory and the tools and techniques of EA&M practice
3. Human Resource Development Building skills	To enhance the skills and experience of EA&M practitioners and administrators
4. Policy Development Building processes	To support the development of more effective national EA&M systems capable also of assuming EA&M review functions
5. Awareness & Constituency Building Building demand	To enhance national commitments to employing EA&M in achieving environmentally sustainable development

The above programme areas have attracted considerable investment in the last decade, with many courses, scholarships, mentoring, exchange studies, etc. being undertaken in the region. However, donors, governments, NGOs and other institutions always ask the same question – are we making a difference? The barometer should give us some of the answers.

The concept

The idea for an “EA Barometer” responds to the need for countries to be able to gauge themselves against an African benchmark. In turn, the African benchmark would be consistent with International Best Practice, but adjusted for local conditions. The Barometer consists of a series of questions that collectively reflect all the key elements of a properly functioning EA system. Its structure is **simple but robust** with as little scope for subjectivity as possible. Thus, each question is accompanied by clarification and explanatory notes that assist the evaluator to arrive at an accurate score (see below). The following criteria were developed and refined at a workshop² hosted by SAIEA in Windhoek on 22 September 2010. Following the workshop, the barometer was field tested in various African countries before it was refined. It is now available for roll-out and may be used by whomever may find it useful.

The key advantages of the EA Barometer are as follows:

- **Locally driven** – the barometer is not an import from abroad, but a tool developed locally by Africans who understand Africa’s needs and decision-making processes. This is essential for credibility and political acceptance. However, there are lessons from overseas that are acknowledged – no need to re-invent the wheel.
- **Outcomes oriented and robust**– the barometer measures real achievements and thus reflects accurately on fundamental progress. There could be ‘external verification’ –by a credible organization, so that the points scored are legitimate. It would be up to the government to request verification, and to host and support the verification team.
- **Simple** – the barometer is not overly elaborate – a small number of key indicators are all that is needed.
- **Non-threatening** – countries that are insecure about their achievements can undertake ‘self-tests’, to see how they measure up against the African benchmark. Once they gain confidence, they may ask for a visit by a team of evaluators, and thus expose themselves to ‘public’ scrutiny and peer review. This is a one-step-at-a-time approach that enables everyone to move at their own pace.
- **Illustrative** – the results of the barometer could be depicted on a ‘performance map’ – colour coded to show achievement, and publicized in local media.
- **Public** – if the results of the barometer are well-publicized, civil society and citizens will see how well their governments and EA practitioners are doing. This will assist in achieving better governance, as people will either appreciate their governments’ efforts, or demand answers for declining performance. It is high time that this kind of tension be introduced so that authorities in particular improve their performance. However, the same can be said for practitioners – they too need to maintain standards.
- **Participatory** – ideally, the scoring of a country needs to be done in a participatory way – not by a handful of consultants behind closed doors, or solely by government officials. There should be (as a minimum) a full day national workshop, where various stakeholders have input into the scoring process. This improves dialogue between stakeholders, facilitates greater understanding of roles and

² The workshop was attended by participants from four SADC countries, representing government agencies, NGOs, environmental consultants and research institutions.

partnerships, and enables a robust process of scoring. Ideally the workshop is facilitated by an independent person, and is attended by government officials, EA practitioners (consultants), NGOs, university representatives and donor organizations.

Implementing the barometer

Since the barometer will be used by countries throughout Africa, and the results summarized in an annual report to the African Ministers of Environment, it is essential that there is consistency in the way that it is applied. The principles and steps that should be followed are illustrated and discussed below:



Figure 1: Steps to be followed in running a barometer exercise

Step 1: Sensitise stakeholders

In some countries or institutions the barometer may not be well known, so it is important for the ‘champion agency’ to meet with key stakeholders whose support will be needed in the use of the barometer in the country. Also, some stakeholders may feel threatened by the fact that the barometer may expose systemic weaknesses in the country. Fear of exposure is a common reaction so it is necessary for the ‘champion agency’ to do some advocacy work early on in the process. Their challenge during this early phase is convincing potential partners that strengthening systems is the ultimate objective of the barometer, which recognizes both strengths and weaknesses. The eventual outcome of the barometer exercise is to build on existing foundations (good practice) and to strengthen areas that appear to be weak at present. It is thus supposed to be a positive exercise.

Another important point that the ‘champion agency’ can stress, is that the country can initially do an internal evaluation that need not necessarily be publicized widely, but that rather serves as a mechanism for affecting improvements without exposure to external pressure. Once the country has recorded improvements, it may feel more comfortable in publicizing the results of the barometer and even requesting external evaluation. Ultimately, one would like to see a country taking pride in its progress and being eager to report this progress to its citizens, the African Union and the international community.

The ‘champion agency’ referred to above should ideally be the environment agency or ministry responsible for implementing environmental safeguards. One expects that the agency will initially identify a few supporters (e.g. NGOs, practitioners, universities and other government agencies) who will be ‘founding partners’ in the launching of the barometer in the country.

Step 2: Book venue, caterers and facilitator

As soon as there is sufficient support for the idea of the barometer, and commitment to the process, the venue, caterer and facilitator need to be booked – preferably at least one month in advance.

The venue should be one large room where people can preferably sit at a round or oblong table so that they face each other. Round table formats improve group interaction and are much better than cinema or classroom style seating. If possible, the room should be well ventilated or air conditioned so that people do not fall asleep! There is no need for breakaway rooms, as the whole exercise gets done in one group in one room, but it is nice to have a separate room for tea and lunch breaks. It is an advantage to hold the workshops far away from people’s offices or shops, to improve the chances of people being present throughout the duration. It is good practice to ask people to turn off their cell phones during the workshop as phone calls are distracting and disruptive.

The room must have a large screen or white wall so that the barometer scoring can be done in full view of all participants.

Ideally, a small budget will be available to provide refreshments (e.g. tea/coffee) and lunch, as well as water for the tables.

Lastly, the facilitator is important as one needs a person who is neutral but also able to lead a discussion and defuse emotional or heated arguments! Based on experience, one expects some disagreement between the participants on the scoring of many of the barometer categories. A good facilitator allows (even encourages) rigorous debate, so that participants thoroughly discuss all the issues before deciding on a fair score. Disagreements must not be discouraged, but at some point in the discussion, the facilitator needs to build consensus so that there can be progress.

Necessary equipment and facilities:

Room, facilitator, laptop, projector, screen, water, coffee/tea, biscuits, lunch, printed copies of the barometer categories and score-sheet.

Step 3: Compile agenda

A draft agenda is offered below – please modify as you see fit.

Time	Agenda – Day 1	Presenter
08:00	Registration	
08:30-08:45	Welcome and opening remarks	Dr/Mr/Ms xxxxxx – preferably a senior government official from the environment agency
08:45-09:00	Participant introductions	Facilitator
09:00-10:00	Introduction of Environmental Assessment Barometer Tool	Anyone knowledgeable about the barometer – attached powerpoint slideshow can be used “as is” or modified
10:00-10:30	Tea/coffee break	
10:30-11:30	Environmental Impact Barometer – Session 1 – Policy and Legal Framework	Facilitator
11:30-12:30	Environmental Impact Barometer – Session 2 – Government Institutions	Facilitator
12:30-14:00	Lunch break	
14:00-15:00	Environmental Impact Barometer – Session 3 – Environmental Impact Consultants	Facilitator
15:00-15:30	Afternoon Tea	
15:30-16:30	Environmental Impact Barometer – Session 4 – Governance	Facilitator
16:30	Close	

Time	Agenda – Day 2	Presenter
08:00-09:00	Presentation of score-sheet and final discussion on scores	Facilitator
09:00-10:00	Listing and prioritisation of gaps identified	Facilitator
10:00-10:30	Break	
10:30-11:30	Listing and prioritisation of measures to address gaps	Facilitator
11:30-12:30	Strategy for implementing improvements	Facilitator
12:30–14:00	Lunch/Close	

Step 4: Invite participants

Participants need to be invited in writing (preferably on an official letter) approximately one month before the workshop date. If possible, the letter should be signed by someone senior (e.g. minister of Permanent Secretary) so that it has more authority. On the letter, there should be a RSVP date that is approximately 2 weeks after the letter was sent out. This means one can see how many people intend coming about 2 weeks before the workshop date. If the response is poor, then people should be contacted by telephone/fax/email as a reminder/encouragement.

Ideally, the workshop should be attended by between 25-30 participants, representing government agencies (e.g. environment, conservation, planning, mining, water, health, finances), EA practitioners, NGOs, university (assuming that they are in some way involved in EA activities) and some private sector and parastatal individuals (especially companies/parastatals that commission a number of EAs each year). Having the right mix of participants is crucial to ensuring robust discussion and a fair scoring. First prize is a 50:50 ratio of government:non-government participants, but this may not always be possible. Also, it would be advantageous

Step 5: Follow-up invitations

As noted above, if the response to the invitations for the workshop is poor, then people should be contacted by telephone/fax/email as a reminder/encouragement.

Step 6: Hold workshop

As noted in “step 2”, the venue needs to be conducive and a good facilitator is needed to stimulate and guide the discussion. Participants should be asked to switch off their cell-phones, not smoke in the venue, participate freely and constructively. Ideally, the participants would have had time to study the barometer ahead of the meeting and do enough research (e.g. familiarizing themselves with legislation) so that they contribute knowledge at the workshop.

Step 7: Disseminate results

Within approximately one week after the workshop, the organizers should write to all the participants, thank them for their attendance and input, and provide them with minutes. The minutes need not be elaborate, but should include:

- Attendance list (name, organization, email address and telephone contact number)
- Agenda
- Barometer score-sheet
- List of most important gaps identified
- List of most important measures to address gaps
- Strategy for implementing improvements.

Step 8: Decide on need for external verification

As noted earlier, a country may prefer to only undertake ‘self-tests’, to see how they measure up against the African benchmark. Once they gain confidence, they may ask for a visit by a team of evaluators, and thus expose themselves to ‘public’ scrutiny and peer review. This is a one-step-at-a-time approach that enables everyone to move at their own pace. Ideally, all African countries should be peer reviewed so that there can be a meaningful annual report, hopefully published by the African Union (through the African Ministers Conference for the Environment, which meets annually).

Barometer Structure

The Barometer consists of the following 35 questions, clustered under 5 headings. Important to note is that guidance is provided so that scoring is consistent. This will hopefully reduce subjectivity by the scoring team and help focus the discussions that the team holds during the barometer scoring workshops they undertake in a specific country.

Policy and Legal status

1. Is EA embedded in the environmental policy of the country?

Scoring:

- *If there is no national environment policy – score 0*
- *If there is a national environment policy, but EA is not mentioned- score 0*
- *If there is a national environment policy, but EA only mentioned implicitly – score 1*
- *If there is a national environment policy, and EA is mentioned explicitly – score 2*
- *If EA strongly emphasized as key tool for sustainable development in policy – score 3*
- *If there is a dedicated National EA policy in place – score 4*

2. Does the country have dedicated EA legislation?

Meaning an Environment Act with regulations that specifically requires EAs

Scoring

The next few questions effectively define best practice elements of good legislation, so one should not base scoring for this question on whether the legislation is good, mediocre or poor. Rather, consider the following guidance:

- *If there is no framework legislation, score 0*
- *If the legislation is so cumbersome that it is largely ignored or circumvented because of its impracticality – meaning it exists only on paper – score 1*
- *If the legislation is causing frustration amongst most practitioners and administrators, and clearly in need of overhaul, score 2*
- *If legislation is old but still practical and implemented with minimal glitches – score 3*
- *If the legislation is new (<10 years old) or has been strengthened/improved in the past 10 years, and is implemented smoothly to the general satisfaction of key stakeholders, then score 4*

3. Does the legislation outline a process to identify, assess, manage environmental impacts e.g. Screening, Scoping, EA, EMP, and compliance monitoring?

Meaning that the Act and the regulations explicitly require these phases to be executed.

Scoring

- *No process specified - score 0*
- *Process vaguely referred to, but not as explicitly as suggested in the question – score 1*
- *Process explicit and all the above stages are mentioned - score 2*
- *Each of the processes/stages are both specified and there are regulations that set out minimum requirements for each – score 3*
- *As in last bullet, but in addition, there are locally-used guidelines that compliment the legislation regarding the above - score 4*

4. Is it a legal requirement that EA practitioners are independent from the environmental regulator

Meaning that the law (through either the Act or the regulations) explicitly prohibits EAs to be conducted by a person who is a government or parastatal employee. Independence in this case is important because the person doing the EA must not be under the influence of the government – as this may undermine his/her credibility and the credibility of the EA process.

Scoring

- No requirement - score 0
- Process vaguely referred to, but not as explicitly as suggested in the question – score 1
- Process explicit and all the above stages are mentioned - score 2
- Each of the processes/stages are both specified and there are regulations that set out minimum requirements for each – score 3
- As in last bullet, but in addition, there are national guidelines that compliment the legislation regarding the above - score 4

5. Is it a legal requirement that EA practitioners are independent from the proponent

Meaning that the law (through either the Act or the regulations) explicitly prohibits in-house EAs, or EAs to be conducted by a person who is an employee of the proponent; or a person/company who has financial interests in the developer's company (other than being contracted and paid for doing the EIA). Independence in this case is important because the person doing the EA must not be under the influence of the proponent – as this may undermine his/her credibility and the credibility of the EA process.

Scoring

- No requirement - score 0
- Process vaguely referred to, but not as explicitly as suggested in the question – score 1
- Process explicit and all the above stages are mentioned - score 2
- Each of the processes/stages are both specified and there are regulations that set out minimum requirements for each – score 3
- As in last bullet, but in addition, there are national guidelines that compliment the legislation regarding the above - score 4

6. Is there a legal requirement for a stakeholder (public) participation process

Meaning that any EA process must make all reasonable efforts to facilitate and allow the stakeholders to obtain all the necessary information about the project, and to voice their opinions about the project, whether or not they will be directly affected by the project. The PPP has to inform all stakeholders; has to be culturally appropriate (free, prior and informed); (see IAP2 and revised guidance notes on IFC PS1).

Scoring

- No requirement - score 0
- PP vaguely referred to, but not explicitly as suggested in the question – score 1
- Requirement explicit but no elaboration - score 2

- *Law specifies that stakeholders be consulted at least in scoping (early) & EA (middle) phases, and/or that public hearings are provided for – score 3*
- *As in last bullet, but in addition, there are national guidelines that compliment the legislation regarding the above - score 4*

7. Does the legislation provide for administrative or legal recourse (appeals or objections) to the decisions?

Meaning there is a provision in the legislation to submit an appeal or objection or request for review to a decision taken by the regulator.

Scoring

- *No requirement - score 0*
- *Appeals or objections vaguely referred to, but not explicitly as suggested in the question – score 1*
- *Provision is explicit but no elaboration - score 2*
- *Law specifies the process, time frames and criteria for appeals/objections– score 3*
- *As in last bullet, but in addition, there are national guidelines that compliment the legislation regarding the above - score 4*

8. Does the law provide an option for independent, external review to inform the environmental regulator?

Meaning that the environment agency can insist that the EA and EMP reports be reviewed by an independent party (not government), either at government cost, or at the cost of the proponent. The independent party could be a team of consultants, or a team of experts assembled for that purpose by the agency.

Scoring

- *No option - score 0*
- *Option vaguely referred to, but not explicitly as suggested in the question – score 1*
- *Provision is explicit but no elaboration - score 2*
- *Law specifies the administrative and financial mechanisms for external review– score 3*
- *As in last bullet, but in addition, the law requires reviewers to be independent (i.e. not linked to government or corporate interests) and appropriately qualified - score 4*

9. Are there penalties prescribed in legislation for non-compliance with administrative EA requirements?

Meaning that there are penalties imposed for either implementing a project without doing an EA (assuming that an EA was required for the specific activity and/or no waiver was obtained), or for not complying with conditions set by the environment or other relevant agency.

Scoring

- *No penalties prescribed - score 0*
- *Penalties alluded to but not explicitly prescribed as suggested in the question – score 1*
- *Penalties prescribed but they are regarded as insufficient to act as a deterrent - score 2*

- *Penalties are prescribed and they are appropriate (i.e. proportional to the scale of the development) - combining the option of fines, imprisonment and forfeiture of assets - score 3*
- *As in last bullet, but in addition, the law provides that the stipulated penalty ceiling can be surpassed – i.e. other forms of penalty - score 4*

10. Does the legislation specify time frames for authority decision-making?

Meaning the times required for all the steps of the decision-making process from first receipt of an EA report by the authorities to the issuance of a record of decision.

Scoring

- *No times prescribed - score 0*
- *Times prescribed per step but no flexibility depending on circumstances – score 1*
- *Times prescribed but there is flexibility depending on circumstances – meaning that the authorities can take longer if the issues are complex - score 2*
- *As above, but in addition the law is specific about the communication that is required between the authorities and the proponent (and possibly also stakeholders) so that all Parties know why more time is required, and the revised schedule – score 3*
- *As above, but in addition there is a legal requirement that the authorities inform stakeholders of the fact that decisions have been made on a certain date - score 4*

11. Does the legislation require the environmental authorities to provide reasons for their decisions/recommendations on the EA/EMP?

Meaning that the authority must record their decision and/or recommendation and explain the basis for their decision to either approve/deny the authorization of a project/proposal/action.

Scoring

- *No requirement - score 0*
- *Required but not explicit that the authority must explain whether or not the decision is consistent with the recommendation of the EIA/SEA/EMP – score 1*
- *Required and explicit that the authority must explain whether or not the decision is consistent with the recommendation of the EIA/SEA/EMP – score 2*
- *As above, and in addition the law prescribes a time frame for such disclosure - score 3*
- *As above, but in addition the law requires that the communication method used is easily accessible to the public – score 4.*

12. Does the legislation require the certification of environmental assessment practitioners (consultants)³?

'Environmental Assessment Practitioners' (EAPs) includes professionals in EA consulting practice. Certification means that there is a statutory requirement for an EAP to be registered and certified in terms of the legislation before s/he can carry out an EIA (as the

³ See next question for government officials

Team Leader or member of the EIA team). An EAP is not the same as a sector specialist, e.g. botanist, who is typically certified separately by their own specialist organization. An EAP also includes a person who conducts independent reviews of an EIA report. Certification is a rigorous process of registration requiring the evaluation of qualifications, experience and core competencies. Certified EAPs are bound by a code of conduct.

Scoring

- *No requirement (even though there may be a list of consultants in the environment or equivalent agency) - score 0*
- *Consultants need to be registered with the regulatory authority but eligibility to be registered is purely based on submitting a CV and perhaps paying a fee- score 1*
- *Certification is legally required and explicitly linked to appropriate qualifications and experience. There is also a rigorous process for verifying qualifications and experience - score 2*
- *As above, but the law specifies that the consultant must renew their certification periodically (the renewal is on the basis of ongoing, proven professional development) - score 3*
- *As above, but in addition the law provides a mechanism for a practitioner to be un-certified (or de-registered) because of unprofessional/unethical conduct - score 4.*

13. Does the legislation require the certification of government official EAPs?

Government official EAPs are the people within EA departments or divisions or Ministries or agencies, whose task is to review the completed EIA, SEA, and EMP reports. Certification means that there is a statutory requirement for a government EAP to be registered and certified in terms of the legislation before s/he can carry out reviews. Certification is a rigorous process of registration requiring the evaluation of qualifications, experience and core competencies. Certified EAPs are bound by a code of conduct.

Scoring

- *No requirement - score 0*
- *Certification is legally required and explicitly linked to appropriate qualifications and experience - score 1.*
- *As above, and there is also a rigorous process for verifying qualifications and experience - score 2*
- *As above, but the law also specifies that the government EAP must renew their certification periodically (the renewal is on the basis of ongoing, proven professional development) - score 3*
- *As above, but in addition the law provides a mechanism for an EAP to be un-certified (or de-registered) because of unprofessional/unethical conduct - score 4.*

14. Are the professional fees for EAPs regulated or guided by a professional body?

In this case, the fees will only apply to consultants, as government EAPs are on government packages (EAP = Environmental Assessment Practitioners).

Scoring

- *No regulation or guidance - score 0*
- *Guidance or regulation in place, but done by government for the sector- score 1*
- *Guidance or regulation in place, and provided by a professional body (possibly in consultation with government) in the country or the region - score 2*
- *Fees are linked in a sliding scale to experience and qualifications - score 3*
- *As above, and fees are revised at least every 3 years - score 4.*

15. Is there a legal requirement that public comments or input must be recorded in an uncensored way, in the final EA report?

Meaning that the law requires that the EA report contains an annex that shows unedited public input, be this in the form of a fax sent by a member of the public, a letter, email or some other record of their opinion. Usually public input is also summarized in the main report - commonly in an 'issues-response form' - so that the reader can see what issues were raised by the public, and how the issue was dealt with by the EA consultants.

Scoring

- *No requirement - score 0*
- *Required but not explicit as described above - score 1*
- *Required and explicit as described above - score 2*
- *As above, and in addition the law prescribes that minutes of all meetings be included in the reports - score 3*
- *As above, but in addition the law requires that the 'issues-response' form be specifically disclosed to all registered stakeholders before the EIA is submitted for review (i.e. not merely included as an annex in the report) - score 4.*

Inclusion of social, gender and health consideration in the EA system

16. Does the legislation define environment broadly, to include both social and health components

Meaning that either the Act or the Regulations include the social and health component in its definition of “environment”.

Scoring

- *There is no Act/regulations specifically relating to impact assessment – score 0*
- *The necessary legislation is in place, but definition of ‘environment’ does not explicitly include or exclude the social component - score 1*
- *The necessary legislation is in place, and the definition of ‘environment’ explicitly includes the social and health component - score 2*
- *As above, but the legislation explicitly includes HIV and AIDS as a component of Social and health issues – score 3*
- *As in last bullet, but in addition, there are national guidelines that compliment the legislation regarding the above - score 4*

17. Does the legislation specifically require the consideration of health issues/impacts in impact assessment processes

Meaning that either the Act or the Regulations specifically require human health and wellbeing (including the fight against HIV&AIDS) as requiring attention in impact assessment processes.

Scoring

- *Health issues/concerns are not specified as requiring inclusion in EAs - score 0*
- *Health issues/concerns vaguely referred to, but not as explicitly as suggested in the question – score 1*
- *Health issues/concerns explicitly specified as requiring inclusion in EAs - score 2*
- *Health issues/concerns are explicitly required, and HIV&AIDS is highlighted as requiring special consideration in impact assessments – score 3*
- *As in last bullet, but in addition, there are national guidelines that compliment the legislation regarding the above - score 4*

18. Does the legislation specifically require the consideration of gender issues/impacts in impact assessment processes

Meaning that either the Act or the Regulations specifically require gender issues as requiring attention in impact assessment processes.

Scoring

- *Gender issues are not specified as requiring inclusion in EAs - score 0*
- *Gender issues are vaguely referred to, but not as explicitly as suggested in the question – score 1*
- *Gender issues are explicitly specified as requiring inclusion in EAs - score 2*

- *Gender issues are explicitly required, and the law requires that everyone is given an equal opportunity to participate in the public participation process in impact assessments – score 3*
- *As in last bullet, but in addition, there are national guidelines that compliment the legislation regarding the above - score 4*

19. Is there a dedicated high-level inter-ministerial committee on the environment that routinely/regularly meets in a formal manner to discuss environmental issues and advise the environment agency?

Meaning a committee established by government that is specifically mandated to advise the environment agency on environmental issues. The committee must either be established by law, or it must have a written mandate issued by the highest office (e.g. President/Prime Minister) or Parliament/Cabinet or equivalent body. 'Routine/regular' means that it meets at least 3 times a year, the agenda for the meetings is circulated prior to the meeting, and meetings are minuted. High level means minister/deputy minister/permanent secretary level.

Scoring

- *No committee in place, even though it may be provided for by law- score 0*
- *Committee exists, but hardly ever meets – score 1*
- *Committee meets at least once a year and includes at least the ministries responsible for natural resources, human health and welfare, planning and finance. - score 2.*
- *As above, but at least 3 meetings are held each year – score 3*
- *As above, but in addition to government representatives, Civil Society is also represented - score 4*

20. To what extent have health considerations been prominently considered in EIAs for mega (or Class A) projects in the country over the past 12 months?

'Health considerations' means HIV and AIDS, other STDs as well as other prominent diseases such as malaria and TB. By 'prominent' we mean that health issues are considered at least equally to biophysical and socio-economic considerations. Class A projects are those as per the definition of the WB/IFC.

Scoring

- *Health considerations never featured in EAs over the past 12 months – score 0*
- *Health considerations seldom featured in EAs over the past 12 months – score 1*
- *Health considerations often featured in EAs over the past 12 months – score 2*
- *Health considerations always featured in EAs over the past 12 months – score 3*
- *Health considerations have dominated EAs over the past 12 months – score 4*

Government Institutions

21. Is there a dedicated EA institution, established by policy or legislation?

Meaning a ministry or a directorate or department or agency within government that is specifically mandated to administer EAs. Whatever the status of the agency, its existence must be rooted in legislation or policy.

Scoring

- *No dedicated institution - score 0*
- *Dedicated institution exists, but linked to a development sector (e.g. tourism, forestry, agriculture, mining, water, energy, fisheries, transport) – score 1*
- *Dedicated institution exists, and not linked to a development sector (i.e. stand alone agency or under the Ministry of Environment) – score 2*
- *Dedicated institution exists and placed within the Presidency, Prime Ministers office or Planning Ministry - score 3*
- *Dedicated institution exists, not linked to a development sector and has flexibility regarding the use of independent experts/consultants on short-medium term contracts to improve its capacity – score 4.*

22. Authorized Class A projects are monitored for compliance in the past 12 months?

Meaning that the authorities either monitor or verify compliance with the environmental conditions of project approval. Class A projects are those as per the definition of the WB/IFC. Monitoring in this case means that an official/team/appointed consultants visited the site at least once for at least one day and compiled a monitoring report.

Scoring

- *No Class A projects were monitored as described above - score 0*
- *Although no site visits were undertaken, the environment agency received at least one compliance report during the last 12 months from at least 50% of the Class A projects that appear on their Authorization Register Environment – score 1*
- *1-25% of the Class A projects that appear on their Authorization Register were monitored as described above – score 2*
- *26%-50% of the Class A projects that appear on their Authorization Register were monitored as described above – score 3*
- *>51% of the Class A projects that appear on their Authorization Register were monitored as described above – score 4.*

23. What percentage of officials has adequate relevant experience?

'Official' in this case means a person who writes and/or vets the final record of decision or authorization or recommendation. 'Relevant experience' means a person has experience in analyzing and decision making with respect to policy and environmental impacts.

Scoring

- *If 100% of staff have <5 yrs experience, score a 1*
- *If up to 50% of staff have between 6-10 years, score a 2*
- *If >51% of staff have >11-15 years experience, score a 3*
- *If >60% of staff have >15 years, score a 4*

24. What is the percentage of staff turnover in the last 12 months?

Means people who have left the EA department, division, Ministry.

Scoring

- *If >76% of staff have left in the last year, score a 1*
- *If <75% of staff have left in the last year, score a 2*
- *If <50% of staff have left in the last year, score a 3*
- *If <25% of staff have left in the last year, score a 4*

25. What percentage of the EA Reports that have been conducted within the past 3 years, together with their decision records, have been registered, filed and are accessible in the EA institution?

Meaning that the environment agency is actually the repository of all EA reports, and that the EA reports are listed in a basic database, the reports are filed, either in hard copy or electronically in some kind of logical way. If the system is in shambles or the files are not all there, then the agency is obviously not functioning adequately.

Scoring

- *0-20% - score 0*
- *21-40% - score 1*
- *41-60% - score 2*
- *61-80% - score 3*
- *>81% - score 4*

26. Does the institution make EA reports and decision records available to the public at their request?

Meaning that any member of the public has the right to enter the agency's office and ask to see a particular EA report and record of decision. Whilst the agency may not be required to let the person remove the report from their office, they should at least allow the person to read it in their offices. Even better, the reports could be available on a website.

Scoring

- *EA reports are generally unavailable to the public – either as a matter of policy or because the filing system makes retrieval difficult/impractical – score 0*
- *Reports are available but one has to physically go to the agency's office in order to see a report – score 1*
- *The agency will email a report to you on request – score 2*
- *Reports are fully downloadable from the agency's website or via a link to the proponents website where the report is available – score 3*
- *As above, but in addition, the agency's decision/authorization letter is also available together with the EIA report – score 4*

27. Does the government have a formal review system or guidelines for reviewing EAs and what percentage of EAs reviewed were evaluated in terms of this system or guidelines?

A formal system is form/check list that asks a series of questions that prompt the reviewer to scrutinize the report and to note its adequacy after each question. The system can only be regarded as formal if it is officially endorsed by the agency and regarded as part and parcel of the agencies operating system.

Scoring

- *No formal review system or guideline - score 0*
- *A guideline exists, but no formal system – score 1*
- *A formal system is in place but only used up to 50% of the time – score 2*
- *A formal system is in place but only used up to 80% of the time – score 3*
- *A formal system is used in the review of all EIAs – score 4.*

EA consultants

28. What percentage of Class A EAs in the country are led by local consulting companies?

A 'local consulting company' is defined as an organization which is registered as a company and has an office in the country. 'Led' means the company that has the contract and provides the team leader. The team leader only qualifies as 'local' if s/he has the legal status of either citizen or permanent resident.

Scoring

- *0-20% - score 0*
- *21-40% - score 1*
- *41-60% - score 2*
- *61-80% - score 3*
- *>81% - score 4*

29. What percentage of EA reports submitted in last 12 months were led by qualified EA consultants?

In this context, 'qualified' means that a lead consultant is certified or professionally registered in an environmental field, or has at least a post-graduate qualification as well as at least 5 years relevant EA experience.

Scoring

- *0-20% - score 0*
- *21-40% - score 1*
- *41-60% - score 2*
- *61-80% - score 3*
- *>81% - score 4*

30. To what extent are social science experts (including health and gender disciplines) prominently included in EIA consultancy teams that have worked on mega projects in the country over the past 12 months?

By 'prominent' we mean that the person-days allocated to social issues (including health and gender) are at least similar to those allocated to biophysical considerations.

Scoring

- *Social science experts never featured in EA teams over the past 12 months – score 0*
- *Social science experts seldom featured in EA teams over the past 12 months – score 1*
- *Social science experts often featured in EA teams over the past 12 months – score 2*
- *Social science experts always featured in EA teams over the past 12 months – score 3*

- *Social science experts have dominated EA teams over the past 12 months – score 4*

Governance

31. Are there any NGOs that take an active role in EA processes?

Meaning that there are NGOs that are specifically geared towards involvement in environmental (including social, health and HIV/AIDS) issues, and that they actively participate in EA processes. By 'participate' it is meant that they attend meetings, update themselves on the facts about a project and make submissions to the consultants in which they express an opinion about its environmental implications. We will measure this by an analysis of an issues trail.

Scoring

- *No 'environmental' NGOs active in EA processes in the country - score 0*
- *'environmental' NGOs participate in EA processes in the country but their influence is negligible – score 1*
- *'environmental' NGOs participate in EA processes in the country and often influence EA processes and decision making – score 2*
- *'environmental' NGOs participate in EA processes in the country and they are regarded as very influential – score 3*
- *Environmental NGOs are represented on a standing committee/panel/commission that advises government on decisions relating to development – score 4.*

32. Does the EA legislation extend *locus standi*?

Meaning that in the law a person is allowed to challenge a decision on behalf of the environment and unborn generations, even though s/he may not be a directly affected party.

Scoring

- *There is either no legislation or, if there is, there is no mechanism for anyone to challenge a government decision linked to environmental issues - score 0*
- *Legislation provides for a person to challenge a decision only if they are directly affected – score 1*
- *Legislation provides for a person to challenge a decision even if they are not directly affected – score 2*
- *Legislation explicitly provides for a person to challenge a decision on behalf of someone else/the environment/future generations – score 3*
- *As above, but the law is also specific about the fact that such a challenge may be heard in the highest courts in the land – score 4.*

33. What percentage of the recommendations and/or decisions of the EA regulator are upheld in sector or 'presidential' decision making over the past 12 months?

Meaning that the recommendations made by the environment agency are not ignored or set aside because of 'political' or other considerations. The answer to this question gives insight to the influence that the environment agency has in decision making processes in the country.

Scoring

- 0-20% - score 0
- 21-40% - score 1
- 41-60% - score 2
- 61-80% - score 3
- >81% - score 4

34. What percentage of the written compliance notice/directives issued over the past 2 years have been rectified?

Scoring

- *No written compliance notices were issued – score 0*
- 0-20% - score 0
- 21-40% - score 1
- 41-60% - score 2
- 61-80% - score 3
- >81% - score 4

35. What percentage of ongoing non-compliance is penalized?

'Penalized' means as defined in law or a fine, a stop order, imprisonment or the impact is remedied by the state at the cost of the proponent. 'Ongoing' means the proponent failed to comply with the compliance notice or directive.

Scoring

- 0-20% - score 0
- 21-40% - score 1
- 41-60% - score 2
- 61-80% - score 3
- >81% - score 4

EA Barometer Scoring Sheet

Country:

Date:

Section 1: Policy and legal status

	Question	Weight	Score	Weight score	Comment
1	EA embedded in policy?	3	0	0	
2	Dedicated EA legislation?	3	0	0	
3	Screening, Scoping, EA, EMP, & monitoring required?	1	0	0	
4	EA practitioners must be independent from govt.	3	0	0	
5	EA practitioners must be independent from the proponent	3	0	0	
6	Public participation required?	3	0	0	
7	Appeals or objections permitted?	1	0	0	
8	Independent, external review specified?	1	0	0	
9	EA-related penalties prescribed?	1	0	0	
10	Time-frames for decision-making specified?	1	0	0	
11	Authorities must provide reasons for decisions?	1	0	0	
12	EA practitioners (consultants) certified?	1	0	0	
13	EA practitioners (authority) certified?	1	0	0	
14	Fees for EAPs regulated by professional body?	1	0	0	
15	Public comments must be recorded, uncensored, in EA report?	3	0	0	
Sub-total score (max possible is 108)				0	0

Section 2: Social, gender and health considerations in EA system

	Question	Weight	Score	Weight score	Comment
16	law defines environment broadly?	2	0	0	
17	law requires consideration of health issues/impacts in EA	2	0	0	
18	Law requires consideration of gender issues/impacts in EA	2	0	0	
19	Dedicated multi-sectoral committee for EAs?	2	0	0	
20	have health issues been prominently considered in EIAs in past 12 months?	3	0	0	
Sub-total score (max possible is 44)				0	0

Section 3: Government institutions

	Question	Weight	Score	Weight score	Comment
21	Dedicated EA institution?	3	0	0	
22	Class A projects monitored in past 12 months?	2	0	0	
23	% officials with adequate relevant experience	2	0	0	
24	% staff turnover	2	0	0	
25	% EA Reports and RoDs registered, filed and accessible	2	0	0	
26	Institution make EAs and RoDs available to public?	2	0	0	
27	Formal EA review system in place and used?	2	0	0	
Sub-total score (max possible is 60)				0	0

Section 4: EA consultants

	Question	Weight	Score	Weight score	Comment
28	% EAs led by locals?	2	0	0	
29	% EA led by qualified EA consultants?	3	0	0	
30	Inclusion of social science experts on EIA teams in past 12 months	2	0	0	
Sub-total score (max possible is 28)				0	0

Section 5: Governance

	Question	Weight	Score	Weight score	Comment
31	NGOs active in EA?	3	0	0	
32	<i>locus standi</i> extended?	3	0	0	
33	% RoDs upheld in sector or 'presidential' decision making	3	0	0	
34	% of compliance notice/directives rectified?	3	0	0	
35	% non-compliance penalized	2	0	0	
Sub-total score (max possible is 56)				0	0

Grand total score out of 296				0	0
-------------------------------------	--	--	--	----------	----------