



Ministry of Foreign Affairs of the
Netherlands

Evaluation of Dutch support to capacity development

The case of the Netherlands Commission for Environmental Assessment (NCEA)

The case of the Netherlands Commission for Environmental Assessment (NCEA) | IOB Evaluation | no. 335 | The case of the Netherlands Commission



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Assessment (NCEA)**

Preface

This evaluation aims to provide insight into the operations of the Netherlands Commission for Environmental Assessment (NCEA), a Dutch independent expert body that provides advisory services and capacity development on environmental assessment. In the Netherlands the Commission has had legal status to act as an independent advisor since 1987, issuing non-binding advice to government agencies responsible for environmental assessments. Research for the evaluation was conducted in a manner that was different from the standard methodological approach, which would have been to take NCEA's policy and the implementation of it as a starting point. Instead, it was decided to start from the processes and results achieved by Southern partners, and then move on to the NCEA secretariat. This change of method was to ensure that the reality experienced by the partner organizations was expressed as well as possible and used as a point of reference for assessing the theories of NCEA's policy and its effectiveness.

The evaluation was based on a theoretical framework (developed by Baser and Morgan) that allowed us to identify elements of capacity change and to indicate the extent to which they helped to achieve development objectives. It has been particularly challenging to take elements from this framework and repeatedly put them into operation from the specific viewpoints of the partner organizations. In fact, this whole process has been one of trial and error. It has proved to be far from straightforward to assume an independent position and to take one's own insights, targets, and approach as a starting point. This was as difficult for the Southern partners as it was for any other party involved.

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This NCEA evaluation covers the period from 2000 to 2009 and includes Georgia, Guatemala, Mozambique as case studies with additional desk research on interventions in Burundi and Ghana. The purpose of the evaluation is to gain new insights on how to support capacity development effectively. The NCEA evaluation was conducted as one of seven studies carried out in the broader context of an extensive evaluation of the effects of capacity development activities financed through Dutch development organizations. The synthesis report on this overall study is to appear early in 2011.

The evaluation is interesting in particular because it shows how difficult it is to initiate and maintain capacity development processes in a system where stakeholders are legally bound to comply with EA rules and regulations but of whom each has its own objectives in practice, causing an Environmental Assessment system characterized by strong power relations. Moreover, this evaluation is interesting in the light of the synthesis report on the Dutch support to capacity development because of NCEA's distinctive expertise and working method.

The evaluation tells us how cautious one has to be in making the assumption that outside support can result in significant changes in the short term that are sustainable in the long run. On the contrary, creating meaningful organizational and institutional change takes a long time and has many associated risks. It also demands a high level of professionalism from those who want to be of help.

Working on behalf of the Netherlands Ministry of Foreign Affairs' Policy and Operations Evaluation Department (IOB), Rafaëla Feddes in cooperation with Piet de Lange and members of the evaluation team, Hans Slot and Eric Kamphuis, were responsible for this evaluation. The principal researcher was Bert Lof, a consultant with ETC Netherlands B.V. In the country case studies he was assisted by a team of two local researchers per country whose efforts made it possible to conduct the evaluation on time, under sometimes difficult circumstances. These researchers regarded Irina Kitiashvili and Rusudan Konjaria for Georgia; Maria José Iturbide and Luis Samandú for Guatemala; and, Adriano Macia and Bruno Nhancale for Mozambique. I express my appreciation for the contributions made by all of them to this evaluation.

The study was supervised by an external reference group consisting of two independent experts, dr. S.G Nooteboom Associate Professor with the Erasmus University of Rotterdam in the Netherlands and prof. dr. J.B. Opschoor, accorded emeritus status. These two independent experts worked alongside NCEA and the Netherlands Ministry of Foreign Affairs' Social Development Department (DME). IOB colleague, Henri Jorritsma acted as internal advisor.

It was a pleasure to work with the staff of NCEA who were very cooperative. The report could not have been produced without their commitment, nor without the commitment of their partners and resource persons in the countries visited and IUCN – all of whom cooperated readily with the evaluation team. Their efforts are highly appreciated. Final responsibility for the content of this report rests solely with the IOB.

Prof. Ruerd Ruben
Director, Policy and Operations Evaluation Department

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Acronyms

| | |
|--------|--------------------------------------------------------------------------------------------|
| ABEIE | Burundi Association for Environmental Impact Evaluation |
| ADB | Asian Development Bank |
| AMAIA | Mozambican Association of Environmental Professionals |
| BTC | Baku–Tbilisi–Ceyhan oil and gas pipeline (Georgia) |
| CC | core capability |
| CCAD | Central American Commission for Environment and Development (Guatemala) |
| CD | capacity development |
| CIG | Chamber of Industry of Guatemala |
| CLEAA | Capacity Development and Linkages for Environmental Assessment in Africa |
| CONDES | Council for Social and Economic Development (Mozambique) |
| Danida | Danish International Development Agency |
| DGIS | Directorate-General for Development Cooperation (Netherlands) |
| DNAIA | National Directorate for Environmental Impact Assessment (Mozambique) |
| EA | environmental assessment |
| EG&M | environmental governance and management |
| EIA | environmental impact assessment |
| EIS | environmental impact study (or report) |
| EPA | Environmental Protection Agency (Ghana) |
| GoM | Government of Mozambique |
| IAIA | International Association for Impact Assessment |
| IOB | Policy and Operations Evaluation Department of the Netherlands Ministry of Foreign Affairs |
| IUCN | International Union for the Conservation of Nature |
| MARN | Ministry of Environment and Natural Resources (Guatemala) |
| MEEATU | Ministry of Water, Environment, Land management and Urban Planning (Burundi) |
| MEPNR | Ministry of Environmental Protection and Natural Resources (Georgia) |
| MICOA | Ministry for the Coordination of Environmental Affairs (Mozambique) |
| MoED | Ministry of Economic Development (Georgia) |
| MoE | Ministry of Environment |
| MoU | Memorandum of Understanding |
| NCEA | Netherlands Commission for Environmental Assessment |
| NGO | non-governmental organization |
| PEAA | Partnership for Environmental Assessment in Africa (World Bank) |
| PES | Economic and Social Plan (Mozambique) |
| PSRP | Poverty Reduction Strategy Paper |
| RECSA | Regulation for Environmental Assessment, Control and Monitoring (Guatemala) |
| RNE | Royal Netherlands Embassy |
| SEA | strategic environmental assessment |
| SEEAC | Secretariat for environmental assessment in Central Africa |
| SICA | Central American System for Regional Integration (Guatemala) |
| Sida | Swedish International Development Agency |

Acronyms

| | |
|-------|-----------------------------------------------|
| ToR | terms of reference |
| UICN | Unión Mundial para la Naturaleza |
| UNECE | United Nations Economic Commission for Europe |

Background

Policy background

The Netherlands Commission for Environmental Assessment (NCEA) is an independent expert body that provides advisory services and capacity development on environmental assessment. In the Netherlands it has had legal status to act as an independent advisor since 1987, issuing non-binding advice to government agencies responsible for environmental assessments (EA), including national, provincial and local governments. NCEA provides advice to these authorities regarding projects or programmes which, according to legally formulated criteria, might have impact, on the environment. This assessment of environmental consequences is done through a so-called environmental impact assessment (EIA) for individual projects, or through a strategic environmental assessment (SEA) for planning and programmes that are wider in scope.

NCEA has been involved in international cooperation since 1993. An agreement with the Ministry of Foreign Affairs stipulates that NCEA will provide roughly the same services internationally as it does in the Netherlands, but its main task is to develop institutional, organizational and human capacities required for the setup of an environmental assessment system in developing countries. The current, third agreement for international activities started in early 2007 and will end in December 2011. The Commission has established a separate secretariat for its international work, with a staff of six professionals plus secretarial support.

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The mission of NCEA's international work is to assist environment and sector ministries, environmental assessment professionals and non-governmental organizations to achieve better environmental assessment practice. In doing so, NCEA aims to contribute to sustainable development. This should result in a better environment, better governance and less poverty in those countries where it operates.

NCEA's activities can be categorized as (1) advising on terms of reference for and reviews of environmental assessments of plans, programmes and projects; (2) supporting capacity development of systems and institutions to improve the environmental assessment practice; and (3) contributing to knowledge and learning resources on environmental assessment. Its services are available on request during short but frequent missions. This guarantees the Commission's independence. NCEA values transparency by means of publishing the advisory reports on their website.

Background of the evaluation

The objective of the evaluation was to gain insight into how, and under what circumstances, capacity development support to environmental assessment systems can be effective. The evaluation aimed at understanding and identifying the factors explaining the results of external support and has thus a strong focus on learning. The main questions are:

1. What changes have taken place in the capacity of Southern organizations?
2. What effects have changes in the capacity of these organizations had on the realization of their development objectives (output and outcome)?

3. How effective have external interventions of NCEA been in terms of strengthening the capacity of Southern partners?
4. What factors explain the level of effectiveness of external NCEA interventions?
What lessons can be learned?

The evaluation questions can be summarized as follows: did the evaluation yield evidence of changes in the capacity of NCEA's Southern partners that have brought them closer to a well-functioning environmental assessment system? How effective has NCEA been in strengthening capacities and realizing its objectives, and what factors have played a role in its success? What lessons have been learned?

Fundamental to the evaluation was its evidence-based approach, taking as a starting point the changes in capabilities as experienced by the Southern partners. The evaluators therefore worked with localized indicators for assessment and defined the unit of analysis in consultation with the Southern partners.

Three case studies were carried out, i.e. Georgia, Guatemala and Mozambique, and two desk studies, i.e. Burundi and Ghana. All cases considered the support provided to environmental assessment systems, a system consisting of a wide range of stakeholders that are bound to comply with environmental assessment rules and regulations. Detailed information on each case can be found in the separate case and desk study reports.

Main findings

Effectiveness of NCEA support

1) NCEA's support on the EA legal and regulatory framework has a leverage effect on the quality of the EA system, although this type of support is not a guarantee for enhanced outputs.

The EA legal and regulatory framework defines the routes, criteria and actors involved in the operation of the EA system and the linkages between them. The support that NCEA provided to improve legal and regulatory frameworks at the request of the environment ministries was appreciated by the clients. In all the case studies, the volume of environmental permits issued on the basis of an EIA has increased over time. This form of support can be considered strategic in the way NCEA takes their small staff into consideration. It was possible, with relatively limited NCEA support, to produce a substantial effect on the quality of the EA system (NCEA's leverage), such as greater EIA and decision-making transparency, categorization, decentralization, public participation, standards for improving the expertise of relevant government agencies and societal support for EIA. However, imposing the rule of law proved to be difficult. In some cases, EA procedures were not followed and environmental licences were granted without proper inspection and review of the applications. Often, there was no public participation. A lack of strong leadership in the environment ministry, especially the department responsible for environmental assessments, played an important part in this.

2) NCEA's support contributes to a better understanding of the EIA and SEA concepts among a wide range of stakeholders. However, the sustainability of enhanced human resources is not secured due to staff turnover, poor working conditions and political changes.

NCEA provides support (coaching, training, facilitation of workshops, knowledge sharing, etc.) to environment ministry staff at the central and district levels, sectoral ministries, consultants, associations of EA professionals, project proponents, environmental NGOs and local communities, to improve the understanding of the EIA and/or SEA concepts among a wide range of actors in the EA system. Training staff takes time, and the benefits only gradually trickle down through the organization. NCEA's contribution to the sustainability of this enhanced capacity proved to be quite complicated and difficult. It was influenced by high staff turnover, political/leadership changes, poor working conditions, etc. A lack of financial resources is often a constraint for the environment ministry, and access to internal documentation for staff is not always adequate. On the other hand, an improved business climate leads to more investment projects that put pressure on the capacity of the EA system. There is tension between the number of investment projects to be assessed and the ability of environment ministries (mostly human resources) to keep up with this increasing demand. NCEA has paid relatively little attention to the issue of how to support effective human resource development. One of NCEA's approaches has been to train trainers in order to establish a core of persons capable of enhancing human resources in the EA system. If NCEA does not have the expertise itself, it hires external experts for this purpose.

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3) NCEA's expertise and neutrality provides added value in controversial EA processes. The effects on the capacity of the EA system by means of NCEA's recently introduced approach to establish a learning platform where stakeholders are brought together cannot be determined yet.

The EA legal and regulatory framework links stakeholders, each of whom has its own objective, together. This may cause tensions among stakeholders in the EA system. The ways in which different interests are expressed, as well as the ways in which they influence EA procedures, are not always transparent. The underlying reason is related to the relatively weak role of the environment ministry in the EA system in relation to investors/proponents and powerful ministries such as energy, mines or infrastructure.

NCEA's role as a technical expert in complex or controversial EIA processes appeared to be effective for several reasons. NCEA's advisory work, training and other assistance addressed the environment ministries' need for experience related to establishing or managing EIA procedures that often was not available locally. This support made it possible to find applicable and environmentally sound solutions, to create greater cohesion and understanding among stakeholders, and to provide an example to the licensing authorities of the potential benefits of the EIA process. NCEA's reputation as a neutral and professional institution provided added value that is highly appreciated by Southern partners, and increased the confidence of the various stakeholders. NCEA acts not only as a technical advisor but also as a mediator/negotiator in adversarial situations when the environment ministry is weak.

NCEA recently introduced a new approach. Instead of starting by improving the legal and regulatory framework, it first set up an association of EA professionals who work together in implementing EIA and gradually learn how to improve the effectiveness of the EA system. Since this activity started very recently, it is not yet possible to draw conclusions about the effectiveness of this approach.

4) NCEA did not focus sufficiently on developing a feedback mechanism in EA systems to report on results.

It is not common practice in the EA systems to learn and to adjust policies on the basis of feedback mechanisms that provide information on changes in capacity, output and outcome in relation to the EA system's outcome statement. As a consequence, no systematic data are available on the impact of projects on the environment once they have been approved. Factors of influence included antagonism among different stakeholders, or the absence of political will to invest in environmental audits or data storage. Often, political/ leadership changes caused instability in the system affecting the quality of human resources available to implement an M&E system, among other things. There was no evidence that NCEA adopted a systematic approach to develop learning organizations that would be able to respond to contextual changes. NCEA's support was limited to developing databases and M&E systems that register environmental permits issued; monitor projects subject to an environmental permit, etc.

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In Guatemala, on the other hand, learning was facilitated through participation in a regional programme supported by IUCN/NCEA where experiences from other countries could be shared. A driving unit within MARN learned and gained experience through its participation in and dialogue with regional bodies that, among others, enabled them to understand national problems within the trends set in the region.

5) Technical staff appreciates the content and quality of guidelines and standards on EAs, but these instruments are not systematically used.

NCEA's focus on regulatory frameworks and their operational aspects imply that less attention is paid to issues such as developing learning organizations and ensuring coherence. NCEA has a larger focus on capacity development at the national level. The functioning of EA systems at the provincial or district level received far less attention, whereas decentralization increases their importance. The operational aspects are considered in reviews of ToR and/or EIA reports, but during implementation, specific guidelines on how to make judgements are often absent. The developed guidelines are highly appreciated by technical staff. They provided guidance and orientation to EA technicians at ministerial and local levels, and thus contributed to coherence in the EIA reports (but not in capacity development policy). They also reduced the room for project proponents to negotiate and influence the outcomes of individual environmental licence applications.

Lessons, points of interest for future policy decisions and dilemmas

Over time, the role and services of NCEA have changed considerably in response to the increasing demand for support to strengthen the capacity of EA systems. From a technical advisor closely linked to its mandate in the Netherlands, NCEA has become an advisor, coach and trainer on the effectiveness and efficiency of EA systems in developing countries.

By broadening its initial focus on providing services to environment ministries, NCEA now supports other stakeholders to enhance the capacity of the EA systems. These include national associations of EA professionals but also NGOs, communities, line ministries and private sector. NCEA's support has become more strategic, with long-term commitment including assistance in implementing SEAs in response to the growing interest of developing countries in applying them. NCEA's policy provides several points for discussion.

1) Short-term, ad hoc services versus supporting ongoing and emerging development of capacity

NCEA values short-term services as most effective because they guarantee its independence and encourage recipient ownership. However, such short-term services are unable to focus on the operational day-to-day aspects of changes in capacity. Due to operational limitations, some partners may be unable to implement NCEA's advice and proposals, but these are often not considered during short-term visits to stakeholders in the EA system. Especially in the case of weak organizations and institutions, other factors and actors may inhibit the application of guidelines, standards or regulatory frameworks. On the other hand, one could question whether short-term missions play a distinctive role in supporting endogenous development in a context of strong power relations.

2) Demand-driven versus creating windows of opportunity

NCEA's policy values a demand-driven approach and ownership in its support for institutional strengthening, strengthening impact assessment systems and capacity development. According to NCEA, the alignment of support services is of the utmost importance as part of its demand-driven approach; thus, in all countries, its support is closely aligned with the national policy on the development of an EA system. An implication of this approach is that NCEA depends on opportunities, which rarely emerge, to contribute to laying or enhancing the foundation of rule of law with regard to environmental assessments. Quite often – but not exclusively – a request for support is related to the implementation of complex EIA procedures, or when a ministry realizes that the national EA framework is inadequate to deal with large projects that will have serious impacts (creating windows of opportunity). There is thus a clear link between the initial EIA advisory services and the contribution to structural EA changes later on. The development of the system and the possible demand for NCEA support depends on leadership that is committed and able to act. On the other hand, in contrast with the demand-driven approach, programme-led approaches applied in Central America and Central Africa may provide important opportunities for capacity development of the EA system in the longer term.

NCEA's strategy of focusing on so-called high-profile projects – which are often complex and demand high standards of professional expertise – appears to result in positive contributions to the EA process. It creates confidence among opponents in the EA systems, for example, regarding a complex project, but this is not enough. While such high-profile projects can indeed demonstrate the potential of EIAs (and in some cases SEAs), other factors that are needed to create a favourable context for environmental assessment do not always clearly emerge. For instance, international programmes are equally important for establishing long-term support programmes or for encouraging national stakeholders to improve the operational features of the EA system.

3) NCEA's independency versus its financial relations with DGIS

NCEA's emphasis on maintaining its independent role is acknowledged and appreciated by partners. However, one could argue about the definition of independence in view of NCEA's financial dependence on DGIS, its main donor. NCEA's policy reflects its donor's priorities with regard to geographical focus, thematic choices and support to achieve the MDGs. On the other hand, as a result of this long-term core funding from DGIS, NCEA is able to commit itself for longer periods of time to country programmes. A long-term commitment enhances trust and confidence between the Commission and its partners, which appeared to be important in the case of controversial projects.

From a distance, one may question whether the requests of Southern partners for technical support were triggered by the need for specific expertise that only NCEA could give, or whether the political economy (dependency on financial support of the Royal Netherlands Embassy or the Ministry of Foreign Affairs in The Hague) played a role. The evaluation did not find any evidence that could elaborate on this question.

4) NCEA's ambitions on paper versus NCEA's practice and capacity

In line with the priorities of DGIS, NCEA aims to contribute to the ecological, social and economic sustainability of development with a focus on poverty reduction and good governance by supporting the establishment of effective, efficient and transparent systems for environmental assessment in developing countries. With regard to governance, NCEA's support does seem to contribute to mechanisms that make EA systems more transparent, accountable and participatory. However, the relation between the interventions and poverty reduction cannot be established. The relationship between environmental protection and poverty reduction is recognized to be mutual, but also very complex. Based on the evidence collected, it remains very difficult, if not impossible, to attribute the effects or impacts of changes in environmental management to the livelihoods of the poorest in society, let alone to determine the carry-over effects of the nature of NCEA's support to poverty reduction. Changes in capacity are not always a result of purposeful intention, but more often an outcome of various often opposing decisions taken at higher levels.

NCEA recognizes that EIA performance depends on context-specific factors, such as the political system and the capacities of key stakeholders. NCEA conducts context and capacity analyses that are used for creating a capacity development support programme. NCEA's main focus on supporting the environment ministry derives from the request of the ministry itself, but also on the deliberate choice of NCEA to support the central governing and regulating body in the EA system on the assumption that it will lead to a stronger EA system, even though it may be the weakest actor in the system. Over time, increasing attention is paid to other stakeholders in the system.

For the Dutch staff, the implications of the fact that NCEA has moved away from technical advisor towards a more strategic partner in capacity development are twofold. On the one hand, the pressure on the relatively small staff increases. Collaboration with other partners could reduce this pressure. Nonetheless, power relations often appear to be an influential factor in the process of capacity development.

In addition to NCEA's current approach, opportunities for the future may lie in taking into account the full spectrum of capacity development. Coherence could be stimulated by creating manuals and guidelines on the conduct of assessments and review of reports. Furthermore, the way monitoring and evaluation systems are set up could provide useful learning insights, such as to what extent do the actors comply with regulations, and what is the impact of their activities at environmental, economic and social levels? A learning EA system will contribute to more sustainable capacity. Nonetheless, for several reasons the sustainability of NCEA's support to capacity development depends on a strong central leading body, usually the environment ministry or a national agency. As stated before, developing the capacity of an EA system is complex, nonlinear and vulnerable to power relations.

1

Introduction

1.1 Background

Capacity development

Over the years, capacity development – defined as the process through which individuals, organizations and societies obtain, strengthen and maintain the capabilities to set and achieve their own development objectives over time (UNDP, 2008) – has become a focus of attention for many donor agencies. This increased attention was reflected in the Paris Declaration on Aid Effectiveness (2005), which declared that ‘capacity development is the responsibility of partner countries with donors playing a support role. It needs not only to be based on sound technical analysis, but also to be responsive to the broader social, political and economic environment, including the need to strengthen human resources’. The Accra Agenda for Action of September 2008 acknowledged this, and confirmed that developing countries need robust capacity – strong institutions, systems and local expertise – to own and manage their development processes and to achieve their economic, social and environmental goals.

Capacity development also occupies a prominent place in the implementation of Dutch development cooperation. However, a consultation with policy officers from the Ministry of Foreign Affairs, Dutch NGO’s, and the private sector organized by IOB in preparation for this evaluation made it clear that there is a lack of clarity about what capacity means and how capacity development works. The Ministry has no policy document outlining a vision of the capacity issue, or a manual to guide decisions concerning strategic choices or approving the funding for capacity development programmes and projects. Similarly, many Dutch NGO’s that focus on capacity development lack coherent guidance regarding capacity development. In their daily routine, policy officers of both the Ministry and the Dutch NGO’s have to rely on general notions of capacity included in thematic policy notes and on their own experience. Such lack of clarity is common not only in the Netherlands, but throughout the development community.

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IOB evaluation of Dutch support to capacity development

In 2009, the Policy and Operations Department of the Netherlands Ministry of Foreign Affairs (IOB) initiated a series of seven evaluations, entitled ‘Evaluation of the Dutch support of capacity development (CD): Evidence-based case studies’. IOB carries out independent evaluations of policy and operations in all fields falling under Dutch development cooperation.

The purpose of the evaluation is to respond to the need for knowledge and new insights that will contribute to further policy development on CD of the Ministry, Dutch NGOs and their partners in developing countries. The evaluation looks into how and under what circumstances capacity has developed and how support for CD can be provided more effectively. The evaluation has thus a strong focus on learning. The study focuses on identifying the factors that explain the results of support for CD provided by the Dutch development partners (government agencies and NGOs involved in development support). The seven organizations that participated in the evaluation are involved in a wide variety of CD interventions.

Open systems approach and Southern perspectives

The evaluation has not defined the concept of capacity beforehand because of its latent, elusive and transient character. An important methodological implication of the open-systems approach is that the framework and indicators of each separate evaluation must be contextualized and related to the perspectives of the Dutch NGO's and Southern partners on CD. Key to this methodological approach is a 'bottom-up' evaluation design by calibrating the indicators and operational criteria in collaboration with local stakeholders.

In developing the general analytical framework for this study, IOB has taken the five core capabilities described by Baser and Morgan (2008). These five strongly interrelated core capabilities provide a basis for assessing a situation at a particular moment in time (see Figure 1).

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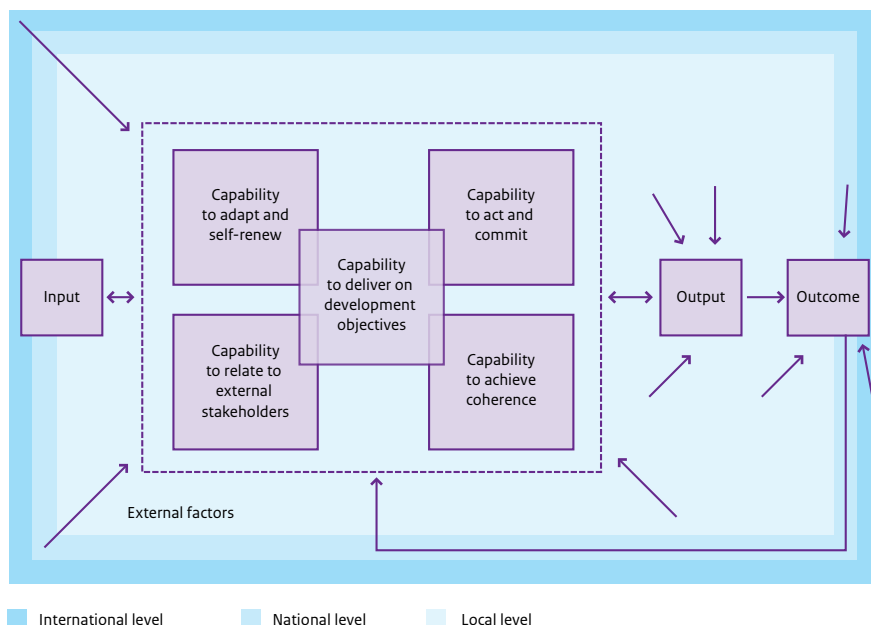


Figure 1. Analytical framework for capacity development. (Adapted from de Lange, *Capacity.org* 37, 2009).

The overall ToR provide a framework for seven separate evaluations, of which the Netherlands Commission for Environmental Assessment (NCEA) is one, conducted under the responsibility of IOB. The other six evaluations examined are Agriterra, the Netherlands Institute for Multiparty Democracy (NiMD), the Ministry of Health in Ghana, Partos, PSO and SNV.

1.2 Netherlands Commission for Environmental Assessment

The Netherlands Commission for Environmental Assessment (NCEA) is an independent expert body that provides advisory services and capacity development for environmental assessment. In the Netherlands it has had legal status to act as an independent advisor since 1987, issuing non-binding advice to government agencies responsible for environmental assessments, including national, provincial and local governments. NCEA provides advice to these authorities regarding projects or programmes which, according to legally formulated criteria, might have impacts – positive or negative – on the environment. This assessment of environmental consequences is done through a so-called environmental impact assessment (EIA) for individual projects, or through a strategic environmental assessment (SEA) for planning and programmes that are wider in scope.

Box 1: EA, EIA and SEA

Environmental assessment is a subsystem of a wider environmental governance and management (EG&M) system. EG&M relates to defining the environmental policies and management systems needed to achieve sustainability through the protection of natural resources and the environment. Here EG&M relates to the management of public goods, encompassing all ecosystems (forests, watersheds, marine life, climate, air, soil, etc.), but also to human interactions with these ecosystems in terms of policies, education, exploitation, pollution, monitoring, etc.

The terms environmental impact assessment (EIA) and environmental assessment (EA) are commonly used, sometimes interchangeably. An EIA generally refers to a knowledge-based study of possible impacts on the environment by individual projects (public or private), while EA is a broader term that emphasizes not only avoidance of negative impacts, but also enhancing positive outcomes. Many people regard EA as including strategic environmental assessment (SEA), which is essentially an environmental assessment as it applies to the development of policies, plans and programmes. As distinct from an EIA, a SEA allows the integration of sustainability objectives at the earliest stage of the decision-making process. This is a rapidly evolving field, and the methodology is applied at different levels of government and organizations worldwide.

In both EIAs and SEAs, a study is done and a report is produced. In the case of an EIA, this is referred to as an environmental impact study (EIS) or EIA report, which is reviewed by the authorities, and conditions are then set for the investment project to proceed, or the project is stopped. In the case of a SEA, this report is often referred to as a strategic plan (sectoral, urban, rural, district, etc.). The term environmental assessment refers not only to the environmental assessment procedure (EIA or SEA), but also to the monitoring of implementation during construction and operation. The latter is often referred to as environmental audit.

Adapted from: CLEAA (2003) and the IAIA Wiki on SEA (March 2010).

NCEA services and organization

According to its mandate, NCEA's services in the Netherlands include advice related to the quality of the terms of reference of an EIA/SEA study, the quality of the EIA/SEA report itself, and the post-decision situation after the environmental licence has been granted. This advice is given to the competent authorities, who then decide whether or not to include the recommendations made in the review. In practice, there is great satisfaction with regard to NCEA reviews, as in most cases the advice has been followed and has led to action by the authorities.

NCEA also plays a major role in making environmental knowledge available through its knowledge platform on environmental assessment in the Netherlands. NCEA not only provides information to the competent authorities, but is also paying increasing attention to contributing to the awareness of relevant city and provincial council members.

NCEA has an independent legal status and is registered as a not-for-profit organization (stichting) under Dutch law. NCEA employs about 55 staff members (as of December 2009), of whom 25 are support staff and about 30 are expert staff. NCEA has a consultative body with 10 members who chair individual standing committees, supported by a secretary (from among the expert staff), on implementing the advisory process. NCEA recruits and involves more than 200 national and international experts to contribute advice on individual EIAs or SEAs. These experts come from a wide range of organizations, including universities, consultancy bureaus, NGOs and professional knowledge institutes.

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NCEA and international cooperation

In international cooperation, the NCEA provides advisory services and supports capacity development for environmental assessment. It operates under an agreement with the Netherlands Ministry of Foreign Affairs. Activities in developing countries started in 1993, focusing on those countries eligible for Dutch international cooperation. The first funding agreement was signed in 1998 for a period of three years. Over the years, the NCEA has been able to renew its five-year agreements with the Ministry; the current (third) agreement started in early 2007 and will end in December 2011. At the end of each funding agreement a comprehensive evaluation of NCEA's international activities is carried out.

For its international work, the Commission has established a separate secretariat with a staff of six professionals plus secretarial support. Under the international agreement NCEA provides roughly the same services as it does in the Netherlands, but its main tasks concern the development of the institutional, organizational and human capacities required for establishing environmental assessment systems in developing countries.

1.3 Objectives, key issues and questions

The general objective of the IOB study of support of Dutch NGO's to capacity development was formulated as follows:

To provide new insights into how and under what circumstances capacities are developed and how support for capacity development can be provided more effectively. The evaluation will focus on identifying the factors that explain the results of support of Dutch NGO's for capacity development.

The overall questions that guide this evaluation are relevant for the specific position of NCEA's capacity development work in their partner countries. The overall questions formulated in IOB's overall framework have been slightly adapted to reflect the specific position of NCEA.

1. What changes have taken place in the capacity of Southern partner organizations that have contributed to the national environmental assessment system?
2. What effects have these changes in the capacity of Southern partner organizations had on the realization of their development objectives (output and outcome)?
3. How effective have NCEA's interventions been in terms of strengthening the capacity of Southern partner organizations?
4. What factors explain the level of effectiveness of NCEA's interventions, and what lessons can be learned from these explaining factors?

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1.4 Methodology

In close collaboration, NCEA and IOB selected a number of cases that could provide the evidence required to answer the general questions listed above:

- comprehensive national case studies of the environmental assessment (EA) systems in three countries: Mozambique, Guatemala and Georgia; and
- short desk studies of the EA systems in two other countries: Burundi and Ghana.

The process and the criteria used in the selection of these cases, based on the inception report of May 2009, are described in Annex 7.

The three case studies in Mozambique, Guatemala and Georgia involved a preparatory visit by the NCEA study team leader, a field study by local consultants and validation by the whole team (study team leader and local consultants). The Mozambique study was intended to be a pilot for the entire evaluation, but due to delays in implementation, the study coincided with the national election on 25 October 2009 and the formation of a new government, which brought the Ministry for the Coordination of Environmental Affairs (MICOA) – the main stakeholder – almost to a standstill.

The two desk studies of the EA systems in Burundi and Ghana did not follow the same methodology as they were not to be based on an analysis of evidence of changes in the five core capabilities. Moreover, the study was limited to desk material.

The three comprehensive case studies were carried out in four phases:

1) Exploration phase: May 2009 (Mozambique) and November–December 2009 (Guatemala and Georgia)

During the preparatory visits to the three case study countries, the team contacted the main stakeholders: the environment ministry, private consultants, environmental NGOs and, if appropriate, the professional association of EA experts. The team also visited the Royal Netherlands Embassy (RNE) in each country as they are (or were in the case of Mozambique) often involved in the work of NCEA in some way. In Mozambique, at the request of the RNE in Maputo, the team also contacted other donor agencies.

Each preparatory visit included a presentation to the environment ministry and other stakeholders describing the purpose of the study and the approach. On the basis of these visits and first interviews, the team and the national consultants made a preliminary assessment of the approach and the application of the evaluation framework, including the formulation of judgement criteria and what indicators would be used. Finally, the team and the consultants involved agreed on a schedule for the subsequent phases.

2) Field study phase: September–October 2009 (Mozambique) and January–February 2010 (Guatemala and Georgia)

The three national field studies were carried out by national consultants on the basis of the agreed approach, evaluation framework, reporting format and methodologies. The field studies included the following elements:

- identifying the main stakeholders and their roles in the EA system;
- ‘calibration’ of the evaluation framework with the main stakeholders, involving identifying relevant criteria for analyzing the EA system (‘judgement criteria’); see Annex 6 for the outcomes of these criteria in the three countries;
- a policy reconstruction with regard to the national EA system;
- describing in detail, reconstructing and analyzing the five core capabilities of the EA system and how they have changed over time (2000–10);
- describing and analyzing EIA/SEA case studies (four or five per country) in order to assess changing outputs and outcome levels of the EA system; and
- describing and analyzing the support provided by NCEA and its contribution to capacity development for EA.

3) Validation and reporting phase: December–February 2010 (Mozambique) and March–April 2010 (Guatemala and Georgia)

During this phase a validation workshop was organized in each country in order to triangulate the findings of the study and to obtain feedback on the results from the main stakeholders in the EA system. The validation workshops were attended by all parties involved, except in Mozambique, where the feedback session took place only in the presence of representatives of MICOA; it was apparently impossible to organize a broader session where all stakeholders could sit together.

4) Desk studies – Burundi and Ghana (April 2010)

Two more complementary studies were undertaken in Burundi and Ghana (see Annex 7). The Burundi study included a short field visit to Bujumbura to interview various stakeholders, including staff of the EIA unit of the Ministry of Environment, the coordinator and members of the Burundi Association for EIA (ABEIE), and a private consultant.

The Ghana desk study was based on a number of evaluations and relevant studies of the EA system, as well as interviews with staff and consultants during the annual conference of the International Association for Impact Assessment (IAIA) held in Accra in May 2009.

1.5 Focus and limitations

Unit of analysis

In the case of the NCEA, the unit of analysis is a complex one. Environmental management is primarily the responsibility of the environment ministry, but in some countries this task has been delegated to a national agency. But, as we have seen before, in the whole chain of environmental assessment (EIA/SEA; see Section 1.2) a large number of stakeholders are involved in one way or another.

In the EIA process, the initiator of the procedure is the investor who requests an environmental licence to implement a project. The investor is usually a national or international private company or public institution (national, regional or local) interested in making an investment that may or may not have a detrimental effect on the environment. Apart from the proponents of the project, independent consultants play a role in providing the necessary expertise for carrying out the EIA study. These experts are increasingly organized into professional associations at national and international levels. Lobby groups, NGOs, local authorities and community groups may also play important roles. Other ministries may also have a say in the EIA licensing process.

In the SEA process the initiator of the process is often a national ministry of environment or planning, or a sectoral ministry. Other stakeholders are similar to those in the EIA process, although guidelines for the SEA process often explicitly mention the different stakeholders to be included.

For this evaluation, the national environmental assessment system has been chosen as the unit of analysis (see Figure 2). The EA system encompasses the national environment ministry (or national agency), the private sector and civil society groups active in the environmental sector. In some cases, the major stakeholders in the EIA/SEA system are organized into a national association of EA professionals that interacts directly with the ministry in question. The national EA system encompasses not only all the institutions involved in EIA/SEA, but also the regulatory framework that links them together. Boundary organizations may also influence the system, but are not directly part of it (see figure 2).

As a hypothesis, we considered a number of organizations collaborating with clear but distinct tasks and obligations in the EA system to be a 'collaborative association'. The collaboration can be characterized as not permanent, linear (following procedural guidelines), complementary, correcting and strengthening on the basis of the competencies and skills of each of the contributing stakeholders. The association involves diverse stakeholders from government, civil society and private business, but since there is little integration of activities, programmes and planning, it is clear that one cannot speak of collaborating 'partners'.

This focus of the unit of analysis was one of the main limitations of the evaluation, as there is always the risk that the scope can become too wide. The alternative – restricting the focus to the relevant environment ministry alone – would limit the scope too much and would not reflect NCEA's comprehensive approach to capacity development for environmental management. The open boundary approach of the overall analytical framework made it possible to deal with the issue of analyzing the EA system. Thus, for each country involved in the study, the object of study was delineated more precisely according to the specific role played by each stakeholder in the national EA system.

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Other limitations in the study concerned the donor context in which NCEA provides its support activities. First, other donors have also provided support, making it difficult to distinguish project outcomes from other support activities. Second, according to RNE staff members consulted, in view of the harmonization of donor activities and alignment with government priorities, this evaluation could have been embedded in a wider joint donor review, including the government (this was mentioned in the case of Mozambique in particular). This is certainly the case when assessing the wider impacts of support to the EA system on the environment and poverty reduction.

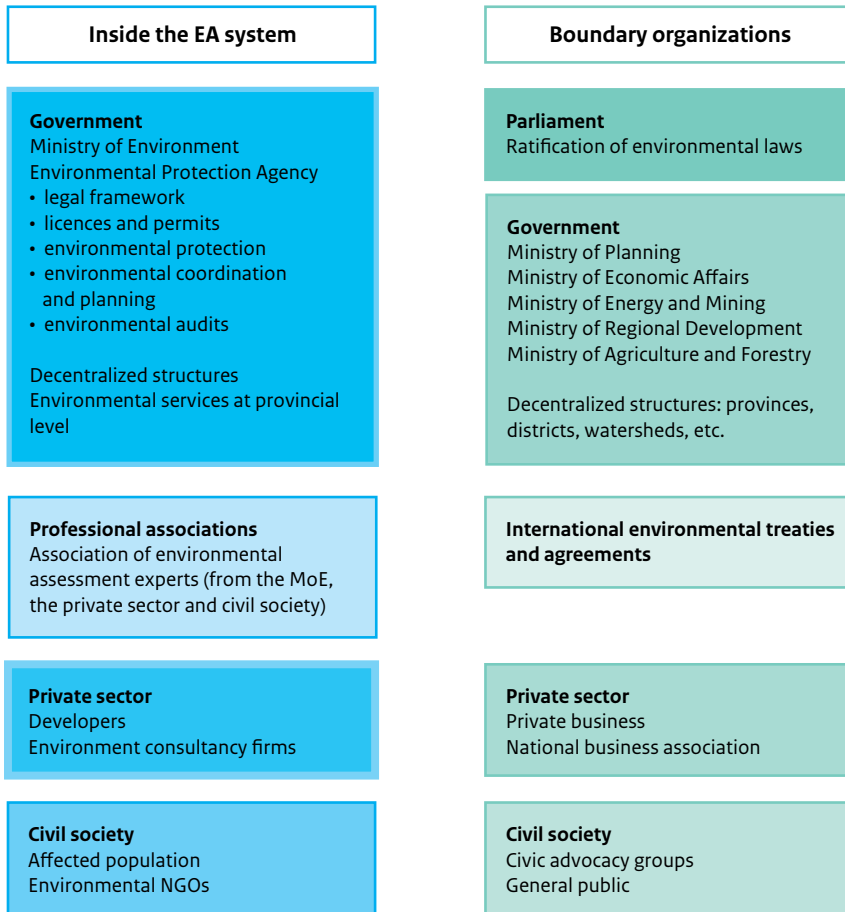


Figure 2. Unit of analysis: the national environmental assessment system.

The historical reconstruction over a period of 10 years in order to be able to analyze the major changes in capabilities of the stakeholders who are part of the EA system posed another practical problem. As in most instances the institutional memory (in terms of human resources as well as documentation) is absent or incomplete, it appeared to be very difficult to get a full picture from the various stakeholders involved. In addition, storage of data – on compliance with EIA regulations, for example – is often partial and deficient, making validation and triangulation of the findings quite difficult.

A final limitation concerned the setup of the fieldwork, in that the study team leader visited each country only at the start and the end of the study. This made direct interactions between the team leader and the national consultants and the provision of guidance on critical issues during implementation rather difficult. In the context of a study based on ToR that include a new analytical approach, such interactions and guidance are essential. During the fieldwork there was long-distance contact by email and sometimes via Skype, but this

approach certainly had negative aspects that could have threatened the outcomes of the national studies.

1.6 Organization of the evaluation

The NCEA study began with the writing of the inception report (April–June 2009). In May 2009, the study team attended the IAIA conference in Accra, Ghana, to interview a number of NCEA's international partners from all over the world. The interviews provided insights into NCEA's approach from the perspectives of the beneficiaries, all of them from the South (Africa, Asia and Central America). Upon completion of the inception report, the external reference group (see Annex 5) provided observations or additional information, which were included in an addendum. Meanwhile, short reports were compiled on the start-up of each of the three main case studies. First and second drafts of the country reports were shared with IOB and NCEA for their comments and observations. The current synthesis report is based on the third and final drafts of the three case studies and the first drafts of the two desk studies.

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For the NCEA study, the evaluation team consisted of a team leader and six local researchers, two per country. An important step of the start-up phase was the identification of national consultant(s) to implement the national studies. Once the consultants were recruited, the team explained the objectives, approach and methodologies of the study, as well as the reporting format and deadlines. In all three countries it was decided to identify a senior national consultant, to be assisted by a junior expert who was familiar with environmental assessment. In all but one case, the consultants were nationals with expertise in the field of environmental assessment. In Guatemala, the senior consultant had a social science background and was not a national, but had developed intimate knowledge of the country after working there for many years.

The reporting phase consisted of three rounds of reports by the national consultants and feedback from the study team leader, IOB and NCEA at various levels of detail. Only the first drafts of the national reports were discussed with the consultants in person; all subsequent drafts were discussed by email.

The members of the external reference group (see Annex 5) reviewed the inception report and this synthesis report.

1.7 Conduct of the evaluation

During each of the field studies, the planned activities included the following:

- a literature review of available documents, including relevant laws and details of regulatory frameworks;
- a stakeholder mapping and stakeholder inception workshop;

- interviews with key staff of the main stakeholder, the environment ministry, both at central level, and in Mozambique and Guatemala, also at provincial levels;
- EIA case studies, with a policy reconstruction of the whole EIA/SEA process;
- an EIA mapping exercise (a tool developed by the NCEA); and
- a desk study of secondary documentation.

However, there were some departures from the planned activities:

- The EIA mapping tool was not applied in the case study countries. It seems that the methodology was more complex than expected, with more than 500 indicators, which would also require the collection of additional data. An EIA mapping exercise takes about three days and needs substantial facilitation skills that were not available. Also, the mapping tool would need to be translated from English into Portuguese and Spanish, which was considered to be too costly. NCEA has applied the EIA mapping tool in several countries, mainly in the context of the Central Africa programme. As an alternative, the EIA systems in the case study countries were assessed on the basis of interviews, documentation and the EIA case studies.
- The national studies did not include a review of a SEA process. All of the SEAs in the countries under review were considered to be of little relevance for assessing outputs and outcomes, as they were either beyond the scope of the study or were mainly donor initiated and implemented by external consultants. All of the reviews therefore relate to the EIAs of individual investment projects.

1.8 Outline of this report

Chapter 2 summarizes the findings of the case studies of three national EA systems in Mozambique, Guatemala and Georgia, and of the desk studies of Burundi and Ghana. The country case studies focus on the changes in the five core capabilities, and the changing outputs and outcomes that have resulted from them. This is followed by an analysis of the evidence collected from the cases, structured according to the four central evaluation questions as stated in the general ToR. Chapter 3 presents a policy reconstruction of NCEA's approach to capacity development, its strategy for supporting capacity development, the various support activities it has developed, and finally, a discussion of NCEA's support policy in perspective. Chapter 4 lists some points for discussion based on the evidence from the case studies in relation to the policy reconstruction.

2

Environmental assessment systems: case studies

This chapter presents three comprehensive case studies (Mozambique, Guatemala, and Georgia) and two desk studies (Burundi and Ghana) of the national environmental assessment (EA) systems included in the evaluation. Each case study provides an introduction to the EA system, including its history and major stakeholders, and describes the main changes in capacity that have been achieved, according to the five core capabilities as formulated by the various stakeholders (see Annex 6, Evaluation Framework). The two desk studies of Ghana and Burundi do not follow the same methodology, but are based on relevant documentation and interviews with staff (see Section 1.4). They do not include a description and analysis of changes in capacity, but focus on NCEA's strategy and the effectiveness of its support to the EA system.

Table 1 provides an overview of a set of indicators used in the evaluation, resulting from a calibration workshop with the main stakeholders in the three case study countries. The description of the changes in capacity in this synthesis report is a short conclusion of the most significant changes in capacity over the years as has been analyzed in the full country reports (for detailed descriptions, see the individual country reports).

Table 1. Indicators used in the evaluation of NCEA's capacity development programmes

| Core capability | Indicators |
|---------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 Capability to commit and act | <ul style="list-style-type: none"> • Presence of an annual work plan, decision taking and acting on these decisions collectively. • Effective resource mobilization (human, institutional and financial). • Effective monitoring of the work plan. • Inspiring/action-oriented leadership. • Acceptance of leadership's integrity by staff. • Decision-making processes are functional. • Capacities to follow EIA/SEA processes of scoping, screening, etc. • Organizational chart is clear and comprehensive. |
| 2 Capability to deliver on development objectives | <ul style="list-style-type: none"> • Financial resources. • Facilities, equipment and premises. • Human resources. • Access to knowledge resources. • Human resources management: staff turnover, recruitment policies. • Human resources development policy in place. • ICT equipment available and functional. • Means to engage external experts. |
| 3 Capability to relate | <ul style="list-style-type: none"> • Political and social legitimacy. • Integrity of leadership and staff (upright, incorruptible or undisputed). • Operational credibility/reliability. • Participation in coalitions. • Adequate alliances with external stakeholders. • Coherent legal basis and clear regulatory framework developed. • Transparency and accountability in EIA/SEA process. |

| | |
|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>4 Capability to adapt and self-renew</p> | <ul style="list-style-type: none"> • Understanding of shifting contexts and relevant trends (external factors). • Use of opportunities and incentives, acknowledgment of mistakes that have been made and encouraging the discipline to learn. • Political context of change. • International context of change (e.g. treaties, guidelines). • Learning and flexibility as concepts to adapt and self-renew. |
| <p>5 Capability to maintain coherence</p> | <ul style="list-style-type: none"> • Clear mandate, vision and strategy of the organization. • Clear set of operating principles. • Leadership is committed to achieving coherence, balancing stability and change. • Consistent and clear legal framework. • Decentralization to relevant and competent levels. • Common set of values linked to staff dedication. • Overlap in mandates with other authorities (local government, other ministries). |

Following an analysis of changes in outputs and outcomes as a result of the changes in core capabilities, NCEA's specific support to capacity development is described, including the different types of intervention, their effectiveness and the factors that have contributed to or hindered successful capacity development. Each case study concludes with a number of lessons learned. Where possible, the vision of capacity development is briefly described, but this is often absent, as in all the countries the main stakeholders in the EA system – in particular the environment ministry – do not have a clear strategy on how to develop the capacities of the EA system.

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The process involved in conducting environmental assessments and granting environmental licences are briefly explained in Box 2.

Box 2: The environmental assessment process

The EA process usually involves most of the following elements:

- *Screening*: The process by which a decision is taken as to whether or not an EIA is required for a particular project.
- *Categorization*: Identifying the appropriate process of EA to be followed according to existing regulation, often on the basis of the character of the project or its geographic location in sensitive areas.
- *Scoping*: The process of identifying the content and extent of the environmental information to be submitted to the competent authority under the EIA procedure.
- *Organizing public participation*: Informing the public in general and the affected population in particular in a timely manner about the project and its possible environmental impacts; obtaining the views of the public and affected populations.

- *Environmental impact study (EIS) review:* The process of establishing whether an EIS has been adequately implemented to take a decision. Of particular interest are the mitigation measures proposed, the alternatives considered and the plans for compensating the people affected.
- *Decision making:* On the basis of the accepted EIS and other relevant considerations by the competent authority, a decision is taken to grant an environmental licence for the implementation of the project.

Sources: NCEA website; EU guide to environmental screening.

2.1 Case study Mozambique

Mozambique's Ministry for the Coordination of Environmental Affairs (MICOA) was created in 1994. Environmental management and guidance encompass all parties interested in or affected by a development projects, whether public or private. Thus, the private sector, NGOs, the Mozambican Association of Environmental Professionals (AMAIA) and local communities are crucial stakeholders that contribute to the environmental management process in Mozambique in one way or another.

2.1.1 The EA system in Mozambique

The unit of analysis for this case study is the national environmental assessment (EA) system, which includes MICOA as the policy-making, regulatory, coordinating and supervisory body, and the members of AMAIA who play a major role in the EIA/SEA system and who interact directly with MICOA in some way. AMAIA members include environmental specialists in the private sector (businesses and consultants active in the field of EA) and environmental NGOs. Within MICOA, the national Directorate for Environmental Impact Assessment (DNAIA) is the unit responsible for the screening, scoping, review and evaluation of environmental impact studies (EIS). Once an EIS is approved this implies that an environmental licence will automatically be granted.

The EA process begins with the definition of an EIS required for a developer to obtain an environmental licence to be able to proceed with a project. The Environmental Law (2004) defines the content of the required environmental study, the public participation process, the study review process, the decision making on environmental viability and the approval of the environmental licence. The Environmental Regulation classifies development activities into three categories, A, B or C, depending on their potential harm to the environment. These categories are assigned following an initial screening of proposed projects either by MICOA at national level, or by its delegations at provincial level. Category A projects are potentially the most harmful, and so are reviewed at national level. Proponents of category A projects must submit a full EIS, as stipulated in the Regulation. Category B projects require a simplified EIS, whereas category C projects need only to be registered with the competent department of the Ministry.

The Environmental Law emphasizes the importance of public participation in EIA processes and stipulates that it is obligatory for category A projects. The obligatory inclusion of public participation is a critical component of the EIS process and is important for ensuring the transparency of decision-making processes in relation to large capital-intensive investments in Mozambique.

Outcome statement

Environmental assessment is considered to be part of the wider framework of sustainable development by aiming at the *protection of the national natural resource endowment, the main base of Mozambican rural, urban and coastal livelihoods*. An environmental impact study (EIS) is the technical and scientific analysis of the consequences on the environment of any development activity, whether public or private. On the basis of an approved EIS, an environmental licence is granted to the proposer of the investment (public or private). The EIA process is thus a preventive environmental management instrument that consists of the identification and qualitative and quantitative pre-analysis of the beneficial and harmful environmental effects of a proposed activity. It applies to all public or private activities that may directly or indirectly have a positive or negative influence on the environment.

Vision of capacity development

| 34 | There is no specific vision of capacity development of the EA system as such. The general vision can be derived from government documents, but the other partners do not have well-developed visions of capacity development. The most notable document in this regard is the National Poverty Reduction Policy, PARPA II, which sets out a number of principles with regard to the role of development partners in supporting capacity development. The Environmental Strategy for Sustainable Development (2007) also gives some indications of strategic choices.

One of the most important features of capacity development has been the decentralization of tasks related to environmental licensing from the national ministry to the provincial level.

2.1.2 Changes in EA system capacity

Core Capability 1: Act and commit

The systematic development of environmental legislation and regulations in Mozambique, together with the gradual improvement in the capacity to implement EIA processes in the country, have been positive steps towards good environmental management practices. The introduction of the Environmental Law in 2004 represents another step forward in terms of screening of investment projects and the decentralization of decision making on project categorization to the provincial level. However, specific regulations covering activities such as petroleum, natural gas and mineral prospecting, exploration and production are still to be prepared. Furthermore, norms and standards defining acceptable levels of environmental harm are still lacking, making it difficult to prescribe clearly what mitigation efforts will be required.

According to many individuals interviewed for this study, the legislative and political framework for environmental management is all-encompassing, of good quality and

relevant to the Mozambican context. However, some interviewees commented that the legislation is rather general and that the regulations were produced without sufficient debate and consultations, and therefore sometimes contain gaps and errors. Other more important problems concern the implementation of the current legislative and policy frameworks, especially ensuring adherence to prescribed procedures and working processes, and the monitoring of projects granted an environmental licence. These problems are due mainly to the many changes in leadership of the DNAIA and the Ministry resulting from political changes, as well as the lack of resources and incentives to enforce the environmental regulations and policies, but above all, the weakness of the government bodies in charge of coordinating environmental affairs (see below).

Core Capability II: Deliver on development objectives

As noted above, the legislation covering environmental impact assessments (EIAs) is considered to be complete and well prepared, but its execution is weak. It is estimated that only about 20% of all eligible projects submitted for EIA are correctly categorized, and EIA reports contain many technical flaws. The implementation is considered to be deficient because of the lack of financial and technical resources to administer the law (e.g. to review environmental impact studies and monitor impact mitigation plans). The operational facilities needed to achieve the objectives of the law are often inadequate, and the financial resources to carry out assigned tasks are insufficient, not only at central level but especially at provincial level.

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Despite substantial investments in offices and equipment, staff working conditions remain inadequate. And despite the continued growth of the Ministry in terms of human resources, the departure of a number of experienced staff from the EIA directorate has had a negative effect on EA operations and institutional memory. The number of trained technicians is still inadequate in view of the many areas of knowledge involved in environmental management, at both national and provincial levels. External professionals may be employed to provide advice and specialist expertise on an ad hoc and voluntary basis, which implies that quality and timeliness are not assured. In rare cases, international specialists are called in, and they are indeed well remunerated. Access to internal documentation, hard copy and electronic, is often difficult due to the lack of appropriate databases and library facilities.

Core Capability III: Relate to external stakeholders

The stakeholders operating within the EA system – MICOA as the regulatory and supervisory body, and the environmental experts (consultants and NGOs) – have established good working relationships at the practical level. They recognize each other's roles in the EA process, but the Ministry is sometimes reluctant to make use of external expertise because of the lack of funds or merely the lack of a sense of urgency. It has been observed that environmental expertise within universities and NGOs is increasing, to the detriment of the Ministry. As noted above, this is mainly related to conditions of employment and the working environment. MICOA has had some difficulty in formally recognizing this shift in the centre of gravity within the EA system. The demand for environmental specialists outside the Ministry is on the increase.

With regard to external legitimacy of the EA system, the situation is much less rosy as a result of the perceived importance of economic investment projects at the expense of environmental considerations. Sectoral ministries and local investors (often category B projects) do not always respect the EA regulations and may even proceed while overruling or ignoring environmental considerations. Some 80% of all investments go ahead without an environmental permit. This makes the internal functioning of the EA system less than transparent.

In terms of personal integrity and operational credibility, most stakeholders (MICOA, consultants and NGOs) have made important progress, but the full transparency of complex and controversial projects as well as investments at the provincial level remain questionable.

Despite the fact that MICOA depends to a large extent on external donor funding, its ability to influence the priorities of development partners with regard to environmental management remains limited. When donor priorities shift, MICOA as well as environmental NGOs have to follow these priorities. The Danida and NCEA programme activities appear to be better integrated with government priorities.

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Core Capability IV: Adapt and self-renew

The demand for environmental licences has risen considerably over the past 10–15 years as a result of rapid overall economic development, national and international investments and public infrastructure construction projects. MICOA in general and DNAIA in particular have not been able to keep up with this increased demand. DNAIA's technical expertise and funding are no longer sufficient to carry out the required licensing procedures of ToR and EIS review and environmental auditing. The 'one-stop shop' for investors has complicated the procedure even further, as sectoral ministries are given a say in investment licence decision making.

The introduction of regulations and fine-tuning of procedures have certainly led to improved environmental management. The Environmental Strategy for Sustainable Development policy (2007) recognizes the increased role of other stakeholders, but has not yet been translated into action.

The decentralization of decision making to the provincial level has required adjustments of EA procedures and environmental licensing, reflecting the need for decisions to be made closer to investments at the local level. In view of the size of the country and the large distances to travel, this is certainly a positive change. Even though it is about 4–5 years since the decentralization process began, provincial offices are not always adequately staffed, in quantitative and qualitative terms. Most have two or three professional staff, who may not always have the specific expertise needed to review environmental impact reports.

The Ministry and environmental NGOs understand the potential of SEA as a planning tool that includes environmental priorities, although it is being applied only very slowly. To a large extent, this is due to the absence of clear regulation of SEAs. The Economic and

Social Plan (PES) 2009 called for the development and introduction of a SEA, but there are no indications that this has been achieved.

Mozambique has signed many international environmental treaties, but their practical translation into norms and standards of the EA regulatory framework has not taken place. As a result it is not clear how international treaties have been applied in the EA system.

Core Capability V: Maintain coherence

As indicated above, there is a clear legal and regulatory framework, including the division of decision making between central and provincial levels, guided by subsectoral policies. The main problem is the enforcement of the regulations and procedures throughout the country. Staff within MICOA and NGOs commented that they lack tools and instruments such as an environmental licence database linking national (category A) and provincial (category B) data, to enable them to monitor projects. The same applies to the absence of clear sectoral norms and standards and, in most cases, the formulation of good practices to be pursued.

Overall, the concepts of sustainability, the linkages between the environment and economic development, and the importance of environmental regulations are widely accepted and are part of the value frameworks of most staff in the Ministry, environmental consultants and NGOs.

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Adequate decision-making about environmental issues has been hampered by an overlap of mandates and a lack of effective inter-sectoral coordination between the environmental units of the ministries and MICOA, since the latter's creation. Inter-sectoral coordination was almost nonexistent due to MICOA's lack of political weight to face powerful sector ministries. It was in this context that various inter-sectoral coordination commissions were created at different levels with the objective of promoting the coordination of environmental affairs, such as CONDES. Nonetheless, they do not always seem to work according to the stated mission.

Conclusions

The introduction of the new Environmental Law in 2004 has contributed considerably to a comprehensive framework of EIA legislation and regulations. Implementation of the current legislative framework remains problematic as a result of lack of consistent leadership at MICOA's level and the many staff changes contributing to lack of orientation and loss of institutional memory. Stakeholders in the EA system are increasingly recognizing the role of each other but expertise has increasingly developed outside the environment ministry. Decentralization of EA has contributed to increased attention for local investment but technical expertise and funding at that level remains a problem.

2.1.3 Changes in outputs and outcomes

Changes in outputs

With regard to MICOA's performance, one can conclude that the Ministry has been able to guide and supervise a considerable number of public and private investment projects that

require environmental licences. The number of projects complying with the regulations has gradually risen since 1998, when environmental licensing was introduced, but this is still less than 20% of all eligible projects. All environmental impact studies are prepared by environmental consultants. Some of these are reviewed by the staff of environmental NGOs or university professors on the basis of their specific expertise. Moreover, two SEAs have been completed and implemented, despite the absence of a regulatory framework. Environmental audits constitute a substantial part of MICOA's tasks but are not regularly carried out.

Over time, there has been a gradual rise in the number of projects licensed, implying that the number of EA procedures has also increased. It is estimated that in 2009 less than 200 projects were screened, out of a potential 1000, most of them category B projects. The number of licences granted has fluctuated, reflecting the increase in the number of requests registered. However, there was a sharp decrease in all categories of projects licensed in 2005 and 2006, which seems to point to the effect of the change in government in early 2005, which led to an outflow of senior staff. The capacity of the DNAIA may have been so stretched that licences simply could not be processed in time. Since then, the political stability and the confidence that national and international investors have shown in the country's governance system has led to a sharp rise. In 2007 the number of EIAs was back to about 100. In 2008, due to the new fees for category A project licences, there was a surge in the number of projects assigned to that category, as the Ministry sees them as a valuable source of revenue.

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Changes in environmental outcomes

The evaluation team assessed five EIA cases implemented in the period 2002–6. In three of these cases NCEA was directly involved through the provision of an expert team that prepared an advice on the ToR and the reports. In general, the outcomes of the five EIAs were positive, since they dealt with not only environmental protection but also socio-economic impacts. These cases show, according to the interviewees, that the protection of the macro-environment is being given due attention and that measures are being taken to avoid large-scale environmental disasters. However, these EIAs paid less attention to the impact of projects on micro-habitats or species requiring special protection.

Proponents usually adhere to mitigation plans because they are legally bound to do so. Projects are subjected to environmental inspections and sanctions may be imposed if they are not complying with the plans. Although environmental audits are not regularly conducted and tend to focus on larger companies, there is a form of inspection that may discover failure to comply with prescribed measures. Also, companies tend to implement mitigation plans because they believe that maintaining good relationships with local communities and the authorities will contribute to the success of the activity. Natural resources are an important means of subsistence for many communities. A compensation scheme may thus be the outcome of a negotiated settlement between a proponent and the local community. Such compensation is part of the EIA study and included in the environmental licence. Hence the EIA cases show a good degree of environmental protection, and include plans for mitigation and for compensating local populations.

An important change in capacity has been the improvement and adaptation of the new EA regulations introduced in 2004. The introduction of these new regulations, including the EIA categorization, has proven to be an effective measure. However, there is no clear procedure at national level for verifying whether the EIA categories are being applied correctly at provincial level. The higher revenues from the environmental licence fee increase in 2008 could benefit the environmental regulations and the inspection department at the Ministry, and its financial sustainability. Unfortunately, the revenues do not go into the coffers of the Ministry but to those of the National Environmental Fund (FUNAB). The overall legitimacy of environmental assessments is still relatively low as the EA system is not fully complied with, in spite of the adequate legal and regulatory framework. Although the number of licences granted is increasing, the number of environmental audits conducted is insignificant (with the exception of large companies, which are regularly audited).

The limited overall impact of the EA system is mainly due to the Ministry's inability to solve the many structural problems, which include activity financing, the loss of trained personnel to the private sector with other objectives (consultants, for example), political interference, and deficiencies in the procedures used by DNAIA and the provinces for classifying category A and B projects. Besides, the capacity at the provincial level is too limited for the successful implementation of the new regulations. Capacity development at this level is therefore essential.

Economic development of Mozambique's coastal zone – in particular tourism development through the construction of hotels, houses and other infrastructure – is increasing the pressure on coastal and marine environments and is causing environmental degradation in sensitive areas. The EA system has not been able to reverse this trend. Buildings are often erected without permits (about 80% of eligible projects in category B are implemented without permits), as permits are granted without an appropriate review of the EIS, and smaller project construction sites are rarely monitored, if at all (personal communication, MICOA).

2.1.4 NCEA support

Initial contacts between NCEA and MICOA date from 1998, when the Ministry first solicited advice on coastal defences in Beira. Since 2001, NCEA has been intensively involved in supporting capacity development in the environmental sector in Mozambique. In 2003–4, NCEA contributed to the revision of the EIA legal and regulatory framework, and provided advice on a number of EIA and SEA cases at MICOA's request. Due to funding problems of the agreement – the Netherlands Embassy decided to halt its support to the environmental sector in Mozambique – the support was confined to advisory work on a number of complex projects. In 2004, NCEA contributed to an introductory programme on SEA through a training workshop and an inventory of planning support tools. In 2008, after a period of limited involvement, contacts between the NCEA and MICOA were re-established and a new collaboration agreement was signed for a three-year period (2009–11). Parallel to this agreement, NCEA started to support the recently established AMAIA (for details, see the Mozambique case study report).

The major goals of NCEA support are to increase transparency of EIA decision making, decentralize part of the procedure, enhance public participation and increase societal support for EIA. Training of staff and EIA/SEA advice by NCEA has been (partly) achieved, but the institutional capacity is still insufficient.

Effectiveness of NCEA's support

The results of NCEA's support as a technical advisor to the development of capabilities of the EA system can be described as follows:

- NCEA played an important role in reformulating and adapting the EA legal and regulatory framework, especially with regard to the 2004 review that introduced the categorization of investment projects, and the decentralization to the provinces;
- NCEA has played an important role in encouraging learning about the application of EIAs in large, national and complex projects through its advisory work in a series of high-profile activities (e.g. EIA studies of Bazaruto and Mavoco; SEA Chibuto transport);
- NCEA has played a role in facilitating and promoting the emergence and establishment of AMAIA, an association of Mozambican EA experts; and
- NCEA has provided training and other assistance on EIA, and to a lesser extent SEA, at MICOA's request.

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However, the effectiveness of NCEA's support has been negatively influenced by a number of factors that make it difficult to explore fully its contribution to capacity development. First, staff changes within the Ministry due to unfavourable working conditions and inconsistent leadership have negatively affected the support. Second, the discontinuity of external funding due to policy changes on the Dutch side seriously jeopardized the implementation of the first five-year MoU in the period 2002–6. Third, the low priority given to environmental protection by the government of Mozambique as compared to overall economic development, has affected the application of the new EIA regulations. As a result, investment proponents – public and private – do not give a high priority to the environment.

2.1.5 Conclusions

The EA case study in Mozambique has yielded a number of conclusions:

1. In general, the outcomes of the reviewed EIAs are positive, and are reflected not only at the level of environmental protection (e.g. analysis of possible negative impacts, disaster mitigation plans, monitoring plans) but also, to a certain extent, at economic and social levels (e.g. compensation plans).
2. The decentralization of EIA processes allows the provincial directorates to assume leadership in the licensing of category B projects, and at the same time greater responsibility in the process of categorization in favour of adequate environmental management.
3. Through its support and advisory activities, NCEA gained the confidence of MICOA, which contributed to the renewal of the MoU with the Ministry in 2008. After a period of 3–4 years with no activity, a window of opportunity re-opened, culminating in a new MoU for a period of three years.
4. NCEA's multi-stakeholders' focus is positive: it has led to the creation of AMAIA; recognition of the role of the private sector (NGOs and consultants) in environmental

management; the need to collaborate and understand their respective roles and positions in the system.

5. Although both NCEA and MICOA have helped to improve the new EIA regulation, its implementation requires special attention as it places more responsibility on staff at the provincial level. The lack of human resources and funds at that level is an important issue to be addressed.
6. NCEA seems to have had a limited impact on the organizational strength, as the Ministry has insufficient institutional capacity, and the available experience and expertise are focused in a very limited number of staff. On the other hand, capacities in the areas of scoping and reviewing projects have been strengthened.
Many internal and external factors influence the effective operation of the EA system, but it was not possible to address all of them. One of these factors involves the insufficient funding for environmental management, despite the significant revenues obtained from project licence fees. As a result, EIAs are often not monitored and environmental audits are not conducted. Experience from NCEA's support to the EA system in Mozambique shows that monitoring changes in capacity over time is difficult. The institutional memory of most stakeholder organizations is almost non-existent, as there is no proper documentation, and many relevant staff have left for better positions elsewhere.
7. In the course of this case study, it appeared to be difficult to dissociate the outcomes and products from NCEA and other programmes, since many other development agencies are also supporting capacity development in the environmental area. For instance, the outcomes of NCEA's support to the reformulation of the EIA legal and regulatory framework cannot be dissociated from Danida's support to MICOA at national and provincial levels.

2.2 Case study Guatemala

Guatemala is affected by many factors that are increasingly putting pressure on its environment. As part of the Central American System for Integration (SICA), Guatemala has participated in a regional programme to strengthen EIA regulation in the region since 2001, initiated by the Central American Commission for Environment and Development (CCAD). Through the IUCN regional office, NCEA has contributed to strengthening the EA system in the region, and in Guatemala in particular. This case study reviewed the changes in the capacity of the EA system over the period 2000–9, when the IUCN and NCEA collaborated in three major capacity development programmes funded by the Netherlands Ministry of Foreign Affairs. Two of these were regional programmes administered by the CCAD, and the other focused directly on the EA system in Guatemala.

2.2.1 The EA system in Guatemala

The government of Guatemala introduced environmental assessments in 1986, when it adopted the first Environmental Law. However, it took a further 16 years before the Ministry of Environment and Natural Resources (MARN) was established, and 17 years before the first regulation for EA (RECSA) was formulated in 2003.

In 2007, a new government decree defined the EA system (evaluation, control and monitoring) as: ‘... the totality of organizations, procedures as well as technical and operational tools that contribute to the process of environmental evaluation, control and monitoring of projects, works, industries or other activities that, because of the nature of these could have a negative impact on natural resources – or not – or on the environment; or by the introduction of modifications to the landscape and cultural renewable resources.’

The EA system in Guatemala may be regarded as an asymmetric collaboration with many diverse collaborating organizations – the state, the business sector and civil society – with little integration of their activities or planning and where not all stakeholders have the same share in decision making. The EA legislation formulated and adopted by the state (government and parliament) constitutes a normative direction for environmental assessment, sets policies and regulations, and has the authority to say what is valid and what is not. Proponents of investment projects often try to use their economic influence to exert pressure on the decision-making process. While the law provides for civil society to participate and express their opinion, this does not automatically translate into the ability to influence outcomes. In Guatemala there is no association of EA professionals, so there is no platform where stakeholders can exchange views and learn from each other on a regular basis.

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Ministry of the Environment and Natural Resources (MARN)

As the legal regulator of the EA system, the Ministry has three structural elements that influence outcomes. First, MARN is vulnerable to political changes: with each change of government, staff are often replaced, leading to a loss of experience. Second, several directorates of the Ministry are involved in the EA regulatory system, including the delegations and the Directorate of Planning. Third, other ministries as well the Secretary of Planning, who serves directly under the President, also play an important role in the system.

Investment proponents

The proponents of investment are the direct ‘customers’ of the EA system. They are not part of the regulatory system but may influence its outcomes. Proponents include private sector entrepreneurs and municipal governments, the latter mainly for infrastructural projects. According to those interviewed in the course of the evaluation, this sector is dominated by actors who believe that they need only to meet ‘minimal requirements’, rather than to be conscientious environmental partners. However, it should also be noted that the national business association has an environmental committee that prepares inputs to sectoral policies, generates corporate social responsibility (CSR) indicators and codes of ethics that include an environmental dimension. The situation of the municipal sector is somewhat more complicated, with regular job rotations every four years. Mayors are often elected after promising projects that may contradict government policies relating to the environment and sustainability.

Civil society

Civil society organizations, including specialized NGOs, environmental movements, communities and development committees, make up another sector. According to the law,

recently ratified by a ruling of the Constitutional Court, civil society must be consulted in the EA process, both in the preparation of EIA studies and after environmental permits have been granted. At the local level, civil society can influence the local development committee, which delivers its opinion on municipal projects and performs audits during the implementation of both private and municipal projects.

Interestingly, at the local level, the EIA system connects with the system of development councils, which are gaining in importance with the decentralization of the Guatemalan state. Civil society is generally critical of the way in which the government and the private sector deal with the environmental sector, although it is not a monolithic bloc, as it includes both radical movements and more moderate NGOs.

Consultants

The consultancy sector is an important part of the EA system. Working either as individuals or with associates, consultants are supposed to prepare environmental assessment studies and reports on the basis of the best knowledge available. There are few large national consultancy firms dealing with the environment. A union of consultants is registered with the Chamber of Industry, but this has played a minor role due to the lack of interest in recent years.

Vision of capacity development

There is no overall vision of capacity development within the EA system. The Ministry of the Environment has formulated a strategic plan for the period 2008–11, but has provided only very general outlines of its vision and mission with regard to the environmental sector.

Civil society focuses on building the capacity of local communities to take care of and make adequate use of the natural resources on which they depend for their livelihoods. Environmental NGOs support local communities using legitimate channels of public participation, mobilization, and forming coalitions with other players. All of these efforts are directed towards lobbying public policy makers to improve environmental management and protect their livelihoods.

Private sector strategies focus on three areas: using political power to change government policies, mainly through the environment committee of the Guatemalan Chamber of Industry (CIG); publicizing the environmental face of private investment in order to influence public opinion; and qualifying their activities through various kinds of certification.

Changes in EA system capacity

Core Capability 1: Act and commit

Since the introduction of the first environmental regulation (RECSA) in 2003 the system of environmental management in Guatemala has been much more effective. RECSA has become the normative and instrumental basis for systematic assessments of environmental impacts. This is mainly due to the development of the regulatory, technical and operational

capabilities of the Ministry to fulfil its role as the governing body of the EA system. The regulatory framework includes a system of categorization of projects to be assessed – from A, B1, B2 and C – according to their potential harm to the environment.

There are certainly still some weaknesses in the environmental licensing process, such as the limited capacities of local communities to understand the public participation process, the poor monitoring and lack of standardization of work processes, and the fact that not all EA tools are equally used. On the other hand, the continuity of policies of the last two governments improved the job stability of technical staff working in the EA system, which has ensured greater sustainability of achievements.

Core Capability II: Deliver on development objectives

Capabilities developed at this level are not contributing in the same way to achieving MARN's goals, as the budget allocated to the EA sector is inadequate to enable sustainable and substantive changes. Today, at ministerial level, there is substantial capacity to process EA permits, as is evident from the increase in the number of documents processed between 2005 and 2009.

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Furthermore, MARN staff have gained experience through their participation and dialogue at regional level, which has enabled them to understand the national trends that affect the region. This regional programme has favoured an internal EA system management that is 'aligned' with global trends and in accordance with the regional environmental agenda. On the other hand, clear weaknesses such as the lack of a human resource development strategy have been identified. Besides, the capabilities of state actors have been more advanced than those of civil society, contributing to the asymmetry of the system.

With regard to human resources, according to all interviewees, there have been considerable improvements in capacity compared with seven years ago. The department responsible for the EA regulations now employs 25 trained staff members and 41 in the delegations. Delegation staff can take advantage of the opportunity to read for a masters degree in environmental management. MARN has recently introduced a human resources and policies department that will focus on the staff capacities. Further, staff members of the EA department have been placed in a category of staff that the Ministry wants to preserve, in contrast with the practice of changing staff with each new government. This stability has contributed to the retention of experienced technical staff with many years of service in the highly specialized field of EA. Due to the lack of an operational manual, new staff are initiated in the working processes by their colleagues. The delegations of MARN in the 21 departments and in 6 (out of 10) regions of Guatemala have been strengthened with specific positions for staff dealing with the EIA review and licensing system.

There are general criticisms of the quality of the environmental studies done by consultants. Both MARN and environmental NGOs have criticized the lack of technical expertise and the independence of their work. Consultants blame this situation on the recent boom in the number of environmental impact studies required, and the mushrooming of consultants working in the sector. MARN maintains a register of licensed consultants (218 individuals

and 36 companies), but pays no attention to their quality in the absence of a certification mechanism.

Core Capability III: Relate to external stakeholders

Under the environmental regulation (RECSA), MARN has been legitimized as the governing body of the EA system. However, in many circles the perception of MARN as the benchmark player is relatively low. For instance, the business sector sees the requirement to obtain an environmental licence as slowing down their investments. Civil society organizations doubt MARN's political will to make effective environmental policies and to act on them. MARN has no capacity to follow up on the environmental licences granted, such as whether mitigation measures have been put in place.

In terms of external relations, the Ministry has been able to promote relations with other countries in Central America, with member countries of the Central American Free Trade Association (CAFTA) and with the European Union (EU) on environmental issues in which environmental management plays a role. Relevant MARN staff believe that the EA legal and regulatory framework provides an appropriate basis for the environmental policies needed to implement future free trade agreements.

In terms of public participation, it appears that local organizations and municipalities generally lack the capacities needed to follow up on high-impact projects such as mining. Therefore, citizens have limited opportunities to express their views, and this role is often secured by a number of environmental NGOs. For instance, monitoring water contamination levels near mining sites should be performed by MARN, but is actually being done by an NGO.

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In large part, other capabilities to relate still have to be developed, which is not surprising in such a scattered and polarized social and political context. Environmental issues encompass a set of factors that can quickly become areas of conflict, because they touch on the most diverse interests. Existing institutions are not able to prompt effective conflict management. The system has failed to establish stable forums for dialogue and consensus between the state and other actors.

Core Capability IV: Adapt and self-renew

With regard to the capability to adapt and self-renew, it has already been observed that the international context (SICA/CCAD, CAFTA, EU-FTA) has been a motor for changes in environmental assessment in Guatemala. The Ministry has not yet acted to review and update the Environmental Regulation of 2003, even though this is supposed to be done annually.

The most important gap is the lack of a monitoring and evaluation (M&E) system. Environmental audits are not carried out to monitor whether the conditions of an environmental licence have been met, or whether mitigation plans have been implemented.

This is another capability that still needs to be developed, although there are some indications that the Ministry can withstand sudden changes in government and that a stable institutional framework has been created over the past few years. However, the actual institutional

setup does not provide an adequate basis for the collective learning that is essential for self-renewal.

Core Capability V: Maintain coherence

The environmental management policy, which should provide coherence to the EA system, has not yet been implemented because inter-institutional coordination between different government structures has not been achieved.

With the increased role for the delegations, according to many MARN staff interviewed, there is a greater need for consistent assessment criteria. Following the introduction of sectoral environmental guidelines, tools have been developed to assess the large numbers of projects with moderate or low impact, thus freeing up time and energy of officials to follow up on high-impact projects. IUCN was responsible for developing the guidelines. The first set of guidelines concerned infrastructure projects, given that this sector generates 80% of projects entering the EA system, followed by guidelines for the assessment of projects in agribusiness, agriculture, tourism, pork and poultry. Practitioners of the Ministry indicate that the guidelines have been useful, but the management of the EA department has not been willing to use them.

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In the area of maintaining coherence, there are signs of consistency that must be consolidated, such as the regulatory framework, decentralization and the products of the EA system in recent years. The installation of regional delegations has made it possible for a large proportion of environmental permits to be handled at the local level. Guidelines have been developed, which appear to be highly appreciated by the technicians working in the delegations. These trends now need to be consolidated so that a greater degree of coherence can be achieved within MARN in terms of normative aspects as well as the authority of the system.

Conclusion on the major changes

The first major change has been in the regional dynamics of institutionalization of policies conducive to the success of the EA system. On the basis of the regional programme, national changes have taken place. The second important change has been the introduction of legislation that is respected, despite the difficulties and limitations. There are laws governing public and private investment projects and the environmental impacts they can cause. The third identifiable change is an environmental management system that has begun to become institutionalized on the basis of policies, resources and structures with some stability in their operation. A fourth notable change is that the EA system, despite conflicts and contradictions, involves all stakeholders – the state, the business sector and civil society – with respect to environmental impacts.

2.2.3 Changes in outputs and outcomes

Outputs

There has been an enormous increase in the volume of environmental permits issued on the basis of an EIA (of different categories) since the EIA regulations were introduced in 2003. Between 1986 and 2003, only 5000 projects were assessed (about 300 per year),

compared with more than 2000 projects per year in the period 2006–9. In 2007 more than 3000 projects were reviewed. In terms of sectoral evaluations, more than 85% were in the construction sector (infrastructure, roads, water) especially at municipal level.

The increase of the number of environmental assessment instruments used in the past few years has been the result of many factors, in particular the introduction of a mechanism known as the ‘one-window’ approach, which serves to filter requests for environmental permits. Through this window, requests are assigned to the correct category and to a technician or group of technicians (in the case of complex category A projects) who assess whether the EIA ToR or report complies with the regulations. In practical terms, the categorization of submitted projects has its deficiencies because of the limited staff capacity to give proper attention to each study (30 cases need to be reviewed daily).

The increase in capacity in the regions has been quite substantial. The various actors at the local level (municipalities and provinces) have become increasingly involved in environmental matters, including in assessing potential impacts, environmental education and planning. However, environmental assessments at these local levels may run into economic and political interests that may violate legal and normative regulations, and frequently involve corruption.

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According to interviewees at MARN, the quality of the EIA reports submitted for review is often inadequate. Many consultants provide ‘tailor-made’ advice, recommending mitigation measures that are, at best, in the interest of their clients. But consultants also note that, to a certain extent, MARN has made no effort to capitalize on their vast experience to improve the performance of environmental management instruments and to contribute to skills improvement.

With regard to strategic environmental assessments (SEAs) there has been relatively little progress. NCEA did provide training for some staff members in 2006, but the application of SEAs in Guatemala has been very limited. Only very recently, the instrument has been applied to spatial planning in Guatemala City, with the support of the IUCN.

Outcomes

The main problem with regard to evaluating the effectiveness of the improved EA system is the absence of a monitoring system. There are legal possibilities to undertake inspections of investments with environmental permits, but in the absence of human and budget resources, as well as appropriate equipment and procedures, it is impossible to assess whether mitigation measures have been implemented or not. Interestingly, several stakeholders of the EA system have proposed that environmental monitoring is to be strengthened in order to close the cycle of environmental impact mitigation.

2.2.4 NCEA support

Description

NCEA has been involved in capacity development for environmental assessment in Central

America since 1998, at the request of the Netherlands Embassy in San José, and IUCN. Until 2009 IUCN and NCEA cooperated in various regional and specific Guatemalan projects. The first regional programme was *Strengthening Environmental Impact Assessment in Guatemala, Nicaragua and Costa Rica*, in 2001–3, which was continued with the project *Environmental Impact Assessment in Central America: A Tool for Sustainable Development* in 2006–8 (the latter financed by Sida). Although these two projects influenced the EIA system in Guatemala, the direct contributions of NCEA-CCAD/IUCN materialized in the project *Strengthening Environmental Impact Assessment (EIA) in Guatemala*, implemented between 2005 and 2008. These projects were executed by the IUCN Central America office, with contributions from NCEA as the advisory body on specific matters. In the course of these projects, NCEA provided training and advice, and reviewed the programme strategy and activities.

The added value of the NCEA/IUCN intervention includes the close collaboration between the two partners over so many years, and its close collaboration with the Guatemalan policy makers of MARN as represented in the Central American Commission for Environment and Development (CCAD).

IUCN played various roles in the implementation of the three projects: a) providing operational coordination of the projects; b) facilitating and coaching of members of CCAD's Technical Committee on EIA (CTEIA); c) training by external experts; d) providing technical assistance with the preparation of regulations and standards, including sectoral guidelines; e) conducting regional and national studies; and f) publishing and disseminating project results online or by other means.

For its part, NCEA provided technical and coaching support to the projects, made contributions of high quality to the introduction of SEAs, and provided training and advice with significant impacts on the actors involved in the process. NCEA also facilitated a training workshop on public participation and provided feedback on the sectoral guidelines prepared by the IUCN. As a separate technical entity, NCEA was an advisor to CCAD's Regional Technical Committee on EIA (CTEIA) to strengthen the capacities of high-level actors to formulate national policies. In general, NCEA played a very clear role as a competent technical institution with extensive experience.

Regional level changes

At the regional level, three major results can be attributed to the projects implemented by IUCN/NCEA. First, the project *Guatemala, Nicaragua and Costa Rica environmental impact assessment strengthening (2001–3)* contributed to the creation of a policy climate to develop EA systems in each country. As a result, government decision makers were better able to understand the importance of EA systems, and led to enhanced harmonization between countries in the region. This provided a good starting point for the CAFTA negotiations in 2006.

A second change at the regional level was the regional plan of action for strengthening EIA, signed in July 2002 by the environment ministers of the three countries participating in the project. Finally, a number of training programmes for government staff, private sector bodies, consultants and members of civil society organizations helped to create awareness

and understanding of environmental assessment and its different aspects. In 2008 alone, approximately 50 training events on various topics were organized.

National level changes

The regional project 2001–3 resulted in three major changes that have been relevant for the creation of the national EA system in Guatemala:

- an assessment of the functioning and structure of the EA system, which served as a basis for planning a strengthening process;
- contributions to the strengthening of MARN, the Ministry that just had been created, including: 1) staff training on procedures for approving EIAs; 2) strengthening MARN staff at provincial level; and 3) monitoring compliance with environmental regulations and following up on projects; and
- consultations with MARN officials, consultants and other sectors about the regulation in 2002, which resulted in the government agreement of January 2003.

Effectiveness of NCEA support

The effectiveness of the IUCN/NCEA intervention has been demonstrated at both regional and national levels. The three projects in Guatemala have had tangible effects, e.g. the 2003 regulatory framework and its reform in 2007. The projects made concrete contributions to radical changes in the legal and institutional framework to resolve environmental problems.

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The most obvious effect is the *existence of the EIA system*, in which diverse stakeholders are able to interact and contribute to sustainable environmental management. Despite the different interests and points of view, and sometimes intense conflicts, the EA system provides instruments and mechanisms for finding answers that satisfy the various stakeholders.

A second set of very clear effects includes the strengthening of the environmental management system within MARN, in terms of trained human resources, rules, tools and the support to the decentralization process through capacity building of stakeholders and support with basic tools for its performance within the system (environmental guidelines).

A further important effect has been that *public participation*, despite the practical difficulties, is now required for the proper functioning of the system. The Constitutional Court recently ruled that civil society must be consulted in the EA process, giving constitutional support to the protests of indigenous communities affected by mining exploration.

2.2.5 Conclusions

On the basis of the Guatemala study, which appeared to be a rather complex situation of an open EA system with a clear regulatory framework but with often opposing stakeholders, a number of conclusions can be derived:

- The strengthening of the national EA legal and regulatory framework on the basis of a regional programme provided political legitimacy to the process, the agenda and the promoters of environmental assessment in the country.
- Establishing an EA system in a country that is highly polarized, politically and socially, and in a context of weak government institutions, has proven to be a difficult process.

But by promoting the participation of as many stakeholders as possible, NCEA/IUCN has tried to create coalitions and foster mutual understanding. Building coalitions among the various stakeholders is essential for encouraging collaboration rather than antagonism.

- Large investment projects of national interest – especially in the oil and mining sectors – appear to be beyond the area of influence of the Ministry of the Environment. Decisions on whether to approve or reject such projects – even if they lie within protected areas – are made by the President himself, on political rather than environmental grounds.
- The Guatemala case study clearly shows the importance of developing a strategy for capacity development that includes a systems approach to environmental assessment in order to include all relevant stakeholders, and to identify the boundary actors and socio-political factors that have a clear bearing on the outcome of the design of the system.
- The conditions for consolidating an endogenous process of EA development are relatively weak and hardly sustainable in a country like Guatemala, where the emphasis is on economic development.
- The case study shows that continued intensive support – including training to raise awareness and improve the functioning of the EA system among all major players at central level but also at the municipal and regional levels – has been quite beneficial.
- A SEA as a tool for strategic planning has been introduced but still remains to be implemented.
- Methods and procedures need to be put in place both to improve monitoring of environmental licences and to foster learning.
- NCEA's assistance in strengthening the EIA system of Guatemala, has been implemented with a high degree of professionalism through the regional office of IUCN.
- The regional approach was successful from the point of view of intervention and strategy, since it helped to generate a political climate conducive to the promotion of national policies on EIA, while leaving integration players who have served as references both in regional and national processes, strengthened. In addition, NCEA introduced the SEA approach in the region, which is assumed to become an increasingly important tool for systematically including environmental impact variables in planning. In Guatemala, the effects on the system's capacity are tangible and gradually trend towards sustainability of the attained progress.

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2.3 Case study Georgia

In Georgia, the environmental assessment (EA) system started its evolution soon after the country gained its independence in 1991. A year later, the Ministry of Environmental Protection and Natural Resources (MEPNR) was established. The first environmental legislation was adopted in 1996, followed by a set of laws and regulations related to EIA.

NCEA has supported the EA system in Georgia through a number of activities. The first contact between the NCEA and the MEPNR was made in 1999, when the environment ministers of Georgia and the Netherlands agreed that NCEA would support the review of the environmental assessment study of the construction of the Baku–Tbilisi–Ceyhan (BTC) oil and gas pipeline, a multi-billion dollar project linking Azerbaijan to the port of Ceyhan in Turkey, which would cross Georgian territory. On the basis of this first contribution, NCEA

and MEPNR agreed on a number of other capacity development activities, including strengthening Georgia's EIA regulations and the introduction and implementation of a SEA.

2.3.1 The EA system in Georgia

In the late 1990s, Georgia began the process of bringing its EA legislation into line with international standards. NCEA has been engaged in improving Georgia's EA system since 2000, initially through support to the construction and operation of the BTC oil pipeline, one of the most important in recent times, and later through other activities aimed at developing the capacities of MEPNR staff and other stakeholders in the field of EA, including environmental NGOs.

The development of the EA system in Georgia can be divided into two phases: before and after the 'Rose Revolution' of November 2003. From early 2004 onwards, the change in economic policy of the new administration caused a paradigm shift in economic thinking and related instruments. It changed basic attitudes and priorities of the state in terms of environmental and economic development, resulting in a complete modification of environmental legislation and the simplification or abolition of existing EA regulations.

With the introduction of the new legal EA framework in 2005, all previous laws were replaced: the system of categorizing projects subject to EIA was abolished, a 'one-window' approach was introduced, the screening and scoping phase was eliminated, and the length of the administrative process of granting environmental permits was shortened to a maximum of 20 days (the '20-day decision rule'). Public participation in the EIA licensing process was no longer obligatory (although it is required under the General Administrative Code).

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Main stakeholders

An 'actor map' of the current EA system in Georgia brings together the different stakeholders: the government (MEPNR), the business sector (proponents and consultants) and the public (affected communities and NGOs). At national level the Georgian parliament plays a role as they are the constitutional legislators whereas sectoral ministries are often proponents of projects in sectors such as energy or forestry. Hence the parliament and other ministries are not part of the EA system, as they are not directly involved in its implementation, but they do exert some influence on the system (open boundary system).

The government's 'one-window' approach for investors means that the Ministry of Economic Development (MoED) plays an important role in the pre-selection of projects to be submitted for an EIA procedure. But the MEPNR remains responsible for processing the review procedure of applications for environmental certificates of no objection. The MoED cannot be considered part of the EA system, but only a window where applications for environmental licences are submitted, and it must inform the MEPNR of any request that requires an environmental permit.

In practical terms, the Ministry of Environmental Protection is often the sole stakeholder in trying to make the EIA regulations and procedures work because of the lack of interest of other stakeholders. The overarching government policy is to promote economic development by

attracting both national and international investments. Environmental NGOs play a key role in performing prescribed functions with regard to the EIA process, such as communicating the rights and demands of communities, ensuring social control over decisions, advocating improved processes and procedures, and promoting public participation in the decision-making process to ensure that local voices are heard. The Aarhus Centre is an NGO that is active in disseminating information on requests for environmental permits. In the business sector, a proponent is required to conduct an EIA study and prepare an EIA report, if a planned activity, according to current legislation, is subject to the EIA. The developer is also responsible for informing the public about a planned project by organizing a public hearing and receiving written/verbal feedback on the EIA report. Usually, the proponent hires a consulting firm to conduct an EIA study and to compile a report for submission to the Ministry.

Vision of capacity development

The MEPNR's current capacity development strategy is not well shaped or planned. Before the Rose Revolution, most capacity development activities (such as providing equipment for and establishing IT networks, providing training, improving EA legislation, etc.) were proposed by NGOs with the support of the international donor community. After 2004, the government made deliberate efforts to improve the working conditions of government staff (by increasing salaries 4–5 times) and to suppress corruption in the public sector.

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Since the MEPNR has not developed its own capacity development strategy, all changes – from improvements in institutions, legal frameworks and regulations, to human and material resources – can be regarded as responses to complex and uncertain conditions.

Before the Rose Revolution, powerful environmental NGOs (CENN, Green Alternative, REC Caucasus, CSRDG, and others) were actively involved in the capacity development activities of the MEPNR. As a result of projects implemented by these organizations and, again, with international donor support, several capacity development activities and products were developed, such as sectoral guidelines, recommendations for improving the EA system, EA laws, training, etc. The capacity development process at that time can be regarded as 'incremental', meaning that small adjustments and minor modifications were made and different strategies were tested, but with no clear vision for further development.

Outcome statement

The MEPNR lacks an operational long-term policy or strategy for environmental management and governance and, specifically, for the development of the EA system. The only policy implemented by the state after the Rose Revolution that directly affected the environmental sector, including the EA system, was economic liberalization, with the aim of improving the investment environment. By simplifying administrative processes, EA procedures were put aside under the assumption that they were too time-consuming and the methodology too sophisticated for the state of economic development in Georgia. Civil society and in particular environmental NGOs disagreed with this point of view, arguing that protecting the environment would serve future economic development.

In view of the different opinions with regard to the role and overall goals of the EA system,

it is difficult to come to a clear outcome statement. There is no national environmental plan formulating the goals, or strategies to achieve them. Based on the statements of the various stakeholders interviewed, the overall goals of the EA system can be formulated as ‘to improve environmental protection and its status in Georgia through governmental regulation of EA processes, while at the same time contributing to and supporting economic investment and ensuring that economic development does not disregard environmental issues.’

2.3.2 Changes in EA system capacity

Over the period under review (2000–9) the main changes in core capabilities identified by the different stakeholders can be summarized as follows:

Core Capability I: Act and commit

The capability of the Ministry of Environmental Protection and Natural Resources to act and commit to the cause of an effective and efficient EA system is rather limited, and has even diminished in recent years, especially since the Rose Revolution. This is mainly due to changes in political priorities, in the legal framework and regulations (e.g. the ‘20 day decision rule’), and in work processes (the reduced emphasis on screening and scoping; abolition of the system of categorizing projects; the lack of supervision of the quality of EIA reports etc.). In addition, the Ministry lacks an efficient system for monitoring environmental permits, and there are no guidelines and regulations to guide the full process of environmental management, or norms and standards against which potential environmental impacts can be assessed. With respect to SEA, no regulation has been developed that would provide a legal basis for its implementation.

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At the same time, the role of environmental NGOs, who were close counterparts to the Ministry before the Rose Revolution, has been reduced to that of watchdog and encouraging public participation to ensure that regulations are adhered to. Their expertise is taken into consideration in the EIA decision-making process.

The private sector, including proponents of investment projects and the consultants who prepare environmental permit applications, are generally confident that they will obtain a permit from the MEPNR under any circumstances. It appears that consultancy companies have become less concerned about the quality of EIA reports, as in some instances those submitted are either copies or duplicates of previous reports. In other cases, the quality is so poor that even basic notions are misinterpreted and badly formulated. The MEPNR’s procedure for reviewing EIA reports is not sufficient to improve their quality.

Core Capability II: Deliver on development objectives

In terms of the capability to deliver, there have been substantial improvements since the Rose Revolution. Salaries and conditions of employment (subject to civil service regulations) have improved substantially, but are not always competitive with those offered by the private sector. Despite many changes at the top of the Ministry, there have been substantial improvements in leadership and motivation. In particular, there has been a clear policy to suppress corruption within the Ministry and to instil a culture of adhering to the rule of law. Also, staffing levels have been reduced in order to make the process more efficient.

On the other hand, a number of shortcomings have also been observed that prevent the EA system from achieving its objective of improved environmental protection. Most of these are related to human resources. Professional experts are scattered throughout the Ministry and many decision makers have moved to the NGO sector or to private businesses (consultancies). The overall budget of the Ministry has not been increased despite the growing number of EIA cases. Data and information management related to the EIA process remains underdeveloped despite efforts to build databases. Guidelines that could serve as points of reference are absent, leaving room for subjective interpretations.

Core Capability III: Relate to external stakeholders

It is apparent that the NGO sector has lost trust in the EA system. Before 2004, environmental NGOs were very active in advocating EA system improvements to the extent that they were involved in the process of reformulating the law and providing training for Ministry staff. Since 2006, when the new Environmental Law was adopted, the same NGOs have become less involved in advocating for policy changes in the EA sector and have focused on encouraging public participation in individual EIA processes. The private sector is not always interested in making efforts to obtain an environmental permit, or tend to spend as little as possible on qualified consultants. In this context, the latter produce only the absolute minimum of information required as they know that there is no appropriate and thorough review of the EIA reports they submit.

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The organizational relationships between the various actors range from collaborative to non-collaborative, depending on the issue being considered. Through the one-window approach, the MoED is now in a position to influence decisions on whether a full EIA process is implemented or not. Over the years, both the MEPNR and the main environmental NGOs have adopted a more confrontational attitude. After the introduction of the new law in October 2006, and especially because of the 20-day rule and the lack of public participation, the NGO sector lost trust in the EA system as managed by the government. The business sector (national or international) has no objection to EA regulations, although international investors may be confronted with Georgian laws and regulations that contradict those of international financial institutions such as European Bank for Reconstruction and Development or the World Bank.

Core Capability IV: Adapt and self-renew

The political changes since the Rose Revolution – economic liberalization strategy and simplification and abolishment of EA regulation – have had profound effects on the government's environmental protection and natural resource management system. Despite the legal and regulatory changes, the EA system has proved incapable of adapting to the lower national priority given to the environment. The MEPNR has been unable to advocate for EA issues that conflict with national economic development policies.

Since 2004, however, there have been significant changes in the organizational structure of the MEPNR. The old setup contained overlapping competencies, redundant functions, poorly defined responsibilities and weak coordination, too few qualified staff with planning and management experience, limited financial and technical resources, etc. In the new

organizational setup a number of state establishments sharing management functions in the environmental sector were brought together under the MEPNR.

The operations of the Inspectorate of Environmental Protection have been centralized at national level, but are regarded as poor. An appropriate M&E system that could provide a better insight and understanding of compliance with environmental permits is missing.

Core Capability V: Maintain coherence

As the main actor in the EA system, the MEPNR faces many difficulties in maintaining a coherent and consistent process of environmental protection. One particular obstacle is its lack of a mandate in the EIA decision-making process, to the extent that EIA has become a technical, administrative procedure where protecting the environment is not a primary concern. Due to poor staff motivation and the lack of effective leadership within the MEPNR, there is little sense of the importance of protecting the environment, among the private sector (both proponents and consultants) or other ministries. In order to suppress rampant corruption, the EIA process has been centralized at the national level rather than decentralized to government agencies. Because of this, the capacity of the Ministry cannot be assessed as having improved.

Conclusion

The environment ministry has not been able to respond to the changing political priority towards economic development in order to assure environmental conditions to investment projects. Environmental assessments were considered less important in the development process in Georgia after the Rose Revolution having a negative impact on the quality of the EA system including a weaker position of MEPNR. The previously close collaboration between the environment ministry and environmental NGOs declined considerably. On the other hand, the business sector agrees to changes in legal and regulatory framework. Considerable improvements with regard to human resources, working conditions and the equipment available were observed within MEPNR.

2.3.3 Changes in outputs and outcomes

Changes in outputs

Compliance with the Environmental Law and regulations is relatively low in Georgia as not all investment projects submit requests for environmental permits. The total number of EIA reports submitted on an annual basis is not known, so it is not possible to assess the changes over time. However, between November 2009 and March 2010, public hearings on 36 projects (on average 6–7 per month) subject to an EIA were announced on the website of the Aarhus Centre. About two-thirds of these applications (23 out of 36) relate to the industrial or energy sectors, and the others to the transport, waste disposal or excavation/mining sectors.

Since 2005, practically none of the EIA applications for an environmental permit have been rejected despite the poor quality of the EIA reports. Only in rare cases do the quality and completeness of the reports achieve the standards set by the Ministry.

In cases where investment funding is provided by an international development bank, higher standards are used for assessing potential negative impacts on the environment. In those cases, the EA reports are considered of good quality and complete.

Changes in outcomes

Due to the fact that environmental permits are not monitored, it is difficult to judge the impact of the quality of the EIA reports on the environment and local populations. Also, because there is no proper monitoring of projects once they have been approved, no one knows whether they have infringed environmental regulations.

2.3.4 NCEA support

NCEA has played an important role in establishing and shaping the EA capacity in Georgia since 2000, when the Ministry of Environment (MEPNR) requested NCEA to contribute to the BTC project to build a combined oil and gas pipeline from Azerbaijan to Turkey. At first, NCEA did not aim at capacity development, but provided neutral and independent advice on the process and technical issues. Having gained the respect of the various stakeholders with environmental interests – even with diverging views – NCEA laid the basis for more substantial support to the further development of the EA system as a whole.

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Under an agreement with the MEPNR, NCEA's approach was based on an analysis of the functioning of the legal and regulatory EIA framework, and support to its reformulation and adaptation. As the Ministry was undergoing many changes and reforms following the Rose Revolution, the main implementer was CENN, a strong environmental NGO, supported by NCEA. The focus on the legal and regulatory framework coincided with a similar programme in the two neighbouring countries, Armenia and Azerbaijan.

NCEA has been involved in building the capacity of the EA system in Georgia since before the Rose Revolution. With the rejection of a proposal by CENN in 2006, the strategy focused on the introduction of a SEA in Georgia. NCEA had some experience with implementing this strategic way of looking at the environment elsewhere in the country. However, it appeared to be impossible to start at a central level with the Ministry itself. Through contacts in the Adjara region and facilitated by a visit by Jacqueline Cramer, the Dutch Minister of Environment, in April 2008, it was decided to support a SEA for spatial planning in the Adjara region. This request by the Adjara authorities was the result of an earlier advisory report for EIA prepared by NCEA in 2007 for a complex and politically sensitive transboundary river and coastal erosion project. The SEA for spatial planning is expected to be complemented by training for the stakeholders involved.

NCEA's overall intervention strategy has been rather classical: first introduce a high-profile EIA activity, leading to support for legal framework reform, EIA and SEA training as well as additional EIA and SEA implementation. All these activities are based on short-term technical assistance with relatively low funding. NCEA covers the technical assistance and travel costs of its own staff from its own budget, with some complementary funding provided by the Netherlands Embassy in Georgia and/or the Dutch Ministry of Environment (VROM). NCEA's support activities are funded from its own sources through the core funding

from the Netherlands Ministry of Foreign Affairs or small project funding from VROM.

Effectiveness of NCEA support

In view of the fundamental changes in Georgian society and economic policies after the Rose Revolution, NCEA's support can be evaluated as a process with different angles, tendencies and external factors that have influenced the final results and outcomes. The effects of NCEA's approach and support activities can be briefly assessed for three distinct periods over the past ten years, each with its own characteristics due to the intervention approach chosen as well as the external conditions at the time.

Phase I: Establishing trust through service provision (2000–4)

NCEA's contribution can be considered to have been positive and effective. NCEA provided important services to the MEPNR, which have had visible outcomes and effects through the BTC project and the related efforts to strengthen the capacity of the EA system, assessment of the EA system, development of the EA law, etc.

Phase II: Focus on legal reform through the NGO sector (2004–6)

NCEA's contribution can at best be described as neutral, given the political turmoil in the country before and after the Rose Revolution, and the changing roles of civil society and the government. As a result, most of NCEA's activities before 2004 became meaningless because of the paradigm shift and changes in government priorities. The role of the NGOs through which the support was provided changed dramatically. Although the NGOs were important partners of the Ministry before 2004, they were more or less sidelined once the dust of the revolution had settled. After 2006, the continual changes in the management of the Ministry and heads of department made it practically impossible for NCEA to make arrangements for support, since many of the responsible individuals were replaced before a joint strategy could be developed.

Phase III: Introduction of a SEA and regional activities (2008 to date)

The effectiveness of NCEA's contribution since 2008 cannot yet fully be assessed, although there have certainly been some improvements since the start of activities in the Adjara region. The introduction of a SEA and the EIA study of coastal and river rehabilitation are concrete activities at the decentralized level in this autonomous province. The Adjara activities make it possible to avoid the deadlock at the Ministry and the difficulties of including other ministries in the implementation of a SEA at national level. Although there is still no legal basis for a SEA, the authorities in Adjara have shown a keen interest in the spatial planning process, supported and facilitated by NCEA. As this is still a work in progress it is difficult to assess its effectiveness at this time.

The most important external factor that has influenced the development, outputs and outcomes of the EA system in Georgia, is the political context. The paradigm shift that followed the Rose Revolution, and the new government's economic liberalization policy, blocked the process of capacity development for the EIA launched before 2003. The government also moved the EIA down its list of priorities. It is therefore logical that the outputs have changed in response to these policy changes in Georgia.

The changes in the five core capabilities have had a negative influence on the efficiency of the Ministry's decision making and monitoring. Thus, filling the major gaps in these core capabilities will result in improvements in the efficiency of the Ministry's operations, and will have positive effects on Georgia's EIA system on the whole.

Despite the fact that NCEA has provided training within the Ministry, the projects envisaged that this would focus on developing the capacity of individuals, not of the institution itself. Due to the high turnover of personnel, capacity does not remain within the Ministry, and is lost as soon as the trained person moves to another job. In the absence of clear guidelines and proper documentation of EIA reports and permits, the procedures leave too much room for individual subjective interpretation.

In summary, therefore, the external contribution, focused on strengthening the capacity of the EIA system and improving the EIA decision-making process, has not had a significant influence overall.

2.3.5 Conclusions

The main conclusions derived from the EA case study in Georgia are as follows:

1. NCEA's contribution to the high-profile, complex and controversial BTC pipeline project provided an enormous opportunity for the organization to establish trust and confidence, on the basis of which it was able to formulate and implement further support. Almost ten years later, many stakeholders have retained their confidence in the organization.
2. Political changes in Georgia, and internal management changes within the MEPNR, have had far-reaching impacts on the further development of NCEA's support activities.
3. NCEA has actively sought opportunities to renew and re-establish collaboration with the Ministry. Apparently, such opportunities have arisen, as the SEA and other activities in Adjara region demonstrate.
4. Adapting project activities and approaches is not an easy matter in turbulent circumstances. This was certainly the case for NCEA and its NGO partners, who found it difficult to adapt to the new political situation and organizational changes within the Ministry of Environment, the main actor in the EA system.
5. With the main focus of NCEA's early support (2004–6) on the EA legal and regulatory framework (Core Capability I: to act and commit), and less on operational aspects (CC II: to achieve development objectives) or internal and external relationships (CC III: to relate to other stakeholders), the results of the support activities were swiftly reversed when the legal and regulatory framework was overhauled in 2005.
6. The power struggle between the Ministry and other stakeholders clearly ended with a new balance in favour of the sectoral ministries, making the room for manoeuvre very limited.
7. Environmental NGOs have gradually moved away from trying to influence the Ministry, and are now playing the role of watchdog of individual projects, encouraging public participation and/or starting to provide technical services as EIA experts to project proponents.

2.4 Desk study Ghana

The Ghana desk study has been included in the evaluation because NCEA's support to the EA system in Ghana is expected to provide additional insights into a number of areas that make this case quite particular. First, Ghana has an independent Environmental Protection Agency (EPA) that has been in operation for almost two decades. Second, Ghana has more than 20 years' experience with EA, much more than in other countries in this study. Third, in contrast with the main country case studies, Ghana has a functioning SEA subsystem that has been operational for a number of years.

The Ghana desk study does not have the same status in the NCEA evaluation as the three comprehensive national studies as a different evaluation methodology and evaluation framework were applied. Hence the changes in the five core capabilities are not analyzed. However, on the basis of secondary information and additional interviews held in May 2009, this desk study attempts to analyze the development of the EA system in Ghana and NCEA's contribution to capacity development, to complement and/or to provide a contrast with the full national studies. The analysis is to a large extent based on a number of evaluations of Ghana conducted in recent years, including a review study of the environmental sector (ANECA, 2003), an evaluation of the GEASP project (Kessler, 2008), the Ghana Environmental Sector Study Synthesis Report (GESS, 2007), and an evaluation of the introduction of a SEA system (Kessler et al., 2009).

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2.4.1 The EA system in Ghana

Ghana formulated its first environmental policy in 1990 in order to put environmental issues on the political agenda. The policy was intended to ensure a preventive approach in the pursuit of sound environmental management. The main preventive tool envisaged in the policy was the environmental impact assessment (EIA). An environmental action plan (EAP) was drawn up which identified specific actions to be carried out to protect the environment and ensure better management of natural resources. Implemented over a ten-year period (1991–2000), the action plan established an effective EIA system with clear procedures for an EIA and SEA regulatory framework.

Environmental Protection Agency

Ghana's EPA is the key agency responsible for implementing EA and for administering and enforcing EIA regulations. Its mandate, specified in the EPA Act 1994, is '*to ensure compliance with any laid down environmental impact assessment procedures in the planning and execution of development projects, including compliance in respect of existing projects*'. The vision of the EPA for Ghana is '*a country in which all sections of the population value the environment and strive to attain environmentally sustainable development, with sound and efficient resource management*'. In order to be able to enforce the environmental legislation, the EPA promotes compliance by working in partnership with other stakeholders, especially those state organizations with similar mandates to enforce certain legislation. Compliance monitoring is done by the EPA's Environmental Quality Department. The EPA has set up a training school to develop environmental management capacity for all categories of staff in Ghana and elsewhere, and has developed sector-specific guidelines to facilitate the conduct of EIA in eight sectors.

In terms of decentralization, some districts have district environmental management committees, which include representatives of the EPA, and are mandated to coordinate environmental issues at the district level. At the regional level, regional coordinating councils are mandated to coordinate district plans and programmes, and to harmonize them with national development objectives and priorities. In addition, regional inter-departmental meetings are held periodically to bring together all regional heads of decentralized and centralized departments, chaired by the regional minister.

With regard to the institutional context, although the EPA is an agency within the Ministry of Local Government and Regional Development (MLGRDE), it has maintained a relatively high level of autonomy (GESS, 2007). The EPA and MLGRDE have together developed a policy of including environmental issues in district and sectoral planning.

Environmental impact assessments

In practice, EIAs are carried out in accordance with the Environmental Assessment Administration Procedures, which are derived from the main environmental legislation, as follows:

- Proponents of new investment projects are required to register with the EPA, conduct an EA of their proposals and submit an EA report to the EPA for review. The level of assessment depends on the type, scale and location of the activity. When the EPA is satisfied with the assessment conducted and with the measures proposed to mitigate any possible environmental impact, an environmental permit is granted for the project to start.
- Industries in existence before the legislation are required to conduct EAs of their facilities and to propose ways and means to improve their level of performance. These environmental management plans are then submitted to the EPA for review.
- Industries are requested to monitor environmental parameters and to submit monthly reports to the EPA. In cases where values exceed stipulated limits, companies are expected to include comments on what measures have been put in place to rectify any discrepancies.
- Industries are requested to submit annual environmental reports to the EPA, indicating how they have performed, what they have achieved, what went wrong and what improvements need to be made.

Using these instruments, the EPA is able to measure the level of compliance. For example, the number of environmental impact assessment reports received for a particular sector within a certain time frame can be used as an indicator of the level of compliance, especially when the figures are compared with those obtained by a sister organization responsible for regulating that sector.

Strategic environmental assessment

During the last decade, Ghana has built up a wealth of experience in promoting and conducting Strategic Environmental Assessments (SEAs). Ghana is unique in terms of the number of SEAs that have been carried out at national, sectoral and local (district) levels. The following description is to a large extent based on the GESS 2007 report and the evaluation of the SEA system by Kessler et al. (2009).

SEA in Ghana received a great impetus through the integration of environmental issues and screening in the planning process as laid down by the National Development and Planning Commission (NDPC), the institute responsible for guiding national, provincial, district and sectoral planning. The NDPC and EPA have together promoted the use of SEA as the means to include environmental issues in the planning process. The NDPC issued guidelines for preparing medium-term development for sectoral ministries and agencies, as well as district assembly plans. These guidelines include a ‘sustainability test’ that examines the environmental and social impacts of proposed projects and programmes, as well as an ‘internal consistency and external compatibility test’. In 2008, NDPC issued guidelines on monitoring and evaluation (M&E).

However, the legal basis for SEA is somewhat unclear with regard to the question whether the actual EA legislation includes strategic assessments. The EA regulations (LI 1652, 1999) do not recognize nor regulate the SEA as a separate environmental assessment process. The broad definition of ‘undertakings’ includes plans and programmes, but not policies, although the latter have been included in SEA implementation over the past few years.

2.4.2 Changes in outputs and outcomes

EIA practice

Compliance with the requirement to conduct EIAs has been increasing since 1994. This is evident from the increasing number of EIA applications, from 294 in 1996 to 755 in 2003 (EPA Annual Reports, 1996–2003). On average, more than 500 applications per year were received over that period. Similarly, the number of environmental impact studies (EIS) received has increased steadily since 2000, and the EPA now handles an average of more than 40 each year. This could be attributed to the general increase in awareness of EIA requirements and the introduction of the EA regulations.

The EIA process has made significant contribution to and continues to be an integral part of decision making in Ghana, particularly among regulatory agencies, financial institutions and donors funding projects such as infrastructure, transport or services such as water provision. Development partners have played a key role in the development of EIA in Ghana. For instance, the World Bank assisted the Ghana Highways Authority to set up an environment unit, and the Danish agency Danida supported the SEA of the National Trunk Roads Maintenance Programme.

SEA practice

Despite several unique and specific features of the Ghana SEA experience, there are wide variations in the conduct of SEA. The ‘Ghana SEA approach’ includes a central role for capacity development and awareness raising; application at sectoral as well as district levels; and close collaboration between the EPA and the National Development Planning Commission (NDPC). Together, they play a central role in the process of planning with the overall purpose of mainstreaming sustainability in plans, programmes and policies (PPPs).

The conduct of SEA in Ghana has developed in terms of implementation, perspective and the application of tools. A distinction is made between first- and second-generation SEAs. First-generation SEAs were conducted as a kind of extended EIAs, following the same logic and structure but focused on larger, integrated or complex programmes. Second-generation SEAs have adopted a more process-oriented approach and specific SEA tools that were developed as a result and spin-off from the SEA of Ghana's Poverty Reduction Strategy (GPRS I), which is considered to be the real start of SEA in the country. In 2002, the SEA of the GPRS I was initiated involving an extensive capacity development component at national, regional and district levels. All districts received comprehensive training in the use of SEA tools and the themes identified in the GPRS. Sectoral policies were subjected to SEA tools and multi-stakeholder workshops were organized to mainstream the environment in these policies. This approach underlines the process of involving all relevant stakeholders, unlike the first-generation SEAs where the 'technical' analysis was emphasized. The GPRS I SEA was carried out in collaboration between the EPA, NDPC, NCEA and local and international consultants. Following its success, a SEA of GPRS II was carried out in 2004–5.

A total of more than 60 SEAs (30 sectoral and 36 district SEAs) were conducted in the period 2000–8. Of the sectoral studies, nine can be regarded as first-generation SEAs and 21 second generation. All district SEAs have now been implemented and have been applied to plans, programmes and policies (PPPs) at national (GPRS), sectoral and district levels. Sectors where SEAs have been applied include water, transport, energy and tourism.

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Based on Ghana's experiences in implementing these SEAs, a number of good practices can be identified:

- use of SEA tools to generate insights into sustainability issues, as well as the linkages between social and environmental issues, and between sectors;
- the conduct of an institutional analysis as a first step towards the implementation of a SEA;
- a more systematic and integrated planning process, in which social, institutional, environmental and economic issues are considered;
- making effective use of existing baseline data and expert studies and feeding them into the planning process (e.g. district SEAs);
- raising widespread environmental awareness at various levels – the so-called flooding of training events; and
- the involvement of a broad range of stakeholders from different sectors and levels.

Constraints and challenges

Despite making significant progress, Ghana has faced a number of constraints and challenges in implementing EIAs. For example, EIAs are considered at a late stage in the project cycle, leading to the late registration of proposals with the EPA; there is a misconception among proponents that EIAs waste time, due to the over-centralization of decision making on EIA applications by the EPA; the limited capacity of local consultancies; the limited review capacity at the EPA; the lack of EIS review guidelines; the limited avenues and strategies for communicating review results to the public; the limited resources to embark on a comprehensive public awareness campaign; the lack of adequate resources especially to ensure compliance with/enforce the EA regulations; and the lack of EA capacity within relevant institutions.

2.4.3 NCEA support

Context

The EPA recognized the need to enhance environmental governance and management in Ghana, and strengthened the environmental assessment (EA) system before NCEA became involved. The EPA undertook the Ghana Environmental Assessment Capacity Development Project (GEACaP) phase I from 1999–2001 and a SEA of the Ghana Poverty Reduction Strategy (GPRS) 2002–4, with financial support from the Royal Netherlands Embassy (RNE).

NCEA support to the EPA in Ghana started in the context of the Capacity Development and Linkages for Environmental Assessment in Africa (CLEAA) programme, the main goal of which was to have a functional EIA system in place in Africa by 2010. The secretariat of this programme was hosted by the EPA, which also provided the chair of the programme. Through the funding of CLEAA by DGIS, NCEA was able to establish a close working relationship with the EPA in Ghana, and this resulted in a number of support activities between 2000 and 2008.

1) *Advice on EIA (2000, 2001 and 2004)*

The CLEAA contacts resulted in requests by the EPA for a number of desk reviews of EIA reports in 2000. These were followed by an independent review of the EIA of the Ankobra petrochemical plant by a joint working group of Ghanaian and Dutch experts in February 2001. In April and August 2004, NCEA carried out two more reviews of the EIA report and an addendum for the West African Gas Pipeline (WAGP) project.

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2) *Advice on SEA (2002–4)*

The government of Ghana decided to carry out a SEA of its Poverty Reduction Strategy in order to be able to adjust the strategy where needed. The SEA was applied at national and district levels, providing options for recommendations that were both pro-poor and pro-environment. These could then be used as inputs to make the 100 district development plans more sustainable.

In the context of this SEA, NCEA provided a number of independent advisory services in the period 2002–4, including:

- advisory guidelines for the SEA of the GPRS (July 2002);
- a memorandum by the NCEA support mission to assist in starting up the SEA (January 2003);
- a mid-term review of the introduction of the SEA (November 2003);
- informal comments on the first and second drafts of the SEA report (January and March 2004); and
- a final advisory review of the SEA (October 2004).

The expected outputs from the SEA were related to the process, products and institutional arrangements. In terms of process, the SEA has resulted in broader awareness and recognition of the importance and relevance of integrating environmental issues into plans and policies at national, sectoral and district levels. This includes, for instance, sectoral ministries which initially thought they had nothing to do with environmental issues.

Representatives of civil society have been closely involved in the SEA process, giving them confidence that the public sector has started to take environmental issues seriously, resulting in the increased willingness of NGOs to collaborate with the public sector. By the end of the project period, the SEA had led to the formulation of a set of clear recommendations for a more sustainable update to the Poverty Reduction Strategy for the period 2006–8.

At the district level, the SEA has led to a better insight into the contribution of district plans to sustainable development. Some districts have adjusted their plans and budgets in order to incorporate environmental activities. The manuals, guidelines, reports, checklists and training materials developed have helped to increase environmental awareness. The SEA received substantial attention in development and environmental circles within Ghana and in the international arena.

3) *Ghana Environmental Assessment Support Programme 2006–8*

The Ghana Environmental Assessment Support Project (GEASP), financed by the Netherlands Embassy in Accra, was implemented under the direct responsibility of the EPA from December 2006 to June 2008. GEASP's four objectives were to improve the impact assessment system, to develop the capacity of impact assessment practitioners, to develop skills through pilot activities, and to compile guidelines and manuals. Within GEASP, specific attention was paid to the decentralization of the EA process; training in how to apply EA procedures and instruments; the interaction between district and sectoral planning; and to involve a wide range of stakeholders. The results of GEASP were expected to be important for the positioning of the environmental sector in the multi-donor budget support system to be implemented as of June 2008. GEASP also allowed for an evaluation of the outcome of the SEA of the PRSP that was carried out in 2004–5 (see above).

In January 2007, NCEA visited the EPA to contribute to the GEASP inception phase. NCEA offered suggestions on the implementation of the programme and developed a preliminary outline of a project plan. Regarding GEASP, NCEA advised paying more attention to evaluating EIA and SEA experiences in Ghana over the years, and to generate commitment to pilot SEA activities. At different times, NCEA advised the EPA to start SEA pilots and to evaluate the EA system in operation. Other NCEA support to GEASP included contributing to two scoping workshops for a SEA for the national urban development and growth policy; providing suggestions on the generic work plan for the SEA for district planning elaborated by the EPA; and reviewing the EIA guidelines for the energy sector. In addition, NCEA applied its EIA mapping tool to the EA system in Ghana, which identified some of its strengths and weaknesses. All of these support activities have been provided at the request of the EPA, in terms of both timing and content.

Effectiveness of NCEA support

On the basis of two EIAs (of the Ankobra petrochemical plant and the West African Gas pipeline) to which NCEA provided advice, it can be concluded that NCEA has had a substantial influence in terms of the outcomes of the investment projects under review. NCEA's experts provided clear examples of the potential of the EIA process, resulting in the setting

of quality standards for large and complex projects in the energy sector, but also in terms of the environmental conditions stipulated in the permits and the possibility to monitor compliance with these conditions.

NCEA's support to the SEAs of the two PRSPs, GPRS I and II, appeared to be successful in raising awareness of the importance of considering environmental issues in development planning. These SEAs generated a number of tools, in particular a poverty–environment compound matrix, a compatibility matrix and a sustainability test. The EPA recognizes the important role played by NCEA in developing the SEA as a planning tool for both district and sectoral planning, but has always remained in charge of the content and timing of services requested from NCEA.

In general, the SEA unit of the EPA has highly appreciated the support provided by NCEA. There is evidence of improvements or changes made (in training materials, approaches, guidelines, manuals, etc.) as a result of NCEA advice. The role of NCEA is seen by the EPA as a partner and advisor. In the early stages of the GEASP there was less synergy between the NCEA and the EPA due to changes in the NCEA support team and its tendency to get involved in implementation issues. After September 2007, the EPA and NCEA agreed on a new working arrangement, involving regular backstopping and visits to the EPA following ad hoc requests for support.

2.4.4 Conclusions

In the efforts to develop an effective EA system in Ghana, a number of conclusions can be drawn:

1. There is a need for a lead institution with clear and sufficient legal mandate for the EA system; in Ghana, the EPA has been able to perform this role through its inclusion in the Ghanaian constitution as well as the legal basis on which it was created.
2. Training for a critical number of EA professionals to carry out awareness and capacity development programmes is essential for establishing wide support and knowledge of the EA system.
3. The development of home-made simple EA procedures or guidelines evolved from local circumstances and needs, as well as experiences from other countries.
4. The EA system must be inherently promotional. EA must not be used as an instrument to stop developments but to promote and ensure sound and sustainable development.
5. It is necessary to recognize other stakeholders as collaborators and partners in promoting environmental assessment as a strategy for sustainable development.
6. The EA system must always emphasize the principle of shared responsibility and seek ways of bringing all stakeholders on board.
7. The existence of some basic local EA capacity is essential for effective implementation of any capacity development programme.
8. For the EPA, there is a continuing challenge to learn from practice, especially SEA practice, which is why the pilot SEAs conducted in various districts and sectors have been very successful in contributing to improved implementation.
9. Demand-driven activities to develop capacities of the EA system and at the country level have promoted ownership of the implementation process; the EPA has been in charge of the content and timing of NCEA's support activities.

10. Due to its professional expertise as a knowledge centre on EA, NCEA has been able to respond to the specific requests for advisory services.

2.5 Desk study Burundi

This short desk study has been undertaken to assess NCEA's assistance to environmental assessment (EA) in Burundi. The support to Burundi is part of a wider programme implemented in eight countries in Central Africa at the request of the Capacity Development and Linkages for Environmental Assessment in Africa (CLEAA) programme, which aims to have functional EIA systems in place throughout Africa. The programme is financed by the Netherlands Ministry of Foreign Affairs for a period five years (2008–12) with total funding of 1.23 million EUR.

This study is not a full case study as the three comprehensive case studies. The purpose of the study has been to contribute to the understanding of NCEA's intervention strategy in post-conflict countries with relatively few capacities, and to learn what has been achieved in the short period since 2007. It also attempts to identify the extent to which the EIA mapping exercise has made the major stakeholders aware of the necessary steps and whether adequate planning to improve the EA system has been introduced as a result of the analysis.

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The focus is not on the changes in capacities over the past ten years as the development of the EA system in Burundi was at a standstill until 2006 due to the civil war that had ravaged the country since 1993. No attempt is made to analyze capacity using the five-CC model; rather, the focus is on capacity development strategy applied by NCEA and the initial results according to some of the Burundian stakeholders involved in the programme.

The team leader made a short visit to Burundi from 19-21 April 2010, and held a series of interviews with the main stakeholders at the Department of Environment within the Ministry of Water, Environment, Land management and Urban Planning (MEEATU), the national *Association Burundaise de l'Evaluation des Impacts Environnementaux* (Burundi Association for Environmental Impact Assessment, ABEIE) and one private consultant working in the field of EA. The main goal of the interviews was to get a picture of the major changes since the start of the first NCEA activity in Burundi with regard to the EA system, and which capabilities have changed since then.

2.5.1 The EA system in Burundi

MEEATU is responsible for environmental assessment through its Directorate General of Environment and Forests (DGEF). The Ministry, created in 1988, is responsible for applying the legal regulations with regard to environmental assessments, but was barely operational for almost 15 years during the civil war when it was difficult to implement any policies with respect to the environment. The EA system was started from scratch in 2005, with very little experience and expertise within the Ministry and few environmental experts familiar with implementing EIA procedures, except for a few projects funded by international donors such as the World Bank or the African Development Bank.

The legal framework for EA is based on the Environmental Law, introduced in 2000, which provides general directions on how to manage and utilize natural resources and the environment. One chapter of the law specifies cases of investments for which an EIA is to be undertaken. Article 24 envisages the elaboration of a *décret d'application* (implementation decree), which was formulated in September 2008, but still has to be reviewed by the Council of Ministers and submitted to the office of the President for his signature, before it becomes official.

At present, the Department of Environment consists of nine staff members (one has recently been transferred to the Council of Ministers) with multidisciplinary backgrounds and a wide variety of training, including agricultural scientists, biologists, geographers, legal specialists and engineers. The majority have received short-term training in environmental management, environmental pollution and EIA issues. Some staff members have more than five years' experience in environmental assessments of small-scale mining and infrastructure projects. The Ministry has a limited budget available for the implementation of its tasks.

With regard to the institutional framework in general, one can state that the legal framework has only partially been developed, thus jeopardizing the organizational capability to commit and act (CC 1). Due to the long time it is taking to make implementation decree official, it is difficult for the Ministry to act to ensure that investment projects do not harm the environment. With regard to the capability to achieve development goals (CC 2), it appears that the limited staff and budget make it difficult for the Department of Environment to operate and fulfil its tasks of reviewing and supervising the procedure of granting environmental licences (certificates of conformity).

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Vision of capacity development

The Ministry of Environment has not yet developed a policy for the environmental sector, nor for the development of capacities within the Ministry. Due to limited funding and the absence of a regulatory framework, most capacity development initiatives are currently being undertaken by the ABEIE; details of its activities and training approach are discussed below.

Changes in outputs and outcomes

Changes in outputs and outcomes were not assessed in the context of this study.

2.5.2 NCEA support

NCEA's main strategy for support in Burundi (and in the other seven Central African partner countries) is based on the assumption that changes in the EA system are expected to emerge from the strengthening of the knowledge base, expertise, exchange and learning through the establishment of an association of EA experts. Second, through the (self-)analysis of the EIA legal basis, regulatory framework and implementation of procedures, concrete recommendations to strengthen the EA system have been formulated, which can be considered a basis for EA system improvements.

One of the main elements of NCEA's support strategy has involved the creation of and support for the association of EA professionals (ABEIE). Rather than focusing on improving the legal and regulatory framework, the goal is to build strong professional expertise, with the stakeholders working closely together in the implementation of EIAs, and gradually learning how to improve the effectiveness of the EA system. This is a substantially different approach from that adopted in previous international support programmes, as seen in the other case study countries. Another element of NCEA's support involves (self-)assessment using the EIA mapping tool, which is now the basis for most of NCEA's follow-up support activities, as agreed in the MoU with the ABEIE.

NCEA's main support activities have included EIA mapping (2005), establishing the association ABEIE (2007–12), training of trainers (2009–10), and preparing for and negotiating a future support programme with the Ministry of Environment (2010)

Preliminary results of NCEA support

EIA mapping: According to the interviewees of ABEIE, the EIA mapping exercise has provided a very good and systematic overview of the EA system in place in the country. It has made them aware of the structure of the EIA legal and regulatory framework and of the elements that were still missing. Participants acknowledged that during the mapping exercise they discovered a lot about their EA system as it revealed information that was otherwise not available. It also established relationships between certain indicators, providing enriching insights. Participants recalled the lively discussion on the scores. It was realized that substantial work was needed to improve the EA system. For ABEIE members, EIA mapping is still the basis of its strategy to improve the EA system and is being used as a reference base for its activities.

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Establishment of ABEIE: The association was formed in June 2008 and started its activities only in 2009. Its main activities so far focus on training (see below), serving as an interlocutor with the Ministry, providing the expertise of their membership, recruiting members, and providing information to decision makers, as well as exchanging experiences and knowledge, and establishing a database of sectoral environmental profiles. After two years, the association now has more than 20 members with expertise in various relevant fields. The relationship with the Ministry has been good so far. The association has been invited on several occasions to accompany the Ministry to projects subject to an EIA. One of these projects of the association is to develop general guidelines that will complement the implementation decree once it has been adopted. This joint activity of the Ministry and ABEIE is financed under the NCEA funding facility. A consultant has already been identified to develop the guidelines, but the activity remains blocked until the *décret d'application* is adopted. The association has attempted to formulate a proposal for external organizational funding, but so far this has not been successful.

Training of trainers: In terms of outputs, five members of the association have been trained and a training plan has been prepared. The participants expressed their satisfaction with the approach and the content. The coverage of the EIA process and procedure was considered to be comprehensive and put the different steps into perspective. The methodological

approach, using new methods of knowledge transfer, was felt to be innovative and a clear variation on the classical approach.

MoU on support programme with the Ministry: In late 2009, NCEA started negotiations with the Ministry of Environment to start up a separate support programme for the period 2010–12. The Ministry requested this support in order to strengthen the capacity of the Department of Environment, which is directly responsible for EA management and implementation. So far the MoU has not yet been concluded, but it will enter into force when the President signs the *décret d'application* on the EIA regulatory guidelines.

Effectiveness of NCEA's support

NCEA's programme of support to the EA system in Burundi has been operational only since early 2008. This period is too short to assess fully its effectiveness. However, on the basis of this short overview study, we may observe the following:

1. The support strategy for change in Central Africa (including Burundi) has involved a new approach: establishing and strengthening a strong knowledge and expertise base for EA that includes all stakeholders in the EA system.
2. As a result, there is a clear focus on establishing a collaborative association of stakeholders rather than an instrumental association that only brings together stakeholders on the basis of a legal or instrumental purpose. The aim of a collaborative association is not to synchronize activities but, as noted above, to create a learning platform and to enhance professional expertise in the field of EA.
3. The introduction of 'training of trainers' is a new approach that focuses on disseminating information and knowledge about EA processes and procedures to the main actors. This awareness-raising approach may appear to be an important element in promoting environmental responsibility among the different stakeholders, including investment proponents (both public and private) as well as the other sectoral ministries.
4. In terms of the five core capabilities, the main emphasis and changes have been realized in the field of core capability to relate. Strengthening the cohesion and collaboration among stakeholders has laid a good foundation for the further development and implementation of EA in Burundi (this is not always the case in the Central Africa programme).
5. In a country recovering from civil war, and with a weak institutional framework in terms of both regulations (CC I) as well as human and financial resources (CC II), it appears to be a good strategy to focus on building close interactions between the main stakeholders through the creation of the association and the collaboration with the Ministry of Environment (CC III). Focusing on the legal and regulatory framework (CC I) could have created a divergence between the different stakeholders as there would be a shift towards legal compliance rather than the practical compliance needed in a developing country with weak institutions.
6. The association ABEIE has been able to bring together all the main professional expertise interested in environmental assessment, despite the absence of specific fields of expertise and of private business. Moreover, the non-existence of environmental NGOs in Burundi means that promoting public participation is a major challenge.
7. The EIA mapping exercise provided a very good-quality overview of the strengths and weaknesses of the EA system in Burundi at the level of the legal and regulatory frame-

- works and the operational aspects of the EA process and procedures. It has provided a good indication of areas where improvements are needed.
8. NCEA's new support approach – placing more emphasis on CC III (and CC II) rather than CC I – appears to have been of great interest to the main stakeholders. It is expected that the various stakeholders, including the Department of Environment, will put pressure on the leadership of the Ministry and the Council of Ministers to establish a regulatory framework.
 9. The future of expert associations such as ABEIE in financial and operational terms is still to be elaborated and vested in the provision of clear demand-driven services. This future is not yet assured.
 10. In the case of a clear demand from the Ministry and/ or ABEIE - respectively the elaboration of norms and standards; establishment of regulations with regard to existing industries from the side of the Ministry, and the implementation of sectoral studies in order to make environmental information available and accessible – NCEA will need to find a flexible support structure. It may consider the inclusion of other expert organizations in the fields where it cannot provide assistance or does not have the manpower to deliver because of its relatively small support team.

2.6 Analysis and conclusions

This section discusses the evidence collected in the three case studies and two desk studies structured according to the four central questions in this evaluation.

2.6.1 Main changes in the capacity of EA systems

The changes in the capacity of the EA systems have been assessed on the basis of the five core capabilities, which have been contextualized according to the perspectives of the Southern stakeholders.

Improved EA legal and regulatory frameworks, but implementation remains fragile due to weak leadership (CC to act and commit)

In each of the EA systems examined in this evaluation, a rather important change in capacity has been the establishment and/or reformulation of an *EA legal and regulatory framework*, as the basis for legitimizing the EA system. This framework defines the routes, criteria and actors involved in the operation of the system and the linkages between them. The legal and regulatory framework applies to all public and private activities that have an influence, direct or indirect, on the environment, and encourages the inclusion of economic interests and social values. Public participation can be used to bring social values into perspective, especially in the case of projects that may have a moderate to high impact on the environment. The cases show that most frameworks cover activities subject to EIAs and, to a lesser extent, to strategic environmental assessments (SEAs), with the exception of Ghana. In Ghana, the introduction of SEA regulations and the dissemination of the concept at both sectoral and district levels have been very successful, and compliance with SEA regulations has increased considerably.

Imposing the rule of law proved to be difficult. In some cases, EA procedures were not followed and environmental licences were granted without proper inspection and review of the applications. Often, there was no public participation. One internal factor that has a negative influence on the implementation of legal and regulatory frameworks is the *lack of strong leadership* by the unit responsible for EA within the environment ministry, as the central and regulatory body in the system. Weak leadership is mainly due to frequent – politically motivated – staff changes. Other internal factors are discussed below.

More and better human resources, but sustainability is under pressure because of high turnover, partly caused by poor working conditions, limited technical and financial resources (CC to deliver on objectives)

In all cases, the *number of EA professionals* increased over time. However, the turnover of experts with long experience within the environment ministry (technical experts as well as decision makers with knowledge of specific aspects of environmental management) negatively affected the institutional memory of the organization and EA operations. The loss of professionals was mainly caused by the lack of coherent leadership, strong hierarchies, poor salaries, the lack of technical facilities and unclear working procedures. Therefore, improvements in working conditions – such as salary increases by the Ministry of Environmental Protection and Natural Resources (MEPNR) in Georgia or staff training in Guatemala – contributed to job stability.

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Environment ministries often make use of *external professional experts* to conduct EIAs. In Burundi and Mozambique, associations were set up with EA professionals with different sectoral backgrounds. According to the ministries in some countries, the quality of EIA reports was not always up to standard, mostly because of the consultants' lack of technical expertise, or their insufficient objective view on the quality of the reports. According to the consultants, however, the ministries made no effort to improve the performance of environmental management instruments or contribute to improving the skills of consultants. Consultants are called in on an *ad hoc* basis, implying that the quality and timeliness of their work cannot be assured. In Guatemala, consultants blame this on the recent boom in the number of environmental impact studies required and the mushrooming of consultants working in the sector.

Most environment ministries lack the *financial resources* necessary to carry out their assigned tasks at central level, but even more so at decentralized (provincial and local) levels. Environmental NGOs depend to a large extent on international funding. Moreover, *access to internal documentation* (hard copy and electronic) is difficult because of the lack of appropriate databases and library facilities. Operational facilities such as the technical equipment required to perform assigned tasks are often not sufficient. One positive development has been the adoption of the 'one-window' approach, a mechanism that led to the simplification of EIA procedures. This window filters requests and directly assigns them to the correct category and to a technician or group of technicians who will assess the compliance of the EIA ToR/report with the regulations. Nonetheless, the categorization process is often deficient because of limited human resources.

Stakeholders acknowledge each other's role in the EA system, but struggle with power relations (CC to relate)

One positive development is the fact that stakeholders with divergent or even opposing interests acknowledge each other's role in the EA system. On the other hand, these different interests can make collaboration in planning and implementation more difficult. The ways in which different interests are expressed, as well as the ways in which they influence EA procedures, are not always transparent. The underlying reason is often the relatively weak role of the environment ministry in the EA system, which expresses itself in the lack of political or ministerial will to tackle problems such as the lack of transparency and accountability; the absence of inter-ministerial coordination; poor conditions of employment; or the ministries' inability to counter powerful economic or political interests, including investors and other (stronger) ministries. Powerful ministries such as energy, mines, forestry, construction or infrastructure often have their own environmental regulations and procedures that are not always consistent with those of the environment ministry.

The 'one-window' approach to business investment provides these ministries and proponents with more space to negotiate specific conditions with regard to environmental assessment. Moreover, proponents may use their influence to proceed with projects without obtaining an environmental permit, even though all stakeholders are legally bound to comply with EA rules and regulations. In short, the poor quality of reports, the lack of transparency and the misuse of the one-window approach may have negative effects on the *legitimacy* of the environment ministry.

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The absence of feedback mechanisms hampers the sustainability of the EA system (CC to adapt and self-renew)

Once an EIA report is adopted, there often is no follow-up, inspections or enforcement. According to the evaluators, the problem is the absence of mechanisms to systematically monitor and evaluate EA processes to provide feedback on results achieved in relation with the outcome statement. As a consequence, there are no records from which lessons can be learned. In Guatemala, however, staff at the Ministry of Environment and Natural Resources (MARN), were able to understand national problems within the trends set in the region, because of their participation and dialogue at regional level. Although the Ministry is legally required to undertake inspections of projects with an environmental permit, inadequate budgets and human resources, as well as inappropriate equipment and procedures, mean that it is difficult to assess whether required mitigation measures have been implemented or not.

Decentralization puts pressure on human resources and coherence. Technical staff appreciate guidelines and manuals, but whether they use them depends on the political situation or management commitment (CC to achieve coherence)

In general, *decentralization* is considered a positive change in the EA system, making it possible to handle a considerable proportion of environmental permits at the local level. On the other hand, it has placed extra pressure on environment ministries to achieve coherence at all levels in the system with regard to human resources, budgets, guidelines, etc. In all cases, *sectoral guidelines and standards* (if available) to review and assess the quality and legal compliance of EIA reports have not been systematically applied by staff at ministerial and local levels. This may have been due to ministerial changes, or management

that was not in favour of using them, even though they were appreciated by technicians. The limited consistency of criteria caused a less coherent functioning of the system, creating space for proponents to negotiate the terms of their compliance with regulations.

In Ghana, the joint responsibility for SEA in the planning process by the Environmental Protection Agency (EPA) and the planning unit of the National Development and Planning Commission (NDPC) has resulted in a number of practical tools being applied in both sectoral and district planning. There is now broad awareness of the concept and toolbox of SEA and its application throughout the country. This can be regarded as a success of coherence with regard to EA.

Ministries of environment appeared to have no strategy for strengthening the capacity of the EA systems or of the ministries themselves. Nonetheless, positive changes in capacity have taken place over time; sometimes these improvements revealed emerging deficiencies in capacity that needed to be strengthened. For example, decentralization has meant that more adequate human resources are needed at local level. Not all EA systems have been able to address these needs.

2.6.2 Results achieved of the EA system

In all the case studies, the volume of environmental permits issued on the basis of an EIA has increased over time. This is related to the improvements in the legal and regulatory frameworks, but also to the 'one-window' approach. Legislation may have encouraged transparency in decision making, but this was rarely achieved. Environmental permits were sometimes issued without EIA reports being considered, and sometimes even when the quality of the reports was poor. In cases where project funding was provided by an international development bank, such as the World Bank or European Investment Bank, higher standards were used for assessing potentially negative impacts on the environment, as in Georgia. In most cases these reports were considered of good quality and complete. Power relations were the main factor preventing transparent and well-considered decision making, in which project proponents and sectoral ministries overshadow the ministry of environment.

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Feedback mechanisms that systematically report on compliance with EA regulations and the application of mitigation measures are often lacking. In the absence of an M&E system, no data are available on the impact of projects on the environment once they have been approved. Nonetheless, with regard to the five EIAs examined in Mozambique, interviewees were positive about the EIAs since they dealt not only with environmental protection but also with the impacts of projects on economic development and social values. These EIA cases showed a good degree of environmental protection, including plans for mitigating impacts and for compensating local populations.

Relatively limited progress has been made with the introduction of SEAs. In Mozambique, two SEAs were implemented and completed despite the absence of a regulatory framework. In Guatemala, the SEA instrument has been applied only very recently to the spatial planning of Guatemala City, so it is too soon to assess the results. In Ghana, on the other hand, a substantial number of SEAs have been conducted that contributed to a more

systematic and integrated planning process that takes social, institutional, environmental and economic issues into consideration. Effective awareness raising has led to the involvement of a broad range of stakeholders from different sectors and levels.

2.6.3 Effectiveness of NCEA support

As noted above, because of the absence of adequate M&E systems, it was often difficult to determine outputs and outcomes of the EA system, and thus to attribute these results to NCEA's support. The support of NCEA included providing technical advice; training; facilitating workshops for all stakeholders in the EA system; taking part in political discussions/negotiations; monitoring; and reviewing documents such as ToRs, concept EIA reports, manuals and sectoral guidelines. The main changes in capacity that can be related to NCEA's support are described below.

NCEA's support on the EA legal and regulatory framework has a leverage effect on the quality of the EA system, although this type of support is not a guarantee for enhanced outputs.

In general, the support that NCEA provided to improve legal and regulatory frameworks at the request of the environment ministries has been appreciated by the clients. This form of support can be considered strategic for NCEA taking their small staff into consideration; with relatively limited support of NCEA rather large effects on the quality of the EA system could be created (NCEA's leverage). In Mozambique, for instance, NCEA's assistance in evaluating the existing law and regulations, followed by advice on the reformulation of the EIA regulation, resulted in a new regulation that has enhanced the EA system – greater transparency of EIA and decision making, categorization, decentralization, public participation, standards for improving the expertise of relevant government agencies and societal support for EIA. In Guatemala, the strengthening of the national EA legal and regulatory framework through a regional programme supported by IUCN/NCEA provided political legitimacy to the process, agenda setting and to those promoting EA. In Ghana, the SEA regulatory framework was adopted. However, an improved legal and regulatory framework is not a guarantee for a higher amount of conducted EA assessments, enhanced quality of reports or compliance with the regulations. However, due to a lack of data on output and outcome, the effects of the support of NCEA on results of the EA system cannot be accurately determined.

NCEA's support contributes to a better understanding of the concept of EIA and SEA among a wide range of stakeholders. However, the sustainability of enhanced human resources is not secured due to staff turnover, poor working conditions and political changes.

NCEA provides support (coaching, training, facilitation of workshops, knowledge sharing, etc.) to improve understanding of the concept of EIA and/or SEA among a wide range of actors in the EA system. These include environment ministry staff at central and district levels, sectoral ministries, consultants, associations of EA professionals, project proponents, environmental NGOs and local communities. In Burundi and Ghana, NCEA's support to strengthen the knowledge base and expertise in EA by establishing associations of EA professionals has proved to be a potentially positive approach to bringing together all stakeholders in the EA system. In Mozambique, on the other hand, setting up an association of EA professionals caused tensions with the Ministry for the Coordination of Environmental

Affairs (MICOA). However, the future of these associations in financial and operational terms is not yet assured.

Training of staff takes time, and the benefits trickle down through the organization only gradually. NCEA's contribution to the sustainability of this enhanced capacity proved to be quite complicated and difficult, influenced by high staff turnover, leadership changes, poor working conditions, etc. NCEA has paid relatively little attention to the issue of how to support effective human resource development. One of the approaches of NCEA has been the training of trainers approach in order to establish a core of persons capable to enhance human resources in the EA system. If NCEA does not have the expertise itself, it is able to hire external experts for this purpose.

In Guatemala, NCEA organized workshops for participants including investment proponents, community members and civil servants, which contributed to increased understanding of the process of public participation, acknowledgement of the importance of shared responsibility for the environment and mutual understanding. In Ghana, NCEA used a broad training approach to raise awareness and disseminate knowledge of the SEA concept and toolbox among the various stakeholders in the EA system, including sector and ministerial staff and investment proponents (both public and private), which has contributed to improving acceptance and the legitimacy of the SEA.

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The expert role of NCEA and its neutral position is of added value in controversial EA processes. The effects on the capacity of the EA system by means of NCEA's recently introduced approach to establish a learning platform where stakeholders are brought together cannot be determined yet.

The EA legal and regulatory framework relates stakeholders of whom each has its own objective that may cause tensions among stakeholders in the EA system. NCEA's role as a technical expert in complex or controversial EIA processes appeared to be effective for several reasons. NCEA's advisory work, training and other assistance addressed the environment ministries' need for experience related to establishing or managing EIA procedures that often was not available locally. Such support made it possible to find applicable and environmentally sound solutions, to create greater cohesion and understanding among stakeholders, and to provide an example to the licensing authorities of the potential benefits of the EIA process. NCEA's reputation as a neutral and professional institution added value that is highly appreciated by Southern partners, and increased the confidence of the various stakeholders. NCEA acts not only as a technical advisor but also as a mediator/negotiator in adversarial situations where the ministry is weak, such as in the BTC case in Georgia. In order to strengthen the Ministry of Environmental Protection and Natural Resources (MEPNR) in its negotiations with oil company BP, NCEA prepared a monitoring report containing information that enabled the ministry to put pressure on BP to fulfil the agreed and stipulated commitments.

NCEA has a clear focus – to establish a learning platform where all stakeholders are brought together on the basis of a legal or instrumental purpose – which has been applied within the Central Africa programme. Recently, NCEA introduced a new approach; instead of starting on improving the legal and regulatory framework, it first set up an association of

EA professionals who work together in EIA implementation and gradually learn how to improve the effectiveness of the EA system. This approach appears to have been of great interest to the stakeholders in Burundi. The association does not aim to synchronize the activities of its members but to create a learning platform to enhance professional expertise in the field of EA. Since this activity started very recently, it is not yet possible to draw conclusions about the effectiveness of this approach.

NCEA showed a lack of attention to develop a feedback mechanism in EA systems to report on results.

In the EA systems it is not common practice to learn and to adjust certain policy on the basis of feedback mechanisms that provide information on changes in capacity, output and outcome in relation with the EA system's outcome statement. Factors of influence included antagonism among different stakeholders, or the absence of political will to invest in environmental audits or data storage. Often, political/ leadership changes caused instability in the system affecting the quality of human resources available to implement an M&E system, among other things. There was no evidence that NCEA adopted a systematic approach to develop learning organizations that would be able to respond to contextual changes. NCEA's support was limited with regard to developing databases and M&E systems that register environmental permits issued or monitor projects subject to an environmental permit, etc.

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In Guatemala, on the other hand, learning was facilitated through participation in a regional programme of IUCN/NCEA where experiences from other countries could be shared. A driving unit within MARN staff learned and gained experience through their participation and dialogue in regional bodies that among others enabled them to understand national problems within the trends set in the region.

Technical staff appreciate the content and quality of guidelines and standards on EAs, but these instruments are not systematically used.

NCEA's focus on regulatory frameworks and their operational aspects implies that less attention is paid to issues such as developing learning organizations and ensuring coherence. This focus on legal and regulatory frameworks derives from the support requested by the Southern partners, as well as from a recommendation made in an evaluation of NCEA in 2006, which was accepted by the organization.

In general, NCEA has a larger focus on capacity development at the national level. The functioning of EA systems at provincial or district level received far less attention, whereas their importance increases because of decentralization. The operational aspects are considered in reviews of ToR and/or EIA reports, but during implementation, specific guidelines on how to make judgements are often absent. The two exceptions were Guatemala and Ghana, where sectoral guidelines were developed with NCEA support, and have been highly appreciated by technical staff. These guidelines provided guidance and orientation to EA technicians at ministerial and local levels, and thus contributed to coherence in the EIA reports (but not in capacity development policy). They also reduced the room for project proponents to negotiate and influence the outcomes of individual environmental licence applications. In Guatemala, however, the guidelines have not been accepted by management of the EA department within the ministry.

In Ghana and Burundi, NCEA applied its EIA mapping tool to identify the strengths and weaknesses of the EA systems, especially in the legal and regulatory frameworks and operational aspects of EA processes and procedures. In each case, the output of the EIA mapping was a set of areas for improvement, which has been appreciated by local stakeholders. Conducting a thorough assessment of EIA system performance, including context-specific characteristics, is a necessary first step before capacity development activities can be identified, according to NCEA. Such assessments can also be used to determine to what extent NCEA's support could add value to the EA system.

In summary, NCEA's support for capacity development has focused, first, on improving legal and regulatory frameworks (CC 1: to commit and act), to a good extent on increasing the skills and knowledge on EAs of the staff of ministries of environment and environmental NGOs (CC 2: to deliver on objectives), and increasingly on establishing associations of EA professionals and strengthening their capacity to train others and raise awareness (CC 3: to relate). Relatively little attention has been paid to feedback mechanisms (CC 4: to adapt and self-renew) or improving the coherence of EA systems at all levels (CC 5: to achieve coherence).

2.6.4 Explanatory factors

This section discusses the factors that explain the effectiveness of NCEA's support to endogenous capacity development of EA systems.

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As stated above, an EA system is an instrumental association of stakeholders who are related to each other through the EA legal and regulatory framework, but who do not share the same objectives. The process of developing an EA system is complex and highly nonlinear. In none of the cases examined was there an explicit vision or strategy focusing on developing the capacity of the EA system. The environment ministries, especially their EA units, also usually lacked a strategy for their own capacity development. The lack of leadership, the weak position of the ministries, and diverging interests within the EA system are factors that may explain the absence of such strategies. It is also not possible to determine what the Southern stakeholders consider essential for strengthening their EA systems, although in Ghana and Burundi the EA mapping as implemented by NCEA has certainly contributed to the formulation of a common understanding of deficiencies. The capacity development process of the EA system is rather endogenous, but its sustainability is not always fully secured. The following paragraphs explore the factors that affected the strength of the EA system, and which forms of NCEA's support were most effective, and under what circumstances.

Permanent factors of influence

Many factors have influenced the changes in the capacities of each EA system and the outcomes, of which NCEA is just one. First, *power relations* within the EA system are a constant factor that influences the capacity of the system, its output and the effectiveness of NCEA support. Second, *political reorientations/changes* often lead to different views on environmental assessments, reformulations of the legal and regulatory framework, changes in leadership and human resources (turnover). Third, the influence of the wider *international context* cannot be separated from the EA framework, which is inextricably bound up with environmental treaties, conferences (Stockholm, Rio) and regional programmes (PEAA, CLEAA).

Finally, an improved business climate leads to more (international) *investment projects* that put pressure on the capacity of the EA system. There is a tension between the number of investment projects that need to be assessed and the ability of environment ministries (mostly human resources) to keep up with this increasing demand. Moreover, for governments, economic development contributes to poverty reduction; it provides financial resources, creates employment opportunities for the local population and is a source of wealth. Sustainable development is formally recognized on paper, but may be paid less attention in practice. In many countries, an environment ministry is a relatively new phenomenon, created only in the 1990s, with a more limited power base with fewer vested interests than other, stronger ministries. Strong ministries are given great freedom to defend business investments. Thus EA systems and their contribution to environmental protection are not given priority. In some cases, international donors are more committed to promoting environmental policies (as in Georgia) than domestic stakeholders, so it is difficult to describe them as autonomous national processes.

Professionalism of NCEA

The professionalism of NCEA can be determined to a large degree by means of its guiding principles. These principles have been highly appreciated by Southern partners and appear to have been key in facilitating endogenous processes – as far as one can speak of endogenous processes in the case of donor support. In terms of its operational guiding principles, NCEA has been able to remain a demand-driven organization that responds to specific requests for support from organizations in developing countries. NCEA has developed a screening process for assessing such requests and the context in which they have been made, using a set of criteria described in a ‘Memorandum on assessment of requests for support’. NCEA, with its emphasis on transparency, its independent role and technical expertise, has provided added value, especially in controversial projects. It has had a positive effect in arenas where there are often tensions among opposing stakeholders. These stakeholders have confidence in NCEA, its professionalism and neutrality. NCEA is able to deploy highly skilled professional (local or international) experts. The Commission can be characterized as a learning organization: policy and practice are well thought through and regularly adapted based on experience, insights derived for environmental assessments from research or from the international community.

Circumstances for effective support of NCEA

For several reasons the sustainability of NCEA’s support to capacity development depends on a strong central leading body, usually the environment ministry or a national agency. As noted above, developing the capacity of an EA system is complex, nonlinear and vulnerable to power relations. The central governing and regulatory body is responsible for the professionalism of the EA system. However, evidence from the cases often showed the opposite reality affecting the sustainability of changes in capacity. The exception is Ghana, where the Environmental Protection Agency (EPA) has been a crucial actor in improving the capacity of the EA system. In countries with relatively well developed EA systems, such as Ghana, it is possible to operate on the basis of a demand-led approach to create a sense of ownership and gain the confidence of the client organization, in the absence of which NCEA is less likely to invest.

In some cases, regional programmes can have a positive influence on the capacity of the EA system. In Guatemala, the capability to adapt and self-renew was positively influenced by the regional programme facilitated by IUCN/NCEA. In particular, NCEA's collaboration with other partners helped to reduce the pressure on the programme's relatively small staff, and may have provided opportunities to pay more attention to aspects of capacity development that had been neglected, such as coherence and feedback mechanisms. NCEA also considered including other organizations with expertise in fields where it could not provide assistance, or was unable to deliver because of its relatively small support team.

As a result of core funding from DGIS, NCEA is able to commit itself for long periods to a country programme. A long-term commitment enhances trust and confidence between the Commission and its partners, which appeared to be important in the case of controversial projects.

2.6.5 Conclusions

Changes in the capacity of each EA system have taken place over time. The most distinct changes were improvements in the legal and regulatory frameworks that have been adopted to determine the routes, criteria and actors necessary for the EA system's operation. Nonetheless, the implementation of the legislation remained weak. Environment ministries were able to employ more and better qualified staff, but remained under pressure because of internal factors such as decentralization and external factors such as changes in leadership. Awareness of the importance of environmental protection among EA stakeholders increased, but actual commitment was often hampered by strong economic interests.

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The number of reviewed and licensed projects has gradually increased. Legislation encouraged more transparent decision making, but this was rarely achieved. Sometimes permits were issued without considering an EIA report, and sometimes even though the quality of the EIA report was poor. The quality of the EIA reviews remains problematic. There is a lack of feedback mechanisms that report on compliance with EA regulations, whether mitigation measures have applied, or the impacts of projects on the environment, governance and levels of poverty. In all cases, this lack of feedback hampered efforts to manage results in relation to the objectives formulated.

The sustainability of the capacity of an EA system is influenced by the international context, diverging interests within the system, political changes and the pressure of strong economic interests at the expense of environmental protection. NCEA's explicit attention to contextual dynamics and their guiding principles determine the Commission's professionalism to a large extent, which has been appreciated by its partners. It can be concluded that the improvements in EA legal and regulatory frameworks can be attributed to NCEA's support as well as to better trained staff and increased awareness of the relevance of EIAs and SEAs. When reconstructing the support provided to EA systems, one may conclude that the support of NCEA is focused on certain elements of capacity development.

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Reconstruction of NCEA's policy

The purpose of this chapter is to provide an understanding of NCEA's policy and operations concerning capacity development in the international context. Section 3.1 attempts to analyze the overall policy of NCEA as a development-oriented organization operating in many developing countries. Section 3.2 assesses NCEA's theory of change as it has developed over time. Section 3.3 examines the overarching strategy and approach with regard to the main target group and partners, and Section 3.4 describes the various core products and processes of NCEA's work. The last two sections of this chapter try to provide a perspective and analysis of NCEA's capacity development work. Section 3.5 describes the major policy changes that NCEA has undertaken since the mid-1990s and the factors that contributed to these changes. Section 3.6 assesses the strategic choices made by NCEA on EA capacity development.

3.1 NCEA's overall policy

Vision on development

The Netherlands Commission for Environmental Analysis (NCEA) aims to contribute to the ecological, social and economic sustainability of development with a focus on poverty reduction and good governance, by supporting the establishment of effective, efficient and transparent systems for environmental assessment in developing countries.

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An effective environmental assessment (EA) system is considered by NCEA to be an important instrument for mainstreaming environmental considerations in the development process. Over the past 10–15 years, many developing countries have developed legal frameworks for environmental impact assessment. Impact assessment does not necessarily relate only to environmental impact, but often also includes the social and economic effects of development planning. As most developing countries now have a legal EIA system in place, attention has shifted to the effectiveness and efficiency of those systems. With regard to strategic EAs (SEAs), there is increasing interest in developing countries to conduct strategic assessments as part of their planning and policy formulation processes. This attention stems from the interest in including an environmental dimension to the social and economic dimensions of sectoral investment plans and national development policies. A SEA is considered to have considerable advantages over an EIA system on its own, as the latter has limitations with regard to broader planning and policy formulation. A strategic assessment allows environmental factors to be considered in decisions on major sectoral investment programmes and in the formulation of national policies.

NCEA's contribution to DGIS' development goals

NCEA aims to contribute to the development goals of the Netherlands Ministry of Foreign Affairs through its Directorate-General for Development Cooperation (DGIS). According to NCEA, this relates to:

1) Poverty reduction, distribution and growth

NCEA works to ensure that poverty and poverty reduction are explicit themes in EIA and SEA systems, both in their legal frameworks and in practice. It does so by promoting stakeholder participation, the use of social criteria when comparing alternatives, and the inclusion of

checks and balances that reinforce the position of stakeholders. In its published advice on specific, complex or controversial projects and plans, addressed to decision makers, NCEA recommends assessments of the distribution of impacts (positive and negative, benefits and costs) among the various stakeholder groups, reviews whether the results of such assessments are presented in EA reports, and whether stakeholder groups, including the poor, participate effectively in consultation processes.

2) Governance, development and safety

In its advisory work on EA systems, NCEA systematically proposes mechanisms that make those systems (including decision making) more participatory, public, transparent and accountable. Such mechanisms include making public procedures, documents and decisions, including justifying those decisions; and monitoring, inspection and appeal procedures. It proposes quality review as an element of quality assurance for assessments and effective appeal mechanisms to guarantee accountability and balanced decision making.

3) Sustainable economic growth

In its advisory work on EA systems, NCEA believes that EA procedures should support growth and not hamper it. In the EA systems NCEA promotes, the focus is on major impacts and the search for alternatives that will best serve sustainable growth. NCEA is attentive to the interests of the promoters of activities, proposing coherent legislation that provides certainty to all, and a system that is adapted to the capabilities of the responsible agency and a high level of user-friendliness of the procedures. In practice, when advising on specific projects and plans, NCEA addresses imperfections in EA systems that may hamper growth, create confusion, cause lengthy and erratic procedures, create legal uncertainty or result in inequality. NCEA thinks creatively about beneficial alternatives and, by promoting multi-stakeholder consultation, promotes thinking about alternatives and building support and consensus, which, in turn, streamline decision making (adapted from NCEA's Annual Report 2007).

3.2 NCEA's theory of change regarding capacity development

Capacity development

NCEA has adopted a broad interpretation of the concept of capacity, and considers environmental assessment as a system. In order to make EA systems fully operational, there is a need for capacities at different levels – at the level of individuals operating within the system, at the level of organizations and the interactions between them – and an enabling environment in terms of laws, regulations and funding. NCEA focuses its interventions at all of these levels of capacity. Together with the party requesting support, NCEA decides what level of capacity development is the most appropriate to support. Preferably this is done through a multi-annual cooperation agreement with clear objectives and goals to be achieved.

The NCEA offers support services at three levels that are closely related to the development of capacity: 1) providing professional assistance for the implementation of complex EIAs and SEAs through its network of experts; 2) contributing to the development of institutional, organizational and human capacities required for the conduct of EIAs and SEAs; and 3) sharing its knowledge with interested parties, donors, partners in developing countries and private sector organizations through its extensive collection of EA reports, all of which are available on the NCEA website.

In theory, only the second type of service is aimed directly at enhancing the capacities for environmental management, but in practice other types of activity also contribute to improved organizational capabilities. Capacity development includes, first, support in assessing the existing impact assessment system, identifying its strengths and weaknesses, formulating possible improvements and preparing a plan of action. Other activities include support in formulating a clear, well-designed legal framework and workable regulations. Additional activities may involve a team of international experts, working in collaboration with national experts, to support the formulation of guidelines for assessing complex and controversial projects and reviewing the quality of environmental impact studies. By providing a logical approach, methodology and working routine for the implementation of complex EIAs or SEAs, such collaboration sets a clear example. This indirect support to capacity development includes the conduct of both EIAs and SEAs.

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On the basis of its expertise and experience, NCEA undertakes a wide range of activities. It identifies and facilitates external technical expertise, and provides thematic training on EIA and SEA, coaching, process guidance, and 'on-the-job' training on relevant topics such as screening and scoping, drafting guidelines and reviewing reports.

NCEA supports developing countries by providing services to national environmental assessment systems mainly through the environment ministries or delegated national environmental agencies. But increasingly, NCEA is cooperating with other stakeholders in EA systems, including the private sector, civil society and professional associations.

Guiding principles

The NCEA adheres to a number of guiding principles and operational standards which inform their strategic and implementation choices:

Independent and transparent

Given its origins in the Dutch context, NCEA has always paid substantial attention to maintaining its independence from both funding agencies and the governments in partner countries. The independent position of the NCEA is maintained through its financial freedom with regard to requesting parties in eligible countries as they are funded through programme funding from the Netherlands Ministry of Development Cooperation (DGIS) on the basis of five-year agreements (see below; though besides this core funding, project funding may also be provided, as in the case of the Central Africa programme).

NCEA's independence has been a key asset, enabling NCEA staff to operate in often complex

and controversial conditions, and providing the legitimacy to be critical and unconventional in their mode of operation. In order to maintain that independent position, NCEA has also adopted the principle of being as transparent as possible in its actions and opinions. To this extent, all advisory reports are published on the NCEA website.

Demand-driven

Support to individual countries is only provided on the basis of a clear request. In most cases, a request originates from the national environment ministry, and sometimes the planning ministry. Usually, such requests for support are directed to the Netherlands Embassy in the country concerned, or are referred to by the NCEA. As the NCEA is by nature a demand-driven organization, it uses a screening mechanism to determine the priority of these incoming requests. During this screening stage, the NCEA collaborates with the Netherlands Embassy in order to get a good impression of the national context in which the support is to be provided.

Screening of requests from partner countries

Over the past few years, and in particular during the latest five-year agreement with DGIS, NCEA has used a screening mechanism for assessing the requesting parties in eligible partner countries using a number of criteria, which include:

- Is there a (good) long-term relationship with this country, regional organization or responsible Netherlands Embassy?;
- Is there a partner (target sector or other partner) who would be willing to cooperate with NCEA?;
- Are there sufficient financial resources (i.e. an existing EIA support project) and, if not, can these be found?;
- Is the sectoral policy of the Netherlands Embassy relevant to the Commission's work?;
- Are there possibilities for following up on the project? Could the project be part of a long-term process, or could the activities be integrated into multi-annual programmes?;
- Is there a 'champion' (with power and status) who can convince people to make use of good EIA/SEA systems?; and
- Have the results and advice of earlier projects been followed up? If not, no further activities are undertaken.

These criteria have been documented in a 'Memorandum on assessment of requests for support'. The NCEA uses a guide for assessing requests for support consisting of a section on exclusion criteria, using the ones mentioned above, as well as a number of qualifying criteria. The screening form is prepared by an NCEA staff member on the basis of information provided by the requesting party and is discussed with at least two other staff members before a final decision is made on the support request. Requests from non-eligible countries are considered only if funding is available (source: NCEA guide on screening project planning and M&E; annex I: NCEA Support Request Screening Form, 2008).

Ownership

The NCEA intends to contribute to ownership of environmental assessment by the different stakeholders in the partner countries. It realizes that just providing advice on impact

assessments of specific projects is not enough to enhance attention to the environment. NCEA aims to promote ownership by strengthening institutions, impact assessment systems and individuals. One important element in creating ownership is the commitment to change shown by the requesting party. In the absence of such commitment, NCEA is less likely to invest its staff and financial resources in a capacity development programme.

Short but regular support visits

As a consequence of the above guiding principles, NCEA has opted to provide support to requesting parties during short but frequent missions. NCEA considers this way of working to be the most effective as – in contrast with long-term technical assistance – short visits have the advantage that dependency relationships are avoided, thus contributing to recipient ownership. Moreover, by working in this way NCEA can better guarantee its independence and provide specific services at the time of a request. Thus short visits rather than long-term assistance have become a guiding principle for NCEA.

Good governance

The focus of impact assessment has increasingly become intertwined with good governance in the partner countries in order to be able to contribute to environmental protection and poverty reduction for those sections of the population who depend heavily on the natural resources available to them. Also for that reason it was concluded that individual training is not having enough impact. The provision of services now takes place on the basis of a proper analysis of the environmental governance situation and in a planning context of several years.

Close links to DGIS policy

NCEA intends to link its strategy and activities to the policies of its main donor, DGIS. This relates to the selection of countries in which the Commission works and the justification of how NCEA contributes to achieving DGIS' objectives with regard to the environmental sector. The ultimate goals of NCEA's work are directly related to the overall DGIS objectives to contribute to a better environment, better administration and less poverty. In its partner countries NCEA works primarily with environment and sector ministries, but also environmental assessment professionals and NGOs. NCEA reports to DGIS on an annual basis, as stipulated in the formal agreement between DGIS and NCEA.

The close relationship with DGIS began in 1993 when NCEA became involved in implementing environmental tests of DGIS projects. In the period 1998–2000, DGIS requested embassies in partner countries to consider NCEA's services in the context of their environmental programmes. Also, the choice of countries was influenced by DGIS development policy, such as the increased attention to the Horn of Africa and the Great Lakes region, in the policy documents *Aan elkaar verplicht*, 2003, ('Mutual interests, mutual responsibility') and *Sterke Mensen, Zwakke Staten*, 2003, ('Strong people, weak states'). NCEA intends to contribute to the DGIS policy to achieve the Millennium Development Goals by 2015 and to protect and make sustainable use of natural resources. Following the attention DGIS is giving to outputs and results, as well as accountability, NCEA has developed an M&E system that closely follows these policy intentions (NCEA strategy document 2007–11). The year

2008 saw an increase in the number of requests from countries eligible for capacity development support.

Long-term commitment

As a result of the core funding made available by DGIS for five-year periods, NCEA is able to commit itself to country programmes for relatively long periods. In combination with NCEA's 'self-funding' technical assistance (in terms of staff and travel costs), NCEA is able to build relationships based on its trustworthiness and dedication. This makes it possible to avoid situations of declining effectiveness and loss of orientation that emerge in almost all development cooperation projects.

Thematic choices

Important opportunities for effective support are related to DGIS priority sectors such as water/climate change, peace building in fragile or post-conflict states, biodiversity/ecosystem. An outcome of the policy dialogue with DGIS was the identification of five priority themes with mutual consent: bio fuels, climate change, valuation of ecosystems, local government, and conflict and safety. In the annual report 2008 of NCEA, the Commission states to give special attention to EA in the context of these five themes.

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In 2009 the NCEA created a policy document about its method of working regarding capacity development to be more explicit and transparent to third parties. Moreover it served as a tool to enhance consistency in the method of working of NCEA's technical staff.

3.3 Practical approach to capacity development

Main target groups

In providing support to capacity development, NCEA's main collaborating partners are the environment ministries responsible for managing and protecting the environment, including environmental assessments. This support is often provided in collaboration with sectoral ministries under the supervision of the planning ministry, but can also happen in competition.

Over the past five years, national associations of professional EA experts have become an important second target group. These associations represent experts from private consultancies involved in EIA/SEA, (mainly) international companies operating in the country, universities, environmental NGOs, consultants with interest in environmental management and, in some cases, staff of the environment ministry. These experts come together out of their interest to create a more effective and efficient EA system.

In the absence of a national association of EA experts, NCEA tries to include national environmental NGOs working in the field of EA and other stakeholders, including business associations in sectors such as mining, energy, construction, infrastructure, etc. In some instances, NCEA provides training targeted at sectoral ministries, in particular on the introduction and implementation of SEAs.

Main partners

NCEA's main partners are the Netherlands Embassies in the partner countries, in particular in promoting/requesting its services, but also in providing funding for NCEA's activities in those countries.

In the Netherlands, NCEA collaborates with expert organizations such as MDF, ITC in Enschede and universities. Internationally, NCEA cooperates with many donors interested in EIA/SEA such as the World Bank, the OECD-DAC (on behalf of DGIS), other regional banks and bilateral donors (such as GTZ, Danida or Norad). As a member of the International Association for Impact Assessment (IAIA), NCEA is able to contribute to EA standards, guidelines, approaches and methodologies which are disseminated worldwide. The IAIA's annual meetings provide a platform where NCEA can exchange and disseminate its experience and the results of its work.

Client orientation

NCEA faces a number of challenges with regard to its provision of support to its clients. According to its main donor, DGIS (Annual Plan 2008), these challenges can be summarized as follows:

- addressing the need for a more strategic and institutional approach to environmental management in the partner countries;
- developing capacity for impact assessment at regional level;
- contributing to the review of PRSPs (or other poverty reduction strategies) on environmental impacts;
- contributions that impact assessment can make to (post)conflict areas;
- further extending existing and new partnerships; and
- strengthening its role in advising embassies and increasing collaboration with the World Bank.

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Since working with clients in a change process often involves addressing sensitive issues, one of the most important steps is to find an entry point for change. NCEA tries to achieve this by creating a momentum for change, e.g. by becoming involved in the implementation of sensitive EIA or SEA studies, or of controversial, cross-boundary projects for which environmental studies need to be done. By involving highly qualified technical experts, NCEA can demonstrate how these controversial and sensitive environmental assessments can be implemented in an effective and transparent way.

Nature of the network

As noted above, NCEA collaborates not only with environment ministries but also with other stakeholders involved in the EA system: project proponents, private consultants, civil society, local communities, etc. In practice, they can be regarded as a network of organizations that are involved in a chain of different events/steps. They are closely tied into the process and recognize each other's roles, but they do not participate with the same rights and power. As such, such networks can be characterized as asymmetric.

This character of the networks of partners influences the functioning of the capacity

development activities as the different organizations and stakeholders may have opposing views and interests. Recently, in a number of countries the shifting attention to creating associations of professionals has created some tensions with the governments involved.

3.4 Core products and process

NCEA's services

NCEA offers a package of services consisting of:

1) *Assistance to improve legislation, regulations and the institutional setting for EIA*

Advice on EIA for single projects is more likely to be sustainable if it is embedded in a well-designed, nationally driven EIA process, and where local government ownership of EIA is essential. Assistance in overcoming obstacles to effective application includes reviews of the enforcement of EIAs, assessments of available capacity and expertise, and/or analyses of the political commitment to address environmental and poverty reduction issues.

The process of revising the EIA legal framework is guided by a set of criteria for analyzing and implementing the necessary and desired changes in laws and regulations. These criteria are clustered in the following five dimensions:

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a. *Division of authority*

- Key EIA authority: environmental versus line ministerial authority; and
- Level of EIA responsibility; centralization versus decentralization.

b. *Object of study*

- Scope of study in EIAs: only environment or also including social and economic aspects?;
- Type of activity subject to EIA; and
- Measures influencing impacts: prevention (types of alternatives), mitigation, and/or compensation.

c. *Quality of information*

- Mechanisms for quality assurance of information;
- Client friendliness of procedure(s); and
- Alignment of procedures.

d. *Quality of participation*

- Transparency of information and mechanisms for participation; and
- Accountability mechanisms, including access to justice.

e. *Monitoring & evaluation*

- Mechanisms for monitoring, evaluation and learning.

In 2006 NCEA developed a tool for assessing the institutional setting of EIA, called *EIA mapping*. This tool was first applied in Central Africa in the start-up phase of the support programme to this region. The analyses performed in the EIA mapping exercise include an analysis of the regulatory base, the practice of EIA and the practice of decision making on environmental licensing. It looks at governance aspects of EIA and decision making and at the existing institutional capacity of the government to perform its related regulatory tasks, including follow-through.

2) Assistance in applying EIA to complex projects, focused on scoping and review

NCEA's support often involves assistance in applying EIA to controversial, complex and trans-boundary projects. In such high-profile cases the proponents (often multinationals) are capable of mobilizing levels of expertise that the national ministries involved cannot match. The organizations responsible for reviewing EIAs want independent reviews to complement their own competences and strengthen their position in the political arena.

3) Introduction of SEA, guidance on its integration into the planning process, coaching during application and capacity development for SEA

The already substantial interest in SEAs has grown in recent years due in particular to increased international attention to the implementation of SEAs in different contexts. The purpose of a SEA is to assist in gaining insights into economic, social and environmental 'trade-offs' at policy and planning levels. As part of its work, NCEA provides training modules to introduce the concept of SEA and its different approaches, tools and methods. This combination of methods and processes is particularly relevant to enhancing dialogue, consensus and ownership.

4) Providing a 'knowledge and learning platform' with an easily accessible database of knowledge and experiences

The purpose of this service is to make available relevant experience and knowledge gained through NCEA's EIA and SEA activities via the website, key sheets and newsletters, as well as responding to the many requests for information NCEA receives. Through this 'broker function' – disseminating knowledge and information from NCEA to its partner countries – NCEA contributes to increased levels of knowledge (human capacities) and facilitates the dissemination of knowledge and information between countries. The knowledge and learning platform offers access to thematic publications including important guidelines and best practices in assessments of biodiversity or valuations of ecosystem services.

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When an opportunity opens up – i.e. when a request is directed to NCEA for support – at first an analysis is made before the request is accepted. This ex-ante analysis of requests is becoming an important tool to determine where NCEA's scarce staff and financial resources are directed to. The process of developing a support programme includes the following elements:

- *An analysis of the existing situation* with regard to EIA/SEA practice. This is increasingly done using the EIA mapping tool, which employs a large number of assessment criteria to provide a good impression of the capacities of the different stakeholders and actors involved. In addition, NCEA sometimes makes a needs (and performance) assessment. The analysis of the existing situation may also include the political context and the arena in which stakeholders with diverging interests operate. Often NCEA makes use of assessments done by other international organizations such as the World Bank's country environmental analyses, and the 'country environmental performance reviews' conducted by the African Development Bank and the UN Economic Commission for Europe (UNECE).
- *A vision of development goals and opportunities.* For each partner country, NCEA prepares a concise document describing the mid-term goals that can be achieved in the fields of EIA/SEA.

- The *design of the support programme* is done in close collaboration with the partners in the recipient country or region during one or more missions. Each multi-annual support programme is subdivided into annual plans describing concrete activities and outputs to be achieved.
- Each programme incorporates a system of *monitoring and evaluation* in order to be able to assess results. NCEA tries to set up the M&E system in such a way that learning can take place by the different parties involved.

Budget

NCEA's staff and operational budget are to a large extent provided by a core funding arrangement with the Netherlands Ministry of Foreign Affairs/ DGIS. Under the current agreement, 2007–11, DGIS contribution to NCEA amounts 6.039 million EUR, or approximately 1.2 million EUR per year. This covers about two-thirds of staff costs and about one quarter of advisory costs. The remaining costs are related to overhead (office, operational costs and communication). The annual budget is 40–50% higher than in the previous phase, 2002–6, due mainly to the expansion of staff in the Netherlands and higher implementation costs.

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Only in the case of the Central Africa programme is substantial project funding managed by NCEA separately from its core funding arrangement with DGIS. In the case of the Georgia programme, small amounts are granted by the Netherlands Embassy, or funding is acquired from the Netherlands Ministry of Environment (VROM). All of the latter are relatively small funds of less than 100,000 EUR per project. In the other countries the funding for project operations has been handled by a beneficiary in the country itself, for instance the environment ministries in Mozambique, Guatemala and Ghana, and some environmental NGOs in Georgia. In most countries, other donors have provided co-funding for activities implemented by NCEA (for instance, Sida in Central America, Norad in Mozambique, and the World Bank).

NCEA's international team is composed of seven staff (excluding support staff), including a coordinator, five EA capacity development experts – in the position of NCEA technical secretaries – and one knowledge expert.

3.5 Present policy in perspective

This section describes the major policy changes that NCEA has made since the mid-1990s and the factors that have contributed to those changes.

As noted above, NCEA started its international activities in 1993. This was a clear reaction to the UN Conference on Environment and Development held in Rio de Janeiro in 1992, which is regarded as the first worldwide initiative to link the environment and development. Developing countries gradually became aware of the importance of establishing a legal framework for environmental management and protection, and that a regulatory body was required. These countries started looking at the environmental frameworks developed in

the Western world. The Netherlands Ministry of Foreign Affairs responded by requesting NCEA to assist developing countries in establishing their own legal and regulatory frameworks.

Start of support activities (1993–98)

Up to about 1998, NCEA's work was characterized by a classical approach of providing advisory services to complex and often controversial investment projects with potentially harmful consequences for the environment. This type of advisory service mainly involved establishing an advisory committee of experts under the chairmanship of a NCEA permanent secretary who worked closely with local experts. This committee then reviewed the quality of the ToR and/or the quality of EIA reports, and offered recommendations on how to improve them.

The requests for EIA support originated not only from national authorities (e.g. through their environment agency) but also from Dutch organizations such as DGIS or FMO with regard to Dutch-financed public or private development projects. Apparently, NCEA's services filled a gap in the expertise available within DGIS to consider the environmental impacts of development activities using environmental tests of project proposals.

First agreement with DGIS (1998–2001)

The first agreement between NCEA and the Ministry of Foreign Affairs was signed in 1998. From the start of this agreement, the Commission became increasingly involved in capacity development activities at the request of governments interested in setting up effective EIA legal and regulatory frameworks, and efficient procedures. These developing countries realized that they lacked certain capacities to develop a clear and coherent legal basis for environmental assessment, as well as to establish the right procedures of scoping, screening, reviewing, decision making and licensing in a transparent way. In response to this demand, the NCEA developed a number of training modules for EIA and SEA processes and implemented them in a number of countries.

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Parallel to this development, NCEA also became involved in a number of regional initiatives to enhance capacities on the basis of the expertise developed in-house, as well as their experience in capacity development on the basis of the modules developed. In collaboration with IUCN in Asia and Central America, two regional programmes were started. In Africa, in conjunction with the Pan-African organization for Environmental Assessment, NCEA contributed to the Capacity Development and Linkages for Environmental Assessment in Africa (CLEEA) programme.

The second five-year agreement (2002–06)

During this period, NCEA conducted most of its capacity development activities in the context of long-term agreements with the recipient countries. MoUs for NCEA support services were signed with several partner countries. Based on the evaluation of Kessler et al. in 2001, it was realized that ad hoc individual training support efforts were not achieving the expected results as they were far too isolated from the existing and actual situation of the recipient country and did not include a comprehensive approach to enhancing capacities. NCEA therefore developed a more complete package of services and offered it to requesting organizations.

The package of services that NCEA could provide became more explicit during the formulation of the five-year agreement, categorized as follows:

1. assistance in the development or improvement of legislation, regulations and the institutional setting for EIA (*EIA legal framework*);
2. assistance in the application of EIA to controversial and complex projects, focused on scoping and review (*EIA implementation*);
3. introduction of SEA, guidance on integrating SEA in the planning process, coaching during application and capacity development for SEA (*SEA capacity development*); and
4. 'knowledge and learning platform': providing an easily accessible knowledge and experiences database (*knowledge dissemination*).

The demand-driven approach remained a major element in NCEA's policy for selecting a specific country for provision of support. The request often derived from a previous experience during which the service of the NCEA was provided.

The third five-year agreement (2007–11)

Since the most recent five-year agreement between DGIS and NCEA came into effect in early 2007, NCEA has paid special and additional attention to a number of issues with the purpose of becoming more consistent in its partnerships, more answerable to its main donor and partners, and more results-oriented in its management style. These issues included:

- screening of partner countries;
- project planning: more of a project approach to country programming;
- M&E system setup, described in a handbook on M&E;
- more attention to organizing professionals in national and regional associations of environmental assessment experts; and
- harmonization of efforts with other donor agencies operating in the same field.

On the basis of these new insights and an extensive analysis of NCEA's strengths, weaknesses, opportunities and threats, a new strategy for the five-year agreement was formulated. Thus the strategy memorandum 2007–11 lists seven main objectives:

1. Improving governance by strengthening impact assessment in practice as well as in legislation and regulations. This means changing existing practices, increasing the capacity for SEA and paying special attention to the Great Lakes region, the Congo Basin and the Horn of Africa;
2. Improving quality assurance of impact assessment for complex projects, plans and programmes;
3. Increasing the contribution of impact assessment in the framework of poverty reduction;
4. Implementing impact assessments in the water sector and in reconstruction planning to contribute to security, and the integration of biodiversity;
5. Harmonizing impact assessment instruments and forming more partnerships with other EIA centres and institutes for capacity development in the Netherlands and internationally;
6. Improving effectiveness through more intensive knowledge sharing; and
7. Learning through more efficient monitoring.

At the request of DGIS, one element in the new agreement was a change of approach with regard to monitoring: from input (activity) to outcome monitoring. This has been reflected in NCEA's increased attention to the preparation of reporting formats to focus on monitoring outputs and outcomes.

Power relationships

In the national cases under review, the position of the NCEA has been one of advisor, facilitator, trainer and backstopper to improve EIA/SEA systems. In specific complex and/or controversial cases, NCEA has provided teams of experts to advise on the ToR and assess the quality of EIA processes and studies. In most of the external support provided by NCEA there has been no additional funding. Either this was channelled through another support organization (as in the case of IUCN in Guatemala) or channelled directly to the environment ministry involved (Mozambique and Georgia).

In this respect, NCEA has had no direct decision-making power over the funds provided. In relation with its support activities, NCEA's direct control is confined to the decision on who to support, which expert to involve in the EIA/SEA support, which expertise to involve in the EIA working group (in the case of advice on complex or controversial EIAs), the timing of the support and which stakeholders are to be involved. As the starting point of all support is to provide independent advice and support, NCEA has made a deliberate effort to include as many stakeholders as possible. The latter was confirmed by many stakeholders in Georgia, where staff of the Ministry of Environmental Protection and Natural Resources as well as NGOs expressed their appreciation for the independent stand taken by the NCEA in the controversial BTC oil pipeline project.

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With regard to the ultimate beneficiaries, their relationship with NCEA remains at a distance. In cases where social impacts are part of the EIA/SEA assessment, there is no financial or dependency relationship between NCEA and the affected communities.

With regard to power relationships within the EA system, it emerges that the various stakeholders by nature play different roles. First, each environment ministry has the authority to act on the basis of existing law with regard to EA, as regulator (e.g. formulating the type of projects and plans that are subject to EA), supervisor and final decision maker on the environmental permit. All other stakeholders are thus to abide by those rules, regulations and decisions. In one way or another, project proponents, private consultants and/or environmental NGOs will therefore try to influence the outcome of the regulatory process on the one hand, and the decisions on the ToR of the EA process and the quality assessment of the EA on the other. Since this influencing or lobbying can take several forms, how this is done and dealt with by the environment ministry has been included in the evaluation.

At a second level, the environment ministry itself operates within the priorities set by the government of which it is part. Initially, the ministry often finds itself opposed by other ministries defending economic interests such as mining, forest management, agriculture, urban planning, infrastructure, etc. Environmental issues that are supposed to be defended by the laws and regulations developed by the environment ministry are often considered of

secondary importance compared with the economic development interests of developing countries. This implies that overall economic development goals are juxtaposed to environmental interests. In some cases this might result in non-compliance with national EA laws and/or rules and regulations. Moreover, in many countries, environment ministries are a relatively new phenomenon, created only in the 1990s, and so have a more limited power base with fewer vested interests than other, stronger ministries. This is even more evident with the decentralization of decision making to lower administrative levels, such as provinces or districts.

Gender

Gender issues are addressed mainly in relation to NCEA activities regarding EIA or SEA reviews of complex projects, but also with regard to the participation of men and women in training activities. The former take into consideration the specific social and environmental impacts of projects on affected populations. For instance, in the case of three EIA/SEA advice trajectories in Yemen, a gender specialist was included in the advisory team. In most EIA/SEA studies there is certainly a notion of affected communities and/or affected households.

Quality of staff

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The small but very dedicated staff of the international unit of NCEA have proven to be competent in the field of EA, reflective about their approaches, and able to adapt to changing situations. Their competence is clearly reflected in the recognition of NCEA as an independent, knowledge-based and experienced centre of expertise in international circles, and can be seen in their role in promoting efficient and effective EA systems in many countries. Moreover, their independent role in the reviews of EIA studies in many countries has gained the respect of national authorities, the NGO sector as well as international organizations promoting environmental assessment.

NCEA staff appear to be reflective about their approach and how to become more effective and efficient. New tools and approaches have been developed such as EIA mapping, screening of country requests, monitoring forms, etc. In terms of strategies, they have developed from merely providing advice on complex EIA processes to capacity development support. The approach to the latter also has changed considerably: from training events to training of trainers, and from a focus on the legal and regulatory framework as an entry point to supporting national expert associations.

Other features illustrating the professionalism of NCEA are:

- Networking and international cooperation are core activities of the NCEA team (see above).
- The willingness to use opportunities to bring in external (Dutch) support services such as MDF, ITC, VROM inspectors or international EA experts to fill the gaps in expertise within the organization.
- The ability to respond to international requests and initiatives such as PEAA, CLEAA and SEEAC.

The international team of NCEA is also vulnerable with regard to a number of issues:

- The fact that the small team of five core staff deals with 3–4 individuals in each partner country means that the team is vulnerable to the implementation of their programme, requiring a great deal of flexibility that is not always possible to deliver. Moreover, specific country and/or regional experience and knowledge of local languages is required to be able to deliver quality services.
- A second source of vulnerability is the budget, which depends to a large extent on one donor. Despite the long-term commitment by DGIS to sign a five-year MoU, policy changes within the Ministry may have a substantial effect on NCEA's international services.
- Providing EIA advice in high-profile, complex projects takes a substantial part of NCEA's international budget, reducing the funds available for other capacity development support activities. In some cases, requests for EIA advice have not been honoured when too many requests originated from the same country.

3.6 Strategic choices in capacity development support

NCEA's support to capacity development is based on a number of strategic choices, opportunities for support, its focus on expected outcomes and operational choices with regard to capacity strengthening. However, this support has changed considerably over time, as we have seen in the case studies presented in Chapter 2, as a result of deliberate choices made by NCEA.

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Strategic choices

NCEA's focus on environmental assessment systems includes, first, support to enhance capacities to develop and/or enhance the legal and regulatory framework in which the EA system is embedded. Second, it focuses on the operational aspects of the implementation of the EA system. This implies that NCEA's support targets the wider national institutions that influence the formulation and adoption of the EA framework. Sometimes this means involvement in wider environmental governance and management aspects at the international level, such as the Convention on Biological Diversity (CBD) and the consequences for EA, and in reviewing the formulation of specific legal articles or regulations. On the other hand, this broad focus has required the introduction of specific tools for screening, scoping or reviewing of ToR or EIA studies. NCEA has shown its competence and interest in focusing on the broader international and legal aspects of EA systems as well as practical and operational aspects.

Over time the role of NCEA has changed considerably. When starting their international work, its main support consisted of providing expertise on the implementation of complex and sometimes controversial EIA projects and making available technical experts with the necessary know-how related to the project in question. In most cases, NCEA provided support at the request of a national environment ministry. This role of technical process advisor is closely linked to the mandate and specific tasks of NCEA in the Netherlands.

Internationally, NCEA's support services have evolved as the demand for support to strengthen the capacity of EA systems has grown. NCEA's role as advisor and coach, providing training and feedback, has become much more important. Often, in the context of long-term programmes, such support is informal, through regular visits and/or contacts by email/Skype. NCEA experts have become knowledge brokers to their partners providing information on experiences and approaches used in other countries.

NCEA has proven to be a learning organization on the basis of their experience. The evaluations implemented in 2002 and 2006 provided insights into their operations and effectiveness, which in turn contributed to the formulation of new long-term programmes and approaches. These substantial changes include their form of support to capacity development (see Sections 3.2 and 3.3).

The start of a new approach in the context of the Central Africa Capacity Development programme (2008–12) has also raised reflection on the guiding principles of NCEA's approach to support. In this regional programme NCEA has become responsible for the funding of their partner organizations. On the other hand, NCEA wants to be able to give independent advice and act as an advisor and arbiter in complex EIA processes. As a result, the funding relationships with particular stakeholders could have an influence on the independent stance that NCEA pursues in its operations.

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Strategic choices in perspective

Push and pull: creating opportunities for support

As a demand-driven organization, NCEA depends on an organization in a developing country to take the initiative to start a programme. This may be a request by an environment ministry, a local NGO (as in the case of Georgia), an international NGO (e.g. IUCN in Central America), or an international programme (e.g. the World Bank's PEAA or CLEAA in Central Africa). NCEA screens all such requests using clear criteria to decide whether it is willing to contribute. Each decision to start a support programme is peer reviewed by the NCEA international unit as a whole.

In all cases there are a number of push and pull factors that contribute to NCEA's decision on whether to start a support programme in a country. International programmes play an important role in the start-up of a comprehensive support programme. Other opportunities may emerge from requests to contribute to complex or controversial EIA procedures. Based on its reputation as an independent service provider of international expertise, NCEA is able to gain the confidence of the main stakeholders, as was certainly the case in Mozambique, Georgia and Ghana.

In terms of timing, the support may also be conditional. In the case of Burundi, the MoU with the Ministry of Environment spelled out the clear condition that NCEA would be willing to start their support to the Ministry until the regulatory guidelines had been signed by the President. If that condition was not met, in theory, the programme would not get off the ground.

Opportunities have also been blocked for a certain period of time, as was the case in Georgia and Mozambique. In Georgia, after the Rose Revolution, NCEA realized it could not support the Ministry of Environmental Protection and Natural Resources (MEPNR) directly or indirectly through the NGO sector. Instead, after about 3–4 years of increasing frustration and limited collaboration due to the political instability within the Ministry, an opportunity emerged in the semi-autonomous region of Adjara through an existing contact and a visit by the Dutch Minister of Environment.

Operational choices

Regional programmes

The two programmes in Central Africa and in Central America provide clear examples of the potential for embedding the development of an EA system in a regional approach. The strengthening of national EA legal and regulatory frameworks on the basis of a regional programme has created a favourable climate for institutionalizing and developing EA systems in each country. A regional programme provides political legitimacy to the process, agenda setting and promoters of environmental assessment in the countries concerned. In both regional programmes one can observe an improved understanding on the part of government decision makers of the importance of EA systems and, in Central America, enhanced harmonization between the countries.

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Regional collaboration also enhances commitment through the meetings and encounters of government staff from different countries but also other actors. Moreover, international meetings provide opportunities for the various stakeholders to exchange experiences and views, and create closer working relationships.

Intervention strategy

On the basis of the five country case studies, it appears that NCEA has adopted several intervention strategies:

1. *Demand led:* In Ghana, the EPA is the lead organization in environmental assessment and responsible for capacity development; NCEA is providing specific services at the request of the EPA. This is feasible in a situation with a stable institution that understands its course for the future.
2. *Programme led:* In Central Africa (Burundi) and Central America (Guatemala; CCAD/IUCN programme) NCEA's support is embedded in a regional programme that provided a firm basis for the establishment of an EA system. In both Burundi and Guatemala, institutions are relatively weak and the environment is low on the list of government priorities. In these cases the regional programme approach provided an anchor for the development of EA systems.
3. *Opportunity led:* In Mozambique (a complex EIA; SEA of the coastal zone) and Georgia (legal reform; SEA Adjara), NCEA's support has been based on opportunities that have appeared. The support has not been continuous, but was interrupted for a period of time until a new opportunity emerged. This opportunity-led country support is one of the most difficult as the demand is not always clearly expressed and might even be made for opportunistic reasons.

Strategic entry point

With regard to its support approach, NCEA has so far opted to start their services through an environment ministry (or the EPA in the case of Ghana). Only in the Central Africa programme was a different approach chosen; here the main entry point was the national association of professional EA experts and to a lesser extent the ministry responsible for the environment (MEEATU).

In none of the case studies has a sectoral ministry been the main collaborating partner. In most countries there have been substantial contacts with sectoral ministries but NCEA has made no attempt to develop (part of) the support programmes with a key focus on them. NCEA's reasoning is that the environment ministry is the primary organization responsible for developing and implementing EA policy. Sectoral ministries generally have little interest in environmental governance as they see this as an obstacle to economic development. According to NCEA a strong environment ministry should be equipped to counter the influence of powerful sectoral ministries.

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Effectiveness of NCEA support: points for discussion

Over time, the role and services of NCEA have changed considerably in response to the increasing demand for support to strengthen the capacity of EA systems. From a technical advisor closely linked to its mandate in the Netherlands, NCEA has become an advisor, coach and trainer on the effectiveness and efficiency of EA systems in developing countries. By broadening its initial focus on providing services to environment ministries, NCEA now supports other stakeholders to enhance the capacity of the EA systems. These include national associations of EA professionals but also NGOs, community, private sector and line ministries. NCEA's support has become more strategic, with long-term commitment including assistance in implementing SEAs in response to the growing interest of developing countries in applying them. NCEA's policy provides several points for discussion.

Short-term, ad hoc services versus supporting ongoing and emerging development of capacity

NCEA values short-term services as most effective because they guarantee its independence and encourage recipient ownership. However, such short-term services are unable to focus on the operational day-to-day aspects of changes in capacity. Due to operational limitations, some partners may be unable to implement NCEA's advice and proposals, but these are often not considered during short-term visits to stakeholders in the EA system. Especially in the case of weak organizations and institutions, other factors and actors may inhibit the application of guidelines, standards or regulatory frameworks.

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NCEA's independency versus financial relation with DGIS

NCEA's emphasis on maintaining its independent role is acknowledged and appreciated by partners. However, one could argue about the definition of independence in view of NCEA's financial dependence on DGIS, its main donor. NCEA's policy reflects its donor's priorities with regard to geographical focus, thematic choices and support to achieve the MDGs. On the other hand, as a result of this long-term core funding from DGIS, NCEA is able to commit itself for longer periods of time to country programmes. In the case of Georgia this long-term commitment helped build a trustful relationship in which the environment ministry did not hesitate to contact NCEA after the Rose Revolution. However, one could question whether long-term commitments with partners may alter NCEA's image as an independent or neutral organization in the perspective of other stakeholders in the EA system.

From a distance, one may question whether the requests of Southern partners for technical support were triggered by the need for specific expertise that only NCEA could give, or whether the political economy (dependency on financial support of the Royal Netherlands Embassy or Ministry of Foreign Affairs in The Hague) played a role. The evaluation did not find any evidence that could elaborate upon this question.

Demand-driven versus creating windows of opportunity

NCEA's policy values a demand-driven approach and ownership in its support for institutional strengthening, strengthening impact assessment systems and capacity development. According to NCEA, the alignment of support services is of the utmost importance as part of its demand-driven approach; thus, in all countries, its support is closely aligned with the national policy on the development of an EA system.

An implication of this approach is that NCEA depends on opportunities, which rarely emerge, to contribute to laying or enhancing the foundation of rule of law with regard to environmental assessments. Quite often – but not exclusively – a request for support is related to the implementation of complex EIA procedures, or when a ministry realizes that the national EA framework is inadequate to deal with large projects that will have serious impacts (creating windows of opportunity). There is thus a clear link between the initial EIA advisory services and the contribution to structural EA changes later on. This has been the case in Mozambique (Environmental Law, including categories and decentralization), Ghana (SEA regulatory framework), Guatemala (EA regulatory framework) and Georgia (legal contribution ultimately aborted). The development of the system and the possible demand for NCEA support depends on leadership that is committed and able to act. On the other hand, in contrast with the demand-driven approach, programme-led approaches applied in Central America and Central Africa may provide important opportunities for capacity development of the EA system in the longer term.

NCEA's strategy of focusing on so-called high-profile projects – which are often complex and demand high standards of professional expertise – appears to result in positive contributions to the EA process. It creates confidence among opponents in the EA systems, for example, regarding a complex project, but this is not enough. While such high-profile projects can indeed demonstrate the potential of EIAs (and in some cases SEAs), other factors that are needed to create a favourable context for environmental assessment do not always clearly emerge. For instance, international programmes are equally important for establishing long-term support programmes or for encouraging national stakeholders to improve the operational features of the EA system.

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NCEA's policy states that gender issues are to be addressed in EIA or SEA reviews of complex projects and should assess the participation of men and women in training activities. However, no evidence of this was found in the cases examined in this evaluation.

NCEA's ambitions on paper versus NCEA's practice and capacity

In line with the priorities of DGIS, NCEA aims to contribute to the ecological, social and economic sustainability of development with a focus on poverty reduction and good governance¹ by supporting the establishment of effective, efficient and transparent systems for environmental assessment in developing countries. With regard to governance, NCEA's support does seem to contribute to mechanisms that make EA systems more transparent, accountable and participatory. However, the relation between the interventions and poverty reduction cannot be established.

The relationship between environmental protection and poverty reduction is recognized to be mutual, but also very complex. Based on the evidence collected, it remains very difficult, if not impossible, to attribute the effects or impacts of changes in environmental manage-

¹ Good governance is characterized by participation, transparency, accountability, rule of law, effectiveness, equity, etc. according to OECD, 2006, DAC Guidelines and Reference Series Applying Strategic Environmental Assessment: Good Practice Guidance for Development Co-operation, OECD, Paris.

ment to the livelihoods of the poorest in society, let alone to determine the carry-over effects of the nature of NCEA's support to poverty reduction. Changes in capacity are not always a result of purposeful intention, but more often an outcome of various often opposing decisions taken at higher levels. The effectiveness of NCEA is relative.

NCEA recognizes that EIA performance depends on context-specific factors, such as the political system and the capacities of key stakeholders. The first step is to assess the context of and deficiencies in the capacity of the EA system, and then create a capacity development support programme. The cases show that NCEA's main focus is on supporting the central body responsible for governing and regulating EA, the environment ministry, or the unit responsible for environmental assessment. Over time, increasing attention is paid to other stakeholders in the system. For example, there has been a visible increase in NCEA's efforts to raise awareness among all stakeholders in the EA system about the relevance of EIAs and SEAs. The main focus remains on the ministry, and derives from the request of the environment ministry itself, but also on the deliberate choice of NCEA to support the central body in the system, on the assumption that it will lead to a stronger EA system, even though it may be the weakest actor in the system. For the Dutch staff, the implications of the fact that NCEA has moved away from technical advisor towards a more strategic partner in capacity development are twofold. On the one hand, the pressure on the relatively small staff increases. Collaboration with other partners could reduce this pressure. On the other hand, one could question whether short-term missions play a distinctive role in supporting endogenous development in a context of strong power relations. Nonetheless, power relations often appear to be an influential factor in the process of capacity development.

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In addition to NCEA's current approach, opportunities for the future may lie in taking into account the full spectrum of capacity development, including coherence and the ability to adapt and self-renew. For example, creating manuals and guidelines on the conduct of assessments and review reports, and advising on the quality and adoption of these tools could provide added value. The evidence shows that technical professionals appreciated these documents. Moreover, NCEA could promote the setup of monitoring and evaluation systems that could provide useful insights, such as to what extent the actors comply with regulations, and the impact of their activities at environmental, economic and social levels. A learning EA system will contribute to more sustainable capacity.

Annex 1: About IOB

Objectives

The objective of the Policy and Operations Evaluation Department (IOB) is to increase insight into the implementation and effects of Dutch foreign policy. IOB meets the need for the independent evaluation of policy and operations in all policy fields falling under the Homogeneous Budget for International Cooperation (HGIS). IOB also advises on the planning and implementation of the evaluations for which policy departments and embassies are responsible. Its evaluations enable the Minister of Foreign Affairs and the Minister for Development Cooperation to account to parliament for policy and the allocation of resources. In addition, the evaluations aim to derive lessons for the future.

Efforts are accordingly made to incorporate the findings of evaluations into the Ministry of Foreign Affairs' policy cycle. Evaluation reports are used to provide targeted feedback, with a view to improving both policy intentions and implementation. Insight into the outcome of implemented policy allows policy makers to devise measures that are more effective and focused.

Approach and methodology

IOB has a staff of experienced evaluators and its own budget. When carrying out evaluations, it calls on the assistance of external experts with specialized knowledge of the topic under investigation. To monitor its own quality, it sets up a reference group for each evaluation, which includes not only external experts but also interested parties from within the Ministry.

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Programme

The evaluation programme of IOB is part of the programmed evaluations annex of the explanatory memorandum to the budget of the Ministry of Foreign Affairs.

An organization in development

Since IOB was established in 1977, major shifts have taken place in its approach, areas of focus and responsibilities. In its early years, its activities took the form of separate project evaluations for the Minister for Development Cooperation. Around 1985, evaluations became more comprehensive, taking in sectors, themes and countries. Moreover, IOB's reports were submitted to parliament, and thus entered the public domain.

The year 1996 saw a review of foreign policy and a reorganization of the Ministry of Foreign Affairs. As a result, IOB's mandate was extended to include evaluations of the Dutch government's entire foreign policy. In recent years, it has extended its partnerships with similar departments in other countries, for instance, through joint evaluations.

Finally, IOB also aims to expand its methodological repertoire. This includes placing greater emphasis on statistical methods of impact evaluation. Since 2007 IOB has undertaken policy reviews as a type of evaluation.

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Annex 4: Resource persons interviewed

Georgia

NGOs

| | |
|-----------------|---------------------------------------------------|
| Nana Janashia | CENN |
| Kety Gujaraidze | Green Alternative (BTC, ENP, MDG) REC Caucasus |
| Lia Todua | CSRDG |

International NGOs – donors

| | |
|------------------|----------------------------------------|
| Michal Nekvasil | EC UNDP |
| Nino Malashkhia | OSCE (EnvSec Initiative) Aarhus Center |
| George Lebanidze | GTZ WB |

Private organizations

| | |
|--------------------|-------|
| | MCG |
| Gigi Kalandadze | Gamma |
| Vakhtang Gvakharia | Gamma |

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Ministry of Environmental Protection and Natural Resources (MEPNR)

| | |
|-----------------------|----------------------------------------------|
| Zaal Lomtadze | Minister Adviser |
| Ruslan Sajaia | Head of HR Department |
| Vladimer Gegelashvili | Deputy Minister |
| Nick Chakhnagia | Licensing and Permits |
| Nino Chikovani | Policy and International Relation Department |
| Khatuna Gogaladze | Aarhus Centre |
| Tamuna Gugushvili | Aarhus Centre |
| Lia Iakobidze | Inspection of Environmental Protection |
| Marina Makarova | Integrated Environmental Management |

Guatemala

| | |
|------------------|---------------------------------------------------------------------------|
| Lucía España | Coordinación Nacional, Ministerio de Ambiente y Recursos Naturales (MARN) |
| María Liz Molina | Unidad de Calidad Ambiental/ Dirección de Gestión Ambiental |
| Roxana Martínez | Unidad de Calidad Ambiental/ Dirección de Gestión Ambiental |
| Giovanni Tobar | Dirección de Políticas y Estrategias Ambientales |

| | |
|-------------------------------|-------------------------------------------|
| Carlos Noriega | DR CAFTA |
| Luis Roberto Sañol | MARN |
| Francisca Cárdenas | Cooperación Internacional /MARN |
| Hector Leonel Gutierrez | EECSA, Departamento Escuintla |
| LauroTóvar | EECSA, Departamento Sacatepéquez |
| Jorge Portillo | EECSA, Departamento Chimaltenango |
| Rony Martinez | EECSA, Departamento Chiquimula |
| Nery Marin | EECSA, Departamento Progreso |
| José Ordoñez | Delegado Regional Quetzaltenango |
| Ricardo Barrientos | MARN Izabal |
| Dra. Eugenia Castro | Directora Gestión Ambiental |
| Ing. Agr. Oswaldo Morales | Temas agrícolas/producción y otros |
| Arquitecto José Luis Montufar | Construcción y proyectos de gobierno |
| Luisa Fernández | Asesora Ambiental |
| Juan Mario Dary | NGO Fundary/IUCN |
| Gerardo Pirir | Cámara de Industria (Chamber of Industry) |

Mozambique

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| | |
|-------------------------|-------------------------------------------------|
| Drs Erasmo Nhachunge | MICOA-Director do Sector de Planificação |
| Dr Inacio Bucuane | MICOA-Director da DNAIA |
| Dr Rogério Wamusse | MICOA- Director da Gestão dos Recurso Naturais, |
| Sónia Silveira | MICOA-DGRN |
| Dr Poio | MICOA-CDS-ZC-Xai-Xai |
| Dr Henrique Balidy | MICOA-CDS-ZC-Xai-Xai |
| Dr Diogo Borges | MICOA-Director da DPCA de Inhambane |
| Engo. José Jerónimo | Impacto (consultancy) |
| Dra Marta Henriques | Sasol Mz environmental officer (oil company) |
| Enga. Madalena Dray | AMAIA president |
| Dra Natasha de Aragão | Consultec, Lda (consultancy) |
| Dra Felicidade Mungambe | Impacto/Ex. Directora da DNAIA (199-2004) |
| Tom Durang | DANIDA support programme to MICOA |
| Fárida Saifudine | Embaixada da Dinamarca Danida |
| Célia Jordão | Embaixada dos Países Baixos |

Annex 5: External reference group members

| | |
|-------------------------------------|----------------------------------------------------------------------------|
| Mr Henri Jorritsma | IOB Acting director (chair) |
| Mr Govert Visser | DGIS/ DME |
| Mr Sibout Nootboom | External referent, Erasmus University Rotterdam |
| Mr Hans Opschoor | External referent, emeritus status ISS, Free University of Amsterdam |
| Mr Rob Verheem/ Mr Arend Kolhoff | NCEA Deputy Director NCEA Technical Secretary International Cooperation |
| Mr Piet de Lange | IOB/ Capacity Development Study Leader |
| Mrs Rafaëla Feddes | IOB/ Coordinator NCEA evaluation |

Annex 6: Evaluation framework: indicators of assessment

The indicators of assessment for the evaluation of NCEA's capacity development programmes were calibrated by stakeholders in the three case study countries. Table A6 presents the lead indicators for each core capability.

| Table A6 | |
|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Core capability | Indicators of assessment |
| 1 Capability to commit and act | <p>From inception report</p> <ul style="list-style-type: none"> • Presence of an annual work plan, decision taking and acting on these decisions collectively. • Effective resource mobilization (human, institutional and financial). • Effective monitoring of the work plan. • Inspiring/action-oriented leadership. • Acceptance of leadership's integrity by staff. <p>Added in Mozambique</p> <ul style="list-style-type: none"> • Decision-making processes are functional. • Capacities to follow EIA/SEA process of scoping, screening, etc. • Organizational chart is clear and comprehensive. <p>Added in Guatemala</p> <ul style="list-style-type: none"> • Labour stability. • Policies to implement the agreements of international conventions. • Human resources are qualified and dedicated to the mission of the Ministry. • Multidisciplinary composition of the staff. <p>Added in Georgia</p> <ul style="list-style-type: none"> • Tools, needed for effective decision making are in place. • EIA awareness is well developed. • EIA and SEA are clearly understood and interpreted in Georgian legislation. |
| 2 Capability to deliver on development objectives | <p>From inception report</p> <ul style="list-style-type: none"> • Financial resources. • Facilities, equipment and premises. • Human resources. • Access to knowledge resources |

| | |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>Added in Mozambique</p> <ul style="list-style-type: none"> • Human resources management: staff turnover, recruitment policies. • Human resources development policy in place. • ICT equipment available and functional. • Means to engage external experts. • Effective resource mobilization (human, institutional and financial). <p>Added in Guatemala</p> <ul style="list-style-type: none"> • Cadena adecuada para obtener efectos directos. • Normativas específicas • Tener acceso a recursos de información y comunicación. • Recursos financieros adecuados/estables (en la actualidad no los hay). • El producto es necesario en la cadena adecuada para obtener efecto directos. <p>Added in Georgia</p> <p>None.</p> |
| <p>3 Capability to relate</p> | <p>From inception report</p> <ul style="list-style-type: none"> • Political and social legitimacy. • Leadership and staff has integrity (upright, incorruptible or undisputed). • Operational credibility /reliability. • Participation in coalitions. • Adequate alliances with external stakeholders. <p>Added in Mozambique</p> <ul style="list-style-type: none"> • Coherent legal basis and clear regulatory framework. • Transparency and accountability in EIA/SEA process. <p>Added in Guatemala</p> <ul style="list-style-type: none"> • Inter-institutional agreements which make involvement of different stakeholders possible. • Human resources are available to make appropriate linkages possible. • Communication with all interested stakeholders. <p>Added in Georgia</p> <ul style="list-style-type: none"> • One-window approach, used by the state agencies and aimed at simplifying procedures of construction; other economical development activities are managed effectively, without harming EIA principles. • Public participation is ensured and provided. • The expertise/capacity developed and accumulated in different sectors are effectively used by the MoE. |

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|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>4 Capability to adapt and self-renew</p> | <p>From inception report</p> <ul style="list-style-type: none"> • Understanding the shifting contexts and relevant trends (external factors). • Use of opportunities and incentives, acknowledgment of mistakes and stimulation of the discipline to learn. <p>Added in Mozambique</p> <ul style="list-style-type: none"> • Political context of change. • International context of change (e.g. treaties, guidelines). • Learning and flexibility as concepts for adaptation and self-renewal. <p>Added in Guatemala</p> <ul style="list-style-type: none"> • Monitoring system of institutional management in place. • Capacity to adapt to changes in government, new policies and new priorities. • Improving training policies and staff competencies; incentives to obtain an academic degree. <p>Added in Georgia</p> <p>None.</p> |
| <p>5 Capability to maintain coherence</p> | <p>From inception report</p> <ul style="list-style-type: none"> • Clear mandate, vision and strategy of the organization. • Clear set of operating principles. • Leadership is committed to achieving coherence, balance and stability, and change. <p>Added in Mozambique</p> <ul style="list-style-type: none"> • Consistent and clear legal framework. • Decentralization to relevant and competent levels. • Common set of values linked to staff dedication. • Overlapping mandates with other authorities (local government, other ministries). <p>Added in Guatemala</p> <ul style="list-style-type: none"> • Clear mandate, vision and strategy between the ministerial staff members and other involved stakeholders. • Internal coherence with the mission and vision of the ministerial mandate. • Operational manual of the Ministry is available. • Coherence between the different levels of operation. • Capacity development in relation to the objectives of the system. <p>Added in Georgia</p> <p>None.</p> |

Annex 7: Selection of countries for case studies

Over the past 10 years, NCEA has worked in more than 15 countries in Eastern Europe, Africa, Latin America and Asia, and has collaborated with seven regions worldwide.

The selection of case studies was based on the following criteria:

- a long-term collaboration between NCEA and the partner country (6–10 years);
- implementation of different capacity development activities;
- preferably countries in sub-Saharan Africa (SSA);
- a country that is part of a regional programme;
- an interest by NCEA to include a partner country in order to learn from the long-term collaboration; and
- countries recently comprehensively evaluated or documented should not be included.

Selection process

Individual countries

The following table provides an overview of the countries and regions where NCEA has reported collaboration in the period 2000–8:

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| Sub-Saharan Africa | Asia | Latin America | Eastern Europe |
|--------------------|----------------|------------------|----------------|
| Benin | Armenia | Bolivia | Albania |
| Cape Verde | Georgia | Colombia | Moldova |
| DR Congo | Indonesia | Guatemala | Montenegro |
| Ethiopia | Pakistan | | |
| Ghana | Sri Lanka | | |
| Mozambique | Yemen | | |
| Rwanda | | | |
| Senegal | | | |

The individual countries for the case studies were selected on the basis of a review according to the criteria. Based on the first three criteria (long-term collaboration; various activities and in sub-Saharan Africa) six out of the eight SSA countries were not eligible. Only Ghana and Mozambique emerged as possible candidates, as in other countries a full-fledged diverse programme did not materialize (Cape Verde, Senegal), was only partial or still in the process of negotiations (DR Congo, Ethiopia, Rwanda, Benin). With regard to Ghana, the EA system development had been recently evaluated. Moreover, since the EA system is well documented, it was decided to conduct a short desk review of this case. Therefore Mozambique was selected as the first country for a national case study.

With regard to Asia, only full-fledged programmes were developed in Georgia, Sri Lanka and Yemen. For the latter, a report on capacity development results and impacts was already

available. Sri Lanka was not considered an appropriate case as it had been decided to phase out the capacity development programme because the authorities were apparently unwilling to collaborate. The only remaining country, Georgia, had not been evaluated before, and NCEA was interested to include this as a case study in the evaluation.

In Latin America, three countries were considered. In order to include one of the regional programmes it was considered most appropriate to include Guatemala, where NCEA had provided support in two ways: through the regional programme with IUCN Central America and a bilateral programme also in collaboration with IUCN.

Countries in Eastern Europe were not considered as the support activities were too recently undertaken.

On the basis of the above criteria and consequent screening process, three countries were selected for an in-depth study of capacity development: Mozambique, Guatemala and Georgia. Countries as Ghana and Yemen were not included as comprehensive studies had recently been undertaken (in 2009 and 2008, respectively).

Regions

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During the period under review (2000–8) NCEA was active in the following regions in the context of a regional programme:

- Central America (6 countries)
- Central Africa (8 countries)
- Greater Mekong Delta (3 countries)
- West African Marine Eco-Region (6 countries)

The programme in Central America was the longest-standing programme since 2000. Guatemala was considered the best case to be evaluated as it was also part of a bilateral support programme. The NCEA programme in Central Africa is relatively recent, having started in 2007 in eight Francophone countries. The interest in this regional programme is that it operates in a number of post-conflict countries (5 out of 8 countries) that NCEA considers relevant areas of operation. In post-conflict countries other competencies may be relevant and need attention (see NCEA inception report). For this reason, one country out of the eight (Burundi) was selected in order to assess whether other issues are important in post-conflict countries as compared to the three cases selected. Burundi was selected for three reasons: 1) It is a post-conflict country, 2) an agreement has been signed between different stakeholders including the environment ministry, and 3) according to information provided by NCEA, there has been relatively more progress in activities there than in most other countries.

Description of individual case study countries

1. Mozambique

NCEA has been involved in Mozambique since 2001, providing support in revising EIA regulations and capacity development, reviewing several complex and controversial

projects and, more recently, in training members of the National Association of Environmental Assessment Experts. In 2002–4 NCEA contributed considerably to the revision of the EIA legal framework. In the same period, NCEA provided advice on a number of EIA and SEA cases at the request of the national environment ministry (MICOA). In 2007 contacts between NCEA and MICOA were re-established after a period of less involvement (RNE Maputo had decided to stop funding the environmental sector programme). Towards the end of 2008 a new agreement was signed for a three-year period of renewed collaboration. In parallel NCEA began its support to the recently established Mozambican Association of Environmental Professionals (AMAIA). Other donors than DGIS, such as Norad, have expressed their interest in contributing financially to NCEA's support services to MICOA. Since then NCEA has been involved in various activities in Mozambique.

Mozambique is a pilot case for the overall IOB evaluation approach. For this reason a preparatory visit was made in May 2009 and national consultants were identified. The Ministry of Environment and the Netherlands Embassy were briefed and agreed on the chosen approach. The context of the IOB study was also presented to the wider working group of donors in the environment sector, and several donors indicated their interest in the study. It was expected that the specific EIA/SEA field studies would include two complex cases, preferably where NCEA has been involved (e.g. SEA Bazaruto oil exploration), and two provincial cases (one province) from a list of 10 provided by MICOA. Possible themes included the oil/gas sector, tourism development, coastal zone activities (e.g. harbour development), or the mining sector.

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2. Georgia

Georgia is another country where NCEA has been involved for a long period. Since the beginning of this century the collaboration with Georgia was part of a larger programme of supporting EIA systems in the Caucasian countries of Armenia, Azerbaijan and Georgia. Later, NCEA provided stand-alone support. The main partner in Georgia has been the Ministry of Environmental Protection and Natural Resources (MEPNR), through which the requests for EIA/SEA support as well as for capacity development have been channelled. In early 2004 Georgia decided to follow-up on the review process and started a programme to improve EIA for projects. NCEA started a second phase (January 2005 to March 2006) of support based on the initial EIA analysis. Since 2005, there has been a capacity development programme for the setting up of a strategic environmental assessment (SEA) system. NCEA's involvement has also related to five reviews with regard to the planning and preparation of an international gas pipeline. Given this long-term and comprehensive collaboration, Georgia appears to be an interesting case for this evaluation but also for NCEA itself, which has shown a keen interest in a review of their long-standing involvement in the country.

3. Guatemala

Guatemala is part of a regional programme of IUCN in Central America, which has supported the environment ministries of the six countries of the Central American Community to improve their EIA systems (IUCN-CCAD project). Since 2001 NCEA has been involved in providing technical assistance. Besides that, there has been a separate IUCN-managed project financed by the Netherlands Embassy in Guatemala to improve the EIA system in the

country. The main partner in Guatemala is the Ministry of Environment and Natural Resources (MARN), for whom NCEA has organized several training workshops and introduced new instruments for small-scale projects. At a workshop in 2006, NCEA presented EIA instruments in relation to mining, and started a discussion on the need to elaborate a SEA for the mining sector in Guatemala. Thus NCEA contributed to the preparations for undertaking a SEA in support of the new national mining policy. Interestingly, at two stages (2001 and 2006) analyses were made of the EIA capacity in the country.

Complementary desk studies

Besides the three comprehensive national studies, two desk studies have been included – Burundi in Central Africa and Ghana in West Africa.

Burundi

Burundi is part of the Central Africa regional programme, which started in 2007 in eight countries in the region. Burundi is considered to be one of three countries where the response has been relatively favourable and where progress has been made. The support programme started by applying the EIA mapping tool, from which a number of recommendations emerged. The intervention is mainly done through the Burundi Association for Environmental Impact Assessment (ABEIE), which has signed a memorandum with the environment ministry.

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The purpose of the desk study is to learn about what has been achieved in the short period since 2007, and to what extent the EIA mapping exercise made the main stakeholders aware of the steps they needed to take, and if so, what plans they had to do so.

Ghana

Ghana is a different case. Ghana introduced an EA system in the early 1990s and has almost 20 years of operational experience. NCEA has been involved in supporting the EA system in Ghana for almost a decade. Also, a number of comprehensive studies and/or evaluations of Ghana have been made in recent years, including a review study of the environmental sector (ANECA, 2003), an evaluation of the GEASP project (Kessler, 2008), the GESS Synthesis Report (GESS, 2007), an evaluation of the introduction of a SEA system (Kessler et al., 2009), etc. On the basis of the available secondary information and some additional interviews, NCEA's short aide-memoire on the capacity development efforts in Ghana complements and provides a contrast with the full national studies.

Source: Adapted from the NCEA inception report May 2009 and Addendum, February 2010.

Annex 8: Feedback on the methodology

Approach of the study

Approach of the five core capabilities

An evidence-based evaluation looking at main changes within an organization (or, in the case of NCEA, a system) is a rather holistic enterprise. Over a period of ten years it is necessary to look at the several aspects of an organization that operates in a political, social and economic context that is not known for its transparency and accountability. Besides, the high turnover of staff in developing countries in recent years has contributed to the loss of institutional memory. As a result, conducting a full assessment of major changes according to the five core capabilities is not an easy task. To do so would have required almost full historical reconstructions of the major changes in the five core capabilities. Given that sources in developing countries are not as accessible nor easily available, analyzing changes in such complex systems has appeared to be a considerable undertaking.

Calibration

For the Southern stakeholders the process of calibrating the judgement criteria has been a difficult process. First, the connotation of evaluation creates a barrier that has to be overcome; in other words, a sense of confidence in the 'subject' of the evaluation has to be created. This is not an easy task, as in developing countries the concept of evaluation is often related to the future and continuation of external donor funding.

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Second, the complexity and multi-dimensional character of organizational capacity development is not always fully understood or captured in a multi-stakeholder setting. The different participants participate as members of different organizations, which in the case of an EA system are often opponents with little trust and confidence in each other, as was the case in Georgia and Guatemala.

Third, government bodies such as ministries do not operate from a development paradigm. They are implementing rules and regulations and are therefore interested in that perspective of the matter.

Evaluating a system

A third element reviewed here is the issue of the environmental assessment system. NCEA has formulated its operational goal as 'supporting the establishment of effective, efficient and transparent systems for environmental assessment in developing countries'. This systems approach to environment assessment reflects the situation that different stakeholders are contributing to enhancing environmental management. Stakeholders include not only the environment ministry, which is the primary regulatory body that formulates laws, sets rules and regulations, and provides licences to investors and other proponents of projects that may impact the environment. Other stakeholders play a complementary role in the EIA/SEA system. These could include the local population (urban dwellers, farmers, fishermen, etc.) who are part of mitigation or compensation measures to offset the impacts

of proposed projects. Often, these communities are represented by local leaders or civil society organizations that may or may not influence EIA/SEA outcomes.

It becomes clear that the EA system boundary becomes quite wide when the above issues are taken into consideration. Who is part of the system is to be clearly indicated. In the NCEA study, we have indicated that the main object of study is the environment ministry, followed by the members of associations of professional experts working in the EIA/ SEA sector.

Fact finding: data collection

Collection of information

Right at the start of the implementation of the first NCEA study, the Mozambique case study, it was apparent that important sources of information such as government documentation and resource persons at the Mozambican Ministry of Environment (MICOA) would pose some problems. The notion of evaluation appeared to cause some discomfort among certain Ministry staff. Despite their expressed interest in collaborating, there were signs of non-responsiveness to requests for information or even meetings. To a certain extent this was similar for the Guatemala case study but less so in Georgia. Obviously, the IOB capacity development study touches sensitive issues such as efficiency of the use of resources, the effectiveness of the management of the EIA/SEA procedures and transparency in individual cases.

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At the beginning of the three studies, it was necessary but time-consuming to develop rapport and the confidence of relevant senior Ministry staff in order to be able to undertake the intended study. The national consultants as well as the study team leader indicated that the IOB study is not a classical 'evaluation' but was intended to be a study to develop lessons learned with regard to the object of the study, the NCEA assistance to capacity development. In the future, it should therefore be considered not to use the word 'evaluation' when introducing a similar study, but to find a term reflecting the learning aspects (e.g. in Latin America the term 'Sistematización' is more applicable).

In the different countries, either the relationships with other stakeholders such as donors or NGOs operating in the sector and collaborating with the respective Ministries of Environment were used to create understanding of the purpose of the IOB study. Through their extensive network of the national consultants, other channels of information were also found.

A second issue relates to the dispersal of some of the stakeholders operating in the EIA/SEA sector. As a result of the decentralization policy, provincial and district levels play an increasing role in the granting of licences in Mozambique and Guatemala. Moreover, since project proponents may be located anywhere, including in other countries, not all relevant informants could be interviewed due to time and financial constraints.

In all three countries, because of the involvement of different stakeholders in the study, different and opposing views have emerged that have significantly contributed to a better understanding of the major changes and processes under review, and have assisted in the process of triangulating the findings.

Quantitative information

Quantitative information related to outcomes remained very difficult to find. In all three countries systems for monitoring and reporting on environmental impacts are very limited, if they exist at all. The only way to quantify some of the results in relation to the inputs provided by NCEA were the quantification of the outputs in terms of number of environmental permits or licences granted. In each of the three countries a short assessment has been made of the quality of the environmental permits; as much as possible this has been done for the different categories of licences. It was not always possible to make a very detailed study of the individual cases as basic information could not be collected within the time available.

In most cases, information was obtained from a review of EIA/SEA documentation and from interviews with relevant stakeholders. This approach made it possible to cross-check information acquired from different sources, even where quantitative information was absent.

Analysis

Assessing capacity change: attribution

In the inception report we indicated that NCEA's contribution to capacity development would be assessed at the level of the various EIA/SEA cases implemented with and without the involvement of NCEA.

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The attribution of NCEA's support to changes in capacity and output/outcome is difficult to determine. Interventions of other donors and external factors are of influence as well. At the ministerial level, the politics are very much dependent on the overall political situation and the importance attached by government to environmental issues. This often depends on the relative strength of the environment minister vis-à-vis his colleagues. As noted above, staff changes are a recurrent phenomenon due to low salaries, relatively poor working conditions and interference by higher level staff in the EIA/SEA process.

A second factor is the increased interest of national and international proponents of projects with environmental impacts. International companies investing in sectors such as mining or oil exploration are increasingly aware that they need to address environmental issues because of shareholder pressure (which is influenced by investors and environmental lobby groups). Many companies have developed environmental policies and have employed knowledgeable and well-educated experts in this field. Projects which have received international donor funding also are submitted to environmental scrutiny as requested by international funding agencies.

The organization of environmental experts in national associations of environmental assessment and their development into professional branch organizations increasingly reflect the interest by proponents and consultancy firms operating in the sector.

Practical aspects

National consultants

For the national consultants the evaluation framework has posed two major problems. The first was the notion that this was not a project evaluation of the work of NCEA but a study of capacity changes within EA systems and NCEA's contribution to those changes. Second, the notion of organizational assessment and the changes over time on the basis of core capabilities is complicated. In practice, it proved to be difficult to discern quite clearly what change related to what core capability. The interpretation of the distinction between the core capabilities appeared to be ambiguous and sometimes arbitrary; for instance, leadership appeared prominently in three core capabilities.

Fieldwork

In order to overcome these practical aspects of interpreting and understanding the evaluation framework it would have been preferable to work together with local consultants during the fieldwork stage. As it was apparently impossible to discuss these issues by email, phone or Skype, these practical issues remained. It was only at a later stage, when most of the interviews had been done, that understanding of the framework improved.

Collaboration with local stakeholders

In the three case study countries, the national environment ministry under review, showed interest in the study. For instance in Mozambique, one of MICOA's senior staff members indicated that evaluating their capacities might produce some better insight into their operation and functioning (PS communication). On the other hand, there was some reluctance to respond to requests to disclose information to the national evaluation team or to allow meetings with the most responsible staff.

Language

Language has been one issue that emerged in the context of answerability. In the three countries the national language was used for feedback and reporting purposes as the understanding of English is relatively limited (only in Georgia was the national case written in English). The final reports in Mozambique and Guatemala were then translated into English in line with the IOB ToR.

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Support for capacity development has long been an important aspect of Netherlands development cooperation. This evaluation aims to provide insights into the support of the Netherlands Commission for Environmental Assessment (NCEA), a Dutch commission that has an international department that provides advisory services and capacity development on environmental assessment in developing countries. This is one of seven studies carried out in the context of an extensive evaluation of the impacts

of capacity development activities financed through Dutch development organizations. The research for the NCEA evaluation began by examining the processes and results at the level of the environmental assessment systems in the partner countries and then assessed these findings against NCEA's theory of change. The evaluation is based on three case studies of NCEA's support in Georgia, Guatemala and Mozambique and two desk studies in Burundi and Ghana.

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