Report ESY–Mapping Workshop, November 2019

JORDAN

25 February 2020
Ref: 7285–01

Report by the NCEA

Title	**Report ESY-Mapping Workshop, November 2019**
To	Ministry for Environment, Jordan
Attn	Eng. Ahmad Al Qatarneh, Secretary General
Date	25 February 2020
From	The Netherlands Commission for Environmental Assessment
NCEA experts involved	Ms Bryony Walmsley (Expert) Ms Bobbi Schijf (Technical Secretary) Ms Anne Hardon (Knowledge Manager)
Cover photo	Taken by Anne Hardon
Reference	7285-01

Table of contents

1. Overview

1.1 What is ESY-Mapping and why apply it in Jordan?

Environmental and Social Impact Assessment (ESIA[1]) is well established in the Hashemite Kingdom of Jordan, where it has been part of project design and permitting decision-making for 20 years. In an effort to continually improve the effectiveness of ESIA, the Ministry for Environment of Jordan invited the Netherlands Commission for Environmental Assessment (NCEA) to facilitate a workshop on this topic. The NCEA made use of ESY-mapping for this workshop, which is a diagnostic tool for assessing the quality of a national ESIA system. The NCEA was able to provide this facilitation as part of the Dutch Government's collaboration with Jordan.

The objective of the ESY-mapping workshop was twofold:
* To raise awareness on what ESIA good practice is internationally, and how different countries have designed and are applying this instrument.
* To provide a shared understanding of the strengths of the ESIA system in Jordan, and the priorities for future action. The ESY-mapping results will form the basis of further design of the co-operation activities of the NCEA[2] in Jordan.

This report documents the workshop results.

1.2 ESY-Mapping explained

In an ESY-mapping workshop, a group of practitioners and stakeholders involved in ESIA in a specific country jointly analyse ESIA requirements and practice with the help of a standard set of questions. The outcome is a graphical representation of the quality of the current ESIA system. The tool was developed jointly by the NCEA and the Southern African Institute for Environmental Assessment (SAIEA).

At the heart of the ESY-map is a questionnaire that addresses key elements of the ESIA system. It consists of two levels. There are 37 Quick Scan questions that address the ESIA system more generally. Each of these questions is linked to the second level: a set of 150 detailed questions for more refined analysis. These 150 questions make up the Detailed Scan of the ESIA system.

The following parties participated in the ESY-mapping workshop for Jordan:

* Staff from the Ministry for Environment
* Staff from different sectoral agencies: Ministry of Public Works, Ministry of Tourism, Ministry of Local Administration
* Staff from the Greater Amman municipality

---

[1] The NCEA uses the term ESIA to emphasise that social impacts are also addressed in this process. Within Jordan the term EIA is more commonly used. Within this report the two terms can be read to mean the same. The same applies to the terms Environmental and Social Management Plan (ESMP) versus Environmental Management Plan (EMP)

[2] For more information on the NCEA, see www.eia.nl

- Academics involved in ESIA research and teaching
- Consultants working in the field of ESIA
- Representatives from NGOs 3
- A representative of GiZ

There was a wide range of ESIA experience amongst the participants. Some of the people partaking in the workshop had worked in this area for many years and/or on many different cases, others were newer to the topic. Generally, the more experienced participants were most vocal during the discussions.

The workshop was hosted by the Ministry for Environment, with support from the Netherlands Embassy in Jordan. The facilitation was provided by two staff from the NCEA, who had also engaged a third facilitator from SAIEA.

1.3   Summary of the Conclusions

The workshop participants identified much to celebrate in ESIA in Jordan. There is a strong regulatory framework, with clear and effective mechanisms for the important steps in the process, such as screening and review. The procedure is user-friendly, and timelines are upheld. There is a steady level of ESIA practice in Jordan: around 30 comprehensive ESIAs are undertaken on an annual basis. A professional community has grown around this practice, consisting predominantly of governmental staff and consultants, but complemented in small numbers by academics and experts working for international organisations.

Perhaps most importantly, there are clear indications that ESIAs are leading to better projects in Jordan. Workshop participants can cite cases where the ESIA process improved a project proposal even before it is submitted for approval to the Ministry for Environment. For example, through improvement in the project design itself. In addition, the process of ESIA review usually leads to the inclusion of important measures to further manage impacts.

There is also room for improvement. Especially concerning the follow-up on these measures during project implementation. Here both requirements and practice are less strong. The workshop participants also concluded that Jordan could benefit from increased stakeholder engagement in ESIA. This calls for the development of capacity amongst NGOs, as well as for improving the arrangements for stakeholder engagement. There is also a need to strengthen capacity amongst government staff at the Ministry who have a task in the ESIA procedure, the technical committee in charge of review, and those involved in compliance monitoring and enforcement of the conditions that are attached to environmental approval on the basis of the ESIAs.

---

3 Representation from NGO perspective at the workshop was limited. This appears to be a difficult group to engage for this type of workshop, as not many NGOs seem to be active in the area of ESIA. The Royal Society for Nature Protection was present but note that this NGO has a formal function in managing protected areas, under the Ministry for Environment. Another NGO present was Edama, representing investors in different sectors. At present it is most active in the energy sector, but not specifically on the topic of ESIA.

The workshop participants further identified professional exchange amongst people involved in ESIA as a new activity worth pursuing in Jordan. This would help identify and promote good practices for those working directly with ESIA, as well as having a wider awareness raising effect amongst those less conscious of the potential benefits of ESIA. In a setting where economic and security issues are dominant, environmental and social performance of projects may not be prioritised. There may be potential to tie ESIA more directly to topics that are high on the political and social agenda, such as climate resilience and water security. This can help raise support for further improving the effectiveness of ESIA.

The workshop participants discussed different options for moving forward on the basis of the ESY-mapping results. The facilitators have added a number of suggestions to these options. All the recommendations are included in Chapter 3 of this report. However, the report does not yet present a concrete plan of action. The results of this workshop first need to be shared more widely, so that the level of readiness for different possible courses of action can be assessed. The mapping report should be proactively shared, and separate meetings held with relevant parties to update them on the content. The NCEA is ready to contribute to these discussions. In parallel, the NCEA will be directly engaging with the Ministry for Environment, as well as other potential co-operation partners, to identify where we may collaborate in any follow-up.

Netherlands Commission for Environmental Assessment

February 2020

2. Detailed Results of the ESY-Mapping

In this Chapter present the detailed results of the ESY-mapping workshop. We will cover each of the following five sections of the ESY-map in turn:

- Section I: ESIA process
- Section II: Enabling conditions for ESIA
- Section III: Capacities of key actors in ESIA
- Section IV: ESIA performance
- Section V: Context within which ESIA is applied

We will give a brief introduction of each section before we describe the results under that section. We then present the graphs for that section, and describe the results in more detail, as well as the discussion that took place. Before moving on to the next section, there is a brief reflection of the results by the facilitators. This is where we consider the conclusions for Jordan from an international perspective.

The full set of Quick Scan and Detailed Scan questions under each section are presented in Annex 3.

Note that the mapping results are based on the currently applicable regulations on ESIA in Jordan. These regulations were under review, but new regulation had not yet been adopted. The results can be read in conjunction with the ESIA profile for Jordan that the NCEA has prepared[4].

2.1 Section I: ESIA Process

2.1.1 Introduction

Approximately half of the questions in the ESY-map are focussed on the ESIA process, both the steps in that process as well as cross-cutting issues such as stakeholder engagement. During the workshop in Jordan we first covered these topics more generically at the Quick Scan level, and then covered selected topics more elaborately with the help of the Detailed Scan questions. The topics chosen for a more detailed treatment were those where the Quick Scan scores where lower, or where there seemed to be much to discuss amongst the workshop participants.

The results section below includes two graphs: the first on the ESIA process steps, and the second on the cross-cutting issues. In the graphs we see a single dotted line for those aspects that were evaluated at the Quick Scan level during the workshop. Where the line splits into two (orange and blue), that means we looked at that topic in more detail, which generates separate scores for legal requirements (orange) and practice (blue).

---

[4] See https://www.eia.nl/en/countries/jordan/esia-profile

2.1.2 Results and Discussions

Screening and start of ESIA procedure

The very beginning of the ESIA process is characterised by screening (the decision on whether an ESIA is needed) and the official start of the procedure. These topics were analysed at the Quick Scan level.

Screening was rated at 80/100. Under the old regulations, the screening process categorises projects into those that require a comprehensive EIA (listed in Annex 2 of the Regulations) and those which need an Initial EIA study (listed in Annex 3). The process is clearly stipulated in the regulations, and has been further fleshed out in administrative format, such as the completion of an application form. It is also clear who is responsible for what during screening. The screening decisions made are generally judged to be correct by the workshop participants. However, it was agreed that there needs to be more clarity on the criteria used to classify the projects, to give more guidance to the screening decision, and so that proponents and their experts can better assess beforehand whether their project is likely to require ESIA.

It was also noted by the participants that there may be a gap between the projects listed in the annexes of the regulations and those expected to undergo ESIA according to International Finance Institutions (IFIs), particularly in relation to threshold criteria. It was reported that some of these differences have been addressed in the new regulations, where there will be four project categories, with greater definition of the thresholds.

Once the screening decision has been made, the proponent is notified in writing, but the decision is not made public. There are no requirements to announce the start of the procedure publicly, and neither does such notification happen in practice. Consequently, this aspect was scored at 0/100.

ESIA Process
Requirements
Practice

Screening, Start ESIA, Scoping, Impact assessment, ESMP, Review, Third party review, Decision making, Follow up
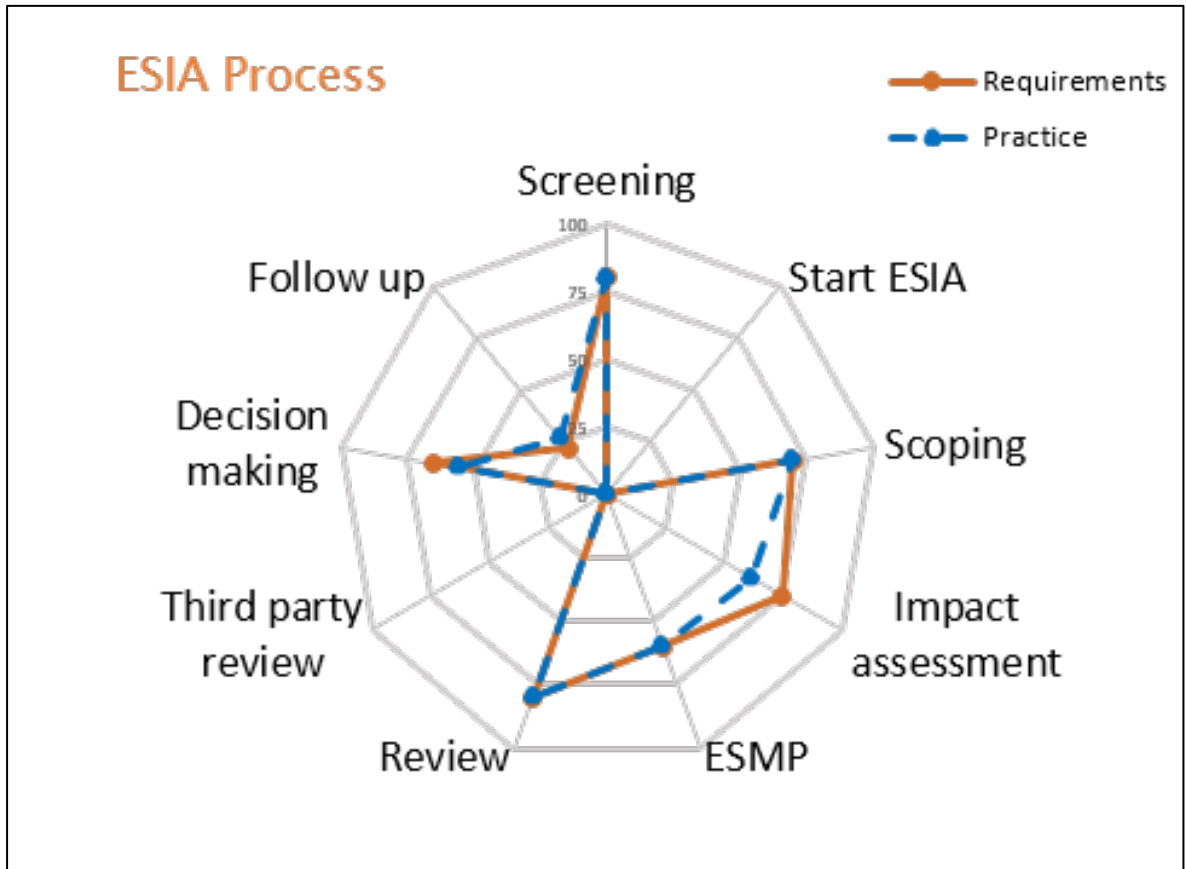
Scoping

This was evaluated at 70/100, meaning that a scoping mechanism exists in Jordan, and that it is mostly effective in practice in ensuring early identification of key issues, alternatives and stakeholders. The scoping process is described in Article 9 of the EIA Regulations. For each project, a scoping meeting is convened by the Ministry of Environment (MoE) to which the proponent, his/her EIA consultants and the stakeholders are invited. These meetings are normally held in Amman. The discussion at the workshop centred around two issues: the adequacy of stakeholder engagement and the degree to which alternatives are discussed at the scoping meeting. The first issue is further addressed below under Stakeholder Engagement.

Impact Assessment

This topic was addressed at Quick Scan level on the first day, and then in more detail on the second day. The requirements for both general principles and content of the impact assessment itself were scored at 75/100, against a set of principles and content requirement that is based on IFI benchmarks. In practice the quality of impacts is given a lower score, namely 62/100.

Concerning key principles for the impact assessment, the workshop participants concluded that these are not spelled out explicitly in the Jordan Law and regulations. But several are implied e.g. the need to work with a mitigation hierarchy, avoidance of salami tactics, including direct and indirect impacts, proportionality, and the need to assess both

biophysical and socio-economic impacts. Land use and resettlement, labour conditions, use of traditional knowledge and vulnerable people issues are not clearly required in law, but some of these aspects are addressed in practice, especially on IFI-funded projects.

The required contents of the EIA report are specified in Annex 5 of the current regulations and the list covers most of the 'best practice' list in Question 4.2 of the Detailed Scan, except for transboundary impacts, ecosystem services and climate change.

It was noted that social and health aspects are less well addressed in ESIA reports and this was possibly due to a shortage of specialists in the country, a lack of a clear definition of what is meant by 'social' and 'health' in the context of an ESIA, and the unavailability of social and health data at the local level.

Environmental and Social Management Plan

We looked separately at the quality of Environmental and Social Management Plan requirements and practice in the ESY-map, even though an ESMP is usually presented as an integral part of the ESIA report.

The participants scored the ESMP at 60/100 in the QS. They noted that the regulations clearly require each ESIA to include an ESMP. The also recognised that the review by the Ministry explicitly addresses the ESMP to ensure that it is sufficient. There was considerable discussion about the quality of the ESMPs as seen 'on the ground', where some gaps were identified. Practitioners report instances where monitoring plans are not detailed enough. This could mean that the mitigation measures turned out to be insufficiently concrete and actionable in practice or that the costing of mitigation and monitoring activities was not accurate. It was generally agreed that there is opportunity to improve both regulation and practice with regards to ESMPs.

Review

This was analysed at the Quick Scan level and scored at 80/100. The ESIA review is conducted by the Technical Committee, a multi-disciplinary group convened by the MoE. The Technical Committee checks that the ESIA complies with the regulations and the approved Terms of Reference (ToR) and that all impacts have been adequately addressed. If there are any shortcomings, the consultants are asked to revise the ESIA. All participants agreed that the review process is clear and always carried out within the stipulated timeframes. It was, however, recommended that a review checklist should be used to make the reviews more systematic and objective. It was also noted that some committee members may not always have the technical knowledge required to review more complex proposals or those where new technology is being introduced.

Third Party Review

As there is no clause in the law or regulations allowing for the MoE to call for third party, independent review (at the cost of the proponent). Nor are such review organised in practice. Consequently, this aspect scored 0/100 at the QS level.

Decision-making

Here the ESY-map refers to the decision-making on project approval that is based on the ESIA. In the Jordan case, this is the Environmental Approval (permit). The Quick Scan score for this topic was 80/100, meaning that in first instance the participants felt that this aspects was well regulated in their context, and that that decision-making followed the requirements set. Decision-making was considered to be a robust and credible process that is completed within the stated timeframes. However, when the participants went into the Detailed Scan questions, this brought additional aspects into view that could be incorporated into regulation and practice in the Jordan context. Specifically: explicitly defined decision-making criteria, and published, written justification of each permitting decision. With this in mind, the detailed scan score for legal requirements for decision-making were adjusted to 65/100. The practice scores in the Detailed Scan discussion came to 56/100 . This also reflects the fact that public justification of decisions is not part of the Jordanian system. The score was also affected by the observation of some workshop participants that there are a few occasions (maybe 10% of the time) when a project is approved by the Prime Minister's office or at the municipal level and does not go through the Licensing Committee to obtain an Environmental Approval.

After the workshop the Ministry of Environment reflected on this score, and remarked that it does not seem to represent practice as they see it. The Ministry stressed that justification for the permitting decision is documented and provided in every case, albeit directly to the proponent.

Follow-up

The questions under this header are about what happens after a project is approved, and cover monitoring, and taking action based on the monitoring results. This aspect scored 25/100 at the Quick Scan level and generated similar scores in the Detailed Scan analysis.

There was unanimous agreement that this was an area where more could be done to improve both regulation and practice. Article 17 of the regulations requires projects to be regularly monitored to ensure compliance with the conditions of Environmental Approval (which usually include implementation of the ESMP). Monitoring is done by MoE Inspectors, but this is not as rigorous as it should be due to limited financial and human resources, as well as a lack of clear responsibilities at the different levels of government (national, local and Governorate).

Furthermore, there are no clear responsibilities for the role of the contractor and the supervising engineer with regard to implementing the ESMP and checking compliance, respectively. It was also pointed out that there are three types of developers: those who are very aware of E&S issues and proactively implement the ESMP; those who will do the bare minimum and will abide by the law if it is enforced; and those who will avoid all commitments. The need to raise awareness levels among proponents was seen as a major area for improvement.

Another issue that was discussed under this topic was whether ESMPs are regularly updated to reflect changes in design and practice on-site. Formally this can be required either during the EIA process, if the project design is updated, but also after project approval, as a result of

new insights that come up during project implementation. In practice, the workshop participants note that it does not happen often enough.

The process of redress in the case of significant non-compliance is weak, as it relies on the MoE sending a letter requesting the Court to issue a stop-work notice, which may take weeks or months.

There is no requirement in law to publish audit or compliance monitoring reports, or for third parties to undertake the inspections.

There was some discussion on costing of mitigation measures and whether there is any auditing of expenditure on E&S issues as per the costed ESMP. The answer is no, but the discussion focussed on how to make realistic cost estimates, getting these cost items into the tender documents and who should actually decide on the costs – the consultant or the contractor. The posting of an environmental bond is only required under the mining legislation.

Moving on now to the cross-cutting issues, see the graph below with the overall scores.
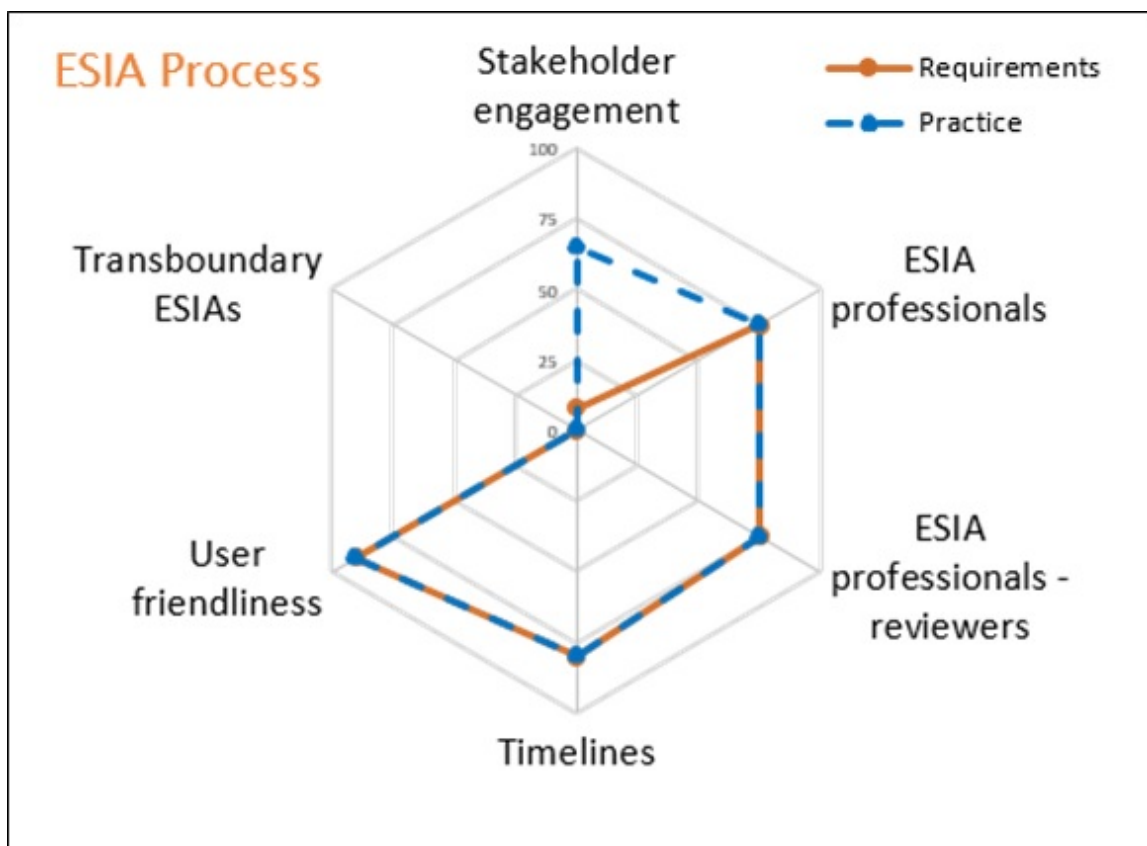
Stakeholder Engagement

This scored 70/100 at the Quick Scan level. It was also addressed at the Detailed Scan level, where is scored 8/100 for requirements and 65/100 for practice. This clearly shows that in practice stakeholder engagement is going beyond mere compliance.

In Jordanian law, stakeholder consultation is *only* required during the scoping stage. When a scoping meeting is convened by the MoE in Amman where selected stakeholders are invited to a presentation by the proponent and his/her consultant. This presentation is then followed by a discussion. Five key points were raised by the participants relating to this:

- It was noted that who attends the scoping meetings depends on who is invited by MoE, which may not be an inclusive list and may also depend on the ability of key stakeholders to attend (logistically, financially, practically). It was generally agreed that more guidance was required to define who the key stakeholders are for different sectors;
- There is no legal requirement for proponents to consult local affected communities or other interested parties in the course of the assessment, although there are proponents in practice who will engage with stakeholders, even before the scoping phase;
- There is no legal requirement to hold a second round of stakeholder engagement to provide feedback to the stakeholders on the findings of the ESIA and how their issues and concerns have been addressed;
- There is no public announcement of the scoping meeting and the general public is not informed about a forthcoming ESIA process e.g. through a media notice;
- The need for a grievance mechanism for public complaints is not clearly stated in the law.

EA Professionals – doing the ESIA

Here the ESY-maps asks questions about those undertaking the ESIAs. This topic was addressed at the Quick Scan level and scored 75/100. There are currently 22 accredited firms in Jordan. Environmental consulting firms have to be accredited by the Ministry of Public Works, but this current system is weak as it does not cater for individuals and does not base the accreditation on the firm's qualifications or experience. This will change however in the new regulations where the accreditation of consultants will be the responsibility of the MoE and two categories will be developed, with an annual review to maintain registration.

EA Professionals – reviewing the ESIAs

The participants looked at the arrangements to ensure reviewers are appropriately qualified and have relevant experience. This was analysed at the Quick Scan level and scored 75/100. It was generally agreed that for most projects reviewed in Jordan, there was adequate expertise in the Technical Committee.

Timelines

This was analysed at the Quick Scan level and scored 80/100. Not many timelines exist in the regulations – just for the scoping/ToR approval decision (one week) and actual approval of the ESIA (45 days). These timelines are appropriate and well-respected in practice.

User-Friendliness

This received a high score of 90/100 at the Quick Scan level as it was widely agreed that the ESIA system in Jordan is straight forward and easy to follow.

Transboundary Issues

This scored 0/100 at the Quick Scan level as the regulations do not require projects to include transboundary impacts, although there has been one example of transboundary

consultation for the Red Sea/Dead Sea channel project conducted by the Aqaba Authority. The reason given for the lack of consideration of transboundary issues is that Jordan has not signed the ESPOO Convention. However it was argued that this is not a pre-requisite for transboundary impacts to be considered when necessary.

2.1.3 Reflection by the Facilitators on the Results in Section I: ESIA Process

The ESY-mapping question in this section are based on a comparison of different ESIA arrangements in different countries, as well as IFI requirements for ESIA. A low score on legal requirements generally indicates that there are additional requirements that could be put in place to direct this aspect of ESIA. A low score in practice indicates that the workshop participants see room for improvement. From this perspective, the facilitators are flagging a number of topics where examples or good practice guidance exist that could further inform Jordanian regulation and practice. However, there is no "one-size-fits-all" ESIA system, so prioritization of the points below should be decided by the Jordanian actors in ESIA. Having said that:

- The terms 'environment', 'social' and 'health' in the context of ESIA could be further defined;
- Screening can be improved to better align with IFI lists;
- A more detailed alternatives analysis at the scoping stage could be included in the new regulations on ESIA;
- Guidance on who should be invited to the scoping meetings would be helpful;
- The new ESIA regulations could include additional requirement to consult local affected parties during a) scoping, and b) draft ESIA stages of the process.
- The ESIA process would benefit from greater media coverage e.g. through a public announcement at the commencement of the ESIA process (following screening); media notices about the scoping stage and inviting registration of interested and affected parties; media notices regarding the availability of ESIA reports to be reviewed by the public (in hard copy, or on-line); media notices regarding the Environmental Approval decision.
- Transboundary impacts (where relevant), ecosystem services and climate change should be listed for inclusion in the ESIA report.
- More guidance is required on how to compile effective, practical EMPs and how to cost the required mitigation and monitoring measures.
- The Technical Committee's review process should be guided by a standard review checklist. Here too, good practice examples are available.

A few more suggestions by the facilitators have been included in Chapter 3.

2.2 Section II: Enabling Conditions

2.2.1 Introduction

The ESY-map covers a number of enabling conditions that are important to have in place, in order to facilitate good practice ESIA in a country. These conditions are not specific to one

step or one actor in the ESIA process, but benefit the overall ESIA process and all the actors that play a role in it. Conditions cover:

- A sound legislative framework for ESIA accompanied by good practice guidance on ESIA, either in guidance documents, or through a helpdesk.
- Possibilities for tertiary education in ESIA, profession training and exchange on ESIA.
- A good level of awareness and commitment for ESIA, which should translate into media attention for ESIA, interest amongst politicians in ESIA, and the availability of a decent level of (financial) resources for ESIA.
- Finally, an important condition for effective ESIA is that the instrument itself is monitored. This is not about monitoring the impacts of one particular project, but rather checking if the application of ESIA throughout the country is going well and taking action if it is not (such as improving the regulation).
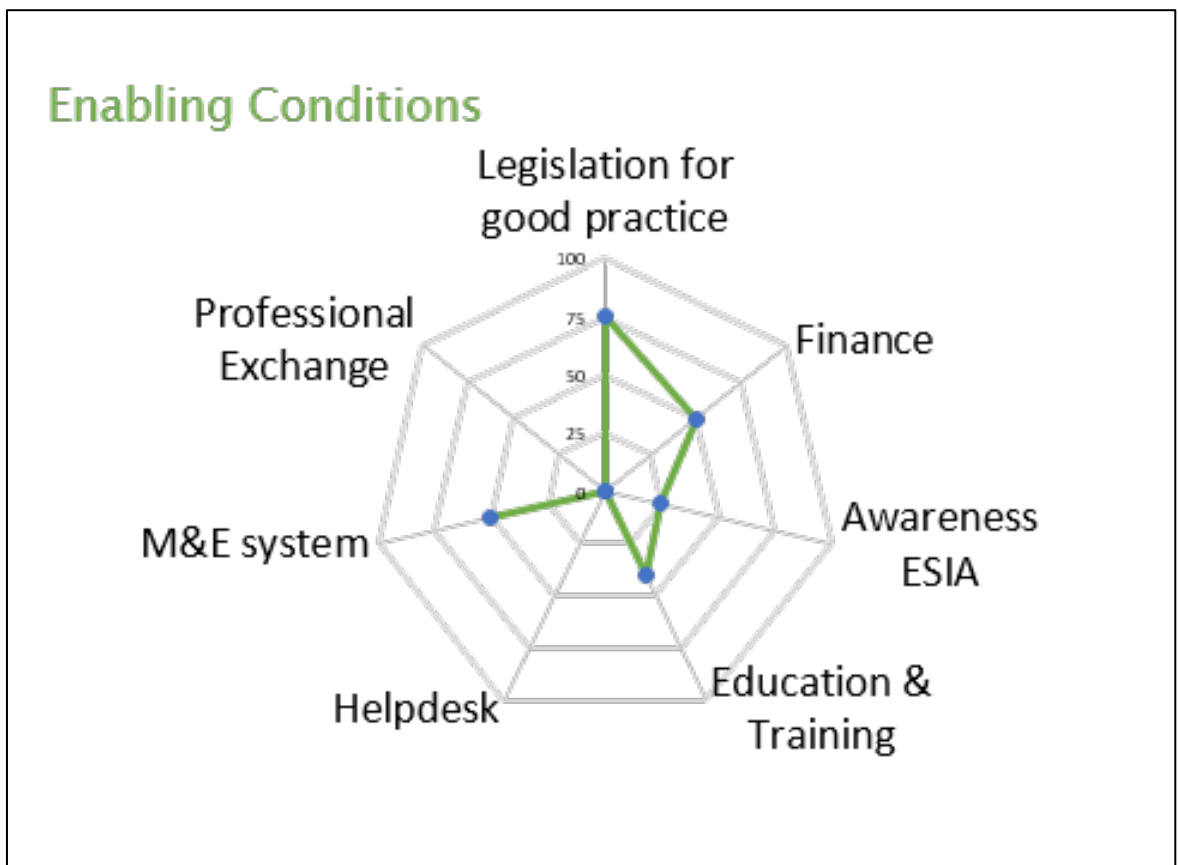
2.2.2 Results and Discussions

Out of the enabling conditions discussed, the legislative framework scores highest. The workshop participants note that the ESIA requirements sit well within the full set of laws and regulations, there are hardly any conflicts with other (sectoral) regulations. The ESIA regulation itself is considered good, and expected to get even better, as with a revision of the ESIA regulation underway. This will not be a major overhaul, but more a refinement (see the

summary of the key updates later in Annex 1). People do conclude that it would be beneficial to have more guidelines available, especially sectoral ESIA guidelines.

Financing for ESIAs and monitoring of the application of the instrument of ESIA both score midway. Resources are available for ESIA, but certainly not enough for the Ministry to do everything within its mandate. Funds are particularly tight concerning ESIA follow-up of individual ESIAs. Monitoring of how well ESIA is functioning as a tool throughout the country is undertaken, but on an ad hoc basis. There is no periodic review (annual or otherwise) of the effectiveness of the tool.

Enabling conditions "Awareness of ESIA" and "ESIA education and training" are both scored lower. General awareness and media coverage are rated as very limited. ESIA is not well known, and even those that know about it, may not have a full understanding. They may confuse auditing and ESIA, for example. ESIA sometimes feature on the agenda of higher-level politicians, which shows awareness. But this could be strengthened further.

ESIA is taught at university level, but only in a few places, and as part of the engineering programme. It should be offered at more tertiary institutions in Jordan, and in different degree programmes. There is no shared curriculum for ESIA. Professional training opportunities are also limited, a practitioner will likely have to look outside the country to further build their skills. Sometimes donors may offer training related to ESIA, but this tends to be one-off, rather than regularly available.

Concerning the enabling conditions "ESIA helpdesk" and the "Platform for professional exchange" the discussion at the workshop is brief: neither currently exists in Jordan.

2.2.2 Reflection by the Facilitators on Section II: Enabling Conditions

The scores above suggest that there may be much to be gained in Jordan by investing in enabling conditions for ESIA. Some of the conditions can be effectively tackled by one actor. For example, some countries have positive experiences with an ESIA helpdesk hosted by a specific governmental agency or knowledge institute. Similarly, academic institutions can collaborate to establish an ESIA curriculum that guides ESIA teaching throughout the country (examples from other countries exist). Other enabling conditions require collaboration with multiple actors, sometimes actors that are not necessarily aware of the relevance of ESIA for their agenda. This applies especially to general awareness of ESIA and availability of financing for ESIA activities. Further discussion seems warranted on how to link ESIA to urgent societal priorities in Jordan, such as water availability or climate change, and on identifying potential new champions of ESIA.

2.3 Section III: Capacities

2.3.1 Introduction

Within a given ESIA system, there are a range of actors that have an important role in ESIA practice. The ESY-map looks at the capacity of a country-specific selection of these actors to fulfil the role allocated to them. The actors themselves analyse their own capacity in the workshop, using a set of customised questions on different sub-components of capacity (in

Section III of the Detailed Scan). In this case, we analysed the capacity of 4 specific actor groups: Consultants/ESAPs[5] (5 workshop participants), NGOs/Civil Society (3 workshop participants[6]), the Ministry for Environment[7] (4 workshop participants), the Technical Committee (for ESIA) (3 workshop participants). The details of the analyses are presented below.

2.3.2 Results and Discussions

The capacity of the Ministry for Environment, Technical Committee and ESAPs all score in the mid to high range, but the NGOs capacity to contribute to ESIA processes is clearly an area of concern. For NGOs the scores were low for all sub-components, especially for mandate, structure and resources.

---
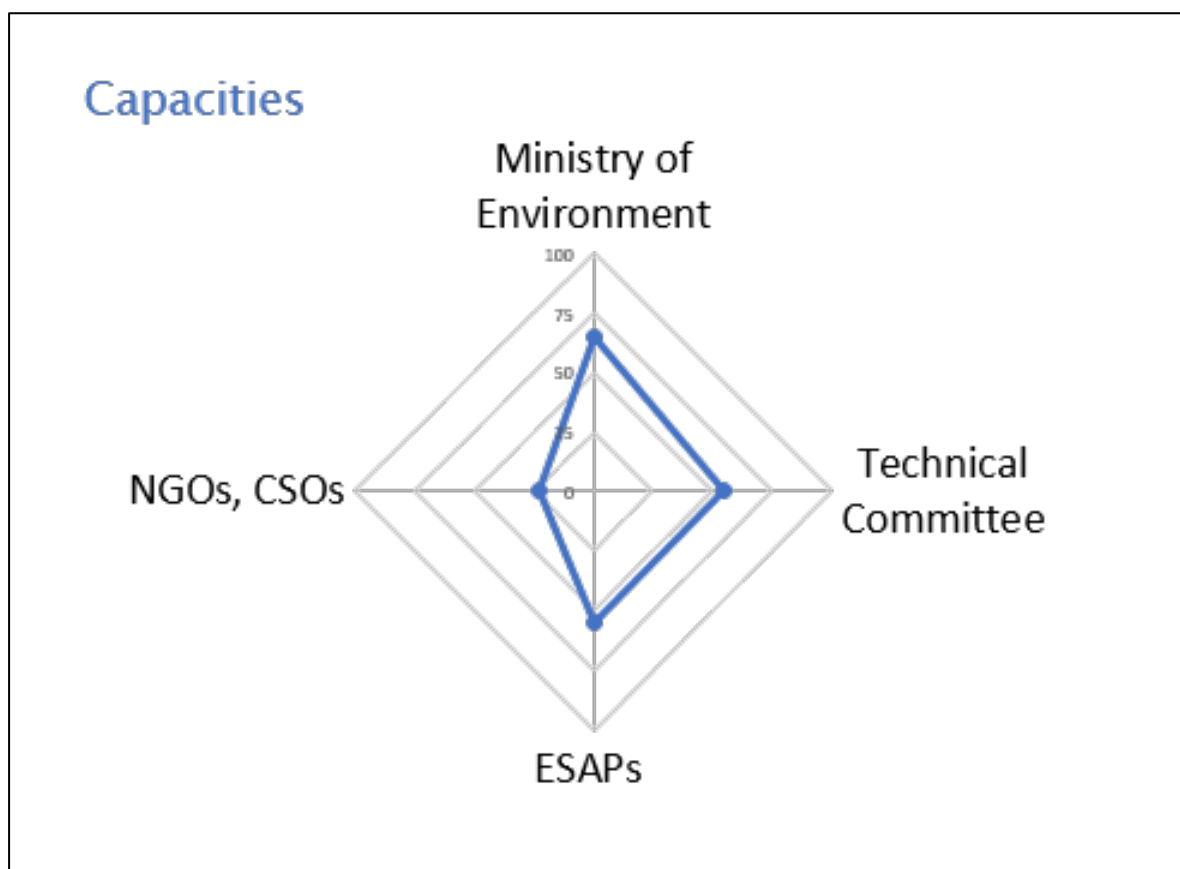
[5] Environmental and Social Assessment Professionals

[6] Note that there were actually no NGOs in the group that scored this capacity, but the group did include parties that interact with NGOs (like GIZ and the Ministry for Tourism)

[7] For the purpose of this assignment, the capacity of the Technical Committee charged with review of the ToR and ESIA report was looked at separately from the capacity of the Ministry for Environment to manage the whole ESIA process.

During the discussion some observations were made:

- There are no specialised NGOs that contribute to ESIAs. Many challenges to such participation exist. One problem is that affected communities may be located in remote areas, far from where ESIA related meetings are held. Also, there is a lack of training and experience in ESIA. Most NGOs have insufficient resources to engage in this process, and no platform for a discussion on ESIA.
- The only opportunity for contributing to a specific ESIA is at the scoping session, but NGOs often don't have resources to attend these and don't have access to relevant documents. There is limited funding available for them.

In the first Quick Scan discussion, the MoE scored their capacity at 70/100, and the resources available for their work in ESIA at 50/100. The detailed scan shows a more refined view of the Ministry's capacity: here the MoE scored their capacity lower on strategic relations (15/25), meaning there may be benefits to be gained from increased co-ordination and exchange with other parties in the ESIA process, and from wider appreciation of the role of the Ministry in ESIA. Expertise is scored at 10/25, suggesting that the MoE could profit both from an increase in-house expertise, as well as having access to specific external expertise, when needed. Both "Mandate, structure and resources" and "Management" scored higher, namely 20/25.

The group looking at the capacity of the Technical Committee concluded that the room for growth was not so much in the area of expertise, but more in relation to the way their task is structured, and the resources that are available for their work (12/25). Also from this group, there may be benefit to be gained from more co-operation and co-ordination with other (governmental) parties. Overall, the capacity analysis of the Technical Committee to fulfil its role in the ESIA process ended on a total score of 55/100.

	MoE	Tech Committee	ESAPs	NGOs
Mandate, structure, resources	20/25	12/25	30/40	6/36
Management	20/25	18/25	Not applicable	Not applicable
Expertise	10/25	15/25	15/30	8/36
Strategic Relations	15/25	10/25	10/30	9/28
Total	65%	55%	55%	23%

Table 1: Detailed scores for capacity subcomponents for each actor group. Note: per subcomponent, the actors allocated points, up to a pre-set maximum. The different components are added up to a total score out of 100, giving an overall percentage for each actor group.

The group of ESAPs reviewed the number of ESAPs available in the country, and their access to data and tools, and rated this relatively high: 30/40. A lower score was given on expertise and access to regular training needed to be able to develop as an ESIA professional (15/30). The lowest score was allocated to the ESAPs ability to work with other organisations, partake in relevant networks and share experiences and data (10/30). The total score ends up on 55/100. Some comments made during the discussions on this topic included:

- There are not enough qualified people joining the ranks of ESAPs.
- The ones that do come into the workforce and are accredited, have a reasonable skill level.
- But there is a problem with the accreditation, because this is given to a company. If an experienced professional leaves, then this company may have less capacity, yet it retains the accreditation.

2.3.3 Reflection by the Facilitators on Section III: Capacities

The lack of capacity amongst NGOs stands out in these results. Internationally, the role of such parties in ESIA has received more recognition in recent years, because of their potential to contribute to the information basis for the ESIA, but also because of their ability to identify, and sometimes help implement, solutions that perform better in terms of social impacts. A good level of NGO engagement in a country also adds to the quality and credibility of the ESIA process. This is an area where Jordan could draw on developments elsewhere to build up NGO engagement in ESIA.

The capacity of the Ministry for Environment, the Technical Committee and the ESAPs seems to be more robust. Of course, any professional who takes their work seriously, is likely to identify areas where their work could be improved. Indeed, each of the actor groups in the workshop allocated both lower and higher scores. It seems increased exchange and co-ordination (strategic relations) would benefit each group, as well as targeted investment in development of expertise.

2.4   Section IV: Performance

2.4.1 Introduction

The "Performance" section of the ESY-map is about the difference that ESIA is making in project design and decision-making. Questions are also asked to check whether ESIAs are in fact leading avoidance of negative environmental and social impacts in practice. In the workshop we addressed performance both at the level of the Quick Scan, and in more detail with the Detailed Scan questions.

2.4.2 Results and Discussions

In preparation for the workshop, the Ministry for Environment reviewed the statistics of the year 2018. The graphs below present the data from that year and show just upwards of 30 projects going through the comprehensive ESIA procedure. Of the 35 ESIAs started, 32 processes were completed, and 3 carried over into the new year. An interesting point to note

is that environmental approval is generally given, projects are not rejected. However, every ESIA that is reviewed is found to be unsatisfactory in some respect, and requires supplementary work, before approval can be given.

ESIA statistics 2018

A bar chart titled "ESIA statistics 2018" with a y-axis ranging from 0 to 40 in increments of 5. The categories and approximate values are: No. ESIAs started (approx. 35), No. ESIAs submitted for review (approx. 32), No. ESIAs rejected outright (0), Av. no. ESIAs supplementary work required (approx. 32), Av. no. ESIAs approved (approx. 32).
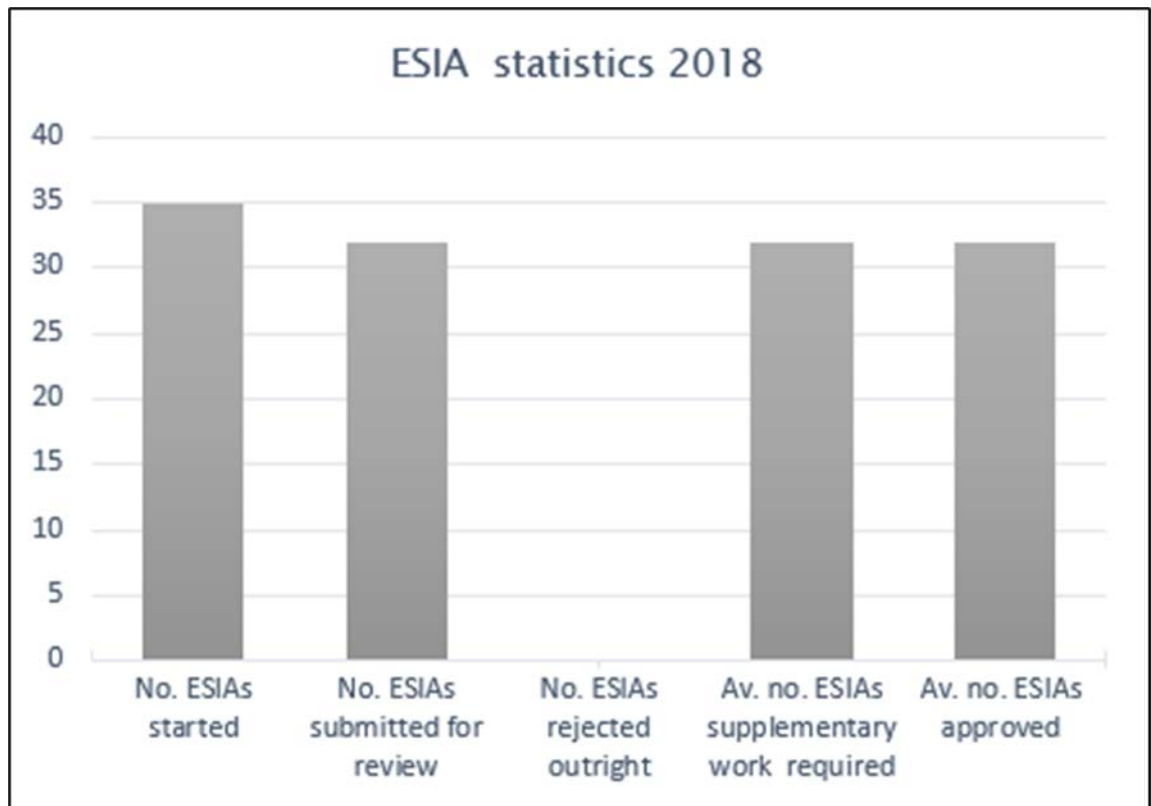
The workshop participants concluded that there are very few projects that should undergo full ESIA according to the requirements, but do not in practice. Some proponents may try to evade ESIA and will implement a project without going through the Ministry. But these will run the chance that this non-compliance will be uncovered during inspections, and that requirements will need to be applied retrospectively.

The timing of the application of ESIA could be improved, however. Some ESIAs are done too early, i.e. during the pre-feasibility stage of the project lifecycle when there is not enough project detail be able to properly identify and assess the effects. During the workshop it was estimated that in about 20–40% of the cases the ESIA is undertaken too early. After the workshop the Ministry reflected on the data that it has available in house and added that almost 10% of the ESIAs are done as part of the feasibility study. During the workshop, participants estimated that approximately half of the ESIAs are started too late, meaning that the project design is already so far advanced that there is limited possibility for the ESIA to influence the proposal. Some participants point out that this is a missed opportunity and cite examples where effective integration of ESIA and project design led to concrete project improvements.

High scores are allocated to the influence that ESIAs have on projects. Participants noted that some projects are in fact withdrawn either in preparation for, or during, the procedure, because the ESIA work shows that they are environmentally or socially unfeasible. During the workshop participants estimated that this occurs in about 8,5% of the cases. After the mapping workshop, the Ministry reflected on their data and suggests that the actual number is closer to 15%.

Projects are regularly changed during the ESIA review stage (17%), and in response to the comments of the Technical Committee (just over 32%). Most projects will have mitigation measures added at this stage. It seems clear that the ESIAs are providing the main basis for the environmental approval decision.

In terms of influence on the ground, the scores are less positive. In about half of the projects negative impacts are indeed avoided, the participants concluded. Meaning that quite often, they are not. This is attributed largely to the lack of follow-up by proponents. Solutions identified during the ESIA process (including the review step) may not be implemented, due to limited institutional capacity to check compliance. This ties into the need to strengthen compliance monitoring and enforcement that was noted before.

Under the heading performance we also looked more closely at the degree to which different actors involved are learning from their ESIA experiences. The participants suggest that in most cases awareness and understanding of ESIA of each actor involved is improved. In about half of the cases the ESIA experience leads to more acceptance of the project amongst stakeholders. This is mostly attributed to their involvement in the scoping meeting organized by the MoE. Similarly, in about half of the ESIAs opportunities are identified for increased co-operation between government authorities. Again, the scoping meeting may contribute to this, as can the contact colleagues have within the Technical Committee.

2.4.3 Reflection by the Facilitators on Section IV: Performance

It is notable that there seem to be few projects 'dodging' the ESIA requirement in Jordan, as this is a common problem in many countries. There seems to be potential for ESIAs to be more influential if they start early enough to influence project design. The high willingness and ability to learn through concrete ESIA experiences is encouraging in that respect. Perhaps documenting and sharing cases where early ESIA improved project design, and even reduced project costs, could make a difference here.

2.5 Section V: Context

2.5.1 Introduction

This section of the ESY-map covers contextual factors that influence how effective ESIA can be in a given country. They are different form the enabling conditions in Section II, in that the contextual factors are generally outside of the ESIA system itself, and often more difficult to change by actors within the ESIA systems.

2.5.2 Results and Discussions

The participants conclude that "Rule of Law" is sufficient in Jordan. The judiciary apparatus functions and can be utilised to enforce compliance related to ESIA, although the procedures may take some time. The participants also note that ESIA practice is relatively free from political interference and corruption. Although it is possible that ESIA approval is given under conditions of pressure to expedite the process, there are also cases where such influence has been successfully resisted.
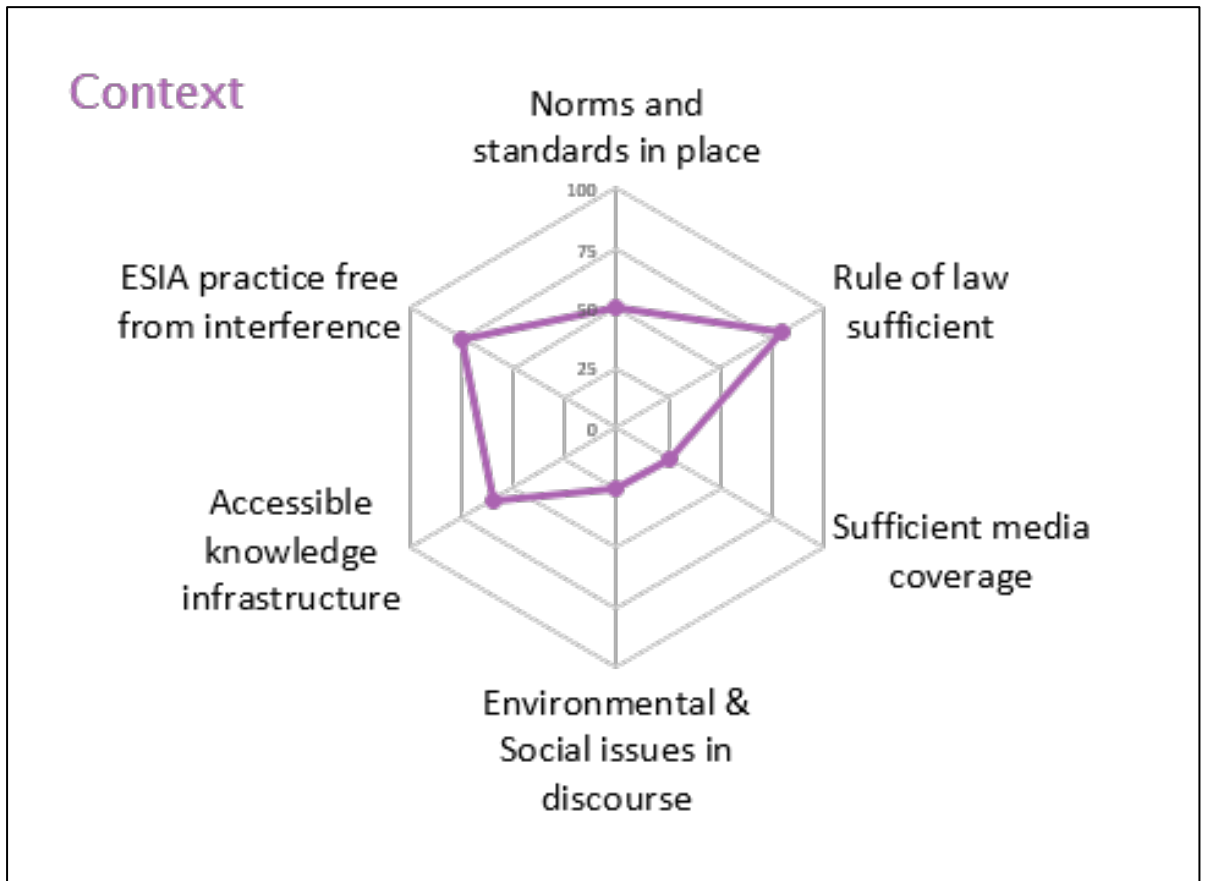
The criteria "Norms and standards in place" and "Sufficient and accessible knowledge infrastructure" score about midway. Norms and standards are in place, but not all relevant fields are covered. For example, there are no standards on soil quality. Sometimes standards from outside Jordan are used as a reference. In terms of the knowledge infrastructure the participants note that in some areas good data exists and can be accessed for use in ESIAs. For example, in the area of air quality. Other data may exist but is harder to obtain. Water quality information is one such example, as it has to be formally requested. GIS date is not readily available.

A low score is given to media coverage of environmental and social issues (including ESIA). Environmental and social issues also do not feature high on the national agenda. Economic and security concerns are much more prominent. This could be an impediment to awareness on ESIA, or commitment to ESIA.

2.5.3 Reflection by the Facilitators on Section V: Context

Overall, and when compared to other countries where ESY-mapping has been undertaken, the conditions for ESIA in Jordan are relatively advantageous. It is an important conclusion that ESIA practice is relatively free of political or other interference. In many countries this can be a debilitating factor for ESIA. The workshop participants do note some challenges, and these could be addressed as part of a wider discussion in Jordan on effective management of scarce natural resources. Specifically, this applies to further development of the knowledge infrastructure and the set of relevant norms and standards. More clearly tying ESIA into key issues on the political and societal agenda, such as water security, as also suggested under the enabling conditions, could help to advance the context for ESIA more generally.

3.   Next Steps

On the third day of the ESY-mapping workshop, the participants jointly reflected on the mapping results. They identified:

- What to celebrate and what to change in the Jordan ESIA system
- Recommendations for follow-up of the workshop
- Who should be aware of the mappings results, and how these parties may be informed.

The results of this reflection are given in this chapter. Concerning the recommendations, the workshop facilitators have provided additional thoughts from an international perspective.

3.1   What to celebrate and What to change

The participants were organised into three groups, and each group was given a hand-out with the ESY-mapping results graphs. The groups were asked to reflect on these results, and to note down what to celebrate about the ESIA system in Jordan, and should stay as it is, and what might benefit from change. The combined group results are given below.

What to celebrate about ESIA in Jordan:

- The decision-making process on ESIA/environmental approval is a clear and workable process, and it is free from interference.
- The legal framework for ESIA (both law and regulation) is sufficient and is being kept up to date. A revision is currently ongoing.
- There is a good number of ESIA professionals and reviewers.
- Relevant standards for certain aspects of the biophysical environment are in place (noise, for example).

What could benefit from change in ESIA in Jordan:

- We need a more systematic process for ESIA review, for example with the use of checklists.
- Training is needed for Ministry of Environment staff and the review committee to enhance their capacity.

- Stronger stakeholder engagement in ESIA. This includes further detailing the legal requirements for this, but also a more active effort to include stakeholders in practice. One option would be inviting elected municipal council members to take part in the technical committee. Another idea is to widen the range of participants invited to the scoping meeting.
- The electronic system of data exchange between government agencies may be usefully employed for ESIA.
- Better co-operation/involvement or improved capacity amongst different government agencies that could contribute to ESIA practice. For example: some in charge of collecting data, have outdated equipment.
- Chamber of commerce, investment board, need to provide information on developments upcoming and ongoing.
- Enabling the disclosure of ESIA information.
- Increase media coverage related to ESIA, through the Ministry for Environment.
- Strengthening ESIA follow-up:
  - Both the requirement and the practice need to be improved.
  - We need to strengthen the capacity (including the number) of staff available for ESIA follow-up. This will require more financing for this work.
- We need to organise professional exchange on ESIA.
- Raised awareness on ESIA stages and process.
- Better co-ordination between the Ministry for Environment and academic institutions on tertiary level education on ESIA.

One group also noted a number of changes that could be considered, but which are less urgent in the short term. These were:

- Incorporating formal announcements of the start of an ESIA procedure.
- Third party review.
- Transboundary ESIA, as Jordan is not signatory to international agreements on this topic. Although Jordan could of course opt to address transboundary impacts regardless of the international conventions. Arrangements can be bilateral, or project specific.

3.2   Recommendations for Follow-up to this Workshop

At this point, the workshop participants were organised into groups with a similar role in the ESIA process. Each group was asked to come up with a series of recommended actions, and to indicate who should lead that action, when it should take place (short or longer term), and what conditions would be needed to be able to realise that action. We describe the results per group.

From the consultants group

What is needed?	Who is in the lead?	When should this happen?	What is needed to make it happen
Improving the quality of ESIAs by raising the requirements for consultants doing the ESIAs (certification)	Ministry of Environment	In the short term, 2–5 years.	• Legal framework for certification • Criteria against which to assess the consultants
Establishing a platform for professional exchange on ESIA	Consultants working in the ESIA field, under the umbrella of the Ministry of Environment	Short term	• Sponsorship for the platform, to be provided with resources for professional exchange events • Criteria to identify appropriate participants
Improvements in stakeholder engagement in ESIA, specifically: • Engagement to take place in the vicinity of the project location • Disclosure of ESIA results	Ministry for Environment and consultants undertaking ESIAs	Immediately	• The Ministry for Environment needs to modify the regulations to include additional requirements on stakeholder engagement
Strengthen the capacity of the Department of Inspection and Monitoring for their role in ESIA follow-up. Improving both the number of the staff, as well as their skills and knowledge.	Ministry for Environment	Short term	Financial support from donor agencies (although structural financing will be needed for staff increase)

After this group presented their results, we discussed examples of professional exchange networks in different countries and note that these have often started in an informal way, on the basis of voluntary activities, without external funding. If the idea of organising professional exchange is taken forward, lessons learned can be drawn from other countries.

From the Ministry for Environment group

Recommendation	Details
ESIA follow-up: • Increasing the staff working on follow-up • Capacity building for follow-up work • Delegating some of the authority for follow-up to others • Installing monitoring stations	For all of these actions the lead is logically with the Ministry for Environment. Action is needed ASAP Conditions: • Approval for action given by the Ministry at the appropriate level • Resources • Partnerships with relevant organisations
• Amending the regulation to include more provisions for stakeholder engagement • Developing a guideline or instruction for reviewing the ESIA process • Instructions for accreditation of consultants	
Increase media coverage related to ESIA: • Regular newsletter on what has been achieved with ESIA • Inform the media on the activities and tasks the Ministry performs	
Establish a platform for exchange between the Committee, consultants and academics	
Capacity building for the EIA committee and for Ministry staff	

From the group of other governmental institutions (excluding the Ministry for Environment)

Recommendation	Details
Undertake a study into the application of penalties for non-compliance with environmental regulations, including ESIA. This study will help establish to what degree non-compliance is detected, and those non-compliant face penalties. The suspicion now is that the degree of penalisation for non-compliance is insufficient.	The Ministry for Environment should take the lead on this action.
Look into including third parties in compliance monitoring.	The Ministry for Environment should take the lead on this action too and aim to undertake it before updating the ESIA regulation, in case the study yields recommendations for the regulation.
Raise awareness on the new Environmental Law (including ESIA) amongst judges.	This should happen as soon as possible, by the Ministry for Environment.
Improve the capacity of government staff tasked with inspection of compliance with environmental regulation and	

environmental approval/permit conditions. Including both training and provision of equipment and facilities for inspectors.	
Use the existing information platform for government organisations to provide access to information on the status of ESIAs, and associated projects.	This should happen as soon as possible, by the Ministry for Environment and the Ministry of Digital Economy.

We discuss the suggestion of a study into non-compliance. This could be undertaken by, or in co-operation with, an academic institution. It could be done by students as part of their research assignment.

Reflection from the facilitators on the recommendations for next steps

In terms of quick wins, the current revision of the ESIA regulations could draw from the ESY-mapping results, especially under Section I. For each of the topics there, good practice examples exist that can inform further refinement of the regulation and subsequent administrative instructions.

It would also be worth considering a comprehensive awareness-raising programme targeting different groups including: advocacy on ESIA through the Chamber of Commerce; attracting greater media coverage of environmental events and achievements; establishing an annual ESIA good practice or sustainability awards programme to celebrate success stories; etc.

Selected actions could also be developed with a sectoral or thematic focus (climate change, wastewater treatment) focussed on simultaneously identifying good practice and developing guidance material on this topic – both good practice cases and "how-to". This provides an opportunity to organise collaboration with a range of actors. A dual objective is to enable professional exchange amongst those already involved in ESIA, and raising awareness amongst those who may not necessarily engage in ESIA, but have an interest in that specific sector or theme (donors, professional bodies, civil society groups). By organising media events around key moments in that sectoral process (for example, when guidance has been completed) outreach can be further expanded.

The planned update of the certification and registration of individual ESIA consultants could be supported by a facilitated workshop on criteria for certification, categories of certification, ongoing professional development requirements, and so on. Here too, examples from elsewhere may be useful. Similarly, there are examples of ESIA curricula that could be used in a further professionalisation and expansion of ESIA teaching at university level in Jordan.

3.3   Sharing the ESY-mapping Results

At the end of the workshop, we discussed sharing of the ESY-mapping results. We agreed that the workshop report will contain the ESY mapping scores, as well as notes on the discussion, but that no quotes will be attributed to an individual person or organisation. The workshop participants approved further sharing of the ESY-mapping results; the information is not considered sensitive.

The participants identified actors that need to be informed about the ESY-mapping results:

- Investors in projects that require ESIA:
  - Chambers of commerce and industry
  - International investors
- Donors
- Project developers
- The Minister for Environment
- Cabinet
- The ESIA consultants community
- The full membership of the Technical Committee for ESIA
- Authorities who give licenses for projects.

Some ways in which results could be shared:

- Workshop
- Tell your colleagues (each of the participants was encouraged to share the results with their peers)
- A letter with a summary of the conclusions for other consultants
- Website of MoE.

Further action planning will be needed to take these suggestions forward.

Annex 1: Update on the revision of the Jordan ESIA regulation

During the workshop Ms Jumana Tayyem, of the Ministry for the Environment gave the group an update on the currently revision of the ESIA regulation. This revision was necessary because of the adoption of the new Law on the Environment in 2017. The revised regulations have been developed with much input from the private and the public sector, other departments within the Ministry for Environment, and the World Bank.

The following topics have been addressed:

- The Ministry for Environment will be given the authority to shut down non-compliant projects. For example, facilities that are causing a severe impact on the environment or have started without the appropriate permit.
- The categories of projects will be updated:
  - A 4th category of projects will be added, listing projects that do not need MoE approval. I.e. those projects which have limited or no risk to the environment (with a list of approximately 200 projects types).
  - Other categories of projects remain, i.e.:
    - Low/medium impact projects: these need an Initial EIA (or environmental examination)
    - High impact projects: these need a comprehensive EIA.
- The regulation will contain the same 3 types of permits that are also in the Environment Law. For those projects that require a comprehensive ESIA an environmental licence will be given first, which is turned into an environmental permit after construction, upon inspection. This permit will need to be renewed every 5 years.
- More transparency: the ESIA report summary will be made available on the website of the Ministry.
- Accreditation of ESIA consultant will fall under the responsibility of the Ministry for Environment. Different categories of accreditation will be developed.
- The new regulation will be accompanied by guidance that will contain more detailed instructions on the scoping and on the content of the ToR and the ESIA report .
- More detailed instructions will be issued on ESIA for certain sectors, after the regulations have been adopted, e.g. for wind and solar power.
- For projects that are already established at the time of the regulations coming into effect, but that do not have the required environmental approvals, the environmental audit requirements will apply.

Annex 2: Evaluation of the workshop

Scales

Facilitation of the discussion	4.3
Topics covered	4.4
Time allocated to the ESY map	3.9
Conclusions on results	3.8
Usefulness of the ESY map workshop	4.2

not good — very good

👤 16

Any comments or recommendations?

Hope the workshop recommendations be turned into action plans

One of the most informative workshop

Follow up the action plan with MoE Do it in shorter duration

Best facilitators ever!

Thank you, open minded and understanding

Thank you for fruitful workshop.

We need more applications to understand this process

Thank you for workshop

Thank you for the workshop

More EIA stakeholders involved

Providing us with the material discussed during the workshop, as well as the results

Useful fruitful workshop and discussion, a lot was learned and I think this should be one of a series of EIA workshops

In future. The participation from all stakeholders in such workshops will be enhance the results and recommendations

👤 13

ESY-MAP

A diagnostic tool for assessing the quality of a national Environmental and Social Impact Assessment (ESIA) system.

Hand-out QuickScan

January 2020
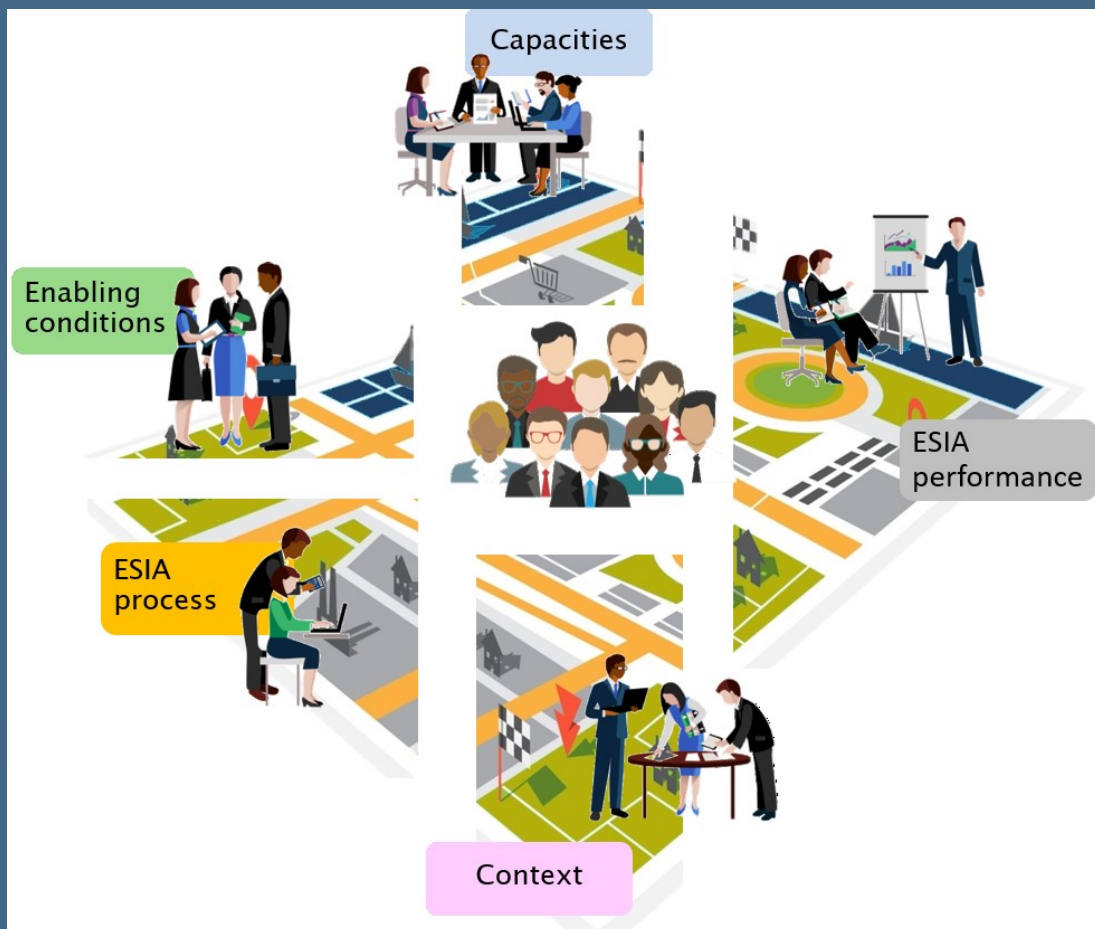
Quick Scan		
Question n°	Fully = 100 / Mostly = 75 / OK = 50 / Hardly = 25 / No = 0	**Score**

	SECTION I – ESIA PROCESS	
1	**Screening** Is there a screening mechanism that is effective in practice in ensuring that high risk projects are subjected to an ESIA and low risks projects are not?	
2	**Start of the ESIA** Is the commencement of the ESIA procedure announced in a manner accessible to all stakeholders?	
3	**Scoping** Is there a scoping mechanism that is effective in practice in ensuring early identification of key issues, alternatives and stakeholders, and includes consultation?	
4	**Impact Assessment (incl. alternatives)** Does the ESIA provide sufficient, quality information on environmental and social issues to enable informed decision-making?	
5	**ESMP** Are the ESMPs actionable, practical and verifiable?	
6	**Review** Is there an formal mechanism for reviewing ESIAs that is effective in practice in ensuring that the process and content is adequate for informed decision-making?	
7	**Third party review** Is there a mechanism for third party review that is effective in practice in ensuring that the ESIA is credible to all relevant stakeholders?	
8	**Decision making & accountability** Is the decision-making process regarding the permitting process (including the ESIA) credible, robust and timely?	
9	**Follow up** Is there effective management of environmental and social issues in project implementation?	
	Cross-cutting issues in ESIA process	
10	**Stakeholder engagement & access to information** Is there effective stakeholder engagement that ensures stakeholders have sufficient opportunity to influence ESIA processes and decisions?	
11	**EA professionals** Are ESIAs undertaken by appropriately qualified professionals with relevant experience?	
12	**EA professionals – reviewers** Are ESIAs reviewed by appropriately qualified professionals with relevant experience?	
13	**Timelines** Are the ESIA procedural timelines suitable?	
14	**User friendliness** Are ESIA processes user friendly?	
15	**Transboundary ESIAs** If a project has potential transboundary impacts, are these considered, and are stakeholders in the affected country or countries engaged in the ESIA?	

	SECTION II – ENABLING CONDITIONS	
16	Does the country have ESIA legislation that enables good practice?	
17	Are there adequate financial resources for ESIA administration?	
18	Is ESIA a well-known concept in the country?	
19	Is good quality ESIA education and professional training available in the country?	
20	Is there an effective helpdesk for ESIA? (Physical or online platform)	
21	Is there adequate monitoring of the effectiveness of the ESIA system in the country?	
22	Is a professional exchange platform established and operational?	

	SECTION III – CAPACITIES	
23	Does the environment agency have the capacity to fulfill its mandate with regards to the ESIA process?	
24	Do the ESAPs (environmental and social assessment professionals) have the capacity to undertake ESIAs to the required standard?	
25	Do the NGOs/CBOs/civil society have the capacity to be meaningfully involved in ESIA processes?	
26	*Extra row, if needed for additional governmental agency with specific role in ESIA.*	
27	*Extra row, if needed for additional governmental agency with specific role in ESIA.*	

	SECTION IV – ESIA PERFORMANCE	
28	Are ESIAs effectively synchronised with the project life-cycle? *For example, the ESIA started too early or too late.*	
29	Do ESIAs influence decision making?	
30	Do ESIAs influence outcomes on the ground?	
31	Do ESIAs lead to learning amongst stakeholders involved?	

	SECTION V – CONTEXT	
32	Are environmental and social norms and standards in place?	
33	Is rule of law sufficient for successful ESIA system implementation?	
34	Is there sufficient media coverage of environmental and social issues and ESIA?	
35	Do environmental and social issues feature prominently in the national discourse, for example election campaigning?	
36	Is there a sufficient and accessible knowledge infrastructure for ESIA?	
37	Is ESIA practice free from corruption and political interference?	

What is ESY-MAPPING?

ESY-MAP is a diagnostic tool for assessing the quality of a national Environmental and Social Impact Assessment (ESIA) system. Practitioners and stakeholders involved in ESIA in a country jointly apply the tool in an interactive workshop. They analyse ESIA requirements and performance with the help of a standard set of questions. The outcome is a graphical representation of the quality of the current ESIA system. This informs a shared view on strong and weak points, and where action is most needed.

How does it work? At the heart of the ESY-MAP is a questionnaire that addresses key elements of the ESIA system. It consists of two levels. There are 37 Quick Scan questions that address the ESIA system more generally. Each of these questions is linked to the second level: a set of 150 detailed questions for more refined analysis. These 150 questions make up the Detailed Scan of the ESIA system. The ESYMAP explores both regulatory requirements and practice.

The 37 QuickScan questions are divided over 5 sections:

- ✓ SECTION I – ESIA PROCESS
- ✓ SECTION II – ENABLING CONDITIONS
- ✓ SECTION III – CAPACITIES
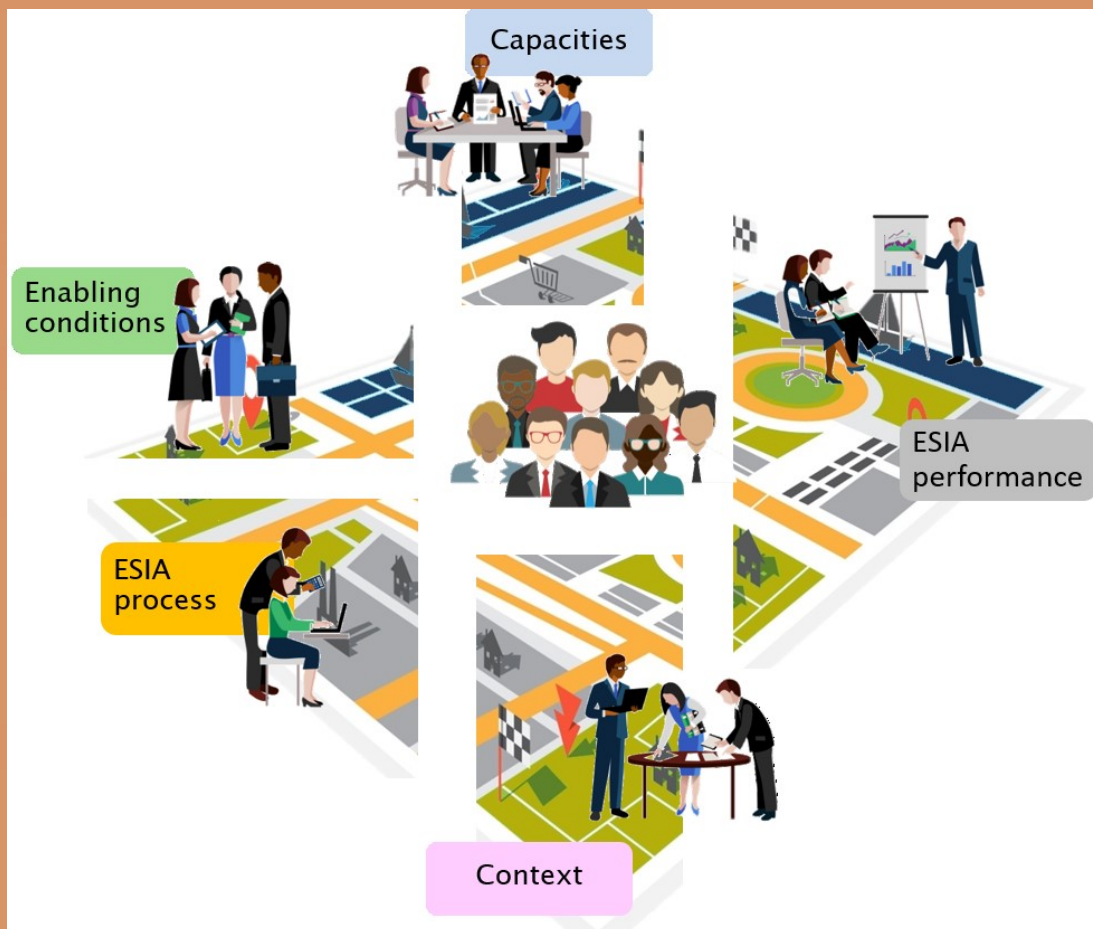- ✓ SECTION IV – ESIA PERFORMANCE
- ✓ SECTION V– CONTEXT

ESY-MAP

A diagnostic tool for assessing the quality of a national Environmental and Social Impact Assessment (ESIA) system.

Hand-out Detailed Scan

SECTION I - ESIA PROCESS			
Question nr		How to score	Max score	Score
Screening - requirements				
1.1	Is screening a legal requirement? If yes go to next question, otherwise **skip to practice**	Yes = 40 No = 1	40	
1.2	What is the quality of the screening step, in terms of requirements? Consider: • Is it clear who is responsible for what? • Is a starting document (or equivalent) required with sufficient information to enable screening? • Are there criteria for the screening decision: activity lists, thresholds, etc.? • Are the criteria sufficient for clear and consistent screening decision-making? • Are the criteria appropriate to be able to differentiate on the environmental and social risk? (i.e. identify high risk) • Is there a specific provision against splitting project into subprojects a to avoid ESIA (Salami tactics) into for example: § Separated phases of a project; § Disassociation of linked activities; § Multiple smaller projects. • Is there a requirement for consultation with other government agencies in screening? (such as the environmental inspectorate, health agency, etc) NB: Broader stakeholder engagement is addressed elsewhere. • Must the final screening decision be justified? Be public? Be published?		60	
	Score		100	
Screening - practice				
1.3	% of projects implemented that were incorrectly screened for example should have been subjected to ESIA but were not; or underwent an ESIA where one was not needed.	0-20 = 50 20-40 = 40 40-60 = 30 60-80 = 20 80+ = 10	50	
1.4	% of screening decisions where other government agencies were consulted on screening.	0-20 = 10 20-40 = 20 40-60 = 30 60-80 = 40 80+ = 50	50	
	Score		100	

Start of the ESIA - requirements				
2.1	Is there a clear start to the ESIA procedure in the form of a public announcement (NB: can be the published screening decision)?	Yes = 100 No = 1	100	
	Score		100	
Start of the ESIA - practice				
2.2.	% of cases where the start of the ESIA was publicly notified	0-20 = 20 20-40 = 40 40-60 = 60 60-80 = 80 80+ = 100	100	
	Score		100	

Scoping – requirements				
3.1	Is scoping (or equivalent step) a formal step in the ESIA procedure? (Y/N) If yes go to next question, **otherwise skip to practice**	Yes = 40 No = 1	40	
3.2	What is the quality of the scoping step in terms of requirements? o Is it clear who is responsible for what? o Is there instruction in the regulation on how to undertake scoping (i.e. methods, such as checklists)? o Do the scoping requirements include consultation with other government agencies? (such as the environmental inspectorate, health agency, etc) (NB: stakeholder engagement is addressed elsewhere.) o Does it include a distinct and verifiable scoping result? Like a scoping document or a ToR? o Is a quality check on this outcome required? How?		60	

	o Must the scoping conclusion (i.e. approved ToR) be justified? Be public? Be published?			
	Score		**100**	
Scoping - practice				
3.3	% of all ESIAs that were scoped	0-20 = 5 20-40 = 10 40-60 = 15 60-80 = 20 80+ = 25	25	
3.4	% of all ESIAs that included consultation of relevant government agencies in scoping	0-20 = 5 20-40 = 10 40-60 = 15 60-80 = 20 80+ = 25	25	
3.5	% of all ESIAs where the scoping conclusions were published	0-20 = 5 20-40 = 10 40-60 = 15 60-80 = 20 80+ = 25	25	
3.6	% of the ESIAs that were scoped well (led to early identification of key issues, alternatives and stakeholders)?	0-20 = 5 20-40 = 10 40-60 = 15 60-80 = 20 80+ = 25	25	
	Score		100	
Impact Assessment (incl. alternatives) - requirements				

4.1	Does the legislation clearly set out the _principles_ for good practice in impact assessment, for example:
	    o The mitigation hierarchy?
	1) Anticipate & avoid, 2) reduce & minimise, 3) offset and compensate
	       o The assessment will be proportionate to the potential risks and impacts of the project
	    o Including any associated facilities, necessary offsite investment, suppliers? (Or only direct project activity)
	    o Including integrated assessment of all relevant direct, indirect and cumulative environmental and social risks and impacts throughout the project life cycle.
	    o Include both biophysical and social context & impacts of the project? (NB: often depends on the definition of the environment)
	    o Including land use and resettlement?
	    o Including labour conditions (child labour, right to join a union, fair pay, etc – not occupation health and safety)?
	    o Including indigenous/traditional knowledge.
	    o Including whether impacts fall disproportionately on vulnerable or disadvantaged groups.
			50	

4.2	Does the legislation clearly set out a comprehensive list of _content_ requirements for the ESIA report, following good practice? For example
	      o Summary
	      o Legal& institutional framework (environmental and social requirements, project's fit with the planning framework)
	         o Project description
	            § Project rationale/problem analysis
	            § Project description & context
	            § Clear map showing location and affected area
	         o Baseline
	            § Including 'business as usual' or a reference scenario?
	         o Impacts (identification & assessment, both negative and positive opportunities), including:
	            § People and communities, their health, safety and security.
	            § Indigenous peoples
	            § Accidents and disasters
	            § Occupational health and safety
	            § Gender
	            § Cultural heritage (includes tangible and intangible change, built environment and landscape)
	            § Resource efficiency
	            § Climate change (adaptation & mitigation)
			50	

	§ Pollution			
	§ Biodiversity/ecosystem services			
	§ Transboundary			
	o Alternatives (design, technology, location and operation)			
	o Mitigation measures			
	§ Residual effect after mitigation			
	§ Feasibility, cost, capacity			
	o Gaps in knowledge and the implications of these gaps			
	o Appendices:			
	§ Who contributed to the ESIA			
	§ References used including ToR for the ESIA			
	§ Associated reports			
	o Description of stakeholder engagement (such as record of meetings, etc). (NB: Broader stakeholder engagement is addressed elsewhere.)			
	Score		100	

Impact Assessment (incl. alternatives) - Practice

4.3	% of ESIAs that lived up to country requirements	0-20 = 6 20-40 = 12 40-60 = 18 60-80 = 24 80+ = 30	30	
4.4	% of ESIAs that lived up to good practice	0-20 = 8 20-40 = 16 40-60 = 24 60-80 = 32 80+ = 40	40	
4.5	% of ESIAs with a good balance between social and biophysical assessment	0-20 = 4 20-40 = 8 40-60 = 12 60-80 = 16 80+ = 20	20	
4.6	% of ESIAs with a clear link between the assessment and the proposed activity	0-20 = 2 20-40 = 4 40-60 = 6 60-80 = 8 80+ = 10	10	
	Score		100	

ESMP - requirements

5.1	o Does the law require an ESMP?		25	
5.2	o Is the ESMP part of the ESIA, in that it is submitted with the ESIA (or as part of the ESIA), made available for consultation at the same time, etc.?		25	

5.3	Does the legislation clearly set out a comprehensive list of _content_ requirements for the ESMP, following good practice? This could include for example:
	  o Mitigation
	    § Clear and detailed description of measures (setting out impact, mitigation measure, indicators, responsible persons, timeframe and budget)
	    § Consistency with other mitigation plans including RAP
	  o Monitoring
	    § Clear & detailed description of monitoring, including rationale, thresholds for action, who will monitor, frequency, locations, and methodology
	    § Reporting procedures
	  o Institutional & capacity measures
	    § Capacities and institutional arrangements needed
	    § Actions needed to ensure the capacity needed
			50	

	Score		100	

ESMP - practice				
5.4	% of ESMPs that address the key issues of the ESIAs	0-20 = 10 20-40 = 20 40-60 = 30 60-80 = 40 80+ = 50	50	
5.5	% ESMPs that are actionable and verifiable	0-20 = 10 20-40 = 20 40-60 = 30 60-80 = 40 80+ = 50	50	
		Score	100	

Review - requirements				

6.1	Does the law set the _**requirements**_ for government review, for example:
	   o Is it clear who is responsible? For example, env agency, sectoral agency, intergovernmental panel, or independent body.
	   o Is there instruction in the regulation on how to undertake the review? (methods, criteria or checklist).
	      o Does the review process include a site visit?
	      o Do the review requirements include consultation with other government agencies? (such as the environmental inspectorate, health agency, line ministries, etc)
	      o Does the law require review of the EA process/procedure and content?
	      o Must the review address appropriateness and feasibility of ESMP?
	      o Can the ESIA be rejected if judged inadequate?
	      o Can additional assessment work be required if ESIA is judged insufficient?
	      o Does it include a distinct and verifiable review outcome? Like a review report?
	      o Must the review conclusions be justified? Be public? Be published?
			100	

		Score	100	

Review – practice				
6.2	% of ESIAs that are reviewed according to country requirements	0-20 = 2 20-40 = 4 40-60 = 6 60-80 = 8 80+ = 10	10	
6.3	% of ESIAs where a site visit takes place during review	0-20 = 2 20-40 = 4 40-60 = 6 60-80 = 8 80+ = 10	10	
6.4	% of ESIAs where government agencies are consulted during review	0-20 = 2 20-40 = 4 40-60 = 6 60-80 = 8 80+ = 10	10	
6.5	% of ESIAs in which both process and content where reviewed	0-20 = 2 20-40 = 4 40-60 = 6 60-80 = 8 80+ = 10	10	
6.6	% of ESIAs where the ESMP is reviewed	0-20 = 2 20-40 = 4 40-60 = 6 60-80 = 8 80+ = 10	10	
6.7	% of ESIAs where reviewers formulated additional conditions	0-20 = 2 20-40 = 4 40-60 = 6 60-80 = 8 80+ = 10	10	
6.8	% of ESIAs where review conclusions were formally justified and published	0-20 = 2 20-40 = 4 40-60 = 6 60-80 = 8 80+ = 10	10	

6.9	% of ESIAs where review contributed to better ESIAs	0-20 = 4 20-40 = 8 40-60 = 12 60-80 = 16 80+ = 20	20	
6.10	% of ESIAs considered to be of sufficient quality	0-20 = 2 20-40 = 4 40-60 = 6 60-80 = 8 80+ = 10	10	
	Score		100	

Third party review - requirements				

7.1	Are there provision in the law for the environment agency to have the ESIA and EMP reports reviewed by an third party?
	  o Requirement to mobilise expertise for this third party review (could be consultants, or a team of experts assembled for that purpose by the agency.)
	  o Assurances in place that there is no financial or hierarchical relationship that could influence the review outcomes. (Regardless of whether the third party is at government cost, or at the cost of the proponent)?
	  o Must the third party review conclusions be documented, public, published?
			100	

	Score		100	
Third party review - practice				
7.2	% of ESIAs which are subjected to third party review	0-20 = 10 20-40 = 20 40-60 = 30 60-80 = 40 80+ = 50	50	
7.3	Are the independent review reports made public?	Yes = 50 No = 0	50	
	Score		100	

Decision making & accountability - requirements				

8.1	What is the quality of the requirements for the formal decision on the project? In deciding on quality, consider:
	  o Is it clear who is responsible for this decision (=project approval)?
	  o Are there criteria for this decision? (I.e. meeting environmental and social standards)
	  o Are these criteria sufficient for clear and consistent decision-making?
	  o Do the requirements include consultation with other governmental agencies on the formal decision?
	  o Must the decision be justified in terms of the ESIA (in writing)?
	  o Is there a provision in the law that sets a time limit on the validity of the decision? i.e. the project must commence within a certain timeframe after decision-making, or the permit/licence will lapse.
	  o Must the decision be public/published?
			100	

	Score		100	
Decision making & accountability - practice				
8.2	% of ESIAs where the formal decision on the project was made as prescribed by regulation	0-20 = 2 20-40 = 4 40-60 = 6 60-80 = 8 80+ = 10	10	
8.3	% of ESIAs where other government agencies were consulted	0-20 = 2 20-40 = 4 40-60 = 6 60-80 = 8 80+ = 10	10	
8.4	% of ESIAs where specific conditions for project implementation were specified in the decision	0-20 = 2 20-40 = 4 40-60 = 6 60-80 = 8 80+ = 10	10	

8.5	% of ESIAs where the formal decision was justified (with reference to the ESIA)	0-20 = 2 20-40 = 4 40-60 = 6 60-80 = 8 80+ = 10	10	
8.6	% of ESIAs where the formal decision was published	0-20 = 2 20-40 = 4 40-60 = 6 60-80 = 8 80+ = 10	10	
8.7	% of project authorisations where the ESIA conclusions and recommendations were taken into consideration in the issuance of the permit/licence by the relevant government agencies (Ministries Departments Agencies)	0-20 = 10 20-40 = 20 40-60 = 30 60-80 = 40 80+ = 50	50	
		Score	100	

Follow up – requirements				

9.1	What is the quality of requirements for <u>proponents (private or government)</u> to:
	  o Monitor the impacts (as identified in the ESIA/ESMP)?
	  o Take action when impacts are not as expected (when measures are not working, are insufficient, or when unexpected impacts arise)?
	  o Report on this monitoring and management?
	  o Publish this report?
	  o Regularly adapt the ESMP when circumstances or project changes require it?
			25	

9.2	What is the quality of requirements for the competent authority to:
	  o Check that the project is implemented as approved (including implementation of any measures in the ESMP and/or approval conditions)?
	  o Check on ongoing monitoring, management and reporting?
	  o Undertake inspection site-visits?
	  o Take action when impacts are not as expected or approved (non-compliance)?
	  o Report on this monitoring and management?
	  o Must this reporting be public/published?
			25	

9.3	Are there any requirements for third party involvement?
	  o community monitoring, or
	  o independent expert verification (including through certification schemes)?
			25	

9.4	Are there provisions to put in place a financial commitment for implementation of measures?		25	
		Score	100	
Follow up - practice				

9.5	% of ESIAs where <u>proponents</u> undertake 3 or more of the following activities:
	  o Monitor the impacts (as identified in the ESIA/ESMP)?
	  o Take action when impacts are not as expected (when measures are not working, are insufficient, or when unexpected impacts arise)?
	  o Report on this monitoring and management?
	  o Publish this report?
		0-20 = 3
		20-40 = 6
		40-60 = 9
		60-80 = 12
		80+ = 16
			16	

9.6	% of ESIAs where <u>government</u>:
	  o Checks that the project is implemented as approved (including implementation of any measures in the ESMP and/or approval conditions)?
	  o Checks on ongoing monitoring, management and reporting?
	  o Undertakes inspection site-visits?
	  o Takes action when impacts are not as expected or not as approved (non-compliance)?
	  o Reports on this monitoring and management?
	  o Publishes this report?
		0-20 = 4
		20-40 = 8
		40-60 = 12
		60-80 = 16
		80+ = 20
			20	

9.7	% of projects where ESIA/ESMP is incorporated into contractor ToRs, tenders and contracts?	0-20 = 3 20-40 = 6 40-60 = 9 60-80 = 12 80+ = 16	16	
9.8	% of ESIAs where third parties were involved in follow up	0-20 = 3 20-40 = 6 40-60 = 9 60-80 = 12 80+ = 16	16	

9.9	% of ESIAs where financial commitments were put in place	0-20 = 3 20-40 = 6 40-60 = 9 60-80 = 12 80+ = 16	16	
9.10	% of ESIAs where non-compliance during follow up was rectified?	0-20 = 3 20-40 = 6 40-60 = 9 60-80 = 12 80+ = 16	16	
	Score		100	

Stakeholder engagement & access to information - requirements				
10.1	Must a stakeholder engagement plan be part of the ESIA process?		12	
10.2	Is there is a requirement to tailor to the needs of specific groups, which may include indigenous people, disadvantaged and vulnerable?		24	
10.3	Should specialists assist in stakeholder engagement?		12	
10.4	Is a project specific grievance mechanism required?		12	
10.5	Are there any specific provisions to ensure easy access to relevant ESIA documents? (Everyone has a right to view the ESIA; ESIA (draft) reports easily accessible by (e)-mail or internet; associated costs do not hinder access, the information is understandable)		12	
10.6	Are there special provisions on the conditions that have to be created that enable engagement? (culturally appropriate, free of manipulation, interference, coercion, discrimination and intimidation)		12	

10.7	How do you judge the quality of the requirements for stakeholder engagement in the ESIA process? Consider:
	  o Choice of stages in which stakeholder engagement is required: Start/screening, Scoping, Assessment, Review, Decision making, Follow up (i.e. during project implementation)
	  o Is there instruction in the regulation on methods for stakeholder engagement (i.e. public hearing, etc)?
	  o Is there a definition, or are there stakeholder identification criteria, that ensure inclusive stakeholder engagement?
	  o Specific requirements on access to information.
	  o Whether stakeholder input must be recorded (uncensored) and responded to?
	  o Whether the outcome/decision within the ESIA process, and on project approval must be justified in the light of stakeholder input?
	  o On which formal decisions the public can make use of any right to appeal via the administrative appeal option?
			16	

	Score		100	
Stakeholder engagement & access to information – practice				
10.8	Does stakeholder engagement take place early enough to influence assessment and project design?		10	
10.9	% of ESIAs in which project and stakeholder engagement options were announced early		10	
10.10	% of ESIAs that lived up to country requirements on stakeholder engagement	0-20 = 2 20-40 = 4 40-60 = 6 60-80 = 8 80+ = 10	10	

10.11	% of ESIAs that can be considered good practice; meaning that:
	  o Stakeholder engagement took place at the right stages throughout the process, and…
	  o ... took place at each of these stages under the right conditions as to:
	      o being all inclusive or restricted to specific stakeholders
	      o being recorded
	      o outcomes being justified in the light of stakeholder input
		0-20 = 2
		20-40 = 4
		40-60 = 6
		60-80 = 8
		80+ = 10
			10	

10.12	% of ESIAs that delivered on the objectives of good practice stakeholder engagement. Meaning that all stakeholders:
	  o that wanted to be included were included, and…
	  o ..were able to raise the issues & grievances important to them, and…
	  o ...received appropriate response to these.
		0-20 = 2
		20-40 = 4
		40-60 = 6
		60-80 = 8
		80+ = 10
			10	

10.13	% of ESIAs where stakeholder input improved the ESIA and/or project	0-20 = 5 20-40 = 10 40-60 = 15 60-80 = 20 80+ = 25	25	

10.14	% of ESIAs where stakeholder engagement improved the acceptability of the ESIA and/or the project	0-20 = 5 20-40 = 10 40-60 = 15 60-80 = 20 80+ = 25	25	
		Score	100	

Environmental and social assessment professionals - requirements				
11.1	Is there a requirement for ESIAs to be undertaken by appropriately qualified professionals with relevant experience		25	
11.2	Is there a requirement stipulating that ESIAs should be undertaken by independent environmental and social assessment professionals (ESAPs)?		25	
11.3	Is there a mechanism to formally recognise environmental and social assessment practitioners i.e. certification or registration? Y/N (If No, skip question 11.4)		25	

11.4	What is the quality of the certification or registration system? Consider:
	   o Clearly defined criteria for qualifications, experience and competence?
	   o Professional development requirement?
	   o Does it need to be renewed at regular intervals or is it awarded for life
	   o Each registered professional has to sign a Code of Conduct
	   o A mechanism to ensure poor performance is penalised? (Complaints procedure, for example)
			25	

		Score	100	
Environmental and social assessment professionals – practice				
11.5	% of all practising Environmental and Social Assessment Professionals who are registered and certified	0-20 = 6 20-40 = 12 40-60 = 18 60-80 = 24 80+ = 30	30	
11.6	% of ESIAs undertaken by appropriately qualified professionals	0-20 = 14 20-40 = 28 40-60 = 42 60-80 = 56 80+ = 70	70	
		Score	100	

Reviewers – requirements				
12.1	Is there a legal requirement for ESIAs to be reviewed by appropriately qualified professionals with relevant experience		35	
12.2	Is there a mechanism to formally recognise ESIA reviewers i.e. via certification or registration? Y/N		35	

12.3	What is the quality of the certification or registration system? Consider:
	   o Clearly defined criteria for qualifications, experience and competency?
	   o Does it need to be renewed at regular intervals or is it awarded for life
	   o Each registered professional has to sign a Code of Conduct
	   o A mechanism to ensure poor performance is penalised? (Complaints procedure, for example)
			30	

		Score	100	
Reviewers – practice				
12.4	% of ESIA reviewers who are registered and certified	0-20 = 6 20-40 = 12 40-60 = 18 60-80 = 24 80+ = 30	30	
12.5	% of ESIAs reviewed by appropriately qualified professionals	0-20 = 14 20-40 = 28 40-60 = 42 60-80 = 56 80+ = 70	70	
		Score	100	

Timelines requirements & practice				
13.1	Suitability of procedural timelines from the perspective of the administrator		15	
13.2	Suitability of procedural timelines from the perspective of the proponent		15	
13.3	Suitability of procedural timelines from the perspective of stakeholder engagement		15	
13.4	Are there provisions for flexibility in timelines (extension possible?) (Y/N)		15	

13.5	% of ESIAs in which the procedural timelines are met	0-20 = 8 20-40 = 16 40-60 = 24 60-80 = 32 80+ = 40	40	
		Score	100	

User friendliness requirements and practice				
14.1	Is the administrative burden of the ESIA procedure reasonable ? (number of forms, number of offices to visit in the procedure, etc.)		40	
14.2	Customer friendliness of the administrating agency (giving updates on processing, give additional advice providing information online)		20	
14.3	Do the relevant government authorities take an active role in making ESIAs documents (such as the scoping and ESIA report) actively available to public?		40	
		Score	100	

Transboundary ESIAs requirements				
15.1	Are there requirements to ensure that an affected country is notified early on the ESIA process, in case of potential transboundary impacts?		25	
15.2	Are there requirements to include transboundary impacts in an ESIA/ESMP, where relevant?		25	
15.3	Are there requirements to engage stakeholders in an affected country in the ESIA process?		25	
15.4	Are there requirements to notify relevant parties in an affected country on the outcomes of the ESIA process (ESIA report and decision).		25	
		Score	100	
Transboundary ESIAs – practice				
15.5	% of the ESIA cases (with potential transboundary impacts) where the affected country is notified early in the ESIA process?	0-20 = 5 20-40 = 10 40-60 = 15 60-80 = 20 80+ = 25	25	
15.6	% of the ESIA cases (with potential transboundary impacts) where transboundary impacts are included in the ESIA/ESMP?	0-20 = 5 20-40 = 10 40-60 = 15 60-80 = 20 80+ = 25	25	
15.7	% of the ESIA cases (with potential transboundary impacts) where stakeholders in an affected country are involved in the ESIA process?	0-20 = 5 20-40 = 10 40-60 = 15 60-80 = 20 80+ = 25	25	
15.8	% of the ESIA cases (with potential transboundary impacts) where relevant parties in an affected country are notified on the outcomes of the ESIA process (ESIA report and decision).	0-20 = 5 20-40 = 10 40-60 = 15 60-80 = 20 80+ = 25	25	
		Score	100	

NOTES

SECTION II – ENABLING CONDITIONS

Question nr		Max score	Score
Regulatory framework for ESIA			
16.1	Is there an act that sets requirements for ESIA?	7	
16.2	Is the Environmental and/or Social Act complimented by ESIA regulations?	8	
16.3	Is the ESIA coverage appropriate?	8	
16.4	How well is ESIA linked with project decision-making? (I.e. for example: timing ESIA versus other project approvals)	8	
16.5	Does the possibility exist to make a project approval decision at the end of the scoping phase (ESIA light)?	7	
16.6	Does the regulation make provision for a dedicated agency for ESIA? For example: o Does it exist? o Does it have the right mandate? o Does it effectively coordinate with other agencies?	8	
16.7	Is there effective decentralisation of the ESIA mandates that enhances ESIA effectiveness?	7	
16.8	Are there arrangements for co-ordination between agencies in the ESIA process? o Involvement of the environmental and/or social inspectorate? o Involvement of sectoral agencies (for example, infra, water)? o Involvement of topical agencies (for example, health)?	8	
16.9	Are there any unclear or overlapping competences or mandates in ESIA & related licensing/permitting?	8	
16.10	Is redress possible? o Administrative appeal option (as part of domestic administrative law) o Judicial appeal option (including possibility for public interest lawsuit)	9	
16.11	Do penalties exist for non-compliance with the ESIA requirements? o Are there general penalties under environmental, social or other law? o ESIA-specific penalties? o Are penalties sufficient to deter non-compliance?	8	
16.12	Does guidance exist on the Act and Regulations? Is this guidance widely accessible?	7	
16.13	Does the Act or regulation specify that the proponent must cover the costs associated with the ESIA, as well as the costs for any remedial action post-decision (Polluter pays principle)?	7	
	Score	100	
Finance			
17.1	Is there sufficient structural financing available to administer the ESIA process, including follow-up (human, technical and physical resources)?	40	
17.2	Is sufficient budget allocated to undertake ESIA? o Is there earmarked ESIA budget in governmental budgets for projects that are undertaken by government? o Is there earmarked ESIA budget in private sector budgets for projects?	40	
17.3	Is there a dedicated financing mechanism for-ESIA related fees and costs, such as an Environment Fund?	20	
	Score	100	
Awareness & Commitment			
18.1	Is ESIA given attention in the public domain (media)?	20	
18.2	Is ESIA on the political agenda and are high level decision-makers personally supportive of the ESIA process? Consider: o Is there a policy to promote ESIA? o Is ESIA ever on cabinet or other agendas for example, Inter-ministerial Committee?	40	
18.3	Is there sufficient level of public/ professional interest and participation in ESIA related events (seminars, etc)? Consider: o Number of events o Turn-out for events o Quality of discussion at events	20	
18.4	Is there recognizable, accepted, and effective leadership on ESIA in the country? Consider: o Professional organisation o Mentors/champions	20	
	Score	100	

ESIA education and professional training				
	NB: education = tertiary level ESIA teaching at academic institutions training = professional development			

19.1	Is good quality ESIA education available?
	   o ESIA teaching is co-ordinated or under quality control (unified curriculum etc)?
	   o Competent students are delivered?
			50	

19.2	Is good quality professional development training accessible? Regularly organized workshops etc. for ESIA professionals to further develop their skills & knowledge (not one-off training)		50	
	Score		100	
Provision of advice on ESIA procedure & practice (ESIA helpdesk)				

20.1	**Helpdesk**
	   o Is the helpdesk itself easily accessible? ? In other words: is there support for people trying to get involved in ESIA?
	   o Is it used?
	   o Does the helpdesk facilitate access to data and information relevant for ESIA practice?
	   o Is it effective in influencing practice?
			100	

	Score		100	
Monitoring of implementation of the ESIA system				

21.1	M&E
	   o Are ESIA effectiveness studies being undertaken?
	   o Is there sufficient budget available for monitoring the ESIA system?
	   o Does (public) reporting on progress take place?
			30	

21.2	Is there an accessible database or repository of ESIA reports which is regularly maintained?		20	
21.3	Does system monitoring lead to improvement efforts of the ESIA system?		50	
	Score		100	
Enabling professional exchange				

22.1	Platform / network of experts
	   o Does a platform/ network exist?
	   o Is there a good level of activity on the platform?
	   o Does the platform / network promote good practice?
			50	

22.2	Are ESIA professionals sharing data and information relevant for ESIA amongst each other?		50	
	Score		100	

SECTION III - CAPACITIES

Environment agency (i.e. administrative agency for ESIA)			
Mandate, structure and resources			
23.1	o Mandate clearly defined in legal texts o Structural financing secured to execute mandate o Organisation has committed and stable leadership o Organisation has clear and functional organisational structure o Offices established, facilities and equipment needed available o Number of staff available sufficient to perform tasks o Information management system exists giving access to information required to perform tasks o Tools/guidance available to support tasks (working procedures, checklists, etc)	25	
Management			
23.2	o Vision/Strategy/multi-annual plan exists and informs the work of the organisation o Vision/strategy/planning documents accessible and known o Decisions are taken, communicated and acted upon o Regular planning/ coordination meetings are held o Management encourages exchange and learning o Management anticipates new developments	25	
Expertise			
23.3	o Expertise available to perform all ESIA administrative tasks o Staff regularly trained and effort made to maintain expertise for tasks and institutional memory o Approriate finances and mechanisms available to access external expertise if needed (such as for ESIA review) o Finances and mechanisms available to access (external) data bases and sources of information if needed (specifically for ESIA baseline and impact assessment)	25	
Maintaining strategic relations			
23.4	o Co-ordination/co-operation with relevant partners takes place o Leadership in ESIA of organisation duly recognised by partners o Platforms/networks/coalitions for exchange (both national and international) identified by organization, and organisation (pro)actively participates in these o Organisation willingly shares data and information o Status of environmental agency in the government hierarchy	25	
	Score	100	

Environmental and social assessment professionals (ESAPs)			
Resources			
24.1	o Number of ESAPs available is sufficient to meet the demand for ESIA work o ESAPs have access to data, maps, etc required to undertake ESIA work o There are tools available to support ESIA work (formats, checklists, etc)?	40	
Expertise			
24.2	o ESAPs have expertise available to do ESIA work o ESAPs are regularly trained and have opportunity to develop career as a professional in ESIA	30	
Maintaining strategic relations			
24.3	o ESAPs work together with CSOs, government agencies, and knowledge institutes in their ESIA work o ESAPs partake in platforms/networks/coalitions for ESIA (if these exist). o ESAPs share data and information to improve ESIA practice, among each other but also with government or other external parties.	30	
	Score	100	

	NGOs, CSOs, civil society			
Mandate (Role), structure and resources				
25.1	o The role of CSOs in ESIA is clearly defined in legal texts o Structural financing secured for CSOs to execute their role in ESIA practice o CSOs have offices established, facilities and equipment needed available o Number of CSOs active in ESIA is sufficient to fulfill CSO role o CSOs have access to databases, maps, etc required to be involved in ESIAs o There are tools available to support CSOs in their rol in ESIA (formats, checklists, etc)?		36	
Expertise				
25.2	o CSOs have expertise needed to perform role in ESIA o CSO staff are trained on ESIA and have opportunity to specialise in ESIA work o Finances and mechanisms are available to CSOs to access external expertise if needed (such as for ESIA review)		36	
Maintaining strategic relations				
25.3	o CSOs work together with EAPs, government agencies, and knowledge institutes within ESIA processses o CSOs partake in platforms/networks/coalitions for ESIA (if these exist). o CSOs share data and information to improve ESIA practice, among each other but also with EAPs, government or other external parties.		28	
	Score		100	

	Other government agency (with specific role in ESIA)			
Mandate, structure and resources for ESIA				
26.1	o Mandates clearly defined in legal texts o Structural financing secured to execute mandate o Staff, facilities and equipment available are sufficient o Information management system exists giving access to information required to perform tasks o Tools/guidance available to support tasks (working procedures, checklists, etc)		25	
Management of ESIA tasks (input, advice, review, comment, implement)				
26.2	o Decisions regarding ESIA are taken, communicated and acted upon o Regular coordination meetings are attended o Management encourages exchange and learning		25	
Expertise				
26.3	o Expertise available to perform their ESIA tasks o Staff regularly trained and effort made to maintain expertise		25	
Maintaining strategic relations				
26.4	o Co-ordination/co-operation with relevant partners takes place o Proactive participation in platforms/networks o Organisation willingly shares data and information		25	
	Score		100	

SECTION IV - ESIA PERFORMANCE

	Statistics (background info) to be separately collected from ESIA authority, not used in scoring		
a	How many ESIAs procedures started in the past year?		
b	How many ESIAs submitted for review in the past year?		
c	How many ESIAs rejected outright in the past year?		
d	What was the number of ESIAs in the past year where supplementary work was required?		
e	What was the number of ESIAs approved in the past year?		

	ESIA's carried out on time			
28.1	% of projects for which ESIA is required, but for which no ESIA is carried out.	0-20 = 50 20-40 = 40 40-60 = 25 60-80 = 10 80+ = 0	50	
28.2	% of projects for which an ESIA is required and undertaken, but the ESIA is done too early (i.e. takes place during the pre-feasibility stage of the project lifecycle when there is not enough project detail to perform an ESIA.)	0-20 = 25 20-40 = 20 40-60 = 15 60-80 = 10 80+ = 0	25	
28.3	% of projects for which an ESIA is required and undertaken, but the ESIA doesn't take place until after project implementation has started? (i.e. construction already ongoing, ESIA "after the fact")	0-20 = 25 20-40 = 20 40-60 = 15 60-80 = 10 80+ = 0	25	
	Score		100	
	Influence on decision-making			
29.1	% of ESIA processes where the project is withdrawn during decision-making because ESIA shows it is unfeasible (from environmental and/or social perspective)	0-20 = 5 20-40 = 10 40-60 = 15 60-80 = 25 80+ = 35	35	
29.2	% of ESIA processes where the project was redesigned during decision-making due to the ESIA (because of unacceptable environmental or social consequences)	0-20 = 5 20-40 = 10 40-60 = 15 60-80 = 25 80+ = 35	35	
29.3	% of ESIA processes with an influence on decision-making about the project, other than redesign. I.e. project approval rejected, or more stringent conditions applied.	0-20 = 5 20-40 = 10 40-60 = 15 60-80 = 20 80+ = 30	30	
	Score		100	
	Outcome on the grounds			
30.1	% of ESIA processes that influenced project outcomes on the ground? (i.e. environmental or social problems avoided, more sustainable development)	0-20 = 20 20-40 = 40 40-60 = 60 60-80 = 80 80+ = 100	100	
	Score		100	

Learning				
31.1	% of ESIA processes leading to improved awareness and capacity on amongst stakeholders (including proponent)?	0-20 = 5 20-40 = 10 40-60 = 15 60-80 = 20 80+ = 30	30	
31.2	% of ESIA processes leading to improved acceptance of the project by stakeholders	0-20 = 5 20-40 = 10 40-60 = 15 60-80 = 25 80+ = 35	35	
31.3	% of ESIA processes that led to improved co-operation between different govt agencies/departments	0-20 = 5 20-40 = 10 40-60 = 15 60-80 = 25 80+ = 35	35	
	Score		100	

NOTES

	SECTION V - CONTEXT			
Norms & standards				
32.1	Are environmental and social norms and standards in place?	Very good = 100 Good = 75 OK = 50 To be improved = 25 Bad = 0	100	
	Score			
Judiciary				
33.1	Is there an independent judiciary?	Very good = 40 Good = 30 OK = 20 To be improved = 10 Bad = 0	40	

33.2	What is the quality of the judiciary as to environmental and social issues?
	    o Does the judiciary have sufficient expertise in environmental and social issues?
	    o Are there trained environmental and social lawyers?
	    o Is there a dedicated environmental and social judicial mechanism (for example, environmental court)?
	    o Is there a body of environmental and social case law (jurisprudence)?
	    o Does the constitution/legislative framework recognise/enshrine environment and social rights or wellbeing?
			40	

33.3	Is there enabling legislation promoting access to information?		20	
	Score		100	
Media				
34.1	o Is there an independent media? (Freedom house indicator, 3 categories: Free, partly free, not free) o Do journalists have sufficient knowledge of environmental and social issues?		100	
	Score		100	
National discourse				
35.1	Do environmental and social issues feature prominently during the national discourse, for example, election campaigning?		100	
	Score		100	
Baseline data				
36.1	o Does baseline data exist in user-friendly format? o Is it possible to readily access baseline data, up to date maps, statistics, etc?		100	
	Score		100	
Corruption				
37.1	% of the cases where there is political interference and/or corruption in ESIA based decision-making	0-20= 100 20-40= 80 40-60= 60 60-80= 40 80+ = 20	100	
	Score		100	

What is ESY-MAPPING?

ESY-MAP is a diagnostic tool for assessing the quality of a national Environmental and Social Impact Assessment (ESIA) system. Practitioners and stakeholders involved in ESIA in a country jointly apply the tool in an interactive workshop. They analyse ESIA requirements and performance with the help of a standard set of questions. The outcome is a graphical representation of the quality of the current ESIA system. This informs a shared view on strong and weak points, and where action is most needed.

How does it work? At the heart of the ESY-MAP is a questionnaire that addresses key elements of the ESIA system. It consists of two levels. There are 37 Quick Scan questions that address the ESIA system more generally. Each of these questions is linked to the second level: a set of 150 detailed questions for more refined analysis. These 150 questions make up the Detailed Scan of the ESIA system. The ESYMAP explores both regulatory requirements and practice.

The 150 DetailedScan questions are divided over 5 sections:

- ✓ SECTION I – ESIA PROCESS
- ✓ SECTION II – ENABLING CONDITIONS
- ✓ SECTION III – CAPACITIES
- ✓ SECTION IV – ESIA PERFORMANCE
- ✓ SECTION V– CONTEXT