International best practice principles on independence in the quality review of impact assessments

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Purpose: These best practice principles on independence in the quality review of impact assessments are intended to be a source of inspiration for those that are involved in review to further bolster their independence. A future best practice principles paper may focus on the independence of other stakeholders in IA, such as those preparing impact assessments.

Background: The principles were developed by Rob Verheem of the Netherlands Commission for Environmental Assessment, with input from Eddie Smyth of Intersocial Consulting Ltd, and discussed at dedicated sessions at IAIA19 and 21. Comments are welcome at any time and should be forwarded to IAIA headquarters (info@iaia.org).

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Introduction

In the invitation to the 2019 IAIA annual conference it was stated that lack of independence in preparing IA documentation is one of the "common and long standing criticisms of Impact Assessment". The Netherlands Commission for Environmental Assessment took the initiative to organise a number of sessions within IAIA to further discuss this issue and identify ways to strengthen independence (see box 1 for background and methods for the discussions).

Box 1. Background and methods.

A first round of discussion was organised at IAIA19, followed by an online discussion with interested IAIA members. Following this a first attempt to develop sets of building blocks for both IA reviewers and practitioners was made by Rob Verheem, based on the work of Gilardi & Maggetti and Irion & Ledger, and published in an IAPA publication in 2021. At IAIA21 Rob Verheem and Eddie Smyth organised a new round of discussion in a session on bias and independence, based both on the Verheem 2021 publication and a 2021 IAPA publication on bias in impact assessment by Eddie Smyth. The session included a further discussion of the building blocks for IA reviewers (to be followed by building blocks for practitioners at a later stage). Please note that the term 'IA reviewers' is used in the broadest possible sense and includes all IA review mechanisms found in practice , both formal and informal, individuals and organisations, within and outside of government.

At IAIA19 it was concluded that though 100% independence will be difficult to achieve in practice, this should not keep professionals from trying to achieve a level of independence necessary to be trustworthy. Such independence will not be created by one measure or characteristic, but will be the result of a carefully balanced set of measures and characteristics. We refer to these as 'building blocks for independence'.

At IAIA21 a majority of the attendees at the session agreed that pressure to be biased in IA is a common phenomenon in both developed and developing countries. Impact assessments are conducted on contentious projects and policies and there are strong vested interests. So the pressure may come from all sides: proponents, politicians, government & local communities. It is not easy to tackle; being independent can even put one out of business. One of the key solutions therefore is to build into the IA process a strong element of independent review. It is for this reason that this document focuses as a first step on the independence of reviewers.

The session then discussed two questions: is there is a role for IAIA to play in enhancing the independence of IA professionals and should this include a professional standard? Both questions

were answered affirmatively by the large majority of the session attendees. As to the suggested building blocks for the independence of IA reviewers as basis for such standard, in the discussion it showed that some building blocks were seen as more important than others (see Box 2). Based on the results of the session a proposal for a new best practice principles publication was then sent to the IAIA board and accepted in October 2021.

The suggested building blocks in this document are meant to inspire and be brief. They have not been phrased, nor are intended to be used, as legal text. This means that in using them to strengthen review mechanisms it will be important to further define or exemplify what is meant by broad terminology such as 'sufficient' or 'high quality'.

Finally, is it necessary to comply to all building blocks to be sufficiently independent? Well, that's out for discussion, but maybe not the most important issue. Most important is to keep investing in strengthening independence and the purpose of each building block is to be a step in the right direction. Above all, they are meant to inspire.

Box 2: elements highlighted at IAIA21 as most important in achieving independence

- *The role and financial sourcing of reviewers has a legal basis.*
- *Reviewers have no stake or interest in the subject (project, plan, etc.) of the assessment.*
- *Reviewers have a track record of successfully withstanding political pressure on organisation or results of the review.*
- *Requirements exist for the professional expertise of reviewers.*
- *Access to information by reviewers is formally secured, including right to collect information.*
- *Review results are always published and justified.*

Key Building Blocks for the Independence of IA reviewers

	Institutional and legal arrangements (Formal independence)	Operation in practice (De facto independence)
Status & powers: the reviewer has independent status and powers	Role in reviewing has a formal basis Independence has a formal basis Adheres to a Code of Ethics Signs a 'declaration of absence of conflicts' – no past or present professional conflicts with a project Mandated to deliver unsolicited advice on the quality and scope of assessments	Has no stake or interest in subject (project, plan, etc.) of the assessment Has no conflicted relationship with the authors of the assessment Chooses its own benchmarks & approach Can show evidence of independence in practice (products and actions)
Financial autonomy: the reviewer is financially autonomous	Financial sourcing has a legal basis Is not paid by those reviewed Mandated to set its own budget	Secures sufficient budget for the review Is autonomous in internal budget allocation Budget for reviewing is stable over time Finances are provided upfront
Organizational autonomy: the reviewer functions autonomously	Mandated to nominate its own staff, board and chairman Has rules for incompatibility of offices	Successfully withstands political pressure, e.g. on nominations or dismissals of board or staff, or on conclusions of the assessment or review
Knowledge and expertise: the reviewer has sufficient knowledge and professional expertise to execute its task	Requirements exist for professional expertise Access to information is formally secured, including right to collect information Mandated to seek external advice where needed	Chairman, board and staff have adequate professional expertise External advice is used in practice
Accountability and transparency: the reviewer is accountable and transparent	Formal obligation to publish & justify reviews Legal mandate to organize consultations Complaint mechanism exists Formal requirement on external financial and quality audits	Review results are published and justified Consultations take place, are of high quality and response is given to those consulted Complaint mechanism is regularly used Financial and quality audits take place

References

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