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**REVIEW OF THE QUALITY OF EIA GUIDELINES,
THEIR USE AND CIRCUMNAVIGATION**

By

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Note:

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Introduction

Bureaucrats feel so much better with 'outputs' in their hands. Far better to have the quick-fix of an output, than to embark on an uncertain path of critical reflection and institutional change! The guideline literature has proliferated greatly in recent years, but few guidelines have been subjected to performance review and critical analysis. Few studies have commented on practical and inherent problems associated with guideline quality and, where they have, most have not looked much beyond their technical content (Lawrence, 1997; Geraghty et al 1996; UNEP, 1996; Brew, 1995). One study by the Organisation for Economic Cooperation and Development (OECD/DAC, 1994) found that few guidelines were implemented in practice because of:

- lack of human and financial resources;
- their general, non-specific and (often) mechanistic nature;
- their lack of relevance to the main tasks and problems facing guideline users).

Guidelines are one of several 'tools' available to impact assessment practitioners and process managers. They are defined by a number of different considerations, including the policies and priorities of the agencies concerned. Often guidelines contain implicit assumptions about such issues as access to science and technology, project cycle management, and even models for economic development. Furthermore, the use of guidelines varies from country to country, from organization to organization, amongst institutions at different stages of development in impact assessment practice, and according to specific social, economic, ecological, and political contexts.

• Factors constraining the influence of guidelines

The extent to which guidelines can fulfill their 'perceived' roles is shaped, and often constrained, by the context in which they are expected to be used. Thus, the 'enabling environment' is often a much more important influence on impact assessment performance than the quality of guideline material. Furthermore, guidelines are often poorly suited to helping users overcome the constraints of the 'environment'. Key constraints include: lack of time and financial resources; lack of institutional coordination; poor policy, programme and project management practices, and bureaucratic impediments.

Box 1: The Review Approach

The research on which this chapter is based included a review of guideline documents prepared by donor, UN, governmental, NGO, research and private sector organizations. The sample also included guidelines targeted at various players including advisers, policy makers, decision-makers, reviewers, desk officers, researchers and practitioners. All the documents reviewed were held in IIED's resource centre.

Each guideline document was review against 40 review criteria. For example:

- were local languages used?
- were they presented clearly?
- do they advocate the assessment of alternatives?
- what type of stakeholder involvement do they advocate?
- do they provide guidance on the assessment of health, transboundary or cumulative impacts?
- are the guidelines applicable to small or community-driven projects?

The literature review was supplemented by a questionnaire, interview and website survey. This included contact with 60 practitioners and other guideline users worldwide, from development assistance agencies, government departments, environment agencies, non governmental organisations, private companies, researchers and independent practitioners.

• Guidelines or sidelines?

Where guidelines exist, they are often not used. The interview survey found the following usage levels amongst user groups:

Policy and decision-makers	<ul style="list-style-type: none">• 15% never use• 49% use only occasionally
Advisers	<ul style="list-style-type: none">• 4% never use• 59% use only occasionally
Field officers/consultants	<ul style="list-style-type: none">• 10% never use• 60% use only occasionally

These results raise a number of important questions for policy-makers. Firstly, is the substantial level of expenditure in producing guidelines worthwhile, given the apparent lack of interest in their use? Secondly, do practitioners and process managers who fail to use guidelines, or use them only occasionally, have the competencies required to

manage or undertake effective impact assessment anyway; and if they do, are they sufficiently aware of procedural requirements?

- **Perceptions of weaknesses**

Guidelines were criticized during the review for the following reasons:

- they lack legal status, and they are frequently ‘circumnavigated’ (avoided);
- time and financial constraints eclipse guideline use;
- the lack of awareness of their content amongst potential user groups;
- guidelines frequently fail to convey best (or ‘leading-edge’) practice;
- they depend on trained staff for implementation;
- they over-emphasize negative impacts, and pay insufficient attention to optimizing the positive aspects of development;
- they are often too ‘technical’;
- they articulate the needs of bureaucrats and not practitioners; and
- they fail to provide guidance of value to impact assessment in the ‘real world’.

Guideline Utility

Several lessons emerged from the review of users’ perceptions of guideline utility. Firstly, written guidelines represent only one implement in the impact assessment ‘toolkit’ and much more attention needs to be given to finding more appropriate ways of improving practice and process management.

Secondly, many bureaucrats and practitioners drew attention to various merits of guideline utility. Some examples are given in Box 2.

Box 2: What practitioners and bureaucrats like about guidelines: some examples

- they assist in the preparation of ToR;
- they provide a useful training resource;
- they simplify decision-making;
- their formulation leads to wider debates on integrating environmental considerations into planning;;
- they are perceived as promoting best practice;
- they provide a framework for impact assessment;
- they clarify methodological approaches.

Thirdly, where guidelines are not made an obligatory requirement of state or institutional practice, they contribute little to improving impact assessment practice; and they **will** be circumnavigated and/or sidelined.

Box 3: Some common expectations of the purpose of guidelines

- endowing quality control for legal and procedural adherence;
- clarifying reporting requirements;
- establishing benchmarks for minimum standards;
- providing technical guidance;
- encouraging transparency in impact assessment practice;
- promoting information flows between impact assessment ‘stakeholders’
- improving the formulation of terms of reference;
- simplifying decision-making;
- filling gaps in existing regulations;
- providing a tool for training;
- improving awareness

Fourthly, there is some debate as to whether guidelines are needed at all, and two diametrically opposing views emerged regarding guideline utility:

- Open, flexible and intuitive approaches to impact assessment are likely to ‘deliver’ better impact assessment than mechanistic and rigid approaches, such as those espoused in guideline documents. Guidelines limit innovation and ‘stifle’ the adoption of more appropriate and context-relevant approaches. More effort needs to be devoted to developing good professionals, and fostering institutional change, and less to churning-out yet more guidelines.
- Legal and procedural requirements are often complex and cumbersome. Thus, guidelines are required to help ‘interpret’ these ‘rules’ for practical implementation. There is no reason why guidelines can’t be flexible and easy to update. There is no reason why guidelines shouldn’t help to enhance more positive approaches to impact assessment practice, nor why the ‘guidelines literature’ should not continue to proliferate.

Whether written guidelines are required or not, it seems likely that some form of guidance will be required for what is, after all, a structured and often a rather complex planning tool.

Finally, our research has revealed that different users have widely varying expectations of the role and purpose of guidelines (Box 3), and often of the same individual guideline document. Hence, respondents perceived guidelines as having multiple roles, and often expectations go far beyond those considered during their design and formulation. Perhaps it is not surprising therefore that they were frequently criticized for falling short of expectations.

Guideline Effectiveness

For the purposes of this review, guideline effectiveness is defined as the ‘*potential for guidelines to effect positive change in impact assessment practice*’. The review suggests that, as in the case of utility, guideline effectiveness is constrained by issues that are deeply rooted in institutional management and organizational culture. These issues are shaped by changing commitments to environmental management within the project cycle. Nonetheless, there appears to be a growing realization that guidelines have focused too much on technical issues, whilst neglecting the potentially greater challenge of assisting the management of the impact assessment process. As OECD/DAC (1994) pointed-out:

‘... As now practiced, the challenge of managing the environmental assessment process is equally daunting as the technical complexity. Unfortunately, guidelines for those responsible for managing the assessment process lag far behind the technical directions available to those who are responsible for undertaking the assessment’.

One UK aid official put this more bluntly:

‘Most guidelines, including ours, are technically satisfactory though continuous improvements are necessary. This is not the main problem... many people don’t read them [guidelines] and rely on copying or asking colleagues. The problem is essentially one of management.’

Four key lessons emerged from the review of users perceptions of ‘effectiveness’:

- **The influence of the ‘enabling environment’**

Improvements to the effectiveness of impact assessment are likely to arise from better institutional organization and management, and not through improvements to the range and quality of guidelines *per se*.

- **Lack of attention to stakeholder involvement**

There is a perception amongst users that guideline effectiveness is often constrained by a reluctance to advocate meaningful levels of stakeholder involvement in impact assessment (see chapter 3).

- **Advocacy of ‘best practice’**

There are serious questions over the extent to which guidelines advocate ‘best practice’. Many appear to have been drafted by authors with little or no obvious practical experience of impact assessment

Box 4: Advocacy of best practice

Of the guidelines reviewed:

- 30% failed to highlight the importance of initiating impact assessment early in the planning process;
- only 46% advocated the assessment of alternatives, and 18% made no mention of assessing alternative project options;
- 43% made no reference to addressing health impacts, and only 41% addressed health impacts adequately;
- 70% made no reference to the need to make residual impacts (i.e. those that will remain after mitigation measures have been applied) explicit;
- 43% failed to provide guidance on the formulation of terms of reference, and;
- 40% made no reference to the need for environmental management and monitoring plans.

practice, and/or who do not appear to be aware of leading edge techniques and approaches. Others appeared to have been plagiarized from existing guideline literature. Furthermore, guidance on some of the most crucial issues facing impact assessment professionals, such as dealing with confidentiality clauses and their implications for practice, is often inadequate or lacking (Box 4).

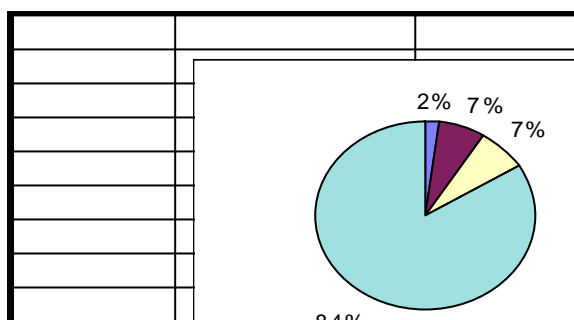
- **Support for international agreements and conventions**

International agreements and conventions, such as those agreed at the United Nations Conference on Environment and Development (UNCED) in 1992, and the Convention on Environmental Impact Assessment in a Transboundary Context (1991) (the Espoo Convention), provide a substantive consensus for approaches to impact assessment and stakeholder involvement in development practice. Yet fewer than 20% of the reviewed guidelines prepared since 1993 reflected such international agreements (see figures 1 and 2).

Fig.1 Reference to international agreements

	Inadequate	7	
	Not recognised	84	
	Transboundary issues		
	Good	7	
	Adequate	13	
	Inadequate	15	
	Not recognised	65	

Fig. 2. Reference to Espoo Convention on Transboundary EIA



Guideline Quality

The review highlights a number of key deficiencies in the quality of guidelines. As already noted and with some notable exceptions, guidelines do not seem to be keeping pace with changing ideas on best practice. There is also a tendency for many guidelines to be seen as static documents. Most tend not to be subject to critical review and revision through regular updating. Exceptions include the World Bank's sourcebook update series (World Bank 1991, 1993-98) and the Manual of Environmental Appraisal prepared by the UK Department for International Development (ODA, 1996).

Furthermore, there are some notable gaps in the guideline literature (Box 5).

Box 5: Examples of gaps in the guideline literature

There are few guidelines oriented to:

... different EIA stakeholders

- for policy-makers and process managers
- for local staff, untrained in impact assessment
- for the general public - such as citizens user guides

... specific contexts

- conflict and post-conflict contexts - e.g. for reconstruction financing, refugee camps and resettlement
- transboundary impacts
- small-scale/community projects
- 'environmental' projects, often, incorrectly, assumed not to require environmental assessment e.g. establishment of protected areas, sewage and sanitation projects

... specific aspects of environmental assessment

- strategic environmental assessment
- codes and ethics of impact assessment practice
- links with international agreements and conventions

Circumnavigation of guidelines

The review explored the extent to which development proponents and other stakeholders attempt to circumnavigate, or otherwise avoid implementing, the guidance set-out in guideline documents. This important issue has yet to be addressed adequately in the impact assessment literature, nor by debates within the impact assessment 'industry', and this represents a significant challenge to the industry which professes notions of transparency and assuming responsibility.

For various reasons, many bureaucrats and impact assessment professionals felt reluctant to share their views on this sensitive issue, or to do so anonymously. Certainly, ineffective implementation of guidelines is common in impact assessment practice, at all stages of the process, and amongst a range of 'key players'. In some cases, circumnavigation appears to occur by default, perhaps because agencies fail to 'track' projects once funding or approval has been given, or simply through lack of interest or commitment. On donor performance in Tanzania, Mwalyosi and Hughes (1998) noted:

'[Based on a review of 35 EIA processes] ... no evidence [was found] that donor-supported EIA processes led to more effective EIA, even though they often harnessed the skills of expensive international consultants, and used donor guidelines. This appeared to be because donor interest in the process generally dissipated once the EIS had been prepared and internal agency needs had been fulfilled. The study found no examples where donor agency interest extended to ensuring that EIA recommendations were adhered to during implementation, post completion or audit phases of the projects concerned. Hence, not only have expensive EIA processes failed to make much of a difference, but donor agencies have failed to learn from their own experience. This 'institutionalized amnesia' has meant that desk officers and other in-country agency staff could generally say little if anything about the performance of the EIA processes they had commissioned.'

In other cases, circumnavigation is undertaken with deliberate intent. Box 6 lists the categories of techniques cited by respondents in the interview survey.

One experienced practitioner commented:

'...They [the proponents and particularly their consultants] see it [EIA] as an unwelcome imposition which puts a critical and adverse light on project designs for which they are responsible. By a variety of methods, they use their position to ensure that discussions and evaluations of certain or uncertain sensitive impacts are toned down, obscured or just simply censored in the discussions and documentation which go

on to form the basis of planning and policy decisions. They may try to discredit impact assessment per se, slate peoples' professional credibility and even try to bar people outright from going to the field...'

Box 6: Circumnavigation techniques cited by respondents.

- Editing (or 'censoring') of impact statements by proponents, or their lead consultants;
- Manipulating the executive summaries of impact statements in such a way that they obscure discussions of negative impacts and highlight positive effects;
- Formulating terms of reference and managing contracts such that they exclude analysis of sensitive issues, such as transboundary impacts and cumulative effects, and thus limit the degree to which practitioners can employ best practice;
- Restricting the release of design information and data, or aggregating data to levels which prevent meaningful analysis;
- Using contractual arrangements to enhance confidentiality, and prevent critical information reaching planners, decision-makers and the public domain;
- Undermining the credibility of practitioners or the techniques they use; and in extreme cases:
- The use of intimidation.

Responses during the interview survey showed that guidelines are avoided most at the earliest stages of the project cycle. Sometimes this is simply through lack of awareness of existing guidelines or legal requirements. Deliberate avoidance appears to be very common at the latter stages of the impact assessment process, particularly concerning the implementation of mitigation measures, and subsequent monitoring. This is a conclusion echoed by other effectiveness studies (e.g. Sadler, 1996).

Most respondents believed that project proponents were the principal offenders in circumnavigating guidelines. By comparison, planning departments and development assistance agencies were cited by 35% and 11% of respondents, respectively.

The following extract from a recent study in Tanzania provides an analysis of one EIS which appears to have used a number of such techniques::

'...The EIS appeared to justify, rather than assess, the issues associated with the development proposal. The document's subtitle referred to 'An Ecologically-Responsible Project', giving a message of positive findings from the outset. The executive summary concluded by recommending that the project be '...developed as planned', thus suggesting that there was no need to implement

mitigation or monitoring activities. More subtle techniques were also used throughout the document. For example, impact issues were referred to as 'allegations', 'assertions' or 'exaggerated claims'. In most cases, these were presented as arguments forwarded by 'environmentalists', rather than by the local people and national experts who had actually presented these views. This created the impression that environmental and social concerns were driven by hidden agendas and were, for (unspecified) reasons, 'anti-development'. The selection of photographs in the report included an unusual proportion of 'degraded' or 'denuded' mangrove. No photographs were included of the healthy stands of mangrove which cover much of the delta, or of people using these resources.'

(Extract from Mwalyosi and Hughes, 1998)

Conclusions

Guidelines are prepared by a wide range of agencies and institutions. They differ markedly in their aims and purposes and in their content. For example, some set out institutional procedures and regulations, some seek to guide impact assessment practice, others are aimed at different target groups such as decision-makers, planners, EIS reviewers, EIA practitioners, developers and the public. It is very difficult to make comparisons between guidelines addressing such multiple purposes and audiences. Some guidelines are excellent and serve their purposes well. A number have been prepared following thorough processes involving research and broad consultation.

However, many guidelines appear to have been prepared for the sake of having them - almost as an obligatory accessory which have some apparent value by virtue of their existence. In other cases, they seem to have been prepared as a knee-jerk response to address real or perceived deficiencies in impact assessment processes. It is clear that far greater thought needs to be given before consultants, bureaucrats or desk officers are given the task of producing guidelines. They are not necessarily the most appropriate way to address such deficiencies, and other approaches may be required (such as staff training, performance review, institutional re-organization, or improved communication). If the guideline approach is adopted, then:

- what should their role be?
- what should the process of formulating guidelines entail? (e.g. should all key stakeholders be involved in their preparation?);
- how can guidelines be tailored to meet the needs of intended users;
- how can guidelines be tailored to the highly specific contexts in which they will be used?

The first step ought to be to survey the extensive literature already available - for duplication and re-invention is certainly a distinctive characteristic of the existing literature.

This chapter does not aim to serve a 'guidelines for preparing guidelines' role. Instead, it highlights some key issues which will need to be addressed if guidelines are to make a real difference, and fulfill their potential role. Some of these issues can be addressed in a straightforward way (e.g. filling gaps and improving guideline quality). In other cases, such as finding ways of minimizing the circumnavigation of guidelines, a more considered approach is likely to be required.

For those given the task of developing guidelines (whether government officials, agency employees or consultants), this directory provides a source of already available materials. However, care will be necessary in using existing approaches or guidance from elsewhere which is inappropriate to the situation or context concerned. The onus is on those preparing guidelines clearly to think through the need, content and role of the document(s) at the outset and, where necessary, to ensure and insist that the issues raised in this chapter are addressed.

In the long-term, however, many guidelines might be considered as a 'temporary tools' for learning which will become redundant as 'environment' and 'impact assessment' is introduced into practice through mainstream education and professional training.

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