
Topic 2

Law, policy and institutional arrangements for EIA systems

The EIA process

The EIA process comprises:

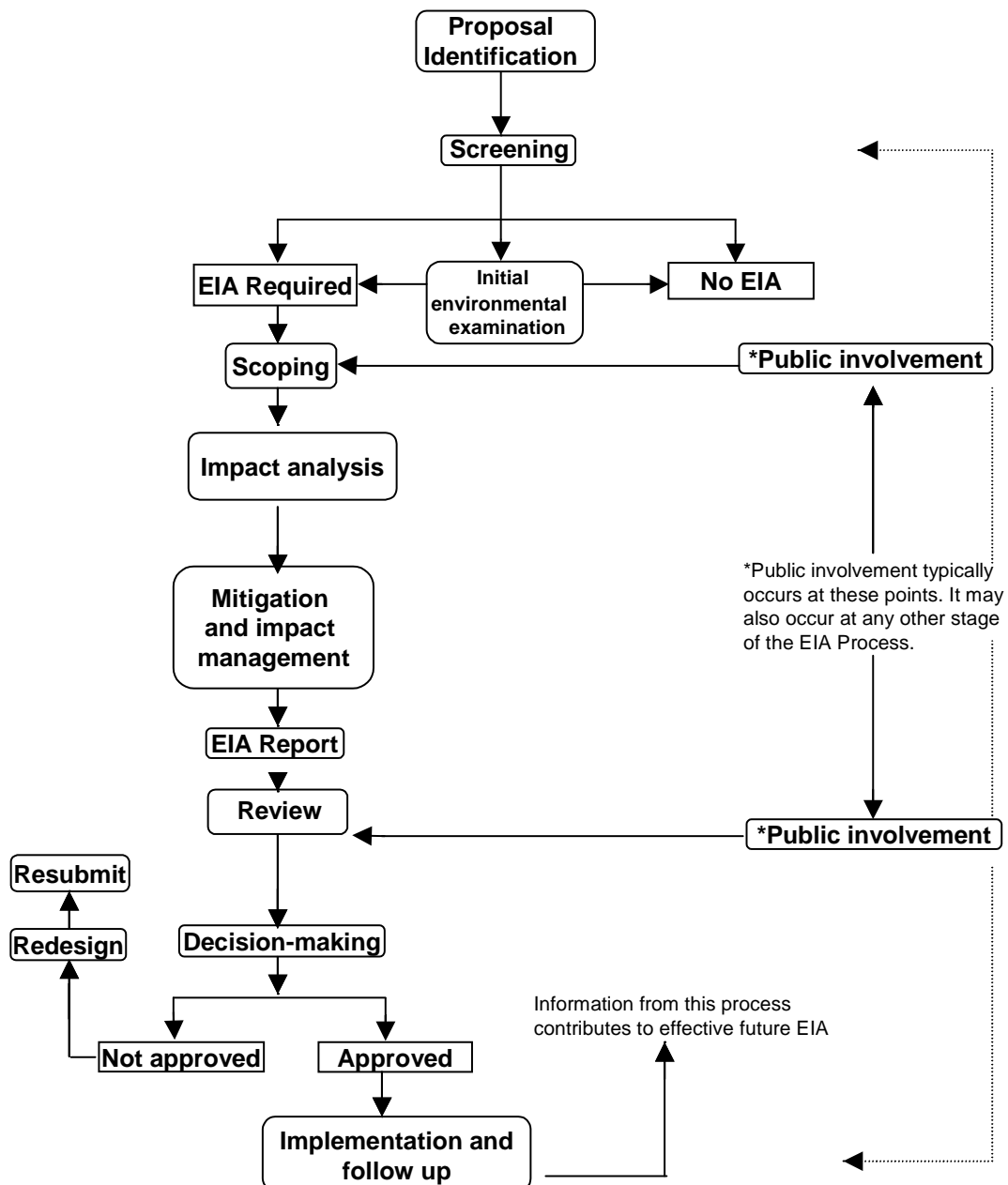
- screening - to decide if and at what level EIA should be applied
- scoping - to identify the important issues and prepare terms of reference
- impact analysis - to predict the effects of a proposal and evaluate their significance
- mitigation - to establish measures to prevent, reduce or compensate for impacts

The EIA process

(continued)

- reporting – to prepare the information necessary for decision-making
- review – to check the quality of the EIA report
- decision-making – to approve or reject) the proposal and set conditions
- follow up – to monitor, manage and audit impacts of project implementation
- public involvement – to inform and consult with stakeholders

Generalised EIA Process Flowchart



Key EIA trends as identified by the Effectiveness Study

EIA systems have moved towards:

- more systematic procedures for EIA implementation
- greater consideration of biophysical, social, risk, health and other impacts
- extended temporal and spatial frameworks
- provision for SEA of policy, plans and/or programmes
- incorporation of sustainability perspectives and principles
- linkage to other planning, regulatory and management regimes

Milestones and points of reference for EIA arrangements

- Rio Declaration on Environment and Development
- UN Conventions on Climate Change and Biological Diversity
- EIA procedures of development banks and donor agencies
- European Directive on EIA (and proposed Directive on SEA)

Types and examples of EIA legal provision

- general environmental law (e.g. NEPA)
- comprehensive resource management and planning law (e.g. New Zealand RMA)
- enabling or framework EIA law (e.g. European Directive)
- comprehensive or prescriptive EIA law (e.g. CAEE)

Legal and institutional cornerstones of an EIA system

- based on legislation
- clear statement of purpose and requirements
- mandatory compliance and enforcement
- application to proposals with potentially significant impacts
- prescribed process of steps and activities
- provision for public consultation
- linkage to decision- making

Basic conditions supporting an EIA system:

- functional legal regime
- sound administration and flexible policy-making
- common understanding of the aims and potential benefits of the process
- political commitment
- institutional capacity
- adequate technical basis, data and information
- public involvement
- financial support

Developing EIA procedures requires:

- government support
- establishing the basic conditions
- understanding the relationship to other decision-making processes
- consideration of the effectiveness of different EIA arrangements
- identification of the ways in which they can be implemented
- taking account of key trends and directions for EIA

Steps to developing an EIA system

- establish goals
- review other EIA systems
- identify obligations under Treaties
- learn from the experience of others
- incorporate features to move towards sustainability
- identify procedures and standards
- develop trial guidelines
- produce legislation
- incorporate processes for monitoring and review

EIA Systems—Local Rules of Thumb
