

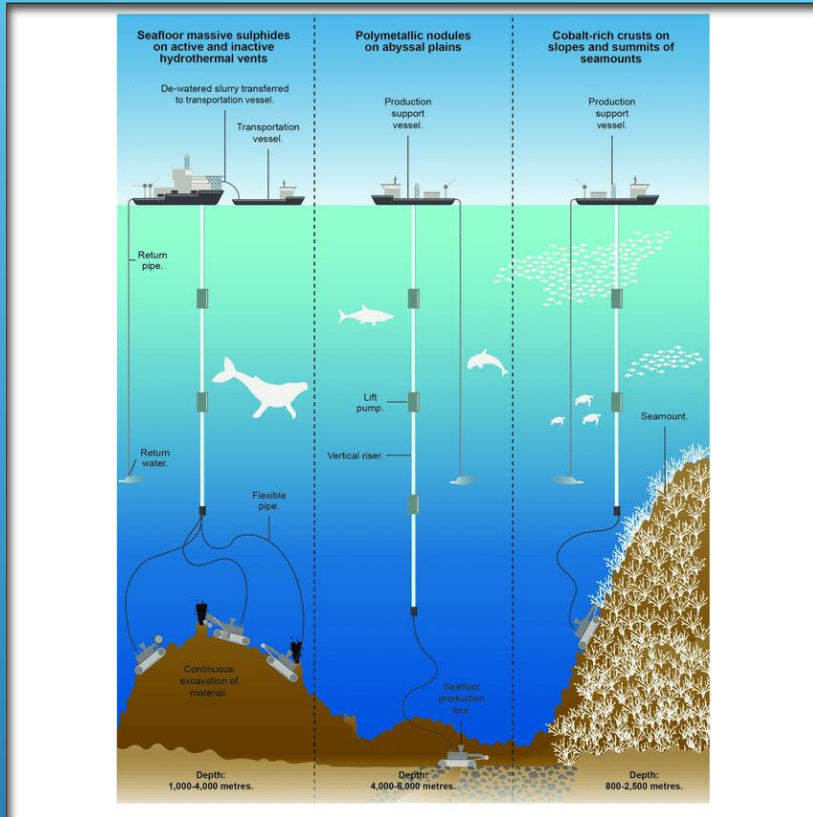


# SURVEYING THE EIA LANDSCAPE: COMPARING THE ISA'S EIA REGIME TO OTHER GLOBAL MODELS

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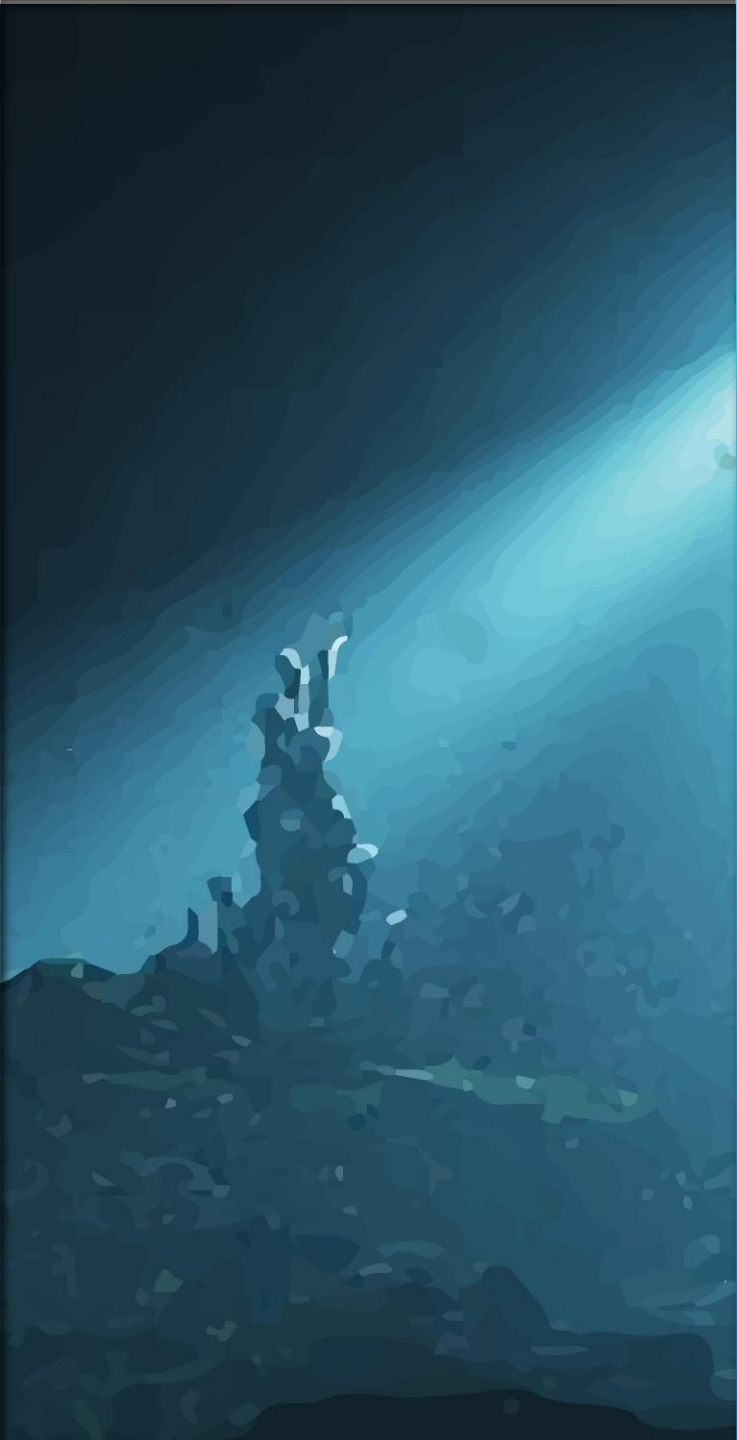

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- ▶ 11 systems
  - ▶ 4 int'l (Antarctic, World Bank, Espoo Convention, Convention on Biological Diversity)
  - ▶ 4 developed country EIA systems (Canada, U.S., Australia, EU/Netherlands)
  - ▶ 3 developing countries EIA systems (China, South Africa, Jamaica)
- ▶ Interest in “fitness” – not best practices
  - ▶ Across key EIA elements – focus on oversight/accountability
    - ▶ Scoping
    - ▶ Participation
    - ▶ Decision-making

# STUDY: COMPARATIVE REVIEW OF EIA PROCESSES

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- ▶ Knowledge Context
    - ▶ Deep uncertainty
    - ▶ Informational asymmetry
  - ▶ Normative Context
    - ▶ Lack of precise standards / discretionary
    - ▶ Due diligence
      - ▶ Take steps to prevent serious/significant environmental harm in accordance with int'l and domestic best practices
    - ▶ Contested vision
  - ▶ Institutional context
    - ▶ Multi-level responsibility
    - ▶ Long-term leases
    - ▶ Internal capacity issues
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# DECISION-MAKING CONTEXT



- ▶ EIA – not a report or a study – but is a process of decision-making
- ▶ Legitimacy enhancing decision-making
  - ▶ Scientific – robust, evidence-based
  - ▶ Political – inclusive, open
  - ▶ Normative – seen to align with underlying normative goals
    - ▶ Justificatory

## ROLES FOR EIA

Table 2 EIA Study Requirements ¶

	AP	CBD	Espoo	WB	Aus	Can	China	EU/Ne	Jam	SA	USA
Socio-econ-impacts	Opt.	Recc.	Req.	Req.	Opt.	Req.	Req.	Opt.	Req.	Req.	Req.
Cumulative-impacts	Req.	Recc.	Opt.	Req.	Recc.	Req.	Opt.	Req.	Req.	Req.	Req.
Alternatives	Impl.	Impl.	Both	Impl.	Both	Both	N/A	Both	Impl.	Both	Both
No-action-alternatives	Req.	Recc.	Req.	Req.	Req.	Opt.	Opt.	Opt./¶ Req.	Req.	Req.	Req.
Knowledge-gaps	Req.	Recc.	Req.	Req.	Opt.	Opt.	Opt.	Req.	Req.	Req.	Req.
Non-technical-summary	Req.	Recc.	Req.	Req.	Req.	Req.	Opt.	Req.	Req.	Req.	Req.

¶ Either only requires implementation ("impl") alternatives or both implementation and project alternatives.



Table 3 Scoping ¶

	AP	CBD	Espoo	WB	Aus	Can	China	EU/Ne	Jam	SA	USA
Scoping Report	Varies	Varies	Varies	Req.	Req.	Req.	Opt.	Opt./¶ Req.	Req.	Req.	Req.
Report-prepared-by	OS	OS	OS	BS	Prop.	Prop. & agcy	Third-party	Prop.	Prop.	Third-party	Lead-agcy
Consultation-required	Req.	Recc.	Req.	Req.	Req.	Req.	Req.	Req.	Req.	Req.	Req.
Oversight	Varies	Varies	Varies	Bank	Gov't-dept.	Gov't-agcy	Gov't-dept.	Gov't-dept.	Gov't-agcy	Gov't-dept.	Prop.

¶ Originating State

¶ Borrowing State

- ▶ DSM Implications
- ▶ Alternatives
- ▶ Cumulative effects
- ▶ Oversight

# SCOPING – STUDY TERMS OF REFERENCE

Table 4 Consultation Requirements

	AP	CBD	Espoo	WB	Aus	Can	China	EU/Ne	Jam	SA	USA
Screening	Varies	Varies	Yes	Yes	Yes	Yes	N/A	Varies	No	No	Varies
Scoping	Yes	Recc	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Draft Report	Yes	Recc	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Final Report	No	Recc	Yes	Yes	N/A	Yes	N/A	Yes	Yes	Yes	Yes

## DSM Implications

- ▶ At scoping stage
- ▶ At draft EIA stage
- ▶ Form
- ▶ Identifying stakeholders?

# CONSULTATION

- ▶ DSM Implications
- ▶ Degree of oversight
- ▶ Form of oversight
- ▶ Written reasons

Table 5 Project Approval Decision

	AP	CBD	Espoo	WB	Aus	Can	China	EU/Ne	Jam	SA	USA
EIA review	Req.	Recc.	Req.	Req.	Req.	Req.	Req.	Req.	Req.	Req.	Req.
Written reasons by	OS	OS	OS	Bank	Gov't dept.	Gov't dept.	Gov't dept.	CA/ gov't dept.	Gov't agcy	CA	Lead agcy
Time frame (approx.)	15 mths	N/A	N/A	N/A	40 days	30-90 days	N/A	90 days	90 days	45-60 days	30 days

Competent authority as designated by the State.

# DECISION-MAKING