

A savanna landscape featuring a wide river in the foreground, a dry, reddish-brown plain in the middle ground, and green, forested hills in the background under a blue sky with scattered white clouds. A white circle highlights a group of animals, including giraffes and a zebra, grazing on the plain.

End evaluation of the MFA-NL-supported NCEA programme 2017-2022

Final report



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Project and reports

This report is part of the *Final evaluation of the MFA-NL-supported NCEA programme 2017-2022*, commissioned to Wageningen University & Research by the Ministry of Foreign Affairs of the Netherlands. The evaluation covers the international programme of the Netherlands Commission for Environmental Assessment (NCEA), otherwise called Commissie voor de Milieu-Effectrapportage (Commissie MER).

The evaluation generated three reports:

- Final report (authors: Tinka Koster, Landry Fanou, Nina Bellini Motovska, Denis Muhangi, Ali Mahamadou, Cor Wattel)
- Country case report Uganda (author: Denis Muhangi)
- Country case report Niger – in French (author: Ali Mahamadou)

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Disclaimer

The findings and statements in these evaluation reports are entirely the responsibility of the evaluation team and do not necessarily reflect the opinions of the Ministry of Foreign Affairs or the NCEA.

Wageningen, October 2022

Abbreviations

5C	Five capabilities
ABE	National Environmental Agency Benin
BHOS	Foreign trade and Development cooperation (Buitenlandse Handel en Ontwikkelingssamenwerking)
BNEE	National Bureau for Environmental Assessment (Niger)
C&R	Countries & Regions
COMIFAC	Commission des Forêts d’Afrique Centrale
COP26	2021 Glasgow Conference
CP	Country Plan
CSO	Civil Society organisation
E(S)IA	Environmental (and Social) Impact Assessment
EA	Environmental Assessment
EAP	Environmental Assessment Programme
ECOWAS	Economic Community of West African States (CDEAO)
EKN	Embassy Kingdom of the Netherlands
ESF	Environment and Social Framework
ESY-MAP	ESIA system diagnostic tool
FMO	Dutch Entrepreneurial Development Bank
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit - German Development Agency
IAIA	International Association for Impact Assessment
IFDD	Francophone Institute for Sustainable Development
IGF	Intergovernmental Forum on Mining, Minerals, and Sustainable Development (Secretariat at IISD)
IGG	Inclusive Green Growth department, MFA-NL
IISD	International Institute for Sustainable Development, Canada
IOB	Policy and Operations Evaluation department, MFA
IUCN	International Union for Conservation of Nature
IWRM	Integrated Water Resource Management
KLP	Knowledge & Learning Platform

MER	Milieu-effectrapportage
MFA	Ministry of Foreign Affairs
MFA-NL	Directoraal Generaal Internationale Samenwerking
MTR	Mid-Term Review
NCEA	Netherlands Commission for Environmental Impact Assessment
NEA	Norwegian Environmental Agency
NGO	Non-Governmental Organisation
OECD-DAC	Development Assistance Committee of the Organisation for Economic Cooperation and Development
OfD	Oil for Development
PRIME	Pioneering Real-Time Impact Monitoring and Evaluation (CBI/PUM)
PSD	Private Sector Development
RVO	Netherlands Enterprise Agency
SA	Sustainable Advice
SAP	Sustainability Advice Programme
SDG	Sustainable Development Goal
SEA	Strategic Environmental Assessment
SEEAC	Central Africa Secretariat for Environmental Assessment
SF	Sustainable Finance
SIDA	Swedish International Development Cooperation Agency
SIFEE	International Secretariat of the Francophonie for Environmental Assessment
SRJS	Shared Resources Joint Solutions programme (NCEA, WWF, IUCN)
ToC	Theory of Change
UEMOA	Union économique et monétaire ouest-africaine (WAEMU)
WAEMU	West African Economic and Monetary Union (UEMOA)
WUR	Wageningen University & Research
WWF	World Wildlife Fund

Executive summary

The international department of the Netherlands Commission for Environmental Assessment (NCEA) is an independent advisory body funded by the Dutch Ministry of Foreign Affairs (MFA-NL) with an objective to improve Environmental and Social Impact Assessment (ESIA) and Strategic Environmental Assessment (SEA) systems in targeted countries. The NCEA primarily supports environmental authorities and works with local environmental professionals, CSOs and other relevant national or international actors. It provides independent advice on ESIA/SEA processes and content, it develops capacities on ESIA/SEA (through training, coaching and awareness raising) and it disseminates information and technical tools on ESIA/SEA. The NCEA's three core values are expertise, independence and transparency shaping its mandate and scope of action. Wageningen University & Research (WUR) conducted the mid-term evaluation in 2020 (commissioned by the NCEA) and now conducts the end-term evaluation of the five-year subsidy programme. This evaluation is structured around four of the OECD-DAC Evaluation criteria relevance, coherence, effectiveness and impact and builds on three evaluation components: the programme level, two case studies (Uganda and Niger) and a survey.

Relevance

The NCEA's international programme is responding to existing needs and challenges related to mainstreaming environmental and social concerns into policy, plans, projects and investment decisions.

The need for, but also the challenges around ESIA/SEA are very real and widely acknowledged. Recipients from the public and civil society sector seem very satisfied with the support from the NCEA. In general, the interview participants in Uganda shared a positive opinion about the relevance of the NCEA's support. The interviewees in Niger also confirm the relevance of the NCEA's programme, in view of the underdeveloped practice of environmental impact assessments in the country.

The NCEA's work is relevant for MFA-NL's thematic programmes under IGG.

ESIA/SEA often relate closely to water, climate and energy, making the NCEA's activities relevant for the MFA-NL's thematic programmes. A large share of the NCEA's activities are related to water, climate and energy. Even though private sector could potentially benefit from the NCEA's expertise, there is limited demand from these clients (except via RVO).

Coherence

The NCEA's activities are well aligned with other relevant development interventions.

The NCEA is successful in creating synergies between various partners and stakeholders. Increased donor engagement would improve implementation of activities with partners with limited financial capacities. The focus on Civil Society Organization (CSO) inclusion in the ESIA/SEA processes supports participatory approaches can be linked to improved decision-making at higher levels of the Theory of Change (ToC). Budget constraints faced by NGOs were the main point of concern when discussing expansion of working with these partners. Synergy creation with different stakeholder and correctly defining the window of opportunity to roll-out activities both contribute to the NCEA's good coherence. The NCEA follows-up on further opportunities arising through established partnerships confirming well-functioning external coherence. There are both formal and informal partnerships between the NCEA and its partners. Formalisation can add to increased commitment and development of multi-annual action plans. Those NCEA's partnerships that were developed on a more informal basis bring about various benefits to the NCEA's activities. Reduced internal coherence and lack of visibility towards other prospective partners are potential disadvantages to informality.

Demand for the NCEA's activities from the private sector is limited.

Private sector development activities are taking place predominantly within the Netherlands Enterprise Agency (RVO)/Invest International collaboration. Interviewees and the NCEA perceive opportunities to increase its involvement in the private sector.

Effectiveness

The choice and number of countries did not affect the overall effectiveness of the NCEA 2017-2022 EAP.

Lower than expected demand in the private sector development (PSD), sustainable finance (SF) and sustainable advice (SA) components was a key external factor that drove down overall effectiveness. Changes in MFA-NL policy could have hampered effectiveness, but they were mitigated effectively by the NCEA. Phasing-in of activities in new BHOS focus countries were done responsibly, but political instability is a risk to effectiveness in some of these countries.

The NCEA was effective in achieving direct outcomes.

The NCEA's capacity development efforts have contributed to strengthened capacity of various stakeholders in different aspects of the ESIA/SEA system. The NCEA has also contributed to the improvement of ESIA/SEA processes and functions. Awareness raising, securing commitment and funding, strengthening ESIA/SEA regulatory framework and professional exchange are the primarily sought functions by country and regions. The survey respondents reported positive contributions of the NCEA's support to improvements in the ESIA/SEA system.

The positive contribution of the NCEA to the direct and indirect outcomes depends on several internal and external factors.

A key factor contributing to the NCEA's achievement is its strategic positioning in the country and regions where it intervenes. There are key external factors that have also contributed to the overall positive contribution of the NCEA to outcome level results, such as the willingness of the government.

The NCEA has contributed to direct outcomes in Uganda, such as improved quality of reports and a more participatory, inclusive and transparent process. The NCEA has helped making ESIA processes more participatory, inclusive, transparent and consensual. The NCEA support has helped introduce SEA, and has helped to add the social dimension to Environmental Impact Assessment (EIA). Stakeholders point at improved quality of decision-making about environmental certificates. The success factors of the NCEA's work are its capacity to mobilise the right high-level expertise, its independence and transparency, and its collaboration with other agencies. Another limitation is the absence of financial support. Some organisational limitations have also been mentioned, such as the drop-out of trained staff, the need to invest more in SEA knowledge and skills, and the need for a clearer partnership structure at NEMA (overall work plan, formal liaison with NCEA).

Despite the recency of the Niger programme and not all activities being fully implemented yet, there are some positive first indications around effectiveness.

The NCEA programme in Niger has been relatively recent and modest in size, therefore we can only speak of early effects. The ESY-mapping (2018) generated a status view on the strengths and weaknesses of the national ESIA/SEA system, and helped formulate the axes of intervention for the NCEA. The workshop about ESIA/SEA procedures (2019) contributed to better information, greater awareness and more trust. The newly developed guideline on including climate change and health aspects in ESIA/SEA has gained wide outreach, not only in Niger but also in the community of francophone countries in Africa. The strategic programme for the Niger river basin has passed its initial phase and has succeeded in formulating a work plan for the SEA through an iterative and transparent multistakeholder process. The NCEA's planned activities have only partly been implemented.

The NCEA is an organisation that is putting significant effort in learning lessons and making improvements.

The NCEA knowledge and learning platform (KLP) was positively assessed by its users and has significantly positioned the NCEA as a thought leader in the area of ESIA/SEA in low and middle-income countries. In both Uganda and Niger, lessons are being learnt by the participants at an individual level, but not documented and shared institutionally. The NCEA is not consistently using

the five capabilities (5C) framework in its planning, monitoring and reporting on organisational capacity development interventions.

Impact

There is some evidence for contribution to indirect outcomes.

Under the PSD component, the NCEA has contributed to improved decision making. The NCEA's advice and coaching trajectories on ESIA/SEA influenced project/plan design. Timing and coordination are key factors driving this process. The NCEA's advice and recommendations are also integrated in decision makers' approval documents. The NCEA contributes to ESIA/SEA governance through the contribution of the inclusivity approach to better dialogue and collaboration, transparency, access to information, accountability and trust among stakeholders. The NCEA's support on SEA in conjunction with a landscape approach provides a natural framework conducive to improved (cross-sectoral) collaboration, accountability and transparency.

It is plausible that the NCEA's direct and indirect outcomes will also contribute to final impact on people, planet and profit levels and certain SDG domains, as indicated in the renewed ToC 2022.

The key assumption for achieving impact is the implementation, follow-up and enforcement, which often lie beyond the scope of influence of the NCEA's involvement. Stakeholders interviewed in Uganda can explain why they believe that contributions to such impact indeed exist, even if it was difficult to evidence the actual implementation of mitigation measures. In Niger, there are some early signs of the impact of the capacity building, mainly in terms of a change in culture around ESIA and their follow-up. Through its support to RVO, evidence shows that the NCEA has contributed to the design of more sustainable projects. In Mozambique the NCEA's final impact on better natural resource management was unlikely due to requirements which needed to be in place in conjunction with the NCEA's support, including open and transparent decision-making processes, high-level commitment and capacity at scale and at multiple levels. The NCEA is currently not monitoring the PPP and SDG impact results, as it concentrates its impact monitoring on the outcomes for which it can be held accountable. It is challenging to meaningfully estimate the NCEA's contribution against higher-level impact results such as the SDGs and their associated indicators, and it is not necessarily desirable to do so. For the

NCEA's technical assistance to contribute effectively to impact level results, a significant number of requirements need to be fulfilled, the majority of which are beyond the sphere of control of the NCEA.

Recommendations

The recommendations were developed in a co-creation session together with the NCEA and MFA-NL and are sub-divided into three sections: programme strategy, programme implementation, Theory of Change and Monitoring, Evaluation and Learning. These recommendations will contribute to the design of a potential new subsidy agreement between MFA and the NCEA. That agreement should build on the strengths of the current programme, given the overall positive findings of this evaluation, and roll out all elements of its systems approach, in particular in the countries and regions where it intervenes over a longer period.

Programme strategy

- There is a need for the NCEA to explicitly target young professionals in its EAP. This will help improve the sustainability of its technical assistance at country and regional levels.
- The NCEA should invest more systematically in developing alliances with organisations that can make financial contributions for counterpart activities. This will help improve the follow-up to the NCEA's specific interventions.
- The NCEA should further broaden its engagement with sectoral ministries and agencies in its focus countries, as these are sometimes more influential in their respective sectors than the national environmental agencies.
- MFA-NL should stimulate private sector actors to engage with the NCEA, both at strategic and at more technical levels, as well as explore with NCEA how the collaboration with local NGOs and CSOs can receive continued attention, among others by creating synergies with the Power of Voices programme.

Programme implementation

- The NCEA needs to carefully recalibrate its local presence in its intervention countries and regions to maintain the NCEA's networking capacity in times of more limited travelling. MFA-NL/IGG should support the NCEA's local networking capacity by structuring the relationship between the NCEA and the embassy's (EKNs) thematic experts.

-
- There are opportunities to intensify the NCEA's engagement and synergies with MFA, to further integrate impact assessment into MFA-NL design and planning of projects and programmes, in particular in countries where the NCEA is currently active. MFA-NL/IGG should embed the NCEA advice in the design and planning of MFA-NL development projects and programmes, especially for long-term and large-size projects/programmes.
 - There is an opportunity for the NCEA to further promote the use of the ESY-map tool for needs assessment purposes. As a natural step in this process, it would be advisable to have the ESY-MAP tool and its application evaluated independently.
 - Implementation partners of the NCEA's country and region programmes need to systematically document activities and make them accessible locally to existing and potential partners and interested public.

Theory of Change and PMEL

- The NCEA should make a few additional adjustments to the ToC 2022 of the EAP and increase its use of the ToC in practice, for example in the strategic programme planning with its country partners.
- The NCEA should strategically and carefully design the impact evaluation of the next EAP, balancing the learning potential with the required level of effort.
- The NCEA should reinforce the monitoring of activities and results through the effective use of the Monitoring-forms (M-forms).

1 Introduction

The international department of the NCEA is an independent advisory body funded by MFA-NL with an objective to improve ESIA and SEA systems in targeted countries.

The programme is subsidised by MFA-NL and is aimed at improving ESIA and SEA systems in targeted low- and middle-income countries. The NCEA primarily supports environmental authorities and works with local environmental professionals, CSOs and other relevant national or international actors. It does so by providing independent advice on the process itself or content, coaching or providing capacity development & awareness-raising workshops. Through these interventions the NCEA expects to improve environmental governance and contribute to the sustainable development goals.¹

The NCEA's three core values are expertise, independence and transparency shaping its mandate and scope of action.

The NCEA maintains its independent position by supporting improved decision-making through transparent and inclusive processes. The NCEA does not include political considerations in its advice but focuses on capacity and decision-making enhancement. As such, the commission always awaits approval of relevant environmental authorities and does not interfere with the project implementation or influence decision-making processes.

WUR conducted the mid-term evaluation in 2020 (commissioned by the NCEA) and now conducts the end-term evaluation of the five-year subsidy programme.

Rather than undertaking a conventional mid-term evaluation, the NCEA wished to derive main lessons from the first half of the five-year programme in 2020. The mid-term evaluation was internally funded by NCEA and resulted in set of recommendations that were to various extents integrated in the second half of the NCEA's programme. With the closing of the NCEA's five-year programme in

2022, MFA-NL commissioned an external expert to conduct an end of term evaluation. The end evaluation aims to 1) to inform MFA-NL to what extent MFA-NL's support to the NCEA is relevant, coherent and effectively contributing to attaining the Sustainable Development Goals; and 2) to make strategic recommendations to the NCEA and MFA-NL with a view to sustain and improve the quality and impact of their partnership.

This end evaluation is structured around four of the OECD-DAC Evaluation criteria.

The questions to be answered under this evaluation revolve around four (4) main evaluation criteria: relevance, coherence, effectiveness and impact. The specific evaluation questions under these four headings are quoted in the Evaluation Matrix (Appendix 1).

The evaluation will strongly focus on the sub-programme of **environmental assessment programmes in countries/regions (EAP)**. The evaluation focuses on the EAP because it represents 92% of the total allocated resources under this MFA-NL NCEA agreement. The second sub-programme of the agreement – the **sustainable advice programme** – is out of the scope of the current evaluation, as the evaluation interest of MFA for that sub-programme was more on assessing the administrative bottlenecks surrounding its implementation, which is not an area of competence of the evaluation team. This report first introduces the NCEA's EAP programme in more detail, explains the methodology of the evaluation and then discusses the results. The results and conclusion sections of this report is also structured around the evaluation criteria. Finally, the recommendations section includes the recommendations that resulted from a co-creation process together with the NCEA and MFA-NL.

¹ The next section gives further detail on the aims of the programme and means used to achieve these goals.

2 Description of NCEA's programme 2017-2022

The Environmental Assessment Programme accounts for one of the two sub-programmes within the 2017-2022 agreement, accounts for 92% of total allocated resources and is the focus of this evaluation.

It is therefore the most important sub-programme of the agreement consisting in the provision of advisory services, capacity building, awareness-raising and knowledge sharing on ESIA and SEA in targeted countries. This programme also involves the screening and review of ESIA/SEA in relation to foreign public infrastructure projects funded by the Dutch government.

The Sustainable Advice Programme is the second sub-programme of the subsidy which is financed through a public services contract. After agreement by all parties, this programme is out of the scope of this evaluation.

Activities under the SAP are initiated on request by MFA-NL. The purpose of the SAP is to advise MFA-NL on the sustainability of its policies and to ensure that policies are inclusive of environmental and social goals. As this end-term evaluation focuses on the EAP, further detail is provided of this programme only.

2.1 Structure of the Environmental Assessment Programme

The EAP programme consists of four main components, all of which were subjected to the final evaluation and assessed against the four evaluation criteria.

The EAP is aligned to MFA-NL (Inclusive Green Growth – IGG) priorities. As such, the EAP related activities take place predominantly in MFA-NL focus countries. Over the 2017-2022 period the programme was subdivided into four main components:

1. **Environmental Assessment programmes in countries/regions.** These activities focused on capacity building, knowledge development and revision of SEA and/or ESIA in 25 countries and three regions, out of which 12 countries and regions have had an established multi-annual country programme under the framework contract between 2017-2022 approved in 2017,² formalised by an MoU in the majority of the cases. Following a major shift in the geographical focus of MFA-NL Official Development Assistance (ODA) in 2018, and under its reservation budget, NCEA formally expanded its cooperation with four additional countries, where opportunities for cooperation arose (Lebanon, Niger, Jordan, Egypt, Guinea & Senegal) resulting in 17 countries and regions with formalised MoUs.³
2. **Private Sector Development component (PSD)** whose focus was to provide screening and independent advice on ESIA regarding RVO-related projects.
3. **Sustainable Finance component** worked with development banks and credit insurance companies to provide advice on mandatory ESIA's and build capacity.
4. **Knowledge and Learning component** was designed to further support knowledge sharing and increase awareness on the importance of ESIA's, ESAs targeting government bodies, investors, NCEA technical secretaries and other ESIA/SEA professionals.

Together these components of the EAP were aimed at delivering more than 200 advisory reports on ESIA/SEA, provide SEA coaching trajectories and capacity building workshops, implement awareness-raising activities through various national and international presentations amongst others.

² NCEA (2017) Proposal for a new framework contract 2017-2022 between MFA-NL and the Netherlands Commission for Environmental Assessment.

³ The 12 initial countries and regions are: Bangladesh, Benin, Burundi, Ethiopia, Ghana, Indonesia, Mali, Mozambique, Myanmar, Rwanda, Uganda, Central Africa /SEEAC.

In the two case studies under this evaluation, the EAP programme consisted of a mix of activities including independent advice, regulatory framework, professional exchange and capacity development.

In Uganda, the NCEA programme consisted of the following activities:

- Independent advice about oil & gas activities in the Albertine Graben (1 SEA + 3 ESIA), close collaboration with Norwegian OfD
- Capacity development on SEA and ESIA to government agencies
- Input for ESIA and SEA regulations
- SRJS: 3 workshops with stakeholders and NEMA on SEA and ESIA
- RVO: ESIA support to 6 infrastructure projects (D2B, DRIVE, ORIO)

In Niger, the NCEA programme consisted of the following activities:

- Improvement of the legal and regulatory framework
- Capacity development on ESIA and SEA to stakeholders
- Intensification of professional exchanges (national and regional)
- Improvement of the quality of complex ESIA and SEA

The NCEA partnered with several organisations in the Netherlands, in the countries where it intervenes and at a global level.

Since 2009 and under its Private Sector Development Programmes, the NCEA partnered with the then RVO now Invest International⁴ to ensure that ESIA/SEA is applied effectively in various foreign public investment projects. The NCEA has entered into a cooperation agreement with the Shared Resources Joint Solutions (SRJS), a joint programme of IUCN-NL and WWF-NL. The NCEA aimed to develop joint capacity building programmes in several landscapes in targeted countries and regions and mainstream ESIA/SEA related activities within the SRJS programme. The NCEA is also in active collaboration with relevant national stakeholders in targeted countries and regions, under the country and regions component of its programme. This includes government, CSOs, private sectors and knowledge institutes.

The NCEA's activities are intended to be demand-driven and therefore the actual outputs might differ from the outputs envisaged in the original programme document.

For each programme, upon request from an eligible party to the subsidy and positive screening, the NCEA carries out a context/diagnostic analysis, on the

⁴ See: <https://investinternational.nl/about-us/team/>, RVO was a government agency, managing investment funds from the Dutch Ministries of Finance, Agriculture, Climate and

Foreign Affairs with a focus on national and foreign investments. As of October 2021, this agency transitioned to two public-private companies, [Invest-NL](#) and [Invest International](#).

2.2 Country programmes & annual results

By the end of the 2017-2022 programme, the NCEA increased its geographical spread to 25 countries and 3 regions.

The NCEA initially planned for engagement in 13 countries & regions under the EAP programme. Two addendums were made to include Senegal, Guinea, Niger and Lebanon. Further countries and regions were added mainly in 2018 – West Africa, The Philippines, Egypt, Jordan, Iraq, Tunisia, and the Palestinian territories. Activities in Brazil, Burkina Faso, and the DRC were funded from reservation budget in 2019 and several activities took place in Burkina Faso under the Sustainable Finance component. In both Brazil and Burkina Faso, the activities in 2020 were budgeted under the Countries & Regions component. Due to the changes in the international trade and development cooperation (BHOS) policy in 2018, the NCEA planned to phase out from Ghana in 2020 and Myanmar in mid-2022. Although Mozambique was also initially excluded from the new policy, the NCEA received approval to continue their involvement in the country. There was also a downscaling of activities in Benin and Indonesia as a result of the new geographical focus of the BHOS but limited engagement was observed in both 2019 and 2020. This resulted in the NCEA being active in a total of 25 countries and 3 regions. For more detailed overview of the countries and regions, budgets allocated and spent, see Table 1.

Aligned with the planned spending, most of the budget was spent on Countries and Regions programmes given that most of the activities take place within this component.

More budget than previewed was spent on the Knowledge & Learning component in the years 2017, 2018, 2019 & 2020 (see Figure 1 and Figure 2). This is a result of changes done to the project monitoring and results tracking system, higher participation in workshops and conferences, and launching of

new publications and products, and increased internal learning.^{5, 6, 7, 8} Total spending in sustainable finance in the period 2017-2020 amounted to €230,981, while more than €2.5 million were planned for these activities. The focus of this component was on the World Bank (WB), Atradius and the Dutch Entrepreneurial Development Bank (FMO) collaborations as a result of COVID-19, and lower number of activities undertaken than previewed⁹ (Figure 5). Lower spending in the Private Sector Development component is due to fewer requests passed to the NCEA from RVO (Figure 3).

In years 2019 and 2020, actual expenditures outweighed the planned budget as a result of expansion of activities.

Activities were upscaled in Bangladesh and Uganda and a coaching trajectory starting in Mali and Guinea.^{10, 11} We also observed increased spending for planning, monitoring & evaluation activities and awareness, commitment & funding mechanisms in all 4 years. These activities were likely driven by the increase in the number of organisations supported and activities supporting enabling conditions under the Countries & Regions component (Figure 4) as well as an increase in the Knowledge & Learning component in general as discussed in the previous paragraph. Out of the three indicator categories tracking the NCEA's progress, we observe highest delivery for the Countries & Regions component in the years 2017-2022 and this mostly for provision of independent advice and coaching. This finding is well aligned with the total expenditures, where most of the costs were associated with the provision of independent advice and coaching under this component. A greater share of the budget was eventually allocated to the Countries & Regions component as a result of slowdown of activities for Private Sector Development. This downscaling is reflected in the difference between planned number of advisory/coaching activities under the Private Sector Development component (43 outputs instead of 175 forecasted) (Figure 3) and is due to fewer requests passed to the NCEA from RVO.¹² In terms of per-country spending, we see biggest engagement in the West African region (Mali, Senegal, Guinea and West African programme in the top 8 as shown in Table 1).

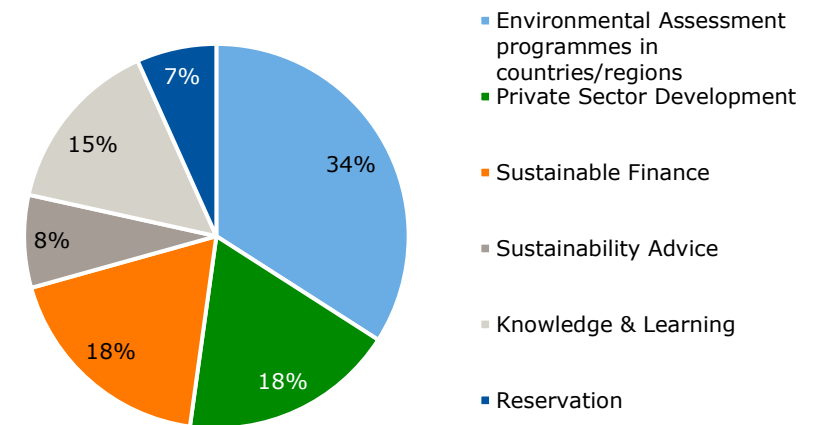


Figure 1 Planned budget 2017-2020

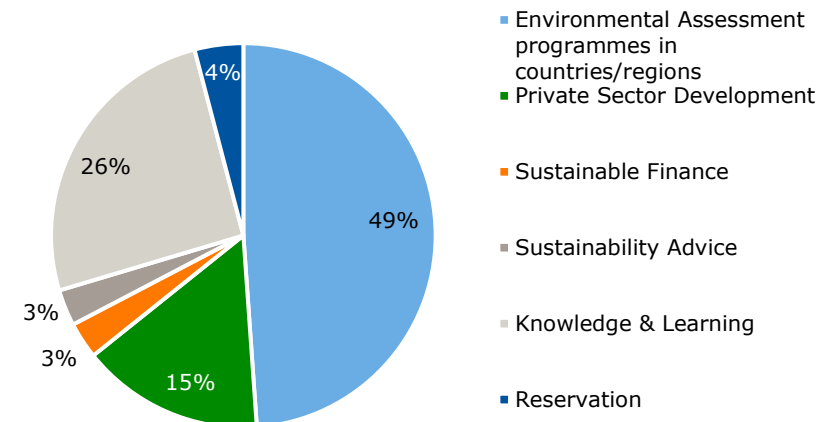


Figure 2 Realized budget 2017-2020

⁵ NCEA (2017) Annual Results Report 2017.

⁶ NCEA (2018) Annual Results Report 2018.

⁷ NCEA (2019) Annual Results Report 2019.

⁸ NCEA (2020) Annual Results Report 2020.

⁹ NCEA (2018) Annual Results Report 2018.

¹⁰ NCEA (2019) Annual Results Report 2019.

¹¹ NCEA (2020) Annual Results Report 2020.

¹² NCEA (2020) Annual Results Report 2020.

Table 1 Country budget, spending and portfolio evolution

Countries* ** ***	Total spending	Total planned budget	Changes due to BHOS policy (2019)	Additional information
Mali*	€ 387,216	€ 330,000		
Guinea**	€ 300,287	€ 282,000		
Uganda*	€ 292,894	€ 240,000		
Senegal**	€ 265,081	€ 350,000		
Bangladesh*	€ 245,376	€ 185,000		
Ethiopia*	€ 240,206	€ 385,000		
West Africa	€ 222,767			First activities in 2018 Countries & Regions budgeted on reconnaissance
Myanmar*	€ 221,672	€ 390,000	Phased out in mid-2022, activities planned for 2020 & 2021	
Niger**	€ 176,053	€ 275,000		
Rwanda*	€ 143,492	€ 795,000		Despite phasing out of the ODK, the activities continue based on EKN requests with approval of the MFA-NL
The Philippines	€ 141,464			First activities in 2018 Countries & Regions for activities related to independent advice
Central Africa*	€ 135,175	€ 280,000		
Egypt	€ 131,431			First activities in 2018 Countries & Regions budgeted on reconnaissance
Lebanon**	€ 127,040	€ 325,000		
Mozambique*	€ 119,910	€ 490,000		
IGF mining	€ 102,332			
Jordan	€ 66,204			First activities in 2018 Countries & Regions budgeted on reconnaissance
Benin*	€ 60,205	€ 455,000	Phased out in 2022, activities planned in the years leading up to that	
Kenya*	€ 48,715	€ 575,000		
Brazil	€ 41,075			First activities under 2019 Reservation budget
Iraq	€ 34,971			First activities in 2018 Countries & Regions budgeted on reconnaissance
Burundi*	€ 33,403	€ 587,000		
Tunisia	€ 31,941			First activities in 2018 Countries & Regions budgeted on reconnaissance
Indonesia*	€ 30,737	€ 200,000	Phasing out but some activities still planned for 2019 & 2020	
Ghana*	€ 27,742	€ 160,000	Phased out in 2020	
SRJS	€ 16,440			Budgeted for under reservation in the 2017-2022 contract framework
Palestinian territories	€ 13,392			First activities in 2018 Countries & Regions budgeted on reconnaissance
Burkina Faso	€ 9,767			First activities under 2017 Sustainable Finance budget
Power of Voices	€ 2,833			
DRC	€ 2,250			First activities in 2018 Countries & Regions budgeted on reconnaissance

*initial countries & regions in the 2017-2022 contract framework.

**countries added under two addendums in 2017.

***countries in red letters refer to countries to be phased out due to changes in the BHOS policy.

Outputs under the other two components lagged as a result of lower demand and COVID-19.

Thematically, the NCEA has been providing advice on water management, waste management, and infrastructural development related projects to the RVO. Some of the examples are a review of waste management ESIA in Tanzania, water and sanitation ESIA in Kisii, Kenya, and of ESIA of a 'Tertiary referral hospital Kayes' in Mali. Altogether, the NCEA delivered 43 independent advice documents (Figure 3).¹³ The advice on these ESIA's were conducted under three RVO programmes, the D2B, DRIVE and ORIO. One output under the coaching trajectories and independent advice was reported with two supported organisations between 2017-2022 under the Sustainable Finance component. While collaboration with the WB began to take off in 2018, no substantial progress was made with regards to piloting the ESF-mapping tool, also due to COVID-19.¹⁴ There is no indication of materialisation of collaboration with FMO based on the annual results. Atradius did not formalise any requests to the NCEA.

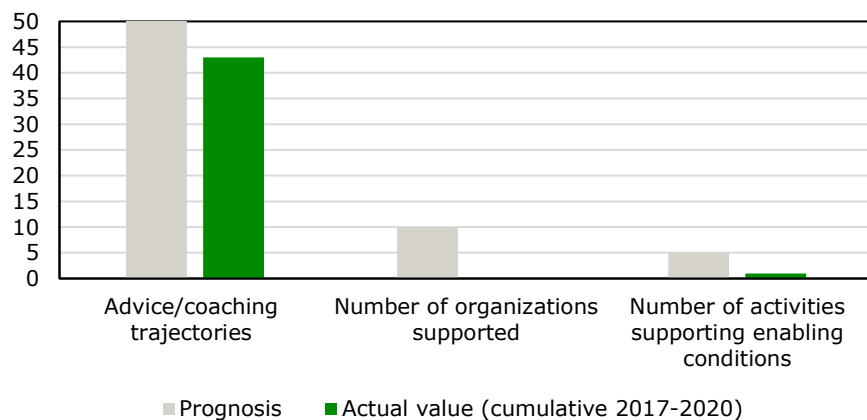


Figure 3 Output planned and delivered for the Private Sector Development component

¹³ NCEA (2020) Annual Results Report 2020.

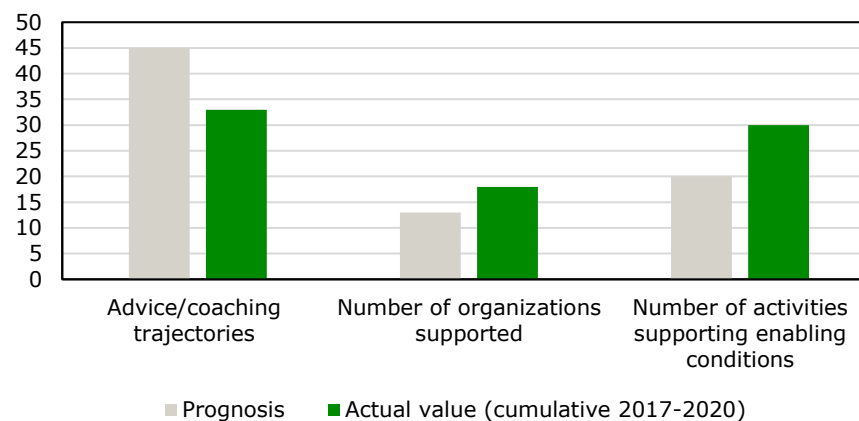


Figure 4 Output planned and delivered for the Countries & Regions component

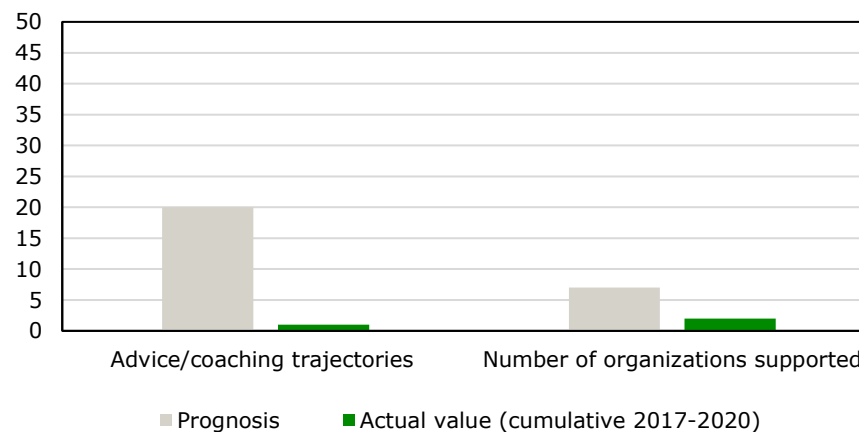


Figure 5 Output planned and delivered for the Sustainable Finance component

¹⁴ NCEA (2018) Annual Results Report 2018.

2.3 Evolution of the Theory of Change

NCEA's Theory of Change links inputs and activities to outputs and outcomes. Three core areas of influence are defined: (a) capacity development, (b) ESIA/SEA processes and (c) EA system functioning & quality. Results (in terms of environment and climate, poverty and conflict reduction and green growth) depend on key assumptions with regards to good governance practices (i.e., transparency, inclusiveness and accountability).¹⁵ The ToC in Figure 6 was developed in 2015 and focused on embedding the activities of NCEA within the country's environmental assessment system. Thus, the ToC followed environmental impact assessment processes from inputs up to the impact.

NCEA decided to renew its ToC later in 2021, to better reflect the actual process of change experienced by NCEA. The review was done internally with feedback including MFA-NL stakeholders and external partners. Two major changes were reflected in the draft TOC 2022 (see Figure 7):

1. Expansion of the process of change with output and outcomes reflecting direct and indirect 8 outcomes of the 2015 ToC.
2. Emphasising the importance of achieving governance results through the ESIA/SEA processes.

Within the scope of this evaluation, we have assessed both the 2015 ToC and the 2021 update. Both ToCs were therefore used and reviewed in this study. Findings and reflections on the ToC, comparability of them and comments on the update are part of the discussion on effectiveness (4.3) and impact (4.4) in Chapter 4.

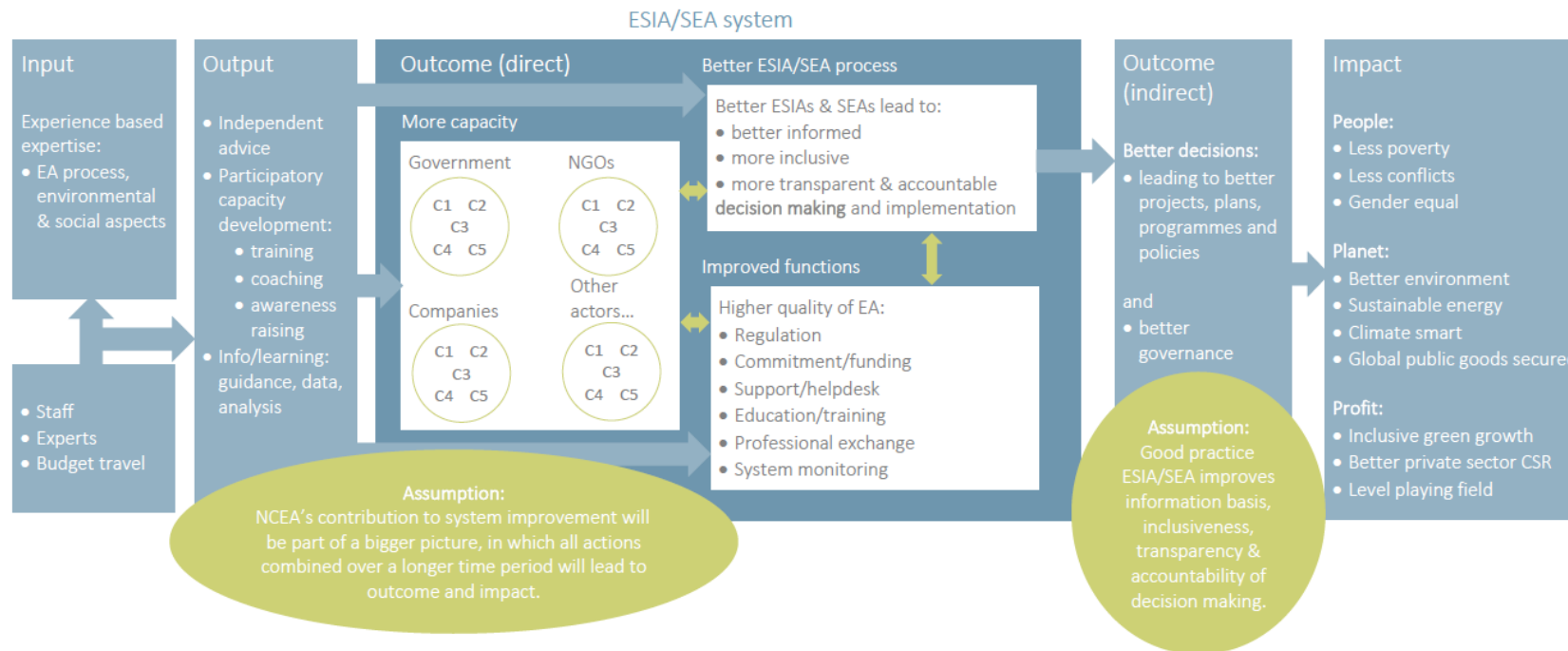


Figure 6 2015 Theory of Change

¹⁵ Ruben and Motovska (2021) From Environmental Assessment to Environmental System Governance Mid-term assessment of the MFA-NL-NCEA framework contract 2017-2020.

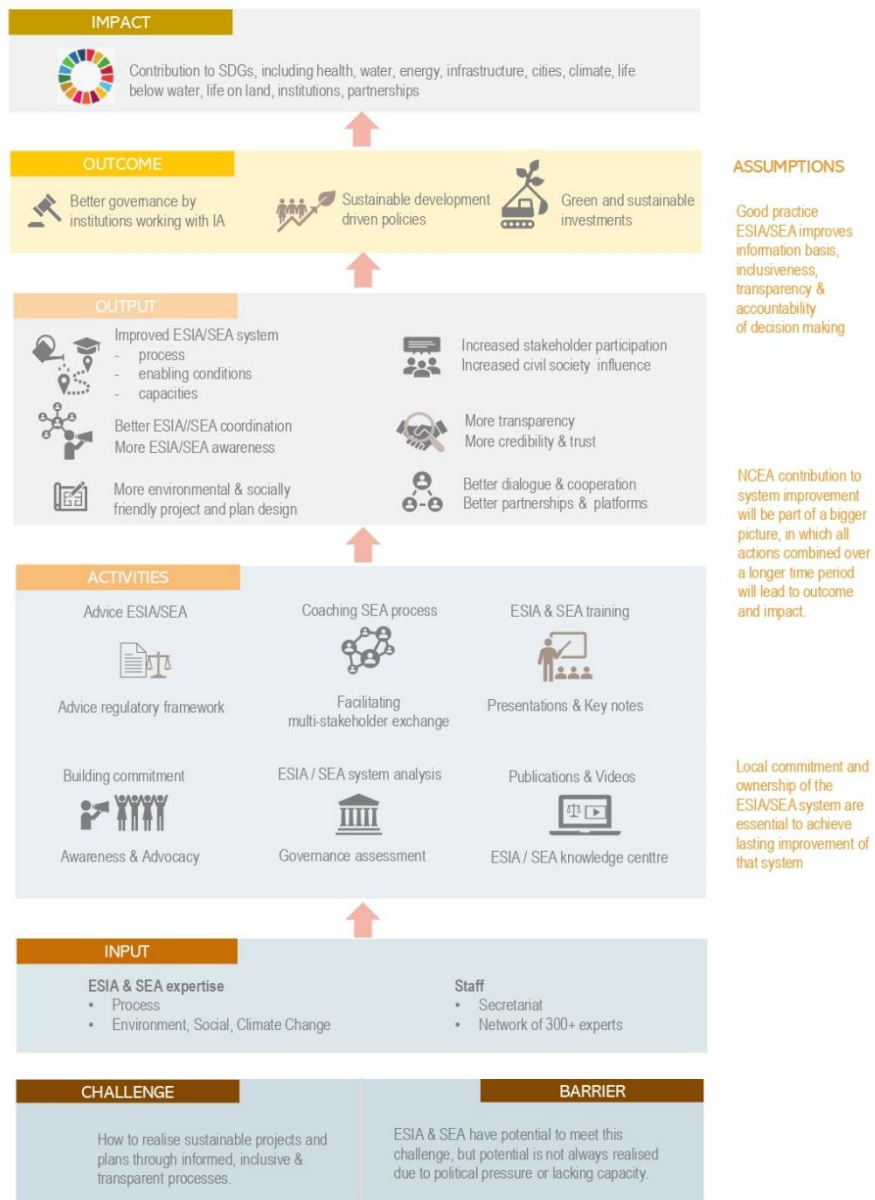


Figure 7 2022 Draft Theory of Change

3 Evaluation approach

3.1 Methodology

We distinguish different evaluation components: the programme level, two case studies (Uganda and Niger) and the survey component. Throughout the different components, we put three approaches central:

- *Theory-based approach* (TBoCS 2021):¹⁶ the evaluation will assess the results of the programme against the NCEA’s own Theory of Change. The ToC of 2015 will be used as a basis for the assessment, because this was the applicable ToC during most of the period under evaluation.
- In the co-creation phase of the evaluation, we will reflect on the applicability of new ToC draft of 2021, which is intended to guide the new NCEA programme after 2022.
- *Contribution analysis* (Mayne 2011):¹⁷ the theory-based approach will be operationalised by following the typical steps of contribution analysis (see Figure 8). This ensures a systematic assessment, based on the available evidence and counterfactual thinking. For the purpose of this evaluation, we will apply a simplified version of the contribution analysis, with one single round of evidence gathering.
- *Triple-loop Learning* (Argyris & Schön 1996):¹⁸ in the case of this evaluation, triple-loop learning implies asking learning questions at three levels: is the NCEA doing things right? Is the NCEA doing the right things? How does the NCEA (and MFA) decide about the right things in context? This framework will be used in the co-creation phase of the evaluation. See Section 3.3.3 for more details.

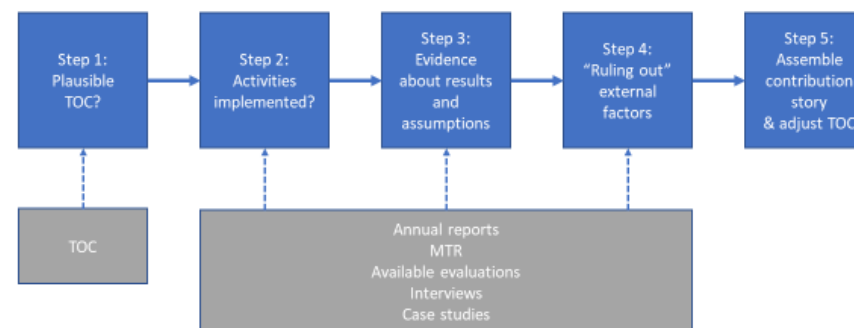


Figure 8 Five simplified steps in contribution analysis

Two additional comments on the methodological approach:

- The NCEA uses certain models to measure and monitor the performance of ESIA system components, also over time. Examples are the 5C model for capacity development and the ESY-MAP¹⁹ tool for the maturity of the ESIA system. The evaluation will exploit these M&E data, as one of the sources of evidence about programme results.

¹⁶ Treasury Board of Canada Secretariat (2021), Theory-Based Approaches to Evaluation: Concepts and Practices, <https://www.canada.ca/en/treasury-board-secretariat/services/audit-evaluation/evaluation-government-canada/theory-based-approaches-evaluation-concepts-practices.html>.

¹⁷ J. Mayne (2011), Contribution Analysis: Addressing Cause and Effect. Evaluating the Complex, K. Fors, M. Marra and R. Schwartz (Eds.), Transaction Publishers (2011).

¹⁸ C. Argyris & D.a. Schön (1996), Organizational Learning II: Theory, Method, and Practice. Addison-Wesley Publishing Company.

¹⁹ The ESY-MAP is a diagnostic tool, developed by the NCEA for assessing the quality of a national ESIA system. The tool is an Excel-based questionnaire, that generates a series of graphs, statistics and expert judgement scores. The questionnaire is filled out by different stakeholders in the ESIA system, to include different perspectives. The results are discussed in a stakeholder workshop, to outline strategic goals and priorities for support by NCEA. Details about the ESY-MAP tool can be found at <https://www.eia.nl/en/our-work/capacity-development/esy-map>.

A combination of semi-structured interviews with key informants and a review of relevant documents were conducted to provide programme-level findings.

The programme level review consisted of a desk review and stakeholder interviews:

- 12 Key informant interviews with 21 respondents representing the NCEA staff, MFA-NL respondents, external technical experts, partners under the SRJS programme, the World Bank, the Dutch Entrepreneurial Development Bank, Union économique et monétaire ouest-africaine (UEMOA), the Norwegian Environmental Agency (NEA) and the International Association of Impact Assessment (IAIA)²⁰
 - 4 group interviews
 - 7 individual interviews
- Approximately 30 documents that discussed programme structure, annual plans and reports, several impact evaluations related to various programme components, monitoring forms and other relevant documentation.²¹

Two case studies of country programmes were carried out, to provide in-depth insights into the effectiveness of the NCEA's programmes. The main selection criteria for country cases were the length of the NCEA's involvement (preferably longer), the size of programme (preferably larger), the diversity in sectoral focus vs landscape focus, and the inclusion of both ESIA and SEA. Based on the above criteria, the evaluation team selected two country cases: Uganda and Niger. Uganda represents a case with a large country programme with a long history (since 2001), sectorally focused on oil and gas mining projects. Niger represents a relatively young country programme, started in the current programme period (2018) and with a landscape approach (the Niger River delta). In both countries an ESY mapping at system level had been done, and the programme included system level activities as well as concrete ESIA and/or ESA projects. The case studies are intended to deepen understanding of the NCEA's performance, and to substantiate, feed and illustrate findings and conclusions in the overall programme assessment. The country cases provide depth in the evaluation, but cannot be considered representative of the NCEA's portfolio.

²⁰ For a more detailed overview of respondents please refer to Appendix 4.

²¹ for more detailed overview of respondents please refer to Appendix 5.

For both case studies, local consultants researched relevant literature – both documents provided by NCEA and other available literature – and interviewed various stakeholders from both public and private sector, including technical secretaries.

- In Uganda, interviews were held with three officials of NEMA (Oil & Gas dept, Environmental Monitoring and Compliance, Albertine Graben field office), the Ministry of Energy and Mineral Resources, the Ugandan Association of Impact Assessors, Norwegian Oil for Development Programme, African Institute for Energy Governance (AFIEGO), two NCEA experts, the Netherlands Embassy and the NCEA Technical Secretary.
- In Niger, interviews were held with the National Bureau for Environmental Assessment (BNEE), the Ministry of Petroleum, Energy and Renewable Energy, the Francophone Institute for Sustainable Development (IFDD), National Environment Council for Sustainable Development, two NCEA experts, RVO, CSO, the Netherlands Embassy and the NCEA Technical Secretary.

To put the findings from the research components based on qualitative methods in a wider perspective, we prepared and distributed a survey tool to organisations that received support from the NCEA in the last five years.

In the programme level review as well as the case studies, we were limited by time and scope in the number of interviews that could be conducted. However, there are of course many more stakeholders that have worked with the NCEA and have opinions on this collaboration. Therefore, we developed a survey tool and sent this to 49 people who received any type of support from the NCEA in the past five years. The list of potential respondents was collected by the technical secretaries. Eventually, 26 people filled out the survey relatively completely, a response rate of 49%. This sample is of course too small to conduct statistical analysis. However, it provides meaningful additional information from an audience beyond the interviewees. Appendix 3 includes a description of the sample, including information on geographical spread, organisation and support type. The main part of the survey builds on a methodology developed by van Rijn et al. (2018).²² This methodology uses a combination of questions to calculate a 'contribution score' that indicates to what extent a self-reported change was influenced by an intervention, in this case the NCEA support.

²² van Rijn, F., Ton, G., Maas, K., Pamuk, H., Harms, J., Dengerink, J., ... & Hubers, F. (2018). *Verification of PUM's intervention logic: Insights from the PRIME toolbox*. Wageningen Economic Research.

The final phase of the evaluation consisted of a co-creation process including several meetings to draft the recommendations in collaboration between the NCEA, MFA-NL and the evaluation team.

After the main data collection, analysis and reporting stages of the evaluation, we organised several sessions in the co-creation phase of the study. First, a findings presenting the initial findings to MFA-NL and the NCEA, followed by a validation and a co-creation session. The first two were used to validate the findings and the latter as an interactive process, in which the evaluation team takes a facilitating and advisory role, and MFA-NL and NCEA took leadership and ownership of the follow-up recommendations. This also implies that the Recommendations section in this report has a different status, as compared to the rest of the report where the evaluation team is responsible for the review, findings, and conclusions. With this setup, the learning goals are reached through the evaluation process, and recommendations are more useful and actionable for the for design of the next framework agreement, without compromising the objectivity and independence, and impartiality of the evaluation process.

4 Results

4.1 Relevance

The relevance of the NCEA was assessed on two aspects; the relevance to recipient partners and countries as well as the relevance to MFA-NL's thematic objectives regarding food security, water, climate, energy and private sector development.

4.1.1 Relevance to recipient partners and countries

The need for, but also the challenges around ESIA/SEA are very real and widely acknowledged.

Fifty years after the emerging of ESIA, it is now part of legislation of basically every country in the world. Both ESIA and SEA are seen as crucial in bringing forth environmentally friendly development. The UN even states that 'the ability of countries and communities to achieve sustainable development depends in no small measure on robust and effective EIA/SEA legislation and implementation as a major catalyst for overcoming current implementation gaps and achieving better environmental outcomes'.²³ However, not all ESIA/SEA systems are equally strong, and not all involved parties have the same capacity. The UN even observes a trend of weakening ESIA systems in some countries.²⁴

Recipients from the public and civil society sector seem very satisfied with the support from NCEA.

In many of the documents and the interviews conducted, we find positive remarks on the relevance of the NCEA support. Both in the case study countries (see below) as well as the partners the NCEA is collaborating with, people find the support highly relevant. One of the unique selling points of the

NCEA that is widely mentioned is their network and in-depth expertise. One of the survey respondents even mentioned 'at the time the NCEA started to intervene, the country had no regulatory texts in terms of SEA. The NCEA's intervention filled that gap.'

In general, the interview participants in Uganda shared a positive opinion about the relevance of the NCEA's support.

Good quality ESIA and SEA help government ministries to identify potential negative effects of planned projects, and to collect reliable baseline information against which the implementation and compliance can be monitored. The NCEA's support was the more relevant as Uganda did not have previous experience with the implementation of oil and gas projects. The NCEA's sector expertise in oil and gas helped the National Environment Management Authority (NEMA) to insist on the right issues with the project contractors. The Tilenga and Kingfisher projects are also big and complex, requiring a high level of expertise that was not readily available in Uganda. Uganda did also not have much experience with doing SEA at a more strategic sectoral level. The NCEA helped Uganda to update its expertise in environmental management with recent international insights. The NCEA also was relevant to support NEMA's limited capacity, both in numbers and skills: NEMA highly appreciated the NCEA's multi-faceted expertise and high quality which they could use without charge on the budget.

Some limitations were mentioned regarding the NCEA's relevance in Uganda.

First, the identification of needs for the NCEA support dates back to the ESY-map exercise in 2012. It provided a good anchor for the relevance of the NCEA's programme in Uganda, but was not updated anymore in the years after.²⁵ NEMA's more recent demands rather seem to emerge from feeling of complexity or newness of the oil projects. Secondly, there were sceptics who

²³ UN Environment (2018). Assessing Environmental Impacts – A Global Review of Legislation, Nairobi, Kenya.

²⁴ UN Environment (2018). Assessing Environmental Impacts – A Global Review of Legislation, Nairobi, Kenya.

²⁵ A new ESY-map exercise in Uganda is planned for 2022.

thought that the NCEA-trained skills could not be applied in the Ugandan context and level of development. In practice, however, there are signs that the knowledge and skills acquired through the NCEA's capacity building have been widely applied in Uganda.

The interviewees in Niger confirm the relevance of NCEA's programme, in view of the underdeveloped practice of environmental impact assessments in the country.

They signal that – even if the laws and regulations are in place – the practice of environmental impact assessments is still underdeveloped. The regulations are too little known, assessments are often done too lightly and review staff does not always have the required expertise. The NCEA programme helps to make higher-ranking management at the Ministries aware of the importance of environmental impact assessment. As the capacity building was not only theoretical but also included a field visit to a site (a location for bridge over the river Niger), it opened the eyes of participants to the environmental and social implications of the project.

4.1.2 Relevance (added value) of NCEA to MFA-NL's thematic programmes

ESIA/SEA often relate closely to water, climate and energy, making the NCEA's activities relevant for the MFA-NL's thematic programmes.

The ESIA/SEA system and tools are inherently flexible. They can include different themes for different projects, and can evolve over time. Legislation around ESIA/SEA is evolving with international agendas. One of the developments is that recently adopted legislation shows a larger focus on specific issues, among which climate change, for example through non-binding guidelines.²⁶ Therefore, the NCEA's activities aiming at improving ESIA/SEA systems and processes naturally contribute to the MFA-NL's thematic programmes.

²⁶ UN Environment (2018). Assessing Environmental Impacts – A Global Review of Legislation, Nairobi, Kenya.

²⁷ In accordance with IFC's environmental and social risk categorisation, Category B projects could be seen as medium risk and are defined as having 'potential limited adverse environmental or social risks and/or impacts that are few in number, generally site-specific,

A large share of the NCEA's activities are related to water, climate and energy.

The NCEA's activities are considered quite relevant for MFA/IGG's Water programmes. Bringing stakeholder engagement (CSOs, local voices), supporting landscape approach and local governments and reinforcing governance and transparency. Many of the activities around specific ESIA/SEAs involve (renewable) energy programmes, such as the Adjarala hydropower project in Benin and the Fomi Dam project in Guinea.

Even though private sector could potentially benefit from the NCEA's expertise, there is limited demand from these clients.

The NCEA currently contributes more to thematic objectives under IGG (water, climate, etc.) than DDE (private sector development). The NCEA is less active with the private sector, both in direct contact as well as through Netherlands-based private sector enablers such as FMO and RVO/Invest International, even though they do require ESIA's.

The engagement of NCEA with RVO/Invest International has been focused on – and limited to – the government-funded infrastructure grant programmes (D2B, DRIVE), which require high standards for due diligence and regular reporting on social and environmental issues. RVO initially made relatively broad use of NCEA services for its medium and high risk infrastructure projects in infrastructure, and this effectively helped RVO to become more aware of the importance and depth of ESIA requirements. But this demand has shrunk more recently because RVO has increased its ESG staff capacity to service the Category B projects internally.²⁷ This also gives RVO/Invest International more leeway to operationalise investments, in cases where the NCEA might have been more critical, or where RVO/Invest International is concerned that engaging the NCEA would be too time-consuming to follow the rhythm of the investment process. The NCEA has not been involved with Invest International's investment portfolios with SMEs and corporate companies. At FMO, ESIA is done for practically all energy projects. They acknowledge that many ESIA's are initially not of sufficient quality (in their case the IFC performance standards), but they feel they can sufficiently resolve such gaps with international E&S consultants. ESIA/SEA reviews conducted by the NCEA

largely reversible, and readily addressed through mitigation measures'. Risk categories A and C are considered as having high respectively low environmental and social risk. See https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/sustainability-at-ifc/policies-standards/es-categorization.

usually require larger time investments to align with the NCEA's standards, which is an additional element that may hinder further expansion into collaborations with the private sector. Such private FMO clients tend to search for cost minimisation and fast report delivery, which may contradict the NCEA's standards. The concerns of 'costs outweighing the benefits' were reflected in the last evaluation assessing the NCEA's contribution to the RVO²⁸ as well as during the key informant interviews. Still, the NCEA views opportunities to work more in this sector, and so does one of the survey respondents, who indicated a need for strengthening of ESIA capacity for international investors.

In Niger, the Netherlands' Embassy has been actively involved in the strategic planning programme for the Niger river basin.

From the beginning, the Embassy supported NCEA's engagement with this process. And when the initial steps had been taken, the Embassy helped to identify and enable RVO as implementing agent for the further development of the strategic vision for the river basin (see more details under 4.3.2).

4.2 Coherence

The coherence of the NCEA was assessed on two different topics; the alignment with other development interventions and the internal coherence, specifically looking at the need to include a private sector component in the EAP component of the subsidy programme.

4.2.1 Alignment with other development interventions

The NCEA's activities are well aligned with other relevant development interventions.

The NCEA is in contact with the Dutch embassies, where these are active, and respond to their requests. The NCEA's involvement in the SRJS programme

consisted of aligning with participating NGOs' agendas and needs within the specific country interventions. Other examples include initiation and participation in SEA guidelines development under the IAIA membership or working together with the WB on the ESY mapping tool elaboration. The NCEA also provides its services to RVO/Invest International for provision of independent advice partly covering private sector projects. The Commission's collaboration with the NEA shows the alignment with actors offering complementary services that fall outside of the NCEA's mandate. As was indicated in the NCEA's 2017-2022 proposal,²⁹ collaboration with the NEA was based on the recognition of limited contribution by the NCEA in the SEA/ESIA in the oil sector in Uganda. Another collaboration was planned in Iraq to build on the Norwegian Environment Agency's existing activities in the country.³⁰ The NCEA internally recognises the importance of the complementarity aspect and discusses continuation of activities with partners with complementary capacities and mandates, including WWF, IUCN and UNESCO among others.

The NCEA is successful in creating synergies between various partners and stakeholders.

The NCEA actively seeks ways to create synergies that are crucial for SEA/ESIA processes or other related activities, i.e. improvements in regulatory framework. This can be observed through time and activities devoted to liaise between various stakeholders as well as bringing in important partners. These include engaging relevant authorities to the ESIA/SEA process³¹ and focusing on establishing synergies between these relevant partners as their alignment is essential to creating an enabling environment.^{32, 33}

Increased donor engagement would improve implementation of activities with partners with limited financial capacities.

Although there are examples of donor engagement and discussions with donors during reconnaissance, more active inclusion of donors improves donor

²⁸ van der Sluys, C. (2021) Impact Evaluation of the NCEA's advisory services to the RVO (2009-2019).

²⁹ NCEA (2017) Proposal for a new framework contract 2017-2022 between MFA-NL and the Netherlands Commission for Environmental Assessment.

³⁰ NCEA (2021) Annual Plan 2021 of the Activities in the NCEA-MFA-NL Framework for International Cooperation.

³¹ Such activities were planned for as indicated in the Proposal for a new framework contract 2017-2022. Some examples of where such activities did take place as per 2019 results plan

were Egypt (fostering inter-ministerial relations), Guinea (connecting UNDP and relevant authorities in write-up of the new regulatory framework), Niger (training on application of the new ESIA legislation for environmental authority, line ministries and NGOs to improve capacities and improve collaboration) among others as mentioned in the 2019 Annual Results.

³² NCEA (2017) Proposal for a new framework contract 2017-2022 between MFA-NL and the Netherlands Commission for Environmental Assessment.

³³ Rwanda example on encouraging professional exchange as reported in NCEA (2019) Annual Results Report 2019.

awareness and commitment as was seen in the example of Mali.³⁴ The mobilisation of financial resources has been mentioned as one of the main hindering factors behind implementation of some of the planned activities. Predominantly, this is due to insufficient financial resources at national environmental authorities. Intensified inclusion of donors or strengthening financial resource mobilisation capacities can help the delivery of activities and contribute to effectiveness. For instance, in the case of Mali, holding a workshop for the donor community proved important for increased overall SEA awareness and commitment. In turn, these activities fostered collaboration and opened opportunities for more dialogue between the ministries, donors, local professionals and increased alignment of future activities.

The focus on CSO inclusion in the ESIA/SEA processes supports participatory approaches and can be linked to improved decision-making at higher levels of the ToC.

The NCEA's contribution to engage the CSO sector has been consistently affirmed and emphasised by all respondents, with whom the NCEA conducted activities relevant to SEA/ESIA processes. Such approach is reflected in programme planning³⁵ as well as during implementation in capacity development activities,³⁶ public hearings (examples of Senegal, SRJS Uganda), during ESY mapping workshops (for instance in Niger). Community and NGO/CSO engagement is essential for improving decision-making in a more participatory and inclusive way. Connecting these synergies to effectiveness was also noted in evaluation of the SRJS programme stating that:

'SRJS empowerment activities resulted in greater community involvement in governance processes and added to the competencies and confidence of CSOs in advocating for better compliance with laws and regulations and the denunciation of evident shortcomings.'³⁷

It is important to note that the CSO engagement is not solely related to the SRJS programme but is found in numerous examples across country programmes as mentioned earlier.

Budget constraints were the main point of concern when discussing expansion of working with NGOs.

With the SRJS programme ending, respondents struggled with finding ways to continue collaboration with the NCEA. This is on one hand due to the fact that these NGOs operate in countries that are outside of the MFA-NL framework. On the other hand, under the Power of Voices framework, 50% of the received budget is to be allocated to local NGOs. Therefore, financial costs for the NCEA services were too high to cover from the remaining budget in countries outside of the BHOS policy. This leaves space for collaboration only in the countries that are in line with the MFA-NL focus countries. Activities in other countries, where collaboration was well established under the SRJS programme, were phased out.

Synergy creation with different stakeholder and correctly defining the window of opportunity to roll-out activities both contribute to the NCEA's good coherence.

The NCEA's work under the Country Programme component is subjected to ever-changing contextual conditions. A main strength of the NCEA's approach is flexibility in their planning and adaptability to the identified needs. This is reflected in budget reallocation (Appendix 6) either between components, shifting from private sector to the country component, as well as specific activities whenever opportunities arise. For instance, if there is a need to increase awareness and knowledge on SEA or ESIA, the NCEA has demonstrated its ability to quickly bring together relevant parties and successfully implement capacity development activities. Awareness or capacitation are crucial for further effectiveness. The same holds true when new requests are being passed, either by the relevant embassy or a governmental party, or when there is an indication of interest from local or national environmental authorities. On the other hand, if there is no consent

³⁴ For instance SEA process evaluation workshop with donors in Mali, which proved essential for more awareness and collaboration with environmental agencies.

³⁵ NCEA (2017) Proposal for a new framework contract 2017-2022 between MFA-NL and the Netherlands Commission for Environmental Assessment.

³⁶ examples: emphasized in SRJS & NCEA (2022) Improving governance, collaboration, transparency & inclusiveness, Environmental Assessment in Landscape Management, Ten Cases. and evident through various trainings/workshop activities in annual results documents.

³⁷ In SRJS & NCEA (2022) Improving governance, collaboration, transparency & inclusiveness, Environmental Assessment in Landscape Management, Ten Cases. pg 19.

from the environmental authority, the NCEA prefers to step back to await a more appropriate moment whilst maintaining its independence.

The NCEA follows-up on further opportunities arising through established partnerships confirming well-functioning external coherence.

Relevance of the NCEA's expertise allowed for further collaboration with the World Bank as an extension of activities with Union économique et monétaire ouest-africaine (UEMOA) was noted during the interview stage. Another example is potential continuation with SEA capacity development at the WWF outside of the MFA-funded SRJS programme. Working in countries outside of the MFA-NL programme is associated with the need to fully cover for the NCEA costs. NGO partners find the latter a major hindering factor to advance their collaboration despite identifying opportunities to continue and being enthusiastic about the SEA/ESIA as a tool for more inclusive development initiatives.

There are both formal and informal partnerships between the NCEA and its partners. Formalisation can add to increased commitment and development of multi-annual action plans.

For some partners, the NCEA decides to develop formalised agreements for collaboration. Examples of these are MoUs signed or being drafted with environmental authorities (such as Ethiopia, Mali). Another example is an MoU signed with Commission des Forêts d'Afrique Centrale (COMIFAC) and Central Africa Secretariat for Environmental Assessment (SEEAC) aiming at strengthening ESIA systems in Central Africa, representing a formalised cooperation at regional level. Opting for formalisation is substantiated by the need to increase commitment and creation of long-term engagement. This is why drafting and signing of MoUs takes place predominantly with environmental authorities or other governmental agencies.

Those NCEA's partnerships that were developed on a more informal basis bring about various benefits to the NCEA's activities.

Firstly, interviewed stakeholders note that the NCEA is very flexible in the way they implement various activities. This aspect is related to adaptability to changing situation and prompt responsiveness to requests mentioned in previous paragraphs. Flexibility is generally enabled through partnerships that are more informal. This means that the NCEA does not request signing of an MoU or seeks to institutionalise ongoing or new partnerships when there is

alignment and effective ongoing collaboration in place. In these cases, the NCEA focuses on effective and fast realisation of activities. All interviewed partners appreciate the flexibility aspect and regard relations with the NCEA as strong. It should also be noted that various parties hinted that the NCEA is a trustworthy partner. Informality can be regarded as a contributing factor to increased trust, and this more so in countries with weak institutional framework.

Reduced internal coherence and lack of visibility towards other prospective partners are potential disadvantages to informality.

Respondents generally endorse the NCEA and their contribution. Their relations with the NCEA are predominantly based on personal connections. In other words, depending on the country programme or specific activity, majority of the respondent were closely connected to individual NCEA employees. While such strong and longstanding relations are essential in maintaining and expanding in-country network or links with specific organisation, it also means that visibility to other organisations, departments or units can potentially be limited. For instance, while MFA-NL's IGG department works closely with the NCEA, other departments, for whom the NCEA's expertise is potentially highly relevant are not fully aware of the added value the ESIA/SEA instruments can bring. Additionally, maintaining the network in case of the NCEA staff rotation might be put at risk as these strong ties arose thanks to in-person encounters or through other real life settings. While we did not find any cases in which this happened, these are potential points for consideration for the long term. Recent decrease in travels due to the COVID-19 pandemic as well reduction in carbon emissions policy might limit the ability to develop new partnerships in this manner.

For the Uganda case, the NCEA's support aligns with national development goals and international SDG agendas.

Evaluation participants believe that ESIA's and SEAs are a tool for contributing to sustainable development and therefore to the Sustainable Development Goals (SDGs) at the global level. At the national level, ESIA's contribute to the development goals as espoused in Uganda's Third National Development Plan (NDPIII).

In Uganda, the NCEA has fruitfully collaborated with international NGOs. A good example is the collaboration with the International Union for the Conservation of Nature (IUCN) and the World Wildlife Fund (WWF), through the SRJS programme. Under this programme, NCEA organised several workshops for building capacities of local stakeholders, such as local CSOs, district technical officers and policy makers, affected communities, forest rangers, cultural institution and the media.

The NCEA's support in Uganda is closely aligned to that of the Norwegian Oil for Development facility (OfD), but this is about to change as a result of the Dutch decision to discontinue support to the oil and gas sector.

NCEA and OfD have ensured alignment and coherence by supporting the same processes, each contributing a different form in input. OfD usually provides the funding to cover costs while NCEA provides the technical expertise. The recent change in Dutch policy, however, is to discontinue any support to the oil and gas sector, as a result of commitments at the 2021 Glasgow conference (COP26). The Ugandan officials are not yet sure where they will find support to replace NCEA's support. OfD for instance may not have the wide range of expertise that NCEA has been bringing in. In addition, being a government agency, OfD may not work as flexibly as NCEA has done. In the meantime new oil and gas projects are foreseen in Uganda, with potential environmental and social consequences: for these projects substantial external technical support will be required to anchor robust ESIA and/or SEA processes.

In the case of Niger, NCEA's support programme aligns well with the official national policy priorities.

It fits with the priorities of the National Economic and Social Development Plan 2017-2021, specifically with the section about Sustainable Development, and with framework law 98 about environmental management which prescribes the need for environmental impact assessments. NCEA's support came at the right moment, when the National Bureau for Environmental Assessment (BNEE) was working on the implementation guidelines of the updated legislation regarding environmental impact assessments.

The ESY-map exercise in Niger (2018) helped create a coherent view by stakeholders about the ESIA/SEA system in Niger and propositions for systems improvement.

The ESY-map workshop helped to get to a common understanding between actors about the status of the ESIA/SEA system and its strengths and weaknesses. This also generated shared ideas about how to improve this system. It included the idea to link the Niger system better with the regional systems at UEMOA and CDEAO levels. A limitation mentioned in relation with the ESY-map event was the lack of budget at BNEE for follow-up training events for stakeholders; this was (partly) resolved with United Nations Development Programme (UNDP) and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), which also demonstrates alignment of actions. BNEE and NCEA could build synergies with the Francophone Institute for Sustainable Development (IFDD). IFDD had done a diagnostic about gaps in the ESIA system and worked with BNEE (supported by NCEA) to develop practicable guidelines about including climate change aspects in the ESIA/SEA routines. These guidelines were validated for wider use in Francophone countries in 2021.

The (ongoing) strategic planning exercise for the Niger river basin implied a process of seeking harmonisation and synergies between a variety of actors involved in this area.

The objective of the strategic planning was to arrive at a strategic vision for the long-term management of natural resources of and around the river. SEA is a central ingredient of this planning process. It involves creating coherence between different projects and programmes influencing the resources and environment of the river. Several ministries are involved (Environment, Water, Agriculture and Livestock) and UNDP is involved funding workshops. Notwithstanding the very limited budget for the project, it has permitted creating operational synergies and linkages between the actors.

4.2.2 Need to include private sector (a.o.) component in the EAP component of the subsidy programme

Private sector development activities are taking place predominantly within the RVO/Invest International collaboration.

The private sector development component activities did not fully materialise and lesser budget was spent than had been planned (Appendix 6). Despite

lower spending, both the interview with the RVO and findings in the literature affirm a positive view of the RVO on the NCEA's input.³⁸ Scope of collaboration might nevertheless further decrease given improved ESIA capacity at the RVO and with transitioning to Invest International.

On the other hand, both interviewees and the NCEA perceive opportunities to increase its involvement in the private sector.

This would be well in line with the current conditions, with increased focus on private sector developments and their accountability towards more favourable environmental and social outcomes.³⁹ The need for impact assessments is therefore large, not only for legal (or investor) requirements, but also because businesses are increasingly held accountable for their environmental and social impact by (social) media and consumers. In this sense, the question is not whether the NCEA is offering relevant services, but where the NCEA positions itself in an environment driven by financial and operational efficacy. To be able to further expand in the private sector, this existing tensions between the operational process and sustainability process need to be accounted for. The comparative advantages of the NCEA in its relationship with RVO/Invest International are: contextual knowledge, relations with country governments, knowledge of country-specific regulations, pool of national and international technical expertise, independence and transparency.

Potential bottlenecks for increased collaboration may be:

- the cost of the NCEA's engagement, which only for a limited number of countries is covered by the MFA budget.
- the difference in culture: Invest International finds the NCEA's advice relatively costly (field visit with a large delegation), relatively time-consuming (6-8 weeks for an advice) and sometimes too risk-averse. The NCEA's appreciation is that their reviews require care, thoroughness and interaction with local stakeholders. These differences probably need to be discussed and cleared at senior management levels.

³⁸ van der Sluys, C. (2021) Impact Evaluation of the NCEA's advisory services to the RVO (2009-2019).

³⁹ UN Environment (2018). Assessing Environmental Impacts – A Global Review of Legislation. Nairobi, Kenya.

In Uganda, the NCEA's collaboration with the private sector comprised ESIA support to a series of six infrastructure projects of RVO.

These projects operate under different windows for RVO support to infrastructure: D2B, DRIVE and ORIO. They include a variety of small-scale urban infrastructure projects related to waste management, urban farming, taxi park, sanitation and the medical sector. In these cases, the NCEA reviewed the local ESIA requirements for these projects, and reviewed the scoping reports, the ESIA's and the ESMPs. Similar support was provided for a rural electrification project under the ORIO facility.

4.3 Effectiveness

The effectiveness of the NCEA was assessed on three topics: the effects of the choice and number of countries, the extent to which the intended direct outcomes were achieved, and how the NCEA assesses its efforts, consolidates and shares the lessons learnt from practice, and improves activities.

4.3.1 Choice and number of countries

In general, the choice and number of countries did not affect the overall effectiveness of the NCEA 2017-2022 EAP. Lower than expected demand in the private sector development, sustainable finance and sustainable advice components was a key external factor that drove down overall effectiveness.

Compared to the 2012-2017 EAP, the NCEA has significantly expanded its programme financially and geographically and exhibited a relatively higher level of delivery. During this programme cycle, the NCEA implemented activities in 25 countries under its country and region (C&R) component, up from 14 countries in the 2012-2017 EAP. The total expenditure in the first four years of this EAP (2017-2020) is about €7.5 million, nearly four times higher than the expenditure of €2.37 million⁴⁰ in 2012-2015 during the last EAP. The NCEA has thus increased its delivery⁴¹ from 21% to 50.3% over the first four years of the EAP. This increase in delivery is related to higher performance in the C&R (72%) and the knowledge and learning (K&L) components (87%, see

⁴⁰ Total expenditure between 2012-2015 was estimated based on the figures reported in the 2012-2017 final evaluation report as 1,546 Secretariat working days and €670,032 which is about €2,370,632. The NCEA staff fee is estimated at €1,100 per day (see NCEA 2017-2022 proposal Page 8).

⁴¹ Delivery here is defined as the percentage of total expenditure in allocated budget.

Figure 10). Relatively higher performance in the C&R component is a clear indication that the choice and number of countries did not affect NCEA's overall capacity to deliver. On the contrary poor performance in the PSD, SF and SA components (see Figure 9 & Figure 10) was a key source of ineffectiveness, which is not related to the choice and number of countries, and is beyond the control of NCEA. In fact, NCEA has faced lower than expected demand by RVO/Invest International, FMO and MFA-NL including EKNs.

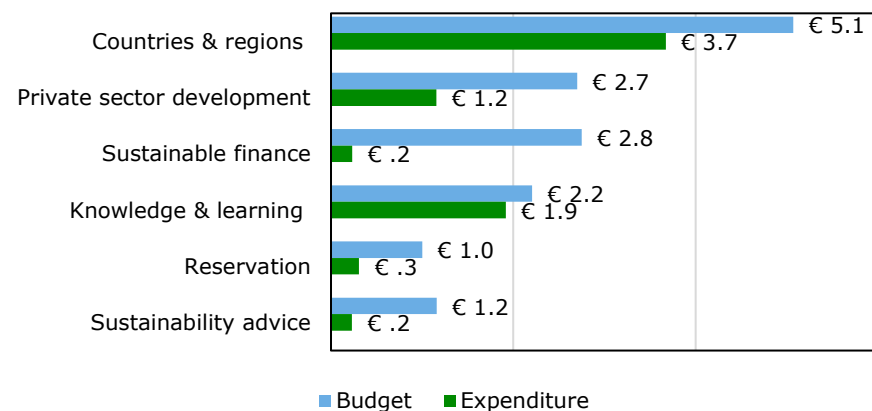


Figure 9 Total budget & expenditure by component 2017-2020 (€ million)

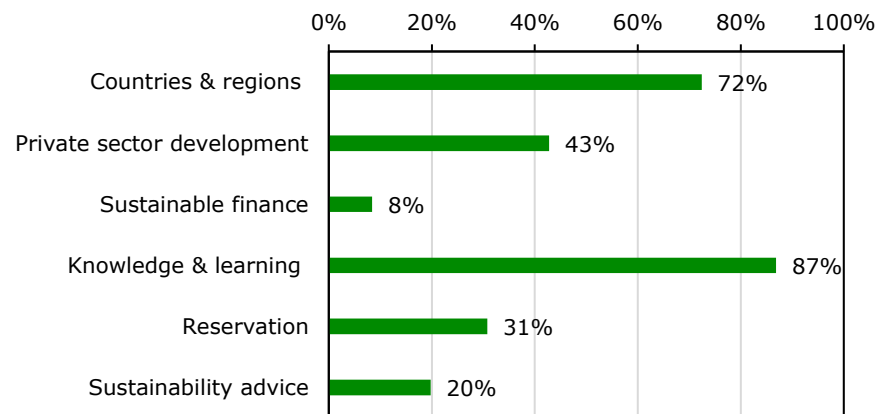


Figure 10 NCEA delivery by component 2017-2020

Changes in MFA-NL policy could have hampered effectiveness, but they were mitigated effectively by the NCEA.

In 2018 the BHOS policy shifted to focus on unstable regions near Europe including West Africa/the Sahel, the Horn of Africa, the Middle East and North Africa with the aim to address issues such as the root causes of poverty, migration, terrorism and climate change.⁴² As the NCEA's choice and number of countries follow this BHOS policy, the NCEA began phasing out activities in seven countries (Benin, Ghana, Indonesia, Laos, Mozambique, Myanmar, and Rwanda).⁴³ Simultaneously, the NCEA began phasing-in activities in 8 countries and one region (Burkina-Faso, Egypt, Guinea, Iraq, Jordan, Lebanon, Niger, Palestinian territories and the West African Region). To reduce the impact of exiting specific countries, exit strategies, like in Ghana and Myanmar, consisted of gradually downscaling activities, honouring the commitments that had been made, while remaining available for independent advice requests until the end of this EAP in 2022.^{44, 45} These exit strategies also included reflective and

⁴² <https://www.government.nl/topics/development-cooperation/the-development-policy-of-the-netherlands>.

⁴³ The status of Rwanda as a focus country for NCEA is still unclear, as Rwanda was listed as a focus country under BHOS policy, and became soon after ineligible for the Dutch ODA. While NCEA decided to continue its activities as planned given the uncertainty of the implication of these changes in policy, NCEA seems to be de-facto phasing out activities in Rwanda.

Delivery of activities in Rwanda is about 17% for the first four years of this EAP. (NCEA 2019 Annual Plan).

⁴⁴ NCEA (2019) Annual Results Report 2019.

⁴⁵ NCEA (2021) Annual Plan 2021 of the Activities in the NCEA-MFA-NL Framework for International Cooperation.

learning activities including the implementation of monitoring/evaluation and mid-term review in 2020, for example in Benin and Mozambique.⁴⁶

MFA-NL policy and NGO/CSO partnerships do not always focus on the same countries, potentially influencing effectiveness.

The shift in the BHOS policy seems to have an influence on the scope of collaboration or continuation in collaboration with the NGO sector when under programmes funded by the MFA-NL (i.e. SRJS or later Power of Voices). Some stakeholder interviewed (see Section 4.2.1 for more information) emphasised the financial constraints to budget for the NCEA's involvement in countries outside the policy, even if the NGO's programme in a non-priority country was approved under the MFA-NL funding framework. This means that despite well-established collaboration, working together can be impossible if the project takes place outside of the MFA-NL focus countries. Hence, the NCEA is not mandated to work in all countries approved under the Power of Voices.

Phasing-in of activities in new BHOS focus countries were done responsibly, but political instability is a risk to effectiveness in some of these countries.

Out of the 11 new focus countries, to date, only six countries have a multi-annual country programme which provides a framework for cooperation. These countries are Egypt, Jordan, Guinea, Senegal, Lebanon and Niger, where the NCEA could see concrete and immediate windows of opportunity.^{47, 48} In several countries, however, the NCEA was not able to formalise cooperation as national environmental agencies' capacity was low for effective collaboration like in Burundi, or political instability hampered the formalisation of cooperation like in Tunisia.⁴⁹ The system approach of the NCEA, coupled with the use of its ESY-map tool allows a quick diagnosis of the initial state and performance of ESIA/SEA systems in countries where the NCEA planned to operate, and provided the strategic entry point for the NCEA for identifying its added value and the relevance of formalising cooperation. The NCEA's capacity in maintaining professional networks of ESIA and SEA specialists and government agencies in both focus and non-focus country, through its

knowledge and communication-related activities proved to be critical in adjusting to the 2018 BHOS policy and maintaining effectiveness.⁵⁰

4.3.2 Achievements and reporting on intended direct outcomes

The NCEA's capacity development efforts have contributed to strengthened capacity of various stakeholders in different aspects of the ESIA/SEA system.

In the area of capacity development, NCEA has contributed to increasing awareness, knowledge and capacity of government officials, the private sector and NGOs, for example in Mozambique at integrating SEA into a special spatial plan for the lower Zambezi catchment.⁵¹ This gain in capability was related to practical experiences in the implementation of SEAs, participation in several formal and informal capacity and training activities, and involvement in dialogues related to the SEA regulatory framework and SEA guidelines.⁵² The NCEA was also instrumental in developing the capacity of the World Bank at designing their Environment and Social Framework (ESF) mapping tools which are inspired by the ESY-map tools. Also, the long-lasting cooperation between the NCEA and RVO/Invest International through the independent advice on the process and report of specific ESIA/SEA trajectories has contributed to raising awareness and commitment to the use of EA instruments to mitigate social and environmental risk related to Dutch foreign investments. To date, RVO has expanded its internal capacity of environmental and social governance staff.

⁴⁶ NCEA (2020) Annual Results Report 2020.

⁴⁷ NCEA (2018) Proposal for an Addendum to the Environmental Assessment Programme 2017-2022 of the NCEA-MFA-NL framework for International Cooperation – country programme for Guinea and Senegal.

⁴⁸ NCEA (2019) Proposal for an Addendum to the Environmental Assessment Programme 2017-2022 of the NCEA-MFA-NL framework for International Cooperation – country programme for Lebanon and Niger.

⁴⁹ NCEA (2019) Annual Plan 2019 of the Activities in the NCEA-MFA-NL Framework for International Cooperation. In Burundi for instance: NCEA (2019) Annual Results Report, 2019.

⁵⁰ NCEA (2019) Annual Results Report 2019.

⁵¹ van der Sluys, C. (2019) Impact evaluation of the NCEA-s activities in Mozambique between 2002 and 2019.

⁵² van der Sluys, C. (2019) Impact evaluation of the NCEA-s activities in Mozambique between 2002 and 2019.

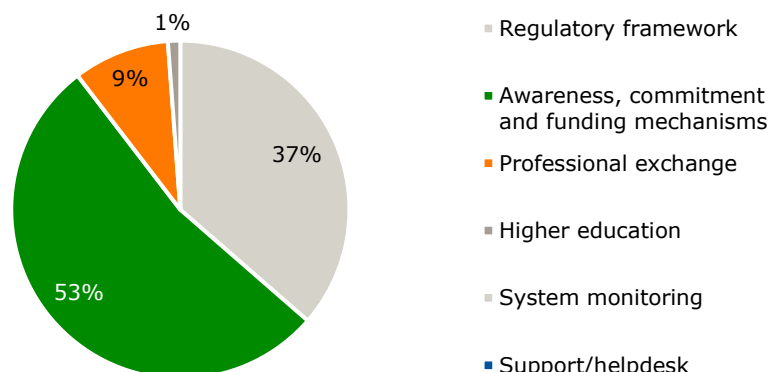


Figure 11 Share of total Country & Region component expenditures on EA functions (2017-2020)

In Niger, there are some early signs of the effectiveness of the capacity building, mainly in terms of a change in culture around ESIA and their follow-up.

Participating staff tends to become more rigorous in demanding better quality of ESIA reports, and more accountability of ESIA consultants to the respective stakeholders. Also, companies are more often asked to report about the implementation of their ESMPs. Moreover, the elements of stakeholder inclusion and transparency seem to gain traction, as a result of the SEA experience around the Niger river basin programme.

The NCEA had also contributed to the improvement of ESIA/SEA processes.

In conjunction with the SRJS programme in Uganda, the NCEA has contributed to improving ESIA processes implemented by NEMA, the national environmental agency. ESIA processes are more inclusive, transparent and accountable, allowing for stakeholders including CSOs participation in ESIA review processes and the inclusion of their feedback in the review reports. In Mozambique, the NCEA support has contributed to integrating SEA processes into a multi-sectoral planning process in the Lower Zambezi Valley for the first

time.⁵³ Though this support, stakeholders were able to develop tools and instruments to resolve inter-sectoral, land-related conflicts and guide lower level planning processes.

NCEA implements a gender-sensitive approach to its technical assistance. In practice, this takes the form of (1) a systematic scrutiny of the potential socio-economic impact of the project on the condition of women, youth and other marginalised groups and the design of strategies to address it, and/or (2) the inclusion of women and youth in stakeholder engagement processes embedded in EA processes. The latter strategy contributes to more transparency, credibility and trust in the EA processes. It is key to note that the success of gender-sensitive approaches depends also on the intrinsic motivation of project/programme proponents, including CSOs.

In Mozambique, NCEA's advice on the quality of the ToR and the draft report of the environmental pre-feasibility study and the review of the ESIA of the irrigation infrastructure project for organic sugarcane in Chamba led to improved consideration of gender issues in the project design. Through these review processes, NCEA flagged key concerns about public participation and social issues, including gender and required from the project proponents an explicit description of how these concerns would be addressed and implemented. NCEA also flagged the need to improve the description of the project's potential social impact, including on gender, among others. For example, how the project would safeguard suitable access to irrigated land for male and female farmers and how it would affect gender roles. A final evaluation of the NCEA programme with RVO has shown that, by explicitly being gender-sensitive in its advice, the ESIA processes such as stakeholder engagement and participation were more inclusive of women and marginalised groups.⁵⁴ In Myanmar, NCEA provided independent advice for the Bagan River Multipurpose Beautification project. An evaluation of NCEA advice found that NCEA helped broaden the scope of the project from water management to social and economic development of the island and riverside with a specific social component, paying attention to gender impact and inclusive consultations in all affected villages.⁵⁵ Similarly, in its support of SEA processes in Rwanda, NCEA ensured that women and youth groups are represented in stakeholder engagement processes to ensure a gender-sensitive development

⁵³ van der Sluys, C. (2019) Impact evaluation of the NCEA-s activities in Mozambique between 2002 and 2019.

⁵⁴ van der Sluys, C. (2021) Impact Evaluation of the NCEA's advisory services to the RVO (2009-2019).

⁵⁵ NCEA (2017) Annual Results Report 2017.

of the catchment management plan.⁵⁶ While NCEA's systematic approach to gender inclusion lead to gender-sensitive ESIA/SEA processes, it is key to note that at times, like in the case of Mozambique, the successful implementation of gender-sensitive approach depends on the intrinsic motivation of the project proponents. Also through our case study in Uganda, it is notable that government officials have also come to better appreciate the issues of inclusiveness, a result of the participation and gender considerations in EA processes that CSOs have been passionate about.

Inclusiveness and gender aspects in particular is part and parcel of NCEA's approach and is well-embedded in the professional approach of the staff. It is however not made explicit in all the tools used and published by the NCEA, which could limit its replication by national staff and organisations, and learn from NCEA approach to gender inclusion.

NCEA explicitly track gender-related aspects in its Monitoring Forms, although there is no explicit mention of gender in its Systems Approach for SEA and ESIA or under a wider discussion of concepts such as inclusiveness and or transparency. This limits the potential for replicating the approach by national staff and organisations. Also there is no dedicated section to address gender related topics in the NCEA annual reports, limiting therefore the opportunity of making sense and learning from the relevant data collected through the M-forms and giving a better visibility of NCEA contribution to this thematic area.

The NCEA had also contributed to the improvement of ESIA/SEA functions. Awareness raising, securing commitment and funding, strengthening ESIA/SEA regulatory framework and professional exchange are the primarily sought functions by country and regions.

The NCEA's support for improving ESIA/SEA system functions was concentrated in three key areas: Awareness, commitment and funding mechanisms, ESIA/SEA regulatory framework and professional exchange (see Figure 11). The NCEA support to country and region regulatory framework consisted in for example revising ESIA guideline in Ethiopia, the review of SEA institutional framework and the development of SEA best practices in Mozambique, or the provision of independent advice on the harmonisation of EA systems in the ECOWAS region. Looking at the NCEA share of country and region expenditure by EA system function, it appear that regulatory

framework; awareness, commitment & funding, and professional exchange are the basic enabling conditions for EA in low-income countries. EA Helpdesk, M&E of EA implementation and higher education and professional training become relevant once the basic functions are enabled.

The survey respondents reported positive contributions of the NCEA's support to improvements in the ESIA/SEA system.

The largest share of survey respondents reported that the support they received from the NCEA focused mainly on the level of the ESIA/SEA system (14 out of 23, 61%). These respondents generally reported positive change in the system, and also reported contribution of the NCEA to this positive change (see Figure 12). The system level area with the highest contribution scores was 'the regulatory framework for ESIA/SEA', but contribution to improvements was also reported by a large share of the respondents for 'impact assessment is seen as important'. The respondents who participated in an ESY-map exercise were overall satisfied. One respondent mentioned 'The ESY mapping workshop [...] contributed greatly to identifying our weaknesses. The results of mapping are used to develop plans for improvement and capacity building'.

⁵⁶ Tetero, F. (2021) Outcome statement on the contribution of the NCEA to the application of SEA in Rwanda (2016-2018).

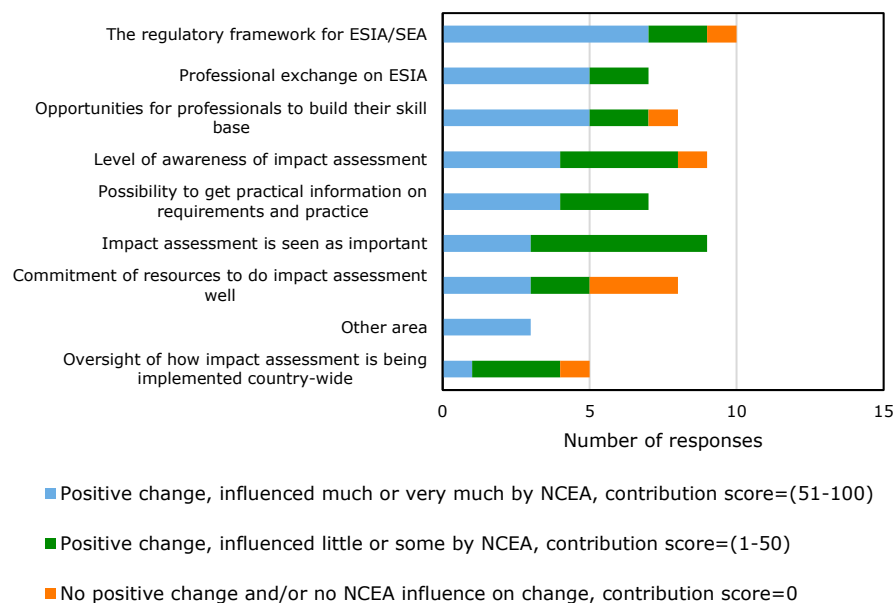


Figure 12 Contribution of the NCEA to improvements in the ESIA/SEA system. NCEA evaluation Survey 2022

Factors influencing effectiveness

The positive contribution of the NCEA to the direct and indirect outcomes depends on several internal and external factors.

There are a number of important factors related to the effectiveness of the NCEA. Expertise and objectivity, a wide professional and institutional network, the flexibility that long-term engagement and a demand-driven programme provides, and independence and transparency. These factors significantly contribute to stakeholder trust in the NCEA (see Section 4.2.1 for more information), which is then leveraged to ensure effective collaboration, transparency and accountability in ESIA/SEA processes.

A key factor contributing to the NCEA’s achievement is its strategic positioning in the country and regions where it intervenes.

The NCEA’s systematic assessment of ESIA/SEA system in a country, using the ESY map tools and rigorous screening of requests results in a programme based on identified weaknesses and potential areas of synergies. Stakeholders also noted the nimbleness of the NCEA in its capacity to cooperate with other agencies, at times in the absence of a formal MoU as it is the case with the Norwegian Environment Agency (see Section 4.2.1 for more information). An important hindering factor of the NCEA’s contribution to outcome level results stakeholders reported, is the provision of in-kind technical support only. In the absence of counterpart capacity to provide co-finance, this may inhibit cooperation. However, it does ensure beneficiary ownership of the NCEA’s support and makes that the support has a better chance at success. The NCEA has adapted effectively to the COVID-19 pandemic and its effects on programme implementation. The lack of face-to-face interactions, influencing coherence as well, was identified by stakeholders as a factor affecting the effectiveness of achievement of outcomes, such interactions are recognised as key to building trust and partnership. In many instances where we were able to observe a meaningful contribution of the NCEA to outcome level results, the NCEA has been implementing activities in these countries/agencies for at least a decade, such as in Mozambique or the cooperation with RVO. This suggests that long-term support is a key driver in successfully contributing to improved ESIA/SEA systems, but a key hindering factor for the sustainability of the support if limited in time.

There are key external factors that have also contributed to the overall positive contribution of the NCEA to outcome level results.

The NCEA success strongly depends on the willingness of the government, in particular the national environmental agency and other relevant institutions to effectively be inclusive, transparent and accountable in ESIA/SEA processes. In several instances, this is related to strong individual and institutional commitment to the change process and willingness to learn. This was also reflected in the answers in the survey. We asked the respondents to what extent the recommendations/advice/suggestions of the NCEA were implemented, to which 75% of the respondents (n=20) indicated ‘much’ or ‘very much’. When asked why not all the recommendations/advice/suggestions were indicated, the most common options chosen were ‘we did not have

enough resources' (6 respondents), 'we were not able to because of COVID-19' (5 respondents) and 'we have not yet had the time to do so' (4 respondents).⁵⁷

Achieving outcomes in the NCEA programme in Uganda

In Uganda, capacity building led to improved knowledge and skills.

Many interviewees believe that the capacity of target institutions such as NEMA have been strengthened. During the trainings the NCEA facilitators pointed out the gaps in the ESIA reports and this helped the trainees appreciate these gaps and ask the developers to revise the ESIA reports, improve the ESMPs and provide more information. Others report that although the NCEA did not directly focus on issues of monitoring and compliance, they have through the NCEA-facilitated processes also gained skills that can be applied to monitoring and enforcing compliance. The NCEA's capacity building and mentorship also trains reviewers to read critically and ask critical questions, or rather ask the right questions. It helped to equip the review staff to identify the key issues to focus on in each reach, even if reports are voluminous. Beneficiary staff reports having applied the acquired knowledge and skills also in other review projects where the NCEA is not involved.

In Uganda, the quality of ESIA reports and environmental certificates has improved.

Interviewees report that the new knowledge and skills are reflected in the better quality of ESIA reports that were eventually produced. They also pointed at the formulation of more specific conditions in the environmental certificates issued by NEMA. This is an improvement compared with the standard conditions that were included in the past. The NCEA experts confirm that they have observed that content from their advice was adopted in the ESIA reports and certificates.

Non-government actors in Uganda were included.

Some of the NCEA's capacity building activities involved and benefitted district local governments, CSOs and professional associations, though the engagements with CSOs and professional associations were not extensive. These actors can play important roles to support, complement or check

government's role in environmental management. These roles can be vital in situations where political interference may hamper the role that government's own agencies can play. The NCEA also trained the media, with the result that some journalists have continued to cover stories in the oil sector.

The NCEA has helped making ESIA processes in Uganda more participatory, inclusive and transparent, and more consensual.

Public hearings have been used to hear voices, concerns and questions of local communities early in the process, which is better than having to resort to court cases against certificates already issued (prevention is better than cure). This has also made district local governments more proactive and interested in environmental and social issues related to ongoing investments in oil and gas in their region. Also, the NCEA's approach of doing joint reviews and regular meetings enabled NEMA to have open discussions about technical issues and find solutions quickly. This also led to more consensual positions and the outcome is more likely to be accepted by all parties. Concerned parties learn that the feedback is based on scientific facts and is not intended to block the investments. NEMA officials report that they are now using this approach also in ESIA's for other sectors, such as mining and road transport.

The NCEA support has helped introduce SEA in Uganda, and has helped to add the social dimension to EIA.

SEAs were relatively new in Uganda. With the NCEA technical support SEA was included in the Environmental Act. Since their introduction and first application in the oil sector, other SEAs have been deployed around mineral exploitation in several districts and regions. SEA is also being applied around in the review of the 2008 Oil and Gas Policy. Nonetheless, few people understand the SEA process thoroughly and there is a need to build more critical mass around the subject. The NCEA is also credited for having popularised the addition of the 'social' aspects, to the previous scope which largely focused on 'EIA'.

⁵⁷ Other answer options were: 'There was a lack of political support or interest' (3 respondents), 'It did not align with the priorities of other key stakeholders (outside of my organization)' (2 respondents), 'It did not align with the priorities of other key stakeholders within my

organisation' (1 respondent), 'Recommendations/advice/suggestions did not fit the local reality' (1 respondent) and 'Other' (7 respondents).

In Uganda, the success factors of the NCEA's work are its capacity to mobilise the right high-level expertise, its independence and transparency, and its collaboration with other agencies.

Interviewees appreciate the NCEA's ability to bring in experts with international and domestic experience in very specific environmental and social issues, as well as in process and governance. This enables the NCEA to provide a holistic opinion and advice. The NCEA's independence and neutrality are mentioned as a success factor: the NCEA experts are objective and operate on scientific grounds, can afford to be critical without risking their jobs, do not take sides and have no conflicts of interest, and leave the decision-making to the local authorities. This deliberate positioning creates trust among the different stakeholders involved. The transparency is another success factor, with the NCEA reports published on the NCEA website and with the use of tools such as public hearings.⁵⁸ Finally, the tight collaboration and complementarity with the Norwegian OfD is mentioned as a success factor.

Another limitation in Uganda is the absence of financial support.

Interviewees point at that government agencies sometimes lack financial support to carry out essential tasks related to the ESIA/SEA projects supported by the NCEA. Examples are inviting district officials for training to Kampala, undertaking field monitoring, or replacement of environmental monitoring equipment. This makes the joint projects dependent on finding a financial partner who can cover such expenses.

Some organisational limitations have also been mentioned in Uganda, such as the drop-out of trained staff, the need to invest more in SEA knowledge and skills, and the counterpart structure.

Staff trained by the NCEA sometimes moves to other jobs, although fortunately they move often to jobs where they can still apply the skills acquired. The experience with SEA is still considered shallow in Uganda, which raises the need for sustained investments in skills development. Regarding the counterpart structure, regulatory agencies have not appointed a focal point for coordinating with the NCEA. Also some government staff signals that the principle of transparency may sometimes enter into conflict with their oath of secrecy as public servant.

⁵⁸ While public hearings have been cited as one of the success factors, their procedures have not always been followed adequately. For example, the 21 days' notice for convening, or the

Achieving outcomes in the NCEA programme in Niger

The NCEA programme in Niger has been relatively recent and modest in size. Therefore we can only speak of early effects.

The programme started with an ESY-map workshop in 2018 and activities were started in 2019. A total of 109 person-days were budgeted.

The ESY-mapping for Niger (2018) generated a status view on the strengths and weaknesses of the national ESIA/SEA system, and helped formulate the axes of intervention for the NCEA.

The strengths were about having laws and systems in place as well as the recognition of the value of ESIA/SEA, the weaknesses were about ESIA governance aspects such as transparency, public accountability and stakeholder participation, and about limitations in the ESIA/SEA practices.

The workshop about ESIA/SEA procedures (2019) contributed to better information, greater awareness and more trust.

It made sector ministries better informed and more aware about the scope and importance of ESIA/SEA. It contributed to increased clarity for BNEE about the application of ESIA/SEA. And it helped create more trust among NGOs and CSOs to play their role in ESIA/SEA processes.

The newly developed guideline on including climate change and health aspects in ESIA/SEA has gained wide outreach, not only in Niger but also in the community of francophone countries in Africa.

The NCEA and BNEE decided to proactively engage themselves in this topic, within the network of the International Secretariat of the Francophonie for Environmental Assessment (SIFEE), and in collaboration with IFDD. They felt that the topic was of special relevance for the Sahel region and Niger. The NCEA and BNEE co-developed two guidelines on how to integrate climate change and health aspects into ESIA/SEA assessments. NCEA provided examples of such guidelines, which were simplified for the purpose of the Sahel and Francophonie region. Once validated through regional workshops (2021), these guidelines were used in an online course of IFDD, and climate change was integrated in the national regulations in more than 20 countries. In Niger, several multilateral actors (African Development Bank, UNDP, UEMOA) and

requirement that sessions are presided by persons without conflict of interest, have not always been respected.

different sector ministries participated in the validation event, which increased the political engagement with the topic.

The strategic programme for the Niger river basin has passed its initial phase and has succeeded in formulating a work plan for the SEA through an iterative and transparent multistakeholder process.

The initiative came from the Ministry of Environment and the Netherlands' Embassy supported the idea of bringing this initiative into the collaboration with NCEA. A concept note was written, to feed a discussion in a broad stakeholder workshop which took place in April 2021, with financing of UNDP. The workshop encouraged a vivid discussion and deep reflection of stakeholders about the strengths and weaknesses of natural resource management in the Niger river basin. It concluded with the intention to develop a long-term vision for 2052 for the basin. The Ministry of Environment has installed a steering group (National ad-hoc committee) to lead the process of development of the long-term vision. It has submitted a financing request for the process to the Netherlands' Embassy. RVO has been identified as a facilitating agency for the development of this vision, through a formulation process that engages all the stakeholders, from sector ministries, decentralised governments and donors to CSOs and local communities). RVO has facilitated similar processes in other countries, including Niger and Benin. RVO conducted a mission in November 2021, during which it helped formulate – with the stakeholders – a work plan for the vision development. The shared work plan has now been submitted to the government of Niger. The style of working, with participation and consensus building of stakeholders from the very beginning, is unique and innovative in the governance context of Niger. It is creating trust and collaborative energy between the parties involved.

NCEA's planned activities in Niger have only partly been implemented.

The activities regarding the regulatory framework and capacity development were done with less workshops than initially foreseen. This can be largely explained by COVID-19 limitations, and by the need to find financial partners for organising workshops. This has made NCEA and BNEE prioritise activities for which budgets were available, for example the guidelines on climate change and health with IFDD and the SEA intervention in the Niger river basin. A side-effect of the capacity building has been that policymakers are growing more aware of the need to create a more structured financing mechanism for ESIA/SEA, which is already foreseen in theory in the 2019 Law on

Environmental Impact Assessments. Also, besides the SEA intervention on the Niger river basin, there have not been any ESIA projects where NCEA has been involved. No specific demands were received from BNEE for such ESIA support and it is not fully clear what the underlying causes are.

4.3.3 Learning lessons and making improvements

The NCEA is an organisation that is putting significant effort in learning lessons and making improvements.

NCEA has designed a monitoring and evaluation system based on its system approach to ESIA and SEA. This includes regular monitoring of activities every six weeks which consists of a compliance check of the fulfilment of the monitoring requirement between the M&E manager and programme managers as well as an update on every active NCEA project. Additionally, there are three team meetings per year to reflect on how to improve monitoring practices and a yearly project team meeting for learning activities. The NCEA provided good coverage of evaluation activities under this EAP cycle, which were extremely useful for the implementation of this end-term evaluation. NCEA has conducted impact evaluations and outcomes assessments that touch upon its support in specific countries and regions and private sector components, and its collaboration with IUCN and WWF for their support to CSOs. Also, the NCEA has conducted a survey on KLP that proved to be invaluable for assessing NCEA performance under that component. NCEA has faced significant challenges, however, at effectively monitoring the effect of its independent advice and coaching trajectories through its monitoring forms (M-forms). Implementation of such monitoring activity was only reported in the Annual Results Report of 2019. This is a missed opportunity for NCEA to regularly learn from the impact of its interventions in this area and seems to be related to a lack of time of the technical secretaries and the availability of partners to participate in such monitoring activities. Overall, however, the current monitoring system is performing and is helping the organisation to learn from its actions as exemplified by the new 2022 draft Theory of Change.

The NCEA knowledge and learning platform was positively assessed by its users and has significantly positioned the NCEA as a thought leader in the area of ESIA/SEA in low and middle-income countries.

Through this platform, the NCEA produces a wide variety of knowledge products including key sheets, case studies and/or publications, infographics,

presentations and keynote speeches and country profiles. The NCEA also runs a help desk and a website and produced newsletters to keep engaged with the community of practice in EA and the public in general. Key products developed during this cycle include case studies on ESIA for oil and gas or on environmental assessment in landscape management, infographics on ESIA processes, articles on how to strengthen the independence of IA reviewers and practitioners and the development of EA system diagnostic tools such as the ESY-mapping tool.⁵⁹ By 2020 the NCEA already produced 78 knowledge products, which is above the 75 targeted for the entire programme cycle.⁶⁰ Additionally, a survey of a sample of 20 users of the NCEA KLP (undated) has shown an overall positive assessment of the quality and usefulness of the NCEA KLP products and services, in terms of providing useful insights which help users to understand better ESIA/SEA instrument and advance their work in that areas. Also, these knowledge products have contributed to improving users' understanding of the work of the NCEA. This was corroborated by key informants interviewed during this evaluation, where the thought leadership of the NCEA on ESIA/SEA processes in low and middle-income countries was recognised. Language barriers in French speaking countries could however limit the accessibility of the NCEA KLP products and services. This was observed in the case study of Niger. However, globally the KLP component has displayed a good level of performance which was exemplified by the development of the ESY mapping tools and their adoption by the World Bank.

The ESY-map tool is widely appreciated as an instrument for participatory systems diagnostic and priority setting. But there are different opinions about its use for benchmarking and systems monitoring over time.

Stakeholders in Uganda and Niger appreciated the ESY-map exercise, because it enabled them to take a bird's-eye view on the EA system in their country and to discuss with other actors about priorities for systems improvement and for external support (of the NCEA and others). The second stated purpose of the tool is the monitoring of EA systems over time, and its use for benchmarking against peers and/or standards. This second step requires a more objective quantification of indicators, as opposed to the inter-subjective measurements that can be used for the participatory diagnosis. Some interviewees state that this second step implies methodological challenges that have not yet been resolved. A thorough evaluation of the ESY-map tool was

beyond the scope of this evaluation. But it would be advisable to have the ESY-MAP tool and its application evaluated independently, as a natural step in a further process of making the tool available to a wider external community.

In both Uganda and Niger, lessons are being learnt by the participants at individual level, but not documented and shared institutionally.

In Uganda, individual interviewees can point to lessons learnt from their personal perspective. For example, some point at the importance of having a diversity of expertise all looking at the same issue and jointly providing a holistic opinion. Similarly the need for team work is recognised, in the sense of bringing together a diversity of stakeholders around environmental issues. Others mention that the transparency and independence exercised by NCEA with the Ugandan agencies fosters the acceptability of results and decisions. Finally, the need is expressed to involve NCEA early in the ESIA process. For Niger, the reporting trail can be followed in NCEA's annual reports, but there is no systematic documentation at the national level. Activity reports are not systematically kept. The programmes and invitations of workshops are available, but the reports of these workshops are not accessible, except for the ESY-mapping report of 2018. This makes it difficult at the national level to keep track of the evolution of the programme, the choices made and the learnings harvested.

The NCEA is not consistently using the five capabilities (5C) framework in its planning, monitoring and reporting on organisational capacity development interventions.

The nature of NCEA support in the area of organisational capacity development is diverse and relates to capacitating the relevant organisation in performing their roles or functions in the ESIA/SEA system. The actual planning and reporting approach adopted by the NCEA in their annual plans and ARRs is not systematically align with the 5C approach used for designing indicators and the means of verification in the NCEA system approach to SEA and ESIA. Rather, the NCEA found itself naturally reporting, albeit inconsistently, on the contribution of organisational capacity development to ESIA/SEA system functions. The majority of the NCEA's interventions essentially falls under three capability areas. First, the capability to commit and act (C1) through its support to the ESIA/SEA system's regulatory framework; second, the capacity

⁵⁹ NCEA (2019) Annual results report 2019.
NCEA (2020) Annual results report 2020.

⁶⁰ NCEA (2020) Annual results report 2020.

to deliver (C2) through the NCEA's support in awareness, commitment, independent advice and coaching and training and third, the capacity to relate (C3) through the inclusiveness approach adopted by the NCEA. The NCEA is relatively less active in the areas of improving organisational capacity to adapt and self-renew (C4) and maintain coherence (C5); partly because its support to ESIA/SEA system monitoring is limited. A major factor that explains the NCEA's inability to align its planning and monitoring of organisational capacity development activities to the 5C framework could be the composite nature of these activities, which are related to several capabilities dimensions at the same time. This was also experienced by the evaluation team when trying to map these activities, which finally could be easily be discriminated along with the ESIA/SEA system function rather than the 5C criteria. Consequently, the EA performance indicator modules at capacity level display significant overlap with the system functions level module which creates a redundancy between performance indicators tracking the NCEA's contribution to improved organisational capacity, and the ones tracking improved EA functions. The ESIQ/SEQ monitoring system might therefore benefit from merging the two modules; removing the redundancy and resulting in a smaller set of indicators to track.

4.4 Indirect outcomes and impact

The impact of the NCEA was assessed on three topics. First, the extent to which the NCEA has contributed to indirect outcomes and long-lasting impacts. Second, the factors enabling or hindering NCEA contribution to impact level results. Finally, the lessons learnt to maximise impact. The 2015 ToC is used as the basis for the analysis, but the draft ToC 2022 is also used as input for the evaluation to acknowledge the NCEA as a learning organisation.

4.4.1 Contribution to indirect outcomes

Ugandan stakeholders point at improved quality of decision-making about environmental certificates, though not in all cases.

The NCEA's support was credited for having improved the quality of decision-making by NEMA. This is reflected in more objective decision-making on a

sound basis of information and justifications. They also pointed at the formulation of more specific conditions in the environmental certificates issued by NEMA. This is an improvement compared with the standard conditions that were included in the past. The NCEA experts confirm that they have observed that content from their advice was adopted in the ESIA reports and certificates. At the same time, it is signalled that certificates are sometimes issued without addressing issues raised in the joint ESIA reviews of NEMA and the NCEA. This may be the result of political influence in the decision-making, which may limit government staff to apply acquired knowledge in the subsequent decision-making processes.

Under the PSD component, the NCEA has contributed to improved decision making.

Under the PSD component, the NCEA's advice to RVO aimed at improved decision-making on projects. This involves assessing whether NCEA advice and recommendations have (1) informed RVO's decision in investing or not in a project, or led to a major shift in the project design or discussions during key decision making meetings;⁶¹ (2) influenced final project design decisions and (3) been reflected in the final grant and tender documents. Based on eight case studies, an impact evaluation of NCEA advisory services to RVO found a mixed picture of its influence on major project decisions by RVO. For instance, RVO's decision not to proceed with the financing of the Zemo Samgori irrigation System project in Georgia was influenced by NCEA advice on concerns related to water availability and also due to poor economic and financial feasibility assessments and unrealistic water targets for the population. Similarly, NCEA has influenced RVO's decision to invest in the Pan Hlaing Sluice project in Myanmar and the Badagry shrimp farm in Nigeria. In the later NCEA advice led RVO to approve the final revised version of the ESIA and ESMP, and issue a conditional approval, pending revised ESMP integrating RVO advice. In contrast, there are instances where NCEA's advice did not play a role in RVO's decision to invest in a project. In the case of Chemba organic farm, the decision to invest was more related to financing sources, timing delay, and shift in financing instruments (ORIO to DRIVE), rather than environmental and social issues. In the case of the Maputo water supply project in Mozambique, E&S issues were not considered critical relatively to other considerations related to the complexity of the project.⁶²

⁶¹ The ACORIO committee for ORIO, and the DRIVE board meeting for DRIVE.

⁶² van der Sluys, C. (2021) Impact Evaluation of the NCEA's advisory services to the RVO (2009-2019).

The NCEA's advice and coaching trajectories on ESIA/SEA influenced project/plan design. Timing and coordination are key factors driving this process.

When ESIA or SEA processes (including the NCEA's advice and coaching) come in at the preliminary project design stage, or are implemented simultaneously with the design of a plan, there is a high chance for the NCEA's advice to influence project/plan design. In Rwanda, for instance, the NCEA's SEA independent advice and coaching of a planning team of the Rwanda Water and Forest Authority, have significantly influenced the choice of the alternative design of four water catchments management plans. This was related to a commitment of the planning authority to implement SEA steps in conjunction with the planning steps of the integrated Water Resources Management, and the blending of both approaches right at the start of the planning process.⁶³ Similarly, timing and coordination were key to NCEA advice influence on the design of RVO projects. This was the case for the Maputo Water Supply project in Mozambique as NCEA advice, through a quick scan review of the preliminary design was integrated by NCEA in the form of conditions for approval of the detailed project design and ESIA.⁶⁴

NCEA advice and recommendations are also integrated in the decision maker's approval documents.

With RVO, there are evidence where NCEA advice on approved project were integrated into contract conditions or tender documentation. For instance under the corporate social responsibility conditions of the irrigation infrastructure for the organic sugarcane project in Mozambique, RVO referred to ESMP requirements and local environmental authority permitting conditions for the additional ESIA of the power supply line.⁶⁵

The NCEA contributes to ESIA/SEA governance through the contribution of the inclusivity approach to better dialogue and collaboration, transparency, access to information, accountability and trust among stakeholders.

In the survey, 78% of the respondents (n=18) indicated that the NCEA influenced a positive change much or very much on at least one of the areas of

governance practices asked (see Figure 13). An illustrative case of the NCEA's contribution to ESIA/SEA system governance is its support to the SRJS programme in collaboration with IUCN-NL and WWF-NL. The NCEA's involvement as an independent and neutral service provider has pushed the SRJS programme to broaden its scope of capacity development for ESIA, not only for CSOs, but also for local communities, academia and municipalities. It has also encouraged national environmental agencies to lobby for more inclusive and professional ESIA/SEA processes. In several instances, this broadening of the scope of the capacity development support of the SRJS has contributed to increased dialogue and cooperation, transparency and sharing of information among stakeholders. In Benin for instance, the NCEA's support through the SRJS programme capacitated not only CSOs but also other key relevant stakeholders legitimacy. This helped the national environmental agency to recognise the legitimate role of CSOs as reliable sources of information in the ESIA system. Subsequently, their effective involvement at the start of ESIA processes, the validation of ESIA reports and the ESIA decree helped voice local concerns.⁶⁶

The NCEA's support on SEA in conjunction with a landscape approach provides a natural framework conducive to improved (cross-sectoral) collaboration, accountability and transparency.

For instance in Mali, in the support for the Sourou valley SEA, the inclusive approach of the NCEA helped improve accountability and transparency of the regional planning authority towards citizens on the decisions made for the Sourou Valley, and towards the national environmental authority responsible for emitting the environmental permit. The 2020 MTR of NCEA found that the approach to intervening at multiple levels of the SEA process (national, regional and local) and its strong position within these networks as a trusted

⁶³ Tetero, F. (2021) Outcome statement on the contribution of the NCEA to the application of SEA in Rwanda (2016-2018).

⁶⁴ van der Sluys, C. (2019) Impact evaluation of the NCEA-s activities in Mozambique between 2002 and 2019.

⁶⁵ van der Sluys, C. (2019) Impact evaluation of the NCEA-s activities in Mozambique between 2002 and 2019.

⁶⁶ NCEA & SRJS (2020) Improving governance, collaboration, transparency & inclusiveness - environmental assessment in landscape management; 10 cases: Benin, Burkina Faso, Indonesia, Madagascar, Mali, The Philippines, Suriname, Tanzania, Uganda, Zambia.

independent and neutral partner were key success factors that contributed to improving the environmental system governance in Mali.⁶⁷

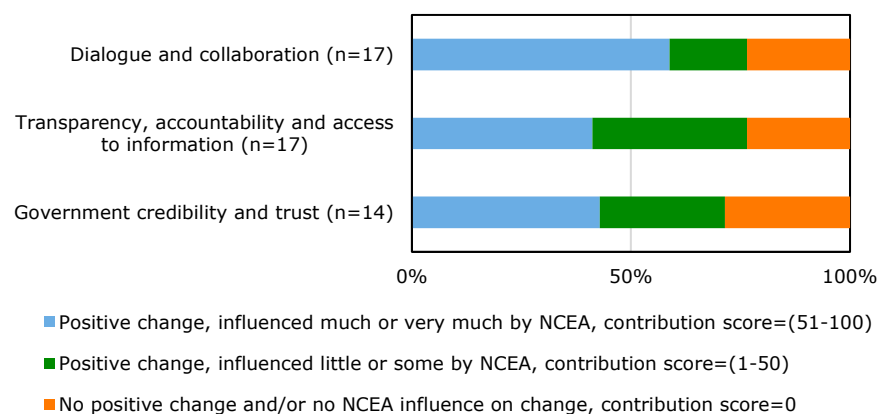


Figure 13 NCEA’s contribution to changes in governance practices
Source: NCEA evaluation survey, 2022

4.4.2 Contribution to impact level (PPP and SDGs)

It is plausible that the NCEA’s direct and indirect outcomes will also contribute to final impact on people, planet and profit levels, as indicated in the ToC 2015.

If better decisions are taken about environmental permits, and the approval conditions of these permits are indeed implemented and followed up on, it is very plausible that this will lead to improvements in environmental and social conditions on the ground.

It is also plausible that the NCEA’s direct and indirect outcomes will contribute to impact in certain SDG domains, as indicated in the renewed ToC 2022.

The ToC 2022 mentions possible contributions to health (SDG 3), water (SDG 6), energy (SDG 7), infrastructure (SDG 9), cities (SDG 11), climate (SDG 13),

life below water (SDG 14), life on land (SDG 15), institutions (SDG 16) and partnerships (SDG 17). The general approach of the NCEA, with its emphasis on better informed, more inclusive, transparent and accountable decision-making, will quite probably influence SDG domains 16 and/or 17 (institutions and partnerships). The applicability of most other SDG domains will depend on the specific sector or theme in which the NCEA is active in a given country.

The key assumption for achieving impact is the implementation, compliance-monitoring and enforcement of the environmental permit conditions, which often lie beyond the scope of influence of the NCEA’s involvement.

The NCEA provides technical assistance mainly during the screening, scoping and reviewing phase of ESIA/SEA processes. There are a few examples where the NCEA also provides technical assistance during the ESIA/SEA follow-up phase consisting of permitting and compliance monitoring. The NCEA does not provide technical assistance on enforcement in case of non-compliance with the permit conditions.

Stakeholders interviewed in Uganda can explain why they believe that contributions to such impact indeed exist, even if it was difficult to evidence the actual implementation of mitigation measures.

Stakeholders believe the NCEA’s support has contributed to better environmental sustainability and people’s wellbeing, through improved identification of potential negative impacts of oil development projects and identification of appropriate mitigation measures. It is not clear though, to what extent these proposed mitigation measures are actually implemented. Nonetheless, some informants believe that some of the processes such as the public hearings which were conducted for the Tilenga and Kingfisher projects brought to the discussion table, issues about the livelihoods of the affected communities – mostly farmers and fisherfolk – that were hitherto not given much attention.

Through its support to RVO, evidence shows that the NCEA has contributed to the design of more sustainable projects.

There is evidence that NCEA support has contributed to the design and implementation of more sustainable projects like in the case of the Badagry shrimp farm in Nigeria, the organic Sugar farm & Maputo water supply in

⁶⁷ Ruben & Motovska (2021) From Environmental Assessment to Environmental System Governance Mid-term assessment of the MFA-NL-NCEA framework contract 2017-2020.

Mozambique. These impact level results were achieved through Improved monitoring processes and reporting, including effective reporting to local environmental authorities, based on NCEA advice and recommendations and picked up by RVO.⁶⁸

In Mozambique the NCEA's final impact on better natural resource management was unlikely due to requirements which needed to be in place in conjunction with NCEA support, including open and transparent decision-making processes, high-level commitment and capacity at scale and at multiple levels.

NCEA's multi-annual programme in Mozambique has significantly contributed to the improvement of the SEA/ESIA systems. The impact evaluation of the programme could not establish however the impact of NCEA's contribution in the form of better natural resource management in land-related sectors. Such an impact level result could not be established because it requires in conjunction of NCEA achievements three key prerequisites that were not in place at the time of the assessment. These prerequisites included (1) an open and transparent decision-making process; (2) high-level commitment and buy-in, including sufficient budget allocation to effectively operationalise changes; and (3) sufficient critical mass of trained individuals at the decentralised level.⁶⁹ The Mozambique case illustrates the importance of the key assumptions for final impact. In Section 4.4.3 we will further zoom into these assumptions.

The NCEA is currently not monitoring the PPP and SDG impact results, as it concentrates its results monitoring on the direct and indirect outcomes for which it can be held accountable.

The main impact pathway for the NCEA's support is that their activities are meant to generate socially and environmentally sensitive decisions and monitoring and compliance processes which in turn lead to inclusive and sustainable projects, policies and plans. These last two result areas are in our point of view credible and relevant levels of impact for which one should hold the NCEA accountable. In fact, most of the impact assessments conducted by the NCEA under this programme cycle focus on such impact level results rather than on the SDGs. Also, NCEA's own monitoring system focuses at its highest level on the overall quality of ESIA/SEA practice, the increased intra-

governmental coordination within ESIA/SEA processes, and the improved application of ESIA/SEAs.

It is challenging to meaningfully estimate the NCEA's contribution against higher-level impact results on social and environmental sustainability such as the SDGs and their associated indicators, nor it is necessarily desirable doing so.

For measuring the impact of NCEA activity against the SDGs effectively, for instance, one must also factor in key aspects related to the actual implementation of projects, plans and policies which are far beyond NCEA's sphere of influence and potential reach in terms of monitoring activities. Also if an overall impact is detected, a relatively higher weight in the attribution of results would rather go to the project, policy and plan proponents rather than the NCEA specifically. Tracking this higher level of impact may just not be efficient. If such an impact evidence is necessary for accountability purposes, it would require a more crystallised ToC for the country programme, with more explicit assumptions regarding the preconditions for final SDG impact to occur, as well as deliberate actions – probably in collaboration with other development partners – steering the programme towards such final impact. An exception could be made for the NCEA's contribution to SDG 16 on peace, justice and strong institutions. Some of SDG 16's sub-targets are actually quite central to the Theory of Change of the NCEA, for example 16.6 on effective, accountable and transparent institutions, 16.7 on responsive, inclusive, participatory and representative decision-making and 16.10 on public access to information. These targets relate to direct and indirect outcomes in the NCEA's Theory of Change.

4.4.3 Factors influencing impact

NCEA's effect on indirect outcomes depends both on factors under NCEA's control and on factors outside NCEA's sphere of influence. The factors inside NCEA's control refer to its insistence on transparency and accountability (e.g. publication of its review reports), the involvement of multiple stakeholders (beyond the central government) which enhances countervailing power in the system, the timing of NCEA's engagement (early in the process), the cross-sectoral coordination with agencies involved, and the deep capacity

⁶⁸ van der Sluys, C. (2019) Impact evaluation of the NCEA-s activities in Mozambique between 2002 and 2019.

⁶⁹ van der Sluys, C. (2019) Impact evaluation of the NCEA-s activities in Mozambique between 2002 and 2019.

development which empowers professional staff engaged in the ESIA/SEA processes. Outside NCEA's control are factors such as economic and political agendas playing a role in the national decision-making process, and commercial and operational considerations for decisions in private sector development entities.

For NCEA technical assistance to contribute effectively to PPP or SDG impact level results, a significant number of requirements need to be fulfilled, the majority of which are beyond the sphere of control of NCEA.

The impact evaluation of NCEA support to the SEA-PEOTT in Mozambique provides relevant insights to illustrate the number of conditions that need to be fulfilled for NCEA technical assistance to contribute to better decision making in planning processes. A total of six conditions needed to be in place to ensure NCEA's contribution in achieving its direct outcome which is developing a reasonably good SEA and regional plan (SEA-PEOTT) in this specific case of Mozambique. This includes both internal and external factors as listed below:

Internal factors to NCEA:

1. *Solid technical inputs*: high-quality advice at strategic points of the SEA/planning process; targeted coaching as needed and wanted; targeted capacity-building activities linked to desired outputs; While doing so building awareness of the SEA process through these actions.
2. *Stakeholder responsive delivery of technical input*: Technical inputs are demand-driven, flexible and adapted to changing needs over time

External factors to NCEA

1. Stakeholder commitment to the process
2. Stakeholder willingness to adapt and learn during the process
3. Stakeholder motivation to act on recommendations
4. Approval by mandated authorities (the council of ministers in this case)

Once the direct outcome is achieved, seven other conditions (among which one internal to NCEA) needed to be fulfilled for NCEA to contribute to the impact level results in the form of better decisions which include socially and environmental sensible planning decisions. These factors are:

External factors to NCEA:

1. Secure political approval of the plan

2. Secure commitment from high-level decision-makers to comply with standards set by the SEA and PEOTT
3. Openness and transparency in all spatial/land-related decisions
4. Time as it can take years before conditions 7 to 9 are fulfilled in the context of Mozambique
5. Need for further capacity of SEA at the local level
6. Need for effective monitoring, supervision and compliance once the plan is formally approved

Internal factor to NCEA:

1. NCEA dual approach to SEA: Strategic support to SEA process at the central and local levels.

At the time of the evaluation of the NCEA programme in Mozambique, conditions 7 to 13 were not fulfilled, thus explaining why NCEA support to the SEA-PEOTT did not contribute to improved decision making. It is also notable to observe the alignment of these conditions to the NCEA's EA system approach. For instance, several of the conditions 7 to 12 relate to the key functions of the EA systems such as awareness, commitment and funding (7&8); education and professional training (11) Monitoring of implementation of the EA instruments (12). For the NCEA to achieve the result, a simultaneous of several components of the ESIA/SEA system is thus required or at least explicitly consider as screening conditions for support, if the NCEA does not aim to influence them. The importance of effectively applying the system approach emerged in our assessment of the Uganda case study presented below.

In the case of Uganda, the limitations mentioned are the engagement of NCEA late in the ESIA process, NCEA's hesitation to get involved in compliance monitoring and enforcement, and the fact that environmental certificates are sometimes issued without resolving the issues raised in the reviews.

Conditions 1, 8 and 13 of the Mozambique evaluation are also recognised in Uganda. Sometimes NCEA is only involved when an ESIA report has already been made. Stakeholders then wonder why the issues mentioned by NCEA had not come up in the earlier ESIA preparations. This might plea for NCEA involvement at the screening and scoping phases of the ESIA process, and possibly also in capacity development for consultants. Another item mentioned is that NCEA did not support issues of compliance monitoring and enforcement

to ensure that the recommendations made in ESIA reports and ESMPs are actually implemented. This is against a context where environmental monitoring and compliance in Uganda remain weak. Moreover, there have been cases where political or economic interests override the environmental interests, and environmental certificates are issued without making them conditional on resolving the issues raised in the ESIA reports.

4.4.4 Lessons learnt on maximising impact:

The case of Uganda shows an essentially effective and appreciated systems approach to ESIA and SEA in the oil and gas sector. Still, there could be room to further close the cycle and reinforce the impact and sustainability of NCEA's approach in Uganda.

The overall positive opinions on the NCEA programme in Uganda could be further improved by essentially building further on the systems approach developed by NCEA itself:

- Further strengthening local governments and stakeholders, to build their capacity to play roles in environmental monitoring and demanding compliance, complementary to the roles played by the central government.
- Deepening the investment into SEA
- Investing more in enabling conditions at the systems level, such as ESIA/SEA modules in higher education, a help desk function, and local knowledge management.
- Articulating a demand-driven approach with 'demand creation', by replicating the ESY-map exercise every five years.

Maximising impact is also served by building on longer-term sectoral involvement.

It would be logical to continue supporting ESIA/SEA-related actions in Uganda's wider energy and mining sector, including the longer-term energy transition. If Dutch policy allows, it would also be valuable to continue strategic ESIA and SEA engagement in the oil and gas sector, with a view on supporting a long-term energy transition while protecting shorter-term environmental and social goals related to fossil fuel exploitation in Uganda.

5 Conclusions

5.1 Relevance

The relevance of the NCEA was assessed on two aspects; the relevance to recipient partners and countries as well as the relevance to MFA-NL's thematic objectives regarding food security, water, climate, energy and private sector development.

Relevance to recipient partners

1. The NCEA's international programme is responding to existing needs and challenges related to mainstreaming environmental and social concerns into policy, plans, projects and investment decisions, in the country and regions where it operates and with the organisations with whom the NCEA collaborates.
2. Recipients of the NCEA's technical support, from the public and civil society were satisfied about the capacity of the NCEA to address their needs, recognising the uniqueness of the NCEA's network and expertise.
3. The use of the ESY-map tool under the reconnaissance activities is a powerful instrument for the NCEA to survey the overall performance of an EA system in a particular country; to identify and prioritise needs and develop a strategic multi-annual planning that is responsive to the recipient agency. The ESY-map exercise is, however, not regularly updated, which could make the identification of new activities somewhat ad-hoc and not systematic. To keep up with its relevance, the implementation of the ESY-map tool at regular intervals was found useful.
4. There are mixed opinions about the application of the ESY-map tool for systems monitoring over time, and for benchmarking. An independent evaluation of the ESY-map tool and its application could be a natural step in the process to a wider external use of the tool.

Relevance to MFA-NL thematic objectives

5. The NCEA's activity are expected to lead to socially inclusive and environmentally sensitive decision-making which contributes to sustainability. This address the needs and challenges related to MFA-NL's thematic objectives on water, climate and energy and potential future thematic needs as ESIA/SEA are thematically flexible tools. During this EAP, the NCEA focused more on the IGG thematic objectives (water, climate and energy) rather than on the DDE objectives or Private Sector Development.
6. The NCEA's activities are considered quite relevant for MFA/IGG's Water programmes. Bringing stakeholder engagement (CSOs, local voices), supporting landscape approach and local governments, reinforcing governance and transparency, SEA. At FMO, ESIA is done for practically all energy projects. However, the NCEA is hardly involved because FMO resolves gaps with international E&S consultants.

5.2 Coherence

The coherence of the NCEA was assessed on two different topics; the alignment with other development interventions and the internal coherence, specifically looking at the need to include a private sector component in the EAP component of the subsidy programme.

Synergy creation

7. The NCEA is successful in creating synergies between various partners and stakeholders. This is done by actively investing time in the creation of synergies, and in establishing collaboration at a cross-sectoral level that is crucial for SEA/ESIA processes. The NCEA's is well-capacitated to create synergies and support participatory approaches, in particular through the inclusion of communities and CSOs through ESIA/SEA tools and ESY-mapping workshop.

8. The NCEA pays attention to the complementarity aspect between themselves and other partners. This is why in the future planning, the NCEA focuses on continuation of activities with partners with complementary capacities and mandates, including WWF, IUCN and UNESCO among others. This is important from coherence as well as effectiveness perspective.
9. The NCEA's work under the Country Programme component is subjected to ever-changing contextual conditions. One of the main strengths of the NCEA's approach is flexibility in their planning and adaptability to the identified needs for timely roll-out of activities when opportunities arise.
10. Synergies created by the NCEA are visible through partnerships, such as WB, RVO/Invest International, NEA, the NCEA's part in the SRJS programme collaborating with IUCN and WWF, and others. The NCEA could consider formation of alliances with financial institutions or increased capacities of environmental authorities with a goal of improved financial resource mobilisation.

Relations with partners

11. Interviewed stakeholders, with whom the NCEA had developed collaboration on more informal basis, appreciate the NCEA's flexibility and regard relations with the NCEA as strong and fostering trust. They recognise the flexibility of the NCEA through its capacity to mobilise resources and to effectively deliver activity. On the flip side, the ad-hoc nature of the relations and dependence on inter-personal relations might affect visibility towards other potential partners/demands, and affect internal coherence.
12. The COVID-19 pandemic and the NCEA's carbon emission policy have decreased the NCEA's ability to travel, thus limiting face to face interactions which might affect the NCEA's ability to engage with new partners and expand its network.

Private sector inclusion

13. Stakeholders perceive significant opportunities for the NCEA to provide advice for private sector projects, and the need for impact assessment is large from legal and sustainable business conduct perspective. To be able to further expand in the private sector, the existing tensions between the operational process (costs & time) and sustainability process (rigorous and good quality ESIA/SEAs) need to be accounted for.

5.3 Effectiveness

The effectiveness of the NCEA was assessed on three topics: the effects of the choice and number of countries, the extent to which the intended direct and indirect outcomes were achieved, and how the NCEA assesses its efforts, consolidates and shares the lessons learnt from practice, and improves activities.

Choice and number of countries

14. The choice and number of countries does not seem to have affected the NCEA's overall effectiveness during this planning cycle. Compared to the last EAP, in 2012-2017 the NCEA has doubled its geographical coverage and increased its delivery rate fourth fold, despite a significant change of MFA-NL in its geographical focus and the COVID-19 pandemic. The key factor that enables the NCEA to generate this level of performance was the increase by 33% of its internal capacity, its capacity to rely on a pool of 300+ international experts, and its investment in maintaining networks in the country and regions, where it operates. Lower-than-expected demands in the PSD and SF components were key factors beyond the control of the NCEA that affected overall effectiveness.
15. There is evidence, supported by stakeholders consulted that the NCEA supports, that led under the C&R and PSD component to improvement of organisational and individual capacity, to better informed inclusive, and transparent EA processes and to increased functions of the EA systems. In particular, these are the EA regulatory framework, awareness, commitment and funding mechanisms and professional exchange. The NCEA's effectiveness at improving functions such as higher education, system monitoring and support/helpdesk was less visible as they represent a second-order priority for their beneficiaries in-country and regions.
16. As MFA-NL/MFA-NL determines the geographical focus and to a certain extent the thematic focus (oil & gas) of the NCEA, this generates sometimes a missed opportunity for the NCEA to address needs and challenges relevant in other geographical areas (such as Latin America), or with other stakeholders such as the private sector (commercial side of Invest International) with potential positive contributions to outcomes.

Achievements and reporting on intended outcomes

17. In the area of capacity development, the NCEA has contributed to increasing awareness, knowledge and capacity of government officials, the private sector and the NGOs. Evidence of this was found in the case of Uganda, with increased quality of ESIA reports or in Niger with greater awareness and potentially commitment of relevant authorities after the SEA/ESIA workshop.
18. The NCEA contributed to more inclusive, transparent and accountable ESIA processes and to improvement of ESIA/SEA functions. Awareness raising, securing commitment and funding, strengthening ESIA/SEA regulatory framework and professional exchange are the primarily sought functions by country and regions. Such contribution has been more prominently highlighted in the Uganda, where NGOs were engaged, media trained on issues surrounding the oil sector and public hearings were held. NCEA implements a gender-sensitive approach to its technical assistance, as part of a broader concept of inclusiveness; however, this is less explicitly reflected in key tools and technical reports, limiting its visibility to external stakeholders and the capacity – also for local counterpart agencies – to learn from it.
19. A mix of internal and external factors affect the NCEA's ability to deliver its intended outcomes. The external factors, such as political interest and stability, will always be a limitation to the NCEA's effectiveness but are outside of the NCEA's control. The NCEA, however, has been able to efficiently deliver with vested individual and/or institutional commitments from the side of the government. The internal factors driving the NCEA's effectiveness are related to successful strategic positioning (where can the NCEA make impact, what are the needs) and well-established coherence (ability to create synergies and flexibility). The Niger case clearly portrayed how an ESY-mapping workshop allows for a good mapping of country's EA system in an inclusive way. Longer history of engagement in the target country increases contribution of the NCEA to outcome level results. Lack of financial resources on the side of participating authorities/organisations, is a major hindering factor for follow-up actions after the NCEA's intervention.

5.4 Impact

The impact of the NCEA was assessed on three topics. First, the extent to which the NCEA has contributed to long-lasting impacts and indirect outcomes. Second, the factors enabling or hindering NCEA contribution to impact level results. Finally, the lessons learnt to maximise impact. The 2015 ToC is used as the basis for the analysis, but the draft ToC 2022 is also used as input for the evaluation, to acknowledge the NCEA as a learning evaluation.

Contribution to indirect outcomes

20. Ugandan stakeholders point at improved quality of decision-making about environmental certificates, though not in all cases.
21. Under the PSD component (NCEA-RVO collaboration), the impact evaluation done in 2021 shows that NCEA has contributed to improved decision-making. It highlighted cases where the advice of the NCEA has clearly influenced RVO's project decisions, although there were also cases where NCEA's advice did not play a role in RVO's decision.
22. The NCEA's advice and coaching trajectories on ESIA/SEA influenced project/plan design. Timing and coordination are key factors driving this process. NCEA advice and recommendations are also integrated in decision maker's approval documents.
23. The NCEA contributes to ESIA/SEA governance through the contribution of the inclusivity approach to better dialogue and collaboration, transparency, access to information, accountability and trust among stakeholders.
24. The NCEA's support on SEA in conjunction with a landscape approach provides a natural framework conducive to improved (cross-sectoral) collaboration, accountability and transparency.

Contribution to impact level

25. It is plausible that the NCEA's direct and indirect outcomes will also contribute to final impact on people, planet and profit levels, as indicated in the ToC 2015. It is also plausible that the NCEA's direct and indirect outcomes will contribute to impact in certain SDG domains, as indicated in the renewed ToC 2022.
26. The key assumption for achieving impact is the implementation, follow-up and enforcement of the environmental permit conditions, which often lie beyond the scope of influence of the NCEA's involvement.

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27. The different cases studied provide sign of plausible impact. While it was difficult to prove the NCEA's impact in Uganda on environmental sustainability and social well-being, stakeholders interviewed can explain why they believe that this impact exists. Through its support to RVO, evidence shows that the NCEA has contributed to the design of more sustainable projects. In Mozambique the NCEA's impact on better natural resource management was unlikely due to requirements which needed to be in place in conjunction with NCEA support, including open and transparent decision-making processes, high-level commitment and capacity at scale and at multiple levels. In Niger, there are some early signs of the impact of the capacity building, mainly in terms of a change in culture around ESIA and their follow-up.
 28. The NCEA is currently not monitoring the PPP and SDG impact results, as it concentrates its results monitoring on the direct and indirect outcomes for which it can be held accountable.
 29. Measuring the NCEA's contribution to final impact level indicators at PPP or SDG level is challenging and not necessarily desirable. It is more important to validate the relevance and coherence in the light of the desired impact, and to steer and monitor the programme (and to learn) towards desired outcomes and plausible impacts.

Factors influencing impact

30. NCEA's effect on indirect outcomes depends both on factors under NCEA's control and on factors outside NCEA's sphere of influence.
31. For NCEA technical assistance to contribute effectively to final impact level results (on people, planet and profit domains and on the SDGs), a significant number of requirements need to be fulfilled, the majority of which are beyond the sphere of control of the NCEA. This implies that a clear and reasonable distinction needs to be made between contributing to impact and achieving it. Also, the emphasis in the programme implementation and M&E system should be more on steering and learning towards outcome and plausible final impact goals than on measuring the final impact quantitatively.
32. In the case of Uganda, the limitations mentioned are the engagement of involving NCEA late in the ESIA process, NCEA's hesitation to get involved in compliance monitoring and enforcement, and the fact that environmental certificates are sometimes issued without resolving the issues raised in the reviews.

Lessons learnt on maximising impact:

33. The systems approach for ESIA and SEA developed by the NCEA is appreciated and essentially effective, especially in countries where the NCEA has been engaged over a longer period and where the ingredients of the systems approach have been largely deployed. Still, there could be room to further deploy the systems ingredients, such as – in the case of Uganda – the further strengthening of local governments and local stakeholders, the development of ESIA/SEA modules in higher education, a help desk function, and local knowledge management. This could be expected to reinforce the impact and sustainability of NCEA's approach.
34. Maximising impact is also served by building on longer-term involvement in the NCEA's focus sectors in a country. Longer-term involvement reinforces the strategic networks, enables the NCEA to build on deep investments in capacity development and to develop systems interventions, and strengthens its ability to act when windows of opportunity open up.

Disclaimer

The findings and statements in these evaluation reports are entirely the responsibility of the evaluation team and do not necessarily reflect the opinions of the Ministry of Foreign Affairs or the NCEA.

6 Recommendations

This section describes the recommendations emanating from this evaluation. These recommendations are not only based on the findings and conclusions above, but were also based on a learning workshop organised between the evaluation team (WUR), the NCEA and MFA-NL.

Recommendations for programme strategy

Recommendation 1: *First, NCEA should build on the strengths of the current programme. This includes its confirmed relevance for achieving in-country sustainability goals and SDGs, its clear role definition (independent, neutral, demand-based), and its well-crystallised systems approach. It also encompasses the highly appreciated and in-depth technical expertise on content and process of EA, the trust-based relations, the flexibility, and the networking with partners who can bring in complementary resources.*

Recommendations for NCEA

Recommendation 2: The effectiveness and contribution to impact-level results can further increase if the NCEA **rolls out all elements of its systems approach, in particular in the countries and regions where it intervenes over a longer period.** This includes the following three areas of attention:

- Strengthening the NCEA's support for the permitting and compliance monitoring phase of ESIA/SEA processes. This could be achieved through strategically partnering with organisations that have experience in this field, and through investing in developing the capacity of decentralised governments and stakeholders close to the investment sites having a role in compliance monitoring.
- Building national and regional training capacity in EA. To do so, the NCEA should use a multi-pronged approach that could consist of for example ESIA/SEA distance learning training; face-to-face training of trainers; strengthening support to local and regional experts through professional

exchange hubs; further supporting the creation of EA professional associations in the country where they are missing, and link up with the local universities to enrich their courses or to deliver online courses already designed by NCEA with distance backstopping.

- Strengthening collaboration with CSOs and NGOs for increasing the capacity and involvement of CSOs and NGOs in EA processes. NCEA could thus build further on the successful collaboration between NCEA and WWF and IUCN under the SRJS programme.

Recommendation 3: There is a need for NCEA to **explicitly target young professionals** in its EAP. This will help improve the sustainability of its technical assistance at country and region levels. In the next planning cycle, NCEA should accelerate its support in setting-up local/regional young professional networks, and design strategies to motivate and support young professionals to get involved in EA processes.

Recommendation 4: NCEA should **invest more systematically in developing alliances with organisations that can make financial contributions for counterpart activities**, for example by the national EA agency. This is specifically relevant in countries and regions where the NCEA's implementing partners might not have the capacity to honour their full financial counterparty, sometimes not even for very practical activities such as workshops or field visits. The NCEA itself is not equipped nor mandated to provide such financial support and should not strive to assume that role. In seeking such financial alliances, the NCEA should take care that external financial contributions do not discourage an local partner's financial counterparty, which is necessary to secure buy-in, commitment and ownership in the process. As such the reliance on external funding need to be limited in scope and length to avoid crowding out future incentives for the implementation partner to fulfil its co-financing requirements.

Recommendation 5: The NCEA should **further broaden its engagement with sectoral ministries and agencies**, beyond its natural partnership with the environmental authorities in the country. This could further add to the NCEA's goal to contribute to impact-level results at the level of the SDGs. While the Ministry of Environment is the natural and legitimate implementing partner for NCEA, the local political economy puts sustainability issues in the hands of a key influential sectoral organisation such as the ministry of energy, mining, transport and construction, health. Working with these ministries could also actively induce the demand for NCEA support. Investing more in longer-term sector-based support could increase the NCEA's chances of contributing to sustainability impact. For instance, further support to the mining sector or the energy sector in the current context global energy transition would be timely and strategic in contributing to the SDGs.

Recommendations for MFA-NL/IGG

Recommendation 6: MFA-NL should **stimulate private sector actors to engage with the NCEA**, both at strategic and at more technical levels. Despite multiple efforts, the NCEA has had challenges in cooperating with key IFIs and PSD actors (FMO, Atradius, and RVO-Invest International). MFA-NL through its MFA-NL and DDE⁷⁰ should design incentive mechanisms and a conducive environment for IFIs and private sector development actors, to adopt ESIA/SEA instruments as part of a strategy to take into account the double materiality of their investments. More in-depth adoption of these EA instruments by IFIs and private sector actors, specifically for larger, riskier and strategic projects, could deepen the sustainability implications of their investment decisions, in which MFA-NL is a significant stakeholder. Also in the awareness raising and sustainability training of IFI and PSD staff, the NCEA could be invited to play a more prominent role. The most obvious scope for a more intense collaboration between Invest International and the NCEA lies in the Category A projects, not only in government grant programmes but also in Invest International's private sector investment portfolio with SMEs and corporate companies. Category A projects⁷¹ have a high ESG risk and often a higher degrees of complexity, and therefore carry more prominent reputation risks for Invest International. Another possible scope for collaboration would be in SEAs, where the need for involvement of the NCEA is more obvious (ESG staff at Invest International

and FMO is experienced in ESIA but not in SEA); joint SEA involvement is already happening with Invest International in Benin and Bangladesh, although there are currently not many cases where FMO or Invest International is involved in SEA.

Recommendation for the programme implementation

Recommendations for NCEA

Recommendation 7: the NCEA needs to **carefully re-calibrate its local presence in its intervention countries and regions**. Covid19 restrictions and climate-related travel policies are posing restrictions upon the NCEA's physical presence in country. Therefore new modalities are to be found to maintain the NCEA's networking capacity without compromising its neutrality and independence and without undermining local ownership. In the short term, the NCEA could do so by relatively expanding the duration of trips in countries and regions to dedicate more time to reconnaissance, networking, and communication activities, to strategically improve its visibility/findability locally. NCEA should deploy communication activities about its programme locally, targeted not only at their counterpart institution but also at sector ministries, decentralised government and non-government actors. In the longer term, the NCEA could consider longer-term placements, also of local experts, embedded in regional bodies such as regional state entities (e.g. UEMOA) or professional associations, to strengthen their capacities and reinforce their role and functionality.

Recommendation 8: It would be worthwhile to **update the in-country needs assessments** regularly. The ESY-MAP tool has been appreciated as a powerful tool for a participatory diagnostic of country-level ESIA/SEA systems, and a strategic entry point for the NCEA to design its technical assistance to countries and regions. The ESY-MAP tool could be applied at regular intervals (say every five years), to update the support needs, to further raise and broaden awareness, and to stimulate inter-actor coordination.

⁷⁰ Sustainable Economic Development Department (DDE).

⁷¹ See footnote 28 for a more detailed explanation of risk categorization at Invest International.

Recommendation 9: There is an opportunity for the NCEA to **further promote the use of the ESY-map tool**. The licencing of the tool as an open access tool could further increase local ownership and use. Additionally, the NCEA could establish a community of practice around the ESY-MAP, involving key regional institutions and IFIs (e.g. the World Bank) to continuously learn from its implementation.

Possible efforts to translate ESY-MAP into a tool for monitoring the performance of EA systems over time and for benchmarking should be handled with great care and precaution: potential methodological pitfalls and risks need to be managed before a such a monitoring or benchmarking function could be attributed to the tool.

It would be advisable to have the ESY-MAP tool and its application evaluated independently, as a natural step in a further process of making the tool available to a wider external community.

Recommendations for MFA-NL/IGG

Recommendation 10: There are opportunities to **intensify the NCEA's engagement and synergies with MFA**, to further integrate impact assessment into MFA-NL design and planning of projects and programmes, in particular in countries where the NCEA is currently active. The NCEA could increase its visibility/findability to relevant MFA-NL directorates by conducting awareness-raising activities at regular intervals and getting structurally integrated into MFA-NL's region/country team activities. This could become an additional component or activity in the framework agreement.

Recommendation 11: MFA-NL/IGG should support the NCEA local networking capacity by **structuring the relationship between the NCEA and EKNs thematic experts**. EKN thematic experts have a long-term presence in-country which provides the NCEA with a strategic entry in terms of networking, and awareness of opportunities to cooperate (also for financing counterpart activities), the local political economy and trends relevant for its programme. In the short term, MFA-NL can facilitate the NCEA awareness-raising activities at EKNs, and in the medium-term structure the NCEA-EKN relationship in a consultative way. At this point, attention should be paid to the available capacity of EKN's thematic experts to facilitate NCEA networking with local stakeholders.

Recommendation 12: MFA-NL/IGG should **embed NCEA advice in the design and planning of MFA-NL development projects and programmes**, especially for long-term and large-size projects/programmes. To do so, MFA-NL could set up a debriefing mechanism between its country team and the NCEA during the design of the country's multi-annual strategies. This will allow country teams to deepen their knowledge of key sustainability issues and identify strategic areas of collaboration with the NCEA in terms of Impact Assessment.

Recommendation for NCEA implementing partners in country and region

Recommendation 13: Implementation partners of the NCEA country and region programmes need to **systematically document activities and make them accessible** locally to existing and potential partners and interested public. The NCEA can support them in achieving that.

Recommendations for the Theory of Change

Recommendation for NCEA

Recommendation 14: Few additional adjustments to the ToC are needed. In light of the current scope and nature of NCEA technical assistance, the NCEA could consider to classify results areas such as (1) better governance, (2) sustainable development driven policies and (3) green and sustainable investments as short-term impact, rather than as indirect outcomes. These result areas (2) sustainable development-driven policies and (3) green and sustainable investment. can be considered more as short term impact, to the extent that NCEA would become more explicitly involved in monitoring and compliance activities.

In addition, NCEA could further crystallise the key assumptions at each level of the ToC. In the updated ToC (2022) there are three high-level assumptions, but a more tangible set of assumptions at different levels of the result chain could help the NCEA in making the ToC more operationally applicable. The available evaluations and impact assessment of NCEA technical assistance (e.g. IA Mozambique, as well as the case studies of the present evaluation) are a good source for identifying these assumptions.

Recommendation 15: NCEA should **increase its use of the ToC in practice.** As it stands the current ToC can be considered as a nested ToC in which each country/regional programme and project feed in. Depending on the context of each country/region programme, different pathways of change would be picked up. It is necessary for NCEA to construct these pathways of change with their partners, this will allow NCEA and its partners to identify key areas of influence and key assumptions that need to be monitored or addressed in that specific programme. This would allow NCEA to identify strategic partnerships that need to be established at the national level to ensure that outcomes and impacts at the local level are achieved.

Recommendations for Monitoring, Evaluation and Learning

Recommendation for NCEA

Recommendation 16: Impact evaluation of the NCEA programme should be strategically and carefully designed, balancing the learning potential with the required level of effort. Given the multiple conditions that need to be met to achieve the expected impact level results (SDGs), the NCEA impact evaluation strategy should focus on long-term engagement (>10 years), a programme-specific ToC that guides the implementation, and with partners that have a significant co-influence on achieving the specific SDG goals at hand in the particular case. Impact evaluation should be planned at the beginning of each programme cycle, should be conducted in limited numbers (max 2 every five years), seek contribution rather than attribution and select a specific set of SDGs at a time to allow for improved coverage of the impact level results. Impact evaluation methods should be particularly designed to capture the kind of impacts to be expected, for example through process tracing.

Recommendation 17: The monitoring of activities and results, including gender-related results through the M-forms should be reinforced. This evaluation has found that NCEA has struggled at monitoring its activities through the M-form in a more systematic way. Given the additional push by MFA-NL to further assess its contribution to impact level results, NCEA should critically review the financial and human resources allocated to its M&E portfolio, and adjust it to accommodate the future increase in demand for such activities.

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Appendix 1 Evaluation matrix

Key Question(s) – cited from ToR	Additional point of attention ⁷²	Information Required	Information Source(s)	Data Collection Methods
RELEVANCE				
1. Relevance to recipient partners and countries: <ul style="list-style-type: none"> How relevant the programme and its activities has been to recipient partners in several country interventions? 	<ul style="list-style-type: none"> How does NCEA integrate compliance and accountability to its strategy? How does NCEA adapt in countries where governance is weak, can it ensure transparency and inclusiveness in this context? What is missing in the current NCEA strategy and approach? 	<ul style="list-style-type: none"> Context/diagnostic/mapping of ESIA/SEA systems in recipients' partners countries NCEA country and region strategy Stakeholders' perception of NCEA programme relevance 	<ul style="list-style-type: none"> Five-year programme proposal Annual plans 2017-2022 Stakeholder interview notes (programme and case study level) 	<ul style="list-style-type: none"> Desk review Interviews Survey
2. Relevance (added value) of NCEA to MFA-NL's thematic programmes: <ul style="list-style-type: none"> What is the relevance (added value) of the NCEA for the achievement of the <i>Ministry's thematic objectives</i> regarding food security, water, climate, energy and private sector development? 	<ul style="list-style-type: none"> How did NCEA deal with changes in MFA-NL strategy/policy? 	<ul style="list-style-type: none"> NCEA's involvement in the policy cycle for MFA-NL's thematic programmes (policy formulation > planning > implementation > M&E) Stakeholder perceptions NCEA's contribution in mainstreaming environment and inclusivity concerns in MFA-NL thematic objectives including food security, water, climate energy and private sector development. 	<ul style="list-style-type: none"> Sample of MFA-NL policy and a program Stakeholder interview notes (programme) 	<ul style="list-style-type: none"> Desk review Interviews
COHERENCE				
3. Alignment with other development interventions: <ul style="list-style-type: none"> How did the NCEA make use of opportunities to align activities with other relevant development interventions, supported by domestic and international stakeholders? 	<ul style="list-style-type: none"> How does NCEA currently leverage its efforts with similar programmes of other donors and partners (including regional and multilateral organisations, professional associations)? Is NCEA diversifying its funding 	<ul style="list-style-type: none"> Other relevant development interventions taking place in the same countries. Other development organisations participation in workshops facilitated by NCEA 	<ul style="list-style-type: none"> Five-year programme proposal Annual Plans 2017-2022 Available partnership agreements including MoUs Annual result report 2017-2020 Stakeholder interview notes (programme & case study level) 	<ul style="list-style-type: none"> Desk review Interviews

⁷² These additional attention points originate from the learning questions expressed by NCEA/MFA-NL in the inception interviews. They will provide an evaluative basis for the learning workshop, which will take place in the co-creation phase of the evaluation. Not all learning questions expressed are reflected as additional attention points, as some were beyond the scope of the ToR.

Key Question(s) – cited from ToR	Additional point of attention ⁷²	Information Required	Information Source(s)	Data Collection Methods
	sources? And is it sufficiently visible towards such parties?	<ul style="list-style-type: none"> Perceptions of stakeholders on NCEA's alignment with other development interventions 		
<p>4. Need to include private sector (a.o.) component in the EAP component of the subsidy programme</p> <ul style="list-style-type: none"> Assessment of the subsidy programme's internal coherence, in particular, the inclusion of the private sector component in the EAP and the exclusion of the sustainability advice of it. 	<ul style="list-style-type: none"> How is NCEA currently supporting foreign investment by public and private Dutch enterprises in MFA-NL and Non-MFA-NL countries? (f.i Invest International loan portfolio for large corporates and SMEs); 	<ul style="list-style-type: none"> Mapping of activities under different components of the Subsidy agreement Synergy/complementarity between components of the framework agreement for 2017-2022. Stakeholders' perception on the value-added and comparative advantage of inclusion of private sector instrument in EAP versus exclusion of the sustainability advice from it. 	<ul style="list-style-type: none"> Five-year programme proposal Annual Plans 2017-2022 Stakeholders interview notes (Programme level) 	<ul style="list-style-type: none"> Desk review Interviews
EFFECTIVENESS				
<p>5. Choice and number of countries:</p> <ul style="list-style-type: none"> How has the choice of countries where efforts were invested, affected overall effectiveness (effectivity)? How does the number of countries relate to the effectiveness? 		<ul style="list-style-type: none"> Process of the choice of countries Planned and realised activities at the country level Expected budget, planned budget and realised expenditure by country Technical secretary LOE by country Factors explaining the difference in activity level performance at the country level Expected versus realised contributions to outcomes Perception of stakeholders on country level performance 	<ul style="list-style-type: none"> Five-year programme proposal Annual plans (2017 to 2022) Annual results reports (2017 to 2020) Case studies reports Financial reports and audits (2017 to 2020) Stakeholder interviews notes (Programme and country level) 	<ul style="list-style-type: none"> Desk review Interviews
<p>6. Achievements and reporting on intended outcomes:</p> <ul style="list-style-type: none"> To what extent the intended outcomes (i.e., short and middle term effects) were achieved? What are people doing differently after participating in NCEA activities that highlight certain values and principles? How do the indicators in the annual results reporting reflect the effectiveness and are representative of results? 		<ul style="list-style-type: none"> NCEA theory of change, and result framework Monitoring and evaluation data Internal and external factors contributing or hindering the achievement of results Indicator matrix Stakeholder perception of NCEA contribution to intended outcomes Stakeholders report of changes in values and principles attributable to NCEA interventions 	<ul style="list-style-type: none"> Five-year programme proposal Annual plans (2017 to 2022) Annual results reports (2017 to 2020) 2015 Theory of Change Outcome statements, capacity outcome interviews (RVO, Indonesia CP, Rwanda CP) Impact evaluations (Mozambique CP, RVO) Independent advice monitoring forms Evaluations reports (2017 Final evaluations; 2020 MTR; SRJP final) 	<ul style="list-style-type: none"> Desk review Interviews Survey

Key Question(s) – cited from ToR	Additional point of attention ⁷²	Information Required	Information Source(s)	Data Collection Methods
			evaluation, 2020 knowledge and learning platform final evaluation)	
			<ul style="list-style-type: none"> Other documents including communication and marketing material, public discourses (newspapers, blogs, speech), policy, laws and regulations Case study reports Stakeholder interviews (programme and country level) 	
7. Learning lessons and making improvements: <ul style="list-style-type: none"> How does NCEA assess its efforts, consolidate and share the lessons learnt from practice, and improve activities? 	<ul style="list-style-type: none"> Is the EAP M&E system fit for purpose, with a balance of quantitative and qualitative approaches and the tracking of the longer-term impact of the EAP in the framework of its new ToC (Governance change through ESIA/SEA processes)? Is NCEA an effective learning organisation? 	<ul style="list-style-type: none"> NCEA Planning, Monitoring, Evaluation and Learning process Understanding how lessons learnt are currently consolidated and shared Linkages between learning activities and strategy and activity design Perceptions of stakeholders on Linkages between learning activities and strategy and activity design 	<ul style="list-style-type: none"> Five-year programme proposal Annual plans (2017 to 2022) Annual results reports (2017 to 2020) 2015 and 2021 theory of Change 2012-2017 Final evaluation; 2020 Mid Term Review of the current programme and NCEA responses to these evaluations 2020 knowledge and learning platform final evaluation 	<ul style="list-style-type: none"> Desk review Interviews
IMPACT				
8. Impact on decision-making: <ul style="list-style-type: none"> To what extent the NCEA work such as ESIA has resulted in decisions for greener and/or more inclusive institutions, policies and investments? 	<ul style="list-style-type: none"> Is there sufficient evidence of outcomes and impact of NCEA's activities? Is outcome and impact steering effectively combined with the demand-based approach of NCEA? 	<ul style="list-style-type: none"> Perceptions on results related to decision-making Impact studies 	<ul style="list-style-type: none"> Stakeholder interviews at programme and country level Impact evaluations (Mozambique CP, RVO) Independent advice monitoring forms 	<ul style="list-style-type: none"> Desk reviews Interviews Survey
9. Factors influencing impact: <ul style="list-style-type: none"> What activities (or combination of activities), way of working, level/duration of guidance or other factors have influenced impact or could do so in future? 	<ul style="list-style-type: none"> Is the quality and strategic direction of NCEA sufficiently robust to build a long-term and programmatic collaboration on? 	<ul style="list-style-type: none"> NCEA monitoring and evaluation data on factors influencing impact achievement NCEA impact analysis Stakeholders perceptions 	<ul style="list-style-type: none"> Stakeholder interviews at programme and country level Impact evaluations (Mozambique CP, RVO) Independent advice monitoring forms 	<ul style="list-style-type: none"> Desk review Interviews Survey
10. Lessons learnt on maximising impact: <ul style="list-style-type: none"> What can be learnt and how can positive impact or transformation of society for people and the planet be further enhanced? 		<ul style="list-style-type: none"> Evaluation findings and conclusions NCEA and MFA-NL internalisation of evaluation finds and conclusions Co-created recommendations and lessons learnt 	<ul style="list-style-type: none"> 2022 draft evaluation reports Co-creation workshop between WUR, NCEA and MFA-NL 	<ul style="list-style-type: none"> Co-creation workshops

Appendix 2 Survey sample description

The survey was filled in on by 26 respondents from 14 countries.
The majority of the countries the survey respondents work in are in Africa, but there are also some from the Middle East, South America and Asia, see **Figure 14**.

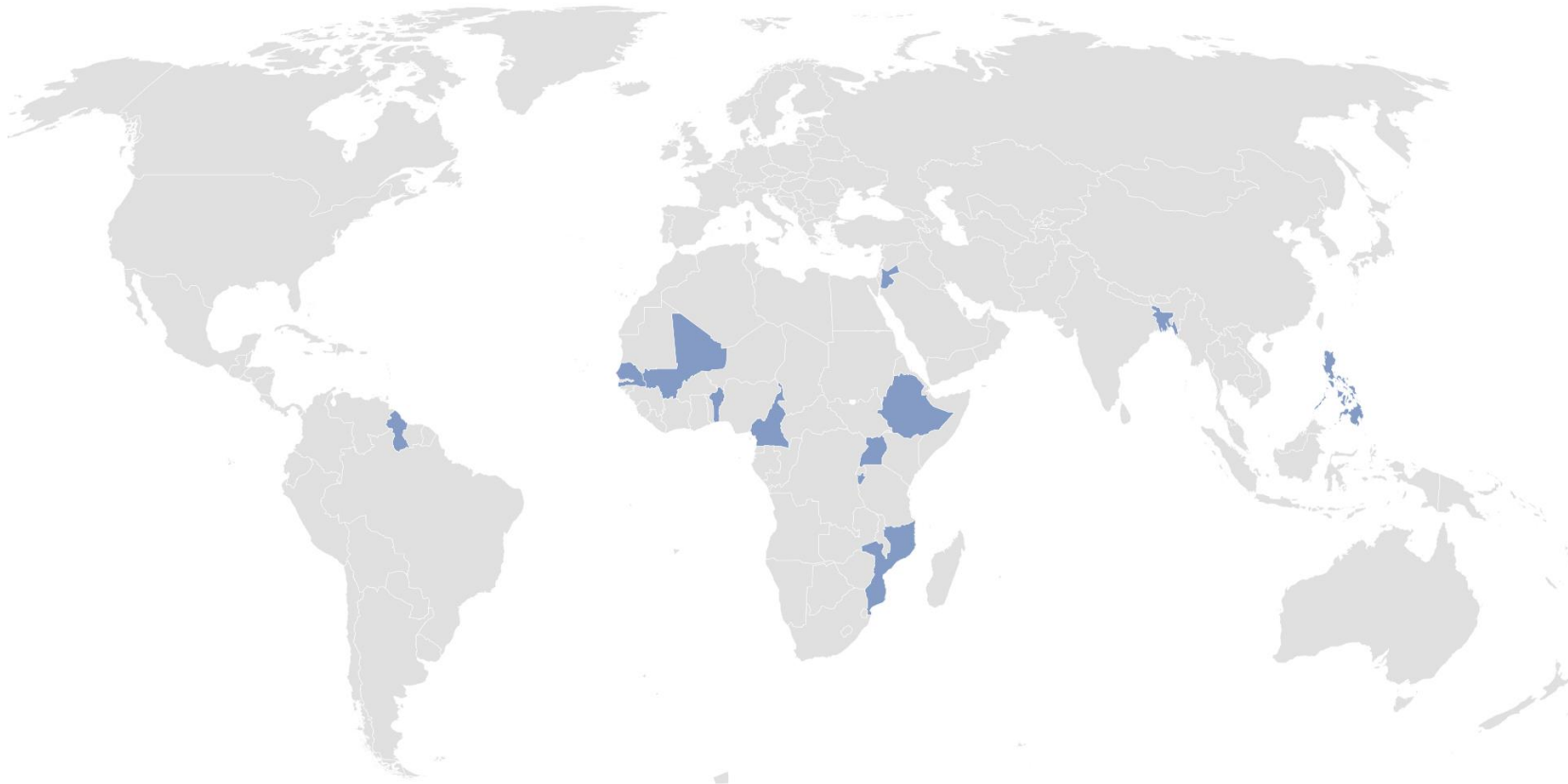


Figure 14 Geographical spread of survey respondents (n=26)

The support received by the respondents focussed mainly on the country level, has on average been going on for 4 years (but up to more than 12) and focussed most often on SEA.

Figure 16 shows the focus of the support as reported by the respondents of the survey. Sixty per cent of the respondents indicated the received support focused mainly on the country level, 32% received support with the primary focus on the level of an individual ESIA/SEA and 8% on the level of the capacity of the organisation. The outer ring shows the primary focus and the inner chart the secondary focus. Eighty per cent of the respondents indicated that the support focused on more than one of these levels. On average, the respondents have been collaborated or have collaborated with the NCEA for 4 years, but ranging from 1 to over 12 years. Ten respondents indicated that the support is still ongoing, and 11 indicated the support has come to an end. Forty-four per cent of the respondents indicated their collaboration focussed on SEA, 24% on ESIA and 32% on both. Forty-five per cent indicated to have participated in an ESY mapping exercise, and 55% said they did not.

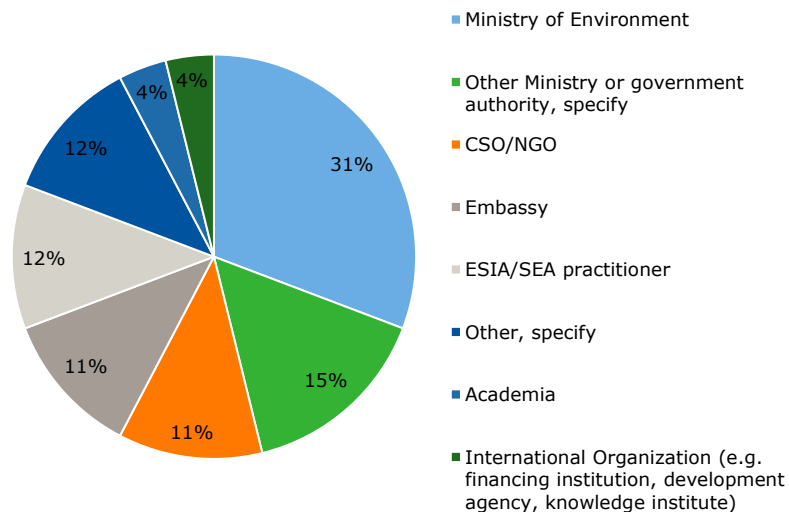


Figure 15 Type of organisation survey respondents represent (n=26)

Most survey respondents represent Ministries of Environment, but others work at other ministries or government authorities or other organisations.

The largest group (31%) of the survey respondents work at the Ministry of Environment of their countries, followed by 15% who works at another ministry or government authority. Other organisations respondents work for include CSO/NGOs, ESIA/SEA practitioners and more (see **Figure 15**).

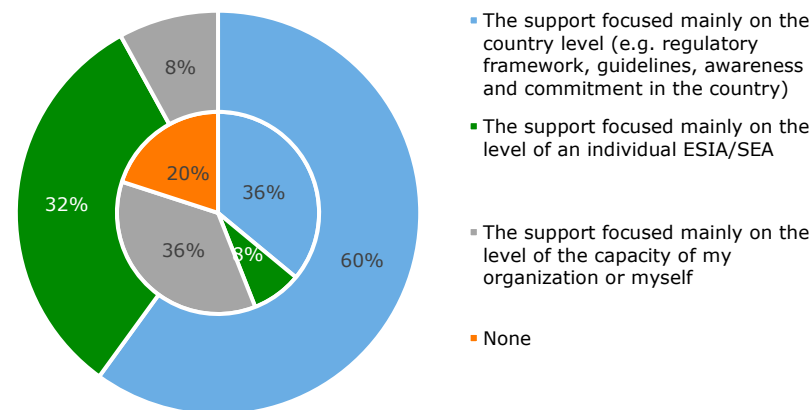


Figure 16 Focus of the support to survey respondents (n=25). Outer ring represents the primary focus and inner ring the secondary focus

Appendix 3 List of interviews

Organisation	Respondents	Evaluation component
1 MFA	1. Maarten Gischler 2. Omer van Renterghem	Programme
2 External technical experts	3. Luciana Silva Santos 4. Kitty van Bentvelsen 5. Caroline Figueres 6. Philippe Jean 7. Philippe Ker Rault	Programme
3 RVO/Invest International	8. Harold Hoiting	Programme
4 IUCN	9. Cas Besselink	Programme
5 WWF	10. Roos Mulder 11. Oscar Rodas 12. Moniek Wulms 13. Karim Musalem	Programme
6 Norwegian Environmental Agency	14. Frank Eklo	Programme
7 UEOMA	15. Fanta Compaore	Programme
8 IAIA	16. David Bancroft	Programme
9 FMO	17. Pimheim Kool	Programme
10 World Bank	18. Una Elizabeth Meades	Programme
11 NCEA technical secretaries	19. Arend Kolhoff 20. Ineke Steinhauer 21. Bobbi Schijf 22. Stephen Teeuwen	Programme
12 NCEA technical secretaries	23. Arend Kolhoff 24. Ineke Steinhauer	Inception
13 NCEA knowledge, learning & communication	25. Anne 26. Emmy Dortant	Inception
14 NCEA director international & deputy chair	27. Tanya van Gool 28. Rob Verheem	Inception
15 Chef de cabinet at the Ministry of Environment in Guinee, former NCEA expert	35. Karim Samoura	Inception
16 RVO/Invest International	36. Harold Hoiting	Inception

Appendix 4 Rapport d'évaluation de l'Appui de la Commission Néerlandaise d'Évaluation Environnementale (CNEE): Cas du Niger

Rapport d'étude de cas pour le cas du Niger

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Résumé exécutif:

Ce document est le rapport d'évaluation de l'Appui de la Commission Néerlandaise d'Évaluation Environnementale (CNEE) relatif à de l'étude de cas du Niger, couvrant la période de mi-2017 à mi-2022. Cette évaluation a pour objectif de: (1) informer le MFA-NL dans quelle mesure son soutien à la CNEE est pertinent, cohérent et contribue efficacement à la réalisation des objectifs de développement durable; et (2) faire des recommandations stratégiques à la CNEE et au MFA-NL en vue de maintenir et d'améliorer la qualité et l'impact de leur partenariat.

L'appui du Niger s'est déroulé dans un contexte où le pays: (i) fait face à de nombreux défis dans les domaines de l'environnement et du développement durable et connaît une dégradation poussée de son environnement; (ii) a engagé une réforme de son système EIES/EES avec l'adoption de la nouvelle loi n°2018-28 du 14 mai 2018, déterminant les principes fondamentaux de l'évaluation environnementale.

Ainsi, le programme d'appui du Niger est bâti sur: (i) l'amélioration du cadre légal et réglementaire en soutenant les changements/améliorations du cadre juridique en matière d'évaluation environnementale et sociale, en accordant une attention particulière à l'amélioration de la participation du public et à la capacité du BNEE; (ii) le renforcement des capacités en évaluation environnementale et sociale des parties prenantes; (iii) l'intensification des échanges professionnels nationales et régionales; et (iv) l'amélioration de la qualité des évaluations environnementales et sociales, y compris celles complexes.

L'étude de cas au Niger a été réalisée sur la base de la revue de documents, des entretiens avec les parties prenantes, tant au Niger, qu'à l'extérieur en s'appuyant sur les questions d'évaluation présentées dans la matrice d'évaluation globale de l'appui.

L'appui de la CNEE au BNEE a été jugé pertinent par les acteurs interrogés, pertinence d'autant plus justifiée par le fait que la CNEE intervient toujours suite à une demande exprimée par la partie nationale et s'inscrit dans le renforcement du système national des évaluations environnementales. L'appui s'aligne parfaitement aux priorités nationales en matière de développement, mais aussi aux textes législatifs et réglementaires en vigueur, qu'il a permis de renforcer. Il s'est intégré aux dispositifs existants en saisissant les opportunités offertes dans l'écosystème. L'appui n'a pas pu se dérouler comme prévu, principalement pour deux raisons à savoir: i) la faible mobilisation des financements auprès des partenaires pour à la mise en œuvre du programme, sachant que la CNEE ne fournit que l'expertise; (ii) la pandémie de la Covid-19. Néanmoins, il faut noter que les activités réalisées l'ont été à la satisfaction des acteurs et ont eu un fort niveau d'appréciation des parties prenantes au niveau national. Ainsi, on peut retenir que le programme a eu le mérite de poser le débat sur les EIES/EES, sur leur pertinence, leur importance sur le développement d'un pays comme le Niger et sur l'application de la législation dans le domaine en respectant les principes qui l'entourent.

Acronymes et abréviations

Acronyme Définition

ABN	Autorité du Bassin du Niger
BAD	Banque Africaine de Développement
BEEI	Bureau d'Évaluation environnementale et des Études d'Impact
BNEE	Bureau National d'Évaluation Environnementale
CCE	Certificat de Conformité Environnementale
CEAC	Communauté Économique des États de l'Afrique Centrale
CEDEAO	Communauté économique des États de l'Afrique de l'Ouest
CGES	Cadre de Gestion Environnementale et Sociale
CNEDD	Conseil National pour l'Environnement et le Développement Durable
CNEE	Commission Néerlandaise d'Évaluation Environnementale
DG	Directeur Général
DGREF	Direction Générale des Eaux et Forêts
EE	Évaluation Environnementale
EES	Évaluation Environnementale Stratégique
EIE	Étude d'Impact sur l'Environnement
EIES	Étude d'Impact Environnemental et Social
FAEE	Fonds d'Appui aux Évaluations Environnementales
GIZ	Agence de coopération internationale allemande pour le développement (Deutsche Gesellschaft für Internationale Zusammenarbeit)
GRN	Gestion des Ressources Naturelles
HC3N	Haut-Commissariat à l'Initiative 3N: les Nigériens Nourrissent les Nigériens
IFDD	Institut de la Francophonie pour le Développement Durable
INS	Institut National de la Statistique
IPC	Indice annuel de Perception de la Corruption
ME/LCD	Ministère de l'Environnement et de la Lutte contre la Désertification
MESU/DD	Ministère de l'Environnement, de la Salubrité Urbaine et du Développement Durable
MFA-NL	Ministère des Affaires Étrangères des Pays-Bas
OIF	Organisation Internationale de la Francophonie
ONG	Organisation Non Gouvernementale
OSC	Organisation de la Société Civile

PCGES	Plan Cadre de Gestion Environnementale et Sociale
PDES	Plan de Développement Économique et Social
PIB	Produit Intérieur Brut
PNEDD	Plan National de l'Environnement pour un Développement Durable
PNUD	Programme des Nations Unies pour le Développement
PRN	Présidence de la République du Niger
PTF	Partenaires Techniques et Financiers
RVO	Rijksdienst voor Ondernemend Nederland (Netherlands Enterprise Agency)
S&E	Suivi-Evaluation
SG	Secrétariat Général
SIFEE	Secrétariat international francophone pour l'évaluation environnementale
TDR	Termes De Référence
UEMOA	Union Économique et Monétaire Ouest Africaine

1. Introduction

La Commission Néerlandaise d'évaluation Environnementale (CNEE) a bénéficié d'un financement du Ministère des Affaires Etrangères des Pays-Bas (MFA-NL) pour mettre en œuvre un programme d'appui à l'évaluation environnementale dans différents pays, couvrant la période de mi-2017 à mi-2022. Ce programme arrivant à terme, une évaluation externe indépendante a été requise par le MFA-NL. Cette évaluation est mise en œuvre par « Wageningen University & Research (WUR) », et comprend deux études de cas, celle du Niger et de l'Ouganda.

Les objectifs de cette évaluation sont de: (1) informer le MFA-NL dans quelle mesure son soutien à la CNEE est pertinent, cohérent et contribue efficacement à la réalisation des objectifs de développement durable; et (2) faire des recommandations stratégiques à la CNEE et au MFA-NL en vue de maintenir et d'améliorer la qualité et l'impact de leur partenariat.

Quatre critères d'évaluation vont être utilisés pour effectuer cette évaluation à savoir la pertinence, la cohérence, l'efficacité et l'impact. Les questions d'évaluation spécifiques pour chaque critère sont présentées dans la matrice d'évaluation (voir Appendix 1 du rapport final). Cette évaluation va se focaliser beaucoup plus sur la composante du programme d'évaluation environnementale.

1.1 Objectif et portée de l'étude de cas

L'étude porte sur l'évaluation de l'appui reçu par le Bureau National d'Évaluation environnementale (BNEE) de la part de la CNEE. Elle vise spécifiquement à renforcer l'évaluation globale de la performance de la CNEE et du processus d'apprentissage en:

- Approfondissant la compréhension de la performance de la CNEE au niveau pays, particulièrement dans les domaines clés d'appui de la CNEE (le coaching, le développement des capacités et le soutien au processus d'apprentissage) afin de s'assurer si l'intervention a amené des changements notables dans la prise en compte des EIES et EES dans la prise de décision au niveau des parties prenantes du pays;
- Étant les constats faits au niveau du programme et vice versa. Ces constats se baseront sur les entretiens faits au niveau des acteurs clés des

EIES/EES au niveau national et en interrogeant la documentation secondaire sur la mise en œuvre de l'initiative.

L'étude de case au Niger inclut: la revue de documents; les entretiens avec les parties prenantes, et la synthèse des résultats à inclure dans le rapport final de l'étude de cas, répondant aux questions d'évaluation présentées dans la matrice d'évaluation.

1.2 Structure du rapport d'étude de cas

Conformément aux TDRs de l'étude, le rapport d'évaluation comportera huit parties.

- Introduction
- Description du programme national de la CNEE pour la période 2017-2022 et de la façon dont il a été mis en œuvre
- Approche et méthodologie de l'étude de cas décrivant la méthodologie utilisée
- Principaux résultats de l'étude de cas comportant:
 - (i) une partie sur la pertinence de l'intervention, cette partie interrogera la prise en compte des besoins des acteurs du système EIES/EES du pays;
 - (ii) une partie relative à la cohérence de l'appui, avec en particulier l'alignement aux politiques en matière d'évaluation environnementale;
 - (iii) et une partie sur l'efficacité de l'appui à travers les résultats obtenus.
- Suivi, évaluation et apprentissage
- Conclusions de l'étude de cas
- Recommandations
- Leçons apprises

2. Description du programme de pays de la CNEE 2017-2022

2.1 Contexte national et local

2.1.1 Contexte social, économique et politique

Le Niger, pays sahélien par excellence, fait face à de nombreux défis dans les domaines de l'environnement et du développement durable. Le pays connaît une dégradation poussée de son environnement, en grande partie due aux effets des conditions naturelles difficiles, notamment celles liées aux changements et variabilités climatiques, mais aussi aux actions anthropiques. L'agriculture constitue la principale activité économique de la population; elle contribue pour 42% au PIB national (PDES 2017-2021) et est pratiquée sur des terres en constante dégradation entraînant la poussée du front vers des zones impropres à cette activité avec tout ce que cela suppose en termes de déforestation, perte de la biodiversité, exploitation abusive des ressources.

Le Niger est aussi un pays minier regorgeant d'importantes ressources minières et minérales. Les travaux de prospection géologique entrepris sur le vaste territoire du Niger par l'Etat et ses partenaires bilatéraux et multilatéraux ont conduit à la mise en évidence de nombreux indices minéraux (cuivre, nickel, chrome, molybdène, cobalt, titane, vanadium, manganèse, lithium, platine, argent, tantale, terres rares, pierres précieuses, matériaux de construction et minéraux industriels, etc.), mais aussi de l'uranium, du pétrole, du charbon, de l'or, etc.

Le pays a, dans un passé récent, assuré en grande partie son essor économique grâce à l'exploitation minière; d'abord, l'uranium depuis les années 1970, l'or et le pétrole à la fin des années 2000. Actuellement encore, des permis de recherche minière sont fréquemment distribués à des compagnies étrangères dans le cadre de la promotion du secteur minier. Des grands programmes de développement du secteur pétrolier sont en cours avec le projet de construction du pipeline Niger-Benin. Cependant, les performances économiques du secteur restent relativement faibles avec une contribution au PIB respective de 3,4%, 2,6% et 3,4% en 2016, 2017 et 2018.

Cette exploitation minière s'est faite malheureusement sans que l'attention requise ne soit donnée à l'environnement, même si des initiatives de gestion sont mises en place. Cet état de fait est responsable de dégradation, souvent

irréversible de l'environnement constatée çà et là, après l'exploitation des ressources.

Sur le plan institutionnel, le Niger est un pays démocratique, dont les institutions prévues par la constitution sont en place. Les élections législatives et présidentielles organisées en 2020-2021 ont permis une alternance démocratique, avec un Président de la République élu ayant remplacé un autre et la mise en place d'une assemblée nationale, représentation des élus du peuple assurant le vote des lois et le contrôle de l'action gouvernementale. Selon l'organisation non gouvernementale Transparency International, dans sa publication de janvier 2022 relative à l'indice annuel de perception de la corruption (IPC), le Niger a été classé 124e sur 180, avec une note de 31 sur 100 et le pays perd un point par rapport à l'indice 2020.

Le Niger se trouve actuellement dans un contexte sécuritaire assez particulier, avec à l'ouest du pays dans la zone des trois frontières (Burkina Faso, Mali, Niger) des attaques fréquentes des terroristes armés et à l'est dans la zone du Lac Tchad, ceux du groupe Boko haram. Ces conflits pèsent lourdement sur l'économie du pays, de même qu'ils englobent des ressources énormes du trésor public et pèsent lourdement sur les conditions de vie des populations.

2.1.2 Cadre de gouvernance de l'environnement au Niger

Le Niger dispose d'une législation conséquente en matière d'évaluation environnementale et sociale, consacrée d'abord par la constitution du 25 novembre 2010 de la République du Niger, qui a confirmé l'importance de la prise en compte de l'environnement en son article 35, qui stipule que "toute personne a droit à un environnement sain. L'État a l'obligation de protéger l'environnement dans l'intérêt des générations présentes et futures. Chacun est tenu de contribuer à la sauvegarde et à l'amélioration de l'environnement dans lequel il vit". Cette disposition est complétée par celle de l'article 37 stipulant que "les entreprises nationales et internationales ont l'obligation de respecter la législation en vigueur en matière environnementale. Elles sont tenues de protéger la santé humaine et de contribuer à la sauvegarde ainsi qu'à l'amélioration de l'environnement".

Aussi, depuis le milieu des années 1990, le Niger a mis en place un arsenal juridique, législatif et réglementaire assez étoffé en matière d'environnement, qui encadre toutes les actions touchant ce secteur. Le point de départ de cette

règlementation est le Plan National de l'Environnement pour un Développement Durable (PNEDD) élaboré en 1998 et encore en vigueur, avec quatre objectifs complémentaires:

- Assurer une gestion plus rationnelle des ressources naturelles dans le cadre de la lutte contre la désertification en favorisant une approche plus globale (systémique) de la question;
- Intégrer les préoccupations environnementales dans la définition des politiques, programmes et projets mis en place dans chacun des principaux secteurs du développement;
- Favoriser l'implication, la responsabilisation et la participation des populations dans la gestion des ressources et de leur espace vital, et ainsi contribuer à la préservation et à l'amélioration de leur cadre de vie;
- Favoriser le développement d'un partenariat efficace entre les acteurs intéressés par la question de l'environnement et du développement durable au Niger.

Ensuite, la loi n°98-56 du 29 décembre 1998 portant loi-cadre sur la gestion de l'environnement, fixant le cadre juridique général et les principes fondamentaux de la gestion de l'environnement au Niger. Cette loi fait obligation en son article 8, 2ème alinéa, aux projets, programmes et aux activités publiques ou privées de développement de prendre en compte les exigences de protection et de conservation de l'environnement. Mieux, cette loi institue en son article 31, une autorisation préalable du Ministère chargé de l'environnement à tout projet ou programme, "qui, par l'importance de leurs dimensions ou leurs incidences sur les milieux naturel et humain, peuvent porter atteinte à ces derniers sont soumis à une autorisation préalable du ministre chargé de l'environnement. Cette autorisation est accordée sur la base d'une appréciation des conséquences des activités, du projet ou du programme mises à jour par une étude d'impact sur l'environnement (EIE) élaborée par le promoteur et agréée par le ministre chargé de l'environnement".

D'autres textes complémentaires et spécifiques au sous-secteur ont été aussi pris pour étoffer l'arsenal juridique, mieux en 2018, le Niger a initié des réformes de son cadre législatif qui a débouché sur l'adoption de la loi n°2018-28 du 14 mai 2018, déterminant les principes fondamentaux de l'évaluation environnementale, actualisant ainsi son cadre juridique national. Son Décret d'application n°2019 027/PRN/MESU/DD du 11 janvier 2019 vient

compléter l'arsenal juridique en matière d'évaluation environnementale au Niger.

Selon cette loi, "l'évaluation environnementale s'applique aux politiques, stratégies, plans, programmes et projets, ainsi qu'à toutes les activités humaines susceptibles d'avoir des répercussions sur les milieux physique et humain, pour un usage civil ou militaire, exécutées en tout ou en partie sur le territoire national".

Une structure nationale au sein du Ministère de l'Environnement, le Bureau National d'Évaluation d'environnementale (BNEE) est mise en en place pour gérer la procédure administrative en matière d'évaluation environnementale et sociales (EES), faisant du recours à l'EES, une exigence légale.

2.1.3 Arrangements institutionnel et organisationnel(s) responsable pour la mise en œuvre EE au Niger

La loi précise aussi que le BNEE est un organe d'aide à la décision qui a pour missions la promotion et la mise en œuvre de l'Évaluation Environnementale au Niger. Il a compétence au plan national sur toutes les politiques, stratégies, plans, programmes, projets et toutes les activités pour lesquelles une Évaluation Environnementale est obligatoire ou nécessaire. A ce titre, le BNEE assure, tout ce qui est du ressort régalién de l'Etat, notamment l'examen et le cadrage des termes de référence des EE, le suivi et le contrôle des conformité, transactions, etc. (article 68 du décret). Ainsi, le BNEE avec ses démembrements au niveau déconcentré, assure l'encadrement de tout le processus de l'EE au Niger.

Le décret précise aussi les étapes à suivre pour la conduite des processus des EE au Niger. Selon le type d'EE à conduire (EES, EIES, Audit environnemental et social), ses étapes peuvent être différentes, mais suivent la même logique sous le contrôle du BNEE.

Pour les EES, qui concernent les politiques, stratégies, plans, programmes, projets comportant plusieurs sous-projets ou leur modification, ces étapes sont l'avis du projet, le tri préliminaire, l'élaboration des termes de référence et leur cadrage, la réalisation de l'EES, l'analyse du rapport, la prise de décision, la mise en œuvre, le suivi-évaluation.

Pour les EIES, requises pour tout projet ou activité, pouvant avoir des impacts sur l'environnement suivant la catégorisation du BNEE, ces étapes sont l'avis du projet, le tri préliminaire, l'élaboration des termes de référence et leur cadrage, la réalisation de l'étude, l'analyse du rapport, la prise de décision, la mise en œuvre, le suivi-contrôle.

A l'issue de chaque EE, un Certificat de Conformité Environnementale (CCE) est délivré par le Ministre chargé l'Environnement sur avis du BNEE. Le CCE est délivré avec comme conditionnalité le respect d'un cahier des charges environnementales et sociales), dont la responsabilité de la mise en œuvre incombe au promoteur. Conformément à la législation en vigueur, le BNEE et ses services déconcentrés assurent le suivi contrôle.

2.2 Structure du programme de pays, y compris les partenariats locaux

En 2014, le Niger a engagé une réforme de son système EIES/EES sur le plan juridique et institutionnel qui a débouché en 2018 avec la promulgation de la loi 2018 ainsi que l'adoption des textes d'application subséquents à partir de 2019.

Parallèlement, le Niger à travers le BEEIE a exprimé le souhait de bénéficier d'un soutien de la CNEE pour supporter la réforme engagée sur le plan juridique et institutionnel avec l'élaboration des textes d'application, des guides sur la procédure EIES/EES ainsi qu'en matière de participation du public. Cet appui devrait aussi contribuer à rendre plus visible les activités dans le domaine des évaluations environnementales.

Cette demande du Niger est rendue opportune grâce à la note du ministre des Affaires étrangères néerlandais, Mme. Kaag, intitulée 'Investeren in perspectief', dans laquelle, le Sahel a été désigné région de focus. Le Niger, pour diverses raisons géopolitiques (sécurité, changements climatiques), est bien placé pour recevoir l'appui du Ministère des Affaires Etrangères des Pays-Bas.

Une mission de reconnaissance a été envoyée en octobre 2018 par le Ministère des Affaires Etrangères, mission au cours de laquelle, divers acteurs du système EIES/EES (représentants de ministères sectoriels, ONG, consultants) ont été rencontrés. Cette mission a permis aussi de réaliser un atelier sur la cartographie du système EIES/EES du Niger, ayant révélé diverses possibilités

de coopération entre la CNEE et le BNEE (BEEIE à l'époque). Cet atelier a permis d'avoir les éléments pour l'élaboration d'un programme de travail de cinq années pour le Niger, mais dont la fin est maintenue à 2022 pour coller à la durée de la subvention du programme global de la CNEE (2017-2022). En début 2019, la CNEE et le BNEE, à travers le Ministère en charge de l'environnement, ont signé un protocole de collaboration.

Conformément à la théorie de changement du programme global (version 2015), la CNEE devrait fournir de l'expertise sur les processus d'évaluation environnementale à travers l'appui conseil, la sensibilisation et le renforcement des capacités (formation, coaching, guidance, analyse de situation, etc.) des acteurs EIES/EES, dans l'objectif de (i) développer les capacités de tous les acteurs (gouvernement, ONG, société civile, secteur privé, etc.) et à terme améliorer; (ii) tous les processus des EIES/EES (inclusifs, bien informés, transparents, redevables, etc.) et, (iii) les fonctions du système national des EIES/EES (meilleure qualité des évaluations environnementales: régulation, engagement, financement, suivi évaluation, échanges professionnel sur les évaluations environnementales et sociales, éducation supérieure, service d'aide et d'appui). Les résultats attendus sont une meilleure prise de décision dans la formulation et la mise en œuvre des projets/programmes et une meilleure gouvernance des ressources, devant produire des impacts importants sur les populations (moins de pauvreté et de conflits, équité de genre), la planète (meilleur environnement, biens publics sécurisés, énergie durable, actions intelligentes face au climat) et les revenus (Croissance verte inclusive, meilleure responsabilité sociétale des entreprises du secteur privé, règles du jeu équitables).

Ainsi, le programme d'appui du Niger est bâti sur les composantes suivantes:

- L'amélioration du cadre légal et réglementaire: le BNEE travaille au développement de nouveaux textes d'application de la nouvelle loi en matière d'évaluation environnementale et sociale, il s'agit de soutenir les changements/améliorations du cadre juridique en matière d'évaluation environnementale et sociale, en accordant une attention particulière à l'amélioration de la participation du public et à la capacité du BNEE. Il est prévu dans ce cadre une série d'ateliers sur le cadre réglementaire pour renforcer/vulgariser le dispositif et assurer le suivi du système à travers la mise en place d'une base de données; assurer la qualité des EIES/EES à travers des avis indépendants;

- Le renforcement des capacités en EIES des parties prenantes, y compris leur sensibilisation. Spécifiquement, il s'agit de:
 - (i) renforcer les capacités des acteurs des évaluations environnementales et sociales par la promotion des échanges professionnels entre les acteurs nationaux du système d'EE au Niger, ainsi que l'échange international en faisant la connexion avec le programme UEMOA, qui travaille à une harmonisation des systèmes;
 - (ii) sensibiliser tous les acteurs, y compris au niveau décisionnel en EE (l'EIES et l'EES);
 - (iii) établir et renforcer les contacts avec le BNEE et d'autres acteurs liés au système d'EE au Niger, y compris les organisations de la société civile et le secteur privé. A terme, il est attendu l'amélioration des capacités organisationnelle et individuelle des acteurs;
- L'intensification des échanges professionnels nationales et régionales;
- L'amélioration de la qualité des EIES et des évaluations environnementales et sociales complexes: il s'agit d'appuyer et conseiller le BNEE à sa demande dans l'examen des EES dans des secteurs complexes, tels que les industries extractives, l'énergie, les infrastructures, etc.

Le programme d'appui de la CNEE au BNEE, tel que signé entre les deux parties, comporte sur le plan opérationnel un chronogramme d'action couvrant les activités dans chaque domaine d'intervention et la période de 2019 à 2022. Ce chronogramme prévoit la réalisation de:

- Trois ateliers (tous en 2019) dans le volet 'cadre réglementaire';
- Un atelier et des activités d'échange dans le cadre de la mise en contact avec l'UEMOA sur le volet 'Echange professionnel';
- Six ateliers étalés de 2019 à 2022 sur le volet 'Capacité organisationnelle/individuelle';
- Trois avis de la CNEE sur l'EIES d'un projet complexe, dont un avis à partir de l'année 2020; Un encadrement professionnel d'un processus d'EES, relatif à une industrie extractive (pipeline);
- Un rapport annuel de suivi chaque année

Les principaux partenaires impliqués dans sa mise en œuvre sont les Ministères sectoriels concernés par les EES (agriculture, élevage, hydraulique, mines, énergie, équipements, plan, etc...), certaines administrations de mission assurant la coordination des activités de développement (Haut-Commissariat à l'Initiative 3N: les Nigériens Nourrissent les Nigériens: HC3N, le Conseil

National pour l'Environnement et le Développement Durable: CNEDD), des organisations internationales (Autorité du Bassin du Niger, PNUD) et des bailleurs de fonds (GIZ, Banque Mondiale, Banque Ouest Africaine de Développement, etc...).

3. Approche et méthodologie des études de cas

3.1 Méthodologie

La méthodologie de l'étude de cas du Niger a suivi la trame globale de celle tracée par l'équipe d'évaluation dans le rapport initial en respectant le cadre conceptuel et méthodologique. La théorie de changement initiale développée en 2015 sera appliquée au cas spécifique du sous-programme du Niger afin de voir quels changements ont été obtenus. Les cinq étapes tracées vont être suivies en se basant sur la documentation existante et les entretiens avec les acteurs impliqués dans la mise en œuvre du sous-programme Niger.

3.2 Stratégie de collecte des données

3.2.1 Revue documentaire

La stratégie de collecte des données a intégré d'abord la revue des documents fournis par WUR, de même que ceux collectés sur place au Niger. Le BNEE a été mis à profit pour d'une part mettre à disposition la documentation produite sur le sous-programme Niger, mais aussi pour identifier les acteurs clés à interroger au niveau national. La revue documentaire a permis non seulement d'affiner les éléments de contexte du programme du Niger et de mieux comprendre la manière dont il a été mis en œuvre.

3.2.2 Entretiens

Les entretiens se sont focalisés sur les partenaires de mise en œuvre du programme pays, à savoir le BNEE, principal bénéficiaire du programme et les autres acteurs clés du système d'évaluation environnementale (SEE) au Niger.

WUR a fourni initialement une liste longue avec les contacts de quelques acteurs impliqués dans la mise en œuvre du programme pays. Les entretiens ont été organisés avec tous ces acteurs avec la facilitation de WUR. Ces entretiens ont été conduites essentiellement par visioconférence.

Des entretiens directs ont aussi été organisés avec les autres acteurs identifiés au niveau national par le Consultant, notamment avec certains ministères sectoriels engagés dans le programme (Ministère de l'Équipement, Ministère du Pétrole). Ces entretiens ont été faits sur la base du guide d'entretien de WUR, qui a été adapté pour la circonstance pour chaque type d'acteurs.

3.2.3 Planification des études de cas, défis et stratégie d'atténuation

L'étude de cas du Niger s'est déroulée selon le chronogramme suivant: Les entretiens avec les personnes ressources clés identifiées se sont faits entre le 10 et 25 avril 2022, comme le montre le Tableau 2 ci-dessous,

Tableau 2 Planification et chronologie des activités

Activité	Avril	Mai	Juin
Entretiens avec les personnes ressources clés	5 au 30		
Analyse des données		1 au 8	
Rédaction rapport		1 au 25	
Restitution Rapport		27	
Intégration des commentaires			5 au 15
Rapport final			15 au 30

L'appui au Niger, étant essentiellement basé sur le renforcement des capacités des acteurs et des systèmes, il n'y a pas eu de visites de terrain.

Les défis pour la réalisation de cette évaluation sont surtout relatifs à la disponibilité des acteurs. L'enquête s'est déroulée pendant le mois de Ramadan, qui est un mois de piété, pendant lequel les gens ne sont pas très disponibles. Quelques problèmes techniques liés à la faible connectivité du réseau internet ont été aussi rencontrés lors des visioconférences, ayant entraîné dans certains cas l'utilisation de l'application WhatsApp.

4. Principaux résultats de l'étude de cas

4.1 Pertinence

Analyser la pertinence du programme revient à vérifier l'adéquation des activités proposées aux besoins et préoccupations des bénéficiaires, dans le cas d'espèce le BNEE, les ministères sectoriels et la société civile active dans les évaluations environnementales au Niger.

Pour rappel, l'objectif du programme de la CNEE est de « renforcer le système d'EE nigérien ainsi que son application effective. De façon générale, tous les acteurs interrogés ont reconnu la pertinence de ce programme. En effet, en s'inscrivant dans l'amélioration du cadre légal et réglementaire, ce programme répond aux besoins du BNEE, qui était dans un processus de réformes des textes sur les évaluations environnementales. Ce programme est donc arrivé à point nommé pour appuyer ce processus et permettre d'une part la finalisation des textes d'application de la loi 2018-28 déterminant les principes fondamentaux de l'évaluation environnementale au Niger, et d'autre part de faire connaître la législation dans le domaine tout aussi méconnue et mal appliquée.

En s'inscrivant dans le renforcement des capacités en EE des parties prenantes (y compris la surveillance du système d'évaluation environnementale et la sensibilisation des parties prenantes sur l'EIES et l'EES), l'appui de la CNEE au Niger répond à un besoin énorme exprimé par les acteurs du système au Niger, notamment les cadres gérant cette question au sein des ministères sectoriels. Ce besoin s'exprime d'abord par le fait que les cadres n'ont pas toujours les compétences requises pour suivre les dossiers relatifs aux évaluations environnementales; ensuite par le fait que les cadres, travaillant sur les questions des évaluations environnementales ne sont pas bien formés et informés sur les processus des évaluations environnementales et négligent de ce fait l'importance des évaluations environnementales dans la mise en œuvre des projets/programmes de développement: c'est donc un vrai besoin pour eux. Selon les acteurs interrogés, d'une part les EE sont méconnues des cadres des Ministères sectoriels; et d'autre part les études EE se prennent à la légère, pire elles ne se font avec la qualité requise.

Cet état de fait est constaté au plus haut niveau de l'administration, montrant l'importance de sensibiliser et de conscientiser les acteurs du Ministère sur les

EE, mais surtout de les former en la matière. Selon le rapport de suivi 2019 de la CNEE, 97% des acteurs du ministère ont déclaré que la formation était pertinente ou très pertinente pour leur travail, 62% ont indiqué qu'ils disposaient désormais de suffisamment de connaissances sur la nouvelle législation EIES et ses applications. En plus les formations reçues leur ont permis de confronter les aspects théoriques et la pratique de l'Evaluation environnementale en visitant le chantier du 3ème pont sur le fleuve Niger. Malgré l'impréparation de la mission, cette visite a permis de confronter la théorie à la pratique, de voir si le PCGES est respecté, de montrer les défaillances du projet (problème de gestion des déchets du chantier, non suivi du PCGES (à la limite inexistant) parce que c'est un projet issu d'un don, les exigences environnementales ne sont pas suivies à la lettre.

Le fait que, l'initiative émane d'une demande du BNEE n'a fait que renforcer sa pertinence. Aussi, ce programme arrive à un moment crucial de l'évolution du système d'évaluation environnementale (EE) et sociale mis en place à la fin des années 90 et qui est en cours d'actualisation avec la promulgation le 14 mai 2018 de la loi 2018-28 déterminant les principes fondamentaux de l'évaluation environnementale au Niger. Elle a aidé à élaborer le décret d'application de cette loi. Cette initiative vient donc renforcer, ce qui se fait déjà en l'actualisant avec les nouvelles connaissances et pratiques, mais aussi en améliorant l'efficacité du travail de la nouvelle structure mise en place, qu'est le Bureau National des Évaluations environnementales (BNEE) en lieu et place du Bureau d'Évaluation environnementale et des Etudes d'Impact (BEEEI). Mieux cette initiative renforce aussi les instruments de gestion de l'environnement au Niger en intégrant l'évaluation environnementale stratégique, en élargissant le concept aux politiques publiques, programmes, plans et projets et en assurant l'inclusion et l'ouverture du processus de l'évaluation environnementale à une plus grande partie des acteurs, notamment la Société Civile. Pour une fois, les discussions sur les EE, prérogatives quasiment dévolues au Ministère de l'Environnement (assurant la mission régaliennne de l'Etat dans le domaine), sont ouvertes aux autres ministères sectoriels et aux acteurs de développement.

Sur le plan opérationnel, la CNEE a prévu des activités de renforcement du système national des EE à travers la mise à disposition d'expertise pour accompagner le BNEE dans l'organisation d'ateliers de formation. Le BNEE devrait mobiliser les ressources auprès d'autres partenaires pour financer la

mise en œuvre des ateliers. Si cela a été une excellente ouverture pour impliquer davantage les partenaires dans la prise en charge des EIES/EES, il a quand même constitué un goulot d'étranglement, le BNEE ne disposant pas de budget propre pour prendre en charge les ateliers. Néanmoins, plusieurs partenaires ont été impliqués grâce à cette procédure au programme Niger. Il s'agit de la GIZ et du PNUD ayant financé un atelier dans le cadre de la mise en œuvre du programme.

4.2 Cohérence

Analyser la cohérence des objectifs suppose l'alignement des objectifs du programme aux politiques nationales du Niger et aux priorités pays du bailleur, en l'occurrence le MFA-NL. L'intervention, ayant pour objectif de «renforcer le système d'EE Nigérien ainsi que son application effective» en favorisant: (1) l'amélioration du cadre légal et réglementaire; (2) le renforcement des capacités en EE des parties prenantes (y compris la surveillance du système et la sensibilisation des parties prenantes sur l'EIES et l'EES); (3) l'intensification des échanges professionnels; (4) l'amélioration de la qualité des EIES et des EES complexes (conseils sur des projets complexes et encadrement/coaching), cadre bien avec les priorités du Plan de Développement Economique et Social (PDES) 2017-2021, dans son axe 5 « Gestion durable de l'environnement, mais aussi la politique nationale en matière d'Environnement et de développement durable ».

En effet, cet objectif est en parfaite cohérence avec les quatre sous-objectifs du PNEDD, relatifs respectivement à (i) assurer une gestion plus rationnelle des ressources naturelles dans le cadre de la lutte contre la désertification en favorisant une approche plus globale (systémique) de la question; (ii) intégrer les préoccupations environnementales dans la définition des politiques, programmes et projets mis en place dans chacun des principaux secteurs du développement; (iii) favoriser l'implication, la responsabilisation et la participation des populations dans la gestion des ressources et de leur espace vital, et ainsi contribuer à la préservation et à l'amélioration de leur cadre de vie; et (iv) favoriser le développement d'un partenariat efficace entre les acteurs intéressés par la question de l'environnement et du développement durable au Niger.

Mieux, en s'inscrivant dans un appui au renforcement des performances du système d'évaluation environnementale et sociale, comme outil d'aide à la

décision et au renforcement des capacités des acteurs de l'EIES et l'EES, cet appui s'aligne parfaitement à la loi cadre n°98-56 du 29 décembre 1998, relative à la gestion de l'environnement et instituant les études d'impact au Niger. Ainsi, ce programme met au centre de son intervention, la protection de l'environnement, pour laquelle, il va sans dire qu'aucun développement n'est possible et accessible pour le pays.

Au-delà de l'alignement du programme aux politiques nationales du Niger et celles du MFA-NL, il faut reconnaître que malgré la faiblesse des moyens alloués au programme, qui a beaucoup limité ses résultats, il a quand même permis d'amorcer des synergies opérationnelles avec d'autres initiatives et établir des passerelles pour des partenariats efficaces (collaboration indirecte avec l'Institut de la Francophonie pour le Développement Durable: IFDD, contribution au programme de planification stratégique dans le bassin du fleuve Niger) ainsi qu'à faire bouger les lignes dans les EIES/EES au Niger.

Pour conclure les parties relatives à la pertinence et à la cohérence du programme, on peut retenir que l'appui de la CNEE au Niger est toujours consécutif à une demande du BNEE, à ce titre il s'aligne de fait aux priorités nationales en matière d'évaluation environnementale intégrant la procédure nationale d'évaluation environnementale et sociale et prenant en compte les cadres nationaux de planification, mais aussi les textes juridiques applicables. Il a été à l'origine de la cartographie du système national de l'évaluation environnementale, qui a été réalisée lors d'un atelier réunissant divers acteurs du système EIES/EES du pays, qui ont analysé conjointement à travers un diagnostic sans ambages les forces et faiblesses du système. De cette cartographie, il est ressorti une meilleure compréhension par les participants du système EIES/EES du pays, mais aussi des propositions et recommandations pour son amélioration, incluant le renforcement des capacités du BNEE. De même, c'est à partir de cette cartographie, que les activités prioritaires à mettre en œuvre à partir de 2019 pour le Niger ont été initiées.

4.3 Efficacité

4.3.1 Description des produits

Le programme d'appui de la CNEE au Niger est assez modeste. Au total 109 hommes/jour sont prévus pour accompagner la mise en œuvre pour un

montant de 82.000 euros, mais selon les rapports de suivi de la CNEE, le montant dépensé s'élève à 174.467 euros. À ce titre, les résultats suivants sont obtenus :

Atelier sur la cartographie du système EIES/EES (Octobre 2018)

Cet atelier est le point de départ de l'intervention de la CNEE au Niger et a regroupé tous les acteurs concernés par les évaluations environnementales au Niger. Cet atelier, qui a porté sur la cartographie du système EIES/EES du Niger a permis de comprendre que le système actuel de l'EIES/EES est en pleine transition avec une nouvelle loi en mai 2018 et un ensemble de textes d'application en préparation (décrets en cours de finalisation, arrêtés, guides et outils (grille d'Analyse des rapports) divers à concevoir), où un appui peut être attendu de la CNEE.

L'atelier a fait ressortir les points forts du système (système d'EIES opérationnel, fonctions administratives bien assurées par le BNEE, plusieurs EIES de projets réalisées dans le respect de la procédure nationale, impacts positifs sur l'avancement des projets sont reconnus par les différents acteurs), mais aussi les points faibles essentiellement liés à la performance de la base juridique (faiblesse des critères de transparence, absence de publicité, participation faible, etc.) et aux mauvaises pratiques d'EIES/EES.

Les résultats de cet atelier ont ainsi permis de formuler le programme d'appui de la CNEE pour le BNEE, montrant encore une fois, la pertinence et la cohérence de cette intervention. Les points essentiels nécessitant des propositions d'actions prioritaires ressortis pour le Ministère de l'Environnement, notamment: (i) le développement de guides de l'EIES dans les secteurs prioritaires au Niger; (ii) la mise en place d'une base de données/site Internet; (iii) d'aller vers une «autonomie administrative et financière» en identifiant les besoins, les mécanismes de financement et de gestion financière dans les limites de la loi actuelle; (iv) l'identification d'EIES de grands projets sensibles pour demande d'assistance de la CNEE. Naturellement l'objectif principal de l'appui est l'amélioration du cadre réglementaire de l'évaluation environnementale, où le soutien de la CNEE était le plus attendu. Le protocole est signé en février 2019, lors d'une mission de la CNEE au Niger et dans la même foulée, une séance de travail sur la législation EIES a été organisée avec 15 membres du personnel du BNEE, marquant ainsi le début de l'accompagnement formel de la CNEE au BNEE.

Les résultats de la cartographie ont aussi permis de renforcer et d'articuler le système de l'évaluation environnementale du Niger à d'autres systèmes existants, notamment celui de l'UEMOA et de la CEDEAO; notamment avec le programme de formation de l'UEMOA ainsi que de la CEDEAO avec la préparation du cadre harmonisé en matière d'évaluation environnementale.

Atelier sur les procédures administratives de l'EES

C'est le point central de l'appui CNEE au BNEE. C'est dans ce cadre qu'un atelier de formation sur les procédures administratives de l'EES a été organisé en septembre 2019. Cette formation a bénéficié à 40 agents du BNEE, des ministères sectoriels, des ONG et des organisations de la société civile. Cette formation a permis de sensibiliser les acteurs de l'évaluation environnementale du Niger sur la législation EIES/EES en vigueur, d'avoir des avancées sur son application tant du côté BNEE, que des autres acteurs et de mieux informer les organisations de la société civile sur leurs rôles et responsabilités dans les EIES/EES.

Selon le Directeur Général du BNEE: «la formation a accru la sensibilisation des ministères de tutelle sur la législation EIES, et a permis aux agents du BNEE de mieux connaître comment l'appliquer. Les ONG sont désormais plus confiantes à partager leur contribution aux procédures d'EIES».

Elaboration du guide sur les changements climatiques

Cette action est une initiative de l'IFFD de l'OIF ayant deux volets: (i) la prise en compte des changements climatiques dans les évaluations environnementales porté par la BNEE Niger; et (ii) la prise en compte des enjeux de la santé dans les évaluations environnementales porté par Le Secrétariat pour l'Évaluation Environnementale en Afrique Centrale. Cette activité n'était pas initialement prévue dans le programme d'appui de la CNEE au Niger, mais est apparue pertinente au regard des besoins des pays sahéliens et particulièrement du Niger, où les effets des changements climatiques impactent négativement les conditions de vie de la population.

Cette activité fait suite à un diagnostic réalisé en 2015 sur l'évaluation environnementale de l'espace francophone pour répondre aux besoins des pays membres de l'Organisation Internationale de la Francophonie (OIF) en matière de cartographie des systèmes d'évaluation environnementale. Ce diagnostic a ressorti deux grandes faiblesses en matière d'évaluation environnementale

entravant la durabilité des projets/programmes: (i) l'absence de la prise en compte de la santé humaine dans les projets/programmes et (ii) l'absence, la faible prise en compte du changement climatique dans les projets/programmes.

Dans ce cadre l'IFDD a donné mandat au BNEE Niger pour la réalisation d'un guide pour les Changements Climatiques. C'est pour cette raison que la CNEE a accompagné l'initiative en donnant des commentaires sur les TDR du consultant, un avis sur méthodologie et la table des matières proposée et un avis sur la première et deuxième ébauche du guide; en faisant une présentation d'une étude de cas des Pays-Bas dans l'atelier avec les acteurs nationaux; et en participant à l'atelier de validation internationale à Niamey.

Ces initiatives ont concerné plusieurs états membres de l'OIF. Le guide sur les changements climatiques a été validé lors des assises tenues à Niamey en novembre 2021, suite à un travail de près de deux ans avec des recommandations pour les Etats membres.

Cette action a donné d'excellents résultats. En plus des guides édités et validés au cours de l'année 2021, auxquels la CNEE a pleinement contribué, on peut dire que ceux-ci peuvent servir de manuels pour tous les pays membres de l'OIF et même au-delà, le développement des lignes directrices sur les changements climatiques a permis:

- L'appropriation des problématiques traitées par les Etats membres;
- IFDD a développé un cours en ligne sur l'évaluation environnementale avec un accès libre sur la connaissance. L'IFDD a reçu un feedback positif de plusieurs lecteurs;
- Plus de 20 pays francophones ont intégré les changements climatiques dans les dispositifs nationaux;
- Une forte mobilisation des Etats et des Professionnels de l'évaluation Environnementale grâce au BNEE, qui a aussi développé son carnet d'adresse (mobilisation des praticiens les plus aguerris aux réunions, lecture des documents pour concevoir le guide);
- Portage politique: l'atelier de validation a permis d'inviter et faire participer tous les Ministères clés et des Partenaires Techniques et Financiers (BAD, PNUD, UEMOA, etc.) ayant favorisé une synergie multilatérale

- Travail ouvert sur le monde: lien avec la CNEE impliquée dès le départ dans le processus avec un partenariat devenu plus direct vers la fin: ce partenariat reste cependant à être formalisé;
- Outil de travail inclusif ayant permis d'aller vers une dynamique de changement au sein de l'UEMOA, qui est en train d'actualiser ses directives en matière d'évaluation environnementale.

Formulation du Programme Vallée du Niger

L'élaboration de la note conceptuelle est la quatrième activité, à laquelle, le programme d'appui de la CNEE au Niger a contribué. L'idée de base est de doter le Niger d'un programme de gestion de ressources naturelles durable, intégrant l'évaluation environnementale stratégique comme élément de mise en œuvre. L'objectif de ce programme est de formuler une vision, un plan stratégique pour la gestion à long terme des ressources du fleuve Niger, avec à terme un Programme opérationnel à mettre en œuvre.

La demande émane du Ministère de l'Environnement et de la Lutte contre la Désertification (ME/LCD), qui l'a adressée à l'Ambassade des Pays-Bas au Niger pour prise en compte dans le cadre de la collaboration CNEE-BNEE. Le PNUD, intéressé par cette initiative, a été associé dès le début et a accepté de financer l'atelier de réflexion sur la note conceptuelle.

L'Ambassade des Pays Bas au Niger a pu mobiliser une expertise conséquente afin d'assurer la formulation du programme de gestion des ressources naturelles, qui a fait l'objet de consultation et concertation inclusive avec toutes les parties prenantes, à savoir (i) les acteurs internes au Ministère de l'Environnement, telle que la Direction Générale des Eaux et Forêts (DGREF); et (ii) les acteurs externes au Ministère de l'Environnement, notamment d'autres ministères sectoriels: Ministère de l'Hydraulique, Ministère de l'Agriculture et de l'Elevage, et Rijkdienst voor Ondernemend Nederland (RVO), (Netherlands Enterprise Agency), l'entreprise néerlandaise recrutée pour l'accompagnement technique de l'initiative.

A la demande du Ministère de l'Environnement et de la Lutte contre la Désertification, la CNEE, qui a été sollicité, a accepté d'être coach du processus de l'EES, en étroite collaboration avec le BNEE, et les parties prenantes citées ci-haut. De ce fait, la CNEE a participé à l'atelier de cocréation du programme en avril 2021 à travers une présentation, a fourni tout au long du processus un

memo sur l'institutionnalisation du programme, des commentaires sur des textes, et a participé à des discussions téléphoniques. ~~mais sans mettre à disposition un avis ou document formellement publié.~~

Ce programme, avec comme point central d'intervention l'évaluation environnementale, est mis en cohérence avec les programmes en cours au niveau de la vallée du Niger, avec un accès aux bases de données existantes et la prise en compte des expériences passées dans la vallée du fleuve Niger. L'atelier de formulation/créativité du Programme a été financé par le PNUD Niger. Cet atelier, tenu à Niamey entre le 14 et 15 avril 2021, a été soutenu par un groupe d'experts mis à disposition par le gouvernement néerlandais et a vu la participation de la CNEE, qui a fait une présentation sur les EES.

L'objectif de l'atelier est de discuter des forces, des faiblesses et des opportunités de la gestion des ressources naturelles au Niger. L'atelier, à travers une démarche participative, inclusive et itérative, a mené de profondes réflexions sur la gestion des ressources naturelles (GRN) de la vallée du fleuve Niger au Niger, dont la principale conclusion est de «lancer un processus dans lequel une vision sera développée pour une gestion durable de la vallée du Niger» avec en ligne de mire l'Horizon 2052.

La note conceptuelle issue de ces réflexions est, à tout point de vue, le produit d'une large concertation des acteurs et un formidable exercice d'apprentissage entre les acteurs intéressés par la GRN dans la vallée du fleuve. Au-delà du ME/LCD porteur de l'initiative, plusieurs autres ministères sectoriels ont été représentés à l'atelier, ayant abouti à la mise en place «d'une approche de gestion adaptative permettra de s'assurer que les incertitudes dans les conditions futures et les risques connexes sont abordées explicitement dans la Vision de la vallée». Cette vision doit être inclusive avec l'appui de tous les ministères sectoriels concernés (Environnement, Eau, Agriculture, Elevage, etc.). Pour rendre opérationnel le processus d'élaboration du programme, le Ministère en charge de l'Environnement a pris un texte réglementaire qui institutionnalise un organe de concertation et de pilotage du processus Vision Vallée (l'arrêté n° 2021- 0072 /MESU/DD/SG/DL du 09 Mars 2021 créant le Comité National ad hoc de Pilotage du processus impliquant l'ensemble des acteurs clés dans l'animation du processus de planification stratégique).

Malgré les défis rencontrés (~~difficultés dans la communication entre RVO et la partie nationale~~, Covid-19, inclusion difficile de tous les acteurs, temps consacré à la formulation), un document de programme est élaboré et va être soumis au Gouvernement du Niger pour adoption. L'importance du programme pour les communautés et la vision qu'il donne à la gestion de la vallée fleuve du Niger nécessite la mise en place d'un dispositif de suivi, dans lequel l'Ambassade des Pays Bas au Niger doit jouer un rôle important. Il en est de même pour son financement.

Ce programme, par la façon inclusive et participative dont le processus de son élaboration est conduit, est en soi une innovation à considérer par rapport au fonctionnement habituel de l'administration nigérienne. Par les discussions suscitées entre les différents acteurs, les consensus obtenus, les itérations dans les échanges, le programme obtenu peut être considéré comme un programme équilibré et inclusif, centré sur la question centrale de la gestion durable des ressources naturelles de la vallée du fleuve Niger. Mieux, sa formulation est certainement un véritable exercice d'apprentissage pour tous les acteurs ayant été impliqués dans ce travail. L'appropriation de la démarche par les ministères sectoriels va permettre à l'avenir d'éviter des problèmes de leadership et des querelles d'attributions entre eux et ainsi d'atteindre des objectifs bâtis sur une vision commune. Ainsi donc, ce programme doit être finalisé, financé et mis en œuvre pour permettre au Niger d'expérimenter en grande nature une approche basée sur la gestion concertée des ressources.

4.3.2 Présentation des résultats physiques et financiers du Programme

L'évaluation du plan d'action de l'appui de la CNEE au BNEE montre qu'il a été faiblement mis en œuvre. En effet, sur la première série relative au cadre réglementaire, un seul atelier, sur les trois prévus, a été organisé avec les cadres du BNEE, même s'il faut reconnaître le rôle important joué par cet atelier pour l'efficacité du programme. Les échanges avec l'UEMOA, ayant pris de l'importance pour la CNEE, ont été sortis du programme du Niger selon le point focal de l'initiative aux Pays Bas. Il en est de même pour les ateliers sur les capacités organisationnelles et individuelles, où un seul atelier a été organisé. Les autres activités prévues (avis sur une évaluation complexe notamment) n'ont pas connu de mise en œuvre du fait qu'il n'y a pas de demande de la part du BNEE. Pourtant, il faut reconnaître que ce de besoin existe bel et bien au Niger, mais le fait que le BNEE soit une agence de l'État

peut être une barrière pour soumettre ce type de dossier à une expertise indépendante externe. Selon, les agents des ministères interrogés, des pressions politiques sont souvent observées dans le traitement de ce type de dossier.

Il faut cependant reconnaître que l'avènement de la pandémie de la Covid-19 à partir de la fin 2019 a impacté négativement la mise en œuvre du programme avec toutes les restrictions imposées au niveau national et international (interdiction de voyages, interdiction de la tenue des ateliers, réduction des formats des ateliers, réduction des contacts individuels, etc.). L'autre difficulté, ayant joué un rôle important dans la mise en œuvre du programme est le problème de financements des activités; la CNEE ne finançant que l'expertise. Le BNEE n'a pas d'une part un budget propre pour financer les ateliers et les activités relatives au programme, parce que ce budget est intégré à celui du MELCD et il est difficile à le libérer. D'autre part le BNEE a eu beaucoup de difficultés pour mobiliser des ressources pour la mise en œuvre du programme, malgré les efforts fournis (financement obtenu de la GIZ, et du PNUD). Il n'y avait pas en effet de financements prépositionnés, il fallait négocier avec les partenaires au cas par cas pour les mobiliser, ce qui n'est pas facile pour le BNEE vu ses multiples engagements par ailleurs.

De ce fait, le programme a saisi des opportunités de financement existant pour réaliser des activités non prévues dans son schéma initial (financement du guide sur le changement climatique et formulation du programme de la vallée du Niger). Ces activités, comme annoncé plus haut, ont constitué des éléments importants pour le programme d'appui de la CNEE au BNEE. Cependant, il faut regretter le fait que le processus de leur intégration au programme pays Niger ne soit pas suffisamment documenté. Le Tableau 3 donne les réalisations du programme par année et par type d'activités:

Tableau 3 Réalisation du programme de 2018 à 2020

Types d'activités/ Année	2018	2019	2020
<i>Développement des capacités organisationnelles et individuelles</i>	Atelier de cartographie, débouchant sur un diagnostic du Système EIES	Contribution aux lignes directrices pour l'évaluation environnementale et le changement climatique, avec expert externe (à finaliser en 2020) Formation sur l'application de la nouvelle législation EIES pour 40 agents du BNEE, ministères de tutelle et ONG (septembre)	Feedback sur les systèmes de financement de l'agence EIA (BNEE) Communication avec ABN sur les lignes directrices sur les EIES transfrontalières Feedback sur l'élaboration des lignes directrices pour les EIES et le changement climatique
<i>Cadre réglementaire</i>	Analyse du cadre réglementaire (basé sur la cartographie – voir «Organisation capacité»; préparatifs d'atelier en 2019	Séance de travail sur la législation EIES avec 15 membres du personnel de l'environnement agence d'évaluation BNEE	Feedback d'information fourni sur la loi EIES et l'inspection Examiner et soutenir l'élaboration de lignes directrices pour l'EIES et le changement climatique
<i>Reconnaissance</i>	Mission de reconnaissance (octobre 2018) Rédaction d'un programme de pays		Explorer les opportunités avec l'ambassade des Pays-Bas et d'autres partenaires Le résultat notable est l'implication de la CNEE en tant que coach dans une SEA, à partir de 2021
<i>Suivi et évaluation</i>			Mises à jour du suivi du projet

Source: Rapport d'activités CNEE, 2018, 2019, 2020.

4.4 Impact, les facteurs de réussite et les limitations

Le programme du Niger a officiellement démarré en début de l'année 2019 et donc n'a que trois ans. Il serait donc difficile de parler d'impacts, surtout que la période de mise en œuvre a été frappée par la pandémie de Covid-19, qui a sérieusement impactée sa mise en œuvre et donc ses résultats. Néanmoins, selon les acteurs nigériens interrogés, ce programme a permis d'obtenir des avancées significatives dans la prise en compte des évaluations environnementales au Niger.

D'abord, on peut noter la contribution à l'élaboration des textes d'application de la loi 2018-28 déterminant les principes fondamentaux de l'évaluation environnementale, ainsi qu'au renforcement des capacités des cadres (BNEE, Ministères sectoriels, Société Civile) avec la formation sur le screening et le cadrage, étapes déterminantes dans les EIES. Les acteurs sont sortis outillés sur les questions du cadrage. D'après les cadres interrogés, ces formations ont permis:

- Une prise de conscience progressive de l'importance de la réalisation des évaluations environnementales, notamment des PCGES pour tous les projets/programmes de développement;
- Une meilleure compréhension des canevas/outils liés aux mesures environnementales;
- Plus d'émulation pour les évaluations environnementales, qui sont apparues plus que nécessaires pour tout programme de développement. Les évaluations environnementales, qui se prenaient à la légère, connaissent une sorte d'engouement, non seulement de la part des cadres, mais aussi des décideurs politiques, qui sont de plus en plus sensibilisés sur leur importance.

Il s'en suit une amélioration de la qualité des rapports EIS, avec plus de redevabilité demandée aux consultants chargés de conduire les études EIS, les amenant à plus de comptes à rendre aux usagers. Il est aussi demandé de plus en plus des rapports de mise en œuvre des PCGES aux entreprises, ce qui les oblige au respect des normes et standards et à la bonne exécution des services. Du coup, une sorte de dynamique de changement au niveau des acteurs est en train d'éclorre avec plus d'inclusivité et de participation dans la conduite des dossiers EIES/EES. L'exemple de la formulation du programme de gestion des ressources naturelles de la vallée du fleuve Niger en est un exemple patent, duquel les ministères sectoriels et les autres parties prenantes

participant à l'initiative vont tirer beaucoup de leçons, devant servir à des exercices similaires, mais aussi à coconstruire des programmes consensuels et solides de développement.

Mais, cela mérite d'être consolidé par des séances de sensibilisation, qui constituent encore un besoin énorme auprès des acteurs des Ministères interrogés pour permettre de mettre en place une culture orientée sur l'acceptation des évaluations environnementales et sociales. De même, des outils adaptés pour leur compréhension doivent être mis à disposition afin de permettre une appropriation facile de la démarche. A tort ou raison, les acteurs reprochent à la CNEE d'être assez neutre dans la conduite des processus, qui souvent mérite plus d'engagement de sa part dans un contexte, comme celui du Niger.

L'appui de la CNEE au BNEE a permis aussi de mettre à jour certains éléments cruciaux à prendre en compte dans le système EIES/EES, notamment la question relative à son financement, cela va permettre de faire le plaidoyer et de faciliter leur prise en compte par les décideurs politiques. D'ores et déjà, on assiste ainsi à une optimisation de la participation publique et la mise en place d'un mécanisme de financement des EIES au Niger. En effet, des discussions sur la question sont bien en cours au sein du Ministère de l'Environnement. Par ailleurs, les textes en vigueur au Niger (article 83 du décret de 2019) prévoient déjà la mise en place d'un fonds d'Appui aux Évaluations Environnementales (FAEE). Avec la prise de conscience des acteurs sur l'importance des EIES/EES, on peut penser que cela favoriserait l'application de cette disposition du décret. L'appui de la CNEE au BNEE a enfin permis d'intégrer des enjeux émergents, comme les changements climatiques, la santé dans les réflexions sur les EIES/EES. Les guides élaborés dans ce cadre par le programme vont certainement contribuer dans un avenir proche à renforcer les capacités en EE des cadres de l'espace francophone et même au-delà. Ainsi, on peut conclure le programme de la CNEE au Niger a pu s'adapter aux changements de contexte.

Même si, la cohérence du programme se ne trouve pas affecter, en raison de la pertinence et de l'importance des nouvelles activités pour le Niger, il faut cependant regretter le fait que ces activités, telles que conçues, auront difficilement un impact direct sur les changements aux niveaux individuel et institutionnel, pouvant faire avancer le système EIES/EES du Niger. S'il faut reconnaître que la pandémie de Covid-19 en est pour quelque chose, il faut

aussi noter que peu de choses ont été planifiées après la période de la pandémie, malgré la flexibilité assumée par les deux parties dans la planification des activités. En effet, depuis l'atelier de formation sur les procédures administratives de l'EES, tenu en septembre 2019, il est à constater que les activités ayant des impacts directs sur le système n'ont pas été planifiées.

La mission d'évaluation questionne aussi le fait qu'aucun avis d'EES n'ait été demandé sur un projet ou un programme complexe. Cela paraît difficile à comprendre, malgré l'existence de ce genre de programmes au Niger. Les entretiens avec les représentants des Ministères sectoriels ont indiqué la présence d'une forte pression politique dans certaines EIES/EES. Est-il possible de lier et d'expliquer cette fébrilité à cette question? Le BNEE est jusqu'à présent un organisme administratif sous la tutelle du Ministère de l'Environnement. Il est clair qu'il lui est difficile d'assurer son indépendance, malgré les efforts constatés dans le développement du cadre législatif et réglementaire et dans l'application des lois en matière d'EIES/EES. Néanmoins, la prise de conscience relative observée chez les acteurs peut être perçue comme un indicateur poussant aux changements. L'implication de la Société Civile dans les EIES/EES peut ainsi permettre de booster le phénomène et amener à une acceptation progressive des EIES/EES pour tous les projets/programmes.

4.5 Suivi-évaluation et apprentissage

Le suivi-évaluation du programme du Niger est bâti sur des arrangements d'exécution, où sont clairement définis les rôles et responsabilités de chaque partenaire (CNEE, BNEE), prenant aussi en compte les questions relatives à la communication entre les parties et la coordination avec des bailleurs, ainsi que l'arrangement financier du programme. Une analyse des risques de mise en œuvre a été effectuée, qui a prévu de limiter le nombre d'activités à 3 ou 4 par an pour se conformer aux capacités du BNEE. Une situation de départ est faite et mise dans une annexe au document de programme pour chaque domaine d'activités.

Le suivi du programme prévoit l'élaboration d'un rapport annuel d'exécution, avec un draft de rapport élaboré par le BNEE et des commentaires fournis par la CNEE. Les deux parties s'entendent sur les gaps et replanifient les activités avant la fin du mois de janvier de chaque année. Dans le même ordre, il est

prévu une évaluation de l'efficacité du programme, 6 mois avant la fin du programme.

Sur le plan du rapportage des activités, la mission d'évaluation a fait le constat de l'existence des encarts, tenant lieu de rapports d'activités, consacrés au programme Niger dans les rapports d'activités de la CNEE à partir de 2019. Malheureusement, les traces de rapports d'activités au niveau national ne sont pas retrouvées, montrant une défaillance dans la documentation des processus au niveau national. En dehors du rapport de l'atelier sur la cartographie du système EIES/EES au Niger de 2018, la mission d'évaluation n'a eu accès à aucun document capitalisant la réalisation des activités au Niger. Des TDR d'ateliers, de même que les programmes et les invitations, existent, mais pas les rapports d'ateliers. Du coup, c'est une source importante d'informations, à partir de laquelle des leçons peuvent être tirées, qui fait défaut au système de suivi évaluation du programme.

Par ailleurs, la mission d'évaluation a fait le constat que les processus de mise en œuvre du programme, de même que son évolution, n'ont pas été suffisamment documentés pour permettre un suivi chronologique de l'avancée du programme, pour qu'on en comprenne la logique ayant conduit à l'insertion de nouvelles activités (programme vallée du Niger, élaboration du guide sur le changement climatique). Le fait que toute la mise en œuvre du programme soit basée sur un seul point focal au sein du BNEE a du certainement influencé cela.

5. Conclusions de l'étude de cas

5.1 Pertinence

L'appui de la CNEE au BNEE a été jugé pertinent par les acteurs interrogés, pertinence d'autant plus justifiée par le fait que la CNEE intervient toujours suite à une demande exprimée par la partie nationale. En s'inscrivant, dans le renforcement du système national des évaluations environnementales et par là même au renforcement des compétences techniques des acteurs engagés dans les EIES/EES, l'appui s'est montré d'une importance capitale pour une meilleure compréhension du système EIES/EES en l'ouvrant davantage à d'autres acteurs (ministères sectoriels, société civile, secteur privé).

5.2 Cohérence

L'appui de la CNEE au Niger a été à l'origine de la cartographie du système national des évaluations environnementales, à ce titre, il a permis de faire le diagnostic des forces et des faiblesses de ce système et de lui bâtir un programme de renforcement assez cohérent. L'appui s'aligne parfaitement aux priorités nationales en matière de développement, mais aussi aux textes législatifs et règlementaires en vigueur, qu'il a permis de renforcer. Il s'est intégré aux dispositifs existants en saisissant les opportunités offertes dans l'écosystème, ce qui a facilité le renforcement et l'articulation du système de l'Evaluation Environnementale du Niger à d'autres systèmes existants, notamment celui de l'UEMOA et de la CEDEAO. A travers le partenariat avec l'IFFD/OIF, cet appui a permis de disposer d'un outil durable d'intégration des effets des changements climatiques dans les évaluations environnementales. Il a suscité des réflexions profondes sur la prise en compte des outils des évaluations environnementales et sociales dans la formulation d'un programme de développement avec tout ce que cela suppose comme démarche participative, inclusive et transparente. Malgré les moyens assez limités et l'impact de la Covid-19, l'appui a pu mettre en place des synergies opérationnelles avec d'autres dispositifs existants.

5.3 Efficacité

En termes d'efficacité, l'on peut retenir que l'appui n'a pas pu se dérouler comme prévu, principalement pour deux raisons à savoir, (i) la faiblesse des financements alloués liés à la mise en œuvre du programme; (ii) la pandémie de la COVID 19, qui a impacté négativement le programme avec toutes les restrictions mises en place. En effet, tous les ateliers de renforcement des

capacités prévus n'ont pas été faits comme prévu, de même que les conseils professionnels sur les évaluations complexes. Néanmoins, il faut noter que les activités réalisées l'ont été à la satisfaction des acteurs et ont eu un fort niveau d'appréciation des parties prenantes au niveau national. D'abord, il faut noter la forte contribution du programme à l'élaboration des textes d'application de la loi 2018-28 déterminant les principes fondamentaux de l'évaluation environnementale, ainsi que le renforcement des capacités des cadres (BNEE, Ministères sectoriels, Société Civile); cela a permis une prise de conscience progressive de l'importance des évaluations environnementales dans la conception et la mise en œuvre des projets/programmes de développement.

Ensuite, le programme a permis de mettre au centre des préoccupations, le financement des EIES/EES pour le Niger, et d'intégrer des enjeux émergents, comme les changements climatiques, la santé dans les EIES/EES.

Il faut noter aussi, le programme a su saisir des opportunités offertes par l'écosystème pour mettre en place d'autres activités à forte valeur ajoutée pour le système national des EIES/EES, notamment l'élaboration du guide sur l'intégration des changements climatiques dans les évaluations environnementales, la formulation du programme de gestion des ressources naturelles de la vallée du fleuve du Niger. Ces activités ont permis de replacer les évaluations environnementales au centre des débats dans la conception des programmes de développement.

5.4 Impact

La courte durée de mise en œuvre du programme rend difficile la perception d'impacts, cependant selon les acteurs interrogés par la mission d'évaluation, quelques changements notables sont à noter. Néanmoins, selon les acteurs nigériens interrogés, ce programme a permis d'obtenir des avancées significatives dans la prise en compte des évaluations environnementales au Niger comme discuté précédemment.

6. Leçons apprises

Le programme d'appui de la CNEE au BNEE Niger a connu une mise en œuvre assez mitigée. Sa courte durée, couplée avec les effets de la Covid-19, ne lui a pas permis de se dérouler dans les conditions optimales pour qu'on en tire des leçons véritables. Le fait, d'intervenir sur des questions complexes dans un pays, où le contexte institutionnel au Niger est encore fragile, n'a pas aussi faciliter sa mise en œuvre. Les faibles moyens affectés à sa mise en œuvre n'ont pas permis au programme d'avoir l'efficacité requise.

Cependant, l'on peut retenir que le programme a eu le mérite de poser le débat sur les EIES/EES, sur leur pertinence, leur importance sur le développement d'un pays comme le Niger et sur l'application de la législation dans le domaine en respectant les principes qui l'entourent. S'il faut admettre que les EIES/EES ne sont pas encore une priorité nationale et qu'elles sont perçues comme une barrière dans la mise en œuvre des projets/programmes, il faut aussi reconnaître que le programme CNEE a suscité, de l'avis des acteurs interrogés, la naissance d'une sorte d'émulation en faveur des EIES/EES, plus de confiance des acteurs dans le domaine.

Les questionnements engendrés par la démarche d'évaluation environnementale montrent que rien n'est acquis à l'avance. Son appropriation peut prendre plus de temps que prévu et qu'il faille aller lentement pour obtenir des résultats durables. Il faut utiliser la force des outils techniques comme aide à la prise de décision, prendre en compte les enjeux, les changements de contexte et faire de la participation de l'inclusion des acteurs des principes de base à respecter tout au long de la démarche. Cela aiderait à une co-construction basée sur les Evaluations Environnementales. Par exemple, les discussions suscitées par la formulation du programme de la vallée du Niger, ont montré les difficultés de construire un cadre institutionnel multi-acteurs, de s'entendre sur les choix possibles pour la durabilité/viabilité d'un Programme de développement, dont la formulation est basée sur la démarche de l'évaluation environnementale.

En tout état de cause pour avoir des résultats et faire de l'impact, il faut:

- Disposer d'une capacité de mobilisation de ressources, notamment financières pour soutenir la démarche de l'EE, amener l'Etat à inscrire dans son budget des ressources pour faciliter les évaluations environnementales;

- Faire du renforcement des capacités des acteurs une option à suivre afin d'assurer le renouvellement des compétences, faire face aux défis et s'adapter aux situations changeantes;
- Clarifier les rôles et responsabilités des acteurs avant d'entreprendre toute action de développement.

7. Recommandations

Le programme d'appui de la CNEE au BNEE a, malgré le contexte difficile dans lequel il a été exécuté, produit des résultats fort utiles. L'intervention, étant réalisée à un moment opportun de la vie du système des EIES/EES du Niger, a permis de le renforcer à travers une cartographie ayant débouché à l'identification d'actions pertinentes en faveur de son amélioration. La faiblesse des moyens affectés et l'impact de la Covid-19 n'ont pas empêché la mobilisation des acteurs du système EIES/EES du pays, lorsqu'ils ont été sollicités, autour des activités du programme. L'intervention a eu le mérite de placer les évaluations environnementales, auparavant prises à la légère selon plusieurs parties prenantes.

Le programme a permis le renforcement des capacités des acteurs, de même qu'il a aidé à la formulation d'un programme intégré de gestion de ressources naturelles dans la vallée du fleuve Niger et l'élaboration d'un guide sur l'intégration des changements climatiques dans les évaluations environnementales, outil fort intéressant pour les pays de l'espace francophone.

Mais ce programme a rencontré plusieurs difficultés, dont les solutions appellent aux recommandations suivantes.

7.1 Recommandations à l'intention de la CNEE

- Appuyer le BNEE à mobiliser des ressources additionnelles, en dehors de l'expertise, pour soutenir les activités au niveau pays (financement des ateliers par exemple);
- Produire des outils didactiques et pédagogiques afin de faciliter le renforcement des capacités des acteurs;
- Participer à un plaidoyer global en faveur des EE dans les pays d'intervention.

7.2 Recommandations pour l'Ambassade et MFA

- Finaliser et financer le programme de la vallée du fleuve Niger;
- Appuyer la mobilisation des ressources (financières et autres) au niveau national en faveur des EE;
- Favoriser des investissements en faveur du développement et utilisant la démarche EE dans le pays.

7.3 Recommandations à l'intention des parties prenantes nationales

- Systématiser les EIES en veillant à une sensibilisation des autorités ainsi que les différentes parties prenantes;
- Veiller à une mise en œuvre effective des PGES;
- Intégrer les outils développés dans les dispositifs nationaux d'EE et faire en sorte que cela soit contraignant;
- Intégrer les outils développés dans les filières de formation et rendre les guides disponibles auprès des étudiants et élèves;
- Sensibiliser davantage les parties prenantes (y compris l'Etat) pour qu'elles comprennent et intègrent les questions des évaluations environnementales dans les actions de développement;
- Organiser des conférences des parties prenantes afin de les sensibiliser sur l'importance des évaluations environnementales;
- Partager les expériences des autres pays pour faire mieux connaître les enjeux liés à l'Evaluation Environnementale;
- Réaliser plus d'ateliers de renforcement de capacités avec des outils et des supports appropriés.

Annex 1: Liste des parties prenantes interrogées

Personne à contacter	Fonction et contact	Institution
Stephen Teeuwen	Technical Secretary International Cooperation Steeuwen@eia.nl	CNEE
Lionelle Ngo Samnick	Chargée de programme lionelle.ngo-samnick@francophonie.org	IFDD/OIF
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Hassane Cissé	DG BNEE cisseronhassane@yahoo.fr	BNEE, Ministère de l'Environnement et de la Lutte contre la Désertification
Cyriaque Adjinacou	Consultant cyriaque.adjinacou@gmail.com	
Mr Ganda Mahamadou Gabdakoye	Chef Service des Normes et des Formations environnementales, Direction de la Préservation de l'Environnement, de la Santé et de la Sécurité mahamadougabdakoye@gmail.com	Ministère en charge du Pétrole
Mariama Amadou Mahamadou Diaby	Chef de Division Environnement Mmahamadou580@gmail.com	Ministère de l'Équipement

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Appendix 5 Final evaluation of the MFA-NL supported NCEA programme 2017-2022

Uganda Case Study, Final Report, July 11, 2022

By: Denis Muhangi

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Acronyms and Abbreviations

AFIEGO	African Institute for Energy Governance
D2B	Develop2Build
DRIVE	Development Related Infrastructure Investment Vehicle
EACOP	East African Crude Oil Pipeline Project
EIA	Environmental Impact Assessment
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
MoWE	Ministry of Water and Environment
NCEA	Netherlands Commission for Environmental Assessment
NEMA	National Environment Management Authority
Norwegian OfD	Norwegian Oil for Development Program
ORIO	Facility for Infrastructure Development
RVO	The Netherlands Enterprise Agency
SEA	Strategic Environment Assessment
SIDA	Swedish International Development Agency
SRJS	Shared Resources, Joint Solutions
ToR	Terms of Reference

Executive Summary

This “Final evaluation of the MFA-NL supported NCEA programme 2017-2022” was undertaken by Wageningen University and Research (WUR) on behalf of the Ministry of Foreign Affairs of the Netherlands. The evaluation included two case studies from Uganda and Niger. This report is for the Uganda Case Study. The evaluation aimed to 1) to inform the Ministry to what extent the Ministry’s support to the Netherlands Commission for Environmental Assessment (NCEA) is relevant, coherent and effectively contributing to attaining the Sustainable Development Goals; and 2) to make strategic recommendations to NCEA and the Ministry with a view to sustain and improve the quality and impact of their partnership. The objective of the case study was to substantiate programme evaluation findings and strengthen the assessment of NCEA-performance. The questions to be answered under this evaluation revolved around four evaluation criteria, namely: relevance, coherence, effectiveness and impact (See Annex 3). The Uganda case study is based on a desk review of project documents and other relevant documentation, interviews with identified stakeholders, and a synthesis of the findings.

Programme Description

The NCEA programme in Uganda has had its focus on three main activities, namely, provision of independent advice, capacity development, and input into Environmental and Social Impact Assessment (ESIA) and Strategic Environment Assessment (SEA) regulations. Working through its group of experts, NCEA provided independent advice (advisory review) on ongoing Environmental Impact Assessment (EIA) processes, namely, (i) ESIA process for the Tilenga oil exploration, consisting of a joint review of the ESIA report with the Uganda’s National Environment Management Authority (NEMA); (ii) Joint review together with NEMA, of the ESIA report for the Kingfisher oil exploration including the 46 km feeder pipeline from Kingfisher to Kabaale refinery proposed site in Hoima district; (iii) Joint review of the scoping report, and independent review of the ESIA and the revised ESIA for East African Crude Oil Pipeline Project (EACOP), covering the proposed 1,445 km pipeline from the refinery to the export terminal in Tanzania, including a 90 km feeder pipeline from Tilenga to the refinery. These activities were undertaken in close collaboration with the Norwegian OfD, who funded some of the processes such as review workshops.

Participatory capacity development activities were focused on SEA and were provided to NEMA and other Government agencies through training sessions, contributions to national seminars, and on-the-job training/support for the teams working in the Albertine Graben area. These capacity development activities were delivered in close collaboration with SIDA/NIRAS SEA International Training program. The third component involved NCEA experts making inputs into ongoing revisions to environmental legislation, specifically, the National Environmental Act approved in 2019, the ESIA regulations (2020), the SEA regulations approved in 2020 and the SEA guidance document, 2020.

In addition to the above three, NCEA was involved in partnership activities implemented under the “Shared Resources, Joint Solutions” (SRJS) programme, a collaboration between the International Union for Conservation of Nature (IUCN) Netherlands, the World Wildlife Fund for Nature (WWF) Netherlands and local CSOs funded by the Netherlands Ministry of Foreign Affairs (MFA). The programme included workshops focusing on principles and purposes of ESIA and SEA; review of ESIA reports in the oil and gas sector; and stakeholder involvement, roles and responsibilities. The workshops targeted CSOs, district technical officers and policy makers, affected communities, forest rangers, cultural institutions, and the media.

The programme also worked in collaboration with the Norwegian Oil for Development Programme (OfD), SIDA/NIRAS, and the Netherlands Enterprise Agency (RVO), through their different infrastructure support programmes for the Dutch private sector (Develop2Build [D2B], Development Related Infrastructure Investment Vehicle [DRIVE], and the Facility for Infrastructure Development [ORIO]). At the request of D2B and DRIVE, NCEA has supported the review of local ESIA requirements, review of scoping reports, ESIA and Environmental Social Management Plans (ESMPs) for infrastructure projects, namely, the Jinja Waste management project, Kayunga urban farming, the Kampala Old Taxi Park renovation project, a faecal sludge project and for 15 referral hospitals.

Key Evaluation Findings and Conclusions

Relevance

NCEA’s support to Ugandan environmental agencies was relevant and addressed critical needs and gaps, particularly in the oil and gas sector, where projects are huge, complex and located in fragile eco-systems, and yet Uganda had no

previous experience in this sector. Equally important is that the support helped to introduce and popularise important aspects of environmental management and regulation, namely the social impact assessments and the strategic environment assessments, both of which were hitherto not applied in Uganda. However, the process of identifying needs and ensuring that they are the most important to be addressed was more adhoc and emergent than systematic.

Coherence

NCEA's support was considered coherent contributing to national and global sustainable development goals. It has also been well aligned to those of other development agencies, some of which it has collaborated with and supported similar processes in a complementary manner such as OfD, IUCN Netherlands, WWF Netherlands, and SIDA/NIR'AS. This coherence was necessary given that NCEA was not designed to provide funding, and therefore collaboration with agencies that could provide funding was essential.

Effectiveness

NCEA's support was effective as it improved the knowledge and skills of the recipients of the capacity building activities. Recipients reported using these skills to identify gaps in ESIA reports, ask critical questions, make recommendations for improvements, and make decisions. They have also been able to apply these skills to other non-oil projects. The quality of ESIA reports has improved as well as the content of conditions on certificates awarded by NEMA. The ESIA processes have been made more participatory and transparent, through for instance public hearings, and as a result, better decisions are made, based on a more informed and sound basis. In particular, the approach of joint reviews and open discussions has helped to make better, quicker and more acceptable decisions to all stakeholders.

Extending NCEA's support to involve environmental CSOs has helped to strengthen their role in providing independent environmental oversight and check the likely omissions or excesses of government and developers on issues of the environment. In the same vein, public hearings have reawakened the interest and participation of local governments and community level stakeholders in environmental issues.

Impact

While the impact of the NCEA support cannot be concretely pinpointed to at this stage, the open and transparent processes supported such as public hearings have provided a platform to discuss issues that affect the livelihoods of local communities, with the prospect that these cannot be simply ignored by the developers. The implementation of the improved ESMPs and a result of NCEA' support is believed to be contributing to the desired outcomes and impacts of restoring the livelihoods of the affected persons and enhancing more sustainable developments.

The involvement of multiple stakeholders including local governments and CSOs also opens the door for harmonization of perspectives around environmental issues, with the potential to contributing toward the common good.

Factors for Success and Limitations

The key factors enabling success include NCEA's ability to leverage diverse expertise; NCEA's independence, neutrality and transparency; an atmosphere of trust; and NCEA's collaboration with other agencies, especially OfD.

The key limitations are: NCEA's involvement in the ESIA process coming at a late stage – except in the case of EACOP where NCEA came in at the scoping stage; NCEA's support not extending to issues of monitoring and compliance; and political interest and interference in ESIA processes.

Lessons

The key lessons learnt are:

- In reviewing ESIAs/SEAs, it is useful to have a diversity of expertise all looking at the same issue, and providing a holistic opinion, as is possible during joint review sessions rather than just receiving written comments and submissions.
- Stakeholder participation, transparency and quality of information are key to effective ESIAs.
- In a relationship like that of NCEA and the Ugandan agencies, transparency and independence fosters acceptability of results and decisions.
- It is more useful for NCEA to be involved early in the ESIA processes, than later.

- Through NCEA's approach of bringing together different stakeholders, it has been learnt that environmental issues require team work amongst the multiple stakeholders.
- Tailor-made environmental certificates based on contents of specific ESIA reports are important to guide compliance and enforcement as opposed to generic certificates.
- ESIA reports are more useful and user-friendly if they sieve out key issues and present them precisely and upfront, as opposed to huge volumes of text that may be hard to read and navigate.

While different informants could point out these lessons learnt, they have not been documented by NEMA and other government agencies. NCEA has developed a case study on lessons learnt through the three ESIA reviews, but this is largely from NCEA's perspective.

Recommendations for NCEA

While the shift in Dutch policy is to move away from oil related activities, NCEA could support activities related to energy transition and green energy. Stakeholders think NCEA should not completely get out of oil sector, but explore supporting oil activities but from the renewable energy perspective.

NCEA should continue to support stakeholders to undertake required assessments in non-oil activities such as mineral exploration and development, dam projects, electricity transmission, commercial agricultural projects, and infrastructure development.

NCEA should train more people in the area of SEA since this is a relatively new area in the Ugandan context. Similarly, NCEA can support trainings in biodiversity off-setting⁷³, which is also still a new area. While this may not fall in NCEA's core areas of expertise, more attention can be paid to it within the framework of ESIA and SEA.

NCEA should also support local governments to build more capacity to play their roles of environmental monitoring, and demanding compliance. This could go beyond training District Environment Officers, and include training district

⁷³ Biodiversity offsets are measurable conservation outcomes that result from actions designed to compensate for significant, residual biodiversity loss from development projects (OECD, *Biodiversity Offsets: Effective design and implementation*. 2016. Paris.

political leaders, and other stakeholders with a role or interest in environmental monitoring.

While NCEA should continue to follow a demand-driven approach by which requests for support come from the recipient organizations, NCEA can do more to stimulate and generate this demand through systematic processes to identify needs which can then be turned into formal request for support.

NCEA should identify and build a bigger pool of local experts to be on its team. This would be useful as local experts understand the local context better; it would also be a good way to build local capacity.

Stakeholders identify the need for NCEA to be involved with each country for more than five years. Some of the first years are used up in building trust, and the remaining years are not adequate to realize the full potential of the NCEA engagements.

Recommendations for Local Stakeholders

In collaboration with NCEA, government institutions should undertake a systematic process to identify their capacity needs, for which demands can be made to NCEA from time to time. Once the needs are identified, a broad workplan can also be formulated to guide the engagement between these institutions and NCEA. The early identification of needs and scheduling the support will also help to ensure that NCEA support comes in early enough in the assessment processes.

NEMA and other government institutions should as part of their learning process, clearly identify and document the lessons they have gained from their engagement with NCEA. This is important to guide their future work.

As NEMA and other government institutions continue to lose staff that have been part of the capacity building processes, and recruiting new staff, they need to put in place a mechanism for continuous internal training to replace the lost skills. One way is to make systematic use of the training courses in ESIA that Makerere University is starting in collaboration with the Uganda

Association of Impact Assessors. Makerere University has introduced a course on SEA.

NEMA and other relevant agencies should request OfD and other available partners to support them train their staff in carrying out compliance audits for oil and gas activities.

1. Introduction

This report is for the Uganda Case Study, being conducted as part of the “Final evaluation of the MFA-NL supported NCEA programme 2017-2022”, being conducted by Wageningen University and Research (WUR) on behalf of the Ministry of Foreign Affairs of the Netherlands.

The end evaluation aims to 1) to inform the Ministry to what extent the Ministry’s support to the NCEA is relevant, coherent and effectively contributing to attaining the Sustainable Development Goals; and 2) to make strategic recommendations to NCEA and the Ministry with a view to sustain and improve the quality and impact of their partnership.

The questions to be answered under this evaluation revolve around four (4) main evaluation criteria: relevance, coherence, effectiveness and impact. The specific evaluation questions under these four headings are outlined in the Evaluation Matrix (See Annex 3). The main focus will be on the component of *environmental assessment programmes*.

1.1 Objective and Scope of the Case Study

The Uganda case study is one of two selected case studies, the other being that of Niger. The objective of the case study is to substantiate programme evaluation findings and strengthen the assessment of NCEA-performance. The case study is intended to deepen understanding of NCEA performance, substantiate, feed and illustrate findings and conclusions in the overall programme assessment.

The Uganda case study is based on a desk review of project documents and other relevant documentation, interviews with identified stakeholders (*see sub-section 3.2*), and a synthesis of the findings seeking to answer the evaluation questions. The Uganda case study covers the period 2017-2022.

1.2 Structure of the Case Study Report

This case study report is organized into six sections. Section one provides the introduction including the objectives and scope of the case study; section two presents a description of the NCEA programme in Uganda 2017-2022; section three outlines the case study approach and methodology and section four presents and discusses the findings from the case study. Section five presents

the conclusions based on the case study; section six draws the lessons to be learned; and finally, section seven makes some recommendations from the case study.

2. Description of NCEA Country Programme 2017-2022

2.1 National and Local Context

2.1.1 Social, Economic and Political Context

Uganda is one of the East African countries located along the equator, neighboring Kenya to the East, the United Republic of Tanzania to the South, Rwanda to the South-West, Democratic Republic of Congo (DRC) to the West, and South Sudan to the North. After attaining its independence from British rule in 1962, Uganda has gone through a series of civil wars and political turmoil, which have also retarded its economic progress. While the country has enjoyed relative stability since 1986 when the current National Resistance Movement (NRM) came to power, and while there has been some good level of economic growth averaging more than 5% per year for most of the years, the country still faces a number of problems rooted in that history of political and ethnic tensions, poverty and a rapid increase in population, an imperfect functioning system of the rule of law, unresolved issues around land ownership and access, corruption, inadequate investment in the social sectors, unequal gender relations, and inadequate measures to protect or responsibly exploit natural resources. Uganda's Corruption Perceptions Index (CPI) score was 27/100 in 2021, being ranked at 144/180⁷⁴ by Transparency International⁷⁵. Uganda also ranks low on governance indicators as per the Worldwide Governance Indicators (WGI) rankings⁷⁶, ranging from as low as 15.38 for control of corruption, to 42.79 for rule of law⁷⁷.

Uganda has the second fastest population growth in Africa with 3.2% growth rates per year, and 54% of the population is aged below 18 years⁷⁸. The population is estimated at 37 million and is estimated to double in 20 years. Uganda's human development index (HDI) value for 2019 was 0.544, putting the country in the low human category, with a position of 159 out of

189 countries and territories⁷⁹. In Financial Year 2019/2020, up to 21.4% of the Ugandan population lived in poverty⁸⁰. The government is pursuing the development of industrialization and a service economy, an attempt to diversify from a traditional agriculture-based economy. But agriculture remains the primary employer for the largest proportion of the workforce, with over 70% of the Ugandan labor force employed directly in this sector. Currently, agriculture remains the primary employer for 70% of Ugandan labor force.

2.1.2 Main Activities requiring EIA/ESIA in Uganda

The National Environment Act, 2019 lists in its Schedule 5 the activities for which ESIA is mandatory. These include a wide range of activities under (i) transport, transport equipment and related infrastructure - such as construction of public roads, air and water transport facilities, (ii) communication facilities, (iii) power exploration, generation, and distribution infrastructure, (iv) utilization of water resources and water supply, (v) housing and urban development, (vi) agricultural, livestock, range management and fisheries investments, (vii) food and beverage investments, (viii) nature conservation, (ix) forestry, (x) hotel, tourism and recreation development, (xi) mining and mineral processing, (xii) petroleum operations; and others such as wood, textiles, leather and tanning, chemical, electrical installations⁸¹.

In recent years (since 2006), an increasing number of ESIA processes in Uganda have been undertaken in particular for the oil and gas sub-sector. Following several years of exploration, commercially viable oil and gas resources were confirmed in Uganda in 2006. The country's petroleum resource base is estimated at 6 billion barrels, of which 1.4 billion barrels are estimated to be recoverable⁸². With more exploration ongoing, the total petroleum resource base is expected to increase. This has attracted a lot of attention from foreign investors. A total of nine production licenses have been

⁷⁴ A country's PCI score is the perceived level of public sector corruption on a scale of 0-100, where 0 means highly corrupt and 100 means very clean. A country's rank is its position relative to other countries in the index.

⁷⁵ <https://www.transparency.org/en/cpi/2021/index/uga>

⁷⁶ The Worldwide Governance Indicators (WGI) consist of six composite indicators of broad dimensions of governance. The indicators are based on variables obtained from multiple data sources, capturing governance perceptions as reported by survey respondents, NGOs, business organizations and public sector organizations. Rankings are on a scale of 0 (lowest) to 100 (highest).

⁷⁷ <http://info.worldbank.org/governance/wgi/Home/Reports>

⁷⁸ UBOS (2021). Uganda National Household Survey 2019/2020. Uganda Bureau of Statistics. Kampala, Uganda.

⁷⁹ UNDP (2020). Briefing Note for Countries on the 2020 Human Development Report – Uganda.

⁸⁰ MoFPED (2020). Background to the Budget, Fiscal Year 2020/21. Ministry of Finance, Planning and Economic Development, Kampala.

⁸¹ National Environment Act, 2019, Schedule 5.

⁸² Petroleum Authority of Uganda website: <https://www.pau.go.ug/ugandas-petroleum-resources/>

awarded over 14 fields in the Albertine Graben region. The investment in the sector over the last 15 years is estimated at over US \$ 3.4 billion, and another between US \$ 15-20 billion is expected over the next five years⁸³. The oil/gas revenues are expected to be realized after the year 2023 and are expected to finance public infrastructure, such as hydropower plants, roads and rail transport. The prospect of oil revenues is seen as a means to achieve the ambitious goals of Uganda's Vision 2040, to transform Ugandan society from a peasant to a modern and prosperous middle-income country by 2040. These expectations exist in the midst of prevailing criticism from environmentalists who argue that the exploitation of oil resources is against Uganda's commitment to the Paris Agreement on Climate change, and that the oil projects threaten the country's environmental sustainability^{84,85}.

To optimize gains from the oil resources, Uganda needs to ensure potential environmental and social negative impacts are appropriately mitigated, and that social benefits are maximized through appropriate investments and transparent management, regulation and monitoring.⁸⁶

2.1.3 Institutional Arrangements and Agencies responsible for ESIA in Uganda

The National Environmental Management Authority (NEMA) is the agency charged with the responsibility of spearheading the development of environmental policies, laws, regulations, standards and guidelines in Uganda, and guiding the government on sound environmental management. NEMA is a semi-autonomous institution, established in 1995 under the National Environment Act CAP 153 as the principal agency with the responsibility of coordinating, monitoring, regulating and supervising environmental management in the country. NEMA contributes to socioeconomic development and sound use of natural resources, focusing on providing support to the government's main goal of ensuring sustainable development, contributing to the National Vision, the National Development Plan (NDP), regional and global commitments including the Sustainable Development Goals (SDGs).⁸⁷

⁸³ Petroleum Authority of Uganda – The oil and gas sector in Uganda. Brochure, 2021. <https://www.pau.go.ug/download/oil-and-gas-brochure-uganda-2021/>

⁸⁴ <https://www.climatechangenews.com/2021/03/19/totals-play-ugandan-oil-tests-climate-commitment-international-banks/>

⁸⁵ Twinomuhangi R., Kato A. M., and Sebbit A. M. 2021. The Energy and Climate Change Crisis in Uganda: Policy Challenges and Opportunities for Climate Compatible Development. In:

The National Environment Act, 2019 prescribes the functions of NEMA with regard to ESIA, which include to regulate environmental practitioners in environmental and social impact assessments; to review and make decisions on environmental and social impact assessments; and to issue environmental compliance certificates⁸⁸.

Other actors in ESIA include Lead agencies and local governments (District and Urban Councils). Lead Agencies refer to any agency – ministry, department, semi-autonomous agency, local government in which functions of control or management of any segment of the environment are vested. This includes various ministries for instance whose mandates have a close relationship with the environment, e.g., Ministry of Works and Transport; Ministry of Energy and Mineral Resources; or Ministry of Agriculture, Animal Industry and Fisheries. Lead agencies are under the National Environment Act, 2019 mandated to review environment assessments⁸⁹.

In addition, urban and district councils are required to have Environment and Natural Resources Committees, whose functions include ensuring that environmental concerns are integrated in all plans and projects they have approved. The committees are also charged with the role of monitoring all activities within the local jurisdiction of the urban/district council to ensure that such activities do not have any significant impact on the environment⁹⁰.

2.1.4 ESIA Legislation

The Government of Uganda has developed robust legislation on environmental management issues, including ESIA. The existing legislation includes:

- The National Environment Act, 2019 (which replaced the National Environmental Act, 1995)
- ESIA Regulations, 2020 (revision to EIA Regulations of 1998)
- The National Environment (Strategic Environmental Assessment) Regulations, 2020

Harris S. A (Ed). The Nature, Causes, Effects and Mitigation of Climate Change on the Environment. DOI: 10.5772/intechopen.94777

⁸⁶ Multi-Annual Strategic Plan Royal Netherlands Embassy Uganda 2014-2017

⁸⁷ Website NEMA, <http://nemaug.org>

⁸⁸ National Environment Act, 2019, Section 9.

⁸⁹ National Environment Act, 2019, Section 11.

⁹⁰ National Environment Act, 2019, Section 28.

The National Environment Act, 2019 lists in Schedule 5 types of projects or activities for which an ESIA is mandatory; while in Schedule 4, it lists all activities for which a 'project brief'⁹¹, rather than a full ESIA is required.

The National Environment Act 2019 and the ESIA Guidelines 2020 require that all project types listed in Schedule 4 and 5 of the Act undergo a preliminary assessment (screening) to determine whether a full ESIA is required or a project brief is sufficient.

There are also several sector specific laws with provisions and requirements for EIA. These include: The Mining Act (2003), The Water Act (1997), The Physical Planning Act (2010), The Petroleum (Exploration, Development and Production) Act (2013), The Investment Code Act (2019), The National Forestry and Tree Planting Act, and The Uganda Wildlife Act.

2.1.5 The ESIA System in Uganda

The EIA system in Uganda consists of three key phases. These are: (i) the screening phase - whereby the proponent undertakes a preliminary assessment to determine if a proposed project or activity is likely to have significant environmental impacts and if sufficient mitigation measures can readily be applied or of instead, a detailed ESIA is required, (ii) the production of an environmental and social impact statement phase – involving identification of possible environmental and social impacts through scoping, public consultations and a detailed ESIA; and compilation of a detailed environmental and social impact statement, and (iii) the decision making phase – during which the decision to approve or reject the project is made by NEMA, based on the environmental and social impact statement, and any approval conditions are determined⁹².

2.1.6 ESIA Practice in Uganda

There has been an increasing number of ESIA applications over the years, indicating an increasing trend in the utilization of the ESIA process. Data from the NEMA database shows that the number of ESIA applications increased from 686 in 2014 to 2260 in 2020 (Kahangirwe and Vanclay, 2022). However, some concerns remain about the ESIA practices. According to the 2011 ESIA-mapping

workshop report, the quality of mitigation in EIA reports in Uganda is often very poor, and questions were raised as to whether mitigation measures proposed in EIA reports are indeed implemented in practice and enforced.

A study by Kihangirwe and Vanclay (2022) concluded that while the ESIA system in Uganda was backed by a clear and robust legislation, the practice was still developing and characterised by several deficiencies including inadequate adherence to the requirements of the law, inadequate public participation in the various stages of the ESIA process (such as community analysis, scoping, review, monitoring, and post-environmental audit), delays in review of submissions, and lack of post ESIA follow up to ensure implementation of the proposed mitigation measures.

2.2 Structure of the Country Programme including Local Partnerships

From the NCEA 5-year programme document 2017-2022, the expected outcome was that: "In 2022, Uganda will have an updated set of EIA and SEA regulations including relevant guidance. It will have gained practical experience with a number of SEAs in different sectors, which will lead to more environmentally sound and socially acceptable plans. Capacity of Ugandan stakeholders will have improved at Government level (NEMA and sector Ministries), but also at the level of EIA practitioners (UAIA) and NGOs (IUCN and partners). NEMA will also have gained more skills in environmental and social monitoring of individual projects." This is also captured by the programmes Theory of Change (ToC) as shown in Figure 1.

The NCEA programme in Uganda has had its focus on three main activities, namely, provision of independent advice, participatory capacity development, and input into ESIA and SEA regulations. These three broad components also constitute the inputs into the theory of change. Other additional activities included partnership activities and an exposure visit for NEMA staff. Below is more detail on each of these:

⁹¹ A project brief refers to a summary statement of the likely environmental impacts of a proposed project or activity.

⁹² Kahangirwe and Vanclay, 2022. Evaluating the effectiveness of a national environment and social impact assessment system: lessons from Uganda. Impact Assessment and Project Appraisal, 40:1, 75-87, DOI: 10.1080/14615517.2021.1991202

2.2.1 Independent Advice

The NCEA programme working through its group of experts provided independent advice (advisory review) on ongoing EIA processes, namely;

- (i) ESIA process for the Tilenga oil exploration. This consisted of a joint review of the ESIA report with NEMA.
- (ii) ESIA for the Kingfisher oil exploration including the 46 km feeder pipeline from Kingfisher to Kabaale refinery proposed site in Hoima district. This also consisted of a joint review of the ESIA report alongside NEMA.
- (iii) ESIA for East African Crude Oil Pipeline Project (EACOP), covering the proposed 1445 km pipeline from the refinery to the export terminal in Tanzania, including a 90 km feeder pipeline from Tilenga to the refinery. This consisted of a joint review of the scoping report, and independent review of the ESIA and the revised ESIA.

The map below shows geographical location of the above projects.

These activities were undertaken in close collaboration with the Norwegian OfD, who funded some of the processes such as review workshops.

Besides the above, NCEA also supported review of ToR for and SEA for Uganda's Nuclear Program under Ministry of Energy and Mineral Development.

2.2.2 Participatory Capacity Development

Capacity development activities were focused on SEA and were provided to NEMA and other Government agencies through:

- Training sessions
- Contributions to national seminars
- On-the-job training/support for the teams working in the Albertine Graben area.

These capacity development activities were delivered in close collaboration with SIDA/NIRAS SEA International Training program.

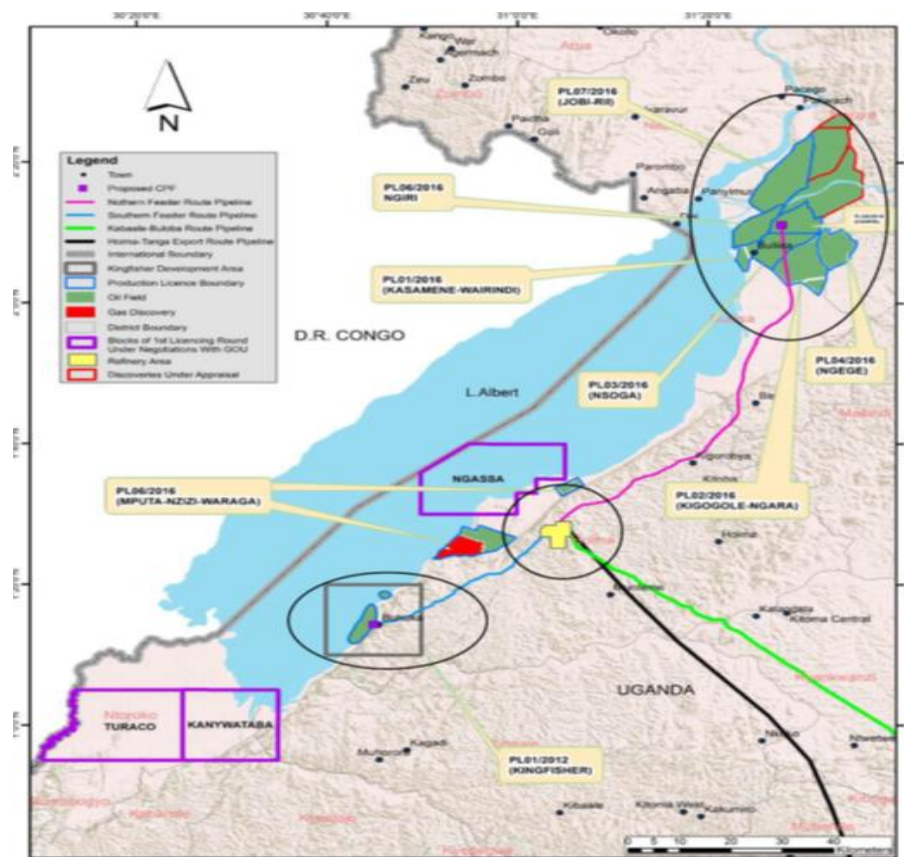


Figure 17 Oil and Gas exploration sites in the Albertine Graben area, Uganda

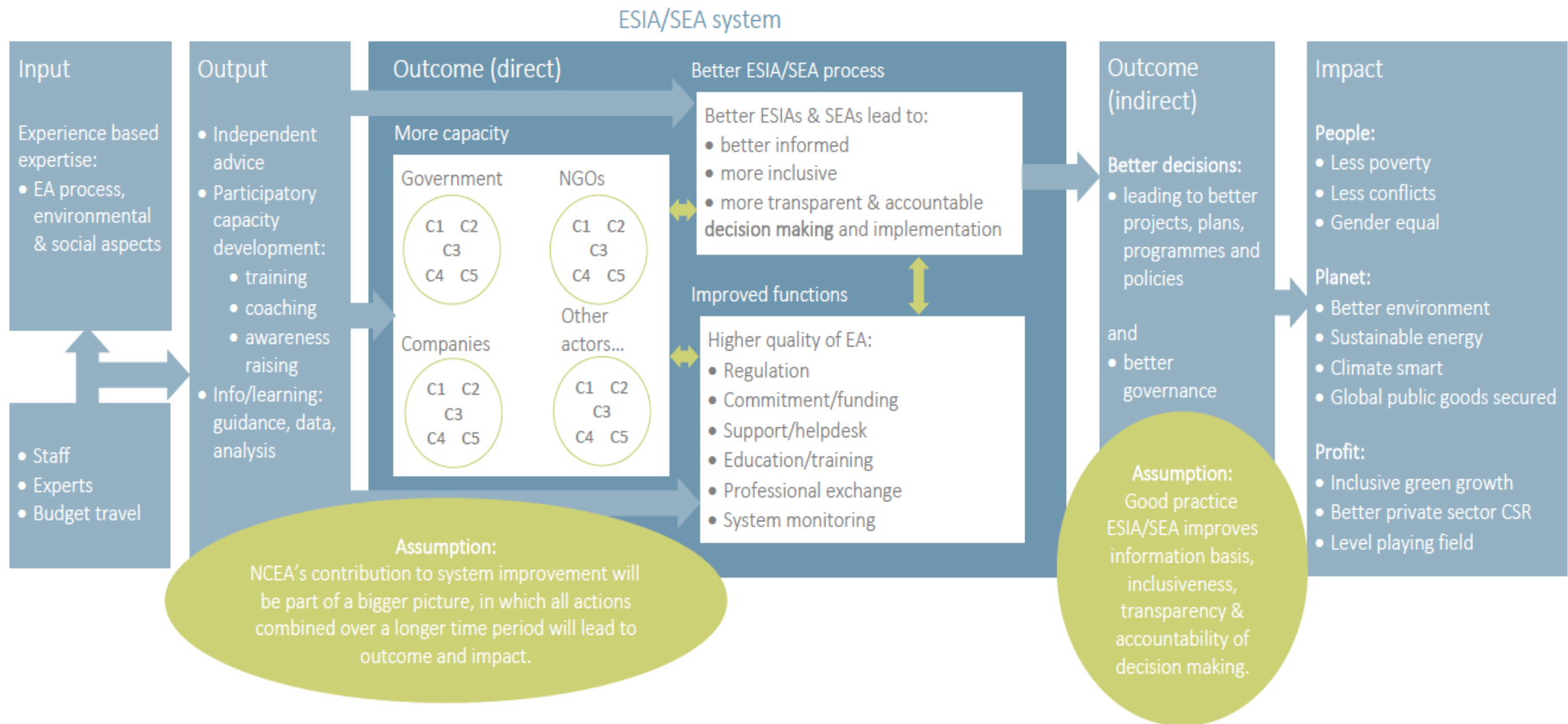


Figure 2 The NCEA Theory of Change

Other capacity development activities focused on ESIA for environmental related institutions to prepare for expected ESIA for petroleum projects. Attention focused on contents of ESIA and review processes.

2.2.3 Input into ESIA and SEA Regulations

NCEA experts made inputs into ongoing revisions to environmental legislation, specifically, the National Environmental Act approved in 2019 (input into the schedules to the Act), and the ESIA regulations, 2020. Input was also made into the SEA regulations approved in 2020 and the SEA guidance document, 2020. Such input was made through in-person attendance of workshops as well as through remote attendance.

2.2.4 Partnership Activities

Additional activities include those implemented under the “Shared Resources, Joint Solutions” (SRJS) programme, a collaboration between the International Union for Conservation of Nature (IUCN) Netherlands, the World Wildlife Fund for Nature (WWF) Netherlands, and local CSOs funded by MFA, which included up to three workshops focusing on principles and purposes of ESIA and SEA; review of ESIA reports in the oil and gas sector; legal responsibilities; stakeholder involvement; role of local governments in ESIA review, and in monitoring implementation of the ESMPs. The workshops targeted CSOs, district technical officers and policy makers, affected communities, forest rangers, cultural institutions, and the media. Each of the workshops was attended by between 25 – 30 participants.

NCEA in Uganda worked in collaboration with some other agencies including the Norwegian Oil for Development Programme (OfD), SIDA/NIRAS, and the Netherlands Enterprise Agency (RVO), through their different infrastructure support programmes for the Dutch private sector (Develop2Build [D2B], Development Related Infrastructure Investment Vehicle [DRIVE], and the Facility for Infrastructure Development [ORIO]).

At the request of D2B and DRIVE, NCEA has supported the review of local ESIA requirements, review of scoping reports, ESIA and ESMPs for infrastructure projects in Uganda. These projects included the Jinja Waste management project, Kayunga urban farming, the Kampala Old Taxi Park renovation project, a faecal sludge project and referral hospitals.

A previous programme evaluation of MFA-NCEA conducted in 2017 included the Uganda case, and evaluated activities conducted between 2012 and 2016.

2.2.5 Exposure and Demonstration

NCEA and OfD arranged an exposure visit in 2017/18 for staff from NEMA to go to the Netherlands and witness some of the practices that have been implemented in the Netherlands. Stakeholders reported that the visit was important in demonstrating to the Ugandan team, that what NCEA was training them was not just theory, but could be successfully put into practice.

3. Case Study Approach and Methodology

3.1 Methodology

The Uganda case study was conducted within the overall framework of the broader evaluation which used three main approaches, namely; (i) A theory-based approach – by which the programme was assessed through its theory of change (see Figure 1). The programme’s original theory of change was formulated in 2015 and this evolved over time, leading to a revised ToC in 2021. The evaluation assessed both the results of the original version of the TOC as well as the applicability of the revised ToC; (ii) Contribution analysis – by which the evaluation traces the contribution of the programme through 5 steps; i.e., review the theory of change, identify the activities implemented, review evidence about results and assumptions, rule out external factors, and assemble the contribution story and adjust the theory of change. The simplified version of contribution analysis with one round of evidence gathering is used; (iii) Results from these two methods feed into another method, the *Triple-loop Learning*, that is applied at a broader programme level evaluation, rather than the case study level; and seeks to ask learning questions about whether the programme is NCEA doing things right; whether it is doing the right things; and how to decide about the right things in context. The specific methods for the Ugandan case study are elaborated below.

3.2 Data Collection Strategy

Data for the case study was collected through two main methods, namely, document review and interviews.

Document Review

Various types of documents were reviewed; including programme documents, programme reports, activity reports (such as workshop reports), previous evaluations, legal and policy documents relevant to ESIA in Uganda, reports by other organizations working in the area of environmental governance, as well as published and grey literature. Annex 2 shows the documents reviewed. Document review served three main purposes, namely; it helped to understand the programme structure and how it was implemented in Uganda, including its activities, participants expected outcomes and challenges; secondly, it helped to understand the legal and policy as well as socio-political context; and finally, some of the documents helped to point to some of the achievements and outcomes/contributions of the programme.

Interviews

The target respondents of the interviews were the beneficiary organizations who received advice, coaching or capacity building from NCEA, directly and indirectly. The direct beneficiaries include NEMA, the Petroleum Authority of Uganda (PAU), the ministries of Water and Environment; Energy and Mineral resources; Lands, housing and Urban Development; and district local governments. Indirect beneficiaries include private oil companies, members of the Uganda Association of Impact Assessors (UAIA), CSOs in the sector, and other stakeholders. A total of 10 in-depth interviews were conducted with individuals from the above-mentioned beneficiary groups, as well as from the Dutch embassy, the Norwegian Environment Agency and the Technical Secretary for NCEA in Uganda. Annex 1 shows the informants interviewed. Some of these interviews were done face to face through office visits in Kampala, while majority were conducted remotely through online means.

3.3 Data Processing and Analysis

Following the desk review and in-depth interviews, the data was transcribed, and manually collated and synthesized to make sense of it along key themes aligned to the evaluation questions. Data was triangulated across sources and methods to arrive at a holistic position with regard to the findings and conclusions.

3.4 Report Production and Validation

A draft report was compiled based on the analyses outlined above. The draft report was reviewed several times and presented to Ugandan stakeholders for validation. A final report was subsequently produced.

3.5 Case Study Limitations

The case study relies on secondary data accessed from available documents and primary data from interviews with a small sample of informants. The case study did not generate any quantitative data for extensive analyses about outcomes and impacts. Since the case is based on a small qualitative sample, the results and conclusions may not be used for wider generalization.

4. Uganda Case Study Findings

The findings of the case study are organized under the four main evaluation criteria, namely, relevance, coherence, effectiveness and impact.

4.1 Relevance

Evaluation participants believed that NCEA's support was relevant because good ESIA's and SEAs which NCEA promotes are useful for their work. The ESIA's for instance help the staff in government ministries to identify potential negative effects of planned projects, e.g., in places with fragile eco-systems, or in projects that displace huge numbers of people. They also help to collect baseline information against which monitoring of compliance and implementation can be done.

NCEA's support was also considered relevant in the Ugandan context because Uganda had never implemented oil projects before. The developments in the oil and gas sector are new and the country has no experience to draw from. Moreover, the oil projects in Uganda such as the Tilenga and Kingfisher projects are big and complex, requiring a high level of expertise that was not readily available in Uganda. The EACOP project is a huge oil pipeline project covering a distance of over 1400Kms, crossing different eco systems in Uganda and Tanzania. These were unprecedented projects likely to displace a big number of people or affect them in other ways. NCEA's involvement helped to bring in extensive experience gained from various contexts.

Similarly, strategic environmental assessments (SEAs) are still a relatively new process, and Uganda as a country did not have much expertise in conducting these. In this sense, the NCEA support filled a critical capacity gap. NCEA's support helped Uganda to keep up-to-date with advancements in the field of environment management, by adopting new practices that have emerged in recent years.

The Ugandan agencies have grappled with capacity limitations for many years, both in terms of numbers and skills. NEMA staff reported that they appreciated NCEA's support because it fills critical capacity gaps at NEMA. The capacity gaps at NEMA are not only in terms of inadequate and overwhelmed staff, but also lack of a multifaceted team with the diverse expertise that the NCEA team comes with. In terms of workload, review of ESIA documents comes with a

huge workload; some of the reports are in thousands of pages. Moreover, even in cases where Ugandan agencies were aware of their capacity gaps and limitations, they would often not have the resources to pay for capacity building. Being able to access NCEA's support without having to pay for it was therefore considered a huge blessing. Not only does NCEA fill these gaps, but it does so using a team with a high level of expertise that NEMA cannot match locally.

Other informants cited scenarios where the contractors working on behalf of the developers would probably be more knowledgeable on matters of oil than officials from Uganda government agencies, the regulators. In such cases, it would be difficult for the regulator's staff to insist on certain things. NCEA's support was necessary in such cases to equip the staff from the regulator agencies to ask tough questions and make certain demands to enhance the quality of the ESIA's.

However, it was found that the identification of needs to be expressed to NCEA for support has not been systematic. An ESY mapping exercise was conducted way back in 2012, but there have been no other systematic needs assessments since then. The demands expressed to NCEA by NEMA for support have emerged somewhat out of the feeling about the complexity or newness of oil projects. There are plans to conduct a new ESY mapping later this year (2022), ten years later.

While there was no open opposition to NCEA's work, it was reported that there was some sceptics, those who thought that even if NCEA trained them, they would probably never use this knowledge and skills given Uganda's context and level of development. The knowledge and skills acquired through NCEA's capacity building activities have been widely applied despite these feelings.

4.2 Coherence

Evaluation participants believed that ESIA's and SEAs are a tool for contributing to sustainable development and therefore to the Sustainable Development Goals (SDGs) at the global level. At the national level, ESIA's contribute to the development goals as espoused in the country's Third National Development Plan (NDPIII).

NCEA's support has been closely aligned to that of the Norwegian support through OfD. NCEA and OfD have ensured alignment and coherence by supporting the same processes, each contributing a different form in input. OfD usually provides the funding to cover costs while NCEA provides the technical expertise. This coherence was necessary given that NCEA was not designed to provide funding, and therefore collaboration with agencies that could provide funding was essential.

The programme's support and activities also fall within the thematic areas of the Dutch Embassy in Uganda, in particular, the thematic areas of 'Private Sector Development and Development Cooperation' and that of Infrastructure Development'.

NCEA has also fruitfully collaborated with other agencies such as the International Union for the Conservation of Nature (IUCN), both seeking to contribute to shared goals.

One change that is going to affect coherence is the change in the Dutch policy to that effect that they will not continue support to oil and gas related activities. Whereas NCEA and OfD have for instance been able to collaborate and complement each other to support Ugandan agencies, this will no longer be possible for oil and gas related activities. The Ugandan officials are not sure where they will find support to fill NCEA's shoes. OfD for instance may not have the wide range of expertise that NCEA has been bringing in. In addition, being a government agency, OfD may not work as flexibly as NCEA has done. NCEA has signed an agreement with the World-Wide Fund for Nature (WWF) though there is no dedicated budget for NCEA activities.

4.3 Effectiveness

Evaluation participants thought that the NCEA support was effective in a number of ways:

Building capacity: Improved knowledge and skills

Many believed capacity of the target institutions such as NEMA had been built. They pointed to the quality of ESIA reports produced as evidence of improved capacity.

Staff of the beneficiary agencies reported that they have gained knowledge and skills to undertake a number of processes as part of ESIA processes. During the NCEA facilitated trainings for instance, the facilitators would point out the gaps in the ESIA reports, and this helped the trainees to appreciate these gaps, and subsequently NEMA would be able to ask the developers to revise the ESIA reports and provide more information. An example was cited of one of the ESIA's which had a very weak and sketchy Environmental and Social Management Plan (ESMP), "... some of the key issues had not come out well for example, what to monitor, how often, and the responsible parties plus the costing" (Interview, NEMA staff). As a result of the review process supported by NCEA, the developer was asked to rework and improve the ESMP, and this was done.

Others reported that although NCEA did not directly focus on issues of monitoring and compliance, they have through the NCEA-facilitated processes also gained skills that can be applied to monitoring and enforcing compliance.

Focus on the Important Questions

NCEA's capacity building and mentorship also trains reviewers to read critically and ask critical questions, or rather ask the right questions. Reviewers are for instance trained to question statements or proposals that would normally be taken for granted. The capacity building has equipped reviewers with skills to identify the key issues they want to focus on during the review of big documents. The ability to fish out issues and produce a summary review of about 15 to 20 pages from a 300-page report, certainly demands a lot of skill. Indeed, beneficiary staff of NEMA also reported that they have now gained skills to review big documents more efficiently. They know what are the key things to look out for in an ESIA report, and how to use that information to arrive at a recommendation as to whether the report should be accepted as is, or revised or rejected.

"...the way I used to review reports is not how I review them now. Grammar is no longer my interest. I used to read word by word, but now I know what to look out for. Am reading, and at the back of my mind, I have to look for what helps me to make a decision, ... and yet originally this was not the case, ... by the time I forward a report to my supervisor, I make a recommendation whether to reject or approve the project, then he also goes ahead to also make a decision".

Knowledge Transfer to Review other Projects

Besides, the beneficiary NEMA staff report that they have been able to transfer the knowledge and skills gained from processes they undertook with NCEA and apply these skills to other ESIA reviews that they have handled on their own, even without NCEA's involvement.

Quality of ESIA Reports and Certificates

The improvement in staff knowledge and skills is reported to be reflected in the quality of the ESIA reports that were eventually produced, as well as the conditions included in the certificates issued by NEMA. The conditions included in the certificates are now more specific than they used to be. In the past, the contents of the certificates used to be almost standard irrespective of the contents of the ESIA report. This therefore represents a great improvement.

Members of the expert group interviewed indicated that when they look at the final ESIA reports and certificates, they can identify and pin point content that came from their input and advice. This helps to confirm that their advice was used. They are also aware of ESIA reports that were revised following NCEA reviews and advice to NEMA.

Improved Quality of Decision-Making

NCEA's support was credited for having improved the quality of decision making by NEMA. There is more objectivity and NEMA is now in a position to make decisions regarding proposed projects based on a sound basis, and is able to justify its decisions, and to put the right information in the certificates. This has been enabled through both the ability to identify critical issues and ask important questions, as well as making the processes more open and transparent, enabling access to all information needed to make sound decisions.

Inclusion of other Stakeholders beyond Government

Some of the NCEA capacity building interventions have involved and benefitted district local governments, CSOs and professional associations, though the engagements with the CSOs and professional associations were not extensive. The inclusion of these actors is seen as an important element of NCEA's support, as these actors have important roles to play to support, compliment or check government's role in environmental management issues. Indeed, one informant from a CSO says it is very strategic that other actors such as CSOs

and citizens were also trained, such that where NEMA fails to do certain things due to political interference, they are other actors to challenge it.

They [NCEA] didn't train only NEMA, they trained even us as citizens and I believe it's up to us to put pressure on different stakeholders because NEMA also needs to be supported because it is not the only government institution that is going to do certain work, no, I believe that it was very very strategic for NCEA to train different stakeholders so that we don't just say NEMA will be the one to do it (Informant from a CSO).

NCEA's support is said to have built the capacity of not only regulatory government ministries and agencies, but also the CSOs:

Internally, we now have staff who are analyzing reports and laws; every time there are busy whether they are making a law, we are able to use those skills to say this law is going to be useful or not to be useful, the skills are helping us to analyse the National Environmental Law which was put in place in 2019; it helped us to make comments on Environmental Impact Assessment regulations which were passed in January 2022. So, there are a number of things that we are doing which really stem from those capacity buildings by NCEA (Key informant, CSO).

NCEA also trained the media, and one successful aspect of this is that some journalists have continued to follow developments and cover stories in the oil sector.

Making ESIA Processes more Participatory, Inclusive and Transparent

NCEA's support has helped to make ESIA processes more participatory, inclusive and transparent, through for instance holding of public hearings. Through these public hearings, the concerns and fears of local communities get to be heard and appropriate measures proposed. Previously, some of the conflicts between developers and communities or developers and advocacy CSOs had to end in courts of law. Up to this point there are about four cases from a long time ago which are still in court, challenging the certificates awarded by NEMA to developers. The development of relevant laws, policies

and standards has also contributed to enhancing transparency and participatory processes in ESIA's.

As a result of the awakening from NCEA's engagements, district local governments started making submissions on environmental issues to NEMA or through public hearings. As one informant said, NCEA's interventions made the actors in the sector active and interested in environmental and social issues associated with the on-going investments in the sector.

The approach introduced by NCEA of joint reviews and regular meetings have enabled NEMA to have open discussions about technical issues and find solutions quickly. This is a tremendous shift from the past approaches where the form of communication was predominantly through letters and circulating reports, taking a long time, and sometimes the outcome of the decision process not being appreciated by all concerned. The open discussions now lead to a more consensual position, and the outcome is more likely to be accepted by all parties. Concerned parties get to learn that the feedback is based on scientific facts, and is not intended to block the investments. It was reported that there are fewer dissenting voices on some projects lately due to the use of this approach. The approach also produces better decisions. NEMA officials reported that they are using this approach even outside the oil sector, applying them for mining and road infrastructure projects. The approach has been particularly useful in the case of projects with stringent timelines, enabling decisions to be made quickly.

These participatory processes have also helped local communities to be aware of the things they hitherto took for granted, and the range and magnitude of the potential impacts of proposed projects. According to the current Chairperson of the NCEA expert team, this awareness among the different stakeholders "creates a long-term win win position out the ESIA process, rather than a bother that the process is often perceived to be".

Introducing and Promoting Strategic Environment Assessments

Strategic Environment Assessments (SEA) are relatively new to Uganda. NCEA is credited for introducing SEAs to Uganda, getting government agencies to appreciate their importance, inclusion of SEA requirements in the Environmental Act, supporting the development of the SEA regulations, and building capacity for undertaking them. Stakeholders believe that having SEA

included in the law makes its enforcement easier. NCEA provided the technical support to do this.

Officials from government ministries and agencies reported that they are using the SEA guidelines and several SEA processes / assessments are on-going, as a result of the support received from NCEA in this regard.

The inclusion of SEA requirements in the Environmental Act, the ability to conduct SEAs and the number being conducted were all considered to be indicators of success. The Ministry of Energy and Mineral Resources reported four SEAs ongoing. These include SEAs for mineral exploration/development in the Karamoja region, as well as in Mubende and Kasanda districts and parts of Western Uganda. The 2008 National Oil and Gas Policy is under review, and as part of the revision process, a SEA is also being prepared for that. Nevertheless, few people understand the SEA process and its importance and there is need to build a critical mass of policy makers and practitioners that fully appreciate and understand SEA.

Greater Attention on the Social Dimensions

NCEA is credited for having popularised the addition of the "social" aspects to previous scope which largely focused on "EIA".

4.4 Impact

It is somewhat difficult to tell what the impact of the NCEA support has been. Stakeholders believe NCEA support has contributed to better environmental sustainability and people's wellbeing, through improved identification of potential negative impacts of oil development projects and identification of appropriate mitigation measures. It is not clear though, to what extent these proposed mitigation measures are actually implemented. Nonetheless, some informants believe that some of the processes such as the public hearings which were conducted for the Tilenga and Kingfisher projects brought to the discussion table, issues about the livelihoods of the affected communities – mostly farmers and fisherfolk – that were hitherto not given much attention.

One of the indirect outcomes is that the interaction between NCEA and CSOs such as AFIEGO has helped to not only build the capacity of these CSOs but also embolden their credibility in the eyes of local governments as well as government ministries and agencies, who previously disregarded or

underplayed the role and relevance of CSOs. The interactions between CSOs and government agencies facilitated by NCEA have helped to ease the animosity between the two sets of parties, and in some cases promoted harmonization of perspectives about certain issues, whereby both parties come to realize what is the right thing that needs to be done for the good of the country. Government officials have also come to better appreciate the issues of inclusiveness, participation and gender considerations that CSOs have been passionate about.

4.5 Factors for Success

The key factors for the above successes include the following:

The ability of NCEA to tap into diverse expertise, bringing in experts with international experience in engineering, bio-diversity, social issues, and so on; and they be able to provide holistic opinion and advice. Such holistic and cross-disciplinary advice is more valuable than the review that would come from any single one ministry or regulator agency which would only focus on its area of mandate and expertise. Related to the above, NCEA also tries as much as possible to include at least one expert on the team who is local, and who therefore understands the culture, resource dynamics and other relevant local issues.

NCEA's independence and objectivity – NCEA provides independent advice but does not intervene in the final decision-making. It also does not get involved in matters likely to be of a political nature. NCEA has always made this position clear to the stakeholders concerned, and explained that the final decision-making regarding approval of projects lies with the regulatory entities. Beyond this, and in equal measure of maintaining independence, they themselves (NCEA) cannot be influenced, and they deliver their advice based on their independent and technical opinion of the reviews. The clarity made to stakeholders that NCEA is not working to influence decisions or impose their will makes their involvement readily accepted.

As part of the independence, NCEA does due diligence on all its experts to ensure that none has a conflict of interest in a project for which a review is being conducted.

Another dimension of NCEA's independence is that, its experts are in a position to be critical and to raise questions or comments that government staff would probably be afraid to raise due to the sensitivities and politics surrounding some of the investments. But because the NCEA experts are not employed or paid by anybody in Uganda, they are in a position to present their opinions without fear of being punished or rebuked. This has proved helpful to NEMA to present the feedback as the expert opinion coming from the independent experts. NEMA's position got supported and reinforced by opinions from the NCEA experts.

NCEA does not look at the feasibility of convenience of the project; it only concerns itself with the social and environmental impacts. This helped to increase its acceptability among the target organizations and their stakeholders.

Transparency – NCEA promotes transparency, but also works transparently. It also promotes public hearings and other participatory methods of work during ESIA processes. NCEA provide feedback from its work and publishes its reports on its website for public access. These transparency measures make all parties involved equally informed; and makes the reports and recommendations of NCEA to be more readily accepted across the board by most or all stakeholders.

The above successes have also been achieved based on the trust that NCEA has built among the recipient agencies and stakeholders. NCEA has made it possible for the parties involved that it is not out to block investment processes or to support one party against another. Its independence, neutrality, objectivity and transparency have all contributed to building trust, which has been essential for its credibility.

Collaboration with other agencies – In particular, collaboration with the Norwegian OfD has enabled activities that require financial resources to be implemented despite the fact that NCEA does not provide financial support.

All these attributes of NCEA support have led the different parties – government agencies, developers, local governments – to be at ease with NCEA's methods of work.

4.6 Limitations

Despite the above successes, some limitations were found.

NCEA's reviews are conducted on ESIA's that have already been done and draft reports produced. Sometimes the reports are too shallow or sketchy, the data collected is not enough, and NCEA can at this stage only raise these gaps. When NCEA feedback is provided to the stakeholders, they start wondering why, for a project that has been on ground for years, they had not heard about those potential impacts, and why they are coming out at this stage. For most projects, the ESIA's were done after the investors had been on ground for several years. This raises the question as to whether it would make sense or add value if NCEA got involved earlier – may be at ToR preparation stage, or at induction of consultants going to conduct the ESIA, so that there is earlier input from NCEA before the ESIA's are conducted. A good example where NCEA came in early and reviewed ToRs was in the case of EACOP. There seems to be divided opinions to this – and there are pros and cons. While some argue that it would for instance be helpful if NCEA trained the consultants shortlisted to conduct the ESIA's it would be helpful, others argue that consultants are expected to be experienced and they should know better how to conduct a good ESIA.

NCEA did not support issues of compliance monitoring and enforcement to ensure that the recommendations made in the ESIA reports and the plans included in the ESMPs are actually implemented. This is against a context where environmental monitoring and compliance in Uganda remains weak. NCEA, in keeping with its independent and neutral position has desisted from involvement in this, perceiving it as an internal matter of the government of Uganda. The gap that remains in monitoring compliance and enforcement potentially constrains the achievement of the impacts that would be envisaged from NCEA's support, because if good quality ESIA's are prepared but their recommendations are not adhered to, then the ultimate goals cannot be realised.

These have been cases where the political interests override the environmental interests. It is a scenario where NEMA ignores their own decisions. These incidents are illustrative of the political context in Uganda. Staff in government agencies and ministries may be knowledgeable and skilled but they may not be able to apply this knowledge and skills to do the right thing. These situations

arise in a context where government (especially the President), eager to attract investors has sometimes blamed government agencies for delaying and frustrating investors through long bureaucratic procedures. When such statements are uttered, NEMA does not escape the limelight, even if it is trying to follow these bureaucratic procedures to ensure that the right procedures are followed and the right thing is being done.

Even where public hearings have been conducted, the laid-out procedures have not been adequately followed. For instance, in some cases, NEMA has not allowed the 21 days' notice to the public and has instead allowed fewer days. In other cases, the persons appointed to preside over the public hearings have been those with a potential conflict of interest, contrary to the regulations/guidelines.

Some instances were cited whereby NEMA went ahead to issue certificates to developers even when they had not satisfactorily addressed the comments and issues raised through joint reviews by NEMA and NCEA. This was attributed to political interests and political influence in the matter. Other cases of political interference even the regulations were also cited.

Besides the above, a key challenge in the ESIA processes is that developers and their contractors sometimes want to do the ESIA to simply fulfil requirements, rather than do the right thing.

Some of the staff in ministries, NEMA and CSOs who were trained and mentored through NCEA programmes have since left these organizations, leading to leakages/loss of skills. The good thing is that some have moved within the sector/across these organizations and so are still able to use these skills. For instance, one of the informants interviewed for this evaluation moved from the Ministry of Energy and Mineral Resources to NEMA. She started engagements while in the ministry and continued after joining NEMA. Others have moved from CSOs and joined government, in which case the CSOs are happy to find in government potential allies or at least people who understand their philosophy.

NCEA provided only technical support and did not fund any activities. Its work therefore depended in large part on the ability to find partners that could fund some of the activities or on the local contribution by Ugandan agencies. Some

evaluation participants felt that NCEA's support would have been more effective if it also included financial support. In some cases, the recipient agencies may want to undertake certain activities for which they do not have funding. For instance, when the regulatory agencies want to invite district officials to Kampala for training or other activities, or to undertake field monitoring, they usually do not enough funds to cover such activities. It was reported that the situation has been made worse by COVID-19, with the effect that government of Uganda has reduced even the little funding that was available for such activities. Similarly, NCEA did not support retooling e.g., provision of equipment for monitoring (such as air quality monitors, oil meters, and equipment for water quality monitoring). NEMA has nevertheless received some equipment through support from USAID, though this has not met all their requirements.

While NCEA has supported training in SEA, this is still a new area and not yet fully understood by many stakeholders. Similarly, there are other practices gaining attention on the global scene, such as biodiversity offsetting, which are not yet understood and applied in the Ugandan context.

The support has not been channelled through a very well-structured system. For instance, there is no known workplan. Whereas the support is demand driven, it would have helped if there was a framework workplan outlining the anticipated support, the type / modality of support, and at what time. There is however, acknowledgement that being too structured can kill the flexibility and innovativeness that has characterised NCEA's engagements with Ugandan agencies. Nevertheless, NEMA was hailed as courageous to request for the independent reviews, well aware that the results of the reviews get published on NCEA's website and are open to public consumption and scrutiny.

Regulatory agencies have during the last five years not formally appointed a focal person or desk officer to be specifically coordinating with NCEA regarding its support. Such a desk officer would be responsible for coordination, documentation, keeping records, following up on planned activities, among other roles. It was learnt that NEMA had appointed one in recent months which should help to smoothen coordination between NEMA and NCEA.

Due to the COVID-19 induced travel restrictions, activities that required physical meetings and movements could not be undertaken. Fortunately, some

of the activities continued virtually, and actually the number of participants in such online events was higher than what it would be in physical meetings. There were also concerns that sometimes the NCEA expert team does not have enough time to conduct field visits and interact with the stakeholders on the ground to authenticate what they read in documents or what are told in meetings and workshops.

Some staff in government agencies reported that while the principle of transparency is good, they, as public officials find a conflict in keeping the oath of secrecy which they sign up to as public servants on the one hand; and the principle of transparency that is promoted by NCEA.

While there may be concerns that the government agencies may not actively demand for the needed support due to lack of awareness about what support is possible, NCEA uses any available opportunities to share information about its work, the type of support it can offer, and so this contributes to generating demand for its support.

4.7 Missed Opportunities

A possible missed opportunity was with regard to the EACOP whereby it would have been useful to bring together Ugandan and Tanzanian agencies (the proposed pipeline crosses both countries), and agree on a number of issues of common importance and harmonize positions regarding this transboundary project. While this issue was talked about, such an interaction never materialised. This was not necessarily a failure of NCEA's part, as responsibility to formally request for support to hold such an interaction lay with the recipient government institutions.

5. Case Study Conclusions

5.1 Relevance

Overall, NCEA's support to Ugandan environmental agencies was found to have been relevant and addressing critical needs and gaps in these agencies. The support was particularly relevant in the oil and gas sector, where projects are complex, and yet Uganda had no previous experience in oil projects. Equally important is that the support helped to introduce and popularise important aspects of environmental management and regulation, namely the social impact assessments and the strategic environment assessments, both of which were hitherto not applied in Uganda.

However, the process of identifying needs and ensuring that they are the most important to be addressed was not systematic and needed to be improved.

Stakeholders regret that due to a change in Dutch MFA policy, NCEA will no longer be able to support the activities in Uganda's oil and gas sector. In particular, stakeholders are concerned that this policy shift is coming at a time when they are set to conduct ESIA's for a very complex and unfamiliar project, the oil refinery, for which NCEA's support would have been of great value.

5.2 Coherence

NCEA's support was considered coherent contributing to national and global sustainable development goals. It has also been well aligned to those of other development agencies, some of which it has collaborated with and supported similar processes in a complementary rather than a duplicative manner.

5.3 Effectiveness

NCEA's support was effective as it improved the knowledge and skills of the recipients of capacity building; skills which they use to identify gaps in ESIA reports, make recommendations for improvements, and make decisions. They have also been able to apply these skills to other non-oil projects. The quality of ESIA reports has improved as well as the content of conditions on certificates. The ESIA processes have been made more participatory and transparent, and as a result, better decisions are made. In particular, the approach of joint reviews and open discussions has helped to make better, quicker and more acceptable decisions.

Extending NCEA's support to involve environmental CSOs has helped to strengthen their role in providing independent environmental oversight and check the likely omissions and excesses of government and developers on issues of the environment.

The key factors enabling success include NCEA's ability to leverage diverse expertise; NCEA's independence, neutrality and transparency; an atmosphere of trust; and NCEA's collaboration with other agencies, especially OfD.

The key limitations are: NCEA coming into the ESIA process at a late stage, lack of intervention to ensure implementation and compliance of ESMPs, political interest and interference in ESIA processes.

5.4 Impact

While the impact of the NCEA support cannot be concretely pinpointed to, the open and transparent processes supported such as public hearings have provided a platform to discuss issues that affect the livelihoods of local communities, with the prospect that these cannot be simply ignored by the developers. The implementation of the improved ESMPs and a result of NCEA's support is believed to be contributing to the desired outcomes and impacts of restoring the livelihoods of the affected persons and enhancing more sustainable developments.

The involvement of multiple stakeholders including local governments and CSOs also opens the door for harmonization of perspectives around environmental issues, with the potential to contributing toward the common good.

6. Lessons Learned

6.1 Learning Process, Lessons Learnt and Knowledge Management

The key lessons learnt are:

- In reviewing ESIAs/SEAs, it is useful to have a diversity of expertise all looking at the same issue, and providing a holistic opinion, as is possible during joint review sessions rather than just receiving written comments and submissions.
- Stakeholder participation, transparency and quality of information are key to effective ESIAs. It increases understanding of the potential impacts, enables identification of controversial issues, and provides a platform for discussing and resolving these issues.
- In a relationship like that of NCEA and the Ugandan agencies, transparency and independence fosters acceptability of results and decisions
- It is more useful for NCEA to be involved early in the ESIA processes, than later
- Through NCEA's approach of bringing together different stakeholders, it has been learnt that environmental issues require team work amongst the multiple stakeholders.
- Tailor-made environmental certificates based on contents of specific ESIA reports are important to guide compliance and enforcement as opposed to generic certificates.
- ESIA reports are more useful and user-friendly if they sieve out key issues and present them precisely and upfront, as opposed to huge volumes of text that may be hard to read and navigate.

While different informants could point out these lessons learnt, they have not been documented by NEMA and other government agencies. And so, whereas individual informants report about the lessons they have learnt, these appear to be lessons they have learnt as individuals. Some deliberation is needed to agree on the lessons that have been learnt as institutions working in the environment sector. NCEA has developed a case study on lessons learnt through the three ESIA reviews, shared these with NEMA and they are also available of NCEA website; but this is largely from NCEA's perspective and may not fully capture the lessons learnt by the Ugandan stakeholders.

7. Recommendations

7.1 Recommendations for NCEA

1. While the shift in Dutch policy is to move away from oil related activities, NCEA could support activities related to energy transition and green energy. Stakeholders think NCEA should not completely get out of oil sector, but explore supporting oil activities but from the renewable energy perspective – though this may not be feasible in light of the Dutch policy shift.
2. NCEA should continue to support stakeholders to undertake required assessments in the areas such as mineral exploration and development, dam projects, electricity transmission, commercial agricultural projects, and infrastructure development.
3. NCEA should train more people in the area of SEA since this is a relatively new area with only few people with competence in conducting SEAs. Similarly, NCEA can support trainings in biodiversity off-setting⁹³, which is still a new area in the Ugandan context.
4. NCEA should also support local governments to do more to build their capacity to play their roles of environmental monitoring, and demanding compliance. This could go beyond training District Environment Officers, and include training district political leaders, and other stakeholders with a role or interest in environmental monitoring.
5. While NCEA should continue to follow a demand driven approach by which requests for support come from the recipient organizations, NCEA can do more to stimulate and generate this demand. For instance, the last ESY mapping in Uganda was conducted in 2012. Similar needs assessment exercises should be conducted regularly, may be every two to three years in order to systematically identify needs which can then be turned into formal request to NCEA for support. This process would also help NCEA to come in early to provide support that may be needed, rather than coming in downstream.

⁹³ Biodiversity offsets are measurable conservation outcomes that result from actions designed to compensate for significant, residual biodiversity loss from development projects. Their rationale is based on the premise that impacts from development can be compensated for if

6. NCEA should identify and build a bigger pool of local experts to be on its team. This would be useful as local experts understand the local context better; it would also be a good way to build local capacity.
7. Stakeholders identify the need for NCEA to be involved with each country for more than five years. Some of the first years are used up in building trust, and the remaining years are not adequate to realize the full potential of the NCEA engagements.

7.2 Recommendations towards Local Stakeholders

1. In collaboration with NCEA, government institutions should undertake a systematic process to identify their capacity needs, for which demands can be made to NCEA from time to time. Once the needs are identified, a broad workplan can also be formulated to guide the engagement between these institutions and NCEA. The early identification of needs and scheduling the support will also help to ensure that NCEA support comes in early enough in the assessment processes (e.g., at ToR formulation stage, rather than at report stage) and be most useful.
2. NEMA and other government institutions should as part of their learning process clearly identify and document the lessons they have gained from their engagement with NCEA. This is important to guide their future work.
3. As NEMA and other government institutions continue to lose staff that have been part of the capacity building processes, and recruiting new staff, they need to put in place a mechanism for continuous internal training to replace the lost skills. One way is to make systematic use of the training courses in ESIA that Makerere University is starting in collaboration with the Uganda Association of Impact Assessors. A distance learning online course has already been developed. Makerere University has introduced a course on SEA.
4. NEMA and other relevant agencies should request OfD and other available partners to support them train their staff in carrying out compliance audits for oil and gas activities.

sufficient habitat can be protected, enhanced or established elsewhere, and thereby deliver No Net Loss of habitat resources (OECD, *Biodiversity Offsets: Effective design and implementation*. 2016. Paris.

Annex 1: List of Stakeholders Interviewed

Organization	Type of Organization	Potential key informants and their positions / roles in the Program
National Environment Management Authority (NEMA)	Government regulatory agency	<ul style="list-style-type: none"> • Mr. Isaac Ntujju, Head of Oil and Gas department • Mr. Waiswa Ayazika Arnold Director, Environmental Monitoring & Compliance • Christine Ainabyona Senior Environment Inspector, Albertine Graben Regional and Field Office
Ministry of Energy & Mineral Resources	Government ministry	<ul style="list-style-type: none"> • Caroline Aguti
Ugandan Association of Impact Assessors	Professional Association	<ul style="list-style-type: none"> • Caroline Aguti, Chairperson
Norwegian Oil for Development Program (OfD)	Partner to NCEA	<ul style="list-style-type: none"> • Frank Eklo, Senior Adviser, International Section Norwegian Environment Agency
African Institute for Energy Governance (AFIEGO)	CSO	<ul style="list-style-type: none"> • Dickens Kamugisha (Director)
Members of Working Group	Experts group	<ul style="list-style-type: none"> • Mr Tom Ogwang Social Sciences Mbarara University of Science and Technology • Ms M.W.J.A. (Tanya) van Gool - Chairperson
The Netherlands Embassy	Embassy	<ul style="list-style-type: none"> • Jeroen Vlutters, Joost van Ettro
NCEA	Support agency	<ul style="list-style-type: none"> • Ms Ineke Steinhauer, Technical Secretary

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Annex 3: Evaluation Matrix (Adapted for the Uganda Case)

Key Questions (cited from TOR)	Additional points of Attention ⁹⁴	Information Required	Information Sources	Data Collection Methods
RELEVANCE				
<p>Relevance to recipient partners and countries:</p> <p>How relevant the programme and its activities has been to recipient partners in several country interventions?</p>	<p>How does NCEA integrate compliance and accountability to its strategy?</p> <p>How does NCEA adapt in countries where governance is weak, can it ensure transparency and inclusiveness in this context?</p> <p>What is missing in the current NCEA strategy and approach?</p>	<p>Context/diagnostic/mapping of ESIA/SEA systems in recipients' partners countries</p> <p>NCEA country and region strategy</p> <p>Stakeholders' perception of NCEA programme relevance</p>	<p>Five-year programme proposal</p> <p>Annual plans 2017-2022</p> <p>Stakeholder interview notes (programme and case study level)</p>	<p>Desk review</p> <p>Interviews</p>
COHERENCE				
<p>Interventions:</p> <p>How did the NCEA make use of opportunities to align activities with other relevant development interventions, supported by domestic and international stakeholders?</p>	<p>How does NCEA currently leverage its efforts with similar programmes of other donors and partners (including regional and multilateral organizations, professional associations)? Is NCEA diversifying its funding sources? And is it sufficiently visible towards such parties?</p>	<p>Other relevant development interventions taking place in the same countries.</p> <p>Other development organizations participation in workshops facilitated by NCEA</p> <p>Perceptions of stakeholders on NCEA's alignment with other development interventions</p>	<p>Five-year programme proposal</p> <p>Annual Plans 2017-2022</p> <p>Available partnership agreements including MoUs</p> <p>Annual result report 2017-2020</p> <p>Stakeholder interview notes (programme & case study level)</p>	<p>Desk review</p> <p>Interviews</p>
EFFECTIVENESS				
<p>Achievements and reporting on intended outcomes:</p> <ul style="list-style-type: none"> To what extent the intended outcomes (i.e., short and middle term effects) were achieved? What are people doing differently after participating in NCEA activities that highlight 		<p>NCEA theory of change, and result framework</p> <p>Monitoring and evaluation data</p> <p>Internal and external factors contributing or hindering the achievement of results</p> <p>Indicator matrix</p> <p>Stakeholder perception of NCEA contribution to intended outcomes</p> <p>Stakeholders report of changes in values and principles attributable to NCEA interventions</p>	<p>Five-year programme proposal</p> <ul style="list-style-type: none"> Annual plans (2017 to 2022) Annual results reports (2017 to 2020) 2015 Theory of Change <p>Outcome statements, capacity outcome interviews (RVO, Indonesia CP, Rwanda CP)</p> <p>Impact evaluations (Mozambique CP, RVO)</p> <p>Independent advice monitoring forms</p> <p>Evaluations reports (2017 Final evaluations; 2020 MTR; SRJP final</p> <p>Evaluation, 2020 knowledge and learning platform final evaluation)</p>	<p>Desk review</p> <p>Interviews</p> <p>Survey</p>

⁹⁴ These additional attention points originate from the learning questions expressed by NCEA/MFA in the inception interviews. Not all learning questions expressed are reflected as additional attention points, as some were beyond the scope of the ToR.

Key Questions (cited from TOR)	Additional points of Attention ⁹⁴	Information Required	Information Sources	Data Collection Methods
<ul style="list-style-type: none"> certain values and principles? How do the indicators in the annual results reporting reflect the effectiveness and are representative of results? 			<ul style="list-style-type: none"> Other documents including communication and marketing material, public discourses (newspapers, blogs, speech), policy, laws and regulations Case study reports Stakeholder interviews (programme and country level) 	
<p>Learning lessons and making improvements:</p> <ul style="list-style-type: none"> How does NCEA assess its efforts, consolidate and share the lessons learned from practice, and improve activities? 	<p>Is the EAP M&E system fit for purpose, with a balance of quantitative and qualitative approaches and the tracking of the longer-term impact of the EAP in the framework of its new ToC (Governance change through ESIA/SEA processes)?</p> <p>Is NCEA an effective learning organization?</p>	<p>NCEA Planning, Monitoring, Evaluation and Learning process</p> <ul style="list-style-type: none"> Understanding how lessons learned are currently consolidated and shared Linkages between learning activities and strategy and activity design Perceptions of stakeholders on Linkages between learning activities and strategy and activity design 	<p>Five-year programme proposal</p> <ul style="list-style-type: none"> Annual plans (2017 to 2022) Annual results reports (2017 to 2020) 2015 and 2021 theory of Change 2012-2017 Final evaluation; 2020 Mid Term Review of the current programme and NCEA responses to these evaluations 2020 knowledge and learning platform final evaluation 	<p>Desk review</p> <ul style="list-style-type: none"> Interviews
IMPACT				
<p>Impact on decision-making:</p> <ul style="list-style-type: none"> To what extent the NCEA work such as ESIA has resulted in decisions for greener and/or more inclusive institutions, policies and investments? 	<ul style="list-style-type: none"> Is there sufficient evidence of outcomes and impact of NCEA's activities? Is outcome and impact steering effectively combined with the demand-based approach of NCEA? 	<p>Perceptions on results related to decision-making</p> <ul style="list-style-type: none"> Impact studies 	<p>Stakeholder interviews at country and programme level</p> <ul style="list-style-type: none"> Impact evaluations (Mozambique CP, RVO) Independent advice monitoring forms 	<p>Desk reviews</p> <ul style="list-style-type: none"> Interviews Survey
<p>Factors influencing impact:</p> <ul style="list-style-type: none"> What activities (or combination of activities), way of working, level/duration of guidance or other factors have influenced impact or could do so in future? 	<ul style="list-style-type: none"> Is the quality and strategic direction of NCEA sufficiently robust to build a long-term and programmatic collaboration on? 	<p>NCEA monitoring and evaluation data on factors influencing impact achievement</p> <ul style="list-style-type: none"> NCEA impact analysis Stakeholders perceptions 	<p>Stakeholder interviews at country and programme levels</p> <ul style="list-style-type: none"> Impact evaluations (Mozambique CP, RVO) Independent advice monitoring forms 	<p>Desk review</p> <ul style="list-style-type: none"> Interviews Survey

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