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EVIDENCE BRIEF

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SSHRC's Imagining Canada's Future initiative mobilizes social sciences and humanities research to address emerging economic, societal and knowledge needs for Canada, and help guide decision-making across all sectors towards a better future. This evidence brief addresses the Future Challenge Area of: **Informing Best Practices in Environmental and Impact Assessments**.

Building the system: follow-up, monitoring and adaptive management

About the project

This knowledge synthesis report considers the role of post-assessment activities under impact assessment. Is project approval the end of the story for impact assessment? While societal resources tend to be focused on rigorous project approvals, what happens to the project, to rights holders and stakeholders and to the environment after approval has been granted?

Follow-up and monitoring are often afterthoughts for legislators, public servants and those involved in the projects themselves. But the monitoring process is critical to building and maintaining public confidence and to ensuring that those involved in the project live up to their commitments. This report identifies and describes innovative approaches

to follow-up and monitoring across Canada. Case studies—current “good” or “better” practice in action—serve as a map for how to develop a robust follow-up system in federal impact assessment (IA).

This knowledge synthesis project aimed to:

- identify best practice in follow-up and monitoring in the available literature;
- provide insights into how follow-up and monitoring are conceptualized in theory, law and practice; and
- identify opportunities to develop a more systematic approach to follow-up and monitoring.

Key findings

Following an extensive review of international literature and analysis of legislation and case studies, the project found that:

- Legislatures communicate intention and direction to public servants, project stakeholders and the general public through the legal framework. Meaningfully incorporating follow-up and monitoring within a legislative framework signals its importance, enshrines legal accountability, enhances consistency, and limits discretion to ignore or underplay its importance. By contrast, limited legal direction invites inconsistency between similar projects and over time.
- Recent legislative efforts, such as the *Impact Assessment Act* (IAA), demonstrate a more concerted effort to underscore the importance of follow-up by linking it more closely to the legislative scheme. However, significant gaps continue to exist. In the case of the IAA legislative framework, opportunities exist to close these gaps through the Impact Assessment Agency of Canada's discretion to create an advisory body and guidelines, as well as the minister's discretion to enact regulations regarding follow-up.
- Case studies examined show that best practice is not an arcane academic exercise disconnected from assessment practice. The studies provide important examples of best practice in the areas of transparency and accountability.



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The studies illustrate the importance of things such as a clear licensing format; publicly accessible information; requiring post hoc analysis(es); and demonstrating learning between projects. They also reveal that models for recognizing the role of Indigenous governments as regulators are starting.

- However, case studies also provide a cautionary tale: in the absence of comprehensive legislative guidance, there is a risk of backsliding and inconsistency between projects.

Policy implications

The findings have a number of policy implications, relevant to one or more levels of government. In identifying components of a best practice framework for follow-up and monitoring, the report suggests that:

- Governments should build a more systematic approach to follow-up and monitoring.
- An advisory body responsible for follow-up and monitoring should be established to provide direction on the scope of regulation and to develop standard protocols for monitoring key animal and plant species, among others. This body should also establish a consistent approach to follow-up and monitoring, including adaptive management, which can be used to monitor expected interactions and address unexpected outcomes, as appropriate. Indigenous governments should be consulted about potential roles when developing the terms of reference for this advisory body.
- Follow-up and monitoring-specific regulations that affirm legislative commitments, provide direction about the data collection process, and increase public access to results should be enacted.
- While direction via legal frameworks is necessary and highly preferred, guidance documents outside the formal legal framework can fill gaps in government regulation. Guidance documents should build follow-up and monitoring into all IA components, from planning and assessment, to licensing and post-approval design.
- In addition, guidance documents should build follow-up and monitoring into the consideration of all IA factors, including—but not limited to—public participation, Gender-based Analysis Plus, sustainability analysis, cumulative effects assessment, regional assessment and strategic assessment. More robust guidance about follow-up and monitoring could be also added to the IAA's existing tools and practices.
- Governments should build follow-up and monitoring into all co-operative agreements and co-operative assessments. In the context of the IAA, this includes coordinating with the Indigenous Cooperation Regulations, currently being developed, to better enshrine a cooperative relationship with Indigenous governments and communities in post-assessment activities.
- Although specific policy recommendations in the report are made in the context of the IAA, there are opportunities to endorse or implement these recommendations in other legislated IA processes.

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FURTHER INFORMATION:

[▶ Read the full report](#)

The views expressed in this evidence brief are those of the authors and not those of SSHRC, IAAC and the Government of Canada.

The Impact Assessment Agency of Canada (IAAC) is a federal body accountable to the minister of Environment and Climate Change. The IAAC delivers high-quality impact assessments that contribute to informed decision-making on major projects in support of sustainable development.

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