



# **IAIA Climate Change and Impact Assessment Action Plan: Liaise with Environmental Law Organizations**

## **Identifying Model Impact Assessment Legal Procedures for Climate Change Action: IAIA Event Takeaways and Survey Results**

**2022-2023 REPORT with September 2024 Update**

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## 1.0 Background

The International Association for Impact Assessment (IAIA) issued the IAIA Climate Change Position Statement in response to the world scientific community's declaration that the Earth is warming and that the increase in Earth's average temperature is primarily caused by greenhouse gas (GHG) emissions from human activities. The Association also stands with the world's scientific community in expressing grave concern that the global climate emergency is accelerating the deterioration of systems that support life on Earth and threatens our common future. The statement also acknowledges this constitutes a global emergency and sets out the role impact assessment does and should play in assisting with the transformational change needed to achieve the Paris Climate Agreement targets to bring the planet's climate and ecological systems trajectories back in line with a habitable Earth.

Specifically, the IAIA Climate Change Position Statement acknowledges the following well-established and unfolding realities:

- Impact assessment (IA) processes provide a systematic way to identify, address, mitigate, and adapt to climate change impacts on natural and cultural resources on the human population. These impacts will disproportionately affect fragile societies and vulnerable and Indigenous peoples. IA also addresses conditions related to climate change that are a direct threat to the stability of the world's financial and commercial systems and institutions.
- Careful assessments of climate risks, impacts, and mitigation (both short- and long-term) must be integral to high-level decision making. Anticipated climate change impacts will also require application of IA processes for existing projects and programs, including risk analysis, mitigation, adaptation, and management.
- To meet the multifaceted challenges posed by the global climate emergency, IA processes will have to evolve rapidly, and be applied effectively, with an increasing reliance on strategic level IA that also fully addresses social, economic, health and environmental issues.
- Changes in climate, and other alterations to earth systems, will increasingly contribute to political, social, and economic instability unless action is taken to understand and prioritize the risks and impacts, select among, and successfully implement mitigation plans to restore the integrity of the biosphere.
- To do so will require a massive transformation in infrastructure and unprecedented increases in renewable energy systems, affecting all cities and regions and their planning processes. These actions must be science-based. The transformation will have major environmental, social, and economic impacts.

In support of the IAIA Climate Change Position Statement, IAIA's Climate Change Section created a set of priority climate change action goals. One of the action goals is to "Liaise with Environmental Law Organizations" (ELOs) to more actively engage the environmental legal profession and other IA specialists to advance climate change mitigation and adaptation. Several examples were listed for how work might proceed under the "Liaise with ELOs" action goal, including advancing Impact Assessment (IA) legal and regulatory models for climate mitigation. It was decided the area of focus

for this report would be to identify and gather information on model IA legislation, regulations, and institutional arrangements for effective climate change mitigation and other significant alterations to the biosphere.

Having decided to first focus on identifying model (IA) legal and regulatory procedures and institutional arrangements that appear best suited to help achieve the Paris Climate Agreement targets for climate change mitigation, two strategies were followed:

1. Participate in and gather information from IAIA-related events (e.g., webinars, conferences, symposia) from November 2021 to September 2022 as a means of liaising with and learning from environmental legal professionals and IA specialists to identify any model legislation, regulations, or institutional arrangements for climate change mitigation and safeguarding the Earth's biosphere.
2. Develop and apply a global survey instrument in November 2022 to identify model legal procedures from IAIA members. The survey also asked questions about IAIA members' perspectives on the importance of existing methods of IA practice to achieve the Paris Climate Agreement targets as well as their perspectives on the relevance of global and local carrying capacity issues for IA practice. Several other related issues were assessed via the survey instrument. A summary of the survey results, as they relate to identifying model legal procedures, existing methods of IA practice, and carrying capacity issues, is presented in Section 4.0 of this report.

This report is organized into five sections. Section 1.0 provides some background to help the reader understand the context and motivation of this undertaking. Section 2.0 presents a list and brief description of the IAIA events and activities related to the two strategies for identifying and describing the model legal procedures and institutional arrangements. Section 3.0 summarizes each of the model IA legal procedures and institutional arrangements identified. Section 4.0 presents the results of the IAIA Members Survey, "IAIA Members' Perspectives on Model IA Procedures to Achieve the Paris Climate Agreement's Carbon Targets," as they relate to the purpose of this report. Finally, Section 5.0 provides some conclusions based on the results of this study and recommendations for the next steps to be carried out under the IAIA Climate Change Action Plan action goal "Liaise with Environmental Law Organizations."

The activities discussed in this report were funded in part by a grant from the Impact Assessment Agency of Canada Policy Dialogue. The grant is entitled "Advance IA Processes and Climate Change Law." The results of this study will be used to inform future work under the "Liaise with Environmental Law Organizations" action goal, including a proposed series of training initiatives to share more detailed information about the identified model procedures and build capacity within the IA and legal professional communities as well as the broader public to support the development and implementation of model legal procedures to advance IA processes and climate change-related law.

Although great care was taken to identify model procedures best suited to the action goal's objectives, it is quite possible we have overlooked emerging model procedures that would be beneficial to share with the wider IAIA community. This report is a work in progress, and we welcome your continued input to help us identify any additional model procedures you wish to bring to our attention. Contact information will be provided later in the document so we can continue the conversation with all interested parties.

It is our hope this work will allow IA to contribute toward climate change action more effectively by helping to identify legal procedures to support systemic transformational change. There are many possible legal procedures for meeting the Paris Climate Change Agreement targets and the use of IA processes is essential to select among alternatives, prioritize mitigation strategies, and develop mitigation and monitoring plans. Also, because IA practice often involves concurrent compliance with many other environmental legal procedures, it can help facilitate and motivate collaboration



among multiple stakeholders. Examples might include joint initiatives undertaken by cooperating agencies as well as public-private sector partnerships. The various institutions involved in such collaboration employ experts that bring vital disciplinary knowledge and skills across a wide range of possible impact types. IA by definition includes interdisciplinary environmental and social analyses of these impact types, including their cumulative and synergistic effects. IA law also fosters public participation, attention to environmental justice, and transparent decision making.

This report will be made available widely to the IA community, including IAIA Affiliates, to convey the results of this work and the recommendations for the next steps.



## 2.0 Summary of events and activities used to identify model IA procedures and institutional arrangements to help achieve climate change mitigation targets while conserving biodiversity

This section of the report provides an overview of the events (i.e., webinars, conferences, and symposia) and activities (i.e., development and application of a global survey instrument) related to work carried out under the action goal “Liaise with Environmental Law Organizations” (ELOs) from November 2021 to end of 2022. For each event, a few selected presentations are highlighted to showcase the model legal procedures for climate change action they discuss.

The following is a list of the events and activities:

- IAIA Think Big: A Cleaner Greener COVID-19 Recovery virtual forum series and panel discussion, November 2-18, 2021.
- IAIA EU Taxonomy of Sustainable Activities: Implications for IA Systems, webinar and panel discussion, March 23, 2022.
- The 41st Annual Conference of IAIA: Confidence in Impact Assessment: Policies, Partnerships, and Public Involvement, Vancouver, Canada, May 4-7, 2022.
- HUSZPO Environmental Assessments and the European Green Deal '22 Conference, Vodice, Croatia, September 14-17, 2022.
- IAIA Symposium: Celsius 1.5 Impact Assessment and Climate Change, Cape Town, South Africa, September 26-28, 2022.
- IAIA Members’ Perspectives on Model IA Procedures to Achieve the Paris Climate Agreement’s Carbon Targets, IAIA Member Survey, November-December 2022.

### 2.1 IAIA Think Big: A Cleaner Greener COVID-19 Recovery virtual forum series and panel discussion, November 2-18, 2021

An IAIA series of live-streamed virtual presentations, called “Think Big: A Cleaner Greener COVID-19 Recovery,” was held November 2-18, 2021. The recorded presentations and panel discussion are available on the [IAIA website](#). Wes Fisher developed this initiative via his leadership roles in the IAIA Climate Change Section and the IAIA COVID Task Force. The presentations by legal professionals that most directly identified model legal procedures and institutional arrangements were, in order of the date of presentation:

- Grant Wilson (JD, Lewis & Clark Law School; Executive Director of the Earth Law Center, Durango, Colorado, USA): The Emerging Field of “Earth Law” – November 9, 2021.

- Edward (Ted) Boling (JD, Washington University, St. Louis School of Law; Partner, Perkins Coie, Washington DC Office, USA): Rethinking the Role of the Council on Environmental Quality in the Transition to a Clean Energy Economy – November 12, 2021.
- Herman Greene (JD, University of North Carolina at Chapel Hill; Center for Ecozoic Studies, Chapel Hill, North Carolina, USA): Earth Law and Impact Assessments – November 12, 2021.
- Michael Gerrard (JD, New York University, School of Law; Director of the Sabin Center for Climate Change Law, Columbia Law School, New York, New York, USA): Legal Pathways to Impact Assessment of Massive Infrastructure Projects – November 16, 2021.

## **2.2 IAIA EU Taxonomy of Sustainable Activities: Implications for IA Systems webinar and panel discussion, March 23, 2022**

The IAIA EU Taxonomy of Sustainable Activities: Implications for IA Systems webinar discussed the *Impact Assessment and Project Appraisal (IAPA)* paper, “Environmental assessments and sustainable finance frameworks: Will the EU Taxonomy change the mindset over the contribution of EIA to sustainable development?” by Jiří Dusík (UNDP) and Alan Bond (University of East Anglia, UK). This webinar, and the related paper, identify the EU Taxonomy regulatory mechanism under the European Green Deal as a model regulatory approach because of its potential to change the prevailing paradigm of sustainable development, including perhaps the legal requirements of IA compliance, via the concepts of “significant contribution” and “do no harm” related to the EU Taxonomy’s stated environmental objectives. The IAIA Best Paper of 2023 was awarded to Dusík and Bond at the IAIA annual conference in Kuching, Malaysia. (*IAPA* 40(1-2) 90-98.) Dusík is also co-chair of the IAIA Climate Change Section’s action goal “Liaise with Financial Institutions, the Reinsurance/Insurance Industry and Risk Analysts.”

## **2.3 The 41st Annual Conference of IAIA: Confidence in Impact Assessment: Policies, Partnerships, and Public Involvement, Vancouver, Canada, May 4-7, 2022**

The 41st annual conference of IAIA was held May 4-7, 2022, in Vancouver, Canada. Two presentations delivered by legal professionals that directly identified specific model IA legal procedures (i.e., laws and regulatory frameworks) and institutional arrangements to help achieve the Paris Climate Agreement’s carbon targets, were given by Michael Gerrard and Edward (Ted) Boling.

- Michael Gerrard’s presentation, “Impact assessment, public involvement, and state-level decarbonization,” was a virtual (recorded) presentation delivered as part of the “New models of IA and climate change law worldwide” session, and highlighted a model for state-level climate change law called the New York Climate Act. This legal procedure and its implementation have important implications for IA procedures, particularly at the subnational (e.g., state/provincial) level of governance. Michael Gerrard shared some important insights into the New York Climate Law designed to deliver state-level decarbonization within the State of New York, USA.
- Edward (Ted) Boling’s presentation, “NEPA beyond 50: EIA for renewable infrastructure investment,” was an in-person presentation delivered as part of “The 50th anniversary of NEPA: Lessons learned and future challenges” session. Ted Boling shared some specifics on the Biden Administration’s efforts to address transportation and renewable energy development environmental reviews, specifically the ongoing efforts to both revisit the Trump-era changes to the CEQ Regulations and more broadly to facilitate more “timely, effective environmental review and authorization decisions.” His presentation provided valuable insight and details on the FAST Act and the related interagency council and the Biden Administration’s timeline provisions for environmental review via the Infrastructure Investment and Jobs Act (IIJA), which made the FAST-41 process a permanent environmental review process to be followed

for specified types of infrastructure projects. The creation and role of the interagency council related to the FAST-41 process, could serve as a model for institutional arrangements designed to support rapid decarbonization. Ted Boling's presentation also focused on the implications of these various legal procedures related to NEPA review timelines and interagency coordination in the context of offshore wind energy development.

## **2.4 HUSZPO Environmental Assessments and the European Green Deal '22 Conference, Vodice, Croatia, September 14-17, 2022**

The [HUSZPO Conference Environmental Assessments and the European Green Deal '22](#) was held September 14-17, 2022, in Vodice, Croatia. Authors of presentations that discussed model procedures related to IA under the European Green Deal included Jerzy Jendroška, Jiří Dusík, Alan Bond, Ivana Šarić, and Vedran Nikolić.

- Jerzy Jendroška (Ph.D./JD, Institute of Law at the Polish Academy of Sciences, Warsaw, Poland) is a legal professional and Managing Partner at Jendroška Jerzmański Bar and Partners (JJB) and Professor at the University of Opole and Riga Graduate School of Law, Poland. Dr. Jendroska's presentation as the keynote speaker for Plenary 5: "Integration of Sustainable Investment Policies into Impact Assessment Systems, Regulations, and Practice," covered a wide range of ideas about how to best adapt Poland's IA procedures to respond to the EU Taxonomy and climate change, including biodiversity assessment at different scales and how these initiatives might be synced to the Natura 2000 Conservation Objectives. The associated panel discussion about the need to integrate sustainable investment policies into impact assessment systems, regulations, and practice cautioned that "there was no need to implement rash solutions which might jeopardize or harm the EIA or SEA systems which have been built by now."
- Jiří Dusík (M.Sc. Eng. Czech Technical University, Prague, Czech Republic; Integra Consulting; UNDP). As the keynote speaker for Plenary Panel 2, Jiří Dusík gave a presentation entitled "EU Taxonomy - from classification toward disclosure and reporting." He discussed the EU Taxonomy in both a European and global context, the need for a "high quality and consistent verification process," and the details of the EU Taxonomy itself, including but not limited to the six environmental policy objectives, a discussion of "significant contribution" and "do no harm" principles, the technical screening criteria, disclosures, and "double materiality."
- Jiří Dusík (see above) and Alan Bond (Ph.D., Associate Professor, School of Environmental Sciences, University of East Anglia, UK) coauthored a presentation delivered as part of the Sustainable Financing and EU Taxonomy session, entitled "The Implications of Sustainable Finance Frameworks and Sustainability-related Disclosure Standards for Impact Assessment Systems" that covered a wide range of topics related to the EU Taxonomy, including the potential implications of the EU Taxonomy (e.g., six EU Taxonomy topics) for IA practice.
- Jiří Dusík (see above) and Ivana Šarić (Project Manager and Biology Expert, VITA PROJEKT Ltd, Zagreb, Croatia) coauthored a presentation delivered as part of the Sustainable Financing and EU Taxonomy session, entitled "Relationship between the EU Taxonomy and the World Bank Environmental and Social Framework" which compared the World Bank Environmental and Social Framework with the EU Taxonomy, suggesting that one approach might be to integrate the provisions of the EU Taxonomy and relevant Technical Screening Criteria into Terms of Reference and environmental studies. The presentation also emphasized the need to focus on pilot projects to learn by doing.
- Vedran Nikolić (MS Biology-Ecology, Ph.D. Marine Sciences, University of Zagreb, Croatia; Nature Protection Unit, Environment DG, European Commission). Dr. Nikolić's presentation as keynote speaker for Plenary 4: "Biodiversity and Natura 2000 Management Priorities," was entitled "European Green Deal: How to Achieve Renewable Energy Targets While Protecting and Restoring Biodiversity." Dr. Nikolić emphasized the urgency of climate change action and the critical role restoring ecosystems plays in combating climate change. Focusing his talk on

how to develop renewables while protecting and restoring nature, he discussed this within the context of the European Green Deal and more broadly within the context of the EU's environmental laws including the EIA Directive and the SEA Directive. Dr. Nikolić discussed the importance of strategic planning, sensitivity mapping, and the use of “renewable energy go-to areas.”

## **2.5 Celsius 1.5 Impact Assessment and Climate Change IAIA International Symposium, Cape Town, South Africa, September 26-28, 2022**

The Celsius 1.5 Impact Assessment and Climate Change IAIA International Symposium was held in Cape Town, South Africa from 26-28 September 2022. Dr. Nicholas King pointed out that current development policies are not on track to deliver the transformational change needed to deliver effective climate change action.

- Nicholas King (LLM, Environmental Law, University of Aberystwyth, Wales; Ph.D., Geography, SUNY Buffalo, New York, USA; MSc, Ecology, University of KwaZulu-Natal, Durban, South Africa; Environmental Futurist) delivered as part of Session 5: “Mainstreaming climate change into impact assessment, General, Part 1” (Tuesday, September 27) his presentation entitled “Desperately Seeking Inter-generational equity – IA Unusual Must Prevail” stressed: “every development decision must be based on its contribution to climate change mitigation, climate change adaptation, ecosystem restoration, and inter-generational equity and justice.” Nicholas King also chaired the Closing Plenary, Symposium Syntheses Panel, “Next Steps on Our Way to 2050 and Beyond” where the panelists shared their ideas on future priorities for climate change action.
- Peter Nelson (Project Lead, Planning Green Futures) closed off the opening plenary by summarizing the findings of a Global SEA he prepared in 2020-2021 during the COVID-19 Pandemic. The presentation detailed how the SEA makes the case for tackling all forms of inequality as part of the wider concern for the impacts of global warming. Further, Peter discussed the specific issues arising from human frailty, changes in population dynamics and the inexorable shift from rural to urban living. Peter noted that, unless food insecurity, poverty, poor health standards, lack of education and civil rights are addressed, there is little hope of reaching international agreement on the measures needed to combat and reverse global warming. The presentation recommended reform of the United Nations, and the full engagement of global citizens in addition to nation states.
- Wes Fisher (Co-Chair of IAIA's Climate Change Section) and Ahmed Sanda (Chair of the Section's Technical Advisory Group on Liaison with Urban & Regional Planners and Decision Makers) updated participants on IAIA Climate Change Action Plan and discussed practical next steps. These are detailed on the International Association for Impact Assessment's (IAIA's) website under [Hot Topics](#). Wes also directed attendees attention to a major new initiative under the Action Plan, the [Development of SEA Guidance for Renewable Energy](#) developed by Arend Kolhoff of the Netherlands Commission for Environmental Assessment (NCEA) and coordinated by Barry Dalal-Clayton ([bdalalclay@aol.com](mailto:bdalalclay@aol.com)) and Miles Scott-Brown ([miles@cieragroup.com](mailto:miles@cieragroup.com)). They are seeking comments from IA and SEA practitioners worldwide.

## **2.6 IAIA Members' Perspectives on Model IA Procedures to Achieve the Paris Climate Agreement's Carbon Targets IAIA Members Survey (November-December 2022)**

The IAIA Members' Perspectives on Model IA Procedures to Achieve the Paris Climate Agreement's Carbon Targets survey was developed to make this action goal's information gathering activities more inclusive and attempt to avoid the pitfall of Western bias when identifying model IA procedures to achieve the Paris Climate Agreement's carbon targets. Accordingly, the survey instrument was administered through the IAIA headquarters' office and sent out to both the IAIA membership

and the IAIA affiliates, which includes approximately 1,100 people from 110 countries. The survey included questions designed to gather IAIA members' perspectives on selected model procedures and, very importantly, included an open-ended question inviting IAIA members to tell us what they identify as model IA procedures to support climate change mitigation within their region and specialization of IA practice. The survey was sent to the IAIA membership in November 2022 and closed in December 2022. The analysis and discussion of the survey results are presented in Section 4.0 of this report.





### **3.0 Summary of identified model Impact Assessment (IA) legal procedures and institutional arrangements for achieving the Paris Agreement's climate change mitigation targets while considering biodiversity conservation**

This section of the report provides a brief summary of model legal procedures for climate change mitigation identified from IAIA-related events occurring between November 2021 and September 2022.

#### **3.1 European Green Deal, EU Taxonomy, and related initiatives**

The European Green Deal is one of the world's most ambitious initiatives designed to help achieve the Paris Climate Agreement targets. Its aim is to transform the European economy into a sustainable economy and provide a model for other countries to do the same. The European Green Deal encompasses a complex collection of legal mechanisms, institutional arrangements, and networks of collaboration, both formal and informal.

In support of the European Green Deal, the EU Taxonomy Regulation creates a taxonomy, or classification system, to identify and determine to what degree economic activities are sustainable. The EU Taxonomy has six policy objectives (i.e., environmental objectives): (1) climate change mitigation, (2) climate change adaptation, (3) the sustainable use and protection of water and marine resources, (4) the transition to a circular economy, (5) pollution prevention and control, and (6) the protection and restoration of biodiversity and ecosystems. Connected to the EU Taxonomy's definition of sustainable economic activity are two criteria:

1. Significant contribution to at least one of the six policy environmental objectives.
2. Do no significant harm to the rest of the objectives and respect human rights and labor standards.

As model legal procedures, both the European Green Deal and the EU Taxonomy Regulation were central to Jiří Dusík and Alan Bond's "IAIA EU Taxonomy of Sustainable Activities: Implications for IA Systems" webinar presentations and Jerzy Jendrośka, Jiří Dusík, Alan Bond, and Ivana Šarić's presentations at the HUSZPO Environmental Assessments and the European Green Deal '22 Conference, as described in Section 2.4 of this report.

The rapid uptake of the European Green Deal within the EU via the passage of key laws and regulatory mechanisms indicates the European Green Deal, acting as an umbrella law, may have the potential to contribute to the transformational change needed to address climate change and other global carrying capacity crises (e.g., species loss and biodiversity decline). As legal approaches, the European Green Deal and the EU Taxonomy deserve careful consideration when thinking about

how to advance IA oversight of climate change mitigation-related projects, policies, and programs worldwide.

### 3.2 Pathways to deep decarbonization: The New York Climate Law and related legal procedures and institutional arrangements

As described by Michael Gerrard during his presentation provided for the 41st IAIA Annual Conference in Vancouver, Canada, the New York Climate Law is a legal procedure for state-level (i.e., subnational governance level) decarbonization. The New York Climate Leadership and Community Protection Act (known as the New York Climate Law) was passed into law in July 2019. One of its primary goals is to rapidly increase the number of renewable energy facilities to supply the State of New York with clean energy and thereby decarbonize the state's energy supply, so as to contribute to meeting Paris Climate Agreement 2050 targets.

The passage of the New York Climate Act has led to the creation of regulations, councils, and other institutional arrangements and partnerships to help achieve New York's decarbonization targets. Of particular note are New York's concerns for how to best comply with IA procedures both at the federal level, via compliance with the National Environmental Policy Act (NEPA), such as for offshore wind energy development, and at the state level, via compliance with the New York State Environmental Quality Review Act (SEQRA).

Two additional resources shared by Michael Gerrard for more information on the role of IA to facilitate deep decarbonization: (1) the book *Legal Pathways to Deep Decarbonization in the United States* (Michael B. Gerrard and John C. Dernbach, editors, 2019), and (2) Columbia Law School's Sabin Center for Climate Law online resources <https://climate.law.columbia.edu/>.

The book *Legal Pathways to Deep Decarbonization* was developed from the Deep Decarbonization Pathways Project (DDPP), which is a global research initiative convened by the Sustainable Development Solutions Network ([SDSN](https://www.sdsn.org/)) and the Institute for Sustainable Development and International Relations ([IDDRI](https://www.iddri.org/)).

### 3.3 Biodiversity-focused law and institutional arrangements

Michael Gerrard, Herman Greene, and Grant Wilson are three legal professionals who delivered presentations that identified model IA-related legal and institutional arrangements that could help protect biodiversity while pursuing climate change mitigation as part of the IA process and related permitting procedures. Dr. Vedran Nikolić is an environmental scientist whose presentation focused on biodiversity conservation under Natura 2000, the EU's largest system of natural areas which are critical to EU biodiversity conservation and climate change mitigation success.

- Michael Gerrard's Legal pathways to impact assessment of massive infrastructure projects, delivered as part of the IAIA "Think Big: A Cleaner Greener COVID-19 Recovery" virtual theme forum, touched on the role of regional conservation planning to more effectively achieve the massive amount of renewable energy infrastructure development that needs to take place to meet climate change mitigation targets while still protecting biodiversity. The use of regional conservation plans as a type of legal pathway has the potential to build a strong link between cooperating agencies involved in renewable energy projects and biodiversity conservation at a large scale. This approach is also discussed in Michael Gerrard and John Dernbach's *Legal Pathways to Deep Decarbonization in the United States* (Michael B. Gerrard and John C. Dernbach, editors, 2019; page 468). The regional conservation plan highlighted by Michael Gerrard is called the [Desert Renewable Energy Conservation Plan](#). It involves cooperation between the BLM, the USFWS, and the State of California to facilitate renewable energy development and biodiversity conservation on more than ten million acres of public land across seven California counties.

- Grant Wilson's Rights of Nature and Herman Greene's Ecozoic Law presentations, both delivered as part of the IAIA "Think Big: A Cleaner Greener COVID-19 Recovery" virtual forum series, discussed an emerging type of legal procedure known by various names including Earth Law, Earth-centered law, and Ecozoic law. Generally speaking, this legal approach to biodiversity conservation seeks to give nature a voice, or rights, in law and government. One goal is to transform the legal system to be more representative and protective of nature. This emerging field of legal rights for nature, especially when captured in legislation, has the potential to overlap with impact assessment by mobilizing public and private engagement to participate in the IA process to highlight IA's shortcomings to protect nature, especially when considering long-term cumulative effects and ongoing loss of ecological integrity. If the Rights of Nature and the paradigm of Guardianship of Nature become established in law, it could position nature to be better and more directly represented either directly or through a basis of guardianship in related IA legal procedures. Thus, Nature, future generations, and stakeholders with limited access to decision-making processes are all represented through guardianship in support of the IA process. This also has implications for legal guardianship of Nature, such as through Indigenous peoples' identification with Nature and its elements, e.g., forests, rivers, and biodiversity.
- Dr. Vedran Nikolić's presentation as the keynote speaker for Plenary 4: Biodiversity and Natura 2000 Management Priorities was entitled "European Green Deal: How to achieve renewable energy targets while protecting and restoring biodiversity." Dr. Nikolić emphasized the urgency of climate change action and the critical role that restoring ecosystems plays in combating climate change. He discussed how to develop renewables while protecting and restoring nature, specifically within the context of the European Green Deal and more broadly within the context of the EU's environmental laws including but not limited to the EIA Directive and the SEA Directive. Dr. Nikolić detailed the importance of strategic planning, sensitivity mapping, and the use of "renewable energy go-to areas." His talk was rich with model legal procedures for climate change mitigation that also link strongly to biodiversity conservation.

### **3.4 Better integration of climate change mitigation assessment into Impact Assessment (IA) procedures**

Finding models for effective integration of climate change assessment into IA procedures was emphasized by Nicholas King during the Celsius 1.5 Impact Assessment and Climate Change IAIA International Symposium. He provided important insights into how and why we need to better integrate climate change assessment into IA procedures.

- Nicholas King's message that "every development decision must be based on its contribution to climate change mitigation, climate change adaptation, ecosystem restoration, and inter-generational equity and justice" sets forth a visionary paradigm shift for IA-informed decision making. Rather than including climate change as one more impact type to be considered under IA procedures, climate change should be an overarching determining factor for every future development decision.

### **3.5 IA environmental review timeline revisions, or "streamlining," for climate change mitigation infrastructure projects**

During their presentations as part of the IAIA Think Big: A Cleaner Greener COVID-19 Recovery virtual forum series and the 41st IAIA Annual Conference (Vancouver, Canada), Michael Gerrard and Edward (Ted) Boling presented their perspectives as legal professionals on the role of "streamlining" to effectively expedite the environmental review of decarbonization related to massive infrastruc-

ture projects. Examples of recent changes in legal procedures and institutional arrangements were provided for both state-level (subnational governance level) and federal-level IA-related environmental review timelines.

Additional context for this topic can be found in *Impact Assessment and Project Appraisal*, Volume 41, Issue 3 (2023) which contains a series of articles focusing on current 'streamlining' issues.

## **4.0 IAIA Members’ Perspectives on Model IA Procedures to Achieve the Paris Climate Agreement’s Carbon Targets (IAIA Members Survey) Results, Analysis, and Conclusions**

Results of the IAIA member survey, IAIA Members’ Perspectives on Model IA Procedures to Achieve the Paris Climate Agreement’s Carbon Targets (November – December 2022) as they pertain to the “Liaise with Environmental Law Organizations” action goal are presented in this section.

IAIA conducted a global survey of IAIA members and IAIA Affiliates to capture perspectives from the membership, including environmental legal professionals and IA technical experts, on model legislative and regulatory approaches, potential alternative approaches, and institutional arrangements to better address climate change mitigation in support of the Paris Climate Agreement and other planetary and local carrying capacity challenges. The survey was designed to capture a more inclusive, international perspective.

It is our intention to use the survey results to better inform IAIA’s work to implement the Climate Change Action Plan through the “Liaise with Environmental Law Organizations” action goal. Also, it is our hope that by sharing these survey findings, we might help advance strategic model Environmental/Social Impact Assessment procedures to help achieve Paris Climate Agreement targets and address other planetary boundary issues.

The survey was conducted using an online questionnaire distributed to the IAIA membership including the IAIA Affiliates. The questionnaire consisted of 20 questions covering different aspects of IA related to climate change and planetary carrying capacity issues as well as questions designed to understand the demographics of the survey responders. We opted for the application of a member survey because surveys are a common tool to gather information and opinions from a large number of professionals in the target fields of practice. The IAIA members and IAIA Affiliates were contacted in November-December 2022 to complete the online survey with a total of three requests including the initial request and two reminders.

### **4.1 Description of the survey’s target group and the respondents’ demographics**

#### **Survey’s target group:**

The International Association for Impact Assessment (IAIA) is a professional society with approximately 1100 members from 110 countries. IAIA members’ areas of professional practice represent many different disciplines and include a wide variety of economic sectors, civil society organizations, development banks, private consulting, academia, and governmental agencies and institu-

tions at all levels of governance.

We were pleased to obtain 80 survey responses from a wide variety of countries, yielding the international perspective sought.

### Survey respondents' demographics:

We will begin with an analysis of the demographics of the survey respondents before looking at the results for model procedures, so that we understand something about those who provided their perspectives in response to this survey. The respondent demographic questions make up the last section of the survey (questions 13-20, See Appendix). Some questions related to contact information, etc. were not reported to maintain the anonymity of respondents.

**Please indicate the country or region in which you most commonly practice IA:**

### Summary of results (see Figure 1):

- While most respondents indicated the country, some indicated the continent only.
- Most responses came from Canada (12.5%) followed by Europe with 5% (3 of the responses indicating the continent in general and one mentioning the UK. Responses also came from Uganda, South Africa, Kenya, and Ghana, with each accounting for 3.75% of the total responses received. Countries like the United States, Nigeria, India, and Argentina, and continents such as Asia and Africa (mentioned in a general way) had 2 respondents identified for each, followed by countries or areas such as Zimbabwe, Zambia, Tanzania, Sudan, Somalia, Oceania, Nepal, Mozambique, Madagascar, Latin America, Korea, Japan, Ireland, Iran, Guatemala, Cuba, Côte d'Ivoire, Colombia, Chile, the Caribbean, Brazil, Australia, and Angola with one response each. Figure 1 presents the representation of the responses that indicated a particular country or region in which the respondents most commonly practice IA.
- Note: 15% of the respondents did not indicate the country or region in which they most commonly practice IA.

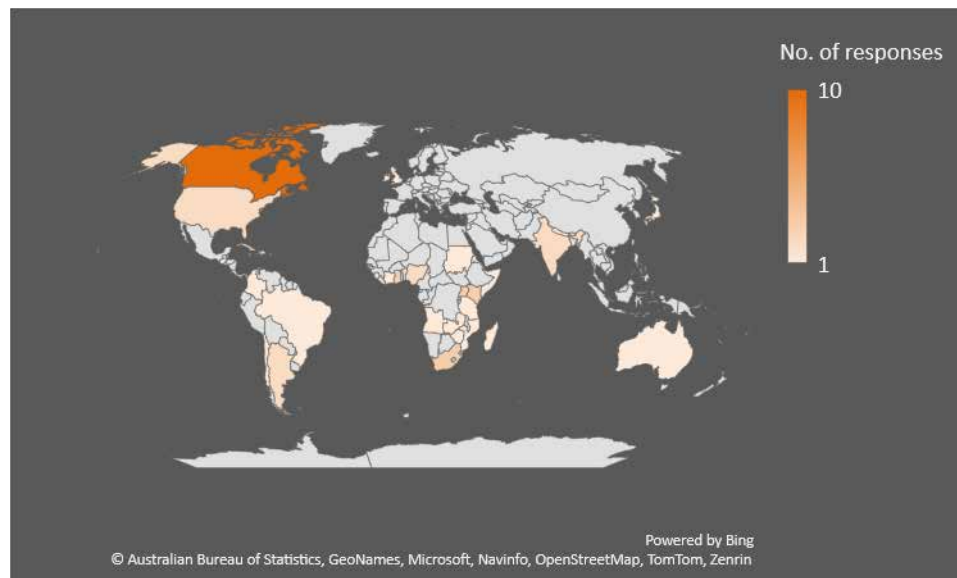


Figure 1 - Country or region in which respondents most commonly practice IA.

**Please indicate your years of experience in IA:**

- 0-1,  2-5,  6-10,  11-15,  16-20,  over 20

**Summary of results (see Figure 2a):**

As seen in Figure 2a, almost 50% of the survey respondents have 20+ years' experience, followed by over 25% that have 11 to 20 years' experience, while only 2 respondents are new to the field of IA.



Figure 2a - Years of experience in IA.

**Please indicate your organizational category:**

- Academic/Research Institution
- Bank/Financial Institution
- Government: Federal/National
- Government: Municipal/Local
- Government: State/Provincial
- NGO/Civil Society Organization
- Private Consultancy: 1-20 employees
- Private Consultancy: 21-200 employees
- Private Consultancy: more than 200 employees
- Private Sector/Business
- Other - please specify\_\_\_\_\_

**Summary of results (see Figure 2b):**

Respondents' organizational category is presented in Figure 2b, receiving mostly answers from Private Consultancy (with 1-20 employees), followed by Academic/Research Institution, Government: Federal/National, and NGO/Civil Society Organization. The Other categories include Independent Consultants, Quasi-Judicial tribunal that come from settled Land Claims in the Northwest Territories of Canada, and International Financial Institutions.

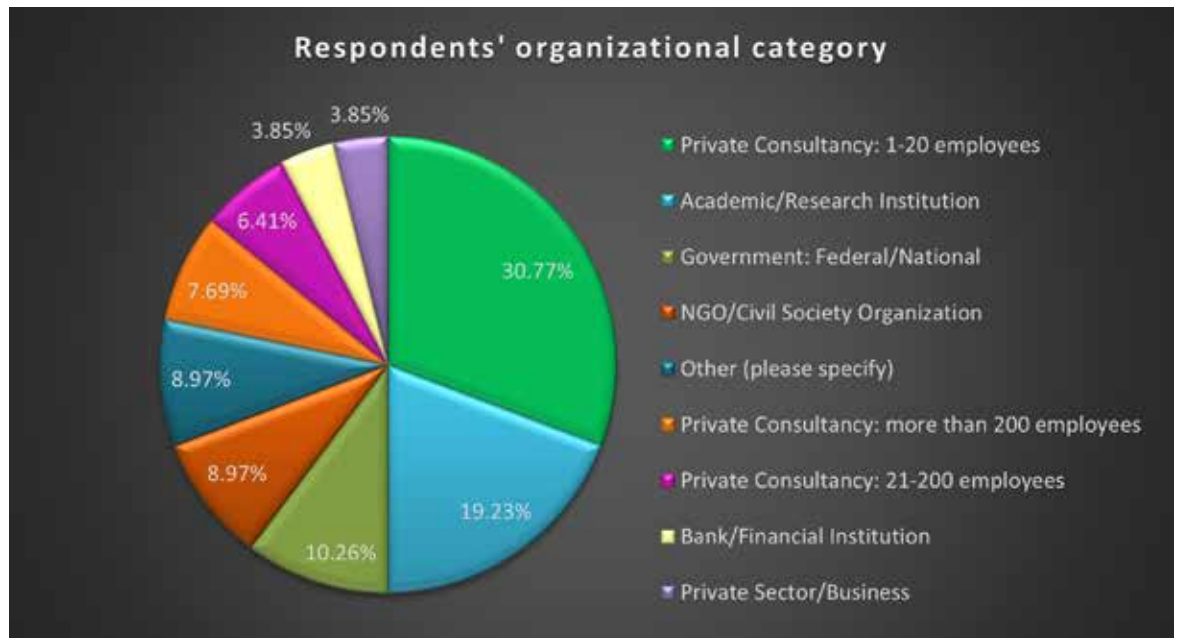


Figure 2b - Respondent's Organizational category

**Please indicate your age (select an age interval):**

- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65-74
- 75 years or older

**Summary of results (see Figure 3):**

Regarding the age of survey participants, the majority of respondents (75%) are 45+ years old as shown in Figure 3. This finding is consistent with the reported years of professional experience in the field of IA.

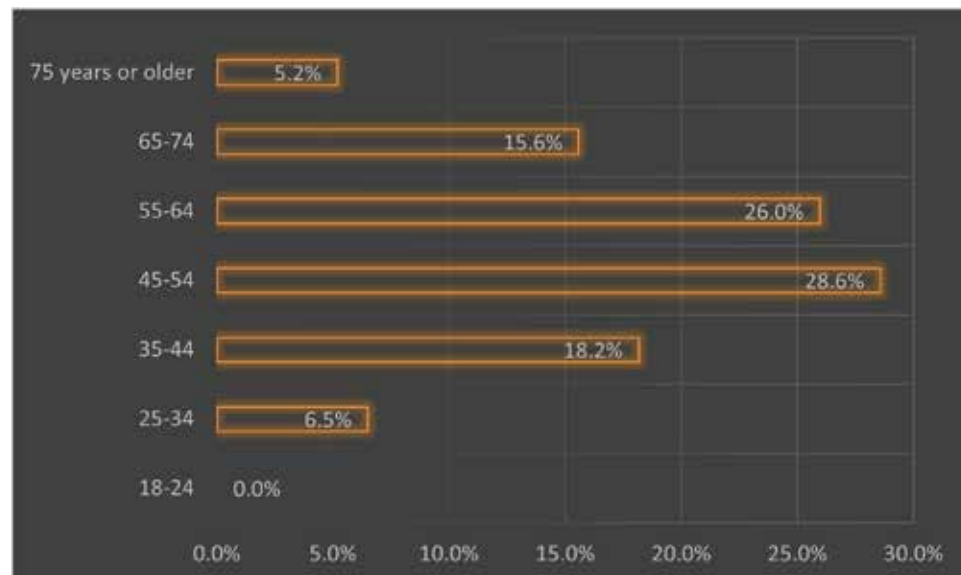


Figure 3 - Age of Respondents



**Please select your area(s) of professional practice (multiple answers):**

- General environmental issues
- Human rights
- Biodiversity
- Nature conservation
- Environmental protection
- Government regulation and enforcement
- Mining
- Energy
- Health
- Social science
- Cultural heritage protection
- Land use
- Climate change
- Agriculture
- Forestry & fisheries
- ESG
- Others (please specify).

**Summary of results (see Figure 4):**

Respondents selected their area(s) of professional practice as follows:

- General environmental issues (75.32%)
- Environmental protection (63.64%)
- Energy (48.05%)
- Climate change (42.86%)
- Mining (36.36%)
- Land use (32.47%)
- Biodiversity (31.17%)
- Government regulation and enforcement (31.17%)
- ESG (29.87%)
- Nature conservation (25.97%)
- Social science (20.78%)
- Cultural heritage protection (19.48%)
- Agriculture (18.18%)
- Health (15.58%)
- Human rights (14.29%)
- Forestry & Fisheries (9.09%)

There was also an "Other area of professional practice" option and the respondents indicated, in a percentage of 20.78%, the following fields:

Analysis of emerging technologies; Climate change; Community development; Cumulative effects; Disaster management; Economic; Environmental Monitoring; Infrastructure; Integration of indigenous knowledge; Labour & Working Conditions; Physical Environment - water, noise, and air quality, etc.; Protection of indigenous culture, values, heritage, way of life; Renewable energy; Sustainability assessment; Tourism; and Waste management.

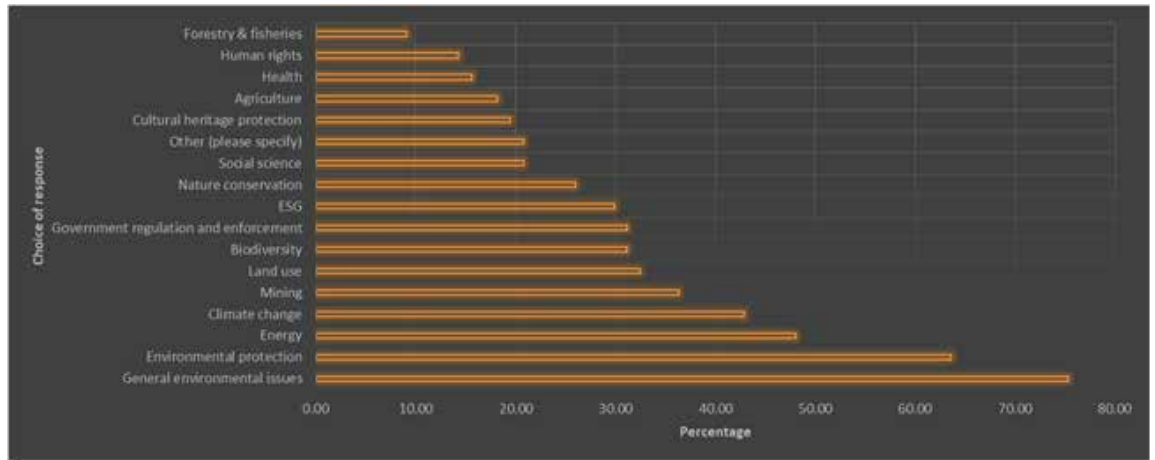


Figure 4 - Area(s) of professional practice (multiple responses allowed)

## 4.2 Summary of survey results for IAIA members' perspectives on model IA procedures.

**Please indicate how strongly you agree or disagree with the following statement: Identifying and disseminating "model Environmental/Social Impact Assessment (E/SIA) procedures" to policymakers is urgently needed to help them address climate change. Note: Please interpret "model E/SIA procedures" as those E/SIA procedures that have high potential to help achieve both climate change mitigation and environmentally and socially sustainable projects, plans, policies, and/or programs.**

### Summary of results (see Figure 5):

As shown, 97.44% agree to some extent, and almost half strongly agree with this statement concerning the urgency of identifying and disseminating model procedures in order to respond to climate change. While one person did not agree, and one other person did not know.

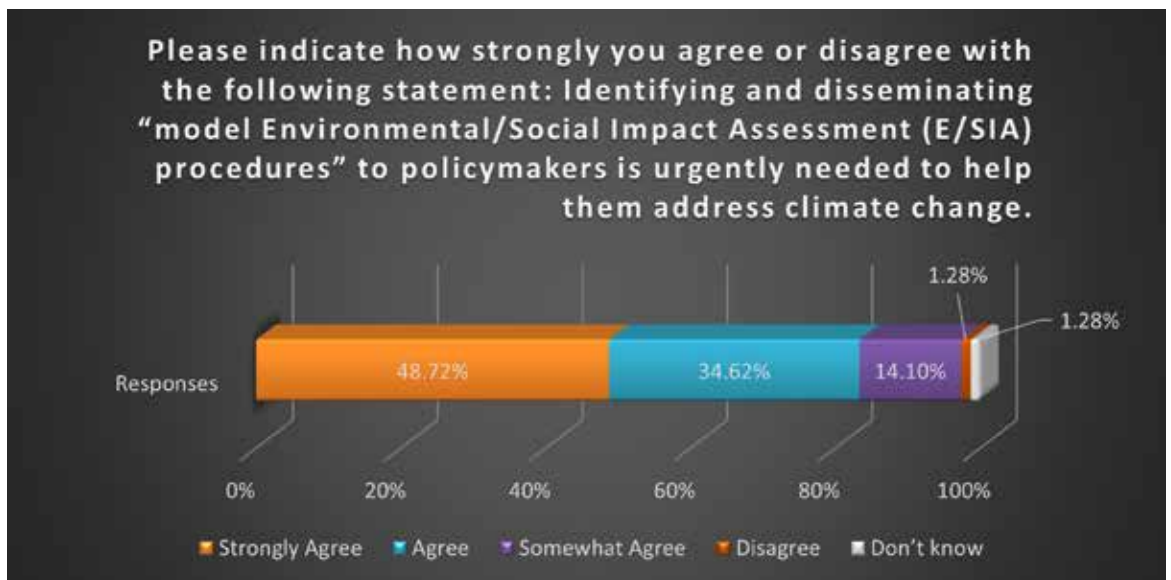


Figure 5: Importance of model IA legal procedures to inform climate change action.

**How important is the passage of a legally binding requirement for the incorporation of climate change impact analysis in E/SIA?**

**Summary of results (see Figure 6):**

As shown, an overwhelming majority of respondents thought the inclusion of climate change impact analysis in E/SIA was important; as shown with the following results: Extremely important (43.59%), Very important (35.90%), Somewhat important (19.23%), Don't know (1.28%).

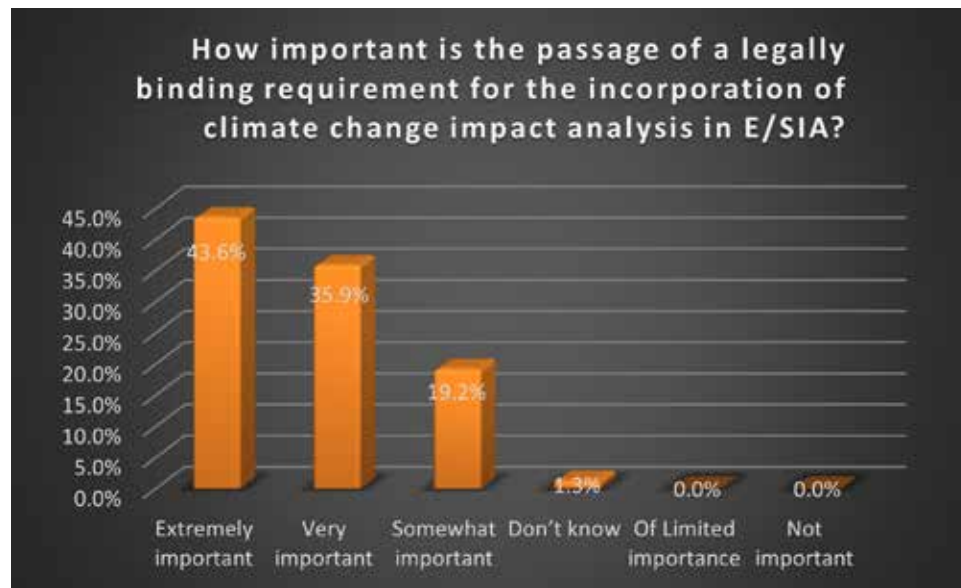


Figure 6: Importance of a legal requirement for climate change impact analysis.

**To achieve climate mitigation targets, how important is it to require legal incorporation of cumulative global/regional impacts in project level E/SIA?**

**Summary of results (see Figure 7):**

As shown, an equal percentage of respondents considered this Extremely important (40.51%) and Very important (40.51%), while only 12.66% considered this Somewhat important and 3.80% Of Limited importance. And 2.53% said they Don't know.

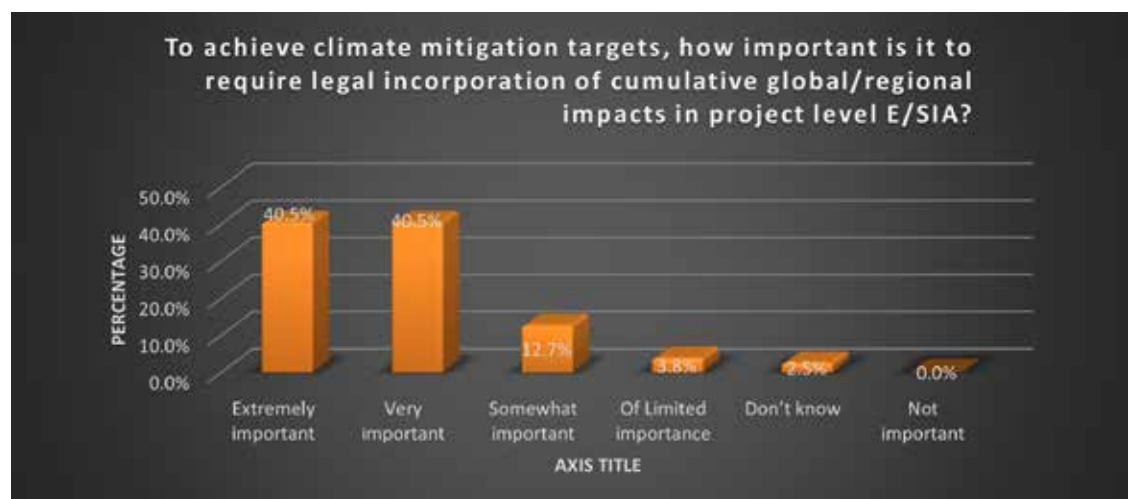


Figure 7: Importance of legal incorporation of cumulative IA.

**What “model Environmental/Social Impact Assessment (E/SIA) procedures” (e.g., laws, regulations, components of safeguard policies, best practices) are you aware of that could help achieve climate mitigation targets? Note: In this context, “model E/SIA procedures” should be interpreted as those E/SIA procedures that have high potential to help achieve both climate change mitigation and environmentally and socially sustainable projects, plans, policies, and/or programs. Please provide specific information about the country, organization, area of IA practice, and any key insights about the model IA procedure, including why you have identified it as a model E/SIA procedure, so that we can consider how to help advance this model for the benefit of all. If possible, also please cite a case study(ies) which demonstrates its successful implementation.**

### **Summary of results:**

This is an open-ended question where survey respondents were asked to describe model E/ESIA procedures with high potential to achieve climate mitigation targets and other important environmentally and socially sustainable projects, plans, policies, and/or programs. Among the 80 respondents to the survey, 45 provided a response to this question.

Some examples include vulnerability and impact assessment (e.g., Climate Vulnerability Risk Assessments), Strategic Environmental Assessment (e.g., Indonesia’s use of SEA for planning its energy transition), the World Bank’s Environmental and Social Safeguard Policies, the development and use of financial taxonomies (e.g., the EU Taxonomy), and the Sabin Center’s resources for climate change action. Another resource shared was guidance on how to ensure GHG emission inventories are interpreted correctly by using a relevance standard. Several country-specific legal mechanisms and guidelines were mentioned with less explanation.

### **How important are E/SIA procedures for safeguarding the following planetary boundaries?**

- **Stratospheric ozone depletion**
- **Loss of biosphere integrity (biodiversity loss and extinctions)**
- **Chemical pollution and the release of novel entities**
- **Climate Change**
- **Ocean acidification**
- **Freshwater consumption and the global hydrological cycle**
- **Land use change**
- **Nitrogen and phosphorus flows to the biosphere and oceans**
- **Atmospheric aerosol loading**

### Summary of results (see Figure 8):

Survey respondents indicated all nine planetary boundaries are important (Extremely important, Very important, and Somewhat important) with a range of values from 96.16% for both Land use change and Chemical pollution and the release of novel entities to 89.61% for Atmospheric aerosol loading. Of the nine planetary boundaries, the least important as indicated by the results for this question was Stratospheric ozone depletion. The overall success of the Montreal Protocol has placed this planetary boundary on a better trajectory than many of the others listed.

The percentage of respondents who chose Extremely important is listed below for each planetary boundary, providing a ranking from what is most to least important as indicated by the survey responses.

Percentage of respondents who indicated Extremely important:

1. Loss of biosphere integrity - biodiversity loss and extinctions (55.13%)
2. Land use change (50.00%)
3. Chemical pollution and the release of novel entities (47.44%)
4. Climate Change (46.75%)
5. Freshwater consumption and the global hydrological cycle (44.87%)
6. Ocean acidification (34.62%)
7. Nitrogen and phosphorus flows to the biosphere and oceans (32.05%)
8. Stratospheric ozone depletion (28.95%)
9. Atmospheric aerosol loading (24.68%)

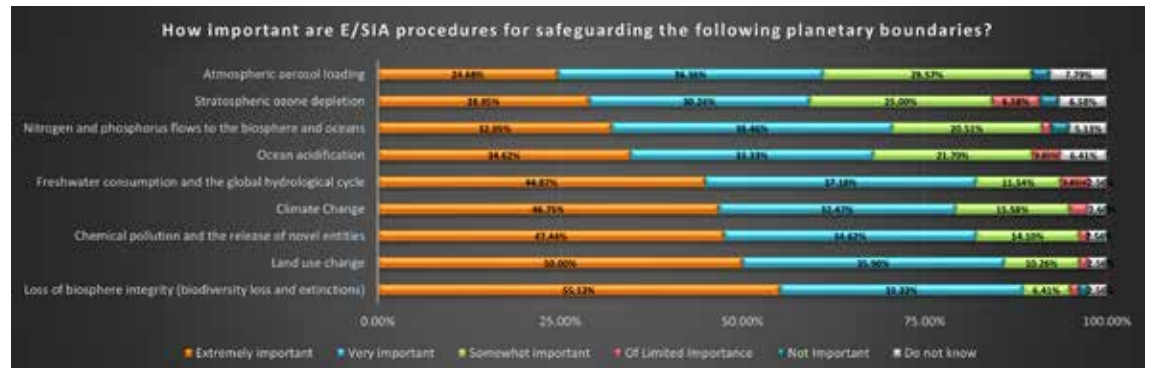


Figure 8: The nine planetary boundaries and their perceived importance.

**Please indicate how strongly you agree or disagree with the following statement: E/SIA procedures should directly address existing and potential overshoot of planetary boundaries.**

**Summary of results (see Figure 9):**

Most respondents (over 72%) Strongly agreed and Agreed with the statement, while only 5.1% of respondents Disagreed.

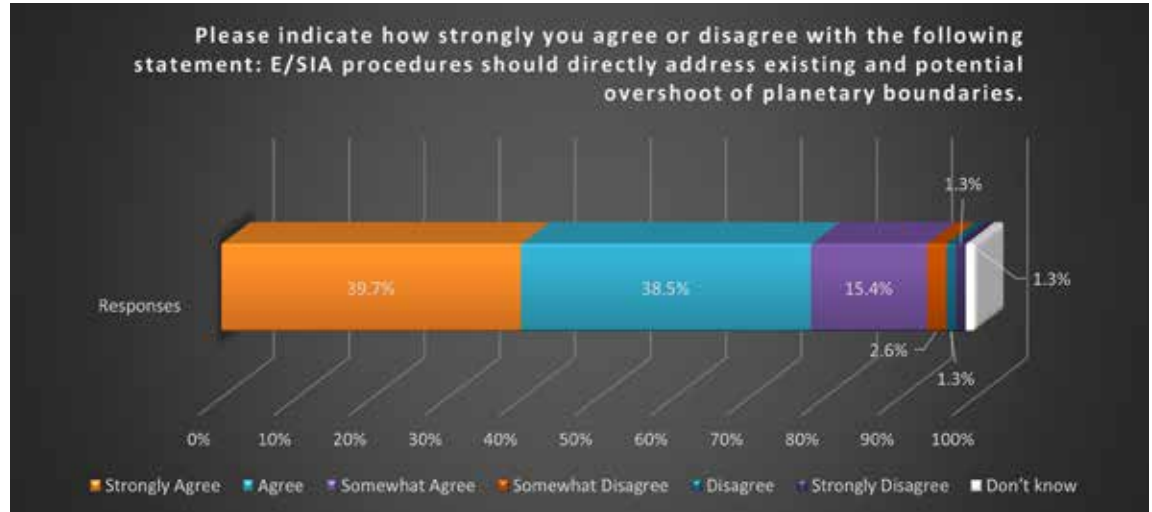


Figure 9: IA and the planetary boundaries

**Advancements and improvements in E/SIA procedures are needed to effectively assess the extensive infrastructure transformations (e.g., unprecedented increase in the number of renewable energy facilities, upgrades to electric grids, decarbonized transportation systems) necessary to achieve climate mitigation targets.**

**Summary of results (see Figure 10):**

Almost 90% of the respondents strongly agreed and agreed with this statement, while only 2.56% somewhat disagree with this statement.



Figure 10: IA and transformation of infrastructure

**The ability of IAIA to inform policymakers and/or decision makers more effectively about the importance of impact assessment procedures to help address climate change would require substantial financial resources.**

**Summary of results (see Figure 11):**

The survey found that most respondents consider this to be true, while 5.1% disagreed and one respondent did not know.

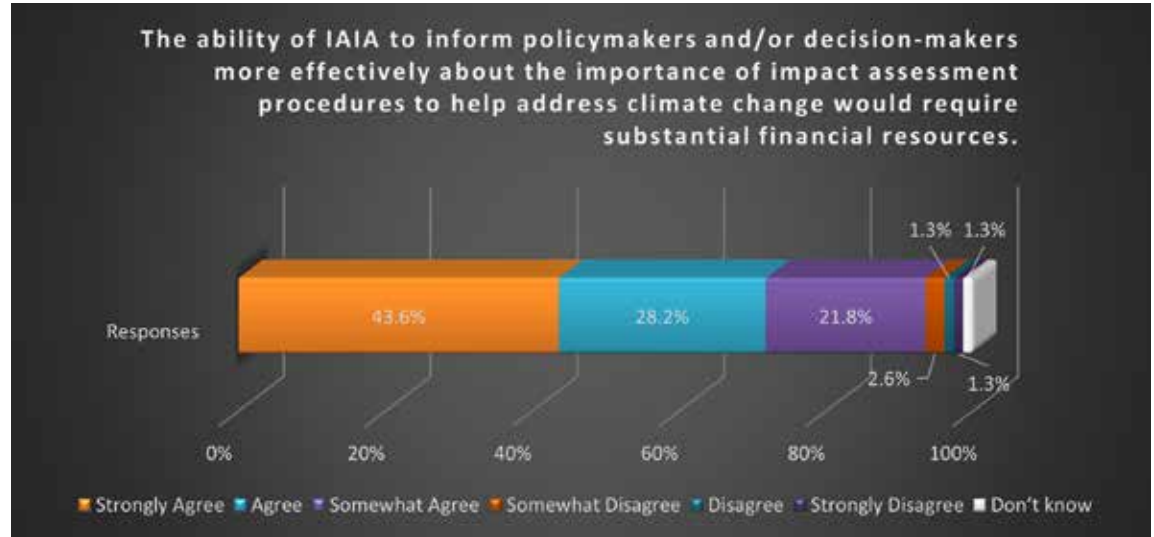


Figure 11: Need for financial resources

**How aware are you of the provisions of the European Green Deal?**

**Summary of results (see Figure 12):**

Very few, only 6.4% of respondents, said they are well aware of the provisions of the European Green Deal.

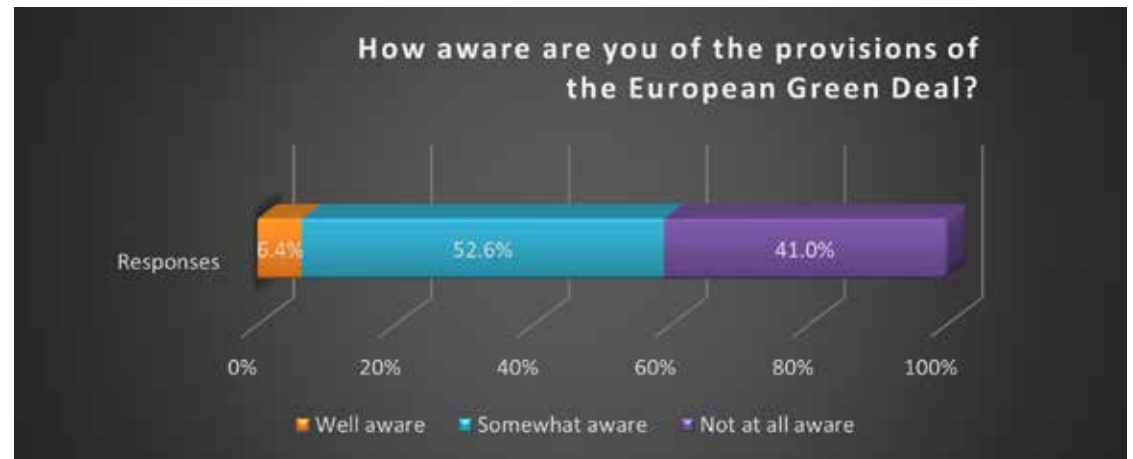


Figure 12: Awareness of European Green Deal provisions

**Would you like IAIA to organize a workshop to share more about the European Green Deal in the context of Environmental/Social Impact Assessment (E/SIA)?**

**Summary of results (see Figure 13):**

The majority responded affirmatively to wanting a workshop to learn more about the European Green Deal and E/SIA. The survey results indicate that there is a need for more awareness and knowledge about the European Green Deal among the IAIA membership if it is to act as a model for climate change action and IA practice.

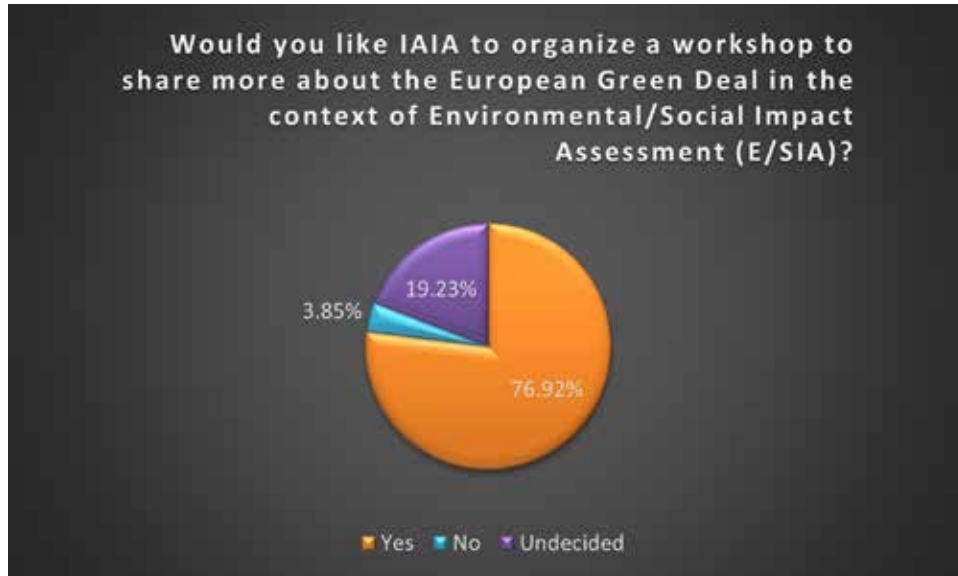


Figure 13: Level of interest in an IAIA workshop on the European Green Deal



**IA practitioner involvement in the development of strong financial sustainability criteria (e.g., EU Taxonomy) is critical for achieving climate change mitigation targets.**

**Summary of results (see Figure 14):**

As expected, the majority agreed, while 9% of respondents did not know.

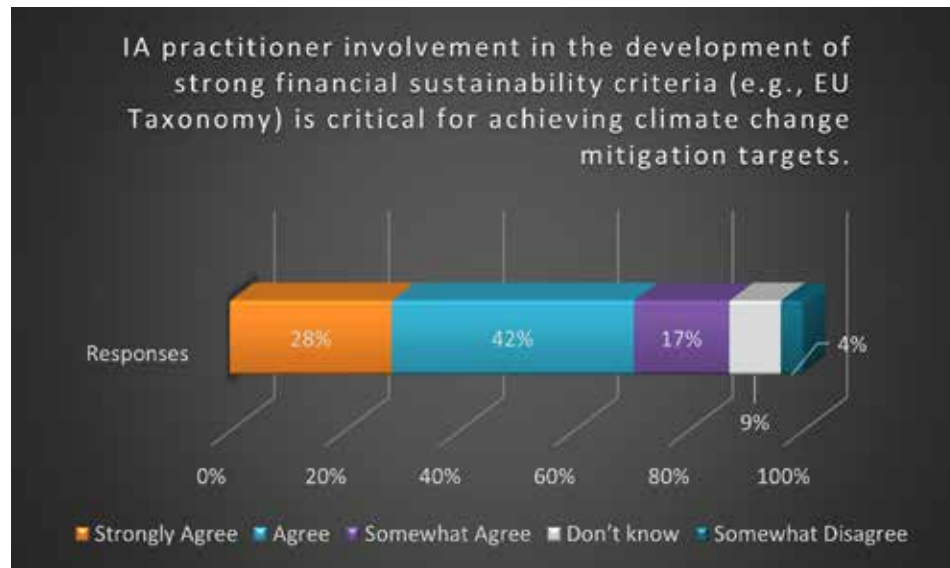


Figure 14: Summary of results

### 4.3 Discussion of survey results

The IAIA members’ survey results show the respondents overwhelmingly agree that model E/SIA legal procedures are important to address climate change. The results also strongly indicate a legally binding requirement for climate change impact analysis in E/SIA procedures is important. Almost all respondents felt there should be a legal requirement to incorporate cumulative global/regional impacts in project-level E/SIA. Given climate change is a type of cumulative effect and terrestrial biodiversity loss often results from the alteration of landscapes over time (land use change), the emphasis on addressing cumulative global and regional impacts at the project level aligns with our science-based understanding of the primary drivers of climate change and biodiversity loss. The respondents’ support for seeking legal mechanisms to better address these critical problems indicates the IAIA Climate Change Section’s inclusion of an action item to identify model legal procedures is well-aligned with the survey respondents’ expectations for how to seek positive change.

Several suggestions were made through the open-ended question responses for enhancing the legal framework of IA for successful climate change action. Further study and analysis of these model laws, regulations, institutional arrangements, and information resources is warranted. Materials produced using these suggestions as a starting point, could provide valuable insights for policy-makers and stakeholders who are working to strengthen the legal framework of IA for more effective and efficient climate change action. Several country-specific legal mechanisms and guidelines were also named. Given the specific nature of the responses and the limited information they could share via a survey instrument, a follow-up discussion with the respondents would be useful to gain more information about these additional potential model legal procedures and practices. Several respondents, who also shared their contact information, specifically mentioned their willingness to be of further assistance.

The respondents indicated that while all of the nine planetary boundaries are important, biodiversity loss and land use change were of most concern, followed closely by chemical pollution and the release of novel entities, climate change, and freshwater consumption and the global hydrological cycle. Most respondents felt E/SIA procedures should directly address existing and potential overshoot of planetary boundaries. Finally, some IAIA members commented they would like to better understand the planetary boundaries.

Regarding renewable energy development, almost all respondents (nearly 90%) agreed that advancements and improvements in E/SIA procedures are needed to effectively assess the extensive infrastructure transformations required to achieve climate change mitigation targets.

Most respondents agree it would take substantial financial resources for IAIA to inform policymakers and/or decision-makers about the importance of impact assessment procedures to help address climate change. It has been an ongoing point of discussion about how to identify and increase resources so IAIA can effectively share its expertise for better outcomes for the environmental challenges we face. The IAIA member survey results indicate the respondents see increasing resources as warranted if we are to affect positive policy change.

The survey results indicate a lack of awareness of the European Green Deal provisions among the IAIA members who responded to this survey. This is of particular concern given the European Green Deal was identified in our analysis as one of the most important model procedures for addressing climate change, although some respondents emphasized that the European Green Deal was not enough by itself and many types of legal procedures, techniques, and innovations will be required to effectively address climate change. Most survey respondents indicated they would like IAIA to organize a workshop on the European Green Deal, so there is strong interest in this topic.

Finally, survey results show that respondents think IA experts' involvement in the development of strong financial sustainability criteria is critical for achieving climate change mitigation targets. Although this result is not surprising, because it is well understood the private sector must play a critical role if we are to achieve effective climate change action, it is nonetheless useful to know that this is important to the IAIA community.

## 5.0 Conclusions and recommendations for next steps

Several model IA legal and regulatory procedures and institutional arrangements that appear well-suited to help achieve the Paris Climate Agreement targets for climate change mitigation have been identified and discussed in this report. Although efforts were made to avoid a Western bias, the results indicate that more efforts must be made to better capture a diverse view of how IA can contribute to climate change action. There are indications of where we could focus to broaden understanding of the range of legal procedures and institutional arrangements required. For example, the open-ended comments offered vulnerabilities as a key entry point for IA for climate change action. Strategic Environmental Assessment continues to be identified as a critical tool for capturing a broader perspective of the effects of sector-wide initiatives. The World Bank's Environmental and Social Safeguard Policies and other development bank forms of IA are being adapted to evolving needs. The use of financial taxonomies for sustainable economic activities that impact resource-rich developing economies important to international corporations and others also provides a key entry point for IA to affect more sustainable outcomes, provide accountability and transparency, and inform policymaking and decision-making.

The information-gathering activities for IAIA-related events (e.g., webinars, conferences, symposia) reported in Sections 2 and 3 of this report identified key organizations, environmental legal professionals, and IA specialists knowledgeable about model legislation, regulations, and institutional arrangements for climate change mitigation and safeguarding the Earth's biosphere across a range of IA-related approaches. The findings included topics such as: Rights of Nature – Earth Law (e.g., Columbia, Ecuador, Eastern Balkans); the Sabin Center's information resources for pursuing deep decarbonization; the New York Climate Law and related institutional arrangements; and the EU's many legal mechanisms, institutional arrangements, and collaborations to launch and advance the European Green Deal, such as those driving the EU Taxonomy for sustainable economic activities as well as biodiversity conservation within the Natura 2000 system and agricultural landscapes.

The European Green Deal and the EU Taxonomy have been identified as model legal procedures and it is recommended that they be further considered by IAIA under the "Liaise with Environmental Law Organizations" action goal to help the IAIA membership advance IA in its oversight of related projects, policies, and programs toward achieving the Paris Climate Agreement 2050 targets via transitioning toward a sustainable global economy.

For context, the European Green Deal is a comprehensive plan introduced by the European Commission in 2019 to make the European Union (EU) a climate-neutral and sustainable economy by 2050. One of the key elements of the Green Deal is the implementation of a range of measures to protect the environment and ensure the sustainable use of resources. The European Green Deal emphasizes the importance of environmental protection and sustainability, and IA is an important tool for achieving these goals. By requiring an EIA for certain projects, the European Union can ensure that environmental considerations are taken into account during the planning and decision-making process. This can help to minimize negative environmental impacts and ensure that the project is designed and implemented in a sustainable manner. In summary, the European Green Deal and Environmental Impact Assessment are closely linked, with EIA serving as a critical tool for ensuring the implementation of the Green Deal's objectives. EIA can help to minimize negative environmen-

tal impacts, promote sustainability, and ensure that projects are designed and implemented in a manner consistent with the Green Deal's goals. Strategic Environmental Assessment (SEA) can also be a critical tool at the planning, program, and policy level. It is therefore of great interest that the survey discussed in Section 4 of this report identified the European Green Deal and related initiatives as model legal procedures and found that most respondents did not think they were well-informed on the European Green Deal's provisions. Most respondents also indicated they would be interested in IAIA organizing a workshop on this topic.

There was a note of caution shared via the open-ended survey questions that IAIA should not limit its focus on initiatives such as the European Green Deal but continue to cast a wide net to identify a broad range of IA-related procedures for addressing the diverse needs of the global community interested in leveraging IA for effective climate change action. It was also suggested that IAIA needs to be sure to engage with IA practitioners to ensure their on-the-ground experience informs the identification and dissemination of model legal procedures for climate change action.

We recommend that the IAIA's Climate Change Section continue to liaise with environmental legal professionals and other IA specialists and gather information from IAIA-related events to further build and disseminate information about model legal procedures and institutional arrangements for climate change action. This initial effort focused on climate change mitigation, and we recommend this be broadened to include climate change adaptation-related model legal procedures, such as vulnerability and impact assessment, which was identified as a model legal procedure in the open-ended survey question results. Responses to the open-ended questions also suggested adaptation should be an area of focus in addition to climate change mitigation.

We recommend that information resources related to the topics identified in this study be developed and disseminated using IAIA's system of information sharing, such as conference trainings, symposia, workshops, webinars and panel discussions, best practice documents, and affiliate-based information sharing.

Below is a list of some recommended topics for future IAIA events to inform a broad range of IA stakeholders interested in model legal procedures for advancing climate change action, biodiversity conservation, and closely related initiatives. These events could be organized as conference theme forums, training events, or webinars with expert panel discussions.

1. Climate Law that Matters. Ensuring strong sustainability application of SEA and long-term Cumulative Effects Analyses (CEAs) under the European Green Deal.
2. Building strong sustainability IA into Financial Sustainability Taxonomies, with emphasis on the EU taxonomy as a model.
3. Climate Law that Matters. New York State Climate Law and the role of strategic planning in Deep Decarbonization.
4. The Status of Earth Law Initiatives and Impact Assessment, Rights of Nature, UN/UNDP/UNEP proposals, and examination of model strong sustainability law to protect the rights of future generations, as well as populations with limited representation in decision-making.
5. De-risking the Future. Ensuring Strategic Environmental Assessment and long-term cumulative effects analyses for climate action and biosphere management: How do we strengthen legal safeguards to assess and address long-term cumulative impacts on earth and human systems?
6. IAIA 2050. Defining IAIA's role in support of the 'Global Commons' and Earth and human systems.

Incorporating climate change considerations into IA practices is especially urgent given the massive amount of infrastructure that is needed to reduce GHG emissions and the many complex cumulative effects already unfolding that indicate the need for an adaptive approach to IA practice. This is compellingly demonstrated in the arctic environment, as described by a survey respondent in an open-ended question response. To improve the effectiveness of IA for climate change action, more

resources on model IA legal mechanisms and institutional arrangements are needed, such as trainings and guidance documents.

In summation, the survey results contain information that demonstrates the IAIA community's potential to contribute its expertise for effective climate change action. Further steps should be taken to connect IAIA community members to climate change action resources and initiatives so they can both share and receive useful information to advance their efforts to help achieve the Paris Climate Agreement targets for climate change mitigation and adaptation.

Once again, we wish to acknowledge and thank the Impact Assessment Agency of Canada Policy Dialogue for funds provided through a grant entitled Advance IA Processes and Climate Change Law, which helped make possible some of the activities discussed in this report.

To request additional information about IAIA Climate Change Section activities, including the events and information resources covered by this report, or how you can contribute your ideas, please contact IAIA at [info@iaia.org](mailto:info@iaia.org).

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### September 2024 Update

Since the completion of this project report (2022-2023), significant progress has been made by IAIA community members in advancing IA procedures and practices to enhance climate change action. This report's emphasis on the nine planetary boundaries framework and impact assessment has catalyzed a new initiative, the "IAIA Fit for Future (3F) Initiative," led by Weston Fisher, Charlotte Bingham, Peter Croal, and Stacey Fineran.

Several projects under the 3F Initiative are currently in development, including:

- The Asia Initiative & Asia Virtual Forum Series on Planetary Boundaries and the Global Commons, led by Professor Yuan Xu of the Chinese University of Hong Kong (CUHK). The first virtual forum will be a 6-week series scheduled for Wednesdays throughout October–November 2024 entitled, "Virtual Forum on Climate Adaptation and Megacities: Insights Learned in Hong Kong for All Cities."
- A proposal for training centers in Africa, led by Abulele Adams of CSIR, South Africa; Barry Wiesner, Amathemba Environmental Management Consulting CC, South Africa; Ahmed Sanda, Ashawa Consults, Nigeria; Yaw Amoyaw-Osei, CEHRT, Ghana; and Nicholas King, Environmental Futurist and UN IA Consultant, South Africa.
- A formal collaboration between IAIA and the Global Commons Alliance (GCA) to develop innovative model IA procedures that integrate science-based targets, supporting the achievement of a Safe Operating Space across the nine planetary boundaries. An MOU is under negotiation, led by IAIA CEO Gary Baker and Gerard Bos, Partnerships and Events Lead, Global Commons Alliance.

We are pleased to report that this study has already spurred several initiatives aimed at strengthening IA and advancing climate change action.

Looking ahead, the next steps include the development of training workshops on topics such as "The European Green Deal and E/SIA" and "The New York Climate Act." The latter could also address recent (May 2024) changes to the Council on Environmental Quality (CEQ) regulations and their implications for the large-scale deployment of renewable energy facilities in the U.S.

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**Appendix: “IAIA Members’ Perspectives on Model IA Procedures to Achieve the Paris Climate Agreement’s Carbon Targets” Survey**

## Perspectives on Model IA Procedures

### Introduction

**IAIA is seeking information and perspectives from its members and Affiliates on model impact assessment (IA) procedures to achieve the Paris Climate Agreement's carbon targets. This will inform IAIA's work to implement the Climate Change Action Plan. (See <https://www.iaia.org/downloads/hot-topics/Selected-Elements-Under-the-IAIA-Climate-Change-and-IA-Action-Plan.pdf>.)**

**The Impact Assessment Agency of Canada has funded the activity, "Liaise with Environmental Law Organizations," which is discussed in the linked document above. This activity aims to advance model Environmental/Social Impact Assessment procedures to achieve Paris Climate Agreement targets and address other planetary boundary issues.**

**Please respond by Wednesday, 16 November. Thank you in advance for your participation. We look forward to sharing the results of this survey with you.**

***Note: Survey responses are held in confidence. Information will be used for research purposes, and your personal data will be processed in accordance with current data protection legislation. Your personal data will be treated in the strictest confidence and will not be disclosed to any unauthorized third parties. The results of the research will be published in anonymized form, and you may choose to complete the survey completely anonymously.***

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1. Please indicate how strongly you agree or disagree with the following statement: Identifying and disseminating "model Environmental/Social Impact Assessment (E/SIA) procedures" to policymakers is urgently needed to help them address climate change.

**Note:** Please interpret "model E/SIA procedures" as those E/SIA procedures that have high potential to help achieve both climate change mitigation and environmentally and socially sustainable projects, plans, policies, and/or programs.

- Strongly Agree
- Agree
- Somewhat Agree
- Somewhat Disagree
- Disagree
- Strongly Disagree
- Don't know



2. How important is the passage of a legally binding requirement for the incorporation of climate change impact analysis in E/SIA?

- Extremely important
- Very important
- Somewhat important
- Of Limited importance
- Not important
- Don't know

3. To achieve climate mitigation targets, how important is it to require legal incorporation of cumulative global/regional impacts in project level E/SIA?

- Extremely important
- Very important
- Somewhat important
- Of Limited importance
- Not important
- Don't know

4. What “model Environmental/Social Impact Assessment (E/SIA) procedures” (e.g., laws, regulations, components of safeguard policies, best practices) are you aware of that could help achieve climate mitigation targets?

**Note:** In this context, “model E/SIA procedures” should be interpreted as those E/SIA procedures that have high potential to help achieve both climate change mitigation and environmentally and socially sustainable projects, plans, policies, and/or programs.

Please provide specific information about the country, organization, area of IA practice, and any key insights about the model IA procedure, including why you have identified it as a model E/SIA procedure, so that we can consider how to help advance this model for the benefit of all. If possible, also please cite a case study(ies) which demonstrates its successful implementation.

5. How important are E/SIA procedures for safeguarding the following planetary boundaries?

	Extremely important	Very important	Somewhat important	Of Limited Importance	Not Important	Do not know
Stratospheric ozone depletion	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Loss of biosphere integrity (biodiversity loss and extinctions)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Chemical pollution and the release of novel entities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Climate Change	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ocean acidification	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Freshwater consumption and the global hydrological cycle	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Land use change	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Nitrogen and phosphorus flows to the biosphere and oceans	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Atmospheric aerosol loading	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

6. Please indicate how strongly you agree or disagree with the following statement: E/SIA procedures should directly address existing and potential overshoot of planetary boundaries.

- Strongly Agree
- Agree
- Somewhat Agree
- Somewhat Disagree
- Disagree
- Strongly Disagree
- Don't know

7. Advancements and improvements in E/SIA procedures are needed to effectively assess the extensive infrastructure transformations (e.g., unprecedented increase in the number of renewable energy facilities, upgrades to electric grids, decarbonized transportation systems) necessary to achieve climate mitigation targets.

- Strongly Agree
- Agree
- Somewhat Agree
- Somewhat Disagree
- Disagree
- Strongly Disagree
- Don't know

8. The ability of IAIA to inform policymakers and/or decision-makers more effectively about the importance of impact assessment procedures to help address climate change would require substantial financial resources.

- Strongly Agree
- Agree
- Somewhat Agree
- Somewhat Disagree
- Disagree
- Strongly Disagree
- Don't know

9. How aware are you of the provisions of the European Green Deal?

- Well aware
- Somewhat aware
- Not at all aware

10. Would you like IAIA to organize a workshop to share more about the European Green Deal in the context of Environmental/Social Impact Assessment (E/SIA)?

- Yes
- No
- Undecided

11. IA practitioner involvement in the development of strong financial sustainability criteria (e.g., EU Taxonomy) is critical for achieving climate change mitigation targets.

- Strongly Agree
- Agree
- Somewhat Agree
- Somewhat Disagree
- Disagree
- Strongly Disagree
- Don't know

12. Please provide any other comments / information you consider relevant:

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### Demographics

**Your responses to the following questions will help us categorize and analyze the survey results.**

13. Which category describes your current position? Choose all that apply.

- Lawyer
- Policy maker
- IA practitioner
- Consultant
- Professor (academia)
- Researcher
- Student
- Other (please specify)

14. Please indicate your organizational category:

- Academic/Research Institution
- Bank/Financial Institution
- Government: Federal/National
- Government: Municipal/Local
- Government: State/Provincial
- NGO/Civil Society Organization
- Private Consultancy: 1-20 employees
- Private Consultancy: 21-200 employees
- Private Consultancy: more than 200 employees
- Private Sector/Business
- Other (please specify)

15. If you wish, please provide the name of your institution/organization:

16. Please indicate the country or region in which you most commonly practice IA:

17. Please indicate your age by selecting the appropriate age range: :

- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65-74
- 75 years or older

18. Please indicate your years of experience in IA:

- 0-1 years
- 2-5 years
- 6-10 years
- 11-15 years
- 16-20 years
- More than 20 years

19. Please select your area(s) of professional practice (multiple responses allowed):

- General environmental issues
- Human rights
- Biodiversity
- Nature conservation
- Environmental protection
- Government regulation and enforcement
- Mining
- Energy
- Health
- Social science
- Cultural heritage protection
- Land use
- Climate change
- Agriculture
- Forestry & fisheries
- ESG
- Other (please specify)

20. If you are interested in the results of the study, you can enter your name and e-mail address below. Your contact details will not be linked to your survey responses.

Name

Email

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**Thank you for taking the time to complete this survey. Your responses will be very helpful and will contribute to a report being prepared to help advance model Environmental/Social Impact Assessment procedures to achieve the Paris Climate Agreement targets and address other planetary boundary issues. If you have any questions about this survey, please reach out to the project's leads, Stacey Fineran ([ssfineran@gmail.com](mailto:ssfineran@gmail.com)) or Andreea Nita ([andreea.nita@cc.unibuc.ro](mailto:andreea.nita@cc.unibuc.ro)).**

