

Presentation Prague – annex 2

**4th directorate
Staff section 4.2
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Note to the directors' board

Audit evaluation note

Soil management - Defence department

**Prevention and sanitation of polluted soils carried out by the
National Defence department**

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1. Audit summary

The report was published on 7 February 2007 (following the general assembly of 13 December 2006).

The purpose of the audit was to verify whether the National Defence department had addressed the prevention and sanitation of polluted soils in an effective way. The audit showed that mostly in the last few years the Defence department had strived to address the environmental issue, including in the field of soil management. The Defence department, however, lacks insight into the size of its historic pollution and the exact nature and volume of the polluting activities. Besides, few financial resources were freed up to rehabilitate polluted lands.

It appeared from the audit that several conditions for an adequate soil management were not yet fulfilled and that the Defence department addressed prevention and sanitation of polluted soils according to a pragmatic approach rather than according to a plan. From 1995 to 2004 an amount of 3.5 million euros was spent on soil sanitation. The Defence department estimates the remaining costs to be borne for the current files at around 12 million euros. This figure is particularly low compared with other countries. The Dutch sanitation programme for military lands (1991-2010) is estimated at 225 million euros. Sanitation costs are often deducted as a minus price in the selling price when it goes to selling Belgian military lands and quarters so that the real cost is not clearly known.

The following limitations are an obstacle to an effective soil management:

- The soil management legal framework is little transparent. This is due to the unclear relationship between the specifically military legislation and the regional environmental legislation. The large-scale implementation of the two hundred year old military legislation leaves scope for significant limitations of the civilian legislation. There is little basis for such exception rules for military activities at an international level.
- Environment and soil management are not sufficiently tackled according to a plan in spite of the existence of an environmental policy blueprint. An overall land policy is still missing (a policy for intended use and planning of military lands) which would include soil management. The prevention and rehabilitation objectives are not verifiable and an estimate of the budget impact of the policy blueprint is lacking. Anyhow the Defence department should acquire a better insight into the environmental liability and damaging activities to address pollution prevention and sanitation while properly informed.
- The Defence department has become more aware of the pollution issue these last few years. It has adapted its organisational structure to ensure an overall and integrated approach to environmental care. Many internal guidelines show that the Defence department has become aware of the legislative framework in the field of environmental management and the existing environmental techniques. Management instruments designed to make the renewed organisational structure function (procedures, software programmes,) are not in place or not yet operational. Insufficient attention is devoted to the implementation of guidelines, the associated follow-up and internal control.
- The Defence department addresses polluted soils in a pragmatic way, but faces a serious lack of resources. Few sanitation files have so far been initiated or closed. In

addition to environmental hygiene risk analyses, operational and budgetary arguments determine the priorities for the selection of the soil examinations and sanitations. The Defence department has no formal programme describing the cost price and the duration of the whole sanitation operation. Anyway the sanitation of polluted lands will soon or later require a lot of financial resources.

2. Evaluation

We now examine the conduct of the audit process, the circulation and the intended use of the report.

2.1. Conduct of the audit process

Annex 4 of the manual 'thematic auditing' contains an indicative checklist that can be used to appraise the quality of the audit process and audit product. This annex contains the completed checklist.

Communication with the Defence department went smoothly. The following major elements were broached:

- Discussion of the major elements of the audit proposal before starting the audit ;
- Comment by the audit manager and the audit team of the audit procedures and presentation of the headlines of the findings and provisional conclusions of the audit following the appointment of a new high officer of ACOS WB, Secretary General Geirnaert (end of April 2006).
- Contradictory debate with the department and the minister.

2.2 Circulation of the report

After publication the report was also sent to the federal and the three regional environment ministers. The information in the press release was taken up by various newspapers and made available on various websites. From 1st February till the end of September the report was downloaded 1354 times.

Month	Dutch	French
February 2007	225	130
March	125	107
April	99	72
May	73	57
June	102	77
July	76	63
August	48	33
September	36	31
Total	1354	

A short narrative of the report in English was published on the Eurosai -WGEA website (environment)¹

¹ (http://eurosai.nik.gov.pl/en/site/px_Belgium_soil_management_2007.pdf)

2.3 Intended use of the report

2.3.1 At the political level

The minister endorsed the Court's conclusions report and answered that the recommendations would be used as a basis for elaborating the Defence's environment and soil management. He did not, however, respond to the issue of a remedial of the non-optimal relation, admitted by him, between the military legislation and the regional environmental legislation nor to the recognized lack of financial resources for soil sanitation.

The Federal Parliament did not discuss the report. One parliamentary question enquired about the priorities and the measures that the Minister would adopt on the basis of the report. The Minister hinted that a supplementary agreement with the regional environment ministers would be concluded².

In the Flemish Parliament 2 questions were asked after the report was received³. The Environment Minister also hinted at the signature of a cooperation agreement but clarified that it only deals with wood and natural areas management and has no link with the implementation of the environmental legislation. The Minister repeated that he would urge the Defence Minister to comply strictly with the Court's recommendations. The Minister asked OVAM (Flemish Public Waste Agency) to verify the way the report said the Defence department proceeded in the light of the provisions of the (soil sanitation) decree. He said he was in favour of specific agreements between the Belgian military forces and OVAM concerning the programming of these sanitation measures.

In the Walloon Parliament one question was asked about possible incentives for a better collaboration between the regions and the Defence department. The Minister replied that his department considers what initiatives it could take that would meet the conditions to facilitate a real dialogue that would improve the collaboration with the Defence department⁴.

2.3.2 At the Defence department

In the minister's answer the Defence department was reported to say that certain recommendations had already been implemented in practice. For instance,

- A better planned approach is being worked out by organising a structural information exchange between the regional centres for infrastructure and the environmental coordinators and an in-depth mapping of the soil management risk activities.
- The implementation of the environmental protection and licence system should allow the environmental coordinators within a reasonable time limit to improve the monitoring of the implementation of the guidelines work out a verification framework and check and improve the quality of the control.

Besides, it appeared that the Defence department has taken the following organizational adjustments:

- The former division ACOS WB has been incorporated into DGMR.
- Within DGMR a coordination officer has been appointed to coordinate the efforts of the Defence department on the environmental front and optimize the budgetary planning and follow-up.

² Question nr 14154 by B. Wiaux, CRABV 51 COM 1205, 14 February 2007, page 3 (with answer from Minister A. Flahaut)

³ Manuals, 2006-2007, Question nr 460 from M. Van den Eynde and question nr 305 from R. Daem, C 104 – LEE13 – 15 February 2007, page 12 (with answer from Minister K. Peeters).

⁴ Question nr 86 (2006-2007) 1, from E. Stoffels, 8 February 2007 (with answer from Minister G. Lutgen).

- External concertation has been started with OVAM to lay the foundation of a sustainable soil management of military lands.

An interview with the Defence department contact persons about the conduct of the audit was no more possible because none of them is for the time being still operational at the Defence department. The succeeding persons in charge, however, have invited the audit team to a meeting (scheduled by the end of November) during which the subsequent Defence approach to soil management will be commented.

2.3.3 Considerations about possible audit side-effects

After the audit was closed and the provisional result presented to Mrs. Geirnaert, Secretary-general of ACOS-WB, a change in staff was introduced at the top of the unit Environment of ACOS-WB. There is no indication that there might be a link between the audit and the change in staff. Nevertheless this calls for attention to possible side-effects of a Court's audit.

The standards used by the Court for its audits do not focus on the functioning of staff members. Nevertheless the findings following the verification of these systems-based standards can show some dysfunctions of certain staff members. Anyway the Court has no view or control over the way the audited body uses the report for (possibly other than the envisaged) internal purposes. The declaration of one of the contact persons at the Defence department that the Court's report can be used as a tool of persuasion ('as a stick behind the door to persuade hierarchical higher persons) is an illustration of this.

2.3.4 Intended use by others

The Flemish Environmental company (VMM) takes up a summary of our report in the biannual Environment and Nature report - MIRA-be-rapport 2007 - (publication scheduled by the end of 2007). The summary contains the audit questions, method, findings and recommendations of the policy evaluation.

MIRA-be 2007 has a two-fold ambition. In a first place the report provides an overview of the evaluation studies of the Flemish environmental policy during the past two years and thus describes the situation of the environmental policy (what works and does not work in the policy). Besides VMM will draw lessons from this overview on the basis of a meta-evaluation (query about the policy evaluation culture, the learning process, the expertise, the professionalism). In this framework feedback was given to VMM about the conduct of the audit process. This information is incorporated anonymously in the MIRA-be report.

2.4 Conclusion

The modifications already introduced and announced in the internal organisation of the Defence department are a direct result of the report. The effects of the recommendations in the field of budget and legislation are now not yet visible. The lack of resources and the modification of the legislation are considered as external factors by the Defence department itself. The Defence Minister does not seem to be willing to respond to the Court's recommendations at the political level (legislative adjustment and increase in resources). The Defence department as well as the federal and regional political level seem to intend to strengthen their collaboration. In spite of its technical nature the report enjoyed a wide circulation. As the audit was incorporated into the MIRA-BE the report will have further carry-over effects.

3. Learning effects

This audit allows to draw the following lessons:

- *Selection of the topic*

The selection of a topic focussing on the federal authorities' (Defence's) compliance with a regional legislation and (environmental) policy has both advantages and disadvantages. The interest at the federal political level in a topic that is not within their own remit is naturally more restricted than in topics for which a minister conducts his own policy. But this lack of interest is also an instructive audit topic for the Court in that it highlights the implementation and application of the regional legislation and policy by federal authorities (application of diverging legislations, lack of resources, lack of coordination and collaboration, ...). The carry-over effect of the report at the regional level (questions in the Flemish and Walloon Parliament) shows that this report lends itself to an additional use. In all cases, it has made sense to provide a copy of the report both to the environmental federal minister and the regional ministers for possible use.

- *Topic and standards framework*

The preliminary study selected Defence soil management as audit topic. The focus of the audit was extended as the audit was in progress:

- Broadening of the audit scope from soil to environment: On the one hand the various environmental sectors (waste water, waste, air, soil ...) are strongly connected with each other and influence each other and on the other hand many of the problems found are linked with shortcomings in the planned approach of the overall Defence environmental policy.
- Broadening of the audit scope to include the land policy: the soil policy could not be focused away from the lack of a real defence 'land policy' (within the Defence department).
- Broadening of the audit scope to include several aspects of the functioning of the Defence department: the far-reaching fragmentation of tasks and competences within the Defence department causes organizational problems in the functioning of the support services.

The contents exceed thus largely what the title of the report might suggest. The choice to work on a broader basis than at the outset was motivated by the findings during the implementation of the audit. The broader content of the audit allows the Defence department to use the report in a larger framework. Therefore the choice was also made to take up the standards framework in full in the annex to the report. The standards were too detailed in comparison with the actual situation but can now be useful for the audited entity to elaborate its environmental policy and management.

- *Meta-evaluation:*

The experience of VMM with meta-evaluation in the framework of the MIRA-BE report is useful and instructive. A comparison with the experience of other evaluators shows our institution's own characteristics as policy evaluator. It also highlights the prospects that a meta-evaluation of the Court's reports by third parties could offer.

Annex: completed self-evaluation checklist

1. Product quality

1. Does the report provide a clear answer to the audit topic and the audit questions?	The audit questions were fully answered.
2. Were the original audit questions relevant and rightly formulated - seen in retrospective?	The audit questions correspond fully to the audit intention. But during the implementation findings were made that led to a broadening of the audit scope.
3. Has the audit generated relevant remarks and recommendations?	Yes
4. Do the conclusions match the results expected in the preliminary study?	Yes, <ul style="list-style-type: none"> ▪ But the organisational fragmentation and its impact on the internal collaboration and communication in the field of land policy, environmental policy and management, appeared to be more serious than expected. ▪ Also the gap between the drafted guidelines and the implementation and enforcement on the 'workfloor' looked unexpectedly high
5. Would the audit still sustain again the selection criteria required for a thematic audit – seen in retrospective?	<ul style="list-style-type: none"> ▪ The risk analysis manual and methodology were not yet in force at the moment the topic was selected. ▪ As this audit was one of the first to be carried out by the new staff section 4.2, the choice initially was to select a topic of a relatively modest size that would prove relevant but not addressing the core business of the Defence department. Such a concern would be less prominent in the future.
6. Is the audit report published at an opportune time?	The audit report was published at a time when the Defence first environmental plan was put into action. Consequently the timing of the audit report allows for an optimal exploitation of the report data in the following environmental annual plan.
7. Did the audit report attract a (broad) interest from Parliament?	<ul style="list-style-type: none"> ▪ Parliament did not devote any discussion to the report. ▪ Parliamentary questions : <ul style="list-style-type: none"> ○ Federal Parliament: 1 ○ Flemish Parliament: 2 ○ Walloon Parliament: 1
8. Have the conclusions and recommendations been of direct use to the audited entity?	<ul style="list-style-type: none"> ▪ The concrete conclusions and recommendations relating to the internal functioning of the Defence department have been of direct use. Measures were announced to implement them. ▪ The recommendations of use at the federal policy level will probably not materialize in the short term (legislation amendment, increase of resources). ▪ As far as the recommendations for a better collaboration with the regions are concerned, the initiative comes mainly from them.
9. Were the conclusions	Yes

supported by sufficient evidence?	
10. Have the recommendations been accepted by the minister?	In his reply the Defence minister said he endorsed the conclusions and recommendations contained in the audit. See also question 8.

2. Organisation

1. How does the effective work time compare with the planned work time?	The work time budget allocated for carrying out the audit was 100 days for the preliminary study and 250 days for auditing and reporting, that is in total 350 days. The effective work time for staff section 4.2 amounted to 396 days (2005 – 2006).
2. How does the effective processing time required compare with the planned processing time?	16 months' processing time were scheduled for carrying out the audit including the publication. The audit started in July 2005 and was completed at the end of April 2006. The report was published on 7 February 2007. The effective processing time required was thus 18 to 19 months.
3. What were the causes for a possible delay during the various phases of the audit?	<p>An explanation for the longer time required is that this was one of the first audits that the new staff section 4.2 had to perform and that not all team members had yet sufficient professional experience with this sort of audit. Moreover the far-reaching organisational fragmentation within the Defence department resulted in having more service units involved in the audit than planned.</p> <p>The longer processing time was also influenced by the delay incurred to translate the text (work overload and technical nature of the report), by the excess of time needed to reply (Defence Minister's answer) as well as by the moment of the publication (holiday period).</p>
4. Was there enough expertise within the audit team?	The team had enough expertise to perform this audit.
5. How was the collaboration process within the audit team?	The collaboration went smoothly.
6. How was the collaboration between the audit team and the hierarchy (audit manager, director, "conseiller rapporteur")?	The collaboration went smoothly.
7. How was the collaboration with other Court services?	The collaboration with the publication unit was good. The topic soil management is rather technical, what impacted on the readability of the report (specific language use ...), anyway the report is only useful for those who are knowledgeable in this matter.
8. What was the collaboration with the audited entity like?	The audit team could rely on a good collaboration with the Defence department staff.
Did the communication between the Court, the audit team and the audited entity go smoothly?	Yes

3. Methodology

<p>1. Was the standard framework appropriate for the audit?</p>	<ul style="list-style-type: none"> ▪ The standards framework used in this audit relied on generally accepted principles about project and strategic management, compatibility of the activities within the policy and management cycle and soil management. In addition it was verified whether the activities of the Defence department were in compliance with the standards it imposed on itself. ▪ Verification in the light of the standards advocated showed that the standards framework is too detailed and too broad because the Defence department did not meet certain basic standards. Nevertheless the full standard framework was added in annex to the report because it can be useful for the Defence department to elaborate its new environmental policy.
<p>2. Is the standards framework accepted by the audited entity?</p>	<p>The standards framework was discussed in prior instance with the audited entity. It was presented to a large delegation from the Defence department. Few remarks were formulated.</p>
<p>3. Were the first selected techniques of data collating and analysis adequate to perform the audit?</p>	<p>Yes, data were collated by way of interviews, document analysis, questionnaires and file verification.</p>
<p>4. Were the conclusions not disputed by the audited entity?</p>	<p>The conclusions were accepted by the audited entity.</p>
<p>5. Did the quality guarantees (audit plan, peer review ...) operate properly?</p>	<p>The inbedded quality guarantees (a documented audit proposal, verification by the revisor, contradictory debate...) have all worked properly.</p>