



Netherlands Commission for
Environmental Assessment

Streamlining Project Approval and EIA

Workshop Report

REVOLUTIONARY GOVERNMENT OF ZANZIBAR, TANZANIA



31 October 2014



Workshop report: Streamlining project approval and EIA

13 October 2014

Purpose: Explore possible optimization co-operation of different approvals needed for development projects, both in the public and private sector. We will look specifically at how environmental assessment fits into different approval procedures. The aim of the meeting is to better understand the approval procedures for projects that different authorities have, and to identify ways in which the different procedures may be streamlined. For example: where co-ordination can be improved between authorities, any doubling up of assessment tasks that can be avoided, or possibilities for government authorities to jointly inform and instruct project developers.

Participants: representatives from Department of Environment, Ministry of Infrastructure and Communication, Planning Commission, ZIPA, Commission for Tourism, Lands administration.

Agenda:

- Introduction and overview of the programme for the workshop.
- Series of brief presentations by each of the organisations present. Each organization presents, in maximum 5 minutes:
 - o process for project approval in their organisation (present a diagram/scheme, if they have one);
 - o what kind of project evaluations/checks/assessment are part of this process?
 - o how their organisation co-ordinates with other authorities in this procedure?
 - o (interactive) Jointly map out how procedures relate and discuss (im)possibilities for streamlining.
- Presentation by the NCEA of streamlining examples from other countries, including questions and discussion.
- Conclusion: Jointly decide: Is improved streamlining needed? If yes, what is needed to improve streamlining? How can the Zanzibar Dutch co-operation project activities assist streamlining?

Introduction by Bobbi: the NCEA and its cooperation with DoE; focus and objectives of this workshop

Zooming in on EIA mapping conclusions (see also slides)

- Solid system, regulation is well developed.
- But is it making a difference? Not sufficiently: DoE still gets lots of complaints from the public when a project is already being implemented.
- Many projects that should undergo EIA in reality do not: on estimate only about 20% are subjected to EIA.
- 60% of investors and 70% of sector authorities are aware of EIA requirements, so that is not the main problem.
- EIA may be missed because of lack of awareness, but also: skipped because it's perceived to be difficult or inconvenient!
- Sectoral regulations are not very clear on the (sequence of) activities leading to approval.
- How can we make EIA more useful and more often used in other project approvals?

Streamlining in three processes

- Project development: investors and engineers decide on project design, management, etc. – often already reaching out to stakeholders to build support.
- Impact assessment: depending on the (technical) issues: assess risks, alternatives, measures – including stakeholder consultation.
- Decision-making: balancing of pro's and con's, norms and standards, public concerns – often political process:
 - o different decisions by different actors;
 - o the more decisions are taken, the more difficult it becomes to change or abandon the project;
 - o the later the EIA procedure starts in the decision-making process and/or the project development, the lesser its influence on decisions to be taken.

Presentations by participants on processes of assessment and approval

Planning Commission:

1. Ministry develops project idea
2. Produces concept note
3. Submits to PC for screening
4. Screening by screening team (using screening template)
5. Recommendations made to executive secretary
6. Executive secretary takes decision on approval
7. If approved: feasibility study
8. Screening
9. Approval
10. Produce project proposal (with EIA if applicable)
11. Submit to PC for approval
12. Approval by PC if correct (inform on screening result plus EIA, HIA, feasibility study) – if not: returned to ministry
13. Executive secretary informs ministry of finance
14. Implementation checklist (review/monitoring)

The group makes estimations in discussion: Out of 40 projects subject to approval, perhaps 20 need a full-fledged EIA, 20 need an Environmental Report or Environmental Audit, and between 2-10 need HIA (Heritage Impact Assessment). The definite figures on the HIA need to come from the Stone Town Authority.

How to determine whether EIA is necessary?

- Screening template designed by ODI.
- How to streamline PC and DoE in decision-making on EIA necessity, when PC takes the decision but DoE has the official jurisdiction? > there is communication, but it's not legally necessary.
- E.g. SEA needs to be done for a new combination of three projects; but at the moment it falls under more than one jurisdiction.

Why are EIA and HIA separated – since heritage is also covered in EIA?

- HIA is also approved by DoE; expertise will come in via other actors via consultation (the Stone Town Authority also has a role).
- Heritage issues were not yet visible when the Act was developed in 1996.
- There are still no guidelines on HIA; UNESCO shared its guidelines with the Stone Town administration to use.

Ministry of Infrastructure and Communication – Zanzibar port authority:

No proper format for screening, so:

1. Write to DoE to ask whether project requires EIA.
 2. DoE has its own screening procedure.
 3. Scoping based on requirement from DoE.
 4. Go-ahead to proceed with EIA.
 5. EIA is sent to DoE for review.
 6. If EIA is approved, project can go ahead.
- We need a screening procedure for each sector; now it's only generic
Not much to do with ZIPA...

Improvement
option

How is EIA used for/integrated in design?

- Basic design, then EIA, but what happens if the EIA indicates a different design as more appropriate?
- Information from feasibility study may be used in design, but often not the EIA.

Zanzibar Investment Promotion Agency

1. Investor applies for investment.
2. Feasibility study requested from investor and distributed to relevant departments
3. Meeting with approval committee.
4. Based on that, decide whether or not to do an EIA – necessary for certificate.
5. DoE coordinates the EIA.
6. ZIPA receives copy of the EIA report but in reality only needs the EIA certificate in order to issue a building permit.

Does EIA influence project design?

discussion
issue

- The procedures are not clearly distinguished.
- Feasibility study and approval becomes a sort of general approval for the project and drives the EIA – implying that an EIA seldom draws negative conclusions, or such conclusions are not taken up.
 - o Korean irrigation master plan: EIA addressed a specific problem, but it was not taken up afterwards.
 - o Roads in Unguja.
 - o You need a diversity of experts who are readily available; otherwise 90% of submitted studies is not questioned by anyone.

Commission for Tourism:

1. Memorandum and feasibility study submitted to tourism commission.
2. Tourism commission asks DoE and others if necessary to have a site visit.
3. Report by these representatives submitted to Tourism commission, including recommendations.
4. Tourism commission decides whether or not to approve of the project.

For most projects, EIA is not required (only environmental report) – if it is, DoE takes this up.

Approval is given before the EIA license; conducting EIA is a condition for approval. Procedure is similar to ZIPA's (apart from the timing of EIA – before or after approval).

Differences are that ZIPA mostly deals with (rich) foreign investors while the Tourism commission deals with local projects that represent small investments.

One participant remarks that activities dealt with by the Tourism commission may sometimes have larger environmental effects (e.g. tour operators asking approval for spear fishing). DoE could help ZIPA which might otherwise not be aware that the approved activities are contravening international agreements. In every kind of project there should be a moment of interaction with DoE to check on such things.

Ministry of Lands – planning department

We don't think about EIA so much during the planning process: the decision taken is allocation of land, which is not so much related to EIA. We need more clarification on these procedures, especially for recent calls to do planning exercises for larger areas (master plans etc.).

Ministry of Infrastructure and Communication – roads authority

Most roads projects have undergone EIA, because they are normally initiated by ADB etc. and are subject to their guidelines.

Communication masts, cables etc. are more of a problem for EIA.

Flow diagram based on approval procedures of all relevant institutions

Discussion based on flow diagram



- Which line is followed: ZIPA/Planning commission or sectoral? The former for large projects; the latter for smaller projects.
 - If screening is lacking or performed incorrectly, in which of the 'lines' is this problem most prominent? The problem may have existed in the Planning commission, but things have changed now so the problem may be solved.
- Stakeholder participation is often in some way a part of the procedure (e.g. during a site visit or as part of the feasibility study) but in reality stakeholders may be missed, leading to claims in a later stage.
- The feasibility study is the basis for many decisions and includes a fully elaborated project design; having it so early in the procedure limits the ability of the EIA to influence the project. A relatively easy way to improve this could be to inform proponents of the need to do an EIA in an early stage of the procedure.
 - The various procedures, screening forms, etc. are not available to or known by all participants and their organizations; an overview of flowcharts/diagrams would be useful and could support streamlining.
 - The screening procedure is a problem for various institutions because it is often unclear what to screen, and when and how to do this. Maybe a screening workshop could help?

discussion issue

Improvement option

Improvement option

Improvement option

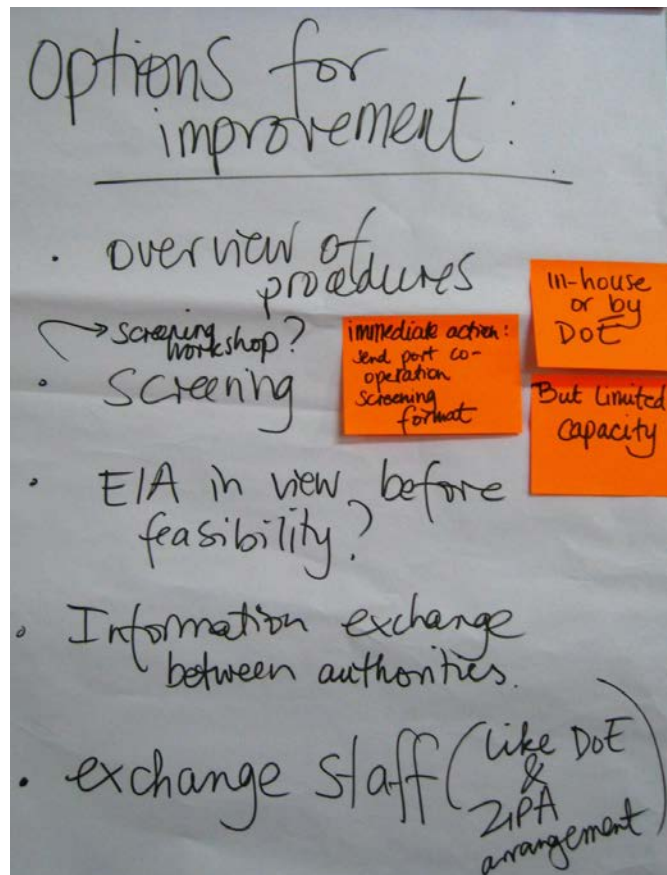
Presentation of Bobbi on streamlining permit procedures in NL: dike removal Westerholte (see slides)

Options for institutional arrangements in Zanzibar

- Environment and climate change units
- Environmental Advisory Committee
- Joint committee for natural resources management

Options for improvement

- Prepare overview of procedures – internal approval process and how EIA fits in – for each agency.
- Screening: is now done in-house by some agencies (Planning Commission, ZIPA), these agencies request that DoE sends screening format (current) and to give more information/training on screening.
- More information exchange between agencies is needed – including staff exchange like with ZIPA.
- Challenge: how to get EIA into view in project design and approvals earlier: start scoping before feasibility and detailed design?



Conclusions and follow-up

- The port authority indicates that it's willing to improve its screening practices if it receives good screening forms from DoE. DoE says it will send out screening forms to the different authorities.
 - Legal texts on environmental issues in sectoral acts do not contradict each other; but the interpretation of these texts is sometimes contradictory.
 - DoE and ZIPA has good communication due to exchange of personnel; maybe a similar arrangement could be made for DoE and the Planning commission?
 - Improved coordination could mean increased responsibilities for DoE – but that may be difficult due to limited capacity.
- On the left side of the list, there are three arrow-shaped labels pointing to the right:
- A yellow arrow labeled "Improve ment" points to the first two items.
 - A yellow arrow labeled "Improve ment" points to the third item.
 - A green arrow labeled "discussion issue" points to the fourth item.

Streamlining project approval and EIA

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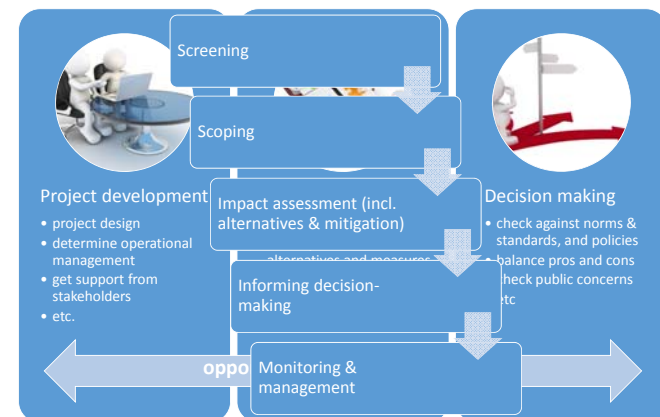
Department of Environment, Zanzibar
The Netherlands Commission for Environmental Assessment

Why this meeting?

- Co-operation project between DoE and the Netherlands Commission for Environmental Assessment (G2G)
- Focus: environmental impact assessment (EIA) and strategic environmental assessment (SEA)
- July: EIA mapping – one of the conclusions: in Zanzibar EIA and project approval decision-making not yet optimally streamlined?

Zooming in on EIA mapping conclusions:

- EIA makes some contribution to better projects and decisions but not enough? Socio-economic impacts are more visible, but also many complaints from communities, “why did you allow this project?”.
- Majority of projects that should undergo EIA are going ahead without environmental&social assessment?
- Estimation: 60% investors aware of EIA requirements, 70% of sector authorities aware.
- EIA missed or skipped?
- Some sectoral regulation refers to EIA: Road act, Tourism Policy, ... but “legal texts are not very clear about the decisions needed prior to soliciting the environmental certificate and their sequence before the activity can materialize.”
- Also leads to confusion: for example investor expectations on role ZIPA vs DoE



Streamlining meeting - Agenda

- Presentation by each of the organisations present (5 minutes):
 - Process for project approval (diagram/scheme)
 - What kind of project evaluations/checks/assessment are included?
 - Any co-ordination with other authorities?
- Jointly map out how procedures relate and discuss (im)possibilities for streamlining.
- Discuss some streamlining options.
- Conclusion: Is improved streamlining needed? If yes, what is needed to improve streamlining? How can the Zanzibar Dutch co-operation project activities assist streamlining?



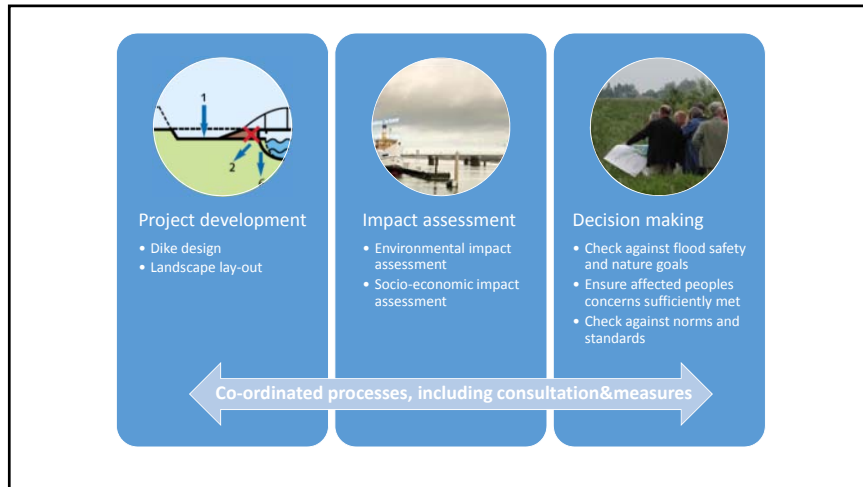
Option: Regulatory arrangements

Example Netherlands: Chapter 14 of Law on Environment on “co-ordination”

- Two types of co-ordination:
 - Co-ordination of impact assessment procedures
 - Co-ordination of plan or project approval decision-making (decisions on environmental permitting, project licensing, and/or plan changes).
- Co-ordination can be requested by the proponent, or initiated by a competent authority.
- Regulation covers: arrangements for who makes which decision, joint decisions, how parties inform each other and public, etc.
- No short-cuts: most comprehensive procedure is leading!

Case example: Co-ordination

- Westerholte dike project: implementation project under national flood management plan
- Project involves relocating 2 km dikes, widening river & new water parallel waterway, removing houses&farms, establishing recreational & nature park
- Project requires change to the current spatial plan (at municipal level) and a total of 25 permits
- Authorities involved: two ministries, the Province of Overijssel, the Municipality of Zwolle and the local water board. They agree to co-ordinate procedures: the municipality has the lead.



Option: Institutional arrangements

- Example Rwanda: EIA unit of REMA moved into the offices of the Rwanda Development Board.
- Goal: Improve service delivery (literally one-stop shop)
- Challenge: Ensure that EIA process is still sufficiently rigorous

Option: Institutional arrangements

- Options in Zanzibar:
- New Zanzibar EMA: establish environment and climate change unit?
- Environmental Advisory Committee in new EMA
- Joint committee for non-renewable natural resources management

Other options

- Bilateral information exchange agreements (example transboundary EIA in Europe)
- Information systems
- Screening formats
- Informal arrangements...

For EIA regulation session

- From EIA mapping notes
- Climate OK, climate change not so good. Climate change is something that not always is relevant for a single project. For instance for another hotel in a series of hotels, this will not add much to climate change. However, hotels may now suffer increasing impacts from climate change. Separate climate from climate change.
- Gender is good mainly in international projects. In Zanzibar it is not about gender, but more about vulnerable groups like seaweed farmers. Sometimes in ToR is asked for gender, but then in consultations men are offended if you start talking to women.
- Heritage: OK when it comes to projects in Stonestown (Unesco heritage). But not so much as it comes to e.g. sacred forests.