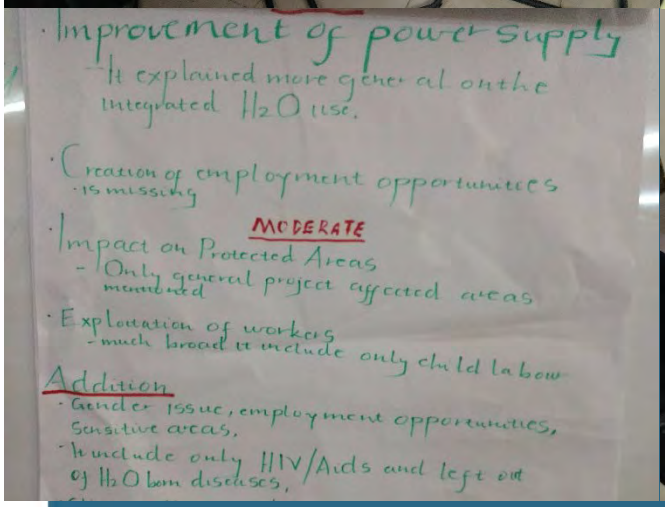
Netherlands Commission for
Environmental Assessment

Environmental Impact Assessment (EIA) Review Workshop with Focus on the Tourism Sector

Workshop report by the NCEA

REVOLUTIONARY GOVERNMENT OF ZANZIBAR, TANZANIA



13 March 2018
Ref: 8033

Workshop Report by the NCEA

To	Zanzibar Environmental Management Authority (ZEMA)
Attn	Mr Makame Haji Khamis, Ms Farhat Mbarouk, Mr Sheha Mjaja
CC	Ms Rosalind Boschloo
From	the Netherlands Commission for Environmental Assessment (NCEA)
Date	13 March 2018
Subject	**Environmental Impact Assessment (EIA) Review Workshop with Focus on the Tourism Sector** By: the Secretariat of the Netherlands Commission for Environmental Assessment – Ms Ineke Steinhauer
Reference	8033

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Programme

Environmental Impact Assessment (EIA) review workshop for ZEMA Technical Review Committee, including representatives from local government and NEMC Mainland, with focus on the tourism sector.

Time	Activity/comment	Remark/Lead
Day 1: Basics of review, including example to show relation between review and permitting		
8:30–13:00 h	• Registration • Welcome remarks • Introduction of participants (see list for day, annex 1, 30 for day 1, 27 for day 2, 24 for day 3) • Short overview of NCEA/ZEMA cooperation project and explanation on program (presentation 1) • To provide context for the workshop: • Presentation of review in Zanzibar, legal requirements and current practice (articles 13–16 of latest version of ESIA regulations, including review format used) (presentation 2) • Presentation on NCEA review experience, incl. Q&A on similarities and differences (presentation 3) • Presentation on NEMC review: legal requirements and current practice (presentation 4)	• ZEMA • ZEMA (Madam Farhat) • All • NCEA (Ineke) • ZEMA (Makame) • NCEA (Ineke) • NEMC (Hege)
	Coffee/Tea break	
	• Introduction case: ESIA for mini-hydro project in Uganda o The project o The ESIA o Technical review o Approval conditions and environmental certificate (presentation 5)	• NCEA (Ineke)
13:00–14:00 h	Lunch	
14:00–16:00 h	• Group work: comparison of Environmental and Social Management Plans in ESIA and approval conditions for the Uganda case • Presentations of groups work and discussion • Lessons learnt for Zanzibar review practice? Group work instructions and materials: ESMP example and example NEMA certificate)	• All participants • Group assignment facilitated by NCEA (Ineke)
• Presentation Makame: EIA regulations, although not yet signed, we have started to practice it:		

- Q: wat is difference between EIA report and EIS? A: there is none.
- Q: what if you forget a stakeholder? A: this rarely happens, because we have lists
- Q: what if you get report within 2 months or later than 6 months? A: Within 1 month never happens.
- Q: Does ZEMA have sectoral ToR? A: No, just general ones.
- Q: Does ZEMA have list of consultants, because NEMC faces problems of too many consultants (500-600 on their website). They are now thinking of categorizing them, because otherwise it is too difficult to choose one of them. A; ZEMA has 32 experts on list and proponent can choose one of them.
- Q: the inadequacy of the reviewers, is it about knowledge, of do they not show up? A: Sometimes members participate first time, or they face delays in receiving the invitation letter from their boss and come without having read the report. Also, they only review the part relevant for them.
- Q; What do you do when a project is already there without EIA? A; previously this was indeed a challenge, but not ZIPA does not issue a permit without an ESIA being done. Otherwise Environmental Audit for existing projects.
- Q: Public hearing, does that ever happen, because on mainland since 2005 only twice, only when there is public outcry. NEMC was there just as an observer. A: no experience in Zanzibar with public hearings.
- Q: How do you know about Government projects, when they do not stick to the EIA procedure? A: government projects come through the Planning Commission.
- Q: what happens when a project has already started without EIA, as this happens quite often in mainland? A; ZEMA can give stop order.

- Presentation Ineke Independent review:
  - Q: how can NCEA be independent when funded by Government? A; we are in the law.
  - Q: has NCEA ever been sued? A; no.
  - Q: to whom does NCEA give their advice and why is it not always the Ministry of Environment? A; Depends on the project who the competent authority is.

- Presentation NEMC:
  - We get complaints by the developers that procedure takes too long.
  - NEMC only advises, it is the Minister that signs.
  - NEMC is decentralized since 2 years, but faces limited capacity in terms of manpower.
  - NEMC is revising their fees and charges, now 0,1% of total business costs, but again many complaints of developers.
  - NEMC now has to do review within 3 days, because of political pressure. Big challenge because not possible ánd against the law.
  - The members of the TAC (Technical Advisory Committee), are usually sector stakeholders, but the sectors have all been moved to Dodoma and NEMC is still in Dar. This makes if very difficult to organize a TAC meeting. TAC is minimum 12 members, but others can be added.
  - NEMC certificates have usually some general conditions according to the sector, and then some specific recommendations (usually as a result of site visit or stakeholder observations).

- The Minister can cancel a certificate.
- Government projects also go through EIA procedure, now the sectors know. Just some local government authorities may not be fully aware.
- How about Schedules, some projects appear both on category A and B? This needs attention.

- Results group work (3 groups) using ESMP and Certificate example from mini hydro project in Uganda. Participants had to give their opinion on whether the conditions in the Environmental Clearance are:
  - Covering all the critical issues from the ESMP? In general the groups felt that most of the issues were covered, some groups highlighted a few issues that were missing in the Certificate. Also the other way around; a condition put in the Certificate that was not mentioned in the ESMP.
  - Would you like to add anything and why? Not really, just some minor issues
  - In case of limited monitoring capacity, are there any conditions that perhaps can be deleted? Not really, they are very specific and helpful.

- When we discuss current practices in Zanzibar: the following issues were learned from this exercise:
  1. Uganda example very good, we should also try to have something similar. Current practice in Zanzibar, certificate is just 2 p., mainland perhaps a bit longer.
  2. Specific conditions not only of help for ZEMA/NEMC, but also for the proponent and others that can help monitoring. Interesting that Uganda sends copies to many parties, we should also do that.
  3. Consider publishing Certificate and share copies with Technical review team members.
  4. Always try to link what is in ESMP as a basis for the conditions.
  5. When the Technical Review team does review now, they are asked to give scores. However, then it is not always clear how this score is reached. Therefore, put emphasis in justification how you reached this score, because that can also be helpful to use when formulating conditions.

16:00-17:30 h	Looking back at first day with Farhat and Makame and practical issues (budget).	
Day 2: Technical reviews of EIA case(s) for the tourism sector (theory and practice)		
8:30-13:00 h	EIA review of tourism projects: • Environmental and social and impacts of tourism development, including good practice guidelines/checklists (e.g. CAFTA) (presentation 6)	• NCEA (Ineke)
	Coffee/tea break	
	• Group work of reviewing EIAs for tourism projects in Zanzibar (and mainland), short introduction steps in review (presentation 7) • Read EIA, prepare review findings in report/presentation Group work instructions (presentation 8) First step, Quick and Dirty review.	• All participants • Groups assignment facilitated by NCEA (Ineke)

13:00–14:00 h	Lunch	
14:00–16:00 h	Second step: Detailed review, 1 subject matter, 1 process matter) • Technical review of EIA case(s) EIA continued. • Continuation Group assignment and reporting back. • Comparison of results, similarities and differences. • Reflection on experiences with real life review 'exercise', lessons learned.	• All participants • Reporting back in groups

- First presentation raises good discussions, especially regarding requirements on solid waste, sewerage and erosion. There are legal restrictions that are not always respected.
- Step by step review: is considered very helpful. However, when review is done and certificate is issued, what do we do, because we never go back after first site verification. So how can monitoring be improved? A: make use of local people monitoring, self-auditing (like is done in mainland) and make use of Local government (however, issue of corruption).
- Group work starts at 12.15: 3 groups work on: ESIA for Salingo Beach lodge (January 2018), one on Konokono jetty (April 2016) and an Environmental Audit report on Azeo beach lodge (also 2018).
- It was suggested to have one or more cases introduced by the ESIA consultant that prepared the studies, but although one was willing to contribute and even came to the workshop on the first day, he was not available for the second day.

Findings group work: 'quick and dirty"

1. **Azao group Environmental Audit report (10 reviewers)**
   - One of the shortfalls identified: 1) inaccuracy of the information 2) Data are not precise and accurate, e.g. approximately…. About….The name of the consultant and the signature is not on the first page of the document
   - We also identified that project design and contents were missing i.e. number of rooms.
   - Table of contents: Font are too small making it hard to read (visual problem).
   - Compliments: arrangements are in accordance to the forms and standards.
   - Key features missing on google maps, see p. 28/29, not easy to identify the project site.
   - Three aspects to study further: Mapping and accuracy of data, stakeholder consultation not exhaustive.

2. **Konokono jetty ESIA (8 reviewers):** construction of jetty platform and bay pavilion villas

   First impression of the ESIA:
   - Structure: no consultant name at the cover page, others are OK (logical order etc.).
   - Methodology: methods used were review of available government and peer review documents which were not cited correctly i.e. no source of dates of the information. And methodology on public consultation was not indicated
   - Contents: most information is general, need to be specific e.g. information on terrestrial environment was not necessary as compared to information about

specific area (coastal and marine environment). Photos taken not showing source and dates
- Key issues: permits, certificates missing e.g. lands lease/acquisition permits and permits from fisheries and forestry departments
- Approach: not in line with ToR requirements; No CVs of consultants team, no drawings of the proposed jetty, no MoU between consultants and developer, no climate change impacts described, no MoU between developer and community, fishermen to avoid future social conflicts

Any upfront strange things: accommodation on the jetty? Villa's?
Aspects to study further:
- Geological study
- Jetty versus accommodation, sustainability?
- Forest materials used versus sustainability

3. ESIA Salingo hotel (7 reviewers)

General impression
- Structure OK
- Methodology according to the sources of info on p. 55
- Contents: some section details are not enough, e.g. direct employment, no % or exact number
- Key issues: no decommissioning and no clear waste management plan
- Approach: clear

Strange things: community consultation is informal
Key issues to further study: sustainability measures on the project as far as climate change.

Findings group work detailed review and reflection
- Quick and dirty review followed by detailed review helps. Sometimes bad reports are sent to the Technical Review Committee or TAC. Once ZEMA or NEMC already know through first scan that report is not good enough, then time and money can be saved.

16.00-17.00 h	Meeting with NEMC staff (Jaffar, Ritha and Heche) and Farhat, Makame (separate notes).	
Day 3:		
8:30-13:00 h	• Drafting of EIA-review checklist for tourism projects adapted for Zanzibar, to be used in addition to general EIA review checklist (specification of 10 review items) Group instructions making use of Zanzibar review checklist and EIA Technical Review guidelines for tourism projects.	• Group assignment facilitated by NCEA (Ineke) • All participants

Results group work:

1. Group 1 Project description, legal framework and alternatives (5 members)
- Project description
  - Location: maps, plans, diagrams.

- Components: number of pools, restaurants, diving centres, water sports, waste management system (liquid and solid), amount of waste generated, walking trails, laundry services.
- Utilities: source of energy, source of water.
- Resources: workforce, materials, source of raw materials (local/ imported).
- Construction procedures.

o Legal framework
- Labour
- Land
- Tourism
- Environment
- Marine
- Local government
- ZIPA
- Forest
- Energy etc

o Alternatives
- Automobiles(emissions) and marina
- Water sources
- Waste (liquid and solid) hazardous and non-hazardous

2. **Group 2 Baseline (6 members)**

o Physical
- TOPOGRAPHY, SLOPES AND SOIL QUALITY- this is important in terms of predicting runoff characteristics of rainfall events, identification of ecological hazards and building stability
- GEOLOGICAL HAZARD- tourism activities can take place in regions prone to natural hazards. Seismic activities including frequency and intensity of earthquakes
- BEACHES AND COASTAL AREAS – beaches are major attraction for tourist activities and can vary greatly in quality of the sand, roughness of the surface, seasonal erosion of the sand, whether they are rocks and difficult to access or easy to access
- WATER RESOURCE – this should include the analysis of the water shed characteristics soil vegetation. This information should be shown on topographical maps which should include all the surface water resources and floodplains
- AIR AND CLIMATE- understand climate and meteorology in the project area are important for the design of the long-term air monitoring program
- RISK ASSESSMENT FROM NATURAL HAZARDS – to provide an adequate basis for impact assessment for the proposed project and alternatives as well as form the basis of mitigation and monitoring.

o Biophysical
- FLORA AND FAUNA – the best source of data on local flora are local people, forestry agricultural and environment. Area of special interest may include canopies mangroves types of coral and sea grass

o Socio economic and heritage
- SOCIAL ECONOMIC CONDITION AND RESOURCES –ECONOMIC and social data relationship between the project and the communities. The objective

of this information is to establish the relationship between alternatives with socio-economic conditions defined by the size and precise demographic indicators.

3. **Group 3, Impacts (6 members)**
   - Socio-economic impacts
     - Income generation (employment for local people and business opportunities)
     - Health and safety (for workers and the surrounding community)
     - Child labor
     - Accesses to beaches
   - Heritage and Cultural Perspectives
     - Land acquisition in case of heritage area such as caves etc
     - Loss of accessibility to traditional areas, roads
   - Biophysical Impacts
     - Land clearance during construction
     - Storage of chemical products can cause soil and water pollution
     - Waste water, solid waste and hazardous waste disposal
     - Water sources contamination
     - Ecosystem degradation (Flora and Fauna)

4. **Group 4 Mitigation measures (4 members)**
   - Shoreline and Beaches
     - Conducting oceanographic study
     - Avoiding clearing of beach vegetation
     - Designing runoff facilities to minimize erosion.
     - Identifying all hazardous material to be used, stored transported and disposed off.
     - Consulting respective Authority in handling hazardous waste.
     - Identifying all liquid and solid waste to be used, stored transported and disposed off.
     - Avoiding sand beach removal.
   - Ground water quality
     - Maintain ground water quality by installing drainage structures to avoid contamination.
     - Provide sanitary latrines.
   - Air quality
     - Use blast blankets to reduce fly rock and dust emission.
     - Comply with the Regulation in transporting construction materials.
   - Noise and vibration
     - Prepare and train workers in Noise Monitoring and Mitigation Plan
   - Terrestrial Aquatic environment
     - Avoid any activity in a sensitive area that would degrade the resources.
     - Landscape with native plants that encourages birds and butterfly.
     - Avoiding the use of imported or invasive species.
     - Protect existing matured tress as much as possible.
     - Protect aquatic flora and fauna and associated ecosystem.
     - Avoid spills and fuel leaks.

• Use of the existing authorized waste water treatment and solid waste disposal facilities. • Provide sufficient and sanitary facilities, bathroom and showers and treat waste water or discharge to a sanitary sewer system. • Apply water conservation measures, i.e reduce, reuse and recycle to reduce water use and waste water generation. • Prepare a solid waste management plan for proper collection, storage, transport and disposal. o Social cultural aspect • Maintain access to the beach to be available for public use. • Locate the facilities to avoid displacement and relocation and whenever possible, develop a compensation plan. • Educate workers and guests on respecting local culture and wherever possible, prepare cultural resource management plan if cultural resources are present in project area.	
• Wrap up and evaluation • Way forward & proposed actions/strategy for EIA review and permitting for tourism projects • Closing remarks	• NCEA (Ineke) • ZEMA (Makame) • Doe (Mhalim, Pemba)
13:00-14:00 h	Lunch and end of training

Annex 1: List of Participants

ZANZIBAR ENVIRONMENTAL MANAGEMENT AUTHORITY (ZEMA)

LIST OF PARTICIPANTS OF THE WORKSHOP OF REVIEWING OF EIA/EA REPORTS FOR TOURIST PROJECTS IN ZANZIBAR,

VENUE: ASSP DATE: 27/02/2018

SN	NAME	INSTITUTION	EMAIL/PHONE NUMBER	SIGNATURE
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Annex 2: Presentations given

1. What is the NCEA?
   And short overview of NCEA/ZEMA cooperation project
2. Workshop on Review process of ESIA/EA Reports for Tourism Projects in Zanzibar
3. Independent review in the Netherlands
4. Legal and regulatory framework
   Governing Environmental Impact Assessment in mainland Tanzania
5. ESIA mini hydro Uganda
6. Environmental and social impacts of tourism development in Zanzibar
7. Steps involved in reviewing ESIA

1. What is the NCEA? And short overview of NCEA/ZEMA cooperation project

Netherlands Commission for Environmental Assessment

What is the NCEA?

And short overview of NCEA/ZEMA cooperation project

Ineke Steinhauer
Netherlands Commission for Environmental Assessment

What is the NCEA?

- **Part of Netherlands regulatory system: EIA & SEA quality assurance in The Netherlands; 100% subsidized by government**
- **Independent from government: independency protected under environmental regulation. Only public tasks, no tendering.**
- **Tasks:**
  - In the **Netherlands** since 1987: independent advice on EIA and SEA
  - In **development cooperation** since 1993 contract with Foreign Affairs to support Dutch partner countries EA systems
  - **International** programs, e.g. Government-to-Government programmes

EIA & SEA in the Netherlands

- **Legislation introduced in the 80s**
- **NCEA is independent, has legal basis and is involved in all EIAs/SEAs in the Neth.**
- **Advice on ToR for, and reviews of, environmental assessments of plans, programs and projects, to competent authorities (about 150/year)**
- **NCEA does not elaborate EIAs/SEAs**

NCEA's international work (since 1993)

1. **Advice on ToR for, and reviews of, environmental assessments of plans, programmes and projects**
2. **Capacity development of systems and institutions to improve the environmental assessment practice**
3. **Knowledge and learning resources on environmental assessment www.eia.nl**

NCEA secretariat

- **Based in Utrecht, The Netherlands**
- **The NCEA's secretariat consists of 12 staff members for international cooperation (of 40 in total)**
- **For advisory services, tailor made working groups of experts are installed, for the composition of which the secretariat can lean on a pool of experts**

Where do we work?

http://www.eia.nl/en/our-work/where-we-work

Who can ask for support

- **Demand driven**
- **Support to:**
  - DGIS partner countries' governments
  - Netherlands Embassies (incl. Neth. Enterprise Agency)
  - Strategic partners (World Bank, OECD, OfD…)
  - NGOs in partner countries/regions (training)
- **As much as possible in close cooperation with counterpart**

Activities in Zanzibar

www.eia.nl/en/our-work/advisory-reports/8013

Overview 2nd ZEMA – NCEA co-operation project

- **2017-2018 (maybe a bit longer): titled 'EIA and permitting'**
- **Builds on previous co-operation project**
- **Smaller in budget**
- **Now sole focus on EIA (not SEA)**
- **More collaboration with Mainland/NEMC**

We aim at 3 Results:

1. **Strengthened collaboration between ZEMA and other authorities**
2. **Improving ZEMA's operational capacity to process EIA & permits**
3. **Further support for improved EIA review practice**

Result 1: Collaboration

Improve collaboration on EIA between ZEMA and other authorities

Activities:

- Joint awareness raising event with ZIPA, Commission of Tourism, on project development and approval (incl. EIA). Target: tourism sector

Result 2: Operational capacity

Develop operational tools and working processes for ZEMA & continue action planning for improved financing

Activities:

- Financing work session with NEMC
- EIA strategy/plan
- Study tour Netherlands
- Support development of tools like database or web-interface

Result 3: EIA Review

Continue to work on ZEMAs task in EIA review, with special focus on approval conditions

Activities:

- EIA review good practice workshop
- Topical workshops
- EIA review work session for local councils
- Exchange with NEMC

Workshop on Review process of ESIA/EA Reports for Tourism Projects in Zanzibar

Zanzibar Environmental Management Authority (ZEMA)

Date: 27/02/2018

1

PRESENTATION OUTLINE

1. Introduction to ZEMA
2. EIA Procedures
3. **ESIA Review Process: Legal Requirement and Current Practices**
   - Technical Review of the ESIA report
   - ESIA Review Meeting
   - Communicating Outcome of the ESIA Review meeting
   - Decision of the Authority on clearance for ESIA
4. Problems and challenges

2

1.0 Introduction to ZEMA

- ZEMA was formed in 2015 under the Section 14 (1) of the Zanzibar Environmental Management Act, 2015.
- Before this Act, there was the Environmental Management for Sustainable Development Act, 1996. This Act was enforced by the Department of Environment.
- The major role of ZEMA is to coordinate compliance and enforcement of the Provisions of the Act.

Functions of ZEMA

Among the function of ZEMA is to coordinate all matters related to the Environmental Impact Assessment and environmental audits process for any activity or investment ;

Environmental Management Tools

- Environmental Policy of 2013 replaced that of 1992
- Environmental Management Act of 2015 replaced that of 1996.
- NRNR Regulation of 2011
- Plastic Bags Banning Regulations of 2011,

2.0 ESIA Procedures for Zanzibar

- **Registration for EIA:** It is a notice to ZEMA of the intent of the proponent to embark on the ESIA
- **Screening is undertaken:** Done within 10 days after registration
- **Screening Statement:** A letter of Approval with conditions if no EIA required, or A letter of Refusal with list of reasons.
- **Scoping Report:** when EIA is determined necessary. Between 10 and 20 working days.
- **Preparation of the Terms of Reference**

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Cont...

- **Submission of ToR** to Proponent (applicant)
- **Production of EIS:** Done btn 2 to 6 month
- **Circulation of EIS** to the Public and other institutions: Within 10 working days.
- **Review of the EIA Report :** Within 20 working days after submission.
- **Further information may be requested:** Within 5 working days after the review
- **Decision whether to issue EIA Certificate** and, perhaps with conditions, or a Final Letter of Refusal

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3.0 Review Process:

Legal Requirement and Current Practices

7

Legal Requirement

Section 39(1) of the New Environmental Management Act of 2015, stated that

"A person shall not carry out or cause to be carried out; any activity which is likely to have significant impact on the environment and society without Environmental Impact Assessment Certificate issued by the Authority under this Act".

(2) Subject to subsection (1) of this section, Environmental Impact Assessment shall be carried out before construction phase of any activity.

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Cont....

(3) The Minister may make Regulations for the Environmental Impact Assessment process.

Now we have:

"EIA Regulation, 2017 No..... and shall come into effect after being signed by the Minister" (though not yet signed).

Previously we had;

"the Environment Impact Assessment (Procedures) Regulations, 2002" (based on Env. Mgt for SD Act of 1996).

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Article 13-16 of the EIA Regulation 2017 highlight the Review Process in Zanzibar

(13) Technical Review of the ESIA report

(14) ESIA Review Meeting

(15) Communicating Outcome of the ESIA Review meeting

(16) Decision of the Authority on clearance for ESIA

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Technical Review of the ESIA report

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Cont...

13. (1) Upon receiving the ESIA Report and payment of the review fee, the Authority shall:

a) Identify the relevant stakeholders to be involved in the ESIA review process;

b) Circulate the ESIA report to the identified relevant stakeholders for comments and review; and

c) Organise a site verification visit to the relevant activity area.

12

Cont.….

(2) During the site verification, the following persons may be invited at the activity area:

a) Sheha or his representative;

b) The expert or the team leader of the firm that conducted the EIA study;

c) The proponent or his representative; and

d) Any other person if the Authority deems necessary.

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Cont.….

(3) The Authority request the relevant stakeholders to submit their comments in writing within three working days from the date of the site verification visit.

(4) The Authority compile the comments submitted by the relevant stakeholders to be presented in the review meeting.

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ESIA Review Meeting

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Cont…

14. (1) The Authority may conduct a review meeting within two days after receiving the comments from relevant stakeholders.

(2)The ESIA review meeting may comprise of invited members from relevant stakeholder's institutions subject to the nature of the activity.

(3) The Authority may invite any other person to attend the ESIA review meeting if it is deemed necessary.

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Cont…

(4) The members of the ESIA review meeting use the review criteria (Schedule III of the Regulations).

(5)The Authority compile a review report, on the basis of the outcome and recommendations of the review meeting, within five working days from the date of the meeting.

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Review Criteria

Review areas		Review criteria	Identified missing information/gaps	Max. points
1.	Description of the Development Local Environment and Baseline conditions	1. Description of the Development 2. Local Environment and 3. Baseline conditions		15
2.	Identification and Evaluation of key impacts	1. Identification and Evaluation of key impacts 2. Residual Impacts 3. Cumulative impacts		30

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Review Criteria

Review areas		Review criteria	Missing information/gaps	Max. points
		4. Prediction of Impact Magnitude 5. Assessment of Impact Significance		
3.	Alternatives, mitigations, ESMP, MP and commitment	1. Alternatives 2. Mitigations 3. ESMP & MP 4. Commitment		40
4.	Stakeholder participation and communication of results	1. Stakeholder participation 2. Presentation 3. Balance 4. Non-technical summary		15

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Cont...

- **Overall assessment of ESIA**

i. A (81-100%) Excellent, no task left incomplete
ii. B (71-80%) Good, only minor omissions and inadequacies
iii. C (61-70%) Satisfactory despite omissions and inadequacies
iv. D (51-60%) Parts are well attempted but must as a whole be considered just unsatisfactory because of omissions and / or inadequacies
v. E(41-50%) Poor, significant omissions or inadequacies

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Cont...

- F (< 41%) Very poor, important tasks are poorly done or not attempted

If overall performance is below C, then revision should be done.

21

Communicating Outcome of the ESIA Review meeting

22

Cont...

15 (1)The ESIA technical review meeting recommend to the Authority one of the following outcomes:

a) To approve the ESIA Report; or
b) To request additional information from the proponent; or
c) To disapprove the ESIA Report if:
   (i) the Report is in poor quality;
   (ii) the contents of the Report are not consistent with the issued ToR
   (iii) there is proven evidence of plagiarism from similar works of other experts.

23

Cont...

(2) The Authority shall ensure strict adherence of technical reviewing standards in accordance with the criteria stipulated under these Regulations.

24

Decision of the Authority on clearance for ESIA

25

Cont…

16. (1)Upon receiving the proceedings and recommendations of the review meeting, the Authority shall, taking into consideration the professional integrity of the process:

a) Issue ESIA Certificate to the Project Proponent, specifying conditions for activity implementation; or

b) Request the Project Proponent to provide additional information to the ESIA, addressing any gaps or request for clarification or

c) Reject to issue the ESIA certificate on the basis of reasons as stipulated in Regulation 15 (1) (c)

26

Cont…

(2) The Authority specify a timeline for submission of additional information requested under regulation 16 (1) (b).

(3) In making the decision under regulation 16 (1)of these Regulations the Authority shall take into consideration the following:

a)The recommendations provided by the technical review meeting under regulation 16 of these Regulations;

b)The conformity of the activity with existing environmental policies, legislation and standards;

27

Cont…

(d) The feasibility and expected effectiveness of the mitigation measures proposed in the ESIA.

(4) The Authority shall issue the decision on the ESIA not more than thirty days from the date of submission of the ESIA report and payment of the fee.

28

Problems /Challenges

1. Lack of permanent review team (Changing of the Reviewers from other institutions).
2. Inadequate capacity of the reviewer team
3. Delay on submission of the Revised ESIA Reports for Decision Making (Experts/Firm that conducted ESIA)

29

AHSANTE SANA

3. Independent review in the Netherlands

Netherlands Commission for Environmental Assessment

Independent review in the Netherlands

Ineke Steinhauer
Netherlands Commission for Environmental Assessment

EIA & SEA review

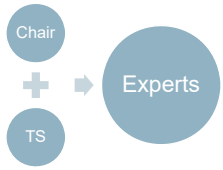
- NCEA is independent, has legal basis and is involved in all EIAs/SEAs in the Neth.
- Advice on scoping/ToR for, and reviews of environmental assessments of plans, programs and projects
- Advice to 'competent authorities'
- NCEA does not elaborate EIAs/SEAs

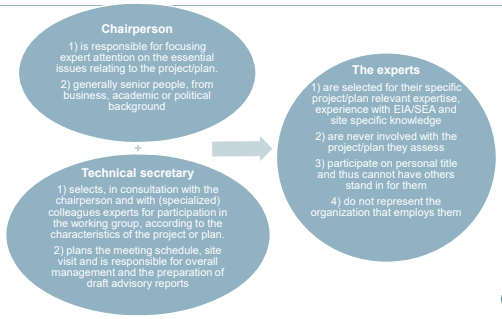
NCEA Review

- Technical review! NCEA does not advise on project/plan decision itself
- NCEA advises on information and process
- NCEA takes into account stakeholder opinions
- NCEA also looks at whether the plan or project complies with existing plans, policies and standards

NCEA review

- The NCEA has a secretariat with 8 chairpersons, 14 technical secretaries, support staff and some 600 experts (in database).
- The NCEA appoints a working group of experts for each advice, consisting of:
  - a chairperson,
  - a technical secretary and
  - 3 to 4 experts.





The experts (continued)

- receive a fee for their input.
- should remain within the estimated amount of days, also because this may be expected from top-experts NCEA invites
- participation is confirmed through a letter of engagement. No contract nor specific ToR are provided
- they receive a 'manual for working group members' with general instructions

7

Available time for review

- The NCEA has a minimum of 6 weeks by law, sometimes longer, depending on:
  - the complexity,
  - results of participation or
  - the reviewing-period (holidays).
- Generally 2 or 3 meetings take place at the offices of NCEA.

8

Working group

- If the NCEA has been involved in the scoping stage (this is voluntarily), the working group for review of the EIA/SEA-report usually is the same as the one that prepared the scoping advice.
- Site visit takes place at scoping stage, not repeated for review
- The working group composition is announced to relevant parties

9

Review in practise

- The working group forms a provisional opinion about the EIA/SEA-report
- At the meetings, draft review reports come up for discussion. These drafts are put together by the technical secretary.
- Observations from public participation are taken into account
- The technical secretary usually attends the public hearing.

10

Preparing review report

- Usually an earlier recent advice on a comparable project/plan is taken as example, to guarantee consistency with earlier advisory reports.
- An NCEA colleague also checks the report
- In first-time projects, the technical secretary may base a first draft on the answers to a questionnaire presented to working group members.

11

Presenting review findings

- A final meeting is held with competent authorities and project proponent(s)/plan developers at the NCEA offices.
- The aim is not to negotiate the text, but to answer questions & identify inaccuracies.
- The final review advice is then presented to the competent authority, together with an accompanying letter setting out specific points with respect to the project or plan.

12

Review outcomes (Option 1)

- Essential information is lacking, thus the EIA/SEA-report does not make a useful contribution to decision-making
- The NCEA advises to have the EIA/SEA-report supplemented and includes the grounds why additional information was requested.
- The proponent/plan developer has a time span of 6 weeks to supplement the report.

13

Review outcomes (Option 2)

- Important information is lacking, but the NCEA foresees that it is relatively easy to gather this information and that it will not alter the conclusion of the EIA/SEA-report.
- To avoid delays, the NCEA stresses the need to supply the information and advises to publish this data together with the draft permit, draft decision or draft plan

14

Review outcomes (Option 3)

The quality of the EIA/SEA-report is of such a satisfactory nature that the decision-making can proceed as planned.

15

Review outcomes report

- A review begins with a chapter on 'appraisal of the EIA/SEA-report on main points' in which the report is summarized, and which leads to the conclusion 'sufficient or insufficient information for decision-making' and to the main comments on the EIA/SEA-report.
- The remaining comments are grouped as to subject.

16

Review outcomes report

- The working group cannot give a verdict on the acceptability of a particular solution in respect of environmental impact and the conditions under which it is acceptable.
- Neither is it for a working group to prescribe how a project should be executed or a plan should be implemented. This is the responsibility of the governmental bodies concerned.

17

Distribution and publication

- The finalization, lay out, printing etc. will be done according to NCEA format.
- The project secretary takes care of sending and distributing the advice.
- Once the advisory report is publicly available, the NCEA advice is published on web-site.
- Sometimes a news item/press release is made.

4. Legal and regulatory framework. Governing Environmental Impact Assessment in mainland Tanzania

NATIONAL ENVIRONMENT MANAGEMENT COUNCIL (NEMC)

LEGAL AND REGULATORY FRAMEWORK GOVERNING ENVIRONMENTAL IMPACT ASSESSMENT IN MAINLAND TANZANIA

Zanzibar - 2018

By: Manchare H. Suguta

EIA defined

The Environment

- **Is a systematic examination conducted to determine whether or not a programme, activity or project will have any adverse impacts on the environment per S.3 of EMA .**
- **Example: Construction of a Tourist Hotel close to a national park/coastline.**

2

Genesis of EIA (cont.)

- US was the first country to develop a system of environmental impact assessment (EIA) in 1969.
- Following the US initiative, several countries began to provide EIA systems; for example Australia (1974), Thailand (1975), France (1976), Philippines (1978), Israel (1981) and Pakistan (1983).

EIA in Tanzania

- EIA in Tanzania can be traced back to the 1980's when UNEP started a strategic advocacy for EIA
- UNEP set up an EIA expert committee and common guidelines and in 1987 adopted the "Goals and Principles of Environmental Impact Assessment".
- Towards 1990's World Bank started requiring EIA for its funded projects

International Conventions

- United Nations Law of the Sea 1982,
- Convention on Environmental Impact Assessment in a Transboundary context (the Espoo Convention) (1991),
- Protocol on Environmental Protection to the Antarctic Treaty (1991),
- Biodiversity Treaty CBD (1992),
- United Nations Framework Convention on Climate Change (1992).

The state of the Environment

- Tanzania has a highly fragile environment, characterised by a number of environmental problems that are induced by both natural and human activities. These problems have negatively impacted both environment and human being.

Major Environmental problems

- Land degradation
- lack of accessible, good quality water for both urban and rural inhabitants
- Environmental pollution
- Loss of wildlife habitats and biodiversity
- Deterioration of aquatic systems
- Deforestation

Governing laws

International conventions –(source)

The Environmental Management Act Cap 191 (enacted as Act No.20 of 2004)

The Environmental (Registration of Environmental Experts Regulations, 2005 (GN No.348/2005)

The EIA and Audit Regulations 2005 (GN No. 349/2005

Laws adopting EIA:, the Marine Parks and Reserves Act 1994, the Forests Act 2002, the Water Resources Management Act 2009, The Mining Act 2010

8

The basics of EIA

- **Applies to proposed projects only**
- **Is done at the proponent's cost (S.81)**
- **It is a vehicle for integrating environmental issues/considerations into development projects**
- **The process extends from the initial design stage ie when the project is conceptualised/conceived/proposed through implementation to completion and, where appropriate decommissioning.**
- **Projects commencing without EIA defeat its purpose.**

Basics cont..

- Applies to Government projects eg road infrastructure
- Is an environmental management tool
- Is a tool for decision making
- Is a planning tool (project implementation budget, identifying potential risks of a project (eg legal, financial)
- Not anti-development rather an environmental safegurd
- Is conducted only by individuals or firms certified and registered by NEMC as Environmental Experts.

10

Basics cont…

- Apply to projects in the First schedule to the EIA and Audit Regulations esp. Stream A(mandatory list)
- Project developers must observe the national laws and policies governing the project throughout its life circle
- The EIA certificate subject to the Minister's approval is transferable, can be surrendered and be varied, revoked/suspended/cancelled

EIA Procedure

EIA Procedures

- ❖ PROJECT Registration (forms, project brief, fees)
- ❖ Screening (project requires EIA OR NOT)
- ❖ Scoping and ToR
- ❖ EIA study
- ❖ Reviews (site visits, TAC, Additonal information,
- ❖ Recommendation to the Minister for decision making and Issuance of EIA certificate
- ❖ Monitoring and Audits

1.Project Registration

- Through Form No.1 and a Project Brief stating:(nature of the project, project location, activities to be undertaken, project design, potential environmental impacts, a plan for management of possible impacts, a plan for occupational health and safety of workers and the neighbouring community, the economic and socio-cultural impacts, the project budget, any other info the Council may require) reg.6

2. Screening

- Done by the Council after receiving the Project Brief(S.86(1) EMA
- Purpose: to determine whether an EIA be undertaken (reg. 10(1)
- Within 45 days of the submission of the Pb the Council must communicate the decision to the PP/Developer plus the reasons (reg 10(1)
- Upon examining the Pb the Council shall require the Pp to carry out EIA and prepare an EIS (compare wth reg

- Council's screening decision: (reg.11)
- where the Council finds that the project shall have significant impacts on the envPp to carry out an EIA OR a PEA .
- Where the Council finds that the prjct shall have no signfcnt –ve impacts and the PB discloses sufficient mitigation measures it shall proceed to recommend the prjct to the Minister for approval (reg.11(3)
- Screening is guided by screening criteria (see 2nd schedule)

- Project brief must be prepared by a registered Environmental Experts
- Proponent must pay registration fee
- Within 7days of receipt of Project, It must be submitted to relevant ministry, public institution, LGA, or Regional Secretariat for comments to be submitted to NEMC within 21dys

3. Scoping & ToR

- EIA must be conducted in accordance wth the scoping and Tor (reg.13)
- Tor must be submitted to NEMC for approval wthn 14 dys of submission otherwise approval shall be presumed.
- Scoping report –contents reg.13(3): how the scoping exc.was undertaken, issues and probs identified, a synthesis of the results of the scoping, stakeholder groups and how they were involved, spacial, temporal,&institutional boundaries of the prjct, prjct alternative, ToR.

4.The EIA Study

- Identification/prediction/Assessment of likely impacts (-&+)
- Conducted by EE in accordance wth Scoping and Tor
- Going to the site of the proposed project, consulting persons likely to be affected by the project/stakeholders
- Preparing an EIS and submit it to NEMC
- EIS must be submitted by the Pp/Developer
- Steps of conducting EIA -4TH Schedule

The EIS

- Not defined in the Act
- Per reg.3 EIS is the statement produced at the end of the EIA process in accordance with the requirements of S.86 and Part V of the Regulations.
- Must be prepared in accordance wth regulations made by the Minster (S.86(3) (GN N0.349/2005)
- Must contain information prescribed under reg.18(1)
- Format of an EIS: Must be closely styled per reg.18(2)(3)
- Scope of the EIS: In making an EIS the PP/Developer must have regard to the issues stipulated in the ToR reg 19
- NEMC shall determine the scope of the EIS (S.85)
- Must be submitted to NEMC by the PP/Dev himself not the EE 15copie and an electronic copy reg.21
- Must be signed by each of the individual persons making the assessment
- Is the reviewable doc, the basis of the Minister's decision

5. Review

- Review: is a process of checking the adequacy of an EIS or an EA Report with a view of ensuring that it meets the legal requirements of ensure wide acceptance of the environmental impact study findings (reg.3)
- NEMC must conduct a review of an EIS within 60dys following submission of the EIS s.87(1)
- Review may be through a TAC or a Public hearing
- NEMC may visit the site of the proposed prjct for inspection or verification at the PP's cos (S.88(1), reg 25)
- NEMC may constitute a TAC to advise it on review of the EIS (S.87(2),reg. 22 (Both stress that the TAC must be cross-sectoral)
- TAC must be cross-sectoral and contain not less than 12 specialists constituting a multi-discpilnary specialisation. .it may co-opt subject to DG's approval
- NEMC draws ToR and rules of procedure for the TAC with
- The quorum for the meeting of the TAC
- Rview is conducted per the criteria stipulated in S88(2) & reg 24

Rev….

- Circulation of the EIS: Upon receipt of the EIS NEMC shall circulate it for written comments to institutions and government agencies, notify the public of the place and time of review of the EIS ans solicit oral or written comments from people who will be affected S.89
- NEMC must within 14 dys of receiving the EIS submit a copy to the relevant ministry and the relevant public institution which must submit comments to NEMC wthn 30dys. Reg.23
- If no comments are submitted NEMC shall proceed to determine an application
- Additional Comments:NEMC may during review of an EIS require the PP to submit add,info. including but not limited to site maps, design maps, project documents, reports or materials, sectoral advice and any other matters NEMC may deem necessary s.87
- The PP shall comply wth NEMC'S request for additional info necessary to enable it to complete the review and shall do so within the time specisied in the request.

Rev…

- NEMC'S Recommendations: Upon completion of the review of the EIS NEMC shall submit recommendations to the Minister S91 (reg.30 NEMC must prepare a report and submit it to the Minister)
- Appeals against NEMC's decisions in reviews lies to the Minister. S18(3)

6. The Decision of the Minister

- Minister must make a decision within 30 days after receiving the recommendations from NEMC S92
- The Minister's decision is based on the EIS
- He may either (i)approve the EIS, or (ii)disapprove it or (iii) approve it subject to such conditions he mat determine and issue a certificate.
- He shall disapprove projects likely to have significant impacts on the env. Or projects with no alternative which can mitigate the significant likely harm to the env. Or where there are compelling social, economic, health, cultural or religious reasons that are likely to lead to irreversible impacts to the environment S.93
- Matters the minister must take into account in making a decision r.32 (Doe's advice)
- Appeals against the decisions of the Minister approving or disapproving an EIS lies to the EAT-HC-CA (s.206)

Post- issuance of EIA certificate

- Conducting a fresh EIA S.97
- Suspension,revocation or cancellation of the certificate r.38
- Surrender of an EIA certificate r.37
- Variation of conditions of a certificate r.35
- Transfer of an EIA certificate r.36
- Re-registration of a project r41
- Monitoring of the project
- Environmental audits

REGULATORY framework

1. **Minister responsible for Environment (approval and issuance of EIA certificates , suspending, cancelling or revoking EIA certificates**
2. **NEMC –registration of projects, screening, approving ToR, site verifications, TAC, reviews, recommending, monitoring, audits, disciplining EEs**
3. **Sector Ministries- commenting on project briefs, EISs**

Regulatory Framework cont…

5.Local Government Authorities: Comment on project briefs of proposed projects, as urban planning authorities enforce land uses, issue development consents (building permits and enforce conditions)

6. The Environmental Appeals Tribunal- An Appellate authority against the decisions of the Minister approving or disapproving a project. Appeals there from will lie to the High Court.

Prohibitions

1. Lisencing/permitting authorities- prohibited to issue licences/permits to owners of projects for which EIA is mandatory until the owner of the project produces an EIA Certificate issued under the Regulations.(REG.4) (Lisencing/permitting authorities- are Sector ministries, LGAs. EWURA, SUMATRA, TFDA etc
2. EIA must be conducted prior to commencement or financing of the project

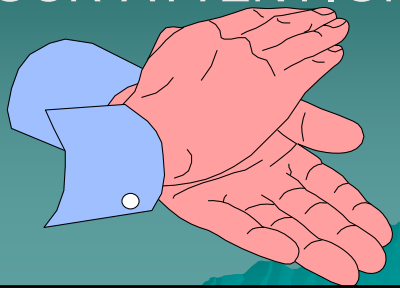
Prohibitions cont…

- No person shall conduct EIA, Eaudits or related activities unless that person has been duly certified and registered pet the Regulations.
- NEMC shall not deliberate on the EIAs, Eas or related works conducted by unqualified persons (Reg. 14&15 GN 348/2005)

EIA-Related offences

- Commencing the implementation of a project or financing it prior to conducting an EIA (S81(1) read together with S.191
- S.81(3) Carrying out a project without an EIA certificate relying on a permit issued under other written laws by other relevant authorities
- S.184 and Reg.60: failure to prepare a project brief, failure to prepare an EIS, fraudulently making false statements in the EIS, breaching the conditions of an EIA certificate, professional misconducts, failure to inform the Minister of a transfer of an EIA certificate

THANK YOU FOR YOUR ATTENTION



5. ESIA mini hydro Uganda

Netherlands Commission for Environmental Assessment

ESIA mini hydro Uganda

Ineke Steinhauer
Netherlands Commission for Environmental Assessment

The project

- **Western Uganda hydropower and rural electrification project**
- **9 mini-hydropower plants of a capacity between 0.5 MW to 2.0 MW and rural electrification systems to connect about 347,000 people in Western Uganda**
- **Total 6.2 MW**

Location and type of activity (run-off-river)

Project parts

- A diversion weir
- Sand trap
- Headrace channel
- Forebay
- Penstock
- Powerhouse
- Tailrace
- Access road
- Bridges at some locations
- Transmission lines

Parties

- **Uganda Energy Credit Capitalisation Company = developer**
- **RHDHV = ESIA consultant (with Ugandan certified EIA consultant)**
- **ORIO = funding agency from the Netherlands**
- **NEMA = National Environmental Management Authority, approval of ESIA and issueing of Env. Clearance**
- **NCEA = quality check ESIAs**

ESIA, requirements in Uganda

- **National Environmental Act & EIA regulations (currently being revised)**
- **Procedural steps: 'the developer should submit a project brief, outlining basic information on the proposed project/activity to NEMA. NEMA in consultation with an appropriate lead agency(ies) carries out screening to determine the level of EIA required, depending on whether the project has or does not have significant impacts'.**
- **The National Environmental Statute, 1995, schedule 3, lists the projects for which an EIA shall be carried out. The list contains several sections which trigger an EIA for this project.**

7

NEMA approves ToR

- **Developer makes scoping rapport plus draft ToR**
- **These are submitted to NEMA for approval**
- **Approval through letter, including additional conditions, e.g.**
  - EIA sector guidelines for hydropower & electricity and guidelines for public consultation, resettlement and compensation need to be followed.

8

NCEA

- **Request by ORIO and NEMA**
- **Quick Scan van Interim ESIA rapport**

9

Main findings on draft ESIA

1) The project rationale is not complete:

- **no justification of choice of power generation mode (why not solar, wind, geothermic), nor any reference to possible mode choice made in the Ugandan energy policy.**
- **no reference to this project being mentioned in the Rural Electrification Plan 2013-2022.**

10

Main findings on draft ESIA

2) The project description is not complete

- **it does not become clear how the selection for the sites was done and whether and how environmentally sensitive areas were taken into consideration**
- **the technology used (run off river) is not indicated**
- **% of river flow used is not mentioned**
- **the specific interventions at each of the 9 locations are not described, e.g. in terms of technical design**
- **the production and consumer price of Kwh is not given.**

11

Main findings on draft ESIA

- **This information is essential to the more detailed ESIA's which are still to follow, and will be the basis for a sound Environmental (and Social) Management Plan and Monitoring Plan (these are currently still lacking).**
- **Public consultation has reportedly taken place but has not been documented and is therefore not verifiable.**
- **The baseline information is rather comprehensive, but needs to be presented in a more accessible manner. There is a dis-balance between socio-economic information and environmental information. E.g. there is no baseline for species that will suffer most impacts (fish).**

12

Next steps, 9 individual ESIAs

- **Intent: joint review by NEMA and NCEA**
- **Decision making by ORIO on project funding in Nov. 2016, therefore NCEA advice had to be done quickly**
- **NEMA decision making delayed**
- **NCEA review findings: main NCEA concerns of draft ESIA have been addressed, quality ESIA improved considerably**

13

ORIO project approval with conditions

– The contract between UECCC and the contractor must include clauses regarding adherence to the Environmental Social Management Plan

– The supervision contract should include a senior environmental and social expert with applicable decision-making power and mandate to ensure compliance with the ESMP and IFC Performance Standards.

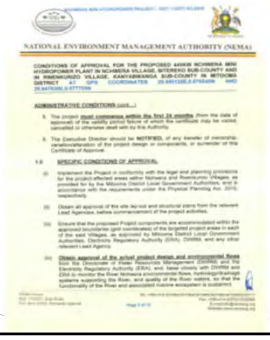
– The contractor should
- describe the procedures of the yet required and continuous stakeholder consultation during this project and translating the outcomes into the detailed designs and detailed ESMP.
- develop a water management and action plan to safeguard environmental flow, water availability and water quality. This should include, amongst others, the following requirements: ……..

– In addition, budget for the abovementioned issues should be made available and responsibilities for each of these issues should be assigned to relevant parties.

14

NEMA approvals for each of the 9 sites

15


NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

CONDITIONS OF APPROVAL FOR THE PROPOSED 44MW NCHWERA MINI HYDROPOWER PLANT IN NCHWERA VILLAGE, BITERED SUB-COUNTY AND IN RWEMUKURO VILLAGE, KANYAMWENGA SUB-COUNTY IN MITOOMA DISTRICT AT GPS (CODROMUTES 35 6470296.0 677755N) AND 35 6470296.0 677755N

ADMINISTRATIVE CONDITIONS (cont…)

6. The project must commence within the first 24 months from the date of approval of the validity period failure of which the certificate may be varied, cancelled or otherwise dealt with by the Authority.

7. The Executive Director should be NOTIFIED, of any transfer of ownership, name/shareholders of the project design or components, or surrender of this Certificate of Approval.

8.0 SPECIFIC CONDITIONS OF APPROVAL

(a) Implement the Project in conformity with the legal and planning provisions for the project-affected areas within Nchwera and Rwemukuro Villages, as provided by the Mitooma District Local Government Authorities, and in accordance with the requirements under the Physical Planning Act, 2010, respectively.

(b) Obtain all approvals of the site lay-out and structural plans from the relevant Lead Agencies, before commencement of the project activities.

(c) Ensure that the proposed Project components are accommodated within the approved boundaries (grid coordinates of the targeted project areas in each of the said Villages, as approved by Mitooma District Local Government Authorities, Uganda Wildlife Authority (UWA), DWRM, and any other relevant Lead Agency.

(d) Obtain approval of the actual project design and environmental flows from the Directorate of Water Resources Management (DWRM) and the Uganda Wildlife Authority (UWA) to ensure compliance with DWRM and UWA to monitor the River Nchwera environmental flows, hydrology/drainage systems supporting the River, and quality of the River waters, so that the functionality of the River and associated riverine ecosystem is sustained.

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

(e) Liaise with the Department of Museums and Monuments (DMM), to determine and document all chance-finds of artefacts, cultural sites, sites of archaeological importance, before commencement of the project activities, for purposes of guiding the implementation of the Project.

(f) Have in place a comprehensive inventory, record and compensation and resettlement action plan to cater for all the project-affected persons (PAPs), before commencement of the project activities, in consultation with the relevant authorities to have the PAPs compensated in a transparent and timely manner, in accordance with the Land Act, Cap. 227, and other relevant national laws.

(g) Obtain all the required approvals, permits and licenses (for dredging and excavating and clearing of rock material, chance finds relating to artefacts, water abstraction, stream routes, power generation and transmission, cost of certain machinery/equipment, among others) from Ministry of Works and Transport, Ministry of Internal Affairs, UWA, DWRM, DMM and Occupational Safety and Health Department/Ministry of Gender, Labour and Social Development.

(h) Apply for and obtain a permits from the National Environment Management Authority (NEMA), for use of the regulated zones of River Nchwera, in accordance with Sections 29 and 30 of the National Environment Act, Cap. 153, and the National Environment (Wetlands, River banks and Lakeshores Management) Regulations, 2000, respectively.

(i) Note that all other aspects (including / components which are not in the main subject of this Certificate of Approval, that is, temporary workers' camp and storage/parking yards, and access roads), will require separate Environmental Impact Assessment (EIA) to be undertaken, and Certificate of EIA to be issued, before those aspects/ components are submitted to this Authority for approval.

(j) Carry out annual environmental audits in accordance with the laws available practices (taking into account advances in science and technology) as provided in Section 3 of the National Environment (Audits) Regulations, 2006, and submit the final Environmental Audit Report by April, 2019.

16

What next?

- **ORIO has suggested that NCEA and NEMA work together on the social and environmental monitoring of the ORIO project in the next phase, especially related to the conditions put by ORIO and NEMA.**
- **This can be done around May-June 2018, because:**
  – NEMA requires annual audit reports
  – ORIO requires annual progress reports
- **Concrete points of attention:**
  – ESMP needs to be further detailed,
  – NEMA requires specific requirements

17

Impact	Significance	Mitigation and enhancement measures	Residual Impact	Methodology	Relevant HEPP Sites
Potential Positive Impacts					
Creation of Employment Opportunities	Moderate	Hire as much as possible labour from the communities near the sites	Moderate	Consult local officials to recruit people from affected people with focus on vulnerable groups (ie women)	For all nine HEPP sites
Improvement in road infrastructure	Moderate	Consult with local officials on road routing and design	Moderate	Before start construction consult local officials	HEPP-2 and 4
				Assess and feeder roads that can be used by the local communities should be left in use	HEPP-2 and 4
				A bridge should will be constructed to link villages along River Nsongya, Hoima, Nchwera, improving the connectivity between the villages	HEPP-2 and 4
Expenditure on local assets (construction materials and food products)	Moderate	Source supplies locally as much as possible	Moderate	Include clause in contract Contractor	For all nine HEPP sites
Potential Socio-Economic Negative Impacts					
Increased spread of HIV/AIDs/STIs	Moderate	Include in ESHS plan from Contractor specific HIV procedures and awareness activities	Minor	Limit external workforce by hiring labour from communities;	For all nine HEPP sites
				Develop robust HIV intervention programme	For all nine HEPP sites
				Operate a clinic for construction workers, which among others, issue out condoms to workers, and does HIV/Aids testing and counselling.	For all nine HEPP sites
Loss of grazing and arable land	Moderate	Avoid resettlement (physical and economic) as much as possible and if not possible compensate land-for-land and in last resort financially. Give vulnerable groups priority in livelihood restorative.	Moderate	Optimise the design to minimise land, especially routing of headrace channel, forebay, routing of penstock and location of power house.	For all nine HEPP sites
				Compensate land for land, not land for cash, if possible and desirable	For all nine HEPP sites
				Restore lost livelihoods and give vulnerable groups priority	For all nine HEPP sites
Disruption to movements of the surrounding communities	Moderate	Create safe passages of channels and penstock, where required	Minor	Construction designs should allow for overhead powers or bridges along foot paths, and they should be equipped with accessories (ramps/hand railings)	For all nine HEPP sites

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NEMA requirements on ESMP & possible up-dates

- **'The developer responsible for a project in respect of which an EIA is required, shall submit to the Authority together with the EIA report, an environmental and social management and monitoring plan in respect of project operations <u>and thereafter every 3 years'.</u>**
- **The environmental and social management and monitoring plan shall at a minimum contain the following information ……..**
- **Amendment of an environmental and social management and monitoring plan.**
  (1) The developer may, in consultation with the Authority, amend the environmental and social management and monitoring plan as appropriate during the life span of the project.
  (2) The amendment of the environmental and social management and monitoring plan referred to in subregulation (1) may be done where it is necessary or desirable-

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ESMP amendment

(a) to prevent deterioration or further deterioration of the environment;

(b) to achieve prescribed environmental standards;

(c) to accommodate demands brought about by impacts on socio-economic circumstances and it is in the public interest to meet those demands;

(d) to ensure compliance with the conditions of the environmental authorization;

(e) to assess the continued appropriateness and adequacy of the ESMP; or

(f) when an ESMP is in conflict with the principles set out in the Act.

6. Environmental and social impacts of tourism development in Zanzibar

Netherlands Commission for Environmental Assessment

Environmental and social impacts of tourism development

Zanzibar

NCEA, Ineke Steinhauer

Tourism in Zanzibar

Rapid increase

- 56,000 tourist arrivals in 1995 →137,000 in 2006 → over 200.000 in 2014
- Contribution of tourism to the GDP estimated at 20%.

Environmental objectives of tourism policy

- the use of EIA as a key planning instrument;
- establishment of Marine Parks;
- research programs for resource use and environmental protection;
- encouraging clean energies and adequate waste management;
- offshore boundaries earmarked to avoid poaching from game fishing boats;
- emphasis on sustainable and environmentally friendly projects.

Tourism in Zanzibar

- Gradual growth (numbers), but also the quality and variety of attractions.
- Smaller accommodation establishments, in the form of eco-lodges, catering for higher spending tourists which economically benefit local communities and engage them in tourism development.
- Currently mainly low-spending mass tourism.
- Establishment of buffer zones between tourism infrastructure and villages (300m) to minimize impacts, e.g. congestion.
- Six regions (4 in Unguja and 2 in Pemba) indicating the areas where tourism structures may be built, their capacities and priority actions.
- Guidelines such as setback limits from the high water mark.

Tourism in Zanzibar

- 2007: 218 hotels in Zanzibar, mainly concentrated in Unguja (especially in Nungwi and the east coast).

- beach and sun;
- snorkeling;
- diving;
- forest walks and spotting of wildlife (e.g. the Jozani Chwaka Bay National Park, the Red Colubus monkey);
- dolphin watching (Kizimkaki);
- cultural/historical/archaeological heritage (mainly Stonetown).

EIA required for tourism projects?

1. Beach Resorts, Condominiums, Apartments, complexes and associated development projects (EIA in cases where the project)
   - is located in conservation area and its buffer zone or
   - near sensitive area (e.g. beaches, mangroves, waterways, lagoons, remote islands and sandbanks)
   - includes a hotel with more than 40 rooms with its associated facilities.
2. Underwater establishment (EIA required in all cases)
3. Golf course and associated development (EIA required in all cases)
4. Recreational activities such as kite surfing activities, diving activities and game fishing (EIA required in all cases)

Key environmental impacts

Solid waste production and management

- The increase of tourism has aggravated this problem, as tourists produce considerably more waste than locals.
- Also: composition of waste produced by tourists mainly non-degradable waste (80%) as opposed to 20% for waste produced by locals.
- Plastic bags, plastic bottles and tins are items mainly consumed by tourists

Zanzibar was previously referred to as the 'green island' it now starts to be referred to as the 'blue island', in reference to the blue plastic bags found dumped all over. Also: 'plastic soup' issue in marine environment.

7

Key environmental impacts

Solid waste production and management (2)

- Hotel operators would normally pay someone to take their waste away, but transporters are not controlled by the government and the waste usually ends up in irregular dumps or along the road.
- Under the land lease agreements hotels are supposed to have an 'incinerator', but it is not clear to what degree burning of waste will be controlled (e.g. in relation to production of toxic fumes by burning plastics, particulate matter and other atmospheric pollutants).
- Waste management needs coordinated central action for it to be effective, rather than relying on a multitude of individual producers (e.g. hotels, villages) finding small-scale solutions.

8

Key environmental impacts

Sewage management

- The lack of sewage treatment poses a risk of groundwater contamination.
- Discharge into the sea affects not only the quality of bathing waters but also the health of corals and marine flora and fauna, and poses a health risk to the population.
- Very few hotels have sewage treatment, but under the land lease agreements all hotels are required to have one.

9

Key environmental impacts

Fresh water sources

- Tourists consume considerably more freshwater than locals, even more so if hotels have swimming pools and bathtubs (and laundry)
- Some areas have very scarce freshwater resources (e.g. eastern coast of Unguja), where hotels are nevertheless being built.
- Pressure on groundwater, leading to over-exploitation and intrusion of saline water.

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Key environmental impacts

Nesting of turtles

- The east coast of Unguja as well as Mnemba Island are turtle nesting beaches
- However the construction of hotels along the beaches has caused a decline in the number of nesting sites (in the east coast of Unguja there were 22 hotels in 2003, whereas in 1988 there were none) (UNEP and DGIC, 2003).

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Key environmental impacts

Coastal erosion

- Many hotels have not respected the 30m setback limit from the high-water mark. Especially the in north Unguja (around Nungwi), where this is claimed to be a factor contributing to coastal erosion.
- Other anthropogenic factors are sand and coral mining, dynamite fishing and climate change.

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Key environmental impacts

Harassment of dolphins

- Kizinkazi is an area for dolphin watching, in 2007 around 25 boats offering dolphin-watching.
- Skippers, in trying to please their clients would often chase dolphins..

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Key environmental impacts

Conflicts and social impact

- Some conflicts have arisen due to tourism activity (e.g. opposition to the building of a jetty, conflicts over access to beaches by locals, especially fishermen).
- Growing concern by villagers and authorities that mass tourism in Zanzibar is not benefiting the population as it should.

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Key environmental impacts

Conflicts and social impacts (2)

- Few hotels buy their supplies locally (in part due to uncertainty in availability of certain products in the local market) and there is also shortage of qualified local staff (so personnel are brought from abroad or mainland).
- Prices of certain products (especially squid and octopus) have increased dramatically due to their increased demand by tourists, making them less accessible to locals (although fishermen are certainly earning more).
- Many people in Zanzibar see tourism as incompatible with their culture, creating a rejection towards tourism (e.g. semi-naked people on the beach, consumption of alcohol, eating and drinking in public during Ramadan, associations between tourism and prostitution).
- For many, working in hotels is not regarded as a socially prestigious occupation.

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Environmental issues constraining tourism development (Unguja)

High level threats:

- Habitat threatened from hotel construction along east coast, urbanisation and harbour construction
- Mangrove clearing for charcoal making and salt pans
- Coral mining at Mwangapwani
- Increased shipping leading to increased likelihood of oil spills
- Increase in fishing pressure
- Some large mangrove areas have been cleared
- Coral damage in southwest and exacerbated by coral bleaching

Medium level threats:

- Small-scale industries and domestic sewage from Zanzibar town affecting water quality
- Over-fishing, over-harvesting of mangroves and destructive fishing practices
- By-catch of turtles and dolphins, with turtle nesting sites on beaches of east coast disturbed by hotel construction and compounded by high rate of erosion

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Environmental issues constraining tourism development (Pemba)

Medium level threats:

- Threat of habitat destruction through hotel developments and harbour construction
- Oil spill potential from tanker route
- Dynamite fishing and dragged beach seine nets
- Clearing for prawn farming
- Destructive fishing practices
- Some coral mining for lime, mangrove harvesting and clearing for salt production

Low level threats:

- Possible fish farming and continuation of seaweed farming

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Key issues of concern

The following issues are having a pressure on the local environment, on which the tourism industry itself depends, as well as on natural resources which are essential to locals and to the survival of the tourism industry.

- Waste management, Freshwater availability and Sewage disposal (as discussed above);
- Sand and coral mining for construction (although beach sand mining was not referred to as being of high concern, it was claimed that, for example in Kizimkazi-Kungoni beach approximately 5 to 10 tonnes of beach sand are mined per week);
- Cutting of mangroves for firewood and construction material. In Pemba mangroves are being cut down for the construction of salt pans;
- Destructive fishing mainly with dynamite;
- Low environmental awareness, including of those dealing with tourists (e.g. offering dolphin-watching tours).

Table 1. Environmental impacts of the tourism sector

Environmental impact / Country	Accelerated coastal erosion due to structures on beach	Pressure on solid waste management	Wastewater discharges affecting coastal and marine environment	Cutting of mangrove	Coral reef trampling	Anchor damage	Shell collection	Pressure on fisheries	Dolphin harassment	Increase of prices making certain products unaffordable for locals	Conflicts due to take over and restricted access of beach area	Conflicts with cultural values	Child prostitution	Other social impacts (e.g. school drop-out)
Comoros														
Tanzania														
Zanzibar														
Kenya														
Seychelles														
Madagascar														
Mauritius														
Rodrigues														

Key: = insignificant impacts; = low level impacts; = medium level impacts; = significant impacts

Table 2. Environmental constraints to tourism development

Country \ Environmental constraint	Beach erosion	Beach accretion	Freshwater scarcity	Inadequate solid waste management	Turtle poaching	Siltation (e.g. linked to deforestation, agricultural practices, disposal of agrochemical products and nutrients	Destructive fishing – dynamite fishing	Destructive fishing – beach seine	Destructive fishing – poison	Unhealthy or dead coral (normally due to combination of factors)	Sand mining (beach and river)	Coral mining (for lime production)	Impacts of incompatible economic activities (e.g. mining)	Contamination of bathing waters
Comoros														
Tanzania														
Zanzibar														
Kenya														
Seychelles														
Madagascar														
Mauritius														
Rodrigues														

Key: = insignificant impacts; = low level impacts; = medium level impacts; = significant impacts

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Good practice guidelines

- August 2011
- Very comprehensive, 250 p.
- Developed for Central America (also tropical conditions)
- Volume II contains specific guidelines for resort/hotel/condo developments, and coastal and marine projects

Netherlands Commission for Environmental Assessment

Steps involved in reviewing ESIA

Ineke Steinhauer
Netherlands Commission for Environmental Assessment

2

1. Preparation & organization

Tasks for ZEMA

- sufficient copies?
- quick scan of ESIA report
- expertise available and sufficient?
- is it clear to reviewers what they have to do?
- organization of site verification visit?
- how to ensure stakeholder participation?

3

2. Review criteria to use

- Are scoping report/ToR available? If so, to be used by review team members
- Are reviews of comparable ESIA reports available?
- Specific review criteria and format (see examples)

4

REVIEW QUESTIONS		Relevant?	Justify	If relevant Adequately addressed (grade)?	What is missing	Suggestions for improvement
1. GENERAL PRESENTATION OF THE REPORT						
1.1 Compliance of the study to the specifications						
1.1.1	Are TOR attached?					
1.1.2	Is the letter of Approval of the TOR by the Administration responsible attached?					
1.1.3	Are TOR respected?					
1.1.4	Where appropriate, are comments of the Administration responsible on TOR taken into account?					
1.2 General Outlook						
1.2.1 Physical Presentation of the document						
1.2.1.1	Aesthetic (physical beauty of document)					
1.2.1.2	Quality of Binding					
1.2.1.3	Highlighting of the logo and the header of the promoter					
1.2.2 Organization of the report						
1.2.2.1	Is there a table of contents at the beginning of the document(s)?					
1.2.2.2	Does it conforms to the outline of EIA?					
1.2.2.3	Is the document(s) logically organized and clearly structured so that the reader can locate information easily?					

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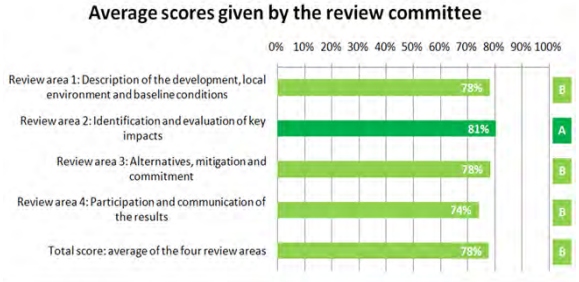

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3) Carrying out the review

- Briefly overview the ESIA-report to understand how it is organized. Write down 3-5 key issues of the project and write down 3-5 key impacts to be expected (expert judgment)
- Take the review format (e.g. ESIA contents as prescribed in regulation) and look at the original ToR/scoping for this ESIA-report.

7

3) Carrying out the review

- Review the ESIA-report in more detail and decide whether the information is provided & sufficient for decision-making.
- The reviewer should consider whether there are any omissions in the information and if there are, whether these omissions are vital to the project. If they are not, then it may be unnecessary to request further information. This will avoid delay to the process.

8

3) Carrying out the review

- Use the approach: observation → justification → recommendation.
- If information is missing, consider what further information is needed, including any suggestions of improvement on where or how the information could be obtained
- Each reviewer writes an overview of the ESIA-report parts which are good, and which are problematic, relating to (at least) his/her specialism.

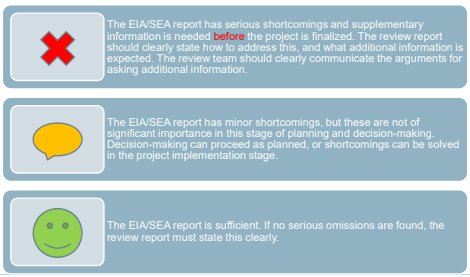
9

3) Carrying out the review

- A first estimation of the importance of any inadequacies can be made. Although not all comments on the ESIA report will necessarily be included in the review report, it is important to provide a complete overview of the main points which are presented incorrect or incomplete in the ESIA-report.

10

4. Review conclusions



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5. Review report

to explain to the project or plan owner what the important shortcomings are, and recommendations how and when any serious shortcomings should be remedied.

as a basis for project or plan implementation

to have a track record of good practice EIA/SEA reports.

- ➢ Stick to main issues
- ➢ Also mention positive issues
- ➢ Consider personal explanation to project owner
- ➢ Decide whether and how the review reports will be made available and publicly accessible, either actively or passively.

Some pitfalls from practise

- Reviewers identify many shortcomings in the ESIAs, but do not always put enough effort in explaining why these shortcomings are relevant for decision making, nor in explaining how they came to this judgment.

- ➢ Focus more on setting priorities among the observations and on better justification of the assessment, in order to improve the review and its usefulness to decision makers.

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Some suggestions for exercise

Best practise for effective review:

1) Focus on **serious** shortcomings and **the kind of supplementary information** needed before the project is approved.
2) Clearly state **how to** address this, and what additional information is expected.
3) Clearly **communicate** the arguments for asking additional information.

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Some suggestions for exercise

How to focus? Imagine:

- Each of you gets (only) 3 'votes'
- You can use your votes for the most urgent shortcomings in the ESIA (priority issues that are crucial before decision can be taken/approval can be given and/or certificate issued)

Always:

- Give a justification why you thought a certain issue is not dealt with good enough in the ESIA
- Recommend what needs to be done next and what supplementary kind of information is required specifically

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Example transboundary impacts

- **Observation:** There is no description of potential transboundary impacts
- **Justification:** This is crucial because any oil spill may affect the environment in neighbouring countries
- **Recommendation:** In a supplement to the ESIA report, either justify that transboundary effects are not relevant, or provide additional information on potential transboundary effects, their likeliness, which neighbouring states will be affected and how to deal with these effects if they happen, and how neighbouring will be informed….

Annex 3: Group work instructions and materials used

Assignment 1: Comparison of ESMP and NEMA Environmental Clearance

- Read the ESMP (20 p. example from Uganda)
- Also read the Environmental Clearances issued by NEMA (11p.)
- Give your opinion on whether the conditions in the Environmental Clearance are:
    - Covering all the critical issues from the ESMP?
    - Would you like to add anything and why?
    - In case of limited monitoring capacity, are there any conditions that perhaps can be deleted?
- Discuss current practices in Zanzibar: what can be learned from this exercise?

Group work assignment 2: quick and dirty review followed by detailed review of three ESIA and audit cases

Case introduction:

- EIA requires multi-skilled/disciplinary groups
- EIA process/procedure
- Tourism activity
- Natural/social environment
- Legal requirements
- Some facilitation…?
- Let's try to make those!

Composition 3 groups

First assignment: 'Quick and Dirty' assessment (60'), Group presentations and plenary discussion

Second assignment: Detailed review (60'), Group presentations and plenary discussion

Quick and dirty: First impression of the ESIA or audit report:

- What is your general impression?
    - Structure (clear, logical, transparent, consistent,..?)
    - Methodology (clear, consistent, transparent,..?)
    - Content (presentation, level of detail, complete,..?)
    - Key issues (recognizable, anything missing,…?)
    - Approach in line with requirements?
- Any upfront compliments/concerns/strange things?
- Pick 3 key aspects to study further

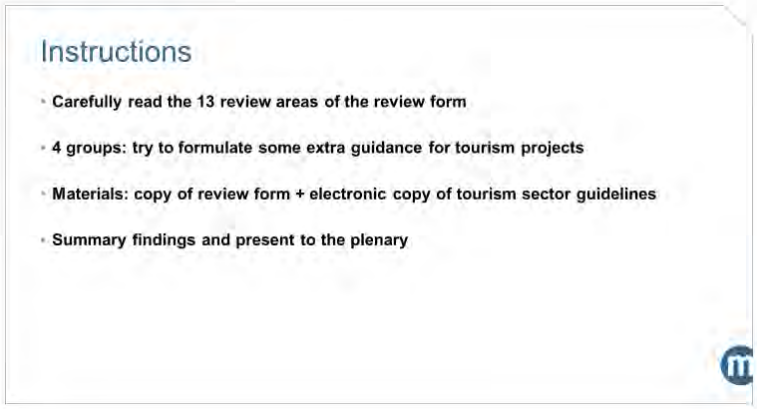
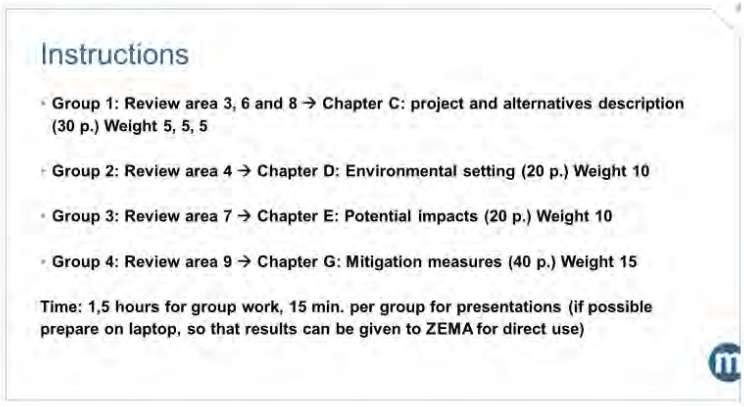
Quick and dirty, some suggestions

- Don't start reading it all!!
- Focus on executive summary first
- Then table of contents
- Distribute tasks (if helpful)

- Check out process first, then content
- It is a first check only….!
- Imagine as if you are going to visit the project site tomorrow and will have the possibility to meet the developer, which questions would you like to ask?

Detailed review: in depth study of 2 aspects per group (1 subject matter, 1 process, for instance):

G	Aspects	Focus
1	Baseline Executive summary	**Specify** (exactly): • Shortcomings (if any). • Why is this important? **Specific** • Feedback/ recommendation /demand for improvement. • What must be done to really get approval?
2	Stakeholder Consultation Repetition/readibility	
3	Waste Management Completeness/reviewability	

Group assignment number 3: Draft review checklist for tourism projects.

Materials used: review form as used in Zanzibar and EIA technical review guidelines document for tourism projects (CAFTA, 2011).