

Webinar Questions 29 November 2023

ESIA Follow-up, from commitments to enforceable provisions

<p>1, Has EANECE approach Mozambique to join the network? 2, Same question for Zambia here,</p>	<p>EANECE currently covers only East Africa. But there have been previous attempts to set up a Pan-African network for environmental compliance &amp; enforcement. I'm happy to follow-up this discussion further Answered by Gerphas Opondo, gerryopondo@eci-africa.org</p>
<p>4, Do you have collaborations in Australia or companies that you partner with?</p>	<p>EANECE is mainly active in Eastern Africa and the NCEA collaborates with countries in the global south (mainly Western Africa, Eastern Africa and Middle East. Answered by the NCEA, ncea@eia.nl</p>
<p>5, Is "follow-up" broader than "monitoring", and if so, how?</p>	<p>Answered live 13:30:00</p>
<p>6, Re-state mitigation measures to be more usable and auditble it relates to the SMART indicators for monitoring and evaluation</p>	<p>Answered live 13:29:02</p>
<p>7, I think a mitigation option like "collect and recycle or safely dispose off lubricants used on site" is also not easily auditable?</p>	<p>Answered live 13:33:45</p>
<p>8, There is a trend recently for the ESMPs also to include budget requirements for the mitigation measures. What's your opinion on that? Should the environmental consultant be responsible for this?</p>	<p>Answered live 13:35:17</p>
<p>9, Very useful to understand the contractor view better (e.g. divide mitigation measures per work area). To what extent should ESIA practitioners know about the nitty gritty of how the contractor organises themselves on site?</p>	<p>Answered live 13:37:41</p>
<p>10, Does NCEA have opportunities to engage young enthusiastic and upcoming experts in the region? your initial statement only captured top-</p>	<p>Certainly, we certainly aim at engaging young upcoming experts in our work. Please do approach us if you want to learn more about our activities in various countries.</p>

notch experts. I think the young upcoming experts also need to be integrated so as to sharpen them,	Answered by the NCEA, <a href="mailto:ncea@eia.nl">ncea@eia.nl</a>
11, For costs, I have been putting contractors overheads	Thanks for the remark. Is this a suggestion, or would you like to have a comment on this from the experts? Please elaborate. Answered by the NCEA, <a href="mailto:ncea@eia.nl">ncea@eia.nl</a>
12, Great presentations. Sharing slides after?	Yes, we are recording the webinar and will share the link afterwards to attendants Answered by the NCEA, <a href="mailto:ncea@eia.nl">ncea@eia.nl</a>
13, The issue of proponents appointing independent consultants to prepare a monitoring or follow-up report is a challenge. How do you ensure there is no bias in the follow-up report?	Yes it is challenge, but in South Africa the consultants have to be registered and also formally state their independence. It is a mechanism to help audit when the government doesn't have the people, vehicles, resources and time to do it. Answered by Bryony Walmsley, <a href="mailto:bwa@saiea.co.za">bwa@saiea.co.za</a>
14, You mentioned that ESMPs are bulky and cumbersome, any suggestions for what aspects could be scrapped off the ESMP to make it more user friendly and easier to implement?	Organising the mitigation measures by work area and providing each area with a 'bare bones' ESMP (e.g. including emergency response plan, reporting plan, roles and responsibilities) helps make it more manageable and usable on site, Answered by Bryony Walmsley, <a href="mailto:bwa@saiea.co.za">bwa@saiea.co.za</a>
15, What is the alternative is ESMP can't be integrated in the tender document?	Difficult! If you come later and ask the contractor to implement all the required E&S mitigation measures, it will probably cost extra! Answered by Bryony Walmsley, <a href="mailto:bwa@saiea.co.za">bwa@saiea.co.za</a>
16, Another question on Bryony's presentation: You made mention of the Plan-Do-Check-Act. Is there one area in particular that tends to be weaker? You emphasised poorly written mitigation measures (Plan), is this the biggest impediment to effective mitigation of impacts?"	There are often weaknesses throughout, depending on the project and its location. If you have a less responsible contractor, nothing will be done - this happens frequently in Africa. This is allowed to happen because there may be very weak compliance auditing and limited enforcement actions. It is also rare to see the feedback loop to ESMP update. But it varies... Answered by Bryony Walmsley, <a href="mailto:bwa@saiea.co.za">bwa@saiea.co.za</a>

17, on monitoring do u actually measure the parameters or u use available data recorded by the developer,	Answered live
18, incidence reporting, You mentioned that you get the information from the Community . I there a mechanism where the developer can report incidence",	Answered live 14:00:40,
19, How do you ensure integrity of self-regulation?	Answered live 14:03:11
20, Robert mentioned that people were displaced by the Project. Was there a specific plan prepared to address that (a resettlement plan,)? Is this plan included in the monitoring process of the project (including monitoring of people´s livelihoods)? If so, how is this process being conducted? Do you have someone monitoring the social aspects of the project?	Resettlement action plan was done and it is one of the monitorable aspects. There is an elaborate system of valuation of the land of people affected. Compensation is based on the findings, Answered by Robert Orina, <a href="mailto:robertorina16@gmail.com">robertorina16@gmail.com</a>
21, Good work. Would have been nice to see photos of the rehabilitated land :)	Unfortunately we don´t have pictures available at this moment Answered by the NCEA, <a href="mailto:ncea@eia.nl">ncea@eia.nl</a>
22, Since the developer pays the consultant, how authentic are the audit report? Am worried that due to this process, consultants might be compromised and produce reports at the interest of the developer.	Genuine concern that calls for professionalism in the side of experts. Answered by Robert Orina, <a href="mailto:robertorina16@gmail.com">robertorina16@gmail.com</a>
23, after approval of ESIA, is it acceptable to change the esmp that was approved or u sought clearance from Authority	Answered live 14:24:39
24, A question to all the presenters: When writing ToR for ESIA's (clients), what elements/requirements should be included in the ToR to facilitate more effective mitigation of impacts/better implementation of the ESMP?	Answered live 14:32:00
25, How did the contractor find it complying with contractual requirements rather than legal requirements during the construction bearing in mind that the compliance had huge financial implications?	Answered live 14:25:48

<p>26, in other words a proper mitigating plan/ESMP is very vital for approval of the project. If a project is approved with an improper esmp, then i could cost the integrity of the Authority</p>	<p>True, Answered by Robert Orina,robertorina16@gmail.com</p>
<p>27, Thanks for the presentation. I would like to know whether or not an ESIA regime should be tied into a department of compliance for any environmental regulatory agencies? (see also Q30)</p>	<p>Answered live 14:34:27</p>
<p>28, How is it in your countries or the examples given with the access to information ? Not all documents or correspondence, even on approvals of ESIA's or compliance are in the public domain. How can stakeholders monitor?</p>	<p>Answered live 14:37:18</p>
<p>29, Here EISA is published, but very often not the annexes, including the ESMP. They might be accessed at the office of the Agency, but that requires someone to send a letter to the Director and travel to the capital and to see a hard copy and not take pictures etc etc. So very difficult to get proper information,</p>	<p>Agreed this is not ideal, we are developing some activities to have a wider availability of the full ESIA (incl annexes), but it is up to authorities to release that information as well. Answered by the NCEA, ncea@eia.nl</p>
<p>30, Thanks for your answer. It is welcoming 🙏 I am the head of the ESIA REGIME OF MY country, and I have been experiencing in-house flights from those from the department of compliance. I am currently working on the separation of the two departments and would appreciate were u to send me a justification of for examples of practices in other countries. *redacted* is my email,</p>	<p>We will get back to you personally, on the e-mail you provided to us Answered by: The NCEA, ncea@eia.nl</p>
<p>31, Thank you for the very interesting presentations!</p>	
<p>32, That depends on the regulatory body to determine the quality of the report, Emmanuel /MoEF @ South Sudan, 11/29/2023 14:43:36</p>	<p>Often it is the regulatory body determining the ESIA of the report, in the Netherlands a separate organisation is responsible for this (us! Netherlands Commission for Environmental Assessment) Answered by: The NCEA, ncea@eia.nl</p>