Zanzibar (Tanzania)

EIA profile

Updated to: 12 June 2019

Overview ESIA procedure

ZEMA takes a screening decision based on a feasibility study or concept note prepared by the proponent, and requests further information if necessary. The proponent is responsible for scoping, preparing Terms of Reference for the EIA, and preparing the Environmental Impact Statement (EIS, or EIA report) while facilitating public participation in the process. ZEMA reviews the EIS - and arranges public participation in the review process - and takes a decision on permitting (requesting more information if necessary), including approval or disapproval of the EIS. In case of disapproval, the proponent has the right to appeal. In case of approval, an EIS certificate is granted and the proponent can start implementing the project. ZEMA is responsible for monitoring and auditing during implementation, until decommissioning by the proponent.

Screening

Screening process

Screening is required. ZEMA is the screening authority.

Once the feasibility study or concept note is submitted, it is then reviewed in order to determine the magnitude of the project. ZEMA can then decide if an assessment is required or not; and if required, in what level of an assessment.

Scoping

Scoping process

If the screening indicates that an EIA is required, scoping will be undertaken by the selected expert or firm. This step is crucial because it determines how the EIA study will be carried out. It also identifies and takes into consideration major concerns of stakeholders and identifies likely impacts of the project. The scoping exercise establishes the ToR and boundary of the EIA Study, which are submitted to ZEMA for approval.

Assessment

Assessment process

Once the ToR are approved, then the EIA study follows. It describes the nature of the project as well as analysing the possible environmental and social impacts of the project or activity together with mitigation measures to minimize the negative impact and enhance the positive ones. Public consultation

should take place during this assessment.

Once the EIA study is completed, The proponent, through his/her selected expert or firm, submits 18 hard copies and one soft copy of the report to ZEMA for review.

Contents of the EIA report

An EIA report should include the following elements.

- description of the proposed activity;
- description of the environment that could be affected;
- description of real and practical alternatives;
- assessment of likely/potential environmental impacts of the activity and alternatives (including direct, indirect, cumulative, short- and long-term effects);
- assessment of measures to mitigate adverse environmental impacts and enhance environmental benefits of the activity and alternatives;
- explanation of methodology and data interpretation;
- citation of available data and documents, and indication of knowledge gaps;
- citation of affected persons and contacted communities;
- summary of the above information in Kiswahili (the language most widely understood by inhabitants of Zanzibar); and
- any other relevant information as may be prescribed.

The EIA (Procedures) Regulations 2002 contain further requirements for the EIA report:

- it should be analytic and specific in the project location;
- highly significant impacts should be explained in detail, less significant impacts should be briefly mentioned;
- it should be concise and no longer than absolutely necessary - depending on potential environmental problems and project size;
- it should indicate to what extent the selected project option is or is not the best among alternatives and how it corresponds with other environmental laws and policies;
- alternatives and mitigation options discussed in the report should include those to be considered by the ultimate decision-maker;
- it should serve as an assessment of environmental impacts leading to approval or disapproval of the project.

Accreditation of consultants

An EIS shall be undertaken by experts whose names and qualifications are approved by ZEMA.

Review

Review process

ZEMA will circulate the EIA report to the relevant stakeholders to get their views and comments. These stakeholders will submit their views to ZEMA in writing before the review meeting is held.

Site verification: This takes place before the review meeting is held. The objective is to become familiar with the project by physically observing the project area, and to confirm what is written in the report. The project proponent will have to pay the fees for site verification, as well as for reviewing the document.

Review of the EIA Report: This is conducted to gain the stakeholder’s evaluation of the strengths and weakness of the EIA report, based on the review criteria set by ZEMA.

Review expertise

ZEMA is responsible for review of the EIA report. The make use of a review committe, existing of representatives of other authorities and ministries.

Decision making

Integration of ESIA into decision-making

The outcome of the review could be EIA approval, EIA rejection or a request for further information.

Issuing of ESIA Certificate: In case the ESIA report is accepted, the EIA certificate will be issued, with conditions attached. The certificate will be valid for five years.

Decision justification

The legal documents do not contain requirements for justification of the decision based on the EIA.

Possibilities for appeal

Only the project proponent and the relevant licensing institution can appeal a decision on project approval. If the party:

- disagrees with ZEMA's disapproval of the activity; or
- considers the conditions included in the EIA certificate awarded by DoE unfeasible to such an extent that they are equivalent to disapproval of the activity.

If a party wants to make use of this option, the following steps should be followed:

1. the party who wishes to appeal a decision notifies ZEMA within seven (working) days after receipt of the decision;
2. ZEMA refers the matter to the Minister for decision within fourteen working days after submission, including all information compiled during the application process and ZEMA's recommendation;
3. The Minister decides whether to approve or disapprove the proposed activity, and may choose to invite public comments and/or take into consideration other national policies as part of this decision-making process;

4. The Minister states reasons for approving or disapproving the activity and shows that the recommendation and information provided by ZEMA has been used in this decision.

If the appealing party is dissatisfied with the Minister's decision, further appeal to the Committee of the Revolutionary Council on Environment is possible. This Committee is the highest decision-making body on environmental matters in Zanzibar, and its decision is final.

Follow-up

Compliance monitoring

This is conducted by ZEMA in order to ensure compliance and adherence to the approved environmental and social management plan, and to make sure the conditions attached with EIA certificate are fully complied with.

Stakeholder engagement

Public participation requirements for ESIA process stages

According to the Environmental Management Act, public participation is only required for review of the (draft) EIA report. The EIA (Procedures) Regulations 2002 however indicate that:

In appropriate circumstances the [Environmental Impact] statements may follow preliminary hearings designed to gather information for use in the statements.

Public participation via public hearings before preparation of the draft EIA report is therefore recommended, but not mandatory.

ZEMA shall ensure that consultation is facilitated after receiving the EIA report. ZEMA needs to do the following:

circulate the EIA report to relevant government bodies for written comments;

notify the public of the time and place for reviewing the report and submitting written comments; and

solicit the written comments of the people who will be affected by the project.

Only written comments can be used by the public to express their opinions on the EIA report. These are to be solicited by ZEMA.

Public comments should be taken into account as review criteria for the EIA report - hence they are used in approval of the report. Otherwise there are no requirements for justification of approval of the EIA report or the project itself based on public comments.

The legal documents do not mention any costs for the public associated with participation in the EIA procedure.

Timeline for public comments

The Environmental Management Act indicates that public comments on the EIA report can be submitted during a period which should be between twenty and thirty days, starting on the moment that all relevant persons have been notified.

Access to information

Only the EIA report needs to be made available to the public.

The EIA report needs to be shared with the public 'by any appropriate means'.

ESIA practice

Annual no. of ESIAs

The document A Study Report on EIA Needs Assessment for the Department of Environment, Zanzibar (2006) indicates that EIA is only slowly gaining momentum in Zanzibar. It found that between 1989 (DoE's establishment) and 2006 about 27 EIAs have been conducted in Zanzibar and that for less than half of all large hotels (with EIA obligation) EIA was undertaken.

Another study on EIA effectiveness in Zanzibar reports the following figures:

- 1996-2002: in total 10 EIAs undertaken (but consecutive environmental measures have a voluntary instead of mandatory character);
- 1996-2009: in total 35 EIAs undertaken (all for hotels - and many more large hotels have been built in this time period).

Relevant links

Some relevant documents on EIA in Zanzibar are the following:

- Environmental Impact Assessment - Guidelines and procedures with Annexes (draft version, 2009) - guidelines issued by DoE;
- Criteria for Evaluating Adequacy of EIA Reports (date unknown) - review criteria and format issued by DoE;
- Two forms titled Application for Certification and Registration as Environmental Expert and Application for Certification and Registration as a Firm of Environmental Expert - EIA expert application forms issued by DoE;
- Environmental Screening Process Forms - designed as part of the SMOLE programme.

Background information

History of ESIA

EIA was first mentioned in Zanzibar's legal documents in 1992, as part of the National Environmental Policy. More detailed provisions followed in the Environmental Management for Sustainable Development Act No.2 (1996). The same Act stipulated that detailed procedural regulations were to be issued within six months after the law came into force. In reality, however, this process took six years: in 2002 the Environment Impact Assessment (Procedures) Regulations came into force.

In 2013, Zanzibar Environmental Policy (2013) was published. It states that the government will ensure incorporation of environmental assessment into procedures for designing and implementing development programs, plans, policies and projects. Implementation strategies mentioned in the Policy are:

- promotion of the application of EIA and SEA;
- strengthening of public awareness on the application of environmental assessment tools;
- enhancement of monitoring programmes and assessment for the state of the environment.

The main difference between this environmental policy and the 1992 policy is that not only EIA, but also SEA is mentioned.

In 2015, the Zanzibar Environmental Management Act came into force. Both EIA and SEA are specifically mentioned in this act. EIA if further elaborated in the EIA regulation of 2017 (in draft).

Legal framework

Enabling law

Zanzibar Environmental Management Act 2015

Zanzibar Environmental Policy (2013)

source

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National detailed regulation

Environment Impact Assessment (Procedures) Regulations, 2002

Environmental Impact Assessment Regulation 2017 (in draft)

source

- Environment Impact Assessment (Procedures) Regulations (2002) - detailed regulations under the 1996 Act;
- Procedures for Conducting Environmental Impact Assessment (EIA) and Environmental Audit in Zanzibar - detailed procedures by DoE, date and legal status unknown.

Guidelines

ZEMA's publication Environmental Impact Assessment - Guidelines and procedures with several Annexes (draft version, 2017) contains very detailed guidelines on screening (methods, report contents), scoping (methods, report contents, ToR requirements), reporting (style and format), review (team, type of information, criteria), monitoring (methods, parameters, results presentation), and other relevant topics.

Sector specific procedures or regulations

Sector-specific guidelines for four sectors (agriculture, hotel development, aquaculture, and urban development) are available in the Annexes of the EIA Guidelines and Procedures (draft version, 2017). (CHECK)

Scope of application

The Zanzibar Environmental Management Act of 2015 states that:

No person shall undertake any activity which is likely to have a significant impact on the environment without an EIA certificate issued under this Act. No licensing institution shall issue a licence, permit, certificate, or other form of approval for an activity which is likely to have a significant impact on the environment unless an EIA certificate has been issued for the activity.

This considers any development activity, undertaken by any person or institution - including governmental parties.

Institutional setting

Central ESIA authority

The central EIA authority in Zanzibar is the Zanzibar Environmental Management Authority. Its responsibility is to manage and regulate EIA requirements and procedures in accordance with the provisions of the Zanzibar Environmental Management Act.

Other key (governmental) parties

Other relevant parties and their involvement in the EIA procedure in Zanzibar are described in a study conducted in 2010:

- Zanzibar Investment Promotion Authority (especially involved in foreign investment projects);
- Zanzibar Commission for Tourism (especially involved in local entrepreneur projects);
- Institute of Marine Sciences (assisting DoE with scientific studies);
- Stone Town Conservation and Development Authority (depending on DoE for advice on e.g. UNESCO sites pollution prevention);
- Local Government Authority (assisting DoE in public hearing phases and in signalling problems in communities);
- Department of Forestry (assisting with reports for relevant projects)
- Department of Land and Registration (ibid);
- Department of Fishery and Marine Products (ibid);
- Department of Roads and Construction (proponent for EIA);
- Zanzibar Municipal Council (depends on DoE for advice on specific projects);
- Zanzibar Water Authority (ibid).

The landscape of EIA actors in Zanzibar however changes frequently, as do the (names of) relevant government departments.

(De)centralisation of mandates

EIA mandates are centralized: all decisions are taken by ZEMA.

Payment system

The proponent needs to pay for the costs of preparing an EIA report, as well as for the EIA review,

including any costs involved when ZEMA hires external consultants for this review.

Contact

EIA is the responsibility of Zanzibar's Department of Environment (DoE):

The First Vice President's Office

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Zanzibar