Netherlands Commission for Environmental Assessment

Exchange Workshop on Environmental Impact Assessment Review of Tourism Projects

Workshop report by the NCEA

REVOLUTIONARY GOVERNMENT OF ZANZIBAR, TANZANIA

11 December 2018
Ref: 8033

Workshop Report by the NCEA

Title	**Exchange Workshop on Environmental Impact Assessment Review of Tourism Projects – Workshop report by the NCEA**
To	Zanzibar Environmental Management Authority (ZEMA), National Environmental Management Council (NEMC)
Attn	Mr Ali Issa, Ms Farhat Mbarouk, Mr Sheha Mjaja Ms Angela Mwatujobe, Ms Ritha Minja, Ms Fadhila Hemed
CC	Ms Rosalind Boschloo, Mr Rogier Verstraeten
Date	11 December 2018
From	The Netherlands Commission for Environmental Assessment
Technical secretary	Ms Ineke Steinhauer
Reference	8033

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Table of contents

Programme....4
Annex 1: List of participants....7
Annex 2: Presentations given....8
Annex 3: Results of evaluation....37

Programme

Exchange workshop on Environmental Impact Assessment (EIA) review of tourism projects for NEMC and ZEMA staff, including some representatives from other institutes.

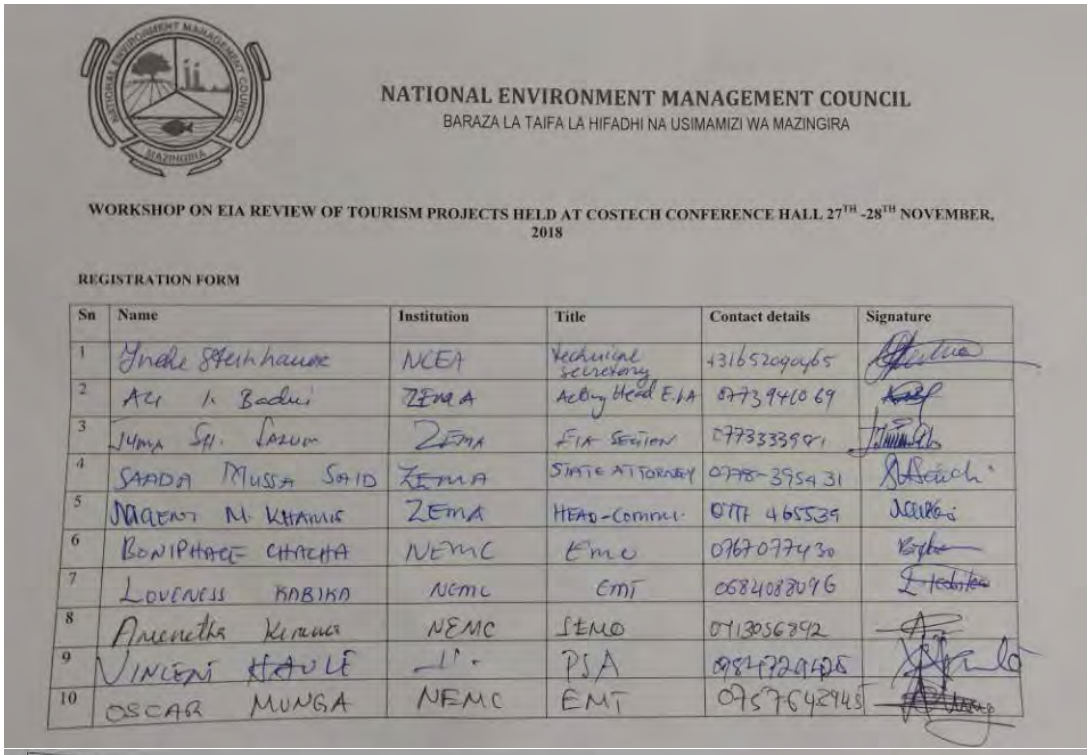
COSTECH conference hall, Dar es Salaam, 27 and 28 November 2018

	Activity/Comment	Remark/Lead
Day 1	**Basics of review, relation between review and permitting, technical review of EIA for tourism projects, introduction of cases (Theory)**	
8:30 am – 1:00 pm	• Registration • Welcome Remarks • Introduction of participants (Annex 1) • Short energizer how many EIAs have you reviewed? *(1 person 0; 1 person 1; 3 persons 5; 3 persons 10; 10 persons >15)* • Short overview of NCEA/ZEMA cooperation project (in particular results of Feb. 2018 EIA review workshop and Sept. 2018 EIA for Tourism day in Zanzibar (presentation 1). • Introduction NCEA, more info on NCEA/ZEMA cooperation and explanation on workshop programme (presentation 2)	• NEMC • NEMC (acting DG/Dr. Vedast Makota) • All • ZEMA (Ali) • NCEA (Ineke)
	Coffee/Tea break	**All**
	To provide context for the workshop: • Presentation on NEMC review: legal requirements and current practice (presentation 3) • Presentation of review in Zanzibar, legal requirements and current practice, including review format used) (presentation 4) • Presentation on NCEA review experience, incl. Q&A on similarities and differences presentation 5) • Relation between ESIA, technical review and Approval conditions and environmental certificate, examples from different countries (presentation 6) Discussion and Q&A: Good level of questions and discussions, NEMC said it would take notes of all this.	• NEMC (Vincent) • ZEMA (Saada) • NCEA (Ineke) • NCEA (Ineke)
1:00 – 2:00 pm	**Lunch**	**All**

2:00 – 5:00 pm	• EIA review of tourism projects: Environmental and social and impacts of tourism development, including good practice guidelines/checklists (e.g. CAFTA)(presentation 7) • Presentation on NEMC Checklist for Tourism currently being developed (presentation 8) • Introduction of EIA cases: o hotel Environmental Audit, under review, Slipway hotel complex Tanzania, October 2018 o jetty EIA, Konokono Zanzibar, April 2016, Zanzibar o Zanzibar Amber Marina Resort, January 2016, Zanzibar Hard copies of each of these cases were printed and participants were divided in three groups; each of them worked on a different case ; each group had 2 participants from ZEMA. • Slipway hotel: Ali, Omar, Loveness, Chacha, Nancy and David • Jetty: Juma, Zuwena, Rukia, Ritha, Aminatha, Angela • Marina: Saada, Mgeni, Francis, Vincent, Brina, Oscar and Albert	• NCEA (Ineke) • NEMC (Rukia) • Cases introduced by the EIA consultant for Slipway hotel and by Ali for the Zanzibar cases.
	Coffee and tea being served at the end of the day.	**All**
Day 2	**Technical reviews of EIA case(s) for the tourism sector (Practice)**	
8:30 am – 1:00 pm	• Recap of day one (summary of presentations given) Group work of reviewing EIAs for tourism projects in Tanzania (mainland and Zanzibar), introduction steps in review (presentation 9). • Read EIA, prepare review findings in report/presentation *Group work instructions:* **First step**, Quick and Dirty review and reporting back. Each of the groups presented its findings (all have been saved on laptop of Oscar).	• NEMC (Francis) • NCEA (Ineke) • All participants • Group assignment facilitated by NCEA (Ineke)
	Coffee/tea break	**All**

	Second step, Detailed review, making use of draft review checklist for tourism projects as developed during first review workshop in Zanzibar (Feb. 2018). • Technical review of EIA case(s) continued according to instructions (PPT 9 continued) • Continuation Group assignment	
1:00 – 2:00 pm	**Lunch**	**All**
2:00 – 5:00 pm	• Reporting back, Comparison of results, similarities and differences • Reflection on experiences with real life review 'exercise' o Ineke showed real review results of Konokono Jetty & Amber Resort. o Ritha explained about current status of Slipway hotel, being reviewed now, but some sensitive issues. o Ali explained about current status of Amber and Konokono. Both have an Environmental certificate now, but in both cases construction still has not started. Ali also read the conditions that have been attached to the Certificate for Amber (issued May 2016). *Overall reflections of participants: 2 step review helpful, checklist useful, but should not be applied too rigidly, keep using best professional judgement.*	• All participants • Reporting back in groups
	Coffee/tea break	
	• Wrap up and evaluation (results of evaluation attached) • Closing remarks	• NCEA (Ineke) • NEMC (Ritha) • ZEMA (Dr. Omar)

Annex 1: List of participants



NATIONAL ENVIRONMENT MANAGEMENT COUNCIL

BARAZA LA TAIFA LA HIFADHI NA USIMAMIZI WA MAZINGIRA

WORKSHOP ON EIA REVIEW OF TOURISM PROJECTS HELD AT COSTECH CONFERENCE HALL 27TH -28TH NOVEMBER, 2018

REGISTRATION FORM

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27					

Annex 2: Presentations given

1. Short overview of ZEMA NCEA cooperation project
2. NCEA introduction and cooperation project
3. Review of tourism related environmental impact statements
4. Presentation on EIA draft regulations and review format used
5. Independent review in the Netherlands
6. EIA and environmental permitting
7. Environmental and social impacts of tourism development
8. Overview of checklist for EA tourism facilities in Tanzania
9. Steps involved in reviewing ESIA

1. Short overview of ZEMA NCEA cooperation project

Short overview of ZEMA/NCEA cooperation project

ALI I.BADUI
ZANZIBAR ENVIRONMENTAL MANAGEMENT AUTHORITY (ZEMA)

PRESENTATION OUTLINE

1. Introduction to ZEMA
2. Function of ZEMA
3. Environmental Management Tools
4. Who is doing EIA in Zanzibar
5. Level of Environmental Assessment
6. ZEMA cooperation with NCEA
7. What lesson we learned ?
8. Conclusion

1. Introduction to ZEMA

- The Zanzibar Environmental Management Authority (ZEMA) was established 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 ensure compliance and enforcement of the Provisions of the Act.

2. Functions of ZEMA

Based on section 22 (1) of the Zanzibar Environmental Management Act, the key functions of ZEMA are:

- Undertake and coordinate enforcement of the provisions of this Act;
- Enforce regulations and ensure compliance of standards, guidelines;
- Coordinate the Environmental Impact Assessment process and Environmental Audit for any activity or investment;
- Carry out environmental monitoring,
- Issue environmental certificates, permit or approval;
- Promote environmental education, awareness, and dissemination to the society and other stakeholders.

3. Environmental Management Tools

In relation to the EIA process, the following are the existing available 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 2018,

4. Who is doing EIA in Zanzibar

- According to Section **41.-(1)** of the Zanzibar Environmental Management Act No. of 2015 which states that:

"*The Environmental Impact Assessment shall be conducted by experts or firm whose qualifications are prescribed by Regulations made under this Act"*

- Section 41(2) stated that:

"The Authority shall maintain register of experts or firms authorized to conduct Environmental Impact Assessment in Zanzibar"

Cont...

- Currently (November, 2018), there 38 EIA experts/firm in the Register maintained by ZEMA.
- Out of that, 1 Company from abroad (outside of the Tanzania), 23 Mainland Tanzania and 13 from Zanzibar.
- Proponents required to select one EIA firm to do carry out EIA and inform ZEMA on this regards.

5. Level of Environmental Assessment

Environmental assessment may either fall under;

- **EIA**: For the proposed activity which is likely to have significant impacts on environment and society;
- **Environmental Report** will be required if the proposed activity has lesser impacts on environment
- **Environmental Audit** will be required if the ongoing activity doesn't have prior clearance and have significant impacts on environment and society;
- **A pre-Audit Report** will be required if the ongoing activity had no prior clearance and had lesser impacts on environment and society;
- **Direct clearance** will be issued; if no EIA, no Audit, no Environmental Report, no Pre-Audit is required.

6. ZEMA cooperation with NCEA

- The cooperation between ZEMA and NCEA come into existence since 2014.
- Regarding this cooperation ZEMA has benefited from various capacity buildings programs and exchanges in term of work in the aspect of EIA process.
- NCEA begin with capacity building program on EIA and SEA for oil and exploration sector.
- But later on proceed the capacity building program for other important key sectors like tourism, as well as aspect of financing on EIA.

7. WHAT LESSON WE LEARNED ?

- Based on the workshop for review process of ESIA/EA report of tourism project in Zanzibar on February 2018. Many have learned but the main key is

ZEMA has to form new review criteria based on the specific project. This is because the existing criteria are used for all kind of projects.

- Based on the workshop EIA awareness raising for tourism development in Zanzibar on September 2018. Key message is :-

Raising awareness to the investors of the tourism projects on the importance of doing EIA/EA during constructions or operation phase of their project.

8. CONCLUSION

➢In fact EIA promotes good and long lasting sustainable development.

➢Let us join together to accelerate the acceptance of EIA process in the relevant development projects for the benefit of generations.

- NCEA bring positive impact to ZEMA and the Government of Zanzibar through:-

✓Capacity building that strengthen EIA practices in Zanzibar.

✓Exchange by sharing the experience from the different institutions and different cases on EIA projects.

✓Strengthening networking among institutions like ZEMA, NCEA, NEMC and other key institutions.

THANKS FOR LISTENING

2. NCEA introduction and cooperation project

Netherlands Commission for Environmental Assessment

What is the NCEA?

And short overview of NCEA/ZEMA cooperation project and activities in Tanzania mainland

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…. And abroad

- Legislation introduced in the 80s
- NCEA is independent, has legal basis and is involved in all EIAs/SEAs in the Netherlands
- 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
- Advice on ToR for, and reviews of, environmental assessments of plans, programmes and projects
- Capacity development of systems and institutions to improve the environmental assessment practice
- Knowledge and learning resources on environmental assessment www.eia.nl
- Demand driven!!! As much as possible in close cooperation with counterpart

NCEA secretariat

- Based in Utrecht, The Netherlands
- 15 staff members for international cooperation (of 40 in total)
- For advisory services, tailor made working groups of experts are installed (pool of experts)

Where do we work?

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

Support to:

- DGIS partner countries' governments
- Netherlands Embassies (incl. Neth. Enterprise Agency)
- Strategic partners (World Bank, OECD, OfD…)
- NGOs in partner countries/regions (training)

Activities in Zanzibar

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

And

https://www.eia.nl/en/our-work/advisory-reports/8033

Overview 2nd ZEMA – NCEA co-operation project

- 2017-2019 titled 'EIA and permitting'
- Builds on previous co-operation project, but smaller in budget
- Now sole focus on EIA (not SEA)
- More collaboration with Mainland/NEMC
- We aim at 3 Results:
  - ➢Strengthened collaboration between ZEMA and other authorities
  - ➢Improving ZEMA's operational capacity to process EIA & permits
  - ➢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
- Tourism event 27 September 2018
- https://www.youtube.com/watch?v=d_NJ2wDYxXA

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

Tanzania mainland

- **4-day SEA workshop in Mbeya (SRJS)**
- In the Rukwa–Katavi landscape, local stakeholders are looking for ways to better manage development in their area. Major projects are planned in and around the area, and pressure on for example water resources is increasing. SEA can be a useful tool to support planning here. It helps to integrate environmental and social concerns into decision-making, to identify alternatives to achieve plan objectives, and it provides a platform for stakeholder dialogues on the best options. SEA is also a requirement for planning under Tanzanian law.

3. Review of tourism related environmental impact statements

REVIEW OF TOURISM RELATED ENVIRONMENTAL IMPACT STATEMENTS

Presented by: Vince Haule,
Principal State Attorney

Contents

- Introduction of terms
- Legal Requirement to conduct EIA for Tourism related facilities
- Contents of Tourism relate EIS
- Formation of TAC and Review
- TAC Review Areas
- Relevant Laws for Tourism related EIS
- Regulatory Framework for Tourism related Projects
- Challenges on Current Practice
- Conclusion

Introduction

- Designated Tourism Facility of activity means any place or activity designated as such by Minister for Tourism under S. 17 of The Tourism Act, 2008
- These include: Resort facilities along shoreline of lakes, rivers, islands and ocean; hill top accommodation facility, hunting and capturing animals, camping activities, sports facilities

EIS Defined

- Environmental Impact Statement (EIS) is the report normally produced by, or on behalf of, and at the expense of, the developer which is submitted to the competent authority for authorization for grant of EIA Certificate.
- EIA has four element:

i. Gathering Environmental Information
ii. Project Description
iii. Prediction of environmental effects of the project
iv. Defining ways to reduce or compensate the adverse effects

EIA TO BE CONDUCTED BY EXPERT

- Section 83 of the National Environmental Management requires that EIA should be conducted by experts or firm of experts who are registered with NEMC
- Registration of experts is governed by the Environmental (Registration of Environmental Experts) Regulations, 2005

EIA LEGAL REQUIREMENT FOR TOURIST RELATED ACTIVITIES

- Section 11(4) of the Tourism Act, 2004 wants the Director of Tourism to make sure a tourism facility has conducted EIA before registering it and grading
- The First Schedule to the Environmental Impact Assessment and Audit Regulations, 2005 as amended by the Environmental Management (Environmental Impact Assessment and Audit) (Amendment) Regulations, 2018

EIA LEGAL REQUIREMENT

- R. 9 (g) of the Wildlife Conservation (Non-Consumptive Wildlife Utilization) Regulations, 2016 has listed EIA as requirement needs to be fulfilled before the license is granted
- S. 35(1) of the Wildlife Conservation Act, 2009 wants all prospective developers in the Wildlife Protected Areas, migratory routes or wildlife dispersal area to conduct EIA prior to their implementaion.

CONTENTS OF EIS
Regulation 18 of EIA and Audit Regulations

- The EIS should incorporate the following:
  - ✓ Project and its activities
  - ✓ Proposed location and reasons for rejecting alternative location
  - ✓ Project objective
  - ✓ A concise description of the National Environmental legislative and regulatory framework

Contents of EIS

- ✓ Baseline information
- ✓ Technology, procedures and processes to be used in the project implementation
- ✓ Materials for construction and for project implementation
- ✓ The products, by products and waste to be generated by the project
- ✓ A description of the potential impacts to the environment and on social and culture

Contents of EIS

- ✓ Availability of alternative technology and processes and thereby providing reasons for the chosen technology and process
- ✓ An analysis of alternatives including project site, design and technology thereby providing reasons for preferring the proposed site, design and technology
- ✓ EMP for eliminating, minimizing or mitigating the adverse impacts thereby substantiating the cost that will be incurred, timeframe and the responsible person to implement the suggested measures

Contents of EIS

- ✓ Action plan for prevention of foreseeable accidents and hazardous activities
- ✓ Measures to prevent health hazards and to ensure safe working environment
- ✓ Identification of gaps in knowledge of the assessor when conducting such EIA
- ✓ Economic and social analysis of the project
- ✓ Positive impacts of the project and ways to enhance them
- ✓ Anything required by the Council

Contents of EIS

- Regulation 18(2) provides format in which the EIS should be styled as close as possible

FORMATION OF TAC AND ACTUAL REVIEW

- TAC is formed under R. 22 by the Council by collecting 12 appropriate government officials or where appropriate anybody may be co-opted with the approved of the DG; the quorum is met when there are at least two-thirds of the members
- TAC members get the EIS at least 14 days prior seating (as per 2018 amendment, it used to be 30 days)
- Members are required to submit written comments at the meeting or immediately thereafter

TAC REVIEW AREAS

- R. 24 as amended provided the following review areas
  - Review Area 1 Description of Development Local Environment, Policy, Administrative and Legal Framework

i. Description of the development
ii. Local environment and baseline condition
iii. Policy, and
iv. Admin and Legal framework

TAC REVIEW AREAS

- Review Area 2 Identification and Evaluation of Key Impacts:

i. Identification and evaluation of key impacts
ii. Residual impacts;
iii. Cumulative impacts;
iv. Prediction of impact magnitude; and
v. Assessment of impact significance

TAC REVIEW AREAS

- Review Area 3 Alternatives, Mitigations, Environmental Management Plan, Monitoring Plan and Commitment

i. Alternatives
ii. Mitigations
iii. Environmental Management Plan;
iv. Monitoring Plan; and
v. commitments

TAC REVIEW AREAS

- Review Area 4 Stakeholders participation and communication of Results

i. Stakeholder participation;
ii. Presentation;
iii. Balance; and
iv. Non-technical summary

RELEVANT LAWS FOR TOURISM RELATED EIS

- ✓ The Tourism Act, 2008
- ✓ The Wildlife Conservation Act, 2009
- ✓ Employment and Labour Relations Act, 2004
- ✓ The Occupational Health and Safety Act, 2003
- ✓ The Forest Act, [Cap. 385 R.E. 2002]
- ✓ The Higher Education Students' Loans Board Act, 2004 as amended in 2008 and 2016
- ✓ The Value Added Tax Act, 2006 as amended
- ✓ The Finance Act, 2018

LAWS FOR TOURISM RELATED EIS

- Marine Parks and Reserves Act [Cap. 146 R.E. 2002]
- Water Resources Management Act, 2009
- The Fire and Rescue Act, 2007
- The Land Act [Cap. 113 R.E. 2002] as amended
- The Urban Planning Act, 2007
- The Environmental Management Act, 2004 as amended
- Workers Compensation Act

TOURISM RELATED PROJECTS REGULATORY FRAMEWORK

- VPO/NEMC EIA Certification
- TANAPA- Land Lease and monitoring
- Local Gvt- Building Permits, business Licenses and waste management
- TTB- Registration and grading
- OSHA- Workplace registration and wellbeing of workforce
- Fire and Rescue- Building Approvals and Fire accident prevention

TOURISM RELATED PROJECTS REGULATORY FRAMEWORK

- WCF- workplace accidents and workforce compensations on occupational accidents
- TFS- approval to invest in forest and permits to remove trees
- Marine Parks and Reserves Unit
- Water Basin Board

CHALLENGES ON CURRENT PRACTICE

- There is no specialization on the EIA business in Tanzania Mainland
- A single expert can submit an EIS hence they are poor written especially of the Chapter on Legal and Regulatory Framework (at least I can speak with confidence on legal area)
- Some experts submit document titled “a Draft EIS…”
- Discussion of Relevant laws hardly talk of relevant section that articulates obligation to the proponent

CONCLUSION

- NEMC needs to invest on a Plagiarism software so that copy cut EISes can be identified and respective experts be punished
- Experts should incorporate people with requisite knowledge for a meaningful EIS to be produced

AHSANTE!!!

4. Presentation on EIA draft regulations and review format used

Presentation on EIA Draft Regulations and Review format used

Presented by SAADA MUSSA SAID
ZANZIBAR ENVIRONMENTAL MANAGEMENT AUTHORITY

INTRODUCTION

- Following the enactment of new Zanzibar Environmental Management Act No. 3 of 2015 . The Department of Environment –Zanzibar in collaboration with Zanzibar Environmental Management Authority obliged to draft new Regulations including EIA Regulations.
- ZEMA by the support of Netherlands Commission for Environmental Assessment managed to draft EIA Regulations in collaborations with Department of Environment-Zanzibar.

AIM OF EIA

- EIA is a process that aims to:
  - identify, predict and evaluate impacts, both positive and negative,
  - consider project alternatives and mitigation measures,
  - optimize positive impacts – enhancement
- It should be seen as:
  - A continuous and integral part of the project planning process

Policy and Legal Framework for EIA in Zanzibar

- EIA is guided by Environmental Policy of 2013;
- Statement 15 of the Policy states that ***"The Government will ensure incorporation of environmental assessment into procedures for designing and implementing development programs, plans, policies and projects".***
- EIA is a legal mandatory;
- The Zanzibar Environmental Management Act, 2015 is the umbrella legislation for environment

Cont ....

- The Act makes ample reference to long-term conservation, management and sustainable use of natural resources.
- Part nine of the Act describes requirements for Environmental and social Impact Assessment in Zanzibar.
- ***Section*** 39.(1) stated that
- "A person shall not carry out or cause to be carry 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."

DRAFT EIA Regulations

- EIA Regulations for Zanzibar composed with 40 regulations which divided in to 14 parts.
- Part I (Preliminary Provisions) is about short title, commencement and Interpretation and application
- Part II is dealing with the Registration of the Activity
- Part III deals with Screening of the Activity and the decision to be made by the Authority which will base on the level of the assessment.
- Part IV deals with Scoping exercise and issuance of TOR
- Part V deals with preparation of EIA Report
- Part VI deals with Audit Report ,scoping of Audit Report and its contents

Cont……

- Part VII deals with Review process of EIA and Audit Report.

❑Identification of stakeholders

❑Circulate EIA report

❑Organize site visit for the proposed activity or existing activity .

The stakeholders shall submit their comments before the date of site verification.

Cont. ……..

- People who may be invited during site verification ;

o a local leader or his representative

oThe expert or the team leader of the firm that conducted the EIA study or Audit;

oThe proponent or his representative; and

o Any other person if the Authority deems necessary

oThe stakeholders shall submit their comments before the date of site verification

Review meeting

- Review meeting comprise the stakeholders who are relevant to the nature of the activity.
- The review format used by stakeholders.

Outcome of the review meeting

The stakeholders may recommend one of the following ;

➢To issue EIA certificate

➢To request additional information to the proponent

➢To disapprove the activity

Up on this outcome the Authority may make decision

- To issue EIA certificate
- To request additional information to the proponent
- To reject the activity.

Preparation of Environmental Report and Pre Audit Report Part VIII

- Part VIII of the Regulations is concerning the preparation of Environmental Report and Pre Audit Report. This report are normally prepared for assessing projects with lesser environmental impacts including activities which are less polluting .This DO NOT require Environmental Scoping or Approval of Terms of Reference. In this assessment ZEMA assigns its internal experts to review the Report.

DIRECT CLEARANCE PART IX

- This is the Clearance which is given to the projects or activities which have insignificant impacts to the society and environment. Example small projects.

MONITORING PART X

- Annual monitoring to be done by the proponent and to submit the report to the Authority.
- Regular Monitoring by the Authority to see the compliance of the conditions issued with Certificate.
- Monitoring requested by the Public in the case of non compliance

DICOMMISSIONING AND CLOSURE PART XI

- The proponent has the duty to prepare decommissioning or closure plan and to submit it to the Authority.
- **COMPLIANCE AND ENFORCEMENT PART XII (OFFENCES AND PENALTIES)**
- Offences relating with EIA Report;
- Offences relating with Environmental Audit Report;
- Offences relating with Environmental Report;
- Offences relating with Pre Audit Report; or
- Offences relating with Decommissioning or closure plan report

Cont……

- Its penalty is fine not less than 7 millions shillings and not more than 20 millions or imprisonment for a term of not less than 3 years not more than 10 years.
- Offences in relation to failure to comply with conditions under Certificate. Its penalty is the same as in the above offences.
- General penalty

APPEAL PART XIII

- Once the Authority has made its decision to reject the project , the proponent has the right to appeal to the Minister and than he can appeal to the court of law which have competent jurisdiction in Zanzibar.
- **MISSELANIOUS PART XIV**
- Loss of certificate
- Change of ownership
- Power to amend Regulations
- Repeal

Conclusion

- EIA in Zanzibar like any other areas worldwide is a legal process for any activity which is likely to have significant impact on the environment and society.
- The Reviewed EIA regulation which was supported by Netherlands Commission of Environmental Assessment has been discussed by the executive committee under the Second Vice President's office now awaiting for final discussion by the management committee and to be submitted to the Attorney General Office for final stage.

Cont ….

THANK YOU

5. Independent review in the Netherlands

Netherlands Commission for Environmental Assessment

Independent review in the Netherlands

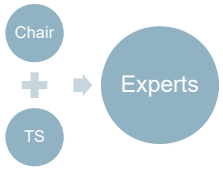
Ineke Steinhauer
Netherlands Commission for Environmental Assessment

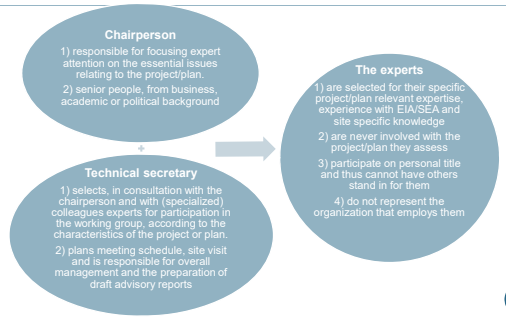
NCEA Review

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

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

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.

Working group

7

- If the NCEA has been involved in the scoping stage (this is voluntarily), the working group for review of the EIA/SEA-report 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

Review in practise

8

- 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.

Preparing review report

9

- 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.

Presenting review findings

10

- 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.

Review outcomes (Option 1)

11

- 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.

Review outcomes (Option 2)

12

- 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

13

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.

14

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.

15

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.

16

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.

6. EIA and environmental permitting

Netherlands Commission for Environmental Assessment

ESIA, technical review, approval conditions, environmental certificate

Ex. from Rwanda, Burundi, Kenya, Zambia, Uganda and Mozambique

Ineke Steinhauer
Netherlands Commission for Environmental Assessment

Rwanda, review process and expertise

- REMA analyses the EIA report to verify its conformity to the ToR, and completeness. Then REMA passes them on to lead agencies, local governments and general public to provide comments that would be useful for decision making about project approval.
- Within REMA, EIA documents are reviewed by two committees: First the Technical Committee appointed by the DG of REMA reviews technical aspects of the EIA report, Public Hearing Report and if applicable, the EIA Report Addendum.
- Then the Executive Committee makes the final decision on acceptability of a proposed project, focusing on implications of impacts, the consideration and choice of alternatives, and the effectiveness of mitigation measures and input from public hearings.
- Technical Committee members are from lead agencies, academic institutions, recognized experts. Also, one member of the Executive Committee is a lead agency representative.

Rwanda decision making

- After review, the Executive Committee decides to either approve the project with or without conditions, or reject it. The public hearing report and environmental impact report are used for taking this decision, which is expressed in a Record of Decision document. Two permitting documents are issued to the developer: an Implementation and Operations Order (IOO) and an EIA Certificate of Authorization.
- The IOO specifies compliance terms and conditions to be met during project implementation and operation. These conditions are based on information from the EIA Report and Public Hearing Report and indicate requirements for implementation, impact mitigation and environmental monitoring.
- An EIA Certificate of Authorization granting permission to begin development will not be issued until a developer agrees to these conditions.

Burundi review process and expertise

- The EIA report is examined by the Ministry of Environment. It can seek the views of other Ministries concerned by the project.
- They may consider documents/opinions resulting from each administration concerned by the process of authorization for the execution of the work, and results of public inquiry (not mandatory). The Ministry of Environment is responsible for conduct of the public inquiry.
- The Ministry of the Environment may request from the promoter, any information or complementary study on aspects that are not sufficiently clarified in the report.

Burundi decision making

- EIA report approval implies the approval of the project and environmental permit.
- The Ministry of Environment takes a justified decision of approval or rejection, which is transmitted to the ministerial competent authority for the implementation of the project. A copy of this decision is reserved for the proponent of the project.
- After project approval, the EIA becomes a legal instrument whose provisions are legally binding for the promoter.

Kenya review process and expertise

- The proponent submits the EIA report to NEMA, who forwards it to the relevant Agencies. These Lead Agencies review the report against the ToR and relay their comments to NEMA. NEMA, at the expense of the proponent, provides the report to the public and invites them to submit comments. If there are outstanding issues after the review of the comments received (both written and oral), NEMA may decide to hold a public hearing. Depending on the case, a Technical Advisory Committee may be established to advise NEMA on the quality and content of the EIA report.
- The Technical Advisory Committee consists of not less than 5 multi-disciplinary specialists. Anyone who wishes to review the EIA report can apply to NEMA to inspect the EIA report.

7

Kenya decision making

- The approval of the EIA report leads to a decision on the issuing of an EIA license. Whether a license is granted or not is based on the EIA report, comments made by lead agencies, affected parties and public hearing report.
- An EIA license is required before other licenses (trading, commercial or development) can be issued. EIA approval and project approval are thus two separate decisions taken by different competent authorities.
- Terms and conditions are formulated for the EIA license.
- NEMA's decision and the reasons are communicated in writing to the proponent and a copy of the decision is made available for inspection at NEMA's offices, and can be viewed by anyone who wishes to do so, upon payment of a prescribed fee.

8

Zambia review process and expertise

- Review is both internal by a ZEMA committee and external in which case comments on the EIA report are sought from stakeholders including; relevant ministries, local government units, parastatals, NGO's, CBO's, interested and affected parties.
- When ZEMA receives the EIA report, it transmits copies to the authorizing agency and to other stakeholders for their comments. ZEMA considers the EIA report and all comments in making the decision. On the basis of this information ZEMA may decide to hold a public hearing. ZEMA also uses EIA sector guidelines as review criteria.
- External parties from various disciplines as determined by ZEMA check EIA report.

9

Zambia decision making

- On the basis of the EIA report, the public hearing report (if applicable) and the review process, ZEMA decides if an Environmental Authorization is granted for a project.
- An Environmental Authorization has to be obtained from ZEMA before a developer can commence with activities. No license for the execution of a project that is subject to EIA can be granted unless ZEMA has approved it.
- ZEMA can attach conditions to the Appendix of any authorization license, permit, or permission issued to the developer based on the impact management plan as described in the EIA report. The conditions must contain a work program with a schedule for the implementation of the conditions.
- Decisions are justified and given in the form of a decision letter. The conditions for approval or rejection are also included in the writing.

10

Mozambique review process and expertise

- A temporary multi-sector technical review committee is set up to review scoping reports and EIA reports. The committee submits a report with its comments to the EIA authority (MITADER), which also takes into account all the comments made by the public during the review process. For A+ projects, the review report of independent experts is included.
- During review, the proponent may have to submit additional information to assist the committee. The findings of the committee form the basis for the decision-making process taken by the MITADER regarding the granting of the Environmental License.
- Through the review committee relevant expertise from within government can be involved in the review.

11

Mozambique decision making

- There are three phases of licensing:
  - 1) a temporary license after approval of the scoping report (valid for 2 years).
  - 2) a project installation license, after the EIA and RAP (if applicable) are approved (valid for 2 years).
  - 3) an operational license when there is full compliance with the EIA and RAP (if applicable) (valid for 5 years).
- The review committee provides recommendations to MITADER regarding the issuing of the Environmental License. The Environmental License must be based upon an approved EIA and is a prerequisite for the issuance of any other license or permit that may be required. The decision on the EIA approval and the license are both taken by MITADER.
- If environmental viability is proven, MITADER notifies the proponent. If environmental viability is not guaranteed, MITADER can (partially) reject project implementation, which is reasoned both technically and legally in a final statement report.

12

Uganda review process and expertise

- The proponent submits the EIA report to NEMA, who then sends it to the lead agency for comments. If NEMA deems the report complete upon receiving the comments of the lead agency, the public is invited to give their written comments and then directly invites the persons likely to be affected by the project also to give their comments. After review of all the comments, the Executive Director decides (if there are contentious issues) whether to have a public hearing.
- Additionally, the Board of Directors of NEMA may, upon the advice of the Executive Director, enlist the Technical Committee (a standing committee established by law), to advise in reviewing certain EIA reports. The Technical Committee comprises experts from different disciplines to advise on the decision of certain EIA reports.

13

Uganda decision making

- EIA report approval implies that an certificate of approval of the project will be awarded. Such a certificate is required before any licensing authority issues a license for an activity. The EIA approval is thus separate from licenses/ permits for commencement of projects which are under the responsibility of different authorities.
- Decisions are justified. For example, it is required that if the proposed project is rejected, the reasons for rejection should be communicated to the proponent in writing.
- The decision is not required to be published, but any member of the public may request access to the record of the decision.

14

Similarities and differences

	Rwanda	Burundi	Kenya	Zambia	Mozambique	Uganda
Review committee	Technical Committee and Executive Committee	None	Technical Advisory Committee (sometimes)	ZEMA committee	Multi-sector technical review committee	Technical committee (in exceptional cases)
Involvement of lead agencies	Yes	In some cases to other Ministries	Yes	Yes	No	Yes
Stakeholders involvement possible	Yes	Not mandatory	Yes	Yes	Yes	Yes
EIA approval is project approval?	Yes	Yes	No	Yes	Yes	No
License, permit or certificate with conditions?	Yes	No, but EIA becomes legally binding	Yes	Yes, appendix to license with workplan for implementation	Sometimes, technical review committee may give recommendations	Yes

15

Conclusions

- Review is a requirement in all these countries, in most cases use is made of expertise of lead agencies/other ministries
- In some cases there is a specific Technical Committee, or external Advisory Committee
- In most cases there is a requirement that results of stakeholder consultations should be considered during review and/or decision making
- In some cases EIA report approval = project approval, therefore review very important
- Environmental permit comes in some countries with conditions and/or is in stages.

16

Link between review and project approval with conditions? Examples from mini-hydro project

– The contract between XXXXX and the contractor must include clauses regarding adherence to the Environmental Social Management Plan (ESMP)

– 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.

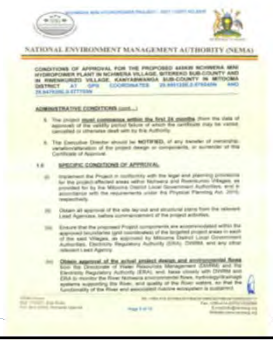
– The contractor should
- describe the procedures of the yet required and continuous stakeholder consultation during this project and translating the outcomes into the detailed designs and detailed ESMP.
- develop a water management and action plan to safeguard environmental flow, water availability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

17

NEMA approvals for mini-hydropower project

18



19

Observations from Review workshop in Feb. 2018

- Assignment: Comparison of ESMP and NEMA Environmental Clearance
- Read the ESMP (20 p. example from Uganda) and 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?

20

Conclusions

- **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.

21

Lessons learned

- 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.
- 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.
- Consider publishing Certificate and share copies with Technical review team members.
- Always try to link what is in ESMP as a basis for the conditions.
- When the Technical Review team reviews, they are asked to give scores. However, 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.

7. Environmental and social impacts of tourism development

Netherlands Commission for Environmental Assessment

Environmental and social impacts of tourism development

Zanzibar

NCEA, Ineke Steinhauer

2

Tourism in Zanzibar

Rapid increase

- 56,000 tourist arrivals in 1995 → 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.

3

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.

4

Tourism in Zanzibar

- 2007: 218 hotels in Zanzibar, mainly in Unguja (especially 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).

5

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)

6

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.

10

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).

11

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.

12

Key environmental impacts

Impacts on 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..

13

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.

14

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.

15

Environmental issues constraining tourism development

High level threats:

- Habitat threatened from hotel construction, urbanisation and harbour construction
- Mangrove clearing for charcoal making and salt pans
- Coral mining
- Increased shipping leading to increased likelihood of oil spills
- Increase in fishing pressure
- Coral damage 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 disturbed by hotel construction and compounded by high rate of erosion

Table 1. Environmental impacts of the tourism sector

Country \ Environmental impact	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	Increases 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

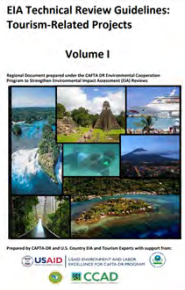
Country \ Environmental constraint	Beach erosion	Beach accretion	Freshwater scarcity	Inadequate solid waste management	Turtle poaching	Siltation (e.g. linked to deforestation, land clearance and inland use of agrochemical products and nutrients)	Destructive fishing - dynamite fishing	Destructive fishing - 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

18

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
- Also: IFC EHS guidelines for tourism and hospitality development
- EBRD: Environmental and Social Guidelines for Hotels



8. Overview of checklist for EA tourism facilities in Tanzania

NATIONAL ENVIRONMENT MANAGEMENT COUNCIL

OVERVIEW OF CHECKLIST FOR ENVIRONMENTAL ASSESSMENT OF TOURISM FACILITIES IN MAINLAND TANZANIA

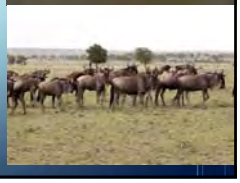
RUKIA A.

OUTLINE

- Introduction
- Tourism development projects
- Legal Regime
- EIA requirements
- EIA & Environmental Audit for Tourism related facilities
- Draft Checklist summary

INTRODUCTION

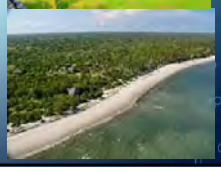
- Tourism sector plays an important role in the economy of the country.
- However, we need sustainable tourism which takes full responsibility of environmental issues either in present or future.
- Hence, Environmental Assessment must take on board all important issues and ensure that proper mitigation measures are in place and implemented accordingly.



TOURISM DEVELOPMENT PROJECTS

Tourism development projects include:

- Wildlife ranching and farming
- Zoos and orphanages
- Resort facilities or hotels along the shoreline of lakes, river, islands and ocean
- Tourism or recreational facilities in protected and adjacent areas (national parks, marine parks, forestry reserves) on islands and in surrounding waters



LEGAL REQUIREMENTS

The legal regime covering tourism development projects include:

- International Conventions
- Environmental Management Act No. 20 of 2004
- The National Parks Act ,2002
- The Ngorongoro Conservation Area Act ,1975
- The land Act, 1999
- The Urban Planning Act, 2007
- The Forest Act No. 14 of 2002
- The Wildlife Conservation Act No.5 of 2009
- The Water Resources Management Act, 2009
- Marine Parks and Reserves Act, 1994

EIA REQUIREMENTS

Section 81 of EMA No. 20 of 2004

- Obligation to undertake Environmental Impact Assessment (EIA)
- Subsection 1:

"*Any person, being a proponent or a developer of a project or undertaking of a type specified in the Third Schedule to this Act, to which Environmental Impact Assessment is required to be made by the law governing such project or undertaking or in the absence of such law, by regulations made by the Minister, shall undertake or cause to be undertaken, at his own cost, an environmental impact assessment study*"

- Subsection 2:

"An Environmental Impact Assessment study shall be carried out prior to the commencement or financing of a project or undertaking"

EIA AND ENVIRONMENTAL AUDIT

- EIA and Audit (Amendment) Regulations, 2018
- Made under section 82 (1), 230 (2) (h) and (q) of EMA No. 20 of 2004
- In the amended Regulations projects are classified into four (4) categories (Second schedule):
- Type A projects ; EIA mandatory
  - Wildlife projects
  - Tourism and recreational development
- Type B1; must be screened to determine whether EIA will be carried out or not
- Type B2; does not require full EIA, ends at project brief stage
- Special Projects: depending on the type of project, e.g introduced new species, Genetically Modified Organisms (GMO) etc.

DRAFT CHECKLIST FOR ASSESSING TOURISM RELATED FACILITIES IN NATIONAL PARKS , CONSERVATION AREAS , GAME RESERVES AND WILDLIFE MANAGEMENT AREAS

- NEMC initiated the preparation of the check list
- Participants in preparing the draft were NCAA,TANAPA,TAWA, MNRT and Arusha Region Environmental Expert
- Three types of checklists were prepared for assessing Tourism related facilitie in the following areas:
  - National parks
  - Ngorongoro Conservation Area
  - Wildlife Management Areas and other areas

KEYS ISSUES IN THE CHECKLIST

- Information of the proponent
- Baseline information of the proposed project/
- Availability of permits such as land ownership/letter of offer
- Project description
- Investment status-new/ongoing
- Site description/zonation with respect

CHECKLIST CONT…

- Exceptional resource values such as kopjes, wildlife corridors,
- Utilities such as power supply, water, waste management,
- Likely environmental impacts/aspects in mobilization , construction, operation and decommissioning phases,
- Environmental Management and Monitoring aspects,
- Assessment and Recommendation by NEMC

The checklist will be a tool for initial decision making regarding the tourism facilities projects.

THANK YOU

9. Steps involved in reviewing ESIA

Netherlands Commission for Environmental Assessment

Steps involved in reviewing ESIA

Ineke Steinhauer
Netherlands Commission for Environmental Assessment

1. Preparation & organization

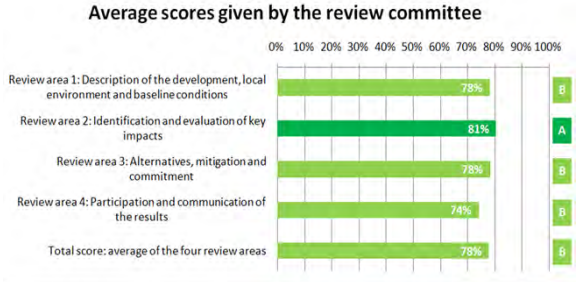
Preparatory tasks

- 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?

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)

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?					



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.

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.

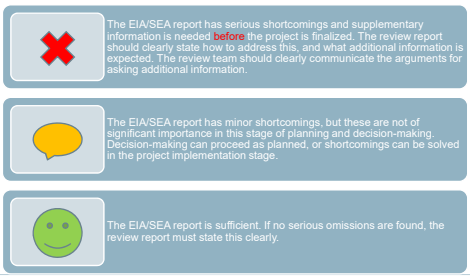
9

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.

12

13

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.

14

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

15

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….

mer
Netherlands Commission for Environmental Assessment

Review of example case

Ineke Steinhauer
Netherlands Commission for Environmental Assessment

Case introduction, groups

ESIA requires multi-skilled/disciplinary groups

- ESIA process/procedure
- Projectactivity
- Natural/social environment
- Legal requirements
- Some facilitation…?

Let's try to make those!

Composition groups

1. 1st assignment:
   - 'Quick and Dirty' assessment (60')
   - Group presentations and plenary discussion
2. 2nd assignment:
   - Detailed review (60')
   - Group presentations and plenary discussion
3. Round up

'Quick & Dirty"… => 5-10'presentation/group

First impression of the ESIA:

1.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?

2. Any upfront compliments/concerns/strange things?

3. Pick 3 key aspects to study further

'Quick & Dirty'… some advice

1.Don't start reading it all!!
2.Focus on executive summary first
3.Then table of contents
4.Distribute tasks (if helpful)
5.Check out process first, then content
6.It is a first check only….!
7.Imagine as if you are going to visit the plan area or project site tomorrow and will have the possibility to meet the developer, which questions would you like to ask?

Detailed review

4 groups, each making use of different review checklists (Zanzibar/mainland)
Detailed review: In depth study of 2 aspects per group (1 subject matter, 1 process, for instance):

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

Detailed review

Same groups

Make use of 'Quick & Dirty' results (check flipcharts, also of other groups)

Also make use of review checklist (you will get copies)

Write review report

Contents of review report

Names of your review team members
Review conclusions: choose between

1. This report has serious shortcomings and supplementary information is needed before the project can get an environmental license.
2. This report has minor shortcomings, but these are not that significant. The environmental license can be given and shortcomings can be solved in the project implementation stage. This will be stated in the conditions attached to the license.
3. This report is of sufficient quality and the environmental license can be given without conditions.

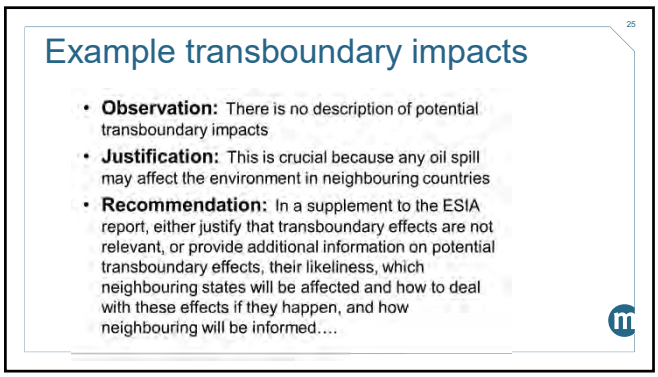
Contents of review report

Observation 1: which information that is lacking?

Justification 1: why is this information important for decision making/licensing? Why is a certain issue not dealt with good enough in the ESIA report?

Recommendation 1: what needs to be done next, what kind of extra information is needed before the project can be approved?

Etc. Observation 2→Justification 2→Recommendation 2.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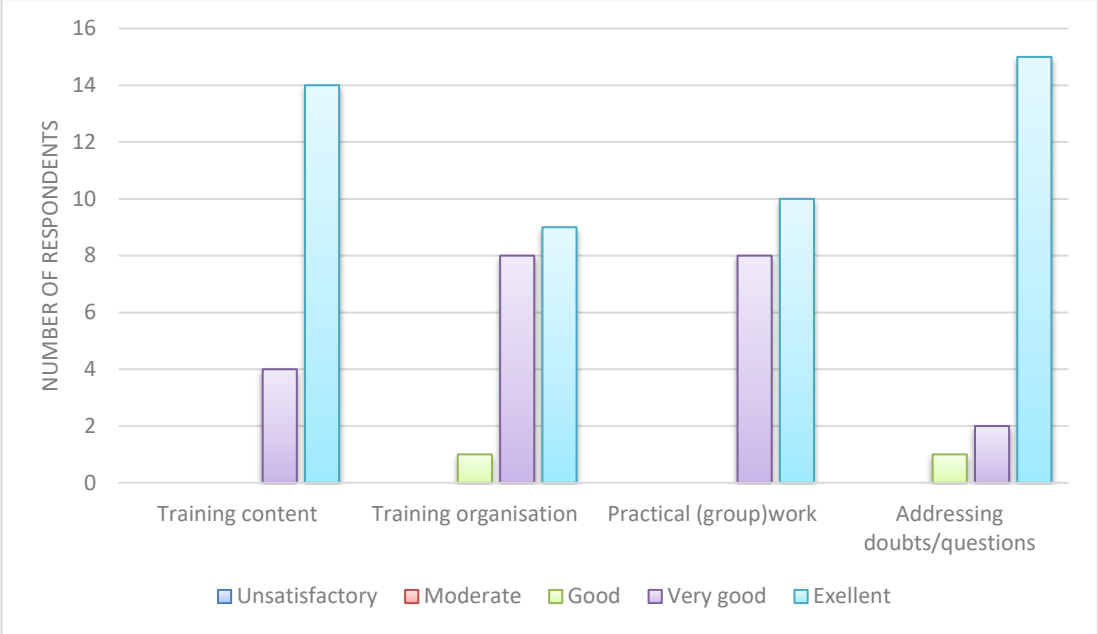
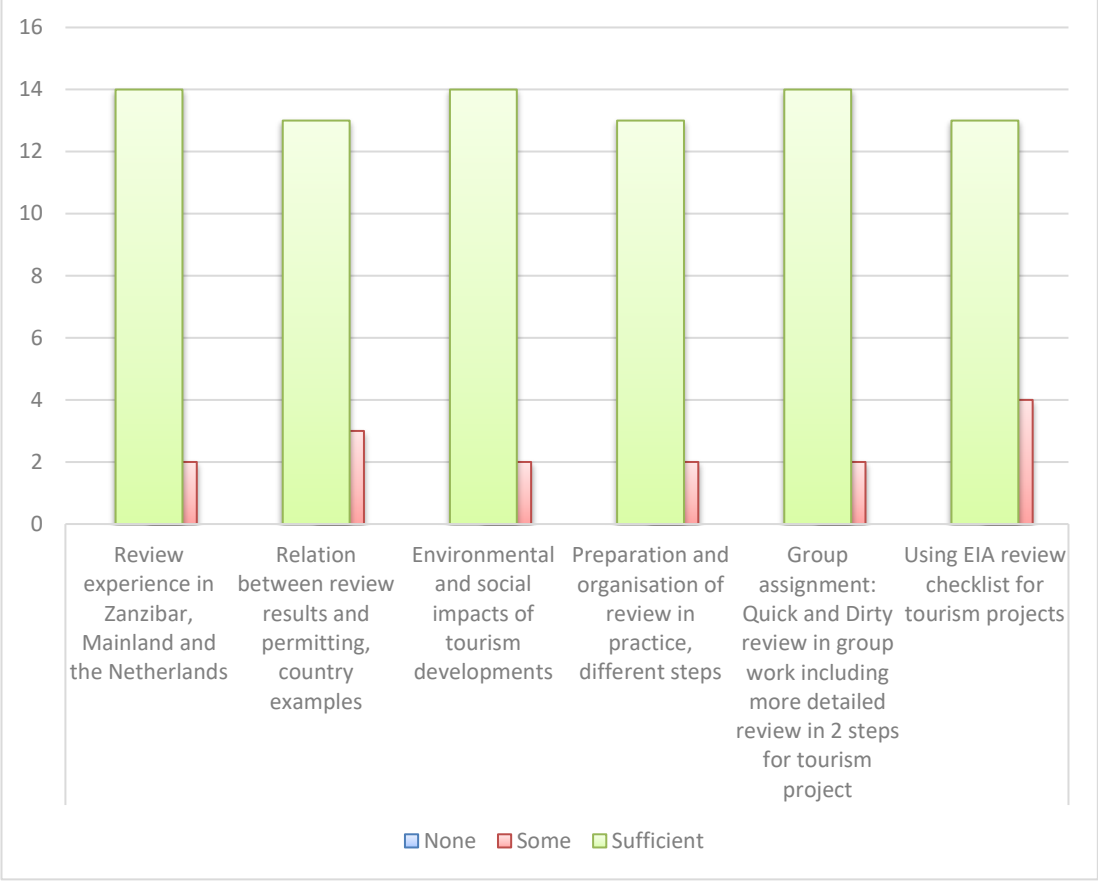
Example transboundary impacts
• Observation: There is no description of potential transboundary impacts
• Justification: This is crucial because any oil spill may affect the environment in neighbouring countries
• Recommendation: In a supplement to the ESIA report, either justify that transboundary effects 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: Results of evaluation

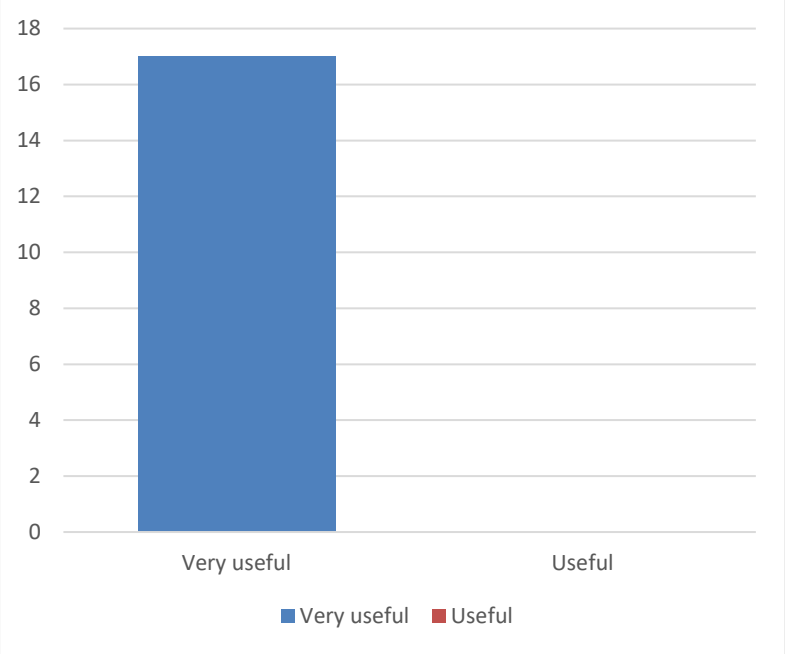
Overall impression of the training



Level of knowledge and skill



Relevance of the training to work



Did the training contribute to any other skills or knowledge?

- Yes, especially on different projects related to natural resources construction, so the knowledge will contribute to the writing of a proper EMP.
- The training has broadened my horizon in EIA/SEA and related assessment.
- Yes, at least I have got an idea on how tourism related projects are being reviewed. Actually, I have learned a lot and this training gave me an interest to learn more.
- Yes (5X).
- Yes, it has provided skills on how ZEMA reviews ESIA and knows some of their law requirements.
- To get exchange of experience from NEMC on how they conduct their reviews.
- Very much. I was not very much conversant on EIA review but the training has been very useful.
- I have learned from the experience of other countries that have a good practice in the EIA approval e.g. the Netherlands have an independent commission for EIA matters.
- Yes, the training provided me with sufficient knowledge for me to do more good work in reviewing the EIS in Mainland.
- Yes, the training contributed to other skills & knowledge, because I gained more information and experience from other sectors, especially on how they conduct reviews.

Please list the two lessons/insights that you think will be most useful to your work. Please explain why these are useful.

- Reviewing criteria – this will be useful especially in the reviewing of EIA projects.
- Law requirements – laws will help in the making of better EIS to comply with.
- Review criteria – the quick and detailed [ones]. These help to set up a stage for reviewing and focusing on the subject and other important issues.
- Review experience from other countries. Useful as it added my exposure to other countries practices, which can help improve my review updates.
- ESIA review of tourism projects.
- Use of a checklist: it is quick, easier and provides a wide coverage of issues.

- Discussions and different review processes from different countries.
- Issues related to policy and other relevant regulations.
- EIA review process - have learnt how to quickly review a document and how to propose recommendations.
- Compliance and enforcement of laws to particular projects.
- How issues raised by stakeholders have to be addressed in reports.
- Importance of EIA in decision making and sustainability of the project.
- The general review of ESIA.
- The use of an ESIA checklist: [when reviewing an] ESIA, it provides more [information] on the shortcomings of projects, thus it is a useful decision making tool and hence provides for SA.
- Quick and dirty way of reviewing, because it provides a first insight of the document.
- Relationship between the ESIA procedures in the different countries.
- Quick and Dirty review (as a warming-up)
- Detailed review (real business)
- Quick and Dirty review
- Writing the review report
- Experience sharing of EIA review between the Netherlands and Zanzibar. This opened my mind of not doing business as usual. Need to be more serious.
- Legal aspects between Zanzibar and Mainland. I learnt that these are not that different.
- Review of ESIA.
- Sharing ideas in practical group work.
- Writing methodology.
- Tourism checklist
- We got some skills on how to review.
- We learned some other experience in EIA report and experience to review.

Please list two training topics or elements that you think will be less or not useful to your work. Please explain why these are useful.

- Legal and administrative framework for review permitting related projects
- The Checklist for tourism is helpful to facilitate the screening of the project.
- Everything I wanted to learn was dealt with in the training.
- None of the covered topics are not or have been less useful! Due to the nature of my work, all that has been presented is relevant. And of more importance is the thought that there is the need to learn more.
- I am always involved in EIA processes in my organisation.
- Rejecting projects need proper justification after analysing the observation.
- I thought all was necessary.
- EIA Regulations.
- Group assignment on how to review.

Was there something you wanted to learn, that was not dealt with in the training?

- Risk assessment, especially in projects which are environmentally sensitive.
- The SEA and its salient features in policy, plan and programme.
- Everything I wanted to learn was dealt with in the training.
- Need to go beyond tourism projects and cover other projects that have impacts on the environment e.g. the new field of oil and gas explorations.

- I once participated in the workshop in Zanzibar. Thus practical review of the EIS has supplemented my knowledge.
- I wish we could have [had] a project example from the Netherlands, also to see how the EIA report is prepared.
- Environmental auditing.
- Usually EIA/SEA [trainings] [are ~~is~~] relevant to us, when every day getting this knowledge is not sufficient for us. We are happy.

Please add any additional comments here, for instance: Do you have any suggestions for improvement for the trainers and organisers?

- More workshop and practical trainings, such as physical field site, visit, data collection and decision making based on project related to what is obtained in the baseline.
- In future, the training should include the review of projects associated with extractive industry.
- More time should be set aside for this kind of trainings.
- Trainings should involve more participants from other countries to enhance capacity experience sharing.
- I think people from MNRT should be provided with this kind of training so that it can be easy for them to do a review on tourism related projects.
- More practical case study on tourism; more experienced countries in tourism/eco-tourism.
- Training should involve more practical practice, e.g. site visit to sites along xxx and xxx areas such as National Parks.
- The overall work done by the trainer is good and impressive, but there should be more than one trainer at least to have different ideas.
- More trainings/regulation trainings are needed to share/exchange knowledge.
- Since we have already done the practical review, there is a need to choose at least one site and conduct a practical site verification visit and compare what has been in the report. This is so since some reports provide false information comparing to what is in the actual ground.
- Next time we have to plan a visit for site verification.
- Need another training which will be more exhausting and more practical to the field of the projects.
- The training should be provided to all NEMC staff who are involved in the EIA process.
- The training should be at least for 3-4 days.
- The training conducted as one of the study areas (site). (At least one site verification.)
- More training especially on environmental auditing.
- The next workshop [could be] conducted [in a]other region like Arusha or Morogoro.
- More participants [could be] involved from [other] different sectors like NR.
- If possible increase the number of trainings.