Netherlands Commission for Environmental Assessment

Quality check of 4 EIA Review Reports in the Oil and Mineral Resources Sector in the Framework of the EIA-Tool Impact Enhancement Project

Memorandum by the NCEA

UGANDA, CAMEROON

29 September 2014

Advice of the Secretariat

To	SEEAC
Attn	Mr Dieudonne Bitondo
From	The Netherlands Commission for Environmental Assessment (NCEA) Ms Gwen van Boven and Ms Ineke Steinhauer
Date	29 September 2014
Subject	**Quality check of 4 EIA Review Reports in the Oil and Mineral Resources Sector in the Framework of the EIA-Tool Impact Enhancement Project. Uganda, Cameroon** By: the Secretariat of the Netherlands Commission for Environmental Assessment – Ms Ineke Steinhauer/Ms Gwen van Boven Advice 2014-14

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1. Introduction

The Secretariat for the Environmental Assessment in Central Africa (SEEAC) aims to promote the use and enhance the impact of the EIA tool in, among others, the extractive industries sectors. Together with the EIA authorities and the national associations for impact assessment in Uganda and Cameroon, and with funding from IUCN-NL, it executes a project towards this end. Through the re-examination of a set of EIA reports, the project partners hope to draw lessons on how to improve EIA systems and practice in the participating countries. The project specifically focuses on the need to strengthen systems and manpower associated to the review of Terms of Reference (ToR) and EIA reports as key steps in the EIA procedure. If properly done, they could help to lay the foundation for a better informed decision making process relating to project approvals and to the sound drafting of accompanying certifying conditions.

1.1 Project approach

In each country, four existing EIA reports from mining and oil/gas extraction projects were selected and re-examined. Key question was: were the original reviews of these reports properly done? During a first meeting in Uganda, on 30 June and 1 July, the project partners came together to select projects and to develop a joint review approach, including a set of review criteria which was derived from the existing systems in the two countries. Using this new review grid, teams of national consultants took a month for the actual review. After a round of quality control, the results were presented and discussed during a second meeting, this time in Cameroon (1-2 September).

The evaluation grid contained very detailed criteria about form and content of the EIA report, and was specifically designed for projects in the extractive industries. The reviewers were asked to select criteria in the grid relevant for the specific project under review, and to justify this selection. Subsequently, they were asked to grade the criteria and the overall EIA, to provide comments on the EIA, on the original ToR, and, if available, the original review report, and to justify these judgements. Finally, they were meant to provide recommendations for the improvement of the ToR and the EIA. The agreed review approach can be found in Annex 1 (p. 7).

1.2 Role of the NCEA

Being a long-term partner of SEEAC, the NCEA was asked to attend the meetings as technical observer. Also, the NCEA checked the quality of the reviews that were done by the national teams, looking at both the review process (plus recommendations) and the quality of the review conclusion/judgement given by the national consultants.

Annex 2 (p. 9) provides the steps that were taken in the quality check of the review reports. The findings are presented following a similar format. The NCEA has been given the review reports of the following four ESIAs, two from Uganda and two from Cameroon, to perform a quality check:

1. ESIA for the Kingfisher-4 well in Kingfisher Discovery Area, Hoima District, Uganda (the NCEA's quality check of the review of this ESIA can be found in Annex 3, p. 10);

2. EIA for the Nakabat Gold Mine, Ru[a Sub-county, Moroto District, Uganda (Annex 4, p. 17);
3. ESIA for the Development of the Phase II Gas Distribution Pipeline Network, Logbaba Field, Onshore Cameroon (Annex 5, p. 24);
4. ESIA for Exploratory drilling in the Zina Block, Logone and Chari division, Far North Region, Cameroon (Annex 6, p. 29).

2. Some overall findings of the NCEA

2.1 Focus on priority issues

NCEA has the impression that the reviewers generally started with filling out the grid, without making a quick scan of the E(S)IA report first to identify which issues will be the most relevant for review: what is the nature of the project, which area(s) does it cover, which choices will be made, which environmental aspects are crucial. Writing down 3-5 key issues of the project (expert judgement) and writing down 3-5 key impacts to be expected (expert judgement) helps to select the most relevant criteria. For instance, the grid is quite elaborate on section 9, Environmental and Social Impact Assessment and filling out the grid for this particular section can be quite tiresome. If the quick scan would demonstrate that this part is relatively well done in the E(S)IA, the review can then concentrate on those sections that are more critical.

2.2 Use several review criteria

In case there are any terms of reference (ToR)/scoping guidelines available for the review, use these as review framework also. In all 4 projects reviewed by the NCEA, these ToR (or in the Ugandan case accompanied by approval letter from NEMA) were available. However, these have not been used to compare this with the project specific evaluation grids. In addition, in determining the review criteria, it can be helpful to check whether there are reviews of E(S)IA reports about comparable activities available and check which information was considered essential in those cases? And which problems occurred during implementation and operation? Are any monitoring results available? For the review of the Kingfisher 4 well in Uganda for instance, it would have been very useful to make use of a Strategic Environmental Assessment that is available for the whole of the Albertine Graben.

2.3 More emphasis of drafting conclusions and recommendations

The review reports put much emphasis on the analyses (making use of the grids), but put too little attention to clear and well justified conclusions and recommendations. This is a pity because it undermines the analytical strength of the review. Based on the inadequacies of the E(S)IA-report, a qualitative conclusion needs to be drawn up. It is important that this description or narrative is balanced and that priorities are clear. If there are important shortcomings, the descriptive conclusion should contain recommendations on how and when any serious shortcomings should be remedied.
Apart from the shortcomings, the review-team can also decide to make other comments in the review report, for instance positive points and/or pointing out issues that the E(S)IA-report mentions which will be crucial for decision-making. Sometimes a compliment is in order and can stimulate practice.

2.4 Clear link to decision making on environmental licence/clearance

The review reports do contain an overall conclusion and give recommendations for improvement. However the implications of the overall score (A-E) are not really clear. Possible outcomes and remedial options should therefore be stated more explicitly, for instance as follows:

1. The E(S)IA report has serious shortcomings (score D or E) and should be supplemented before the project is finalized and decisions are made. The review report then clearly states how to do this, and what additional information is expected. The arguments for the supplement should be strong, and the review team should share these in anticipation of complaints about the resulting delay in process.
2. The E(S)IA report has minor shortcomings (score B or C), but these are not of significant importance in this stage of decision-making. The review conclusions can then suggest to: (i) provide additional information by means of a set of explanations and conditions attached to the license/decision. Decision-making can proceed as planned without considerable delay, or (ii) shortcomings can be solved in the implementation stage. The review may recommend monitoring the shortcomings and uncertainties during project implementation with possible corrective measures agreed on if impacts turn out to be worse than expected.
3. The E(S)IA report is sufficient; the decision can be made

2.5 Conclusion

All in all, the NCEA concludes that the reviewers have picked upon many relevant short comings in the ESIA reports under review, but have not always put enough effort in explaining why these short comings are particularly relevant for decision making nor in explaining how they have come to this judgment. The NCEA recommends to focus more on setting priorities among the observations and on a better justification of the assessment, in order to improve the review and its usefulness to the decision maker.

ANNEXES

Quality check of 4 EIA Review Reports in the Oil and Mineral Resources Sector in the Framework of the EIA-Tool Impact Enhancement Projects

Uganda, Cameroon

(annexes 1 - 6)

ANNEX 1 - Suggested steps for reviewing and report format

Steps for Reviewing (adapted from NEMA Guideline)

Step 1

- Briefly overview the EIS to understand how it is organised and where to find things within it.
- Write down 3-5 key issues of the project (expert judgment).
- Write down 3-5 key impacts to be expected (expert judgment).

Step 2

- Based on the above, take the evaluation grid and for each section, decide for each review question, whether the question is relevant to the specific project. If so enter "Yes" in the relevant column.
- Note why you choose to select a criteria or not, for this particular project in the relevant column.
- At the end of each section of the checklist consider whether there are any special features of the project that mean that types of information not identified in the checklist could be relevant and add these to the Checklist.

Step 3

- Start with the original ToR for the EIA. Compare this with the project specific evaluation grid you have just prepared.
- Note the differences, gaps in the original ToR as compared to the evaluation grid to be used, or vice versa?
- Include these in the review report as reflection on the quality of the Tor, as it influences automatically the quality of the study and it's review.

Step 4

If a review question is identified as relevant, review the EIS in more detail and decide whether the particular information identified in the question is provided and is sufficient for decision-making. The reviewer will use the grading system suggested below:

A. Full provision of information with no gaps or weaknesses.
B. Good provision of information with only very minor weaknesses which are not of importance to the decision.
C. Adequate provision of information with any gaps or weaknesses in information not being vital to the decision process.
D. Weak provision of information with gaps and weaknesses which will hinder the decision process but require only minor work to complete.
E. Very poor provision of information with major gaps or weaknesses which would prevent the decision process proceeding and require major work to complete.

In considering whether the information is 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 decision-making process. If they are not then it may be unnecessary to request further information. This will avoid unnecessary delay to the process. Factors to consider will include:

- the legal provisions applying and the factors that the decision maker is required to take into account at this stage in the consent process for the project;
- whether the consent process at the EIA stage is about the principle of the project or the detailed design;
- whether there are later consents still required which will examine relevant environmental issues in more detail, for example pollution control consents such as IPCC;
- the scale and complexity of the project and the sensitivity of the receiving environment;
- whether the environmental issues raised by the project are high profile;
- the views of the public and consultees about the project and the degree of controversy.

Step 5

The reviewer grades the quality of information in each section of the grid by aggregating the grades for the individual review questions. Aggregation will require expert judgment.

Step 6

- Justify each grade of sections in the relevant column (why do I find this?). Use the approach: observation/justification/recommendation.
- If the grade is D or E consider what further information in the relevant Column.
- The reviewer may also wish to make any suggestions of improvement on where or how the information could be obtained in the relevant column.

Step 7

- Complete the appraisal with a final step to provide an overall grade for the EIA by aggregating the grades of sections to provide an overall grading.
- Aggregation will require judgment; so for example if one section has ten review questions and nine are graded B and one A, then a B grade overall is probably reasonable. If nine are graded B and one E, then an overall D grade is probably appropriate as overall the information is still inadequate.

Step 8

If available, read the original review report. Compare the two and note the differences.

Structure review report:

1. short introduction to the project (name proponent, name and locality project, key activity, reason to do an EIA);
2. approach to the review (information reviewed, expertise in the review team, criteria used, means of verification);
3. overall judgement on the EIA: Comments on the EIA (State observation, state why this is important, give recommendation) based the grades of the evaluation of sections and the overall EIA;
4. comments on the ToR (State observation, state why this is important, give recommendation);
5. if available, comments on the existing review report (State observation, state why this is important, give recommendation);
6. recommendations for improvement of ToR and EIA.

ANNEX 2 - NCEA's approach to the quality check

Steps for the NCEA to undertake:

1. Check whether the review report contain all elements that were agreed upon. Indicate what's missing. Elements are:
   - short introduction to the project (name proponent, name and locality project, key activity, reason to do an EIA);
   - approach to the review (information reviewed, expertise in the review team, criteria used, means of verification);
   - overall judgment on the EIA: Comments on the EIA (State observation, state why this is important, give recommendation) based the grades of the evaluation of sections and the overall EIA;
   - comments on the ToR (State observation, state why this is important, give recommendation);
   - if available, comments on the existing review report + decision documents (state observation, state why this is important, give recommendation);
   - recommendations for improvement of ToR and EIA.
2. Check whether the information provided for each element is sufficient to understand the project and the ultimate conclusion/grading given by the expert.
3. Take the detailed evaluation grid, check whether it is correctly and completely filled.
4. Check whether the judgments/grading marks seem logical compared to the justification given.
5. Take the EIA report. Check:
   - those judgments/grading marks you do did not find logical in the grid;
   - and if time allows: check some random additional criteria;
6. Check the overall judgment on the EIA: does it fit your findings on the above? Why (not)?
7. Formulate an overall appreciation of the review report. Indicate crucial elements that need to be adjusted, if any. Focus on judgments/grading and recommendations given by reviewer.
8. Write report using the above bullets for structure.
9. Conclude with final statement on:
   - quality of review process (plus recommendations);
   - quality of review conclusion/judgment (which criteria would we find most important? why?);
   - main learning points for review system improvement;
10. Anything we forgot?

ANNEX 3 – Quick scan of ESIA for Kingfisher – 4 well in Kingfisher discovery area, Hoima District, Uganda

Quality check of Review report
Quality check carried out by Ineke Steinhauer, NCEA
15 August 2014

Approach to this quality check
For this quality check, we have taken the following steps:

1. overall structure of the review report
2. use of the detailed evaluation grid
3. quick verification of EIA report
4. overall appreciation of the review report.

Findings

1. *Overall structure of review report*

As a first step, we have checked whether the review report follows the outline that was agreed during the first consultative meeting. Does it include all six elements and are they well elaborated?

With reference to the agreed structure of the review report, this review is very well structured and complete. It is easy to follow the applied methodology of the reviewer. Observations are well justified and whenever observations were made, clear recommendations were provided for improvement. Also the way grading was done, was in the majority of the review questions understandable and agreed. Although it was clearly explained how the overall grading was done, this in the end remains a subjective judgment by the reviewer, which in some cases is debatable (or not easily replicable). The review was done very thoroughly, and main recommendations were summarized. It is however not fully clear why these are the main recommendations and what should be done with the other recommendations in Table 3.
The above conclusions are based on the observations in following table:

Element	Included yes/no	Why important?
1. Short introduction to the project (name proponent, name and locality project, key activity, reason to do an EIA).	Yes. Although the information provided could have been a bit further elaborated in terms of indicating that is initiative is the forth in a row of earlier drillings and providing some information on the project site in terms of current natural and socio-economic features.	Knowing the context of the project and its area, helps the reader to better understand the consequences of the review findings s/he is about to learn.
2. Approach to the review (information reviewed, expertise in the review team,	No. Although chapter 1.2. of the review report of the Cameroon team provides information on the	What is well explained is the way how the review was done (eg. using expert judgment) and it

criteria used, means of verification).	methodology used for all 5 projects reviewed together, no specific approach for this project was mentioned. It is not clear whether the two experts did the review as a team or whether they 'divided' the 5 projects.	has been clearly justified how overall grades have been determined. This makes the review transparent and replicable.
3. Overall judgment on the EIA: Comments on the EIA (State observation, state why this is important, give recommendation) based the grades of the evaluation of sections and the overall EIA.	Yes. The overall judgment starts with a summary table, explaining the total grading, overall grading including summary observations per section. In some cases however, it seems rather difficult to understand at first sight that an overall 'E' is scored on basis of 22A, 5B, 5C, 3D and 3E, but the detailed evaluation in Table 3 gives further insight. Some minor mistakes can be noted: e.g. follow-up and monitoring scores an 'E' and comes to the conclusion: 'well elaborated'	The reader can follow how the reviewer came to the conclusions, but needs to know that the reviewer gave heavier weights to certain criteria to come to the overall grade. This perhaps needs to be better substantiated. E.g. now the general presentation of the report scores an E, implying that 'the decision process cannot proceed and requires major work to complete', while in fact it is just a matter of adding the ToR and logo of the proponent.
4. Comments on the ToR (State observation, state why this is important, give recommendation).	No. But the ToR were not available, therefore the reviewers could not comment on the ToR.	The reviewers correctly refer to the fact that the letter of approval of the scoping report and ToR (which is attached as an appendix to the EIA report), refers to 8 major issues which should be addressed in the EIA report. The reviewer notes that some of these aspects have not been addressed (e.g. emergency plans). It would be recommendable for the reviewers to recommend in their review report, that the EIA should include a chapter to clearly explain how each of the 8 mayor issues in the approval

		letter have now been dealt with in the EIA report.
5. If available, comments on the existing review report + decision documents (State observation, state why this is important, give recommendation).	No. The original review report and decision documents have not been made available.	Learning in this project would be much larger if not only the EIA reports but also the review findings could be compared. We therefore recommend to make an additional attempt to get access to these documents.
6. Recommendations for improvement of ToR and EIA.	Yes. Chapter II.4 provides a clear set of recommendations on how to improve the EIA report. It is assumed that these recommendations are limited to the most important omissions only? ('D' and 'E' scores only? (not clear)	Table 3 contains much more valuable suggestions for improvement, which are now somehow 'lost' in the summary. Therefore the status of these recommendations remains unclear now: should these be acted upon or not?

2. Detailed evaluation grid

As a next step, we have taken the detailed evaluation grid, and checked whether it is correctly and completely filled. The main question was whether the judgments/grading marks seem logical compared to the justification given.

The grid was used the way it was intended, all columns were used and grades were given with explanation and suggestions for improvement:

- In the grid, the reviewer has indicated which criteria were included/excluded in the review, indicating a 'Yes' of 'No'. (only very minor omissions, e.g. 1.1.2, 9.6.9 and 13.3.1.1).
- Each section of the review grid finishes with an aggregated grade, including a narrative summarizing main conclusions and recommendations, which makes it easily accessible for the reader.
- Just a couple of sections seem to be graded too stringent or too light:
    - 1.3.1.1 'C' for insufficient description of data collection methodology for soils, climate and flora inventory? Does not seem to be correct, as each chapter starts with a clear section on 'methods and materials' (e.g. 1.4.3 of EIA report and p. 84 and 93 with elaborate explanations). The same observation applies to 9.1.1., scoring a 'C' because of absence of impacts identification methodology, whereas in my opinion this is well explained on p. 187 in a specific chapter (Chapter 7).
    - My overall grade for section 3. would be a 'D' instead of 'C': 3.1.1. on the absence of project justification and objectives is in my opinion a serious shortcoming, because not knowing the objectives, this also hampers to determine any viable and realistic alternatives. Also 3.1.2 is in my opinion

rather important: context and justification of EIA: here it should be clearly explained what have been previous phases (scoping, ToR, what was done with the recommendations, when was the EIA undertaken in terms of timeframes, how will it link to decision making on the project e.g. regarding environmental clearance etc). Table 16 elaborates on permits and certificates to be acquired for the project, but does not give timeframes as the when these will be acquired. Moreover, there is no reference in the table to the required EIA approval required from NEMA. Also no reference was made anywhere to a Strategic Environmental Assessment that has been finalized mid 2013 for the oil developments in whole of the Albertine Graben (see below for further observations regarding this SEA).

- In general is seems somewhat illogical when an aggregate score A, B or C also in some cases contains D 'scores' on one of the sub-criteria, because D implies that this will 'hinder' the decision making process:
  - e.g. section 4 receives an overall 'B', where it contains 9 'D's as sub-scores: not all recommendations for the 'D' scores are reflected in the overall score and narrative: here one would have expected recommendations regarding composition of hazardous and toxic solid and liquid wastes as well as on noise levels and light;
  - section 6 scores an overall 'B', with 6 'D' sub-scores: again not all 'D' scores are reflected in the overall score and narrative: here one would have expected recommendations regarding the lack of date on water-quality, light, heat and radioactive radiation, but also on the fact that not all relevant stakeholders have been consulted regarding collection of information regarding baseline data.
- The overall conclusion on section 12 is missing in Table 3.

3. Quick verification of the EIA report

Time for the assessment of this review report is only limited. We therefore focused on those judgments/grading marks in the detailed evaluation grid that we did not find logical or easily understandable, and checked those against the information provided in the EIA report. If time allowed so, we also checked some random additional criteria. And finally, we checked the overall judgment on the EIA: does it fit our observations as well? Why (not)?

Some random criteria have been checked being: 5 Project alternatives, 7 Policy, legal and institutional framework and 8. Public and stakeholder consultations.

Project alternatives:

- This chapter (11) is only 2 pages and comes almost at the end of the EIA report, whereas it would be more logical to have this chapter following chapter 4. Project description. (Like the sequence of sections in the grid, however this may be due to fact that the consultant had to follow the prescribed Structure of the ESIA report following Ugandan regulations, Table 1, p. 5). Project alternatives that late in the ESIA report imply that these cannot be part of impact assessment and comparison of each the viable and realistic alternatives.
- According to Ugandan requirements, analysis of alternatives should 'compare feasible alternatives to the proposed site, technology, design and operation….'. Alternatives have been elaborated for drilling muds, construction pad design,

alternative sources of gravel and alternative means of transport. However, perhaps also other alternatives could be been included (e.g. regarding drilling: heavy duty rig, versus light weight rig, regarding lighting: reduced number and lumens, versus green light, regarding testing: duration of test, internal/external flare, day time only etc.)
- Because the justification and objectives of the project are not described, it cannot be judged whether Kingfisher-4 is the right project at the right place (see SEA for Albertine Graben).

Policy, legal and institutional framework:
- This chapter is relatively well done in terms of translating the policies, laws and regulations into concrete implications for this project.
- It is however incomplete as there are no references to for instance policies, laws etc. on protected areas (as correctly noted by the reviewer), but also important economic sector like fisheries, tourism are lacking. Here it is recommended to check the SEA of oil and gas activities in the Albertine Graben (July 2013), which contains an extensive Appendix 5 (p. 240-262, with an overview of all relevant policies, laws etc.)

Public and stakeholder consultations:
- The reviewer correctly notes the absence of information on the Ugandan legislation for the conduct of consultations. There are specific requirements indeed: NEMA issued an Environmental Impact Assessment Public Hearing Guidelines in 1999.
- Chapter 12 of the ESIA on Public disclosure and stakeholder consultation, and appendix 3 document relatively well the results of these activities. Table 105 on p. 291 summarizes comments and responses. However in some cases is it stated 'noted' only, which leaves the reader with uncertainty how these observations have been dealt with in the ESIA report. What will happen with these concerns and observations?
- Apparently not all relevant stakeholders have been consulted (see also observation by reviewer made earlier already in section 6 on the fact that not all have been approached in the collection of baseline data, scoring a 'D'.) This is also evidenced by the fact that for instance there is no reference at all in the ESIA report to for instance the Environmental Monitoring Plan for the Albertine Graben 2012-2017, published by NEMA and available at its web-site.

Judgment of reviewer versus NCEA judgment:
- The NCEA observes that the reviewer correctly identified the omissions in information in the ESIA. In general, we observe the same omissions. The reviewer gives some recommendations for improvement of the ESIA, which are all shared by the NCEA.
- However, the NCEA would on some sections give a more stringent score, and observes that a couple of sections (see above, 5, 7 and 8) lack information still. Therefore the NCEA would add a couple of recommendations for the EIA to be supplemented on a number of items.

4. Overall appreciation of the review report

In this concluding step, we have aimed to formulate a final statement on the review, with special focus on a) the quality of review process (plus recommendations), b) the quality of the review conclusion/judgment (which criteria would we find most important? why?), and c) main learning points for review system improvement.

a. In terms of process, this review has been very well undertaken. The report is well structured and choices and conclusions have been explained and justified, which helps the reader understand the review better. It also helps the reader to understand whether the review conclusions are logical and correct. (NB. Minor omission on p. 6 of Introduction: Fifth project on Uganda is missing here, Gold Mine, Moroto district).
b. In terms of the quality of the review conclusions, the NCEA has observed that several criteria or sections of criteria have correctly been identified by the reviewer to be lacking or incomplete, but that they have been graded in the overall grading as not being vital to decision making (grade C). In the view of the NCEA, however, often the omission seems to ask for a grade of D or E (instead of C).

After checking with the EIA report itself, we saw these observations confirmed. At an individual basis, these omissions can already hamper sound decision making. But especially the fact that there are quite a few of these omissions, related to several important sections of an EIA report, makes the NCEA conclude that the combined influence on decision making would be substantial.

The reviewer gives a very elaborate overview of grades in Table 2 of the review report, but does not give an overall score for the whole of the ESIA, although it is summarized in the Overall judgment on p. 13. This could be substantiated further by including a clear overall conclusion in terms of scores (D or E).
The information NCEA would like to see included in the ESIA **before** decision making on EIA approval can proceed are the following:

- proof of how NEMA recommendations on scoping report/ToR have been dealt with in the ESIA;
- provide better information on EIA context and link to decision making process;
- agreed with reviewer: include chapter on project justification and objectives;
- include more information on project alternatives considered;
- complement policy, law and institutional framework, especially in relation to important sectors that have not been considered like tourism and fisheries;
- agreed with reviewer: provide cost estimates for EMP implementation and monitoring arrangements. This is essential information to judge whether the EMP is feasible in terms of institutional capacity and budget and will indeed be implemented.

We therefore recommend to expand the review recommendations with some of the above mentioned observations, as well as perhaps some others mentioned by the reviewer in Table 3.

c. Regarding main learning with a view on improving the overall EIA system, we would like to mention:
    - check the original ToR, and compare them to our grid. If the ToR omit certain crucial requirements, it is hard to make the authors of the EIA report accountable afterwards;
    - do not shy away from harsh conclusions during review, specifically in relation to information that is important to decision making. If certain elements are missing or of bad quality, this needs to be made apparent and justified in the review conclusions;

- justify conclusions and provide references to where in the EIA report this information (or lack of it) can be found. This will help the verification or cross-examination process.

ANNEX 4 – Quick scan of EIS for the NAKABAT Gold Mine, Rupa sub-county, Moroto District, Uganda

Quality check of Review report
Assessment carried out by Ineke Steinhauer, the NCEA
18 August 2014

Approach to this assessment
For this assessment, we have taken the following steps:

1. overall structure of the review report;
2. use of the detailed evaluation grid;
3. quick verification of EIA report;
4. overall appreciation of the review report.

Findings

1. Overall structure of review report

As a first step, we have checked whether the review report follows the outline that was agreed during the first consultative meeting. Does it include all six elements and are they well elaborated?

With reference to the agreed structure of the review report, this review is well structured and complete. It is easy to follow the applied methodology of the reviewer. Observations are to a great extent justified and whenever observations were made, in most cases recommendations were provided for improvement. However, sometimes the recommendations are rather general: e.g. 4.1.9 'describe additional services required' would be more clear if this could be further specified like 'additional services such as….'
Also the way grading was done, was in the majority of the review questions understandable and agreed. Although it was clearly explained how the overall grading was done, this in the end remains a subjective judgment by the reviewer, which in some cases is debatable (or not easily replicable). The review was done thoroughly, and main recommendations were summarized in the summary table. However, the recommendations for improvement in Chapter VI.4 require a bit more effort to fully reflect the outcomes of the review. Also the short introduction to the project merits a little more attention for better understanding of what the project is all about. The above conclusions are based on the observations in following table:

Element	Included yes/no	Why important?
1. Short introduction to the project (name proponent, name and locality project, key activity, reason to do an EIA).	Yes. Although the information provided it too limited to get a good idea of what kind of gold mining project this is and where it will be situated. Just mentioning the geo-references does not provide	Knowing the context of the project and its area, helps the reader to better understand the consequences of the review findings s/he is about to learn. Use can be

	any relevant information. The reason to do an EIA are only partly reflecting what is stated in the summary.	made of p. vii and viii of the summary
2. Approach to the review (information reviewed, expertise in the review team, criteria used, means of verification).	No. Although chapter 1.2. of the review report of the Cameroon team provides information on the methodology used for all 5 projects reviewed together, no specific approach for this project was mentioned. It is not clear whether the two experts did the review as a team or whether they 'divided' the 5 projects.	What is well explained is the way how the review was done (eg. using expert judgment) and it has been clearly justified how overall grades have been determined. This makes the review transparent and replicable.
3. Overall judgment on the EIA: Comments on the EIA (State observation, state why this is important, give recommendation) based the grades of the evaluation of sections and the overall EIA.	Yes. The overall judgment starts with a summary table, explaining the total grading, overall grading including summary observations per section. The overall score on policy, legal and institutional framework is lacking.	The reader can follow how the reviewer came to the conclusions, but needs to know that the reviewer gave heavier weights to certain criteria to come to the overall grade. This perhaps needs to be better substantiated. E.g. the project description scores a 'C', based on 9 B, 20 C and 12 D. D implies that decision making will be hindered, therefore an overall C score does not seem logical.
4. Comments on the ToR (State observation, state why this is important, give recommendation).	Yes. The comments made by the reviewer (VI.3) are agreed upon by NCEA. In addition, the NCEA notes that the ToR don't carry a date and no intent has been made to make them project- and site specific.	The reviewers does not refer to the letter of approval of the scoping report and ToR (which is attached as an appendix 3 to the EIA report). This letter highlights 14 major issues (identified by NEMA) which should be addressed in the EIA report. The reviewer notes that the ToR has been respected (1.1.3) but does not provide a score on item 1.1.4. It would be recommendable for the reviewers to recommend

		in their review report, that the EIA should include a chapter to clearly explain how each of the 14 mayor issues in the approval letter have now been dealt with in the EIA report. This will also provide the reviewer with more evidence to come to the conclusion whether or not the Tor were respected.
5. If available, comments on the existing review report + decision documents (State observation, state why this is important, give recommendation).	No. The original review report and decision documents have not been made available.	Learning in this project would be much larger if not only the EIA reports but also the review findings could be compared. We therefore recommend to make an additional attempt to get access to these documents.
6. Recommendations for improvement of ToR and EIA.	Yes. Chapter VI.4 provides a limited set of recommendations on how to improve the EIA report, but does not sufficiently reflect the comments and observations in the summary Table 10.	Table 10 (but also Table 11) contains much more valuable suggestions for improvement, which are now somehow 'lost' in the summary. Therefore the status of these recommendations remains unclear now: should these be acted upon or not?

2. Detailed evaluation grid

As a next step, we have taken the detailed evaluation grid, and checked whether it is correctly and completely filled. The main question was whether the judgments/grading marks seem logical compared to the justification given.

The grid was used the way it was intended, all columns were used and grades were given with explanation and suggestions for improvement:

- In the grid, the reviewer has indicated which criteria were included/excluded in the review, indicating a 'Yes' of 'No'. (only very minor omissions, e.g. 1.1.4, 1.3.2.2, 1.3.2.6, 9.6.2).
- Each section of the review grid finishes with an aggregated grade. Unlike the review report on the Kingfisher – 4 well, the aggregated grade does not include a narrative summarizing main conclusions and recommendations. This is a pity, because it captures main recommendations, which makes it easily accessible for the reader.
- Just a couple of sections seem to be graded too stringent or too light:

- 3.1.1 'B' for not indicating the objectives of the project. These are however mentioned in 1.4.2, but perhaps the reviewer means that objectives should be more elaborated, including rationale of the project and mentioning the problem that the project intends to solve. It is a bit confusing what the reviewer's opinion is in the end regarding this issue: the summary table says that the introduction does not contain information on objectives and justification, whereas the overall judgment on the EIA states 'the EIA for the Gold mining presents comprehensive information on the objectives and justification'. This seems to be inconsistent and leaves the reader in doubt on what the final judgment of the reviewer is. The absence of project justification and objectives is in NCEA's opinion a serious shortcoming, because not knowing the objectives, this also hampers to determine any viable and realistic alternatives.
- NCEA's scores for items 4.1.2 to 4.1.4. would be a 'C' or even 'D'. The proponent makes some statements which cannot be verified, such as 'reconnaissance has been done with due respect for the environment' and 'there is a possibility of underground mining in a later stage if more reserves are found'. Although the project gives geo-references, there are no clear maps provided (Fig. 1.1. to 1.3 can hardly be read) to know where exactly the project will take place (this was a specific NEMA requirement, see item (c) in their approval letter). Also Fig. 4.1 and 4.2 on p. 33 cannot be understood by a lay person. Fig. 4.3. can be situated anywhere in theory. NCEA's overall score for section 4 would rather be a 'D', also based on the findings of the reviewer. Many parts of the project are still unclear, activities are sometimes formulated in terms of 'shall' or 'will be' without knowing how they exactly will take place or look like.
- 6.1.15 on archeological, historic architectural etc. features, has received an 'A' score by the reviewer, whereas we cannot find any information in the EIA on this subject.
- 6.1.18: criteria not considered relevant, because 'study does not mention population displacement. However, one of the observations as a result of public consultation does raise this concern (Table 7 1.b Chairman Karamoja Miners Association)
- In general is seems somewhat illogical when an aggregate score A, B or C also in some cases contains D 'scores' on one of the sub-criteria, because D implies that this will 'hinder' the decision making process.

3. Quick verification of the EIA report

Time for the assessment of this review report is only limited. We therefore focused on those judgments/grading marks in the detailed evaluation grid that we did not find logical or easily understandable, and checked those against the information provided in the EIA report. If time allowed so, we also checked some random additional criteria. And finally, we checked the overall judgment on the EIA: does it fit our observations as well? Why (not)?

Some random criteria have been checked being: 2. Technical summary, 5 Project alternatives, Public and stakeholder consultations and 11. EMP.

Technical summary:

- It is not very useful nor informative to provide in the Technical summary a list of 'policy, legal and institutional framework' without being able to understand what the specific implications are for this particular project in terms of requirements or limiting conditions. This is much better done in Chapter 3.
- At end of the NTS, there is a text in which the consultants state that 'the proponent should be granted permission to carry on with the project' (reiterated on p. 135 Conclusion in which the consultant strongly recommends to NEMA approve this project). The consultant should refrain from any opinion on the environmental and social feasibility of the project, this is for the authorities to decide. In addition, such statements conflict with the impartiality that certified EIA consultants should respect.

Project alternatives:

- This chapter (5) is only 2 pages. The no-project situation already contains a judgment by the consultants as being 'not viable' because then there will be not job creation, no revenue improvement nor social services. However, it remains unclear if and how environmental issues were considered. Also the mineral extraction technology alternatives seem to be based merely on technical and cost considerations. The reviewer correctly observes that impact analysis of each of the options was not done and should be included in the EIA. Impact assessment and comparison of each the viable and realistic alternatives should also be looked at from an environmental and social perspective.
- According to Ugandan requirements, analysis of alternatives should 'compare feasible alternatives to the proposed site, technology, design and operation….'. Alternatives have been elaborated for location, technology, mineral processing and waste disposal. However it remains unclear what the intentions of the proponent are in the future: surface mining versus underground mining should therefore be elaborated to some extent in the EIA, including for instance options for a phased approach.
- Because the justification and objectives of the project are described to a limited extent only, it cannot be judged whether Nakabat gold mine is the right project at the right place and whether and how it contributes to the national revenue and the Ugandan policy of economic transformation (as claimed by the consultants).

Public and stakeholder consultations:

- The reviewer correctly notes the absence of information on the Ugandan legislation for the conduct of consultations. There are specific requirements indeed: NEMA issued an Environmental Impact Assessment Public Hearing Guidelines in 1999.
- Regarding comments from stakeholders in Moroto district: it seems as if only men were consulted. Especially mining projects require careful consideration of gender issues. In many mining projects the following happens, eg. in relation to money from royalties or compensation an often heard statement is: 'men get the money and get into alcohol, women get HIV and see their gardens and drinking water affected'. In chapter 10 on mitigation measures however several recommended actions refer to gender issues!

Environmental management plan

- Chapter 10.2 refers to the fact that JUL will put in place and implement various management systems/measures as outline in Table 10.2. Also several times throughout the EIA report it is stated that JUL is 'committed to its implementation'. Such a statement would be much better justified if budget estimates would already be given for this. Chapter 4 mentions a project capital input of 450.000 USD. It is unknown which percentage of this budget will be used for the execution of the mitigation measures and the proposed company management systems (table 10.2) and whether this will be sufficient.

Judgment of reviewer versus NCEA judgment:

- The NCEA observes that the reviewer correctly identified the omissions in information in the ESIA. In general, we observe the same omissions. The reviewer gives some recommendations for improvement of the ESIA, which are all shared by the NCEA.
- However, the NCEA would on some sections give a more stringent score, and observes that a couple of sections (see above, 2, 5, and 11) lack information still. Therefore the NCEA would add a couple of recommendations for the EIA to be supplemented on a number of items.

4. Overall appreciation of the review report

In this concluding step, we have aimed to formulate a final statement on the review, with special focus on a) the quality of review process (plus recommendations), b) the quality of the review conclusion/judgment (which criteria would we find most important? why?), and c) main learning points for review system improvement.

a. In terms of process, this review has been well undertaken. The report is well structured and choices and conclusions have been explained and justified, which helps the reader understand the review better. It also helps the reader to understand whether the review conclusions are logical and correct. (NB. Minor omission on p. 6 of Introduction: This particular project on Uganda is missing here, Gold Mine, Moroto district).

b. In terms of the quality of the review conclusions, the NCEA has observed that several criteria or sections of criteria have correctly been identified by the reviewer to be lacking or incomplete, but that they have been graded in the overall grading as not being vital to decision making (grade C). In the view of the NCEA, however, often the omission seems to ask for a grade of D or even E (instead of C).

After checking with the EIA report itself, we saw these observations confirmed. At an individual basis, these omissions can already hamper sound decision making. But especially the fact that there are quite a few of these omissions, related to several important sections of an EIA report, makes the NCEA conclude that the combined influence on decision making would be substantial.

The reviewer gives a very elaborate overview of grades in Table 2 of the review report, but does not give an overall score for the whole of the ESIA in the Overall judgment (VI.2). This overall judgment is a few lines only and does not refer to the 'E' scores, which would be considered to most serious gaps to be remedied.

The information NCEA would like to see included in the ESIA **before** decision making on EIA approval can proceed are the following:

- proof of how NEMA recommendations on scoping report/ToR have been dealt with in the ESIA
- agreed with reviewer: include chapter on project justification and objectives
- more detailed information on project description, its activities in relation to the area (better maps) and inclusion of information on traffic movements
- include more information on project alternatives considered including future perspective (if underground mining would take place in future)
- agreed with reviewer: provide cost estimates for EMP implementation and monitoring arrangements. This is essential information to judge whether the EMP is feasible in terms of institutional capacity and budget and will indeed be implemented

We therefore recommend to expand the review recommendations with some of the above mentioned observations, as well as perhaps some others mentioned by the reviewer in Table 10.

c. Regarding main learning with a view on improving the overall EIA system, we would like to mention:
    - the original ToR, as already observed by the reviewer was not project and site specific. Compared to our grid, the ToR therefore omit certain crucial requirements. It is therefore hard to make the authors of the EIA report accountable afterwards. However, the proponent did have the approval letter of NEMA (app. 3) with a list of specific recommendations. Clearly some of these recommendations were not followed (e.g. b, c, d, e f, v, viii), which should be noted in the Overall judgement
    - do not shy away from harsh conclusions during review, specifically in relation to information that is important to decision making. If certain elements are missing or of bad quality, this needs to be made apparent and justified in the review conclusions
    - justify conclusions and provide references to where in the EIA report this information (or lack of it) can be found. This will help the verification or cross-examination process.

ANNEX 5 – Quick scan of EIS for Development of Phase Two gas distribution pipeline network, Logbaba Field – Cameroon

Quality check of Review report
Quality check carried out by Gwen van Boven, the NCEA
13 august 2014

Approach to this quality check
For this quality check, we have taken the following steps:

1. check of the overall structure of the review report;
2. verify the use of the detailed evaluation grid;
3. quick verification of EIA report;
4. overall appreciation of the review report.

Findings

1. Overall structure of review report

As a first step, we have checked whether the review report follows the outline that was agreed during the first consultative meeting. Does it include all six elements and are they well elaborated?

With reference to the agreed structure of the review report, this review report is missing some elements while others have not been fully elaborated. In most cases, the information that is provided is insufficient to understand the project or how the reviewer has come to the grading for each element. This in turn makes it hard to understand the overall judgment on the EIA, or to derive lessons on how to improve, which is the key objective of this exercise. This is demonstrated in the following table:

Element	Included yes/no	Why important?
1. Short introduction to the project (name proponent, name and locality project, key activity, reason to do an EIA).	Yes, but this paragraph was named and limited to the project area only. No name of proponent, locality of project, key activity or reason to do an EIA were provided. The language is not objective and gives an opinion of the project (beauty).	To appreciate the rest of the review, the reader needs to know some basics about the project. The reviewer is not supposed to express an opinion about the project, this is a technical review of the EIA only.
2. Approach to the review (information reviewed, expertise in the review team, criteria used, means of verification).	No. While in the overall document, bringing 4 review reports together, an approach was given, no project specific approach was described.	This way, the reader does no know against which documents the EIA was checked, it is not known who did the review or which expertise was available, etc.

3. Overall judgment on the EIA: Comments on the EIA (State observation, state why this is important, give recommendation) based the grades of the evaluation of sections and the overall EIA.	Yes. However, the statement is very short, with no further observations, or why these are important, or recommendations. Also, no grades were given for elements that were missing in the EIA report.	The reader does not know how the reviewer came to some conclusions. The lack of explanation or justification makes it hard to trust that the grades are correct! This way, it undermines credibility of the review, which is a pity. Some of the missing elements (alternatives!) are important for decision making and could therefore never lead to an overall grade A for this EIA.
4. Comments on the ToR (State observation, state why this is important, give recommendation).	Yes. However, it just states that the ToR are well addressed. It does not give information on differences between the ToR and our grid.	The authors of the EIA worked on the basis of the ToR. It is possible that they fully complied with these ToR but not with our grid. In that case, the lesson would be to improve the ToR, more so than the EIA. Therefore, please provide information on differences between the two.
5. If available, comments on the existing review report + decision documents (State observation, state why this is important, give recommendation).	No. The original review report and decision documents have not been made available.	Learning in this project would be much larger if not only the EIA reports but also the review findings could be compared. We therefore recommend to make an additional attempt to get access to these documents.
6. Recommendations for improvement of ToR and EIA.	Not clearly, no separate chapter exists. Also in the table, hardly any recommendations are given.	This project is all about improving EIA enhancement. That will only happen if we come up with concrete recommendations. This is the core of this exercise.

2. Detailed evaluation grid

As a next step, we have taken the detailed evaluation grid, and checked whether it is correctly and completely filled. The main question was whether the judgments/grading marks seem logical compared to the justification given.

- All in all, the grid was not used the way it was intended, as criteria were used and grades were given without any explanation or recommendation. This way, detailed learning is very limited. Examples:
    - In the grid, the reviewer has indicated which criteria were included/excluded in the review, but without any justification. That column was left blank.
    - The column on what was missing was largely left blank, and only very few suggestions were made for improvement (last column).
    - Grades were given per criteria but an aggregated grade per category was not given.
    - Some grades were not provided, for no apparent reason (3.1.6, 6.1.20, 8.1.7).
- As to the logic of the grades, this is not easy to judge because of the lack of information provided. However, most grades are A (full provision of information with no gaps or weaknesses). This implies a nearly perfect EIA report, which is relatively rare, and asks for some verification of the EIA report.
- Two sections were entirely excluded: the section on project alternatives (5) and the one on contingency plans (13). This may be logical but since no explanation is given, we can't tell.
- On project alternatives: The 'no project' situation (5.1.) needs to be described but is not provided. No grade is given. Without any explanation, all other criteria related to alternatives were omitted from the review. Yet, in the summary table the reviewer says it is required. This is not consistent. These ought to have been included and graded.

3. Quick verification of the EIA report

Time for the assessment of this review report is only limited. We therefore focused on those judgments/grading marks in the detailed evaluation grid that we did not find logical or easily understandable, and checked those against the information provided in the EIA report. If time allowed so, we also checked some random additional criteria. And finally, we checked the overall judgment on the EIA: does it fit our observations as well? Why (not)?

Based on the above, we checked the EIA report on the sections Project Alternatives and on contingency plans. Also, we did a quick random check of several elements of the EIA report to verify whether the information provided is indeed as good that it merits a grade A on average. Between brackets, the number of the (section of the) criteria in the grid.

- Project alternatives (5):
    - A check of the original ToR shows that a description of project alternative or variants was not required. That means that the EIA report complies with the ToR but not with our grid. As our grid is more consistent with international best practice, system improvement would therefore be at the level of the ToR.

    - Grading: NCEA considers a description and impact analysis of project alternatives important for decision making, grades would be either D or E.
    - Influence on overall grading of EIA: in most cases, the NCEA would consider this a serious omission and it would influence its judgment of the overall EIA towards *weaknesses in information that hinder the decision making process, requiring either minor work (D) or major work (E).*
- Contingency plan (13):
    - the intention is expressed (in the project description, 3.3.7: emissions, discharges and waste) to have an emergency response plan ready at the start of the project, but has not been included in the EIA. Also it seems to be limited to the drilling phase while the operational phase (transport) is not clearly mentioned. However, the reviewer excluded criteria related to performance contingency plans from the review (13.2.1/13.3.1). Why?
    - given the fact that the project intends to transport flammable substances through high density urban areas, the NCEA considers a response plan of the highest priority. There may be a low risk of accidents, if one occurs it is likely to have high impact. A response plan therefore needs to be considered during decision making on the EIA. Its omission therefore merits a D or an E.
- Random check of EIA report for the following elements:
    - Non-technical summary (2): correctly reviewed and scored
    - Introduction (3): partly correctly reviewed and scored. Deviations: Info on 3.1.3. is not included but can be found elsewhere in the report (logical grade: B). Criteria 3.1.6. has not been included in the review, yet the information is correctly presented in this chapter (logical grade: A).
    - Project Description (4), selected criteria:
        - Size of project (4.2): correctly reviewed and scored
        - Residues and emissions (4.4): partly correctly reviewed and scored. For example, chemical composition of solid waste (4.4.1.) is not yet known as no soil analysis has been done yet. A score A therefore seems inappropriate.
    - Stakeholder participation (8): correctly reviewed and scored.

4. overall appreciation of the review report

In this concluding step, we have aimed to formulate a final statement on the review, with special focus on a) the quality of review process (plus recommendations), b) the quality of the review conclusion/judgment (which criteria would we find most important? why?), and c) main learning points for review system improvement.

a. The main difficulty with this review report is the lack of justification of the information it provides, both at the level of the general structure as at the level of the detailed grid, making it hard for the reader to judge its quality. This undermines the credibility of the review: it may be well done, but the reader has no way to know for sure. The overall report does not give an impression of the key findings during the review, which would help formulate key recommendations as well.
    - *We therefore recommend to take time to elaborate a more qualitative review and not just limit the report to grades.*

b. After checking with the EIA report itself, we found that in general, the review is well done. Many of the grades were correctly given. A random check of some chapters

showed that we would give a similar score, or sometimes slightly lower (B instead of A). However, for those elements that seemed illogical already at the level of the grid, mostly because they had been omitted from the review, also proved to be points where the NCEA would score much more strictly. This relates notably to the description of alternatives and the inclusion of a contingency plan. We consider these elements crucial to decision making and would definitely include them in the review, giving them grades at the level of D or E.

We feel that two scores of D or E can be considered serious omissions to the EIA report, and that would strongly influence our overall appreciation of the EIA report.

- *We recommend to reconsider the review at the level of these two sections, and*
- *we recommend to subsequently reconsider the overall grade of the EIA report.*

c. Regarding main learning with a view on improving the overall EIA system, we would like to mention:
   - *improve the original ToR. If these omit certain crucial requirements, it is hard to make the authors of the EIA report accountable afterwards;*
   - *do not shy away from harsh conclusions during review, specifically in relation to information that is important to decision making. If certain elements are missing or of bad quality, the solution is not to exclude these criteria from review, but to include them and be clear about the judgment, and justify it well;*
   - *the review process can be improved and/or made more visible. A more qualitative appreciation of the EIA report and a clearer justification of conclusions will help the reader understand the review results better, and as such, will enhance credibility of the review report.*

ANNEX 6 – Quick scan of ESIA for Exploration Drilling in Zina Block – Cameroon

Quality check of Review report
Quality check carried out by Gwen van Boven, the NCEA
14 august 2014

Approach to this quality check
For this quality check, we have taken the following steps:

1. overall structure of the review report
2. use of the detailed evaluation grid
3. quick verification of EIA report
4. overall appreciation of the review report.

Findings

1. Overall structure of review report

As a first step, we have checked whether the review report follows the outline that was agreed during the first consultative meeting. Does it include all six elements and are they well elaborated?

With reference to the agreed structure of the review report, the NCEA concludes that this particular review report is well structured. The fact that it starts with a good description of the project and the fact that observations and conclusions have often been explained and justified, helps the reader understand the review better. It also helps the reader to understand whether the review conclusions are logical and correct. This conclusion is based on the following observations:

Element	Included yes/no	Why important?
1. Short introduction to the project (name proponent, name and locality project, key activity, reason to do an EIA).	Yes. Although the chapter is called description of the project area, it actually contains all elements of a short introduction of the project and not just the area. It also contains a few pointers as to the main impacts that can be expected.	Knowing the context of the project and its area, helps the reader to better understand the consequences of the review findings s/he is about to learn
2. Approach to the review (information reviewed, expertise in the review team, criteria used, means of verification).	No. While in the overall document, bringing 4 review reports together, an approach was given, no project specific approach was described.	This way, the reader does not know against which documents the EIA was checked, it is not known who did the review or which expertise was available, etc.

3. Overall judgment on the EIA: Comments on the EIA (State observation, state why this is important, give recommendation) based the grades of the evaluation of sections and the overall EIA.	Yes, including an explanation of some of the findings and a table with the aggregate grading per section of the EIA report.	Through the explanation, the reader gets to understand how the reviewer has come to a certain conclusion. It also enables him/her to check this conclusion. This is very constructive towards improving an EIA report. In this particular case, not all explanations seem logical compared to the grading. This creates confusion, and could be improved. Details in the next chapters.
4. Comments on the ToR (State observation, state why this is important, give recommendation).	Yes. However, it just states that the ToR are adequate and have been well addressed by the EIA report. It does not give information on differences between the ToR and our grid.	The authors of the EIA worked on the basis of the ToR. It is possible that they fully complied with these ToR but not with our grid. In that case, the lesson would be to improve the ToR, more so than the EIA. Therefore, please provide information on differences between the two.
5. If available, comments on the existing review report + decision documents (State observation, state why this is important, give recommendation).	No. The original review report and decision documents have not been made available.	Learning in this project would be much larger if not only the EIA reports but also the review findings could be compared. We therefore recommend to make an additional attempt to get access to these documents.
6. Recommendations for improvement of ToR and EIA.	Yes. This chapter provides a conclusion and some recommendations on how to improve the EIA, although quite short.	This project is all about improving EIA enhancement. That will only happen if we come up with concrete recommendations. This is the core of this exercise. A good start has been made, and more help could be provided by

		giving more concrete inputs for improvement.

2. Detailed evaluation grid

As a next step, we have taken the detailed evaluation grid, and checked whether it is correctly and completely filled. The main question was whether the judgments/grading marks seem logical compared to the justification given.

- All in all, the grid was quite well used the way it was intended, as criteria were used and others excluded, and grades were given for individual criteria as well as aggregated sections. Justification of use of criteria was not always provided, but in case of lacking information, it is almost always explained what is missing, and sometimes how it could be improved. This could be done even more frequently, as it helps improving the EIA as well as overall learning is very limited.
- However, certain sections do not seem graded in a logical way. This observation comes from the detailed grid in combination with the summary table (which provides aggregated grades) especially. Sections with seemingly important omissions but relatively no so strict grades include:
    - project description (section 4 of the grid, grade C): if indeed several components of the activity are not well described, it will be difficult to make a well-informed decision;
    - project alternatives (section 5, grade C): no clear inclusion of (technological/location) alternatives seems crucial to decision making;
    - project baseline (section 6, grade A): the project area is more sensitive than described, leading to a higher probability of adverse impacts than predicted: crucial for decision making;
    - policy, legal and institutional framework (section 7, grade C): the reviewer explains that the lack of information in this chapter may hamper decision making, yet gives a grade C;
    - mitigation measures (section 10, grade A): the reviewer explains that no costs have been provided, which means at least a lack in the provision of information;
    - Environmental Management Plan (section 11, grade C): if the plan is not or partly included and no costing is provided, this will hamper decision making.

  Two of these have been graded an A (information complete), all others a C by the reviewer. Yet, if information on these aspects really is missing or not clear, it will influence decision making, and should therefore be graded either D or E, depending on the work required to complete or amend. This asks for a verification of the EIA report on (a selection of) those particular elements.
- As to the logic of the grades for individual criteria, not all of them seemed logically graded, largely along the same lines as for the sections. Some examples:
    - 1.1.4: grade A while the reviewer indicates not to have been able to read the contents due to the language used. This means that no judgment is possible;
    - In quite a few cases, an omission has been noted but graded as not consequential to decision making, while the NCEA thinks this could be the case and should be graded D or E. A list of examples of these cases can be found in an annex 1 to this report.

3. Quick verification of the EIA report

Time for the assessment of this review report is only limited. We therefore focused on those judgments/grading marks in the detailed evaluation grid that we did not find logical or easily understandable, and checked those against the information provided in the EIA report. If time allowed so, we also checked some random additional criteria. And finally, we checked the overall judgment on the EIA: does it fit our observations as well? Why (not)?

Firstly, the NCEA concedes with the reviewer that due to the very illogical structure and page numbers of the EIA report, the report is difficult to assess. Things may have been misplaced and may be easily overlooked. The overall presentation should be improved, otherwise the decision maker will have difficulties finding all information that is relevant for decision making.

Then, before checking the sections as identified above, the NCEA has checked an important decision by the authors of the EIA report, which has to do with the delimitation of the area of study: the decision not to include the two protected areas in the area. For the NCEA, this touches the core of this study for the following reasons:

- already in the non-technical summary (p.27) it is stated that the National Parks of Waza and Kalamaloué have been excluded from the permit area and that therefore, no direct impact of drilling activities is anticipated on these protected areas, which are sensitive, biodiversity-rich, nationally classified and internationally recognised (CBD, Ramsar);
- from a geological and hydrological viewpoint, this conclusion does not seem logical. The chapter on hydrology (p.162) shows that the area is largely flat and that the wetland system, characterized by seasonal flooding over larger areas, covers also the national parks. This makes it illogical to exclude it from any further impact assessment as any spill or other contamination of flood water will automatically affect these biodiversity rich areas. It is therefore recommended to expand the impact assessment to these areas (grade E).

Subsequently, based on the above assessment of the grid and the observed inconsistencies in the grading, we checked the EIA report on the sections Project description, Project alternatives, project baseline, policy/legal/institutional framework, mitigation measures and environmental management plan.

- the NCEA observes that the reviewer correctly identified the omissions in information in these chapters. In general, we observe the same omissions;
- however, the reviewer has come to the conclusion that these omissions are not vital to decision making, whereas the NCEA does, especially considering the fact that this concerns several sections that together make up a good part of the EIA report.

Due to lack of time, we did not do an additional random check of other elements of the EIA report to verify whether the information provided is indeed as good that it merits a grade A on average.

4. Overall appreciation of the review report

In this concluding step, we have aimed to formulate a final statement on the review, with special focus on a) the quality of review process (plus recommendations), b) the quality of the

review conclusion/judgment (which criteria would we find most important? why?), and c) main learning points for review system improvement.

a. In terms of process, this review seems to be well undertaken. The report is well structured and the fact that it starts with a good description of the project and the fact that choices and conclusions have often been explain and justified, helps the reader understand the review better. It also helps the reader to understand whether the review conclusions are logical and correct.

b. In terms of the quality of the review conclusions, the NCEA has observed that several criteria or sections of criteria have correctly been identified by the reviewer to be lacking or incomplete, but that they have been graded as not being vital to decision making (grade C). In the view of the NCEA, however, often the omission seems to ask for a grade of D or E (instead of C).

After checking with the EIA report itself, we saw these observations confirmed. At an individual basis, these omissions can already hamper sound decision making. But especially the fact that there are quite a few of these omissions, related to several important sections of an EIA report, makes the NCEA conclude that the combined influence on decision making would be substantial. We would therefore come to a different conclusion on the overall EIA report (D or E).

- *We recommend to reconsider the review conclusions at the level of the individual criteria (see Annex 1) and of these sections, and*
- *we recommend to subsequently reconsider the overall grade of the EIA report.*

c. Regarding main learning with a view on improving the overall EIA system, we would like to mention:
   - *check the original ToR, and compare them to our grid. If the ToR omit certain crucial requirements, it is hard to make the authors of the EIA report accountable afterwards;*
   - *do not shy away from harsh conclusions during review, specifically in relation to information that is important to decision making. If certain elements are missing or of bad quality, this needs to be made apparent and justified in the review conclusions;*
   - *justify conclusions and provide references to where in the EIA report this information (or lack of it) can be found. This will help the verification or cross-examination process.*