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Netherlands Commission for
Environmental Assessment

EIA Review Workshop Zanzibar of 15–17 October 2014

Review Report, MAG14TZ1

REVOLUTIONARY GOVERNMENT OF ZANZIBAR, TANZANIA

31 October 2014

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Annexes

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1. Introduction

Currently, according to the Department of Environment, review of EIA reports takes place as follows: a site visit for verification, followed by a review meeting in which representatives of other Ministries also participate. However, in practice this process is not always of good quality, although a specific form is available, with criteria for evaluating the adequacy of EIA reports. Review of EIA reports is one of NCEA's core businesses in the Netherlands but also abroad. It was therefore proposed in the Zanzibar–Dutch co-operation project to include EIA review as one of the core activities.

Based on the results of the EIA mapping (sections dealing with review) that took place in July 2014, NCEA assessed current review in Zanzibar. Also the sections on review in the (draft) EIA regulation were looked at, as well as how review takes place in practice. In addition, the EIA review form that is already in place in Zanzibar was assessed, and slightly adapted to be used for practical application during the EIA review workshop. Subsequently, NCEA prepared two discussion papers: one on 'review mechanisms' to feed the discussion in the learning-by-doing EIA review workshop, and one on 'carrying out review'. The latter was prepared to be used reviewing a pilot EIA during the workshop.

NCEA has extensive experience working in close co-operation with review teams from its partner countries. For this workshop therefore, all members (18) of the multi-stakeholder team in Zanzibar participated in this EIA review workshop. The aim was that as a result of this workshop the review <u>capacity</u> of the Zanzibar multi-stakeholder team members would be enhanced as well as the quality of the review <u>process</u>.

Regarding the EIA pilots to be used in this 'hands-on' EIA review workshop: in preparing the workshop DoE proposed two real life cases which were about to be reviewed by their multi-stakeholder review team: (i) a draft Environmental and Social Impact Assessment for the upgrading of roads in Unguja and (ii) an Environmental and Social Impact Assessment for the construction of a new port at Mgipaduri (also Unguja). On the latter project, it was also proposed to plan a site verification visit, to simulate current practice. It was decided to invite an external NCEA expert, Mr. Hans van Maanen, to partake in the EIA review workshop to contribute with specific EIA related technical knowledge on big infra-structure projects. Just before travelling to Zanzibar, the NCEA was informed by DoE that the port ESIA could not any longer be used as a pilot during the workshop because of political sensitivity.

The expected outputs of this review workshop can be summarizes as follows:
- Multi-sector stakeholder team informed on the basics of review;
- Support to review team while carrying out review on pilot EIA including reviewing the EIA report and advise the team on the report's shortcomings;
- Comment on the review process and advise on how similar exercises in the future may be conducted;
- Jointly prepare a report on the review team's observations and its output.

2.   Programme

Day 1: Basics of review	Subject and form: presentations and discussions
09.00 Welcome and introduction	Introduction of participants and short overview of NCEA/DoE cooperation project
09.15 Objective of this workshop	Explanation on the selection of this topic as a project activity: EIA review in practice, overview of 3 day programme
09.20 Current review practice in Zanzibar	Presentation of review in Zanzibar, legal requirements and current practise
09.45 Review in The Netherlands	Presentation on NCEA review experience, incl. Q&A
10.45 Coffee/tea	
11.00 Discussion on number of specific issues incl. options for improvement Discussion paper	Item 1: Review system/models (all participants) • Composition and organisation of review team • Available time and funds for review • Scope and status of review findings • Transparency and accountability and PP in review
13.30 Review of EIA in Uganda and Cameroon	Presentation on sharing experiences from re-examination of EIA review process and reports (focus extractive industries)
14.00 Lunch	
14.30 Discussion on number of specific issues incl. suggestions for improvement Discussion paper	Item 2: Steps involved in reviewing an EIA (all participants) • Preparation and organization of review in practice • Identifying review criteria • Carrying out the review, incl. publication and follow up
15.30 Introduction to pilot EIAs for review	Short introduction on pilot projects for this workshop, what is project all about? Status of EIA reports?
15.45–16.30 Instructions for group work	Instruction review steps and format for review report/findings
Day 2: Real life review	Subject and form: group work and presentations
09.00 Group work on reviewing ESIA roads project	Read EIA, prepare review findings in report/presentation (by multi-stakeholder team and NCEA-team in parallel)
11.00 Coffee/tea	
10.45 Continuation of review	Read EIA, prepare review findings in review criteria format
14.00 Lunch	
14.30 Presentation of findings pilot ESIA roads project	• Presentation of findings by multi-stakeholder review team, summary scores and critical scores • Observations/findings by NCEA expert, incl. comparison of results; similarities and differences
15.15 Discussion on review practice	Reflection on experiences with real life review 'exercise'
15.30–16.30 Presentation by NCEA technical expert	Presentation on relevant EIA issues (alternatives, mitigating measures) with emphasis in port related projects
Day 3: Real life review	Subject and form: group work and presentations
08.30 Recap of day 2	Lessons learned from carrying out review: results from Uganda/Cameroon review exercise (example)
09.30 Group work on preparing review report	Based on individual review results, prepare review report by multi-stakeholder team
10.30 Coffee/tea	
10.45 Continuation of group work	Preparation of review report
11.30–12.00 Conclusions and wrap up	Lessons learned and future review approach

3. Participants

15 October

Maryam Hussein Pandu – DoE	
Amour M. Ali – Commission for Tourism	Abdullah S. Kassim – Ministry of Infrastructure and Communication
Hawa M. Issa – DoE	Nassar Jamal – DoE
Zaitoun M. Haji – DoE	Farhat Mbarouk – DoE EIA department
Saida I. Omar – DoE	Bobbi Schijf – NCEA
Hans van Maanen – consultant	Ineke Steinhauer – NCEA
Gerlinde Buit – NCEA	Ali Oth. Musca – DoE Pemba
Kazija A. Thabit – Zanzibar Water Authority	Abuu Jaffar Ali – DoE Pemba
Makame Haji – Fisheries Department	Zuwena J. Hama – DoE (Environmental Education)
Said M. Juma – DoE Pemba	Othman H. Juma – Tourism Commission
Mohamed Habib – Department of Urban/Rural Planning	Othman M. Suleiman – ZIPA
Amour Kassi – Department of Land Registration	

16 October, same as previous day, plus:
- Ngwali M. Haji – Department of Forests & Natural Resources
- Zubeda Issa Mohammed – also DFNR
- Zuleka M. Juma – DoE
- Hamad Makame Ussi – Fisheries

17 October

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Ali Othman Mussa	DoE – Pemba	Othman.ali90@yahoo.com

4.   Day 1: the basics of review

4.1   Current review in Zanzibar, according to legislation and practice

Review steps according to draft EIA regulations 2013:

1. Proponent submits 15 hardcopies and 1 softcopy to DoE
2. Proponent pays DoE for review (fees are indicated in new regulations)
3. Within 5 working days, E(S)IA is disclosed to stakeholders and relevant interested parties via notices in newspapers, radio and public places
4. Commenting period should be between 20 and 30 days after submission of E(S)IA report
5. DoE decides on appropriate method for proper collection of public comments (not clear whether this is case-by-case or pre-defined options)
6. After commenting period, review has to be finished within 30 days
7. DoE appoints review team of 15 or more members from relevant institutes
8. Review team uses review criteria guidelines & form, and scoping report & approved ToR
9. Review team conducts site verification visit and discusses with local officials and residents
10. Review team reaches consensus on discussion notes
11. Review team prepares review report with recommended terms and conditions for the EIA certificate

Outcomes of review report – three conclusions possible:
-   No adverse impacts > EIA certificate issued
-   Irreversible potential impacts > project rejected
-   Dissatisfactory EIA > request for additional information from proponent

Review practise (based on EIA mapping):

1. DoE holds a 15-18 member multi-sectoral stakeholder meeting, through inviting colleagues from relevant agencies and ministries
2. DoE sends EIA report in advance but often colleagues do not look at it in depth, only global check of contents
3. Director DoE chairs these meetings, director EIA takes over if needed; all heads of the 7 DoE sections attend these meetings
4. Before the multi-stakeholder meeting, the team carries out a site verification visit including ad-hoc public participation (with people who happen to be there). Only 1 formal public hearing was held during the past 3 years.
5. A review report is written, for which a review format is available – but it needs improvement
6. Review conditions are prepared on the basis of review committee findings; director DoE finally decides what comes into the conditions for project approval, he can take another decision than what the review committee advises
7. If the EIA review is positive and an EIA certificate is granted, this automatically implies that the project is approved

4.2   The NCEA review practice and Q&A

See presentation in **Annex 1** to this report

Questions from participants:
- Who pays for the review?
- Is the NCEA's advice binding? If not, how do you guarantee that the NCEA's advice is followed?
    - Compared with DoE, there are more 'checks' in the Netherlands – among others publication and past court cases
    - DoE tries to remind people of the necessity to do EIA, but it can only do so much – there are no repercussions if the proponent does not do EIA
- How and why is the NCEA involved in scoping, and when/why do you do a site visit?
- What happens when the NCEA gives a negative advice – i.e. essential information is missing? Do you directly go to court or is there an opportunity to improve the report?
- How long does it take in the Netherlands to do an EIA? And to review it?
- Is there no bias or prejudice in EIA's in the Netherlands, if the proponent is responsible for the EIA? And are proponents not pushing for things to go quickly, leading to copypaste EIA's or even no EIA done at all?
- Do you have standardized timelines for environmental audits?
- Is any compensation for negative environmental impacts required by law in the Netherlands?

4.3   Review system/models

See discussion paper attached at **Annex 2** to this report. The discussion paper contained several items for discussion, the outcomes are summarized below:

4.3.1 Component 1: Composition and organization of the review team

Questions/clarifications:
- What is the size of a review team in the Netherlands?
- The review team in Zanzibar was supposed to be 15 (including 7 heads of sections), but from now on 18 copies of the report will be requested because of the involvement of new climate change units etcetera
- Contribution of DoE staff to EIA writing does not happen; only in stakeholder analysis, for example, the consultant may come to DoE for advise on who to include – in DoE's opinion, this doesn't interfere with its review function

Discussion issues:
- Is the required expertise available in the multi-stakeholder review team?
    - Farhat: no, we're trying but it's not sufficient. Heads of sections rotate, so there are no constant people over time.
    - Amour: there's not enough experts, that's why we've asked for training.
    - Review teams are composed based on the topic of the EIA – they differ from time to time
    - No specialists are part of the review teams – we're supposed to do that, but there are no specialists available who can e.g. verify measurements
        - Trying to find external expertise (e.g. from universities) could be a good option for improvement

- In some cases (example from Pemba), people don't want to hire external expertise because they say they are 'good enough to do this'
- No independent experts outside of government are involved in review; is there need/room for change?
  - We need to use external experts, for example now that we go into oil/gas, we need some extra expertise
  - We need both extra expertise of government personnel to know what they are talking about and external, independent experts
  - For hiring independent experts, we go to research institutes such as the institute for marine sciences; we don't normally go to mainland Tanzania for experts
  - Question DoE: who should pay for this external expertise? (see component 2)

4.3.2 Component 2: Available time and funds for review

Discussion issues:
- Is 50–60 days sufficient for organizing the review?
  - The time for review is sufficient
- Are the funds paid for review by the proponent a fixed amount regardless the complexity of the project? Are these sufficient for proper review?
  - It varies, depending on the price for the site visit, the amount of people for whom a sitting allowance is paid, etc.
  - Including expert fees in the budget would be possible, but what if the proponent doesn't agree to pay more..? We need to discuss on this.
  - In some cases, DoE organizes the logistics of the review and the proponent pays; in other cases, the proponent directly pays directly to the review committee
    - Could this be perceived as a conflict of interest? DoE does not consider it to be so.
    - Bribing is prevented because the proponent doesn't know who is doing the review until the review is finished – the committee is paid afterwards
    - On the other hand, if there is a site visit, the proponent may already see who is in the committee
    - Conclusion for improvement: maybe it is better to have DoE as a 'check' in between in order to keep control

4.3.3 Component 3: Scope and status of review findings

Questions/clarifications:
- Director DoE normally does not decide otherwise than the review committee's recommendations; their conclusions are always added to the license as conditions
- Monitoring is not well organized – we need to discuss this further, because why do EIA if the conditions of a license are not monitored?

Discussion issues:
- Only one EIA report rejected in the past 3 years – would it be better to be more critical?
  - Not only did DoE reject very few EIAs; requests for additional information were also made in only a very limited number of cases – Farhat knows of only 2 in the last couple of years
  - DoE concludes that it doesn't do a good job: it doesn't look at content, but only checks whether the various elements are there in the report

- o This is partly due to the composition of the team: there are no technical experts, so there's no knowledge on aspects that should be improved
- o Another problem is that some members of the review committee are more critical than others; the average score is always used, so the more critical comments are easily 'wiped out'
- o According to the review format, reviewers are expected to give scores and justify them with arguments; the latter is however often not done – this could easily be improved

4.3.4 Component 4: Transparency, accountability and public participation in the review process

Discussion issues:

- Is it necessary to further operationalize public participation and/or have a public hearing before the review?
  - o During scoping, there is a public meeting – so people know that an EIA is being undertaken and that they can give their comments; these comments inform the consultant who writes the EIA on issues that he needs to take into account
  - o There is some confusion among participants on whether or not these comments are also used in review
- Is it possible to publish the review report and/or environmental certificate?
  - o There is currently no follow-up of public participation after the review; the public is, for example, not informed on whether or not a certificate has been granted and on what conditions
    - ▪ This could be improved by using the information gathered from commenting public (name, telephone number) to inform them on the certificate; in that case, however the certificate should be translated to Swahili
    - ▪ The EIA section in the First VPO's website could also be used to publish the certificate and/or review report; that will however be less accessible for a large part of the public
    - ▪ It could also be published in the Zanzibar newspaper.

4.3.5 Wrap-up: recap of possible future actions

NB: these are also indicated in text in yellow
- Invite external expert to partake in review (from university or knowledge institute)
- Change regulation so that proponent can be charged costs for external expert (non-governmental)
- Rethink direct payment from proponent to reviewer
- Reject more reports? Be more critical...
- And ensure that reviewers justify their scores
- Share (EIA) certificate with public stakeholders consulted (government newspaper?)
- Relate review to ToR in review format
- Clearer/more instructions to reviewers (what do we mean with 'social impacts', for example?)

4.4   Presentation on Uganda & Cameroon EIA review project

See presentation in **Annex 3** to this report

Questions and discussion issues as a result of sharing the Uganda & Cameroon experience:
- DoE doesn't look at the ToR when reviewing an EIA report – but it would be good to do that
- Categories in the review format need more detail
- The proponent doesn't ask for review reports – but if he would, we would not be able to justify our scores; it's really necessary to justify the scores we give

4.5   Steps involved in reviewing an EIA

See discussion paper in **Annex 4** to this report, also including instructions for carrying out review.

Discussion on current review practice and process:
Site visit:
- Normally one or two days before the review meeting
- Half or whole day, depending on the distance of the site and the amount of questions that locals ask
- Discussions with locals are on their doubts and interests in the project
- Sometimes proponents are there during the site visit; sometimes not; in any case, the proponent is informed beforehand on DoE's site visit
- Preparation for the site visit is done by developing an interview format; every review committee member asks questions according to his/her field
- The Sheiha is normally informed before we pay a site visit
- Importance of site visit: it gives additional information, and it may give information in case you are not able to read the whole EIA report
Review process:
- In the review committee meeting, general issues/comments are presented (in letters) by individual members
- The director reads these comments during the meeting, and there may be some discussions (but this seems not to happen often)
- The review report is drafted by the EIA department, and then submitted to the director
- Based on this comments, the director comes to a conclusion on whether or not to issue a certificate (with comments, equal to the comments provided by committee members)
- Individual members do not sign the joint review conclusions; there is some confusion on whether or not committee members get a copy of the review report and/or the certificate
Review criteria to use:
- The team does not refer to ToR or previous/similar EIAs/reviews or specific criteria
Preparation for review:
- All items in the current review format are sufficiently clear; the only item which may not be sufficient is the clarity for review committee members on what exactly they have to do (e.g. when reviewing social issues – what does this mean?): this should be improved

4.6   Introduction of the review steps and review criteria

The EIA pilot (preliminary ESIA of May 2014) that was used for review by the multi–stake-holder review team is the following:
*   Name proponent: MOIC Zanzibar
*   Name, type and locality of project: Upgrading of 62,5 (?) km of Roads in Unguja Island to Bitumen standards, Zanzibar
*   Reason to do an EIA: DoE has conducted scoping exercise and ToR (Jan. 2014)

The key activities in the project are:
*   Exploitation of material sources for fill, sub–grade, sub–base, base and surfacing;
*   Construction of longitudinal and cross drainage structures and systems;
*   Double Bituminous Surface Dressing on carriageway and on paved shoulders;
*   Provision of temporary crossings and traffic diversions;
*   Construction of road furniture and other incidental and appurtenant works; and
*   Construction of campsites and other temporary facilities.

In order to carry out the review, the multi–stakeholder team members were given a review format, based on the format that is currently used in Zanzibar (see **Annex 5**). They were asked to follow the review steps 1–10 as explained in Annex 4, Chapter 3. They were all given a hard or soft copy of the ESIA report, as well as a copy of the original ToR.

5.   Day 2: real life EIA review: carrying out in practice

5.1   Carrying out review and summary scores

Participants individually or in couples review the EIA report (roads upgrading), using the guidelines and format handed out on Day 1. Participants arrive at average scores for each of the four review areas; these are compiled to arrive at overall average scores:

Average scores given by the review committee
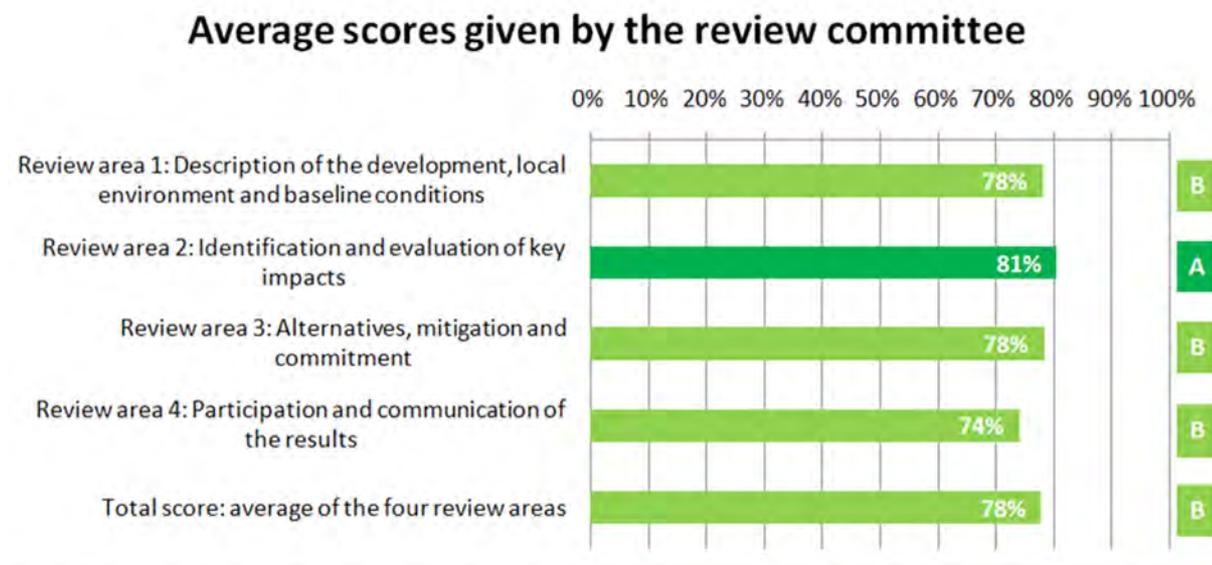
The following overviews present scores per participant, to assess the extent to which partici-pants' scores differ:
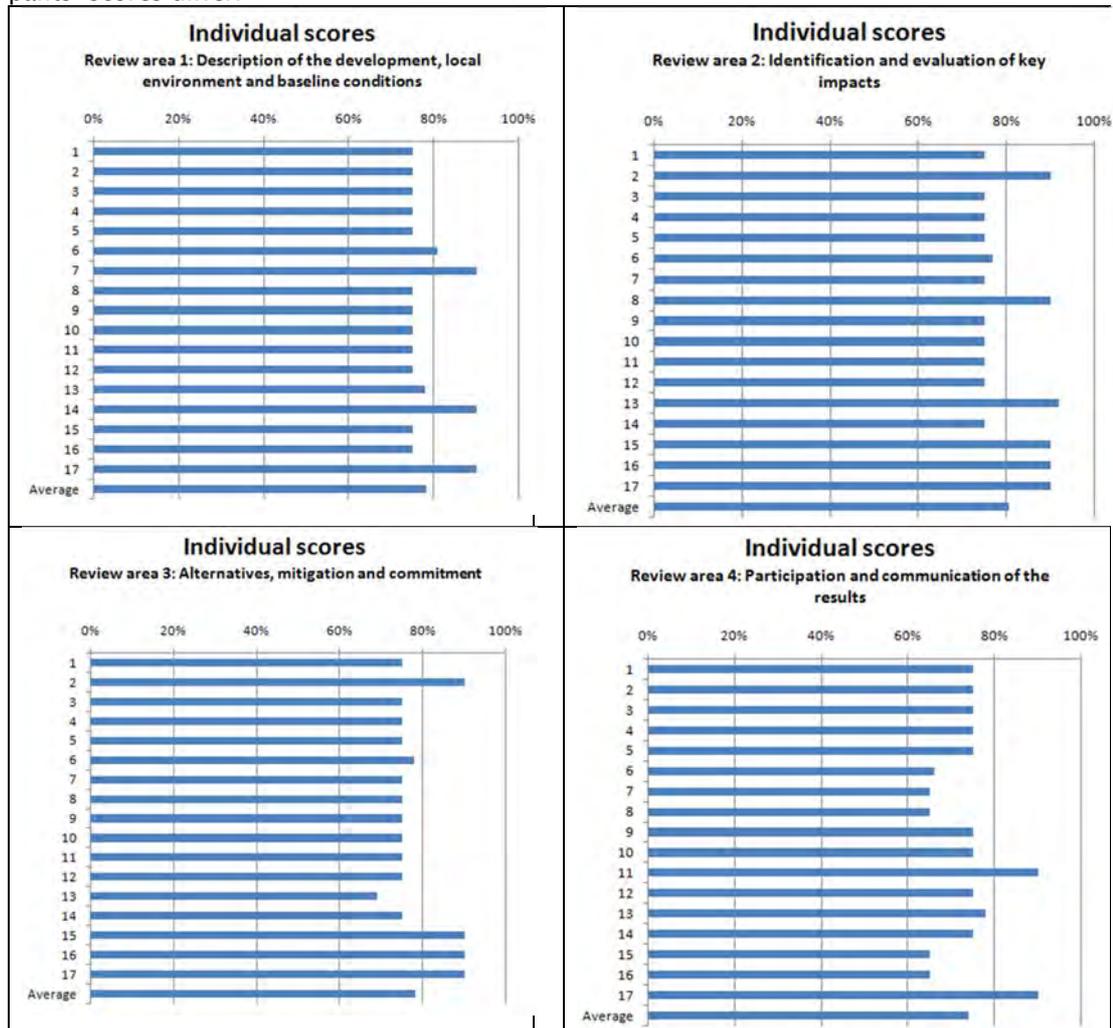
5.2   Reflection by participants on the review process

5.2.1 Using the instructions and review format

- Only 1 participant after reading the EIA report started noting 2–3 main issues and 3–5 main impacts (according to step 1, focus on main issues) on the instructions;
- All review questions were found to be relevant (step 2), none of the participants added any new criteria (step 3);
- One participant used the ToR in the review (step 4): he found that the list of chap-ters/contents in the ToR is not always followed in the EIA report – specifically, more sec-tions have been add;
- One participant preferred scoring (step 5–7) in percentages over scoring in letters (A to F), because percentages allow you to be more specific;
- Most participants noted which information was missing in case of low scores, but not that much giving justification for it nor specific recommendations for improvement (yet).

Questions were subsequently discussed like: Does this review format work for you? Was it too detailed? Too superficial? What should be changed? How long do you normally take/have available for review? We did not have site verification visit now, was it more difficult for you to give judgment? The opinions were:

- It is a bit too lengthy, which makes reviewing more difficult;
- It is sometimes difficult to find the information you're looking for (partly because the order of pages was mixed up in some of the copies);
- If information is not there in the EIA report, it may be available in other documents – so you may too easily conclude that information is missing;
- This review process took about 5 hours in total; normally a bit less time is spent (half a day) and it's less intensive;
- Having no site verification made it more difficult to give a good judgment.

5.2.2 Low-scoring aspects of the EIA – general observations by the team

- Site alternatives could have been specified in some cases, e.g. for the road section that crosses part of the Jozani forest – a nature conserve. No alternative alignment has been elaborated;
- For technology alternatives, there is a brief section but it does not contain sufficient details – it is not really treated as an alternative;
- For the mosque to be demolished, no alternative is provided;
- Clearance of the community forest is necessary; but this issue is not taken up in mitigation measures;
- Stakeholder consultation is not proven – for example, they could have added a list of stakeholders consulted with their telephone numbers and signatures. [NB: in the original document, such a list is concluded – it was only missing in the copy that was distributed for review.].

5.2.3 Low-scoring aspects of the EIA – specific, with recommendations:

- On 1.1.4 (types/quantities of waste): the amounts should be quantified;
- On 2.1.4 (logic used to identify key impacts): no details elaborated; no compensation and mitigation measures indicated; for the mosque demolition, no mitigation or alternative is mentioned [but one of the other participants indicates that the mosque will be relocated];
- On 2.2.2 (residual impacts and their significance): it is not indicated what will happen after houses have been demolished etc. [but such information may be in the RAP, which we did not review];
- On 3.1.1 (alternative sites, technologies, etc.): the Jozani forest is legally a protected area – you cannot simply clear it like that; a recommendation would be to contact the department of forestry to see what can be done.

5.2.4 The NCEA experts' main observations on the EIA report

- Overall quite good report, clear part on analysis of effects – e.g. table 6.1
- Alternatives are not too well elaborated, but that may be due to lack of clarity of the ToR on this topic
- No focus on key issues: only a list of issues without further focus or prioritization
- Mitigation measures are presented as 'suggestions' – the question remains which measures will really be taken

5.2.5 Presentation by Hans van Maanen

See **Annex 6**

6. Day 3: Real life EIA review: outcomes and reporting

6.1 Example of review report for Kingfisher-4 well, Uganda

An example is given of how a summary of the overall judgement for the well development project could look like and can help to come up with justified conclusions (table below). The multi-stakeholder review team members conclude that the review grid used in Uganda/Cam-eoon is too detailed for Zanzibar since it will take ca. 2 days to fill in. However, it may be good to identify some aspects that could be added to DoE's checklist. The full grid is availa-ble online here: www.eia.nl under advisory reports and projects (no. 401-i, which contains a link to this review grid.

Section	Total grading	Over-all grade	Observations/comments
General presenta-tion of the report	22A, 5B, 5C, 3D, 3E	E	The ESIA report is well structured, the character size and spacing between lines makes reading easy. The ToRs letter of approval is presented but the detailed TOR for the ESIA and the logo of the promoter have not been included.
Non-technical summary (NTS)	5A, 1B, 1C, 3E	D	Information on the objective and justification of the project has is absent within the NTS. No mention of elements of the ESMP. The NTS does not also provide a brief methodology on the data collection.
Introduction	2A, 2B, 1C, 1D,	C	The objectives and justification of the exploration and drill-ing operations of the project have not been provided. The introduction has also failed to provide information on the context within which the ESIA is being conducted, and un-certainties associated with the project.
Description of the project	10A, 6B, 14C, 8D,	B	The programme for implementation of the project is clearly stated, detailing the start and finish dates for construction operations and decommissioning, and the main components of the project have been described using maps, diagrams as well as the equipment to be used. Apart from minor omissions of the indication of the surface areas occupied by the project components, major infor-mation gaps include information on the decommissioning phase composition of hazardous substances, on the compo-sition and toxicity of wastes, on the composition and toxicity of liquid effluents to be produced, of the types and quanti-ties of gaseous and particulate emissions.. It does not also provide information on any developmental activities that

			may result from the project, nor structures that may appear due to the project.
Project alternatives	3A, 1C	B	Alternatives have been presented, well described. Also, main reasons for choice of the proposed project have been argued. However, the "no project" alternative has been omitted.
Project baseline	11A, 4B, 3C, 6D	B	An extensive description has been provided on the environment with secondary data collection method has included all relevant national and local sources but with omission of surface water quality data. There is lack of information on other planned developments that could have cumulative effects. There is no clear indication of sites of archeological importance that may be bisected by the project.
Policy, legal and institutional framework	4A and 1D	B	Policy/legal texts applicable to the project have been indicated but for legislation relating to protected areas.
Public and stakeholder consultations	7A, 1B, 3C	B	The consultation process is transparent and reports from public consultation have been established. The public contribution is integrated in the EIA. However it is noted that the methodology and minutes of the meetings are not included in the report.
Environmental and social impacts assessment	30A, 9B, 4C, 1D	B	Impacts have been well identified (although with no indication of impact identification methodology), characterized and analyzed for all phases of the project. They have been classified as primary or secondary, direct or indirect, temporary, short term, medium term, long term, accidental or cumulative impacts, and the type of standards used have been quoted.
Mitigation measures	2A, 5B, 2C	B	Mitigation measures are indicated with the integration of the issues raised by stakeholders but for the displacement of stakeholders
Environmental Management Plan	6A, 1B, 1E	E	EMP is detailed with significant impacts, measures, with indicators for monitoring and with no indication of the costs of implementation of these measures estimated.
Follow up monitoring and evaluation programme/plan	8A and 1C	E	The follow up and monitoring plan is well elaborated
Contingency plans	2B	B	The project acknowledges that and oil spill contingency and emergency plan will be developed for the project.
Technical conclusion	C	C	A technical conclusion has not been provided for the study
Bibliography	C	C	Not all references used in the text have been indicated in the references.
Appendices	B	B	A majority of the elements necessary in the appendices have been provided.

6.2   Drafting of review report

Based on the average scores reached by the multi-stakeholder review team (see 5.1 above), the overall conclusion would be as follows:

• The ESIA contains sufficient information for decision making
• The ESIA has minor shortcomings, but these are not of significant importance, so decision making can proceed.
• However, some shortcomings lead to conditions to the Environmental Certificate

Most participants agree with this conclusion that this would be a '2' decision (sufficient, but with minor shortcomings which should be added to the certificate as omissions). One participant however considers some of the minor shortcomings as significant and doubts whether she agrees with the conclusion. Participants indicate that normally the review committee tries to come to a collective conclusion.

However, in each of the review formats filled in by the individual team members, there were some sections/review questions scoring a D, E, of F, implying:

• D: Parts are well attempted but must as a whole be considered just unsatisfactory because of omissions and/or inadequacies
• E: Poor, significant omissions or inadequacies
• F: Very poor, important tasks poorly done or not attempted

Section and score	Review question
1.1.4 Score: 4C 1E	The types and quantities of wastes, energy and residual materials and the rate at which these will be produced estimated
1.1.5 Score 1D	The description of methods used to make these estimations, and the proposed methods of waste treatments and the identified residual materials are adequate
1.3.1 Score 2C 1D	A description of the current biophysical, ecological, socio-economic and cultural baseline conditions and, prediction of the future condition if the project did not take place.
2.1.2 Score 2C 1D	The consulted guidelines, checklists, matrices, previous best practice examples of EIAs on similar projects (whichever are appropriate) also included
2.1.4 Score 2C, 2D, 1E	The logic used to identify the key impacts on human beings, flora and fauna, soil, water, air, climate, landscape, cultural heritage, or their interaction, explained
2.2.1 Score 1C, 1D	Remaining impacts after mitigation are assessed using the appropriate national and international quality standards where available. Where no such standards exist, the assumptions and value systems used to assess significance should be justified.
2.2.2 Score 4C 3D	A clear statement of the residual impacts and their significance is provided. This is essential for decision-making since it reflects the "cost" of the proposal in social and environmental terms
2.5.2 Score 1C 3D	The assumption and value system used to assess significance justified if no standards exist
3.1.1 Score 5 C, 4 D, 1F	Alternative sites, undertakings, processes, technologies, design, and operating conditions are considered
3.3.2 Score 1C, 1D	Effectiveness of mitigation methods is ascertained. Where the effectiveness is uncertain justify the acceptance of the suggested interventions/assumptions

4.1.1 Score 5C 1D	Concerned stakeholders (e.g. government agencies, private sector, individuals, groups, NGOs) are identified, adequately consulted and their concerns, issues and views are accounted for in the development of mitigation measures
4.4.2 Score17 F	The non-technical executive summary should be translated into Kiswahili

There are twelve aspects which scored 'insufficient' according to some participants (see table). Team members were asked to individually reflect on these critical scores and to formulate a justification for this score including a clear and concise recommendation for improvement. Subsequently, participants wrote their individual recommendations for each of the 12 aspects and these were transferred to large sheets of paper (see **annex 7** for pictures of these sheets). Subsequently, the multi-stakeholder team members jointly discussed each of these 12 items, including the recommendations given. The outcome of these discussions are also provided in **annex 7.** These can be used for drafting the review report.

6.3   Lessons learned

A plenary discussion follows: would you give more critical overall grades now that we have reflected on these specific shortcomings?
- One participant observes that it's strange that the second of the four review areas got the highest average scores, even though that section got many recommendations
- Another participant considers these recommendations only 'minor issues' and would therefore not request the proponent to repair them before an environmental certificate is granted
- Hans agrees with this and remarks that for him, issue 2.2.2 on residual impacts is the most important shortcoming – but that this should also have been mentioned in the ToR

The workshop concludes with a short presentation by Farhat on how currently the construction and distribution of an EIA report is done after which the workshop closes thanking all participants for their good contributions.

ANNEXES

EIA Review Workshop Zanzibar of 15–17 October 2014

Review Report, MAG14TZ1

(annexes 1 to 7)

ANNEX 1

Review in the Netherlands

The Netherlands Commission for Environmental Assessment, EIA & SEA review
- NCEA is independent, has legal basis and is involved in all EIAs/SEAs in the Netherlands.
- Advice on scoping/ToR for, and reviews of environmental assessments of plans, programmes and projects.
- Advice to 'competent authorities'.
- The NCEA does not elaborate EIAs/SEAs.

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

The 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 chairperson
- is responsible for focusing expert attention on the essential issues relating to the project/plan;
- generally senior people, from business, academic or political background.

The technical secretary
- selects, in consultation with the chairperson and with (specialized) colleagues experts for participation in the working group, according to the characteristics of the project or plan;
- plans the meeting schedule, site visit and is responsible for overall management and the preparation of draft advisory reports.

The experts
- are selected for their specific project/plan relevant expertise, experience with EIA/SEA and site specific knowledge;
- are never involved in any capacity with the project/plan they assess;
- participate on personal title and thus cannot have others stand in for them;
- do not represent the organization that employs them.

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 the NCEA invites;
- participation is confirmed through a letter of engagement. No contract is made and no 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, in consultation with the competent authority, 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

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

Review in practise

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

Preparing review report

- Usually an earlier recent advice on a comparable project/plan is taken as example, to guarantee consistency with earlier advisory reports.
- A 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

- 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 (1)

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

Review outcomes (2)

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

Review outcomes (3)

- Certain comments on the EIA/SEA-report can be used for the wording of a permit or a plan. The NCEA points to the usefulness of these passages for the permit or plan.
- Recommendations for the post-project evaluation or evaluation of plan implementation.

Review outcomes (4)

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

Review outcomes

- A review begins with a chapter on 'appraisal of the EIA/SEA-report on main points' in which the report is summarised, 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.

Review outcomes

- 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.

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.

Influence of review

- In some 50% of the EIA and SEA procedures, additional information is requested during reviewing (around 60–80 reviews per year).

Most common shortcomings

- scoping is lacking or too limited, leading to EIA/SEA-reports that are too extensive;
- descriptively strong, but analytically weak;
- objectives described too narrowly;
- description does not cover entire activity;
- selection of alternatives without environmental aspects;
- existing problems or sensitive areas are not described;
- environmental policy targets are not described properly;
- scope, effectiveness and commitment to mitigating measures are insufficiently described;
- possible mitigating measures are not considered at all;
- serious impacts on the environment are described insufficiently or not at all;
- use of outdated prediction models;
- weaknesses in impact prediction and determination of impact significance;
- in comparing alternatives, incorrect conclusions are drawn.

ANNEX 2

Practical guidance on reviewing in EIA, discussion paper for DoE multi sector stakeholder team

Commission for Environmental Assessment in the Netherlands (NCEA), October 2014

1. Introduction

This document has been developed in the course of a co-operation project on EIA and SEA between the Zanzibar Department of Environment (DoE) and the Netherlands Commission for Environmental Assessment (NCEA). The NCEA is an independent expert body that provides advisory services and capacity development on environmental assessment.

What is review in EIA?

Reviewing is the step in the EIA process that:

- determines whether the EIA study and report is an adequate assessment of the environmental (and other) impacts and options for dealing with these impacts;
- whether the EIA study is of sufficient relevance and quality for decision-making;
- determines whether the new project complies with existing plans, policies and standards;
- ensures that the EIA report and process complies with the ToR (if available);
- takes into account stakeholder opinions about the quality of the EIA contents and the process

Why do we undertake review?

The aim of the review is quality control. On the one hand it is a check whether the EIA report contains the information it should, in conformance with the regulations and the guidelines. But at the same time, a review looks whether the EIA report contains the information (on environmental and other impacts and on options/alternatives to deal with these) that is needed for decision making on the specific project. The nature and level of detail of the information that is needed in the EIA depends on the nature and level of detail of the project. Review ensures that important impacts or options are not overlooked, and also enhances the credibility of the EIA report.

The EIA report should be adequate and should not contain inaccuracies. Serious shortcomings are identified during the review. Not every shortcoming in the EIA report has consequences for decision-making. The seriousness of a lack of information for decision-making must be assessed. In general, a review results in recommendations as to what should be done to overcome a lack of information or other shortcomings.

Who are involved?

In most countries, review is carried out by the competent authority or on behalf of the competent authority for decision-making on a proposed project. Review takes place when the (draft) EIA report is ready before the project is approved. There is not always a formal review

stage, but competent authorities will usually undertake some kind of review before decision making.

In some situations an independent review might be preferable, meaning that the review is carried out by and organization or team of experts that does not have any (perceived) interest in the project itself. Independent review can be useful, particularly in those cases where the competent authority and the proponent share a common interest or where the competent authority is the proponent and may tend to develop a preconceived opinion about decision making. Independent review is also useful for EIAs for controversial initiatives. Independent review by an expert commission thus forms a quality safeguard.

2. Review systems/models

The design or improvement of a review system has to consider various components. Below each of these are discussed, including several options for each component. In selecting options, the NCEA mentions good practice principles for effective EIA.

Component 1: Composition and organization of the review team
The expertise required for review depends on the most important environmental (and social) issues and aspects of the project. Example: a review team for deciding on the location for a sanitary landfill could include a landfill engineer, a geo-hydrologist and an ecologist.

Options
Several options for composition and organization of the review team exist, such as:
1) Review team within Environment Ministry, possibly with:
   a. (voluntary/obligatory) consultation with environmental units within line Ministries or competent authority, responsible for decision-making and/or
   b. (voluntary/obligatory) consultation with decentralized bodies of MoE and/or
   c. (voluntary/obligatory) consultation with Environment Council or similar body
2) Inter-sectoral team composed of representatives of MoE and line Ministries (MoE has the lead), possibly also including representatives of private sector and/or NGO's and/or universities etc.
3) Review team within line Ministry responsible for the project, with obligatory consultation of MoE
4) Review on behalf of line Ministry or MoE by experts (certified or not), such as:
   a. university scientists
   b. fixed expert group (the same for each project)
   c. expert network (specific team for each project)
   d. independent expert body/commission
5) Mix of representatives from Ministries/MoE and experts

Good practice principles for this component
- Review gains in **credibility** when there is an adequate level and balance of expertise in the review team.
- Reduce **subjectivity** in EIA review: conduct the review with at least two people.
- Consider **independent** review, especially in plans with major environmental impacts, in complex plans or in cases where there is great controversy.

Situation Zanzibar regarding team composition

- 15–18 member Multi sectoral stakeholder team, relevant colleagues from relevant agencies and ministries (= similar to option 2 above)
- DoE staff sometimes (in one third of the cases) contribute to EIA report writing; three ways. 1 Just saying what should be in it, 2, participate in team meetings of consultants and advice and 3, actually contributing to writing parts of the EIA.

Questions for discussion on review team composition

1) Is the required expertise available in the multi-stakeholder review team?
2) No independent experts outside of government are involved in review, is there need/room for change? (see e.g. option 4 above)
3) The fact that DoE staff sometimes contributes to EIA reports can interfere with credible, objective and independent review. Is this a problem and if so, what can be done about it?

Component 2: Available time and funds for review

The available time depends on the period for review set by law and varies from country to country, from eg. 2 days to 120 days. In some countries the available time is fixed, in other countries this can be variable, depending on the nature of the project. The nature and complexity of the proposed project will determine the speed and intensity of the review. Controversial and complex projects may require more time for review or a more intensive use of the available time than the standard ones.

It is possible to do a quick (cheap) overview by one person, but a more in-depth (and costly) review by a team of experts will be more thorough. Funds available strongly determine the quality of the review experts: 'super-experts' cost more. Moreover, the (team of) expert(s) can operate more effectively if there is logistical or secretarial support to arrange such things as a site visit to the project site, meetings and background information.

Options
In general, several options are possible for time and funds: either fixed or variable for each review. The review costs can be paid from Government budget (Ministry of Environment or line ministry/competent authority) or by proponents/plan developers.

Good practice principles for this component
- Review gains in **quality** with adequate funding and sufficient time
- Preferably, budget for review should be arranged for by the **government** budget
- If funding by project developers is required, the financial mechanism should be **transparent**, in order to assure that the review remains objective.

Situation Zanzibar regarding time and funds
- In Zanzibar, the available time for review is fixed at 50–60 days, including period for stakeholder comments
- Regarding available funds for review: proponent pays for review (and fee for Environmental Certificate?)

Questions for discussion on time and funds

1) Is 50–60 days sufficient for organizing the review?

2) Are the funds paid for review by the proponent a fixed amount regardless the complexity of the project? Are these sufficient for proper review?

Component 3: Scope and status of the review findings
In some countries, review is restricted to the contents of the EIA report. Others also review the way the EIA was undertaken (has public participation been given sufficient attention for instance). The scope of the review can also vary in terms of coverage: check all information on completeness and correctness or focus on relevancy for decision-making. Finally, the scope of the review can be different:

Options for scope and status of review
- just checking if the contents of the report meet with the legal requirements, without checking the quality of the contents;
- judging if effects are acceptable according to policies, standards and norms;
- focusing more on the contents: the review-team judges the selection of options/alternatives and the way that pros and cons of different options are evaluated.
The status of the review findings can in each case be advisory or binding.

In all cases above the review team does not judge whether the proposed project and its effects are acceptable or desirable. In some countries, the result of the review process also includes advice on whether or not to proceed with the project: the review is thus part of formal decision making. As there are different possible approaches, it is important to be clear on which approach is being followed, within the review-team and when publishing review results.

Good practice principles for this component
- Review gains in **effectiveness** when it focuses on information relevant for decision-making.
- To increase **credibility** of EIA review and to prevent political influence, review of quality/relevance of the EIA-report should be separated from decision-making on whether the project should go ahead or not; technical review before administrative review.

Situation Zanzibar regarding scope and status of review findings
- The review team does not look at the EIA in depth, more global check on contents
- The EIA report is not reviewed against environmental norms and standards
- Review findings are not binding, as Director DoE finally decides what comes into the conditions for project approval, and can therefore take another decision that what the review committee advised
- A proponent of a project is granted environmental approval when the DoE approves the EIA report, therefore the review of the EIA has direct implications for project approval

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Questions for discussion on scope and status of review
1) The EIA mapping exercise showed that only one EIA report was rejected in the past 3 years. If the DoE demands a higher level of quality, and is clear on where it finds EIA

reports lacking, this will also improve practice. To increase influence and effective-ness of review, review could become more thorough and stricter (see separate dis-cussion paper).

2) Should EIA review be separated from project approval?

Component 4: Transparency, accountability and public participation in the review process

It is considered to be an added value to use input from public involvement to check and de-termine the quality of the descriptions in the EIA report including the existing quality of the environment, the importance of the effects and the acceptability of possible alternatives. Generally, the decision on the project should also demonstrate how review findings were taken into consideration (accountability).

Options

For organization of public participation in the review stage, there has to be clarity on who is responsible and who pays for it?

- Either the review team organizes or
- the review team takes note of the results of public participation, organized by the competent authority.

Good practice principles for this component

- Review gains in **transparency** when review findings are published before decision-making and appeal on decision-making is possible
- Review outcomes should be **self-explanatory** and given adequate follow-up

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Situation in Zanzibar regarding transparency, accountability and public participation in re-view

- The regulation requires that E(S)IA report has to be disclosed to stakeholders and rele-vant interested parties, notices in newspapers, radio and public places and that
- Doe shall decide on appropriate method for proper collection of public comments
- The regulation does not require that decisions in the EIA procedure are justified in writing or that they are published, on a government website or government gazette for example. Therefore in practice this type of justification and publication of decisions, including the outcome of the review meeting does not take place. As the EIA deci-sions/environmental certificates are not published, affected stakeholders do not know when a project has been granted approval or what the conditions for this approval are.
- The review team carries out an ad-hoc visit to the project site and does a discretionary Q&A interaction with community stakeholders who happened to show up or be present at the location during the visit on that day. Only 1 public participation during review process was done in the past 3 years.

Questions for discussion on transparency, accountability and public participation

1) Although public participation is required during review and takes place informally, the procedures for public participation are not clearly operationalized. It would be important to hold a public hearing before the review by the multi-stakeholder review meeting.

2) To increase transparency on review outcomes and translation in decision making, would it be possible to publish the review report and/or the Environmental Certificate including terms and conditions?

ANNEX 3

Assessment of EIA review reports in the oil and mineral resources sector from Cameroon and Uganda

See also: http://www.eia.nl/en/news/201409

Review of review

- 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, it executes a project towards this end.

Review of review

- Through the re-examination of a set of EIA reports, lessons can be drawn on how to improve EIA systems and practice.
- Focus on the need to strengthen systems and manpower associated to the review of ToR and EIA reports as key steps in the EIA procedure.
- Aim: better informed decision making on project approvals and sound drafting of accompanying certifying conditions.

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, project partners came together to select projects and to develop a joint review approach.

Project approach

- Review criteria were 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.

Meeting in Cameroon

- Role of the NCEA; Being a long-term partner of SEEAC, 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/judgment given by the national consultants.

EIA reviews reviewed

- Kingfisher-4 well in Kingfisher Discovery Area, Hoima District, Uganda
- Nakabat Gold Mine, Rupa Sub-county, Moroto District, Uganda
- Development of the Phase II Gas Distribution Pipeline Network, Logbaba Field, Onshore, Cameroon
- Exploratory drilling in the Zina Block, Logone and Chari division, Far North Region, Cameroon

Introduction to the project

- In general: project description too limited.
- 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.
- Approach to the review.
- The review report of both teams provided information on the methodology used for all projects reviewed together, but no specific approach per project.
    - Well explained in one team: the way how the review was done (eg. using expert judgment) and clearly justified how overall grades have been determined. This makes the review transparent and replicable.
    - Better explain in the other team: against which documents the EIA was checked, who did the review or which expertise was available, etc.

Overall judgment on the EIA
- Well done by one team.
    - The overall judgment starts with a summary table, explaining the total grading, overall grading & summary observations per section.
- Room for improvement in the other team.
    - 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 undermines credibility of the review

Comments on the ToR
- Mostly just stated that ToR are adequate and have been well addressed by the EIA report (In 3 out of 4 cases ToR attached).
- The EIA authors worked on the basis of the ToR. Possibly they fully complied with these ToR but not with review grid. In that case, the lesson would be to improve the ToR, more so than the EIA. Therefore, information on differences between the two is important to provide.

Existing review documents
- 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.
- Make an additional attempt to get access to these documents!

Recommendations for improvement of ToR or EIA
- Most review reports give some recommendations, but sometimes very short.
- This project was all about improving EIA enhancement. That will only happen if concrete recommendations are provided.
- Two reports contain more valuable suggestions for improvement, which are now some-how 'lost' in the summary. Therefore the status of these recommendations remains unclear now: should these be acted upon or not?

Main learning points
- Focus on priority issues.
- Use several review criteria.
- More effort in drafting conclusions and recommendations.
- Clear link to decision making on environmental license/clearance.

Conclusion
- The reviewers identified many shortcomings in the ESIAs, but had 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.

ANNEX 4

Guidelines for the process of reviewing to be used by reviewers of DoE multi-stakeholder review team

Commission for Environmental Assessment in the Netherlands (NCEA), October 2014

1. Preparation and organisation of the review

When an EIA report is submitted for review, the first step is to organize the reviewing process. The following points of attention may be useful for organization:

- Make sure that sufficient copies of the EIA report and other relevant documents (e.g. the draft project plan and/or background material) are available to the review team members. In Zanzibar, the project developer delivers sufficient copies (15 hardcopies).
- Make a quick scan of the EIA report (and draft project plan) 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.
- Check whether the members of the multi stakeholder review-team:
    o are "objective": have no personal or organizational interest in the investment project
    o have the necessary knowledge and authority, as well as access to more specific knowledge if this is needed
    o are available during the reviewing-process, which means available to read the documents, to attend meetings and to contribute to the review-document
- It is crucial that the members of the team understand what input is expected from them and at which time. It can be useful to have some sort of instruction for this (see Chapter 3).
- Make a plan for the review-process:
    o meeting and site verification, optional: inviting project developer/consultant to attend the review meeting, so the review-team has a chance to understand the context and nature of the project better and have the opportunity to ask questions. This has been tried once in Zanzibar, but was not (yet) very successful because the proponent was not able to present the project very well. More elaborate instructions will have to be given to the proponent.
    o disclosure to stakeholders and relevant interested parties, incl. method on collection of public comments,
    o writing of review report, incl. terms and conditions for Environmental Certificate

2. Identifying the review criteria

The review-team will be to decide on which "review criteria" to use, for instance:

- Which are the main aspects of the project? In Zanzibar, usually (ToR)/scoping guidelines are required, make these available and use these as review framework
- Are reviews of EIA reports about comparable activities available? Check:
    o Which information was considered essential in former cases?
    o Which problems occurred during implementation and operation?

      o   Are relevant project implementation monitoring results available?
- Which specific review criteria should be observed? Zanzibar has prepared a specific re-view format (see annex, adapted lay-out)

3. Carrying out the review

In carrying out the review the review-team will follow a step-wise approach:

1) Briefly overview the EIA-report to understand how it is organized and where to find things within it. Write down 3-5 key issues of the project (expert judgment) and write down 3-5 key impacts to be expected (expert judgment)
2) Take the review format 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
3) At the end of each section of the format, consider whether there are any special features of the project that mean that types of information not identified in the format could be relevant and add these to the format
4) Look at the original ToR for this EIA-report. Compare this with the project specific review format you have just prepared. Note the differences, gaps in the original ToR as com-pared to the review format to be used, or vice versa? If the original ToR ask for any addi-tional information, add this to the format
5) If a review question is identified as relevant, review the EIA-report in more detail and de-cide whether the particular information identified in the question is provided and is suffi-cient for decision-making. The reviewer will use the grading system explained below:

A.	(81% – 100 %)	Excellent, no task left incomplete
B.	(71% – 80%)	Good, only minor omissions and inadequacies
C.	(61% – 70%)	Satisfactory despite omissions and inadequacies
D.	(51% –60%)	Parts are well attempted but must as a whole be considered just unsatisfactory because of omissions and/or inadequacies
E.	(41% – 50 %)	Poor, significant omissions or inadequacies
F.	(<41%)	Very poor, important tasks poorly done or not attempted

6) 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.
7) The reviewer grades the quality of information in each section of the format by aggregat-ing the grades for the individual review questions. Aggregation will require expert judg-ment.
8) Justify each grade of sections in the relevant column (why do I find this?). Use the ap-proach: observation/justification/recommendation. If the grade is D, E or F consider what further information is needed in the relevant column. The reviewer may also wish to make any suggestions of improvement on where or how the information could be ob-tained in the relevant column.
9) Complete the review with a final step to provide an overall grade for the EIA-report 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.

10) When having finalized filling in the format, each team member writes an overview of the EIA-report parts which are good, and which are problematic, relating to (at least) his/her specialism. A first estimation of the importance of any inadequacies can be made. Although not all comments on the EIA 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 EIA-report. For this, use can be made of the summary table format:

Review areas		Review criteria		Overall grade	Identified missing information/gaps	Maximum points	Importance of inadequacies	Remarks
1	Description of the Development Local Environment and Baseline conditions	1. 2. 3.	Description of the Development Site description General quality of content	1. 2. 3. total:		15		
2	Identification and Evaluation of key impacts	1. 2. 3. 4. 5.	Identification and Evaluation of key impacts Residual Impacts Cumulative impacts Prediction of Impact Magnitude Assessment of Impact Significance	1. 2. 3. 4. 5. total:		30		
3	Alternatives, mitigations, ESMP, MP and commitment	1. 2. 3.	Alternatives Mitigations ESMP & MP and Commitment	1. 2. 3. total		40		
4	Stakeholder participation and communication of results	1. 2. 3. 4.	Stakeholder participation Presentation Balance Non-technical summary	1. 2. 3. 4. total		15		
Total						100		

Note: ESMP = environmental and social management plan (ESMP) & MP = Monitoring Plan

....
Name of Reviewer: **Name of Institution**   **Date of Review**
Signature of Reviewer: ....

4. Review conclusions and review report

Based on the impressions of the individual team members, the seriousness of inadequacies must be determined by the multi-stakeholder team. For this, use can be made of the relative weights attached to each section (see summary table, ranging from 15 to 40). This implies that omissions in section 3. on Alternatives, mitigation, ESMP and commitment are considered more serious than shortcomings in section 1. Description of the development, local environment and baseline. The purpose is to identify the shortcomings which are essential, meaning that they directly influence the decision(s).

Suggested structure EIA review report
1. Short introduction to the project:
    a. name proponent……
    b. name, type and locality project…..
    c. key activity…..
    d. reason to do an EIA….
2. Approach to the review:
    a. information reviewed…..
    b. date of review….
    c. name of reviewers….
3. Overall judgement on the EIA: Comments on the EIA-report (State observation, state why this is important, give recommendation) based on the grades of the review of sections, the overall EIA-report and summary tables of each of the team members. Normally, a brief summary of the key factors which determine the overall grading is provided, including an assessment of the strengths and weaknesses of the report.
4. As a rule of thumb, if the overall performance is below C, then revision should be done, clearly highlighting recommendations for improvement of the EIA-report. The review report should state clearly whether there is any need for further study, and inputs required for impact monitoring and management by the proponent or the government (see below).

Possible review conclusions and remedial options:

Outcome 1) The EIA report has serious shortcomings and supplementary information is needed before the project design is finalized and an Environmental Certificate can be issued. The review report should clearly state how to address this, and what additional information is expected. The review team should clearly communicate the arguments for asking additional information.

Outcome 2) The EIA report has minor shortcomings, but these are not of significant importance in this stage of decision-making. The review conclusions can then suggest to provide additional information by means of a set of explanations and conditions attached to the Environmental Certificate. Decision-making can proceed as planned without considerable delay, or 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.

Outcome 3) The EIA report is sufficient; the Environmental Certificate can be issued. If no serious omissions are found, the review report must state this clearly.

Drawing up the review-report
Based on the outcome of the discussion(s) on inadequacies of the EIA-report, a review report will be drawn up by DoE. This report can be used:
- for outcome 1) to explain to the proponent what the important shortcomings are, and recommendations how and when any serious shortcomings should be remedied.
- for outcome 2) as a basis for drafting the conditions to the Environmental Certificate
- for outcome 3) to have a track record of good practice EIA reports.

Apart from the shortcomings, the review-team can decide to make other comments in the review report, for instance positive points and/or pointing out issues that the EIA-report mentions which will be crucial for decision-making. Sometimes a compliment is in order and can stimulate practice. Remarks about less important deficiencies which have no crucial significance to the decision(s) should be left out of the main review conclusion altogether, or where appropriate, be moved to an appendix of the review report.

In case of outcome 1) and 2) it is advisable to organize a meeting with the proponent/consultant that has prepared the EIA-report to discuss the review-report. This to make sure that the review-report is clear and that there are no misunderstandings. Also this meeting can be used to discuss the need for and the contents of any supplements to the EIA-report if this is relevant.

5. Publication and follow-up

According to the current Zanzibar EIA regulation, the result of the review process includes advice/decision on whether or not to proceed with the project.
This situation is not recommended as technical quality review of the EIA-report then interferes with administrative/political decision making on project approval. However, given the fact that this is the situation in Zanzibar, the review should follow the three-step approach as outlined above and remain as objective as possible, before addressing the final question of whether to proceed with the proposed project or not. If this is not done, the review runs the risk of being prematurely oriented towards a decision in favor of a certain solution, without proper assessment of the quality of the information provided.

Furthermore, it has to be decided by DoE whether and how the review reports will be made available and publicly accessible, either actively or passively.

ANNEX 5

Review format Zanzibar

REVIEW QUESTIONS		Relevant? Yes/no?	Jus–tify	If rele–vant Ade–quately ad–dressed (grade A to F)?	What is miss–ing	Sugges–tions for improve–ment
REVIEW AREA 1. DESCRIPTION OF THE DEVELOPMENT, LOCAL ENVIRONMENT AND BASELINE CONDITIONS						
1.1 Description of the Development						
1.1.1	The purpose and objectives of the proposed development is clearly stipulated					
1.1.2	Adequate description of size, scale and design					
1.1.3	Types and quantities of material and inputs needed during pre–construction, construction and operational phases identified					
1.1.4	The types and quantities of wastes, energy and residual materials and the rate at which these will be produced estimated					
1.1.5	The description of methods used to make these estimations, and the proposed methods of waste treatments and the identified residual materials are adequate					
1.2 Site description						
1.2.1	The location and area of land affected by the development as shown on maps and the current land uses of this area clearly demarcated					

1.2.2	The broader definition of affected site, enough to include any potential effects occurring away from the construction site (e.g. dispersal of pollutants, traffic, changes in channel capacity of water sources as a result of increased surface run of etc.)					
1.3. General quality of content						
1.3.1	A description of the current biophysical, ecological, socio-economic and cultural baseline conditions and, prediction of the future condition if the project did not take place.					
1.3.2	The explanation of methods used to obtain the information					
1.3.3	Baseline data should be gathered in such a way that the importance of the particular area to be affected can be planned into the context of the region or surrounding area and that the effect of the proposed change be predicted and monitored.					
Overall grade	Total number of A,B,C,D,E or F			Final grade for Review area I		Summary of suggestions for improvement
2. REVIEW AREA II. IDENTIFICATION AND EVALUATION OF KEY IMPACTS						
2.1 Identification of impacts						
2.1.1	The methodology used to identify and analyze likely impacts (both negative and positive) clearly outlined					
2.1.2	The consulted guidelines, checklists, matrices, previous best practice examples of Environmental Impact Assessments on similar projects (whichever are appropriate) also included					
2.1.3	Consider impacts, in terms of positive or negative, short or long terms, permanent or temporary, direct or indirect and reversibility					
2.1.4	The logic used to identify the key impacts on human beings, flora and fauna, soil, water, air, climate, landscape, cultural heritage, or their interaction, explained					
2.2. Residual Impacts						

2.2.1	Remaining impacts after mitigation are assessed using the appropriate national and international quality stand-ards where available. Where no such standards exist, the assumptions and value systems used to assess signifi-cance should be justified.					
2.2.2	A clear statement of the residual impacts and their significance is provided. This is essential for decision-making since it reflects the "cost" of the proposal in social and environmental terms					
2.3. Cumulative impacts						
2.3.1	Consideration for possibility of cumulative impacts where impacts on the environment take place so frequently in time or so densely in space that the environment cannot assimilate the effects. Cumulative impacts may also occur when impacts from one activity combine with those of another to produce a greater impact or a different impact (also referred to as synergistic effects)					
2.4. Prediction of impact magnitude						
2.4.1	The magnitude of each impact determined as predicted deviation from the baseline conditions, during the pre-construction, construction and operation phase					
2.4.2	The data used to estimate the magnitude clearly described					
2.4.3	The methods used to predict impact magnitude described					
2.5 Assessment of impact significance						
2.5.1	The significance of impacts assessed using the appropriate national and international quality standards where available					
2.5.2	The assumption and value system used to assess significance justified if no standards exist					
Overall grade	Total number of A,B,C,D,E or F			Final grade review area II		Summary of sug-gestions for im-prove-ment

3. ALTERNATIVES, MITIGATION AND COMMITMENT						
3.1 Alternatives						
3.1.1	Alternative sites, undertakings, processes, technologies, design, and operating conditions are considered					
3.1.2	The main environmental advantages and disadvantages discussed and the reasons for the final choice given					
3.2 Mitigation						
3.2.1	Specific mitigation measures are identified on all significant impacts. Mitigation methods considered may include modification of the project, compensation and the provision of alternative facilities as well as pollution control					
3.2.2	Effectiveness of mitigation methods is ascertained. Where the effectiveness is uncertain justify the acceptance of the suggested interventions/assumptions					
3.2.3	Effective environmental and social management and monitoring plan is in place					
3.3 Commitment to mitigation						
3.3.1	The proponent has to commit funding to implement the identified mitigation measures and agreed environmental management and monitoring plan. These commitments shall be seen in the project policy and administrative arrangement					
Overall grade	Total number of A,B,C,D,E or F			Final grade for review area III		Summary of suggestions for improve
4. PARTICIPATION AND COMMUNICATION OF THE RESULTS						
4.1 Stakeholder participation						
4.1.1	Concerned stakeholders (e.g. government agencies, private sector, individuals, groups, NGOs) are identified, adequately consulted and their concerns, issues and views are accounted for in the development of mitigation measures					

4.2 Presentation						
4.2.1	The presentation of information should be concise logical and understandable					
4.2.2	Maps, diagrams, tables etc., where appropriate, should complement text. Technical information should be provided in the appendices					
4.3 Balance						
4.3.1	The environmental impact statement should be an independent study of environmental impacts with focused objectives and not a best–case statement for the development					
4.3.2	Prominence and emphasis given to either negative or positive impacts in a balanced manner					
4.4 Non–technical executive summary						
4.4.1	A non–technical executive summary outlining the main conclusions and how they were reached. The summary should be comprehensive, containing at least a brief description of the project and the environment, the identified impacts of the proposed development, an account of the main mitigating measures to be undertaken by the developer, and a description of any remaining or residual impacts					
4.4.2	This non–technical executive summary should also be translated into Kiswahili					
Overall grade	Total number of A,B,C,D,E or F			Final grade for review area IV		Summary of suggestions for improvement

ANNEX 6

Presentation Hans van Maanen on EIA issues and port development

Slide 1

Reviewing Environmental Impact assessment and Harbour development

Zanzibar: 16 October 2014
by: Hans van Maanen

Discussion topics

- Introduction
- What is a good EIA ?
- What is a good EIA Review ?
- Why is a good EIA review important ?
- Key environmental issues in Harbour development
- Alternatives
- E.I.A. Process
- Evaluating amount and extend of impact

Introduction

Maersk Triple-E   Economy Scale, Energy Efficiency an Environment.

Introduction

- Name: Hans van Maanen
- Education: geology and hydrogeology
- Experience: Over 35 years as consultant in water and environmental studies
- Member of the Dutch Commission E.I.A. since 1994
- Worked and lived longer periods in Africa (Liberia and Kenya), China and South America.

What is a good EIA ? (quick scan)

- A readable document
- Focusses on the main issues (scoping)
- Objective versus a subjective impact assessment
- Has a clear defined set of assessment criteria and proven methodology to value/quantify the impact .
- Contains realistic preventive and mitigating measures (monitoring effectivity).
- Describes realistic alternatives to minimise negative impact
- Active Public participation

What is a good review ?

- Generally starts with a quick scan
- Puts focus on the main issues
- Evaluates whether the essential information for decision making is complete and of good quality
- Makes use of up to date knowledge and expertise on EIA.
- Checks whether the public participation issues have seriously been dealt with and reviewed
- Makes effectively use of former good examples as a reference
- Findings , scores and conclusions have been clearly motivated

Why are good EIA reviews so important ?

- Results in better EIA reports
- Leads to beter projects (project execution)
- More awareness for the environmental issues
- Leads to more consistency in review reports
- Leads to better protection of the human and natural environment

Specific situation of Zanzibar

Present situation Zanzibar

- Zanzibar has a great touristic attraction
- Has a beautiful coastal area with extensive ecosystems with marine live, coral reefs, see grass and cultural heritage of Stone town.
- Zanzibar Is developing fast
- Recent oil and gas findings
- Need for sustainable human development and poverty reduction

Main points of attention in Harbour EIA

Port of Rotterdam
- Safety
- Health, noise/water/air pollution
- (Aquatic)Ecosystems

Zanzibar
- Aquatic Ecosystems and marine live (fisheries)
- Tourism
- Cultural heritage

Alternatives

Why include Alternatives in EIA ?

- It challenges all participants to find options and solutions to optimise the project and minimise the impact on the natural and human environment

- Alternatives should be:
- Realistic,
- Feasible and
- Payable/affordable
- and are integral subject of the impact assessment

Area of Impact influence

- Define the area where, what kind of activities take place
- Define the area of influence (local, regional, global) per criteria :
  - during construction
  - during operation
- Define the area of indirect influence
- Area of impact influence will vary depending the parameter.

Reviewing the amount and extension of environmental impact

Evaluation criteria

- Has there been made a distinction between more and less important criteria (scoping) ?
- What are the key criteria ?
- Was an evaluation method (qualitative, (semi)quantitative or mixed (MCA) used ?
- Were there scores given to the major effects

How to select key evaluation criteria

- Criteria should reflect the key laws and rules and objectives applicable to the project
- Criteria should be relevant to the decision making process
- Criteria set must be complete, contain no unnecessary /irrelevant criteria and avoid duplications.

Determining the impact scores

- Determining maximum and minimum score
- Magnitude project; large / small scale operations
- Effects on local, regional or global level
- Reversible or irreversible effect
- Whether or not easy to mitigate
- Temporarily or permanently

- Maximum (neg) score: Large scale impact on regional/ global level, irreversible, permanent and not possible to be mitigated

	alternative 1	alternative 2	alternative 3	nul/betyer
Criterion 1 *Key criterion*	-8	-7	-5	2
Criterion 2	+5	+3	0	1
Criterion 3	-3	-6	-8	1
Criterion 4	+7	0	-5	1

+ 10 = great positive effect
0 = indifferent (no pos/neg effect
- 10 = great negative effect

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Alternatives

- Alternatives can be :
  - location alternatives
  - construction methods or port lay-out alternatives
  - Operation alternatives

EIA process

EIA Process ?

- EIA - process is of the utmost importance
- Public participation is an essential part of the EIA proces (is not the same as public information or consultation)
- PP is a dynamic process in which all relevant parties are invited to give suggestions to optimise the project implementation in several interactive sessions aiming to minimise neg. impact.
- Takes place in different EIA stages
- Results in:
  - A broader Public support for the project
  - Frequently also technical project improvements
  - less negative impact on natural and human environment

Main environmental threats from Harbour development

Dredging activities (dredge disposals)
- Shading/covering of seagrass and coral reefs
- Additional release of nutrients and contaminants with a risk of algal bloom effecting marine ecosystem and human health
- Reduction/loss of benthic vegetation/fauna and thereby loss food stock for water fowls a.o.

Storage and trans shipment of materials - fuel, oil, chemical products and nautical safety (risks of accidents between vessels)
- oil leakage /spill: soil and water pollution
- risk of fire, explosions and spreading of toxic gasses
- severe impact on the aquatic ecosystems
- health risk and human safety

Spreading of water turbidity /sediment plume in dredging operations in western Australia

Application of silt screens in dredging operations

ANNEX 7

Outcomes of critical issues on EIA review roads project

1.1.4 | 4 C , E

Recommendations:
- Calculate the estimated rate/percentage at which the wastes will be produced.
- INCLUDE QUANTITY IN TABLE 4.7 & 4.4
→ Include with Quality of Material of Construction.
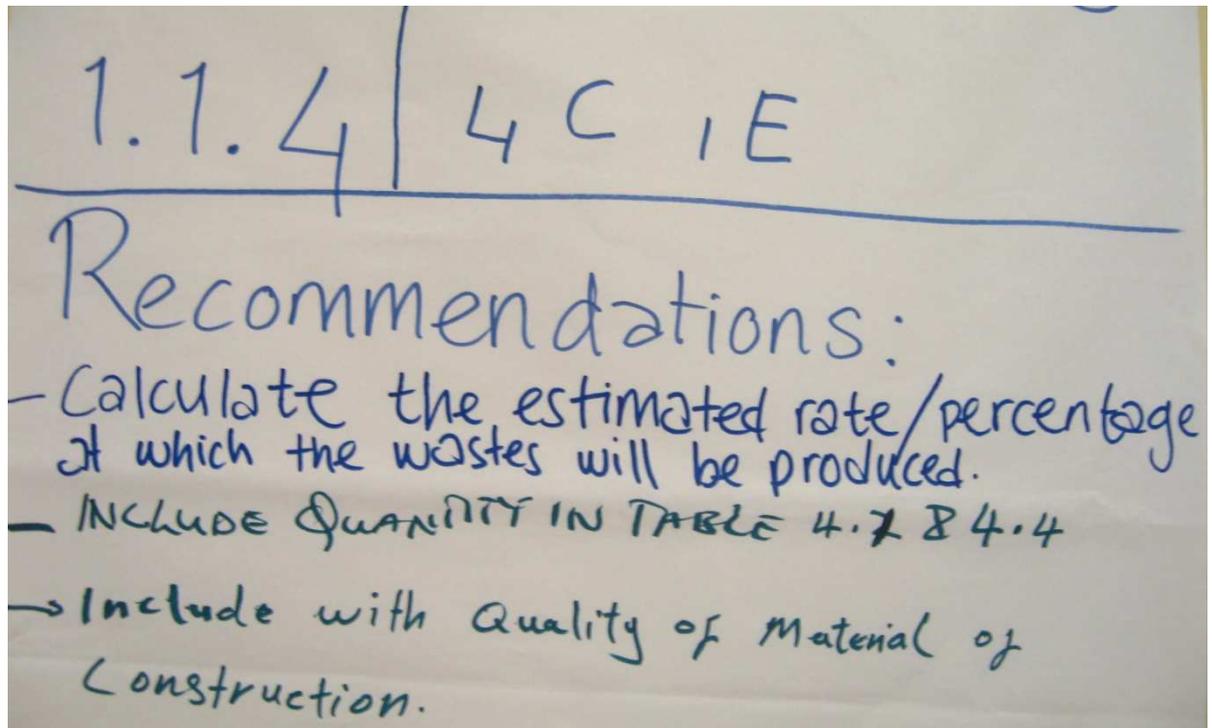
- Clear recommendations.
- Should be included in report.
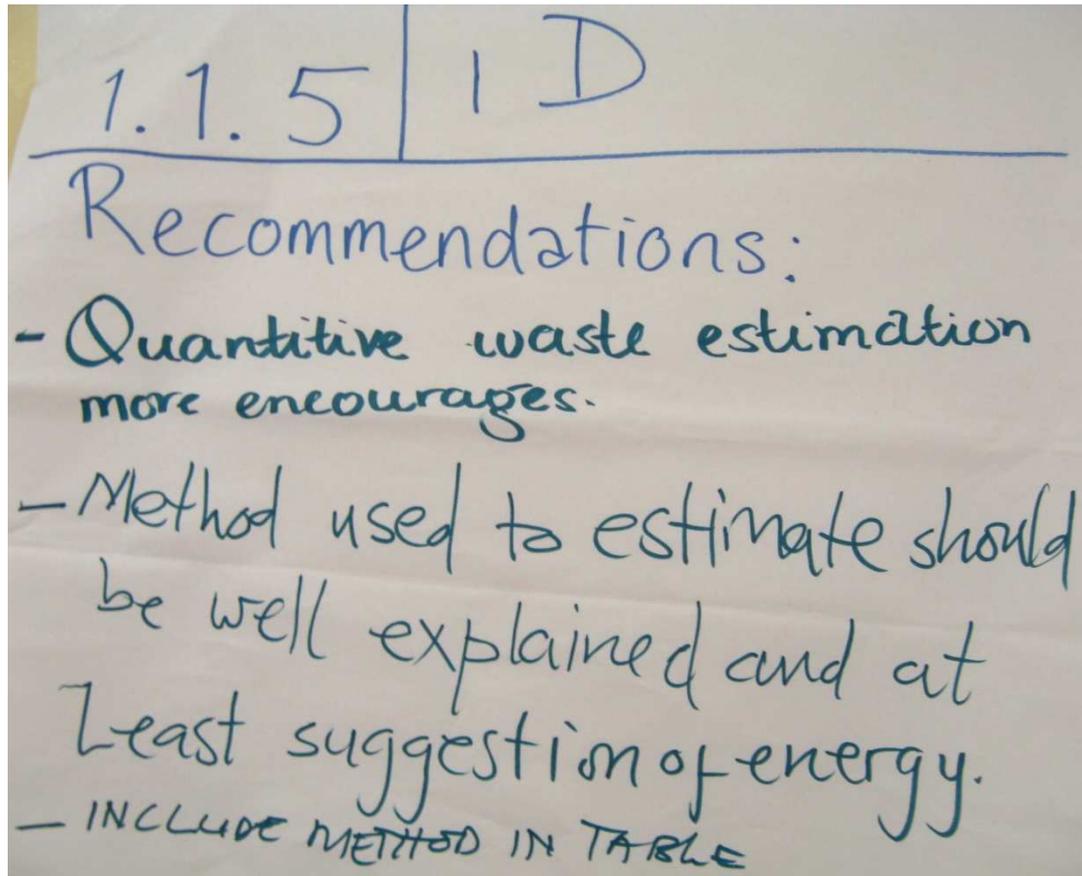
- According to participants, some clarification of methods is required, specifically on energy use.
- But it may be too technical and of too little significance – and therefore not relevant as a condition?
- Most participants think it should be included in the review report, but not everyone.
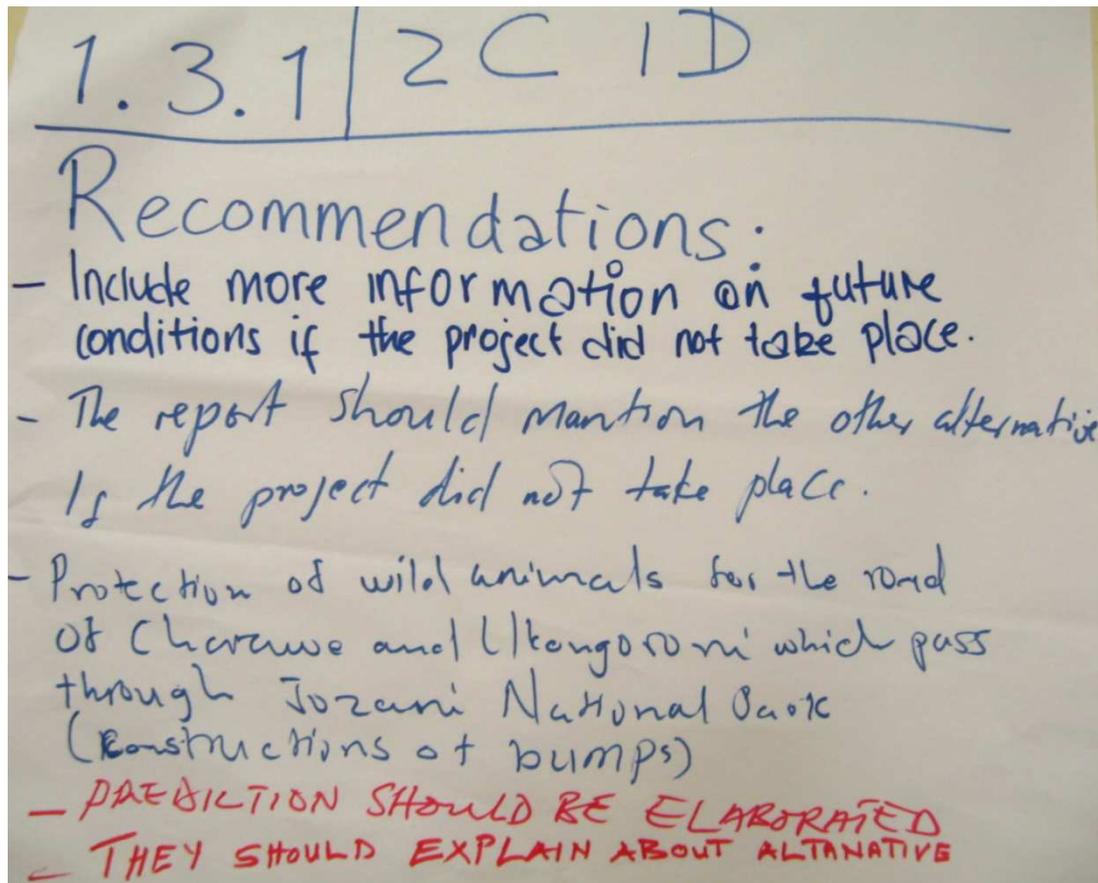
- The third and fifth recommendations should probably be transferred to the aspect on alternatives (3.1.1).
- On the other hand, the third recommendation could be interpreted as to include information on wild animals (and endangered species) – as baseline information.
- The fourth recommendation should probably be transferred to the aspect on mitigation.
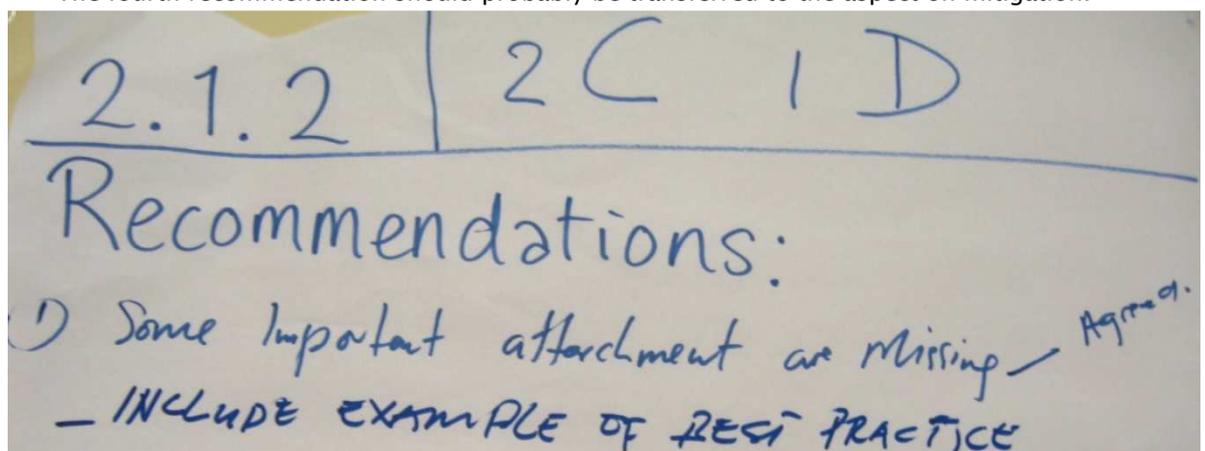

- What attachments are missing? E.g. a list of endemic/endangered species of animals and trees.
- What kind of best practices? E.g. comparing the type of materials used in road construction can be compared to another case.

2.1.4 | 2 C 2 D 1 E

Recommendations:

PROJECT SHOULD EXPLAIN THE MITIGATION FOR THE LOSS OF FLORA AND FAUNA.
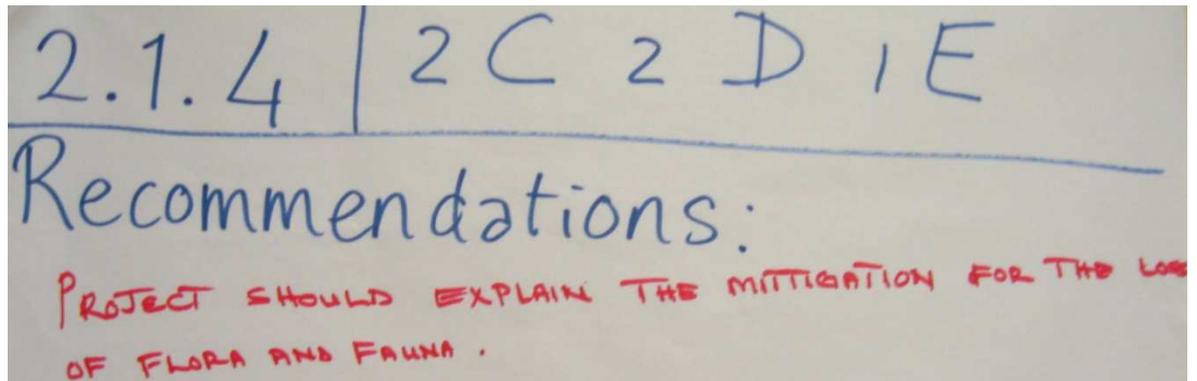
- Clear recommendation; should be used in review report.
- Specific example, issues of compensation should be included in the EIA report – but this may be included in the resettlement plan.

2.2.1 | 1 C 1 D

Recommendations:

1) There should be seted quality standard in assessing significane issue. → Aggred. Agreed.
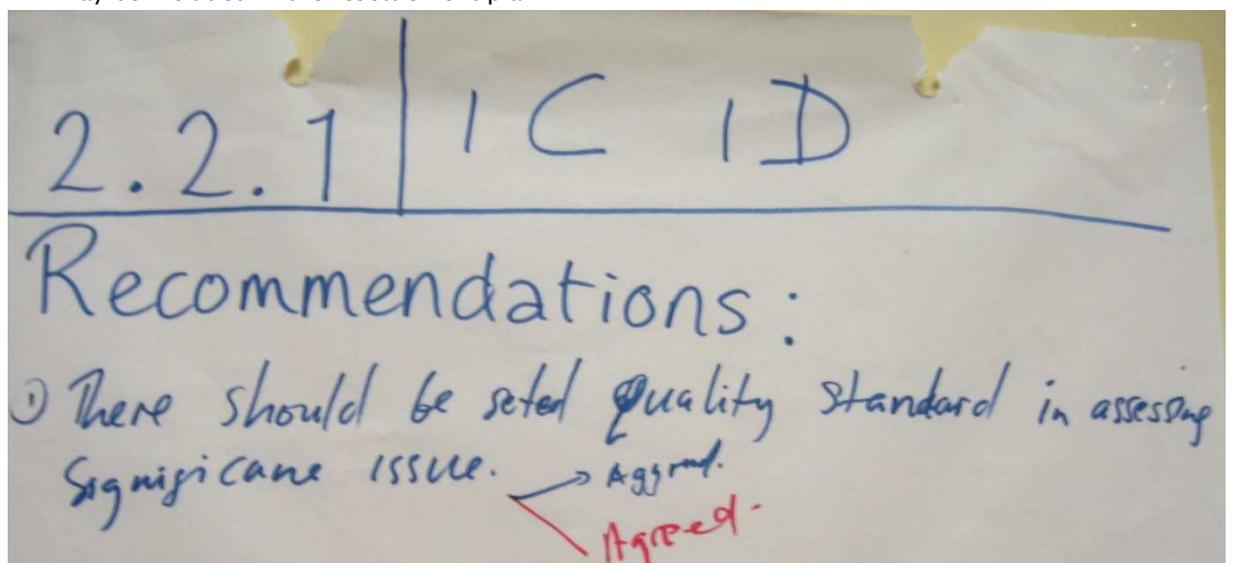
- Quality standards on what? This recommendation should be further specified; as it is now, it is not clear for the proponent.
- However, if quality standards do not exist or multiple standards exist, it can be left up to the consultant to decide on which (external) standards to apply.


2.2.2 | 4 C 3 D
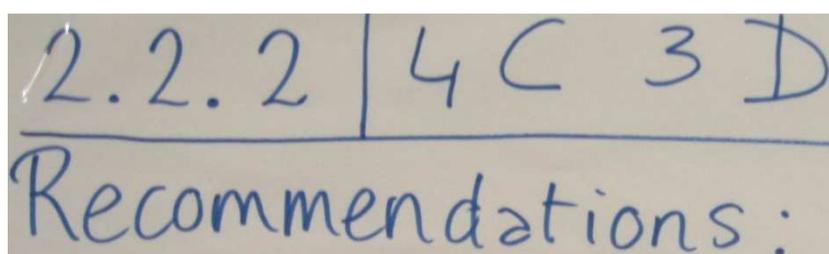
Recommendations:

- Participants gave low grades, but none gave recommendations.
- It is also very difficult to give good recommendations here; it is almost never done.
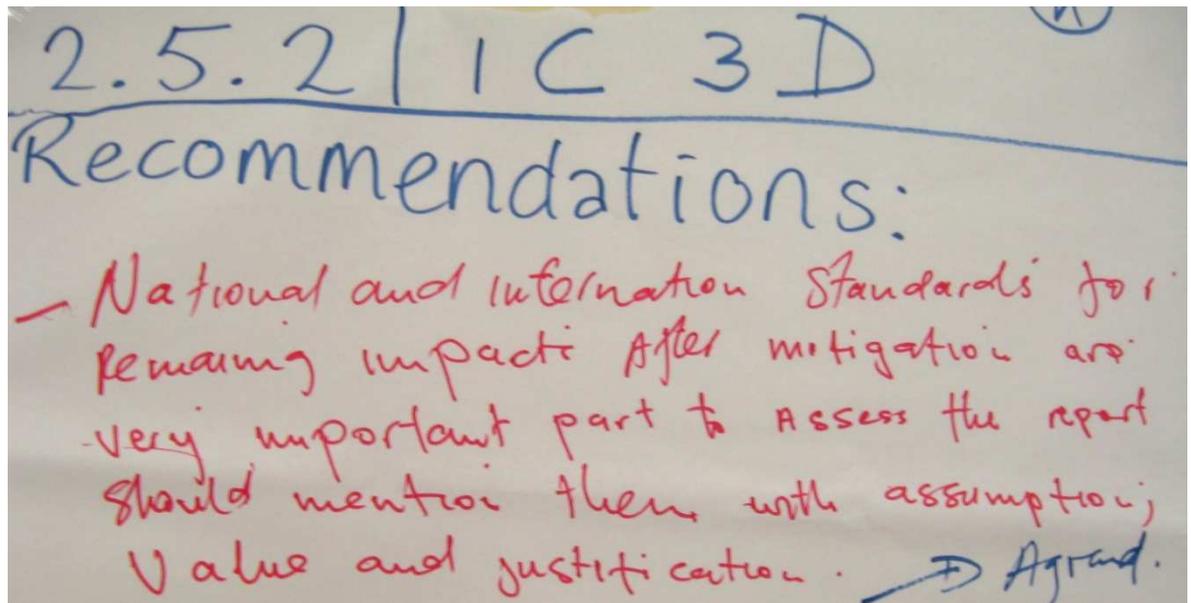
- Clear recommendation; should be included in report.
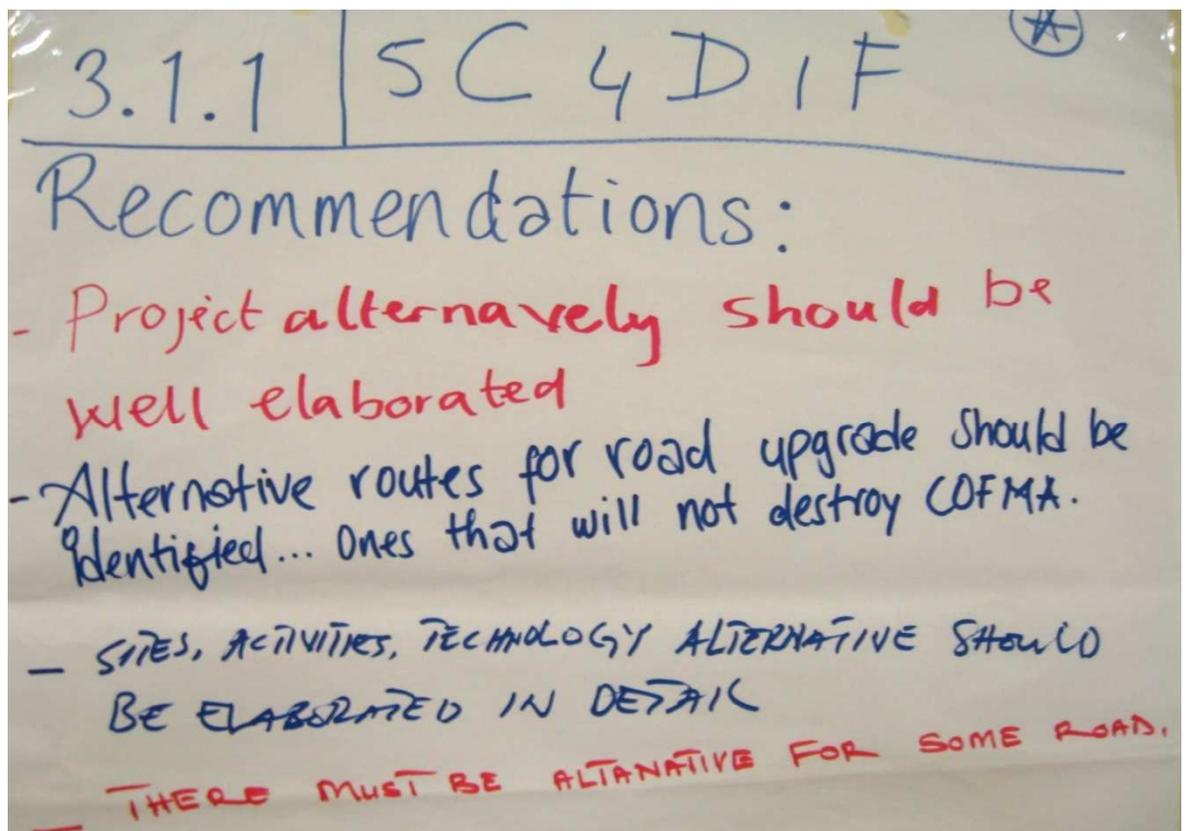
- Most recommendations are good and specific.
- The first and the last recommendation however should be further specified.
- E.g. on the last recommendation: which section of the road? For Jozani forest this seems to be most urgent.
- Might be possible to also suggest an alternative in which all roads continue to the coast (according to suggestions from public consultation).

3.2.2 |1C 1D

Recommendations:
- Effectiveness of mitigation method in some parts is not well justified eg replanting of trees along the road.
- compensation of tree cut should be done with effective community participation.
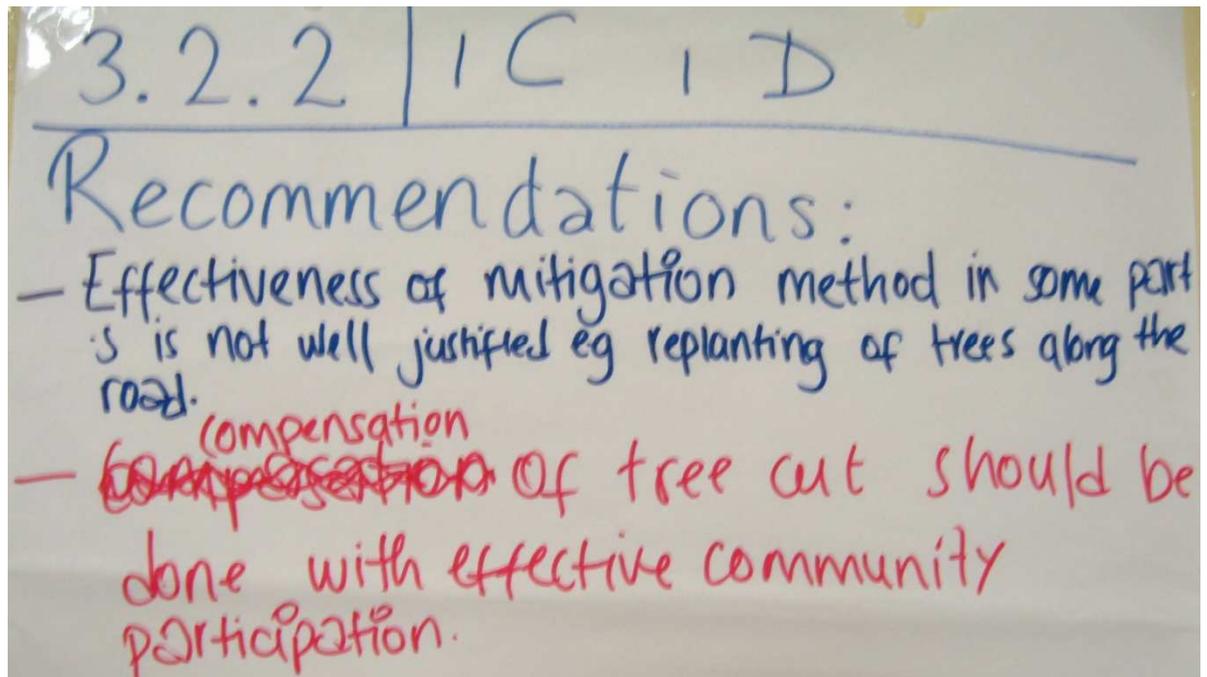
- Good and specific recommendations; should be included in the report.

4.1.1 |5C 1D

Recommendations:
Include signatures   Stakeholders
- Some stake holders are Identified but their is no evidence on their participation. and others are forgotten as Fire brigade (Agreed)

- Put STAKEHOLDER's CONCERNS IN TABLE FORM.

- Increase the number of participants/stakeholders that are most likely to be affected by the project & people incharge of the community forests.

- Consult Dpt. Of forestry for the loss of trees, plantations and community forests.

- Signatures of stakeholders turn out to be available in an annex that was not distributed in the copy for participants; so that recommendation could be deleted.

- On consultation of Dept. of Forestry: it turns out that this was done in scoping phase by DoE, but the requirement for the EIA report that was included in the ToR is not reflected in the EIA report; this is an omission that should definitely be repaired.
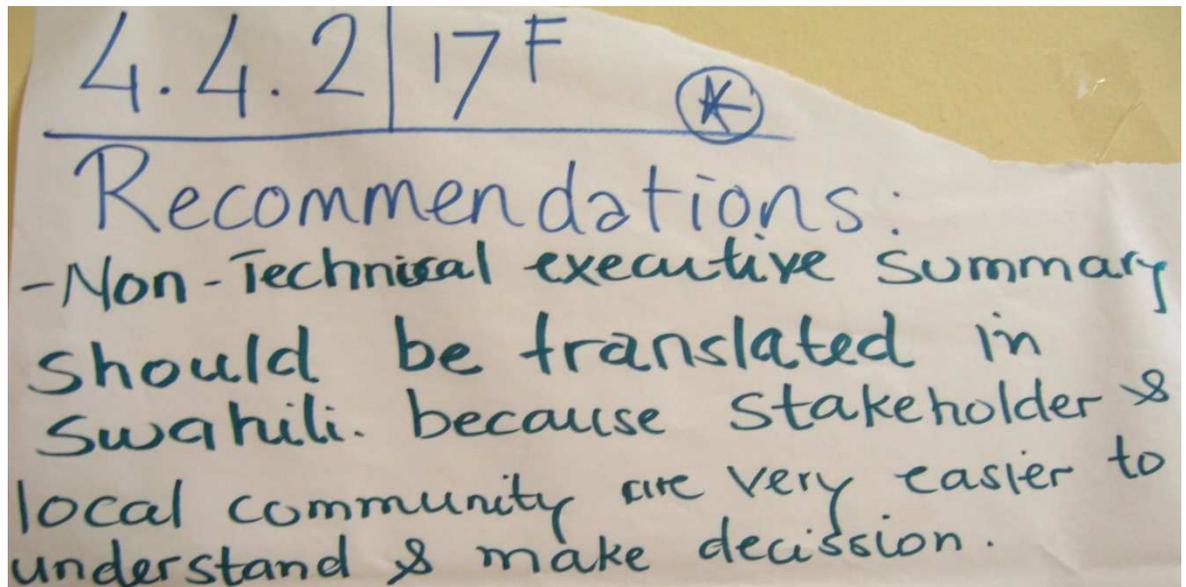
- Specific and easy–to–follow recommendation.
- One participant thinks that the whole EIA report should be available in Swahili, but not everyone agrees on that.