



Netherlands Commission for
Environmental Assessment

Report on Public Participation Workshop 17 – 18 February 2016

REVOLUTIONARY GOVERNMENT OF ZANZIBAR, TANZANIA



19 February 2016



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Introduction

In the latest version of the EIA regulations (January 2016) public participation requirements are mentioned in several parts of the regulations.

- During the process of conducting an Environmental Impact Assessment study, the proponent, shall in consultation with the Authority, seek the views of any person who is or is likely to be affected by the project (stakeholder analysis is part of scoping).
- It is also stated that: Without prejudice to the provisions of these Regulations, the Authority may issue notice to the members of the public to participate in all steps of conducting EIA.
- As part of review of an EIA study, the Authority may decide to organize a public hearing.
- Also as part of review, the Authority shall start to disclose the EIA to relevant stakeholders and interested parties for comments within 5 working days. The stakeholders and interested parties shall submit their comments within 14 working days from the date of issuing the ESIA report.
- As part of review the Multi-Sectoral technical committee shall conduct site verification for review report for the proposed project or activity. The affected community of the project area shall be present during site visit.

Although the regulation provides for public participation, and in some articles also details the procedure, in practice it is difficult to organize it in an effective and meaningful way. During EIA mapping (June 2014), public participation was identified as one of the priority areas to work on. In practice, in Zanzibar targeted consultation often takes place during scoping, and the team that reviews the EIA under the responsibility of ZEMA often speaks with local stakeholders when they visit the project site. So participation takes place (informally), but the procedures for public participation are not clearly operationalized.

NCEA's experience (in the Netherlands and from other countries) on this topic has been shared in this 2 day workshop with ZEMA/DOE staff, other government institutes and a number of EIA consultants, as being the responsible parties for organizing public participation (see annex 1 for participants list).

The workshop covered do's and don'ts regarding public participation in EIA, both in theory and in practice. For a particular EIA (the Amber resort), the first steps of a public participation (PP) plan have been jointly developed during the workshop. The same EIA report was subsequently analyzed as to how PP was carried out and what could be improved. In addition two Zanzibari EIA consultant(s) were invited to explain how they usually deal with public participation, and what challenges they encounter in practice. Also a site visit to the areas of the Amber resort took place as well as some community consultation during site verification. As part of the workshop, there was specific attention for transparency and accountability issues (e.g. how to deal with PP results and how arrange feedback).

The workshop program was as follows:

Day	Topic	materials
Wednesday 17 Feb morning (theory)	ZABACCO consultants, PP in ESIA (Mohammed Sheikh) NCEA: General introduction about PP (concepts) <ul style="list-style-type: none"> – What is public participation? – Why do we undertake public participation? – In which cases do we do public participation? – Legal requirements and practice in Zanzibar NCEA: Introduction about PP selected topics <p>Design or improvement of a public participation system/model for EIA</p> <ul style="list-style-type: none"> – Planning of public participation in the EIA procedure – Available time and funds for public participation – Information required for public participation – Legal framework and administrative structure 	Presentation (annex 2) Presentation (annex 3) Presentation (annex 4)
afternoon (practice)	NCEA: Practice in the Netherlands and elsewhere <ul style="list-style-type: none"> – Evolution of public participation in EA in the Netherlands – Cases and examples from PP in EIA and SEA – Lessons learned and best practice Practice in Zanzibar <ul style="list-style-type: none"> – Presentation(s) by EIA consultant(s) on experiences with PP NCEA: presentation on how to develop a PP Plan <ul style="list-style-type: none"> – Set objectives – Identify interested and affected parties – Funding, timing, organization – Identify and select appropriate technique – Ensure sufficient feedback – Set mechanisms to consider outcomes 	Presentation (annex 5) Presentations by MK consultants (annex 6) Presentation by NCEA (annex 7)
Thursday 18 Feb morning (case)	Practical case: designing for public participation <ul style="list-style-type: none"> – Draft a public participation plan for a specific EIA – Copies of EIA report were available for participants – Analyze an existing EIA report regarding how PP was organized and dealt with 	Assignment 1, annex 8, including results Assignment 2, annex 9
afternoon	Site visit to Amber resort with participants for review <ul style="list-style-type: none"> – with particular attention for stakeholder consultation at the site 	Photos of site visit and community consultation at cover of this report
Friday 19 Feb morning	Work with Multi-stakeholder review committee on the review of the EIA report, with special emphasis on public participation <ul style="list-style-type: none"> – joint drafting of review report 	Annex 10

Annex 1: List of participants for public participation

17 – 18 February 2016

		Day 1	Day 2	Day 3
1	Department of Urban and Rural Planning	0	0	1
2	Department of Forest and Non-Renewable resources	1	1	1
3	Commission for Tourism	1	1	1
4	Department of Lands (Commisison)	1	1	1
5	Department of Fisheries Development (Nassor)	1	1	1
6	Department of Marine Resources	1	1	1
7	ZAWA (Bili)	1	1	1
8	SUZA	1	1 (only after-noon)	1
9	MK Consultants	1 (half hour in afternoon)		
10	DOE Ali	1	1	1
11	DOE Hassan	1	1	1
12	DOE	1	1	1
13	Abuu-PEMBA	1	1	1
14	Samju- PEMBA	1	1	1
15	Kareka- PEMBA	1	1	0
16	IMS-was only be invited to site visit	0	1	1
17	ZEMA-Hassan	1	1	1
18	ZEMA-Farhat	1	0 (not in the morning)	1
29	ZEMA- Habiba	1	1	1
20	ZEMA-DG	0 (only welcome words)	Attended site visit in after-noon	1
22	Department of Energy	1	1	1
23	ZIPA (Otman)	1	1	0
24	ZABACCO consultants	2 (morning only)		
25	ZEMA Maryam	0	0	1

Annex 2: ZEMZ presentation – Public participation in ESIA

ZANZIBAR BUSINESS AND ACADEMIC CONSULTANCY

ZABACCO

PUBLIC PARTICIPATION IN ESIA



Mohammed Sheikh
CEO, ZABACCO
www.zabacco.co.tz

Outline

- Zabacco at a glance
- Basics of EISA
- Public participation in EISA
- Challenges of public participation to EISA-Zanzibar Context

ZABACCO AT A GLANCE

Zanzibar business and Academic Consultancy (**ZABACCO**) is private owned firm registered in Zanzibar since 2005.

VISION

To satisfy our clients today and have the world they want tomorrow.

MISSION

to provide reliable, accurate and scientific sound solutions to the environmental degradation, business management and research related activities.

AREAS OF COMPETENCY

Environment

In environmental field the company deals with :-

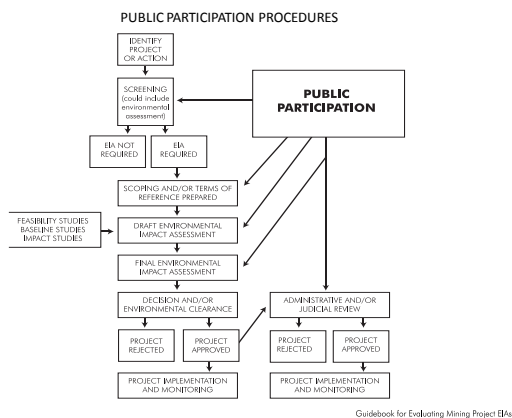
- ❖ Environmental and Social Impact Assessment(ESIA)
- ❖ Environmental Auditing
- ❖ Environmental Scoping
- ❖ Baseline studies and survey Climate change

DEFINITION OF ESIA

- The environmental impact assessment (ESIA) process is an interdisciplinary and multi-step procedure to ensure that environmental and social considerations are included in decisions regarding projects that may impact the environment.

BENEFITS OF THE EIA PROCESS

- Potentially screens out environmentally-unsound projects
- Proposes modified designs to reduce environmental impacts
- Identifies feasible alternatives
- Predicts significant adverse impacts
- Identifies mitigation measures to reduce, offset, or eliminate major impacts
- Engages and informs potentially affected communities and individuals
- Influences decision-making and the development of terms and conditions



Public Participation: Best EIA practice involves and engages the public at numerous points throughout the process with a two-way exchange of information and views. Public participation may consist of informational meetings, public hearings, and opportunities to provide written comments about a proposed project. However, there are no consistent rules for public participation among current EIA systems. Even within a particular country, there can be variations in the quality and extent of public involvement in the EIA process, depending on the type of project being

PUBLIC PARTICIPATION –ZABACCO EXPERIENCE

consultations include;


- Institutional and
- Community

Challenges zabacco context


- Awareness of the ESIA and sometimes feel no reason to cooperate with consultants.
- Community becomes vocal to consultants in the case of delayed/no compensation for their properties.
- Negative perception of the community to consultants i.e feeling that consultants act as government agencies designed to convince them in accepting the project.
- Social responsibility (direct contribution to social services in the neighboring community)
- Bureaucracy--

THANK YOU FOR LISTENING

Annex 3: Public participation in EIA Zanzibar – Theory and concepts




Commissie voor de milieueffectrapportage



Public participation in EIA Zanzibar

Theory and concepts


Ineke Steinhauer
Netherlands Commission for Environmental Assessment
February 2016



NCEA, Stonelown, February 2016

Concepts of PP


- **What** is public participation?
- **Why** do we undertake public participation?
- In **which cases** do we do public participation?
- **Legal requirements and practice** in Zanzibar



NCEA, Stonelown, February 2016

What is PP?


- numerous **definitions** of public participation in relation to EIA and SEA
- ‘a mechanism by which individuals give opinions/ideas or take actions in relation to plans, projects, activities and situations which are affecting them or will affect them, both positively as negatively’



NCEA, Stonelown, February 2016

Who is the **public** in public participation?


- local people (individuals) and communities (villagers) affected by the activity
- project beneficiaries (may also be beneficiaries in other parts of the country or in another country)
- local, national or international NGOs active in the area
- interested ‘general public’ in the country
- national and local government agencies with formal responsibilities in environment and social welfare




NCEA, Stonelown, February 2016

What is understood by **participation** in public participation?


- Information exchange



- Consultation



- Active participation



NCEA, Stonelown, February 2016

	Inform	Consult	Involve	Collaborate	Empower
Public participation goal	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
Promise to the public	We will keep you informed.	We will keep you informed, listen to your concerns and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
Example techniques	• Fact sheets • Web sites • Open houses	• Public comment • Focus groups • Surveys • Public meetings	• Workshops • Deliberative polling	• Citizen advisory committees • Consensus-building • Participatory decision-making	• Citizen juries • Referenda • Delegated decision

To remember

- The public is not a homogeneous body with agreed common interests and aims. Increasingly, therefore, the term 'public' is being replaced by that of 'stakeholders'
- Public participation in EIA/SEA in countries slowly develops from 'voice' to 'vote'
- Public participation has been recognised as one of the basic pillars of effective EIA, together with **transparency and quality**

Why public participation?

One or a combination of the following **objectives**:

- give information about the proposal and its consequences
- get ideas or solve problems
- get feedback on existing ideas
- obtain local knowledge and information (corrective/creative)
- increase public confidence
- evaluate ideas
- reach consensus or a better public acceptance
- avoid conflicts, create support and/or consent
- valuing of impacts (beneficiaries and non-beneficiaries)

Why public participation?

As a **result**, the following effects can be expected:

- improved quality of decision making
- reduced costs and less delays at a later stages of the project cycle caused by potential mistakes or conflicts
- better understanding of potential impacts
- identification of alternative sites or designs and mitigation measures
- identification of controversial issues and a possible forum to resolve these
- assessment of the need for compensation of affected groups
- clarified values helping to prioritize significant issues in the EIA report
- clarified trade-offs associated with different alternatives
- more transparent procedures and increased public confidence in the process contribute to better acceptance of decision-making
- potential shortcomings within the EIA report are more likely to be discovered at an early stage
- public participation can lay a foundation for positive relations between the participants

In which cases PP is applied?

- **Obligatory** when legally required
- **Especially desired**
 - in controversial situations and for activities with severe environmental and social impacts.
 - when the options are open and public participation can still make a difference,
 - when there is a clear idea of what the public is being asked to do and
 - when there is a commitment to take comments into account in decision making

In which cases PP is required?

Exemptions for PP can be made for:

- routine decisions
- confidential issues related international relations, national defense, public security, new confidential technologies
- decisions in relation to emergency (flooding, earthquakes etc.)

Public participation in EIA process stages

- Screening
- Scoping
- Environmental Assessment
- Review of the (draft) EIA report
- Decision-making on EIA
- EIA follow-up

The more possibilities the public has to get involved in the process, the more the potential benefits of public participation come into effect

Zanzibar draft EIA regulations jan.'16

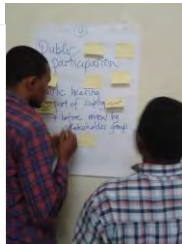
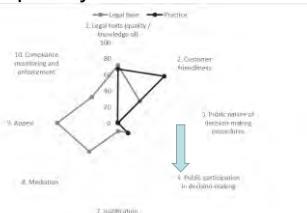
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2. It is also stated that: Without prejudice to the provisions of these Regulations, the Authority may issue notice to the members of the public to participate in all steps of conducting of EIA.
3. As part of review of an EIA study, the Authority may decide to organize a public hearing.

Zanzibar draft EIA regulations jan.'16

4. Also as part of review, the Authority shall start to disclose the EIS to relevant stakeholders and interested parties for comments within 5 working days. The stakeholders and interested parties shall submit their comments within 14 working days from the date of issuing the ESIA report.
5. As part of review the Multi-Sectoral technical committee shall conduct site verification for the review report for the proposed project or activity. The affected community of the project area shall be present during site visit.

Results of EIA mapping

- During EIA mapping (June 2014), public participation was identified as one of the priority areas to work on.



Situation in Zanzibar, practice

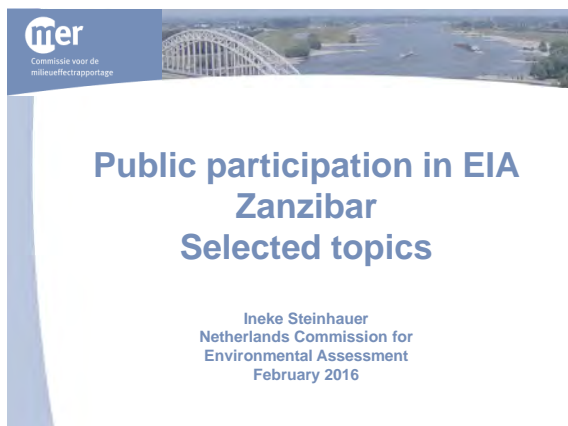
- Some participation takes place in the EIA: occasionally public hearings are organized, especially if an international donor is involved.
- Also, targeted consultation often takes place during scoping, and the team that reviews the EIA often speaks with local stakeholders when they visit the project site.
- So participation takes place (informally), but the procedures for public participation are not clearly operationalized.

Suggestions by participants EIA mapping

Issue 4: Public participation Participants feedback

- Times mentioned as priority issue: 9
- Suggestions by participants
 - Public hearing (either as part of scoping or before review by multi-stakeholder meeting) is fundamental factor in decision making
 - Public displays
 - Public are the last who need to make decisions
 - Public should decide on project, not expert

Annex 4: Public participation in EIA Zanzibar – Selected topics



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NCEA, Stoneham, February 2016

Elements of public participation

Design or improvement of a public participation system/model for EIA

1. Planning of public participation in the EIA procedure
2. Available time and funds for public participation
3. Information required for public participation
4. Legal framework and administrative structure

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Component 1: Planning of PP in the EIA procedure

- Public participation can take place in different stages of the EIA/SEA procedure: screening, scoping, EIA report writing, review, monitoring
- In Zanzibar, PP is possible during scoping/assessment and quality review/decision-making, although *'the Authority may issue notice to the members of the public to participate in all steps of conducting of EIA'*.

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Component 1) continued

- PP is most effective when it takes place as early as possible in the EIA/SEA procedure. Reasons: to build trust and increase opportunities to modify the proposal
- Each phase may require a different approach (information → consultation → active participation)
- The extent to which the public is able to influence or control decision making varies according to the stage of the EIA procedure.

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Matrix to determine PP effectiveness

phase of EIA/SEA type and impact of project	Screening	Scoping/assessment	Quality review Decision making
Small			
Medium			
Complex			

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Support tool for determining the overall approach for public participation

	Requirements for public participation (Y/N)	Stakeholder groups involved through public participation						Prevailing form of public participation		
		Government authorities			Civil Society			Information	Consultation	Active Participation
		EIA authority	Competent authority	Line ministries	Affected people	Public interest groups	Other interested groups/people			
Stages of EIA procedure	Screening									
	Scoping									
	Environmental Assessment									
	Review									
	Decision-making									
	EIA Follow-up									

To be discussed

- In Zanzibar PP requirements are equal in all situations, regardless of the size and impact of the project
- PP in EIA experiences so far?
 - Did PP take place in a situation where options were still open?
 - Was it clear what the public was asked to do? and
 - Were PP results indeed taken into account?
- In cases where PP did not make any difference, e.g. in scoping of small, low impact projects, delete PP requirements?

Decisions to take on component 1)

1. Fill in the table (put crosses) for the current situation in Zanzibar
2. Make a list of problems which occur in practice
3. Fill in the table for the desired situation in Zanzibar
4. Discuss how to organise each cross put, in terms of aims, rules, procedure and expected outcomes of PP

Component 2) Available time and funds

- The **time** span for PP is usually determined in the EIA-regulation, as is also the case in Zanzibar (14 days during review). This is not always sufficient for the public to read and discuss and to enable views and opinions
- Adequate **funding** has to be provided for
 - dissemination of EIA materials and
 - organizing public hearings

Component 2) continued

- In Zanzibar, the proponent takes care of announcements for PP during the EIA study, and bears the cost of PP
- For other PP requirements (e.g. public hearing and PP during review) the Authority is responsible, but not specified who bears cost of e.g. announcement, hiring an venue, paying the chairperson, drafting a report on the hearing etc.

Options on component 2)

Time

- How much time for PP in each phase of the EIA procedure (2 days, 30 days)?
- fixed (for each EIA the same time span)?
- variable according to stage of EIA procedure and/or characteristics of project (e.g. allow for more time in cases of involuntary resettlement)?

Funds

- fixed/variable budget for PP throughout the EIA procedure
- who pays for PP: the authority and/or the proponent, through which mechanisms?

Decisions to take on component 2)

Time

1. Current situation (14 days during review, not specified for other phases, e.g. scoping?)
2. What are current problems, if any?
3. Need for changes?

Funding

1. Is funding for PP sufficient currently?
2. Who pays for what?
3. Which mechanisms are in place or could be established to generate funds for PP?

Component 3) required information for PP

People should be informed about the possibility of public participation. Critical questions are:

- whether people are willing to make use of it? ('culture' of participation, lack of interest to participate because environmental problems are not perceived as private problems, suspicion, apathy, belief that it will not make any difference).
- Is there sufficient local knowledge and comprehension about the scale and nature of impacts for local people?
- Is the volume and format of EIA material presented to the public adequate?

Component 3) continued

- currently in Zanzibar, PP takes place through notification only (passive) and during site visits
- this could be improved through a more active approach, e.g., the proponent can be asked to submit an easily accessible project summary, with maps, main characteristics of the project, potential impacts and mitigation measures.

Options component 3)

- Passive versus more active approach
- PP being the responsibility of the authority/proponent, the responsibility of the public or both equally (state-led versus society-led public participation). Waiting for people to act however is generally not the most effective PP

Decisions to take on component 3)

Feasibility of perceptions interviews?

- When these reveal serious concerns, lack of information or a high conflict potential, the proponent can be asked to elaborate a PP plan which includes workshops, study sessions, didactic materials on the project and its implications and e.g. mechanisms for conflict resolution and negotiation.
- When the interview does not show major concerns or doubts, then the PP plan's emphasis can be on information and consultation only on the options for improvement.

Decisions to take on component 3)

Feasibility of PP file for each project?

- This file contains all information on a certain project, including the screening decision, the scoping/ToR, the results of the perceptions interviews, the PP plan, the documents that reflect findings of any PP action realized and the concerns raised by the public. This file should open to the public.



Component 4) Operationalization?

Clear mechanisms have to be set for:

- Is there sufficient capacity for managing public participation?
- How to select which comments are relevant and which not?
- How to organize feedback: response to each and every comment?
- Only comments in relation to environment?
- In written form, always?
- How to deal with conflicts?
- How to give response to issues raised?
- How is public participation documented (eg. in a supplement to the EIA report)?
- How are the results of public participation taken into account: in report writing and/or improvement of the proposal and/or in decision making?

Options for component 4)

- capacity for PP: contract PP expert
- determine criteria for selection of comments: limited or broad?
- feed back: how and when?
- need to establish mechanism for conflict resolution?
- how are results of PP used?

Arrange implementation through legal procedures or informally on a case by case basis?

Decisions to take on component 4)

- what about current capacity to manage PP in Zanzibar, need to improve?
- is it possible to establish a list with criteria for the selection of comments of PP?
- feedback: current situation and desired situation (verbal or written, time span?)
- how is PP documented?
- conflict resolution mechanisms?

Recommendations for improvement

1. Better specification of the aims, rules, procedures and expected outcomes of PP for each phase of the EIA procedure
2. Better specification of time span for PP in each phase of the EIA procedure
 1. fixed or variable according to stage of EIA procedure and/or characteristics of plan/project

Recommendations for improvement

3. More clarity on funding of PP
 1. fixed/variable budget
 2. who pays for what?
 3. mechanisms to generate funds for PP?
4. More pro-active approach of PP
 1. plan/project summary
 2. perceptions interviews
 3. PP file for each project/plan
 4. availability of technical assistance for the public
 5. PP plan (always or only in complex cases?)
 6. invitation letters to relevant actors

Recommendations for improvement

5. Arrange (sufficient) capacity to manage PP, consider contracting PP experts
6. Better specify on the kind of comments the public can give
 1. e.g. only on environmental impacts/alternatives
 2. when information is relevant for the decision
 3. is it possible to establish a list with criteria for the selection of comments of PP?

Recommendations for improvement

7. Make sure that responses given to issues raised get back to the public and are publicly available (transparency)
 1. verbal or written feed back?
 2. time span for feed back?
8. Better indicate how results of PP are taken into account: in EIA report writing and/or improvement of the proposal and/or in decision making (accountability)


Annex 5: Public participation in EA: experiences from the Netherlands


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Public participation in EA: experiences from the Netherlands


Ineke Steinhauer
Netherlands Commission for Environmental Assessment



Content of presentation

- Evolution of public participation in EA in the Netherlands
- Case presentations of public participation in EA
- How to develop a public participation plan for EA?


2



Legal requirements


- The start of each EA procedure has to be announced in a local newspaper and the Government Gazette, stating:
 - Where the public can obtain more detailed information (relevant ministries, town hall)
 - In what period of time and on what terms written comment can be given (usually 4 weeks)
 - Whether a public hearing will be organized (not compulsory at this stage)
 - The proposed activity and the decision to be taken;
 - The competent authority
 - Illustration of the proposed participation process (not compulsory but desired).

3



PP during scoping


- Type of comments
 - on environmental impacts
 - suggestions for alternatives
 - statements on the acceptability of a project are not relevant
- There are special arrangements for certain NGOs (they are informed individually on the start of an EIA/SEA)
- The NCEA receives copies of all comments



During review

- Publication of the EA report announced in Government Gazette
- A non-technical summary that is complete, accessible and easy to understand is obligatory
- Written comments can be given and often a public hearing is organized (not obligatory)
- The competent authority has to respond to all comments
- The final decision is published and public appeal on decision-making is possible.

5



PP during review

- Criteria for deciding whether comments will be taken into consideration are:
 - they deal with content of the EIA/SEA-report
 - information is relevant to decision-making
- The competent authority has to respond to all comments
- The final decision is published. Public appeal on decision making is possible



Results of PP in the Netherlands

- 53 EIA studies were investigated (2002)
- Public participation generated new information in 39 out of 53 EIA's (75%)
- In 50% of the cases the competent authority incorporated the comments of the public during in the ToR for the EIA report (scoping stage). The issues raised by the public were mainly related to alternatives that were better for the environmental or social welfare.



New situation from 2010 onwards

- EIA legislation had changed, whereby preparing scoping for some projects is no longer obligatory
- For complex projects and plans, the obligation for public participation early on in the process remains
- The way in which t public participation should be arranged is however not specified
- This led to unclear situations, both for the public ('what are our rights?') and for the authorities ('what will happen in case of lacking or badly organized participation?')



New style PP since 2010

- Dutch Centre for Public Participation developed principles and recommendations
- To make up for absence of guidelines for PP
- To meet the need expressed by the government for more tailor-made participation to replace the static and standard way
- Four sets of principles have been developed:

10



1) PP serves the process of decision-making

- Involve the public while the options are still open, before decisions have been made and while PP can still make a difference
- Ensure that PP provides useful input for the decisions to be made: authorities should have a clear idea of what the public is being asked to do or contribute, and ensure that the public is aware of this
- Ensure that the subjects for PP suit the level of decision-making. Asking the right people or organizations the right questions is crucial for successful decision-making (e.g. PP on the building blocks for a spatial plan is very different from PP on the impacts of construction of a landfill for potentially affected people). Be aware that the public may have different expectations.

11



2) Politicians and authorities are committed

- At the start: policymakers (e.g. a minister or mayor) and decision-making authorities (e.g. a council) should share a vision on PP aims
- During participation: policymakers and authorities should show active involvement. E.g., when the Minister of Environment kicks off a PP event, it shows his/her political commitment to use the results of public participation
- After participation: policymakers and decision-making authorities should demonstrate how results have been taken into account.

12

mer 3) Participation is tailor-made to bottlenecks

- Develop (and publish) a specific PP plan and ensure that it is part of the budget and an integral part of the whole process
- Look at the way in and level at which people are organized in the area, and at earlier experiences with participation
- Ask the public how they want to be involved. This helps to, for example, involve very critical environmental NGOs right from the start, leading to fewer protest letters and appeals

13

mer 4) Positive attitude and reliable communication

- Maintain an open and positive attitude. E.g, one usually gets only negative reactions but does not hear the positive ones. Put effort into the challenge to know about both
- Ensure that the required knowledge and expertise is present at PP events
- Arrange for a clear and accessible point of contact. For example, create an 'ideas box' on the internet where people can post solutions
- Also explain when things go wrong in the process of PP.

14

mer Case: SEA for urban spatial plan Amsterdam 2020-2040

A plan for the desired spatial development of the area, indicating locations for:

- housing and work
- public transport
- harbour facilities
- water and green areas
- the use of sustainable energy and
- areas to be reserved for the Summer Olympics 2028

15



mer Example of principle 1

Involve the public while the options are still open, before decisions have been made and while PP can still make a difference.

- Stakeholders and the general public were consulted at the start of the process by holding more meetings than usual and by actively seeking out people.
- Their comments and wishes were used by the administrators in Amsterdam to define their ambitions and stakes at the start of the SEA and planning process.
- This made it possible to test alternatives against them in the SEA report.
- Consulting many parties at an early stage of the planning process proved to be a success: it led to more support for the final decision.

17

mer Starting a dialogue

- Regional boards (Province, Region)
- Municipalities in the region (35)
- City-districts (7)
- NGO's
- Citizens (meetings, internet = 2500)
- Experts of departments & civil organisations involved in Project team (25)

18



mer Case SEA Rotterdam urban plan

- In the Rotterdam Urban plan provinces, municipalities and urban regions work together on a common vision of the spatial, economic and social development of the rapidly growing region in the west of the Netherlands

20



mer Example of principle 3

Develop (and publish) a specific PP plan and ensure that it is part of the budget and an integral part of the whole process

- The city of Rotterdam developed an extensive communication and participation campaign.
- One of the methods used was an enquiry into the opinion of the general public. Students stood in the street asking people to complete a questionnaire, which was also published on an interactive website where the public could drop their ideas into an ideas box. This inexpensive way of participation generated a wealth of information for decision-making.
- Subsequently, two focus group meetings were organized. These meetings were used to talk in depth about the proposed ideas with a small, yet representative group of people.
- PP showed that the safety of roads, junctions and tunnels were very important issues. As a result, the Minister gave priority to ideas that tackled safety problems.

22

mer

Think along with Rotterdam Vooruit

Code: _____

A. Current accessibility to and from the Rotterdam region

Which mode of transport do you use the most?

☐ Car ☐ Bike ☐ Train ☐ Bus/metro/tram ☐ Other, n.l.

Would you please respond to the following statements? (with the mode of transport in mind)

	Strongly agree	Agree	Disagree	Strongly disagree
1. I find the Rotterdam region easily accessible	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. I find the Rotterdam region easily accessible	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. I can travel safely to the region	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. I can travel comfortably in the region	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. I can count on reliable journey times on weekdays	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. My journey time is reliable during the weekends	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. In choosing my mode of transport reliability is an important element	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8. I have several ways or routes to reach my destination in the region	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. I can reach my destination in the region on every moment of the day	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

B. Starting points for devising solutions for a better accessibility of the region in the future

Mark the three assumptions that are most important to you.

Assumption	Important	Not important
<input type="checkbox"/> Attractive environment to live in	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Safe and secure streets and squares	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Green spaces and landscapes	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reliable journey times	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Comfortable transport	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Economic growth	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Growth of the labour force	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Good knowledge between different modes of transport	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Employment	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Safe and quiet	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Clean air	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Road safety	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adequate housing	<input type="checkbox"/>	<input type="checkbox"/>

Put the following subjects in your order of importance.

1. most important ☐ **2. second** ☐ **3. third** ☐ **4. fourth** ☐ **5. fifth** ☐ **6. sixth** ☐ **7. seventh** ☐ **8. eighth** ☐ **9. ninth** ☐ **10. tenth** ☐ **11. eleventh** ☐ **12. twelfth** ☐ **13. thirteenth** ☐ **14. fourteenth** ☐ **15. fifteenth** ☐ **16. sixteenth** ☐ **17. seventeenth** ☐ **18. eighteenth** ☐ **19. nineteenth** ☐ **20. twentieth** ☐ **21. twenty-first** ☐ **22. twenty-second** ☐ **23. twenty-third** ☐ **24. twenty-fourth** ☐ **25. twenty-fifth** ☐ **26. twenty-sixth** ☐ **27. twenty-seventh** ☐ **28. twenty-eighth** ☐ **29. twenty-ninth** ☐ **30. thirtieth** ☐ **31. thirty-first** ☐ **32. thirty-second** ☐ **33. thirty-third** ☐ **34. thirty-fourth** ☐ **35. thirty-fifth** ☐ **36. thirty-sixth** ☐ **37. thirty-seventh** ☐ **38. thirty-eighth** ☐ **39. thirty-ninth** ☐ **40. fortieth** ☐ **41. forty-first** ☐ **42. forty-second** ☐ **43. forty-third** ☐ **44. forty-fourth** ☐ **45. forty-fifth** ☐ **46. forty-sixth** ☐ **47. forty-seventh** ☐ **48. forty-eighth** ☐ **49. forty-ninth** ☐ **50. fiftieth** ☐ **51. fifty-first** ☐ **52. fifty-second** ☐ **53. fifty-third** ☐ **54. fifty-fourth** ☐ **55. fifty-fifth** ☐ **56. fifty-sixth** ☐ **57. fifty-seventh** ☐ **58. fifty-eighth** ☐ **59. fifty-ninth** ☐ **60. sixtieth** ☐ **61. sixty-first** ☐ **62. sixty-second** ☐ **63. sixty-third** ☐ **64. sixty-fourth** ☐ **65. sixty-fifth** ☐ **66. sixty-sixth** ☐ **67. sixty-seventh** ☐ **68. sixty-eighth** ☐ **69. sixty-ninth** ☐ **70. seventieth** ☐ **71. seventy-first** ☐ **72. seventy-second** ☐ **73. seventy-third** ☐ **74. seventy-fourth** ☐ **75. seventy-fifth** ☐ **76. seventy-sixth** ☐ **77. seventy-seventh** ☐ **78. seventy-eighth** ☐ **79. seventy-ninth** ☐ **80. eightieth** ☐ **81. eighty-first** ☐ **82. eighty-second** ☐ **83. eighty-third** ☐ **84. eighty-fourth** ☐ **85. eighty-fifth** ☐ **86. eighty-sixth** ☐ **87. eighty-seventh** ☐ **88. eighty-eighth** ☐ **89. eighty-ninth** ☐ **90. ninetieth** ☐ **91. ninety-first** ☐ **92. ninety-second** ☐ **93. ninety-third** ☐ **94. ninety-fourth** ☐ **95. ninety-fifth** ☐ **96. ninety-sixth** ☐ **97. ninety-seventh** ☐ **98. ninety-eighth** ☐ **99. ninety-ninth** ☐ **100. hundredth** ☐

1. most important ☐ **2. second** ☐ **3. third** ☐ **4. fourth** ☐ **5. fifth** ☐ **6. sixth** ☐ **7. seventh** ☐ **8. eighth** ☐ **9. ninth** ☐ **10. tenth** ☐ **11. eleventh** ☐ **12. twelfth** ☐ **13. thirteenth** ☐ **14. fourteenth** ☐ **15. fifteenth** ☐ **16. sixteenth** ☐ **17. seventeenth** ☐ **18. eighteenth** ☐ **19. nineteenth** ☐ **20. twentieth** ☐ **21. twenty-first** ☐ **22. twenty-second** ☐ **23. twenty-third** ☐ **24. twenty-fourth** ☐ **25. twenty-fifth** ☐ **26. twenty-sixth** ☐ **27. twenty-seventh** ☐ **28. twenty-eighth** ☐ **29. twenty-ninth** ☐ **30. thirtieth** ☐ **31. thirty-first** ☐ **32. thirty-second** ☐ **33. thirty-third** ☐ **34. thirty-fourth** ☐ **35. thirty-fifth** ☐ **36. thirty-sixth** ☐ **37. thirty-seventh** ☐ **38. thirty-eighth** ☐ **39. thirty-ninth** ☐ **40. fortieth** ☐ **41. forty-first** ☐ **42. forty-second** ☐ **43. forty-third** ☐ **44. forty-fourth** ☐ **45. forty-fifth** ☐ **46. forty-sixth** ☐ **47. forty-seventh** ☐ **48. forty-eighth** ☐ **49. forty-ninth** ☐ **50. fiftieth** ☐ **51. fifty-first** ☐ **52. fifty-second** ☐ **53. fifty-third** ☐ **54. fifty-fourth** ☐ **55. fifty-fifth** ☐ **56. fifty-sixth** ☐ **57. fifty-seventh** ☐ **58. fifty-eighth** ☐ **59. fifty-ninth** ☐ **60. sixtieth** ☐ **61. sixty-first** ☐ **62. sixty-second** ☐ **63. sixty-third** ☐ **64. sixty-fourth** ☐ **65. sixty-fifth** ☐ **66. sixty-sixth** ☐ **67. sixty-seventh** ☐ **68. sixty-eighth** ☐ **69. sixty-ninth** ☐ **70. seventieth** ☐ **71. seventy-first** ☐ **72. seventy-second** ☐ **73. seventy-third** ☐ **74. seventy-fourth** ☐ **75. seventy-fifth** ☐ **76. seventy-sixth** ☐ **77. seventy-seventh** ☐ **78. seventy-eighth** ☐ **79. seventy-ninth** ☐ **80. eightieth** ☐ **81. eighty-first** ☐ **82. eighty-second** ☐ **83. eighty-third** ☐ **84. eighty-fourth** ☐ **85. eighty-fifth** ☐ **86. eighty-sixth** ☐ **87. eighty-seventh** ☐ **88. eighty-eighth** ☐ **89. eighty-ninth** ☐ **90. ninetieth** ☐ **91. ninety-first** ☐ **92. ninety-second** ☐ **93. ninety-third** ☐ **94. ninety-fourth** ☐ **95. ninety-fifth** ☐ **96. ninety-sixth** ☐ **97. ninety-seventh** ☐ **98. ninety-eighth** ☐ **99. ninety-ninth** ☐ **100. hundredth** ☐

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Case SEA Room for the River

- The Netherlands expects that the risk of flooding will increase in the future, as more intense rain fall is predicted upstream
- The Room for the Rivers plan aims to define the necessary measures to protect the Netherlands against the flooding of the river Rhine, now and in future
- An SEA with an integral view of the entire river system was undertaken for this plan
- EIAs were subsequently carried out for specific segments of the river
- These EIAs were based on the strategic decisions taken during the SEA.

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Stakeholder participation

- For this national flood protection plan, the affected public is a large group and it is perhaps not yet clear who will suffer impacts
- Therefore a two tear approach was developed:
 - involving agencies and NGOs to discuss and develop the plan as a whole
 - involving local communities in areas of intervention, organizing meetings in these areas and/or along possible routes or locations

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Participation in the national flood protection plan

- Continuous participation through 2 regional steering groups:
 - representatives from (local) government agencies and NGOs (e.g. agriculture, environment)
- Regional offices established
- Public meetings at 15 locations:
 - first part 'information market',
 - followed by a formal 'hearing session'

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Public participation

- PP in early stage
 - on the information the SEA should contain, e.g. what alternatives to examine and what impacts to assess,
- PP in later stage
 - focus on quality of SEA and the proposals in the draft plan.
- Design of measures done jointly
- Almost 3000 submissions
- Most concerns about: selection and construction of sites for deposit of polluted soil

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Example of principle 4

Also explain when things go wrong in the process of PP:

- Interest groups that were formed during the SEA, continued to exist during follow-up EIAs
- The management of expectations was very important in this case, as the level of decision-making and consequently the issues for decision-making were very different
- The competent authority invested a lot a time, energy, materials, etc. in the initial phases of participation, without taking into consideration the effort needed to deal with public participation results and to process comments appropriately
- The high expectations could clearly not be met.

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Some lessons learned

- Ensure early participation in addition to formal (legally required) participation
- Meet people in person
- Listening to people is not the same as doing what they want
- Use other ways of public participation (not just written comments), be creative
- Use a simple PP process if possible, and an extensive PP process if needed.

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Annex 6: MK consultants presentation on public participation

ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT

PUBLIC PARTICIPATION

- THE FIRST STEP IS INTRODUCTION OF THE PROJECT TO THE STAKEHOLDERS BY THE CLIENT OR THE CONSULTANT

METHODOLOGY

Selection of the methods used to carry out the consultations process during the exercise is based upon the following:

- Consultative meetings with the Government officials.
- Consultative meetings with community groups and their local community leaders.
- Selection and use of the optimal design of the meeting agenda.

STAKEHOLDERS

COMMUNICATION PROCESS:

- SENDING THE INTRODUCTION LETTERS TO THE GOVERNMENT INSTITUTIONS
- THE ROLE OF REGIONAL, DISTRICT COMMISSIONS AND THE COUNCILS
 - The link between the government and the communities
 - Direct contact to the communities
 - Working together with the communities
 - Facilitate the access to the communities

DISTRICT COMMISSION OFFICE

- The is the gateway between the client/consultant and the communities
- Through them introduction and permission is given to contact Sheha and the community
- After Sheha is informed on the project and the consultant, we as the consultant plan meetings with the community to introduce the project

SHEHIA/COMMUNITY MEETING

- In the introduction meeting the following are sought:
 - General remarks about the proposed project
 - Compensation if there were people who own or use the land before
 - Positive impacts that could come out of the proposed project.
 - Negative Impacts that could be perceived to occur as a result of the project.
 - Suggestion on Mitigations
 - Recommendations

THE COMMUNITY

> THE COMMUNITY COMPRISE THE FOLLWING:

- Management of the community lead by Sheha
- Representatives from various associations and committees in the community
- Associations including Fishing committees, Environment committees, seaweeds committee, women groups, youth groups and so forth

CHALLENGES

- Sometimes there are disagreement on the facts between the groups within the community
- Pressure by some clients on the facts to be recorded in the report
- Repetition of claims and new claims of compensation every now and then

MK BUSINESS CONSULTANTS


THANK YOU FOR LISTENING




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Annex 7: Public participation plan




Commissie voor de
milieueffectrapportage



Organization and management of Public Participation in EIA

Ineke Steinhauer
Netherlands Commission for Environmental Assessment




NCEA, Slonkown, February 2018

Public participation plan


Public participation plan

1. Set objectives
2. Identify interested and affected parties
3. Funding, timing, organization
4. Identify and select appropriate technique
5. Ensure sufficient feedback
6. Set mechanisms to consider outcomes




Step 1) Set objectives

- give information about the proposal and its consequences
- get ideas or solve problems
- get feedback on existing ideas
- obtain local knowledge and information (corrective/creative)
- increase public confidence
- evaluate ideas
- reach consensus or a better public acceptance
- avoid conflicts, create support (less delay)
- valuing of impacts (beneficiaries and non-beneficiaries)




Step 2) Identify actors, 10 questions

1. Number of local people to be affected by the project?
... like residents, land owners, diverse segments of affected population (because groups use and are familiar with different parts of the environment and will be affected to different degrees by the activity), including future generations
2. Are local people organised and if yes, in what way?... labour unions, local community development or user's groups, women's groups, ethnic organisations, etc.
3. Accessibility to radio, newspaper, other media; ability to speak national or local language?
4. Which representatives can be identified?... religious leaders, political leaders
5. Which NGOs are active and how is their relation with local people?



Step 2) continued

6. Which international NGOs are likely to comment on the activity?
7. Which other organisations are important for the project?... cultural organisations, human right groups, environmental organisations, private sector representatives
8. What is the influence and decision-making authority of all these groups?
9. Is the contribution of these groups representative and legitimate?
10. In case of transboundary effects, which people/organisations have to be identified?



Step 2): continued

- In identifying the key stakeholders, consider:
 - Who is affected by the project/EIA (who are the potential winners and losers amongst government, civil society, private sector?)?
 - Who has a role in deciding on project priorities?
 - Who should provide input to the project/EIA?
 - Who is crucial to successful project implementation (Who pays? Who implements? Who are the enforcers and watchdogs?)
- Assess influence of selected stakeholders



Step 3) Funding, timing, organization

- Is selection and timing of venues or contexts thought of which encourage maximum attendance and free exchange of views (eg. in relation to age, religion, culture, sex, political context).
- Is freedom of expression guaranteed that minimises the risks for reprisals against or among participants?
- Is the public informed about the possibility for PP and is it willing to make use of it?

Step 3) Funding, timing, organization

- Is there sufficient time to read and discuss information? and to develop ideas, opinions, positions?
- Availability and funds for technical assistance: for projects with large investments or serious impacts (megaprojects) it can be considered that the Authority uses part of, or increases the license fee that proponents have to pay for hiring an expert (no relation with the project) to work with (part of the) public in the analysis of the EIA/SEA

Step 4) Identify the appropriate technique

public meetings or hearings (mass) media telephone hot lines advisory panels or committees printed materials alternative dispute resolution open house opinion survey citizen juries	interviews seminars specific mailbox questionnaires workshops scenario simulations small representatives groups information office with trained staff	visits to similar sites or installations PRA-techniques display/exhibition materials, slide shows referendum structured small groups discussions internet web-sites or a combination of the above
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Step 4) How to select the appropriate technique?

- give information → general public information meetings, use of mass media, brochures and pamphlets
- get ideas → written comments
- identify problems and get feedback → public hearings
- give information and identify problems → field trips and site visits
- identify problem, get ideas, get feedback and evaluate ideas → advisory committees, field offices
- the same, including consensus building → ombudsman, workshops
- all goals at the same time → informal small group meetings

Step 4) Cont: Engagement plan for selected stakeholder groups

- Why this group needs to be involved in the project/EIA? What do you want to achieve with their involvement, and what might they want to achieve through involvement?
- How can they best be involved?
 - What is your 'message' for them
 - By what means you will communicate with them
 - What is the appropriate language/key triggers for their attention
- Who do you need when in the project/EIA process? What outputs/information from the EIA do you need to provide to them, and when? Also, when do you require their feedback/input on EIA activities?
- Engagement on what: level of detail, adequacy of information, objectives and criteria, on what is 'significant'? Other purposes can be: let steam off and sense the emotions, prepare people for next steps in project development, survey ideas
- Decide on participation methods depending on purpose of involvement, education level and size of the study area

Asking the right questions

- Prefer: How do you use the river? When, where, and for what species? How do you gain access? What is most important to you about the river? What, if any, concerns do you have about the project's potential impact on the river?
- To: What is your opinion about the proposed project?

Step 5) Ensure sufficient feed back

- Provision of a response to issues or problems raised or comments made
- Which mechanisms and time frames are in place to give an adequate response?
- How to act in conflict situations, eg. through mediation techniques

Step 6) Set mechanisms to consider outcomes

- Publish results of public participation, particularly on the way their inputs have contributed to decision making

Lessons learned: Don't ignore objections against public participation, deal with them

1. It's too early, we haven't yet got a proposal	early public participation will still avoid rumours and build trust
2. It will take too long and will cost too much	cost of not involving people can be even higher; the long term benefits generally outweigh the longer decision making stage
3. It will stir up opposition and activists will take over the process	will happen anyway, public participation can deal with issues before the opposition raises them
4. We will only hear from the articulate	focus on the 'silent minority'
5. We will raise expectations we can't satisfy	make very clear what already has been decided and on which issues public participation is desired. Promised action on decisions that cannot be changed will undermine the public's trust.
6. The local community won't understand the issues involved	they will if you keep it simple. Locals have a better understanding of their own surroundings. Technicians talk theory, people talk practice

Annex 8: Instruction practical exercise: tools for public participation

Task: Please organize yourselves in couples (with person sitting next to you). Each couple has to undertake the following task. Imagine that you have a specific assignment in organizing PP for an EIA for the AMBER Marina Resort Project. Also imagine that you are in the scoping/assessment phase of the EIA.



We would like you to develop the first 4 steps of a Public Participation plan. Please specify:

1. What do you consider to be **the objectives of PP for this EIA**? You can summarize the results, making use of the following table.

give information about the proposal and its consequences	
get ideas or solve problems	
get feedback on existing ideas	
obtain local knowledge and information (corrective/creative)	
increase public confidence	
evaluate ideas	
reach consensus or a better public acceptance	
avoid conflicts, create support (less delay)	
valuing of impacts (beneficiaries and non-beneficiaries)	
other.....	

2. Who are the **involved and affected actors**?

Remember the 10 questions to be answered:

1) Number of persons/villages to be affected?	
2) Are people organized and if yes, how?	
3) Accessibility to media, language?	
4) Who are leaders?	
5) NGOs and relationship with people from the area?	
6) International NGOs?	
7) Other organizations? Env. organizations, private sector	
8) Influence and mandate?	
9) Representative and legitimate?	
10) Transboundary impacts?	

- Imagine that the EIA regulation states that for PP during scoping the **time** availability is 1 month and that the **budget** for PP is very limited
- Based on the results of step 1) to 3), please identify and select the most appropriate technique(s), making use of the attached list. Also provide a justification for why you selected this technique.
- Please conclude with highlighting two main problems you think you will encounter with PP in this case.

Available time: 30 minutes – working in couples, 15 minutes – plenary presentation of results and discussion **List of possible techniques (Annex toolbox)**

<ul style="list-style-type: none"> public meetings & hearings (mass) media telephone hot lines advisory panels & committees printed materials, like leaflets & brochures, newsletters, reporting on progress newspaper articles alternative dispute resolution open house location provided, e.g. at a site or operational building, for people to visit, learn about a proposal 	<ul style="list-style-type: none"> opinion survey citizen juries interviews seminars Staffed telephone lines: stakeholders can phone to ask for information or express views specific mailbox questionnaires workshops scenario simulations small representatives groups 	<ul style="list-style-type: none"> information office with trained staff visits to similar sites or installations PRA-techniques staffed or un-staffed display/exhibition materials, slide shows referendum structured small groups discussions internet web-sites press conferences or a combination of the above
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Results of group work

Results group 1: Nassor consultants

Question 1: Obtain local knowledge and information, because this may lead to an increased opportunity to modify the proposal, but also to give knowledge to local people and gives a clear picture of the reality on the ground.

Question 2: fishermen, seaweed farmers, tour operators, tourists themselves, (kite, diving, snorkeling), fish market business, oyster/octopus catchers, pedestrians, breeding site/seagrass/ocean sand is source of income for villagers, villagers themselves.

Question 3&4: public meeting and hearing, because time is limited and budget is low, preferably in the evening time and we will provide soft drinks and bites, and we will divide the groups into interest groups.

Two main problems: Low awareness of local people, Mayor compensation claims (we heard this morning in the radio), Wrong perceptions: positive, they expect more money as a result of compensation, negative, they fear their land will be taken.

Group 2: Ali Hassan consultants

Question 1:

Give information: on the project but also on its effects.

Get feedback:

Increase public confidence; by showing them the coverage of the area, and what kind of mitigation measures will be taken.

Evaluate ideas: and we will make a summary of observations.

All this to reach consensus about project, e.g. assuring them that they will get adequate compensation.

Question 2: We will not only invite the sheiha and his family members, but also fisheries activities, seaweed farmers. We think there will be around 400 people affected. We will communicate in Swahili and pay special attention to religious leaders and sheihas.

Question 3 &4: Small representatives groups.

Question 5: Main problems we expect are frustration and high expectations that cannot be met.

Group 3: Otman consultants

Question 1:

Give information about the proposal and its consequences.

Reach consensus or a better public acceptance.

Avoid conflicts and create support (because if you go and take the land, this will create a lot of problems.

Valueing of impacts; because beneficiaries can have different interests than non-beneficiaries.

Question 2: Villagers, fishermen, seaweed farmers, CBO's will be affected, and local authorities; 'all blames will go to the sheiha.

Question 3&4: We will prepare fact sheets, meet the sheiha and have group discussions.

Problems: Compensation, sometimes people get compensated twice (e.g we heard in the radio this problem, referring to the project area) or some people will be missed out. Most of the elders are not easily going to accept that historical places will be affected.

Group 4: PBA consultants

Step 1: Objectives of PP:

To give information about the proposal and its consequences
Obtain local knowledge and information (corrective/creative)
Reach consensus or a better public acceptance

Step 2: interested parties:

Villages located along Mkwajuni – Kijini and Mbuyuni – Matemwe stretch

The central administrative and institutional stakeholders

The zonal administrative and institutional stakeholders

The local, community based administrators and stakeholders

Zanzibar Commission of Tourism

Dep. Of Road maintenance and Construction

DoFD, ZECO, ZAWA, DoURP, DoLR, ZIPA, DoMR, DoFNRNR, DoE, ZEMA,

Institute of Marine Science

Directorate of Occupational safety & Health

Fire brigade

Communities (artisanal fishermen, Mbuyutende & Kijini villagers, Environmental NGOs, etc)

Step 3:

Time: 30 days

- 5 days for institutional consultation
- 15 days for focus groups discussion
- 5 days for interview
- 5 days for report writing

Funding:

Proponent

40% should be used for consultation

Step 4: Appropriate techniques

Technical information contact: Build credibility and helps address public concerns about equity. Can be effective conflict resolution technique where facts are debated.

Interview : Provides opportunity for in depth information exchange in non-threatening forum. Provide opportunity to obtain feedback from all stakeholders. Can be used to evaluate potential citizen committee members.

Meeting with existing groups: Opportunity to get on the agenda. Provides opportunity for in depth information exchange in non-threatening forum.

Question 5, two main problems

Meeting in existing group can be too selective and can leave out important group
Scheduling multiple interviews can be time consuming

Group 5: Hassan consultants

Question 2: villagers, sheiha and religious leaders, NGOs. Transboundary consultation not relevant.

Question 3&4: public meetings and hearings and interviews.

Question 5; Problems: people will not be aware about the project, political issues, people (esp. women) will be afraid to speak. People will not come and only expect compensation.

Annex 9: Instruction for practical exercise: Amber resort: Review of quality of Public participation in ESIA report

Task: Make 4 groups, please read Chapter 16 of the ESIA report on stakeholder consultation. Based on (i) all the information you received in the workshop, (ii) the 4 steps of the PP plan you have developed earlier and (iii) the requirements of the EIA regulation (see annex):

1. List 3 strong points of how public participation was carried out and 3 weak points, e.g.
 - were the objectives of PP clearly mentioned?
 - were all relevant stakeholder identified and consulted?
 - have the most appropriate tools and techniques been used?
 - have EIA regulations requirements (see annex) been followed?
2. Identify 5 critical issues that have come up as a result of PP that you will consider during review (i.e. check whether those issues have been adequately addressed in the ESIA report)
3. The project developer/consultant have carried out stakeholder consultation during scoping/assessment. According to the EIA regulations, a public hearing during review may be considered if:
 - there appears to be a great adverse public reaction to the commencement of the proposed undertaking;
 - The undertaking shall involve the dislocation, relocation or resettlement of the communities; or
 - The Authority considers that the undertaking could have the extensive and far reaching effect on environment.

Do you think that a public hearing may be required in this case? If so, what should be topics to be addressed during such a public hearing?

4. According to the EIA regulations, during review:
 - the Authority shall start to disclose the ESIA to relevant stakeholders and interested parties for comments within five working days.
 - The stakeholders and interested parties shall submit their written comments within fourteen working days from the date of issuing the ESIA report.
 - The affected community of the project area shall be present during site visit.

Have these requirements been met?

5. Chapter 8 of the ESIA speaks about 'Analysis of project alternatives' for some key issues that were identified as a result of community consultations. For each issue, a proposed alternative is described, as well as another suggested alternative(s).

In Chapter 17, Conclusions, it is stated that:

the project proponent has committed to initiate a process of continuous analysis of project alternatives including:

- *Design alternative,*
- *Material and Equipment Alternatives,*

- *Excavation and Reclamation Alternatives*
- *Impoundment alternative,*
- *Possibility of reducing the size of the impact area by withdrawing away from the deeper zone approaching the reef crest and slope and therefore avoiding direct contact with coral reef ecosystems and marine wildlife (Sea Turtles, Dolphins, etc).*
- *Livelihoods Alternatives.*

And:

‘ The developer is committed to developing and maintaining suitable management, maintenance and monitoring systems, and implement socio-economic based mitigation measures in the project area through inter-institutional collaboration with the Government authorities, consultations with the local population, other users of the area and various scientific and research holders involved in marine and coastal environment management and monitoring.’

So apparently project alternatives are still being considered: Do you think stakeholder consultation would be required on this issue? If so, who is responsible and how can this be guaranteed?

Annex:

In seeking the views of the public following the approval of the project brief, the developer or proponent shall:

- a. Publicize the project and its anticipated effects and benefits by:
 - posting posters in strategic public places in the vicinity of the site of the proposed projects informing the affected parties and communities of the proposed projects;
 - publishing a notice on the proposed projects for two successive weeks in a newspaper that has a national wide circulation; and
 - making an announcement of the notice involves Kiswahili and English language in a radio with a national wide coverage for at least once a week for 2 consecutive weeks.
- b. Hold, where appropriate, public meetings with the affected parties and communities to explain the project and its affects, and to receive their oral and written comments;
- c. Ensure that appropriate notices are sent out at least one week prior to the meeting and that the venue and time of the meeting are convenient for the affected communities and the other concerned parties;
- d. Ensure, in consultation with the Authority, that a suitable qualified coordinator is appointed to receive and record both oral and written comments and any translation of it as received during the public meetings for own word transmission to the Authority.

Annex 10: Review meeting (20 members present) on Amber resort ESIA

The meeting started by an introduction by Mr. Sheha on the purpose of the review. Members were asked to give their general comments, this took almost 1 hour. After that, members were given the review form they had to fill in. Mr Sheha once more explained the purpose of the review form:

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

Participants were allowed another hour to fill in the form. After that Mr. Sheha added all the scores in an excel sheet. The overall score was 71, which falls into the category: B. (71% – 80%) Good, only minor omissions and inadequacies. However, in the forms themselves, participants made many comments (Farhat explains that this happens more often, the scores are often higher than could be expected based upon the comments). Next step will be that ZEMA will write a letter to the proponent (of which the review members will receive a copy), indicating that the proponent has to provide additional information regarding the missing information. For this there is 3 weeks available.

After that, the Authority will check whether comments have been adequately addressed, this

will not be checked anymore by the review team. If the proponent has then met the requirement, the Environmental Certificate can be issued.

In the new regulations, some issues are new:

- e.g. that the quorum of review members being present at the review meeting should be 66%;
- also the possibility will be introduced to involve (an) external expert(s), especially for the high impact and controversial projects. Also because those ESIA's are usually very bulky and members may not have the time to read everything;
- also there should be a provision on conflict of interest: a review member cannot be part of the team if he or she or a family member is involved in the ESIA or project itself.