

UNEP-GEF WIO-LaB PROJECT

ADDRESSING LAND BASED ACTIVITIES IN THE WESTERN INDIAN OCEAN



**REGIONAL TASK FORCE ON THE DEVELOPMENT OF REGIONAL
GUIDELINES FOR ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

The Report of the Second Regional Workshop

Zanzibar, Tanzania 29th -30th January 2007

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Cover illustration: Discharge of raw sewage

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EXECUTIVE SUMMARY

The 2nd Workshop of the Regional Task Force/Working Group on the Environmental Impact Assessment (EIA) was held at Mazsons Hotel in Zanzibar, United Republic of Tanzania in the period 29-30th January 2007. The meeting was attended by 24 Environmental Impact Assessment (EIA) experts/practitioners in countries that are participating in the implementation of the WIO-LaB Project, namely Kenya, Tanzania, Mozambique, South Africa, Madagascar, Seychelles, Comoros and Mauritius. The meeting was officially opened by the Minister of Environment, Zanzibar and was attended by senior officials of the Department of Environment, Zanzibar including the National Environment Management Council (NEMC).

The main goal of the meeting was to discuss the progress made in the implementation of the EIA Component of the WIO-LaB Project, particularly with regard to the following;

- (a) Drafting/finalization of the Regional Guidelines for EIA in the transboundary context.
- (b) Drafting/finalization of the Regional Reports on policy, regulatory and institutional frameworks with regard to Environmental Impact Assessment (EIA) in the WIO Region.
- (c) Establishment of Strategies for the domestication of Regional EIA Guidelines in participating countries.
- (d) Drafting/finalization of the Revision of Article 13 (Environmental Impact Assessment) of the Nairobi Convention, including Clauses to the related Protocol on Land-Based Sources and Activities (LBS/A), and finally,
- (e) Review of the Work plan for the EIA Task Force for the calendar year 2007.

The accomplishment of the above are in tandem with the requirements of UNEP/Nairobi Convention that call for the contracting parties to establish appropriate approaches for the assessment of environmental impacts. This call is further expounded in the new Land-based Sources/Activities (LBS/A) protocol of the Nairobi Convention, that contains detailed provisions on the application of environmental impact assessment within the convention area.

The 2nd Regional meeting reviewed the outputs of the Regional EIA Consultant, in particular the (a) Regional EIA Guidelines for transboundary environmental assessment; (b) Regional Report on the commonalities and approaches in EIA in the WIO Region and (c) the draft Article 13 on EIA of the Nairobi Convention.

The Task Force provided useful suggestions and recommendations for the finalization of the Guidelines as well as the regional reports (see decisions and recommendations of the meeting in the following section). The delegates also reviewed and endorsed the work plan for the year 2007.

RESUME ANALYTIQUE

Le 2ème Atelier de travail du Groupe de travail sur l'Evaluation de l'impact environnemental (EIE) s'est tenu dans l'hôtel Mazsons à Zanzibar en République-Unie de Tanzanie les 29 et 30 janvier 2007. Vingt-quatre experts/praticiens EIE provenant de pays participant à la mise en œuvre du Projet WIO-LaB y ont assisté, à savoir le Kenya, la Tanzanie, le Mozambique, l'Afrique du Sud, Madagascar, les Seychelles, les Comores et Maurice. La réunion a été officiellement ouverte par le Ministre de l'Environnement de Zanzibar et des responsables du Département de l'Environnement de Zanzibar, qui comprend le Conseil national de gestion de l'environnement (NEMC), y ont également assisté.

L'objectif majeur de cette réunion était de débattre de l'état d'avancement de la mise en œuvre de la composante EIE du Projet WIO-LaB et plus particulièrement en ce qui concerne les points suivants :

- (a) Rédaction/finalisation des lignes directrices régionales pour l'EIE dans le contexte transfrontalier.
- (b) Rédaction/finalisation des rapports régionaux sur les cadres politiques, réglementaires et institutionnels en matière d'EIE dans la région de l'océan Indien Occidental.
- (c) Etablissement de stratégies pour la transposition nationale des lignes directrices EIE régionales dans les pays participants.
- (d) Rédaction/finalisation de la Révision de l'Article 13 (EIE) de la Convention de Nairobi, y compris les clauses relatives au Protocole sur les Activités et sources de pollution terrestres (LBS/A).
- (e) Révision du Plan de travail pour le Groupe de travail EIE pour l'année calendaire 2007.

La réalisation de ce qui précède répond aux conditions de la Convention de Nairobi/PNUE qui requiert des parties contractantes qu'elles établissent des approches appropriées pour l'évaluation de l'impact environnemental. Cette requête est davantage appuyée par le Protocole sur les Activités et sources de pollution terrestres (LBS/A) qui prévoit des dispositions détaillées en matière d'application de l'évaluation de l'impact environnemental au sein de la région couverte par la Convention.

La Deuxième réunion régionale a examiné les produits apportés par le Consultant EIE régional et plus particulièrement (a) les Lignes directrices EIE régionales pour l'évaluation environnementale transfrontalière ; (b) le Rapport régional sur les points communs et approches en matière d'EIE dans la région de l'OIO ; et (c) l'avant-projet de l'Article 13 de la Convention de Nairobi portant sur l'EIE.

Le Groupe de travail a émis des suggestions et émis des recommandations utiles pour la finalisation des lignes directrices et des rapports régionaux (voir les décisions et recommandations de la réunion au point suivant). Les délégués ont également passé en revue et approuvé le Plan de travail pour l'année 2007.

DECISIONS AND RECOMMENDATIONS OF THE SECOND MEETING OF THE REGIONAL TASK FORCE ON ENVIRONMENTAL IMPACT ASSESSMENT ¹

The Second meeting of the Environmental Impact Assessment Regional Working Group/Task Force meeting held in Zanzibar, Tanzania in the period 29th-30th January 2007, elected Tanzania as the Chair of the meeting and Kenya as the Rapporteur and made the following decisions and recommendations:

1. The Regional Task Force reviewed and endorsed the draft EA Guidelines for the assessment of transboundary environmental problems in the WIO region, and made specific recommendations for the finalization of the same.
2. The Regional Task Force reviewed policy, regulatory and institutional frameworks with regard to EA in the WIO region and highlighted strengths and weaknesses in each of the participating countries, to guide in the finalization of the Regional Report.
3. The Regional Task Force noted that there was a major weakness in the understanding and application of Strategic Environmental Assessment (SEA) processes and called for the building of capacity in participating countries.
4. The Regional Task Force deliberated on the various strategies and approaches for the domestication of EA Regional Guidelines for the assessment of transboundary environmental problems in the WIO region and recommended that lead National institutions put in place mechanisms for the initiation of the domestication processes.
5. The Regional Task Force reviewed the revised Article 13 (Environmental Assessment and Audit) of the UNEP/ Nairobi Convention and made specific recommendations for its finalization by the Legal Task Force.
6. The Regional Task Force reviewed and endorsed the EIA Task Force work plan for the calendar year 2007 and called for expeditious implementation and finalization of pending activities.
7. The Regional Task Force commended the WIO-LaB Project and the Regional EIA Consultant for the draft outputs presented at the Zanzibar meeting and called for expeditious finalization of the outputs.
8. The Regional Task Force recommended that the Regional Report and EA Guidelines documents be submitted to participating countries in order to facilitate national level validation. It was suggested that the National level validation process be facilitated by the National Focal Points using the appropriate national mechanisms.
9. The Regional Task Force recommended that the participating countries initiate the process of exploring mechanisms for the long-term domestication of the EIA Guidelines using appropriate national mechanisms and within the framework of UNEP/Nairobi Convention.

¹ EIA in this context refers both project and strategic level assessment

DECISIONS ET RECOMMANDATIONS DE LA DEUXIEME REUNION DU GROUPE DE TRAVAIL REGIONAL SUR L'EVALUATION DE L'IMPACT ENVIRONNEMENTAL

La Deuxième réunion du Groupe de travail sur l'Évaluation de l'impact environnemental, tenue à Zanzibar en Tanzanie les 29 et 30 janvier 2007, a élu la Tanzanie en tant que Présidente de la réunion et le Kenya comme Rapporteur. Elle a pris les décisions et émis les recommandations suivantes :

1. Le Groupe de travail régional a examiné et approuvé l'avant-projet des Lignes directrices EIE dans le cadre de l'évaluation des problèmes environnementaux transfrontaliers dans la région de l'OIO et a émis des recommandations particulières en ce qui concerne la finalisation dudit avant-projet.
2. Le Groupe de travail régional a examiné les cadres politiques, réglementaires et institutionnels en matière d'EIE dans la région de l'OIO et a souligné les avantages et les inconvénients en la matière dans chacun des pays participants afin d'appuyer et de faciliter le travail de finalisation du Rapport régional.
3. Le Groupe de travail régional a pris bonne note du fait qu'il y a une lacune majeure au niveau de la compréhension et l'application des processus d'Évaluation environnementale stratégique (EES) et a demandé le renforcement des capacités dans les pays participants.
4. Le Groupe de travail régional a délibéré sur les diverses stratégies et approches de transposition nationale des Lignes directrices EIE régionales pour l'évaluation des problèmes environnementaux transfrontaliers dans la région de l'OIO. Il a aussi recommandé que les institutions nationales chefs de file mettent en place des mécanismes pour le lancement des processus de transposition nationale.
5. Le Groupe de travail régional a examiné l'Article 13 (Évaluation et audit environnemental) révisé de la Convention de Nairobi/PNUE et a émis des recommandations spécifiques pour sa finalisation par le Groupe de révision juridique et technique.
6. Le Groupe de travail régional a examiné et approuvé le Plan de travail du Groupe de travail EIE pour l'année calendaire 2007 et a demandé la mise en œuvre et la finalisation rapides des activités en cours.
7. Le Groupe de travail régional a loué le Projet WIO-LaB et le Consultant EIE régional pour l'avant-projet des produits présentés lors de la réunion à Zanzibar et en a demandé la finalisation rapide.
8. Le Groupe de travail régional a recommandé que les documents du Rapport régional et des Lignes directrices EIE soient soumises aux pays participants afin d'en faciliter la validation au niveau national. Il a été suggéré que le processus de validation au niveau national soit facilité par les points focaux nationaux à travers des mécanismes nationaux adéquats.
9. Le Groupe de travail régional a recommandé que les pays participants lancent le processus d'exploration des mécanismes pour la transposition nationale à long terme

des Lignes directrices EIE à travers des mécanismes nationaux appropriés et dans le cadre de la Convention de Nairobi/PNUE.

1. OPENING OF THE MEETING

1.1 The meeting was called to order by Ms. Melania Sangeu who is a Senior Environment Management Officer at the National Environment Management Council (NEMC) of Tanzania. Ms. Sangeu also welcomed the participants (see List of Participants in Annex 2/document UNEP/GEF/WIO-LaB/EIA.2/2) to Tanzania.

1.1 Remarks by the UNEP-GEF WIO-LaB Project Manager

1.1.1 Dr. Peter Scheren, the UNEP-GEF WIO-LaB Project Manager, after welcoming the delegates to the 2nd meeting of the EIA Regional Task Force, highlighted the common problems and key threats to the marine and coastal environment in the WIO Region such as water pollution and human modifications/alterations of coastal habitats that are crucial for supporting the marine fisheries.

1.1.2 Dr. Scheren briefed the Task Force on the three objectives of the WIO-LaB project including the main components, namely (1) Water and Sediment Quality, (2) Municipal Wastewater Management (MWWM), (3) Physical Alteration and Destruction of Habitats (PADH), (4) Legal and Technical Review, (5) Environmental Impact Assessment (EIA), (6) National Programmes of Action (NPAs), (7) Integrated Coastal Area and River Basin Management (ICARM), (8) Regional Coordination, (9) Training and Education Programmes focused on Land-based activities, (10) Stakeholder Involvement, (11) Transboundary Diagnostic Analysis (TDA)/Strategic Action Programme (SAP) and (12) Small Grants Programme.

1.1.3 Dr. Scheren also briefed the meeting on the activities that the UNEP-GEF WIO-LaB Project was undertaking in Tanzania. These included (1) the National water and sediment quality monitoring programme coordinated by the Institute of Marine Sciences (IMS); (2) Wastewater management demonstration project in Pemba coordinated by the Department of Environment and (3) the demonstration project on the application of vetiver grass to control leaching and erosion from a landfill in Msimbazi Creek, Dar es Salaam coordinated by NEMC.

1.1.4 Dr. Scheren also briefed the meeting on the status of implementation of the Environmental Impact Assessment (EIA) Task Force activities that were agreed during the inception meeting held in Maputo, Mozambique in 2006.

1.2 Remarks by the Director-General of NEMC

1.2.1 Mr. Frederick Rugiga who is the Principal Environmental Management Officer at the National Environment Management Council of Tanzania (NEMC), read an official speech on behalf the Director General of the NEMC, Eng. Bonventure Baya who could not officiate the opening ceremony due to other obligations (Eng. Baya joined the Task Force during the second day).

1.2.2 Eng. Baya in his speech welcomed all the delegates to the second meeting of the Regional Task Force on Environmental Impact Assessment. He noted that resources of the

marine and coastal environment in the WIO Region have high ecological and economical values and they need to be conserved through sustainable use. Eng. Baya further observed that EIA is an important tool for sustainable development since it ensures that the benefit associated with the use of natural resources are achieved without compromising their potential to meet future needs and the carrying capacity of the environment.

1.2.3 Eng. Baya further noted that EIA policies and procedures in the WIO countries vary in terms of their objectives, range of application, scoping techniques, impact assessment criteria, accuracy of evaluation, validity of prediction, post-project monitoring capabilities, and enforcement. He noted that a country with a more stringent environmental regime may suffer economically, as foreign investment and some of the domestic industries move to countries with less stringent environmental requirements. In this regard, he observed that the harmonization of EIA policies across the WIO region was crucial.

1.2.4 Eng. Baya further noted that regional ecological interdependency calls for cooperation in the management of shared ecosystems including harmonization of policies and regulations for sustainable and integrated management of shared natural resources and ecosystems. He observed that it was in view of this recognition that the second regional meeting of EIA Task Force would thoroughly consider and discuss the draft regional report on existing EIA policy, regulatory and institutional frameworks in the WIO-LaB Region.

1.2.5 Eng. Baya informed the meeting that according to the principles of EIA, a national regulatory regime for EIA would constitute several elements. The first element is the requirement of EIA in respect of activities likely to have a significant impact on natural resources and the environment. Another is the criteria and procedure for determining which activities require EIA. Important also are the institutional arrangements through which a designated authority to administer the EIA process is established and empowered at national level. He further observed that it would be necessary for the Task Force to consider and discuss appropriate regional institutional arrangements for the WIO Region. Mr. Baya noted that other elements in the EIA regime that need to be discussed include communication procedures, format and requirement of EIA reports, review of EIA, public participation, decision making process, appeals from decisions made by authorized bodies, transboundary impacts and continuing monitoring.

1.2.6 Eng. Baya further noted that potential transboundary environmental effect caused by a an activity, originating totally or partially, within the borders of another country should be dealt with through transboundary environmental impact assessments rather than each country implementing its EIA policy according to its own national frameworks.

1.2.7 Eng. Baya noted that the process of securing a harmonized EIA should start with a general review of the national EIA philosophy, legal and administrative frameworks, set of environmental regulations, standards and guidelines; human, technical and financial capacities; economic tools and measures; and the practical aspects of implementing EIAs in each country. He observed that the groundwork to this effect had been set under the auspices of the WIO-LaB Project and the draft Regional EIA Guidelines on the assessment of transboundary problems that was ready for consideration and discussion in this meeting, attested to the fact.

1.2.8 Eng. Baya noted that there were many benefits of having harmonized EIA Guidelines. However, he noted that there were also some challenges. He also noted that once

agreed, the Regional EIA Guidelines should work within the context of each country's existing EIA system. He also suggested that strategies for domestication of the Regional Guidelines must be critically looked into for smooth and harmonized implementation of the regional guidelines at national levels.

1.2.9 Eng. Baya finally thanked UNEP and GEF for their financial support through the WIO-LaB Project. He also thanked WIO-LaB Project for organizing the meeting. He also expressed sincere thanks to the Government of Zanzibar for accepting to host the meeting.

1.3 Official opening by the Minister of Environment, Zanzibar.

1.3.1 The Guest of honour, Mr. Burhani Saadat, the Minister of Environment, Zanzibar, on behalf of the Government and the people of Tanzania, welcomed delegates to Tanzania and particularly to Zanzibar and hoped that their stay in Zanzibar Island would be enjoyable.

1.3.2 Mr. Saadat noted that countries in the WIO Region had common endowments and opportunities including important marine fisheries resources, which were traditionally exploited by artisanal fisheries. He observed that these resources were the mainstay of the coastal people and continue to be essential resource for their livelihood. He also observed that coastal tourism was increasingly becoming popular and was one of the major foreign exchange earners in the region.

1.3.3 Mr. Saadat noted that the WIO region also experienced similar environmental challenges that were related to land-based activities. Noting that most of the coastal zone was arid and supported a large and growing population, he observed that human related pressures were a result of over-fishing and fishery activities related damage including urbanization, pollution from agriculture and industry, and tourism developments. Noting further that tourism developments tend to be poorly controlled in the WIO Region, he observed that this had contributed to reef deterioration, pollution, inappropriate construction of sea defenses and a consequent loss of natural aesthetic value of the coast. He observed that loss of biodiversity, habitat degradation and modification of mangroves and coral reef ecosystems are major concerns in the WIO Region, in addition to physical shoreline change caused by natural as well as human pressures.

1.3.4 Mr. Saadat noted that EIA was a sustainable development tool for making environmentally sensitive decisions that balanced between short term economic development and the long term environmental sustainability. He commended the UNEP-GEF WIO-LaB Project initiative noting that its focus on addressing major environmental problems related to land-based activities in the WIO Region was important.

1.3.5 Mr. Saadat noted the fact that WIO countries had similar challenges with regard to environmental management called for common approaches in addressing them. He observed that most countries also had environmental impacts that did not respect administrative boundaries and that could not be addressed adequately through the varied EIA approaches and/or regulations that were applied in individual countries. He observed that there was a need for common approaches for dealing with specific transboundary environmental problems. He also further noted that land-based activities impacting the coastal and marine resources called for development of regional framework and mechanisms for dealing with transboundary environmental impacts in the WIO Region.

1.3.6 Mr. Saadat recalled that the inception meeting of the EIA Task Force that was held in Maputo in 2006 called for development of regional framework and mechanisms for dealing with transboundary environmental problems in order to ensure better protection and management of the coastal and marine environment in the Western Indian Ocean Region. Noting that it was a good beginning, he was glad to hear that the Regional EIA Guidelines for the assessment of transboundary problems had been drafted and would be presented in the meeting for consideration and discussion.

1.3.7 Mr. Saadat advised that good guidelines that cannot be implemented are as good as not having them. He noted that there must be appropriate policy, legal and institutional frameworks that were conducive for implementation of the guidelines. Noting that he was informed that a regional report on the EIA policy, regulatory and institutional frameworks in the WIO Region had also been drafted for consideration in the meeting, he noted that it was quite important because common guidelines and approaches require common frameworks for smooth implementation.

1.3.8 Mr. Saadat noted that domestication of the Regional EIA Guidelines was necessary if they were to serve useful purpose in the individual countries that were party to the Nairobi Convention.

1.3.9 Mr. Saadat concluded his speech by thanking UNEP-GEF for the financial support in the implementation of the WIO-LaB project as well as the facilitation of the meeting. He also thanked WIO-LaB Project management for choosing Zanzibar as a venue for second meeting of the EIA Task Force. Mr. Saadat finally, wished the delegates successful and fruitful deliberations in the meeting and declared the meeting officially opened.

1.3.10 Following the speech made by the Minister, Mr. Juma Alawi of the Department of Environment, Zanzibar, gave a vote of thanks on behalf of the participants. He thanked the Minister for finding time to officially open the meeting. He also expressed appreciation to the opportunity given to Zanzibar to host the present WIO-LaB Project meeting.

2. ORGANIZATION OF THE MEETING AND ELECTION OF OFFICERS

2.1 Ms. Melania Sangeu brought to the attention of the delegates the need for the EIA Task Force to elect a Chairperson and the Rapporteur of the meeting. The delegates were requested to propose names for the two positions.

2.2 Kenya nominated Tanzania, the host country for the post of the Chairperson. This nomination was seconded by Mauritius and was unanimously accepted by the delegates. The proposal was finally duly accepted by Tanzania and Mr. Hamza Z. Rijal, who is a Senior Ecologist at the Department of Environment, Zanzibar and also the Focal Point of Land and Environment Management Project in Zanzibar, accepted to Chair the meeting on behalf of the United Republic of Tanzania.

2.3 For the position of the Rapporteur, Kenya was nominated and unanimously accepted by the delegates. The representatives of Kenya accepted the election on behalf of the Republic of Kenya. The Rapporteur took note of the key decisions and recommendations of the meeting and worked in close liaison with the UNEP/WIO-LaB Project Secretariat that prepared this detailed report of the meeting.

2.4 The Chair, Mr. Hamza Z. Rijal in his acceptance speech, briefed the delegates on the history of the Department of Environment, Zanzibar. He noted that the Department was the first in Tanzania to prepare a National Environmental Policy in 1995. He also hinted that main environmental concern in Zanzibar at present was solid waste management.

3. CONSIDERATION AND ADOPTION OF THE AGENDA

3.1 The elected Chairperson of the Regional Task Force on Environmental Impact Assessment, Mr. Hamza Z. Rijal introduced the provisional agenda that was prepared by the WIO-LaB Project Management Unit. He took the delegates through each of the agenda items and requested the members of the Task Force to suggest any amendments where necessary.

3.2 Following deliberations, the provisional agenda was accepted without amendments and the same is presented in this report as background document UNEP/GEF/WIO-LaB/EIA.2/1.

4. CONSIDERATION AND DISCUSSIONS ON THE DRAFT REGIONAL EIA GUIDELINES FOR THE ASSESSMENT OF TRANSBOUNDARY PROBLEMS

4.1 The Chair introduced the above mentioned agenda item and invited the Regional EIA Consultant, Dr. Peter Tarr to lead the discussions on the preparation of the EIA Regional Guidelines for transboundary assessment. Dr. Peter Tarr, recalling the objectives of the WIO-LaB Project, presented the draft EIA Regional Guidelines for the assessment of transboundary problems. He highlighted in particular the contents of the draft report that had also been circulated to the delegates in advance for their information.

4.2 Dr. Tarr reminded the delegates about the tasks he was supposed to accomplish. He also briefed the meeting on the process to be followed during group discussions. With regard to his obligations, he noted that he was supposed to; (1) Guide the EIA Task Force in the review of policies, regulations, procedures, institutions, (2) Review EIA frameworks in participating countries with the assistance of the members of the EIA Task Force, (3) Review literature about WIO region and finally (4) Review international literature with regard to EIA.

4.3 Dr. Tarr also briefed the meeting on the products he was supposed to deliver, namely; (a) Regional report on existing EIA approaches and frameworks in the WIO region (30% done); (b) Regional EIA Guidelines (2nd draft done) and (c) revision of Article 13 on EIA (1st draft done).

4.4 Dr. Tarr requested the delegates to critically review the draft Regional EIA Guidelines and provide their honest opinion on their suitability in both form and content.

4.5 Following the above briefing by the Regional Consultant and short preliminary general discussions, the delegates broke into four groups to discuss/review the Regional EIA Guidelines. The reviews focussed on the four main sections/chapters of the Regional EIA Guidelines. Group 1 – reviewed Section B; Group 2 – reviewed Section C; Group 3 – reviewed Section D; and Group 4 – reviewed Section E. During Group discussions the delegates were requested to accomplish the following tasks;

- a. Identify major gaps in the draft Regional Guidelines.
- b. Identify unnecessary information in the draft Regional Guidelines, and,
- c. Highlight any mistakes/incorrect statements in the draft Regional Guidelines.

4.6 The Group discussions lasted about one (1) hour after which, during the plenary session, the Rapporteurs of each Group made detailed presentations on the outcomes of their group discussions.

4.7 Following the presentations of the outcomes of Group discussions and following extensive deliberations of the draft EIA Guidelines during the plenary session, the EIA Task Force endorsed the draft and recommended further updating of the EIA Guidelines based on the detailed reviews made by the EIA Task Force during the meeting.

4.8 It was further agreed that the Final version of the EIA Regional Guidelines would further be reviewed by the EIA Regional Task Force during its next meeting.

5. CONSIDERATION AND DISCUSSIONS ON THE DRAFT REGIONAL REPORT ON POLICY, REGULATORY AND INSTITUTIONAL FRAMEWORKS WITH REGARD TO EIA IN THE WIO REGION

5.1 The Chair introduced the above mentioned agenda item and requested Dr. Peter Tarr, the Regional EIA Consultant to lead the Task Force in discussing the above agenda item.

5.2 Dr. Peter Tarr reminded the Task Force on the Terms of Reference related to the preparation of the Regional Report on existing policy, regulatory and institutional frameworks. He also reminded the members of the Task Force on the specific tasks he was expected to accomplish with regard to the preparation of this Regional Report. These included preparation of an overview on (a) the existing procedures, policies, laws and institutions; (b) identification of weaknesses and (c) recommended changes both for local issues and transboundary considerations.

5.3 Dr. Tarr presented the structure of the regional report highlighting the key sections, namely; (a) National visions per country; (b) Overview of EIA legislation per country; (c) Recommendations for improvements of EIA laws; (d) Overview of institutional capacity to implement EIA in each country; (e) Overview of private and civil society capacity per country; and (f) Conclusion per country.

5.4 In order to facilitate deliberations on the draft Regional Report and provide information that would enable the Regional Consultant to prepare the updated version of the report, it was decided that the Task Force break into small country interrogation groups in order to facilitate detailed discussions. The country interrogation groups were set as follows: (1) Comoros-Seychelles; (2) Mauritius-Madagascar; (3) Kenya-Tanzania; and (4) Mozambique-South Africa. The representatives of each of the participating countries were requested to interrogate their colleagues with a view of identifying the following:

- a. Major strengths and weaknesses of policy and legal framework in the country.
- b. Major strengths and weaknesses of government, private sector and civil society institutions in the country.
- c. Five (5) most serious challenges regarding EIA practice in the country.

- d. List of three (3) capacity building priorities in the country.

5.5 Following above mentioned Group Discussions, the representatives of each of the participating countries made presentation on the outcomes of their interrogation of their partner country EIA processes with special focus on the issues highlighted above.

6. DISCUSSIONS ON STRATEGIES FOR THE DOMESTICATION OF THE REGIONAL EIA GUIDELINES

6.1 The Chair introduced the above mentioned agenda item and requested the WIO-LaB Project Manager to provide a short brief on the key issues that were to be deliberated under this agenda item. The purpose of these discussions was to propose ways that WIO countries can better implement EIA so as to reduce transboundary impacts.

6.2 Dr. Peter Scheren led the Task Force in discussing the following: (a) National review processes, (b) presentation of the final Regional Report (appearance/package), (c) domestication process/strategies, (d) planning and (e) capacity building needs.

6.3 With regard to National review, it was agreed that the Regional Report as well as the EIA Regional Guidelines should be submitted to the participating countries in order to facilitate national level consultations and validation of the document. This process would be coordinated by the National Focal Points who would also be expected to collate opinions and provide feedback to UNEP-GEF WIO-LaB Project and the EIA Consultant.

6.4 With regard to the packaging of the Regional Report and the EIA Regional Guidelines, it was agreed that the documents should be neatly presented in both hardcopy as well as electronic forms. The documents would also need to contain good photographs and be printed on glossy paper. It was also agreed that the documents be distributed as widely as possible through CD ROMS as well as through the Internet. It was also noted that it would be important to produce French and Portuguese versions of the documents in order to serve the interests of French and Portuguese speaking countries that are participating in the WIO-LaB Project.

6.5 With regard to domestication of the EIA Guidelines, it was noted that it would eventually involve adjustment of the legal and institutional frameworks in the participating countries. However, this was noted to be a long-term venture that could not be accomplished within the life of the WIO-LaB Project and in that regard, the activity should be undertaken within the framework of the future Work Programme of Nairobi Convention. However, the importance of sharing the documents with key stakeholders in the WIO Region was emphasised in order to create awareness on the existence of the Guidelines.

6.6 It was noted that there will be a need to establish the compatibility of the Regional EIA Guidelines with the existing EIA laws and institutional frameworks in participating countries. It was also noted that it would be important to ensure that these plans were embedded into the long-term Work programme of UNEP Nairobi Convention.

6.7 With regard to capacity-building, it was agreed that the participating countries should come up with their own capacity-building plans and request UNEP WIO-LaB Project to assist them in looking for funds for the implementation of those plans.

7. REVISION OF ARTICLE 13 (ENVIRONMENTAL IMPACT ASSESSMENT) OF THE NAIROBI CONVENTION, INCLUDING CLAUSES TO THE RELATED PROTOCOL ON LAND-BASED SOURCES AND ACTIVITIES (LBS/A)

7.1 The Chair introduced the above mentioned agenda item and requested Dr. Peter Tarr, the Regional EIA Consultant to lead the Task Force in discussing the agenda item.

7.2 Dr. Peter Tarr presented the draft revised Article 13 of Nairobi Convention that deals with Environmental Assessment and Audit and subsequently requested the Task Force members to critically review each and every section and make suggestions for further improvement of the document.

7.3 The discussions that emanated focused on the use of consistent terminologies in the Nairobi Convention, LBS/A Protocol and EIA Guidelines and Article 13. It was suggested that definitions of the key terms used in the document need to be provided.

7.4 During discussions, there was also a suggestion that EIA and SEA (Strategic Environmental Assessment) should not be regarded to be same since while the output of EIA is an Environmental Management Plan that of Strategic Environmental Assessment (SEA) is normally different. It was also suggested that there was a need to state institutions that would be responsible for implementation of SEA.

7.5 Further discussions with regard to the above led to an agreement that SEA was not a responsibility of governments only, but various actors at national level were also involved. In this regard, it would not be appropriate to assign SEA responsibility to one institution.

8. WORK PLAN FOR THE EIA TASK FORCE FOR THE YEAR 2007

8.1 The Chair introduced the above mentioned agenda item and requested Dr. Peter Scheren, the WIO-LaB Project Manager and Dr. Peter Tarr, the Regional EIA Consultant to lead the Task Force in discussing the agenda item.

8.2 During discussions, it was agreed that there was a need for an official launch of the Regional EIA Guidelines once the same were finalized and approved by the Task Force. It was agreed that the official launch be done either during the forthcoming Conference of the International Association for Impact Assessment (IAIA) or the 5th Conference of Parties to Nairobi Convention (COP-5) that will be held in Cape Town, South Africa in August 2007.

8.3 However, it was noted that before the official launch of the Regional Guidelines, feedback (i.e. Outcome of country level review/validation from participating countries) should be collated by the WIO-LaB Project Management and shared with all the participating countries.

8.4 It was agreed that based on the outcomes of the national validation process, a decision would be made as to whether there will be a need for the Task Force to hold a third Regional Workshop to address pending issues and finalize the Regional EIA Guidelines

before the same is presented to the COP-5 of Nairobi Convention for final adoption by the participating countries.

8.5 There was also an agreement that the national validation process should not take more than forty five (45) days once the updated version of the Regional EIA Guidelines were sent to the participating countries by the WIO-LaB Project Management Unit. The National Focal Points in close liaison with the members of the EIA Task Force will be expected to spearhead the national validation process and report back to the Project Management Unit.

9. ADOPTION OF THE DECISIONS AND RECOMMENDATIONS OF THE MEETING

9.1 The Chair introduced the above agenda item and invited the Rapporteur to present the decisions and recommendations of the Regional EIA Task Force.

9.2 The Rapporteur, Ms. Salome Machua, Environment Management Officer at the Kenya National Environment Management Authority (NEMA), Coastal, Marine and Freshwater sub-Department, took the members of the Task Force through the draft decisions and recommendations of the Task Force prepared by the Secretariat (WIO-LaB Project Management Unit) in close liaison with the Rapporteur.

9.2 The Task Force deliberated on the draft decisions and recommendations and adopted them with amendments. The final updated versions of the decisions and recommendations are presented in this Report (see appropriate section on the Decisions and Recommendations of the second EIA Regional meeting).

9.3 The Secretariat furnished the electronic versions of the Decisions and Recommendations of the meeting to the members of the Task Force, who requested them in order to facilitate reporting in their countries.

10. ADMINISTRATIVE MATTERS AND ANY OTHER BUSINESS

10.1 Mr. Hamza Z. Rijal, the Chair thanked the WIO-LaB Project Management for the efficient organization of the meeting. He also thanked the local secretariat led by the National Environment Management Council (NEMC) of Tanzania.

10.2 On behalf of the Department of Environment, Zanzibar, the Chair expressed appreciation of the Department of Environment, Zanzibar for having been given the opportunity of chairing and hosting the meeting in Zanzibar.

11. CLOSURE OF THE MEETING

11.1 There being no other business, the Chair declared the meeting officially closed at 3.25 p.m. on Tuesday 30th January 2007.

ANNEX 1: AGENDA OF THE MEETING

**WIO-LaB Project Regional Task Force on the Development of Regional Guidelines for
Environmental Impact Assessment (EIA)**
Zanzibar, Tanzania 29th -30th January 2007

AGENDA

1. Opening of the meeting.
 - Welcome remarks by the Project Manager, UNEP-GEF WIO-LaB Project.
 - Welcome remarks by the officials of the host institution
 - Official opening by the representative of the Government of the host country.
2. Organization of the meeting and election of officers (Chair and Rapporteur).
3. Consideration and adoption of the provisional Agenda.
4. Consideration and discussions on the draft EIA Regional Guidelines for the assessment of transboundary problems.
5. Consideration and discussions on the draft regional report on policy, regulatory and institutional frameworks with regard to EIA in the WIO Region.
6. Discussions on the strategies for the domestication of EIA Regional Guidelines.
7. Revision of Article 13 (Environmental Impact Assessment) of the Nairobi Convention, including Clauses to the related Protocol on Land-Based Sources and Activities.
8. Work plan for the EIA Task Force for the calendar year 2007.
9. Adoption of the Decisions and Recommendations of the meeting.
10. Administrative matters and Any Other Business.
11. Closure of the meeting.

ANNEX 2: LIST OF PARTICIPANTS

	Country	Participant
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ANNEX 3: LIST OF DOCUMENTS

LIST OF DOCUMENTS DISTRIBUTED TO THE PARTICIPANTS

Working Documents

UNEP/GEF/WIOLAB/EIA.2/1	Provisional Agenda
UNEP/GEF/WIOLAB/EIA.2/2	Provisional List of Participants
UNEP/GEF/WIOLAB/EIA.2/3	List of Documents
UNEP/GEF/WIOLAB/EIA.2/4	Draft Regional Review Report on EIA approaches in the WIO Region
UNEP/GEF/WIOLAB/EIA.2/5	Draft Regional Guidelines for EIA in the transboundary/cumulative context
UNEP/GEF/WIOLAB/EIA.2/6	Draft revision of Article 13 (Environmental Impact Assessment) of the Nairobi Convention, including Clauses to the related Protocol on Land-Based Sources and Activities
UNEP/GEF/WIOLAB/EIA.2/7	Decisions and recommendations of the inception meeting

Information Documents

UNEP/GEF/WIOLAB/EIA.2/INF.1	News article “Lamu Oil Drilling Worries Marine Bodies”
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