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**Statutory Procedure for Conducting Environmental Impact  
Assessment in Tanzania**

## **Introduction**

The purpose of this paper is to highlight the procedure that has been adopted by the Tanzanian National Environmental Management Council (NEMC) for conducting Environmental Impact Assessment (EIA). EIA is one of the important components in project finance and it must be taken seriously by the sponsors and lenders. If the project has an unacceptable environmental risk, project financing is not the best financing mechanism.

These steps conducting EIA are described for under the Environmental Impact Assessment and Audit Regulations, 2005 ('Regulations'). These Regulations were made under the Environmental Management Act, 2004. EIA is required for all projects that are likely to have significant adverse environmental impacts. The EIA is generally required with a view to determining the scale, extent and significance of the impacts and to identify appropriate mitigation measures. The list of project requiring mandatory EIA include projects in the areas of agriculture, forestry, fisheries, wildlife, energy, petroleum, leather industry, chemical industries, extractive industries (including mining), non-metallic products industries, tourism and recreational development, transport and infrastructure, food and beverage industries, textile industries, building and civil engineering industries, metal and engineering industries, waste treatment and disposal, water supply, land planning and development and wood, paper and pulp industries.

Generally, there are nine steps for conducting EIA which are: project registration and screening; scoping; baseline study; impact assessment ; impact mitigation and enhancement measures; preparation of environmental impact statement; review of environmental impact statement; environmental monitoring and auditing; and, lastly, decommissioning. The aspects covered in each step are as follows:

### **(a) Project Registration and Screening**

The project registration is done through submission of project brief to NEMC in a prescribed form and must contain, among other things, the name of the project proponent (developer or sponsor); proposed project; proposed site; required infrastructure and utilities; environmental impacts and other environmental issues. On receipt of the project brief, NEMC forwards it to other stakeholders for their comments (if any) within twenty one days. Upon expiry of twenty one days, NEMC conducts project screening. The screening criteria involve establishing whether:

1. The project will not substantially use natural resources in a way that pre-empt the use, or potential use, of that resource for any other purpose.
2. Potential residual impacts on the environment are likely to be minor, of little significance and easily mitigated.
3. The type of project's environmental impacts and measures for managing them are well understood in Tanzania.
4. Reliable means exist for ensuring that impact management measures can and will be adequately planned and implemented.
5. The project will not displace significant numbers of people, families or communities.
6. The project is not located in, and will not affect, any environmentally sensitive areas such as national parks; wetlands; productive agricultural land; important archaeological, historical and cultural sites; areas protected under legislation; areas containing rare or/endangered flora or fauna; areas containing unique or outstanding scenery; mountains or developments on or near steep-hill slopes; dry tropical forests (e.g. *Brachystegia* woodlands); development near lakes or its beaches; development providing important resources for vulnerable groups such as fishing communities along the lake-shore; development near high population concentrations or industrial activities where further development could create significant environmental problems; and prime ground water re-charge areas or areas of importance for surface run off of water.
7. The project type will not result in: (a) policy initiatives which may affect the environment such as changes in agricultural pricing subsidies or the tobacco liberation; (b) major changes in land tenure; or (c) changes in water use through irrigation, drainage promotion or dams, changes in fishing practices.
8. The project will not cause: (a) adverse socio-economic impact; (b) land degradation water pollution; (c) water pollution; (d) air pollution; (e) damage to wildlife and habitat; (f) adverse impact on climate and hydrological circle; and (g) creation of by-products, residual or waste minerals which require handling and disposal in a manner that is not regulated by existing authorities.
9. The project will not cause significant public concern because of potential environmental changes. The following are guiding principles: (a) is the impact positive; (b) what is the scale of the impact in terms of area affected numbers of people or wildlife; (c) what is the intensity of the impact; (d) what will be the duration of the impact; (e) will there be cumulative affects from the impact; (f) are the effects politically controversial; (g) have the main economic, ecological and social costs been quantified; (h) will the impact vary by social group or gender ; and (i) is there any international impact due to the proposed project.

10. The project will not necessitate further development which is likely to have significant impact on the environment.

If, after project screening, NEMC finds that the project has no significant impact on the environment, it will approve the project without requiring the developer to undertake EIA. If the council finds that the project will have significant impact on environment and the project report discloses no mitigation measures, NEMC will require the project developer to undertake EIA or undertake preliminary assessment if more information is required in make decision on the screening outcome.

### **(b) Scoping**

If NEMC requests the developer to undertake EIA, the next stage will be scoping. The purpose of scoping is to: (a) identify the main stakeholders that will be negatively or positively impacted by the proposed project; (b) identify stakeholders' main concerns regarding the proposed project; (c) identify main project alternatives; (d) identify likely impacts, data requirements, tool and techniques for impact identification, prediction and evaluation; (e) identify project boundaries in terms of spatial, temporal and institutional aspects; (f) ensuring adequate stakeholder participation in all stages of EIA; and (g) preparation of scoping report and terms of reference for EIA.

### **(c) Baseline Study**

The next stage after scoping is conducting baseline study. The baseline study involves detailed survey of the existing social, economic, physical, ecological, social-cultural and institutional environment within the project boundary and ensuring that adequate stakeholder participation is engaged.

### **(d) Impact Assessment**

Following baseline study, the developer will conduct impact assessment. Impact assessment involves: (a) impact identification, impact prediction and evaluation of impact significance following a variety of appropriate techniques and approaches; (b) ensuring that concerns and views from stakeholders are fully taken into account during assessment of impacts; and (c) assessing all possible alternatives and their impacts and recommending appropriate options.

### **(e) Impact Mitigation and Enhancement Measures**

Impact mitigation and enhancement measures involves preparing mitigation measures for all negative significant impacts, either by elimination, reduction or

to remedy them; (b) preparing enhancement measures for all significant positive effects arising from the project so as to increase the contribution from the project to social development and environmental conservation; (c) preparing mitigation and enhancement plan for all significant negative impacts and positive effects, with details about institutional responsibilities and costs where appropriate; and (d) preparing monitoring plan and environmental and social management plan with details about institutional responsibilities , monitoring framework, parameters, indicators for monitoring and costs for monitoring where appropriate.

#### **(f) Preparation of Environmental Impact Statement**

After conducting impact assessment, the next stage is to prepare impact statement. Preparation of environmental impact statement entails (a) preparing an environmental impact statement adhering to contents outlined in the Regulations; (b) preparation of technical summary in both Kiswahili and English; and (d) and preparation of all technical details which must be appended to the statement.

#### **(g) Review of Environmental Impact Statement**

In this step, NEMC in association with the developer reviews the environmental impact statement with a view to ensuring that its adherence to review criteria and any guidelines that may be issued under the Regulations. NEMC may call for a public hearing and public review of the environmental impact statement in accordance with the conditions and procedures stipulated under the Regulations. Having done that NEMC submits a review report to the Minister responsible for environment with recommendations and all documents used in the review for approval.

#### **(h) Environmental Monitoring and Auditing**

In this stage, NEMC conducts environmental monitoring in order to evaluate the performance of the mitigation measures specified in the environmental and social management plan as well as monitoring plan. The monitoring process involves:

- Verification of impacts, adherence to approved plans, environmental standards and general compliance of the terms and conditions set out in the EIA certificate;
- Undertaking by the developer to monitor the implementation of the project to ensure that mitigation measures are effective;

- Collecting of data that can be used in future projects and for environmental management;
- Undertaking by NEMC and the project developer to carry out project environmental audit;
- Putting in place mechanisms for stakeholder participation during monitoring and auditing process (which must be defined and followed); and
- Defining areas of focus in audit exercise which normally includes (i) implementation/enforcement audit, which takes place when NEMC verifies if mitigation measures and pollution levels are within limits; (ii) performance/regulatory audit that entails identification of compliance to relevant legislation or safety standards; (iii) impact prediction audit (which checks the accuracy and efficacy of the impact prediction by comparing them with monitored impacts); (iv) collection and compilation by NEMC of information arising from auditing for future use; and (v) collection of data by the developer from auditing and compiling information for project management and also for submission to NEMC.

#### **(i) Decommissioning**

This is the last stage which happens at the end of the project life. The decommissioning report must be prepared either as part of the environmental impact statement or separately, indicating how impacts will be dealt with, including costs of mitigation measures. The decommissioning report must ensure that issues such as welfare of workers, resource users as well as their general livelihood are not worse off as a result of the decommissioning. The developer must undertake to perform decommissioning obligations as per the proposals stipulated in the environmental impact statement. NEMC continues to monitor implementation of decommissioning plan, including rehabilitation of the land and other resources that were affected by the project.

#### **Conclusion**

As pointed out above, the EIA is a major component in project financing and for the past two years the Government of Tanzania has been putting unprecedented emphasis on environmental protection. The key environmental legislation is Environmental Management Act, 2004 which is very detailed.

The procedure outlined in this paper is not exhaustive and may change without notice. Before relying on anything contained in this article, you are advised to seek legal advice. This paper has been prepared by Ngassa Dindi who is a Partner at Lawcastles, Advocates. To contact Ngassa, please email him: [ngassa.dindi@lawcastles.com](mailto:ngassa.dindi@lawcastles.com)