



EIA Process in the Region: a Practitioner's Perspective

Workshop on Unlocking Biodiversity Data from EIAs

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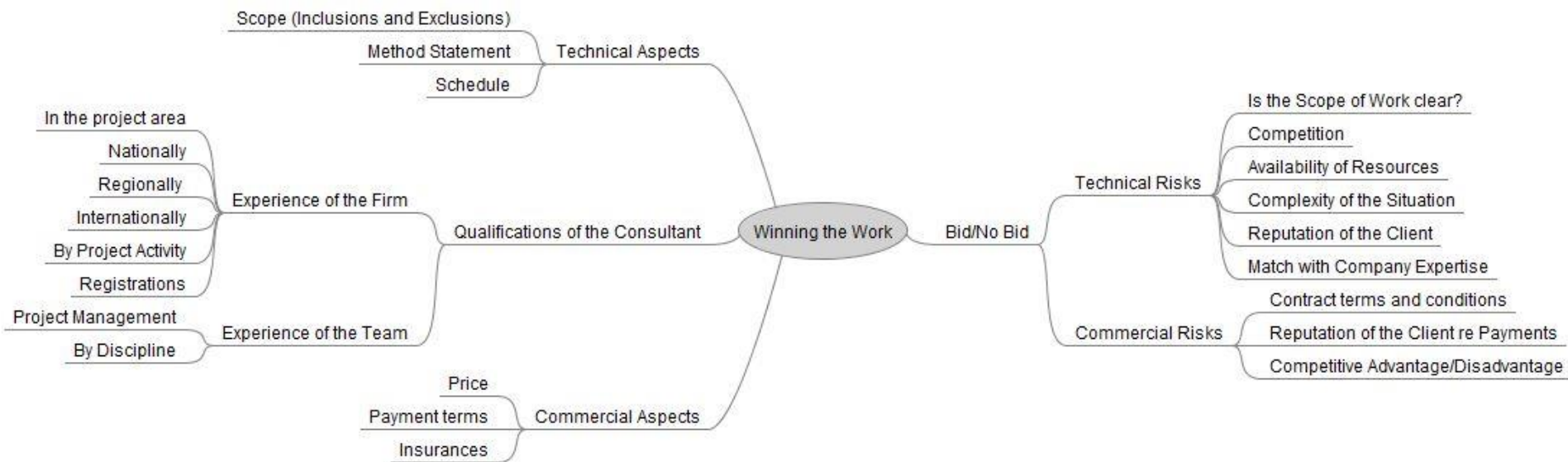


City Seasons Hotel, Muscat

Overview

1. Winning the work
2. Contracting
3. Good Practice & Bad Practice
4. Purpose

1. Competitive Bidding



1. Competitive Process (99% of the time)

2. Risks

3. Technical, Commercial Process and legal process

2. Contracting

1. Intellectual Property

ARTICLE 15 PATENT RIGHTS

- 15.1 CONSULTANT shall release, defend, indemnify and hold COMPANY harmless against all claims, liabilities, damages, losses, costs and expenses (including lawyers' fees) concerning infringement or alleged infringement of any patent, registered design, trade mark, service-mark, copyright or other intellectual property rights which may arise from anything done by or for CONSULTANT in relation to the SERVICES performed under this CONTRACT.
- 15.2 Title to, access to, copyright in, the right to possession of and the free rights of use of all things created under or arising out of the SERVICES shall vest in the COMPANY immediately upon the DATE OF COMMENCEMENT of the SERVICES or creation of the article or document as applicable.
- 15.3 The COMPANY shall have the sole right to seek patents of any item or idea arising out of the SERVICES.

2. Confidentiality

Confidential Information: all information whether disclosed in writing, orally, or by any other means to the Recipient Party before or after the date of this Agreement and which by its nature is confidential, is marked as confidential, for the purposes of this Agreement is clearly intended to be confidential, or which is known or reasonably should be known by the Recipient Party to be confidential including but not limited to software products and/or software documentation, software applications, software modules, source code, derivative works, inventions, know-how and ideas, trade secrets, trademark and copyright applications, technical and business plans, technical information, proposals, specifications, drawings, data, computer programs, pricing, costs, financial information, procedures, proposed products, processes, business systems, techniques, services and like technical or business information.

3. The Good and the Bad

Good	Element	Bad
Comprehensive literature review, Comprehensive RFI	Review of existing information	Limited
Primary (field work) and Secondary (literature)	Data Sources	Secondary only without verification
Statistics used supported by clear graphics	Analysis and data visualization	None, qualitative only
All data presented, all working shown, referenced	Transparency	Opinion without supporting data or references
Senior for key parts and supervision of report	Experience of author	Left to junior with minimal supervision
Clear process, key sections written for project	Authoring	Cut and paste throughout
Rigorous	Quality assurance	Light or lacking, left to others

4. Purpose

What an EIA is or should be:

Data and information for decision making

Ultimately for used for environmental management i.e. action, safe guards, monitoring

Limited by circumstances and context

'Fit for purpose'

What an EIA isn't (or very often isn't in this region):

Academic research

Independently peer reviewed

Perfect