



FEDERAL REPUBLIC OF SOMALIA
MINISTRY OF ENVIRONMENT AND CLIMATE CHANGE

ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT AND AUDIT
REGULATIONS (ESIA) 2024

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PART I: PRELIMINARY PROVISIONS

ACRONYMS AND ABBREVIATIONS

AIA:	Archaeological Impact Assessment
MOECC:	Ministry of Environment and Climate Change
ESIA:	Environmental and Social Impact Assessment
EA:	Environmental Audit
ESMP:	Environmental And Social Management Plan
FGS:	Federal Government Of Somalia
FMS:	Federal Member State
M& E:	Monitoring and Evaluation
MW:	Megawatt
SESA:	Strategic Environmental and Social Impact Assessment
ToRs:	Terms of Reference

1. Citation

These Regulations may be cited as the Environmental and Social Impact Assessment Regulations, 2024

2. Interpretation

In these Regulations, unless the context otherwise requires:

“**Act**” means the Environment Protection and Management Act 2024;

“**Analysis**” means the testing or examination of any matter, substance or process for the purpose of determining its composition or qualities or its effect on any segment of the environment or examination of emissions or recording of noise or sub-sonic vibrations to determine the level or other characteristics of the noise or sub-sonic vibration or its effect on any segments of the environment;

“**Alternative**” means different means of meeting the general purpose and requirements of an activity, which may include: location, type of activity, design/layout, technology, activities, materials etc;

“**Ministry**” means the Ministry of Environment and Climate Change of the Federal Republic of Somalia;

“**Environmental and Social Impact Assessment study report**” means the report produced at the end of the environmental and social impact assessment study process under section 56 of the Act and these Regulations;

“**Environmental Management**” includes the protection, conservation and sustainable use of the various elements or components of the environment;

"Environmental and Social Management Plan" means all details of project activities, impacts, mitigation measures, time schedule, costs, responsibilities and commitments proposed to minimize environmental and social impacts of all phases of a project;

"Lead Agency" means any Government ministry, department, or parastatal or in which any law vests functions of control or management of the environment and social issues.

"Mitigation Measures" include engineering works, technological improvements, management and ways and means of minimizing negative aspects, which may include socio-economic and cultural losses suffered by communities and individuals, whilst enhancing positive aspects of the project;

"No-project Option" means the alternative of not implementing the project or activity;

"Programme" means a coherent, organized agenda or schedule of commitments, proposals, instruments, and /or activities that elaborate and implement policy"

"Precautionary Principle" is the principle that where there are threats of damage to the environment, whether serious or irreversible, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation;

"Project" means site specific activity or undertaking, including those arising from policies, plans and programmes which may have an impact on the environment;

"Proponent" means a person proposing or executing a project, programme or an undertaking specified in the First Schedule of these regulations;

"Record" includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microform, sound recording, videotape, machine readable record, and other documentary material, regardless of physical form or characteristic, and any copy thereof;

"Review" means a process of checking the adequacy of an environmental and social impact assessment study to ensure that it meets the legal requirements and ensure wide acceptance of the environmental and social impact study findings;

"Screening" means the first stage of the environmental and social assessment process, and is used to determine which projects, policies, plans or programmes need to be subjected to environmental and social assessment scrutiny that is required;

"Screening Report" means a report that summarizes the results of a screening;

"Social Analysis" means assessing or estimating in advance the social consequences from specific policy actions or project development including social justice and equity, social uncertainty, social cohesion, social networks and interactions, social status and gender desegregation;

"Strategic Environmental and Social Assessment" means a range of analytical and participatory approaches that aim to integrate environmental and social considerations into policies, plans, and programs and evaluate the inter-linkages with economic and social considerations.

"Sustainable Development" means development that meets the needs of the present, without compromising the ability of future generations to meet their own needs;

"Trans-boundary Impacts" means impacts beyond the Somali borders;

3. Application

1) These regulations shall apply-

- a) to all projects included in Article 57 to the Act;
- b) to all projects included in First Schedule to these Regulations;
- c) to any major repairs, extensions, alterations or non- routine maintenance or any existing project which is included in Article 57 the Act and these regulations.

2) No proponent shall implement a project for which approval is required under the Environmental Management Act and under these regulations unless the environmental and social impact assessment has been concluded in accordance with these regulations.

3) An inspector may at all reasonable times, enter on any land, premises, or other facilities to determine whether a project has complied with the requirements for environmental and social impact assessment under the Act.

4. Purpose of Environmental and Social Impact Assessment Regulations

The purpose of these Regulations is to regulate the procedure and criteria as contemplated in Article 8 of the Act relating to the preparation, evaluation, submission, processing and consideration of, and decision on, applications for environmental authorisations for the commencement of activities, subjected to environmental and social impact assessment, in order to avoid or mitigate detrimental impacts on the environment and society, and to optimise positive impacts, and for matters pertaining thereto.

5. Cost of Environmental and Social Impact Assessments

(1) The application and processing fee, the study and cost of consulting the public and providing documents required during the study, review and any other stage of the Environmental and Social Impact Assessment process shall be borne by the developer.

(2) The Ministry and Federal Member States Ministry of Environment may at the expense of the developer, carry out studies that are outside of its public service role to complement the study, or generate information and data.

6. Responsibilities

The Ministry of Environment and Climate Change- (the Ministry) shall co-ordinate, administer and supervise the Environment and Social Impact Assessment and Audit processes for high risk and transboundary projects and in particular-

- a) carry out the screening of proposed project;
- b) decide on the appropriate means of public information and participation;
- c) co-ordinate public hearings where required;
- d) grant environmental and social impact Assessment approval or reject project;
- e) carry out periodic audits of approved high-risk project; and advise the developer on remedial measures in cases of non-compliance with previously determined measures;

Federal Member States Ministry of Environment shall co-ordinate, administer and supervise ESIA and audit process at the State level and in particular-

- (a) Receive project briefs for low and medium risk projects
- (b) co-ordinate public hearings where required
- (c) Grant approval or reject project briefs that do not meet the standards
- (d) Decide if a proposed project needs a full ESIA study not a project brief due to its impact on the environment

The Lead Agency shall co-operate with the Authority in the Environment and Social Impact Assessment process (Federal and State levels) and shall in particular be responsible to-

- a) inform a developer on the requirement for an Environmental and Social Impact Assessment to be conducted;
- b) guide the developer on providing the appropriate information for the execution of the screening process; and
- c) refuse permission for the carrying out of any project prior to the granting of ESIA approval through the Authority.

Developer shall-

- a) provide the appropriate information as is required for the initial screening of the proposed project;
- b) attend the scoping meeting;
- c) provide documents for official and public scrutiny;
- d) provide, at any stage of the project, for early public information according to the advice of the Authority on the appropriate means take the required arrangement for public consultation;

Environmental and Social Impact Assessment Taskforce

The Ministry shall annually establish Federal level Environmental and Social Impact Assessment Taskforce. The taskforce will have representation from relevant government institutions, civil society organisations and private sector.

The Federal level Environmental Impact Assessment taskforce on Environmental and Social Impact Assessment shall advise the Ministry on technical issues relating to the carrying out of environmental and impact assessments as required under the Act, and other relevant laws, and its specific shall include:

- a) reviewing and advising on the implementation procedures for environmental and social impact assessment and making recommendations to the Ministry;
- b) reviewing and recommending guidelines to be issued by the Ministry to developers;
- c) reviewing and advising on the environmental and social impact studies, and audit reports;
- d) considering potential conflicts that might arise through competing requirements for environmental resources;
- e) recommending priority environmental and social controls, and management measures to be put in place during implementation of proposed projects;
- f) advising on harmonization of environmental and social impact assessment policy with sectoral policies on natural resources and environment;
- g) advising and recommending mechanisms for ensuring effective communication of environmental and social concerns associated with development projects in order to promote multi-sectoral and public participation in implementation of environmental policy;
- h) participating in public hearing related to adoption or modification of Somalia's environmental and social impact assessment process; and advising The Authority on any other issues related to environmental impact assessments
- i) The taskforce shall prepare and submit to the Ministry annual reports on its activities.
- j) The meetings of the Taskforce, which shall be held whenever necessary, shall be arranged in consultation with and facilitated by the Ministry.
- k) The taskforce may co-opt any member of the staff of the Ministry or any other person whom the taskforce deems necessary for its proper functioning.

FMS may establish an **Environmental and Social Impact Assessment committee** to support its responsibilities of the clearing Project briefs and providing necessary recommendations or conditions for implementation of low/medium risk projects under these regulations.

PART II - THE PROJECT BRIEF

7. Development and submission of Project brief

(1) Every proponent undertaking a project listed in Type B being low risk and medium risk projects of the First Schedule of these regulations shall prepare a project brief and submit to the FMS Minister in charge of environment. The Project brief template under the Third Schedule to these regulations shall be used.

(2) In preparing a project brief, the proponent shall hold at least one public meeting with the affected parties and communities including the women, youth, persons with disability and other vulnerable groups to explain the project, its social, economic and environmental impacts, and to receive oral or written comments on the proposed project and shall attach evidence of such public participation in the project report through signed attendance register, minutes and photographs. A notice of the meeting shall be communicated at least seven (7) days before the actual meeting date;

(3) A project brief shall be prepared by an environmental and social assessment expert(s) registered as such under these Regulations.

(4) An application for an environmental and social impact assessment licence shall be in Form 1 as set out in the Second Schedule to these Regulations and the applicant shall submit to the Authority the application together with at least three (3) printed copies and an electronic copy of the Project brief or as the Authority may prescribe from time to time.

8. Request for comments on the project Brief

(1) Where the project brief conforms to the requirements of Regulations, the State Minister shall within five (5) days upon receipt of the project report, dispatch a copy of the project brief to the following in order to receive written comments within fourteen (14) days working counting from the day of receipt of the project report.;

- a) Each of the relevant State Lead Agencies;
- b) Relevant Environmental and Social Impact Assessment committee where applicable.

(2) On receipt of the comments referred to in sub-Regulation 9 (1) above or where no comments have been received by the end of the period of twenty-one (21) days from the date of receipt of the project report, the State Minister shall proceed to determine the project brief.

9. Record of decision on the Project brief

(1) On determination of the project brief, the decision of the State Minister, together with the reasons thereof, shall be communicated to the proponent within thirty (30) days of the submission of the project brief.

(2) The Authority shall screen the Project brief guided by screening criteria set out in the Third Schedule to these Regulations.

(3) After screening under regulations, the State Minister shall issue a formal communication indicating whether the proposed project:

- a) requires the submission of an Environmental and Social Impact Study (under Part III of these regulations) and as such refer such project to the Ministry;
- b) requires the submission of additional information;
- c) is approved and licence issued; where the Project will have no significant impact on the environment, or that the project brief discloses sufficient mitigation measures
- d) is rejected- If the State Minister finds that the project will have a significant irreversible environmental and social impacts or there is non-conformity with existing policy or laws and proponent is expected to consider other suitable alternatives.

(4) A proponent, who is dissatisfied with the State Minister's decision to reject the application for a project brief, may within forty-five (45) days of the State Minister's decision appeal against the decision in line with sub-regulation 51.

PART III: ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT STUDY

10. Scoping and formulation of terms of reference for Environmental and Social Impact Study

(1) An Environmental and Social Impact Assessment Study shall be conducted for all high-risk projects listed under Project type 'A' under the First Schedule of the regulations.

(2) The proponent shall engage a ESIA Expert team to undertake ESIA including scoping report and terms of reference developed in consultation with the Ministry prior to commencement of the ESIA.

(3) A scoping report shall spell out the scope or extent of the Environmental Social Impact study to be carried out by the developer, and shall include a draft term of reference, which shall indicate the essential issues to be addressed in the environmental and social impact study report.

(4) The terms of reference for the Environmental and Social Impact Assessment Study referred to above shall be at minimum be in accordance with the criteria set out in Third Schedule to these Regulations.

11. Team of experts to undertake Environmental and Social Impact Assessment study

(1) A proponent shall, upon approval of the scoping report and the Terms of Reference, constitute a competent team of registered environmental and social assessment experts authorized in accordance with the Regulations set out in the Fifth Schedule to undertake the ESIA.

(2) Every Environmental and Social Impact Assessment study shall be supervised by a lead expert registered in accordance with the criteria specified in the Fifth Schedule to these

Regulations.

(3) A person undertaking an ESIA study shall conduct themselves in accordance with the code of practice as contained in the Fifth Schedule to these Regulations.

12. Developing Environmental and Social Impact Assessment study report.

(1) An ESIA study report prepared under these Regulations shall take into account inter alia environmental, social, cultural, economic, legal, safety and health consideration.

(2) The content of the Environmental and Social Impact Assessment study report should minimum comply with the ESIA contents set out in the Third Schedule to these Regulations.

13. Public participation

(1) During the process of conducting the Environmental and Social Impact Assessment study, the proponent shall, seek the views of persons who may be affected by the project by:

(a) holding at least three (3) public meeting or such number as determined in the approved terms of reference under these regulations, with the affected parties and communities including the youth, persons with disability and other vulnerable groups in a venue convenient and accessible, and a language understandable by the various stakeholders to explain the project and its effects and to receive their oral or written comments;

(b) ensuring that appropriate notices indicating the dates, times and venues of the meetings, are publicized to the affected communities and the other concerned parties at least fourteen (14) days prior to the meetings referred to in (a) above.

(c) Posting posters in strategic public places and in the vicinity of the site of the proposed project informing the affected parties and communities of the proposed project.

(d) Ensuring that the reports of the public meetings are annexed to Environmental and Social Impact Assessment study report.

14. Submission of the Environmental and Social Impact Study

(1) The project proponent shall submit five (5) copies of the draft environmental and social impact study to the Ministry for initial internal review to ascertain whether it is suitable for wider public review.

15. Review of the Environmental and Social Impact Study

(1) The Ministry shall review the draft environmental and social impact study and provide the project proponent with written comments within thirty (30) days of its receipt.

(2) If after review of the draft environmental social impact study and the Ministry is satisfied that it is complete, the proponent shall be notified in writing within thirty (30) days of its receipt.

(3) Where the Environmental and Social Impact Assessment study report is found to be

inadequate, the Ministry shall return it to the proponent for revision, taking into consideration the comments and objections of the Ministry.

16. Invitation of comments from the General Public

(1) The project proponent shall invite the public to make their views on the draft environmental and social impact study in writing within twenty (20) working days of receiving notification of approval from the Ministry.

(2) The project proponent's invitation to the public shall be undertaken through a platform with a national circulation and coverage especially a newspaper and radio station in accordance with timeline stipulated by the Ministry.

(3) The project proponent's invitation to the public shall indicate: the type of the project and location; potential adverse impacts, potential positive impacts of the project; the proposed mitigation strategies put in place to respond to the adverse impacts; and the review period and centres. The notice under this sub-Regulation shall be in the format prescribed in Form 6 set out in the Second Schedule to these Regulations.

17. Review of comments from the general public

(1) The Ministry shall within twenty (20) working days of receiving the comments of the public send copies of the draft environmental social impact study and the comments made thereon by the general public to each member of the Environmental and Social Impact Assessment taskforce for them to review and comment on.

(2) The Environmental Impact Assessment Taskforce shall convene within twenty (20) working days of receiving the draft statement and all the comments received under the regulations and make a decision.

18. Basis of decision making of Environmental and Social Impact Assessment Study license

(1) In making a decision regarding an environmental and social impact study under these regulations, the Ministry shall take into account-

- a) the validity of the predictions made in the environmental and social impact study
- b) views from public made under these regulations;
- c) analysis of the socio-economic and cultural impacts of the project;
- d) the adequacy of the proposed mitigating strategies and the environment and social management plan; and
- e) other aspects deemed crucial and relevant to the project by the Ministry

(2) The Ministry shall make a decision under this regulation within thirty (30) working days from the date on which the study was submitted.

19. Decision of the Ministry

- (1) The Ministry in taking into account the whole review process may-
- a) approve the project; grant provisional approval based on evidence provided;
 - b) require that the project be redesigned including that different technology or an alternative site be chosen;
 - c) refer back the project or part thereof to the developer where there is insufficient information for further study or submission of additional information, including an environment and social management and monitoring plan as may be required to enable the Ministry make a decision; and
 - d) reject the project.
- (2) A decision of the Ministry under this regulation and reasons shall be communicated to the project proponent within fourteen (14) working days of the decision.

20. Conditions of approval of a project

In making decision to approve the project, the Ministry in consultation with the Federal level taskforce shall-

- (a) give approval subject to such conditions it deems necessary;
- (b) state the period for which the approval shall remain valid;
- (c) issue a licence of approval of the project in the form contained in the Form 2 in the Second Schedule of these regulations.

22. Cancellation of approval

- (1) At any time after the issuance of a certificate of approval of the project, the Ministry may revoke the approval where-
- a) there is non-compliance with the conditions set out in the licence of environmental and social approval;
 - b) where there is a substantial modification of the project implementation or operation which may lead to adverse environmental impacts;
 - c) where there is a substantive undesirable effect not contemplated in the approval.
- (2) A revocation under sub-regulation 21(1) shall lead to the automatic-
- (a) waive the claim and continue with assessment and review process under these Regulation;
- or
- (b) withdrawal, the information submitted for the assessment and cancel the review process under these Regulations.

PART IV: STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENT

23. Strategic Environmental and Social Assessment (SESA) Study

(1) The Ministry shall determine the need for a Strategic Environmental and social Assessment to take into consideration environmental and social concerns in the Policy, Plans or Programmes and evaluate their interlinkages with economic and social consideration.

(2) The Strategic Environmental and Social Assessment objectives shall be to:

- a) To provide informed and integrated decision-making by identifying proposed action's environmental effects, considering best practical alternatives and identifying appropriate mitigation measures including the do-nothing option to safeguard the environment from any harm.
- b) To contribute to environmentally sustainable development by: anticipating and preventing environmental impacts at source, early warning of on risks and putting in place environmental safeguards based on sustainable development principles
- c) to enhance the consistency of a Policy, Programme and Plan across different sectors, and when relevant, make explicit the trade-offs or alignments made between different sectoral objectives
- d) contributes to enactment of policies and programmes meeting obligations under international environmental agreements
- e) instituting environmental accountability in sector-specific agencies thus mitigating adverse environmental impacts from different sectors.
- f) ensure consideration for critical environmental principles including public participation, intergenerational and intra-generational equity, precautionary principles and the polluter pays principle in the development of policies, regulations and plans for sustainable development.
- g) To contribute to greater transparency and openness in decision-making through multi-stakeholder engagement throughout the process.

(3) The steps involved in Strategic Environmental Social Assessment (SESA) are:

- a) Screening (determining need for SESA or not)
- b) Scoping (determining the range of environmental and social issues to be covered by the SESA)
- c) The preparation of draft Strategic Environmental and Social Report
- d) The carrying out of consultations and getting public comment on the draft SESA report.
- e) The integration of environmental considerations into the Plan or Programme
- f) The publication of information on the decision (SESA Statement)

24. Submission of the Policy, Plan or Programme brief by the Proponent

(1) SESA should be undertaken by proponent of a policy, plan or programme providing relevant information for formulation of proposals and decision making by the Ministry.

(2) The Ministry shall within seven (7) days communicate the screening results to the proponent

(3) outcomes of screening:

- (a) full or comprehensive SESA required
- (b) further study required to determine need for SESA
- (c) SESA not required

25. Submission and approval of the scoping report

- (1) The Ministry shall advise the proponent of the policy, plan or programme to undertake a scoping study with aim of defining thematic and geographic scope upon concluding that a Strategic Environmental Assessment under Regulation 23 is needed.
- (2) The proponent of the Policy, Plan or Programme shall select a lead environmental and social assessment expert(s) or firm of experts licensed by the Ministry to do the scoping study.
- (3) The proponent of the Policy, Plan or Programme shall prepare the scoping report and submit at least three (3) copies to the Ministry for approval,
- (4) The Ministry shall review the submitted scoping report and avail a Record of Decision to either approve it or request for additional information within a period of twenty-one (21) working days from the date of submission of the scoping report.

26. Development of a Strategic Environmental and Social Assessment report

- (1) The proponent of the Policy, Plan or Programme shall through environmental and social assessment experts conduct the study and prepare a draft Strategic Environmental and Social Assessment report upon approval of the scoping report by the Ministry. The content of the Strategic Environmental and Social Assessment shall provide with the following contents:

- (1) Description of the plan, identify relationship with other relevant plans and programme
- (2) Description of the current environmental and social conditions, issues and how they would evolve without the plan
- (3) Objectives, purpose and rationale
- (4) Alternative options or activities for Policy, Plan or Programme; and implementation plan and timescale
- (5) integration of climate change vulnerability assessment, priority adaptation and mitigation actions
- (6) Identification of likely significant effects of the proposed plans or programme
- (7) Mitigation of likely significant effects from the proposed plans or programme
- (8) Monitoring of likely significant effects from the proposed plans or programme
- (9) Non-technical summary briefly describing the study and its outcomes.

27. Consultation and Public Participation

- (1) The proponents of the policy, plan or programme shall consult relevant State government(s), lead agencies, key stakeholders and members of the public during the entire SESA process.
- (2) Consultation and public participation should occur iteratively throughout SESA process, most importantly during screening, scoping and decision-making.
- (3) ensure meeting notice is sent out at least fourteen (14) working days prior to the meeting and that the venue, date and time of the meeting is convenient for all.

- (4) Hold at least three (3) public meetings with the relevant stakeholders and communities for the purpose of understanding proponent's Policy, Plan or Programme and its impact, and to receive their comments in both oral and written form.

28. Submission of draft Strategic Environmental and Social Assessment report

- (1) The Policy, Plan or Programme proponent shall submit to the Ministry at least five (5) printed copies or as prescribed by the Ministry from time to time and one (1) electronic copy of the draft Strategic Environmental Assessment report accompanied by a submission Form 1 set out in Third Schedule of these Regulations
- (2) The Ministry shall within fourteen (14) working days from the date of submission of the draft report conduct an internal review process to determine adequacy of the draft report.

29. Invitation of comments on draft Strategic Environment and social Assessment report

(1) The Ministry shall within seven (7) days of determination of adequacy under Regulation 38, dispatch copies of the draft report to the relevant State Environment Ministry and State level ESIA committees, Federal level ESIA committee where applicable, lead agencies and other stakeholders for their comments.

(2) Upon receiving the draft report, the State Environment Ministry and State level ESIA committees, Federal level ESIA taskforce, lead agencies and other stakeholders shall review it and submit their comments within forty-five (45) days or such other period as the Ministry may specify

(3) The Ministry shall within seven (7) days of determination of adequacy, at the expense of the Policy, Plan or Programme proponent–

- a) publish a notice on the draft Strategic Environmental Assessment report for the Policy, Plan or Programme each one week apart in two newspapers of nationwide circulation and in the Gazette and radio broadcasting nationwide at least once a week for two consecutive weeks inviting the public and other relevant stakeholders to submit written and oral comments respectively
- b) The Ministry shall publish a copy of the draft Strategic Environmental Assessment report in the Ministry website throughout the public participation process
- c) The public may submit their comments to the Ministry within forty-five (45) days from the date of the first publication of the notice inviting comments from the public

30. Incorporation of comments in the draft Strategic Environmental and social Assessment report

- (1) Upon receipt and reviewing the comments from relevant State Environment Ministry, State level ESIA committees and Federal level ESIA taskforce, lead agencies, members of the public and other stakeholders, The Ministry shall upon analysing send the

comments to the proponent of the policy, plan or programme for the purpose of incorporating them in the draft SEA report.

- (2) Comments from relevant State Environment Ministry, State level ESIA committees and Federal level ESIA taskforce, lead agencies, members of the public and other stakeholders shall be incorporated by the policy, plan or programme proponent within sixty (60) days from the date of request by the Ministry and submit three (3) printed copies and one (1) electronic copy of the revised draft Strategic Environmental Assessment report to the Ministry.
- (3) Upon receipt and verification of the revised draft Strategic Environmental Assessment report, The Ministry in consultation with the proponent of the policy, plan or programme organize a validation workshop(s) within thirty (30) days involving all stakeholders for the purpose of validating the content and adequacy of the revised draft Strategic Environmental and social Assessment report.

31. Submission of the final Strategic Environmental and Social Assessment Report

- (1) Upon incorporation of all the comments, the proponent of the policy, Plan, or Programme shall endorse the final Strategic Environmental and social Assessment report and submit five (5) printed copies of the final Strategic Environmental and Social Assessment report or as deemed by the Ministry from time to time and one (1) electronic copy together with a duly completed Form 1 set out in the Second Schedule to these Regulations.

32. Record of Decision on Strategic Environmental and Social Assessment report

- (1) Upon review of the final Strategic Environmental and social Assessment report, the Ministry shall give a Record of Decision for a Plan or Programme within thirty (30) days from the date of submission of the final Strategic Environmental and social Assessment report under this Regulations
- (2) In the case the record of decision for a Plan or Programme is an approval, the Ministry shall issue to the proponent of the Plan or Programme an approval with conditions
- (3) In the case the submitted final Strategic Environmental and social Assessment report is declared unsatisfactory, the Ministry shall issue a written notice of deficiency requiring the proponents of the plan and programme to comply with the Ministry recommendations.
- (4) For Policy, the Ministry shall prepare a briefing note within thirty (30) days and submit to the Office of the Prime Minister, Federal Government of Somalia
- (5) The contents of briefing note shall include the following amongst others:
 - a) Policy title and proponent;
 - b) brief introduction of the Policy;
 - c) Policy objectives and justification;
 - d) SESA process brief;
 - e) key ecological, social, economic and cultural issues and impacts;
 - f) favourable alternative(s);
 - g) ranking of other alternatives;
 - h) trade-offs, resettlement and compensation
 - i) conclusion and recommendations of the policy

- (6) The Office of the Prime Minister responsible for the Policy shall table it for Cabinet approval.

33. Monitoring and evaluation of Policy, Plan or Programme

- (1) Monitoring and Evaluation(M&E) improves the links between policy interventions and their outcomes & impact, enhances accountability and policies' efficiency and effectiveness in addressing environmental, social, economic and cultural issues.
- (2) The proponent of the Policy, Plan or Programme shall be responsible for all M&E issues and submit M&E reports to the Ministry every twelve months (12) or as deemed necessary by the Ministry from time to time. The Ministry shall formally evaluate the results of the M&E within thirty-six months (36) or as may be deemed necessary by the Ministry from time to time depending on the context of the Policy, Plan or Programme.
- (3) The Ministry shall undertake oversight over the monitoring and evaluation of the Policy with technical support from ESIA Federal Level-Taskforce and Federal Member States-Ministry of Environment and State Level ESIA-committee where necessary.

PART V: ENVIRONMENTAL AND SOCIAL AUDIT

34. Environmental and Social Auditors

A person shall not carry out an environmental and social audit unless that person has been duly certified and registered in accordance with the Section 46 of the Environment Management (Environment and Social Impact Assessment) Regulations, 2024.

35. Fundamental principles of environmental and social audit

1. Undertaking Environmental and Social Audit shall be based on the principles that:
 - a) It is conducted by an individual or firm certified and registered under the Environmental and Social (Impact Assessment and Audit) Regulations, 2024 and be performed in a professional manner.
 - b) Project proponent is obligated to maintain and preserve a harmonious balance between the ability of the environment to support activities and sustainable development

36. Environmental and Social Audits

1. All projects or entities that are likely to have adverse environmental and social impacts shall be subject to environmental and social audits study based on the Ministry guidelines.
2. The project proponent shall undertake an initial environmental and social audit within a timeline of not less than one (1) year and not more than three (3) years after completion or start of the project.
3. The proponent shall undertake the audit based on risk assessment. Low risk projects under Project type B of the First Schedule to be performed every three (3) years, high risk projects under the Projects Type A of the first Schedule to be performed every twelve (12) months. If

the project life is shorter than the aforementioned timeline, the audit may be required sooner. The Ministry may require other audits subsequent to the initial audit if deemed necessary.

4. The initial environmental and social audit shall be carried out by a qualified and authorized Environmental and Social Impact Assessment (ESIA) and Audit expert approved by the Ministry.

5. The prescribed environmental and Social audit shall be undertaken based on the approved terms of reference by the Ministry.

37. Preparation of environmental and social audit report.

(1) An environmental and social audit report shall be prepared under the general direction of an environmental and social auditor who shall head a team of auditors.

(2) Any changes in the scope of work during the preparation of the environmental and audit report shall be agreed upon by the parties to the environmental and social audit.

38. Undertaking Environmental and Social Impact Audit

(1) Undertaking an environmental and social audit shall involve use of questionnaires, visits to the environmental sites and test analysis and in the manner specified in this Regulation. The content of Environmental and Social Audit Report should minimum comply with the criteria set out in the Fourth Schedule to these Regulations.

(2). The environmental and social auditor shall:

- a) Take into consideration describing the project first
- b) Indicate project objective
- c) Scope and audit criteria
- d) Be in compliance with national and international environmental law and regulatory frameworks on health and safety and sustainable use of natural resources.
- e) Verify the project developer's level of compliance with the requirements set in the environmental and social management plan.
- f) evaluate the developer's awareness, knowledge and responsibility for the application of relevant legislations.
- g) review documentation of existing project related to all infrastructural facilities and design for the purpose of safeguarding the environment against any harm
- h) examine monitoring programs, parameters, and procedures in place for control and corrective actions in case of emergencies;
- i) examine records of incidents and accidents and the likelihood of future occurrence of the incidents and accidents;
- j) integrate climate change vulnerability assessment, priority mitigation and adaptation actions;
- k) inspect all buildings, premises and yards in which manufacturing, testing and transportation takes place within and without the project area, as well as areas

where goods are stored and disposed of and give a record of all significant environmental and social risks associated with such activities;

- l) examine and get views from project team, local communities, vulnerable groups in the project area and other potentially affected people on health and safety issues from the project.
- m) Assess health and environmental concerns of past and ongoing activities.

(3) The environmental and social audit report shall have the following structure:

- (a) executive summary;
- (b) project's current status information;
- (c) audit objectives and scope;
- (d) audit protocol, criteria and methodology used;
- (e) findings and observations;
- (f) description of key issues including the discovered project strengths and weaknesses;
- (g) recommended actions;
- (h) conclusions;
- (i) list of documents used or cited as references; and
- (j) appendices (photographs, future Plan of Action, consultancy and the list of stakeholders consulted.

(4) Environmental and social audit report shall be signed by each of the individual persons who conducted the environmental and social audit.

(5) upon completion of an environmental and social audit study report, the proponent shall submit at least five (5) printed copies or as the Ministry may authorize from time to time and an electronic copy of the report to the Ministry in the stated format.

(6) upon receipt of the environmental and social audit report, the Ministry shall within seven

(7) days dispatch a copy of the report to:

- (a) the relevant State Government;
- (b) each of the relevant lead agencies;
- (c) Federal task force and State level ESIA and audit Committee;
- (d) Where more than one State is involved, to the relevant State Government and local environmental management units for their written comments to be submitted to the Ministry within fourteen (14) days from the date of receipt of the audit report from the Ministry.

(6). On receipt of comments or where no comments have been received by the end of the period of twenty-one (21) days from the date of receipt of the audit report, the Ministry will proceed to evaluate the audit report.

(7). Once the Ministry is satisfied that the project operations complied with the Environmental and social Management Plan and there were no adverse environmental and social impacts, the Ministry shall annually issue a Certificate of Environmental and social

Compliance in Form Five (5) set out in the Second Schedule of these Regulations within forty-five (45) days from the date of receipt of the audit report.

39. Submission of environmental and social audit report

An environmental and social audit report shall be submitted to the owner or operator of the facility within fourteen days after the completion of the audit.

40. Control Environmental and Social Audit

(1) Control environmental and social audit study shall be carried out by Ministry whenever it considers necessary to check the project compliance with the Environmental and Social Management Plan. This can also be necessitated after successful written or oral petition by a member of the public to undertake an audit.

(2) The control environmental and social audit shall confirm that the project is adhering to the set Environmental and social Management Plan and verify its adequacy in mitigating adverse environmental impacts.

(3) A control environmental and social audit shall be conducted by environmental and social inspectors

41. Post Audit Order

(1) The Environmental and Social Impact Assessment Taskforce may issue an improvement order for the carrying out of corrective measures for mitigating the environmental degradations revealed during any audit study.

42. Inspection

(1) An environmental inspector empowered by the Act may, at reasonable times, enter on any land, premises or facility of a project for the purposes of inspection, to examine records and to make enquiries on the project. An environmental inspector may conduct or cause to be conducted an enforcement environmental and social audit on any facility where there is reasonable cause to believe that—

(a) the activities being carried out at the facility violate or are likely to violate the Act or Regulations made under the Act;

(b) the activities being conducted at the facility are likely to cause immediate danger and harm to human health, or have undesirable and irreversible damage to the environment;

(c) a violation of any other law relating to the environment, other than one referred to in paragraph (a), is taking place.

(2) An environmental inspector shall—

a) in the case of sub regulation (41) (a) or (b), serve the operator or owner of the facility with notice in writing, at least forty-eight hours before conducting the environmental and social audit;

b) in the case of sub regulation (41)(c), serve the operator or owner of the facility with a notice in writing, requiring the operator or owner of the facility to carry out an environmental and social audit within a period determined by the inspector.

(3) A person who refuses to answer questions, refuses to avail documents or refuses to give other information legitimately sought by the environmental inspector commits an offence as prescribed in the Act.

43. Environmental and Social Monitoring by the Federal Level Taskforce

(1) The Federal level taskforce shall in consultation with the Ministry, State governments and Federal Member States Level-Environmental Committees or other relevant bodies:

- a) monitor environmental and social phenomena with a view to making an assessment of possible changes in the natural environment and their likely impacts;
- b) monitor the operations of any industry, project or activity with a view to determining its immediate and long-term effect on the environment;
- c) except where a baseline survey has been carried out, cause the proponent to carry out a baseline survey to identify basic environmental and social parameters in the project area before implementation;
- d) determine the parameters and measurable indicators to be used in monitoring of projects; and
- e) conduct measurement of environmental changes that have occurred during project implementation.

(2) The Federal level taskforce shall, in consultation with the Ministry, State governments and Federal Member States Level-Environmental Committees or other relevant bodies- monitor ongoing projects on a continuous basis in line with the guidelines.

(3) The Federal level taskforce shall, upon detection of non-compliance with the conditions of approval of an environmental and social impact study certificate immediately, institute remedial action.

44. Monitoring Report

(1) After undertaking monitoring under regulation 42, the technical committee shall submit a monitoring report to the Ministry. The report shall include the following:

- (a) the name and physical address of project proponent;
- (b) the proposed project name;
- (c) date of implementation of the proposed project;
- (d) the date of the last monitoring report, including the report findings, action taken and its result;
- (e) details of the environmental parameters to be monitored as stipulated in the Environmental Management Plan;
- (f) results of the actual monitoring exercise;
- (g) new actions to be implemented including the criteria for the next evaluation; and
- (h) a non-technical summary of findings, conclusions and recommendations.

(2) An environmental inspector may enter upon any land or premises for the purposes of monitoring the effects of any activities carried out on that land or premises upon the environment.

PART VI – GENERAL PROVISIONS

45. Transboundary ESIA issues

- (1) Where a project is anticipated to have a transboundary impact, the proponent shall, in consultation with the Ministry ensure that appropriate mitigation measures are put in place to avoid any adverse impacts considering any existing treaties and agreements between Somalia and the other States.
- (2) Where an activity is likely to have an impact outside Somalia’s borders, the scoping should reflect this by identifying and consulting interested and affected parties in the neighbouring countries. The assistance of Ministry of Environment and Climate Change (MOECC) may be sought to make contact with counterparts in the neighbouring countries;
- (3) While public consultations in the manner prescribed in the Environmental Management Act may not be feasible in the affected countries, it may be possible to obtain their input via the counterparts of MOECC in those countries. In view of this an open reporting system through the MOECC may be helpful;
- (4) Ensure that concerns raised by the affected country are adequately addressed in the
- (5) consequent ToR; and;
- (6) Seek and obtain all relevant information from the affected countries. The MOECC may
- (7) be helpful in this exercise.

46. Access to Information and Issues of Confidentiality

- (1) Information or documents submitted to the Ministry by any person in connection with Part II, Part III, Part IV and Part V of these Regulations together with the Ministry’s decisions and the reasons thereof shall be made available to the public in MOECC website and both local print and electronic media in accordance with the relevant legislation and on such other terms and conditions as the Ministry may prescribe.
- (2) A person submitting information to the Ministry may apply to the Ministry and indicate specific issues of confidentiality in the report to be excluded from the information or parts thereof from being made available to the public on the basis of commercial confidentiality or in the interest of national security.
- (3) Provided that this information shall remain available to the Ministry, and the Ministry shall take all measures to maintain confidentiality of the information and shall not copy, circulate, publish or disclose such information.

47. Registration of Environmental and social impact Assessment (ESIA) experts.

(1) A person who applies to be registered as a practitioner (Lead Expert, Associate Expert or Firm of Experts) in accordance with these Regulations shall comply with the qualification requirements and code of conduct as set out in Fourth Schedule to these Regulations.

(2) An application for registration as a practitioner shall be in Form 3 set out in Second Schedule to these Regulations.

(3) An application under this regulation shall be accompanied by a registration fee as specified in Fourth Schedule to these Regulations.

48. Environmental and Social Assessment Expert Licence.

(1) Environmental and social assessment expert Licence referred to shall be in accordance with Form 1 set out in Schedule 2 to these Regulations and shall be issued subject to payment of a fee specified by the Ministry from time to time.

49. Code of Conduct for ESIA Experts

(1) An Environmental Assessment Experts shall act professionally, accurately, fairly and in an unbiased manner in undertaking his work.

(2) Environmental and Social Assessment Experts certified and licenced in accordance with the provision of relevant Regulations, may establish professional association to support professional development including as appropriate implementation of the ESIA Code of Practice in the Fourth Schedule of these Regulations.

50. Effect of approval or rejection of project.

(1) No civil or criminal liability, in respect of an approval of a project or consequence resulting from an approved project, shall be incurred by the Ministry or any person acting on his behalf, by reason of the approval, rejection or denial or any conditions attached to the approval.

(2) The fact that an approval is made in respect of an Environmental and Social Impact Assessment (ESIA) shall afford no defence to any civil action or to a criminal prosecution under any enactment concerning the project or the manner it is operated or managed.

51. Offences.

(1) Notwithstanding any licence, permit or approval granted under any enactment, any person who commences, proceeds with, carries out, execute or the conduct of any project without approval from the Ministry under these regulations, commits an offence and on conviction is liable to a penalty prescribed under the section.

(2) Any person who -

- (a) fails to prepare and submit a project brief/ESIA to the Federal Member State (FMS) Environment Ministry or Ministry contrary to these Regulations

- (b) fails to prepare and submit an Environmental and Social Impact Study Report contrary to these Regulations
- (c) is in breach of any condition of licence of Project Brief/ environmental and social impact assessment

52. Appeals

(1) Any person who is aggrieved by-

- (a) a refusal to grant a licence or a refusal to transfer a licence under these Regulations;
- (b) the imposition of any condition, limitation or restriction on a licence;
- (c) the revocation, suspension or variation of a licence issued under these Regulations;
- (d) the imposition of any environmental restoration order or environmental improvement order on the project by the Ministry; or
- (e) the approval or reinstatement by the Ministry of an environmental impact assessment licence;
- (f) A refusal to grant an approval for a Plan or Programme or the imposition of any condition, limitation or restriction on an approval

may within sixty (60) days after the date of the decision against which he or she is dissatisfied, appeal to the Federal level ESIA and Audit task force

- (2) A person aggrieved by a decision may within thirty (30) days of such a decision or order, appeal against such decision and present their case to the Federal level ESIA and Audit task force
- (3) The fact that approval is given in respect of an environmental impact assessment shall not be a defence to any civil action or to a criminal prosecution under any enactment.

53. Registers

(1) The Ministry shall maintain the following registers -

- a) a register of all environmental and social impact assessment licence issued under these Regulations;
- b) a register of environmental and social impact statements, environmental audits and monitoring reports;
- c) a register of approvals of applications seeking exclusion of proprietary information from public access.

- d) a register of all individual ESIA experts or firms of experts duly authorized to conduct or prepare environmental audits and a register of environmental and social audit reports.
- e) documentation of all accredited training institutions offering certificates to undertake ESIA
- f) The registers shall be publicly available registers maintained by the Ministry for examination by anyone under the terms set by the Ministry.

54. Roles of the Ministry and FMS Ministries of Environment in enforcing the regulations

- a) The Ministry shall lead the Environmental and Social Assessments for policies, programs and strategies at the Federal Government of Somalia level
- b) The Ministry to lead the Environmental and Social Impact Assessments of all category A (high risk) level projects and trans-boundary (between Somalia and neighbouring countries) issues. Geographically appropriate FMS to also be involved in the process.
- c) FMS Ministries of Environment to receive project briefs for category B (medium and small risk) projects within the State.

55. Transfer or delegation of functions

(1) The Ministry may transfer or delegate functions to any local government body or sector Ministry, the performance of any of the functions or duties of the Ministry under these regulations.

FIRST SCHEDULE: APPLICABLE PROJECTS

Project Type A – High Risk Projects

Projects Requiring Full Environmental and Social Impact Assessment Study

GENERAL

- Major change in land use
- Any national or state development plan
- Conversation of greenbelts, agricultural lands and Buffer Zones of over 20 ha in urban area
- Major structures within 150 metres of the high-water mark

AGRICULTURE

- Large scale cultivation (≥ 100 Ha);
- Water resources development projects; (i) Dams; command area ≥ 300 Ha;(ii) Water supply; command area ≥ 500 Ha; (iii)Flood control; command area ≥ 500 Ha;
- Irrigation, drainage; command area ≥ 500 Ha;
- Large scale mono-culture (cash and food crops) ≥ 100 Ha;
- Floriculture; ≥ 5 Ha; and
- In case of any project necessitating the resettlement of communities, please attach the Resettlement Plan.

LIVESTOCK AND RANGE MANAGEMENT

- Large Scale Livestock movement; ≥ 5000 cattle; and
- Intensive livestock rearing units; $\geq 1,000$ herd.

FORESTRY

- Timber logging; ≥ 5 Ha;
- Processing/ treatment of timber with chemicals;
- Construction of road inside the forest reserve (All projects (irrespective of road size in kilometre);
- Conversion of forest land for other uses.
- Introduction of alien tree species and development of forest plantation; and elective removal of single tree species.

FISHERIES

- Large scale fish farming including prawn farming;
- Industrial fish processing and storage ≥ 50 tonnes per day; and

WILDLIFE PROJECTS

- Reintroduction or translocation of new species;
- Wildlife ranching and farming; and
- Creation of new sanctuaries or zoos or orphanages.

TOURISM AND RECREATIONAL DEVELOPMENT

- Construction of resort facilities or hotels along the shorelines of lakes, river, islands and Ocean
- Hill top resort or hotel development; and
- Development of tourism or recreational facilities in protected and adjacent areas (national parks, marine parks, forestry reserves etc.) on islands and in surrounding waters.

ENERGY

- Transmission of Electricity;
- Production of Natural Gas;
- Thermal Power development; capacity ≥ 50 MW;
- Hydro-electric power development; capacity ≥ 50 MW;
- Nuclear power development; and
- Development of other large scale renewable sources of energy
- Off-shore Wind projects;

PETROLEUM

- Oil & gas field exploration and development;
- Construction of offshore and onshore pipelines;
- Construction of oil and gas separation, processing, handling and storage facilities;
- Construction of oil refineries; and
- Transportation of petroleum products through pipelines.

TRANSPORT AND INFRASTRUCTURE

- Construction and/or expansion of trunk roads;
- Construction and/or expansion of airports and airstrips and their ancillary facilities;
- Construction and/or expansion of existing railway lines; and
- Construction and/or expansion of ports and harbors.

FOOD & BEVERAGE INDUSTRIES

- Tobacco processing; and
- Sugar factories.

TEXTILE INDUSTRY

- Cotton and Synthetic fibers; integrated textile mills (knitting, weaving, dyeing and fabric production).

LEATHER INDUSTRY

- Tanneries; All integrated plants.

WOOD, PULP & PAPER INDUSTRY

- Pulp and paper manufacturing (except waste paper).

BUILDING & CIVIL ENGINEERING INDUSTRY

- Industrial parks and housing estate; and
- Developments on beach fronts.

CHEMICAL INDUSTRIES

- Manufacture and storage of pesticide or other hazardous and / or toxic chemicals;
- Manufacture of pharmaceutical products (Technical);
- Production of paints vanishes;
- Soap and detergent plants; and
- Manufacture of fertilizers.

EXTRACTIVE INDUSTRY

- Extraction and purification of natural gas (if this is being done within the refinery along with primary and secondary products); and
- Mining (Large and medium scale mines).

NON-METALLIC INDUSTRY (PRODUCTS)

- Cement Manufacturing

METAL AND ENGINEERING INDUSTRY

- Manufacture of non - ferrous products
- (b)Manufacturing of iron and steel

ELECTRICAL AND ELECTRONICS INDUSTRIES

- Battery manufacturing and recycling

WASTE TREATMENT AND DISPOSAL

- Toxic and Hazardous waste:
 - . Construction of Incineration plants;
 - . Construction of recovery plant;
 - . Construction of waste water treatment plant;
 - . Construction of secure landfills facility; and
 - . Construction of storage (temporary) facility.

- municipal solid waste:

- . Construction of Municipal Solid Waste landfill facility
- . Municipal sewage:
- . Construction of sewage sewer system

WATER SUPPLY

- Canalization of water courses;
- Diversion of normal flow of water;
- Water transfers scheme;
- Abstraction and/or utilization of ground and surface water for bulk supply; and
- Water treatment plants.
- Dam

LAND DEVELOPMENT PLANNING, LAND RECLAMATION, HOUSING AND HUMAN SETTLEMENTS

- land acquired for resettlement
- establishment of refugee camps
- land reclamation including land under water bodies; and
- dredging of bars, groynes, promenades, dykes and estuaries.

Projects Type B: Medium and Small Risk projects

Project briefs required

List of small-scale activities and enterprises that require registration but shall not require Environmental and Social Impact Assessment Study. Further, the projects shall not require screening and scoping, rather, the Project Brief shall be examined and issued with an Environmental Impact Assessment Licence.

AGRICULTURE

- large Scale cultivation (<50 to 10 Ha); (b) water resources development projects:
- water supply (command area (<200 to <50 Ha; (ii) flood control (command area(<200to<50Ha); (iii) irrigation, drainage (command area (<200 to <50 Ha); and(c) large scale mono-culture (cash and food crops) (<50 Ha).
- floriculture (<2 Ha).

LIVESTOCK AND RANGE MANAGEMENT

- large Scale Livestock movement (< 1000 to <500 cattle); and
- intensive livestock rearing units (< 500 to < 100 herd.

FORESTRY

- Selective removal of single tree species Ministry of Natural Resources (<100 tree species).

FISHERIES

- Industrial fish processing and storage (<10 tonnes per day)

TOURISM AND RECREATIONAL DEVELOPMENT

- Camping activities

FOOD & BEVERAGE INDUSTRIES

- slaughter houses / abattoirs (All projects when number of animals slaughtered are <10 per day);
- tobacco processing; and
- canned fruits and sauces.

TEXTILE INDUSTRY

- Cotton & Synthetic fibers (All stand-alone knitting and weaving units).

BUILDING & CIVIL ENGINEERING INDUSTRY

- Schools, dispensaries, health-centres:
- dispensaries and health-centres; and
- all School projects (l <360 students).
- Boreholes
- Small dams

METAL AND ENGINEERING INDUSTRY

- Garages

ELECTRICAL AND ELECTRONICS INDUSTRIES

- Installation and expansion of communication towers.

WASTE TREATMENT AND DISPOSAL

- municipal Solid Waste;
- construction of composting plant;
- municipal Sewage; and
- night soil collection and treatment.

PETROLEUM SECTOR PROJECTS

- Small Service stations/fuel stations
- Small LPG plants
- Commercial dispensing facilities

SECOND SCHEDULE: ESIA FORMS

FORM 1: APPLICATION

Application Reference No.:

THE ENVIRONMENT MANAGEMENT ACT

**APPLICATION FOR ENVIRONMENTAL AND SOCIAL/STRATEGIC IMPACT
ASSESSMENT LICENCE**

PART A: DETAILS OF PROPONENT

A1: Name of proponent (Person or Firm):
.....

A2: Postal Address:

A3: Name of contact person:
.....

A4: Telephone No.:
.....

A5: E-mail Address:
.....

PART B: DETAILS OF THE PROJECT/POLICY

B1: Title of the proposed policy/project:
.....
.....

B2: Objectives and the scope of the project/Strategic:
.....

B3: Brief description of the activities:.....
.....

B4: Location of the proposed project (L.R. No., area, State and GPS Coordinates)

.....

PART C: DECLARATION BY THE PROPONENT/REPRESENTATIVE

I hereby certify that the particulars given above are correct and true to the best of my knowledge

Name: Position:

Signature: On behalf of:
..... Date: (Firm name and seal):

PART D: DETAILS OF ENVIRONMENTAL ASSESSMENT EXPERT^[1]_[SEP]

Name (individual /firm):

Certificate of registration No.....

Environmental Assessment Practicing Licence No.:

Postal Address:Tel:

Email address:

Position:Signature:Date:

PART E: FOR OFFICAL USE

Approved Not Approved:

Comments:

.....

.....

Name of officer.....Designation.....

Sign.....Date.....

Any person who fraudulently makes a false statement in a report or alters the project report commits an offence under these Regulations

Important Notes: Please submit the following: (a) Three duly filled copies of this form;(b) 3 copies of the Project Brief/ESIA report: (c) an electronic copy of the report

To The Director-General, MOECC, Mogadishu, Somalia.

FORM 2: ESIA LICENSE

Licence No.:

Application Reference No.:

FOR OFFICIAL USE ONLY

THE ENVIRONMENTAL MANAGEMENT ACT

ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT LICENCE

This is to certify that the Project Brief / Environmental and Social Impact Assessment Study Report.....received from.....(name of individual/firm) of..... (Address) submitted to the Ministry of Environment and Climate Change in accordance with the Environmental Management (Environmental and Social Impact Assessment) Regulations 2024 regarding..... (Title of project) whose objective is to carry.....

.....
.....

.....(briefly describe purpose) located at..... (locality and State) has been reviewed and a licence is hereby issued for implementation of the project, subject to the attached conditions.

Dated this.....day of..... 20.....

Signature (Seal)

FORM 3: ESIA EXPERT APPLICATION

Application Reference No..... (For official use)

THE ENVIRONMENTAL MANAGEMENT ACT 2024

**APPLICATION FOR LICENCE TO PRACTICE AS AN ENVIRONMENTAL AND
SOCIAL ASSESSMENT EXPERT**

PART A: DETAILS OF APPLICANT

A1: Name of applicant (Individual or Firm):
.....

A2: Nationality:

A3: If Firm: Local Foreign.....

A4: Business /company Registration No. (where applicable):

A5: Postal Address:
.....

A6: Telephone No.:

A7: E-mail:

A8: Applicant's academic/professional qualifications:
.....

A9: List of professionals, their academic/professional qualifications and their nationalities (where applicable):
.....

A10: Field of Expertise
.....

A11: Experience in Environmental and Social Impact Assessment related activities (Table):
.....

A12: Environmental Professional body membership no.....

A 14: Application for licence to practice as (Tick where applicable): Lead Expert; Associate Expert; Firm;

PART B: DECLARATION BY APPLICANT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief.....

Full name in block letters.....Signature of applicant

Date.....On behalf of..... Position

Firm Name and seal

PART C: FOR OFFICIAL USE

Approved Not approved

Comments.....
.....

Name.....Designation.....
....

Sign.....
Date.....

FORM 4: CERTIFICATE OF PRACTICE

Application Reference No:

Registration No:

THE ENVIRONMENTAL MANAGEMENT ACT

**CERTIFICATE OF PRACTICE OF AN ENVIRONMENTAL AND SOCIAL
ASSESSMENT EXPERT**

This is to certify that M/S
of..... (address)
..... has
fulfilled the requirement of certification to practice in accordance with the provisions of
the Environment Management Act 2024, and is authorized to practice in the capacity of
a.....

The certificate is valid fromto.....

Dated this.....day of..... 20.... Signature.....

(Seal) Director-General, Ministry of Environment and Climate Change

FORM 5: COMPLIANCE CERTIFICATE

Application Reference No.:

Certificate No.:

THE ENVIRONMENTAL MANAGEMENT ACT, 2024

CERTIFICATE OF ENVIRONMENTAL AND SOCIAL COMPLIANCE

Application File Reference Number:

Date:

Address:

Proponent (operator):

The Ministry of Environment and Climate Change (MOECC) has reviewed the report and found it to have complied with the requirements of the Environmental Management (Strategic Assessment, Environment and Social Assessment) Regulations, 20. and hereby issues you with a Certificate of Environmental Compliance for a period ofcommencing from to

Dated this..... day of.....
20.....

Signature.....
(Seal)

Director-General,
Ministry of Environment and Climate Change

Conditions of the Certificate

- (1) Ensure compliance with the Environmental Management Plan as proposed in the Audit Report.
- (2) MOECC retains the power to revoke or cancel this Certificate in the event of non-compliance with any requirements under the Environmental Management act and its Regulations.

FORM 6: PUBLIC COMMENTS NOTICE

THE ENVIRONMENTAL MANAGEMENT ACT, 2024

NOTICE TO THE PUBLIC TO SUBMIT COMMENTS ON ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT REPORT

Pursuant to Regulation 14 of the Environmental Management Act (Environment and Social Impact Assessment) Regulations, 2024, the Ministry of Environment and Climate Change (MOECC) has received an Environmental and Social Impact Assessment Report for the implementation of the proposed project.....

.....
(brief description of project..... at

..... (locality) of District. The said project anticipates the following impacts.....

.....
.....
.....
..... (describe anticipated impacts and

proposed mitigation measures).

The full report of the proposed project may be inspected during working hours at:

- (a) The MOECC Headquarters;
- (c) MOECC State level offices, where applicable;
- (d) MOECC website: <http://www.moecc.gov.so/>

MOECC invites members of the public to submit written comments within 30 days of the date of publication of this notice to the:

- (a) Director-General, MOECC
- (b) FMS offices

Dated this.....day of.....20.....

Signature.....

Director –General-

Ministry of Environment and Climate Change

THIRD SCHEDULE: GENERAL ESIA GUIDELINES

Made under Regulation 8 (1)

PROJECT BRIEF TEMPLATE

FEDERAL MEMBER STATE
Ministry of Environment and Climate Change

All Correspondence to be addressed to the Minister

REF: FMS/ RECEIPT No DATE

1. Project Brief and Terms of references

Instructions for completing the project brief:

All small and medium scale projects within Federal Member States shall require submission of a Project Brief to the Ministry of Environment at State Level.

Please note that all sections of the form must be completed and additional information about the project should be attached to the form where the space provided is not sufficient (alterations of the form shall not be permitted).

Any person who provides false information in the project brief fraudulently is liable to a penalty under section 50 of the Act. To ensure that the implementation of planned activity is not delayed, the project brief should be submitted at the time when a project concept is being considered or at the pre-feasibility stage of the project cycle.

Please note that where it is determined by the competent authority that an environmental assessment study is required, the details and certificate of practice of the practitioners whom the developer intends to deploy, shall be submitted to the competent authority by the developer prior to undertaking the environmental impact assessment

SECTION A:

Applicant details

- Name of project:
- Estimated project cost:
- Project proponent:
- Contact person:
- Postal address:
- Physical address:
- Telephone no:
- E-mail address:
- Project location: (*Location map should be attached*)

SECTION B:

1. Project details:

- a. Provide a brief description of the project
- b. What is the physical scale or the size of the development?
- c. What is the anticipated lifespan of the project within the foreseeable or predicted future?

2. Project processes: (*Attach project flow diagram and photos where applicable.*)

- a. What are the materials that the activity shall use, including both construction materials and inputs?
- b. What are the possible products and by-products including waste generation of the activity?

3. Planning issues:

- a. Has land been allocated for the proposed project?
(*Attach supporting documents where applicable*)

- b. What is the current land use of the area or site for the proposed project?
- c. Will the proposed development require a change in land use?.....
- d. Are the following services available in the area where the development is to be located?

Roads (specify)
 y)

Water (specify)
 y)

Power (specify)
 y)

Telecommunications (specify)
 y)

Sewerage system
 (specify)

Waste management system
 0 . 0 0 0. 000• 0••
 •0 (specify)
 0

Other (specify)

- e. Will the development result in displacement of people or property?

If yes, how many people or number of households will be affected?

- f. What is the (approximate) distance of the proposed site from the following land uses -

- i. residential
- ii. industrial
- iii. commercial
- iv. agricultural (arable/pastoral)
- v. civic & community (e.g mosque, school, park, etc)

- g. Is the project located within or near any of the following areas? Specify the distance.

Area	Yes	No	Approximate
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SECTION D:

I certify that the information provided is to the best of my knowledge true and correct.

Signed: _____

Date: _____

Made under Regulation 11 (4)

TERMS OF REFERENCE FOR ESIA STUDY

The Terms of Reference (ToRs) define all issues or the scope of work on which the ESIA study will focus. The information provided below should only be used as a guide since projects, their status in the project cycle, and proponent needs vary widely and, thus, ToR contents varies.

The ToRs should also summarise the general scope of the environmental assessment and discuss its timing in relation to the processes of project preparation, design and implementation. The boundaries for the study area for the assessment should also be specified.

A description of all the tasks to be performed in the ESIA study should be provided and should, at a minimum, include:

- Policy and regulatory framework
- Description of the environment- The description of the environmental baseline should include:
 - Physical environment:
 - Biological environment:
 - Socio-cultural environment (both present and projected where appropriate)
- Public consultation: The ToRs should require that a consultation programme be clearly presented in the ESIA report
- Analysis of alternatives to the proposed project
- Prediction and assessment of the potential impacts for the proposed project:
- Presentation of mitigation measures: The ToRs should indicate that the consulting team will recommend feasible and cost-effective measures to prevent or reduce significant negative impacts to acceptable levels and enhance positive impacts. [1]
[SEP]
- Development of an environmental and social management plan: The ToRs should indicate the structure to be used for the ESMP, which should normally incorporate any necessary monitoring and the identification of institutions responsible for

implementing the monitoring program. The ESMP should also contain a plan for decommissioning of the project.

- Archaeological Impact Assessment (AIA)
- Report: The environmental assessment report should be concise and limited to significant environmental issues. This section should describe the structure that will be used for the report.

(Made under Regulation 13 (2))

CONTENT OF ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT(ESIA) STUDY

The aim of the regulations is to provide basic and minimum information that ESIA Study report should contain. ESIA report contain information required by the Act. The structure and content of the ESIA should therefore at the minimum contain the following:

1. Details of project proponents and ESIA consulting team: This information could include name, postal addresses, telephone number(s), telefax, email indicated on the first page of the report.
2. Executive summary: A concise summary of the report, briefly describing the project, location, proponent, the methodology used during the study, expected impacts, management measures as well as recommendations and conclusions.
3. Introduction: The introduction should provide a discussion of the nature of the project proposed, its location, and if the project is part of a larger proposal. It should outline the background to the project and the reasons or necessity of it.
4. Policy, legal and administrative framework: This section should identify and discuss in detail the relevance of the policies, legislation, regulations, plans, guidelines as well as planning and implementation approvals which have a bearing on the proposed project.
5. Description of the project: Information on the description of the project should include but not be limited to the following-
 - Purpose of project;
 - The status of the project in the project cycle: pre-feasibility, feasibility, detailed engineering and design, implementation (construction), operational, decommissioning;
 - Location of proposed project on a map;
 - Preliminary design (if available), infrastructural requirements and size of the development;

- Anticipated duration of construction, operation, close down;
 - Proposed transport and access arrangements;
 - Overall operation of processes involved;
 - Type and quantity of resources used; and
 - Estimated type, quantity, composition, strength of residues or emissions; and processes for the containment, treatment and disposal of wastes.
6. Description of baseline environment: The ESIA should provide an appraisal of dimensions of the study area and descriptions of relevant physical, biological and socio-economic conditions as this is important for future monitoring and auditing.
7. Public consultation: This section should discuss the objectives, methods and results of public consultations undertaken during the scoping exercise. Where applicable, the methodology utilised for further consultation of during the ESIA, and outcomes of the consultations should also be discussed. A record of all stakeholders consulted as well as the minutes of the consultation meeting(s) should be annexed to the report.
8. Identification and assessment of environmental impacts: This is a crucial part of the EIA process and forms the basis for any mitigation or enhancement action. This should include a description of the impacts for all the project phases that is, pre-construction, construction, operational and decommissioning phases. The description often captures the characteristics of the impacts which include –
- Positive and negative environmental and social impacts
 - Direct and indirect: Direct impacts are created directly by a project action eg displacement of people caused by the project. Direct impacts are more easily identifiable and quantifiable than indirect impacts;
 - Long term and short term: during the construction phase of the project (short term), others persist to the operational phase (medium term) and others linger on long after the project has been decommissioned (long term);
 - Recurring and non-recurring: some impacts occur repeatedly in space and time, while others occur only once;
 - Regional and local: Some impacts cover large areas whilst others are restricted to a small area;
 - Cumulative and non-cumulative: Cumulative impacts result when impacts from one activity combine with those from another activity to produce a greater impact or a different impact. Non-cumulative impacts do not accumulate in space and in time; and;
 - Reversible and irreversible impacts.
9. Considerations for transboundary impacts – where the environmental and social impacts of a project may be realised across international boundaries – The assessment should therefore include impacts beyond the boundary of Somalia
10. Analysis of alternatives: Proposed investment design, site, technology and operational alternatives should be compared systematically in terms of their potential impacts, capital and recurrent costs, suitability under local conditions and institutional, training and monitoring requirements. To the extent possible, for each of the alternatives

(including the 'no action alternative'), the environmental and costs and benefits should be quantified and economic values attached where feasible. Alternatives can be grouped into demand alternatives, activities alternatives, location alternatives, process alternatives, input alternatives among others.

11. Mitigation measures: Mitigation is the development of practical measures to reduce adverse impacts on the environment, or to enhance the beneficial aspects of an action.
 - a) find ways of implementing projects with minimum environmental costs;
 - b) minimise or eliminate negative impacts; enhance the benefits of a proposal; and
 - c) protect the public and individual rights to compensation.
 - d) Feasible and cost-effective measures which will reduce potential significant environmental and social impacts to acceptable levels should be proposed including capital and recurrent costs, and institutional and training requirements of those measures estimated.
 - e) Elements of mitigation
 - f) Rehabilitation-this refers to rectifying adverse impacts by repairing or enhancing the affected resources;
 - g) Restoration-this is an extreme form of rehabilitation and typically requires an extensive engineering of a selected resource to achieve what might be considered original state.
 - h) Compensation-this refers to the awarding of financial or material benefits to people affected by the project (especially those who have lost their homes and livelihoods).
12. Archaeological Impact Assessment: A summary of the findings and recommendations of the Archaeological Impact Assessment should be discussed. Reference should be made to the detailed findings and recommendations which should form part of the appendices.
13. Environmental and Social Management Plan (ESMP): EMP allocates responsibilities, resources and attaches time frames. An important component of the EMP is the monitoring programme to assess progress in the implementation of mitigation measures and compliance of the project to regulations and standards. It is also necessary to have a decommissioning (Remediation and rehabilitation) programme for projects. The applicant should address impacts related to the decommissioning phase and a plan for addressing such impacts should be incorporated into the ESMP. The ESMP consist of the following components -
 - impact mitigation plan;
 - monitoring programme;
 - decommissioning programme.
14. Conclusions and recommendations: Appropriate conclusions should be drawn from the report. It is important to have these conclusions summarised in a series of brief statements referring to relevant sections of the ESIA Report. This conclusion should focus on the methodology, significant impacts, the measures proposed to avoid or mitigate them and the impact management proposals for project implementation. This section should also contain recommendations to the project

15. References: The report should have a list of references used in the study.
16. Appendices: Appendices contain information not directly useful in the text of a report but needed for reference or detailed review by technical experts. The list of appendices should include-
 - a) terms of reference for the study;
 - b) sources of data and information;
 - c) all individuals and agencies consulted for specialist information or knowledge used in the report referred to in the text; written opinions received from outside specialists;
 - d) field data collection programmes completed during the ESIA study;
 - e) findings of the Archaeological Impact Assessment;
 - f) detailed data reduced for use in the main body of the report; detailed technical analysis of particular impacts (for example, pollution dispersal, soil erosion, demands for social services); detailed location plan and technical maps, designs, drawings, photographs, flow diagrams, etc.;
 - g) summary of the programme for consulting the public in project planning and assessment, plus a complete record of all parties (stakeholders) consulted and minutes of the meetings;
 - h) names, curriculum vitae and roles of the team members who carried out the study; and any other relevant information

NB: The detail of information is expected to vary with proposed management actions, complexity and likely impacts which come with different projects in different sectors

FOURTH SCHEDULE: ESIA EXPERTS

(Made under Regulations 47 (1))

QUALIFICATIONS FOR ENVIRONMENTAL AND SOCIAL ASSESSMENT AND AUDITS EXPERTS

Local and foreign environmental assessment individuals and firms of experts wishing to undertake Strategic Environmental Assessment, Environmental and Social Impact Assessment and/or environmental audit activities in Somalia shall register as experts with the Ministry.

Upon meeting the qualifications set out below for both local and non-local Lead Expert, Associate Expert and Firm of Experts, the application fees for registration and issuance of the ESIA license fees in Somalia shall be paid to the Ministry of Finance with the procedural approval of Ministry under these regulations.

The following shall be the criteria for registration of experts:

A Lead Expert

A Lead Expert must have attained the following qualifications:

Minimum of Master's Degree or equivalent in any relevant field as set ESIA or environmental audit from an accredited institution in accordance with requirements, with at least five (5) years practical experience in environmental assessment related activities including work experience, consultancy, training and research.

Registration fees for locals as a Lead Expert: **Forty dollars (\$40)**

Registration fees for non-locals as a Lead Expert: **Hundred dollars (\$100)**

B. Associate Expert

An Associate Expert must have attained the following qualifications:

A Bachelor's Degree or equivalent in any relevant field as set out in Section D or a diploma in any relevant field in addition to approved training in environmental and social assessment/audit from an accredited institution.

Registration fees for locals as an Associate Expert: **Thirty dollars (\$30)**

Registration fees for non-locals as an Associate Expert: **Seventy dollars (\$70)**

C. Firm of Experts

A firm of experts must meet the following conditions:

Must be registered in Somalia to offer environmental and social assessment expertise.

Must submit to the Ministry a firm profile indicating capacity of its directors, partners and associates to undertake environmental assessment and audit studies.

- A Lead Expert who must be registered by the Ministry and must have a current practicing licence.
- Foreign firms must demonstrate the contribution of local expertise.

Registration fees for firm of Experts-locals: **Sixty dollars (\$60)**

Registration fees for firm of Experts- non-locals: **one hundred and eighty dollars (\$180)**

D. Application for Renewal of Practicing Licence

Upon registration, all Experts shall apply for practicing Licence which should be renewed annually.

Requirements for renewal of Licence:

-Payment receipts for the prescribed fees.

-A copy of licence of the previous year or a copy of the certificate of registration.

Licence renewal Fees - SOMALIA

Category	Locals	Non-locals
Associate Expert	\$40	\$100
Lead Expert	\$50	\$200
Firm of Experts	\$240	\$720

The Ministry shall acknowledge receipt of duly filled applications within fourteen (14) days. Thereafter, issue Environmental Impact Assessment (EIA) licenses within 45-90 days as stipulated in the Environmental Management Act.

Customer Obligation

Proponents are advised to apply for an EIA license at least ninety (90) days before project commencement to allow adequate time for undertaking EIA review process.

Proponents are required to pay the prescribed fees on time

Proponents are required to provide all relevant support documents with no delay

The EIA experts doing the reports are expected to perform their duties with utmost professionalism including providing accurate information on the proposed project.

E. Relevant Field of Expertise

Environmental Studies, Biological Sciences, Chemistry, Engineering (Civil, Agricultural, Water, Process/Chemical), Geography, Earth Sciences, Biophysical Sciences, Natural Sciences, Environmental Socio-Cultural Studies, Environmental Law or any other field approved by the Authority on the recommendation of a Professional Body or the Environmental Expert Advisory

VETTING.

Upon application, the applicant may be invited in person for an interview and screening by the Registration Panel.

CONTINUING PROFESSIONAL DEVELOPMENT

Every Environmental and Social Assessment Expert shall each year attend at least one relevant seminar organized by the recognized Environmental Professional Association in

consultation with the Ministry for the purposes of improving the professional expertise of its members.

(Made under Regulations 49 (2))

CODE OF CONDUCT OF PRACTITIONERS REGISTERED UNDER THE ACT

Environmental Assessment experts shall carry out their professional activities, as far as possible, in accordance with emerging principles of sustainable development, the highest standards of environmental conservation and quality, and in compliance with the letter and intent of relevant environmental legislation.^[1]

- i. Environmental Assessment experts shall at all times place the integrity of the environment, including conservation and sustainable use of the biophysical environment and the social welfare, health and safety aspects of the socio-economic environment, above any commitment to sectional or private interests.^[1]
- ii. Environmental Assessment experts shall ensure the incorporation of environmental considerations from the earliest stages of project conception or policy development.
- iii. Environmental Assessment Experts shall not conduct professional activities in a manner involving dishonesty, fraud, deceit, misrepresentation or bias.^[1]
- iv. Environmental Assessment Experts will clearly differentiate between facts and opinions in their work
- v. Environmental Assessment Experts will, to the best of their ability, keep informed of advances in environmental assessment practice, and will integrate such knowledge into their professional activities.
- vi. Environmental Assessment Experts will inform a prospective client of any professional or personal interests which may impair the objectivity of their work.
- vii. Environmental Assessment Experts will not seek employment, grants or gain, or attempt to injure the reputation or opportunities for employment of another environmental assessment practitioner by false, biased or undocumented claims or accusations, by any other malicious action, or by offers of gifts or favours
- viii. Environmental Assessment Experts will, to the best of their ability, use the best available information.
- ix. Environmental Assessment Experts should take responsibility for the findings of the environmental assessment. (However, the Environmental Assessment Practitioners cannot be held responsible for decisions made by other parties, purportedly based on the findings of the environmental assessment).
- x. Environmental Assessment Experts must only undertake particular environmental and social assessment work in apposition of responsible charge where they have the relevant expertise and experience to undertake that work competently.
- xi. Environmental Assessment Experts shall not advertise their professional services in a

self-laudatory manner that may discredit the profession.

- xii. Environmental assessment practitioners shall not misrepresent or allow or permit misrepresentation of their own or their associates' academic or professional qualifications, or exaggerate their degree of responsibility for any work of a professional nature. When requested to submit tender proposals, Environmental Assessment Experts shall structure any offer in such a way as to enable them to discharge their responsibilities to the client in every respect.
- xiii. Environmental Assessment Experts shall not review for a particular client the work of

No	Name of Expert	Registration No.	Annual Practicing Licence No.	Contact Address Telephone No. Email address	Area of specialization	Experience	Practicing Status
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another Environmental Assessment Experts except with the prior knowledge of such person and affording such person reasonable opportunity to submit comments on the findings of the review.

- xiv. Environmental Assessment Experts shall comply with the objectives of the ESIA professional body

FORM 7

REGISTER OF ENVIRONMENTAL AND SOCIAL ASSESSMENT EXPERTS

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