



Afar National Regional State Environmental Protection, Rural Land Use, and Administration Bureau

Environmental and Social Impact Assessment (Reg. No —) Implementation Guideline



JULY 1, 2020

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Acronyms and Abbreviations

ANRS	<i>Afar National Regional State</i>
CCA	<i>Climate Change Adaptation</i>
CEIC	<i>Center of Excellence International Consultant</i>
CRGE	<i>Climate Resilient Green Economy</i>
CO₂e	<i>Carbon equivalent</i>
DRM	<i>Disaster Risk Management</i>
DRR	<i>Disaster Risk Reduction</i>
EFCCC	<i>Environment, Forest and Climate Change Commission</i>
EIA	<i>Environmental Impact Assessment</i>
EIS	<i>Environmental Impact Study</i>
EPA	<i>Environmental Protection Authority</i>
EPRLUA	<i>Environmental Protection and Rural Land Use and Administration</i>
ESIA	<i>Environmental and Social Impact Assessment</i>
ESIAR	<i>Environmental and Social Impact Assessment Report</i>
ESIS	<i>Environmental and Social Impact Study</i>
ESMP	<i>Environmental and Social Management Plan</i>
FDRE	<i>Federal Democratic Republic of Ethiopia</i>
GHG	<i>Green House Gas</i>
IAP	<i>Interested and affected Party</i>
IRM	<i>Integrated Risk Management</i>
Mt	<i>Metric ton</i>
NGO	<i>Non-Government Organization</i>
TOR	<i>Terms of References</i>

Definition of Terms and Concepts in Use

Activity: A development action, either planned or existing, that may result in environmental impacts through pollution and/or resource use.

Adaptation: is the adjustment in the natural and human system in response to current or expected climatic stimuli or their effects, which moderates harm or exploit beneficial opportunities

Adaptive capacity: the ability of a system to adjust to climate change to moderate potential damages to take advantage of opportunities or to cope with the consequences

Affected environment: Those parts of the socio-economic and biophysical environment impacted on by the development

Alternatives: Possible courses of action, in place of another, that would meet the same purpose and need (of a proposal). Alternatives can refer to any of the following but are not limited to alternative sites for development, alternative projects for a particular site, alternative site layouts, alternative designs, alternative processes, and materials. In ESIA the so-called “no action” alternative may also require investigation in certain circumstances

Auditing: The process through which an ESIA is inspected, which then provides an opportunity and mechanism to learn from experience and to refine project design and implementation procedures.

Climate Change: a change in the state of the climate that can be identified (e.g., by using statistical tests) by changes in the mean and/or the variability of its properties, and that persists for an extended period, typically decades or longer. Climate change may be due to natural internal processes or external forcing, or to persistent anthropogenic changes in the composition of the atmosphere or in land use

Climate Change Adaptation: The adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploit beneficial opportunities

Compensation: Payment in cash or in-kind for an asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced

Competent Authority: Regional government organ entrusted by law with a responsibility related to Environmental and Social Impact Assessment;

Compliance: To act in accordance with the rules and regulations

Development: The act of altering or modifying resources in order to obtain potential benefits

Disaster: A serious disruption of the functioning of a community or a society causing widespread human, material, economic or environmental losses which exceed the ability of the affected community/society to cope using its own resources.

Disaster Risk Management: Collective actions and efforts of concerned institutions, policies, programs, and other measures designed to prevent, mitigate, prepare for, and respond to a disaster and to provide recovery and rehabilitation support

Disaster risk reduction: Practices to minimize vulnerabilities throughout communities via the prevention, mitigation, and preparedness

Ecosystem: An ecosystem is a dynamic complex of living communities, including micro-organisms, plants, animals and humans, and their non-living environment interacting as a functional unit in a given area

Ecosystem Management: An approach to maintaining or restoring the composition, structure, function, and delivery of services of natural and modified ecosystems for achieving sustainability.

Ecosystem Restoration: The “process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed.

Environment: The physical, biological, social, economic, cultural, historical and political factors that surround human beings. It includes both the natural and built environments. It also includes human health and welfare

Environmental Assessment: The methodology of identifying and evaluating in advance, any impact positive or negative, which results from the implementation of a proposed actions

Environmental and Social Management Plan: An action plan that addresses the how, when, who, where, and what of the social and environmental mitigation measure aimed at optimizing benefits and avoiding or mitigating potential adverse impacts of proposed operation or activity. It encompasses mitigation, monitoring, rehabilitation, and contingency plans

Environmental Management System: the means of ensuring effective implementation of an environmental management plan or procedures and compliance with environmental policy objectives and targets

Environmental and Social Impact Report: A report describing the process of examining the environmental and social effects of a development proposal, the expected impacts and the proposed mitigating measures

Environmental issue: A concern felt by one or more parties about some existing, potential or perceived environmental impacts

Environmental impact: The degree of change in an environment resulting from the effect of an activity on the environment, whether desirable or undesirable. Impacts may be the direct consequence of an organization’s activities or maybe indirectly caused by them.

Environmental and Social impact assessment (ESIA): A process of examining the environmental and social consequences of development, projects, programmes, and policies.

Evaluation: The process of weighing information, the act of making value judgments or ascribing values to data in order to reach a decision.

Hazard: A potentially damaging physical event, phenomenon, and/or human activity that may cause the loss of life or injury, property damage, social and economic disruption, or environmental degradation

Informed decision-making: Decision relating to the impacts on the environment based upon the best applicable knowledge available. In cases where a lack of information is evident, steps will be taken to collect information necessary to assess the impacts and sustainable use of resources

Integrated risk management: The systematic process of reducing disaster risks through anticipative, absorptive, adaptive, and transformative actions, considering the effects of climate (change) and the role of ecosystems. It addresses the drivers of risk, the capacities, and assets of communities and individuals and their enabling environment

Interested and affected party: Individuals or groups concerned with or affected by an activity and its consequences. These include the authorities, local communities, investors, workforce, customers and consumers, environmental interest groups, and the general public.

Impact: The effect of an activity on the environment, whether desirable or undesirable. Impacts may be the direct consequence of an organization’s activities or maybe indirectly caused by them.

Irreversible impact: When the character, diversity or reproductive capacity of an environment is permanently lost.

Land use: The activities that take place within a given area or space.

Licensing Agency: Any organ of government in the region empowered by law to issue an investment permit, trade, or operating license or work permit or register business organization as a case may be.

Mitigation: Measures taken to prevent, reduce, or rectify impacts of a particular project of the evaluation process concludes that the impacts are significant.

Monitoring: The repetitive and continued observation, measurement and evaluation of environmental data to follow changes over a period to assess the efficiency of control measures.

Negative impact: A change that reduces the quality of the environment (for example, by reducing species diversity and the reproductive capacity of the ecosystem, by damaging health, property or by causing nuisance).

Participation: Interested and affected individuals and groups will have an opportunity to participate in decisions about ways in which environmental concerns are addressed.

Positive impact: A change that improves the quality of the environment (for example, by increasing species diversity and the reproductive capacity of the ecosystem, by removing nuisances or improving amenities).

Pro-active: Taking action in anticipation of a problem rather than in reaction to the problem.

Project: Any activity enlisted in the Annex herein and includes any new development activity, major expansion or alteration of any existing undertaking, or any resumption of work that has been discontinued

Proponent/ developer: These are developers who initiate project ideas/proposals. They can be private individuals or public institutions, government departments, etc. They are responsible for commissioning and/or conducting environmental and social impact assessment with or without the assistance of consultants and incurring all costs related to ESIA

Protection: measures that address threats to or the vulnerabilities of someone or something and preclude damage or injury that would cause disruption or interference with normal practices.

Restoration: Restoration of the landscape more or less to its former scenic appearance.

Reviewing: The determination of whether or not the environmental impact study report meets the approved Terms of Reference and provides satisfactory information and analysis that is required for decision-making

Risk: The probability of a specific hazard occurring in a given location and its likely consequences for people and property

Risk Management: The systematic application of management policies, procedures, and practices to the tasks of analyzing, evaluating, controlling, and communicating about risk issues. There are three dimensions to Natural Hazard Risk Management: risk identification, risk reduction, and risk transfer.

Scoping: Scoping involves the identification and “narrowing down” of potential environmental impacts to ensure that the EIA focuses on key issues for decision-making.

Screening: The process whereby the responsible department(s) decides whether or not a project requires assessment and the level of assessment that may be required.

Significant impact: An impact that, by its magnitude, duration, or intensity, alters an essential aspect of the environment.

Sustainable development: Sustainable development is a development that meets the needs of today’s generation without compromising those of the future generations

Vulnerability: The degree to which a system is susceptible to, or unable to cope with, adverse effects of hazards, and climate change, including climate variability and extremes.

1. Chapter one - Introduction

1.1 Background

Ethiopia is highly vulnerable to environmental degradation, which is being exacerbated by climate change impacts, due to unwise utilization of natural resources and inadequate consideration of environmental and social issues in the development projects. This neglected environmental and social, as well as long term economic dimensions, have resulted in a situation where the country experiences a seriously degraded natural environment that has consequences on negatively impacting the livelihoods and public health¹. Chronic poverty and unplanned population growth, coupled with the lack of relevant scientific knowledge, inconsistency on an institutional level, and non-existence of complementarities between institutions at national and local levels, are among the major drivers of environmental degradation of the country².

ANRS is one of the Nine national, regional states of the Democratic Republic of Ethiopia, which is located in the great East African Rift Valley in the north-eastern part of the country, and it is with the lowest place in Ethiopia and very fragile environment that seeks special protection. The Afar depression, also known as the Danakil depression, forms the northern part of the region and is largely desert scrubland with shallow salty lakes and long chains of volcanoes. The Region covered 10% of the total area of the country and 29% of the pastoral lowlands and characterized by an arid and semi-arid climate with low and erratic rainfall³. Afar is increasing drought-prone, thereby the Regional State has been experiencing natural hazards every year as a result of climate change.

About 90% of the populations in the Afar region base their livelihood on livestock rearing with limited irrigation agriculture along the river basins and low-lying riverine areas. There are some recently emerging investment activities in irrigated agriculture, mineral extraction (salt), construction, manufacturing, and service sectors. The investment activities are at the infant stage due to the remoteness of the region, low infrastructure facilities, and inadequate social services in the region.

According to the environmental assessment conducted in the Afar National Regional State in 2020 by CEIC consultant, there have been some limitations in considering the environment and social issues into the investment projects and development plans⁴. The development activities and plans should have anticipated and set mitigation measures for potential environmental problems early in the design and planning process to ensure the sustainability of the investments. The development initiatives have the potential to damage the fragile environment of the region further unless proper environmental management systems are put in place. In order to ensure the sustainability of future developments, it is essential to integrate environmental and social concerns into development activities at all stages. Thus, IRM sensitive ESIA is a tool that seeks to ensure sustainable development through the evaluation of impacts arising from major activities, including policy, plans, programs and/or projects having likely significant environmental and social impacts in the face of climate change, disaster risk and the fragile ecosystem.

¹ Yonas T. 2006, Current status of the environmental impact assessment system in Ethiopia, UNEP EIA Training Resource Manual, case studies from developing countries, Addis Ababa, Ethiopia

² Adugna Feyissa Gubena, 2016, Environmental Impact Assessment in Ethiopia: A General Review of History, Transformation and Challenges Hindering Full Implementation. Journal of Environment and Earth Science vol 1, No 1, 2016

³ Afar National Regional State, 2013, integrated land Use Plan .

⁴ CEIC, 2020, environmental assessment report of ANRS

Integrated Risk Management (IRM) has been recognized as an effective tool for facilitating the inclusion of the principles of sustainable development into development proposals. Hence, the proponents should integrate and adhere to the IRM principles while planning and executing development initiatives.

As part of efforts, Ethiopia issued the EIA proclamation (№ 299/2000) and EIA guideline to help the proponents and practitioners consider the environmental and social issues at all the project stages. Similarly, the regional states have also been expected to do the same based on their respective contexts. In this regard, the ANRS has issued EIA regulation (№ 09/2012) in 2012 and guidelines for the screening, scoping, and approval of investment proposals in the region. However, these environmental management tools are not IRM sensitive, which considers disaster risk reduction, climate change adaptation, and ecosystem management and restoration.

This ESIA guideline is, therefore, designed in a way to address and embed the IRM principles and approach that helps the practitioners and decision-makers to strictly consider and adhere to the IRM sensitive ESIA procedures while developing and approval of projects, respectively.

1.2 Overview of EIA in Ethiopia

EIA is a process of anticipating the effects on the environment caused by a project⁵. Besides, according to UNEP, Environmental Impact Assessment (EIA) is defined as a tool used to identify the environmental, social, and economic impacts of a project prior to decision-making. Mostly, an EIA is designed to identify the potential risks of a project to the environmental and human well-being and identify measures to eliminate and/or mitigate these risks⁶.

In this regard, the development initiatives need to pass through ESIA processes to maintain the balance between development, environment, and social components. ESIA is recognized as a tool that pursues to ensure sustainable development through the evaluation of impacts arising from significant activities, including policy, plans, programs and/or projects having likely significant environmental impacts. Subsequently, it improves the way in which trade-offs between economic development and environmental conservation are made and strives to bring and promote win-win scenarios that attempt to work out a reasonable compromise⁷. Environmental and social impact assessment is a primary administrative tool to integrate environmental and social issues into the decision-making of all types of development initiatives such as formulating policies, programs, and development plans or projects to ensure that the proposed development will have minimal environmental impacts and be environmentally sound⁸.

However, Environmental Impact Assessment (EIA) has become a legally required procedure towards the end of the year 2002⁹ in Ethiopia. Ethiopia's earliest commitment to using EIA was manifested when it ratified the Convention on Biodiversity in 1994, where Article 14(1)(2) of the convention requires explicitly every contracting party to use EIA to protect and conserve biodiversity¹⁰. Besides, the 1995 FDRE constitution came up with provisions urgently requiring the use of EIA by addressing the concept of sustainable development and environmental rights in articles 43, 44 and 92 of the Constitution. Since the

⁵ EIA Report 2017

⁶ www.iisd.org/learning/eia

⁷ Caribbean Development Bank (CDB) and Caribbean Community Secretariat (CARICOM), 2004

⁸ ADB 2003, Environmental Assessment guideline

⁹ Melca mehiber 2008. overview of EIA in Ethiopia

¹⁰ Dejene G. 2013. The Impact of Transplanting Environmental Impact Assessment Law into the Ethiopian Legal system, Jimma University Journal of Law, Vol. 5: 75-109

House of Peoples' Representatives adopted the Environmental Impact Assessment Proclamation № 299 of 2002, some efforts have been made to implement the law by the then EPA and currently renamed Environment, Forest and Climate Change Commission (EFCCC) and the relevant regional environmental agencies, which were themselves established by Proclamation № 295 of 2002.

According to the EIA Proclamation № 299/2002, the EPA currently renamed EFCCC, is given a strong mandate by stating, “no person shall commence implementation of any project that requires environmental impact assessment without authorization from the Authority or the relevant regional environmental authority.”¹¹ The proclamation strictly prohibits the commencement of any project that requiring EIA before the appropriate assessment is made and to undertake EIA before licensed with an investment permit. Although the EIA Proclamation was made years ago, there have been gaps in applying the ESIA procedures and exercising the legal enforcement mechanisms.

In Afar National Regional State, the ESIA review and approval of investment projects those who got investment license from the Federal is conducted at the Federal level. In contrast, projects those who got investment license from the regional state are reviewed and approved at the regional level.

ANRS EIA regulation № 09/2012 has been issued to guide the ESIA review and approval process of projects, plans, and strategies executed in the region. The regulation has vested the community the right to participate in the early stages of the process and evaluation of proposals through offering advice, expressing opinions, providing local or temporal knowledge, proposing alternatives, and commenting on how a proposal might be changed to protect the environment and their interest better. However, the ESIA process has some limitations in tune fine with the pastoral and agro-pastoral livelihood system.

1.3 Purpose of the Guideline

The purpose of this guideline is to develop an IRM sensitive ESIA guideline, which is designed for use by the ANRS Environmental Protection and Rural Land Use and Administration Bureau, relevant government sectors, practitioners as well as the development partners in the region to provide the overarching guidance on how to fulfill the requirements set in the national and ANRS` ESIA proclamations while developing investment/ development proposals. The Guideline is also intended to provide all parties in the region with ESIA process, including competent authorities, licensing authorities, and the public at large. The guideline is developed to serve as a key instrument in the decision-making process for relevant authorities by providing comprehensive information on the environmental and social consequences of the development initiatives with the anticipation of the future climate change impacts, including other natural hazard impacts. Thus, it serves as useful guidance for identifying impacts and designing mitigation measures and monitoring requirements for specific projects to be implemented in the region in all sectors. Besides, it provides guidance on how to consider disaster risk reduction, climate change adaptation, and mitigation ecosystem management, and restoration into the development plans and projects.

1.4 Scopes and Applicability of the Guideline

The guideline provides procedural guidelines for identification of impacts, impact mitigation measures, monitoring, and Environmental Audit of projects implemented in the regional state. It provides a framework for the effective consideration of climate change adaptation, disaster risk reduction, and ecosystem management and restoration in the Environmental Social Impact Assessment (ESIA) process, in line with

¹¹ FDRE. 2002a. Environmental Impact Assessment Proclamation, No. 299/2002, Addis Ababa, Ethiopia

the National ESIA guideline and ESIA proclamations. It describes procedural steps in ESIA studies and Environmental Audits as well as the contents and format of the study reports to be submitted to ANRS Environmental Protection, Rural Land Use and Administration Bureau. The ESIA study review and decision-making processes are also illustrated.

This guideline is prepared to help decision making authorities, practitioners and development partners active in the region understand and apply the criteria and requirements to be considered while conducting ESIA that will be coming into effect in the future. The regional Environmental Protection and Rural Land Use Bureau use this guideline to review and approve project proposals got an investment license from the regional licensing authority to be implemented in the region. Besides, federal projects going to be implemented in the Afar National Regional State expected to use this guideline to harmonize with the regional contexts while reviewing and approval of the ESIS of projects to be executed in the region.

Therefore, this guideline will be applicable to all development projects intended to be executed in ANRS by the government, non-government organizations and private sectors as well as the practitioners, thereby minimize the adverse impacts of the projects via useful consideration of both climate change resilience and adaptation in the ESIA

The guideline is organized into four major chapters.

- Chapter one - provides the background information, the purposes, and the scope and applicability of the guideline.
- Chapter Two – describes policies and legal frameworks related to Environmental and Social Impact Assessment at the national and regional levels.
- Chapter Three - the comprehensive description of the ESIA processes that include core values, guiding principles, and the steps to be followed while conducting ESIA.
- Chapter Four - the roles and responsibilities of the stakeholders; competent authorities, proponents, consultants, licensing authorities, and interested and affected parties concerning ESIA processes.

2. Chapter Two – Legislative and Policy Frameworks

2.1 International Conventions Related to Environment

2.1.1 Convention to Combat Desertification

The objective of this convention is to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa. The convention puts drought/desertification affected countries to:

- Give priority to combating desertification and mitigating the effects of drought;
- Allocating adequate resource to combat desertification;
- Address the underlying causes of desertification and pay special attention to the socio-economic factors contributing to desertification;
- Provide an enabling environment by strengthening relevant existing legal enacting new laws and establishing long term policies and action programmes.
- Ethiopia has ratified the convention through its proclamation № 80/1997.

2.1.2 Convention on Biological Diversity

The general objectives of the biological diversity conventions are the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. The convention encourages countries to establish a system of protected areas where special measures need to be taken to conserve biological diversity. Ethiopia has signed this convention on 10 June 1992 at the Earth Summit in Rio de Janeiro.

2.1.3 United Nations Framework Convention on Climate Change

The ultimate objectives of this convention are to stabilize greenhouse gas concentration in the atmosphere at a level that would prevent dangerous anthropogenic interferences in the climate system. The convention commits countries to adopt national policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse sinks and reservoirs.

2.1.4 Vienna Convention for the Protection of the Ozone Layer

The basic objective of the Convention is to combat the negative impact on the environment and human beings resulting from ozone-depleting substances by reducing the amounts released and eventually banning their commercial use through internationally agreed measures. The Montreal Protocol entered into force in 1989 to facilitate the implementation of the Convention. Ethiopia has ratified and became a party to the Vienna Convention and the Montreal Protocol in January 1996.

2.2 National Policies and Legal Frameworks

2.2.1 The Constitution

The 1995 Constitution of the Federal Democratic Republic of Ethiopia contains provisions that support the enactment of EIA legislation. In this regard, it stipulates that the design and implementation of development programs and projects in the country should not damage or destroy the environment; and recognizes the right of the people to be consulted and express their views on the planning and implementation of environmental policies and projects that affect them (Art. 92). Besides, the Constitution recognizes the right of citizens to live in a clean environment, and, where they are displaced, or their livelihood has been adversely affected by the development projects undertaken by the government, the rights to get commensurate monetary or alternative compensation, including relocation with adequate state assistance (Art. 44). These provisions provide a sound constitutional basis for the development and implementation of an effective EIA process.

Article 43: The Right to Development identifies peoples' right to:

- Improved living standards and sustainable development; and
- Participate in national development and, in particular, to be consulted concerning policies and projects affecting their community.

Article 44: Environmental Rights, all persons:

- the right to a clean and healthy environment; and

- Who have been displaced or whose livelihoods have been adversely affected as a result of state projects has the right to commensurate monetary or alternative means of compensation, including relocation with adequate State assistance

Article 92: Environmental objectives are identified as:

- The Government shall endeavor to ensure that all Ethiopians live in a clean and healthy environment;
- The design and implementation of projects shall not damage or destroy the environment
- People have the right to full consultation and to the expression of views in the planning and execution of environmental policies and projects that affect them directly;
- The Government and citizens shall have the duty to protect the environment;
- Maintains land under the ownership of the Ethiopian people and the government but protects the security of usufruct tenure;
- Ensures the equality of women with men;
- Maintains an open economic policy;

2.2.2 Environment, Forest and Climate Change Commission

The Environmental Protection Organs Establishment Proclamation (Proclamation № 295/2002) established the institutions responsible for the regulation of EIA; these include the Environmental Protection Authority, which currently renamed as EFCCC, Regional Environmental Agencies, and the Sectoral Environmental Units.

The Environmental Forest and Climate Change Commission (EFCCC) is the lead federal environmental organ with the objective of formulating policies, strategies, laws, and standards to ensure social and economic development activities in the country sustainably enhance human welfare and the safety of the environment (Art. 6). The regulation of ESIA is one of the key responsibilities entrusted to the EFCCC.

In this regard, EFCCC is responsible for establishing a system for undertaking ESIA on public and private projects as well as on social and economic policies, strategies, laws, and programs. Specifically, it is responsible for developing a directive that identifies categories of projects likely to have a negative impact and thus requires ESIA and for issuing guidelines that direct the preparation and evaluation of ESIA study reports (Proclamation № 299/2002, Art. 5 & 8). Besides, EFCCC is responsible for evaluating the EIA study reports on projects subject to federal licensing, execution, or suspension and on projects likely to create inter-regional impacts. The EFCCC is also responsible for auditing and regulating the implementation of such projects. Moreover, EFCCC is responsible for giving technical support pertaining to environmental management and protection to regional States and sectoral institutions.

2.2.3 Environmental Policy of Ethiopia

The Environmental Policy (EPE) of the Federal Democratic Republic of Ethiopia was approved by the Council of Ministers in April 1997 to provide overall guidance in the conservation and sustainable utilization of the country's environmental resources in general. The overall objective of the environmental policy is to promote the sustainable social and economic development of the country through, *among other things*, sustainable management and utilization of the natural resources of the country. Among the specific

objectives, the environmental policy seeks to achieve are ensuring the conservation, development and sustainable use of essential ecological processes and life support systems, biological diversity and renewable natural resources; and the empowerment and participation of the people in environmental management.

2.2.4 Environmental Impact Assessment Proclamation № 299/2002

In order to ensure sustainable development, it is essential to integrate environmental concerns into development activities, programs, policies, etc. Environmental impact assessment as one of the environmental management tools facilitates the inclusion of principles of sustainable development aspiration well in advance.

Proclamation № 299/2002 aims primarily at making environmental impact assessment (EIA) mandatory for categories of projects specified under a directive issued by the authority whether such projects belong to public or private bodies. This proclamation is a proactive tool and a backbone to harmonizing and integrating environmental, economic, cultural, and social considerations into a decision-making process in a manner that promotes sustainable development.

The authority issued several directives subjecting categories of projects to environmental impact assessment. The proclamation describes a policy, strategy, program, laws, or an international agreement as a public instrument. It directs the authority to issue guidelines distinctively, classifying certain categories of the public instrument as likely to entail significant environmental impact.

The proclamation requires, among others:

- Specified categories of projects to be subjected to EIA and receive an authorization from the authority (currently from Environment, Forest and Climate Change Commission) or the relevant regional environmental agencies prior to commencing implementation of the project,
- Licensing agencies to ensure that the requisite authorization has been duly received prior to issuing an investment permit, a trade or operation license, or a work permit to a business organization. The authority or the relevant regional environmental agencies may exempt from environmental impact assessment projects with an insignificant environmental impact.
- A licensing agency may suspend or cancel licence that has already been issued where the environmental authorization.

The duties of the proponent described in the proclamation must undertake a timely environmental impact assessment, identifying the likely adverse impacts, incorporate the means of their prevention, and submit the environmental impact study report accompanied by the necessary documents to the authority or the relevant regional environmental agency must submit an environmental impact study report to the authority or the appropriate regional environmental agency for review. The proclamation also directs the authorities and the relevant regional environmental agencies on how to deal with an environmental impact assessment report they receive. Thus, after evaluating the report by taking in to account any public comment and expert opinion, the authority or the relevant regional environmental agency must do one of the following:

- Approve the project without condition and issue authorization if it satisfies that the project may not cause a negative impact,

- Approve the project and issue authorization with the condition that must be met in order to reduce the adverse impact on insignificant impacts or refuse implementation of the project if the negative impact cannot be satisfactorily avoided.

2.2.5 Environmental pollution control proclamation № 300/2002

Proclamation № 300/2002 on Environmental Pollution Control primarily aims to ensure the right of citizens to a healthy environment and to impose obligations to protect the environment of the country. The proclamation is based on the principle that each citizen has the right to have a healthy environment on the one hand and the obligation to protect the environment of the country on the other. The law addresses the management of hazardous waste, municipal waste, the establishment of environmental quality standards for air, water, and soil; and monitoring of pollution. The proclamation also addresses noise and vibration as sources of environmental pollution, and it seeks standards and limits for it, providing for the maximum allowable noise level taking into account the settlement patterns.

In general, the Proclamation provides a basis from which the relevant environmental standards applicable to Ethiopia can be developed, while sanctioning violation of these standards as criminally punishable offenses. Furthermore, it empowers the authority (the current Ministry of Environment, Forest and Climate Change) and/or the Regional Environmental Authority to assign environmental inspectors with the duties and responsibilities of controlling environmental pollution. In order to ensure implementation of environmental standards and related requirements, inspectors belonging to the authority (the current Environment, Forest and Climate Change Commission) or the relevant regional environmental agency are empowered by the Proclamation to enter, without prior notice or court order, any land or premises at any time, at their discretion. Such wide powers, emanating from the proclamation, are given to environmental inspectors with a clear intention to protect the environment from pollution, to safeguard and ensure the wellbeing of human health as well as to maintain the biota and the aesthetic value of nature.

2.2.6 Environmental Impact Assessment Guideline

The Ethiopia EIA guideline 2003 provides a background to environmental and social impact assessment and environmental management in Ethiopia. The document was a reference material to ensure effective environmental and social assessment and management practices in Ethiopia for all parties who engage in the process. In this regard the document aims towards;

- Providing all interested parties with a consistent approach to ESIA (including project proponents, consultants, communities, NGO's and the authorities);
- Providing background information for the context of ESIA in Ethiopia;
- Assisting proponents in identifying their EIA responsibilities;
- Assisting community and NGO groups in realizing their environmental rights regarding ESIA
- Assisting the authorities in determining their roles and responsibilities as decision-makers in the ESIA process; and
- Assisting in decision-making with regard to cost and benefits of proposed development projects

2.2.7 CRGE Strategy

The Government of Ethiopia declared ambitious economic growth in 2011 that envisages enabling the nation to become a middle-income country by the year 2025 through a Climate Resilient and Carbon neutral development pathway. To realize the vision of becoming a Carbon neutral middle-income country by 2025, Ethiopia has designed a Climate Resilient Green Economy (CRGE) Strategy that clearly defines the path

towards meeting green economic targets. The strategy has three mutually reinforcing objectives: fostering economic development & growth, abatement & avoidance of future greenhouse gas emissions, and building resilience to climate change impacts.

The CRGE initiative follows a sectoral approach and has identified and prioritized more than 60 initiatives, which could help the country achieve its development goals while limiting GHG emissions to 150 Mt CO₂e by 2030, which is less by 250 Mt CO₂e than estimated under a conventional development path. Building a green economy, which is in the focus of this strategy – offers an opportunity to achieve its economic development, targets sustainably. It represents the ambition to achieve economic development targets in a resource-efficient way that overcomes the possible conflict between economic growth and fighting climate change.

CRGE has two major components; the Green Economy (GE) and Climate Resilient (CR) that focus on low carbon and sustainable economic development and protecting green economic growth from the adverse effects of extreme climatic events (resilience to climate change) respectively.

2.2.8 Disaster Risk Management (DRM) Policy

The Government of Ethiopia has endorsed a comprehensive DRM policy, based on lessons learned from previous experience. These include the necessity of a multi-hazard approach grounded in a deep understanding of specific disaster risk, and its link to development and vulnerability; emphasis on prevention, mitigation, preparedness, and post-disaster modalities and capacities; de-centralization of resources and structures; a clear determination of DRM responsibilities, supported by the capacity for legal enforcement and a high degree of accountability.

The new DRM policy provides direction for the kind of DRM system envisaged for Ethiopia in the future. Such a system is based on an enabling policy environment and strategy. It relies on organizational structures with appropriate and harmonized roles and responsibilities at federal, regional, and woreda levels. Horizontal and vertical coordination among decision-making bodies and effective DRM systems, processes, and procedures is ensured.

Furthermore, the system is based on an understanding of disaster risks; on effective and targeted information flows for decision making and for community DRM; on resources preparedness, ensuring appropriate and timely availability of key resources; on effective implementation capacity, including resource delivery; and on mechanisms for learning lessons and feeding into planning and decision-making.

2.2.9 Pastoral Development Policy and Strategy

Pastoral Development Policy and Strategy envisages seeing a pastoralist community that is resilient to man-made and natural disasters; that has an improved and sustainable livelihood, environment, and institutions; where democracy and good governance are ensured; and peaceful and inclusive development is realized. The overall objective of the policy is Realizing sustainably improved livelihood of pastoralists through integrated development that is centered on the animal resources, material and spiritual, and other reliable endowments of the pastoral people.

Although the pastoralists constitute 12% of the Ethiopian population and occupy 60% of the area of Ethiopia, they have been neglected and forgotten for years. The pastoral people have their own peculiar way of life and live in a peculiar environment. Hence, it has necessitated preparing pastoral development policies, laws, and strategies in order to effectively treat the very fragile environment in taking the pastoral

peoples' way of life and ecology into account that contribute to ensuring sustainable development. The major income source of the pastoralist is their livestock wealth that is reared in the vast landscape via seasonal mobility. The central point of the Pastoral Development Policy and Strategy is, therefore, the livestock resource; and improving livestock production and create a basis for industrialization that uses livestock and livestock products as input.

The policy relies on two essential pillars;

- 1. Improving the livelihood standard and income of mobile pastoralists through increasing animal production and productivity**

Aiming at improving the livelihood standard and income of mobile pastoralists who are moving around the hot and vast expanse of land, through the surface and groundwater development and increasing animal production and productivity; maximizing and commercializing competitive advantages and potential as well as ensuring their participation and benefit in the social and economic development sector.

- 2. Conduct Voluntary Commune Programs to Improve the Income Sources and Living Standards of People Living in the Pastoral Areas**

In areas that are endowed with reliable resources and that are convenient for a settled life, settling pastoralists voluntarily in development centers that are well planned and well-prepared in advance; and strengthening activities that will help increase the income of pastoralists and improve their livelihood through commercialization and diversification of pastoral livelihood.

These two pillars of the Policy have been described in detail in the document as to what they mean; and how they could be interlinked and enable the realization of the vision of the policy and with the national vision of growing to become a middle-income status country.

Thus, recognizing pastoralism as a mode of production and way of life; and based on the livestock wealth, which is the major livelihood source of pastoralists and the ecology, the two major policy pillars, which are the foundations for sustainable and accelerated development have been elaborated. Besides, based on these two policy pillars and four policy categories, thirteen pastoral development sectoral policy issues, together with their implementation strategies, have been presented.

2.2.10 Investment Policy

Investment is an expenditure of capital by private individuals or/and state to establish a new business or to expand or upgrade a business that already exists. Legislation often seeks to provide incentives to promote private capital investment, especially by encouraging the participation of foreigners in the national economy. In Ethiopia, where investment has boomed in recent years, causing harmful effects on the environment and natural resource base of the country. ESIA must be integrated with the current legal framework for investment.

The issuance of an investment license provides an opportunity for ESIA. According to the Investment Proclamation (Proclamation № 375/2003), investment permits can be obtained upon submission of a completed application form to investment authorities. The application form requires the applicant to provide information relating to the status of the applicant, the kind of the intended investment activity, the investment capital, the investment area (region only), the kind and size of intended production or service,

and the number of jobs the investment shall create. Apart from these, the application form does not require the presentation of an ESIA or any information related to the environmental impact of the intended investment project. Investment authorities issue an investment permit within a matter of hours upon submission of a properly completed application form, and notify by letter the concerned sectoral institutions, of which the competent environmental agency is one, requesting the necessary support and follow-up of the implementation of the investment project according to the relevant laws of the country.

Business licensing Proclamation № 67/1997. Article 24(5) of the Investment Proclamation № 375/2003 in effect repeals article 22(2) of the Commercial Registration and Business licensing Proclamation № 67/1997, which makes the presentation of authorization from environmental agencies a requirement for issuance of business license. The Investment Proclamation № 375/2003 creates a loophole for investment activities to begin before going through an ESIA, thereby rendering the ESIA meaningless. In other words, the current process for issuing investment licenses does not force investors to comply with the ESIA requirement. This allows reckless investors, or investors who are ignorant of the ESIA requirement, to impose damage on the country's environment and natural resources.

2.2.11 Rural land-use Proclamation

According to the Constitution of the FDRE (1995), all land in Ethiopia is owned by the state and the people. This indicates that land can only be leased rather than bought and sold. In July 2005, the Government of Ethiopia had issued a new proclamation entitled, “Proclamation to provide for the expropriation of land holdings for public purposes and payment of compensation” proclamation № 455/2005 and Proclamation № 456/2005 which is Federal Proclamation on Land Administration and Use. Proclamation № 456/2005 also declares that the government, as the sole owner of rural lands, may change communal holdings to private holdings as may be necessary. The federal and regional governments have a key role to play in managing the land investment process.

The Constitution also guarantees people whose livelihood is land-based and pastoralists the right to have access to land as well as the protection against eviction from their possession (Article 40.4 and 40.5). Article 40.8, it also states that; private property may be expropriated for public use subject to payment in advance of compensation commensurate to the value of the property”.

2.2.12 Agricultural Investment Land Administration Agency Regulation № 283/2013

Under this regulation, agricultural investment refers to a capital outlay by an investor to establish a new large-scale agricultural investment or expand or upgrade an existing agricultural investment. In this regulation, it is indicated that agricultural investment land is a stretched and adjacent agricultural investment land above 5,000 hectares or less but deemed feasible and administered by the federal government on the basis of the power of delegation obtained from regional states. The regulation also specifies the agricultural investment code of conduct, which includes those national and international applicable requirements to ensure that agricultural investment activities are carried on in a friendly manner with environment, the safety of the local community, and sustainable use of natural resources and that the products are suitable to human health.

2.2.13 Proclamation on Public Health Proclamation № 200/2000

The government of Ethiopia issued the Public Health Proclamation in March 2000. It is an important step for the promotion of the health of the society and for the creation of a healthy environment for the present

and future generations. The proclamation has addressed important issues, which are directly or indirectly related to the conservation of the environment and occupational health. Major environmental health issues (mainly applicable to camps in this case) emphasized in the proclamation include the following:

- Prohibit providing water supply services from springs, wells or through pipes unless health authorities verify its quality;
- Prohibit discharging untreated liquid waste generated from septic tanks, seepage-pits, and industries into water bodies or water convergences; Employers shall ensure the availability of occupational health services to employees;
- The use of any machinery or instrument which generates excessive noise is prohibited. Any person who uses such machinery or instrument shall install noise-reducing apparatus or instruments;
- No person shall dispose of solid, liquid or any other waste in a manner which contaminates the environment or affects the health of the society; (Applicable to construction camps)
- Any institution or organization providing public service has an obligation to organize clean, adequate and accessible toilet facilities for its customers

2.3 Afar National Regional State Legal Frameworks

2.3.1 The Constitution of Afar National Regional State

The 2002 revised constitution of the Afar National Regional State contains provisions that support the consideration of environmental and social impact assessment (ESIA) while designing development plans and projects. The Constitution stipulates that the design and implementation of development programs and projects in the region should not damage or destroy the environment, and recognizes the right of the people to be consulted and express their views on the planning and implementation of policies and projects that affect them (Art. 41). The Constitution recognizes the right of all persons to live in a clean environment, and, when they are displaced, or their livelihood has been adversely affected by the development projects undertaken by the regional government, the rights to get commensurate monetary or alternative compensation, including relocation with adequate regional government assistance (Art. 42). These provisions provide a constitutional basis for the development and implementation of an effective ESIA process. In this regard, the articles of the Constitution that deal with environmental and social issues;

Article 41: The Right to Development, all persons

- In the region have the right to improved livelihood and sustainable development
- In the region have the right to participate in the national development; particularly to be consulted in policies and projects that affect their communities
- The overall objective of the development activity in the region is to satisfy the basic needs of the residences of the region

Article 42: The Right to Healthy Environmental, all persons

- In the region have the right to live in a clean and healthy environment

- Who have been displaced or whose livelihoods have been adversely affected as a result of regional government projects have the right to commensurate monetary or alternative means of compensation, including relocation with adequate regional government assistance

The Constitution of the Afar National Regional State Article 34 (7) provides that “women have the right to acquire, administer, control, use, and transfer property, the rural land use and administration policy also bestowed the women in the region the same. In particular, they have equal rights with men with respect to use, transfer, administration, and control of the land. They shall also enjoy equal treatment in the inheritance of property.

2.3.2 ANRS Environmental Protection and Rural land use and Administration Bureau

The Environmental Protection Organs Establishment Proclamation (Proclamation № 295/2002) requires regional states to establish or designate their own regional environmental agencies. Accordingly, the ANRS Environmental Protection and Rural Land-use and Administration Bureau have been established with the responsibility of coordinating the formulation, implementation, review, and revision of regional conservation strategies; and for environmental monitoring, protection, and regulation (Art. 15).

ANRS EPRLUA Bureau is mandated to review and evaluate the ESIA study reports on projects that are licensed and planned to be executed in the region by the government and/ or private sectors as well as development partners as the EIA proclamation № 299/2002 gives these responsibilities to the regional environmental agencies. ANRS EPRLUA Bureau is also responsible for regular compliance monitoring of all projects implemented in the region and auditing and regulating the implementation of such projects.

2.3.3 ANRS IRM Sensitive Disaster Risk Management Strategy (2020 – 2024)

The ANRS has developed an IRM sensitive DRM strategy that aims to create an integrated, flexible, and efficient DRM system in the region, which ensures the reduction of potential natural and human-made disaster risks impacts by joint efforts and coordinated activities of the agencies defined by the government legislation underpinning sustainable development. The strategy document defines activities for the reduction of natural and man-made disasters, risks, and challenges faced by the region and defines the main DRM policy directions. Disaster Risk Management strategies and activities contribute to the reduction of disaster risks as well as the negative impacts of disasters and the attainment of sustainable development and poverty alleviation by facilitating the integration of disaster risk management activities into development.

The Regional IRM sensitive DRM strategy is one of the essential components of the regional food security and development process. The Integrated DRM system will be oriented on the creation of safe living and work environment and sustainable development of the region and its economy that fostering disaster risk resilient community, climate change the risk-adapted community, and climate change smart landscape. Thus, the strategy is developed to guide and act as a framework for disaster risk management implementation in the region.

The specific objectives stipulated by the regional IRM DRM strategy are:

- To inform the legal and institutional basis for the efficient integrated Risk Management planning and implementation;

- To establish a strategic Integrated Disaster Risk Management (IDRM) platform for governmental, non-governmental, UN agencies, and private sectors through a multi-stakeholder participatory approach, including community participation at all levels.
- To strengthen links between CCA, DRR, and Development in recognizing the role of ecosystem management and restoration;
- To develop and enhance long term capacities, including coordination mechanisms both at regional and local levels to support the implementation of the Ethiopian DRM policy and Strategy to building resilience against the natural and human-made hazards;
- To strengthen DRM institutional frameworks and capacities at regional and local levels for mainstreaming, implementing, and coordinating Integrating Risk Management strategies and programs to build resilience against any hazard's occurrence.
- To embed a holistic approach for integrated risk management measures into design and implementation of disaster preparedness, response and recovery programs;
- To mobilize resources, including practical tools to contribute to the implementation of programs and projects on DRR.
- To achieve a comprehensive, all-hazard, all agencies approach by achieving the right balance of prevention, preparedness, mitigation, response, and recovery;
- To promote a transparent, systematic, and consistent approach to integrated disaster risk assessment and management.
- To develop a database and information exchange system in climate change, DRR and ecosystem restoration and landscape at national, regional and local levels

2.3.4 Afar National Regional State EIA regulation № 09/2012

According to the regional ESIA regulation № 09/2012, no person shall commence the implementation of any project or strategic action that requires environmental assessment without environmental clearance from the Authority or the relevant Regional Environmental Agency. However, when the Authority or the relevant Regional Environmental Agency believes that the possible impacts of the proposed socio-economic development initiatives are insignificant, it may decide not to require the concerned proponent to conduct an environmental assessment.

The regulation also expresses that the financial institutions; local or International Financial Institution or a State organ that approve or allocate the budget or provide or lease land or investment incentive shall, prior to granting the loan or credit, allocating the budget or providing or leasing the land or incentive for any state or private development initiative that require an environmental assessment, ensure that the Authority or the relevant Regional Environmental Agency has authorized its implementation. In additions, it declares that the licensing authority appointed under any other law should not issue a trade or operating license or renew the same by virtue of any law with respect to the proposed action for which environmental assessment may be required unless the application for a license or renewal is accompanied by an environmental clearance or approved environmental performance by the appropriate environmental agency.

2.3.5 ANRS Rural Land Use and Administration regulation № 04/2011

The Rural Land Use and Administration are to ensure the reliable and sustainable use and protection of the land and land-related natural resources in the region through implementing a system of land administration in order to contribute to the improvement of the life of the people of the region. The right to ownership of

the rural land is vested in the state and the people, and the pastoralists and Agro – pastoralists in the region have the right to obtain land free of charge and the protection against eviction from their possession. Similarly, pastoralists in the region have the right to free land for grazing and cultivation as well as the right not to be displaced from their own lands.

The regulation has vested the pastoralists the right to equal use right on communal holding, which includes the right to equal distribution of grazing, water, land lease, forestry resources, and any other proceeds from the communal holdings.

ANRS Rural Land Use and Administration Regulation № 04/2011 article 5 (4) states that the regional state shall provide appropriate supports for implementation of traditional practices that may help to ensure conservation and protection of natural resource degradation and realize natural regeneration sustainable utilization of natural resources on pastoralist holdings available grazing or other uses.

3. Chapter Three - Comprehensive Description of the ESIA Process

3.1 Introduction

An Environmental and Social Impact Assessment (ESIA) is a process that systematically examines the possible environmental and social consequences of the implementation of a project¹². The ESIA is an instrument which makes it possible to introduce, at an early stage of the project planning process, extensive information on the environment in which projects shall be implemented, and to enable projects to be designed in such a way that they are economical with scarce resources and contribute to sustainable development. It evaluates a project's potential environmental and social risks and impacts in its area of influence.

ESIA is intended to ensure that the environmental and social effects of major developments and projects likely to have significant environmental and social effects are fully investigated, understood and considered before decisions are made on whether the projects should proceed. It ensures the participation and involvement of the stakeholders in all the development/ project cycles. As a result, it is important that the ESIA is of high quality and looks at alternatives that can minimize environmental and social impacts and maximize potential benefits.

In this regard, the Ethiopian EIA Proclamation № 299/2002 enforces the proponents to undertake a timely environmental impact assessment, identifying the likely adverse impacts, incorporating appropriate mitigation measures, and submit the environmental impact study report. The proclamation, in turn, vested regional environmental agencies the responsibility to evaluate the ESIA study reports on projects that are licensed, executed, or supervised by regional States.

3.2 Core Values

Sustainability: - the ESIA process should result in the implementation of environmental safeguards, which are sufficient to mitigate serious adverse effects and avoid irreversible loss of resource and ecosystem functions.

Integrity: - the ESIA process should meet regional and nationally accepted requirements and standards of practice, and be performed by multidisciplinary teams;

¹² OECD, <https://stats.oecd.org/glossary>

Utility: - the process should provide the information, which is balanced, relevant, sufficient, and credible for decision-making.

Equity: ESIA ensures fairness in the distribution of resources, benefits or costs

3.3 Guiding Principles

The following guiding principles should guide all developments activities and investments in the region:

Polluter pay principles - according to which the polluter should bear the cost of measures to reduce pollution according to the extent of either the damage done to society or the exceeding of an acceptable level (standard) of pollution.

Precautionary principle – according to which Renewable resources should not be used in excess of their natural regeneration and Non-renewable resources should be used prudently and efficiently with the care that the same function is available to future generations.

Value for local Norms - Recognition of social and cultural principles traditionally used in the management of the environment and natural resources.

Participatory - ESIA should provide appropriate opportunities to involve and inform the community who are interested and affected by the project, and explicitly address their inputs and concerns.

Transparency – ESIA should be a clear, easily understood, and open process, with the early notification procedure, access to documentation, and a public record of decisions taken and reasons for them.

Credibility – ESIA should be carried out with professionalism, rigor, fairness, objectivity, impartiality, and balance.

Certainty – the process and timing of assessment must be agreed in advance and followed by all participants.

Effectiveness – ESIA should impose the minimum cost burden on proponents consistent with meeting process requirements and objectives.

Practicality – the information and outputs are readily usable for planning, designing, and in decision-making and feasible in the regional context.

Accountability – decision-makers are responsible for all parties for decisions and actions under the assessment process.

3.4 Objectives of ESIA

The overall objective of ESIA is to ensure that environmental and social concerns are integrated into all development activities in order to contribute to achieving sustainable development in the region. The specific objectives are:

- To identify potential environmental and social impacts of proposed projects, plans, and programmes in the region;
- To assess the significance, and the relative importance of the impacts of alternative plans, designs, and sites;
- To propose mitigation measures for the significant negative impacts of the project on the environment and community;
- To generate baseline data for monitoring and evaluation of how well the mitigation measures are being implemented during the project cycle;
- To present information on the impact of alternatives;

- To present results of the ESIA in such a way that they can guide informed decision-making.

3.5 Benefit of ESIA

ESIA is a formal study process used to predict the environmental and social consequences of any development project, plans, and program. It ensures that the potential problems are foreseen and addressed at an early stage in project planning and design. Since development is an ever-growing process, its impact on the environment and social is also ever-increasing, leading to rapid deterioration in environmental and social conditions. Hence, undertaking environmental and social impact assessment helps contribute to achieving sustainable development in the country.

The benefits of ESIA include the following;

- Ensure that environmental and social considerations are explicitly addressed and incorporated into the development decision-making process.
- Anticipate and avoid, minimize, or offset the adverse significant biophysical, social, and other relevant effects of development projects, plans, and programs.
- Protect the productivity and capacity of natural systems and the ecological processes which maintain their functions.
- Promote development that is sustainable, optimizing resource use, and management opportunities.
- Early identification of environmental and social problems avoids the adoption of expensive mitigation measures during operation caused by later plant adaptations.
- Better compliance with environmental standards reduces damage and disturbances to the environmental quality and minimizes risks to public health diseases and associated costs of treatment, compensation, and the likelihood of fines and penalties.
- Resolves conflict solves problems, and thus increase project acceptability by the public through active involvement and participation throughout the process.
- Improves institutional co-ordination and inter-agency co-operation and technical credibility using multi-disciplinary experts in review of impact statements.
- Improves accountability and transparency in planning and decision-making process.
- Ensure sustainable development by integrating environmental and social factors, public concerns, and community values early in the decision-making process.
- Leads to responsible decisions to sustain and enhance the value of the environment for present and future generations.

3.6 IRM Sensitive Environmental and Social Impact Assessment

Integrated risk management (IRM) is a systematic process of reducing disaster risks through anticipative, absorptive, adaptive, and transformative actions, considering the effects of climate change and the role of ecosystems¹³. Besides, IRM refers to a holistic approach towards risk and resilience, combining elements from disaster risk reduction, climate change adaptation, and ecosystem management and restoration¹⁴. An IRM is an integral component of and extension to the environmental review process and environmental and social impact assessment whereby encouraging explicit consideration and mitigation of disaster risk, climate change impacts, and ecosystem restoration.

¹³ <http://www.partnersforresilience.nl>

¹⁴ INTEGRATED RISK MANAGEMENT ADVOCACY TRAINING MANUAL PARTNERS FOR RESILIENCE HORN OF AFRICA

The fundamental objective of IRM is to ensure that risks to people and their livelihoods are kept as low as possible or within acceptable bounds¹⁵. IRM sensitive environmental and social impact assessment shall consider the overall risk assessment and its components as well as risk treatment.

The purpose of an ESIA is to ensure that the development options under consideration are environmentally sound, socially acceptable and economically viable and that any environmental and social consequences are recognized early in the project cycle and considered in project design¹⁶.

In light of the fact that ESIA guideline is supposed to be designed in a way to consider integrated risk management approach while conducting ESIA for development projects. This approach strengthens and protect the livelihoods of vulnerable communities, primarily against climate-related natural hazards and climate change impacts. The consideration of IRM as part of the ESIA process is a preventive approach to ensure that appropriate climate change adaptation and disaster risk reduction mitigation measures are incorporated into project design and subsequent implementation, where deemed necessary. As part of the ESIA processes, the practitioners and proponents are advised to vigorously consider the IRM principles and adhere to the IRM approach when conducting ESIA for projects, so that ensure the resilience of the livelihood of the community and sustainable development of the country.

Thus, while conducting IRM sensitive ESIA, the following conditions should be considered:

- All the hazards that are relevant to an area, a society, and their related risks, are considered
- Damage indicators, as well as ecological, economic and social sustainability criteria, are applied
- Full-spectrum of available Mitigation measures, preparedness, response and recovery measures are considered
- All relevant decision-makers, specialists and those who are affected are involved in the process

3.7 The Environmental and Social Impact Assessment Processes

Environmental and Social Impact Assessment (ESIA) is a process of systematic valuation of a development proposal, including its alternatives, objectives, and its effects on the environment encompass the mitigation and management of those effects. The ESIA process extends from the initial concept of the proposal through implementation to completion and, where appropriate, decommissioning of the project. The ESIA process aims at an assessment to inform development decisions by mandating consideration of project alternatives and ways to prevent, mitigate, and control potential negative environmental and social impacts. This generally involves several steps, including project screening, scoping, assessment, impact management, ESIA report development, public participation, review, decision making, and monitoring.

3.7.1 Pre - Screening

Pre-screening is essentially a light touch screening process and undertaken to determine whether a proposed project is subject to Environmental Impact Screening. It helps to ensure that social and environmental sustainability issues are considered and integrated into a Project's concept and design. Pre-screening will help to anticipate and assess the potential Hazards, vulnerabilities, and climate change scenarios as well as ecosystem management and restoration in the project areas. Besides, it assesses the overarching Policy and

¹⁵ Integrated Risk Management. Its importance in protecting people and their livelihoods. Federal Office for Civil Protection (FOCP). Bern, Switzerland, 2014.

¹⁶ <http://www.worldbank.org/cgced>

Principles relevant to the Project. The major activities should be considered at the pre-screening stage of the IRM sensitive ESIA are;

1. Define the project and alternatives

Initially, to describe the proposed project and identify alternatives to project and approaches for implementation. An application for an ESIA should present detailed information concerning nature, scope, setting, and timing for the proposed project or activity. The project/activity description should contain enough information to frame the ESIA investigation, so that time and resources are concentrated in areas where potential impacts are most significant. The description of the project/activity should identify environmental or social issues of concern, including any natural hazards that may affect project design, construction, implementation, or abandonment, and outline any alternatives that may be technically feasible.

2. Conduct Hazard and Vulnerability Assessment

During the initial screening of the project, the project team should undertake a preliminary hazard and vulnerability assessment to identify and evaluate the impacts of potential natural hazards that impact the project's area of influence. The purpose of this step is to gather sufficient information to inform the Screening and Scoping steps that follow.

The questions should be considered during preliminary hazard, and vulnerability assessment was undertaken during screening and answered more fully during project preparation

- What are the relevant natural hazard impacts that may affect the project and the local community?
- What, if any, project elements are likely to be affected significantly by natural hazards

A) Hazard Analysis

Hazard analysis includes the identification, analysis, and evaluation of risks. The purpose of this step is to identify and evaluate those hazards that have the potential to impact the project vicinity within the timeframe for project execution, use, and abandonment. Where only those hazards identified as significant impacts will be investigated further in the ESIA study.

In relation to climate change, the selection of an appropriate climate change scenario for use in assessing the potential impact on the project is important, as the vulnerability can be magnified or minimized depending upon the scenario used. The major climate change-related hazards are identified at this stage.

B) Vulnerability Assessment

Once the hazards of potential concern to the project and community have been identified, the vulnerability of the community, ecosystem, project, and project components to the impacts of these hazards must be reviewed. This evaluation will identify project and ecosystem components that are at high risk of impacts from natural hazards due to climate change.

This determination involves the identification of key ecosystem components, project elements, and projected impacts from natural hazards in and around the project area of influence. The vulnerability of the ecosystem, project components, and community must be reviewed and assessed against all hazards identified in the previous step as having potentially significant impacts. Hazards and impacts that are

identified as low to medium risks would not require further assessment, whereas moderate and high risks need to conduct the further assessment.

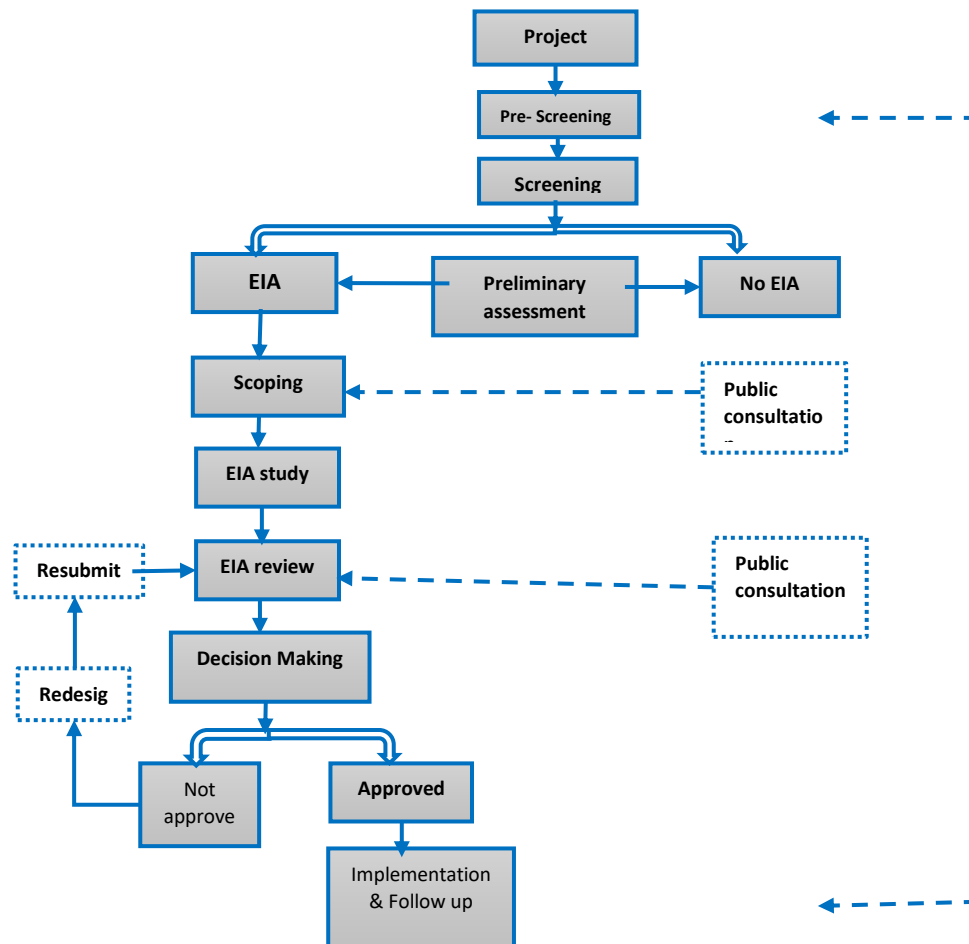


Figure 1.ESIA Process Flowchart

3.7.2 Environmental and Social Screening

Environmental Screening is a systematic assessment and documentation of the potential environmental and socioeconomic impacts of a proposed project. Environmental and social Screening involves determining whether or not an ESIA study is required for a particular development activity, which depends on the significance of the project's social and environmental impacts. The importance is described by the sensitivity of the area likely to be affected; public health and safety; the possibility of uncertain, unique or unknown risks; the possibility of having individually insignificant but cumulatively significant impacts; whether the proposed activity affects protected areas, endangered or threatened species and habitats; size, working methods, project activities including their duration and proposals for waste disposal and treatment. Thus, this is the classification stage to determine the level at which the ESIA will be carried out.

The project developers do environmental and Social Screening, often using a set of criteria determined by the responsible agency, in this case, ANRS EPRLUA Bureau. It is essential that environmental screening

is done as early as possible in the development of the project proposal for the proponent and other stakeholders to be aware of possible ESIA obligations.

The Screening phase of the ESIA should decide the following:

- Project and site description
- Collection of baseline data
- Data analysis
- Evaluation of the significance of environmental impacts
- Evaluation of alternatives
- Consultation and public participation;
- Preparation of a project report; and
- Review of the project report.

3.7.2.1 Environmental Schedules

While environmental screening, it necessitates deciding whether full, preliminary or no ESIA is required, taking into consideration of the following factors; Sensitivity of the environment, heritage, and cultural sites, location of a project, the technology used, the concern of the public, land use, magnitude/scale of environmental impacts and any other relevant factors. The screening is usually done by a self-assessment by the project/development proponents using guidance and question forms provided by the designated authorities; in this case, the ANRS environmental protection and Rural land use and Administration Bureau are responsible.

Projects' environmental category is predicated based on the nature and severity of potential environmental and social impacts. Accordingly, the projects or activities are categorized as schedules 1, 2, and 3 with high significant, moderately significant, and low significant impacts, respectively. Refer (annex III).

Table 1. Categories of Projects

Environmental category	Environmental and social impacts	Environmental analyses required
Schedule 1	Significant, irreversible adverse impacts, high potential environmental impacts, and environmental risk	Mandatory Environmental impact assessment
Schedule 2	Less significant adverse impacts that may be easily prevented or mitigated	Environmental analysis to identify more precisely potential negative impacts
Schedule 3	Minimal or no adverse impacts and low environmental risks	No further environmental and/ or social analysis or assessment required

Source – EIA guideline 2002

Schedule 1- Schedule 1 projects may involve significant, cumulative, or even potentially irreversible negative environmental impacts or risks. Typically, such projects may include planned interventions that may change existing land and/or water uses, open up new lands, disturb natural habitat needed for maintaining biodiversity, involve a significant expansion of industry, introduce water impoundment schemes, promote the use of agrochemicals, or require the acquisition of land and/or resettlement of local populations.

The category assigned to a project or activity will determine whether additional environmental or social analyses will be required.

Schedule 2 – Projects whose type, scale, or other relevant characteristics have the potential to cause some significant environmental impacts but are not likely to warrant a full EIA study. Schedule 2 projects should not entail substantial negative environmental and associated social impacts but may still have adverse effects, which can be mitigated with suitable preventive actions. Schedule 2 projects do not require a full EIA but will require further deepening of environmental or social considerations, depending on the expected magnitude of risks.

Schedule 3 - Projects, which would have no impact and do not require an EIA. Schedule projects should have minimal or no potential negative environmental or social impacts, either individually or cumulatively. They should not be controversial in terms of the interests of key stakeholders. As such, they do not require further analysis or impact assessment.

3.7.2.2 Contents of Screening Report

Once all information about the project, the environment in which the planned project is going to be implemented, and the socio-economy of the people in the area is collected, the consultant compiles the environmental screening report. The content of the screening report includes:

1. Name of the proponent, PIN number, address, and contact person
2. Title of the project
3. Objectives of the project
4. Nature and size of the project (small, medium and large scale) ;
5. Location of the proposed project, and characteristics of the location (sensitivity of the area)
6. The proposed activities and its potential impacts, during project construction, operation, and decommissioning phases;
7. Technology to be used and Design(s) of the project;
8. Materials to be used, products and by-products, including waste to be generated by the project and the method(s) of their disposal;
9. Economic and social benefits to the local community and the nation in general;
10. Degree of public interest
11. The outcome of the screening that may be
 - No EA required
 - Preliminary Assessment (PA) – preliminary assessment
 - Full-scale EA – when there is sufficient ground for detail assessment

3.7.3 Environmental and Social Scoping

A project that considered to be subjected to an ESIA study must first undergo an Environmental scoping study. The classification indicates that a full ESIA is required, the identification of main issues of concern through scoping will be done by consulting all the relevant concerned parties. The environmental scoping applies to both schedule 1 and 2 projects, which need additional environmental and social impact analyses. Environmental and Social Scoping is a procedure used to determine the range of issues to be addressed in the ESIA study, the process of identifying the significant impacts which are related to the proposed project. It is a systematic exercise that establishes the boundaries of ESIA and sets the basis for the analyses to be conducted at each stage. A quality environmental and social scoping study reduces the risk of including unnecessary and inappropriate components or overlooking components that should be addressed.

In this regard, environmental and social scoping is critical as it sets up the boundaries of the ESIA, including the project area, what to include in the ESIA, and how to put the ESIA together guided by the terms of reference (TOR). When the classification indicates that a full ESIA is required, then identification of main issues of concern through scoping will be done by consulting all the relevant concerned parties. The terms of references will then be prepared to guide the impact assessment study. The environmental information provided to competent authorities must focus on those issues that are important for decision making on a particular project.

Some main features of environmental scoping are;

- Scoping can often be done as a desk study. However, where major projects are concerned, visits should be made to the geographical area(s) in which the project shall be implemented.
- Participatory methods in the scoping process provide important contacts with the people affected at an early stage of project planning and make it possible for them to influence the organization of the ESIA process.
- The use of map data, aerial photos, and satellite images often provides valuable information.
- An ESIA study that follows the scoping process often leads to a redefinition of important environmental effects and key issues. The terms of reference produced in the scoping process should be formulated to take this into consideration.

The determinant approaches and steps to be followed while undertaking environmental scoping include;

1. Determining key aspects and criteria for evaluating significant impacts

The significance of environmental and social impacts. This first approach includes creating a list of environmental, biological, and socioeconomic resources and issues that are important to consider, such as water, soil and land use, biodiversity, and people's access to water, land, and food, and energy. At this stage, it is also important to identify the criteria based on which impacts will be assessed, such as the amount of water extracted, waste produced, or agricultural land lost and forest covers cut/replanted. The selected environmental and social resources and issues and the set of criteria will then be analyzed in detail in the next phases.

2. Undertake Public consultation.

This is a critical part of the EIA, and it is mandated by legislation. The key groups involved in the consultations include project-affected people, host communities, and local NGOs, as appropriate. It is critical to provide these stakeholders with opportunities to participate in the planning, implementation, and monitoring of the planned project/investment.

In conclusion, affected persons should be consulted, involved, and made to understand all the issues of concern relating to the project, which should be compiled into a comprehensive report.

3. Conduct a baseline survey

Baseline surveys and investigations should be carried out on the issues that have significant environmental effects. The description of the existing environment may include various biophysical, social, and economic parameters such as air, water, geology, soils, biodiversity, land use, community conditions (socioeconomic, health & cultural) with the potential to be affected by the project. Baseline data should provide a statistically valid measure of the parameter's natural variability during the pre-project period in order to be of value for impact prediction and environmental monitoring of the project's impacts.

4. *Defining alternatives*

The consideration of alternatives for a project proposal is one of the requirements of the EIA process. While undertaking an environmental scoping study, alternatives to a project proposal are generated and/ or adopted, either directly or by reference to the key environmental and social issues identified. Subsequently, a comparison of alternatives is carried out to determine the best method of achieving project objectives while minimizing environmental impacts or proposing the least harmful and the most environmentally and socially friendly solutions.

5. *Develop Terms of references*

The Terms of Reference for an ESIA shall be contained in a scoping report that will be submitted to the competent authority for approval. It will focus on key issues of concern identified during the environmental scoping exercise. The TOR prepared during a scoping exercise should provide specific guidelines for undertaking the ESIA study.

In the “scoping” stage of the ESIA process agreement should be reached on the following aspects:

- Project description and definition of spatial boundaries – the definition of the project and its area of influence;
- Definition of Project Boundaries – the identification of temporal boundaries affecting project activities over the entire life cycle of the project (including the time frame for natural hazard impacts that are to be evaluated), and the identification of regulatory, legislative, administrative and customary aspects affecting the project or project activities;
- Baseline Environmental Setting – data to be collected and monitored for the identification of ecological, climatic, cultural and social features
- Climate Change Scenario – where climate change has been identified as potentially impacting the project, appropriate climate change scenario(s) must be selected for use in the detailed assessment; and
- Stakeholder involvement – the guidelines for stakeholder involvement, including frequency and kinds of involvement, should be included in the scoping discussions. To assist in any public consultation process, project-relevant climate change scenarios must be agreed upon and made available to the public together with other EIA documentation

The overall content of the Terms of reference is indicated as an annex (V) for reference.

3.7.4 *Environmental and Social Impact Analysis*

The preparation of Environmental and Social Impact Analysis (ESIA) or Environmental and Social Impact Study (ESIS) follows the approval of the ToR prepared during the environmental scoping, to identify the likely impacts, assess and evaluate their significance, likely hood, severity, and magnitude as well as the proposed mitigation measures to minimize potential negative impacts and enhance positive benefits. An ESIS shall address all the issues contained in the TOR developed by the proponent in consultation with the ANRS EPRLUA Bureau or the competent authority.

During the environmental and social impact study, a detailed assessment of the planned project and selected alternatives compared to the baseline conditions is performed. The identified alternatives are allowing the comparison of these alternatives for their impacts on the local and national environmental and socioeconomic and cultural characteristics. As a result, the ESIA study shall include;

- In-depth analyses of environmental impacts including associated social and economic effects;
- Studies of various alternatives including a zero alternative that is the environmental effects of the expected development in the project area if the project is not implemented;
- Development of important measures to optimize the project's contribution to local and national, development sustainable development and to eliminate or minimize any damage;
- Plans for monitoring and evaluation.

The ESIA study is the responsibility of the proponent and should be undertaken by EIA experts registered as a Firm by the competent authority. An ESIA report includes an environmental management plan as well as a monitoring plan that outlines the monitoring and management of anticipated impacts, especially those, which affect local communities. Public consultation is also mandatory when conducting an EIA, and at a minimum, the proponent must meet key stakeholders to solicit their views.

3.7.4.1 Impact identification

Impact identification is listing out of the possible social and environmental impacts of the project. Thus, the purpose of impact identification is to exhaustively take into consideration all the important environmental/project impacts and interactions, making sure that indirect and cumulative effects, which may be potentially significant, are not inadvertently overlooked. Impact identification aims to ensure that all potential environmental impacts are identified and listed and that their boundaries and characteristics are clearly understood and described. While impact identification, a distinction should be made between significant positive and negative impacts, direct and indirect impacts, and immediate and long-term impacts and identify impacts, which are unavoidable and/or irreversible. This involves naming all sources of impacts, using a checklist, matrices, or questionnaires.

3.7.4.2 Impact Prediction

Once all the important impacts have been identified, their potential size and characteristics can be predicted. It utilizes physical, biological, socio-economic, and cultural data to estimate the likely characteristics and parameters of impacts in terms of the magnitude, severity, spatial occurrence, time, and duration. Impact predictions are made against a baseline established by the existing environment or by its future state.

The objective of prediction is to identify the magnitude and other dimensions of identified change in the environment with a project or action, in comparison with the situation without that project or action. The impacts on the environment and the local communities will be analyzed. The analysis shall examine the biological, social, economic, and physical anthropological effects of the project. The analytical process will involve the use of physical, socio-cultural, mathematical, and economic models, including an evaluation of costs and benefits using professional judgment, quantitative methods, and experiments.

3.7.4.3 Impact Evaluation

Having analyzed the impacts of the project on the environment and social components, it is important to determine their significance, whether they are acceptable, require mitigation measures, or are unacceptable to the community. In this regard, the interpretation of the significance of the impacts, therefore, determines

and important for decision-making. In many cases, this depends on the assessment of the acceptability of the impact in terms of some existing criteria such as the permitted level of a substance or degree of change as specified in a standard and checklist prepared for this purpose.

Therefore, evaluation of the significance of impacts should be conducted against a framework of criteria and measures established for the purpose by ANRS EPRLUA Bureau or the competent authority.

3.7.4.4 Important parameters of impact assessment

Typical parameters to be considered in impact prediction and decision-making are the nature of the impacts, magnitude, extent/location, timing, significance, reversibility/irreversibility, and likelihood, probability, uncertainty, or confidence in the prediction:

- Nature - positive, negative, direct, indirect, cumulative.
- Magnitude - high, moderate, low.
- Spatial Extent / location - area, volume coverage, distribution.
- Timing - during construction, operation, decommissioning.
- Duration - short term, long term, intermittent, continuous.
- Significance - local, regional, global.

3.7.5 Impact Mitigation and Management

Mitigation measures envisage at avoiding, reducing, preventing, and remedying significant adverse effects of development activities while enhancing the environmental and social benefits of a project. The purpose of mitigation is to identify measures that safeguard the environment and the community affected by the proposed project.

The detailed report will fully identify the proposed measures that shall be implemented to address the identified adverse effects. Similarly, the effectiveness of these measures towards achieving desired objectives shall be assessed. A wide range of options will be proposed to prevent, reduce, remedy, or compensate for the various adverse effects. It is necessary to consider measures designed and incorporated into the project proposal that will counteract the adverse impacts of a project on the environment and enhance its beneficial effects. Mitigation measures must be translated into action in the correct way and at the right time. The objectives of mitigation are:

- To find better alternatives and ways of doing things to avoid negative effects
- To enhance the environmental and social benefits of a proposed project;
- To avoid, minimize or remedy adverse impacts; and
- To ensure that residual adverse impacts are kept within acceptable levels

In the same way, impact management is the process of translating mitigation measures into appropriate action plans during project implementation. It involves establishing systems and procedures for ensuring effective monitoring of mitigation measures and taking any other necessary actions when unforeseen impacts occur.

Objectives of environmental impact management are to:

- Ensure that mitigation measures are implemented
- Establish systems and procedures for this purpose
- Monitor the effectiveness of mitigation measures; and

- Take any necessary action when unforeseen impacts occur.

3.7.6 Environmental and Social Management Plan (ESMP)

An Environmental and Social Management Plan (ESMP) is usually prepared as part of ESIA reporting, which translates recommended mitigation measures and monitoring systems into specific actions that will be carried out by the proponent. The ESMP should contain commitments that are binding on the proponent. It can be translated into project documentation and provide the basis for a legal contract that sets out the responsibilities of the proponent and other competent agencies. In turn, the proponent can use the ESMP to establish environmental performance standards and requirements for those carrying out the works. An ESMP can also be used to prepare an environmental management system for the operational phase of the project. The format of the Environmental and Social Management plan is annexed as (VI) for reference.

The overall structure of the Environmental and Social Management Plan includes:

- Summary of the potential impacts of the proposal.
- Description of the recommended mitigation measures.
- Statement of their compliance with relevant standards.
- Institutional arrangements and allocation of resources with responsibilities for plan implementation.
- Schedule of the actions to be taken.
- Program for monitoring and auditing.
- Cost estimate and source of funds.
- A contingency plan to address additional risks and emergencies

3.7.7 Consultation and Public Participation

Depending on the project, public consultation may be required as part of the EIA process. It is important that all persons likely to be affected by the project are consulted for their concerns. Information regarding all project activities within the project cycle, planning implementation, decommissioning, materials to be used, products, waste and waste disposal, economic and social benefits should be provided. The views of the public on all these activities should be incorporated in the project report.

The purpose of public consultation and participation is to;

- Receive public input about environmental concerns regarding the proposed project;
- Inform the public about the project and potential environmental issues; and
- Identify environmental issues not previously addressed by the proponent

3.7.8 Environmental and Social Impact Assessment Report

Once the assessment, mitigation measures, and related management plans are completed, the next step is organizing the information together into a comprehensive report using the Terms of Reference (TOR). The ESIA report should provide a concise summary of the findings and recommendations of the technical studies that have been completed as part of the impact assessment. The ESIA report is prepared on behalf of project proponents by consultant firm legally registered by ANRS EPRLUA Bureau or any competent Authority.

The ESIA report should include:

- Well-structured and uses non-technical language supported by data and well-executed analyses.
- It provides information that is helpful and relevant to decision making.
- Results in the satisfactory prediction of the adverse effects of proposed actions and their mitigation using conventional and customized techniques.

The format and content of the ESIA report are indicated on **Annex IV** for reference.

3.7.9 Environmental and Social Impact Assessment Report Review

The ESIA report or impact statement is a primary document for decision-making that organizes the information obtained and synthesizes the results of the studies and consultations undertaken. Once a full-scale ESIA is conducted, a proponent is supposed to submit an ESIA report to the relevant reviewing authority, which could be a regional environmental authority, ANRS environmental protection, and rural land use and administration Bureau or the competent authority delegated to do so. The AEPRLUA reviews the report in order to determine the quality, adequacy, sufficiency, and relevance of the information provided in an ESIA as a basis for decision making. The multidisciplinary team should conduct an ESIA report review, and the team needs to undertake a site visit to verify the information provided in the ESIA report.

The review is the final check on the quality of the ESIA report submitted to obtain a project license. However, often this process leads to a requirement for additional information on potential impacts, mitigation measures, or other aspects. Their review determines whether or not the project adequately addresses major environmental and social impacts and other risks, and whether or not to grant a license to the project proponents (or perhaps to request changes). This means that a good quality ESIA might still lead to the planned development not being permitted to go ahead based on the identified impacts.

The review is carried out to confirm the quality of the information and methods used in the ESIA, and that the ESIA report addresses all the critical and cumulative impacts as well as the relevant mitigation measures to avoid, minimize, remedy or compensate the impacts. The key objectives of the ESIA review are to:

- Assess the adequacy and quality of an ESIA report.
- To ensure whether appropriate public consultation conducted, and the public comments are taken into account
- Determine if the information is sufficient for a final decision to be made.
- Identify, as necessary, the deficiencies that must be addressed before the report get approved

3.7.10 Important factors to be considered while reviewing ESIA report

The review process involves several basic questions before a decision is made. In this regard, the following factors should be considered when reviewing the report:

- The report has adequately addressed as per the terms of reference (ToR);
- There is enough information on the objectives of the project proposal and its environmental setting, consideration of alternatives, impacts, mitigation measures, and monitoring;
- The stated information is correct, scientifically, and technically sound;
- The ESIA process has been conducted appropriately, and the points of all parties involved have been considered;

- The information presented is relevant, concise, logical, understandable to both decision-makers and the public; and
- Commitment to mitigation measures, environmental management, and monitoring plans are in place.

3.7.11 Environmental decision-making

Once the technical team of multidisciplinary thoroughly reviews the ESIA report, then it is submitted for approval by the decision-maker. The outcome of the review could lead to “ESIA acceptance,” and the proponent will be served with a provisional environmental permit (PEP) together with terms and conditions of approval or could be “ESIA rejection.” The competent authority, ANRS Environmental Protection, and Rural Land Use and Administration Bureau, shall make decisions at various stages to determine whether to issue without conditions, the issue with conditions, or reject the ESIA statement. The possible outcomes are:

- Project approval is deferred -more information is required to make a decision.
- The project is approved.
- The project is approved with terms and conditions.
- Project approval is denied/ rejected.

Once the decision is made, the proponent will be notified of the outcome. If the decision is to approve the project, the proponent will receive an ESIA approval letter signed by the head of the Environmental Protection and Rural Land Use and Administration agency stating any terms and/or conditions that must be followed for the approval to be valid. However, it is important to note that the ESIA approval only relates to the environmental and social issues of the proposed project.

3.7.12 Environmental and Social Monitoring

Monitoring is an activity undertaken to provide specific information on the characteristics and functioning of environmental and social variables in space and time. Environmental monitoring compares impacts predicted in an ESIA with those which actually occur during and after implementation, in order to assess whether the impact prediction process performs satisfactorily. Environmental monitoring during project implementation provides information on the environmental and social impacts of the project. The data collected during monitoring is critical in ensuring that the mitigation measures and priorities listed in the EMP are implemented as approved and that they are effective in addressing the impacts.

The objectives of monitoring:

- Verify impact predictions;
- Check the success of mitigation measures (progress of actions undertaken;
- Adherence to an approved plan of action; and
- Compliance with conditions of approval

Monitoring of the real effects of the project on the environment and social aspects, as well as the implementation of planned mitigation actions, should be made in conjunction with other forms of monitoring of the project during implementation. The forms for monitoring should be determined within the framework of the project.

Both the proponent and the government have the responsibility to undertake to monitor. Monitoring includes the verification of impacts, adherence to approve plans, mitigation measures, and general compliance of terms and conditions. Environmental audits should be undertaken to provide feedback on the ESIA process and the effectiveness of the management plan. The environmental and social monitoring plan format is indicated as an annex (VII).

3.7.13 Environmental Audit

Environmental auditing is essentially an environmental management tool for measuring the effects of certain activities on the environment against set criteria or standards¹⁷. The environmental audit should be a systematic evaluation of the activities of the operation in relation to the specified criteria of the condition of approval. Thus, it is the responsibility of the proponent to conduct regular internal audits of the environmental performance of the operation, and the auditing results should be submitted to the Competent Agency for review and comment. However, the external environmental audit is conducted by the environmental agency, wherein this case, the AEPRLU, is responsible for conducting EA.

The main steps to be followed to undertake environmental and social audit are:

- 1. Determine the Scope of Audit:** - The scope of the audit determines exactly what will be done during the audit and what the deliverables of the audit will be;
- 2. Planning of Audit:** - The effective planning and logistics of an audit are critical to ensure a successful audit. Apart from ensuring that the appropriate staff are available to answer audit questions, the logistics of an audit needs to be organized to prevent wasting time;
- 3. Pre-Audit Meeting:** - A pre-audit meeting is an important prerequisite for the audit because it is the first opportunity to meet the auditee and deal with any concerns. It is also the opportunity to gather any documentation that the audit team can study before arriving on site. The audit protocol and audit plan can be handed over at this meeting and discussed in advance of the audit itself. The meeting also presents the opportunity to reinforce the scope and objectives of the audit and discuss practicalities associated with the audit;
- 4. Opening meeting:** - The opening meeting is the first activity of the on-site audit and is the opportunity to introduce the audit team to the site staff;
- 5. Site visit:** - The next part of the audit is the site visit which is designed to familiarize the audit team with activities and operations;
- 6. Questioning, document review and evidence gathering:** The core work of the audit is working through the audit protocol, asking questions, checking answers against site documentation (manuals, reports, monitoring data, work instructions, procedures, training schedules etc.), reviewing documentation against standards, policies and action plans and gathering evidence to support the answers to the questions.;

¹⁷ DEAT (2004) Environmental Auditing. Integrated Environmental Management Information Series No 14, Department of Environmental Affairs and Tourism (DEAT). Available from

7. **Consolidation, audit findings and review:** - Time must be allowed for the team to consolidate its findings and prepare the basis for the preliminary report back to be given at the exit meeting;
8. **Exit meeting:** - The exit meeting is run by the lead auditor and is the mechanism to feedback, preliminary findings to site management and staff before the audit team leaves the site;
9. **Draft Audit Report:** - The information gathered by the audit team is consolidated and written up as a draft audit report. This draft report will then be circulated to the audit team and those directly concerned with the audit. The purpose is to check the report for accuracy; and
10. **Final Audit Report:** - The final audit report is the corrected final document, which contains the findings and recommendations of the audit. It will also form one of the bases of future audits because the information it contains informs some of the tests and analyses that need to be performed in the future.

4. Chapter Four - The Roles and Responsibilities of Parties

4.1 Competent Authority

The Competent Authority, in this case, ANRS Environmental Protection and Rural land Use and Administration (EPRLUA) Bureau, is responsible for ensuring that the proponent/consultant complies with the requirements of the ESIA process. This may mean regular and effective communication between the authority and the proponent/consultant to provide general guidance on the procedure, information, and reports required. One of the most important functions of the Competent Agency is to evaluate/review and provide decisions on applications. The Competent Authority should:

- Ensure that the evaluation/review and decisions provided are done efficiently and within a reasonable time and that the proponent is informed timeously of any delays that may be incurred through the review process; and
- Ensure that the proponent/consultant is informed of any shortfalls in the process, as identified through the reviews.

The Bureau has the responsibility to make sure that the necessary system containing procedural and technical guidelines is prepared and implemented; that the public, especially affected communities, are given the meaningful opportunity in the ESIA process; that views, concerns, and positions are taken into account during the assessment, reviewing, auditing and at all stages of decision making.

4.2 The Proponent

The Proponent is any person that initiates a project, policy, or program in the public sector, an organ of government, in the private sector as an investor. The proponent is the project applicant (i.e., the developer). A proponent is required to proactively integrate environmental concerns into the social and economic development of the project, program, policy, plan, or strategic initiative, as per the requirements of relevant environmental laws and directives. These ensure that positive effects are optimized and strive to promote conservation based on the development and work of the objectives of continuous improvement and cover all expenses associated with implementing ESIA. Furthermore, the proponent is expected to initiate the ESIA process and create the necessary ground for undertaking ESIA and appoint an eligible independent

consulting firm that shall seek to undertake ESIA. The proponent is responsible for complying with the requirements of the ESIA process. The proponent is responsible for all associated costs incurred when following the ESIA process. The proponent must ensure that adequate participation of the Competent Agency and interested and affected parties have been carried out. The first responsibility of the proponent, however, is to appoint an independent consultant who will act on the proponent's behalf in the ESIA process. The proponent may appoint an independent consultant or a multi-disciplinary group of consultants and ensure that the consultant has:

- Expertise in environmental assessment and management;
- The ability to manage the required participation process;
- The ability to produce reports that are readable, thorough and informative; and
- Good working knowledge of environmental impact assessment and management policies, legislation, guidelines, and standards.

4.3 Consultant Firm

The consultant firm is an institution that can provide the required qualified professional working group that has demonstrated the ability to undertake the ESIA, and meets the requirements specified under the relevant laws. The firm that will be appointed to work on behalf of a proponent is expected to have expertise in ESIA and management in accordance with the nature of the proposed activity and legal requirements, make available an interdisciplinary team, having solid technical skills and legal know-how, as well as local knowledge, and manage the participation of interested and affected parties in an acceptable manner. The consulting firm is expected to have the facility to produce readable reports that are thorough and informative, always declare and ensure that they have no vested interest in the proposed activity, and observe all ethical values of the calling. The independent consultant acts on behalf of the proponent in complying with the ESIA process. The consultant is responsible for all processes, plans, and reports produced while following the ESIA process and should have adequate access to facilities for storing this information. The consultant should also ensure that all this information is made available to the Competent Authority. The consultant must ensure that adequate participation of the Competent Agency and interested and affected parties have been carried out.

The consultant must ensure that he/she has no vested (financial or otherwise) interest in the proposed development other than ensuring compliance with the ESIA process. Furthermore, the consultant may not work for the Competent Authority while working for the proponent on a particular application. This is a key aspect in ensuring that the findings of the ESIA are unbiased and in the best interest of all stakeholders and is responsible for showing that he/she has fulfilled all the requirements stated

4.4 Interested and Affected Parties

Interested and affected parties (IAPs) are key to a successful ESIA and are responsible for providing input and comments at various stages in the ESIA process. The input from interested and affected parties should be sought during the scoping phase, in assessing and mitigating impacts and in the review of the ESIS. In accepting the responsibility to participate, IAPs should ensure that their inputs and comments are provided within the specified (reasonable) time limit set by the proponent and his/her consultant. IAPs should not be confined for projects since diversity enhances the output of the ESIA and ensures a detailed and unbiased assessment is carried out.

4.5 Licensing Agency

Licensing Agency is an organ of government empowered by law to issue an investment permit, trade, or operating license or work permit or register business organization as a case may be.

Licensing agencies are required to:

- Ensure that prior to issuing their respective licenses and permits, have legal duty to require proponents to submit authorization, a letter of approval or Environmental Clearance Certificate awarded by ANRS Environmental Protection and Rural Land Use and Administration Bureau,
- Ensure that environmental performance criteria are included in their respective sectoral incentive or disincentive structure,
- Ensure that renewal or additional permits issuance should also consider the integration of environmental and social concerns, and
- To seek advice or opinion from the appropriate environmental agency, etc.

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6. List of Annexes

Annex I. Environmentally Sensitive areas and ecosystems

1. *Areas prone to natural disasters (geological hazards, floods rainstorms, earthquakes, landslides, volcanic activity, etc.).*
2. *Wetlands: - (flood plains, swamps, lakes, rivers etc.) water bodies characterized by one or any combination of the following conditions.*
 - (a) *Tapped for domestic purposes; brick making*
 - (b) *Within the controlled and /or protected areas;*
 - (c) *Which support wildlife and fishery activities*
 - (d) *Used for irrigation agriculture, livestock grazing*
3. *Mangrove swamps characterized by one or any combination of the following conditions;*
 - (a) *With primary pristine and dense growth;*
 - (b) *Adjoining mouth of major river systems;*
 - (c) *Near or adjacent to traditional fishing grounds;*
 - (d) *Which act as natural buffers against shore erosion strong winds and storm floods*
4. *Areas susceptible to erosion e.g.*
 - (a) *hilly areas with critical slopes*
 - (b) *Unprotected or bare lands*
5. *Areas of importance to threatened cultural groups.*
6. *Areas with rare/endangered/or threatened plants and animals' species.*
7. *Areas of unique socio-cultural history archaeological, or scientific importance and areas with potential tourist value*
8. *Polluted area.*
9. *Areas subject to desertification and bush fires.*
10. *Areas declared as National parks, Watershed reserves, forest reserves, wildlife reserves and sanctuaries, sacred areas, wildlife corridors, hot - spring areas*
11. *Mountainous, water catchments and recharge areas of aquifers.*
12. *Areas classified as prime agricultural lands or rangelands*

13. *Green belts or public open spaces in urban areas*
14. *Burial sites and graves*

Annex II. Potential Environmental and Social Impacts

The potential adverse impacts of concern during the screening process are as follows:

1. Socio-economic impacts:

- *Falling living standards, particularly of the poor, could risk the start of a vicious circle that could produce further environmental degradation.*
- *Living and working conditions may deteriorate as a result of such processes as resettlement, cultural shock, the risk to health and safety, the intrusion on sight, sound and smell, etc.*
- *Impacts on men and women may be very different; impacts will also vary between social groups, especially where rights to land and other natural resources are differentiated.*
- *In-migration related to project development could cause important social changes.*

2. Degradation of land and aquatic environments: *major changes in land-use, deforestation, watershed degradation, loss of biodiversity, soil erosion, dryland degradation, and overgrazing, salinization, waterlogging, and land-based pollution are all impacts of concern.*

3. Water Pollution: *pollution of watercourses, aquifers, water bodies, and coasts can result from uncontrolled wastewater/sewage discharge from human settlements, industrial effluent, agricultural chemicals, etc.*

4. Air pollution: *pollution of the air may be caused by urban traffic; pollutants may be an odour, smell, dust, Sulphur dioxide, oxides of nitrogen, ammonia, or even storage of volatile liquids, routine industrial emission, upset industrial conditions, etc.*

5. Noise and/or vibration: *noise and vibration will be caused by any rotating or reciprocating machinery, but will also be associated with blasting, excavating equipment, road traffic, entertainment, etc*

6. Damage to wildlife and habitat: *impacts that affect biodiversity, ecosystems, rare or endangered species or flora/fauna having economic or scientific importance*

7. Alterations to ecological processes: *e.g. energy transfer bio-accumulation, etc.*

8. Effects on cultural, religious, historic, archaeological and scientific resources: *including the effects of in-migrants or tourists*

9. Climate, especially the hydrological cycle.

10. Impacts on human health

Annex III. Schedules of Projects and Activities

Schedule 1: Projects which may have adverse and significant environmental and social impacts, and require full ESIA.

A. Social infrastructures and Services

1. Rural and Urban water supply and sanitation

- Construction of dams, impounding reservoirs
- Ground water development for industrial, agricultural or urban water supply of greater than 500 m³ /day
- Drainage Plans in towns close to water bodies
- Diversion of natural water flow /canalization

2. Waste disposal and Treatment

- Waste disposal installations for the incineration, chemical treatment or land fill of toxic, hazardous and dangerous wastes
- Installation for the disposal of industrial waste
- Land fill site establishment for waste disposal in major urban Centres
- Wastewater treatment installation

3. Urban infrastructures development

- Construction of Hospital and educational institutions from 9th grade to university
- Housing development covering an area of 50 hectares or more
- Designation of new towns, village and residential area
- Establishment of industrial zones
- Establishment of Bus and rail terminals
- Establishment of custom stations
- Establishment of dry ports
- Establishment of shopping centers and complexes with more than 2 floors, and open air market areas in major towns

4. Defense force and military services

- Establishment of Defense air force base with more than 1200 meters runway for landing and takeoff
- Military training areas; from simple to heavy machinery trainings
- Establishment and expansion of military camps
- Establishment of Temporary camps that last for more than one year

5. Policies and programmes

- Major government strategic tools such as policies, plans, programmes and implementation strategies shall conduct Environmental and Social Impact Assessment

6. Resettlement of people and Livestock

- Resettlement plans and programmes
- Establishment of refugee comps

B. Economic infrastructures and services

1. Transport

- *Construction of urban main roads*
- *Rural roads projects and programmes*
- *Upgrading and rehabilitation of rural roads*
- *Construction of railways and infrastructures*
- *Airports with basic runway length greater than 2,100m*

2. Energy power, transmissions and storages

- *Electricity transmission lines*
- *Thermal and/or hydropower stations*
- *Wind farm construction*
- *Steam water, evaporation, gases and electric power stations and distributors*
- *Factories use firewood as energy sources*

C. Production sector

1. Agriculture

- *Any agricultural activity that displaces/ relocate the community*
- *Agricultural development that covers more than 100ha of land and that can change farmland use*
- *Utilization of unused lands of 20 ha and <*
- *Use of new pesticide or fertilizer other than those recognized or specified by the concerned government body*
- *Introducing and using new crop species, seeds, animals breed and other species breeding system*
- *Pest control programmes*
- *Production, transporting and storing of pesticide chemicals*
- *Development and production of vegetables, fruits and flower for export*

2. Irrigation and watershed development

- *Expansion of lakes, construction of man-made lakes and dams*
- *Surface water and ground water fed irrigation projects covering more than 100 ha*
- *Rivers and water drainage diversion*
- *Drainage area of Forestry wetlands or wildlife habitat covering an area of 10 hectares or more*
- *Construction of Dams and man-made impoundment in low land areas covering an area of 75 hectares or more*

3. Forestry

- *Logging or conversion of forest land to other land use within the catchment area of reservoirs used for municipal water supply, irrigation or hydropower generation or in areas adjacent to parks*
- *Conversion of mangrove swamps for industry, housing or agricultural uses*
- *Clearing mangrove swamps on islands adjacent to parks*
- *Large scale afforestation/reforestation of mono-culture forest plantation projects which use exotic species*

- *Conversion of forest areas which have a paramount importance for biodiversity conservation to other land uses*
- *Resettlement programs in natural and man-made forest areas*
- 4. Livestock**
 - *Rearing of more than 100 cattle, 50 Camels, 300 shoat and 500 poultry in Urban centers*
 - *Construction of slaughterhouse of capacity that process more than 5 animals per day*
- 5. Fishery**
 - *Commercial fisheries*
 - *Introduction of new fish species into water bodies*
- 6. Minerals extraction and processing**
 - *Extraction of minerals*
 - *Production/ processing of precious and semi-precious minerals*
 - *Extraction of industrial metals such as Gold, Copper, Lead, Nickel*
 - *Construction minerals*
 - *Extraction or production of salt*
- 7. Petroleum exploration and extraction**
 - *Fuel Oil and gas fields exploration and development*
 - *Construction of more than 50 km offshore and onshore pipelines*
 - *Construction of product deposits for the storage of petrol, gas, diesel, tar and other products within commercial, industrial or residential areas*
 - *Construction of oil and gas separation, processing, handling and storage facilities*
- 8. Industry**
 - *Pulp and paper factories*
 - *Production of chemicals from petroleum and natural gas products*
 - *Baseic Chemicals and chemical products factories*
 - *Manufacture, transportation, use and storage of pesticide or other hazardous and or toxic chemicals*
 - *Production of any Agricultural inputs*
 - *Sugar factory*
 - *Beverage and Liquor factories*
 - *Textile factory*
 - *Tyr factory with capacity of more than 15000 products per day*
 - *Glass and glass products factories*
 - *Electric machine and spare parts manufacturing*
 - *Tannery; Leather and leather products*
 - *Cement factory*
 - *Cotton factory*
 - *Flour factory*
 - *Pasta and macaroni factory*
 - *Biscuit factory*
 - *Salt and salt processing factory*
 - *Soap and detergent factory*

- *Industrial zone establishment*

Schedule 2: Projects that Require a Preliminary Environmental and social Impact Assessment

1. Social Infrastructure and Services

1.1 Urban and Rural water Supply and sanitation

- *Rural water supply project*
- *Malaria and pest control program and projects*

1.2 Waste disposal

- *Waste reuse and recycling*

1.3 Urban development and expansion

- *Construction of condominium*
- *Construction of schools / kindergarten to 8th grade/*
- *Establishment of burial places*
- *Establishment and expansion of livestock and other marketplaces*
- *Wastewater **drainage works***

2. Economic infrastructure and Services

2.1 Transport

- *Construction of Garage or Automatic Car or motorcycles cleaning areas*
- *Car Spare parts manufacturing*

2.2 Irrigation Development

- *Surface and ground water Irrigation project covers 5- 19 ha of land*

2.3 Forestry and Wildlife

- *Protected forest areas*
- *Agro forestry*
- *Productive protected forests*
- *Wildlife hunting, catching and trade*
- *Birds catching and trade*

2.4 Fishery

- *Using new fishing technology*

2.5 Livestock

- *Rearing of 50- 100 Cattle, 20 -50 Camels, 100 – 300 shoat, and 250 – 500 poultry in Urban areas*
- *Apiculture projects*

2.6 Industry

- *Manufacturing of vegetable and animal oil and fat*
- *Production and caned animal, fish and vegetable products*
- *Paint and bricks production*
- *Oil refinery from Ground Nut and other oil seeds*
- *Production of office and house furniture*

2.7 Without prejudice to 2.6, all projects in environmentally sensitive areas should be treated as equivalent to Schedule 1 activities irrespective of the nature of the project. Such sensitive areas include;

- *Areas vulnerable / prone to soil pollution and land degradation*
- *Areas vulnerable/ prone to desertification*
- *Areas vulnerable / prone to natural hazards such as Geological, flood, earth quack, landslide and volcanos*
- *Protected areas, habitat of endangered and endemic species animals*
- *Historical and archeological sites*
- *Wetlands and swampy areas those have international and national values*
- *Projects established on and adjacent to water bodies*
- *National parks and protected areas*
- *Site having geographical scenery / natural scenery*
- *Site of religious and cultural values*

Schedule 3 - Projects that May Not Require Environmental Impact Assessment

3.1 Social infrastructure and services

- *Audio visual and video processing and production*
- *Education and teaching aid materials*
- *Training consultant*
- *Medical service center / heal post*
- *Pharmaceutical and medical equipment supply*
- *Nutrition supply center*
- *Family planning center*

3.2 Economic infrastructure and services

- *Telecommunication*
- *Research center*
- *Electric lines*

3.3 Agriculture

- *Agricultural activities on less than 5 ha land*
- *All small-scale agricultural activities*

3.4 Trade

- *Except for those involved in hazardous and endangered species trading*

3.5 Emergency Response and Relief

- *Food aid not involving GMOs based food*
- *Assistance to refugee returned and displaced person*
- *All projects involved in environmental enhancement programs*

Annex IV. Template and content of ESIA report

Executive summary

Acronyms and abbreviations

Chapter 1 - Introduction

- *Project background*
- *Project objectives*
- *Project justification*

Chapter 2 - Policy, Legal and Institutional Framework

Chapter 3 - Project Description

Chapter 4 - Baseline Information

- *Physical environment information*
- *Biological environmental information*
- *Socioeconomic information*

Chapter 5 – Public and Stakeholders Consultation

Chapter 6- Impact Assessment

- *Impact Identification*
- *Impact Prediction*
- *Impact Evaluation*

Chapter 7 – Analysis of Project Alternatives

- *Sites*
- *Technology*
- *Designs*
- *Scale and Extent*

Chapter 8 - Environmental and Social impact Assessment and Mitigation Measures

Chapter 9- Environmental and Social Management Plans

Chapter 10 - Conclusions and Recommendations

References

Appendices

Annex V. Content of the Scoping Study Terms of Reference

Chapter 1- Introduction

- *Description/profile of the developer,*
- *Purpose of undertaking Scoping study*

Chapter 2 - Legislatives and policies relevant to ESIA

Chapter 3 - Baseline information

- *Physical environment*
- *Biological environment*
- *Socioeconomic information*

Chapter 4 - Public consultation and Stakeholders involvement

Chapter 5 - Project description

- *Description of Project areas*
- *Description of the project activities*
- *Analysis of Alternatives to the project*

Chapter 6- Impact analysis methodology

Chapter 7- Impact Identification and evaluation

- *Impact on the Natural resources*
- *Impact on the human and their ecosystems*
- *Significance of the impacts in terms of reversibility, spatial and temporal*

Chapter 8 - Mitigation Measures and Environmental Management plan

Chapter 9 - Time and ESIA team composition

- *Duration and schedule for undertaking and reporting on ESIA report*
- *Details of experts and team composition required to undertake ESIA study*

Chapter 10 - Conclusion and Recommendations

Annex - Tentative format and content of ESIA report

Annex VI. Environmental and Social Management Plan Format

Project Stage	Project activities	Adverse impacts	Mitigation measures	Implementation period	Institutional responsibility	Responsibility	Budget (Birr)

Annex VII. Environmental and Social Monitoring Plan format

Project Stage	Mitigation measures	Parameters to be monitored	Location of monitoring	Measurements/r equired results	Frequency of Monitoring	Responsibility	Budget (ETB))