

1. Introduction	
1.1 Background to the Handbook.....	2
1.2 Summary of the Legal and Policy Requirements for EIA in SADC countries.....	3
1.3 Summary of EIA Administrative Structures in SADC countries.....	6
1.4 Environmental Impact Assessment Procedures.....	6
1.4.1 EIA Process	6
1.4.2 Terms of Reference.....	9
1.4.3 Public Participation.....	10
1.4.4 Environmental Management Plans	11
1.4.5 Strategic Environmental Assessments	12
1.4.6 Registration of EIA Practitioners	14
1.5 Summary of International Environmental Obligations of SADC countries.....	14
1.6 Summary of SADC Environmental Protocols.....	17
2. Development Bank of Southern Africa Environmental Assessment Policy and Procedures	
2.1 DBSA Profile.....	18
2.2 Environmental Assessment and the Financial Sector	19
2.3 Brief Overview of the Environmental Appraisal Process at the DBSA.....	20
2.4 Environmental Assessment Procedures	22
2.4.1 Initial screening	22
2.4.2 Project site visit.....	24
2.4.3 Environmental Risk Assessment Procedures	24
2.5 Project Implementation Process	27
2.5.1 Project Monitoring.....	27
2.5.2 Project Completion.....	27
2.5.3 Project Evaluation.....	28
2.6 Conclusion	28
3. ANGOLA	
3.1 Constitutional Requirement for Environmental Protection to Angola	29
3.2 Institutional and Administrative Structure	30
3.2.1 Ministry of Urbanisation and Environment.....	30
3.2.2 National Directorate for Environment.....	30
3.2.3 Intersectoral Cooperation.....	31
3.3 Policy and Legal Framework for EIA	31
3.3.1 Programa Nacional de Gestão Ambiental.....	31
3.3.2 Estratégia Nacional do Ambiente	32
3.3.3 Environment Framework Act.....	32
3.3.4 Decree on Environmental Impact Assessment.....	33
3.3.5 Permits and Licences	33
3.3.6 Offences and Penalties.....	33
3.3.7 Fees.....	34
3.3.8 Guidelines	34
3.3.9 Environmental Standards.....	34
3.3.10 Certification of Consultants.....	34

CONTENTS

3.4	EIA Procedural Framework in Angola	35
3.4.1	Screening.....	35
3.4.2	Scoping.....	35
3.4.3	Environmental Impact Study	35
3.4.4	Public Consultation.....	36
3.4.5	Review of EIA reports.....	37
3.4.6	Appeals.....	37
3.4.7	Environmental Monitoring and Audits.....	39
3.5	Other Relevant Environmental Legislation in Angola	39
	Appendix 3-1	46
	Acronyms	48
	Useful Contacts.....	48
4.	BOTSWANA	
4.1	Constitutional Requirement of Environmental Protection in Botswana	49
4.2	Institutional and Administrative Structure for EIA in Botswana.....	49
4.2.1	Ministry of Environment, Wildlife and Tourism	49
4.2.2	Department of Environmental Affairs	49
4.2.3	Intersectoral Cooperation	52
4.2.4	Environmental Liaison Officers.....	53
4.3	Policy and Legal Framework for EIA in Botswana	53
4.3.1	National Policy on Natural Resource Conservation and Development, 1990	53
4.3.2	Environmental Impact Assessment Act, No 6 of 2005	54
4.3.3	Regulations	55
4.3.4	Permits and Licences	55
4.3.5	Penalties	56
4.3.6	Fees.....	56
4.3.7	Guidelines	56
4.3.8	Environmental Standards.....	56
4.3.9	Certification of EIA Consultants	60
4.4	EIA Procedural Framework in Botswana.....	60
4.4.1	Screening.....	61
4.4.2	Preliminary Environmental Impact Assessment.....	61
4.4.3	Environmental Impact Assessment and Statement	61
4.4.4	Review of EIA Statements.....	62
4.4.5	Environmental monitoring and assurance.....	63
4.5	Other Relevant Environmental Legislation in Botswana	63
	Acronyms	67
	Useful Contacts.....	67
5.	DEMOCRATIC REPUBLIC OF CONGO	
5.1	Constitutional Requirement for Environmental Protection in DRC.....	69
5.2	Institutional and Administrative Structure for EIA in DRC.....	69
5.2.1	Roles and Responsibilities	70
5.3	Policy and Legal Framework for EIA	71
5.3.1	Mining Code: Law No 007/2002	71
5.3.2	Regulations	72

CONTENTS

5.3.3	Permits and Licences	72
5.3.4	Environmental Standards.....	72
5.4	EIA Procedural Framework for Mining in DRC.....	74
5.4.1	Environmental Impact Study	74
5.4.2	Environmental Management Programme for the Project and Mitigation and Rehabilitation Plan	76
5.4.3	Public Consultation Programme.....	77
5.4.4	Submission and Review of EIA and EMPP.....	77
Acronyms	79
6.	LESOTHO	
6.1	Constitutional Requirement for Environmental Protection in Lesotho	81
6.2	Institutional and Administrative Structure for EIA in Lesotho.....	82
6.2.1	The National Environmental Secretariat.....	82
6.2.2	Proposed Environmental Institutions.....	84
6.2.3	Roles and Responsibilities.....	84
6.3	Policy and Legal Framework for EIA	87
6.3.1	National Environmental Policy, 1998	87
6.3.2	Environment Act, No 15 of 2001	89
6.3.3	Regulations	90
6.3.4	Permits and Licences	90
6.3.5	Penalties	92
6.3.6	Fees.....	92
6.3.7	Guidelines	92
6.3.8	Environmental Standards.....	92
6.3.9	Certification of Consultants.....	95
6.4	EIA Procedural Framework in Lesotho.....	95
6.4.1	Screening.....	95
6.4.2	Project Brief	97
6.4.3	Public Participation and Access to Information	99
6.4.4	Review of Project Brief.....	100
6.4.5	Terms of Reference.....	101
6.4.6	Prepare Environmental Impact Statement (EIS)	101
6.4.7	Submission and Review of EIS	102
6.4.8	Appeals.....	103
6.5	Other relevant Environmental Legalisation in Lesotho	103
Appendix 6-1		108
Acronyms		112
Useful Contacts.....		112
7.	MADAGASCAR	
7.1	Constitutional Requirement for Environmental Protection in Madagascar.....	113
7.2	Institutional and Administrative Structure for EIA in Madagascar.....	113
7.2.1	Ministry of the Environment, Water and Forests.....	113
7.2.2	Office National de l'Environnement	113
7.2.3	Comité Technique d'Evaluation (CTE)	114
7.2.4	Intersectoral Cooperation.....	114

CONTENTS

7.3	Policy and Legal Framework for EIA in Madagascar	114
7.3.1	National Policy	114
7.3.2	Charte de l'Environnement	114
7.3.3	Decret relative a la Mise en Compatibilité des Investissements avec l'Environnement (MECIE)	115
7.3.4	Related Orders, Technical Directives and Guidelines	116
7.3.5	Permits and Licences	117
7.3.6	Offences and Penalties	117
7.3.7	Fees	117
7.3.8	Environmental Standards	118
7.3.9	Certification of EIA Consultants	118
7.4	EIA Procedural Framework in Madagascar	118
7.4.1	Screening	120
7.4.2	Environmental Impact Assessment	120
7.4.3	Programme d'Engagement Environnemental (PREE)	123
7.4.4	Review of EIA Report	123
7.4.5	Public Participation Process	124
7.4.6	Appeals	125
7.4.7	Environmental Monitoring and Control	125
7.5	Other Relevant Environmental Legislation in Madagascar	125
Appendix 7-1		127
Appendix 7-2		130
Acronyms		132
Useful Contacts		132
8.	MALAWI	
8.1	Constitutional Requirement for Environmental Protection in Malawi	133
8.2	Institutional and Administrative Structure for EIA in Malawi	133
8.2.1	The Environmental Affairs Department	133
8.2.2	Roles and Representatives	134
8.2.3	Decentralisation of EIA Administration	136
8.2.4	Intersectoral Cooperation	137
8.3	Policy and Legal Framework for EIA in Malawi	138
8.3.1	1996 National Environment Policy	138
8.3.2	The National Environment Management Act	139
8.3.3	Regulations	142
8.3.4	Permits and Licences	142
8.3.5	Penalties	143
8.3.6	Fees	144
8.3.7	Guidelines	144
8.3.8	Environmental Standards	144
8.3.9	Certification of Consultants	144
8.4	EIA Procedural Framework in Malawi	144
8.4.1	Screening	145
8.4.2	Scoping	145
8.4.3	Terms of Reference for EIA	146
8.4.4	Environmental Impact Assessment	146

CONTENTS

8.4.5	Managing Compliance with EIA Results	148
8.5	Other Relevant Environmental Legislation in Malawi	149
	Appendix 8-1	153
	Appendix 8-2	158
	Acronyms	159
	Useful Contacts.....	159
9.	MAURITIUS	
9.1	National Vision for Environmental Protection in Mauritius.....	161
9.2	Administrative Structure for EIA in Mauritius	162
	9.2.1 The Environmental Authority.....	162
	9.2.2 Intersectoral cooperation.....	163
9.3	Policy and Legal Framework for EIA	164
	9.3.1 Environmental Policies	164
	9.3.2 The Environment Protection Act	169
	9.3.3 Regulations	170
	9.3.4 Permits and Licences	171
	9.3.5 Penalties	172
	9.3.6 Fees.....	172
	9.3.7 Guidelines	173
	9.3.8 Environmental Standards.....	173
	9.3.9 Certification of Environmental Consultants	179
9.4	EIA Procedural Framework in Mauritius	179
	9.4.1 Screening.....	179
	9.4.2 Preliminary Environmental Report	182
	9.4.3 Environmental Impact Assessment	182
	9.4.4 Review and Approval of the EIA Report.....	184
	9.4.5 Monitoring and Enforcement.....	184
	9.4.6 Appeals.....	185
9.5.	Other Relevant Environmental Legislation in Mauritius	185
	Appendix 9-1	189
	Appendix 9-2	190
	Appendix 9-3	192
	Acronyms	193
	Useful Contacts.....	193
10.	MOZAMBIQUE	
10.1	Constitutional Requirement for Environmental Protection in Mozambique	195
10.2	Institutional and Administrative Structure	196
	10.2.1 Ministério para a Coordenação da Acção Ambiental	196
	10.2.2 Other Key Government Ministries and Departments	198
10.3	Legal and Policy Framework for EIA in Mozambique.....	199
	10.3.1 National Environmental Management Programme, 1995	199
	10.3.2 Environment Law	201
	10.3.3 Regulations	202
	10.3.4 Permits and Licences.....	202
	10.3.5 Penalties	203

CONTENTS

10.3.6 Fees.....	203
10.3.7 Guidelines.....	204
10.3.8 Environmental Standards.....	204
10.3.9 Registration of Environmental Consultants.....	207
10.4 EIA Procedural Framework in Mozambique.....	208
10.4.1 Application and Screening.....	209
10.4.2 Pre-Assessment.....	210
10.4.3 Environmental Pre-Viability Report and Scope Definition (EPDA).....	210
10.4.4 Terms of Reference.....	212
10.4.5 Environmental Impact Study.....	212
10.4.6 Simplified Environmental Policy.....	213
10.4.7 Public Participation Process.....	213
10.4.8 Review of the Environmental Impact Report.....	213
10.4.9 Review of the Simplified Environmental Report.....	214
10.4.10 Timetable for Decision-making.....	214
10.5 Other Relevant Environmental Legislation.....	214
Appendix 10-1.....	218
Appendix 10-2.....	222
Appendix 10-3.....	223
Appendix 10-4.....	224
Acronyms.....	227
Useful Contacts.....	227
11. NAMIBIA	
11.1 Constitutional Requirement for Environmental Protection in Namibia.....	229
11.2 Institutional and Administrative Structure for EIA in Namibia.....	229
11.3 Policy and Legal Framework for EIA.....	231
11.3.1 Environmental Assessment Policy.....	231
11.3.2 Environmental Management Bill.....	233
11.3.3 Regulations.....	236
11.3.4 Permits and Licences.....	236
11.3.5 Penalties.....	236
11.3.6 Fees.....	237
11.3.7 Guidelines.....	240
11.3.8 Environmental Standards.....	241
11.3.9 Certification of Environmental Consultants.....	241
11.4 EIA Procedural Framework in Namibia.....	241
11.4.1 Project-level EIA.....	241
11.4.2 Strategic Environmental Assessment.....	244
11.4.3 Authority Review of EIA reports.....	244
11.4.4 Appeals.....	244
11.4.5 Environmental Auditing.....	244
11.4.6 Monitoring.....	244
11.5 Other Relevant Environmental Legislation in Namibia.....	245
Appendix 11-1.....	250
Acronyms.....	252
Useful Contacts.....	252

12. SEYCHELLES	
12.1 National Vision for Environmental Protection in the Seychelles.....	253
12.2 Administrative Structure for EIA in the Seychelles.....	253
12.2.1 The Ministry of Environment.....	253
12.2.2 Intersectoral cooperation.....	256
12.3 Policy and Legal Framework for EIA	257
12.3.1 Environmental Policies and Plans.....	257
12.3.2 The Environment Protection Act	258
12.3.3 Regulations	260
12.3.4 Permits and Licences	261
12.3.5 Penalties	261
12.3.6 Fees.....	262
12.3.7 Guidelines	262
12.3.8 Environmental Standards.....	263
12.3.9 Certification of Environmental Consultants	263
12.4 EIA Procedural Framework in the Seychelles.....	264
12.4.1 Screening.....	264
12.4.2 Scoping and ToR	265
12.4.3 Public Consultation.....	267
12.4.4 Environmental Impact Assessment	268
12.4.5 Environmental Management Plans	268
12.4.6 EIA Review	269
12.4.7 Monitoring and Enforcement	270
12.4.8 Appeals.....	270
12.5 Other Relevant Environmental Legislation in the Seychelles.....	270
Appendix 12-1	273
Appendix 12-2	275
Acronyms	276
Useful Contacts.....	276
13. SOUTH AFRICA	
13.1 Constitutional Requirement for Environmental Protection in South Africa	272
13.2 Institutional and Administrative Structure for EIA in South Africa	277
13.2.1 Department of Environment Affairs and Tourism	277
13.2.2 Roles and Responsibilities.....	278
13.3 Policy and Legal Framework for EIA	283
13.3.1 Environmental Management Policy	283
13.3.2 The National Environmental Management Act	283
13.3.3 Regulations	285
13.3.4 Permits and Licences	286
13.3.5 Penalties	287
13.3.6 Fees.....	288
13.3.7 Guidelines	288
13.3.8 Environmental Standards.....	288
13.3.9 Certification of Consultants.....	289

CONTENTS

13.4	EIA Procedural Framework in South Africa	289
13.4.1	Screening.....	289
13.4.2	Basic Assessment Process and Report Contents.....	290
13.4.3	Scoping and EIA Process.....	291
13.4.4	Public Participation Process	298
13.4.5	Environmental Management Frameworks and Strategic Environmental Assessments.....	300
13.5	Other relevant Environmental Legislation in South Africa	301
Appendix 13-1		308
Appendix 13-2		313
14.	SWAZILAND	
14.1	National Vision for Environmental Protection in Swaziland	319
14.2	Institutional and Administrative Structure for EIA in Swaziland	319
14.2.1	The Swaziland Environmental Authority.....	319
14.2.2	Insectoral Cooperation.....	320
14.2.3	Roles and Responsibilities.....	321
14.3	Policy and Legal Framework for EIA	321
14.3.1	Environmental Policies	321
14.3.2	The Environment Management Act.....	322
14.3.3	Regulations	324
14.3.4	Permits and Licences	325
14.3.5	Penalties	326
14.3.6	Fees.....	327
14.3.7	Guidelines	327
14.3.8	Environmental Standards.....	327
14.3.9	Certification of Consultants.....	329
14.4	EIA Procedural Framework in Swaziland for New Projects	329
14.4.1	Screening.....	329
14.4.2	Initial Environmental Evaluation	330
14.4.3	Environmental Impact Assessment Study	333
14.4.4	Appeals.....	336
14.4.5	Compliance Monitoring	337
14.5	Environmental Audits for Existing Projects	337
14.6	Other Relevant Environmental Legislation in Swaziland	338
Appendix 14-1		343
Appendix 14-2		344
Appendix 14-3		345
Acronyms		346
Useful Contacts.....		346
15.	TANZANIA	
15.1	Constitutional Requirement for Environmental Protection in Tanzania	347
15.2	Institutional and Administrative Structure for EIA in Tanzania	347
15.2.1	Ministry of Environment	347
15.2.2	The National Environmental Advisory Committee	348

CONTENTS

15.2.3	Director of Environment	348
15.2.4	National Environment Management Council.....	348
15.2.5	Intersectoral Cooperation	350
15.2.6	Regional and Local Administration.....	350
15.2.7	Government of Zanzibar	351
15.3	Policy and Legal Framework for EIA in Tanzania.....	352
15.3.1	National Environmental Action Plan.....	352
15.3.2	National Environmental Policy	352
15.3.3	Environmental Management Act	353
15.3.4	Environmental Impact Assessment and Audit Regulations.....	354
15.3.5	Zanzibar Environmental Management for Sustainable Development Act.....	354
15.3.6	Permits and Licences	355
15.3.7	Offences and Penalties.....	355
15.3.8	Fees.....	355
15.3.9	Guidelines	356
15.3.10	Environmental Standards.....	356
15.3.11	Certification of Consultants.....	356
15.4	EIA Procedural Framework in Tanzania	358
15.4.1	Screening.....	358
15.4.2	Scoping and Terms of Reference	358
15.4.3	Environmental Impact Statement	358
15.4.4	Review of Environmental Impact Statement.....	359
15.4.5	Appeals.....	361
15.4.6	Environmental Monitoring	261
15.4.7	Environmental Audits.....	362
15.4.8	Decommissioning and Release of Environmental Performance Bond...	362
15.4.9	Strategic Environmental Assessment	362
15.5	Other Relevant Environmental Legislation in Tanzania	363
Appendix 15-1		366
Appendix 15-2		370
Acronyms		371
Useful Contacts.....		371
16. ZAMBIA		
16.1	Constitutional Requirement for Environmental Protection of Zambia	373
16.2	Institutional and Administrative Structure for EIA in Zambia.....	373
16.2.1	The Environmental Council of Zambia	373
16.2.2	Roles and Responsibilities.....	374
16.3	Policy and Legal Framework for EIA	377
16.3.1	Environmental Policy.....	377
16.3.2	The Environmental Protection and Pollution Control Act	378
16.3.3	Regulations	378
16.3.4	Permits and Licences	379
16.3.5	Penalties	380
16.3.6	Fees.....	380
16.3.7	Guidelines	381

CONTENTS

16.3.8 Environmental Standards.....	381
16.3.9 Certification of Environmental Consultants	383
16.4 EIA Procedural Framework in Zambia.....	383
16.4.1 Screening.....	383
16.4.2 Project Brief	385
16.4.3 Terms of Reference for an Environmental Impact Statement.....	386
16.4.4 Public Consultation Process	387
16.4.5 Environmental Impact Statement	387
16.4.6 Review Process.....	390
16.4.7 Post Assessment Environmental Audits	393
16.5 Other Relevant Environmental Legislation in Zambia.....	395
Appendix 16-1	399
Appendix 16-2	400
Appendix 16-3	402
Acronyms	403
Useful Contacts.....	403
17. ZIMBABWE	
17.1 Constitutional Requirement for Environmental Protection in Zimbabwe	405
17.2 Institutional and Administrative Structure for EIA in Zimbabwe	405
17.2.1 The Environmental Management Agency.....	405
17.2.2 Roles and Responsibilities.....	405
17.3 Policy and Legal Framework for EIA	406
17.3.1 National Environmental Policy 2003 (Second Draft).....	407
17.3.2 The National Environmental Policy (1997)	408
17.3.3 Environmental Management Act (Chapter 20:27)	409
17.3.4 The Environmental Impact Assessment Guidelines (1997)	409
17.3.5 Permits and Licences	409
17.3.6 Funding and Fees	410
17.3.7 Certification of Environmental Assessment Practitioners.....	410
17.4 EIA Procedural Framework in Zimbabwe.....	410
17.4.1 Prospectus	412
17.4.2 Contents of an Environmental Impact Assessment Report	412
17.4.3 Consideration of EIA Report and Issuing of Certificates	413
17.4.4 Environmental Audits of Projects.....	414
17.4.5 Inspection of EIA Reports.....	415
17.4.6 Public Consultation Process	415
17.4.7 Quality Assurance	415
7.5 Other Relevant Environmental Legislation in Zimbabwe.....	415
Appendix 17-1	418
Acronyms	420
Useful Contacts.....	420