



DAWLADDA DEEGAANKA SOOMAALIDA

DHOOL GAZETA

Somali Regional State

የሶማሌ ክልላዊ መንግሥት

<p>Qimaha የንዱ ዋጋ Unit Price 13.00</p>	<p>Dhool Gazeta Waxaa soo Saara Baarlamaanka Dawaldda Deegaanka Sommaalida</p>	<p>✉ 205</p>
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BAYAAN TIRSI 111 /2004
BAYAANKA QIIMAYNTA
SAAMAYNTA DEGAANKA,
BAYAAN TIRSI

Madama ay muhiim tahay in laheloo nidaam cad oo lagu oggaado islamarkaana lagu qiimeeyo saamaynta Deegaanka uu uleeyahay mashruuc iyo sidoo kale talabooyinka lagu xalin karo sameynta degaanka ka hor intaan la dhaqan galin Mashruuca.

Maadaama ay lagama maarmaan tahay in la ogaado saamaynta deegaan ee u leeyahay iyo in la qiimeeyo ka hor intaan la ansixin Dukumentiga dawlada sidoo kalena, la suurto-galiyo qaabkii uu uga qayb qaadan lahaa horumarka Deegaanka, dhaqaalaha, dhaqanka iyo arrimaha bulshada ee Deegaanka.

Maadaama ay muhiim tahay in la odoraso waxyeelada Deegaanka u keeni karo iyo xaaladaha lagu xalin karo sidoo kalena la xoojiyo faa'iidooyinka Bulsho iyo Dhaqaale islamarkana la hir-galiyo Ujeedooyinka iyo Xuquuqda dhawrista Deegaanka ee destuurka Deegaanka iyo ka Federaalkaba lagu xeeriyay.

አዋጅ ቁጥር ፳፻፲፩/፳፯
የአካባቢ ተፅዕኖ ግምገማ አዋጅ

የአካባቢ ተፅዕኖ ግምገማ የልማት ሃሳብ ንድፍ ሲዘጋጅ የሚያስከትለውን ተጽዕኖ በመተንበይ ስለቀደም በማረም በውል የታሰቡበትን ልማት ለማምጣት የሚያገዝ በመሆኑ፡፡

መንግሥታዊ ሰንድ በአካባቢ ላይ ሲያስከትል የሚችለውን ተፅዕኖ ለመለየት ገና ከመፅደቁ በፊት በመገምገም፣ የመፅደቁ ደወጫ ወላኔ በሚሰጥበት ወቅት አካባቢ ያዊ፣ ኢኮኖሚያዊ፣ ባህላዊና ማህበራዊ እሳቢዎችንና ገቦችን ዘላቂ ልማትን ለማምጣት በሚያመች ሁኔታ እንዲቀረጹና እንዲቀናጅ ለማድረግ የሚያስችል በመሆኑ፡፡

ስራታዊ የአካባቢ ተፅዕኖዎችን መተንበይ የመፍትሔ እርምጃዎችን መወሰድና ማስቀረፍና ኢኮኖሚያዊ ጠቃሚነታቸውን ማዳበር በፌዴራልና በክልል ስገ መንግሥት የተደነገጉትን የአካባቢ ደህንነት መብቶችንና ዓላማዎችን የመተንበርን ሂደት የሚያገዝ በመሆኑ፡፡

PROCLAMATION NO. 111 /2004
ENVIRONMENTAL IMPACT
ASSESSMENT PROCLAMATION

WHEREAS it is Necessary to establish a methodology of identifying and evaluating the Environmental Impact of advance proposed development activity and to know Environmental Conservation before the Implementation of the project.

WHEREAS, assessment of possible impacts on the environment prior to the approval of a public instrument provides an effective means of harmonizing and integrating environmental, economic, cultural and social considerations into a decision making process in a manner that promotes sustainable development,

WHEREAS the implementation of the environmental rights and objectives enshrined in the Federal and Regional Constitution would be fostered by the prediction and management of likely adverse environmental impacts , and the maximization of their socioeconomic benefits.

Maadaama ay haboon tahay in nidaamka QiimayntaSaamaynta Deegaanka noqdo nidaam hufan oo cad-caadaan iyo la xisaabtan leh islamarkaana laga qayb-galiyo bulshada qorsheyaasha iyo go'aamada Horumarineed ee wax-tarka u leh Deegaanka iyo kuwa aan wax-tarka u lahayn.

Sidaas awgead iyo iyago laga duulayo qodobka 49, (3) B, ee dastuurka dib loo hebeeyay ee Dawladda Deegaanka Soomaalida waxa la bayaamiyay sidan:

QAYBTA KOWAAD

Qodobka 1. Ciwan Gaban

Bayaankaa waxaa loogu yeedhi Karaa "Bayaanka Qiimaynta Saamaynta Deegaanka ee tirsi No, 111" 2004

Qodobka 2. Qeexid

Bayaankan dheexdisa:-

1. "Wakaalad" waxaa loola jeedda Wakaaladda Ilaalinta Deegaanka, Mac-danta iyo Tamarta Dawladda Deegaanka Soomalida.
2. "Deegaan" waxaa loola jeedda wadarta guud ee dhamaan qalabada Dabiiciga ah, ama la-dhalan rogay, ama wax-laga hedelay islamarkana jiritankoodu ama baaxadoodu saamayso xaalada Qofka ama Noolaha kale, iyagoon ka tagin xaaladdoodii Dhuleed, Hawo iyo nooca Cimilada, Biyaha, Noolaha kale, sawaxanka, Urta, Dhandhanka, Arrimaha bulsho iyo Midabkooda.
3. "Qiimaynta Saamaynta Deegaanka" waxa loola jeedaa nidaamka lagu qiimeeyo laguna oggaado Natiijada Qiimaynta Saamaynta Deegaanka. Ha ahaato mid wanaagasan, ama mid xun ee u leeyahay Dhaqan-galinta Mashruuca Dawladda ama dukumentigu.

የአካባቢ ተፅዕኖ ገምገማ አስተዳደራዊ ገጠላዎችና በኃላፊነት ተጠያቂነት እንዲኖር ለማድረግ በአጠቃላይ ራሱንና አካባቢውን በሚመለከቱ የዕማት እቅዶች አጠገጥኖ ወሳኔ አሰጣጥ ላይ ሕዝቡን፣ በተለይም ደገሞ ማሕበረሰቦችን ለማሳተፍ የሚረዱ በመሆኑ ።

የሶማሊ ክልላዊ መንግስት በተሻሻለው የክልሉ ሕገ መንግሥት አንቀጽ 49 ንዑስ አንቀጽ (3)(ሰ)መሠረት የሚከተለው ታዲያዎች።

**ክፍል አንድ
ጠቅላላ**

አንቀጽ 1. አፕር ርዕስ

ይህ አዋጅ «የአካባቢ ተፅዕኖ ገምገማ አዋጅ ቀጥሮ አፕሮ አፕሮ» ተብሎ ሲጠቀስ ይችላል።

አንቀጽ 2. ትርጓሜ

የቃላት ትርጉም ሲላ ትርጉም ከላሳጠው በስተቀር በዚህ አዋጅ ውስጥ:-

1. «ባለሥልጣን» ማለት የሶማሊ ክልላዊ መንግስት የአካባቢ ጥበቃ፣ ተፈጥሮ ህብት የሀይል ባለሥልጣን ማለት ነው።
2. «አካባቢ» ማለት በመሬት በከባቢ አየር ሁኔታ እና በአየር ንብረት፣ በዚህ፣ በደም፣ በሽታ፣ በጣዕም፣ በማህበራዊ ጉዳዮች እና በሌሎች ላይ ወሳኔ፣ በተፈጥሮአዊ ሁኔታዎች ወይም በሰው አማካኝነት ተሸሽጠው ወይም ተሰጠው የሚገኙ ነገሮች በሙሉና ያሉበት ቦታ፣ እንዲሁም መጠናቀቁንም ወይም ሁኔታዎችን ወይም ደገሞ የሰው ወይም የሌሎች ሕይወት በጎ ሁኔታን የሚነኩ ተስተጋብርተኞች ደምር ነው።
3. «የአካባቢ ተፅዕኖ ገምገማ» ማለት አንድ ፕሮጀክት ወይም መንግሥታዊ ህገደ ተገባራዊ ሲሆን የሚያስከትለውን ገንቢም ሆነ አፍራሽ ወይም በቅድሚያ ለይቶ የማወቂያ የመመዘኛ ዘዴ ነው።

WHEREAS, environmental impact assessment services to bring about administrative transparency and accountability, as well as to involve the public and in particular, communities in the planning of and decision taking on developments which may affect them and its environment.

NOW, THEREFORE, in accordance with Article 49(3) (b) of the revised Constitution of the Somali regional state, it is hereby proclaimed as follows:

**PART ONE
GENERAL**

Article 1. Short Title

This Proclamation may be cited as the "Environmental Impact Assessment Proclamation No:111/2004."

Article 2. Definitions

In this Proclamation, unless the context otherwise requires:

1. "Authority" means the environmental protection, natural resources and energy development authority of the Somali regional state;
2. "Environment" means the totality of all materials whether in their natural state or modified or changed by human; their external spaces and the interactions which affect their quantity or quantity and the welfare of human or other living beings, including but not restricted to, land atmosphere, weather and climate, water, living things, sound, odor, taste, social factors, and aesthetics;
3. "Environmental Impact Assessment" means the methodology of identifying and evaluating in advance any effect, be it positive or negative, which results from the implementation of a proposed project or public instrument;

4. "Saamayn" waxa loola jeedda isbedel kasta oo lagu sameeyo deegaanka ama qaybo kamida arrintas oo wax-u-dhimaysa Caafimaadka iyo Cimiriga Dadka, Dhirta, Xoolaha, Ciida, Hawada, Biyaha, Cimilada Deegaanka ama Astaan dhaqameedka iyo Astaanta kale joogtada ah, ama Guud ahaan isbedelka kuyimaada degaanka, Arrimaha Bulshada, Dhaqaalaha ama Dhaqanka.

5. "Xafiiska Liisan Bixinta" waxa loola jeedda hay'ad kastoo dawladeed oo Awood sharci loo siyay bixinta Liisanka maal-galinta, Ganacsiga, ama Liisanka shaqada, ama Diiwan-galinta Shirkadaha ganacsiga.

6. "Qof" waxa loola jeedda Qofka caadiga ama qofka Qaanuuniga ah.

7. "Wasakheeye" waxa loola jeedda Aalad kasta oo ah Dareere, Qalalan, ama Hawo ah oo si toos ah ama sidadban.

B. Wax-ugu dhinta Tamarta, Waxtar iyo Tayyada qayb Deegaanka kamid ah.

T. Aalad kasta oo curinaysa sun, Cudur, Ur qadhmuum, Falaadho, Sawaxan, Gariir ama xaalad kasta oo an haboonayn ama wax u dhimaysa Caafimadka Aadamaha ama Noolaha kale.

8. "Mashruuc" waxa loola jeedda dhaq-dhaqaaq kasta or horumarineed oo qaybihisa lagu xuso Awaamiirta loo soo saaro hab-wafaqsan Bayaankan ama Balaadhinta iyo Wax-kabedelka lagu sameeyo Mashruuc horay u jiray ama dib u bilabida shaqo horay u jirtay oo istaagtay.

9. "Mulkiilaha mashruuca" waxa loola jeedda Hay'da Dawladeed, Mashruuca ay Dawladdu maalgaliso ama Mashruuca shacabku maal-galiyo Shakhsiga hantilaha ah.

4. «ተፅዕኖ» ማለት በአካባቢ ወይም በንግድ ስርዓት ላይ በሚፈጠር ሰጪ ምክንያት ማንኛውም በሰጪ ጤና ወይም ደህንነት፣ በዕድሜ፣ በእንስሳት፣ በአፈር፣ በአየር፣ በውሃ፣ በአይር ንብረት፣ በተፈጥሮአዊ ወይም በባህሳዊ ቅርስ፣ በሌላ ቁሳዊ ቁም ስነ ስርዓት ወይም በአጠቃላይ ሲታይ በአካባቢያዊ፣ በማሕበራዊ፣ በኢኮኖሚያዊ ወይም በባሕሳዊ ገፅታዎች ላይ የሚከሰት ተከታታይ ሰጪ ነው፡-

5. «የፍቃድ ሰጪ መሥሪያ ቤት» ማለት እንደሁኔታዊ የኢንቨስትመንት፣ የንግድ ወይም የሥራ ፍቃድ ስመስጠት ወይም የንግድ ድርጅት ስመመዝገብ በሕግ ሥልጣን የተሰጠው መንኛወም የመንገድ ስነ ስርዓት ነው፡-

6. «ሰጪ» ማለት የተፈጥሮ ሰጪ ወይም በሕግ የሰጪነት መብት የተሰጠው ስነ ስርዓት ነው፡-

7. «በካይ» ማለት ፈላጊ፣ ጠጣር ወይም ጋዝ የሆነ፣ በቀጥታም ሆነ ቀጥተኛ ባልሆነ መንገድ፡-

ሠ) ያረፈበትን የአካባቢ ክፍል ጥራት በመሰወጥ ጠቀሜታ የመስጠት ስቅጡን የሚያንድፍ ወይም

ሰ) በሰጪ ጤና ወይም በሌሎች ሕይወት ላይ ጉዳት የሚያደርስ ወይም ሲያደርስ የሚችል መርዘን፣ በሽታን፣ ክርፋትን ጨርርን፣ ድምፅን፣ ንዝረትን፣ ሙቀትን ወይም ሌላ ከስተትን የሚያመነጭ ማንኛውም ነገር ነው፡፡

8. «ፕሮጀክት» ማለት በዚህ አዋጅ መሠረት በሚወጣው በማንኛውም መመሪያ ውስጥ በተጠቀሰ ርዕስ የሚካተት ማንኛውም አዲስ የዕድገት እንቅስቃሴ፣ ወይም በነባር ድርጅት ላይ የሚደረግ ጉልህ መስፋፋት ወይም ሰጪ፣ ወይም ደገሞ ተቋርጦ የነበረ ሥራን መልሶ ስመጀመር የሚደረግ እንቅስቃሴ ነው፡-

9. «የፕሮጀክት ባለቤት» ማለት ፕሮጀክቱ በመንግሥት የተወጠነ ሲሆን የሚመለከተው የመንግሥት ስነ ስርዓት ወይም በግሉ ዘርፍ የተወጠነ ሲሆን ባለሀብት የሆነው ሰው ነው፡-

4. "Impact" means any change to the environment or to its component that may affect human health or safety, flora, fauna, soil, air: water, climate, natural or cultural heritage, other physical structure, or in general, subsequently alter environmental, social, economic or cultural conditions;

5. "Licensing Agency" means any Regional State organ empowered by law to issue an investment permit or a trade or operating license or a work permit or to register a business organization, as the case may be;

6. "Person" means any natural or juridical person;

7. "Pollutant" means any substance whether liquid, solid or gas which directly or indirectly:

a) alters the quality of any part of the receiving environment so as to affect its beneficial use adversely, or

b) produces toxic substances, diseases, objectionable odour, radioactivity, noise, vibration, heat, or any other phenomenon that is hazardous or potentially hazardous to human health or to other living things.

8. "Project" mans any new development activity under any category listed in any directive issued pursuant to this Proclamation, major expansion or alteration or any existing undertaking, or any resumption of work that had been discontinued;

9. "Proponent" means any organ of the Regional State if in the public sector or any person if in the private sector that initiates a project;

- 10. "Dokumentiga Dawladda" waxa loola jeedda Siyaasadda, Istaraat-ajiga, Barmaamijka, Sharciga ama Heeshiis Calaami ah.
- 11. "Deegaan" waxa loola jeedaa dawladda Deegaanka Soomaalida.

QAYBTA LABAAD

Qodobka 3. Qodobo Guud

- 1. Sida lagu qeexi doono Awaa-miirta ay soo saarto Wakaala-ddu, Qofna looma oggola Hir-galinta ama Dhaqan galinta Mashruuc u baahan Qiimaynta Saamaynta Deegaanka isagoon fasax ka haysan Wakaaladda.
- 2. Iyado arrimaha ku xusan farqada 1^{aad} ee qodabkan sidooda yihin, ayaa Wakaaladdu marka ay oggaato xaddiga Saamaynta Deegaanka uu u leeyahay mashruucu ay tahay mid yar, waxay ka dhaafi kartaa Qiimaynta Saamaynta deegaanka.
- 3. Xafiiskasta, oo bixiya Liisanka Maal-galinta, Ganacsiga ama Liisan shaqo ee mashruuc kasta, waa inuu ka hor intaanu bixinin Liisanka hubiyaa in Wakaaladdu oggolaatay dhaqan-galinta Mashruuca.
- 4. Aqbalaada Warbixinta Darasaadka saamaynta Deegaanka iyo oggolanshaha Wakaaladda ee Mashruucu Xaqiaha mashruuca ka bad-baadin mayso wax-yeelada u gaysto Masuuliyadeeda.
- 5. Iyadoo Arrimaha ku xusan farqada 4^{aad} ee qodobkan ay sidiisa tahay, Xaqiuhu wuxuu ka bad-baadayaa Masuuliyadda marka wax-yeelada uu gaystay Dhibanaha laftiisu ama la xaqiijiyo in wax-yeelada ay gaysatay cidkale.

10. «መንግሥታዊ ህጎች» ማለት ፓሊሲ፣ ስልት፣ መርሐ ገብር፣ ሕግ ወይም የዓለም አቀፍ ስምምነት ነው።

11. «ክልል» ማለት የሶማሊ ክልላዊ መንግሥት ማለት ነው።

ክፍል ሁለት

አንቀጽ 3. ጠቅላላ ድንጋጌዎች

- 1. ማንኛውም ሰው በዚህ አዋጅ አንቀጽ 5 በወጣው መመሪያ መሠረት የአካባቢ ተፅዕኖ ገምገማ የሚያስፈልገውን ማንኛውንም ፕሮጀክት ይሁንታ ሳያገኝ ተገባራዊ ለማድረግ አይፈቀድለትም።
- 2. የዚህ አንቀጽ ንዑስ አንቀጽ/1/ ድንጋጌ አንደተጠበቀ ሆኖ ባልሥልጣኑ የአካባቢ ተፅዕኖ ገምገማ ከሚያስፈልገው ማንኛውም ፕሮጀክት የሚከተለውን ተፅዕኖ ኢምፕት ነው ብሎ ከገመተ የፕሮጀክቱን ባለቤት የአካባቢ ተፅዕኖ ገምገማ እንዲያካሂድ ሳያስገድደው ይችላል።
- 3. ማንኛውም ፍቃድ ሰጪ መሥሪያ ቤት የኢንቨስትመንት፣ የንግድ ወይም የሥራ ፍቃድ ከመሥጠቱ በፊት ከባለሥልጣኑ ፕሮጀክቱ ተገባራዊ እንዲሆን ይሁንታ መስጠቱን ማረጋገጥ አለበት።
- 4. የአካባቢ ተፅዕኖ ፕናት ዘገባ ተቀባይነት ማግኘቱና ከባለሥልጣኑ ይሁንታ መስጠቱ የፕሮጀክቱን በባለቤት ጉዳት በማድረስ ከሚከተል ኃላፊነት ነፃ አያደርገውም።
- 5. የዚህ አንቀጽ ንዑስ አንቀጽ (4) ድንጋጌ አንደተጠበቀ ሆኖ፣ ከተጠያቂነት ነፃ መሆን የሚቻለው ጉዳት በተገኘው በራሱ ወይም ደግሞ የፕሮጀክቱ ባለቤት ኃላፊነት በሌለበት በሦስተኛ ወገን መድረሱ ሲረጋገጥ ብቻ ነው።

- 10. "Public instrument" means a policy, a strategy, a programme, a law or an international agreement;
- 11. "region" means the Somali regional state

PART TWO

Article 3. General Provisions

- 1. Without authorization from the Authority, no person shall commence implementation of any project that requires environmental impact assessment as determined in a directive in a directive issued pursuant to Article 5 of this Proclamation.
- 2. Without prejudice to Sub Article (1) of this Article, when the Authority believes that the possible impacts of the project are insignificant, it may decide not to require the concerned proponent to conduct an environmental impact assessment.
- 3. Any licensing agency shall, prior to issuing an investment permit or a trade or an operating license for any project, ensure that the Authority or the relevant regional environmental agency has authorized its implementation.
- 4. Approval of an environmental impact study report or the granting of authorization by the authority does not exonerate the proponent from liability for damage.
- 5. Without prejudice to Sub Article (4) of this Article, exemption from liability shall be granted only when it is verified that it is the victim himself or a third party for whom the proponent is not responsible that has caused the damage.

Qodobka 4. Xaaladaha Lagu go'aaminayo Saamaynta

1. Saamaynta mashruuca marka la qiimaynayo waxaa laga duuli Baaxada, Goobta laga fulinayo, Dabciga, Xidhiidhka iyo saamaynada kale ee u leeyahay ama dhacdooyinka kale, ku celinta iyo ku Celin la'aanta sidii u ahaa deegaanku iyo saamaynaha Dadban ee uu yeelankaro.
2. Marka ay jiraan Natiijo wax-yeelo iyo waxtar, Laakin marka la is barbar dhigo lagu doodi karo in uu Faa'iido leeyahay, wakaladu waxay qaadaysa talaabo taxadir ku dheehan tahay markay go'aaminayso in mashruucu yeelan karo saamayn wanaagsan oo dhaxal-gal ah.

Qodobka 5. Mashruuca u Baahan in Lagu Sameeyo Qiimaynta Saamaynta Deegaanka

1. Mashruuckasta oo hoos yimaada, Awaamiirta hab waafaqsan bayaankan u soo baxda, waa in lagu saameeya Qiimaynta Samaynta Deegaanka
2. Awaamiirta ku xusan farqada 1^{aad} ee qodabkan waa in ay go'aamiyaan:
 - B. Mashaaricda loo arko inayna lahayn saameyn aan Haboonayn, una baahnayn in lagu sameeyo Qiimaynta Saamaynta Deegaanka.
 - T. Masharicda loo arko in ay keeni karaan samayn aan Haboonayn una baahan Qiimaynta Samaynta Deegaanka in la kala saaro.

Qodobka 6. Qiimeynta Saamaynta ka Gudubta Deegaanka

1. Iyadoon waxba loo dhimayn shuruucda Federaalka, Hadii mashruucu ka gudbo Deegaanka, una gudbo deegaanada deriska ah, marka la samaynayo Qiimaynta Saamaynta Degaanka u leeyahay waa in laga-qayb galiyo bulshada ku nool deegaanka laaminsan yahay in u wax-yeelay u gaysanayo.

አንቀጽ 4. የተፅዕኖ መመዘኛ ታሳቢዎች

1. የፕሮጀክት ተፅዕኖ ከፕሮጀክቱ መጠን፣ ከመካኒካል ሥፍራ፣ ከባህሪ፣ ከክልል ተሽጋሪነት፣ ከሌሎች ተፅዕኖዎች ወይም ከስተተች ጋር ከሚኖረዉ ተዳማሪነት፣ ከቀደታው ወደ ነበረበት ሁኔታ ስሙ መሰስ ከመቻሉ ወይም ካስመቻሉ፣ እንደዚሁም ከሌላ ተዳማጅ ገጽታዎች አኳያ መገምገም አለበት።
2. ጠቃሚና ገዲ ወ.ጠተች ካሉት፣ ነገር ግን ጠቃሚ ገኑ በትንሹ ብቻ ከሚያመዘን ወይም መብለጥ አለመብለጡ ከሚያወዛገብ አንድ ፕሮጀክት ሲከተል የሚችልን አሰታዊ ተፅዕኖ ሲወስን ባለሥልጣኑ ወደ ጥንታዊ እርምጃ በማዘንበል ፕሮጀክቱ ጉዳይ አሰታዊ ተፅዕኖ ሲያስከትል ደችላል በማለት መወሰን አለበት።

አንቀጽ 5. የአካባቢ ተፅዕኖ ገምገማ ስለሚያስፈልጋቸዉ ፕሮጀክቶች

1. በዚህ አዋጅ መሠረት በሚመጣ በማንኛዉም መመሪያ ውስጥ በተጠቀሰ ርዕስ በሚካተት በማንኛዉም ፕሮጀክት ሁሉ የአካባቢ ተፅዕኖ ገምገማ ማካሄድ አለበት።
2. በዚህ አንቀጽ ንዑስ አንቀጽ (1) የተጠቀሰዉ መመሪያ፡-
 - ሀ) አሰታዊ ተፅዕኖ ያስከትሉ ይሆናል ተብሎዉ ስለሚታሰቡ የአካባቢ ተፅዕኖ ገምገማ የሚያስፈልጋቸዉን ፕሮጀክቶች እና
 - ለ) አሰታዊ ተፅዕኖ ያስከትላሉ ይሆናል ተብሎዉ ስለሚታሰቡ የአካባቢ ተፅዕኖ ገምገማ የሚያስፈልጋቸዉን ፕሮጀክቶች ለደቶ ማመልከት አለበት።

አንቀጽ 6. ክልል ተሻጋሪ የአካባቢ ተፅዕኖ ገምገማ

1. የፈጻራዎች ድንጋጌዎች እንደተጠበቀ ሆኖ አንድ የፕሮጀክት ባለቤት ክልል ተሻጋሪና ተፅዕኖ ሲያስከትል የሚችል ፕሮጀክት የአካባቢ ተፅዕኖ ገምገማ ሲያካሂድ ጉዳት ይደርስባቸዉ ይሆናል ተብሎዉ የሚገመቱ በየትኛዉም ክልል የሚገኙ ማሕበረሰቦችን ማሳተፍ አለበት።

Article 4. Considerations to Determine Impact

1. The impact of a project shall be assessed on the basis of the size, location, nature, cumulative effect with other concurrent impacts or phenomena, duration, reversibility or irreversibility or other related effects of the project.
2. The Authority shall err on the side of caution while determining the negative impact of a project having both beneficial and detrimental effects, but which, on balance, is only slightly or arguably beneficial, And thus determine that it is likely to entail a negative significant impact.

Article 5. Projects Requiring Environmental Impact Assessment

1. Every project which falls in any category listed in any directive issued pursuant to this Proclamation shall be subject to environmental impact assessment.
2. Any directive provided under Sub Article 1 of this Article shall, among other things, determine categories of:
 - a) projects not likely to have negative impacts, and so do not require environmental impact assessment;
 - b) Projects likely to have negative impacts and thus require environmental impact assessment.

Article 6. Trans-Regional Impact Assessment

1. Without Prejudice Federal Provisions, The Authority shall, prior to embarking on the evaluation of an environmental impact study report of a project with likely trans-regional impact, ensure that the communities likely to be affected have been consulted and their views incorporated.

2. Marka mashruucu u gudbo Deegaanada deriska, Wakaladda Ilaalinta degaanka, mac-danta iyo Tamarta Dawlada Deegaanka Soomalidu waxay warbixinta daraasaadka saamaynta deegaanka loo gudbin wakaaladda Ilaalinta Deegaanka ee Federaalka.

QAYBTA SADDEXAAD

Qodobka 7. Waajibaadyada Xaqlaha Mashruuca

1. Xaqlaha mashruucu waa inuu sameeyo Qiimaynta Saamaynta Deegaanka islamarkana caddeeyo saamaynta aan Haboonayn ee uu yeelankaro mashruuciisu. Isla markaana sheego arrimaha lagaga hortagi karo ama lagula tacaali karo. Una soo gudbiyaa wakalaadda isagoo soo raacinaya dhamaan Dokumentiyada kale ee muhiinka ah.
2. Xaqlaha Mashruucu waa in uu hubiyaa in Mashruuciisa lagu sameeyay Qiimnaynta Saamaynta Deegaanka, ayna fuliyeen khabiir buuxinaya shuruudaha lagu sheegay awaamiirta ay soosaartay Wakaaladdu.
3. Kharashka ku baxaya meel – marinta Qiimaynta Saamaynta Deegaanka iyo diyaarinta Warbixinta daraasadka saamaynta deegaanka waxa bixiya Xaqlaha mashruuca.
4. Marka Xaqlaha Mashruucu u meel marinayo Hirgalinta mashruuca waa in uu oofiyaa, Hir-galiyaa waajibadyada lagu xusay shahaadada oggolaanshaha mashruuca.

Qodobka 8. Warbixinta Daraasadka Saamaynta Deegaanka

1. Warbixinta darasadka samaynta degaanka waa inay tahay a mid dhiamaystiran qeexaysana fa'iidada iyo khasaaraha uu leeyahay hirgalinta Mashruuca iyo sidoo kale xaalada uu yeelaneyo marka u dhaqan galo si ay Wakaaladu uga go'aan qaadata.

2. ከፊደል ተከታይ ተፅዕኖ ሊያስከትል የሚችል ፕሮጀክት በሚካሄድበት ወቅት ከፊደል ወስጥ የሚገኝ የክልሉ ባለስልጣን መ/ቤት የፕሮጀክቱን የአካባቢ ተፅዕኖ የጥናት ዘገባ ሰፊዲ ራስፊ የአካባቢ ተፅዕኖ ባለስልጣን እንዲቀረብ ማድረግ አለበት።

ክፍል ሦስት

አንቀጽ 7. የፕሮጀክት ባለቤት ገደታዎች

1. አንድ የፕሮጀክት ባለቤት የፕሮጀክቱን የአካባቢ ተፅዕኖ ገምገማ አካሄድ፣ የፕሮጀክቱን አሰጣጥ ተፅዕኖዎች በቅድሚያ ሰይተና ተፅዕኖዎችን የማስቀረፊያ ወይም የመቋቋሚያ ዘዴን በጥናት ወስጥ አካትቶ ባለሥልጣኑ ተገቢነታቸውን ከወሰነባቸው ሆነዶች ጋር የአካባቢ ተፅዕኖ የጥናት ዘገባን ለባለሥልጣኑ ማቅረብ አለበት።
2. በፕሮጀክቱ ላይ የአካባቢ ተፅዕኖ ገምገማ የሚካሄደው የአካባቢ ተፅዕኖ የጥናት ዘገባም የሚዘጋጀው ባለሥልጣኑ በሚያወጣው ማንኛውም መመሪያ የተዘረዘሩ መስፈርቶችን በሚያሟሉ ባለሙያዎች መሆኑን የፕሮጀክት ባለቤት ማረጋገጥ አለበት።
3. የአካባቢ ተፅዕኖ ገምገማን ለማካሄድና የአካባቢን ተፅዕኖ የጥናት ዘገባን ለማዘጋጀት የሚያስፈልገውን ወጪ የፕሮጀክቱ ባለቤት መሸፈን አለበት።
4. አንድ የፕሮጀክት ባለቤት ፕሮጀክቱን ሲተገብር በተሰጠው ፈቃድ ወስጥ የተዘረዘሩ ገደታዎችን ማሟላት አለበት።

አንቀጽ 8. የአካባቢ ተፅዕኖ የጥናት ዘገባ

1. የአካባቢ ተፅዕኖ የጥናት ዘገባ ባለሥልጣኑ የፕሮጀክቱን መካሄድ ወይም አስመካሄድ ተገቢነት እንዲሁም ሲካሄድ ሲኖረው የሚገባውን ሁኔታ ለመወሰን የሚያስችለውን ቦታ መረጃ የያዘ መሆን አለበት።

2. where a project with likely trans-regional impact the Authority shall submit the environmental impact study report of the project to the Federal environmental Agency.

PART THREE

Article 7. Duties of a Proponent

1. A proponent shall undertake an environmental impact assessment; identify the likely adverse impacts of his project, incorporated the means of their prevention or containment, and submit to the Authority the environmental impact study report together with the documents determined as necessary by the Authority
2. A proponent shall ensure that the environmental impact of his project is conducted and the environmental impact study report prepared by experts that meet the requirements specified under any directive issued by the Authority.
3. The cost of undertaking an environmental impact assessment and preparing an environmental impact study report shall be borne by the proponent.
4. When implementing his project, a proponent shall fulfill the terms and condition of authorization.

Article 8. Environmental Impact Study Report

1. An environmental impact study report shall contain sufficient information to enable the Authority or the relevant regional environmental agency to determine whether and under what conditions the project shall proceed.

Warbixinta Daraasaadka Saamaynta deegaanka ugu yara'aan waa inuu ka koobnaato arrimahan hoos ku xusan:-

- B. Sifaha mashruuca, Teknoolojiyada iyo qaabka loo isticmaalayo.
- T. Mugga iyo Cadadka wasakhaynta ee ku baxaysa deegaanka marka la hir-galiyo mashruuca ama la fulinayo shaqooyinkiisa cadiga ah.
- J. Xoogga iyo Isha korontada a shaqadu u bahan tahay.
- X. Xogta in mashruucu Deegaanka ka gudbi karo.
- Kh. Sifaha iyo mudada ay jiri karaan samaynta wax-tarka leh iyo ku waa wax-tarkale lahayn ee laaminsan yahay inay si toosa iyo si dadbanba u dhici karan.
- D. Talabooyinka loo qorshayan tirtirida, yaraynta ama fududaynta samaynta wax-yeelada leh.
- K. Qorshayasha loo diyaariyay wax-kaqabashada dhibaataada deegaanka iyo ka hortaga iyo u diyaar garowga dhibataada.
- S. Nidamka kormeerka iyo baadhista shaqooyinka joogtada iyo kuwa caadiga ah ee mashruuca.

3. Wakaladu waa in ay soo saarta awaamiir faahfaahinaysa fikra-daha suurto galinaya diyarinta iyo qiimaynta warbixinta Dara-asaadka Saamaynta Deegaanka.

Qodobka 9. Darsida Warbixinta Daaraasaadka Saamaynta Deegaanka

1. Warbixinta darasadka saamaynta degaanka ee loo so gudbiyo Wakaaladda si baadhis loogu sameeyo waa in ay noqota mid loo diyariyay qaab iyo luuqad fudud oo ay cidkasta fahmi karto islamarkana u qayb kayahay war-murtiyeed koobon oo xaqijinaya dhamaystirka xogaha darasadka.

2. **የአካባቢ ተፅዕኖ ጥናት ዘገባ ቢያንስ የሚከተሉትን ዝርዝርቶች የያዘ መሆን አለበት፡፡**

- ሀ) የፕሮጀክቱን ባህሪ፣ በጥቅም ላይ የሚውሉትን ቴክኖሎጂና አሰጣጥ፤
- ለ) ፕሮጀክቱ ሲተገበር እንዲሁም ፈጣሪ ሥራው ሲከናወን ወደ አካባቢ የሚለቀቁትን የበካይ ይዘትና መጠን፤
- ሐ) የሥራው እንቅስቃሴ የሚጠይቀውን የኃይል ፍጆታ እና ምንጭ፤
- መ) ሲከተል ስለሚችል ክስል ተሻጋሪ የአካባቢ ተፅዕኖ መረጃ፤
- ሠ) በቀጥታም ሆነ በተዘዋዋሪ ይከተሉት ተብሎ የተተመኑ ስድስት ስድስት ወይም አሉታዊ ተፅዕኖዎች በህሪያትና የሚቀየሩት ጊዜ፤
- ረ) አሉታዊ ተፅዕኖ ለማስወገድ ለመቀነስ ወይም ለማቃሰስ የታዘዙ አርምጃዎች፤
- ሰ) የአካባቢ አያያዝ ችግርን ለማቃሰስ የተነደፉ እዕቅዶች የአደጋ መከላከል ማድረግ፤
- ሸ) ፕሮጀክቱ በሚተገበርበትና እንደዚሁም ፈጣሪ ሥራው በሚከናወንበት ወቅት የወሰኑ የቁጥጥርና የክትትል ሥራዎች የሚካሄዱትን ደባቸውን መንገዶች፡፡

3. በስሥልጣን የአካባቢ ተፅዕኖ ጥናት ዘገባን ለማዘጋጀትና ዘገባውን ለመመርመር የሚረዱ ሃሳቦችን የሚዘረዝሩ መመሪያዎችን ማወጣት አለበት፡፡

አንቀጽ 9. የአካባቢ ተፅዕኖ ጥናት ዘገባ ምርመራ

1. ምርመራ እንዲካሄድበት ለሚሰጠው በሚቀርብ የአካባቢ ተፅዕኖ ጥናት ዘገባ፣ ማንም ሲረዳው በሚችል ፈንቋ በአጭሩ የተዘጋጀ የጥናት መገለጫ የያዘና እንዲሁም የጥናቱ መረጃ መሚላትና ትክክለኛነቱን የሚያመላክት፣ አጭር መገለጫ መያዝ አለበት፡፡

2. An environmental impact study report shall contain, as a minimum, a description of:

- a) the nature of the project, including the technology and processes to be used;
- b) the content and amount of pollutant that will be released during implementation as well as during operation;
- c) source and amount of energy required for operation;
- d) information on likely trans-regional impacts;
- e) Characteristics and duration of all the estimated direct or indirect, positive or negative impacts.
- f) measures proposed to eliminate, minimize, or mitigate negative impacts;
- g) contingency plan in case of accident; and
- h) Procedures of self auditing and monitoring during implementation and operation.

3. The Authority shall issue guidelines that determine the elements necessary to prepare as well as evaluate an environmental impact study report.

Article 9. Review of Environmental Impact Study Report

1. An environmental impact study report that is submitted to the Authority for review shall include a brief statement summarizing the study in non-technical terms as well as indicating the completeness and accuracy of the information given in the study report.

2. Wakaaladda kadib marka ay 15 maal mood gudahed isku dheeli tirta fikirka bulshada iyo khabiiirada islamarkana ay baadhitan ku samayso warbixinta daraasaadka saamaynta deegaanka:-

B. Ayaa marka ay xaqiijiso in mashruucu aanu lahayn saamayn wax-yeelo ayay oggolaan dhaqan galinta mashruuca.

T. Marka ay ogaato in layarayn karo saamaynta waxyeelada ayay iyadoo amar ku bixinaysa dhamaystirka xaaladaha lagu yaraynayo ama lagu tir-tirayo samaynta ay oggolaan hirgalinta mashruuca.

J. Ay joojin in mashruuca la hirgeliyo hadii ay u aragto inaan si naba loo maaraynkarayn Dhibaataada uu deegaanka u leeyahay.

Qodobka 10. Muddada ay Jirayso Dhaqangalka Warbixinta Daraasaadka Saamaynta Deegaanka ee la Ansixiyay.

1. Warbixinta darasadka samaynta degaan ee mashruuca la oggolaaday dhaqan-galintisa hadii aan lagu fulinin mudadi loo talagalay waa wax-ba kama jiraan.

2. Xaqiqa mashruuca ee aaminsan in hirgalinta arrimaha ku xuan farqada 1^{aad} ee qodabkan ayna mac-quul ahayn wuxu cabasho u gudbin karaa wakaaladda.

3. Hadii aanay xaalad kale kalifin wakaaladda hab-wafaqsan farqada 2^{aad} ee Qodobkan loogu soo gudbiyay codsiga, waa in ay muddo sodon maal-mood gudaheeda ku go'aamisa muddada lagu kordhiyay muddada uu dhaqan galahaanayo warbixinta darasadka samaynta.

2. ባለሥልጡኑ በ15 የሥራ ቀናት ውስጥ የሕዝብ ስተዎችንና የባለሙያዎች ስተዎችን በማመዛዘን የሕዝባዊ ተፅዕኖ ጥናቱን ዘገባ ከመረመረ በኋላ:-

ሀ) ገጂ ተፅዕኖ የማያዳከትል መሆኑን ካመነ ያለምንም ቅድመ ሁኔታ ፕሮጀክቱን ደብዳቤ እንዲተገበርም ይሁንታዉን ይሰጣል።

ለ) ገጂ ተፅዕኖዎችን ለማስቀረት ወይም በበቂ ሁኔታ ለመቋቋም የሚቻል መሆኑን ካመነ ለማስቀረት ወይም ወደ ሊምን ትነት ለመቀነስ የሚያስፈልጉትን ቅድመ ሁኔታዎች ዘርዘር እንዲሟሉ በማዘዝ ፕሮጀክቱ እንዲተገበር ይሁንታ ይሰጣል ወይም

ሐ) ፕሮጀክቱ ተገባራዊ በሚሆንበት ጊዜ በሕዝባዊ ላይ የሚከተለውን ስራታዊ ተፅዕኖ በአጥጋቢ ሁኔታ ለማስቀረት እንደሚቻል ካመነ ትገበራዉን ይከላከላል።

አንቀጽ 10. የፀደቀ የሕዝባዊ ተፅዕኖ ጥናት ዘገባ ፀንቶ የሚቆይበት ጊዜ

1. እንዲተገበር ይሁንታ የተሰጠው የፕሮጀክት የሕዝባዊ ተፅዕኖ ጥናት ዘገባ ይኸው ይሁንታ ሲሰጥ ስብር የተመሰከተውን የጊዜ ገደብ ተከትሎ ካልተተገበረ ተቀባይነቱ ይቀራል።

2. የዚህ አንቀጽ ንዑስ አንቀጽ (1) ድንጋጌ አተገባበር ተገቢ ስለመሆኑን ሲያስረዳ የሚፈልግ የፕሮጀክት ባለቤት እንደሕግቡ ለባለሥልጣኑ ማመልከት ይቻላል።

3. ልዩ ሁኔታ ካላስገደደዉ በስተቀር ባለሥልጣኑ በዚህ አንቀጽ ንዑስ አንቀጽ (2) መሠረት ማመልከቻ ዉን ከተቀበለበት ዕለት ጀምሮ በላላ ቀናት ውስጥ የዘገባዉ ተቀባይነት ፀንቶ የሚቆይበት ጊዜ እንዲራዘም ወይም የሕዝባዊ ተፅዕኖ ጥናት ዘገባዉ እንዲከለስ ወይም እንደገና እንዲካሄድ መወሰን ስለበት።

2. The Authority shall, after evaluating an environmental impact study report by taking into account any public comments and expert opinions, within 15 working days:

a) approve the project without conditions and issue authorization if it is convinced that the project will not cause negative impacts;

b) approve the project and issue authorization with conditions that must be fulfilled in order to eliminate or reduce adverse impacts or reduce adverse impacts to insignificance if it is convinced that the negative impacts can be effectively countered, or

c) refuse implementation of the project if it is convinced that the negative impact cannot be satisfactorily avoided

Article 10. Validity of Approved Environmental Impact Study Report

1. The Authorization of an environmental impact study report shall expire if the project has not been implemented according to the time frame set during its authorization.

2. Any proponent, who wishes to challenge the appropriateness of the provision of Sub Article (1) of this Article, to his project, may submit an application to the Authority.

3. Within 30 days from the receipt of an application pursuant to Sub Article (2) of this Article, the Authority shall, unless special circumstance so dictate, decide whether to extend the validity of the report or to order the revision or the redoing of the environmental impact assessment.

QAYBTA AFRAAD

Qodobka 11. Dhacdada Cusub

Marka ay dhacdo xaalad culus oo dhab ah oo aan hore loo si ogayn kadib marka la soo jeediyo warbixinta darasaada qiimaynta samaynta degaanka, ayaa si loo waajaho xaalada ayay wakaladdu amri kartaa in qiimaynta samaynta degaanka lagu sameyo dib u eegista loo bahan yahay ama mar labaad la meel mariyo.

Qodobka 12. Dabagalka iyo Lasocodka Hir-Galinta

1. Wakaaladdu waa in ay dabagal ku samayso in waajibaadka iyo balanqaadkii la sameeyay wakhtigii la oggoladay hirgalinta mashruuca loo dhaqan galiyay sidi loogu tala galay.
2. Marka Xaqiqa mashruucu ku guul daraysto inuu fuliyo waajibaadki iyo balan qaadkii uu galay, sida; muddadi loo fasaxay inuu hir-galiyo mashruuca ayaa wakaladu waxay usoo jeedin kartaa talaabada sixitan ee loobahanyahay in uu qaado.

Qodobka 13. Dokumentiyada Dawlada iyo Qiimaynta Saamaynta Deegaanka

1. Sida ku xusaan farqada 2^{aad} ee qodobkan dokumentiga dawladdeed oo kasta oo qaybkayahay awaamir kasta oo lasoo sareyo ka hor istaan la ansixin bayaankan, waxaa la hubin Saamaynta u ku leeyahay deegaanka.
2. Wakaaladdu waa in ay soo sarta awaamiir lagu go'aaminayo qaybaha dukumentiyada dawlada ee la aaminsan yahay in ay deegaanka u gaysanayaan wax-yeelo wayn loona baahan yahay in lagu Sameyo Qiimaynta Saamaynta Deegaanka.

ክፍል አራት

አንቀጽ 11. የአዲስ ሁኔታ መከሰት

የአካባቢ ተፅዕኖ የጥናት ዘገባ ከቀረበ በኋላ ከባድ እንደምታ ያለው ቀደም ሲል ያወቀውን እውነታ ቢከሰት ባለሥልጣኑ እንደምታዉን ለማጠን እንዲቻል የአካባቢ ተፅዕኖ ገምገማው እንደአስፈላጊነቱ እንዲከሰስ ወይም እንደገና እንዲካሄድ ማዘዝ ይችላል።

አንቀጽ 12. የትግበራ ከትትል

1. የፕሮጀክቱ ባለቤት፣ ፕሮጀክቱን በመተግበር ላይ የሚገኘው ለፕሮጀክቱ ትግበራ ይሁንታ ተሰጠበት ወቅት በገባው ቃል እና በተጣለበት ገደብ ሁሉ መሠረት መሆኑን ለመገምገም ባለሥልጣኑ በፕሮጀክቱ አተገባበር ላይ ከትትል ማድረግ አለበት።
2. አንድ የፕሮጀክት ባለቤት እንዲተገበረ ይሁንታ የተሰጠውን ፕሮጀክት በገባው ቃል ወይም በተጣለበት ገደብ መሠረት ካልተገበረ ባለሥልጣኑ መወሰድ ያለበትን የዕርምት እርምጃ በመገለጽ ማስጠንቀቂያ ሲሰጠው ይችላል።

አንቀጽ 13. የመንገድ ሰነድ የአካባቢ ተፅዕኖ ገምገማ

1. በዚህ አንቀጽ ንዕስ አንቀጽ (2) መሠረት በወጣ በማንኛውም መመሪያ በሚገለፅ መደብ ዉስጥ የሚካተት ማንኛውም የመንገድ ሰነድ ከመፅደቅ በፊት የአካባቢ ተፅዕኖ ገምገማ እንዲካሄድበት መደረግ አለበት።
2. በባህሪያቸው ችል ሲባል የማይችል አካባቢያዊ ተፅዕኖ ያስከትሉ ይሆናል ተብለው የሚገመቱ የመንገድ ሰነድ ሆነ ዶች መደብን ለመለየትና የአካባቢ ተፅዕኖ ገምገማ እንዲካሄድባቸው ለማድረግ የሚያስችል መመሪያ ባለሥልጣኑ ማዘጋጀት አለበት።

PART FOUR

Article 11. Occurrence of New Circumstance

If an unforeseen fact of serious implication is realized after the submission of an environmental impact study report, the Authority may, as may be appropriate, order the environmental impact assessment to be revised or to be redone in order to address the implication.

Article 12. Implementation and Monitoring

1. The Authority shall monitor the implementation of an authorized project in order to evaluate compliance with all commitments made by, and obligations imposed on the proponent during authorization.
2. When the proponent fails to implement the authorized project in compliance with the commitments he entered into or obligations imposed upon him, the Authority may order him to undertake specified rectification measure.

Article 13. Environmental Impact Assessment of public Instrument

1. A public instrument included in any category in any directive issued pursuant to Sub Article (2) herein, shall, prior to approval, be subject to environmental impact assessment.
2. The Authority shall issue guidelines to determine the category as of public instruments which are likely to entail significant environmental impact and the procedure of their impact assessment.

- 3. Hab-wafaqsan farqada 2^{aad} ee qodobkan, Awamiir kasta oo qeexaysa qaybaha dokumentiga dawlada ee u bahan – qiimaynta samaynta degaanka. hay'ada dawladeed ee diyarinaysa dokumentigu waa inay xaqiijisa in dokumentiga lagu sameeyay qiimayntii Saamaynta Deegaanka.
- 4. Hay'ad kasta oo dawladdeed dokumentiga dawladda ee ay diyaarinta waa in ay kala wada shaqan kale yedafo Wakaaladda si loo oggola shmaynta degaan ee u leeyahay.

Qodobka 14. Xadka Fulinta

Iyadoon waxba loo dhimayn Shuruucda Federaalka, Wakaaladda deegaanka waxay masuuliyad ka saraa tahay qiima-ynta warbixinta darasada samaynta degaanka iyo dabo-galka dhaqan galintisa, marka Mashruuca aanu ahayn mid Liisanka hir-galintisa iyo kormeer-kisa ayna lahayn Wakaaladda Feder-alku iyo hadii aanu ahayn mashruucu mid iskaga gudbaya labo Deegaan.

QAYBTA SHANAAD

Qodobka 15. Kaqayb galka dhadw-aynaha

- 1. Wakaaladdu waa inay bulshada kaqayb galiso Warbixinta Daraas-adka Saamaynta Deegaanka si ay fikir-kooda uga dhibtaan.
- 2. Wakaaladdu waxay xaqiijin in Daraasaadka Saamaynta Deegaanka lagu soo daray fikradaha bulshada loo tirinayo in ay wax yeelo kasoo gaadhay dhaqan galinta mashruuca.

Qodobka 16. Dhiiri-gelinta

- 1. Wakaaladda waxa waajib ku ah inay inta tamarteedu dhantahay tageerto Hirgalinta Mashruuca loo diyariyay dib u hagaajinta Xaalufka Deegaanka.

- 3. **በዚህ አንቀጽ ንዑስ አንቀጽ (2) በወጣ በማንኛውም መመሪያ መሠረት የአካባቢ ተፅዕኖ ገምገማ በሚያስፈልገው መደብ የሚካተትን ማንኛውም የመንገድ ሠነድ የሚያዘጋጅ የመንገድ አካል በሠነድ ላይ የአካባቢ ተፅዕኖ ገምገማ የተካሄደበት መሆኑን ማረጋገጥ አለበት።**
- 4. ማንኛውም ክልል መንገስት አካል የሚያዘጋጅ ማናቸውም የክልል ሠነድ ሲያስከትሎ የሚችሎ ተፅዕኖ እንዲገመገም ለማስቻል ከባለሥልጣኑ ጋር መተባበር አለበት።

አንቀጽ 14. የኃላፊነት ክፍፍል

የፌዴራሉ ድንጋጌዎች አንደተጠበቀ ሆነው ፍቃድ የመስጠት፣ የመተገበሪያ ወይም የአተገባበር ቁጥጥሩ ድርሻ የፌዴራል መንገድ አካላት ከሆነ ወይም ፕሮጀክቱ ክልል ተሻጋሪ የአካባቢ ተፅዕኖ ያስከትላል ተብሎ የማይታሰብ ከሆነ የአካባቢ ተጽዕኖ የጥናት ዘገባ ዉን የመመርመር ፕሮጀክቱ እንዲ ተገባር ይሁንታ የመስጠትና ክትትል የማካሄድ ኃላፊነት የባለስልጣኑ ነዉ።

ክፍል አምስት

አንቀጽ 15. ስለ ሕዝብ ተሳትፎ

- 1. ባለሥልጣኑ ማንኛውም የአካባቢ ተፅዕኖ የጥናት ዘገባ ስለሕዝብ ይፋ በማድረግ በዘገባዉ ላይ አስተያየት መጠየቅ አለበት።
- 2. ባለሥልጣኑ በአጠቃላይ የሕዝብ፣ በተለይም ደገሞ የፕሮጀክቱ አተገባበር ጉዳት ያስከትላቸዉ ይሆናል ተብሎ የሚገመቱ ማንበረሰቦች አስተያየት፣ በአካባቢ ተፅዕኖ ጥናቱ ዉስጥ መካተቱን እንደዚሁም ምርመራዉ በሚካሄድበት ወቅት መጠኑን፣ ማረጋገጥ አለበት።

አንቀጽ 16. ስለማበረታቻ

- 1. ባለሥልጣኑ የተገዳ አካባቢን መሰረድ እንዲያገገም ለማስደረግ የተዘጋጁ ፕሮጀክት አተገባበርን አቅሙ በሚፈቅደዉ መሠረት ማገዝ አለበት።

- 3. Any organ or government which initiates a public instrument falling into any category which requires environmental impact assessment as determined in any directive issued pursuant to Sub Article (2) of this Article shall ensure that it has been subjected to environmental impact assessment.
- 4. Any Regional state organ shall collaborate with the Authority to enable the evaluation of likely environmental impacts of any public instrument prepared by it.

Article 14. Jurisdiction

Without prejudice any Federal Provisions, The Authority is responsible for the evaluation and authorization or any environmental impact study report and the monitoring of its implementation if the project is not subject to licensing, execution and supervision by a federal agency and if it is unlikely to produce trans-regional impact.

PART FIVE

Article 15. Public participation

- 1. The Authority or shall make any environmental impact study report accessible to the public and solicit it comments on it.
- 2. The Authority shall ensure that the comments made by the public and in particular by the communities likely to be affected by the implementation of a project are incorporated into the environmental impact study report as well as in its evaluation.

Article 16. Incentive

- 1. The Authority shall, within the capacity available to it, support implementation of a project destined to rehabilitate a degraded environment.

2. Iyadoo Arrimaha ku xusan farqada 1^{aad} ee Qodobka ay sidooda yihiin ayaa waxay wakaaladdu fidin kartaa taageero farsamo iyo lacageed oo lagu daboolo kharashyada dheeriga ee lagu hir-galiyo masruuca loo diyaariyay dib u hagaajinta nabaad guurka dhulka ama la dagaalanka dikhowga Hawada ama nadifinta Hawada.

Qodobka 17. Nidaamka Cabashooyinka Loo gudbiyo

1. Cidkasta oo cabasho kaqabta uggolaanshaha ama kormeerka ama go'aan kasta oo ay gaadhay wakaaladdu oo la xidhiidha mashruuca waxay u soo gudbin kartaa cabashadeeda madaxa wakaaladda.
2. Madaxa Wakaaladda ee hab-wafaqsan farqada 1^{aad} ee Qodobka loogu soo gudbiyay cabashadu waa inuu go'aan kaga gaadha cabashada muddo sodon maalmood gudahooda.

QAYBTA LIXAAD

Qodobka 18. Danbiyada iyo Ganaaxyadooda

1. Iyadoo aan waxba loo dhimayn qodobada Xeerka Cigaabta, qofkasta oo ku xadgudba Bayaankan ama awaamiirta kale ee la xidhiidha waxa lagu qaadi ganaaxa ku haboon.
2. Cidkasta oo ku dhaqaaqda hirgallinta Mashruucan iyadoon oggolaansho kahaysan wakaaladda ama soo jeediya daraasad warbixin khalad ah oo ku saabsan Qiimaynta Saamaynta Deegaanka waxay u qoolantahay Faldambiyeed. Waxaana laga qaadi Ganaax lacageed oo aan ka yarayn Konton kun oo Birr, kana badnayn Boqol kun oo Birr.
3. Qofkasta oo hab waafaqsan bayan kan lagu siiyay fasax (oggolaansho) oo fulin waaya waajibadka saran ama aan diiwaanka ku qorin faahfaahintii la bahnaa waxa uu galay Faldambiyeed waxaana laga qaadi ganaax lacag aan ka yareyn Toban kun oo Birr kana badneyn Labaatan kun oo Birr.

2. የዚህ አንቀጽ ንዑስ አንቀጽ (1) እንደተጠበቀ ሆኖ፣ የተገዳ አካባቢን እንዲያገገም ለማድረግ ወይም ብክለትን ለማስቀረት ወይም የተበከሉን ለማጽዳት ለተዘጋጅ ፕሮጀክት ባለሥልጣኑ አቅሙ በፈቀደ መጠን ተጨማሪ ወጪዎችን ለመሸፈን የገንዘብና የቴክኒክ ድጋፎች ማድረግ ይችላል።

አንቀጽ 17. የቅረታ አቀራረብ ሥርዓት

1. ለፕሮጀክት ትገበራ በተሰጠ ደህንታ ወይም በክትትል፣ ወይም ፕሮጀክቱን በሚመለከት ከባለሥልጣኑ በተሰጠ በማንኛውም ሌላ ወሳኔ ላይ ቅር የተሰኘ ማንኛውም ሰጪ ቅረታዉን እንዲገባቡ ለባለሥልጣኑ ኃላፊ ማቅረብ ይችላል።
2. በዚህ አንቀጽ ንዑስ አንቀጽ (1) በተደነገገዉ መሠረት፣ የባለሥልጣኑ የሥራ ኃላፊ ቅረታዉ በደረሰዉ በሰላሣ ቀናት ዉስጥ ወሳኔ መስጠት አለበት።

ክፍል ስድስት

አንቀጽ 18. ስለ ፕሬትና ቅጣት

1. የወንጀል መቅጫ ሕግ ድንጋጌዎች እንደተጠበቁ ሆኖ ደህን አዋጅ ወይም ሌላ አገባብ ያለዉን ሕግ ወይም መመሪያ የሚተላለፍ ማንኛ ዉም ሰጪ ፕሬት ፈጽሞአልና ቅጣት ይጣልበታል።
2. ማንኛዉም የፕሮጀክት ባለቤት የአካባቢ ተፅዕኖ ገምገማ እንዲካሄድ በት የተደነገገበትን መንፃዉም ፕሮጀክት ከባለሥልጣኑ ደህንታ ላያገኘ ተገባራዊ ያደረገ እንደሆነ ወይም በአካባቢ ተፅዕኖ የጥናት ዘገባዉ ዉስጥ ህሰተኛ መገሰጫ ያቀረበ እንደሆነ ፕሬት ፈጽሞአልና ከሃምሳ ሺ ብር በማያንስና ከአንድ መቶ ሺ ብር በማይበልጥ የገንዘብ መቀጫ ይቀጣል።
3. ማንኛዉም ሰጪ በዚህ አዋጅ መሠረት ፍቃድ ሲሰጠዉ የተጣለበትን ገደታ ካልተወጣ፣ ወይም ተፈላጊ ዝርዝሮችን በመዘገብ ላያሰፍር ከቀረ ፕሬት ፈጽሞአልና ከአስር ሺ ብር በማያንስና ከሃያ ሺ ብር በማይበልጥ የገንዘብ መቀጫ ይቀጣል።

2. Without prejudice to Sub Article (1) of this Article the Authority may, to the extent that its capacity allows, provide any environmental rehabilitation or pollution prevention or cleanup project with financial and technical support to cover additional costs.

Article 17. Grievance Procedures

1. Any person dissatisfied with the authorization or monitoring or any decision of the Authority regarding the project may submit a grievance notice to the head of the Authority.
2. The decision of the head of the Authority shall, as provided under Sub Article (1) above, be issued within 30 days following the receipt of the grievance.

PART SIX

Article 18. Offences and Penalties

1. Without prejudice to the provisions of the Penal Code, any person who violates the provision of this Proclamation or of any other relevant law or directive commits an offence and shall be liable accordingly.
2. Any person who, without obtaining authorization from the Authority, or makes false presentations in an environmental impact assessment study report commits an offence and shall be liable to a fine of not less than fifty thousand birr and not more than one hundred thousand Birr.
3. Any person commits an offence if he fails to keep records or to fulfill conditions of authorization issued pursuant to this Proclamation and shall be liable to a fine of not less than ten thousand Birr and not more than twenty thousand Birr.

- 4. Marka hay'ad jirtay oo xuquuq sharciga lahayd gasho Faldambiyeed ganaaxa lagu xukumay in ay bixiso kasokow waxa masuulka Hay'ada laga qaadi ganaax lacageed oo dhaxeeya shan kun ilaa toban kun maadaama uu ka baaqsaday fulinta waajibadyadii loo bahnaa inuu fuliyo.
- 5. Cidkasta oo ku xad-guudubta Qodobada lagu xusay Bayaankan ama Xeer-nidaamiye ama awaamirta lagu dhaqan-gelinayo Bayaankan, kasokow ganaaxa lagu xukumay waxay maxkamadu amri kartaa inuu bixiyo dhamaan khasaraha keenay Dambigisu (Ficilkiisu).

- 4. **በሕግ የሰጠውን መብት የተሰጠው ድርጅት ጥፋት ሲፈጸም ድርጅቱ እንዲከፍሰው ከተፈረደበት መቀጠል በተጨማሪ የሕጉን መከበር ለማረጋገጥ መፈጸም የሚገባውን ተገባር በትጋት ያልተወጣ በመሆኑ የሥራ መሪው ከአምስት ሺ ብር በማያንስና ከአሥር ሺ ብር በማይበልጥ የገንዘብ መቀጠል ይቀጣል።**
- 5. ይህን አዋጅ ወይም በሥራ የሚወጣውን ማንኛውም ደንብ ወይም መመሪያ በመጣስ ጥፋተኛነቱ የተረጋገጠበትን ሰው ከሚወሰንበት ከማንኛውም ቅጣት በተጨማሪ የደረሰውን ጉዳት በመሰብሰብ ወደ እንዲያስተካከል ወይም እንዲተካ ፍረድ ቤቱ ማዘዝ ይችላል።

- 4. When a juridical person commits an offence, in addition to whatever penalty it may be meted with, the manager who failed to exercise all due diligence shall be liable to a fine of not less than five thousand Birr and not more than ten thousand Birr.
- 5. The court before which a person is prosecuted for an offence under this Proclamation or regulations or directives emanating from it, may, in addition to any penalty it may impose, order the convicted person to restore or in any other way compensate for the damage inflicted.

QAYBTA TODOBAD
Qodobka 19. Awoodda Soo Saarista Xeer-nidaamiye

- 1. Golaha Hwlfulintu waxu soo saari kara xeernidamed lagu dhagan galinaya arrimaha ku qoraa bayaanka.
- 2. Wakaaladda waxay soo saari kartaa awaamiirta muhimka u ah dhaqan galinta hawlaha naayaanka.

ክፍል ሰባት
ዳዩ ዳዩ ደንጋጌዎች
አንቀጽ 19. ደንቦችንና መመሪያዎችን የማዘጋጀት ሥልጣን

- 1. የካብኔት ምክር ቤት ይህን አዋጅ በተሟላ ሁኔታ ተገባራዊ ለማድረግ አስፈላጊ የሆኑ ደንቦችን ሲያወጣ ይችላል።
- 2. ባለሥልጣኑ ይህን አዋጅ በተሟላ ሁኔታ ተገባራዊ ለማድረግ አስፈላጊ የሆኑ መመሪያዎችን ሲያወጣ ይችላል።

PART SEVEN
Miscellaneous Provisions
Article 19. Power to Issue Regulations and Directives

- 1. Cabinet council may issue regulations and directives necessary for the implementation of this Proclamation.
- 2. The Authority may issue directives necessary for the effective implementation of this Proclamation.

Qodobka 20. Wajibaadka Gacansiinta
Si loo meel mariyo qodobada bayaanka waxa wajib ku ah cidkasta in ay gacansiiso Wakaaladda.

አንቀጽ 20. የመተባበር ገደብ
ሰዚህ አዋጅ አተገባበር ማንኛውም ሰው የመተባበር ገደብ አለበት

Article 20. Duty to Cooperate
Any person shall have the duty to cooperate in the implementation of this Proclamation.

Qodobka 21. Shuruucda aan Dhaqangalka Lahayn
Sharci, Xeer ama hab dhaqamaad kasta oo ka hor imanaya arrimaha lagu xusay bayaanka malaha dhaqan gal sharci.

አንቀጽ 21. ተፈጻሚነት የሌላችሁ ሕጎች
ከዚህ አዋጅ ጋር ተቃራኒ የሆኑ ሕግ ወይም አስራር በዚህ አዋጅ ውስጥ በተመለከተ ጉዳዮች ላይ ተፈጻሚነት አይኖረውም።

Article 21. Inapplicable Laws
Any law or practice inconsistent with this Proclamation is inapplicable regarding matters provided herein.

Qodobka 22. Muddada Dhaqan Galka
Bayaanka wuxuu dhaqan galayaa maa-linta uu Ansixiyo Golaha Xildhibaa-nada Deeganka Soomaalidu.

አንቀጽ 22. አዋጁ የሚፀናበት ገዜ
ይህ ዋጅ በሰማሴ ክልላዊ መንግስት ም/ቤት ቀርቦ ከፀደቀበት ቀን ጀምሮ የፀና ይሆናል

Article 22. Effective Date
This Proclamation shall enter into force up on the date of its approval by the Somali regional state council

Cabdi Maxamuud Cumar
Madaxweynaha Dawladda
Deegaanka Soomaalida

አብዱ መሀመድ ዑመር
የሰማሴ ክልላዊ መንግስት ፕሬዝዳንት

Abdi Mohamud Omar
President of The Somali Regional State

ብርሃንና ሰላም ማተሚያ ድርጅት