

SOMALILAND ENVIRONMENTAL MANAGEMENT ACT

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SOMALILAND ENVIRONMENTAL MANAGEMENT ACT (LAW No...../2014)

Having Seen: Article 12 (4) of the Constitution of The Republic of Somaliland concerning the appropriate utilization of the natural resources of the country whose management is exclusively assigned to the central government of Somaliland.

Having Seen: Article 18 (1) of the Constitution which requires the state to give special priority to the protection and safeguarding of the environment.

Having Seen That it is desirable that a framework environment legislation be promulgated so as to establish an appropriate legal and institutional framework for the management of the environment;

Having Recognized That improved legal and administrative general framework within which environmental plans must be formulated is necessary in order to improve the national capacity for the management of the environment.

Having Understood That the environment constitutes the foundation of national economic, social and cultural advancement;

Has, therefore, enacted this Law

PART I
General

Article 1

Short Title

This Act may be cited as “**Somaliland Environmental Management Act**” (Law No.../2014).

Article 2

Definitions

In this Act, unless the context otherwise requires:

1. “**Air quality**” means the concentration prescribed under or pursuant to this Act of a pollutant in the atmosphere at the point of measurement;
2. “**Ambient air**” means the atmosphere surrounding the earth but does not include the atmosphere within a structure or within any underground space;
3. “**Analysis**” means the testing or examination of any matter, substance or process for the purpose of determining its composition or qualities or its effect on any segment of the environment or examination of emissions or recording of noise or sub-sonic vibrations to determine the level or other characteristics of the noise or sub-sonic vibration or its effect on any segments of the environment;
4. “**Authority**” means the National Environment Management Authority established under article 6 of this act.
5. “**Board**” means the Board of the Authority established under article 10 of this act.
6. “**Burdened land**” means any land upon which an environmental easement has been imposed;
7. “**Chemical**” means a chemical substance in any form whether by itself or in a mixture or preparation, whether manufactured or derived from nature and for the purposes of this Act includes industrial chemicals, pesticides, fertilizers and drugs;
8. “**Director-General**” means the Director-General of the Authority appointed under section 10;
9. “**District Environment Committee**” means the District Environment Committee appointed under section 29;
10. “**Effluent**” means waste, water or liquid or other fluid of domestic, agricultural, trade or industrial origin treated or untreated and discharged directly or indirectly into the aquatic environment;
11. “**Environment**” includes the physical factors of the surroundings of human beings including land, water, atmosphere, climate, sound, odor, taste, the biological factors of animals and plants and the social factor of aesthetics and includes both the natural and the built environment;

12. **“Environmental audit”** means the systematic, documented, periodic and objective evaluation of how well environmental organization, management and equipment are performing in conserving or preserving the environment;
13. **“Environmental impact assessment”** means a systematic examination conducted to determine whether or not a programme, activity or project will have any adverse impacts on the environment;
14. **“Environmental Inspector”** means any environmental inspector appointed or designated under section 117;
15. **“Environmental management”** includes the protection, conservation and sustainable use of the various elements or components of the environment;
16. **“Environmental monitoring”** means the continuous or periodic determination of actual and potential effects of any activity or phenomenon on the environment whether short-term or long-term;
17. **“Environmental planning”** means both long-term and short-term planning that takes into account environmental exigencies;
18. **“Environmental resources”** includes the resources of the air, land, flora, fauna and water together with their aesthetical qualities;
19. **“Environmental restoration order”** means an order issued under section 108;
20. **“Hazardous substance”** means any chemical, waste, gas, medicine, drug, plant, animal or micro-organism which is likely to be injurious to human health or the environment;
21. **“Hazardous waste”** means any waste which has been determined by the Authority to be hazardous waste or to belong to any other category of waste provided for in section 91;
22. **“Lead agency”** means any Government ministry, department, parastatal, state corporation or local authority, in which any law vests functions of control or management of any element of the environment or natural resource;
23. **“Ministry/Minister”** means the Ministry/Minister of Environment and Rural Development.
24. **“Mixture containing oil”** means a mixture of substances or liquids with such oil content as may be specified under this Act or, if such oil content is not specified, a mixture with an oil content of one hundred parts or more in one million parts of the mixture;
25. **“National Environment Action Plan”** means the plan referred to in section 37;
26. **“Natural resources”** includes resources of the air, land, water, animals and plants including their aesthetic qualities;
27. **“Noise”** means any undesirable sound that is intrinsically objectionable or that may cause adverse effect on human health or the environment;
28. **“Occupational air quality”** means the concentration prescribed under or pursuant to this Act of a substance or energy in the atmosphere within a structure or under-ground space in which human activities take place;
29. **“Oil”** includes –
 - a. crude oil, refined oil, diesel oil, fuel oil and lubricating oil; and

- b. any other description of oil which may be prescribed;
30. **“Owner”** in relation to any premises means –
- a. the registered proprietor of the premises;
 - b. the lessee, including a sub-lessee of the premises;
 - c. the person for the time being receiving the rent of the premises whether on his own account or as agent or trustee for any other person or as receiver or who would receive the rent if such premises were let to a tenant;
 - d. in relation to any ship means the person registered as the owner of the ship, and in the absence of registered owner the company operating the ship.
31. **“Pollutant”** includes any substance whether liquid, solid or gaseous which –
- a. may directly or indirectly alter the quality of any element of the receiving environment;
 - b. is hazardous or potentially hazardous to human health or the environment; and includes objectionable odours, radio-activity, noise, temperature change or physical, chemical or biological change to any segment or element of the environment;
32. **“Polluter-pays principle”** means that the cost of cleaning up any element of the environment damaged by pollution, compensating victims of pollution, cost of beneficial uses lost as a result of an act of pollution and other costs that are connected with or incidental to the foregoing, is to be paid or borne by the person convicted of pollution under this Act or any other applicable law;
33. **“Pollution”** means any direct or indirect alteration of the physical, thermal, chemical, biological, or radio-active properties of any part of the environment by discharging, emitting, or depositing wastes so as to affect any beneficial use adversely, to cause a condition which is hazardous or potentially hazardous to public health, safety or welfare, or to animals, birds, wildlife, fish or aquatic life, or to plants or to cause contravention of any condition, limitation, or restriction which is subject to a license under this Act;
34. **“Precautionary principle”** is the principle that where there are threats of damage to the environment, whether serious or irreversible, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation;
35. **“Premises”** include measures, buildings, lands, and hereditaments in every tenure and machinery, plant or vehicle used in connection with any trade carried on at any premises;
36. **“Project”** includes any project, programme or policy that leads to projects which may have an impact on the environment;
37. **“Project report”** means a summary statement of the likely environmental effect of a proposed development referred to in section 58;
38. **“Proponent”** means a person proposing or executing a project, programme or an undertaking specified in the Second Schedule;

39. **“Radiation”** includes ionizing radiation and any other radiation likely to have adverse effects on human health and the environment;
40. **“Segment”** in relation to the environment means any portion or portions of the environment expressed in terms of volume, space, area, quantity, quality or time or any combination thereof;
41. **“Ship”** includes every description of vessel or craft or floating structure;
42. **“Soil”** includes earth, sand, rock, shales, minerals, vegetation, and the flora and fauna in the soil and derivatives thereof such as dust;
43. **“Standard”** means the limits of discharge or emissions established under this Act or under regulations made pursuant to this Act or any other written law;
44. **“Sustainable development”** means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs by maintaining the carrying capacity of the supporting ecosystems;
45. **“Sustainable use”** means present use of the environment or natural resources which does not compromise the ability to use the same by future generations or degrade the carrying capacity of supporting ecosystems;
46. **“Trade”** means any trade, business or undertaking whether originally carried on a fixed premises or at varying places which may result in discharge of substances and energy and includes any activity prescribed to be a trade, business or undertaking for the purpose of this Act;
47. **“Tribunal”** means the National Environment Tribunal established under section 125;
48. **“Waste”** includes any matter prescribed to be waste and any matter, whether liquid, solid, gaseous, or radioactive, which is discharged, emitted, or deposited in the environment in such volume composition or manner likely to cause an alteration of the environment;
49. **“Water”** includes drinking water, river, stream, water-course, reservoir, well, dam, canal, channel, lake, swamp, open drain, or underground water;

PART II

Article 3 GENERAL PRINCIPLES

The General principles of Environmental Management are:

1. To ensure all people living in the country the fundamental right to an environmental adequate for their health and well being.
2. Appropriate natural resource management in dealing with land degradation must be applied. Lost ecosystems where possible are reclaimed and reversed.
3. Overlapping, conflicting mandates of different natural resource Ministries should be avoided;
4. Community awareness on environmental issues should be sustained;
5. renewable resources must be used on a sustainable basis in order to address the energy associated problems for the benefit of present and future generations;

6. community involvement in natural resources management and the sharing of benefits arising from the use of the resources, must be promoted and facilitated;
7. Reduce environment-related conflicts, by improving conflict resolution mechanisms in the management of natural resources and biodiversity and by addressing the underlying political and economic issues that affect resource access and use, including the role of corruption.
8. the participation of all interested and affected parties must be promoted and decisions must take into account the interest, needs and values of interested and affected parties;
9. equitable access to environmental resources must be promoted and the functional integrity of ecological systems must be taken into account to ensure the sustainability of the systems and to prevent harmful effects;
10. assessments must be undertaken for activities which may have a significant effects on the environment or the use of natural resources;
11. Sustainable development must be promoted in all aspects relating to the environment;
12. Somaliland's cultural and natural heritage including, its biological diversity, must be protected and respected for the benefit of present and future generations;
13. the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term must be adopted to reduce the generation of waste and polluting substances and sources at source;
14. To ensure that environmental awareness is treated as an integral part of education at all levels
15. the reduction, re-use and recycling of waste must be promoted;
16. Climate change can affect environmental regulatory frameworks, either rendering them ineffective or forcing them to adapt to achieve their goals under changing conditions.
17. A person who causes damage to the environment must pay the costs associated with rehabilitation of damage to the environment and to human health caused by pollution, including costs for measures as are reasonably required to be implemented to prevent further environmental damage;
18. Where there is sufficient evidence which establishes that there are threats of serious or irreversible damage to the environment, lack of full scientific certainty may not be used as a reason for postponing cost-effective measures to prevent environmental degradation;
19. Damage to the environment must be prevented and activities which cause such damage must be reduced, limited or controlled.
20. To establish adequate environmental protection standards to monitor changes in environmental quality.
21. To promote international cooperation between Somaliland and other states in the field of the environment

**PART III
ADMINISTRATION**

Article 4

THE MINISTRY

1. In the implementation of any regulatory environmental framework, the role of the Ministry of Environment and Rural Development (ME&PD) which is mandated to for the protection of environment is crucial.
2. The Minister shall be overall responsible for matters relating to environment and shall in that respect be responsible for articulation of policy guidelines necessary for the promotion, protection and sustainable management of environment in Somaliland.

3. The Minister may issue general guidelines to the Sector Ministries, Government Departments, National Environment Advisory Committee, Municipal or District Environmental Management Committee, agency or any other public or private institution necessary for the purposes of implementation of or giving effect to the provisions of the environmental Act.

Article 5 Functions of the Ministry

The functions of the Ministry are:

1. Determine policies for the management, protection and use of the environment;
2. Prepare and publish policies, strategies, objectives and standards for the management and protection of the environment;
3. Co-ordinate environmental management at national level; and
4. Monitor and ensure compliance with the Act.

ARTICLE 6

SOMALILAND ENVIRONMENTAL MANAGEMENT AUTHORITY (SEMA)

1. There is established a body to be called the Somaliland Environmental Management Authority.
2. The Authority shall be the principal agency in Somaliland for the Management of the Environment and shall coordinate, monitor and supervise all activities in the field of environment.
3. The Authority shall be a body corporate with perpetual succession and a common seal.
4. The Authority shall, in its own name, be capable of suing and being sued and doing and suffering all acts and things as bodies corporate may lawfully do or suffer.
5. The Authority shall be under the general supervision of the Minister.

Article 7 Composition of the Authority

The Authority shall consist of:

1. A representative of the Ministry responsible for Environment;
2. A representative of the Ministry responsible for agriculture,
3. A representative of the Ministry responsible for livestock,
4. A representative of the Ministry responsible for Fisheries,
5. A representative of the Ministry responsible for Industry,
6. A representative of the Ministry responsible for Planning and coordination,
7. A representative of the Ministry responsible for Interior,
8. A representative of the Ministry responsible for Water and Mining,
9. Two representatives of academic and research institutions;
10. Four representative of local nongovernmental organizations;
11. Four representatives of the private sector;
12. Six representatives from the six Regional Environment Management Authorities

Article 8 Functions of the Authority

1. The functions of the SEMA will be:

- a. To coordinate the implementation of Government policy and the decisions of the **Sustainable Development Advisory Committee (SDAC)**
 - b. To ensure the integration of environmental concerns in overall national planning through coordination with the relevant Ministries, departments and agencies of the Government.
 - c. To liaise with the private sector, intergovernmental organizations, nongovernmental agencies and governmental agencies of other states of issues relating to the environment;
 - d. To propose environmental policies and strategies to the policy SDAC;
 - e. To initiate legislative proposals, standards and guidelines on the environment in accordance with the Act;
 - f. To review and approve environmental impact assessments and environmental impact statements submitted in accordance with this Act or any other law;
 - g. To promote public awareness through formal, no formal and informal education about environmental issues;
 - h. To undertake such studies and submit such reports and recommendations with respect to the environmental as the Government or the SDAC may consider necessary.
 - i. To ensure observance of proper safeguards in the planning and execution of all developmental projects, including those already in existence that have or are likely to have significant impact on the environment.
 - j. To prepare and disseminate a state of the environment report once in every two years;
 - k. To mobilize, expedite and monitor resources for environmental management
 - l. To perform such other functions as the Government may assign to the Authority.
2. The Authority may in the performance of its functions under subsection 1 of this article delegate, by statutory instrument, any of those functions to a lead agency, a technical committee, the executive director or any other public officer.
 3. In the exercise by the Authority of its coordinating, monitoring and supervisory function in the field of the environment, a lead agency shall not be released from performing its duties as prescribed by law.
 4. Each lead agency charged with the management of any segment of the environment under any law shall submit to the Authority—
 - a. within two months after the expiry of every two years, a report on its operation during that period;
 - b. such other reports as may be prescribed by the Authority and at such times as may be so prescribed, on the state of that segment of the environment and the measures taken by the lead agency to maintain or improve the environment.

Article 10 The Board

1. There shall be a board of directors of the Authority consisting of seven members selected from the members of the Authority.
2. The board in sub-article 1 of this article shall be elected by the Authority with the approval of the Minister.
3. The board shall consist of a chairperson, vice chairperson and seven other members drawn from the bodies specified in 2 [Composition of the Authority].

4. The members of the board referred to in subsection (3) shall serve for three years and be eligible for reappointment for a further term.
5. The members appointed under subsection (2) shall be persons who qualify by virtue of their knowledge and experience in environmental management.
6. The executive director shall be an ex officio member of the board.

Article 11 Functions and Meetings of the Board

1. The functions of the board shall be:
 - a. to oversee the implementation and successful operation of the policy and functions of the Authority;
 - b. to review the policy and strategic plan of the Authority;
 - c. to provide guidance to the executive director and staff;
 - d. to approve the annual budget and plans of the Authority;
 - e. to monitor and evaluate the performance of the Authority against budgets and plans;
 - f. to establish and approve rules and procedures for the appointment, discipline, termination and terms and conditions of service of the staff, administrative matters and financial matters;
 - g. any other duties assigned to it by this Act.
1. The Minister may, from time to time, give directions to the board on matters of policy, and the board shall comply with those directions.
2. Subject to the approval of the House of Representatives, the Minister may, on the advice of the board, by statutory instrument, amend the Composition of the Authority.

Article 12 Technical Committees

1. The board shall, on the advice of the executive director, appoint as many technical committees as it considers necessary to give advice on such subjects relating to the environment.
2. Without prejudice to the general effect of subsection (1), the board shall appoint, under that subsection:
 - a. a technical committee on soil and water conservation;
 - b. a technical committee on Charcoal;
 - c. a technical committee on biodiversity conservation;
 - d. a technical committee on environmental impact assessment.
3. The board shall specify in writing the terms of reference of each technical committee appointed by it under subsection (1).
4. A person appointed to serve on a technical committee shall serve in his or her personal capacity and shall have such qualifications and experience as may be prescribed.
5. The terms and conditions of service of the members of a technical committee shall be specified in the instruments of appointment.
6. Each technical committee shall adopt its own rules of procedure.

Article 13 Staff of the Authority

1. There shall be an executive director and a deputy executive director appointed by the Minister on the recommendation of the board.

2. The executive director and the deputy executive director shall each serve for a period of five years and shall be eligible for reappointment.
3. The executive director or the deputy executive director shall cease to hold office if:
 - a. he or she resigns; or
 - b. is removed from office by the Minister on the advice of the board for:
 - i. gross misconduct;
 - ii. inability to discharge the functions of his or her office.

Article 14

Functions of the Executive Director and the Deputy Executive Director

1. The executive director shall be the chief executive of the Authority and shall be responsible for the day-to-day operations of the Authority.
2. Subject to this Act and the general supervision and control of the board, the executive director shall be responsible for the management of the funds, property and business of the Authority and for the administration, organization and control of the staff of the Authority.
3. The executive director shall, from time to time, keep the board informed of the progress and activities of the Authority.
4. The deputy executive director shall assist the executive director in the performance of his or her functions.
5. The executive director and the deputy executive director shall be responsible to the board.

Article 15

Other Staff of the Authority

1. The board, on the advice of the executive director, may appoint other officers and employees of the Authority.
2. The board, on the advice of the executive director, shall, from time to time, determine the terms and conditions of service of the officers and employees of the Authority.

Article 16

District Environment Committee

1. The Authority shall, in consultation with the district council, provide guidelines for the establishment of a committee on the environment for each district, in this Act referred to as a district environment committee.
2. When established, the functions of the district environment committee may include the following—
 - a. to coordinate the activities of the district council relating to the management of the environment and natural resources;
 - b. to ensure that environmental concerns are integrated in all plans and projects approved by the district council;
 - c. to assist in the development and formulation of byelaws relating to the management of the environment;
 - d. to promote the dissemination of information about the environment through education and outreach programs;
 - e. to coordinate with the Authority on all issues relating to environment management;
 - f. to coordinate the activities of local environment committees in the management of the environment;

- g. to receive reports from the local environment committees and advise the local environment committees; and
 - h. to prepare a district state of the environment report every year.
3. The district environment committee shall follow such procedure at its meetings as may be prescribed by the district council.

Article 17
District Environment Officer

1. The Authority shall, on the advice of the district service committee, provide guidelines for the appointment of district environment officers for each district.
2. When appointed, the functions of a district environment officer may include the following—
 - a. to advise the district environment committee on all matters relating to the environment;
 - b. to liaise with the Authority on all matters relating to the environment;
 - c. to make such reports to the Authority as may be prescribed;
 - d. to promote environmental awareness through public educational campaigns;
 - e. to assist local environment committees in the performance of their functions as provided for in this Act;
 - f. to gather and manage information on the environment and the utilization of natural resources in the district;
 - g. to serve as the secretary to the district environment committee; and
 - h. such other functions as may be prescribed by the district council in consultation with the Authority.

Article 18
Local Environment Committee

1. A local government system shall, on the advice of the district environment committee, appoint local environment committees.
2. When appointed, the functions of the local environment committee shall include the following—
 - a. to prepare a local environment work plan which shall be consistent with the national environment action plan and the district environment action plan;
 - b. to carry out public environmental education campaigns;
 - c. to mobilize the people within its local jurisdiction to conserve natural resources through self-help;
 - d. to mobilize the people within its local jurisdiction to restore degraded environmental resources through self-help;
 - e. to mobilize the people within its local jurisdiction to improve their natural environment through voluntary self-help;
 - f. to monitor all activities within its local jurisdiction to ensure that such activities do not have any significant impact on the environment;
 - g. to report any events or activities which have or are likely to have significant impacts on the environment to the district environment officer, or to the appropriate executive committee, local council or such other person as the district council may direct;
 - h. to carry out such other duties as may be prescribed by the district council or urban council in consultation with the Authority.

Article 19
SUSTAINABLE DEVELOPMENT ADVISORY COMMITTEE (SDAC)

Functions of SDAC are:

1. To provide policy guidelines and to formulate and coordinate environmental policies for the **Authority**.
2. To liaise with the Cabinet on issues affecting the environment;
3. To identify obstacles to the implementation of environmental policies and programmes and ensure implementation of those policies and programmes;
4. To advise the **Minister** on:
 - i. on the development of a policy and strategy for the management, protection and use of the environment;
 - ii. on the conservation of biological diversity, access to genetic resources in Somaliland and the use of components of the environment in a way and at a rate that does not lead to the long-term decline of the environment, thereby maintaining its potential to meet the needs and aspirations of present and future generations;
 - iii. on appropriate methods of monitoring compliance with the principles;
 - iv. on the need for, and initiation or amendment of legislation, on matters relating to the environment; and
 - v. perform other functions assigned to it by the Minister.

Article 20
Composition of SDAC

1. The SDAC shall consist of:
 - a. four persons who represent the interests of the State; and
 - b. Five persons whom the Minister reasonably believes represent the interests of civil society organizations, associations or institutions concerned with environmental matters.
2. The members appointed to this council must have the knowledge and experience of environmental issues.

PART IV—ENVIRONMENTAL PLANNING

Article 21
Environmental Planning at the National Level

1. The objectives of the Environmental Planning are to:
 - a. co-ordinate and harmonize the environmental policies, plans, programmes and decisions of the various organs of state that exercise functions that may affect the environment or are entrusted with powers and duties aimed at the achievement, promotion, and protection of a sustainable environment, in order to -
 - i. Minimize the duplication of procedures and functions; and
 - ii. Promote consistency in the exercise of functions that may affect the environment; and
 - b. Enable the Minister to monitor the achievement, promotion and protection of a sustainable environment.

2. Here every organ of state is required to prepare an environmental plan in the prescribed form and manner. During preparation of the actions plans, every organ must take into consideration every other environmental plan already adopted as a means of achieving consistency and reducing duplicity.
3. The Authority shall prepare a national environment action plan to be reviewed after every five years or such other lesser period as may be considered necessary by the Authority.
4. The plan shall—
 - a. cover all matters affecting the environment of Somaliland and shall contain guidelines for the management and protection of the environment and natural resources as well as the strategies for preventing, controlling or mitigating any deleterious effects;
 - b. take into account district plans;
 - c. be binding upon all persons and all Government departments, agencies and organs;
 - d. without prejudice to subsection (1), be reviewed and modified from time to time to take into account emerging knowledge and realities;
 - e. be in such a form and contain such other matters as may be prescribed;
 - f. be subject to approval by the Cabinet and after approval be laid before the House of the Representatives;
 - g. be disseminated to the public.

Article 22
Environmental Planning at a District Level

1. Every district environment committee shall, in consultation with the Authority, prepare a district environment action plan to be revised every three years or such other lesser period as may be considered necessary by the Authority.
2. The district environment action plan shall—
 - a. be in conformity with the national environment action plan;
 - b. be binding on all the district agencies, local committees and persons within the district;
 - c. be in such a form and contain such matters as may be prescribed;
 - d. be subject to approval by the district council; and
 - e. be disseminated to the public.

PART V

ARTICLE 23

ENVIRONMENTAL ASSESSMENTS

1. Environmental impact assessment must be carried out by a competent person(s) or institution before carrying any of the following activities of a major scale:
 - a. Land use and transformation;
 - b. Water use and disposal;
 - c. Resource removal, including natural living resources;
 - d. Resource renewal;
 - e. Agricultural processes;
 - f. Industrial processes;
 - g. Transportation;
 - h. Energy generation and distribution;

- i. Waste and sewage disposal; chemical treatment;
 - j. Recreation; and
 - k. Any other area which the Minister considers necessary.
2. Any and all of the above activities cannot be undertaken by a person(s) or institutions without having an environmental clearance certificate.

ARTICLE 24
Fiscal Incentives

1. Notwithstanding the provisions of any relevant revenue Act, the Minister responsible for finance may, on the recommendation of the Council, propose to Government tax and other fiscal incentives, disincentives or fees to induce or promote the proper management of the environment and natural resources or the prevention or abatement of environmental degradation.
2. Without prejudice to the generality of subsection (1) the tax and fiscal incentives, disincentives or fees may include—
- a. customs and excise waiver in respect of imported capital goods which prevent or substantially reduce environmental degradation caused by an undertaking;
 - b. tax rebates to industries or other establishments that invest in plants, equipment and machinery for pollution control, re-cycling of wastes, water harvesting and conservation, prevention of floods and for using other energy resources as substitutes for hydrocarbons;
 - c. tax disincentives to deter bad environmental behavior that leads to depletion of environmental resources or that cause pollution; or
 - d. user fees to ensure that those who use environmental resources pay proper value for the utilization of such resources

Article 25
Application for an Environmental Impact Assessment

1. Notwithstanding any approval, permit or license granted under this Act or any other law in force in Somaliland, any person, being a proponent of a project, shall before for an financing, commencing, proceeding with, carrying out, executing or conducting or causing to be financed, commenced, proceeded with, carried out, executed or conducted by another person any undertaking specified in the Second Schedule to this Act, submit a project report to the Authority, in the prescribed form, giving the prescribed information and which shall be accompanied by the prescribed fee.
2. The proponent of a project shall undertake or cause to be undertaken at his own expense an environmental impact assessment study and prepare a report thereof where the Authority, being satisfied, after studying the project report submitted under subsection (1), that the intended project may or is likely to have or will have a significant impact on the environment, so directs.
3. The Minister may, on the advice of the Authority given after consultation with the relevant lead agencies, amend the Second Schedule to this Act by notice in the Gazette.
4. Environmental impact assessment studies and reports required under this Act shall be conducted or prepared respectively by individual experts or a firm of experts authorized in that behalf by the Authority. The Authority shall maintain a register of all individual experts or firms of all experts duly authorized by it to conduct or prepare

environmental impact assessment studies and reports respectively. The register shall be a public document and may be inspected at reasonable hours by any person on the payment of a prescribed fee.

5. The Director-General may, in consultation with the Standards Enforcement and Review Committee, approve any application by an expert wishing to be authorized to undertake environmental impact assessment. Such application shall be made in the prescribed manner and accompanied by any fees that may be required.
6. The Director-General shall respond to the applications for environmental impact assessment license within three months.
7. Any person who upon submitting his application does not receive any communication from the Director-General within the period stipulated under subsection (8) may start his undertaking.
8. Environmental impact assessment shall be conducted in accordance with the environmental impact assessment regulations, guidelines and procedures issued under this Act.

Article 26

Public of Environmental Impact Assessment

1. Upon receipt of an environmental impact assessment study report from any proponent under article 25 of this act, the Authority shall cause to be published for two successive weeks in the Gazette and in a newspaper circulating in the area or proposed area of the project a notice which shall state—
 - a. a summary description of the project;
 - b. the place where the project is to be carried out;
 - c. a time limit of not exceeding sixty days for the submission of oral or written comments on environmental impact assessment study, evaluation or review report.
2. The Authority may, on application by any person extend the period stipulated in subparagraph (d) so as to afford reasonable opportunity for such person to submit oral or written comments on the environmental impact assessment report.

Article 27

Comments on Environmental Impact Assessment report by Lead Agencies

A lead agency shall, upon the written request of the Director-General, submit written comments on an environmental impact assessment study evaluation and review report made public under article 26 of this act, within thirty days from the date of the written request.

Article 28

Technical Advisory Committee on Environmental Impact Assessment

The Authority may set up a technical advisory committee to advise it on environmental impact assessment related reports and the Director-General shall prescribe the terms of reference and rules of procedure for the technical advisory committee appointed hereunder.

Article 29

Further Environmental Impact Assessment

The Authority may require any proponent of a project to carry out at his own expense further evaluation or environmental impact assessment study, review or submit additional information

for the purposes of ensuring that the environmental impact assessment study, review or evaluation report is as accurate and exhaustive as possible.

Article 30 Environmental Impact License

The Authority may, after being satisfied as to the adequacy of an environmental impact assessment study, evaluation or review report, issue an environmental impact assessment license on such terms and conditions as may be appropriate and necessary to facilitate sustainable development and sound environmental management.

Article 31 Submission of fresh Environmental Impact Assessment report after Environmental Impact Assessment License issued

1. The Authority may, at any time after the issue of an environmental impact assessment license direct the holder of such license to submit at his own expense a fresh environmental impact assessment study, evaluation or review report within such time as the Authority may specify where—
 - a. there is a substantial change or modification in the project or in the manner in which the project is being operated;
 - b. the project poses environmental threat which could not be reasonably foreseen at the time of the study, evaluation or review; or
 - c. it is established that the information or data given by the proponent in support of his application for an environmental impact assessment license under section 58 was false, inaccurate or intended to mislead.
2. Any person who fails, neglects or refuses to comply with the directions of the Authority issued under subsection (1) shall be guilty of an offence.

Article 32 Transfer of Environmental Impact Assessment license

- 1) An environmental impact assessment license may be transferred by the holder to another person only in respect of the project in relation to which such license was issued.
- 2) Where an environmental impact assessment license is transferred under this section, the person to whom it is transferred and the person transferring it shall jointly notify the Director-General in writing of the transfer, not later than thirty days after the transfer.
- 3) Where no joint notification of a transfer is given in accordance with sub-article 2 of this article, the registered holder of the license shall be deemed for the purposes of this Act to be the owner or the person having charge or management or control of the project as the case may be.
- 4) Any transfer of an environmental impact assessment license, under this section shall take effect on the date the Director-General is notified of the transfer.
- 5) Any person who contravenes any provisions of this section, shall be guilty of an offence.

Article 33 Protection in respect of an Environmental Impact Assessment License

1. No civil or criminal liability in respect of a project or consequences resulting from a project shall be incurred by the Government, the Authority or any impact assessment study, evaluation or review report or grant of an environmental impact assessment licence or by reason of any condition attached to such licence.
2. The issuance of an environmental impact assessment licence in respect of a project shall afford no defence to any civil action or to a prosecution that may be brought or preferred against a proponent in respect of the manner in which the project is executed, managed or operated.

Article 34

Revocation, suspension or cancellation of Environmental Impact Assessment License

1. The Authority shall, on the advice of the Standards and Enforcement Review Committee, cancel, revoke or suspend any environment impact assessment licence for such time not exceeding twenty four months where the licensee contravenes the provisions of the licence.
2. Whenever an environmental impact assessment licence is revoked, suspended or cancelled, the holder thereof shall not proceed with the project which is the subject of the licence until a new licence is issued by the Authority.
3. The Authority shall maintain a register of all environmental impact assessment licences issued under this Act. The register shall be a public document and may be inspected at reasonable hours by any person on the payment of a prescribed fee.

Part VI

Article 35

Environmental Audit

1. The Authority shall be responsible for carrying out environmental audit of all activities that are likely to have significant effect on the environment.
2. An environmental inspector appointed under this Act may enter any land or premises for the purposes of determining how far the activities carried out on that land or premises conform with the statements made in the environmental impact assessment study report issued in respect of that land or those premises under article 25 & 26 of this act.
3. The owner of the premises or the operator of a project for which an environmental impact assessment study report has been made shall keep accurate records and make annual reports to the Authority describing how far the project conforms in operation with the statements made in the environmental impact assessment study reports submitted under section 25 & 26 of this act.
4. The owner of premises or the operator of a project shall take all reasonable measures to mitigate any undesirable effects not contemplated in the environmental impact assessment study report submitted and shall prepare and submit an environmental audit report on those measures to the Authority annually or as the Authority may, in writing, require.

Article 36

Environmental Monitoring

1. The Authority shall, in consultation with the relevant lead agencies, monitor :—

- a. all environmental phenomena with a view to making an assessment of any possible changes in the environment and their possible impacts; or
 - b. the operation of any industry, project or activity with a view of determining its immediate and long-term effects on the environment.
2. An environmental inspector appointed under this Act may enter upon any land or premises for the purposes of monitoring the effects upon the environment of any activities carried on that land or premises.

PART VII ENVIRONMENTAL QUALITY STANDARDS

Article 37

Establishment of Standards and Enforcement Review Committee

1. There is hereby established a Standards and Enforcement Review Committee to be a committee of the Authority.
2. The Standards and Enforcement Review Committee shall consist of the members set out in the Third Schedule to this Act.
3. The permanent secretary under the Minister shall be the Chairman of the Standards and Enforcement Review Committee.
4. The Director-General shall appoint a Director of the Authority to be a member of the Standards and Enforcement Review Committee who shall be the secretary to the Committee and shall provide the secretarial services to the Committee.
5. The Standards and Enforcement Review Committee shall regulate its own procedure.
6. The Standards and Enforcement Review Committee may co-opt any person to attend its meetings and a person so co-opted shall participate at the deliberations of the Committee but shall have no vote.
7. The Standards and Enforcement Review Committee shall meet at least once every three months for the transaction of its business.

Article 38

Functions of Standards and Enforcement Review Committee

1. The Standards and Enforcement Review Committee shall, in consultation with the relevant lead agencies:—
 - a. advise the Authority on how to establish criteria and procedures for the measurement of water quality;
 - b. recommend to the Authority minimum water quality standards for all the waters of Somaliland and for different uses, including—
 - i. drinking water;
 - ii. water for industrial purposes;
 - iii. water for agricultural purposes;
 - iv. water for recreational purposes;
 - v. water for fisheries and wildlife;
 - vi. and any other prescribed water use.
 - c. analyze and submit to the Director-General conditions for discharge of effluents into the environment.

- d. prepare and recommend to the Director-General guidelines or regulations for the preservation of fishing area, aquatic areas, water sources and reservoirs and other areas, where water may need special protection.
- e. identify and recommend to the Authority areas of research on the effects of water pollution on the environment, human beings, flora and fauna;
- f. advise the Authority to carry out investigations of actual or suspected water pollution including the collection of data;
- g. advise the Authority to take steps or authorize any works to be carried out which appear to be necessary to prevent or abate water pollution from natural causes or from abandoned works or undertakings;
- h. document the analytical methods by which water quality and pollution control standards can be determined and appoint laboratories for the analytical services required or request the Director-General to establish such laboratories;
- i. collect, maintain and interpret data from industries and local authorities on the pretreatment nature and levels of effluents;
- j. recommend to the Director-General measures necessary for the treatment of effluents before being discharged into the sewerage system;
- k. recommend to the Director-General works necessary for the treatment for the treatment of effluents before being discharged into the water;
- l. submit to the Director-General all such recommendations as may appear necessary for the monitoring and control of water pollution.

Article 39
Water pollution

- 1) Any person, who upon the coming into force of this Act, discharges or applies any poison, toxic, noxious or obstructing matter, radioactive waste or other pollutants or permits any person to dump or discharge such matter into the Aquatic environment in contravention of water pollution control standards established under this Part shall be guilty of an offence and liable to imprisonment for a term not exceeding two years or to a fine not exceeding one million shillings or to both such imprisonment and fine.
- 2) A person found guilty under subsection (1) shall, in addition to any sentence or fine imposed on him:—
 - a. pay the cost of the removal of any poison, toxic, noxious or obstructing matter, radioactive waste or other pollutants, including the costs of restoration of the damaged environment, which may be incurred by a Government agency or organ in that respect;
 - b. pay third parties reparation, cost of restoration, restitution or compensation as may be determined by a court of law on application by such third parties.

Article 40
Duty to supply plant information to the Authority

All owners or operators of irrigation project schemes, sewerage systems, industrial production workshops or any other undertaking which may discharge effluents or other pollutants shall within ninety days upon the coming into force of this Act or as may be demanded from time to time by the Authority, submit on demand, to the Authority accurate information about the quantity and quality of such effluent or other pollutant.

Article 41
Effluents to be discharged only into sewerage system

1. Every owner or operator of a trade or industrial undertaking shall discharge any effluents or other pollutants originating from the trade or industrial undertaking only into existing sewerage systems and the relevant Local Authority operating or supervising such sewerage system shall issue, at a prescribed fee, the necessary license for discharge.
2. The proponent or owner of a trade or an industrial undertaking shall, prior to being granted a license to discharge effluents into the environment, install an appropriate plant for the treatment of such effluents before they are discharged into the environment.

Article 42
License to discharge effluents

1. No Local Authority operating a sewerage system or owner or operator of any trade or industrial undertaking shall discharge any effluents or other pollutants into the environment without an effluent discharge license issued by the Authority.
2. Every owner or operator of a trade or an industrial undertaking discharging any effluents or other pollutants into the environment before the commencement of this Act shall, within twelve months of such commencement apply to the Authority for an effluent discharge license.
3. Every application for an effluent discharge license shall be in the prescribed form and accompanied by the prescribed fee.
4. Before the issuance of a license under subsections (1) and (2), the Authority shall—
 - a. solicit the comments of local authorities concerned and organizations and persons as he may deem fit;
 - b. take into consideration the possible effects of effluents or pollutants to be discharged on the quality of an affected water course or other source of water;
 - c. take into consideration the existing licenses affecting the concerned water course or other source; and
 - d. take into consideration the water requirements of riparian residents and ecosystems, human settlements, and agricultural schemes which depend on the affected water course.
5. Where the Authority rejects an application for the grant of an effluent discharge license it shall within twenty one days notify the applicant of its decision and state in writing its reasons for so rejecting the application.
6. An effluent discharge license issued under this Act shall be in a prescribed form, be subject to such conditions as may be prescribed or as may be specified in the license and shall remain valid for such period and may be renewed for such further periods as may be prescribed or specified in the license.

Article 43
Cancellation of effluent discharge license

1. The Authority may in writing, cancel any effluent discharge license:—
 - a. if the holder of the license contravenes any provision of this Act or any regulations made thereunder;
 - b. if the holder fails to comply with any condition specified in the license; or
 - c. if the Authority considers it in the interest of the environment or in the public interest so to do.

Article 44
Register of effluent discharge licenses

The Authority shall maintain a register of all effluent discharge licenses issued under this Act. The register shall be a public document and may be inspected at any reasonable hour by any person on the payment of the prescribed fee.

Article 45
Air quality standards

- 1) The Standards and Enforcement Review Committee shall, in consultation with the relevant lead agencies:—
 - a. advise the Authority on how to establish criteria and procedures for the measurement of air quality;
 - b. recommend to the Authority—
 - i. ambient air quality standards;
 - ii. occupational air quality standards;
 - iii. emission standards for various sources;
 - iv. criteria and guidelines for air pollution control for both mobile and stationary sources;
 - v. any other air quality standards.
 - c. advise the Authority on measures necessary to reduce existing sources of air pollution by requiring the redesign of plants or the installation of new technology or both, to meet the requirements of standards established under this section;
 - d. recommend to the Authority guidelines to minimize emissions of greenhouse gases and identify suitable technologies to minimize air pollution;
 - e. advise the Authority on emissions concentration and nature of pollutants emitted;
 - f. recommend to the Authority the best practicable technology available in controlling pollutants during the emission process;
 - g. determine for consideration by the Authority the analytical methods for monitoring air contaminants and recommend to the Director-General the establishment of such number of laboratories for analytical services as may be needed;
 - h. request the Authority to carry out investigations of actual or suspected air pollution including pollution produced by aircrafts and other self-propelled vehicles and by factories and power generating stations;
 - i. do all such things as appear necessary for the monitoring and controlling of air pollution.
2. Any person who emits any substances which cause air pollution in contravention of emission standards established under this Part shall be guilty of an offence and liable to imprisonment for a term of not more than two years or to a fine of not more than five hundred thousand shillings or to both such fine and imprisonment.
3. A person found guilty under subsection (2) shall, in addition to any sentence or fine imposed on him;
 - a. pay the cost of the removal of the pollution, including any costs which may be incurred by any Government agency or organ in the restoration of the environment damaged or destroyed as a result of the emission; and the cost to third parties in the form of reparation, restoration, restitution or compensation as may be determined by a competent court upon application by such third parties.

Article 46
Controlled areas

1. The Minister, may on the advice of the Authority, by Gazette Notice, declare any area to be a controlled area for the purposes of this Part.
2. The Minister may, on the advice of the Authority, in regulations, prescribe the air emission standards in respect of any controlled areas.

Article 47
Licensing Emissions

1. An owner or operator of a trade, industrial undertaking or an establishment which after the commencement of this Act, is emitting a substance or energy which is causing or is likely to cause air pollution shall apply to the Authority for an emission license.
2. In the case of any trade, industrial undertaking or establishment existing before the commencement of this Act, such application shall be made within twelve months after this Act has come into operation.
3. Every application for an emission license shall be in the prescribed form and be accompanied by the prescribed fee.

Article 48
Issue of Emission License

1. Before issuing a license in respect of emissions mentioned under article 47 of this act, the Authority shall:—
 - a. consider the possible effects of the emissions on the quality of ambient air;
 - b. consider existing licenses affecting the same air resource;
 - c. give due regard to the requirements for the residents, human settlements and other industrial and commercial activities;
 - d. solicit the comments of relevant Local Authorities and concerned organizations;
 - e. where the information accompanying the application appears inadequate, require the applicant to furnish further information relating to the undertaking in question, its location, materials, technology design or other appropriate matters;
 - f. where it appears necessary to conduct an environmental impact study, require the applicant to conduct an environmental impact assessment study in respect of the undertaking in question in accordance with the provisions of Part VI.
2. An emission license issued under this Act shall be in a prescribed form, be subject to such conditions as may be prescribed or as may be specified in the license and shall remain valid for such period and may be renewed for such periods as may be prescribed or specified in the license.
3. Where the Authority rejects an application for the grant of an emission license, it shall within twenty one days of its decision, notify the applicant in writing of its reasons for such refusal.

Article 49
Emissions by motor vehicles and other conveyances

1. No owner or operator of a motor-vehicle, train, ship, aircraft or other similar conveyance shall—
 - a. operate it in such a manner as to cause air pollution in contravention of the established emission standards; or

- b. import any machinery, equipment, device or similar thing that will cause emissions into the ambient air in contravention of prescribed emission standards.

Article 50
Additional Licensing Procedures

The Authority may establish additional procedures for the application and grant of any license under this Act and impose such conditions as it may deem appropriate.

Article 51
Cancellation of emission license

1. The Authority may, in writing, cancel any emission license:—
 - a. if the holder of the license contravenes any provisions of this Act or of any regulations made under it;
 - b. if the holder fails to comply with any condition specified in the license; or
 - c. if the Authority considers it in the interest of the environment or in the public interest so to do;

Article 52
Register of emission license

The Authority shall maintain a register of all emission licenses issued under this Act. The register shall be a public document and may be inspected at reasonable hours by any person on the payment of a prescribed fee.

Article 53
Standards of waste

- (1) The Standards and Enforcement Review Committee shall, in consultation with the Relevant lead agencies, recommend to the Authority measures necessary to:—
 - a. identify materials and processes that are dangerous to human health and the environment;
 - b. issue guidelines and prescribe measures for the management of the materials and processes identified under subsection (1);
 - c. prescribe standards for waste, their classification and analysis, and formulate and advise on standards of disposal methods and means for such wastes; or
 - d. issue regulations for the handling, storage, transportation, segregation and destruction of any waste.

Article 54
Application for waste license

- 1) Any person intending to transport wastes within Somaliland, operate a waste disposal site or plant or to generate hazardous waste, shall prior to transporting the wastes, commencing with the operation of a waste disposal site or plant or generating hazardous wastes, as the case may be, apply to the Authority in writing for the grant of an appropriate license.

- 2) A license to operate a waste disposal site or plant may only be granted subject to the payment of the appropriate fee and any other license that may be required by the relevant Local Authority.
- 3) Where the Authority rejects an application made under this section, it shall within twenty one days of its decision, notify the applicant of the decision specifying the reasons therefor.

Article 55
Licenses for existing waste disposal sites and plants

Any person who, at the commencement of this Act, owns or operates a waste disposal site or plant or generated hazardous waste, shall apply to the Authority for a license under this part, within six months after the commencement of this Act.

Article 56
Conduct Order to cease operation

The Authority may apply to a competent court for orders compelling any person to immediately stop the generation, handling, transportation, storage or disposal of any wastes where such generation, handling, transportation, storage or disposal presents an imminent and substantial danger to public health, the environment or natural resources.

Article 57
Hazardous waste

- 1) The Standards and Enforcement Review Committee shall, in consultation with the relevant lead agencies, recommend to the Authority standard criteria for the classification of hazardous wastes with regard to determining—
 - a. hazardous waste;
 - b. corrosive waste;
 - c. carcinogenic waste;
 - d. flammable waste;
 - e. persistent waste;
 - f. toxic waste;
 - g. explosive waste;
 - h. radioactive waste;
 - i. wastes, reactive otherwise than as described in the foregoing paragraphs of this subsection;
 - j. any other category of waste the Authority may consider necessary.
2. The Authority shall, on the recommendation of the Standards and Enforcement Review Committee issue guidelines and regulations for the management of each category of hazardous wastes determined under sub-article (1).
3. No person shall import into Somaliland any hazardous waste falling under any category determined under sub-article (1).
4. No hazardous waste shall be transported to any country from Somaliland without a valid permit granted by the Authority.
5. Any person who contravenes any provision of this section or who withholds, falsifies or otherwise tampers with information relating to trafficking in hazardous or other wastes shall be guilty of an offence and liable to imprisonment for a term of not less than one million shillings or to both such imprisonment and fine.

6. A person found guilty under sub-article (5) shall be responsible for the removal of the waste from Somaliland and for its safe disposal.

Article 58
Regulations of toxic and hazardous materials

1. The Minister may, on the advice of the Authority make regulations prescribing the procedure and criteria for—
 - a. classification of toxic and hazardous chemicals and materials in accordance with their toxicity and the hazard they present to the human health and to the environment;
 - b. registration of chemicals and materials;
 - c. labeling of chemicals and materials;
 - d. packaging for chemicals and materials;
 - e. advertising of chemicals and materials;
 - f. control of imports and exports of toxic and hazardous chemicals and materials permitted to be so imported or exported;
 - g. distribution, storage, transportation and handling of chemicals and materials;
 - h. monitoring of the effect of chemicals and their residue on human health and the environment;
 - i. disposal of expired and surplus chemicals and materials; and
 - j. restriction and banning of toxic and hazardous substances and energy.

Article 59
Prohibition of discharge of hazardous substances, chemicals and materials or oil into the environment

1. No person shall discharge any hazardous substance, chemical, oil or mixture containing oil into any waters or any other segments of the environment contrary to the provisions of this Act or any regulations thereunder.
2. A person who discharges a hazardous substance, chemical, oil or a mixture containing oil into any waters or other segments of the environment contrary to subsection (1) commits an offence.
3. A person convicted of an offence under subsection (2) shall, in addition to any other sentence imposed by the court:—
 - a. pay the cost of the removal of the hazardous substance, chemical, oil or a mixture containing oil including any costs which may be incurred by any Government agency or organ in the restoration of the environment damaged or destroyed as a result of the discharge; and
 - b. the costs of third parties in the form of reparation, restoration, restitution or compensation as may be determined by a competent court on application by such third parties.
4. The owner or operator of a production or storage facility, motor vehicle or vessel from which a discharge occurs contrary to this section shall mitigate the impact of the discharge by—
 - a. giving immediate notice of the discharge to the Authority and other relevant Government officers;
 - b. immediately beginning clean-up operations using the best available clean-up methods;
 - c. complying with such directions as the Authority may, from time to time, prescribe.
5. Where the owner or operator of a production or storage facility, motor vehicle or vessel has refused, neglected and/or failed to take the mitigation measures prescribed

in subsection (4), the Authority may seize the production or storage facility, motor vehicle or vessel.

6. Where the owner or operator fails to take the necessary measures under subsection (4) after the passage of a reasonable time not exceeding six months in all the circumstances, the Authority may, upon an order of court, dispose of the production or storage facility, motor vehicle or vessel to meet the costs of taking the necessary measures under subsection (4) and other remedial and restoration measures.
7. The Court in convicting a person of an offence under this section shall take into account the measures taken by that person to comply with subsection (4).

Article 60

Standards of pesticides and toxic substances

1. The Standards and Enforcement Review Committee, in consultation with the relevant lead agencies shall—
 - a. prepare and submit to the Authority draft standards for the concentration of pesticides residues in raw agricultural commodities, processed foods and animal feed and for the purposes of this paragraph raw agricultural commodities:—
 - i. include fresh or frozen fruit and vegetables in their raw state, grains, nuts, eggs, raw milk, meat and other agricultural produce;
 - ii. do not include any agricultural produce or good which is processed, fabricated or manufactured by cooking, dehydrating, milling, or by any other similar means;
 - b. establish, revisit, modify and submit to the Authority draft standards to regulate the importation, exportation, manufacture, storage, distribution, sale, use, packaging, transportation disposal and advertisement of pesticides and toxic substances with the relevant organizations;
 - c. establish and submit to the Authority draft procedures for the registration of pesticides and toxic substances;
 - d. establish and submit to the Authority draft measures to ensure proper labeling and packaging of pesticides and toxic substances;
 - e. constantly review the use and efficacy of pesticides and toxic substances and submit the findings of such review to the Authority.
 - f. recommend to the Authority measures for monitoring the effects of pesticides and toxic substances on the environment;
 - g. recommend to the Authority measures for the establishment and maintenance of laboratories to operate as standards;
 - h. recommend to the Authority measures for the establishment of enforcement procedures and regulations for the storage, packaging and transportation of pesticides and toxic substances;
 - i. constantly collect data from industries on the production, use and health effects of pesticides and toxic substances and avail such data to the Authority;
 - j. keep up-to-date records and reports necessary for the proper regulation of the administration of pesticides and toxic substances;
 - k. do all other things as appear necessary for the monitoring and control of pesticides and toxic substances.

Article 61

Application for registration of pesticides and toxic substances

1. Subject to the provisions of this Act or any other written law applicable in Somaliland, any person who intends to manufacture, import or process a new pesticide or toxic substance or who intends to reprocess an existing pesticide or toxic substance for a significantly new use, must apply to the Authority for the registration of the pesticide or toxic substance, before importing, manufacturing, processing or reprocessing such pesticides or toxic substances.
2. The application referred to in subsection (1) shall include the name, trade mark, and the molecular structure, proposed categories of use, an estimate of the quantity of the pesticides or toxic substances and any data related to health and other environmental effects thereof that the Authority may require.
3. Any person who, being in Somaliland, has been manufacturing, importing or processing a pesticide or toxic substance before the coming into force of this Act, shall apply to the Authority for registration of such pesticide or toxic substance within one year after the commencement of this Act.
4. The Authority may, upon application, register a pesticide or toxic substance subject to such existing conditions and any other conditions that the Authority may determine.
5. Every pesticide or toxic substance shall be registered for ten years unless some other period is specified by the Authority, and may be renewed for a like period.
6. Where the Authority refuses to register any pesticide or toxic substance, the notice of refusal shall state the reasons for such refusal.

Article 62

Offences relating to pesticides and toxic substances

1. No person shall—
 - a. detach, alter or destroy any labelling on a pesticide or toxic substance contrary to the provisions of this Act;
 - b. change the composition of a pesticide or toxic substance, contrary to the provisions of this Act; or
 - c. use or dispose into the environment a pesticide or toxic substance in contravention of the provisions of this Act.
2. No person shall distribute, sell, offer for sale, hold for sale, import, deliver for importation to, or receive from, deliver or offer to deliver to any other person any unregistered pesticide or toxic substance.
3. Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable upon conviction to a fine of not more than one million shillings or to imprisonment for a term of not more than two years or to both such fine and imprisonment.

Article 63

Seizure of pesticides and toxic substances

1. Any pesticide or toxic substance which the Authority reasonably suspects to be the subject matter of an offence under this Act shall be liable to seizure by the Authority.
2. Whenever any pesticide or toxic substance is seized under subsection (1), the Authority shall serve a notice of seizure on the owner of the pesticide or toxic substance as soon as practicable.
3. Where any pesticide or toxic substance is seized under this section, the pesticide or toxic substance shall be placed under the custody of the Authority.
4. Any pesticide or toxic substance placed under the custody of the Authority under subsection (3) shall be released, if after six months—

- a. no prosecution under the Act has been instituted with regard to the pesticide or toxic substance
- b. no person is convicted of an offence under this Act.

Article 64

Regulations regarding registration of pesticides and toxic substances

The Minister shall, in consultation with the relevant lead agencies, make regulations prescribing the contents of any application and the conditions for the registration of pesticides and toxic substances under this Act.

Article 65

Standards of noise

1. The Standards and Enforcement Review Committee shall, in consultation with therelevant lead agencies—
 - a. recommend to the Authority minimum standards for emissions of noise and vibrationpollution into the environment as are necessary to preserve and maintain public healthand the environment;
 - b. establish and submit to the Authority criteria and procedures for the measurement ofnoise and vibration pollution into the environment;
 - c. establish and submit to the Authority criteria and procedures for the measurement ofsubsonic vibrations;
 - d. establish and submit to the Authority standards for the emission of sub-sonicvibrations which are likely to have a significant impact on the environment;
 - e. recommend to the Authority guidelines for the minimization of sub-sonic vibrations,referred to in paragraph (d) from existing and future sources;
 - f. establish and submit to the Authority noise level and noise emission standardsapplicable to construction sites, plants, machinery, motor vehicles, aircraft includingsonic bonus, industrial and commercial activities;
 - g. recommend to the Authority measures necessary to ensure the abatement and controlof noise from sources referred to in paragraph (f);
 - h. measure the levels of noise emanating from the sources referred to in paragraph (f)details of which measurements shall be given to the owner or occupier of the premisesfrom which the measurement was taken; and
 - i. recommend to the Authority guidelines for the abatement of unreasonable noise andvibration pollution emitted into the environment from any source.

Article 66

Noise in excess of established standards prohibited

Subject to the provisions of the Civil Aviation Act, any person who emits noise in excess of the noise emission standards established under this Part commits an offence.

Article 67

Exemptions in respect of noise standards

1. Notwithstanding the provisions of article 65, the Authority may on requestgrant a temporary permit not exceeding three months, allowing emission of noise in excess of established standards for such activities as fireworks, demolitions, firing rangesand specific heavy industry on such terms and conditions as the Authority maydetermine.

2. Where an exemption has been granted under subsection, (1), workers exposed to excessive levels of noise shall be adequately protected in accordance with the directives issued by the Authority.

Article 68
Standards for ionizing and other radiation

1. Subject to the provisions of the Radiation Protection Act, the Authority, on the advice of the Standards and Enforcement Review Committee and in consultation with the relevant lead agencies, shall—
 - a. establish the standards for the setting of acceptable levels of ionising and other radiation in the environment;
 - b. establish criteria and procedures for the measurement of ionising and other radiation;
 - c. inspect and examine any area, place or premises or any vehicle, vessel, boat or any carrier of any description in or upon which the Authority has reasonable cause to believe that radioactive material or any source of ionising radiation is stored, used, transported or disposed of;
 - d. examine any person with respect to matters under this Act, where there is reasonable cause to believe that that person is contaminated with radioactive material or is unlawfully in possession of an ionising radiation source;
 - e. provide information to, warn and protect the public in cases of actual or potential exposure to radioactive material or ionising radiation;
 - f. in collaboration with the Radiation Protection Board, conduct an ionising radiation monitoring program and advise on ionising radiation control and protection measures;
 - g. maintain records of release of radioactive contaminants into the environment;
 - h. keep records of baseline data of radiation in the environment;
 - i. maintain a register of all radioactive substances imported into Somaliland; and
 - j. do all such things as may be necessary for the monitoring and control of pollution from radiation.

Article 69
Powers of inspectors relating to ionizing radiation

1. An inspector of the Authority at any reasonable time may—
 - a. enter, inspect and examine any place, area, premises or any vehicle, vessel, boat, aircraft or any carriage or any carriage of any description on which he has reasonable grounds to believe that radioactive materials or any source of ionising radiation is stored, used, transported or disposed or provided that no entry shall be made into any private dwelling house except with a court warrant;
 - b. order presentation of—
 - i. a license authorizing the possession or use of radioactive material or sources of dangerous ionising radiation;
 - ii. a license authorizing the mining and processing of radioactive materials; and
 - iii. a register, certificate, notice or document kept under the control of the Radiation Protection Board.

Article 70
Offences relating to ionizing radiation

1. A person who imports, processes, mines, exports, possess, transports, uses, or disposes radioactive materials or other source of dangerous ionising radiation without a licence issued under this Act or regulation made thereunder, shall be guilty of an offence and liable upon conviction to a fine of not less than five hundred and fifty thousand shillings or to imprisonment for a term of not less than two years or to both such fine and imprisonment.
2. In addition to the penalties provided in subsection (1) of this section, the radioactive material or other source of dangerous ionising radiation may be seized, impounded, destroyed or disposed of in such a manner as the Court may consider necessary to protect the public and the environment or may only be returned to the owner on order of the Court and under any other conditions set out in the licence issued by the Authority.

Article 71
Standards for the control of noxious smells

1. The Authority shall, in accordance with the relevant lead agencies, establish—
 - a. Procedures for the measurement and determination of noxious smells;
 - b. Minimum standards for the control of pollution of the environment by noxious smell; or
 - c. Guidelines for measures leading to the abatement of noxious smells, whether from human or from naturally occurring phenomena.

PART VIII
ENVIRONMENTAL RESTORATION AND EASEMENT ORDERS

Article 72
Issue of Environmental restoration orders

1. Subject to any other provisions of this Act, the Authority may issue and person in respect of any matter relating to the management of the environment an order in this Part referred to as an environmental restoration order.
2. An environmental restoration order issued under sub-article 1 of this article shall be issued to—
 - a. require the person on whom it is served to restore the environment as near as it may be to the state in which it was before the taking of the action which is the subject of the order;
 - b. prevent the person on whom it is served from taking any action which would or is reasonably likely to cause harm to the environment;
 - c. award compensation to be paid by the person on whom it is served to other persons whose environment or livelihood has been harmed by the action which is the subject of the order;
 - d. levy a charge on the person on whom it is served which in the opinion of the Authority represents a reasonable estimate of the costs of any action taken by an authorised person or organisation to restore the environment to the state in which it was before the taking of the action which is the subject of the order.

3. An environmental restoration order may contain such terms and conditions and impose such obligations on the persons on whom it is served as will, in the opinion of the Authority, enable the order to achieve all or any of the purposes set out in subsection (2).
4. Without prejudice to the general effect of the purposes set out in subsection (2) an environmental restoration order may require a person on whom it is served to—
 - a. take such action as will prevent the commencement or continuation or cause of pollution;
 - b. restore land, including the replacement of soil, the replanting of trees and other flora and the restoration as far as may be, of outstanding geological, archaeological or historical features of the land or the area contiguous to the land or sea as may be specified in the particular order;
 - c. take such action to prevent the commencement or continuation or cause of environmental hazard;
 - d. cease to take any action which is causing or may contribute to causing pollution or an environmental hazard;
 - e. remove or alleviate any injury to land or the environment or to the amenities of the area;
 - f. prevent damage to the land or the environment, aquifers beneath the land and flora and fauna in, on or under or about the land or sea specified in the order or land or the environment contiguous to the land or sea specified in the order;
 - g. remove any waste or refuse deposited on the land or sea specified in the order and dispose of the same in accordance with the provisions of the order;
 - h. pay any compensation specified in the order.
5. In exercising the powers under this section, the Authority shall—
 - a. Be guided by the principles of good environmental management in accordance with the provisions of this Act; and
 - b. Explain the right of appeal of the persons against whom the order is issued to the Tribunal or if dissatisfied with the decision of the Tribunal, to superior courts.

Article 73
Contents of Environmental restoration order

1. An environmental restoration order shall specify clearly and in a manner which may be easily understood.
 - a. the activity to which it relates;
 - b. the person or persons to whom it is addressed;
 - c. the time at which it comes into effect;
 - d. the action which must be taken to remedy the harm to the environment and the time, being not more than thirty days or such further period as may be prescribed in the order within which the action must be taken.
 - e. the powers of the Authority to enter any land and undertake the action specified in paragraph (d);
 - f. the penalties which may be imposed if the action specified in paragraph (d) is not undertaken;
 - g. the right of the person served with an environmental restoration order to appeal to the Tribunal against that order, except where the order is issued by a court of competent jurisdiction, in which case the right of appeal shall lie with superior courts.
2. An Environmental Inspector of the Authority may inspect or cause to be inspected any activity to determine whether that activity is harmful to the environment and may take

into account the evidence obtained from that inspection in any decision on whether or not to serve an environmental restoration order.

3. The Authority may seek and take into account any technical, professional and scientific advice which it considers to be desirable for a satisfactory decision to be made on an environmental restoration order.
4. An environmental restoration order shall continue to apply to the activity in respect of which it was served notwithstanding that it has been complied with.
5. A person served with an environmental restoration order shall, subject to the provisions of this Act, comply with all the terms and conditions of the order that has been served on him.
6. It shall not be necessary for the Authority or its Inspectors in exercising the powers under subsection (2), to give any person conducting or involved in the activity which is the subject of the inspection or residing or working on or developing land on which the activity which is the subject of the inspection is taking place, an opportunity of being heard by or making representations to the person conducting the inspection.

Article 74

Reconsideration of environment restoration order

1. At any time within twenty-one days after the service of an environmental restoration order, a person upon whom the order has been served may, by giving reasons in writing, request the Authority to re-consider that order.
2. Where the Authority exercises the Power under subsection (1), the expenses necessarily incurred by it in the exercise of that power shall be a civil debt recoverable summarily by it from the person referred to in subsection (1).

Article 75

Issue of Environmental restoration Order by a court

1. Without prejudice to the powers of the Authority under this Act, a court of competent jurisdiction may, in proceedings brought by any person, issue an environmental restoration order against a person who has harmed, is harming or is reasonably likely to harm the environment.
2. For the avoidance of doubt, it shall not be necessary for a plaintiff under this section to show that he has a right or interest in the property, environment or land alleged to have been or likely to be harmed.

Article 76

Environmental easements and environmental conservation orders

1. A court may, on an application made under this Part, grant an environmental easement or an environmental conservation order subject to the provisions of this Act.
2. The object of an environmental easement is to further the principals of environmental management set out in this Act by facilitating the conservation and enhancement of the environment, in this Act referred to as the benefited environment, through the imposition of one or more obligations in respect of the use of land, in this Act referred to as the burdened land, being the land in the vicinity of the benefited environment.
3. An environmental easement may be imposed on and shall thereafter attach to the burdened land in perpetuity or for a term of years or for an equivalent interest under customary law as the court may determine .

4. Without prejudice to the general effect of subsection (2), an environmental conservation order may be imposed on burdened land so as to—
 - a. preserve flora and fauna;
 - b. preserve the quality and flow of water in a dam, lake, river or aquifer;
 - c. preserve any outstanding geological, physiographical, ecological, archeological or historical features of the burdened land;
 - d. preserve scenic view;
 - e. preserve open space;
 - f. permit persons to walk in a defined path across the burdened land;
 - g. preserve the natural contours and features of the burdened land;
 - h. prevent or restrict the scope of any activity on the burdened land which has as its object the mining and working of mineral aggregates;
 - i. prevent or restrict the scope of an agricultural activity on the burdened land;
 - j. create and maintain works on burdened land so as to limit or prevent harm to the environment; or
 - k. create or maintain migration corridors for wildlife.
5. Where an environmental easement is imposed on burdened land on which any person has at the time of the imposition of the easement, any existing right or interest to the land and that environmental easement will restrict that right or interest, there shall be paid to that person, by the applicant for the environmental easement such compensation as may be determined in accordance with section 116.
6. create and maintain works on burdened land so as to limit or prevent harm to the environment; or
7. create or maintain migration corridors for wildlife.
8. Where an environmental easement is imposed on burdened land on which any person has at the time of the imposition of the easement, any existing right or interest to the land and that environmental easement will restrict that right or interest, there shall be paid to that person, by the applicant for the environmental easement such compensation as may be determined in accordance with section 116.

Article 77

Application to Court for environmental easement

1. A person or a group of persons may make an application to the court for the grant of one or more environmental easements.
2. The court may impose such conditions on the grant of an environmental easement as it considers to be best calculated to advance the object of an environmental easement.

Article 78

Enforcement of environmental easements

1. Proceedings to enforce an environmental easement may be commenced only by the person in whose name the environmental easement has been issued.
2. Proceedings to enforce an environmental easement may request the court to:—
 - a. Grant an environmental restoration order;
 - b. Grant any remedy available under the law relating to easements in respect of land.
3. The court shall have a discretion to adapt and adjust, so far as seems necessary to it, the law and procedures relating to the enforcement of the requirements of an environmental easement.

Article 79
Registration of environmental easements

1. Where an environmental easement is imposed on land, the title of which is registered under a particular system of land registration, the environmental easement shall be registered in accordance with the provisions of the Act applicable to that particular system of registration for easements.
2. Where an environmental easement is imposed on any land other than land referred to in subsection (1), the District Environment Committee of the area in which that land is situated shall register the environmental easement on a register maintained for that purpose in accordance with the provisions of this Act.
3. In addition to any matter which may be required by any law relating to the registration of easements in respect of land, the registration of an environmental easement shall include the name of the applicant for the environmental easement as the person in whose name the environmental easement is registered.

Article 80
Compensation

1. Any person who has a legal interest in the land which is the subject of an environmental easement, shall, in accordance with the provisions of this Act, be entitled to compensation commensurate with the lost value of the use of the land.
2. A person described in subsection (1) may apply to the court that granted the environmental easement for compensation stating the nature of his legal interest in the burdened land and the compensation sought.
3. The court may require the applicant for the environmental easement to bear the cost of compensating the person described in subsection (1).
4. The court may, if satisfied that the environmental easement sought is of national importance, order that the Government compensate the person described in subsection (1).
5. The court in determining the compensation due under this section shall take into account the relevant provisions of the Constitution and any other laws relating to compulsory acquisition of land.

PART IX
INSPECTION, ANALYSIS AND RECORDS

Article 81
Appointment of Environmental Inspection

1. The Director-General shall, by Gazette Notice, appoint duly qualified persons whether public officer or otherwise, whether by name or by title of office, to be environmental inspectors of the Authority for such jurisdiction units as shall be specified in the Gazette Notice appointing them.
2. An environmental inspector shall:—
 - a. monitor compliance with the environmental standards established under this Act;
 - b. monitor the activities of other sector-specific environmental inspectorates;
 - c. monitor the pattern of use of environmental resources;
 - d. conduct environmental audits; and

- e. perform such other functions as may be required under this Act or under the Gazette Notice appointing him.
3. An environmental inspector may, in the performance of his duties under this Act or any regulations made thereunder, at all reasonable times and without a warrant -
 - a. enter any land, premises, vessel, motor vehicle or ox-drawn trailer and make examinations and enquiries to determine whether the provisions of this Act are being complied with;
 - b. require the production of, inspect, examine and copy licences, registers, records and other documents relating to this Act or any other law relating to the environment and the management of natural resources;
 - c. take samples of any articles and substances to which this Act relates and, as may be prescribed, submit such samples for test and analysis;
 - d. carry out periodic inspections of all establishments and undertakings within their respective jurisdictional limits which manufacture, produce as by products, import, export, store, sell, distribute or use any substances that are likely to have significant impact on the environment, to ensure that the provisions of this Act are complied with;
 - e. seize any article, vessel, motor vehicle, plant, equipment, substance or any other thing which he reasonably believes has been used in the commission of an offence under this Act or the regulations made thereunder;
 - f. with the written approval of the Director-General order the immediate closure of any manufacturing plant or other establishment or undertaking which pollute the environment contrary to the provisions of this Act and to require the owner or operator of such establishment or undertaking to implement any remedial measures that the environmental inspector may direct in the notice closing down the establishment or undertaking. Any establishment or undertaking closed down under this paragraph may resume its operations only with the written approval of the Director-General;
 - g. with the approval of the Director-General issue an improvement notice requiring the owner or operator of any manufacturing plant, vessel, motor vehicle or other establishment or undertaking to cease any activities deleterious to the environment and to take appropriate remedial measures, including the installation of new plant and machinery if necessary, within such reasonable time as the Director-General may determine;
 - h. with an arrest warrant and the assistance of a police officer, arrest any person whom he reasonably believes has committed an offence under this Act; and
 - i. install any equipment on any land, premise, vessel or motor vehicle for purposes of monitoring compliance with the provisions of this Act, or the regulations made thereunder upon giving the owner or occupier of the land three months written notice.
4. In exercising his powers under this Act, the environmental inspector shall suitably identify himself.

Article 82

Environmental Inspector's powers to prosecute

1. Subject to the Constitution and the directions and control of the Attorney-General, an environmental inspector may, in any case in which he considers it desirable so to do:—
 - a. institute and undertake criminal proceedings against any person before a court of competent jurisdiction (other than a court martial) in respect of any offence alleged to have been committed by that person under this Act; and
 - b. discontinue at any stage with the approval of the Attorney-General, before judgment is delivered any such proceedings instituted or undertaken by himself.

Article 83
Procedures for laboratory analysis of samples

1. The Director-General may, by Notice in the Gazette, designate such number of laboratories as he may consider necessary, analytical or reference laboratories for the purpose of this Act.
2. A notice under subsection (1) shall state the specific functions of the laboratory, local limits or subject matter which the laboratory shall serve and the persons appointed as analysts in respect of that laboratory.
3. The Authority shall, on the advice of the Standards Enforcement Review Committee, prescribe the form and manner in which samples will be taken for analysis.

Article 84
Certificate of analysis and its effect

1. A laboratory designated as an analytical or reference laboratory under article 83 of this act, shall issue a certificate of analysis of any substance submitted to it under this Act.
2. The certificate of analysis shall state the methods of analysis followed and shall be the analyst or the reference analyst, as the case may be.
3. A certificate issued under subsection (1) and complying with subsection (2) shall be sufficient evidence of the facts stated in the certificate for all purpose under this Act.
4. The results of any analysis made by the laboratory shall be open to inspection by all interested parties.

Article 85
Records to be kept

1. The Director-General shall, by notice in the Gazette, prescribe the activities for which records shall be kept for the purposes of this Act, the contents of such records and the manner in which they shall be kept.
2. The records kept in accordance with subsection (1) of this section and any other records available at the site of an establishment or undertaking shall be made available at such reasonable time to any environmental inspector for the purpose of—
 - a. an environmental audit;
 - b. environmental monitoring and evaluation;
 - c. pollution control;
 - d. inspection;
 - e. any other purpose that may be prescribed by the Director-General from time to time.

Article 86
Transmission of records to the Authority

The records kept under article 85 of this act, shall be transmitted annually to the Authority or its designated representative to be received not later than one month after the end of each calendar year. The Authority shall keep all records transmitted hereunder and may maintain their confidentiality if the applicable circumstances so require.

Article 87
Public Access to records transmitted to the Authority

1. Subject to article 86 of this act, any person may have access to any records transmitted to the Authority under this Act.
2. A person desiring access to such records referred to in subsection (1) may on application to the Authority, be granted access to the said records on the payment of a fee prescribed by the Authority.

PART X

Article 88
Conventions, agreements and treaties on environment

1. Where Somaliland is a party to an international treaty, convention or agreement, whether bilateral or multilateral, concerning the management of the environment, the Authority shall, subject to the direction and control of the Council, in consultation with relevant lead agencies:—
 - a. initiate legislative proposals for consideration by the Attorney-General, for purposes of giving effect to such treaty, convention or agreement in Somaliland or for enabling Somaliland to perform her obligations or exercise her rights under such treaty, convention or agreement; and
 - b. identify other appropriate measures necessary for the national implementation of such treaty, convention or agreement.
2. The Authority shall, in relation to the formation of international treaties, conventions or agreements on the environment, assist the relevant lead agencies negotiating such treaties, conventions or agreements
3. The Authority shall keep a register of all international treaties, agreements or conventions in the field of the environment to which Somaliland is a party.

PART XI

Article 89
Establishment of the National Environment Tribunal

1. There is established a Tribunal to be known as the National Environment Tribunal which shall consist of the following members—
 - a. a chairman nominated by the Judicial Service Commission, who shall be a person qualified for appointment as a judge of the High Court of Somaliland;
 - b. an advocate of the High Court of Somaliland nominated by the Law Society of Somaliland;
 - c. a lawyer with professional qualifications in environmental law appointed by the Minister; and
 - d. two persons who have demonstrated exemplary academic competence in the field of environmental management appointed by the Minister.
2. All appointments to the Tribunal shall be by name and by Gazette Notice issued by the Minister.
3. The members of the Tribunal shall be appointed at different times so that their respective expiry dates of their terms of office shall fall at different times.

4. The office of a member of the Tribunal shall become vacant:—
 - a. at the expiration of three years from the date of his appointment;
 - b. if he accepts any office the holding of which, if he were not a member of the Tribunal, would make him ineligible for appointment to the office of a member of the Tribunal;
 - c. if he is removed from membership of the Tribunal by the Minister for failure to discharge the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehavior; and
 - d. if he resigns the office of member of the Tribunal.

Article 90
Proceedings of the Tribunal

1. The Tribunal shall not be bound by the rules of evidence as set out in Evidence Act.
2. The Tribunal shall, upon an appeal made to it in writing by any party or a referral made to it by the Authority on any matter relating to this Act, inquire into the matter and make an award, give directions, make orders or make decisions thereon, and every award, direction, order or decision made shall be notified by the Tribunal to the parties concerned, the Authority or any relevant committee thereof, as the case may be.
3. The Tribunal shall sit at such times and in such places as it may appoint.
4. The proceedings of the Tribunal shall be open to the public save where the Tribunal, for good cause, otherwise directs.
5. Except as expressly provided in this Act or any regulations made thereunder, the Tribunal shall regulate its proceedings as it deems fit.

Article 91
Awards of the Tribunal

1. The Tribunal may:—
 - a. make such orders for the purposes of securing the attendance of any person at any place where the Tribunal is sitting, discovery or production of any document concerning a matter before the Tribunal or the investigation of any contravention of this Act as it deems necessary or expedient;
 - b. take evidence on oath and may for that purpose administer oaths; or
 - c. on its own motion summon and hear any person as witness;
2. Any person who—
 - a. fails to attend the Tribunal after having been required to do so under subsection (1) (a);
 - b. refuses to take oath or affirmation before the Tribunal or being a public officer refuses to produce any article or document when lawfully required to do so by the Tribunal;
 - c. knowingly gives false evidence or information which he knows to be misleading before the Tribunal; or
 - d. at any sitting of the Tribunal—
 - i. willfully insults any member or officer of the Tribunal;
 - ii. willfully interrupts the proceedings or commits any contempt of the Tribunal;
 - e. fails or neglects to comply with a decision order, direction or notice confirmed by the Tribunal commits an offence under this Act.

Article 92
Quorum of the Tribunal for determination

1. For the purposes of hearing and determining any cause or matter under this Act, the Chairman and two members of the Tribunal shall form a quorum.
2. A member of the Tribunal who has a direct interest in any matter which is the subject of the proceedings before the Tribunal shall not take part in those proceedings.

Article 93
Appeals of the Tribunal

1. Any person who is aggrieved by:—
 - a. a refusal to grant a licence or to the transfer of his licence under this Act or regulations made thereunder;
 - b. the imposition of any condition, limitation or restriction on his licence under this Act or regulations made thereunder;
 - c. the revocation, suspension or variation of his licence under this Act or regulations made thereunder;
 - d. the amount of money which he is required to pay as a fee under this Act or regulations made thereunder;
 - e. the imposition against him of an environmental restoration order or environmental improvement order by the Authority under this Act or regulations made thereunder; may within sixty days after the occurrence of the event against which he is dissatisfied, appeal to the Tribunal in such manner as may be prescribed by the Tribunal.
2. Unless otherwise expressly provided in this Act, where this Act empowers the Director-General, the Authority or Committees of the Authority to make decisions, such decisions may be subject to an appeal to the Tribunal in accordance with such procedures as may be established by the Tribunal for that purpose.
3. Upon any appeal, the Tribunal may:—
 - a. confirm, set aside or vary the order or decision in question;
 - b. make such other order, including an order for costs, as it may deem just.
4. Upon any appeal to the Tribunal under this section, the status quo of any matter or activity, which is the subject of the appeal, shall be maintained until the appeal is determined.

Article 94
Appeals of the High Court

1. Any person aggrieved by a decision or order of the Tribunal may, within thirty days of such decision or order, appeal against such decision or order to the High Court.
2. No decision or order of the Tribunal shall be enforced until the time for lodging an appeal has expired or, where the appeal has been commenced, until the appeal has been determined.
3. Notwithstanding the provisions of subsection (2), where the Director-General is satisfied that immediate action must be taken to avert serious injuries to the environment, the Director-General shall have the power to take such reasonable action to stop, alleviate or reduce such injury, including the powers to close down any undertaking, until the appeal is finalized or the time for appeal has expired.
4. Upon the hearing of an appeal under this section, the High Court may:—
 - a. confirm, set aside or vary the decision or order in question;
 - b. remit the proceedings to the Tribunal with such instructions for further consideration, report, proceedings or evidence as the court may deem fit to give;
 - c. make such other order as it may deem just, including an order as to costs of the appellant or of earlier proceedings in the matter before the Tribunal.
5. The decision of the High Court on any appeal under this section shall be final.

Article 95
Powers to appoint Environment Assessors

The Chairman of the Tribunal may appoint any persons with special skills or knowledge on environmental issues which are the subject matter of any Proceedings or inquiry before the Tribunal to act as assessors in an advisory capacity in any case where it appears to the Tribunal that such special skills or knowledge are required for proper determination of the matter.

Article 96
Power to seek the directions of the Tribunal in complex matters

1. When any matter to be determined by the Authority under this Act appears to it to involve a point of law or to be of unusual importance or complexity, it may, after giving notice to the concerned parties, refer the matter to the Tribunal for direction.
2. Where any matter has been referred to the Tribunal under subsection (1), the Authority and the parties thereto shall be entitled to be heard by the Tribunal before any decision is made in respect of such matter and may appear personally or be represented by an Advocate.
3. Any person who is a party to proceedings before the Tribunal may appear in person or be represented by an Advocate before the Tribunal.

Article 97
Immunity

1. The Chairman or other members of the Tribunal shall not be liable to be sued in a civil court for an act done or omitted to be done or ordered to be done by them in the discharge of their duty as members of the Tribunal, whether or not within the limits of their jurisdiction, provided they, at the time, in good faith, believed themselves to have jurisdiction to do or order the act complained of; and no officer of the Tribunal or other person bound to execute the lawful warrants, orders or other process of the Tribunal shall be liable to be sued in any court for the execution of a warrant, order or process which he would have been bound to execute if within the jurisdiction of the Tribunal.
2. It shall be an offence for any person to engage in acts or make omissions amounting to contempt of the Tribunal and the Tribunal may punish such person for contempt in accordance with the provisions of this Act.

Article 98
Remuneration of the members of the Tribunal

There shall be paid to the Chairman and the members of the Tribunal such remuneration and allowances as the Minister shall determine.

Article 99
Appointment of a secretary to the Tribunal

The Minister shall appoint a public officer to be the Secretary to the Tribunal who shall be paid such allowances as the Minister shall determine.

Article 100
Powers to establish other Tribunals

1. The Ministry may establish such other Tribunals in any part of Somaliland as he deems appropriate.
2. The provisions of 90-99 of this act shall apply to any Tribunal established under subsection (1).

PART XII
ENVIRONMENTAL OFFENCES

Article 101
Offences related to inspection

1. Any person who—
 - a. hinders or obstructs an environmental inspector in the exercise of his duties under this Act or regulations made thereunder;
 - b. fails to comply with a lawful order or requirement made by an environmental inspector in accordance with this Act or regulations made thereunder;
 - c. refuses an environmental inspector entry upon any land or into any premises, vessel or motor vehicle which he is empowered to enter under this Act or regulations made thereunder;
 - d. impersonates an environmental inspector;
 - e. refuses an environmental inspector access to records or documents kept pursuant to the provisions of this Act or regulations made thereunder;
 - f. fails to state or wrongly states his name or address to an environmental inspector in the course of his duties under this Act or regulations made thereunder;
 - g. misleads or gives wrongful information to an environmental inspector under this Act or regulations made thereunder;
 - h. fails, neglects or refuses to carry out an improvement order issued under this Act by an environmental inspector; commits an offence and shall, on conviction be liable to imprisonment for a term not exceeding twenty four months, or to a fine of not more than five hundred thousand shillings, or both.

Article 102
Offences relating to environmental impact assessment

1. Any person who—
 - a. fails to submit a project report contrary to the requirements of section 58 of this Act;
 - b. fails to prepare an environmental impact assessment report in accordance with the requirements of this Act or regulations made thereunder;
 - c. fraudulently makes false statements in an environmental impact assessment report submitted under this Act or regulations made thereunder; commits an offence and is liable on conviction to imprisonment for a term not

exceeding twenty four months or to a fine of not more than two million shillings or to both such imprisonment and fine.

Article 103
Offences relating to Records

1. Any person who—
 - a. fails to keep records required to be kept under this Act;
 - b. fraudulently alters any records required to be kept under this Act;
 - c. fraudulently makes false statements in any records required to be kept under this Act; commits an offence and is liable upon conviction to a fine of not more than five hundred thousand shillings or to imprisonment for a term of not more than eighteen months or to both such fine and imprisonment.

Article 104
Offences relating to Standards

1. Any person who—
 - a. contravenes any environmental standard prescribed under this Act;
 - b. contravenes any measure prescribed under this Act;
 - c. uses the environment or natural resources in a wasteful and destructive manner contrary to measures prescribed under this Act; commits an offence and shall be liable upon conviction, to a fine of not more than five hundred thousand shillings or to imprisonment for a term of not more than twenty four months or to both such fine and imprisonment.

Article 105
Offences relating to hazardous waste, materials, chemicals and radioactive substances

1. Any person who—
 - a. fails to manage any hazardous waste and materials in accordance with this Act;
 - b. imports any hazardous waste contrary to this Act;
 - c. knowingly mislabels any waste, pesticide, chemical, toxic substance or radioactive matter;
 - d. fails to manage any chemical or radioactive substance in accordance with this Act;
 - e. aids or abets illegal trafficking in hazardous waste, chemicals, toxic substances and pesticides or hazardous substances;
 - f. disposes of any chemical contrary to this Act or hazardous waste within Somaliland;
 - g. withholds information or provides false information about the management of hazardous wastes, chemicals or radioactive substances; commits an offence and shall, on conviction, be liable to a fine of not less than one million shillings, or to imprisonment for a term of not less than two years, or to both.

Article 106
Offences relating to pollution

1. Any person who—

- a. discharges any dangerous materials, substances, oil, oil mixtures into land, water, air, or aquatic environment contrary to the provisions of this Act;
 - b. pollutes the environment contrary to the provisions of this Act;
 - c. discharges any pollutant into the environment contrary to the provisions of this Act; commits an offence and shall on conviction, be liable to a fine not exceeding five hundred thousand shillings.
2. In addition to any sentence that the Court may impose upon a polluter under subsection (1) of this Section, the Court may direct that person to—
 - a. pay the full cost of cleaning up polluted environment and of removing the pollution;
 - b. clean up the polluted environment and remove the effects of pollution to the satisfaction of the Authority.
3. Without prejudice to the provisions of subsections (1) (2) of this section, the court may direct the polluter to meet the cost of the pollution to any third parties through adequate compensation, restoration or restitution.

Article 107

Offences relating to Environmental restoration orders, Easements, and conservation Orders

1. Any person who:—
 - a. fails, neglects or refuses to comply with an environmental restoration order made under this Act;
 - b. fails, neglects or refuses to comply with an environmental easement, issued under this Act;
 - c. fails, neglects or refuses to comply with an environmental conservation order made under this Act; commits an offence and shall on conviction, be liable to imprisonment for a term not exceeding twelve months, or to a fine not exceeding five hundred thousand shillings, or to both.

Article 108

General penalty

Any person who commits an offence against any provision of this Act or of regulations made thereunder for which no other penalty is specifically provided is liable, upon conviction, to imprisonment for a term of not more than eighteen months or to a fine of not more than three hundred and fifty thousand shillings or to both such fine and imprisonment.

Article 109

Offences by bodies corporate, partnerships, principals and employees

1. When an offence against this Act, is committed by a body corporate and every director or officer of the body corporate who had knowledge of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act, shall be guilty of an offence.
2. Where an offence is committed under this Act by a partnership, every partner or officer of the partnership who had knowledge of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act, commits an offence.
3. A person shall be personally liable for an offence against this Act, whether committed by him on his own account or as an agent or servant of another person.

4. An employer or principal shall be liable for an offence committed by an employee or agent against this Act, unless the employer or principal proves that the offence was committed against his express or standing directions.

Article 110
Forfeiture, cancellation and other orders

1. The Court before which a person is charged for an offence under this Act or any regulations made thereunder may, in addition to any other order:—
 - a. if it is satisfied that an offence was committed notwithstanding that no person has been convicted of the offence; order that the substance, motor vehicle, equipment and appliance or other thing by means whereof the offence concerned was committed or which was used in the commission of the offence be forfeited to the State and be disposed of as the court may direct.
2. In making the order to forfeit under subsection (1) the Court may also order that the cost of disposing of the substance, motor vehicle, equipment, appliance or any other thing provided for in that subsection be borne by the person convicted thereunder.
3. The Court may further order that any license, permit or any authorization given under this Act, and to which the offence relates, be cancelled.
4. The Court may further issue an order requiring that a convicted person restore at his own cost, the environment to as near as it may be to its original state prior to the offence.
5. The court may in addition issue an environmental restoration order against the person convicted in accordance with the provisions of this Act.

Article 111
Power to make regulations

1. The Ministry may, on the recommendation of the Authority and upon consultation with the relevant lead agencies, make regulations prescribing for matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for giving full effect to the provisions of this Act.
2. Regulations made under subsection (2) may—
 - a. make provisions for the issue, amendment and revocation of any licence;
 - b. provide for the charging of fees and levying of charges;
 - c. adopt wholly or in part or with modifications any rules, standards, guidelines, regulations, by laws, codes, instructions, specifications, or administrative procedures prescribed by any lead agency either in force at the time of prescription or publication or as amended from time.

Article 112
Existing laws relative to the environment

Any written law, in force immediately before the coming into force of this Act, relating to the management of the environment shall have effect subject to modifications as may be necessary to give effect to this Act, and where the provisions of any such law conflict with any provisions of this Act, the provisions of this Act shall prevail.

FIRST SCHEDULE (s.4(1)(b), 29(1)(c), (3)(b), 37(1)(b))

Agriculture.

Economic Planning and Development.

Education.

Energy.

Environment.

Finance.

Fisheries.

Foreign Affairs.

Health.

Industry,

Law or Law Enforcement.

Local Government.

Natural Resources.

Public Administration.

Public Works.

Research and Technology.

Tourism.

Water Resources.

SECOND SCHEDULE (s.58(1), (4))

PROJECTS TO UNDERGO ENVIRONMENTAL IMPACT ASSESSMENT

1. General—

- (a) an activity out of character with its surrounding;
 - (b) any structure of a scale not in keeping with its surrounding;
 - (c) major changes in land use.
2. Urban Development including:—
- (a) designation of new townships;
 - (b) establishment of industrial estates;
 - (c) establishment or expansion of recreational areas;
 - (d) establishment or expansion of recreational townships in mountain areas, national parks and game reserves;
 - (e) shopping centres and complexes.
3. Transportation including—
- (a) all major roads;
 - (b) all road in scenic, wooded or mountainous areas and wetlands;
 - (c) railway lines;
 - (d) airports and airfields;
 - (e) oil and gas pipelines;
 - (f) water transport.
4. Dams, rivers and water resources including—
- (a) storage dams, barrages and Piers;
 - (b) river diversions and water transfer between catchments;
 - (c) flood control schemes;
 - (d) drilling for the purpose of utilising ground water resources including geothermal energy.
5. Aerial spraying.
6. Mining, including quarrying and open-cast extraction of—
- (a) precious metals;
 - (b) gemstones;
 - (c) metalliferous ores
 - (d) coal;
 - (e) phosphates;
 - (f) limestone and dolomite;
 - (g) stone and slate;
 - (h) aggregates, sand and gravel;
 - (i) clay;
 - (j) exploration for the production of petroleum in any form.
 - (k) extracting alluvial gold with use of mercury.
7. Forestry related activities including—
- (a) timber harvesting;
 - (b) clearance of forest areas;
 - (c) reforestation and afforestation.
8. Agriculture including—
- (a) large-scale agriculture;
 - (b) use of pesticide;
 - (c) introduction of new crops and animals;
 - (d) use of fertilizers;
 - (e) irrigation.
9. Processing and manufacturing industries including—
- (a) mineral processing, reduction of ores and minerals;
 - (b) smelting and refining of ores and minerals;
 - (c) foundries;
 - (d) brick and earthenware manufacture;
 - (e) cement works and lime processing;
 - (f) glass works
 - (g) fertilizer manufacture or processing;

- (h) explosive plants;
 - (i) oil refineries and petro-chemical works;
 - (j) tanning and dressing of hides and skins;
 - (k) abattoirs and meat-processing plants;
 - (l) chemical works and process plants;
 - (m) brewing and malting;
 - (n) bulk grain processing plants;
 - (o) fish-processing plants;
 - (p) pulp and paper mills;
 - (q) food-processing plants;
 - (r) plants for the manufacture of assembly of motor vehicles;
 - (s) plant for the construction or repair of aircraft or railway equipment;
 - (t) plants for the manufacture or assembly of motor vehicles;
 - (u) plants for the manufacture of tanks, reservoirs and sheet-metal containers;
 - (v) plants for the manufacture of coal briquettes;
 - (w) plant for manufacturing batteries.
10. Electrical infrastructure including—
- (a) Electricity generation stations;
 - (b) Electrical transmission lines;
 - (c) Electrical sub-stations;
 - (d) Pumped-storage schemes.
11. Management of hydrocarbons including—
the storage of natural gas and combustible or explosive fuels.
12. Waste disposal including—
- (a) sites for solid waste disposal;
 - (b) sites for hazardous waste disposal;
 - (c) sewage disposal works;
 - (d) works involving major atmospheric emissions;
 - (e) works emitting offensive odours.
13. Natural conservation areas including—
- (a) creation of national parks, game reserves and buffer zones;
 - (b) establishment of wilderness areas;
 - (c) formulation or modification of forest management policies;
 - (d) formulation or modification of water catchment management policies;
 - (e) policies for the management of ecosystems, especially by use of fire;
 - (f) commercial exploitation of natural fauna and flora;
 - (g) introduction of alien species of fauna and flora into ecosystems.
14. Nuclear Reactors.
15. Major developments in biotechnology including the introduction and testing of genetically modified organisms.

THIRD SCHEDULE (s.37(1)(d), 70(2))

Representatives of the Government Ministries responsible for the following matters:—

- Agriculture;
- Economic Planning and Development;
- Education;
- Energy;
- Environment;
- Finance;
- Fisheries;
- Health;
- Industry;
- Law and Law Enforcement;
- Local Government/Authority;

Natural Resources;
Public Administration;
Public Works;
Research and Technology;
Tourism;
Water Resources;
Lands and Settlement;
Labour;
Information.