

Zambia

Country: [Zambia](#) [1]

EIA Law: Environmental Management Act No. 12 of 2011

Law Link: [Link](#) [2]

EIA Regulations: Environmental Protection and Pollution Control (Environmental Impact Assessment) Regulations, 1997

Regulations Link: [Link](#) [3]

Projects Requiring EIA: Government projects
Private Projects

Abridged Assessments: Yes

Assessment Detail: For certain projects the proponent must prepare a "project brief" that is submitted to the Environmental Council. EIA Regulations, sec. 3. Required content of the project brief is described in section 4 of the EIA Regulations. "If the Council is satisfied that the project will have no significant impact on the environment, or that the project brief discloses sufficient mitigation measures to ensure the acceptability of the anticipated impacts, the Council shall within forty days of receiving the project brief from the developer, issue a decision letter, with conditions as appropriate, to that effect, to the authorising agency." EIA Regulations, sec. 6

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: "Where the Council determines that the project is likely to have a significant impact on the environment, it shall require that an environmental impact statement be prepared in accordance with these Regulations." EIA Regulations, sec. 7(2)

Criteria for Screening: List or appendix of project or activity types
Proposed project or activity may cause significant environmental impact

Criteria for Screening Detail: EIA Regulations, sec. 7 and Second Schedule

Who Prepares EIA: Project Proponent (with or without contractor)

Who Prepares EIA Detail: "An environmental impact statement shall be prepared and paid for by the developer in accordance with terms of reference prepared by the developer in consultation with the Council." EIA Regulations, sec. 8(1)

Who Pays for EIA: Project Proponent

Who Pays for EIA Detail: "An environmental impact statement shall be prepared and paid for by the developer in accordance with terms of reference prepared by the developer in consultation with the Council." EIA Regulations, sec. 8(1)

EIA Contractor Qualifications: Yes

EIA Contractor Qualification Detail: Although there are no specific qualifications listed in the EIA law or regulations, a project proponent must submit the names and qualifications of persons who will be preparing the EIA to the Council for prior approval. EIA Regulations, sec. 9(1). The Council may reject any name that it finds unsuitable along with reasons for the rejection. EIA Regulations, sec. 9(2).

Conflict of Interest: No

Terms of Reference: Yes

Terms of Reference Detail: "[A] developer shall not begin work on preparing the environmental impact statement can begin until the Council has approved the terms of reference." Regs. Part II, Sec. 8(5). The required content of the Terms of Reference is set forth in the Third Schedule to the EIA Regulations.

Days for Decision Maker Review: 20-30 days

Automatic Approval: No

Written Decision: Yes

Written Decision Detail: EIA Regulations, secs. 21, 22 (Council must issue a decision letter)

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: "In issuing its decision letter the Council shall, as the case may be: . . . (b) specify the conditions to be attached, as an Annex to any authorisation license, permit or permission issued to the developer based on an impact management plan provided in an environmental impact statement; Including an activity to schedule to govern implementation of the conditions." Regs. Part V, Sec. 22(1)(b).

Expiry of Decision: 3 years

Expiry of Decision Detail: "If, following the preparation of a project brief or environmental impact assessment, an authorisation licence, permit or permission has been issued but no land preparation or construction work has started within three years, then the developer must re-register with the authorising agency any intention to

develop." EIA Regulations, Sec. 30.

Financial Assurances or Bond: No

Financial Assurances Detail: Financial assurances are not mentioned in the law or regulations.

Interdisciplinary Team: Yes

Interdisciplinary Team Detail: "The developer appoints a co-ordinator for the environmental impact study. The qualification of the co-ordinator depend on the nature of the project." EIA Regulations. Schedule 4. "Together with the co-ordinator, the developer selects the experts that will comprise the team that will undertake the study. Preference should be given to experts with specific knowledge of local or similar conditions. The team shall include at least one person resident in the potentially affected area." EIA Regulations, Schedule 4, Stage 1(3).

Range of Alternatives: Yes

Range of Alternatives Detail: EIA Regulations, secs. 11(a), (g)

No Action Alternative: No

No Action Alternative Detail: EIA Regulations, sec. 11

Type(s) of Impact Analysis: Direct environmental impacts

Cumulative environmental impacts

Social impacts

Cultural impacts

Economic impacts

Mitigation: Yes

Mitigation Detail: The EIA shall contain "an impact management plan containing a description of measures proposed for preventing, minimising or compensating for any adverse impact, and enhancing beneficial effects, and measures to monitor effluent streams or important environmental features that may be affected by the project" EIA Regulations, sec. 11; see also Guidelines, Fourth Schedule.

Monitoring Plans: Yes

Monitoring Plans Detail: The EIA shall contain "an impact management plan containing a description of measures proposed for preventing, minimising or compensating for any adverse impact, and enhancing beneficial effects, and measures to monitor effluent streams or important environmental features that may be affected by the project" EIA Regulations, sec. 11; see also Guidelines, Fourth Schedule.

Public Notice of Draft EIA: No

Draft EIA Available: No

Draft EIA Locations: Not available

Public Notice of Final EIA: Yes

Public Notice of Final EIA Detail: The Council shall "place a notification in at least two national newspapers three times per week for two consecutive weeks and broadcast a notification on national radio, detailing the place and times where copies of an environmental impact statement are available for inspection and the procedure for submitting comments." EIA Regulations, Sec. 16(1).

Final EIA Available: Yes

Final EIA Available Detail: The Council shall "distribute copies of an environmental impact statement to relevant ministries, local government units, parastals, non-governmental and community-based organisations, interested and affected parties" and shall place copies of the EIA "in public buildings in the vicinity of the site of the proposed project." EIA Regulations, sec. 16

Final EIA Locations: Agency or ministry office

Local government office

Other

Availability of Reference Studies: Yes

Availability of Reference Studies Detail: "Any project brief, environmental impact statement, terms of reference, public comments, report of the person presiding at a public hearing, decision letter or any other information submitted to the Council under these Regulations shall be public documents." EIA Regulations, sec. 26(1).

Public Notice of Final Decision: Yes

Public Notice of Final Decision Detail: "A decision of the Council under this part shall be communicated to all parties concerned, within fifteen days of the decision." EIA Regulations, sec. 23. "Any project brief, environmental impact statement, terms of reference, public comments, report of the person presiding at a public hearing, decision letter or any other information submitted to the Council under these Regulations shall be public documents." EIA Regulations, sec. 26(1).

Public Scoping: Yes

Public Scoping Detail: "To ensure that public views are taken into account during the preparation of the terms of reference, the developer shall organise a public consultation process, involving Government agencies, local authorities, non-governmental and community-based organi

Public Review of TOR: Yes

Public Review of TOR Detail: Members of the public are consulted during preparation of the terms of reference (TOR); however, the public does not have access to a draft TOR before it is made final.

Public Participation Opportunities: Scoping

Terms of reference

Public Meetings and/or public hearings

Public Meetings: Yes

Public Meetings Detail: The project proponent shall "hold meetings with the affected community in order to present information on the project and obtain the views of those consulted." EIA Regulations, sec. 10(b)

Public Input at Meeting: Yes

Public Input at Meeting Detail: The project proponent shall "hold meetings with the affected community in order to present information on the project and obtain the views of those consulted." EIA Regulations, sec. 10(b). "Any person may attend a public hearing, either in person or through a representative, and make presentations: Provided that the person presiding at the public hearing shall have the right to disallow frivolous and vexatious presentations, which lead to the abuse of the process." EIA Regulations, sec. 19(1).

Criteria to Hold Public Meeting: Ministry or agency has discretion to decide whether to hold a meeting and/or hearing

Days for Public to Review Final EIA: 20-35 days

Public Comments on Draft EIA: No

Public Comments on Final EIA: Yes

Public Comments on Final EIA Detail: "Any person wishing to make a comment on any copy of an environmental impact statement shall send comments to the Council, within twenty days from the date of the last notification" EIA Regulations, sec. 16(3)

Response to Public Comments: Yes

Response to Public Comments Detail: "In making a decision regarding an environmental impact statement under these Regulations, the Council shall take into account: . . . (b) the comments made under regulations 15 and 16." EIA Regulations, sec. (20(1)(b).

Facilitation of Public Participation: Yes

Facilitation of Public Participation Detail: "The public hearing shall be conducted at a venue which shall be convenient and accessible to those persons who are likely to be specifically affected by the project." EIA Regulations, sec. 24(3). The project proponent shall "publicise the intended project, its effects and benefits, in the mass media, in a language understood by the community. . . ." EIA Regulations, sec. 10(2)(a).

Citizen Administrative Review: Yes

Citizen Administrative Review Detail: "If any party is aggrieved by the decision of the Council, that party may, in writing, appeal to the Minister against the decision of the Council within a period of ten days after receipt of the decision letter from the Council." EIA Regulations, sec. 24(1).

Citizen Judicial Review: Yes

Citizen Judicial Review Detail: "If the aggrieved party is not content with a decision of the Minister, he may appeal to the High Court." EIA Regulations, Sec. 24(3).

Project Monitoring: Yes

Project Monitoring Detail: "Subject to sub-regulation 3, the development shall undertake an environmental audit of the project within a period of not less than twelve months and not more than thirty six months after the completion of the project or the commencement of its operations, whichever is earlier." EIA Regulations, sec. 28(2).

Enforceability of EIA: No

Enforceability of Permit: No

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