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## Advice of the Secretariat

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**From** Arend Kolhoff and Roel Slootweg

**Date** 6 December 2007

**Subject** **Comments ToR for ESIA for Water sector support program (WSSP) in Yemen by the Netherlands Commission for Environmental Assessment**

Secretariat of the Netherlands Commission for Environmental assessment, Arend Kolhoff and Roel Slootweg

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### **1. Information on the program – starting point for assessing the ToR**

To assess the ToR it would be helpful to have more information on the proposed program.

- Is it known where, in which basins the project (components) will be implemented?
- In case it is not yet known, what criteria are used for selection of the sites?
- In the ideal situation an existing basin plan should provide the framework for impact assessment of activities proposed under the WSSP. Because an adequate basin plan includes a water balance and that provides the necessary information for developing, assessing and comparing the environmental and socio-economic impacts for these alternatives.

### **2. Impacts of the program**

Component 1 refers to increase coverage of water supply services in urban areas; component 2 will achieve rapid expansion of water supply in rural communities; component 3 refers to improvement of farmers' livelihood by ensuring quantitative resources sustainability. In other words, more water will be needed. The document evades the question how water resources management can be sustainable in a situation where overexploitation already is persistent (component 4).

### **3. Ambitions with ESIA and Social Assessment**

Application of ESIA and SA can serve different ambition levels. The tools can be applied to mitigate negative environmental and social impacts (less ambitious) during the implementation of the proposed program. It is also possible to be more ambitious and use these tools to develop a program that contributes towards a more (triple P) sustainable development.

I recommend to aim for the second ambition level because the WSSP is a large program and has significant impact on the water balance in Water stressed Yemen. As a consequence integrated (sustainable) alternatives preferably at (sub)basin level should be developed and compared.

### **4. Scope of study**

The study area and the geographic scale of the study are not clear. I assume that the water sector support program will be implemented all over in Yemen and as a consequence the study area is nearly the entire country. How to develop alternatives and assess impacts at that scale? In principle one can choose for two levels of scale for this study, the national level and the wadi basin level.

**Basin level;** In my view the preferred level of study is the basin level. Because a more sustainable water use can best be achieved / managed at (sub) basin level. Water management in Yemen is more and more organized at wadi basin level. For a growing number of wadis, water basin management plans are developed aiming to steer developments that influence the water balance in a basin. The wadi basin level is therefore the best geographic scale for this impact assessment study. And the planned assessment studies and the implementation can support this process of water management planning at basin level.

Especially, when it is known where and in which basins the program will be implemented?

It is stated that the study will be based upon existing data and I support this approach for a study of this magnitude. However, there is a great difference between data availability on the water balance for the different wadi basins. For some basins a water balance do and for others they do not exist. Sustainability of water use differs considerably between the basins. I do understand that it might not be possible to wait for the preparation of basin plans for all basin before starting the implementation of the program. It might be possible to categorize the basins into three categories of sustainable water use (over-exploitation, balanced exploitation and under-exploitation). Categorization raises the awareness that the impacts caused by implementation of comparable activities might differ considerably between basins.

**National level;** An assessment of the impacts of the proposed program at national level limits the scope of the study as well as the added value. At national level it is not possible to link proposed activities towards the influence of program implementation on basin specific water balances. At

national level it is possible to compare alternatives at a more abstract level and that could result in a review framework for assessing program activities.

## **5. Institutional capacities**

Only institutional capacity of EPA is assessed (page 3, point k). I recommend a similar assessment within other departments involved in the programme. They should be able to monitor and manage their programmes in such a manner that they can take into account social and environmental issues. Furthermore, the implementation of the programme involves the preparation of EIAs for various activities, so minimal capacity should be available at these departments to understand the Yemen EIA system, prepare ToRs, assess the quality of consultants to perform EIA, monitor their work, negotiate with EPA about the final ToRs for studies, and act upon the result of EIA review, implement mitigation measures, etc. (For example, up to this moment MAI has never submitted a request to EPA for ToR / Review for any of the dams they have built, over a period of 12 years of existence of the EIA law!)

It is recommended to meet the legal EIA requirements (Yemeni EIA legislation) and this means consultation with EPA on scoping, approval of scoping by EPA and reviewing by EPA as well. This approach will strengthen the capacity and the position of EPA for future assessments.

## **6. One instead of two procedures**

In the ToR it is proposed to carry out an Environmental and Social Impact Assessment study as well as a Social Assessment study. It is recommended to integrate the procedures for both studies into one procedure because:

Impacts of this program should be studied in an integrated way. People living in a basin all rely on the water of that basin and impact on the water balance and quality will directly have an impact on the people via quality and availability of water for domestic and agricultural purposes. It is our experience that inter-linkages between different compartments (environmental-, social-, economic- and institutional aspects) are better studied and assessed in case of one procedure.

From communication point of view it is important to present a clear procedure including opportunities for public consultation. The people, in general perceive their living environment as one environment and they do not understand a distinction between two procedures.

## **7. ESIA and Social Assessment**

ToR are generic and leave much to the consultant to be determined. More guidance is needed to determine the level of detail at which the ESIA can be prepared. This ToR provides room for endless debate on the quality of the process and the information. Some examples:

Scope of work (page 3): baseline conditions. There is a great lack of historical monitoring data on water flows, aquifers, actual water use, etc. The escape provided in the ToR is to engage local expertise; this is too general. A consultant will never be able to do the job in an acceptable way, given the great controversies on water use, for example between MAI and MWE, or

North and South. There will always be room for criticism, since the consultant will not be able to visit and speak with farmers in all villages.

Public consultation (page 4): similar problem. Local stakeholders and program-affected people have to be consulted during scoping and review. This of course is much too general a statement. At this level of assessment (geographic scale) it is impossible to organise a representative sample of directly affected people (men and women). The ToR should provide guidance on the type of stakeholders that realistically can be consulted (so provide an indication whom should minimally be involved)

Time frame (4 months) is short for such a broad programme, potentially affecting all inhabited regions of the country, and only having minimal information available. The organisation of two rounds of public consultation within this time frame is unrealistic, if one considers it preferable to have regional consultations in some key areas throughout the country (think of translation requirements of reports etc.).

I see no specific gender attention in the entire ESIA ToR. Yet, Yemen is not a country where men and women have equal access to information, resources, education, decision making, etc. etc. The specific role of women in the water sector and the need to pay particular attention to this aspect has to be highlighted somewhere.

### **8. Resettlement policy framework**

The Resettlement Policy Framework is greatly needed to provide consistency in how people are treated in case of involuntary resettlement. Shouldn't, apart from land rights, also water rights be included in this framework? Land without water is of no value in Yemen; upstream water resources development without taking into account downstream water rights could be an issue to be included in the RPF ?

The ToR does not provide guidance on how to guarantee the rights and access to information for illiterate people, and how to involve these.

### **9. Strategic environmental assessment (SEA)**

In fact the proposed impact assessments can be considered as a Strategic Environmental Assessment, due to the type and the geographic scale of the program. SEA is a tool to support strategic decision making and can include environmental-, social-, economic- and institutional aspects. The advantage of doing an SEA is that it provides the opportunity to integrate the two proposed ESIA and SA. Another advantage is that an SEA will facilitate the execution of ESIA at project level saving time and money.