



GUIDELINES FOR STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) IN UGANDA

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EXECUTIVE SUMMARY

To ensure environmental, health and social considerations are taken into account, established environmental and social assessment tools at the project level need to be complemented by approaches fully adapted to policies, plans and programmes. Strategic Environmental Assessment (SEA) meets this need.

SEA provides a practical and direct means of progressing the Green Growth Development Strategy and Sustainable Development Goals. Indeed, the National Development Plan (NDP III) provides for the achievement of sustainability goals embedded in these macro-economic strategic documents.

A well developed and pragmatic policy, plan or programme must be alive to environmental, health and social issues which are at the heart of strategic thinking. SEA refers to a range of “analytical and participatory approaches that aim to integrate environmental, health and social considerations into policies, plans and programmes and evaluate the inter linkages with economic and other strategic considerations”. SEA can be described as a family of approaches which use a variety of tools, rather than a single, fixed and prescriptive approach. A good SEA is adapted and tailor-made to the context in which it is applied.

SEA is applied at the very earliest stages of decision-making both to help formulate policies, plans and programmes and to assess their potential development effectiveness and sustainability. This distinguishes SEA from more traditional environmental assessment tools, such as Environmental and Social Impact Assessment (ESIA), which have a proven track record in addressing the environmental threats and opportunities of specific projects but are less easily applied to policies, plans and programmes. SEA is not a substitute for, but complements, ESIA and other assessment approaches and tools.

Applying SEA to policies, plans and programmes provides the environmental and social evidence to support more informed decision making, and helps to identify new opportunities by encouraging a systematic and thorough examination of development options. SEA helps to ensure that the prudent management of environmental resources, protection of human health and taking into account social issues, provide the foundation for sustainable economic growth. SEA can also assist in building stakeholder engagement for improved governance, facilitating transboundary cooperation around shared environmental resources, and contributing to conflict prevention.

The Government of Uganda is committed to sustainable development. Decision makers at all levels must be able to take economic, social and environmental considerations into account in order to make informed decisions in support of sustainable development.

Strategic environmental assessment incorporates environmental, health and social considerations into the development of public policies, plans, programmes and other strategic decisions. Strategic environmental assessment also serves to strengthen accountability and to provide greater public confidence that Government decisions are being made in full awareness of the potential environmental, health and social impact.

Through strategic environmental assessment, environmental, health and social considerations can be addressed at the earliest appropriate stage of planning and decision making, along with economic and other strategic considerations.

By addressing potential environmental, health and social considerations when developing or reviewing a policy, plan or programme, ministries, departments and agencies of government will be better able to:

- a. Optimize positive environmental, health and social effects and minimize or mitigate negative environmental, health and social effects;
- b. Consider potential cumulative environmental, health and social effects;
- c. Implement the country's green growth strategy and sustainable development goals;
- d. Save time and money by drawing attention to potential liabilities for environmental clean-up and other unforeseen health and social concerns;
- e. Streamline project-level environmental and social assessment by eliminating the need to address some issues at the project stage;
- f. Promote accountability and credibility among the general public and stakeholders; and
- g. Contribute to broader governmental policy commitments and obligations.

Strategic environmental assessment is not an add-on process, but one linked with the ongoing economic and social analyses underway. An effective strategic environmental assessment cannot be done in isolation or after the fact. The analysis of the environmental, health and social considerations should be undertaken on an iterative basis throughout the policy, plan or programme development or review process and it should be fully integrated into the analysis of each of the options developed. The end result of this is that the consequences of alternative proposals can be compared. The final recommendation should be informed by the results of the strategic environmental assessment.

ACKNOWLEDGEMENTS

The National Environment Management Authority (NEMA) with pleasure presents the Strategic Environmental Assessment (SEA) Guidelines 2020.

The preparation of the SEA Guidelines was a concerted effort involving a number of stakeholders including, Ministries Departments and Agencies (MDAs), private sector and civil society organizations, without whom it would not have been possible to make such comprehensive and streamlined guidelines.

NEMA in particular appreciates the technical/core working group that developed the initial content for the guidelines and worked tirelessly to refine the document until its completion. The group's invaluable contribution is much appreciated.

Of special mention is the staff from NEMA, the First Parliamentary Counsel of the Ministry of Justice and Constitutional Affairs, the Ministry of Water and Environment, the Ministry of Energy and Mineral Development, the Petroleum Authority of Uganda and the Ministry of Works and Transport.

Special gratitude is extended to Ms. Christine Akello Echokit, the Deputy Executive Director of NEMA for her commitment and dedication to leading the technical team in accomplishing these guidelines.

Valuable financial support and technical guidance was received from the Norwegian Environment Agency. Appreciation is also extended to the technical assistance received from various SEA experts from NIRAS, Chalmers University and the Netherlands Commission for Environmental Assessment (NCEA).

It is my hope that the Ministries Departments and Agencies of government will utilise the guidelines in guiding the general conduct and practice of SEA in the country. This will go a long way in ensuring that policies, plans and programmes take into account environmental, health and social issues in their formulation and implementation. If that is done, then the country will be on the path to strategic environmental planning, leading to sustainable development.

.....
Prof. Sandy Stevens Tickodri-Togboa
Chairman, NEMA Board

“Authority” means the National Environment Management Authority established under the National Environment Act, No. 5 of 2019.

“Mitigation measures” mean actions to avoid, reduce, control or offset the potential adverse environmental and socio-economic consequences of a policy, plan or programme, and include engineering works, technological improvements, management measures and restitution through replacement, restoration, compensation or any other means, to minimise harm to human health or the environment;

“Plan” means a purposeful, forward-looking strategy or design, often with coordinated priorities, options and measures that elaborate and implement policy;

“Policy” means a general course of action or proposed overall direction, with defined goals, objectives and priorities, that a government is or will be pursuing and which guides decision-making;

“Programme” means a coherent, organised agenda or schedule of commitments, proposals, instruments and activities that elaborates and implements policy;

“Project” means the execution of construction or renovation work or other developments, installations, schemes, activities or other interventions in the natural surroundings and landscape which may have an impact on human health and the environment;

“Regulatory impact assessment” means an assessment of the likely impacts of policy, law or regulation options in terms of costs, benefits and the risks of a proposal.

“Scoping” means a process of determining the extent and details of a strategic environmental assessment, including identification of significant strategic issues and impacts;

“Screening” means the classification of proposed policies, plans and programmes that should be subjected to a strategic environmental assessment;

“Stakeholders” means persons or institutions interested in, affected, likely to be affected by or who influence the implementation of a policy, plan or programme.

“Strategic environmental assessment” means the systematic and comprehensive process of evaluating the likely environmental, health and social consequences of a policy, plan or programme and its alternatives to ensure that these consequences are integrated and appropriately addressed at the earliest stage of decision making with the same importance as economic and other strategic considerations;

“Sustainable development” means development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs.

“Transboundary impacts” means an environment, health or social impact of a proposed policy, plan or programme on another state.

LIST OF ABBREVIATIONS AND ACRONYMS

ESIA Environmental and Social Impact Assessment.

NEMA National Environment Management Authority.

NGO Non-Governmental Organisation.

RIA Regulatory Impact Assessment.

SEA Strategic Environmental Assessment.

INTRODUCTION TO STRATEGIC ENVIRONMENTAL ASSESSMENT

1.0 Background

Strategic environmental assessment (SEA) is the systematic and participatory process of evaluating the likely environmental, health and social consequences of proposed policy, plan or programme initiatives and alternatives, to ensure that they are integrated and appropriately addressed at the earliest stage of decision making in line with economic, environmental, health and social considerations.

The concept of strategic environmental assessments originated from regional development/land-use planning in the developed countries. In 1981, the United States Housing and Urban Development Department published the Area-wide Impact Assessment Guidebook. In Europe, the Convention on Environmental Impact Assessment in a Transboundary Context, the so-called Espoo Convention laid the foundations for the introduction of SEA in 1991. In 2003, the Espoo Convention was supplemented by a Protocol on Strategic Environmental Assessment. The European SEA Directive 2001/42/EC required that all member states of the European Union should have ratified and integrated the Directive into their own country's law by 21st July, 2004.

In Uganda, the National Development Plan III (2020/21 – 2024/25) provides the national development planning framework that forms the basis for the development of sector-wide strategies and plans. Sector-wide strategies and plans should ideally be informed by SEA; however, until the National Environment Act, 2019, SEA in Uganda was largely voluntary and limited to the requirements of development partners.

1.1 Scope and objectives

These Guidelines are designed to support ministries, departments and agencies (MDAs) of Government as well as practitioners when undertaking SEA. The Guidelines will support operationalization of

the relevant provisions under the National Environment Act, 2019 and the National Environment (Strategic Environmental Assessment) Regulations, 2020.

The guidance is targeted to the various actors in the planning process including:

- ✱ MDAs responsible for the particular policies, plans and programmes;
- ✱ SEA and other relevant expert teams/ practitioners who carry out the analysis and studies for assessment of the policies, plans and programmes;
- ✱ MDAs that will contribute to the SEA process, as well as monitoring and evaluation.

These Guidelines are intended to:

- (a). set up general methodology and the related practical procedures for undertaking SEA in order to strengthen and improve the planning processes at strategic level;
- (b). enable the ministries, departments and agencies of government (MDAs) to appreciate and incorporate SEA approaches, process and practical procedures into their planning and decision making;
- (c). enable identification of potential opportunities and impacts that SEA presents during implementation of policies, plans or programmes at early stages of planning and decision making;
- (d). ensure the considerations of alternatives to policy, plan or programme options, including the do-nothing option, as early as possible when the MDA is able to exercise greater flexibility; and
- (e). put in place measures for the prevention and mitigation actions in the policies, plans or programmes, and for use of these measures as justifications for making decisions on environmental and

social impact assessment.

1.2 Relationship between Strategic Environmental Assessment and Environmental and Social Impact Assessment

Strategic environmental assessment (SEA) is a family of approaches, which uses a variety of tools, rather than a single, fixed and prescriptive approach. The SEA process identifies, describes and evaluates likely environmental, health and social consequences of, and/or opportunities for a policy, plan or programme which may be secondary, cumulative or synergistic, in the short, medium and long term.

SEA is undertaken much earlier in the decision-making process than environmental and social impact assessment (ESIA), and is, therefore, seen as a key planning tool for sustainable development. SEA compliments rather than replaces ESIA.

The relationship between SEA and ESIA is summarised in Table 1.1.

Table 1.1. Relationship between SEA and ESIA

SEA	ESIA
Applies to policies, plans and programmes.	Applies to specific projects.
Ideally takes place at the earliest stage of decision making for policies, plans and programmes as a planning tool.	Takes place at the earliest stage of project planning.
Focuses on decisions regarding the implications of policies, plans and programmes which should inform decisions at project level.	Focuses on decisions regarding projects which should conform to relevant policies, plans or programmes.
Integrates environmental, health and social considerations into the preparation and adoption of policies, plans and programmes for sustainable development.	Identifies and assesses specific social and environmental impacts arising from implementation and operation of projects.

Emphasises meeting balanced environmental, health, social and economic objectives in policies, plans and programmes, including identifying macro-level development outcomes.	Emphasises mitigating environmental and social impacts of a specific project, but with identification of some project opportunities, among others.
Considers a broad range of potential alternative scenarios.	Considers specific project alternatives.
Inherently incorporates consideration of cumulative impacts on a vast geographical area or multiple projects.	Reviews cumulative impacts, often limited to phases of a specific project or selected projects. Does not usually cover regional-scale developments or multiple projects.

Adopted and revised from OECD

1.3 Rationale for SEA

SEA is intended to achieve the aspects below:

1. To inform, influence, integrate and improve decision-making by:
 - (a) identifying environmental, health and social effects of proposed actions of policies, plans and programmes;
 - (b) considering alternatives, including the best practicable environmental and social option;
 - (c) proposing appropriate mitigation measures.

2. To contribute to sustainable development by:
 - (a) anticipating and preventing negative environmental, health and social effects of a policy, plan or programme;
 - (b) identifying and integrating environmental and social opportunities into a policy, plan or programme;
 - (c) enabling early warning of cumulative effects and global risks;
 - (d) establishing safeguards based on principles of sustainable development.

3. To reinforce project ESIA by:
 - (a). prior identification of scope of potential impacts and information needs;

- (b). addressing strategic issues and considerations related to justification of proposals;
- (c). undertaking SEA at landscape level or a given geographical area.

1.4 Principles of SEA

In order to be effective, SEA needs to meet the purpose it is designed for and the goals of the policy, plan or programme.

Principles of SEA include:

- (a). Decision-centredness. SEA should provide sound information in a form appropriate to the level of decision-making.
- (b). Early integration. The consideration of environmental, health and social impacts should begin early in the conceptual planning stages of policies, plans or programmes, before irreversible decisions are made. In this way, SEA can support the analysis of options and identification of issues that may require further consideration.
- (c). Examination of alternative scenarios. A critical aspect of SEA is the opportunity to evaluate and compare the environmental, health and social impacts of alternative scenarios in the development or review of a policy, plan or programme. This comparison will enable modifications or changes to be made to the policy, plan or programme early enough. It will also help identify how modifications or changes to the policy, plan or programme can reduce environmental, health and social risk.
- (d). Flexibility. The SEA process should be flexible and adaptable to planning. MDAs are encouraged to adopt and refine analytical methodologies and tools to address their peculiar needs.
- (e). Self-assessment. Each MDA is responsible for applying SEA to its proposed policies, plans and programmes as appropriate; determining how a SEA should be conducted, undertaking it, and reporting on the findings. The MDA is presented with the opportunity to assess the performance of its policies, plans or

programmes vis-a-vis the SEA.

- (f). Appropriate level of analysis. The scope of the analysis should be commensurate to the level of anticipated environmental, health and social effects.
- (g). Accountability. SEA should be part of an open and accountable decision-making process. Accountability should be promoted through the involvement of the affected individuals, institutions, and organisations, as appropriate, and through documentation and reporting mechanisms.
- (h). Stakeholder participation. SEA should provide an opportunity for stakeholder involvement that is appropriate to the level and issues of decision-making.
- (i). Cost effectiveness. Appropriate and cost effective methods and techniques of analysis should be integrated in the SEA. The MDAs should gather information with the detail necessary for sound decision making.
- (j). Use of existing mechanisms. In conducting a SEA, MDAs should use existing assessment mechanisms to conduct any analysis of environmental, health and social effects, involve the public if required, evaluate performance and report the results. Existing reporting mechanisms should also be used to issue statements of environmental, health and social effects.

1.5 **The relationship of SEA with other policy appraisal approaches and supporting tools**

During the conduct of a SEA, there is a need for MDAs to recognise, link with and, where feasible, reinforce other policy appraisal approaches used to shape development policies, plans and programmes. This will help ensure that environmental, health and social considerations are not overlooked and that SEA helps in underscoring the sustainability of their outcomes.

1.6 Linking SEA and decision-making process

SEA should be started early in the process of developing the strategic action and should influence the policy, plan or programme making process from the beginning to the end before the adoption of the policy, plan or programme.

For this purpose, therefore, the following should be noted:

- (a). When setting the context, SEA should help to identify constraints and opportunities of the policy, plan or programme;
- (b). When identifying strategic actions to be undertaken, SEA should help to identify and inform the choice of alternatives.
- (c). As details of the strategic action are being finalised, SEA should identify measures for avoidance, minimization or mitigation of negative effects of the policy, plan or programme and optimising its positive effects; and
- (d). After adoption of the strategic action, the SEA should contain a monitoring mechanism to ensure that the strategic action is implemented well and modified if necessary;

The linkage between SEA and decision making has a number of benefits, some of which are summarized in Text Box 1.1 below.

Text Box 1.1. SEA benefits at a glance

- * SEA can safeguard the environmental assets and opportunities upon which all people depend, particularly the poor, and so promote sustainable poverty alleviation, wealth creation and development.
- * SEA can improve decision making related to policies, plans and programmes, and thus improve development outcomes by:
 1. Supporting the integration of environment and development.
 2. Providing environmental-based evidence to support informed decisions.
 3. Improving the identification of new opportunities and better alternatives.
 4. Preventing costly mistakes.
 5. Building public engagement in decision making for improved governance.
 6. Facilitating transboundary co-operation.

Adopted from OECD

1.7 Approaches to strategic environmental assessment

The MDA responsible for a policy, plan or programme shall choose from any one of the recommended SEA approaches depending on the stage of development of the policy, plan or programme. All SEAs should, however, be conducted in a timely and thorough manner. Best efforts should be made to anticipate the need for and complete a SEA well in advance of the completion of a proposed policy, plan or programme.

The following approaches to SEA are recommended:

1. Proactive models

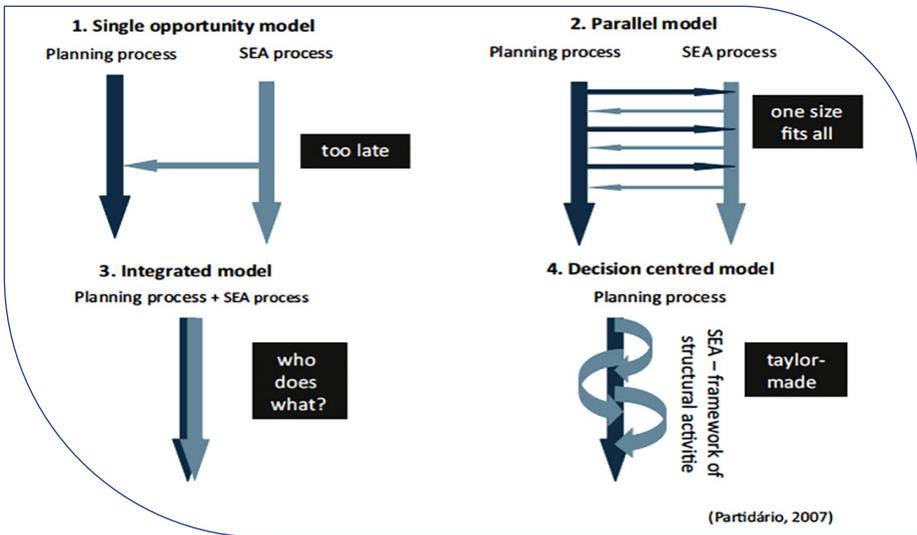
- (a). Where an integrated model is used, environmental, health and social concerns are identified and integrated during formulation of a policy, plan or programme.
- (b). A parallel model also known as a proactive parallel assessment model is used when the policy, plan, or programme is under formulation at the same time as the SEA is being undertaken.
- (c). In a decision-centred model (tailor-made), there is no distinct

SEA process undertaken; however, the environmental, health and social concerns are integrated during formulation of a policy, plan or programme.

The advantage of a pro-active model is that it enables identification, from the outset, of environmental and social objectives to be achieved in the policy, plan or programme (by, for example, providing and including better alternatives).

2. Reactive model

A single opportunity model or reactive assessment model is used when updating an existing policy, plan, or programme under review in order to integrate environmental, health and social concerns.



1.8 Policy, legal and institutional framework for SEA

SEA enables achievement of the goals of international treaties and contributes to the achievement of the sustainable development goals and Uganda’s development strategies.

The policy framework for SEA in Uganda is provided for by the National Environment Management Policy, 2019 and sectoral policies. The legal basis for SEA is provided by the National Environment Act, 2019 and the National Environment (Strategic Environment Assessment) Regulations, 2020. The MDA is required by these laws to undertake a SEA under their respective mandates. These Guidelines should,

therefore, be read and applied in tandem with these laws.

The MDA responsible for the policy, plan or programme is equally responsible for the SEA of that policy, plan or programme. For this purpose, the MDA is required to constitute a multi-sectoral technical committee in accordance with National Environment (Strategic Environment Assessment) Regulations, 2020. Stakeholder consultations are a key component of this process.

1.9 Structure of Strategic Environmental Assessment

The structure of SEA is based on the following phases:

- (a). Screening - to investigate whether the policy, plan or programme falls under the SEA legal framework and to undertake preliminary investigations regarding SEA requirements for it.
- (b). Scoping - to define the boundaries of investigation, including assessment of environmental and social issues and opportunities, alternatives, and assumptions required.
- (c). Documentation of the state of the environment and social context - to establish a baseline on which to base judgments. This takes place throughout the SEA process.
- (d). Determination of the likely environmental, health and social impacts - usually to guide the direction of the SEA. The level of detail required depends on the stage of the SEA.
- (e). Informing and consulting - this involves consultations with institutions with a mandate on environmental, health and social issues as well as similar institutions in countries where a policy, plan or programme may have transboundary effects, and the public.
- (f). Influencing “Decision-making” - Decision-making for the policy, plan or programme should be based on the assessment.
- (g). Monitoring and Evaluation - this applies to monitoring the effects of policies, plans and programmes after their implementation and evaluating their effectiveness.

SCREENING AND SCOPING FOR STRATEGIC ENVIRONMENTAL ASSESSMENT

2.0 Introduction

As early as possible in the development or review of a policy, plan or programme, ministries, departments and agencies (MDAs) of Government are responsible for determining whether important environmental, health and social impacts are likely to arise from implementing the proposed or existing policy, plan or programme. The focus should be on identifying strategic considerations at a relatively general or conceptual level, rather than evaluating detailed environmental, health and social impacts, as in a project-level assessment.

There is no single 'best' methodology for conducting a SEA for a proposed policy, plan or programme. MDAs shall apply appropriate methods tailored to particular needs and circumstances; however, general procedural steps are listed below.

2.1 Screening

It is not always initially known whether a policy, plan or programme will have important environmental, health and social impacts. The process of quickly identifying potential significant environmental, health or social impacts, whether they are positive or negative, is referred to as "screening." Integral to this, will be establishing the objectives of the SEA: how does it intend to improve the planning process; what is its role?

SEA will not be required for a policy, plan or programme where its sole purpose is to serve national defence or emergencies: or a financial or budget policy, plan or programme. In addition, where the policy, plan or programme has previously been assessed for its environmental, health and social impacts, a SEA may not be required.

SEA is designed to explore and evaluate suitable alternatives. The sooner a SEA is introduced to formulation of policies, plans and programmes, the better the chances are to identify opportunities and influence outcomes.

During the screening process, the MDA needs to identify issues for consideration using the Form set out in Schedule 2 to the National Environment (Strategic Environmental Assessment) Regulations, 2020.

Screening involves identifying key resources and consulting a variety of experts to identify if any significant environmental, health or social impacts may result from a policy, plan or programme.

To conduct a screening of a proposed policy, plan or programme or one under review, the analyst may use a variety of tools, including matrices, checklists and experts available within the MDA responsible for the policy, plan or programme and from other ministries, departments and agencies. It is strongly recommended that the environment specialists in the MDA are involved in this process.

2.1.1 Identifying environmental, health and social issues

Identifying environmental, health and social issues is an opportunity to define key issues and improve the SEA objectives. The responsible MDA should be aware of many environmental, health and social impacts which they currently face.

It is important, however, to look for any potential issues, on the basis of:

- (a). earlier experience with issues identified in other policies, plans and programmes;
- (b). identification of possible differences with other policies, plans, programmes and environmental protection objectives;
- (c). identification of possible differences between the past and current baseline conditions and existing objectives, targets or obligations; and

- (d). consultation with institutions that have a mandate or stake in environmental, health or social aspects, stakeholders and members of the public.

From the outset, it is also important to ensure that environmental, health and social impacts associated with any policy, plan or programme which may seem detrimental are minimized and/or avoided.

2.1.2 Stakeholder consultations

Stakeholder consultations may be part of the screening for SEA. This can be combined with the consultations for the proposed policy, plan or programme. Questions that can be asked as part of the screening process, to determine if an SEA is required, are presented in the Text Box 2.1. The questions can help in the conduct of the screening process and in enabling the MDA to appreciate the content of the Screening Form outlined in Schedule 2 to the National Environment (Strategic Environmental Assessment) Regulations, 2020. Further detail on stakeholder engagement can be found in section 3.10 and chapter 4.

This information will help establish whether or not there is a need to conduct a SEA for the particular policy, plan or programme.

2.1.3 Screening Form

In cases where the screening indicates that the implementation of the proposed policy, plan or programme will not result in important environmental, health or social impacts, these findings and the reasons for not requiring a SEA shall be included in a screening Form outlined in Schedule 2 to the National Environment (Strategic Environmental Assessment) Regulations, 2020. The screening report should accompany the proposed policy, plan, or programme as it moves through the MDA approval process. In any case, the findings and conclusions, including the reasons for not requiring a SEA shall be made available to the public.

If the screening indicates that the implementation of the proposed policy, plan or programme may result in significant environmental, health or social impacts, whether positive or negative, a SEA should be conducted. Text Box 2.1 indicates screening questions to determine if a SEA is required and can thus facilitate the required descriptions in the Screening Form referred to above.

As a result of the screening, there will be an enhanced understanding of the environmental, health or social issues, their magnitude, scope, scale and possible cumulative effects. The information will help estimate the level of effort required to complete the SEA, including to establish the context for the SEA objectives, outcomes and SEA recommendations.

Text Box 2.1. Screening to determine if a SEA is required

The following questions can be used for screening:

1. What is the content of the proposed policy, plan or programme?
 - a) Is the proposed policy, plan or programme concerned primarily with strategic/broad general direction(s)?
 - b) Or does the policy, plan or programme address specific issues, include operational measures (e.g. projects)?
2. What is the focus of the proposed policy, plan or programme? What area or sector is targeted?
 - a). Is the sector known to have, or is it likely to cause, environmental, health or social effects (e.g. energy, transportation, housing, agriculture)?
 - b). Are there components which are likely to have cumulative or long-term consequences for the environment, health or society?
3. What are the resource needs and sources of funds for the proposed policy, plan or programme, including the SEA should it be conducted?
4. What environmental, health or social considerations are raised by the proposed policy, plan or programme?
Does it appear likely to:
 - a) . Initiate activities that will have direct or evident environmental, health or social impacts?
 - b). Raise broad environmental, health or social implications and/or issues that should be addressed?
 - c). Have little or no environmental, health or social consequences?
5. If there are environmental, health or social considerations, what are the perceived social benefits of the policy, plan or programme?
6. Which relevant authorities are being/to be consulted and at what stage(s) in the screening process?
7. What considerations are there for public consultations? Who will be consulted and at what stage in the screening process?

Sadler and Verheem, 1996.

When the screening form is completed, it shall be submitted to the multi-sectoral technical committee set up by the MDA responsible for the policy, plan or programme in accordance with regulation 8 of the National Environment (Strategic Environmental Assessment) Regulations, 2020. This will be for their consideration and advise as to whether it is necessary or not to proceed to the scoping stage.

2.2 Scoping

The purpose of scoping is to define the level of detail to be covered in the assessment, and to reach agreement on the consultation timescales.

Scoping shall be undertaken by the MDA. The scope of work is usually determined with the help of experts. The scoping process should actively engage key stakeholders to identify significant issues associated with the proposed policy, plan or programme or one to be revised and the main alternatives. Based on these issues, and the objectives of the SEA, decision criteria and suitable indicators of desired outcomes should be identified.

The scoping process should establish the content of the SEA, the relevant criteria for assessment (e.g. goals set out in the Green Growth Development Strategy and the National Development Plan). Based on initial identification of key issues, stakeholder agreement should be reached on the most important issues and objectives to be addressed in the SEA. It is also important to identify environmental and sustainability objectives and challenges that complement the already identified objectives in the policy, plan or programme. These should be set out in a scoping report. A pragmatic view needs to be taken on how much can be achieved given the time-scale, available resources, and existing knowledge about key issues. An open and systematic process should be followed. Scoping may also recommend alternatives to be considered, suitable methods for analyses of key issues and sources of relevant data.

Scoping procedures and methods, such as matrices, overlays, and case comparisons, can be used to establish cause-effect links between different specific policies, plans or programmes or to identify the environmental and social implications of more general policies or

strategies. A review of detailed options may be undertaken as part of the scoping process to clarify the environmental, health and social advantages and disadvantages of different potential courses of action.

Scoping meetings with relevant lead agencies and stakeholders should result in a revision of the scope or focus of the SEA and improvements (as needed) to the draft engagement plan developed during screening. The responsible MDA has to contact the authorities with the mandate on environmental, health and social aspects before approving the terms of reference for the SEA. This will enable determination of the scope and level of detail of information to be included in the SEA Report and the proposed length of the period of public consultation.

Scoping is an important stage and should be undertaken as early as possible in the preparation process for the policy, plan or programme.

2.2.1 Preparatory phase of scoping

During this phase, a number of preparatory tasks may be considered. The MDAs responsible for the policy, plan or programme shall;

- (a). establish terms of reference;
- (b). set up a steering committee and designate a SEA coordinator;
- (c). ensure that the team to undertake a SEA are qualified and may seek external assistance, if necessary (Text Box 2.2 guides on the SEA team requirements);
- (d). clarify and confirm the specific goals and objectives of the SEA in relation to the objectives of the policy, plan or programme;
- (e). develop a capacity-building and a communication plan for the SEA.
- (f). determine if the objectives of the policy, plan or programme are in line with existing objectives (environmental, health and social and other objectives) and development goals of the sector, country or region;
- (g). set appropriate decision criteria for these objectives and the

broader development agenda.

- (h). set definite and realistic timescales;
- (i). agree on the required documentation;
- (j). confirm sources of funding;
- (k). notify the key stakeholders at the commencement of the planning process, and bring key stakeholders together to agree on the problem, objectives, alternatives and measures for quality control; and
- (l). determine whether other institutions (including development partners) have carried out or intend to carry out, a SEA relevant to the policy, plan or programme in question and, in such circumstances, seek to engage them in a joint scoping process.

Text Box 2.2. Setting up a SEA team and requirements of SEA experts.

When deciding the composition of the SEA team, make an inventory of number of staff and related expertise from the ministry, department or agency of Government responsible for the SEA, relevant lead agencies, consultants, and other key players, like technical institutes. If needed, prepare terms of reference for experts undertaking individual sector assessments.

Requirements to SEA Experts

SEA experts should not only have (environmental or social) knowledge, but also communication and dialogue abilities and networks with planners/decision makers. This is because knowledge generates information for stakeholder dialogue, and from dialogue, knowledge questions arise. The same holds true for the planning/decision making process. A network with planners is essential to find out what their information needs are and when they need the information.

There are different options when it comes to the structure of the SEA team: three basic models can be considered for taking the SEA forward. Each option is summarised below.

1. Consultancy way of undertaking the SEA

This would entail;

- * Drafting terms of reference.
- * Organising a procurement process.
- * Appointing the preferred consultant or team of consultants.
- * Supervising the consultants' work against the timetable and programme of deliverables.

Advantage;

- * Responsibility for the work can be assigned, thus reducing the amount of time and involvement of the MDA responsible for the SEA.

Disadvantage;

- * It will take time to identify an appropriate consultant.
- * Achievement of the overall goal /objectives will rest with a third party whose performance cannot be anticipated in advance.
- * Costs may be higher than with alternative options.

- * It may be difficult to secure Government's ownership of the final product.

2. Internal Government Study Team undertaking the SEA

The project could be treated as a government assignment, with a group of specialists being assembled from key MDAs.

Advantage;

- * The process is likely to strengthen links and cooperation between MDAs.
- * Direct costs will be reduced.
- * There is ownership of the SEA Report.
- * The end product stands a good chance of being adopted by Government.

Disadvantage;

- * Focus on the SEA is likely to divert staff time from existing commitments.
- * Additional training/supervision might be required from within Government.

3. Combined Consultancy/Government Team undertaking the SEA

A joint team of 2 or more consultants and 2 or more seconded officers could be established.

Advantage;

- * This model can work effectively, providing the team is led by an experienced environmental assessor – preferably with direct experience in carrying out SEA.
- * The process can be cost-effective, using paid consultancy time supported by benefits in kind (staff time/vehicles) from Government.

Disadvantage:

- * The team structure requires a strong willingness to cooperate between private and public sector (which may not be easy to establish unless the individuals already know and respect each other).

A variant on this model is to consider employing academics (university researchers) instead of, or in addition to, consultants.

The question in Text Box 2.3 will assist with practical arrangements for scoping.

Text Box 2.3. Practical arrangements for scoping

The following set of questions can assist with practical arrangements for the scoping process:

1. What model should be used to conduct the SEA? Relevant approaches are described in chapter 1.
2. What is the information needed to carry out SEA scoping effectively (including reference policies, plans, programmes and laws to be considered), and when is this information available during policy, plan or programme development?
3. What information needs to be generated during scoping in order to determine the scope of the SEA report?
4. What baseline information is available (environmental, health and social)?
5. What practical arrangements should be made to consult relevant authorities (and possibly the public concerned)? Which other relevant stakeholders should be consulted?
6. Should scoping be carried out as a single procedural step or rather as an iterative process starting with early advice and developed in detail over time as the policy, plan or programme is developed?
7. What environmental, health and social issues need to be investigated further, and how will these be taken into account in the proposed policy, plan or programme or one to be revised?
8. Methods of data analysis required and the sources of relevant data as well as information available.
9. A clear justification of the scoping methodology and why some issues have been excluded.
10. What is the current stage reached in the decision making process for the policy, plan or programme?
11. What is the budget and time required for making the policy, plan or programme, in order to determine the time and money available for the SEA?
12. What are the decisions to be taken in the planning process and when will these be made?
13. Spatial and time horizon; is the policy, plan or programme geographically defined (if yes, how?) and for how long will it be made (10, 20, 30 years or more?)

Having responded to the above questions, the MDA compiles a scoping report in accordance with Schedule 3 of the National Environment (Strategic Environmental Assessment) Regulations containing the information in those questions, to guide a detailed analysis of environmental, health and social effects.

2.2.2 Identifying other relevant plans, programmes and environmental protection objectives

A policy, plan or programme may be influenced in various ways by other policies, plans or programmes, or by external environmental protection or social enhancement objectives such as those laid down in policies or legislation. These relationships enable the MDA to take advantage of potential synergies and to deal with any inconsistencies and constraints.

Some issues may already have been dealt with in other policies, plans and programmes, and need not be addressed further in the policy, plan or programme which is being developed.

Where significant differences or inconsistencies arise, it may be helpful to consider the following:

- (a). Principles of precedence between levels or types of policies, plan or programme;
- (b). Relative timing of the policy, plans or programmes concerned;
- (c). Degree to which the policies, plans, programmes accord with current policy or legal requirements; and
- (d). Extent of any strategic environmental assessments which have already been conducted.

A helpful tool in this regard is a so-called consistency analysis: Its purpose is to check the consistency of the plan/SEA to be developed with existing policies, plans and programmes. This requires an inventory of development sectors to ensure compatibility of policies, plans and programmes (both public and private, at international, transboundary, national, regional and local level).

The SEA should make an inventory and analysis of:

- (a) Which policies/plans/programs generate opportunities for the new policy, plan or programme;
- (b) Which ones set environmental and socio-economic conditions (criteria) for the new policy, plan or programme; and
- (c) Which ones have the potential to conflict with the new policy, plan or programme and how these conflicts can be solved.

2.2.3 Data collection, baseline information and background studies needed during scoping

During the scoping process, the MDA should start collecting baseline data. Data collection should be focused on the objective of the SEA. It is important to distinguish between baseline data which are already available (perhaps to be formatted for the purpose of the SEA), and data which need to be collected especially for the SEA.

Usually not all information is available immediately. This does not have to be a problem, because it can still be collected during the planning process. Furthermore, the choice of objectives and alternative planning solutions determine whether more information is needed, the type of information needed and the level of detail. As a rule of thumb, it is important to limit the data requirement to those themes which are of crucial importance to the questions the SEA will attempt to address, and to the decisions to be taken.

When collecting baseline information, it is important that the information is:

- (a) relevant and appropriate to the spatial scale of the policy, plan or programme;
- (b) sufficient to identify the (key) environmental, health and social issues for the policy, plan or programme;
- (c) focused on aspects on which the policy, plan or programme may have significant effect; and
- (d) relevant to the objectives of the SEA.

SEA needs to be based on a thorough understanding of the potentially affected environment and social systems. This must involve more than a mere inventory, e.g. listing flora, fauna, landscape and urban environments. Particular attention should be paid to important

ecological systems and services, their resilience and vulnerability, and significance for human well-being. Existing environmental protection measures and/or objectives set out in international, national or regional legislative instruments should also be reviewed.

The baseline data should reflect the objectives and indicators identified in the scoping report. For spatial plans, the baseline can usefully include the stock of natural assets including sensitive areas, critical habitats, and valued ecosystem components.

For sector plans, the baseline will depend on the main type of environmental, health and social impacts anticipated, and appropriate indicators can be selected (e.g. emissions-based air quality indicators for energy and transport strategies). In all cases, the counterfactual (or no-change scenario) should be specified in terms of the chosen indicators. Text Box 2.4 indicates the kind of questions that can be asked in respect of each indicator.

The environment and socio-economic baseline is the current status of the environment or socio-economic situation, and its likely future status in the absence of the strategic action. Information about the environment and socio-economic baseline helps to identify existing problems that the strategic action should try to solve; sets a context for the impact prediction and evaluation stage; and provides a basis against which the impacts of the strategic actions can later be monitored.

The baseline data in SEA can be drawn from a wide variety of sources depending on the environmental and socio-economic issues that are likely to be of concern. Data sources can include the state of the environment reports, other environmental assessments, maps, reconnaissance surveys, environmental monitoring data, and information provided by experts, NGOs/CSOs and other stakeholders.

SEAs typically focus on overarching themes/objectives to represent larger clusters of environmental, health and social data, and more detailed indicators to act as representative examples of such data for monitoring purposes.

The baseline description in SEA can take various forms including maps,

text, matrices/tables.

Text Box 2.4. Indicator questions

For each indicator selected, enough information is needed to answer the following questions:

1. How good or bad is the current situation? Do trends show that it is getting better or worse?
2. How far is the current situation from any established thresholds or targets?
3. Are sensitive or important elements of the receiving environment affected, e.g. vulnerable social groups, non-renewable resources, endangered species, rare habitats?
4. What is the current state of health and other social issues? Are any health and social impacts envisaged?
5. Are the impacts reversible or irreversible? How difficult would it be to offset or remedy any damage?
6. Have there been significant cumulative impacts over time?

2.2.4 Developing SEA objectives

SEA objectives are a recognised way of considering the environmental, social and health impacts of, and opportunities for, a policy, plan or programme and comparing the impacts of alternatives. They serve a different purpose from the objectives of the policy, plan or programme, although in some cases they may overlap.

SEA objectives can be derived from environmental, health and social objectives which are established in law, or other policies, plans or programmes, or from a review of baseline information and environmental, health and social issues. They can be used or adapted for SEAs of related policies, plans and programmes, whereas each individual policy, plan or programme has its own specific objectives.

Objectives can be expressed in the form of targets, the achievement of which is measurable using indicators.

Objectives, targets and indicators can be revised as baseline information is collected and environmental, health and social challenges identified, and can be used in monitoring the implementation of the policy, plan

or programme.

2.2.4.1 Criteria for environmental quality, health and social objectives

Environmental quality objectives should be formulated based on the concept of sustainability and should be translated into context-specific criteria and indicators. These objectives, criteria and indicators should relate to the environmental resources identified in the scoping phase and to the nature and scale of the policy, plan or programme. The sustainability objectives may then be translated into sustainability criteria. These should reflect the social, economic and bio-physical context of the policy, plan or programme. The criteria are based on limits for acceptable change within the environment and may be quantitative or qualitative. Measurable sustainability indicators may then be identified to determine whether the criteria are being met. Sustainability criteria and indicators may be used to compare alternatives and monitor the implementation of the policy, plan or programme.

It will also be useful to define health and social related objectives, and to develop context-specific criteria and indicators.

2.2.5 How much information should be provided at scoping?

A meaningful scoping exercise can lay down the foundation for an effective assessment process and a proportionate SEA Report. To maximise the benefits of this stage, the responsible MDA has to invest time in taking into account the views and opinions received.

The scoping stage is the ideal opportunity to explain the objectives of a policy, plan or programme; where, how and when they can be achieved, and what the likely environmental, health or social outcomes could be. Some policies, plans and programmes are straight forward or standard, requiring only a simple description. Others, including those which are strategic or non-spatial, may have to provide a more detailed explanation of a policy, plan or programme to enable full understanding of the likely environmental, health and social impacts. In such cases, a well-developed and focused summary of the policy, plan or programme, along with consideration of relevant information

to inform the environmental, health and social baseline is important. This can help those being consulted to understand, and ideally fully explore, the key issues and accurately judge the information that would, and would not be required in an assessment.

The MDA responsible for the policy, plan or programme has to provide sufficient information at scoping to allow stakeholders to gain an understanding of the likely significant environmental, health and social impacts and the inter-relationship between them.

Identifying where significant environmental, health or social impacts are likely to arise, allows the experts to undertake the assessment to understand the scale of the assessment required. A concise and reasoned justification, backed up where possible by data, is useful and can provide a useful audit trail for later reference.

The stakeholders consulted provide views, comments and recommendations on the likely environmental, health and social impacts arising from a policy, plan or programme, based on the scoping submission. The aim of this information is to enhance the assessment process, thereby ensuring that the likely environmental, health and social impacts are clearly understood, and to identify and capitalise on opportunities to influence the policy, plan or programme. To achieve this successfully, the MDA responsible for the policy, plan or programme has to outline what is going to be assessed, why it is to be assessed, how it is going to be assessed and how this is going to be outlined within the SEA Report.

2.3 Useful information to include in scoping reports

Text Box 2.5 indicates useful information to be included in a scoping report, in addition to requirements as spelled out in Schedule 3 of the National Environment (Strategic Environment Assessment) Regulations, 2020.

Text Box 2.5. Useful information in a scoping report

A brief outline of the main objectives and contents of the policy, plan or programme.

This allows those being consulted on the scoping report to understand what the main role of the policy, plan or programme is and what it aims to deliver. If an early draft of the policy, plan or programme has been produced, it is helpful if this is shared.

A short summary of other relevant policies, plans, programmes or strategies that can influence the policy, plan or programme being subjected to assessment.

This should be restricted to only the most relevant policies, plans or programmes or strategies that directly impact on or are likely to be impacted by the policy, plan or programme and ideally include a brief comment on why each is relevant.

A summary of environmental, health and social issues to be covered by the policy, plan or programme.

The summary should be concise and focused on the key issues for the assessment and include information about any relevant environmental, health and social issues within the policy, plan or programme.

Baseline maps can be a good way to present information. Ideally, the environmental, health and social information should be well developed to enable those being consulted to understand the key issues and help identify where there may be inaccuracies or omissions. To avoid delays, however, it is acceptable to outline the baseline information sources which will be referred to in the SEA Report.

A statement about whether any environmental, health and social topics will not be subjected to further assessment and the reasons why.

To aid proportionality, the MDA responsible for the policy, plan or programme should aim only to scope in those SEA environmental, health and social topics, upon which the policy, plan or programme is likely to have significant environmental, health and social effects

Therefore, elements of a policy, plan or programme that are unlikely to have significant effects on the environmental and social aspects or that have already been meaningfully assessed for other related policies, plans or programmes, would not have to be assessed and could be dropped from further assessment. A concise explanation within the scoping report should be provided in this regard.

If there is uncertainty about whether a significant environmental, health or social effect is likely to arise, a precautionary approach may be advisable, scoping the issue in until such time as it becomes clearer. In case of (large) uncertainties in future developments, it is advisable to use scenarios or ranges of developments. It is also important to remember that if an environmental, health or social topic is scoped in, information should be proportionate to the level of significance. Not all aspects of an environmental, health or social topic will be relevant.

A brief description, if available, of the type and range of reasonable alternatives that are or could be considered.

While it is not a requirement at this stage and in many cases it may be too early to define alternatives, inclusion of potential reasonable alternatives, where feasible, allows those being consulted to understand what alternatives are likely to be addressed in the assessment. Where a decision is taken to consider alternatives, it is advisable to present only reasonable alternatives.

Options include (a combination of) alternatives (example, Energy):

1. to reflect the 'extremes' as to what would be possible (e.g. non-renewable versus only renewable energy)
2. that reflect views of stakeholders, e.g. what would the Ministry of Energy like? What would the people who use energy like? What would civil society like? What would private enterprise like?
3. that are built around the most pressing political dilemma (e.g. what the current government wants versus what the opposition wants)

4. build around scenarios for economic growth (e.g. the best option for medium economic growth versus the best for high economic growth)
5. build around visions about important issues in the policy, plan or programme; what is to be achieved in 20-30 years' time? What is to be achieved for people, for nature, for the economy?
6. build on demand/supply alternatives: energy production for the national market, regional self-sufficiency in energy or energy production for the international market?

A summary of the intended approach to the assessment and its level of detail.

This can include details of proposed environmental, health and social objectives or indicators which may be used to support an assessment or other methods of assessment. It can be useful to include an example of the proposed approach. The summary should include information to describe the proposed level of detail of the assessment.

The proposed period of consultation on the SEA Report.

Typical consultation periods range from 3 to 12 weeks depending on the scale and nature of the policy, plan or programme being assessed. The stakeholders to be consulted are likely to confirm in their responses whether or not the proposed period is acceptable.

2.4 Approval of terms of reference for the strategic environmental assessment

Once the scoping report is prepared, it should be used to inform the terms of reference for the SEA. The MDA shall consult the National Environment Management Authority (NEMA) and relevant lead agencies and obtain their comments before approving the terms of reference. The comments after these consultations should be received within 7 days from the date of receipt of the request for comments. This will enable the actual assessment to commence without delay, should the decision warrant that the assessment should be done. Nevertheless, the scoping report and terms of reference for the SEA shall be reviewed and approved by the multi-sectoral technical committee set up for the purpose.

CHAPTER THREE

CONDUCT OF STRATEGIC ENVIRONMENTAL ASSESSMENT

3.0 Undertaking Strategic environmental assessment

The ministry, department or agency (MDA) of Government responsible for the policy, plan or programme shall proceed to conduct a SEA after scoping and shall undertake the assessment of identified environmental, health and social issues.

The SEA should contain an appropriate level of detail. The following are key considerations.

3.1 Testing the policy, plan or programme objectives against the SEA objectives

The objectives of the policy, plan or programme will need to be tested against the SEA objectives in order to identify both potential synergies and inconsistencies. This information may help in developing alternatives during the development of the policy, plan or programme, and may in some cases help to refine the objectives of the policy, plan or programme itself. Where a policy, plan or programme has several objectives, it may also be helpful to test them against each other, as inconsistencies may give rise to adverse environmental, health and social impacts.

3.2 Identification and evaluation of strategic options

The consideration of alternatives from the earliest possible stage of the formulation or planning process for a policy, plan or programme is the most effective way to shape the outcome of the process. For this reason, a SEA should allow for an early comparative evaluation of the needs and impact of different options, including a broad range of alternatives, well before any irrevocable decision is made.

Each alternative/option can be tested against the SEA objectives, with positive as well as negative impacts being considered, and uncertainties about the nature and significance of impacts noted.

The early consideration of alternatives can reduce the need for remedial measures at later stages in the development planning process. This is particularly so when alternatives become increasingly constrained as one moves down the hierarchy of the process for the formulation of a policy, plan, programme and ultimately arrives at project level.

The list of possible alternatives shall include those that are environmentally, technically and economically feasible. Alternative solutions can be proposed by stakeholders and considered on the basis of expert judgment through scenario setting and forecasting. Preliminary impact and issue analysis is carried out for each of the alternatives proposed. This will often be an iterative process, with the alternatives being revised as part of the SEA to enhance positive impacts and reduce negative ones.

Assessing positive and negative impacts in alternative options may entail assigning a monetary value to the benefits associated with a strategic action as compared to its costs. The purpose of this is to assist decision makers translate environmental, health and social benefits and costs into monetary terms. This allows alternative options to be assessed at the same footing.

Alternatives considered often include scenarios termed 'no policy, plan or programme' and 'business as usual'. It is important to be clear what these alternatives mean in relation to a particular policy, plan or programme.

"No Policy, plan or programme" might mean not introducing the policy, plan or programme where none already exists, or it might in effect propose no further action to implement a policy, plan or programme (for instance, no more developments in a particular area).

"Business as usual" usually means a continuation of an existing policy, plan or programme, instead of preparing a new one.

It is important to be aware that baselines will change over time under

“no policy, plan or programme” and “business as usual” alternatives, as well as under new policies, plans or programmes.

Alternative scenarios may consider mitigation and management actions. It is also important, however, to consider risks and opportunities of each alternative scenario independent of any proposed mitigation and management action that may or may not be implemented.

The final choice of a preferred alternative should consider:

- (a) mitigation requirements and residual impacts of the preferred alternative scenario(s);
- (b) management actions and resources required for implementation to ensure environmental safeguarding; and
- (c) justification for the preferred alternative.

At this stage it may be possible to drop some alternatives from further consideration and document the reasons for eliminating them. Once alternatives/strategic options have been identified, there is need to compare these alternatives, including the proposed policies, plans and programmes and selected alternatives/options on the basis of rigorous criteria, set out in Text Box 3.1, resulting from the assessment. Environmental, health and social indicators shall be defined, weighted, quantified and valued, where possible. The optimal alternative shall be the most environmentally and socially sustainable and be technically and economically feasible. Stakeholders should be involved in the process of analysing alternatives/options through appropriate consultation mechanisms.

Text Box 3.1. Hierarchy of alternative options that could be addressed in the SEA process

Is the proposed development necessary? (Need or demand management options)

Can the need or demand be met without a new policy, plan or programme? Are there any realistic opportunities for managing development demand (e.g. through regulatory, economic or administrative tools or other measures that promote behavioral changes?)



How should it be done? (Method or process options)

Are there methods, technologies or processes that can meet the development demands with less environmental damage than 'obvious' or traditional methods?



Where? (Location options)

Where is the location of the proposed development?



When? (Timing or sequencing options)

When, in what form and in what sequence should developments be carried out?

Adapted from the Ministry of Natural Resources and Environment, Vietnam 2008.

Perhaps the above becomes clearer by giving an example:

For a national transport master plan, the following alternatives can be considered:

- (a). Prevent the need for transportation (related to housing sites and transport nodes);
- (b). Invest in different types of transportation (public, private, air, water, rail);
- (c). Adopt cleaner technology for cars;
- (d). Develop fiscal policy to make lead more expensive in gasoline, routing, mitigation (more bridges and intersections of roads etc.)

Some other considerations on how to develop alternatives in SEA:

One way: find 'quick wins', 'no regret options' or measures which are absolutely necessary, and combine with options:

- * Yes/no
- * Difference in locations
- * Difference in scale or size
- * Difference in ambition or phasing

Selection based on criteria like:

- * Urgency of solving problems (which ones have highest priority?)
- * Achieving the targets
- * Environmental, social and economic impacts
- * Legal or practical barriers, costs

Alternatives are used to make decisions/choices; if there is nothing to choose from, alternatives will not be useful.

Alternatives should be reasonable, realistic and relevant, in line with policies and standards; distinct and comparable. Keep it simple, it is not useful to develop too many alternatives.

3.3 Scope and nature of potential impacts

The assessment should build on the screening and scoping stage to describe, in appropriate detail, the scope and nature of environmental, health and social impacts that could arise from implementing the proposed or revised policy, plan or programme; and how these impacts could affect Uganda's development agenda.

Environmental, health and social impacts could be cumulative, positive as well as adverse. The question in Text Box 3.2 will assist in determining the scope of the impacts.

Text Box 3.2. Questions on potential impacts

1. What are the potential direct and indirect outcomes of the proposed or revised policy, plan or programme?
2. How do these outcomes interact with the environment and human well-being?
3. What is the scope and nature of these environmental, health and social interactions?

Factors that should assist the assessors in assessing potential environmental, health and social impacts and gauging the appropriate

level of detail in the analysis are included in Text Box 3.3.

Text Box 3.3. Factors to apply in assessing potential environmental, health and social impacts

1. Frequency and duration - Will the impact be a one-time-only occurrence? Will it have short-term or long-term effects?
2. Location and magnitude - What is the anticipated scale of the impacts? Will it be local, regional, national or international in scope?
3. Timing - Is the effect likely to occur at a time that is sensitive to a particular environmental feature or social consideration?
4. Risk - Is there a high level of risk associated with the impact, such as exposure of humans or flora and fauna to contaminants or pollution, or a high risk of accident?
5. Irreversibility - Is the impact likely to be irreversible?
6. Cumulative nature - Is the effect likely to combine with other effects in the region in a way that could threaten a particular environmental component?

The following questions may also help in determining which impacts to consider at strategic level:

1. Will there be a large change in environmental or social conditions?
2. Will the effect extend over a large area?
3. Will many people will be affected?
4. Will many receptors of other types (fauna and flora, businesses, facilities) will be affected?
5. Will valuable or scarce features or resources be affected?
6. Is there a risk that environmental standards will be breached?
7. Is there a risk that protected sites, areas or physical features will be affected?
8. Is there a high probability of the effect occurring?
9. Will the effect be permanent rather than temporary?
10. Will it be difficult to avoid, or reduce or repair or compensate for the impact?

At SEA level, it can also be helpful to describe impacts in terms of processes affected, for instance;

1. Occupation of space (is conversion of land needed?).
2. Fragmentation of natural habitats.

3. Emissions of gaseous, liquid or solid waste.
4. Extraction of raw materials (wood, water, etc.), or minerals (ores).
5. Depletion of scarce natural resources.
6. Introduction of any non-native and/or invasive species.
7. Potential for disturbance of key processes of importance for ecosystem maintenance (e.g. wetlands hydrology, migratory pathways, breeding cycle of fish, etc.)

The impacts do not always have to be expressed in quantitative terms. Quantification is not always practicable, and qualitative, broad-brush methods can be equally valid for an SEA. However, qualitative should not mean “guessed”. The conclusions of the assessment should be supported by evidence, such as the results of studies undertaken, expert discussions or consultation.

Impacts may be expressed in easily understood terms such as “getting better or worse” or a scale from ++ (very positive) to -- (very negative). But predictions could also be more detailed/quantitative, e.g. a measurable effect would be: “20% reduction of noise nuisance”.

When using symbols or other ways of presenting information regarding impacts (e.g. positive, negative, uncertain, not significant), always explain and justify the choice of symbol with reference to the baseline situation relevant to the SEA objective.

Also consider the effects of displacement of environmental and social problems to other areas as a result of the policy, plan or programme.

If there are risks or uncertainties, these should be clearly stated. If effects are uncertain, work with effect ranges.

Many environmental and social problems result from the accumulation of multiple small and often indirect effects, rather than a few large and obvious ones. Examples include loss of tranquility, changes in the landscape and climate change. It is at the SEA level that those effects are most effectively identified and addressed.

3.4 Identification and evaluation of environmental issues and linkages

There is need to carry out a strengths, weaknesses, opportunities and threats (SWOT) analysis to identify environmental and social constraints, issues, opportunities and linkages based on the findings of baseline studies. In the identification and examination process, there is need to take into account both the characteristics of the cause and effect of the impact (i.e. what generates the impact and who are or what is affected). The guidance to enable identification and evaluation of environmental, health and social issues and linkages is indicated in Text Box 3.4.

Text Box 3.4. Guidance questions for identification and evaluation of environmental issues and linkages

1. Are there any potential areas of conflict, either within the sector or with other sector policies, plans and programmes?
2. Is institutional capacity within and outside the sector able to deal with, adapt to, and take advantage of, the environmental, health and social impacts and opportunities that may arise because of the sector policy, plan or programme?
3. What internal strengths and weaknesses of the implementing MDAs need to be analysed? Which aspects need to be assessed (human and financial resources, training needs, etc.)?
4. What existing measures and institutional mechanisms should be assessed? Is there need to develop new measures and mechanisms for the proper implementation of the proposed policy, plan or programme or one to be revised?
5. Does the sector policy, plan or programme involve dialogue and coordination with other MDAs for cross-sectoral interventions?

Adopted from OECD 2006.

3.5 Identification of risks and opportunities

The implementation of policies, plans or programmes in any given set-up comes with risks and opportunities. It is always expected that policies, plans or programmes will entail the use of various resources including human, financial and natural resources. It is important, therefore, that while undertaking a SEA, risks and opportunities are identified. Risks will take the form of adverse impacts whilst opportunities will take the

form of positive or beneficial impacts in the SEA process. Some of the types of impacts or risks could be direct, indirect, cumulative, negative, positive and residual.

There is need to independently review the quality of the assessment. The guiding questions in Text Box 3.5 below are useful in this regard. Also refer to 3.15.

Text Box 3.5. Guidance Question to gauge quality of the assessment

1. What are the key linkages between the sector policy, plan or programme elements and the environment?
2. How do environmental, health and social issues in the sector influence favorably, or affect, national development priorities?
3. Have environmental, health and social direct and indirect impacts and opportunities been considered in the sector policy, plan or programme? How will these impacts and opportunities be managed and implemented?
4. Who are the relevant stakeholders for the sector policy, plan or programme?
5. Are their priorities and environmental, health and social concerns well understood in relation to the sector policy, plan or programme?
6. What would be the effects of socio-economic impacts on consumption and production patterns, and consequently on the state of the environment and the sustainability of natural resources and the environment?

Adopted from OECD 2006.

3.6 Enhancement and mitigation measures

The MDA should consider opportunities, where possible, to enhance potential environmental, health and social benefits. The MDA also needs to consider mitigation measures that could reduce or eliminate potential adverse environmental, health and social consequences of the proposed policy, plan or programme or one to be revised.

Enhancement: This is an act of improving upon the positive impacts or opportunities associated with the policy, plan or programme. In cases where sensitive or important ecosystems and other environmental and social features are likely to be impacted by a policy, plan or

programme, either directly or indirectly, measures can be put in place to ensure long-term protection of these ecosystems and features.

Mitigation: This step involves identifying measures to avoid, minimise, restore or compensate for adverse impacts as well as to enhance potential benefits of the selected alternative. Mitigation measures must be considered during the preparation of policies, plans and programmes to address impacts identified in the SEA. The MDA needs to allow time for these mitigation measures to be considered and for the policy, plan or programme to be revised, where appropriate.

Different types of mitigation measures are presented below. In selecting mitigation measures, preference should be given to the following order:

- (a). **Avoidance:** This is the most effective way to ensure protection. It implies that the policy, plan or programme has been adjusted in such a way as to avoid impacts on areas of concern.
- (b). **Minimisation:** Minimisation of impacts is done by modifying a policy, plan or programme to include actions that will serve to limit the degree to which environmental, health and social impact or risk would be noticeable.
- (c). **Restoration:** This involves rectifying an impact or risk by bringing the affected environment to its original state, or at least as close to its original state as is technically possible. It can be complete or partial restoration.
- (d). **Offsets/Trade-offs:** SEAs can address complex development problems and alternatives under conditions of high uncertainty, where multi-stakeholder groups with diverse and sometimes conflicting objectives could be affected. Although “win-win” scenarios are the ideal, a common situation is to have offsets/“trade-offs”. An offset or a trade-off usually refers to the case where society loses with respect to one aspect, while gaining on another aspect. Note that an offset or a trade-off decision is made with full comprehension of both the pros-and-cons of a particular choice. As further described below, offset or trade-off decisions are generally of two types: Compensation or

substitutions and Net-gain-and-loss calculations:

- (e). Compensation and substitutions: In ecological terms, compensation is the act of providing a natural habitat of a size, function, quality and value equivalent or of greater value to one affected by the policy, plan or programme. Compensation may be in terms of land, money, buildings, and access roads, substituted ecological area as would be negotiated with the interested and affected parties.
- (f). Net-gain-and-loss calculations: Net-gain-and-loss calculations are not always done explicitly or openly and the measurement and comparisons are often difficult and sometimes objectionable. Although offsets/trade-offs may not always be acceptable, it is necessary to provide a justification for an offset/trade-off and to conduct the process in as transparent a manner as possible. There are a number of tools specifically designed to assess offsets/trade-offs (for instance, cost-benefit analysis and consideration of opportunity costs, matrix-based appraisal methodologies, multi-criteria analysis, scenario comparisons, and life cycle analysis).
- (g). Caution should be exercised if the analysis indicates a potential for major, irreversible or negative impacts on the environment. Often this may suggest selecting less risky alternatives. For less-threatening situations, standard mitigation measures can be used to minimise an adverse impact to “as low as reasonably practicable” (ALARP level).
- (h). Once mitigation has been taken into account, the significance of residual adverse impacts can be evaluated. The assessment should, therefore, describe, in appropriate detail, the potential environmental, health and social impacts that may remain after taking into account enhancement and mitigation measures. This is an important measure of the environmental acceptability of the policy, plan or programme; it is usually carried out against selected environmental objectives and criteria.

3.7 Recommendations on each evaluated strategic option

The assessment should state recommendations on all the strategic

options/alternatives evaluated. Justifications for these choices will need to be robust, as they can affect decisions on major developments. It is not the purpose of the SEA to decide the alternative to be chosen for the policy, plan or programme. This is the role of the decision-makers who have to make choices on the policy, plan or programme to be adopted. The SEA simply provides information on the relative environmental, health and social performance of alternatives, and can make the decision-making process more transparent. The recommendations provided to the policy makers could consider offsets/trade-offs as indicated above.

3.8 Strategic environmental management and monitoring plan

The significant environmental, health and social impacts of the implementation of policies, plans and programmes must be monitored to identify any unforeseen adverse impacts and to enable appropriate remedial action to be taken. Decisions on what to monitor and how to do it need to be considered early in the SEA process, and throughout the course of preparing the policy, plan or programme. A strategic environmental management and monitoring plan will need to be developed.

3.9 Monitoring

The strategic environmental assessment should consider the need for follow-up measures to monitor environmental, health and social impacts of the policy, plan or programme, or to ensure that implementation of the policy, plan or programme supports the national development strategies and sustainable development goals. It is important to monitor overall potential environmental, health and social impact of the policy, plan or programme after opportunities for enhancement and mitigation have been taken into account.

3.10 Public and stakeholder concerns

The assessment should identify for decision makers, where appropriate, concerns about the environmental, health and social impacts among persons likely to be most affected, and among other stakeholders and members of the public. Through the involvement of interested parties, decision makers can, at an early stage, identify and address

public concerns about a proposed policy, plan or programme or one under review that could otherwise lead to delays or the need for further analysis later in the process. Stakeholders and the public can be an important source of local and traditional knowledge about likely environmental, health and social impacts. Chapter four is dedicated to stakeholder engagement and should be internalised in order to guide the process of stakeholder consultation.

Sources of information on public concerns could include:

1. Economic and social analysis underway on the proposed policy, plan or programme or one under review.
2. On-going public consultation mechanisms in the MDA responsible for the policy, plan or programme.
3. MDAs and local governments.
4. Non-governmental organizations, private sector and other stakeholders outside the Government.

In particular, institutions with the mandate for environmental, health and social impacts must be consulted at least 30 days before the preparation of the SEA Report. This allows those institutions sufficient time to ensure that key environmental, health and social concerns relevant to the policy, plan or programme are taken into account.

3.11 Coordinating SEA within the policy, plan and programme formulation process

SEA is most useful if it is initiated in a timely manner during formulation of the policy, plan and programme, and, therefore, its coordination is critically important.

The questions in Text Box 3.6 are intended to facilitate the application of practical arrangements to coordinate SEA within the formulation process for the policy, plan and programme.

Text Box 3.6. Practical arrangements to coordinate SEA within the formulation process for the policy, plan and programme

1. How can SEA and policy, plan and programme experts work together for effectiveness?
2. How would the synchronization of SEA into the policy, plan and programme process be managed?
3. What would be the main advantages and disadvantages if SEA were;
 - (a) carried out in isolation from policy, plan and programme development?
 - (b) begun only after the policy, plan and programme has been drafted?
 - (c) partially integrated into the policy, plan and programme development?
 - (d) fully integrated into the policy, plan and programme development?

3.12 Ensuring that SEA is integrated in the policy, plan and programme process

It is important to ensure that appropriate attention is paid to the outcomes of SEA as contained in the SEA report and to the measures recommended therein to prevent or mitigate adverse impacts. It is also important that attention is paid to the outcomes of consultations with government institutions and the public.

The set of questions that may facilitate an understanding of how to ensure due consideration of SEA outcomes in policy, plan and programme formulation is contained in Text Box 3.7.

Text Box 3.7. How to ensure due consideration of SEA outcomes in policy, plan and programme formulation

1. What are the benefits of integrating SEA outcomes in the policy, plan and programme process?
2. What regulatory framework exists for integrating SEA outcomes in the policy, plan and programme process?
3. What would happen if SEA were partially integrated into policy, plan and programme development but SEA and policy, plan and programme experts could not reach consensus on certain issues?
4. What would happen if SEA was fully integrated into policy, plan and programme development but SEA and policy, plan and programme experts could not reach consensus on certain issues?
5. What would happen if SEA was carried out in isolation from policy, plan and programme development or started only once the policy, plan and programme was drafted?
6. What would happen if SEA, including consultations with MDAs and the public, came up with proposals for major changes in a policy, plan or programme once drafting of the policy, plan or programme had been completed?

3.13 Preparation of SEA Report

Once the assessment is complete, a draft SEA Report should be compiled, outlining the considered alternatives and their potential beneficial and adverse environmental, health and social impacts or risks. The draft Report should have the content in Schedule 4 of the National Environment (Strategic Assessment) Regulation, 2020.

The draft SEA Report should contain the strategic environmental management and monitoring plan and the respective MDA should develop monitoring tools. A Strategic Environmental Management and Monitoring Plan shall, according to regulation 13(4) of the SEA regulations, include:

- (i). summary of impacts.
- (ii). description of the risks, mitigation measures and the residual impacts associated with the preferred alternative scenario(s).

- (iii). environmental, health and social performance targets to be achieved.
- (iv). indicators to be measured and methods to be used.
- (v). description of environmental monitoring measures.
- (vi). definition of thresholds that will signal the need for corrective actions.
- (vii). institutional arrangements for monitoring.
- (viii). SEA proposed implementation process.
- (ix). implementation schedule including, frequency of monitoring and reporting procedures.
- (x). cost estimates regarding monitoring activities.

3.14 Transboundary environmental impacts of a policy, plan or programme

Where an MDA considers that the implementation of a policy, plan or programme is likely to have significant transboundary environmental, health and social impacts or where the State likely to be significantly affected so requests, it shall, as early as possible before the adoption of the policy, plan or programme, notify the State likely to be affected, through the ministry responsible for foreign affairs.

Notification of the country likely to be affected by the implementation of the policy, plan or programme is important to ensure that significant transboundary impacts are identified and mitigated. For this reason, the notification should contain adequate detail on possible transboundary environmental, health and social impacts. It should also contain information regarding the decision-making procedure, including an indication of a reasonable time schedule for the transmission of comments by that State.

Comments from the other State should be received through the Ministry of Foreign Affairs within such time period as agreed with the MDA. These comments should be considered and, as much as possible, incorporated by the MDA before the final SEA Report is sent for approval.

3.15 SEA Report review process

Once the draft SEA Report has been compiled, the MDA should convene a validation meeting with NEMA and other lead agencies with a mandate to handle environmental, health and social issues, as well as with other stakeholders. This meeting should ideally take place within 30 days of conclusion of the draft SEA Report.

NEMA, the other government institutions and stakeholders consulted shall assess the SEA Report on the basis of the following:

- (a) Quality of information - this is intended to look into the scope and scale of the issues identified, the method of evaluation and analysis of the results of the information, to guide decision making.
- (b) Level of stakeholder participation - to capture all salient concerns.
- (c) Defined objectives of the SEA - to reflect the purpose of the policy, plan or programme.
- (d) Assessment of identified environmental, health and social impacts - to determine whether the policy plan or programme should be developed or revised and if so, to inform the potential mitigation measures.
- (e) Accuracy of assumption made during the SEA - to set the various scenarios of the potential impacts of the policy, plan or programme.
- (f) Comparison of environmental, health and social alternatives - in order to inform the decision about the most viable options.
- (g) Mitigation requirements and residual impacts associated with the preferred alternative scenario(s) - this guides in the determination of costs associated with implementing the policy, plan or programme.
- (h) Influence of the SEA on the policy, plan or programme process - it steers the development agenda of the country including how the policy, plan or programme contributes to the achievement of the Strategic Development Goals, Green Growth Strategies and the National Development Plan.
- (i) SEA proposed implementation process - to bring the key actors together and create synergies in implementation of the SEA.

- (j) Feasibility of implementing the strategic environmental management and monitoring plan - this has implications on the financial and other resources required to effectively implement the plan.
- (k) Planned follow-up activities and constraints identified – it enables identification of resources required, the timeframes for implementation of the strategic environmental assessment and the determination of measures for addressing the constraints identified; and to propose any other solutions or course of action.
- (l) Recommended capacity-building activities and expected outcomes – to show the direction of the implementation process.

3.16 Final SEA Report

The MDA shall then incorporate the recommendations and comments of NEMA, other institutions and stakeholders in the revised SEA Report. Thereafter, the MDA should convene a meeting of the multi-sectoral technical committee to review the results of the validation meeting and recommend the SEA Report to the decision makers in the MDA. In that way, the final output should be a well thought out final SEA Report.

The Minister responsible for the policy, plan or programme shall approve the SEA Report in consultation with the Minister responsible for environment. This approval must be subject to;

- (a) satisfactory reflection of environmental sustainability, health and social considerations in the Report; and
- (b) confirmation that the recommendations and comments in 3.10 and 3.11 above were taken into account.

STAKEHOLDER ENGAGEMENT

4.0 Introduction

This chapter serves to guide stakeholder consultations for the entire consultative process from screening until the conclusion of the assessment, as well as approval of the policy, plan or programme.

SEA is a participatory process that allows MDAs responsible for the policy, plan or programme, civil society, the private sector and other relevant stakeholders to provide input into strategic decision-making. Public consultation processes will have to identify the best means to ensure that they can participate effectively and their viewpoints are given proper consideration.

One of the challenges is to ensure that public engagement is meaningful and not just a case of providing detailed, rigorous and comprehensive information. The engagement process must provide an opportunity to influence decisions. Stakeholder groups identified as most affected by a given policy, plan or programme may be politically and/or socially marginalised and have little or no prior experience in providing input to decision making.

The responsible MDA must allow enough time for consultation when preparing the SEA for the policy, plan or programmes. It is helpful to produce an outline of how consultation is to be conducted, to include:

- (a) objectives of the consultation process;
- (b) consultation activities to be conducted;
- (c) information and documents to be made available and how they can be obtained;
- (d) manner in which responses and recommendations from the consultation processes will be considered; and
- (e) manner in which the MDA will provide feedback to stakeholders

consulted.

Active public engagement and stakeholder involvement should take place from the scoping stage onwards, including during the review of the draft SEA Report and even during policy, plan or programme monitoring. Stakeholder engagements will be useful in the revision of the scope or focus of the SEA and update of the draft engagement plan developed during the preparatory stage.

4.1 Stakeholder analysis

The MDA responsible for the policy, plan or programme should carefully conduct the stakeholder analysis to identify stakeholders and prepare a communication plan to be used throughout the SEA process. It is important that public involvement processes enable and support interested and affected parties to engage in the process at different levels, in a way that is appropriate to their resources and needs. These levels of involvement could range from being informed of the SEA process, to providing inputs or being actively involved in influencing the process. The public participation process should be designed in such a way that it enhances the entire SEA process. (Refer to Text Box 4.1 on stakeholder analysis).

Text Box 4.1. Stakeholder Analysis

Steps in stakeholder analysis.

1. The first step is to identify stakeholders that are interested in, will influence or be affected by the policy, plan or programme and list them in the column under “stakeholder”.
2. Once you have a list of all potential stakeholders, review the list and identify the specific interest these stakeholders have in the policy, plan or programme.
3. Assess the importance of the stakeholder’s interests to the success of the proposed policy, plan or programme or one to be revised . Use either A, B, C or D as explained in the matrix below. This step priorities stakeholders and groups them by their ability to influence the policy, plan or programme and their interest in the policy, plan or programme
4. The final step is to consider the strategies that could be used to get stakeholder support and reduce opposition.

Boxes A, B and C are the key stakeholders of the policy, plan or programme. The implications of each box are summarized below:

Box A. These are stakeholders appearing to have a high degree of influence on the policy, plan or programme, who are also of high importance for its success. This implies that the implementing MDA will need to establish good working relationships with these stakeholders, to ensure an effective coalition of support for the policy, plan or programme. Examples might be senior officials and politicians or trade unions.

Box B. These are stakeholders of high importance to the success of the policy, plan or programme, but with low influence. This implies that they will require special initiatives if their interest are to be protected. An example may be traditionally marginalised groups (e.g. women, youth, elderly, and differently abled), who might be beneficiaries of a new service, but who have little “voice” in its development.

Box C. These are stakeholders with high influence, who can affect the policy, plan or programme outcomes, but whose interests are not necessarily aligned with the overall goals of the policy, plan or programme. They might be financial administrators, who can exercise considerable discretion over funding disbursements. This conclusion implies that these stakeholders might be a source of significant risk, and they will need careful monitoring and management.

Box D. The stakeholders in this box, with low influence on, or importance to the policy, plan or programme objectives, may require limited monitoring or evaluation, but are of low priority.

Generally, SEAs draw the attention of representatives of key stakeholders rather than individuals. If the public has limited experience with being engaged at the strategic level, it is critical to include an education component in the public engagement process. A public engagement and disclosure plan will help identify relevant stakeholder groups and appropriate communication methods. It is important to identify and engage those stakeholders who are the most exposed to environmental degradation or who suffer or are likely

to suffer grave health and other social ills.

The process of conducting a SEA requires full government support and, therefore, involvement of political leaders at the earliest stages of the conduct of the SEA is critical.

Public consultation processes will have to identify the best way to ensure that the socially marginalized can participate effectively and can have their viewpoints given proper consideration.

Consultation with the public at earlier stages (such as when considering the scope of the SEA Report) can provide useful information and public and stakeholder opinions on issues relevant to the policy, plan or programme and the SEA. This can also help to avoid issues arising later which might delay the preparation of the policy, plan or programme. Comments and responses from those consulted should be taken into account during the preparation of the policy, plan or programme and before its adoption or submission for adoption.

4.2 Consulting with Relevant Authorities

Government institutions whose mandate it is to handle environmental, health or social issues are likely to be concerned by the impacts of implementing the policy, plan or programme, and must be consulted on the scope and level of detail of the information needed during screening, scoping and for inclusion in the SEA Report.

The questions in Text Box 4.2 are provided to guide the facilitation of consultation with relevant authorities.

Text Box 4.2. Guiding questions for consultations with relevant authorities

1. What categories of MDAs and local governments would be relevant to the specific policy, plan or programme, and who among the representatives of each category should be included in consultation?
2. When (as early in the process as possible), how, and with whom should these consultations be performed in order to provide effective inputs?

3. Is there an existing consultation framework and methodology within the policy, plan or programme? Is it adequate, relevant, and cost effective for a SEA consultation process for MDAs and local governments to be integrated into the policy, plan or programme process? At which stage?
4. If there is no existing consultation framework and methodology, what needs to be done to establish this?
5. Understanding the power relations between different stakeholders, and how they interact with each other and the environment, are essential for good analysis and process management

4.3 Public consultation and involvement

The involvement of the public in the strategic environmental assessment process should be commensurate with public involvement on the overall development of the proposed policy, plan or programme or one to be revised. The MDA should, therefore, make use of any public involvement activities that may be underway. If public documents are prepared for use in a consultation exercise, it is advisable to incorporate them into the results of the SEA to address potential environmental, health and social concerns.

Public consultation is as important as consultations with relevant MDAs and local governments for conducting SEA. For a specific policy, plan or programme, it is necessary to consider whether it would be more effective to integrate public consultation for SEA into that for the policy, plan or programme, or to conduct separate consultation.

The questions in Text Box 4.3 are provided to guide the organisation of public consultation in the SEA process.

Text Box 4.3. Guiding questions for organization of public consultation in the SEA process

1. What is the full range of information that needs to be available to the public during SEA?
2. Is it necessary to determine the public concerned in SEA? If so, how? Clarify

3. What consultative methods and tools could be used to facilitate effective public participation?
4. What mechanisms exist for public feedback?
5. Should there be one consultation stage or should consultation be recurring over the course of the SEA?
6. Is there an existing public consultation framework and methodology within the policy, plan or programme? Is it adequate, sufficient, relevant, and cost effective for a SEA public consultation process to be integrated into the policy, plan or programme process at each stage?
7. How might consultation in SEA differ from existing consultation with the public?
8. If transboundary effects are anticipated, how should transboundary consultations be done?
9. What happens if the affected country requests that it should be consulted?

Figure 4.1 below provides a basic analytic grid to help organise the feedback and concerns expressed during public consultation.

In organizing responses to issues or problems raised or comments made, the SEA technical team should think about which mechanisms and timeframes are in place to give an adequate response. They should also think of how to act in conflict situations, e.g. through mediation techniques, and whether and how to publish results of public participation, particularly on how the comments received from stakeholders have contributed to decision making.

Figure 4.1. How to organise the feedback and concerns expressed during public consultation.

Public stakeholder for the policy, plan or programme	Public stakeholder concerns	Degree affected (Can be represented using statistical methods for qualitative data)	Methods of addressing concerns

Objectives of the consultation process:

Prepare for what you want to achieve with consultation, for instance:

1. Valuing impacts.
2. Developing alternatives.
3. How to avoid and mitigate impacts.
4. Predictions regarding if the plan, policy or programme will be accepted or lead to local resistance and conflicts.
5. Understanding of local concerns, needs and capacities.
6. Assessment of the need for compensation of affected groups.

Information needs:

People should be informed about the possibility of public participation.

Critical questions are:

1. Whether people are willing to make use of the call to participation? ('culture' of participation, lack of interest to participate because environmental problems are not perceived as personal problems, suspicion, apathy, belief that it will not make any difference).
2. Is there sufficient local knowledge and comprehension about the scale and nature of impacts for local people?
3. Is the volume and format of SEA material presented to the public adequate?

Ask the right and specific questions: For instance;

1. How do you use the river?
2. When, where, and for what species?
3. How do you gain access?
4. What is most important to you about the river?
5. What, if any, concerns do you have about the policy, plan or programme's potential impact on the river?
6. What is your opinion about the proposed policy, plan or programme?

Funding, timing and organization

1. Is selection and timing of venues or contexts thought of to encourage maximum attendance and free exchange of views (e.g. in relation to age, religion, culture, gender, political context)?
2. Is freedom of expression guaranteed that minimises the risks for reprisals against or among participants?
3. Is the public informed about the possibility of stakeholder engagement and are they willing to make use of it?

4. Is there sufficient time to read and discuss information and to develop ideas, opinions, positions?
5. Are funds for technical assistance available?

Some basic principles

- (a). Involve stakeholders while options are still open, before decisions have been made and while participation can still make a difference.
- (b). Be clear on what stakeholders are being asked to do or contribute, and ensure that they are aware of this.
- (c). Policymakers and authorities should show active involvement in stakeholder consultations, to show political commitment to use the results of participation.
- (d). Ask people how they want to be involved. This helps to involve very critical civil society actors right from the start, leading to fewer protest letters and appeals.
- (e). Develop (and publish) a specific stakeholder participation plan and ensure that it is part of the budget and an integral part of the whole process.
- (f). Maintain an open/positive attitude: do not only focus on the negative reactions. Put effort into the challenge to know the positive ones as well!

Some lessons learned:

- (a). Ensure early participation in addition to formal (legally required) participation.
- (b). Meet people in person.
- (c). Listening to people is not the same as doing what they want.
- (d). Use other ways of stakeholder participation (not just written comments); be creative.
- (e). Use a simple stakeholder participation process if possible, and an extensive one if needed.

INFORMING AND INFLUENCING DECISION- MAKING

5.0 SEA influence on policies, plans and programmes

The SEA Report must be made available at the same time as the draft policy, plan or programme, as an integral part of the consultation process, and the relationship between the two documents clearly indicated.

The MDA must ensure that the public and the institutions with the mandate for environment, health and social issues are given “an early and effective opportunity within appropriate timeframes to express their opinion”. Chapter Four above provides more detailed guidance on stakeholder engagement.

5.1 Assessment of significant changes

Where policies, plans or programmes go through several successive consultation exercises, it is important to keep the implications for the SEA Report under review to ensure that it remains consistent with the policy, plan or programme on which opinions are being sought. If significant changes are made to the policy, plan or programme from the original proposals, the multi-sectoral technical committee should advise the MDA to consider whether a revised SEA Report is needed before recommending the SEA Report for approval.

5.2 Decision making and providing information

The information in the SEA Report and the responses to consultation should be taken into account during the preparation of the policy, plan or programme and before the final decision is taken to adopt it. The MDAs must produce a summary of how they have taken these findings

into account, and how environmental, health and social considerations have been integrated into the policy, plan or programme, with enough information to make clear whether any changes were made or alternatives rejected. The final SEA Report should be attached to the policy, plan or programme.

Information must also be made available on how monitoring will be carried out during implementation. The SEA Report will already have documented proposed monitoring mechanisms or measures, which can then be confirmed or modified in the light of consultation responses.

The policy, plan or programme itself, when adopted, must be made available to the public.

5.3 Documentation and Reporting

Reporting is important to ensure that the process is open and accountable. For a policy, plan or programme that is approved, the MDA responsible for it shall prepare a public statement of environmental, health and social impacts, including impacts on or contributions to the country's Green Growth Development Strategy and Sustainable Development Goals and targets, when a SEA has been conducted. The MDA is also encouraged to prepare a public statement of the screening stage.

The MDA will determine the content and extent of the public statement according to the circumstances of each case. The purpose of the statement is to demonstrate that environmental, health and social factors have been integrated into the decision-making process. Public statements should be integrated into existing reporting mechanisms to the fullest possible extent.

For some proposed or revised policies, plans and programmes, such as those involving significant adverse effects or serious public concerns, the MDA may choose to release a public document that discusses the environmental, health and social impacts in detail, in addition to any public statement of environmental, health and social impacts. This document will help demonstrate that environmental, health and social factors have been integrated into the decision-making process.

The MDA is responsible for reporting on the extent and results of SEA practices in its strategic plans and performance reports. This reporting should include a description of how policies, plans and programmes subject to strategic environmental assessment have affected or are expected to affect progress towards the country's Green Growth Development Strategy and sustainable development goals and targets.

Decision makers need to know the options open to them, what the likely effects of choices are, and what the consequences would be if they failed to reach a decision. This information should be clearly set out in the advice given by the SEA team. A clear, understandable and concise Briefing Note or Issues Paper can help to ensure that decision makers are fully aware of key environmental, health and social issues linked to the policy, plan or programme.

When a SEA has been completed for a policy, plan or programme, the MDA will report on the results in any of the following:

- (a). Submissions to the line minister or to Cabinet. As appropriate, these submissions should discuss any strategic environmental assessments and the outcomes of this analysis, as an integral part of examining the options presented. The Analysis section of the Memorandum to Cabinet should report on potential significant environmental, health and social impacts and effects of each of the options proposed for consideration, and mechanisms to mitigate potential adverse impacts and effects. The statement should specify how the policy, plan or programme affects or relates to the Green Growth Development Strategy and sustainable development goals and targets. If a separate public document detailing the assessment has been prepared, it should be appended to the Memorandum to Cabinet, and Cabinet should be requested to approve its release to the public.
- (b). The Communications Plan of a Memorandum to Cabinet. This should address public concerns, if any, about the potential environmental, health and social impacts and effects of the policy, plan or programme.
- (c). If a policy, plan or programme does not require Cabinet approval

but is still assessed, the findings of the assessment should be reported in any relevant decision documents.

- (d). If a Regulatory Impact Assessment (RIA) is prepared on a policy, plan or programme or similar strategic initiative, the MDA should reflect the findings of the SEA in the RIA.

The SEA Report should be forwarded to:

- (a). The MDA's monitoring and evaluation officers so that future evaluations of the policy, plan or programme initiative can incorporate the outcome of the analysis into the monitoring and evaluation framework; and
- (b). Policy and programme officers, environmental assessment officers and other officers who may be responsible for the implementation of the policy, plan, or programme initiative.

Any disclosure of information will be subject to existing legislation and policies governing the release of information.

MONITORING AND EVALUATION

6.0 Purpose of monitoring and evaluation

Monitoring and evaluation are a key component of the SEA process. Monitoring and evaluation of progress towards objectives and targets can form a crucial part of the feedback mechanism. Feedback from the monitoring process helps to provide more relevant information that can be used to pinpoint specific performance issues and significant impacts, and ultimately lead to more informed decision-making. As a result, the monitoring and evaluation framework (MEF) will comprise the results framework (inputs-outputs-outcomes-impacts) based on the objectives of the guidelines, the indicators (baseline and targets), data collection, analysis, reporting methods and frequencies, responsibility centres, and evaluation criteria. The National Environment Management Authority, in collaboration with key MDAs, shall develop a separate document for the monitoring and evaluation framework (MEF) under these Guidelines.

6.1 Monitoring of performance

It is important to monitor and evaluate the extent to which environmental, health and social objectives or recommendations made in the SEA Report or the policies, plans and programmes are being met. Monitoring allows the actual significant environmental, health and social impacts of implementing the policy, plan or programme to be tested against those predicted. It thus helps to ensure that any problems which arise during implementation, whether or not they were foreseen, can be identified and future predictions made more accurate. Information tracking systems can be used to monitor and check progress of the policies, plans and programmes. Monitoring of cumulative impacts may be appropriate for initiatives that will initiate regional-scale change in critical natural assets. Methods and indicators for this purposes need to be developed on a case-by-case basis.

The monitoring activities involve:

The post-assessment follow-ups to enhance the benefits of SEA. It is important, therefore, that the MDA responsible for the policy, plan or programme provides for mid-term evaluation of the implementation of the policy, plan or programme.

The MDA shall share the monitoring reports with NEMA and other relevant stakeholders.

Monitoring will focus on establishing results framework, baseline and target indicators, data collection, analysis and dissemination/reporting methods, timeframe (frequency), inputs (finance, human resource and tools/equipment) and responsibility centres or lead institutions.

6.2 Evaluation of performance

Evaluation will assess the worth and the long-term outcomes (impacts) or achievement of the objectives of these Guidelines and indeed of the SEA Reports of the MDA responsible for the policy, plan or programme. Evaluation is also important in generating lessons learnt, review and action planning for continuous improvement.

Evaluation will focus on the relevance of the SEA to the existing policy and institutional needs, efficiency, effectiveness (short term results-outputs), impacts (including long-term results) and sustainability. The methods, types and frequency of evaluation will be guided by the MEF to be set out under these Guidelines.

6.3 Responsibility for monitoring and evaluation

The MDA responsible for the policy, plan or programme shall be responsible for monitoring and evaluating the implementation of the recommendations of the SEA Report, including environmental, health and social objectives of the policy, plan or programme. The MDA needs to ensure that monitoring information is appropriate to its needs and is up-to date and reliable, and that sources of information are referenced.

The questions in Box 6.1 may assist in formulating and implementing

mechanisms for monitoring SEA as it is applied in the policy, plan or programme process.

Text Box 6.1. Guiding questions for formulation and implementation of mechanisms for monitoring SEA as it is applied in the policy, plan or programme process.

1. What is generally expected for monitoring of SEA?
2. How should monitoring of SEA be linked with monitoring for the policy, plan or programme?
3. How can SEA outcomes be linked to simultaneous and/or subsequent environmental, health and social assessments (for example, ESIA for specific projects for which the policy, plan and programme set the framework, or SEAs for subsequent policies, plans or programmes)?

6.4 Role of evaluation

Evaluation examines whether an intervention has achieved its intended outputs and outcomes. The challenge is to define clearly how to measure these achievements in an objective and robust manner. This approach need not be too complicated – these may be elements that can be measured more objectively than others, especially where cause-effect relations are difficult to determine with any level of certainty. Evaluation of a SEA is likely to involve examination of cause-effect “plausibility” to some degree, an informed judgment about whether a SEA did or did not finally influence the design, planning or decision about a policy, plan and programme.

A systematic approach to evaluation (and monitoring) can be supported by a list of questions set out below. The important point of evaluation is not to seek absolute scientific proof but to engage in reflective processes to evaluate and improve on previous decisions. In this way, the aim is to learn how to continuously improve the integration of sustainability dimensions into decision making, and how to improve the use and efficiency of a SEA as an approach for sustainable development.

The evaluation activities include the following:

- (a). Assessment of the validity of impact predictions and strategic assessment conclusions.

- (b). Determining the extent to which the proposed measures to mitigate adverse effects and optimize benefits were carried out.
- (c). Assessment of the effectiveness of mitigation measures.
- (d). Identifying any further changes needed to improve environmental, health and social benefits of a policy, plan or programme.
- (e). Identifying any additional strategic or project-specific ESAs that may be needed as a result of the policy, plan or programme.
- (f). Establishing lessons learned from the process and action planning for improvement.

In this context, evaluation of a SEA can also help to:-

- (a). Improve learning on the linkages between policy, plan and programme formulation/assessment and their practical outcomes.
- (b). Achieve policy, plan and programme goals by identifying ex-post adaptation requirements for those implementation mechanisms/ actions that have failed to deliver their intended outcomes.
- (c). Support the accountability of decision makers and involved stakeholders by making the results of decisions transparent.

A central element of evaluation is the definition of appropriate indicators that reflect sustainable outcomes as a result of implementing the policy, plan and programme. Indicators are also essential to quantify the achievement of specific objectives and goals. Appropriate indicators should be defined during the SEA process to enable the necessary data to be collected during the implementation phase. Some aspects of objective and goal achievement are better evaluated in a qualitative manner. Hence, written description of the envisaged objectives can be compared with what was practically achieved. Refer to checklist 1 and 2 provided below.

Evaluation should not be an academic exercise. Ideally, it should lead to concrete results which might include:

- (i). Positive recommendations on future actions.
- (ii). Ex-post adaptation of implementation measures, or even of the policy, plan or programme decisions; these will be inevitable if serious deviations from previous assumptions endanger the achievement of specific goals.
- (iii). Specific measures to develop capacity, tailored to help overcome implementation gaps.

Checklist 6.1 provides a set of key questions for evaluating the delivery of envisaged outcomes of a policy, plan or programme.

Checklist 6.1. Key questions for evaluating the delivery of envisaged outcomes of a policy, plan or programme

Whether the SEA predicted future outcomes correctly

1. Were the assumptions made during the SEA for modeling expected impacts and/or institutional and governance requirements correct?
2. Influence of the SEA on the policy, plan and programme process.
3. Did the SEA provide useful information for those responsible for developing the policy, plan and programme?
4. Did the SEA identify the issues most important to sustainable outcomes, rather than only significant environmental issues?
5. Did SEA reflect questions and concerns not initially included in the policy, plan or programme? What was appreciated most/ what was irrelevant, etc.? Could the SEA findings be effectively conveyed to the decision makers?
6. Were the decision makers willing to reflect on and include the provided information in decision making?
7. Did the SEA succeed in actually changing the policy, plan or programme, making the policy, plan and programme more environmentally, health and socially sound?
8. Did the policy, plan or programme process make sufficient reference to the findings of the SEA?

Influence on the implementation process

1. Did the SEA succeed in actually changing the policy, plan or programme implementation or budget plans, or other subsequent measures, making the policy, plan and programme more environmentally, health-wise and socially sound?
2. Did the policy, plan and programme actually lead to implementation measures and outcomes that better reflect the goals of sustainable development/environment? Were options implemented which were more environmentally, health-wise and socially sound?
3. Did the recommendations of the SEA lead to change in institutional settings (e.g. an advisory group on environment, inter-sectoral co-ordination, subsequent ESIA requirements, etc) and governance (for example access to environmental justice or empowerment of weak stakeholders for environmental management) which supported the integration of sustainable development/environment during implementation?
4. Did different stakeholders of relevance for the implementation, act on recommendations by the SEA during the implementation process?

Influence on direct and indirect goals of relevance to sustainable development

1. Are there any indications that the SEA contributed to;
 - Achievement of the National Development Strategies and sustainable development goals and objectives?
 - Improved conditions of environment and natural resources in the relevant area?
 - Transparency and accountability, and improved governance
2. Did the sustainable development benefits of the SEA outweigh the costs associated with carrying it out?

Outcomes on capacity building and influence on accountability

1. Did the SEA help build capacity by training decision makers on implementation?
2. Did SEA empower weak and vulnerable stakeholders?

3. Did the SEA enhance the transparency of decision-making processes and accountability of decision makers on the environmental, health and social implications of the policy, plan and programme?
4. Did decision makers justify or correct their decisions based on SEA findings and monitoring?
5. Did the applications of SEA lead to a better understanding of the potential of this approach and, possibly, encourage the application of SEA later on?

6.4.1 Evaluation as quality control check

In a formal sense, a good SEA is one that conforms to the key principles listed in Chapter 1. These are elaborated in checklist 6.1 to help those engaged in reviewing a SEA process to gauge its success.

This task should be carried out throughout the SEA process. Taken cumulatively, the lessons from such process evaluation will influence the evaluation of SEA practice in the country.

Checklist 6.2 sets out key questions for evaluation as quality control check.

Checklist 6.2. Key questions for evaluation as quality control check

Presentation and quality of information

1. Was the information provided by the SEA process adequate (i.e. comprehensive, rigorous and understandable) from the point of view of those responsible for developing the policy, plan or programme? What was missing?
2. Was the information provided by the SEA process adequate (see above) from the point of view of the key stakeholders? What was missing?

Cooperation and stakeholder participation

1. Has there been effective cooperation between the SEA team and those responsible for developing the policy, plan or programme? Why? How can this be improved?
2. Was there effective public involvement? Why? How can this be improved?

3. Was there an effort to involve less powerful stakeholders in the consultation? If so, how successful was this?

Description of the SEA procedure in the report

1. Has the purpose/aim of the SEA been described with a mention of the SEA Regulations which underpin the SEA process and report?
2. Is the scope of the SEA discussed?

Objective used for the SEA

1. Have the substantial objectives used for the SEA been described and defined, quantitatively where appropriate?
2. Does the SEA Report identify and describe any conflicts that exist between the objectives and the policy, plan or programme, and between the objectives and other policy, plan and programme?

Alternatives

1. Are the potential alternatives within the policy, plan or programme described and considered in terms of the SEA objectives? Have these included the “no change” alternative?
2. If any alternative has been eliminated, have the reasons been provided?

Assessment of environmental, health and social impacts

1. Where there are likely to be significant environmental, health and social impacts, are they clearly described?
2. Is an effort being made to prioritize those impacts that most affect sustainability?
3. Are the methodologies for assessing environmental, health and social impacts described?
4. Is the full range of positive and negative impacts addressed?
5. Were there uncertainties in assessing the impacts?

Assumptions

1. Were the assumptions made justified?
2. How about the worst-case scenario used?
3. Have mitigation measures been able to prevent, reduce or remedy any significant environmental, health and social adverse impacts in the implementation of the policy, plan and programme?

Planned follow up activities and implementation

1. What are the SEA follow-up activities in the implementation of the policy, plan or programme?

There are other examples of SEA review checklists, including the following;

SEA Quality assurance checklist from: Resource manual to Support Application of the UNECE Protocol on Strategic Environmental Assessment, UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE, 2012, 2 pages.

IEMA Strategic Environmental Assessment Review Criteria, Institute of Environmental Management and Assessment, UK, 2 pages.

EU: SEA checklist to review SEA reports 3.

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