



STANDARD OPERATING PROCEDURES (SOPs) FOR COORDINATION AND COMPLIANCE TO ENVIRONMENTAL LAWS

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ACRONYMS AND ABBREVIATIONS

ARPO	Area, Responsibilities, Procedure and Output
Authority	National Environment Management Authority
BFPs	Budget Framework Papers
CSOs	Civil Society Organisations
ENR	Environment and Natural Resources
ESIA	Environmental and Social Impact Assessment
FPPs	Focal Point Persons
LA	Lead Agency
Liaison Officer	Officer appointed as Focal Point Person for Environment in a Lead Agency, also referred to as Focal Point Officer
MDAs	Ministries, Departments and Agencies
MALGs	Ministries, Agencies and Local Governments
MEMD	Ministry of Energy and Mineral Development
MOU	Memorandum of Understanding
MWM	Municipal Waste Management
NDP	National Development Plan
NEA	National Environment Act
NEMA	National Environment Management Authority
PFMA	Public Finance Management Act
SOPs	Standard Operating Procedures
SWOT	Strengths Weaknesses Opportunities Threats

FOREWORD

The National Environment Management Authority (NEMA) is the principal government agency mandated to regulate, monitor, supervise and coordinate all activities in the field of the environment in Uganda. The National Environment Act 2019 further provides clear roles for environment management agencies and broadly specifies areas for coordination and collaboration with lead agencies. The NEA also specifically requires NEMA to liaise with lead agencies and establish guidelines for effective management. In a bid to improve coordination, reduce duplication and enhance operations, NEMA and partners have developed Standard Operating Procedures (SOPs) for coordination and compliance to environmental laws. Given the diversity of lead agencies and their mandate, effective coordination requires clear procedures that would guide all agencies to act uniformly. The SOPs will provide guidance during execution of tasks by staff of NEMA, Lead Agencies and other officers undertaking environmental management assignments.

The SOPs focus on different areas that are routine and repetitive for NEMA and Lead agencies. The categorization of SOPs into administrative and operational will help the end users` ease of reference. Key SOP areas focus on management of meetings, management of emergencies, assessment of compliance and budget framework papers among others. Field operational SOPs cater for monitoring, inspections, investigation and litigation among others. These will be updated to incorporate other emerging areas

The SOPs have been developed been developed and will be implemented in collaboration with Lead agencies. The process was highly participatory to enhance ownership particularly at the time of implementation. It is our expectation that adherence to the laid down SOPs will enhance coordination and result into effective and sustainable environment management.

It is incumbent upon all of us to improve environment management service delivery within our jurisdiction. I therefore urge all staff of NEMA, Lead agencies and all stakeholders to follow, adhere and integrate the SOPs into their operations.



Dr. Tom.O.Okurut
EXECUTIVE DIRECTOR NEMA

1.0 Introduction

The National Environment Management Authority (NEMA) is the principal government agency mandated to regulate, monitor, supervise and coordinate all activities in the field of the environment in Uganda. The coordination mandate of NEMA is executed in collaboration with lead agencies. Lead agencies are mandated to: plan, regulate and manage the segment of the environment within their areas of operation; carry out strategic environmental assessments; prepare an environment action plan and the state of environment report; undertake environmental inspections and review environment assessments and environmental audits; ensure compliance with National Environment Act (NEA), 2019 for all activities in their area of jurisdiction; implement the decisions of the Authority with respect to the segment of environment under its mandate; report on progress quarterly and account to the Authority for the execution of its role in relation to environmental management within three months after the end of the financial year.

The NEA provides clear roles and broadly specifies areas for coordination and collaboration with lead agencies. The NEA also specifically requires NEMA to liaise with lead agencies and establish guidelines for effective management. A number of operational guidelines documents are in place including; the 2016 administrative reforms on Environment and Social Impact Assessment (ESIA) process, National Guidelines on Biodiversity and Social Offset; NEMA Client Charter, Lead Agency Coordination and Integration strategy 2018, National Biodiversity Strategy and Action Plan (NBSAP), Operations Manual for enforcing compliance to environmental laws and Strategic Environmental Assessment guidelines 2020, among others. The guidelines were developed to aid NEMA and other environment management agencies in execution of their mandate.

Although, guidance is provided under several policies, laws and regulations, several reports indicate weak coordination as a challenge to both enforcement and compliance to laws governing environment management. This is attributed to several factors including the absence of Standard Operating Procedures (SOPs), limited follow up among others. The SOPs have thus been developed to provide a set of principles and guidelines that should be adhered to during execution of assignments by the Authority and lead agencies. It is hoped that once all environment management officers and agencies adhere to standard procedures, environment management will be enhanced. The SOPs are divided into three main sections: Office, administrative and logistical SOPs; public engagement/public relations and field operations SOPs.

2.0 Rationale

The duty to protect and enhance the environment is to all Ugandans. At institutional level, environment management is a decentralized function and shared responsibility by all agencies and stakeholders. NEMA is mandated to execute several functions among which is to support the mainstreaming and integration of environmental concerns in national and sectoral plans through coordination and collaboration with lead agencies. It is also expected to provide guidance to lead agencies with respect to execution of environment management functions.

In 2018, the Authority developed a coordination and integration strategy which among other things requires development of Standard Operating Procedures for lead agency coordination. In addition, the coordination function necessitates adherence to set standards that have to be followed by all

agencies. Such standards in operations however are lacking. Environment management agencies have constantly reported weak coordination as a major hindrance to environment operations. This has resulted in low compliance manifested in poor or no reporting, duplicated activities, overlapping assignments and conflicts over who should do what and when. The SOPs will therefore be critical in enhancing coordination. They will help staff in lead agencies on how to implement and handle particularly joint activities. They will check and eliminate biases that arise out of personnel changes and preferences. In addition, they will ensure organizational continuity for instance, in case of retirement, leave or absence; remaining officers can easily and quickly execute activities and tasks following the laid down SOPs.

3.0 Purpose and scope of Standard Operating Procedures

Standard Operating Procedures (SOPs) are written instructions intended to document how to operate or perform a routine activity. They provide a framework which helps to ensure the quality, consistency and rigour thereby reducing the work effort, errors and training time required to deliver the mandated functions. The SOPs will provide guidance during execution of tasks by staff of NEMA, Lead Agencies and other officers undertaking environmental management assignments as stipulated in the National Environment Act, 2019.

The primary purpose of the SOPs is to provide the steps that staff of NEMA and Lead agencies should follow in execution of activities and tasks as a way of enhancing compliance to environmental laws. The SOPs have also been developed to facilitate coordination of lead agencies involved in environmental management. This therefore is a reference and guidance document meant to streamline roles, reduce overlapping and clashing programs, eliminate duplication and ensure smooth and better coordination within and between NEMA and Lead Agencies.

The SOPs are consistent with existing policies, laws, regulations, standards and guidelines. The SOPs are to be used for environmental management activities and will periodically be reviewed to harmonize emerging issues and address any gaps identified. The SOPs will apply and be used by all sectors, Ministries, Agencies and Local Governments (MALGs) during execution of environmental activities in accordance with the NEA and relevant laws. The document covers both administrative and operational SOPs. Administrative SOPs focus on issues of organizing and managing meetings, follow up, reporting and feedback and conflict management. Operational SOPs focus on activities that relate to awareness creation and public education, communication and publicity, research, resource mobilization and field missions, among others.

3.1 Objectives

The overall objective of the SOPs is to facilitate effective coordination and execution of environment management activities

Specific objectives

- a). Facilitate coordinated execution of office, administrative and logistical environmental management assignments of the Authority and lead agencies;

- b). Guide and enhance the enforcement operations of the Authority and related lead agencies;
- c). Provide strategic guidance to compliance measures by the ENR institutions and the wider sector;
- d). Enhance communication mechanisms amongst the various lead agencies and departments and directorates of the Authority.

3.2 Targeted Users

- a). All staff of the Authority;
- b). Environmental Protection Force (EPF);
- c). Gazetted inspectors across the country;
- d). Certified Environmental Practitioners; and
- e). Any person or lead agency authorised to perform duties on behalf of the Authority under the National Environment Act No 5, 2019 and attendant regulations.

4.0 Methodology

For each of the SOP component, a standard structure summarized in the acronym ARPO is followed. Each SOP component highlights the area of focus and purpose, expected roles and responsibilities, procedures to be followed and the output or deliverable to be realised. The structure is summarized in Table 1:

Table 1: Structure adopted for the SOPs

A	R	P	O
Area and purpose	Roles and responsibilities	Procedure or principle	Output or deliverable

5.0 Guiding Principles

The preparation and development of the SOPs was based on a number of principles that need to be adhered to during application.

- a). The development of the SOPs was open and participatory. It is thus expected that subsequent applicability will invoke these virtues. This is important because environment management is crosscutting and a shared responsibility that cannot be left to one or a few agencies.
- b). SOPs are for administrative and operational assignments. As such they reinforce and not override existing laws, regulatory frameworks and standards. At no time should SOPs take precedence over existing regulatory frameworks.
- c). The SOPs focus on all staff of the Authority and lead agencies involved in environmental management. While specific mention is made of principal and lead agencies, the procedures and principles apply to all the different agencies that include private, Civil Society Organisations and development partners.
- d). Reporting and feedback is a critical component of coordination and ensuring the effectiveness of developed SOPs. Both NEMA and lead agency staff should report activities executed and ensure that liaison officers are kept up to date about progress.

- e). Execution of SOPS should be within the control of the agencies involved. Such agencies thus are expected to support and facilitate establishment of structures that will enhance application of SOPS.
- f). Joint instead of isolated operations are encouraged and need to be explored and executed. Isolated operations are costly in time, capacity and resources. A reorientation of approach to focus on joint projects is, therefore, critical for effective SOPS.
- g). All activities covered under the SOPS and executed within related framework are for and on behalf of accounting officers of respective agencies. It is, therefore, important that agency staff update their institutions and ensure that their interests are represented.

6.0 Office, administrative and logistical Standard Operating Procedures

6.1 Organising meetings and engagements

Meetings with lead agencies take different forms and have different aims. Such meetings may be for consultation, consensus building, planning, reviewing and sharing results, among others. They can also be scheduled or urgent and abrupt. It is important that such meetings are organized regularly to share progress and challenges and develop strategies.

Area and purpose

The SOP focuses on scheduled, quarterly and annual lead agency meetings. The purpose of the SOP is to ensure that such meetings are successfully organized. The manner and environment in which meetings are held should ensure full attendance, maximum participation and engagement and ownership of decisions reached during deliberations.

Roles and responsibilities

Quarterly and annual lead agency meetings will be organized and coordinated by NEMA. Such responsibility can, however, be passed on to lead agencies through formal communications. Any other meetings can be organized by lead agencies in collaboration with the Authority. Meetings should be initiated early and a calendar drawn with possible dates and venues.

Procedure

1. Consult with agencies on possible dates and venues and draw a calendar
2. Circulate the calendar to respective agencies by hardcopies, email or both
3. Generate invitation letters for specific meetings and ensure they are delivered to respective agencies earlier, at least 14 working days before due date. The invitation letter should include; date of the meeting, venue, programme/brief, facilitation if any, expectations from the participant and any relevant documents.
4. Ensure that focal point officers within the agency are copied in and aware of the invitation for follow up within their agencies
5. Remind the focal point officers at least three days before the meeting and ensure that logistical and administrative issues are concluded within the three days before the date of the meeting
6. Conduct the meeting as planned and explain any deviations to the participants
7. Prepare and distribute the meeting report within 10 working days after the meeting for comments and confirmation
8. File the final meeting report in both hard and soft copy

Output

The main deliverable from the meetings is a report.

6.2 Follow up of commitments and action areas

The coordination role involves a lot of engagements, discussions and follow up. These could be through formal meetings, virtual meetings, conferences, workshops and interactions and discussions. It is important that resultant recommendations, agreement and action points be followed up for successful environment management.

Area and Purpose

Follow up is made on commitments and action areas arising out of engagements. This is important in ensuring that the would-be written and verbal commitments are translated into action.

Roles and Responsibility

It is the duty and responsibility of both parties that generate commitments and action areas to ensure that follow up is made up to successful completion. Liaison officers in both principal and lead agencies are expected to ensure that timely follow ups are made.

Procedure

1. Liaison officers need to ensure that written or recorded information on engagements, commitments and action areas is available
2. In cases where a specific time period for follow up or implementation is not stated, liaison officers need to initiate follow-up earlier, at least within two weeks of the engagement.
3. The preferred medium of initial follow up should be through use of a formal communication channel, preferably an email, stating the issues for attention. Where applicable, attach relevant documentation and propose a timeline within which action needs to be taken.
4. After one week of the email and where no response or action is taken, a phone call needs to be made making reference to the initial email
5. In cases where progress is not sensed, it is advisable that a proposal for a physical meeting be initiated.
6. During the meeting the liaison officer needs to appreciate the reasons for no response/action. He/she also needs to underline the importance of the agreed actions, the consequences of no action and explore convenient means of securing action without compromising the original intention.
7. Follow up actions should be summarized in a written report discussed with the accounting officer of the agency for ownership, guidance and input.
8. The final report on actions taken should be submitted to the respective agencies involved. The report should indicate actions undertaken in light of what was agreed, challenges encountered and propose a way forward.

Output

The main deliverables include, engagement reports, follow up emails and final written report on the issue under follow up.

6.3 Assessment of Budget Framework Papers

Mainstreaming environment across sectors requires assessment of plans and budgets of agencies. Budget Framework Papers (BFPs) provide an opportunity for assessing progress with integration of environment as they provide both actual and planned budgets and activities with respect to environment management related undertakings. The Authority is mandated to ensure compliance of environment management agencies and thus requires clear procedures of assessing progress.

Area and Purpose

The SOP provides steps to be followed by agencies involved in assessing incorporation of environment and natural resources aspirations in plans and budgets basing on BFPs.

Roles and Responsibility

It is the responsibility of the Authority and the relevant line ministry to ensure that BFPs integrate environment and natural resources issues. The Authority should thus coordinate with other responsible agencies to ensure effective assessment.

Principles and Procedure

1. The Authority should, in collaboration with respective agencies, develop a compliance assessment system to aid during the process of assessment.
2. The Authority should formally notify agencies about the process of assessment, requesting such agencies to submit their BFPs for analysis
3. An assessment team should be constituted from relevant agencies to undertake the assessment exercise
4. Assessment should be conducted within 21 working days of submission of BFPs by agencies
5. The results of assessment should be discussed, reviewed and endorsed by the Authority`s top management
6. The results of assessment should be communicated to agencies within 20 working days of endorsement by the Authority
7. A feedback and complaints management system should be put in place and accessed to agencies. This will be used wherever agencies are not satisfied with either the process or outcome of the assessment.

Output

The main output for this SOP is the assessment report of BFPs.

6.4 Complaints management

Several complaints continue to be received on a daily basis particularly with respect to environment management. These take many forms; public complaints over environmental agencies, lead agencies against each other or the authority among others. Such complaints could result into conflicts when poorly handled. Both the Authority and Lead agency officers are encouraged to refer to the NEMA Client Service Charter for guidance on interaction between the Authority and the wider public. In

addition, the following procedures should be adhered to in management of complaints.

Area and Purpose

The section focuses on complaints between and from lead agencies about the principal agency and vice versa, during execution of assigned mandate. All agencies already have internal mechanisms for managing complaints from the public.

Roles and Responsibility

All environmental management agencies are responsible for receiving, investigating and managing complaints from both the public and institutions. The Authority will manage complaints from lead agencies and vice versa.

Procedure

1. Agencies are encouraged to analyse complaints to determine those that can be handled within existing internal mechanisms.
2. Complaints that require external mechanisms or attention of the Authority should be documented and addressed to the Executive Director. The following details need to be provided: Nature of the complaint, frequency if possible, steps already taken if any and requested intervention.
3. Within 10 working days of receipt of the complaint, an investigation should be initiated. Where there is no response, the lead agency needs to remind the Authority's Lead Agency Coordination office or related unit.
4. Where an investigation has been instituted, the agency or complainant and the accused should be given an opportunity to respond to allegations.
5. A report should be filled based on the investigation, providing guidance to the party or agencies involved.
6. Regulatory measures should be taken to compel the agency or party involved to abide by the guidance provided
7. The Authority shall establish a system for receiving and tracking complaints and monitoring effectiveness of the measures put in place for purposes of learning and improvement

Output

A complaints report or document and guidance note are the key outputs.

6.5 Conflict Management

Conflicts, misunderstandings and clashes may occur during execution of respective mandates. Unresolved complaints also result into conflicts. It is important that available internal mechanisms and controls are utilized and exhausted. These include bilateral engagements at departmental level and institutions. Restraint needs to be exercised at all time to ensure that such conflicts are neither exposed to the public nor blown out of proportion.

Area and Purpose

The SOP covers conflicts over environment management mandate during execution of operations. The focus is on both potential and actual conflicts between environment management agencies. The purpose is to provide guidance on elimination or containment of such conflicts while enhancing trust

and teamwork between such agencies.

Role and Responsibility

Management of conflicts between environment management lead agencies will be handled by the Authority in collaboration with responsible Accounting Officers. Conflicts between the lead agencies and the principal agency will be handled by the Authority`s Executive Director or the Board while the Policy Committee on Environment shall be the last resort. For emphasis, it is the responsibility of all agencies to ensure that internally available mechanisms have been exhausted.

Principles and procedure

1. Where a potential or actual conflict area is noticed, internal mechanisms or controls already referred to should be used
2. In cases where the mechanisms or controls are not yielding results, any of the lead agencies involved should document and report to the authority.
3. Where the Authority is the complainant and where bilateral mechanisms have failed, a report should be filled and submitted to the Authority` board
4. Both the Lead Agency and Authority reports should indicate the nature of conflict, the parties involved, the steps that have been taken and suggestions
5. The Authority should within 10 working days of receipt of the report initiate investigations preferably meeting each of parties involved separately. Such meetings should help in deciding whether a meeting of all parties is required.
6. The Authority should prepare a report of the findings, present it to the parties and provide guidance on the way forward.
7. Any of the parties is free to seek further guidance using mechanisms already specified or existing regulatory options.
8. The Authority should within one month of provision of guidance, follow up with the parties for feedback on the effectiveness of conflict resolution mechanisms provided.

Output

Two reports are expected; the conflict report filed by agencies and the guidance report provided by the Authority.

6.6 Management of emergencies

Emergencies happen at any time and when not properly managed can be disastrous. Different emergencies can and may be administrative or operational. These could occur due to public relations crises, hazards and disasters, strikes and demonstrations among others. Irrespective of the nature, all environment management emergencies require immediate and urgent responses and coordinated joint efforts.

Area and Purpose

The SOP focuses on emergencies that arise out of both administrative and operational assignments. The SOP provides guidance on how emergencies should be effectively handled.

Procedure and Principles

1. The agency that notices or identifies an emergency needs to first acknowledge the situation as requiring urgent and immediate attention
2. The agency that first acknowledges the situation as emergency should exercise responsibility until the relevant agency takes over. This includes making contact, communication, investigation among others depending on the nature of the emergency. Also refer to the Lead Agency emergency response plan.
3. The agency should notify the line agency or officer or Liaison officer and where none is available, contact the Authority. Liaison officers should immediately brief their accounting officers and responsible agencies.
4. The responsible agency needs to take immediate action. Where possible the agency should form a joint response team to develop an action plan.
5. The response teams should be deployed or assigned tasks while communication officers should provide regular updates to the relevant stakeholders as appropriate and following existing communication guidelines
6. The response team should develop a comprehensive report about the event and communicate to the relevant stakeholders.
7. The responsible agency should organise a review meeting to evaluate the effectiveness of the emergency response system and generate lessons for improvement

Output

Activity and evaluation report is the key deliverable.

7.0 Standard Operating Procedures for public engagement, communication and mobilization

7.1 Environmental awareness, literacy and public education activities

Low environmental awareness and literacy significantly contribute to environmental degradation in the country. All agencies involved in environmental management run a number of related campaigns and activities. It is imperative that such agencies coordinate and engage each other during such activities as a means of creating synergy and realising maximum gain.

Area and Purpose

The SOP focuses on joint environmental awareness, literacy and public education activities. This is intended to guide the different agencies involved and ensure that such activities are well organized, coordinated and executed. The SOP may also be used for individual agencies or isolated activities.

Roles & Responsibilities

All agencies involved in environmental management are expected to engage in environmental awareness and literacy and public education with respect to a specific segment of environment under their mandate. For each activity there needs to be the lead organiser who will take overall responsibility for it. The lead organiser can be the Authority or lead agency. The lead organiser

assumes overall responsibility. A formal request should be made to the Authority where a lead agency requires it to be the lead organiser.

Principles and procedures

1. The lead organiser will develop a brief, concept note or write-up that should spell out the specific activity, planned period, location, resources required and available, agencies to participate and their roles.
2. The brief should be shared with agencies involved for input and comments preferably through the liaison officers. A no objection from the agencies involved is necessary for commitment and ownership
3. The lead organiser should ensure that all technical and logistical requirements are in place 10 working days before the due date. Where necessary preparatory meetings should be held.
4. The activity should be executed as planned and any deviations documented.
5. The lead organiser is expected to generate a report within 7 working days of implementation of the activity to be shared with all agencies involved.

Outputs

The key deliverables should include; concept note and activity report

7.2 Communication and public relations

Area and Purpose

The target is on joint communications by environment management agencies and includes; media briefs, press conferences, media events, news releases and any interface with the media. This is expected to enhance visibility and ensure delivery and dissemination of harmonized and coordinated environmental information to the public.

Roles and Responsibility

- The responsibility of conducting and coordinating joint communications and any form of public relations activities lies with the communication departments in agencies
- The coordinating agency (NEMA) and the relevant LAs will jointly be responsible for meeting the logistical expenses of the activity (unless otherwise stated).

Principles and procedure

1. The Authority or concerned agency in consultation with other agencies identifies the critical areas to be jointly communicated
2. The Authority or concerned agency develops a concept note/paper that includes a budget and scope of the activity.
3. The Authority organises and coordinates a preparatory meeting to discuss the concept and gather facts about the area of concern. A virtual meeting, field verification, among others, may be conducted jointly where necessary.
4. The agencies agree on the information, messages, design, frequency, appropriate media channels, location and time to deliver the communication among others.
5. The joint team prepares the talking points for the media or public and/or relevant stakeholders
6. Each agency identifies a suitable officer who on behalf of the joint team will communicate to the public and/or stakeholders. Actions on the recommendations in this report will be taken and then communicated to the relevant stakeholders
7. The joint team compiles the comments/responses from the public and other relevant stakeholders and compiles a report that is shared by all.
8. The joint communication should be hosted on the platforms of agencies involved following the laid down SOPs.

Output

This may vary depending on the context. In general reports and recordings of media briefs, press conferences, media events, statements, among others, should be produced.

7.3 Hosting work outputs of Lead Agencies on the Authority`s platform

Lead agencies implement a range of activities that need to be publicized. While these are disseminated over lead agency fora, other platforms including those of the Authority should be utilized. This could also necessitate creation of additional menus, links and sub domains in case of website information.

Area and Purpose

The focus is on outputs of both the Authority and lead agencies. Outputs of the Authority should be publicized by lead agencies and vice versa. The procedure thus applies to all agencies. The aim is to facilitate the successful hosting of work outputs of agencies and create maximum publicity for environment management interventions.

Roles and responsibility

The responsibility of enhancing visibility lies with communication officers within the specific agencies. It also must follow internal policies for hosting external content. Liaison officers should coordinate the sending and receiving of information to be hosted.

It is the responsibility of the hosting agency to review all the materials submitted and uploaded on its platform. Clarification should be sought and material refined before it is uploaded.

Procedures

1. Hosting information can be through notification by the hosting agency or request to host by the initiating agency.
2. Agencies are encouraged to initiate the process of hosting through formal contact with the respective agency preferably through email or written request. Linking information of any agency on another agencies' platform should not require notice or clearance.
3. The contacted agency should within seven working days clarify on the nature of content accepted, size, format and terms and conditions, among others.
4. The requesting agency should within 10 working days of acceptance to host, prepare, compile and send the information to be hosted following agreed structure.
5. The information or material submitted should be uploaded within 10 working days.

Output

Content hosted on sister agencies' platforms.

7.4 Research and Resource Mobilization

There is a growing need for updated environmental data and statistics for informed decision making, planning and management. Research is critical in generating knowledge and filling such data gaps. Unfortunately, environment management across sectors remains grossly underfunded. This implies that resources for research and development are not available. There is thus a need for environment management agencies to undertake studies to generate information but also mobilise the much needed resources.

Area and Purpose

The areas of focus are diverse as they reflect the different research and resource needs of lead agencies. This SOP provides guidance on how environment management agencies should conduct joint research and resource mobilisation undertakings.

Roles and Responsibilities

Respective research and resource mobilisation units of agencies will take lead. Liaison officers will participate and support such units during the entire process. The initiating agency should take lead and where not possible, it should formally notify the appropriate partner agency.

Procedures/Steps

1. The initiating agency should develop a concept note & identify research or funding areas
2. The developed concept should be shared internally within the agency for endorsement and forwarding approval to partner agencies.
3. The endorsed concept will be shared with respective partner agencies for review and ownership within 10 working days. The concept should, among other things, indicate the terms of reference, roadmap and timelines, management of resources among others.
4. A meeting should be organized by the initiating agency for joint review and approval of the concept or full proposal where appropriate. Where no Memorandum of Understanding exists, the meeting records should capture the division of roles, sharing of resources and funding commitments, among others.
5. The reviewed concept/proposal should be finalized and submitted or implemented as stipulated therein.
6. After submission or implementation, a meeting should be held to generate a report on the lessons learned for future undertakings.

Output

- Research report
- Research findings utilized in environmental decision making
- Report on resources mobilized
- Activity report

8.0 Standard Operating Procedures for field operations and inspections

8.1 Joint field missions: Visits, assessments, and monitoring

All environment management agencies participate in one or more of the areas mentioned. In most cases these are done by agencies individually due to uncoordinated planning. With increasing mandate and limited resources, agencies need to move towards sharing such planned events to maximize benefits.

Area and Purpose

The focus of the SOP is on all joint field missions. While there may be differences in aims and context, the steps involved are similar. It applies to environmental assessments, monitoring, and restorations, among others. The purpose of the SOP is to provide guidance where joint field missions are to be undertaken. The SOPs will facilitate:

a) Verification and harmonized decision making for approval of projects, issuance of certificates, among others.
b) Reduction on turnaround time in decision making and issuance of approvals
c) Sharing of expertise and equipment between or amongst environment management agencies
d) Building competence in conducting specific field missions
e) Maximisation of the use of available limited resources

Roles and Responsibility

The responsibility of conducting such field missions is as per the mandate of the agency involved.

The initiating agency, therefore, needs to ensure that the planned activity is in tandem with existing regulatory framework -where such mandate does not exist, it imperative that the initiating agency approaches the Authority or respective agency for clearance and approval.

Procedure

1. The agency involved writes to other respective agencies proposing a joint field event. The agency needs to provide as much detail that specifies the nature of the field mission, the need, time and location, roles and expected output.
2. The proposed date of the field mission should be a minimum of 10 working days from the date of request. In case of Environment and Social Impact Assessment and restoration related activities, related documents should be attached and existing regulations need to be spelt out.
3. The liaison officers should be kept abreast of the written request/proposal to conduct such joint missions for follow-up purposes.
4. The correspondent agencies should provide written feedback within five working days of receipt of the request. The agencies should indicate whether they will participate or not and provide comments on expected roles and responsibilities
5. The initiating agency should confirm all logistical and technical needs and send reminders five working days to the field mission.
6. A report of the field mission should be prepared within five working days and circulated to all agencies involved. In case of ESIA reviews, such a report should be signed in duplicate by all members and circulated respectively.

Lead agencies are further encouraged to refer to Part XII of the National Environment Act 2019 for more guidance on the different parties involved and how they should conduct themselves.

Outputs

Expected deliverables will depend on the nature of the field mission, and they include:

- Field verification reports
- A notification of outcome of the assessment (In case of missing information)
- Approval certificates with conditions

8.2 Environmental Inspections

Area

Environmental inspections may arise as routine activities to ascertain compliance, inspections arising out of a complaint to the Authority and lead agency or site verification inspections. The inspector is required to issue a report to the respective accounting officer and in accordance with the law and stipulated guidelines.

Purpose

The SOP provides guidance on conduct of field inspections that gazetted inspectors need to adhere to.

Principles and procedure

1. All inspections by the Authority and lead agencies shall be conducted by a gazetted environmental inspector
2. Officers carrying out inspections will conduct themselves in a professional manner with utmost integrity in accordance with the law.
3. In cases where an environmental inspector has a conflict of interest that would undermine his/her integrity and the integrity of the regulatory agency with respect to the outcome of the inspection, the inspector must withdraw from the team stating so in writing. This needs to be communicated to the accounting officer of the agency and copied in to Authority.
4. Upon arrival at a regulated site, facility, or other associated location, inspectors should: a). Identify themselves by adducing an identification card; b). Identify or explain the nature of the authority that the inspector has, and the duties that the inspector plans to carry out; c). Inform the facility staff of the scope, purpose and objective of the inspection; d). Highlight the relevant provisions of the law which are pertinent to the inspection exercise; e). Obtain and record evidence/exhibits or collect samples that are to be used.
5. The inspector together with any team members who conduct the physical inspection, shall ensure the following before leaving the facility: a). Discuss the inspection findings and recommendations with facility managers. b). Highlight findings requiring immediate attention. c). Mention strengths and weaknesses noted within the facility. d). Issue a report summary of findings indicating status of compliance and areas of improvement which shall be signed by the facility manager.
6. More information on the powers and duties of inspectors is provided in section 128 of the National Environment Act 2019.

8.2.1 Inspection reports

Upon completion of the inspection, the inspector or the head of the inspection team must develop a written inspection report to the Executive Director detailing;

a) Inspection date;
b) Location of the facility/address including GPS Coordinates;
c) Site contacts;
d) Inspections team;
e) Site history/previous actions;
f) Describe the inspection process;
g) Compliance concerns/status of the facility;
h) Findings and results of the inspection; and
i) Recommendations
j) Signature/acknowledgement.

Where elements of non-compliance were found, the inspector shall ensure that a copy of the report served on the operators of the facility is shared with the Authority. In instances where an officer from the Authority undertakes inspections, a copy of the report should be shared with the legal department within 14 working days.

8.2.2 Inventory/record of inspections undertaken (updated upon carrying out any inspection)

An inventory of all the inspections carried out by inspectors of the Authority and lead agencies shall be maintained. The principal environment inspector of the Authority shall maintain a regularly updated record of inspections undertaken by both the principal and lead agency officers. The inventory should reflect the following:

a. Date of the inspection
b. The lead inspector
c. Members of the inspection team
d. The purpose of the inspection
e. Key findings
f. Recommendations and action taken.

The inventory shall be periodically reviewed by the Authority` Directorate of Environmental Monitoring and Compliance.

An inspection report for each facility or site shall be compiled by the inspectors who shall organize the report, supporting notes, and other documentary information into an inspection file.

8.3 Investigations, prosecution and litigation

There is an increase in litigation cases against environmental harm and prosecution of environmental crimes under the litigation function arising from the Authority operations. These need to be streamlined with the enforcement and compliance measures engaged by the Authority. The statutory mandate of NEMA to regulate, coordinate, supervise and monitor all aspects of the environment in the country, places the Authority in a strategic position to evoke both administrative and quasi-judicial powers that support regulatory linkages with other MDAs and the wider Environment and Natural Resources sector.

Issues relating to compliance and enforcement of environmental laws need systematic tracking as environmental violations and or offense emerge. Environmental law is multi-faceted and multiple methods of enforcement have been applied with minimal results. The current enforcement arrangements need to be streamlined so as to avoid exposing the Authority to liabilities. There is need to enhance the regulatory efforts beyond inspections and monitoring to deter violations. The EPF supporting enforcement and compliance through surveillance should be strongly linked to structure for effective supervisory links that can monitor how they handle matters investigated for the Authority. Therefore, dedication of certain operational functions to officers applying and enforcing the National Environment Act No.5 of 2019 and attendant regulations should have clear and prescribed options for action in assignments to avoid legal implications.

Similarly, a number of agencies are facing suits over their conduct in managing the environment. There are also instances were such agencies file suits against companies and degraders. There is need for agencies to conduct litigation in environmental cases to recover costs and deter environmental crime. This is more relevant especially were non- compliance is persistent and the degradation is likely or has escalated to alarming levels. Litigation will be engaged as a tool to deter non-compliance and is envisaged to maximize the available resources (human, financial and logistical), ensure better coordination and exert concerted pressure on offenders while protecting the environment. Environmental agencies are mandated to collaborate and offer technical or financial

assistance during suits on environmental matters in accordance with the civil procedure rules.

Area and Purpose

The focus area is on environmental inspections on land, including water, facilities, premises, vehicles or vessels among others. Inspection also targets areas of degradation arising from non-compliance with the laws. Resultant cases may be prosecuted or filed by agencies or defended where environmental agencies are sued jointly. The cases involved should be pertinent to the sector or are issues/suits that have common questions of law or fact. The SOPs do not override existing mechanism rather reinforce such and promote joint litigation as a better alternative to individual agency arrangements. The aim is to guarantee maximum legal protection to officers and agencies involved in environmental operations.

Roles & Responsibilities

The legal departments within agencies have the overall responsibility of facilitating, coordinating and promoting litigation as a tool for deterring non-compliance and improve compliance with the laws. The liaison officers will follow up and support as and when requested by such legal departments. Responsibilities involve:

- Mobilizing witnesses
- Carrying out investigation
- Producing evidence
- Recording and safe guarding documentation

8.3.1 Investigations

Principles/Procedure

a). Investigations into environmental violations shall be conducted by EPF in close collaboration with the Authority and accounting officers of the respective agencies, environment inspectors and the legal department.
b). Depending on the category of the case, other investigations may be conducted by EPF in collaboration with the relevant compliance unit requiring the investigations.
c). All investigations shall be conducted in consultation with the legal department. Where joint investigations are required, effort needs to be made to engage related agencies
d). All investigations shall be undertaken with the ultimate goal of deterring violators or would be violators of environmental law, regulations and standards and must be authorized.
e). The investigating officer of any matter shall contextualize the investigations to establish the precise magnitude of the harm as described in the sanction and the person responsible.
f). All investigations shall be handled expeditiously to protect human health and the environment.
g). Where investigations require the engagement of experts, the investigating officer shall ensure that the expert is engaged early enough to explain the scientific uncertainties and inform the accurate assignment of blame to the violator.
h). Where the investigating officer requires access to the site, all necessary authorization to enable access must be obtained.
i). Where investigations target a facility, the investing officer shall engage the gazetted inspectors to support investigations. The investigator shall be required to establish the processes of the facility, raw materials, and products and waste generated and how it is handled.

j). An investigating officer shall collect and document all relevant information that is of verifiable nature to the case under investigation.
k). Where photographs and samples are required, the investigating officer shall engage the requisite expert and scene of crimes officer to support documentation of this evidence.
l). All matters investigated shall be registered in the inventory and entered on the database.
m). When the investigation is completed, it should be shared with the legal department for review.
n). Legal department will evaluate the factual report and prepare a legal opinion on the Authority's possible exposure to liability and make recommendations for action or other follow-up.
o). After the legal analysis is completed the lead investigator will include in the file, a summary of the actions taken in response to the investigations.

8.3.2 Prosecution

Principles/procedure

a. The legal departments shall liaise with the EPF and the Office of the Director of Public Prosecutions (ODPP) to support the conduct of prosecutions in relation to environmental crimes in accordance with the criminal procedure rules and the law.
b. The criminal files shall be prepared by the EPF and presented to the legal department for perusal and advice as guided by the ODPP for onward handling.
c. No matter shall be prosecuted unless there is proof beyond reasonable doubt that the individual being prosecuted knowingly violated the law and that the violations breach specific sections of the law
d. Prosecution may be led by licensed prosecutors of the Authority in collaboration with the ODPP.
e. Upon receiving the case file for intended prosecution, the prosecutor shall peruse the file and make recommendations to the ODPP on the implications of prosecuting the matter in terms of justice and effective enforcement of the law.
f. Once the file is sanctioned and instructions to draft a charge sheet issued, the officer investigating the matter shall liaise with the licensed prosecutor who perused the file to support the charging of the violator with correct offences.
g. All matters presented for prosecution whether sanctioned or not shall be registered and entered in the database.

8.3.3 Litigation

Principles and procedures

For the purpose of these SOPs, a litigation case shall mean a law suit with filed and received court pleadings or written statement of facts relating to any instance, occurrence or situation to prove certain legal issues in a trial to be decided by Court.

a. Litigation case management shall involve a range of approaches and methods to obtain knowledge and manage the life cycle of the case to logical conclusion.
b. Any officer of the Authority or Agency with knowledge on documents or statements that form part of the required evidence to support the case must avail him/herself to support the litigation case as may be determined by the legal department.
c. The legal departments shall ensure that the source of evidence is reliable, authentic and correct.
d. All litigation cases implicating liability to the Authority shall be received by the Legal department who are charged with the duty to defend the Authority in all legal matters.

- e. Where the Authority or lead agency resolves to recover enforcement costs from an environmental offender, the respective unit in charge of environmental compliance shall cause the designated officer to compile all evidence of non-compliance and related costs to the accounting officer for authorization to institute a law suit. The following issues shall be taken into consideration for all litigation matters:
- i. The impact of the activity on human health and the environment;
 - ii. Whether the activity was authorized by the Authority;
 - iii. Whether non-compliance was done deliberately, knowingly or willfully;
 - iv. History of non-compliance;
 - v. Whether the party affected knowingly provided false or misleading information in regard to impacts of its activities; and
 - vi. Whether a recent inspection of the facility was done to ascertain status of impacts.

Output

- Compliance reports
- Enforcement reports
- Cost recovered

9.0 Lead Agency Reporting and Feedback Mechanism

The National Environment Act, N0.5, 2019 requires lead agencies to report and account for execution of their mandate in relation to environment management. Section 30(1) requires a Lead Agency to appoint an environment officer. The act further demands lead agencies to report on progress quarterly and account to the Authority for the execution of their role in relation to environmental management within three months after the end of the financial year.

Area and purpose

Reporting is made on targets, progress and challenges experienced by lead agencies during execution of their mandate during the quarter and financial year. This is meant to help environment management agencies to take stock of their interventions and devise mechanism for improvement. The SOPs will help environment management agencies to prepare accurate and timely reports.

Roles and responsibilities

It is the responsibility of lead agencies to prepare and submit in time both quarterly and annual reports. The liaison officers within the lead agencies will coordinate the preparation of such reports. The Authority will use the received documents to generate sector and national environmental reports.

Principle/procedure

1. Quarterly reports should be compiled from daily and monthly operations and undertakings
2. The draft compilation should be shared within the agency for accuracy, input and review
3. The reviewed document should be signed by the accounting officer for ownership
4. The approved report will be submitted to the authority within 14 working days after the end of the quarter or within three months for annual reports
5. The Authority should acknowledge receipt of the report, review and provide feedback within 10 working days of submission
6. The Authority should organize a quarterly meeting within 30 working days after the end of the quarter
7. The Authority should ensure that the final reports are received in both hard and soft copies and kept safely for further use
8. The Authority needs to write to lead agencies that do not submit reports in time, explaining the administrative and legal consequences of their inaction

Output

It is expected that the final report of both quarterly and annual reports is produced. The format and structure is attached in Table 2.

Table 2: Quarterly and annual report structure

Section	Content
1.0	Cover page: Name of sector/MALG, Title of report, period of report, Year, Title of submitting officer
2.0	Background
3.0	Institutional Environment Management Supportive frameworks and mandate
4.0	ENR issues within the sector/MALG during the planned period.
5.0	Key planned ENR management activities and performance indicators for the planned period. Also detail the resources approved versus what was provided
6.0	Current progress with respect to set performance parameters, indicators and targets
7.0	Gaps and areas of underperformance if any
8.0	Emerging issues and lessons learnt
9.0	Proposed measures to manage and fill gaps identified
Appendices	Any additional information and attachments

Source: MWE 2020

10.0 Breach of Standard Operating procedures

The SOPs are developed to ease coordination and execution of the mandate, duties and obligations of the concerned agencies and officers. Failure to follow the SOPs thus results into weak coordination, poor execution, underperformance and dismal results. This consequently and negatively impacts on environmental management in the country. Breach of SOPs and failure to adhere to the set guidelines shall, therefore, be treated as breach of trust and deemed as complacency, negligence, uncooperative and unhelpful. Necessary administrative and regulatory action should therefore be taken. This excludes occasions where SOPs may not be followed due to the prevailing documented circumstances.

Area and purpose

The section provides procedures to follow where the SOPs have not been adhered to. The aim

should not be on punitive rather corrective and supportive measures to assist the agency or officer to comply.

Role and responsibilities

The responsibility of providing corrective and supportive measures to help agencies and officers to adhere to the set SOPs lies with the Authority. The Authority should ensure that lead agencies are appropriately engaged and assisted to follow the guidelines. Cases of breach of SOPs by Authority officers will be handled by the Executive Director who shall give guidance with respect to already existing mechanisms. Where lead agency officers are involved, the accounting officers of the respective agencies will be approached to take the necessary action. It is the responsibility of everyone involved in environmental management to report any breach of SOPs.

Principles/procedures

i.	In case of administrative SOPs, focus on failure to adhere to the guidelines should target areas that have been consistently breached. Operational breaches should be handled as urgently as possible as these could result into litigation and related consequences.
ii.	Where a breach of SOPs is noticed, agencies and officers should document and report appropriately. The liaison and respective officers should regularly follow-up and document implementation of SOPs to detect breaches.
iii.	In documenting, effort needs to be taken to capture as much detail as possible. The detail should include, name of agency, officer/s concerned, nature of breach, location and time, impact and the contact details of the one reporting.
iv.	The report should be submitted either to the Authority or to the Lead Agency Coordination and Legal and Corporate Affairs offices of the Authority. The report should preferably be written and sent physically or electronically.
v.	The Authority or respective receiving officers should acknowledge receipt of the report, thank the reporter and assure him/her of response
vi.	The receiving offices should probe for more details to beef up the report and thereafter submit to the Executive Officer of the Authority within three days of receipt of the SOPs breach report
vii.	The Authority should within 14 working days' initiate response and action. In cases of lead agencies, the Authority should formally write to the accounting officers to bring the breach to their attention.
viii.	The accounting officers of lead agencies should respond back to the Authority within 14 working days giving the status and its stand on the breach and measures taken to address the problem.
ix.	The measures taken should be evaluated as to whether they are adequate. In cases where they are not, the Authority should initiate a meeting with the lead agencies to agree on appropriate action.
x.	Where there is no agreement, the Authority should raise the matter with the Policy Committee on Environment through the Board and relevant channels
xi.	The reporting agency, officer or person should be updated on the measures and responses that were made with respect to the breach.
xii.	The Lead Agency Coordination Office should keep an inventory of breaches and actions taken and use them to inform the monitoring, evaluation and learning process

Output

A number of reports are expected to be produced during the entire process. These include a report of breach, investigation report and a report on measures and actions taken, among others.

11.0 Monitoring and Evaluation of Standard Operating Procedures

SOPs will be prioritized by all environment management agencies. A monitoring and evaluation framework (MEF) will be developed to guide the process of tracking progress. There will be an established monitoring and evaluation team comprising of a multidisciplinary team from the different lead agencies. The first two years of SOPs implementation will be for pilot testing. A review will be made to prepare for mainstreaming and use across the different sectors and lead agencies.

Internally, monitoring will be undertaken by respective environmental liaison officers of agencies. Officers will routinely collect and receive progress information from their agencies on progress with developed SOPs and use it for assessment. Agency assessments will be sent to the Authority`s Lead Agency Coordination Office. The Lead Agency Coordination office will provide technical backstopping and lead the process of agency wide monitoring. Final evaluation will be after every five years and will be used to generate lessons for improvement and update.

The MEF will focus on the following:

- (i). Data collection and progress tracking tools based on agreed indicators and targets.
- (ii). Methods, tools and frequency of data collection, dissemination and reporting.
- (iii). Responsibility centres and hierarchy of reporting (performance reporting framework).
- (iv). Type and frequency of evaluation (medium term/terminal evaluation) and the required tools.
- (v). Evaluation criteria such as the OECD approach that focuses on *relevance, efficiency, effectiveness, impacts and sustainability*.



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