

## Uganda

### SEA profile

**Updated to:** 06 January 2021

#### Overview SEA procedure

According to the SEA regulations of 2020, the following steps are part of the SEA procedure:

- Notice for SEA
- Screening.
- Scoping and terms of reference for the SEA
- Conduct of SEA.
- Consultations on SEA
- Preparation of SEA report.
- Review of the SEA report.
- Preparation and approval of final SEA report.
- Integration of recommendations of the final SEA report in PPP approval
- Monitoring and evaluation mechanism.

source

The national environment (Strategic Environmental Assessment) Regulations, 2020

<https://www.nema.go.ug/projects/environmental-laws>

#### Establishing context

##### Screening process

A ministry, department or agency of government (MDA) shall, in consultation with NEMA and any relevant lead agency, undertake screening of a PPP, to determine whether SEA is required.

The result of a screening is recorded in a screening form gives:

- an indication whether the implementation of the PPP will result in significant environmental, health and social effects;
- a statement on the scale, scope and possible cumulative effects of potential environmental, health or social issues;
- a justification for undertaking or not undertaking the strategic environmental assessment; and

- any other information set out in Schedule 2.

The results will be recorded in a screening form, which is submitted to the multi-sectoral technical committee for consideration and advice.

The MDA then decides whether or not SEA is required. The screening form is made available to the public.

source

- The national environment (Strategic Environmental Assessment) Regulations, 2020, article 8 and Schedules 1 and 2.
- Schedule 1 of the SEA regulations 2020 mentions 12 categories of PPPs for which SEA is required.

## Timeline Screening

not specified

## Identification of stakeholders

The SEA guidelines 2020 state that the MDA responsible for the PPP should carefully conduct the stakeholder analysis to identify stakeholders and prepare a communication plan to be used throughout the SEA process.

Stakeholder consultations may be part of screening for SEA. 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 PPP monitoring.

source

SEA guidelines 2020, chapter 3.10 and chapter 4.

<https://www.nema.go.ug/projects/guidelines-strategic-environmental-assessment-sea-uganda>

## Setting SEA objectives

SEA objectives are set as a part of scoping. They are a way of considering the environmental, social and health impacts of, and opportunities for PPP and comparing the impacts of alternatives. They serve a different purpose from the objectives of the PPP , although in some cases they may overlap.

source

SEA guidelines 2020, part on scoping

<https://www.nema.go.ug/projects/guidelines-strategic-environmental-assessment-sea-uganda>

## Implementing SEA

### Scoping process

Scoping involves:

- identification of the objectives, geographical scope, timeframe and justification of the SEA;
- identification of strategic environmental, health and social concerns that need to be addressed by the policy, plan or programme, for informed decision-making;
- an assessment of the status quo of the area of focus
- identification of the likely transboundary environmental, health and social issues and impacts;
- identification of information gaps;
- identification of linkages with other sectoral policies, plans and programmes;
- consultations with relevant lead agencies and other stakeholders;
- determination of the manner, timing, subject and methods of stakeholder participation and consultation;
- identification of the appropriate scoping methodology and justification for the methodology selected for the conduct of the scoping exercise; and
- determination of any other issues to be assessed.

The MDA shall, after scoping, compile the findings of the scoping exercise and prepare a scoping report.

The findings in the scoping report also inform the ToR for the SEA. The ToR include the proposed composition and scope of work of the team of persons with relevant qualifications, experience, skills and expertise to undertake the SEA.

source

The national environment (Strategic Environmental Assessment) Regulations, 2020, article 9

SEA guidelines 2020, part on scoping

### **Participation in scoping**

Consultations with relevant lead agencies and other stakeholders during scoping shall be undertaken at least twenty-one days before the preparation of the scoping report and shall be taken into account in the compilation of the report. Comments need to be provided within fourteen days of consultations, or such further period as the MDA may determine.

The MDA shall also consult NEMA and relevant lead agencies and obtain their comments before approving the ToR, who will have to submit their comments within seven days from the date of receipt of the request for comments.

source

The national environment (Strategic Environmental Assessment) Regulations, 2020, article 9

SEA guidelines 2020, part on scoping and parts on stakeholder consultations (3.10 and 4).

### **Baseline data**

The SEA guidelines contain a separate chapter which provides guidance on data collection, baseline information and background studies needed during scoping.

source

SEA guidelines 2020, part on scoping

### **Alternatives**

Scoping will include a brief description 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 allows those being consulted to understand what alternatives are likely to be addressed in the assessment.

source

SEA guidelines 2020, part on scoping

### **Assessment/mitigation of effects**

A summary of the intended approach to the assessment and its level of detail is suggested to be part of scoping. 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.

source

SEA guidelines 2020, part on scoping

### **Documenting results**

An SEA report is required.

source

The national environment (Strategic Environmental Assessment) Regulations, 2020, article 12

### **Content of SEA report**

The SEA shall take into account:

- the characteristics of the PPP
  - the degree to which the PPP influences, relates to, or affects other PPPs, applicable laws, regional and international protocols and treaties or
2. integrates environmental, health and social considerations, in particular with a view to promoting sustainable development
  3. incorporates emerging environmental, health and social issues, including climate change, gender and safety
  4. incorporates cross-cutting issues relevant to the different lead agencies; and
  5. takes into account likely transboundary environmental, health and social issues and impacts.

6. direct, indirect and cumulative environmental, health and social impacts
7. scenario analyses to determine strategic alternatives and options
8. identified information gaps, including any difficulties such as technical deficiencies or lack of know-how encountered in compiling the required information, and the need for more information
9. linkages with other sectoral PPPs
10. the evaluation of likely positive and adverse environmental, health and social impacts of the implementation of a PPP
11. recommendations for decision making, including measures for enhancement and mitigation of impacts
12. the scope and nature of residual impacts;
13. monitoring requirements for implementation of the recommendations, including monitoring indicators and timeframes for review cycles applicable to the PPP
14. any other information that may be necessary

The SEA shall, in order to control adverse environmental, health and social impacts, include a strategic environmental and social management and monitoring plan which shall outline the measures to be taken during the implementation of the policy, plan and programme.

source

The national environment (Strategic Environmental Assessment) Regulations, 2020, articles 10 and 12 and Schedule 4, which provides a format for the SEA report.

SEA guidelines, 2020 Chapter 3 on conduct of SEA

### **Review process**

The scoping report and ToR for the SEA shall be reviewed and approved by the multi-sectoral technical committee set up for the SEA.

Review of the SEA report takes place when the MDA convenes a meeting of the multi-sectoral technical committee to validate the SEA report.

source

The national environment (Strategic Environmental Assessment) Regulations, 2020, articles 9 and 14

### **Participation in review**

There are no possibilities for participation during review other than through the multisector technical committee.

During the conduct of the SEA however, the MDA is required to consult NEMA, relevant lead agencies and other relevant stakeholders, including persons likely to be affected by the policy, plan or programme.

The consultations shall be undertaken at least thirty days before the preparation/finalisation of the SEA report and shall be taken into account in the compilation of the report.

Stakeholders shall provide their comments to the MDA within twenty-one days of consultations, or such

further period as the MDA may determine.

The MDA shall keep evidence of stakeholder participation and involvement during consultations and that evidence shall form part of the SEA report.

source

The national environment (Strategic Environmental Assessment) Regulations, 2020, article 11

### **Timeline review**

The validation meeting by the multisector technical committee shall take place within 30 days of finalisation of the SEA report. The MDA shall subsequently, within 30 days of the validation meeting, prepare the final SEA report incorporating stakeholder comments and recommendations.

source

The national environment (Strategic Environmental Assessment) Regulations, 2020, article 14 and 15

## **Informing decision making**

### **SEA and planning decision-making**

After approval of the SEA report by the MDA, it shall integrate the recommendations of the final SEA report into a PPP. Upon submission of the PPP for approval the MDA will need to include a statement summarising how the recommendations were incorporated. It will also need to attach the final SEA report where it is produced as a separate document following the chosen approach for the conduct of the SEA.

source

The national environment (Strategic Environmental Assessment) Regulations, 2020, article 16

### **Justification of decision**

Upon submission of the PPP for approval the MDA will need to include a statement summarising how the SEA recommendations were incorporated.

source

See also provisions in Chapter 5 of SEA guidelines, 2020 on informing and influencing decision making.

## **Follow-up**

### **Monitoring and evaluation**

An MDA shall, in collaboration with NEMA and relevant lead agency, monitor and evaluate the implementation of the recommendations of the final SEA report. The monitoring and evaluation mechanisms shall, as appropriate, form part of the existing monitoring frameworks for the PPP.

source

See also provisions in Chapter 6 of SEA guidelines 2020, on monitoring and evaluation.

## **SEA practice**

### **Annual no. of SEAs**

Less than one per year

### **Professional bodies**

Ugandan Association of Impact Assessors

source

[uaia.or.ug](http://uaia.or.ug)

### **NCEA's capacity development activities**

A first workshop on SEA in Uganda took place in 2011, targeting around 15 members of the Ugandan Association of Impact Assessors and around 10 technical government staff and was meant to enable them to prepare for, coordinate the execution and manage the overall process of SEA and its embedding in decision making.

NEMA in partnership with the MoWT organised the first SEA national seminar in Feb 2017. It raised awareness on SEA of more than 150 participants. The event was also used for stakeholder consultation on the draft SEA regulations and guidelines. Participants included officials from key government ministries, NGOs, environmental practitioners, development partners, alumni from the SIDA international training programme on SEA, academia, and the UAIA.

Between 2013 and 2018, SIDA/NIRAS ran an International Training Programme on SEA. Almost 20 participants were part of the program, representing NEMA, and different key MDAs, private sector and NGOs.

## **Background information**

### **History of SEA**

Until recently, SEA application in Uganda has mainly been donor driven and/or voluntary. The SEA for Oil and Gas for the Albertine Graben in 2013 was accomplished by the Ministry of Energy and Mineral Development and was the first of its kind in Uganda.

With the recently approved National Environment Act 2019, SEA becomes a formal requirement. SEA regulations have been approved in April 2020. and SEA Guidelines became available later in 2020 to support ministries, departments and agencies of Government as well as practitioners when undertaking SEA.

source

FSEA guidelines 2020

[https://nema.go.ug/sites/all/themes/nema/docs/National%20Environment%20\(Strategic%20Environmental%20Assessment\)%20Regulations%20S.I.%20No.%2050%20of%202020.pdf](https://nema.go.ug/sites/all/themes/nema/docs/National%20Environment%20(Strategic%20Environmental%20Assessment)%20Regulations%20S.I.%20No.%2050%20of%202020.pdf)

## Legal framework

### Enabling law

National Environment Act, 2019

source

National Environment Act, 2019, article 47

### National detailed regulation

The national environment (SEA) Regulations, 2020

source

Link to [SEA regulations 2020](#)

### Guidelines

Guidelines for SEA in Uganda, 2020

These guidelines are meant to support ministries, departments and government agencies as well as practitioners when undertaking SEA.

source

[SEA guidelines 2020](#)

### Scope of application

SEA shall be undertaken for government PPP which are likely to have a significant impact on human health or the environment.

SEA shall also be carried out for activities in landscapes or other areas where there are likely to be large investments or where cumulative impacts are likely to have a significant impact on human health or the environment.

source

National Environment Act, 2019, article 47

### Exemptions from application



The SEA guidelines 2020 mention that SEA shall not be required for a policy, plan or programme where its sole purpose is to serve national defense or emergencies: or a financial or budget PPP. In addition, where the PPP has previously been assessed for its environmental, health and social impacts, a SEA may not be required.

source

SEA guidelines 2020

### **SEA approach**

A ministry, department or agency of government may, in undertaking SEA, and depending on the stage of development of the PPP, choose any of the following approaches:

- a proactive integrated assessment approach, to identify and integrate environmental, health and social concerns during formulation of a PPP
- a proactive parallel assessment approach, where the PPP is under formulation at the same time as the strategic environmental assessment is being undertaken, to ensure integration of the environmental, health and social concerns into the PPP
- a proactive decision-centred model, where no distinct strategic environmental assessment process is undertaken, but environmental, health and social concerns are integrated during formulation of the PPP; or
- a reactive assessment approach, undertaken to update and integrate environmental, health and social concerns in an existing PPP under review.

source

The national environment (Strategic Environmental Assessment) Regulations, 2020, article 6

### **SEA tiering with ESIA**

The SEA guidelines only mention that one of the purposes of SEA is to reinforce project ESIA by:

- prior identification of scope of potential impacts and information needs
- addressing strategic issues and considerations related to justification of proposals
- undertaking SEA at landscape level or a given geographical area

The SEA regulations further state that for the avoidance of doubt, an SEA shall not substitute the requirement for environmental and social assessment undertaken in accordance with the Act and the National Environment (Environmental and Social Assessment) Regulations, 2019.

source

SEA guidelines 2020

The national environment (Strategic Environmental Assessment) Regulations, 2020, article 5

## **Institutional setting**

### **Central SEA authority**

A lead agency responsible for the PPP shall, in consultation with NEMA, be responsible for carrying out SEA in a manner prescribed by regulations.

source

National Environment Act, 2019, article 47

#### **(De)centralisation of SEA mandates**

A ministry, department or agency of government shall undertake SEA, which implies that this can also be at sector or district level, depending on the PPP for which SEA is applied.

source

The national environment (Strategic Environmental Assessment) Regulations, 2020, article 4

#### **Initiator of the SEA**

A lead agency responsible for the PPP which is likely to have a significant impact on human health or the environment shall, in consultation with NEMA, be responsible for carrying out SEA in a manner prescribed by regulations.

The lead agency shall constitute a multi-sectoral technical committee to guide the SEA process. NEMA shall be represented in this committee by a senior officer with qualifications, skills and experience in environmental and social assessment.

source

National Environment Act, 2019, article 47

The national environment (Strategic Environmental Assessment) Regulations, 2020, article 4

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