

Zambia

SEA profile

Updated to: 06 October 2022

Overview SEA procedure

The SEA procedure in Zambia starts with screening, followed by a scoping process that results in a report and a terms of reference. The actual assessment is carried out after ZEMA approves these two documents. The SEA report is reviewed by ZEMA. The approval of the SEA report is a condition for the approval of the related policy, plan or programme.

Establishing context

Screening process

The SEA procedure starts when the proponent that intends to develop a policy, plan or programme, notifies ZEMA for the purpose of screening. ZEMA determines whether adverse effects are expected on environmental management or on the sustainable management and use of natural resources. This is done with the help of criteria outlined in the first schedule of EMA (2011). In case adverse effects are expected, ZEMA will ask the proponent to undertake an SEA.

Timeline Screening

ZEMA needs to inform the proponent in writing about its screening decision within ten days of receiving the screening request.

Identification of stakeholders

Stakeholders identification starts during the scoping phase. An overview of stakeholders and their interests and concerns should be presented in the scoping report.

Implementing SEA

Scoping process

Scoping is a formal step in the SEA procedure in Zambia. The second schedule of EMA (2011) provides an overview of the issues that need to be considered during this step. The scoping phase is supposed to result in a terms of reference for the actual assessment.

When the scoping exercise has been undertaken, the proponent submits a scoping report, the term of reference, a list of experts who shall conduct the assessment and their qualifications to ZEMA. Within ten days of receipt, ZEMA decides whether to approve, to reject or to propose amendments to the terms of

reference.

Participation in scoping

When preparing the scoping report, the proponent needs to consult relevant stakeholders to determine the spatial and temporal boundaries and key issues to be addressed in the SEA. The scoping report should contain the list of stakeholders consulted, and an overview of key stakeholders' concerns.

Baseline data

The baseline data that needs to be collected is determined during scoping and presented in the scoping report. The actual data is collected and presented in the SEA report.

Alternatives

The Zambian law and SEA regulations provide that alternatives need to be identified and assessed. The alternatives to achieve the goals of the policy, programme or plan and their likely effects should be described in the SEA report.

Assessment/mitigation of effects

After ZEMA approves the terms of reference for the SEA, the proponent carries out the assessment conform the guidelines issued by ZEMA. The environmental law and the SEA regulations specify the expertise and the competence that is expected to be present in the team that conducts the SEA.

During the assessment, consultations need to be held with government agencies, local authorities, non governmental organisations, community based organisations and persons who may be affected or have an interest in the plan. Once the assessment is completed, the proponent must publish the draft report to consult the public on the findings contained in the SEA report. Within thirty days from publishing, any person can submit its comments to the proponent . The proponent is expected to revise the SEA report based on the collected comments, and to organise a meeting to validate the matters that were raised during consultation.

Documenting results

The assessment proces results in a draft SEA report, which the proponent submits to ZEMA for review.

Content of SEA report

Section 23 and the fourth schedule in EMA (2011) and the SEA regulations specify in more detail what needs to be contained in an SEA report, referring to among others:

- the policy, plan or programme including its objectives and stage of decision making
- the likely risks and opportunities on the environment, natural resources, health and socio-economic effects
- alternatives or strategic options to the policy, plan or programme

- measures to avoid, mitigate and remedy potential adverse effects
- legal implications on other regulatory and organisational frameworks
- public interest and minutes of stakeholder meetings
- environmental management and monitoring plan
- recommendations, including on changes proposed to the policy, plan or programme

Review process

Review takes place in two stages. The first is on the draft SEA report and the second on the final SEA report.

Upon receiving the draft SEA, ZEMA reviews the report and informs the proponent on its comments. After incorporating these comments, the proponent submits the final SEA report and the draft policy plan or programme to ZEMA.

The review of the final SEA is done by a consultation body. This body reviews the SEA report in conjunction with the draft policy, plan or programme report and submits its comments to ZEMA. In addition, ZEMA also collects comments from the public. Based on all comments received, ZEMA takes a final decision on whether to approve or reject the SEA report, or to defer decision in case some matters still need clarification.

Participation in review

ZEMA publishes the final SEA and the draft policy, plan or programme for public consultation. The public can submit their comments during thirty days. In case of transboundary concerns, the neighbouring country is also enabled to submit its comments.

Timeline review

When the draft SEA report is reviewed, ZEMA informs the proponent on its comments within twenty-one days upon receiving the report. The consultation body that reviews the final SEA report and the policy, plan or programme, submit its comments to ZEMA within forty days of receipt of these reports.

Informing decision making

SEA and planning decision-making

The Zambian SEA regulations state that one of the objectives of SEA is to contributing to sound decision making. The SEA process in Zambia is supposed to start early at the beginning of the preparation of a policy, plan or programme.

The proponent is expected to review the draft policy, plan and programme based on the SEA findings and ZEMAs comments on the draft SEA report. Where an SEA recommends amendments to a policy, plan or programme, ZEMA is responsible to ensure that the changes are followed before the plan is approved. When ZEMA is of the opinion that the concerns raised during the assessment are not adequately addressed by the policy, plan or programme, or additional measures are needed, it can object to the proponent and try to reach an agreement on the amendments that need to be made to the plan.

The proponent can only adopt a policy, plan or programme when its SEA report has been approved by ZEMA.

source

SEA Baseline, SIDA (2013).

Walmsley B. & Patel S., 2012. SADC Environmental Legislation Handbook 2012. Development Bank of Southern Africa, Noordhoek, South Africa.

Justification of decision

The proponent submits the final SEA and the policy, plan or programme to the Minister and ZEMA. In the final version of the SEA report, the proponent must indicate the revisions that have been made and the measures that will be taken to avoid, mitigate or remedy adverse effects. If measures recommended in the SEA report will not be adopted, the reasons for not doing so need to be explained.

Follow-up

Monitoring and evaluation

The proponent monitors and evaluates the significant environmental risks and opportunities that arise from the implementation of the policy, plan or programme. When any unforeseen adverse effects are identified, the proponent takes appropriate remedial measures. Within thirty-six months after the implementation of the policy, plan or programme, the proponent needs to submit a monitoring and evaluation report to ZEMA for review. ZEMA may ask for additional monitoring and evaluation reports.

SEA practice

Annual no. of SEAs

6 in the last 10 years between 2003-2013.

source

SEA Baselines, SIDA (2013).

Central SEA database

ZEMA is expected to maintain a register at its offices for SEA reports and related monitoring and evaluation reports. These registers are open for public inspection.

Background information

History of SEA

Up until April 2011, there was no reference to SEA in the Zambian legislation. The legal framework for SEA was formally introduced when the Environmental Management Act (EMA) was adopted in 2011, which replaced the Environmental Protection and Pollution Control Act No. 12 of 1990. EMA (2011) requires that policies, plans, policies and programmes that could have adverse effects on the

environment or natural resources shall be subject to SEA.

Although there were no guiding regulations up until 2021 for undertaking SEA, some private and donor driven SEAs have been carried out, mostly with guidance from the donors involved.

In May 2021, SEA regulations were adopted which outline the procedural requirements in more detail.

source

SEA baseline SIDA (2013).

The Environmental Management (Strategic Environmental Assessment) Regulations, 2021

Legal framework

Enabling law

The Environmental Management Act (EMA 2011) is the law that provides for SEA. More specifically, its article 23 (sub 1 and 2) stipulates that undertaking an SEA is mandatory for proponents of a policy, programme or plan that could have adverse effects on environmental management or the sustainable management or utilisation of natural resources. Further, article 23 (sub 3 to 8) also stipulates what the SEA report should include and the review process of the SEA report.

source

SEA Baseline, SIDA (2013).

National detailed regulation

The basic procedures for SEA are highlighted under section 23 of the EMA of 2011. More details for the SEA procedure are outlined in the Environmental Management (Strategic Environmental Assessment) Regulations of May 2021.

Sector specific procedures/regulations

Regulations or procedures for sector specific SEA are not yet declared and disseminated, However basic procedures are highlighted under section 23 of the EMA of 2012.

source

SEA Baselines, SIDA (2013).

Guidelines

ZEMA has draft SEA guidelines that could be used by practitioners. The guideline is however not officially adopted and is considered a living document. It is expected that the current Guidelines will be revised, once the SEA regulations are approved.

source

SEA Baselines SIDA (2013)

Exemptions from application

Exemptions are provided in the EMA Act after screening by ZEMA.

source

SEA Baselines, SIDA (2013).

SEA approach

SEA approach is given under Section 23 (3) of EMA of 2011.

source

SEA Baselines SIDA (2013).

Institutional setting**Central SEA authority**

Zambia Environmental Management Agency (ZEMA).

Initiator of the SEA

Line ministries as they comply with the EMA Act.

source

SEA Baselines, SIDA (2013).

Contact

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