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Regulation on Strategic Environmental Assessment

February 2001

DRAFT FOR 16th COMMISSION MEETING

**National Environment Commission
Secretariat
Thimphu
Bhutan**

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Purpose, Definitions and Commencement

Purpose

1. The purpose of this regulation is:
 - 1.1. to ensure that environmental concerns are fully taken into account by all government agencies when formulating, renewing, modifying or implementing any policy, plan or program, including Five-Year developmental plans under Articles 7 and 32.2 of the Environmental Assessment Act, 2000;
 - 1.2. to ensure that the cumulative and large scale environmental effects are taken into consideration while formulating, renewing, modifying or implementing any policy, plan or program;
 - 1.3. to complement project specific environmental reviews as per the Regulation for the Environmental Clearance of Projects and to encourage early identification of environmental objectives and impacts of all governmental proposals at appropriate planning levels;
 - 1.4. to promote the design of environmentally sustainable proposals that encourage the use of renewable resources and clean technologies and practices; and
 - 1.5. to promote and encourage the development of comprehensive natural resource and land use plans at the local, Dzongkhag and national levels.

Scope and Definitions

2. This regulation shall serve as a broad guideline to be followed by all governmental agencies while formulating, renewing, modifying or implementing any policies, plans, programmes and Five-Year developmental plans, which may have significant impacts on the environment.
3. For the purpose of this regulation:
 - 3.1. **Agency** means a ministry, department, municipality established under the Bhutan Municipal Act, 1999 or any autonomous public body of the Royal Government of Bhutan, including sector, regional or local administrations.
 - 3.2. **Cumulative and large scale environmental effects** are those that are built up incrementally over periods of time, result from the addition and interaction of multiple activities and stresses, and are pervasive, cutting across policy sectors and ecological boundaries.
 - 3.3. **Environment** means the complex web of interrelationships between the abiotic and biotic components, which sustains life on earth, including the social, health and cultural aspects of human beings.
 - 3.4. **Environmental Assessment** means all procedures required under Bhutanese law to identify means to ensure that the activities of a project are managed in an environmentally sound and sustainable way.
 - 3.5. **Environmental Clearance** means the decision under Chapter III of the EA Act 2000, issued in writing by the Secretariat/Agency, to let a project proceed,

which includes terms to ensure that the project is managed in an environmentally sound and sustainable way.

- 3.6. **Environmental Statement** means the written documentation after evaluating the environmental consequences, including cumulative impacts, of a proposed policy, plan or program including Five-Year developmental plans. It may be a separate report or part of a proposal.
- 3.7. **Monitoring** means a program of systematic, objective and quantitative measurements, observations and reporting of projects that may have environmental impacts.
- 3.8. **Project** means an activity, which may have significant impacts on the environment.
- 3.9. **Policy** means a statement of long-term goals or strategies of the Royal Government of Bhutan.
- 3.10. **Plan** means a coordinated set of policies and programs, based on the political decisions of the Royal Government of Bhutan, intended to achieve specific objectives within a specified time period.
- 3.11. **Program** means a set of coordinated activities of the Royal Government of Bhutan to achieve the specific objectives of a plan.
- 3.12. **Secretariat** means the Secretariat of the National Environment Commission, or its successor as decided by the Royal Government of Bhutan.
- 3.13. **Strategic Environmental Assessment** is a systematic, flexible process of addressing the environmental aspects and consequences of proposed policies, plans and program initiatives at the earliest appropriate stage of decision making at par with economic considerations.
- 3.14. **Sectoral Guidelines** means all guidance documents, including codes of best practices, published by the Secretariat or any agency of the Royal Government of Bhutan.

Commencement

4. In accordance with Article 62 of the EA Act 2000, this regulation shall come into effect on 24th April 2002.

Strategic Environmental Assessment

Duty of Agencies

5. Any agency that formulates, renews, modifies or implements any policy, plan or program including Five-Year developmental plans which may have a significant effect on the environment, shall perform a Strategic Environmental Assessment in accordance with this regulation, before the proposal is adopted or submitted to the Royal Government of Bhutan;
6. Any agency that formulates, renews, modifies or implements any policy, plan or program including Five-Year developmental plans which may have a significant impact on the environment shall include financial provisions to carry out environmental assessments and mitigation measures where deemed necessary; and
7. All agencies shall establish an environmental unit/focal person to ensure full compliance with this regulation.

Principles of Strategic Environmental Assessment

8. Strategic assessments of the environmental implications of policies, plans and programs including Five-Year developmental plans shall be based on the following principles:
 - 8.1. Early identification and integration of environmental concerns and goals in governmental planning and decision-making;
 - 8.2. Consideration of all feasible alternatives to the agency's proposal, including the alternative of taking no action;
 - 8.3. Openness and transparency in Government decision-making;
 - 8.4. Documentation and assessment of results of the Strategic Environmental Assessment;
 - 8.5. Open access to information generated or compiled by the agency; and
 - 8.6. Accountability to the public and the Royal Government of Bhutan.

The Environmental Statement

9. When a Strategic Environmental Assessment is required, the agency shall include an environmental statement in the draft of the proposal.
10. The environmental statement shall contain a clear and concise description of:
 - 10.1. The proposal and its policy objectives;
 - 10.2. The anticipated adverse environmental effects of the proposal, including direct, indirect and cumulative effects;
 - 10.3. Feasible alternatives to the proposal, including the alternative of taking no action, and a comparison of the environmental effects of these alternatives;

- 10.4. Feasible methods to avoid, minimize or mitigate adverse environmental effects of the proposal;
 - 10.5. The potential overall effect on the environment assuming the successful implementation of described impact avoidance and mitigation measures;
 - 10.6. How the proposal complies with relevant guidelines, if any, published by the Secretariat or any other Agency;
 - 10.7. The environmental benefits of the proposal and how the proposal advances the Government's objectives of: (a) sustainable development; (b) environmental protection; (c) preservation of cultural heritage; (d) use of clean technologies; and e) economic benefits; and
 - 10.8. Commitments for avoidance and mitigation of environmental effects and mechanisms for future monitoring and assessment.
11. The Secretariat may issue further guidelines on strategic environmental assessment tools and procedures.
 12. All policies, plans and programs including Five-Year developmental plans shall contain an environmental statement or incorporate it by reference. The information included in the Environmental Statement prepared pursuant to Sections 10 shall be in such detail as may reasonably be required for the purpose of assessing the significant direct and indirect effects of implementing the policy, plan or program including Five-Year developmental plans on humans, fauna, flora, soil, water, air, climate, landscape, material assets and cultural heritage.

Compliance

13. The Planning Commission, in consultation with the Secretariat, shall issue necessary guidelines to ensure the incorporation of Strategic Environmental Assessment in the formulation of policies, plans and programs including Five-Year developmental plans by all the agencies of the Royal Government of Bhutan.

Monitoring and Assessment

14. Where a policy, plan or program including Five-Year developmental plans may have significant negative effects on the environment, it shall include a system for monitoring and mitigating such effect.
15. All Agencies shall monitor and assess the environmental effects of the policy, plan or program including Five-Year developmental plans at regular intervals, and shall take the results of the assessment into account in future planning process.