

Summary report of pilot SEA projects



One of the key activities within our project "Improving skills of NGO's if EECCA-states to participate in procedures according to the UNECE SEA Protocol" was hands-on work on the SEA based on existing infrastructure plans/programmes and preparation of pilot (moot) SEA reports focusing on transport sector.

Organisations involved in this work were selected on the basis of expression of their interest and relevance of the proposed plan/programme for their work. The work was carried out by five organisations, namely: NGO "Ecohome" (Belarus), NGO "Scientific-intellectual club "Dialogue of Generations" (RICDOG) (Georgia), NGO "Center ecology–legal initiative "Globus" (Kazakhstan), NGO "Youth Group for Environment Protection" (Tajikistan) and NGO "Black Sea Women's Club" (Ukraine).

During this work they have gone through all phases necessary for the SEA and worked closely together with our project's SEA expert as well as their own chosen expert team with variety of expertise. Apart from detailed learning by doing the SEA reports these organisations have prepared a short overview of challenges and lessons learned (published separately). They are now fully capable and knowledgeable to provide full support to other organisations who want/will be involved in future planning processes. So, they are now the SEA Excellence Centers.

Short overview on status of the SEA in five project countries

All five countries have developed or are developing some kind of legal basis and procedures for the Strategic Environmental Assessment (SEA) but only Ukraine is the Party to the UNECE Protocol on SEA.

In **Belarus** SEAs are conducted since January 2017, when a Law N.399-3 of July 18, 2016, “On state environmental expertiza, strategic environmental assessment and environmental impact assessment” was enacted.

Georgia made significant progress in implementing a fully developed EIA and SEA systems in 2013–2017. In 2017, a new Environmental Assessment Code was adopted, which was an important step towards the creation of a modern EIA and SEA systems in Georgia.

In **Kazakhstan**, a new Environmental Code was adopted on January 2, 2021. The code includes provisions, principles and requirements for strategic environmental assessment (SEA). It should be conducted in case proposed document may have negative effects on the environment with a view of analyzing such potential effects on the environment, their severity and likelihood, and the identification of measures for their mitigation or prevention. SEA procedure will be effective from 2024.

In **Tajikistan**, the legislative framework on environmental issues is gradually being improved, in 2022 it is planned to adopt the Environmental Code of the Republic of Tajikistan.

Since October 12, 2018, a new procedure of strategic environmental assessment started in **Ukraine**. Its details are set by the Law of Ukraine “On strategic environmental assessment”.

Main challenges in preparation of the (pilot) SEA report

01 Access to and collection of necessary information and data

Although, there are different registers and databases where environmental information exist in all project countries, in reality access to environmental information and variety of data is not always easy and straightforward, especially at local level. The information published (disseminated) may not always be reliable. Absence of certain research and data as well as lack of access to existing data was also indicated as a real challenge. Sometimes information is provided for a fee. For example, according to our Georgian partner, the data for atmospheric air on the agency’s website are available only until 2017, and access to the latest data was offered only upon payment.

SEA conducted on the basis of incorrect data will lead to the adoption of erroneous decisions, which ultimately can lead to negative impacts on the environment and public health. Our Kazakh and Tajik teams faced the greatest difficulties in the preparation of the section «Detailed assessment of the potential impacts of the implementation of the Program on the environment and public health», due to the lack of relevant and verified data in order to identify trends and assess potential changes. Nevertheless, by analysing and comparing data from different sources, it is sometimes possible to satisfactorily solve this problem.

02 Public consultations in the SEA process

The UNECE Protocol on SEA (2003) provides for an early, timely and effective opportunities for public participation in strategic environmental assessment of plans and programs. But this isn’t always happening in reality. Information and documentation for these consultations often are available quite late and not widely disseminated. Thus, no time to analyse them and prepare substantial comments. Our Belarus colleague mentioned that due to current political circumstances in the country, public consultations and dissemination of information face certain challenges caused by the fact that such activities cannot be carried out on behalf of many NGOs.

03 Methodology

Some of our project partners indicated that methodology used can be a challenge and has to be carefully studied, especially in the scoping phase. Checking out SEA reports prepared in the past showed that different methodologies might have been used. The problem was that there were no instructions for their use, and the proposed methodologies themselves did not give a complete necessary picture — they contained either too generalized or insufficient information. With the help of an expert involved in the project, it was possible to partially solve this challenge.

Lessons learned

- It is of a great importance to carry out SEA in its original sense, not as a formality. The assessment needs to include scientific studies as the object of the assessment is important: strategic plans or programs.
- During preparation of the SEA report the most important thing seems to be prioritization and impartiality: the plan/program should not be “pulled” (make look like) to fit safety requirements for further implementation and, on the other hand, should not be ruined by an expert if in his/her opinion the project is dangerous or inappropriate without any objective reasons for this.
- Not all local experts are open to cooperation, in particular when SEA object (plan or program) is of interest to influential investors which have ties with authorities.
- Quite often experts or necessary/crucial information are not available at all.

Main recommendations

- 01 For public consultations and public hearings sufficient time needs to be provided after the publication of the information so that all interested parties can familiarize themselves and participate in the discussion; information must be publicly available; take into account the proposals and comments received during public hearings; publish the final version with explanations of which provisions and for what reasons were accepted/rejected.
- 02 For public hearings to be effective and contribute to the decision-making on plan or program (an ultimately promote sustainable development of the region) citizens, NGOs and other groups, including opinion leaders, should actively participate in the public consultations on the environmental report, provide comments and proposals to improve draft program or plan.
- 03 We believe in a strong role for civil society organisations when holding public hearings who can act as a connecting link, contributing to the dissemination of information, increasing environmental education and awareness in society, as well as helping to increase the capacity of state bodies in the field environmental protection.
- 04 In order for public hearings to be effective, to contribute to the improvement of the adopted plan/programme and to ultimately ensure sustainable development, the population and civil activists should also not be ignorant/indifferent. They should familiarize themselves with the published information and make their suggestions for improving and improving the adopted plan/programme.
- 05 The SEA requires additional resources — so, it would be useful to allocate appropriate funds from the budget for the planning authorities for the implementation of the SEA. For a preparation of good quality SEA report a group of experts needs to be identified and details for their participation developed. Therefore, it is important that access to appropriate resources

is guaranteed. It should also be noted that the cost of SEA increases with the involvement of international experts, which is quite possible if the country has little experience in preparing the SEA.

- 06 There is a need to create some kind of the SEA working group composed from wide range of experts relevant for the plan/programme in question.
- 07 Experts who will carry out the SEA in the future should plan field works — field visits, experiments and analyses in order to double-check the available data, as well as collect the missing data, regular meetings with local residents affected by the respective plan/programme.
- 08 NGOs having relevant expertise need to find opportunities to organize seminars, trainings, webinars for wide public. Such events should offer information and explanations about the SEA procedural requirements during planning decisions at all levels and by local self-governance bodies. The goal is to activate the public and show it how to be heard in the development of long-term plans for the development of the country, regions, cities and settlements in order to help protect the right of every person of current and future generations to live in an environment favourable for a healthy life of people.
- 09 Civil society organizations could create informal networks or mailing lists of civil society organizations and experts interested in exchanging information on the sites where the SEA is implemented, interesting SEA practices and opportunities to increase influence on the strategic planning process and exchange practices and experience in using the potential for such influence through the implementation of the SEA procedures.
- 10 The SEA does not end at the stage of adoption of the state planning document. Since documents subject to the SEA are long-term documents, the consequences of their adoption manifest themselves as they are implemented. Therefore, a very important stage of the SEA is monitoring, which makes it possible to notice the onset of certain negative consequences and timely amend the relevant state planning document after its approval.

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