

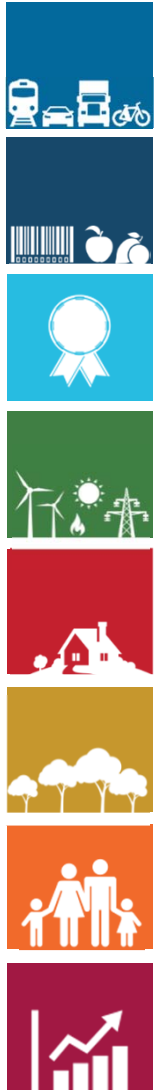


Lessons learned from the development of SEA and EIA systems in Eastern Europe and the Caucasus

Current status and existing challenges in implementing the Espoo Convention and the Protocol on SEA in Central Asia

**Third Regional Conference on EIA,
Vodice, Croatia, 13-16 September 2017**

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Introduction to EaP GREEN



ENVIRONMENT

- UNECE raised EU funds for **supporting implementation of the Espoo Convention and its Protocol on SEA** (workplan activities)
- **Greening Economies in the Eastern Neighbourhood (EaP GREEN)** programme is a large regional programme implemented in 2013-2017 by the United Nations Economic Commission for Europe (ECE), OECD, UNEP, and UNIDO to assist the six European Union's Eastern Partnership (EaP) countries: **Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine**, in their transition to green economy.
- The programme is financed by the European Commission, the four implementing organisations and other donors.

Role of UNECE in EaP GREEN

ENVIRONMENT



The programme component that UNECE is in charge of implementing, aims to ***promote the use of strategic environmental assessment (SEA) and environmental impact assessment (EIA) as essential planning tools for an environmentally sustainable economic development***

<https://www.unece.org/environmental-policy/greening-the-economy-in-the-pan-european-region/eap-green.html>

1. Revision of the existing national regulatory and legislative framework
2. Capacity building on SEA/EIA procedures
3. Strengthening of administrative capacities

Overview of the main outputs from UNECE activities financed through the EaP GREEN

Establishing legislative framework for SEA and EIA



Legislative review carried out



Support to drafting the legislation provided including awareness raising events to support adoption of the legislation



Draft legislation in intergovernmental discussion or submitted for adoption



Legislation adopted



Implementing SEA/EIA pilots

SEA/EIA pilots finalized



SEA/EIA pilots to be finalized in 2017



						
Preparing national SEA guidelines						
National SEA guidelines prepared				✓		✓
National SEA guidelines to be finalized in 2017	✓	✓			✓	
Organizing trainings on SEA						
The training manual prepared English and Russian as a background for future trainings and workshops in the countries	✓	✓	✓	✓	✓	✓
Training materials on SEA tailored to national and local conditions produced	✓	✓	✓	✓	✓	✓
Relevant governmental staff, experts, representatives of NGOs trained on SEA	✓	✓	✓	✓	✓	✓
Participation of the country representatives at the sub-regional events	✓	✓	✓	✓	✓	✓



Examples of outputs

Draft version, May 2017

საქართველოში სტრატეგიული
გარემოსდაცვითი შეფასების
პრაქტიკაში განხორციელების
სახელმძღვანელო

APPLICATION OF THE PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT: MANUAL FOR TRAINERS



SEA



LPO11/2017
ID intern unic: 369732
Версия на русском

[Fișa actului juridic](#)



Republica Moldova

PARLAMENTUL

LEGE Nr. 11
din 02.03.2017

privind evaluarea strategică de mediu

Publicat : 07.04.2017 în Monitorul Oficial Nr. 109-118 art Nr : 155 Data intrării în vigoare : 07.03.2018

Parlamentul adoptă prezenta lege organică.

Capitolul II DISPOZIȚII GENERALE

- Articolul 1.** Scopul și obiectul legii
- (1) Scopul prezentei legi este instituirea unui cadru juridic privind efectuarea evaluării strategice de mediu în vederea asigurării unui nivel înalt de protecție a mediului, a prevenirii sau diminuării efectelor negative ale unor planuri și programe asupra mediului, inclusiv sănătății populației.
- (2) Obiectul evaluării strategice de mediu sînt proiectele planurilor și programelor elaborate la nivel național și local, care pot avea un impact semnificativ asupra mediului în Republica Moldova sau în alte state.
- Articolul 2.** Noțiuni principale

În sensul prezentei legi, se definesc următoarele noțiuni principale:
autoritate competentă – organ central de mediu al administrației publice care oferă consultări inițiatorului proiectului de plan sau de program la etapa evaluării prealabile, examinează proiectul planului sau al programului, raportul privind evaluarea strategică de mediu și ia decizia privind eliberarea sau refuzul de eliberare a avizului de mediu la diferite niveluri:

- a) organul central de mediu al administrației publice – pentru planurile și programele de nivel național, inclusiv cele sectoriale și intersectoriale, aprobate de Guvern sau de Parlament;
 - b) subdiviziunea teritorială a organului central de mediu al administrației publice – pentru planurile și programele de nivel local, aprobate de administrația publică locală;
- aviz de evaluare prealabilă* – document emis de autoritatea competentă la etapa evaluării prealabile a planului sau programului, care stabilește necesitatea efectuării evaluării strategice de mediu pentru planul sau programul respectiv;

Main results and achievements



ENVIRONMENT

- Adoption of legal framework for SEA and EIA (Georgia, Moldova, partially Ukraine)
- Initiating SEA practice and illustrating steps in SEA procedure and analyses to be carried out



- ***Enhanced capacities of relevant governmental agencies to coordinate SEA procedures and to perform the quality control***
- ***Better understanding of expected role of SEA and its benefits among planning agencies and practitioners***

Lessons Learned

ENVIRONMENT



- SEA development is highly related to political ‘climate’ in a given country – without **high-level political commitment** legislation is usually not adopted, and the practice cannot be established
 - Therefore, it is essential to involve high-level policy and decision-makers in the discussions about introducing SEA in the country
- International legislative documents (Espoo Convention and its Protocol on SEA, EU SEA and EIA Directives) provide a very useful ‘**benchmark**’ for **preparing the national legislative framework** on SEA and EIA
 - However, attention needs to be paid to the country context – former legal procedures on environmental assessment, as well as the system on the planning, and decision-making on the strategic documents and specific projects (EIA)

Lessons Learned

ENVIRONMENT



- ***Ratification of the SEA Protocol and Espoo Convention*** play significant role in development SEA and (not only transboundary) systems at the national level as the countries can benefit from
 - Network of officially nominated national focal points;
 - Platform for discussion provide by the treaties and related bodies (MOP; WG on EIA and SEA; IC) – regular meetings held in Geneva for the Parties to adopt and monitor detailed periodic workplans
 - Technical assistance provided by the secretariat

Lessons Learned

ENVIRONMENT



- **Potential EU membership** also speeds up legislative development – Georgia, Moldova and Ukraine have all in their Association Agreements included the **task to implement provisions of the SEA and EIA Directives**
 - All three countries have already prepared and adopted the national SEA/EIA legislation in accordance with the EU Directives
- It is **challenging to overcome heritage of former Soviet OVOS system**, which was to a large extent limited to legislative appraisal without proper baseline analysis, consultations with environmental and health authorities, and public participation
 - It is important to consider OVOS procedures and link it to newly established SEA and EIA steps

Lessons Learned

ENVIRONMENT



- **Practical application (SEA and EIA pilots)** is the most efficient capacity-building as it can provide hands-on opportunity for stakeholders to follow a full SEA/EIA procedure
- For successful SEA pilot, the selection of plan/programme is very important
 - Must be an early draft document (not already prepared/adopted plan)
 - Sufficient time for conducting SEA
- **Regional approach** is very important – providing opportunity to share experience and discuss challenges is important for the countries to learn from each other

Lessons Learned

ENVIRONMENT



- **Legislative framework** only is not sufficient to establish a good SEA and EIA practice, it is also essential to
 - Enhance **capacities of SEA/EIA competent authorities** to coordinate the procedures and to carry out quality control
 - Enhance **capacities of other environmental and health authorities** to provide relevant inputs to SEA and EIA (especially health remains an issue in EaP GREEN countries)
 - Increase **understanding of project developers and planning agencies** on 'how to deal with EIA and SEA' and how to use it
 - Establish **sufficient capacities of SEA/EIA practitioners** to carry out relevant analyses and to conduct SEA and EIA processes
- Optimally, legislative development and capacity building activities are implemented simultaneously, so the processes can mutually reinforce each other

Way forward

ENVIRONMENT



- Although a huge progress has been achieved, there still need for further development of SEA and EIA in beneficiary countries
 - Full transposition of Espoo Convention, Protocol on SEA, and SEA and EIA EU Directives
 - Enhancing capacities of SEA/EIA practitioners
 - Supporting SEA/transboundary EIA practice (pilots)
 - Introducing practical tools to support SEA/EIA application (e-databases of SEA/EIA cases, guidelines, geographic information system – GIS)
 - Strengthening the quality control (by SEA/EIA competent authorities)
 - Increasing capacities of health authorities



SEA and EIA in Central Asia: Current status

ENVIRONMENT



- EIA following international standards is not consistently applied (only for projects funded by international donors – WB, ADB, EBRD)
 - For the most of the relevant project, OVOS is carried out
- Non-existing SEA practice
 - Example of strategic environmental review (SER) on solar development in Kazakhstan (by EBRD)
- Limited practice of transboundary consultations
 - Only Kazakhstan and Kyrgyzstan are Parties to the Espoo Convention
 - None of the Central Asian countries is a Party to the Protocol
 - Pilot projects (e.g. UNECE/OSCE – transboundary EIA for the gold mining activities between Kazakhstan and Kyrgyzstan)
 - 2007 UNECE Guidance on EIA in a Transboundary Context in Central Asia (recently being updated)

SEA and EIA in Central Asia: Challenges



ENVIRONMENT

- Lack of experience and national capacities for application of EIA and SEA
- Lack of legislation and guiding documents
- Limited awareness on SEA and EIA role and benefits of its application

SEA and EIA in Central Asia: Recent activities of the secretariat



ENVIRONMENT

- Technical advice and support to Kyrgyzstan on improving legislative and institutional framework to implement the Convention (funded by Switzerland), the draft law completed, undergoing the inter-sectoral consultations
- Update of the Guidelines on application of EIA for Central Asian countries (funded by Switzerland), January 2017 – ongoing
- Technical advice to Kazakhstan on improving legislation to implement the Protocol and the Convention
 - Legislative review on EIA is on-going (funded by Switzerland)
 - Legislative review on SEA was recently initiated (funded by EU)
- SEA pilot in Kazakhstan (EU funds) – to be initiated in late 2017

Pilot project: Transboundary EIA for the gold mining activities between Kazakhstan and Kyrgyzstan (2006 – 2009)



ENVIRONMENT

- Implemented to improve dialogue and cooperation and to involve stakeholders and the public in the development and assessment of major projects in Central Asia that have a potential transboundary environmental impacts
- Espoo Convention used as a main instrument
- The project revealed a need to updated regional guidance on transboundary EIA and recommended to transpose it into the national legal frameworks
- The project demonstrated that the ***Espoo Convention is an important instrument in terms of promoting cooperation*** among its Parties through the joint discussion of problems, the establishment of contacts, and finding ways to ***resolve possibly conflicting views*** between neighbouring countries.



Thank you!

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