

LEGISLATION AND POLICY FRAMEWORK IN THE NEWLY INDEPENDENT STATES (NIS)

Key issues
<ul style="list-style-type: none">• What are the main trends in this area?• What are the key features of SEA arrangements that have been established in different countries?• What lessons can be drawn from experience with SEA implementation (e.g. main strengths and weaknesses of the process)?• What are the main outputs and outcomes of SEA implementation (e.g. has it made a difference to decision-making or to the quality of the environment)?

Session facilitators:

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Presenters:

1. Chulba Igor; *'SEA of National Tourism Development Programme in Belarus.*
2. Palhekov Dmitry, Prof. Dr. Michael Schmidt: *'Pilot project on implementation of strategic environmental assessment on a regional level in Ukraine'*
3. Kovalev Nicole: *Examples of SEA in Russia*
4. Ayvazyan Sona, *Public participation in the SEA of Master Plan of Yerevan City in Armenia*
5. Jurkeviciute Ausra, Dusik Jiri, Martonakova Henrieta: *Capacity building needs assessment for implementing the UNECE SEA Protocol in the selected EECCA countries*
6. Borysova Olena, Varyvoda Yevgenyia: *Ukrainian SEA system development: key issues, needs and drawbacks*
7. Agakhanyants Polina: *Adopting new regional SEA legislation in Russia*

1. Main trends

Advance in SEA systems has recently accelerated driven mainly by the UNECE SEA Protocol (not only in signatory countries) and the EU Action Plans (in Ukraine and Moldova). This is reflected in:

- Growing number of SEA supporters from NGOs, academia and government officials at different level;
- Formulation of legislative framework incorporating the SEA (e.g. recent development of the new Law on Environmental Expertise in Armenia);
- Growing number of practical SEA demonstration (e.g. SEA pilot projects in Armenia, Belarus, Ukraine, Russia), aiming at and resulting in awareness raising, learning and overall capacity strengthening on one hand and identification of gaps and challenges to be overcome on the other;

On the other hand, the introduction of effective SEA systems proceeds relatively slowly due to many unsupportive trends in their overall context, including poor governance as well as low and declining external support for SEA development.

2. Key features of SEA arrangements

- Where SEA is introduced, it is usually done within the framework of the State Environmental Review (SER or SER/OVOS) system, inherited by the NIS from the Soviet Union and, as some argue, not able to conform to international SEA principles and not entirely appropriate in new political and economic contexts.
- SEA, including requirements for consultations and public involvement is required by national legislation in most European NIS but is rarely practiced due to the absence of necessary capacities, enforcement mechanisms and supporting procedural regulations;
- The planning systems in the NIS (where they exist) are often technocratic and not transparent which does not present a favorable environment for SEA application.
- There continues to be a low level of awareness of the essence and potential benefits of SEA among key groups of stakeholders including government, NGOs and academia.

In light of all these circumstances, the workshop participants mainly focused on two key questions:

- A. Is it feasible to introduce SEA in the current political and planning setting?**
- B. What kind of challenges and opportunities for SEA implementation are presented by the current SER/OVOS system?**

3. Lessons learned from the development of SEA systems and practical SEA application

A. Feasibility of introducing SEA in the current context. The SEA promoters in the NIS face the dilemma of whether (1) to try to change the context (planning, etc.) towards that more favourable to SEA (or else wait till the context becomes better on itself) or (2) to seek ways for introducing SEA in the current context. The first option is often perceived as unrealistic. The second option requires significant creativity on behalf of SEA practitioners and, at times, departure from the international principles in order to achieve the overarching goals of SEA, i.e. facilitating environmental sustainability.

In this respect, the participants presented the following:

- It is difficult to apply SEA in the current planning system (Belarus, Armenia);
- Some planning processes should be modified in terms of time frames in order to provide sufficient time for applying SEA with consultation and public participation component;
- There is still rather low level of experts knowledge on SEA related process and methodologies;
- There is low level or/and inadequate quality of public participation due to lack of information, low capacity and overall low level or participation culture;
- Need to set realistic goals and expectations when starting SEA pilot projects taking into account the political and planning setting in each individual country;
- Need to pay enough attention and to find a right way of communicating the SEA benefits to all stakeholders, including technical experts and politicians who are usually “scared”;
- Need to identify “SEA friends” and use their support in SEA introduction;

- Need to establish system with clear roles of different stakeholders at the very beginning of any SEA capacity building initiative;

B. Integrating of SEA into the SER/OVOS systems. The participants of the workshop agreed that there is no universal blueprint for smooth integration of SEA and SER/OVOS though existing proposals range from the complete abolition of the SER/OVOS system to making SEA just “one kind” of SER. Since no NIS intends to totally abolish the SER system, there is a need to develop legal framework enabling SEA to be accommodated within SER and to improve the SER system in terms of effectiveness, public participation and transparency. Though each country should find its own solution, exchange of regional experience might be very productive given the commonalities of the existing challenges.

4. Future developments

Effectiveness of SEA application will depend on the pace of the process of democratization and decentralization (when it comes to sub-national level), which varies from country to country.

Development of national capacity building strategies for the SEA Protocol implementation (Armenia, Georgia, Moldova, Belarus and Ukraine) and capacity needs assessment and feasibility studies for SEA introduction into non-signatories to the SEA Protocol;

Need for the continuous capacity development through demonstration projects, training, legal framework and methodological guidance development.

Need for enhanced regional cooperation and networking taking into account the commonalities of the current EA legal system very specific for the region;