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Strategic Environmental Assessment and State Ecological Expertise: Combining Incompatible?

Introduction

Strategic Environmental Assessment (SEA) is a relatively new tool that is being acknowledged by an increasing number of countries world-wide (Robinson, 1993; EIA Leaflet Series, 1995; Thérivel, 1997). It is aimed at predicting and minimising the possible negative impacts of the so-called strategic-level economic activities (such as policies, concepts, strategies, plans, programmes, legislative acts, etc.). The SEA procedure varies from country to country, but whatever shape it takes, it has much in common with Environmental Impact Assessment (EIA) undertaken at the project level, and these are the commonly known main principles of the two processes, such as public participation, accountability, transparency, preventive approach, etc (Sadler, 1996; Glasson *et al*, 1999; European Commission, 2001, Bonde and Cherp, 2000).

However, SEA and EIA are not the only types of environmental assessment procedures applied nowadays to various economic developments. The states of the former USSR inherited the old Soviet system of State Ecological Expertise (SEE) and the Assessment of Environmental Impacts on the Environment procedure (known by its Russian abbreviation, OVOS) applied to literally all developments in these countries. Of these, OVOS is designed for projects, and SEE is applied to both projects and higher-level activities, such as programmes, plans, land-use plans, and concepts (Cherp, O. and Lee, N., 1997; Cherp *et al*, 2000; Cherp, 2001).

The SEE procedure does not distinguish between project- and strategic-level developments. It is a simplified check of the proposed activities' compliance with existing environmental standards, and is far from being equivalent to the 'western' SEA or EIA process (Mnatsakanian, 2000). More and more practitioners in these countries acknowledge that the existing SEE procedure is unlikely to be capable of coping with the increasing pressures on the environment, unless supported by EIA or at least enhanced OVOS requirements[1] (Cherp 1999, 2000a, b, c; Kiseleva, 2000; Patoka, 2000; Bektashi, 2001).

Some of the former USSR countries have already adopted EIA as the basic environmental assessment procedure, but are still struggling to make it a systematic process accepted by all its parties as a useful tool rather than just another obstacle. Subsequently, introduction of SEA in this region is a considerably more difficult process due to the more than 70 year-old traditions of central planning and secrecy.

SEA and the opportunities of its introduction and development in the countries of the former USSR have been the subject of a wider research into successful SEAs in Central and Eastern Europe, Caucasus and Central Asia, currently being undertaken at the University of Manchester. One of the case studies for the research is the Moscow City Master Plan to Year 2020 (MCMP), which was suggested by a number of

[1] The OVOS procedure in many former Soviet Republics has in fact already acquired a range of features of the EIA process, e.g. public participation, consideration of alternatives and mitigation measures, prediction and assessment of impacts, and most importantly (unlike the Soviet procedure) has a status of a legally binding document (Sadler *et al*, 1998, Cherp, 1999).

Russian EIA experts due to the innovative approach to the planning process chosen by its developers.

During the research, a set of process- and outcome-oriented criteria was applied to the analysis of MCMP through interviews with, and a questionnaire filled in by, the developers of the Plan and EIA and SEE experts. The answers provided by the interviewees and respondents have outlined certain aspects of MCMP, which are discussed below[2] together with the analysis of the possibilities to utilise the experience of MCMP in developing strategic-level activities in the countries still using the SEE system.

The Case of the Moscow City Master Plan

The Moscow City planning traditions date as far back as 16th century, but it was only in the second half of the 20th century that this process became systematic. The Moscow City Master Plan for the Period to Year 2020 was developed in 1997-1999 in accordance with the existing Russian planning regulations, but the approach applied by its developers (the Moscow City Committee for Architecture and Town Planning) allows us to speak about a precedent established in the whole history of master plans in Russia.

The overall evaluation of the ways MCMP was enhanced by a number of SEA features to take into account environmental issues was positive and high. This may have resulted from the fact that the Plan was developed in a considerably more transparent way than required by the legislation. There was no separate OVOS procedure undertaken for MCMP; the developers voluntarily integrated a number of OVOS principles into the type of economic activities which initially were not required to undergo OVOS. As a result, the Plan took a better account of environmental, social and economic issues in comparison to the previous plans both in terms of issues covered and the level of details appropriate for a strategic-level planning activity. [3]

The opinions of the experts and the developers about the overall quality of consideration of environmental issues by MCMP were somewhat similar: both groups of stakeholders were confident (although to varying degrees), that MCMP allowed for better consideration of environmental aspects in the planning process. However, the opinions differed in relation to the outcomes of the process. The developers saw the whole process and its outcomes as quite successful from an environmental point of view, probably due to the case establishing a precedent. However, the EA expert considered the outcomes of the SEE of MCMP as not entirely successful, mainly due to the only partial account taken of the SEE by decision-makers.

[2] A more in-depth analysis of the MCMP and its lessons is to be carried out in the next, final stage of the research.

[3] It should be remembered that the absence of clear requirements for strategic-level economic activities to undergo OVOS can be both confusing and open for interpretation by the developers in terms of ways they may decide to take into account environmental issues entailed in the proposed activities. Failure of the SEE procedure to provide clear instructions on how to achieve better incorporation of environmental considerations into strategic planning can be outweighed by the opportunities it offers in terms of ways environmental aspects can be taken into account during the development of strategic-level activities. The developers of the MCMP have thus interpreted the legislation in a way which proved to be advantageous from the point of view of the quality and outcomes of the planning process.

The MCMP failed to consider an adequate number of alternatives to various activities within parts of the Plan. Again, those alternatives discussed during the development of the MCMP could be considered as a voluntary broadening of the scope of the planning process, as consideration of alternatives is not required by the SEE procedure.

The question of financing was one of the least transparent, it is only known that the SEE was financed from a separate state budget. However, as there are no official requirements of OVOS of strategic-level economic developments, there are consequently no clear requirements on who has to finance a relevant procedure. This could become an obstacle for those who might volunteer to undertake OVOS's of similar activities in the future.

The research revealed that both the developers and the experts were not aware of the costs of at least SEE itself and subsequently could not comment on whether these costs were justified from the point of view of the improvement of quality of MCMP. This could mean the absence of an official feedback system to provide the necessary information for stakeholders and other interested parties. Thus, there is a risk that vital information on economic costs and benefits of undertaking EAs of strategic-level developments may be precluded from reaching the potential stakeholders to such activities in the future.

The public was not involved in the process of development of the MCMP from the very beginning, but rather during the analysis of impacts and review of documentation, and such involvement was evaluated as to a large degree sufficient and adequate by the developers and EA experts. An innovative approach was applied by the developers at these stages of the development of the Plan, that is making the relevant documentation available to all the stakeholders through a permanent exhibition which was opened in late 1998 and which remains open for public nowadays). As a result of intensive consultations on various aspects of the Plan documentation with expert organisations and public at large, the Plan was amended to incorporate the most important comments and suggestions. The 6-month period allocated for informing the public, public hearings and consultations and collection of the comments was considered sufficient.

It is not clear, however, whether the public was involved in the discussions at the stage of scoping which is considered as one of the crucial stages to involve the public in order to resolve possible conflicts. Nevertheless, the initiative of the developers to consult the public supports the assumptions made earlier regarding the growing commitment among the developers to consider environmental aspects of strategic-level activities and the opportunities lying in the absence of strict requirements for some form of EA of strategic-level activities.

It is also not clear at which stage(s) of the development of the MCMP SEE was undertaken. Thus, according to the developers, SEE was undertaken at the stage of assessment of the MCMP while the experts believed that it was undertaken at the stage of amendments to the MCMP. Such a dual interpretation can be possibly explained in few ways: a) the existing system does not in fact clearly differentiate between the assessment and amendment stages of the PPP development process; b) there is a difference in the way various parties to the PPP development/EA processes

perceive the EA/SEE process (i.e. they may either see them as one process, or as two unrelated processes, or it could be simply a matter of misunderstanding); and c) the SEE as such was undertaken in parallel with the assessment of the MCMP (or represented in fact such assessment itself), but was still influencing the development of the Plan at the stage of amendments based on the SEE resolution.

The issue of integration of health, social and economic aspects with environmental ones can be viewed as satisfactory. This also relates to integration with projects as well as other strategic-level activities, such as plans and programmes, of which projects are believed to have been integrated in the EA process better than plans and programmes, but on the overall, all these types of integration were perceived as to a large degree adequate.

Was MCMP successful?

It can be concluded from the information provided by the research that at least some elements of EA (e.g. consideration of environmental, social and economic aspects, public participation, and consideration of alternatives) were present during the development of the MCMP. This again brings us back to the issue of integration of EA with the process of strategic planning and particularly to certain conclusions regarding the SEE/OVOS system and the ways of smooth integration of EA into the planning process. The aspects of MCMP briefly discussed above, as well as those which were not covered in this paper, suggest that SEE of MCMP can in fact be regarded as a case of successful integration of environmental considerations (or, alternatively, of elements of SEA) into the planning and decision-making process. This success can be largely viewed as a result of consolidated (and unique for the system) efforts by all the stakeholders to improve the quality of the city planning process. This relates first of all to the authorities and governmental institutions of Moscow City (particularly by the developers) whose willingness to take on board at least some of the experience of their western colleagues helped to make the planning process more transparent and accountable.

MCMP also managed to provide tiering within MCMP itself (between its various components) as well as between MCMP and future projects which would have to be developed in accordance with the directions set by the Plan. In developing all the components of the plan attention was devoted not only to the process of planning but also to environmental, social and economic issues as part of the planning process. It was continuously stressed in the planning documentation that the ultimate goal of the Plan was sustainable development of the city of Moscow.

At the same time, however positive results such a close integration (if proved) could bring, it seems to be incapable of providing sufficient and clear information about the EA process itself, its stages, outcomes and most probably its participants. The only document related to the environmental considerations in the MCMP and their relevance is the SEE report ("resolution") availability of which to the public at large is not quite clear.

Consideration of the outcomes of SEE of MCMP during decision making received high marks from the developers, but was estimated as only relatively adequate by at least one of the experts. However, it should be kept in mind that it would be

unrealistic to expect all the recommendations of any SEE (or more generally any EA process) to be taken into account by the decision-makers, and also that expectation of various stakeholders may vary considerably. At the same time, all stakeholders were united in the opinion that the outcomes of SEE have positively influenced the development of MCMP as well as of other strategic activities it was linked with.

The fact, that the Russian legislation does not require most of the actions taken by the developers of the Plan in order to improve its quality, further adds value to the outcomes of the SEE of MCMP[4] and suggests that transformation of SEE into an SEA-like procedure might be in fact not as impossible as many believe it is. It might also be highly probable that such transition could take place in conditions similar to those of MCMP. These include not only commitment of the governmental authorities to the issues of sustainable development (which could be expressed in various governmental documents, programmes and papers as well as in personal views of officials), but also increased levels of democracy and environmental awareness of the population, and relevant knowledge and expertise acquired by various stakeholders during the years of application of SEE and OVOS procedures. Other factors potentially capable of facilitating such transformation in the region could include international institutions and treaties, often devastated environmental conditions and the resulting more active involvement of the population in the economic and social life of countries. This process may take various paths and shapes, but the experience of MCMP suggests that perhaps time has come to review the traditional approach to SEE as a highly non-flexible, non-transparent and therefore potentially incompatible with SEA process.

Conclusions

The case of MCMP taught important lessons to both planners and EA experts in the country. Although the approach taken by the developers was innovative, MCMP was designed and approved within the existing system which considers an SEE procedure as a sufficient environmental check for such type of activities. As a result, a number of aspects of the Plan were not devoted adequate attention during the planning and SEE process. Thus, public participation was envisaged for only one stage of the planning process (and it was difficult to define even at which stage of this process did public involvement take place); there were no clear terms of reference developed in this case to outline the overall targets of the whole process and ways to achieve them; consideration of alternatives to various components of MCMP and of mitigation measures was not always adequate.

Thus, MCMP shows the possibility of harmonious co-existence of EA and planning, even if EA is represented by the SEE/OVOS system with its deficiencies, such as the lack of consideration of alternatives and of public participation traditions. Despite all the Plan's drawbacks, its developers managed to demonstrate real ways to improve the SEE procedure for strategic-level activities and to bring it into conformity with international environmental assessment requirements through intermediate stages rather than through revolutionary reforms of the existing system. Figures I-III below show one of the possible ways to improve the SEE procedure through integrating into

[4] In fact, the above analysis could be viewed as sufficient background for referring to the SEE of MCMP as to "SEA of MCMP", since the SEE expanded far beyond its legislative requirements, however for the sake of consistency the terminology will not be changed here.

it elements of the SEA process, which would eventually lead to the development of an SEA system with an SEE-based core.

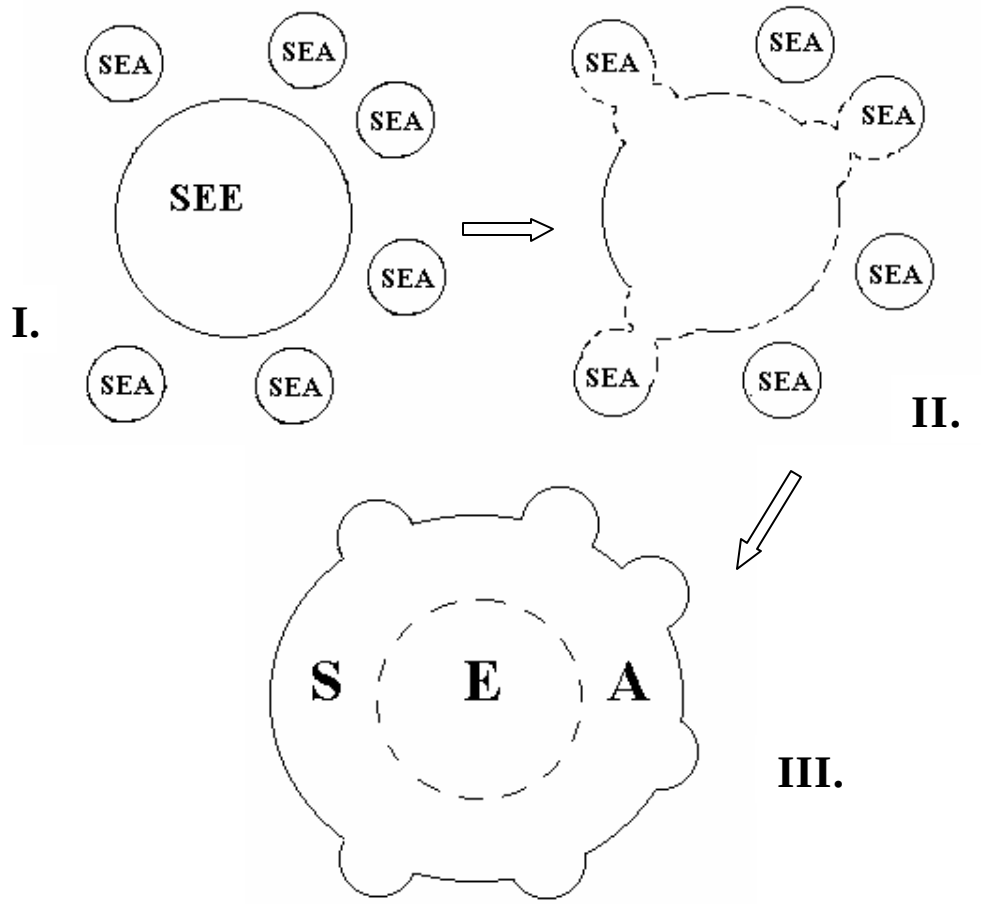

Figure I – SEE and SEA as two separate systems (small circles represent elements of SEA).
Figure II – Elements of SEA being integrated into the SEE procedure.
Figure III – A new SEA system with an SEE-based core.

The experience of MCMP showed that there are, in fact, ways to merge at least some basic principles of the SEA process with the existing system with little or no interference with the mandates of the parties to SEE (provided adequate levels of financing are secured for the process). In the case of MCMP, it was the initiative of the developers of the Plan to involve the public in the discussion of the relevant documentatio n and to further take into account comments collected as a result of those discussions, thus establishing a precedent in the history of Moscow city planning. Besides, the design of MCMP considered not only environmental, but also social and health issues, and sustainability considerations were claimed to be among the basic principles upon which the Plan was built.

Taking into account the fact that the SEE procedure is currently the only way to check environmental soundness of strategic-level developments in more than 10 countries of the region, this experience could provide various participants of this procedure across the region with valuable information, especially if supported by further evidence of the success of this new approach.

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