

Public Participation in Environmental Impact Assessment in Russia

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A mandatory component of Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) in Russia is public participation. Public participation is regulated by Russian legislation (for example the Land Code, the Assessment of the Environmental Impact Guidelines and autonomous regional laws) and can take various forms. But how are they applied in practice? This is to be investigated by the Technical University of Berlin, in cooperation with the Russian Academy of Sciences and the University of Magdeburg. The Project is financed by the Volkswagen foundation within the program „Unity amidst Variety? Intellectual Foundations and Requirements for an Enlarged Europe“

As this Program is addressed to social science, the main subjects of our investigation are democratization and Civic Society in the Russian Federation. The objects of the analysis are the EIA and SEA. They were first established in 1988. Public Participation has been an important tool from the beginning. They are still two of only a few possibilities in Russia, where the public is allowed to take part in a decision making process. By opinion of a wide range of people this is the only legally established tool with a real possibility of taking influence. Though in the project EIA and SEA are being used to understand, how far the civic society in Russia has been developed and which level it reached, compared with the years before Perestroika time and afterwards.

Possibilities of public participation within the EIA Process and guaranteed by law are among other things the Public Environmental Review (PER) and passive participation in State Environmental Review (SER). A PER can be implemented before or at the same time as the SER and is methodically comparable. Initially, an interested NGO (Non Governmental Organisation) or registered popular initiative have to make an application for implementation of a PER to the agency which is responsible for the SER. The investor is obliged to make all relevant documents available to the initiators of the PER. For the PER as for the SER an independent expert commission is set up to examine the permission of the project and the completeness of the Environmental Impact Study. Both instruments concludes with a decision and a summarized substantiation of the admissibility or inadmissibility of the project. This decision is to be taken note of by the authority responsible for the SER, and has to be considered in the implementation of the SER for the project concerned. In addition, the law provides the possibility that the results of the PER can attain legally binding character. Examples of such cases have been reported from Russia.

Our research is based on 40 different case studies. We are analyzing cases from three time periods – at first from the present time 1996-2002, from the time of Perestroika 1989-1993 and from socialism 1979-1985.

We have chosen 4 regions for there is a probably wide range of practise within the country:

- Moscow as a large and well developed city,
- St. Petersburg and surroundings as a city too, but according to the literature with a quite strong civic society.
- Unlike Moscow and St. Petersburg the Baikal Region has a small density of population, the conflict should be more likely between nature protection and the use of the nature resources.
- In Western Caucasus we find a wide range of land use types, where different forms of land use may get into conflicts (as tourism and traffic, agriculture and settlement).

Fig. 1: Cases in the present time period 1997-2002

Characte- ristic	Impact on the Envi- ronment	Intensity of Settle- ment	Investor	State Environ- mental Review	Public Partici- pation
Cases 1997-2003					
Aluminium Plant St. Petersburg	High	Middle	Private	On time	Active
Orbit Motorway Skt. Petersburg	High	High	State	Late	Active
Motorway Approach Moscow	Low	High	State	On time	Formal
Hilton Hotel Moscow	Low	High	Private	On time	-
Waste Utilization Plant Moscow	Middle	Middle	State	Late	Active
Heat Pump Station Moscow	Low	High	State	-	Active
High-Voltage Line Irkutsk	Middle	Middle	State	Late	Formal
Gold Mine Irkutsk	Middle	Low	Private	On time	-
Law on Forest in Towns Irkutsk	Low	High	State	On time	-
Gas deposite, Two Drillings Irkutsk	Middle	Low	Private	Late	Formal
Beverages Production Krasnodar	Low	High	Private	On time	-
Reconstruction of a Port Krasnodar	High	Middle	Private	On time	Active
Reconstruction of a Beach Krasnodar	Low	Middle	Private	On time	-
Oil Pipeline and Sea Terminal KTK Krasnodar	High	Middle	Private	On time	Active

We received data from interviews with key people and official and unofficial documents during decision making process. We are going to compare standards of Europe and Russia at the end of the project. More than a year of work is still ahead of us, but first results can already be shown.

There were strong public protests in the planning period and after the start of the reconstruction of the harbour in Gelendzhik. This town is situated in the south of Russia on the Black Sea and the main income of its inhabitants is tourism. Forms of public participation like public hearings, demonstrations and referenda took place. They were organized by the local authorities and the inhabitants. Because of the result of the last referendum, the reconstruction of the harbour was stopped.

Yet in different case, strong public protests with public hearings, court cases, demonstrations and a Public Environmental Review took place too. But the public couldn't define its main demands. The government built the orbital motorway of St. Petersburg near living houses and through a local important park without any previous information to the public.

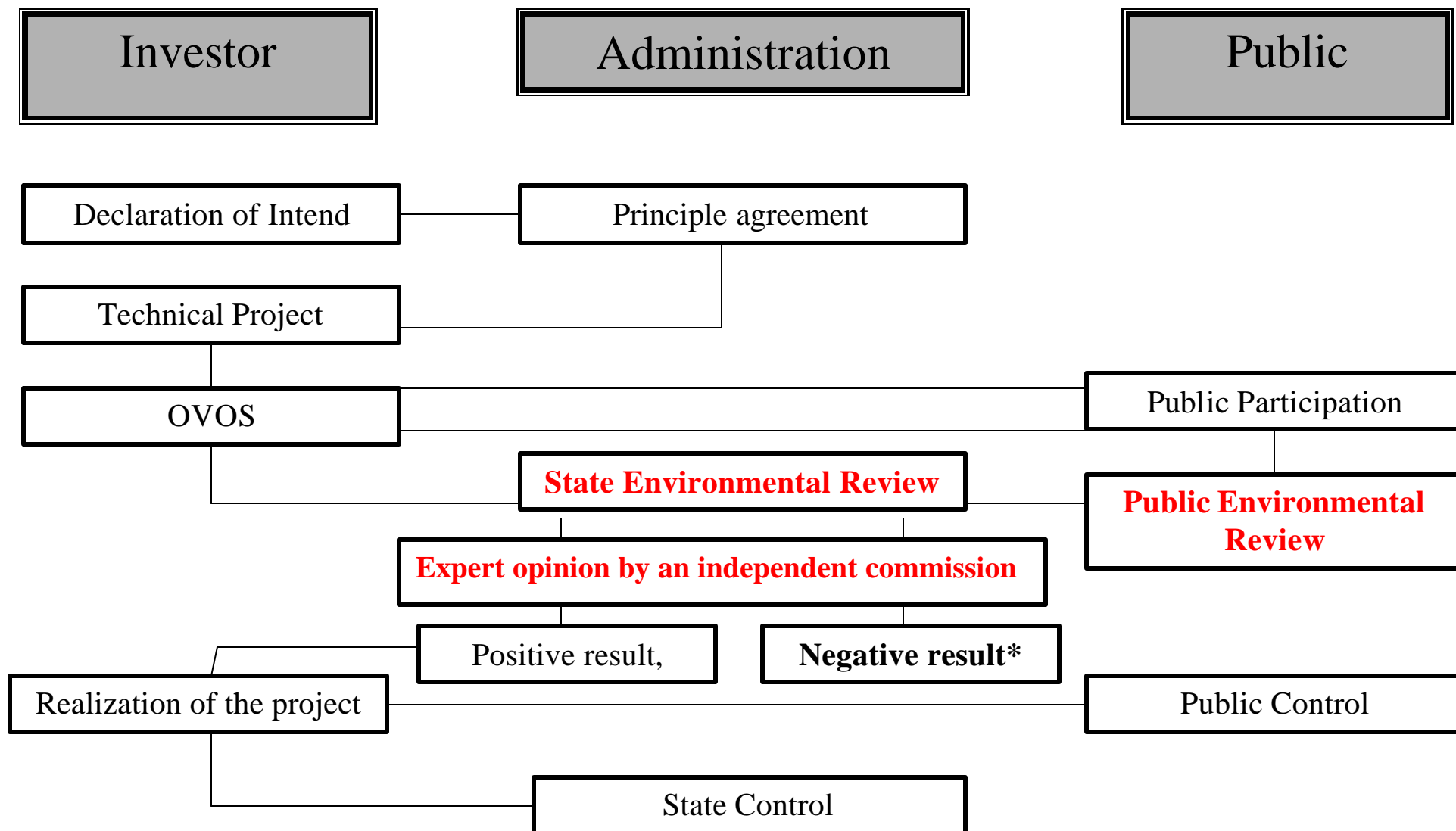
An explanation for low public involvement in the Baikal Region can be lead back to the position of their living places, which are rather far from the projectsite. That is why the formal possibilities for the public to participate are much lower than in other regions. For example the opening of a gas deposit was done without public involvement even though it had been situated within a site of an official traditional nature use area for indigenous people.

We discovered a balance between effective, partial effective and ineffective public participation. But there is also a large number of small cases without any public involvement in Russia. Public participation in EA is still not taken for granted, but usually it takes place in federal projects or projects with an important impact on the environment.

Unfortunately the formal participation instruments foreseen by the law within the EA-Process have no important influence. The relevant instruments are referenda, courts, letters of protest to authorities and sometimes PER. Even though the investor is obliged to integrate the public into the process of EA, he mostly, especially in small cases, does not take care or try to keep the influence of the public as low as possible. However the legal possibilities of influence for the public are rather good. If the public can find additional help or support from the authorities, their chances for winning are high. But even without support they can create a lot of problems for the investor.

A regulation of these conflicts could be initiated by a clear transfer of the responsibility on public participation to the authorities.

Fig. 2: Simplified schema of the EIA Process in the Russian Federation



* If the review ends with a negative result the project is not permitted.