



Introduction to the UNECE Protocol on Strategic Environmental Assessment to the Espoo Convention

Secretariat to the Espoo Convention and its Protocol on SEA
United Nations Economic Commission for Europe
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Content

- Origins and development of environmental assessment
- Definition
- The Protocol on SEA
- Benefits
- The objectives of this session





Environmental assessment Origins

The effects of industrialization

1969: US National Environmental Policy Act

- Applies to **plans**, programmes, policies, **legislative** proposals, **projects**

TODAY

- All developed environmental national frameworks
- International and supranational (EU) framework (harmonization and transboundary procedures)
- Unlike the US, the EU adopted legislation on SEA only in **2001** (in 1987 on EIA)





International law developments

Transboundary aspects early on the table

General principles of international law

- **Trail Smelter case** (US/Canada arbitral award 1938, 1941)
- Nagymaros-Gabcikovo case (Hungary/Slovakia) – ICJ 1997
- **Pulp Mill case (Uruguay/Argentina) – ICJ 2010**

1992 Rio Declaration on Environment & Development

- Integration (Principle 4)
- **Environmental Assessment (Principle 17)**
- Responsibility for transboundary environmental damage (Principle 2)
- Transboundary procedure (Principles 18 and 19)





What is environmental assessment?

How to prevent, not to cure

Preventive tool related to **proposed** activities which may have **significant impact** on the environment

Scope

- Environmental impact assessment (EIA):
 - individual projects / specific activities
- Strategic environmental assessment (SEA):
 - plans and programs
 - *Policies and legislation*
- Habitat/biodiversity assessment (CBD art. 14)
 - EIA and SEA limited to impact on habitat





The role of environmental assessment

How can we prevent?

- Collection of **information**
- Consideration of **alternatives**
- Integration** of environmental concerns with economic, social etc concerns
- Avoidance** of **irreversible** effects
- Procedural** tool



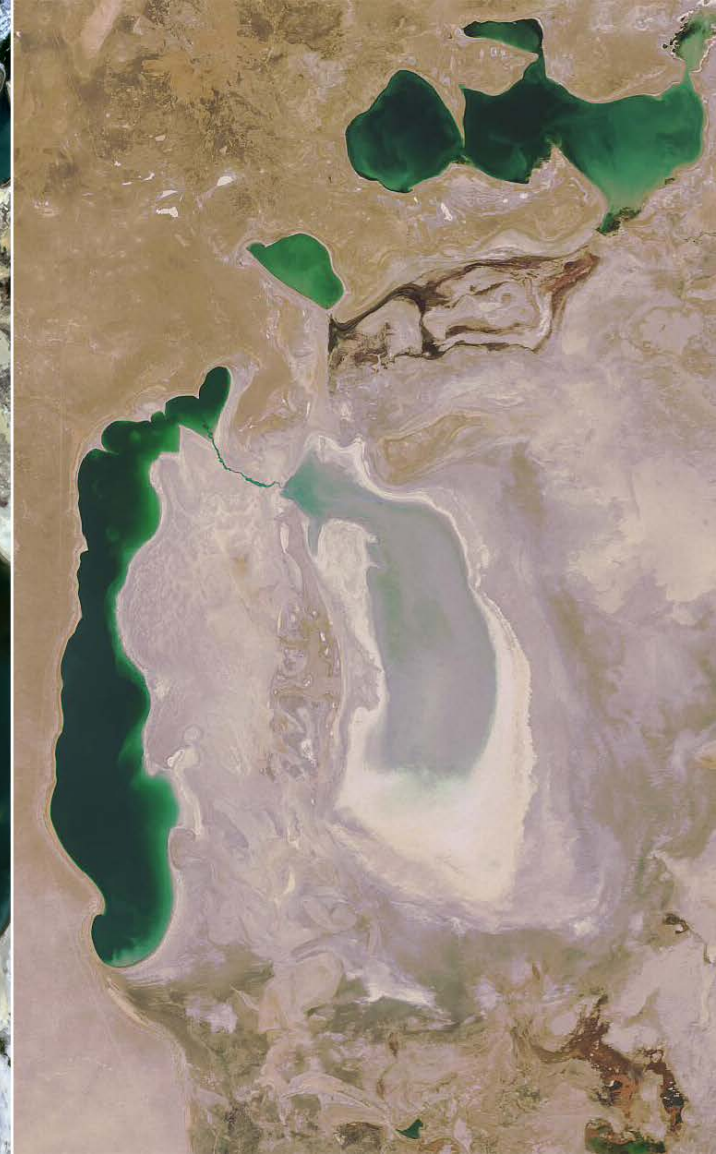


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Aral sea 1989 to date

*What happens without
SEA?*

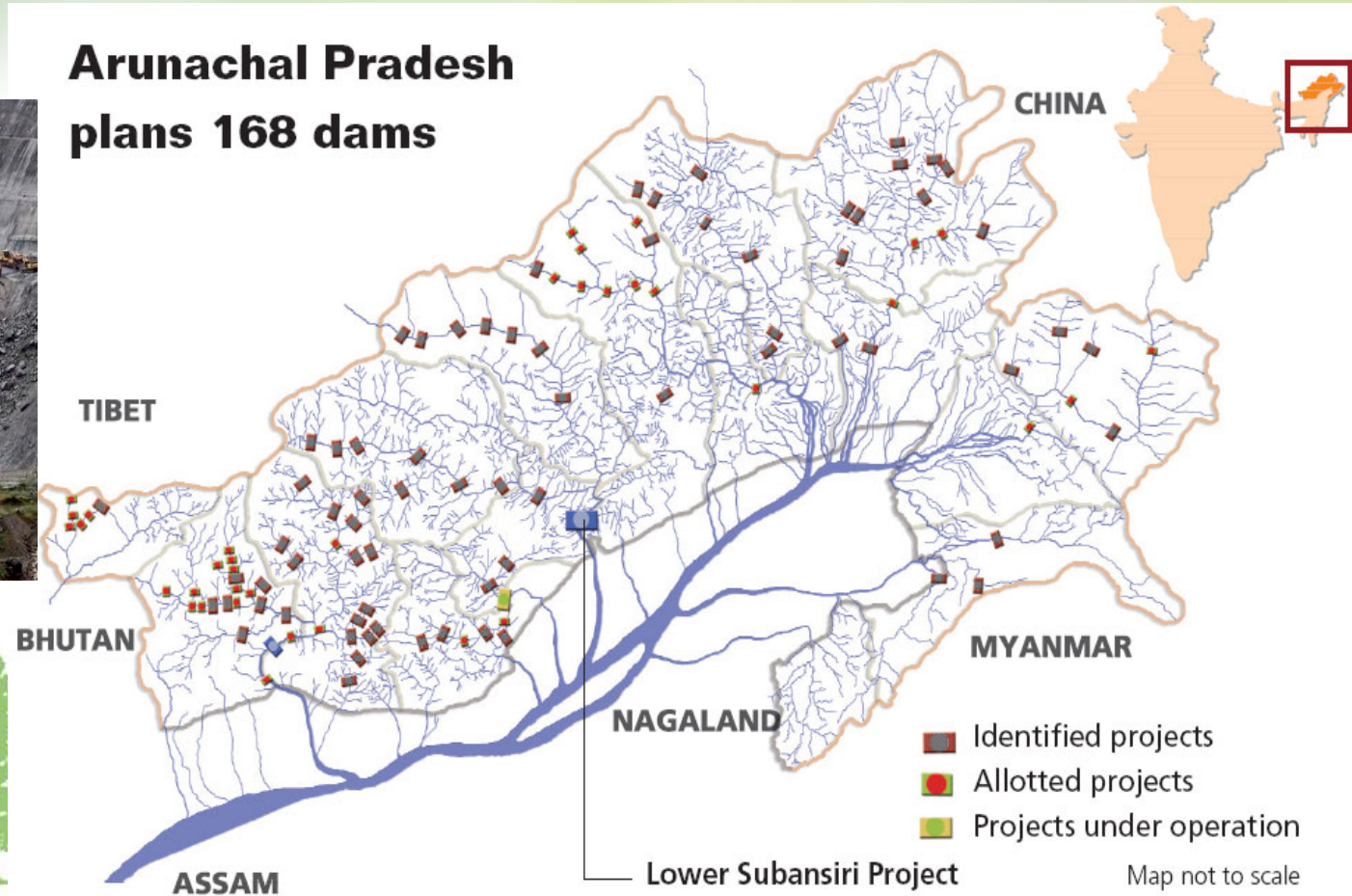


Cumulative effects of HPPs

**What happens without
SEA?**



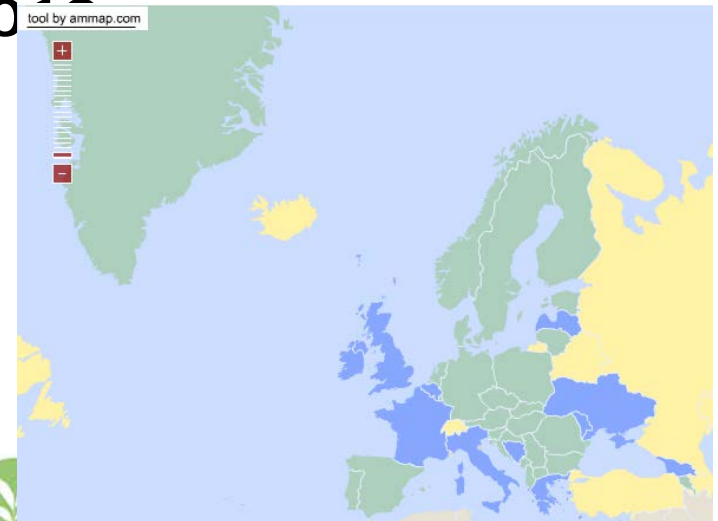
**Arunachal Pradesh
plans 168 dams**





Protocol on SEA

- To the Convention on Environmental Impact Assessment in a Transboundary Context (**Espoo Convention**)
- Related to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (**Aarhus Convention**)
- Adopted in 2003 (Kyiv), in force since **2010**
 - **26 Parties**, including the EU
 - **Global instrument** open to any Member State of the United Nations

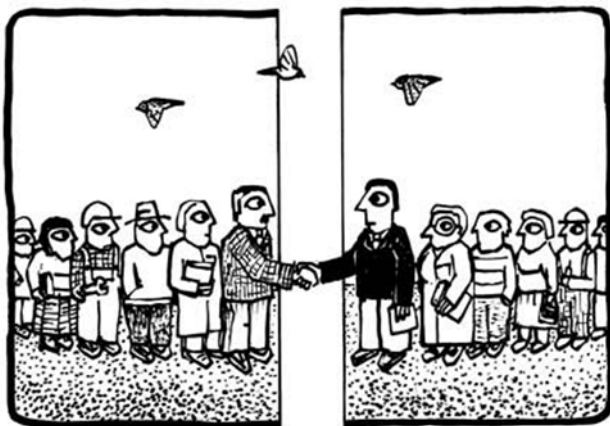




Espoo Convention vs. Protocol scope of application

Espoo Convention:

- Specific **activities** (projects)
- **Transboundary** procedures



Protocol:

- **Plans** and **programmes** (and policies and legislation)
- **National** procedures





Objectives (art. 1)

We all participate to decisions that may affect our lives and the environment

- To **ensure** that environmental, including health, considerations are **thoroughly taken into account** in the development of **plans and programmes**;
- To **contribute to the consideration** of environmental, including health, concerns in the **preparation of policies and legislation**;
- To establish **clear, transparent and effective**
- To provide for **public participation** in SEA;
- To integrate by these means environmental, including health, concerns into measures and instruments designed to further **sustainable development**





The SEA procedure under the Protocol

Some basic steps to keep in mind

- **Screening:** *Is an SEA required?* (Art. 4, 5)
- **Scoping:** *What is the content of the assessment and the report?* (Art. 6)
- **Environmental report:** Preparation of the report (Art. 7) (description & analysis of impact / alternatives)
- **Consultation:** Input from relevant **authorities** and the **public** (Art.8, 9)
- **Transboundary** consultations (Art.10)
- **Final decision:** into account the conclusions of the report and the consultation outcomes (Art. 11)
- **Monitoring:** unforeseen adverse effects during the implementation and remedial action (Art. 12)





Benefits

And why should we care for SEA?

- **Better plans and programmes**, policies and laws, because
 - **Efficient** decision-making that
 - **Prevents** costly irreparable damage
 - **Identifies** new opportunities for development
 - **Is solid** and has community **support**
 - Enables **transboundary** cooperation
- Key to **green economy** and **climate change adaptation**
- High level of **environmental protection** and **wellbeing** of the **individuals** and **communities**





Why are we here?

Discuss how to better inform programme implementation further to:

- Lessons learned from the development of legislation and practical application in different countries
- The role of IFIs
- Opportunities and risks in the EaP Green countries





For more information

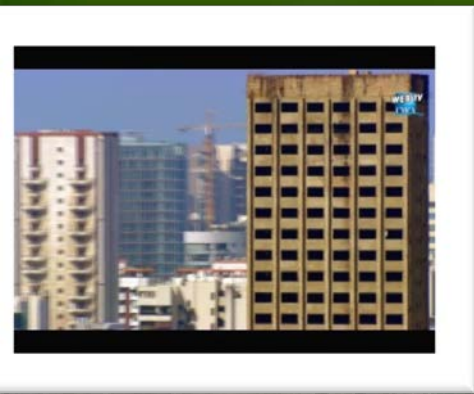
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Thank you!

