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

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United Nations Economic Commission for Europe
8 October 2014
Minisk, Belarus
Content

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

Origins

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)

The effects of industrialization
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?

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

• Collection of **information**

• Consideration of **alternatives**

• **Integration** of environmental concerns with economic, social etc concerns

• **Avoidance** of irreversible effects

• **Procedural** tool

*How can we prevent?*
What happens without SEA?

Aral sea 1989 to date
Cumulative effects of HPPs

What happens without SEA?

Arunachal Pradesh plans 168 dams

- Identified projects
- Allotted projects
- Projects under operation

Map not to scale
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** procedures for SEA;

- 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!