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European ECO Forum

Protocol on Strategic Environmental Assessment and Public Participation

1. ECO Forum, representing environmental citizen organisations and civil society in the negotiations of the Protocol on Strategic Environmental Assessment - or SEA - welcomes the Protocol and urges countries of the UN ECE region to sign it, and to ratify it quickly.
2. The Protocol on Strategic Environmental Assessment to the Espoo EIA Convention will commit the states of Europe and Asia to including environmental considerations in the most important decisions made by governments and public authorities. The Protocol will achieve this by guaranteeing a uniform minimum set of standards and procedures for the process of strategic environmental assessment.
3. The second major accomplishment of the Protocol is to provide the basis for advancing democracy by including good practices of public participation in the most important decisions made by governments and public authorities.
4. The "SEA Protocol" is the result of several years of work. However, we express our concern that the Protocol is :
 - insufficient on policies and legislation, and public participation, and
 - silent to access to justice, and budgeting and other financial decisions.
5. Something like SEA does already exist in various countries of Western and Eastern Europe, Caucasus, and Central Asia, with different provisions and results:
 - For example, the EU Directive of 2001 requires SEA for plans and programs -but only for them, and not for policy and legislations.
 - In comparison, the national legislation of many countries of my region - EECCA - requires environmental assessment for all of these - but it is rarely implemented effectively.
6. Implementation of the new Protocol will have to take account of these differences and find a way to move forward.

Article 3.4 of the SEA Protocol states clearly:

The provisions of this Protocol shall *not* affect the right of a Party to maintain or introduce *additional* measures in relation to issues covered by this Protocol.

This is the "floor, but not a ceiling" provision of the SEA Protocol. Every government in the UN ECE region has the right to go beyond the minimal requirements of the Protocol and many have already done so.

We in civil society will be asking ourselves: How can we work to defend existing legislation and practice, particularly in Central Europe and in parts of Eastern Europe, Caucasus, and Central Asia - where requirements already exceed the minimums in the Protocol?

7. In all regions of Europe, we urge reform and improvement in national legislation to implement the new SEA Protocol effectively.

We also urge development of administrative and regulatory measures, and capacity building, for the implementation of this Protocol on the national and local levels - and not to forget the importance of supporting NGOs who help citizens to participate in these processes.

8. Let me say a couple of words about the importance of public participation in SEA. Public participation both helps promote democratization and leads to better decisions. Of course one role of the public is to criticize mistakes and see negative sides of a proposal. But experience shows that the public also will often suggest alternative ways and solutions, which produce better decisions. This is even more true for plans, programmes, policies, and legislation, than for individual projects.

9. The SEA Protocol in Article 3.3 explicitly calls upon its signatories to treat civil society organizations as full partners in improvement of environmental policy,

We suggest to donors -who will surely be asked to assist in funding to ratify and implement the SEA Protocol in countries in transition- to include appropriate financial support for environmental citizen organisations in the process.

We also ask them to provide financial support for civil society organizations afterwards in implementation - for participation in environmental assessment, and even for legal challenges where implementation does not take place.

10. Although NGOs supported preparation of a separate Protocol on Strategic Environmental Assessment, I have to say that - now that we will have the Protocol - civil society must put a renewed focus on Articles 7 and 8 of the Aarhus Convention in coming years. These two Articles demand even more in terms of public participation than the SEA Protocol, and apply to matters not covered by the Protocol.

Civil society should:

- strongly support the ratification and subsequent implementation of the Espoo SEA Protocol throughout Europe and Asia,
- demand improvements in national legislation up to the level of the Protocol and beyond it, and
- begin international and national work to make the promises of Articles 7 and 8 of the Aarhus Convention a reality.

11. In conclusion, the SEA Protocol is --

- a new and important international instrument,
- a new step forward in the continuing dialog between government and civil society, and
- a new tool for the public to make strategic decisions more transparent and to prevent or mitigate harm to environment and health.

Improvements must be sought in the future. But what we have is a building block for a sustainable future and better decision-making. We should welcome it and advocate the ratification of the SEA Protocol.