



REGIONAL ENVIRONMENTAL CENTER



# **Capacity development needs for the implementation of the UNECE SEA Protocol: sub-regional overview of Armenia, Belarus, Georgia, Republic of Moldova and Ukraine**

## **July 2006 (second edition)**

### NOTE

The second edition of the overview constitutes one of many outputs produced for the United Nations Development Programme (UNDP) and the REC initiative on *Initial capacity development for the implementation of the UNECE Protocol on Strategic Environmental Assessment* (hereinafter “initiative”), which could be of wider international interest. The first version of the overview was produced in June 2004. This version of the overview could be further developed based on instructions from UNDP or include any further UNDP inputs from the initiative.

This paper presents the main findings of the national reviews of the needs assessments and the national strategies for capacity development for implementation of the requirements of the UNECE Protocol for SEA to this date.

### DISCLAIMER

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The views expressed in this document are those of the authors and do not necessarily represent those of the United Nations, its Member States, UNDP or the REC.

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## List of abbreviations

Directive	Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment
EECCA	Eastern Europe, Caucasus and Central Asia
EIA	Environmental Impact Assessment
Espoo Convention	Convention on Environmental Impact Assessment in a Transboundary Context
NSSD	National Strategies for Sustainable Development
OVOS	Russian abbreviation meaning <i>Assessment of Environmental Impacts</i>
PER	Public Environmental Review
SEA Protocol	Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context
PRSP	Poverty Reduction Strategy Papers
REC	Regional Environmental Center for Central and Eastern Europe
SEA	Strategic Environment Assessment
SEER or SER	State Environmental Expert Review
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe

## 1. Introduction

The United Nations Economic Commission for Europe (UNECE) Protocol on Strategic Environmental Assessment to the Espoo Convention (hereinafter “Protocol”) was presented to the Kiev conference “Environment for Europe” in 2003 and was signed by a number of countries, including four countries from the region of Eastern Europe, the Caucasus and Central Asia (EECCA): Armenia, Georgia, the Republic of Moldova and Ukraine (hereinafter “EECCA signatory countries”). To date none of the EECCA signatory countries have ratified the Protocol, though they have been working towards the introduction of the Protocol requirements to their national legal frameworks. In parallel, the European Union countries have been adapting their legislation to the EC Directive 2001/42/EC on SEA that came into force on July 21, 2004. EECCA signatory countries to the Protocol have started the preparations for adoption of the Protocol.

The initiative supported by UNDP and the REC on Capacity Building for Implementation of the Protocol aimed to assist the attempts of the EECCA signatory countries as well as to encourage Belarus, which demonstrated a very high interest, and other EECCA countries to sign and eventually to ratify the Protocol.

During the first stage of the initiative, the national reviews on the status of the preparations for adoption of the Protocol in the five selected project countries (Belarus, Armenia, Georgia, the Republic of Moldova and Ukraine) were commissioned. In addition, UNDP initiated the presentation of the main findings of the reviews during a side event at the 3<sup>rd</sup> meeting of parties to the UNECE Espoo Convention that took place in Cavtat, Croatia on June 2, 2004. Official country representatives and EIA/SEA focal points presented the official position of the countries in question on implementation plans and needs in relation to the requirements of the Protocol.

The initial overview of the subregional needs assessment was developed by SEA experts at the Regional Environmental Center for Central and Eastern Europe (the REC), which serves as an implementing agency. In the last stage of the initiative the national needs assessments were reviewed and either incorporated into the national capacity development strategies for implementation of the Protocol developed under the initiative (Belarus, the Republic of Moldova and Ukraine) or were annexed to the strategies as resource documents (Armenia). Georgia developed an SEA capacity development strategy in 2005 with support from Dutch bilateral assistance.

It is worth noting that though countries of the EECCA region have emerged from a very uniform background, with strict planning and regulatory requirements and regulations, the years of independence have enabled the countries to develop their own particular characteristics. At this stage the countries already show a range of planning and development directions. The first version of the sub-regional overview aimed at recapping the development status of the countries with detailed aspects of the legislative and regulatory requirements relevant to the SEA. In the preparation of the national capacity development strategies and during the update of the sub-regional overview, the authors focused on the capacity development needs for implementation of the Protocol.

## 2. Identification of plans and programmes that fall under the scope of the Protocol

The terms *plans* and *programmes* are used in almost all five of the target countries (the exception is Ukraine, where the term *plan* is not used in strategic planning), though they are not necessarily specified in the national legislation. In some countries they may be overarched by other higher level terms. For instance, in Armenia, the term *concept* is used, which includes plans, programmes and spatial plans. In Belarus the term *forecast of socio-economic development* is used, which basically means a strategic document and is described as a system of scientifically established directions, criteria, principles, objectives, and priorities that includes key forecast indicators, targets, and activities for their achievement identified for a specified period.

In many countries of the region, programmes and plans are being developed on the national level, whereas regional (sub-national) and local level authorities are responsible for the preparation of regional and local spatial development plans or programmes based on the national level programmes and plans. The table below presents the planning hierarchy through the subregion.

**Table 1. Specification of *plans and programmes* in the national legislation of the selected EECCA countries**

Armenia	Belarus	Georgia	Republic of Moldova	Ukraine
<p>“Concepts” include proposals, programmes, complex design schemes, master plans, documentation on regional planning and design of complex natural resource use schemes, feasibility studies.</p> <p><i>Legislation, policies and strategies are not considered “strategic documents”</i></p>	<p>Periodical programmes (i) elaborated for certain periods, e.g. NSSD, national programmes for socio-economic development for 10 and five years, sectoral and investment programmes. Ad-hoc programmes (ii) developed by one-time instructions from the Government or the President. Programmes (iii) developed by sectoral ministries on their own initiative.</p> <p>There are also schemes of sectoral and spatial social-economic development.</p>	<p>Infrastructural plans, projects and programmes, long-term plans, programmes and strategies (e.g. NSSD), five-year plans and programmes (e.g. national indicative plan on socio-economic development) and action plans for specific sites and on regional, local and departmental level.</p> <p><i>Example of a “strategic” project: capacity development of Georgia for technology transfer process aimed at evaluation of energetic efficiency of existing technologies in energy and industry sectors and development of project proposals.</i></p>	<p>Terms “plans and programmes” are not specified in the national legislation, though the EIA law requires mandatory assessment of “documents of strategic nature on development of the national economy,” which can be applied to a much wider range of documents.</p>	<p>State aim-specific programmes of economic, scientific technical, social, national and cultural development, environmental protection, other programmes aimed to the solution of specific problems of economic and social development and also of administrative territorial units that require state support. They cover all territory of the state or significant quantity of its regions.</p> <p><i>The term “plan” is not included in the national legislation.</i></p>

The range of terminology presented above provides for a variety of ways to introduce the screening requirement of the Protocol. The absence of specific definitions for *plans* and *programmes*, e.g. in the Republic of Moldova, enables the country to set up screening based on the concept of the Protocol, where selection of plans and programmes for SEA is done based on the field of application, the adopting authority and the requirement for the document by the legislation, regulatory or administrative provisions and the scope provided by the list of projects it may set development consent for (for more detailed screening requirements it is advised to consult the Protocol).

In the countries with a clear distinction of strategic documents such as Armenia, where the term *concept* has a clear framework, the SEA legal framework will need an inclusion of so called non-strategic documents to enable compliance with the Protocol since they may fall under the scope of application of the procedure based on some other criteria identified in the Protocol.

The national needs assessments have revealed that countries have been or are preparing a number of plans and programmes in the sectors that require SEA under the Protocol. Exceptions were fisheries and telecommunication in Armenia, the Republic of Moldova and Georgia; mining in Armenia and the Republic of Moldova; and transport and industry in Armenia. All other sectors, especially in Ukraine and Belarus, had undergone an extensive planning process largely untouched by environmental assessment. Beside the sectors required by the Protocol, countries are preparing national plans and programmes in the health sector or international economic cooperation programmes that might have significant impact on the local or international environment.

A new trend in strategic planning was introduced by the international organisations that started to operate in the region in the 1990s. Programmes and plans are being developed by international financial institutions and international organisations. For instance, preparation of Economic Growth and Poverty Reduction Strategies (PRSPs) is supported by the World Bank in Armenia, Georgia and the Republic of Moldova. Those documents may fall under the scope of the Protocol, though so far no environmental assessments have been done for PRSPs. Financial institutions may require environmental assessment of the activities that they plan or support in the region to apply internal institutional SEA requirements.<sup>1</sup>

### **3. Overview of current environmental assessment provisions related to SEA**

All countries have national laws on environmental evaluation and environmental impact assessment (for specific information on national legal acts related to environmental assessment, please refer to the national capacity needs' assessments). Most of the laws cover environmental assessment of the new (draft) concepts, plans, programmes, schemes, strategies, sectoral and socio-development programmes, as well as physical planning documents.

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<sup>1</sup> The World Bank is currently introducing SEA into its lending operations. The European Bank for Reconstruction and Development (EBRD) is introducing it into its new environmental policy and procedures, and envisages carrying out SEA. Therefore, borrowing countries may ask IFIs to carry out SEAs of Poverty Reduction Strategy Papers (PRSPs) and related programming documents. If such an SEA is carried out, it should be performed with a combined procedure that means the framework SEA requirements of the respected IFIs, the UNECE Protocol and any other applicable legislation in respective countries.

Environmental assessment, including SEA, is mainly based on the environmental permitting procedure/system of *State Environmental (Expert) Review* (SEER or SER), accompanied, at the project level, with so-called OVOS (Assessment of Environmental Impacts). The process can be complemented by a voluntary procedure called *Public Environmental Review* (PER). There is no requirement to take into account the recommendations from the PER process during SER or decision making.

According to current legislation, in most of the EECCA countries, strategic and project level initiatives are not separated and fall into one category of activities, which requires environmental permitting prior to adoption or approval by legislative and executive authorities. For example, in the Republic of Moldova the law provides that OVOS procedure is mandatory for strategic documents on development of the national economy. In Georgia the SER Law specifies that “infrastructure plans, projects and programmes” are included in the first category of activities, which have to undergo the permitting procedure. In Belarus, concepts, sectoral and socio-development programmes, as well as physical planning documents are regularly subject to environmental examination and SER procedure.

Due to the diversity of the documents that have to undergo SER and permitting, and a need to recognise strategic documents as a special group of initiatives, they have never or in a very few cases underwent SER in the EECCA. The requirement to get environmental permit for strategic documents (mostly regional and local plans and programmes and territorial development plans) is mostly satisfied by preparation of a chapter on environmental protection in the document in question, which may or may not consider environmental implications of the planned activities. The chapter or the assessment should cover the description of impacts on a prescribed list of environmental objects, though in some countries this assessment is limited to compliance with building codes and measures that are clearly stated in the laws. If the assessors find it difficult to apply the codes and measures, in the absence of the guidelines on how to do SER for strategic level documents, the review is applied very informally or skipped altogether.

Clustering assessment requirements for strategic and project level documentation and forcing the application of environmental permitting on strategic documents persist in the legislation of many countries in the region. This negatively influences development and introduction of the procedures that would enable environmental assessment of the strategic documents.

### **3.1. Screening**

From a number of strategic activities that are submitted annually for environmental assessment in the target countries, only those with a clear economic development purpose were subjected to or required an assessment procedure and SER. The reason is that the documents are submitted as a complete set to an authorised body, omitting the notification stage. It is therefore up to the developer of the strategic initiative to decide if the document requires authorisation from the environmental authority or not. In the absence of clear instructions on environmental assessment of the strategic documents, most of them reached the authorities without assessment in the final stage of their development.

In Belarus, projects are screened twice. There is a list of projects that are subject to EIA as well as a much wider list of projects that are subject to SER. Many activities and entities which do not require an EIA are subject to SER or an official approval from the environmental authority. Additionally, the SER guidelines contain a list of activities which do not require environmental

examination. This list includes economic activities and entities that do not have a significant impact on the environment.

### **3.2. Scoping**

National reviews revealed that hundreds of proposals on strategic activities are submitted for assessment in the target countries annually. However, a scoping mechanism was never applied since it is not specified in the national laws. However, the content of the EIA report is clearly prescribed by the national legislation and is easy to follow, though due to difficulties in applying such categories for assessment to strategic initiatives, the instructions are not being followed.

In Armenia developers are not well informed about the law due to the immense number of new regulations and poor information. They are guided mainly by building codes and rules that were produced during the former regime (Soviet Union).

Therefore, in most countries the requirement that covers strategic assessment is not being implemented, since procedures on how to carry out the assessment of strategic documents do not exist (with some exceptions, e.g. in Georgia for infrastructure plans that are closer in nature to project documentation and programmes of socio-economic development in the Republic of Moldova). At the same time EIA procedure for intended economic activities is described in detail, though it is not the subject of this paper.

### **3.3. Review requirements by other national authorities**

According to the national procedures, the developer circulates a summary of the environmental impact assessment (summary of the environmental report) to the concerned ministries, their departments and local government agencies (identified by the law and having responsibilities in the permitting system). The ministries, their departments and local governments submit comments to the developer within established deadlines and send a copy to the central agency for natural resources or environment protection. The developer sends the final version of the EIA report summary for the state environmental review to the central environmental agency.

Existing approval procedures of the draft proposals by line ministries correspond to the consultation procedure referred to in the Protocol. The major difference is the timing of consultation (at the end of the development process and just before adoption stage), when major changes are unlikely to be introduced even if proposed by the consulted institutions. The consulted organisations are mostly national governmental bodies, and it is unlikely that regional or sub-regional authorities or other relevant organisations would be consulted on the strategic documents.

Furthermore, consultations with environmental and health ministries are conducted in the same pattern as with other line ministries. During the consultation process with local experts, it was revealed that recommendations and conclusions of other institutions may have an influence on the document. However, the quality of the consultation is likely low due to very short deadlines and overloaded staff, which is being observed in the public institutions of the target countries.



### **3.4. Public consultations**

In Armenia and the Republic of Moldova, the local governments or authorised bodies are responsible for organising public environmental evaluations and public discussions. In Belarus public consultations are to be organised by the developer itself. There is a practice in EIA to distribute the comments to all participants who took part in the consultations, to the developer and authorised bodies. However, there are no requirements to take those opinions into account. Frequently, the decision of the SER is passed on to the developer and sent to relevant authorities without making it public.

As mentioned above, PER can be conducted as an alternative to SER, but this right is rarely used due to the public and NGO community being rather passive, costs, and time constraints. In many countries opportunities provided by PER are not exercised. There have been a few PERs in the history of project level activities in the EECCA region, the overall impact of which was weak.

One of the capacity development activities identified in the target countries was setting a consultation procedure in the EA process with clear deadlines and a requirement of taking into account the consultations' results in decision making on strategic documents. There is a need to make the public consultation procedure a mandatory part of the EA process in all countries as well as to conduct trainings on public participation in SEA for the potential stakeholders of the process. Low interest of the NGO sector in strategic planning was observed during national workshops throughout the sub-region, therefore this need remains a priority.

### **3.5. Transboundary consultations**

National laws of the countries require transboundary consultations, though the procedures are not specified (initiation, notification, transfer of information, etc.), and so they are not carried out. National legislation very often refers to the UNECE EIA Convention and its requirements, though this is as far as it goes.

Countries expressed concern regarding the requirement of the transboundary consultations during the preparation of national strategies. Some of them suggested activities to develop procedures and methodologies on transboundary consultations in SEA, as well as in EIA (Belarus and the Republic of Moldova).

### **3.6. Mechanisms for accounting of SEA report and of public comments**

Current legislation sets procedures and timing for public comments on the draft project documents and on the EIA reports. Consultations with public and other relevant stakeholders are required in all countries. Comments and recommendations from public consultations as well as other relevant stakeholders are to be submitted to SER, though there is no requirement to take those comments into account. There is also no guidance on how these comments have to be taken into account or on how the authority should provide the feedback to the public on this matter (Armenia).

## **4. Advantages and disadvantages of the current system in relation to introducing Protocol requirements**

Among the strengths of the assessment systems present in the region that can be used advantageously in developing SEA systems are:

- elements of SEA in national environmental laws (laws on nature protection, laws and regulations on environmental reviews, etc.) in the form of state environmental reviews and laws on environmental impact assessment;
- procedures and methodologies with thresholds for project level assessment;
- requirements to conduct a feasibility analysis of the activities;
- requirements to develop alternatives (minimum);
- requirements to assess sanitary impacts, and impacts on historical and cultural monuments, but not health; and
- requirements to look into natural resource conservation issues.

Weaknesses of the systems hindering efficient development of SEA systems and procedures are:

- absence of screening of strategic and project level proposals (or very rigid rules that do not allow omission of activities with insignificant environmental impacts);
- absence of suitable arrangements for consultations with environment and health authorities in planning and assessment;
- absence of an evaluation mechanism of strategic level proposal and a lack of nationally adopted environmental objectives and criteria which should set the standard for environmental assessment of strategic documents; and
- lack of public consultation procedures with requirements to organise the public consultation process in EA, taking the recommendations into account during the decision making for strategic documents.

## **5. Opportunities for future development**

The participating countries hold the view that the first step in introducing the SEA process is to enact the appropriate legislation, which involves developing and enacting national normative legal acts aimed at regulating the entire process. Setting definitions for plans and programmes or for strategic documents subject to SEA is seen as another priority.

The countries have the potential for research and qualified staff in the ministries and affiliated institutions, in design and research institutes, educational institutions, NGOs and other. Many local NGOs have already been exposed to SEA and SEA-like activities and can participate in the development and design of local regulations and testing the systems in local conditions or developing national and adoption of international guidance on the processes.

In this regard the most efficient solution could be developing comprehensive legal reforms. Improving the Law on Environmental Expertise should be coordinated with other environmental and administrative laws. At the same time preparation of new by-laws on EIA and especially for SEA is required, with clear definitions of procedures and implementation stages (as recommended by the Protocol), developing methodologies for impact forecasts, environmental and economic assessment, environmental monitoring, etc.

Institutional structures also need to be improved. For example, National Environmental Assessment Centres may be established that introduce, supervise and develop EIA and SEA processes, train certified specialists for environmental assessment, and conduct and hold discussions on EIA and SEA documents.

The draft national strategies for capacity development on introducing the Protocol are aimed precisely at the issues pointed out above. It is planned that the national strategies will become the tool to commit the national environmental institutions responsible for the Protocol to push the changes forward with the funding committed from within and international financial sources in support of the goal. More information on the content of the strategies can be found in the chapter below on “Overview of the preparation of the national strategies for capacity development for implementation of the Protocol.”

## 6. Priority issues for effective implementation of the Protocol

National priority issues identified with respect to the implementation of the Protocol requirements are presented in the table below and are marked in bold. These are the priorities identified by the country representatives in the national reviews conducted in 2004, applying the following scale: 2 – top priority, 1- important, and 0 – not relevant.

**Table 2. Priority issues identified during the initial capacity development needs assessment in the selected EECCA countries**

PRIORITY ISSUES	ARMENIA	GEORGIA	Republic of MOLDOVA	UKRAINE	BELARUS
Undertake SEA in the plan and programme-making process in accordance with the definition of SEA in Art. 2.6 (e.g. how to link SEA to the decision-making process)	<b>2 - Clarify the terms "plan" and "project" for local conditions</b>	1 - No specific criteria, law, or institutional scheme for decision making by various state authorities	1	<b>2 - The EIA and assessment of impact on public health are separated in the Ukrainian system – there is a problem with assessments integration</b>	1
Undertake SEA screening in accordance with Art. 4 and 5 (e.g. how to combine mandatory and exclusions lists and when to apply case-by-case examinations)	<b>2 - Best practice from other countries on identification of SEA stages</b>	<b>2 - The most effective procedure scheme and differentiated approach to different project types required</b>	1	<b>2 - Development of national list</b>	1
Organise SEA scoping in accordance with Art. 6 (e.g. when to undertake scoping, how to select suitable methods for consultations with public and authorities, how to write terms of reference for SEA)	<b>2 - Best practice of the countries applying the SEA procedure</b>	1 - System not flexible enough; Methodological approaches require revision	1 - Assistance needed in organising workshops on SEA screening and evaluation methods, and on writing terms of reference	1 - Absent; These demands correspond actually to the lack of practice in Ukraine	1
Elaborate environmental baseline studies in SEA (in accordance with Annex IV – items 2, 3 and 4)	1 - Best practice of other countries on the content of an environmental report	1 - The methodologies need to be improved and institutional principles be established	1	<b>2 - The methodology for developing complex scenarios</b>	1

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PRIORITY ISSUES	ARMENIA	GEORGIA	Republic of MOLDOVA	UKRAINE	BELARUS
Use environmental objectives in SEA (in accordance with Annex IV – item 5)	1 - Setting up local priorities	1 - Special focus on nature conservation, creation of protected territories and preservation of natural resources	1	1 - Absent	2
Analyse the likely significant environmental — including health — effects (in accordance with Annex IV – item 6)	1 - Conduct appropriate studies	<b>2 - Development of criteria and methodologies for forecast of environmental consequences</b>	1 - No study of negative “dose – reaction” environmental effect on human health was made	2 - Absent, apart from the above-mentioned integration of assessments related to public health	2
Compare alternatives of the plan or programme (in accordance with Annex IV – item 8)	1 - Stipulate with a legal act	1 - The existing procedures shall be revised and practically applied	1	1 - Absent; These demands correspond actually to the lack of practice in Ukraine	1
Prepare post-SEA monitoring plans to meet the requirement of Art. 12 and Annex IV – item 9	1 - Stipulate with a legal act	0	0	1 - Absent; These demands correspond actually to the lack of practice in Ukraine	1
Analyse transboundary effects (in accordance with Annex IV – item 10)	<b>2 - Stipulate with a legal act</b>	1 - Development of the approaches (including legal) for joint assessment	1	<b>2 - Methodological aspects of the analysis of transboundary effects</b>	1
Organise public review of the SEA report in accordance with Art. 8 (e.g. how to identify the public concerned; how to inform the public and collect feedback, how to review public comments)	<b>2 - Stipulate with a legal act</b>	1 - Revision of the procedures	1	<b>2 - Methodological aspects: how to determine a concerned public, how to inform the public and collect comments, how to analyse the results of public discussion and so on</b>	1
Organise consultations with environmental and health authorities in accordance with Art. 9 (e.g. how to identify concerned authorities, how to effectively consult them during SEA)	1 - Stipulate with a legal act	1 - Revision of the procedures	1	<b>2 -The environmental impact assessment and assessment of impact on public health are separated – there is a problem with assessments integration</b>	2
Undertake transboundary consultations in accordance with Art. 10 (e.g. when to notify, what level of document should be exchanged, how to organise effective transboundary consultations)	<b>2 - Stipulate with a legal act</b>	1 - Development of the approaches (including legal) for mutual cooperation and joint activities	1	1 - Coordination of transboundary consultations.	1
Explain costs and benefits of SEA to decision makers	0 - Awareness raising in the sector	2 - The motivation and justification based on the analyses of specific cases shall be prepared	1	<b>2 - Availability of handouts, publications, bulletins and so on</b>	1

PRIORITY ISSUES	ARMENIA	GEORGIA	Republic of MOLDOVA	UKRAINE	BELARUS
Apply SEA to policies and legislation in accordance with Art. 13	<b>2 - Clarify the terms “plan” and “programme” considering strategies and legal regulations</b>	1 - Review and analyses of this type of information	1	<b>2 - Methodological support</b>	1
Draft the law and/or regulations to implement the Protocol	<b>2 - Application of international practice</b>	<b>2 - First the law enforcement mechanisms shall be created and then the draft law developed</b>	2	<b>2 - Provide international review of the new regulative document</b>	1

## 7. Needs for assistance in capacity development

It is noteworthy that all of the countries taking part in the project are still at an early phase of implementing the Protocol requirements. National governments, with international financial support or by themselves, are formulating and introducing a range of SEA systems into the national legislation. The experts that prepared the national reviews noted that all procedures and stages of SEA application are important at this stage. Assistance is needed in holding workshops to study the practices of SEA application, SEA legislation of other countries and assessment methods, as well as preparing national experts.

The most effective activities would be the development of supplementary and promotional materials on SEA, promotional/educational seminars and training workshops, development or adaptation of the internationally used or developed training materials to national systems, and development of national SEA guidelines and methodologies on implementation of different stages of assessment. Assistance in legal reforms was the most urgent need expressed by Armenia, Georgia and Belarus to enable the introduction of viable SEA systems in the countries. However, practice shows that without pilot SEAs it is hard to come up with practical solutions for adapting and transporting the Protocol requirements to the national assessment systems. Pilot projects on SEA for a certain strategic document have been mentioned as a tool to enable development of national practices in the countries. It has been even more stressed as a capacity development means after the pilot phase of the initiative.

Armenia expressed the idea, if financing can be secured, of establishing a National Center on Environmental Assessment with the responsibilities of conducting SEA seminars, trainings, developing educational and methodological documents, advertising campaigns, full training of specialists, and others. Training of experts and trainers, and elaboration of tutorial materials and methodologies are also strongly needed.

In Georgia, where practical application of SEA has started in the form of infrastructure plans and programmes, support for testing SEA for a specific plan or programme in a pilot project was highlighted. A project on creating protected territories was identified for the first pilot testing, though later the timing of the proposed strategic document elaboration did not fit the initiative time table to ensure proper application of the Protocol requirements. Additional assistance in the area of legal reforms in the country is provided by the Dutch government, which assisted in preparation of the national action plan for capacity development in Georgia.

All countries identified the need for specific country guidelines for selecting SEA approaches, with recommended methodologies, etc. The Republic of Moldova highlighted the particular need for assistance in specialised workshops on SEA screening and evaluation methods, as well as on preparation of terms of reference for an SEA.

There is a need for capacity building on the application of various methods of assessment such as priority and criteria setting, forecasting, evaluation of environmental impacts, planning monitoring activities and setting indicators, etc. The Republic of Moldova is looking for guidance on methodology on a negative “dose – reaction” environmental/health effect and how to estimate the environmental effect on human health of the strategic initiatives.

In summary, the key priorities for capacity development in five EECCA countries are:

- support in drafting SEA laws and regulations;
- preparation of experts and training officials on SEA;
- development of SEA guidance and methodologies;
- development of procedural schemes for different types of strategic documents; and
- promotion of SEA among various stakeholders.

Additional priorities that emerged during the course of the initiative are:

- networking of the EA experts (through the national and international fora, establishment of EA centres, etc.); and
- capacity development of educational institutions through development of EA curricula and introducing it into the schools of higher education.

In the national reviews a specific task was the identification of the specific focus for capacity development in the selected countries within the UNDP and REC initiative. It was preliminary determined and presented during the side event on the 3<sup>rd</sup> meeting of the Parties to the UNECE EIA Convention (Cavtat, Croatia) that the project will focus on the following activities in the region:

- development of guidelines on environmental assessment (Armenia);
- an SEA pilot activity [in Georgia, a pilot on SEA of planning protected territories, and in Ukraine, a waste management plan for one of the regions (Kharkiv)]
- an information campaign in the Republic of Moldova; and
- training of experts and officials on SEA (Republic of Moldova and Belarus<sup>2</sup>).

Final activities which have been confirmed with the national Protocol focal points before the national workshops that started in September 2004 included pilot projects in Armenia (SEA of the Yerevan City Master plan concept) and Belarus (Pilot SEA for the National Programme for Tourism Development), and national SEA resource manuals in Georgia, the Republic of Moldova and Ukraine.

All activities had a large human resource capacity development component since the national teams were exposed to SEA or comprehensive SEA materials for the first time. The capacity development activities were based on the draft Resource Manual to Support Application of the UNECE Protocol on Strategic Environmental Assessment developed by the UNECE and the REC with the support of

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<sup>2</sup> A representative of Belarus during the Cavtat meeting of Parties to the EIA Convention in June suggested having training activities in the country rather than a pilot project. If a pilot project will be done, a preliminary five-year programme, The Socio-economic Development Program of Belarus was identified as a pilot activity. A representative from the Moldovan delegation mentioned that implementation of a pilot SEA (possibly on their recently completed PRSP) is also strongly being considered as a priority option.

the Dutch government, the EC, Austria, and the UK, and released for consultations in summer 2006 (available on the UNECE website: <http://www.unece.org/env/sea/>).

## 8. Key players of the reforms

National reviews identified the key players of the reforms in the target countries. Those in the first place are the national ministries responsible for environmental issues (ecology, environmental protection, nature protection and natural resources). A number of NGOs, planning institutes and educational institutions have been already exposed to the issues of SEA (especially in Ukraine and the Caucasus region) by conducting SEAs, getting involved in SEA campaigns, awareness raising on SEA, developing training materials and assessments.

Environmental impact assessment experts are being prepared in a number of high education institutions in the region. There is a great potential to introduce and to develop awareness and prepare the necessary capacity for implementing the SEA requirements for the national systems.

## 9. Overview to the second phase of the project

During the second stage of the initiative, the implementation of the locally initiated and selected capacity development activities in the five target countries of the region was launched. The phase started with the national workshops that served as training and planning exercises for the activities to be implemented in detail. Relevant stakeholders (representatives of as many stakeholder institutions as possible) took part in the 2.5-3 day workshops conducted by the REC and UNDP international and national experts.

The second phase of the project lasted a year, ending in spring 2006. During this phase, national pilot reports, training of trainers and development of the national guidance materials (national manuals on SEA) were finalised. The work was largely done by the national experts with the support and guidance provided by the international team, largely based on REC expertise and the REC network of experts.

Second national workshops conducted in each country in February and March 2006 closed the second phase of the initiative. The preliminary results of the pilot activities were presented during the international IAIA conference in Prague which took place in September 2005. Additionally more information on the initiative and the results of the project were presented during the IAIA conference in Stavanger in May 2006. The key lessons learned were published in the Bulletin of UNDP, the REC and the UNECE Secretariat for the SEA Protocol "*SEA Protocol: Initial Capacity Development in the former Soviet Union Countries*".

## 10. Main conclusions

The initiative, which lasted from 2004 to 2006, was implemented in three phases (initial needs assessment, pilot activities, update of the needs' assessments and the strategy development for capacity development for introducing the Protocol). The progress made during the initiative can be

summarised as a start for capacity development for environmental assessment of strategic documents in the sub-region, but a lot more has to be done and it will take much bigger efforts and resources to achieve the ultimate goal of introducing the Protocol to the national systems of the countries. Neither one donor nor one pilot activity can change the system and bring the understanding to the desired level.

Countries have difficulty applying the Protocol to the existing national requirements for environment assessment of documents of a strategic nature due to associating this process to the project level environmental assessment that is based largely on baseline requirements and threshold values. There is a lack of experience in evaluating strategic planning documents, since those documents have not been subject to environmental assessment or a wide range of stakeholder consultations. A tradition of assessing strategic documents based on other strategic level guidelines (e.g. national environmental strategies, national and international sustainability initiatives) that set objectives and indicators for future environmental and sustainability development has not yet been acquired.

The existing rigid mechanism of SER, with the flaws inherited from the previous political and management system, is relevant to the project level environmental assessment and permit issuing procedures (including small scale zoning and land use plans to a certain degree), though the system is tripping and failing where strategic decisions are to be analysed. Project scale thresholds, limit values and assessment tools can not be used to assess strategic documentation environmental impacts. Strategic planning requires assessment using strategic assessment tools. The absence of tools applicable to this level of planning makes existing assessment system cumbersome and impractical. It may happen that for a while SER will be a final stage of SEA in the EA systems of the countries, making the process legitimate and acceptable. SEA may be introduced into the assessment of strategic documentation as additional procedures before the SER stage, which is a decision-making stage in the sub-region.

The work on further development of norms and regulations in the OVOS and environmental review process is ongoing. Awareness of the experts and decision makers is increasing, which raises the demand for guidelines and guidance on strategic environmental assessment. In relation to this tendency, a trend is emerging to work on amendment of the construction and building codes and other SER regulations to be applicable to the strategic documents (e.g. Ukraine). This might not be the best direction to be considered by the countries.

Rudiments of the SEA procedure that exist in the current national legislation of the countries, or rather requirements for assessment of the strategic documentation, ask for an ex-post assessment of the strategic initiatives that in itself is an inactive procedure in relation to the planning process and the document itself. Practice shows that suggestions and comments as well as proposals for new alternatives and improvements produced during the ex-post evaluations are most often rejected by the planners or decision makers and do not fulfil the basic notion of the SEA that is to improve the decision in terms of environmental impacts.

Consultations with health authorities in the existing assessment system are anticipated in relation to sanitary requirements only and programmes linked to health protection (epidemiological protection, drinking water, sewage processing and disposal, sanitary cleaning of solid and construction wastes). Developing traditions and practices of involvement of health authorities into environmental assessment of strategic initiatives obviously requires more efforts.



## 11. Follow-up

The initiative and its participants raised many more questions, needs and ideas than it was possible to answer or implement during its implementation. Therefore it is anticipated that the support to the region, which is keen on bringing its work standards to the European level and directing development towards sustainability, will continue.

The expectation is that the project initiatives identified in the national and sub-regional strategies will obtain the needed endorsement and support of the stakeholders in the countries and outside the EECCA region, and that the parties of the initiative will continue working together in the signatory countries as well as promoting the Protocol outside the region, e.g. in Russia and further.