

US PARTICIPATORY LEA



Using
"Participation"
and
"Strategy"

**TO PROTECT THE
ENVIRONMENT**

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Do all government policies at high levels make a conscious effort to protect our health and environment?



Do governments consider environmental matters at an early stage (for example, when establishing a national energy policy, rather than only when building a new power facility)?



Do they promote the kind of development that is environmentally sustainable?



When our governments make long-term plans (for example, on transport, agriculture, investment or energy), do they ask us how these plans will affect our health and environment?



Do they understand that public participation in decisions is fundamental to a modern democracy?

Strategic Environmental Assessment (SEA) can make sure that the environment is taken into account in all government planning and policy-making. This pamphlet explains how we can ensure that the environment receives such consideration, and that SEA is conducted with public participation.

We need to bring environmental and health concerns into the discussion earlier than is happening now (so that all options are still open).



We need to ensure that decisionmakers at the highest levels seriously consider environmental issues.



We need to make sure that government officials look comprehensively at the environment in all aspects of governmental policy.



Policy-makers need to involve the public in policy-making processes, and make the public aware of this right of public participation.



We all need

Participatory Strategic Environmental Assessment

Does your Transportation Ministry consider public health and environment early in new transportation policies, instead of when a road is ready to be built?

Does your government include the environment in its highest policy decisions and take a comprehensive look at impacts?

When your Agriculture Department considers the planting of crops with artificially modified genes, does it hold consultations with farmers and citizens?

If your answer to all these questions is "Yes," then congratulations! Your country's laws or policies are serious about promoting the environment, health, and sustainable development.

If your answer is "No," you have a chance to help make history and to improve your country's planning and policy-making.

You can help protect our precious environment through advocating for *participatory* and *strategic* environmental assessment.

What is Participatory Strategic Environmental Assessment ?

Participatory SEA is a process of environmental assessment and public participation incorporated into preparing policies, plans, programmes and legislation. It should be *early*, high-level, comprehensive, and *participatory*.

SEA is a process for looking at possible environmental impacts at an early stage in the planning process.

The purpose of SEA is to consider environmental factors alongside social, economic, and other matters in high level policy-making.

SEA looks comprehensively to ensure that a proposed *policy, plan, programme*, or law does not harm the environment, but provides positive environmental and health effects.

And this should all be done with public participation.

Many of our governments already assess (or evaluate) the impact of specific projects on the environment. For example, many countries require that government officials think about the potential impact on the environment when deciding whether to allow the construction of a new factory, marketing of a new pesticide, or building of a new highway.

This "environmental impact assessment" (EIA) (which is also sometimes called environmental impact study, or EIS) has proved to be an effective tool in helping to protect the environment. EIA forces the government to take a close look at environmental impacts and project alternatives. And it provides members of the public an opportunity to give the government additional information and express their concerns.

However, as useful as EIA is, experts, policymakers, and environmental citizen organizations now agree that it is not enough only to do environmental assessment at the project stage.

This is for three reasons: timing, scope, and level of decisionmaking.

TIMING:

An EIA often comes too late to result in major changes in proposed activities that can protect the environment. EIA comes during the implementation of policies, rather than when they are prepared and adopted.

HIGH-LEVEL:

An EIA might be evaluated by lower-level officials, and involve actions that are an inevitable result of policies that were set by higher officials. However, the environment should be taken into consideration throughout the entire government decisionmaking processes and at the highest levels.

SCOPE:

An EIA on a single project might look at alternatives too narrowly. A broader view can select better strategies so development can be environmentally sustainable. Furthermore, addressing projects individually may fall short of evaluating cumulative impacts of many projects.

This early, high-level, and comprehensive consideration of the environment as a part of policy-making is called "*Strategic*" Environmental Assessment, or SEA.

But can we be confident that we will have environmentally good strategies (policies, plans, programmes, legislation) just by having an early and broad SEA process at a high level? Or is something else necessary as well? The answer is "Yes." We also need effective public participation. We need what we call "participatory strategic environmental assessment."

Public Participation Puts the "P" in "SEA"

Even countries that have adopted the new technique of strategic environmental assessment need to take an additional step, and some of them are doing this. They have recognized the right of the public to be involved in an effective manner in the whole process of environmental assessment.

They know that environmental assessment is too important to be left to "experts." Legitimate governing accepts citizens, nongovernmental organizations (NGOs), professionals, and businesses as valued partners. Informal meetings, public hearings, and comment periods are ways for the public to participate.

Many times, companies or officials view "EIA" (or even "SEA") as simply a paper exercise, not a path to improved decisionmaking. Governments can change this attitude by conducting environmental assessment on a continuous basis, with the involvement of the public.

In truth, the best decisions come when the best information is available -- and sometimes members of the public are the ones who possess this information. They have expertise from their own experiences and a broader collective base of knowledge than even the best-intentioned official. Their input makes for better decisions and can bring in new, ambitious environmentally friendly alternatives.

Remember: the right of every person to a safe and healthy environment includes the right of the public to participate in decisions that may affect that environment.

Participatory SEA is a process for conducting strategic environmental assessments with the full, effective and continuous involvement of the *public*.

International Obligations

European and international law recognizes the importance of participatory strategic environmental assessment.

The European Union has adopted a Directive on SEA recently. It is directly relevant to 31 European countries (member-states and accession countries) and will require certain common practices. It is important to strengthen national activities, in order to make sure that this Directive does not remain a formality.

The EU Directive will not apply to countries to the East that are the Newly Independent States, but another process is at work that will make SEA an international obligation there as well.

At the Second Meeting of the Signatories to the Aarhus Convention in Cavtat, Croatia, the European ECO Forum (together with the Regional Environmental Centre) proposed the creation of a special Protocol on public participation in plans, programmes, policies and legislation under the Aarhus Convention.

The SEA Protocol is actually being negotiated under the Espoo Convention on environmental impact assessment in a transboundary context, because the Aarhus Convention is not in force yet. The members of the European ECO Forum's SEA Team (under its Public Participation Campaigns Committee), consisting of citizen environmental experts, are recognized by the Governments in the process as representatives of the environmental community. They participate in each negotiation involving SEA and welcome your help and advice. For information on the Web, go to http://www.personal.ceu.hu/departs/envsci/eianetwork/news/sea_ecoforum.html. For contact, write to Svitlana Kravchenko at slana@icmp.lviv.ua.

The Espoo Protocol should be ready to sign at the Ministerial Conference, "Environment for Europe," in Kiev in 2003. It will be open not only to parties to the Espoo Convention, but to other nations as well. Official information can be found on the Web at <http://www.unece.org/env/documents/2001/eia/ac1/>

European countries that are now ratifying the Aarhus Convention on public participation* also take on new obligations for their

* Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

environmental decisionmaking that include public participation in the formulation of policies, plans, programmes, and legislation. Information can be found at <http://www.participate.org>.

Espoo: During the present negotiations of an SEA Protocol to the Espoo EIA Convention (which will have broad impacts on decisionmaking throughout Europe), environmental citizen organizations have several objectives. Some of them include:

- To ensure that SEA is systematically used for all high-level policy decisions in each country where the environment and sustainability might be intentionally or unintentionally affected.
- To have SEA recognized to be a continuous and influential process, not just the preparation of more paperwork.
- To have public participation integrated fully into all key aspects of the SEA process, and into the preparation of policies, plans, programmes, legislation, and regulations.
- To insist that the Aarhus provisions for public participation in strategic decision-making (Articles 7 and 8), public access to information (Article 5), and access to justice (Article 9) should be fully taken into account in the SEA Protocol.
- To ensure that citizens of potentially affected countries have an equal right to participate before adoption of a country's policies.

You can help to make sure that these requirements are taken into account in drafting the SEA Protocol. You can join the effort of European environmental organizations and insist that your country's delegation work for a strong SEA Protocol to the Espoo EIA Convention. Such a Protocol must ensure that high- and intermediate-level policy decisions recognize environmental and sustainability concerns, before specific projects are authorised and implemented, where options are much more limited. Contact the European ECO Forum for specific advice on what you can do in your country.

Aarhus: the Aarhus Convention makes it clear that "public participation" must occur not only in project-level decisions, but at the earlier and higher level of plans, programmes, policies, and

It is important for citizens to influence the preparation of the SEA Protocol to the Espoo EIA Convention during 2001.

Citizens should also insist that the public participation requirements of the Aarhus Convention be applied at the highest levels of governmental policymaking.

legislation. By early 2002, a sufficient number of countries will have signed the Aarhus Convention that it will come into force and become legally binding. The Aarhus Convention recognizes:

- The right to a healthy environment.
- The right to have access to environmental information, in the hands of government or private enterprises.
- The right to participate in decisionmaking on the environment, including at the level of the formulation of plans, programmes, policies, and legislation.
- The right of citizens and NGOs to gain access to the courts ("access to justice") when environmental and procedural laws are ignored.

You can insist that your country take seriously the obligations in Articles 7 and 8 of the Aarhus Convention to have public participation when a government or one of its agencies is formulating plans, programmes, policies, and legislation.

To participate in the international negotiations concerning SEA, contact:

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What Else You Can Do

There is a lot more that the individual citizen can do. Here are some specific suggestions for the national and local Levels:

- Environmental citizens organizations (NGOs) should participate in the development of national systems of SEA. Contact your Ministry of Environment to ask whether SEA exists, and for a copy of the procedures or legislation governing it.
- If SEA exists in your country, ask for details on how well it is operating, and what opportunities citizens and NGOs have to participate in it. When you receive a copy of the legislation and procedures, examine them for early application of SEA and good citizen participation.
- Furthermore, ask if there are any current SEA processes going on, and try to participate in commenting or influencing environmental policy through this process.
- If SEA does not exist, ask if anyone is working on this issue. Contact that person or, if you want to work to help your country adopt SEA, contact the European ECO Forum for further assistance.
- Remember that public participation begins with YOU. If you don't make the public aware of environmental issues, who will do it?

If you want more ideas and suggestions for citizen action at the national or local level, please contact:

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