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Strategic Environmental Assessment: Objectives and Key Provisions

(*Syed Ali, Akshay F Madiwalar, Sanjeev Kyatappanavar, Chetan Bhanu Rathod and Rachana)

College of Forestry, Sirsi, Uttara Kannada, UAS, Dharwad – 581401, India

*Corresponding Author's email: svedalipeer511@gmail.com

The Protocol on Strategic Environmental Assessment (SEA) aims to enhance environmental and health protection by integrating these considerations into the planning and decision-making processes for plans and programs. Its key objectives include ensuring that environmental and health factors are thoroughly accounted for, promoting their inclusion in policy and legislative preparation, and establishing transparent SEA procedures. The Protocol mandates public participation, allowing for meaningful engagement in the assessment process. Key provisions cover the scope of plans requiring SEA, processes for screening and scoping, evaluation of potential environmental impacts, mitigation measures, and monitoring implementation. Overall, the SEA Protocol fosters proactive environmental governance and supports sustainable development through transparency and public involvement.

Key words: EIA, SEA, Protocol and Key Provisions

Introduction

The Espoo Convention, established in 1991, was designed to assess environmental impacts in a transboundary context. It was later supplemented by the Protocol on Strategic Environmental Assessment (SEA), adopted in 2003 during the 'Environment for Europe' Conference in Kiev. This Protocol requires parties to evaluate the environmental consequences of official draft plans and programs, focusing on integrating environmental considerations earlier in decision-making processes compared to traditional Environmental Impact Assessments (EIA).

The SEA process enables a more proactive approach to sustainable development, allowing for the identification of potential environmental impacts at the planning stage. This contrasts with EIA, which typically occurs after a project is proposed. By prioritizing environmental objectives alongside socio-economic factors, SEA aims to foster more sustainable outcomes, such as developing comprehensive transport policies rather than merely mitigating the impacts of specific projects like road construction.

Public participation is a cornerstone of the SEA Protocol, granting citizens the right to be informed about plans and programs, provide feedback, and receive explanations regarding final decisions. This engagement is crucial across various sectors, including land-use planning, transport, agriculture, and industry, and is rooted in the principles established by both the Espoo and Aarhus Conventions.

Additionally, the Protocol emphasizes human health considerations, reflecting the involvement of the World Health Organization and commitments made at prior conferences. Overall, the SEA Protocol seeks to enhance environmental governance, promoting transparency and public involvement in shaping policies that affect the environment and public health.

Objectives of the Protocol

- The objective of this Protocol is to provide for a high level of protection of the environment, including health, by:
 - a. Ensuring that environmental, including health, considerations are thoroughly taken into account in the development of plans and programmes;
 - b. Contributing to the consideration of environmental, including health, concerns in the preparation of policies and legislation;
 - c. Establishing clear, transparent and effective procedures for strategic environmental assessment;
 - d. Providing for public participation in strategic environmental assessment; and
 - e. Integrating by these means environmental, including health, concerns into measures and instruments designed to further sustainable development.

Importance of SEA

- EIA typically does not cover higher level decisions, including those that determine type/location of projects
- SEA focuses on the upstream source of environmental problem not just their downstream impacts
- In doing so, responds to sustainable development agenda, e.g. WSSD and MDG 7 to ensure environmental sustainability
- Emphasis of international lending and cooperation is changing from projects to policy based and budgetary support, sector programming, and regional planning etc.

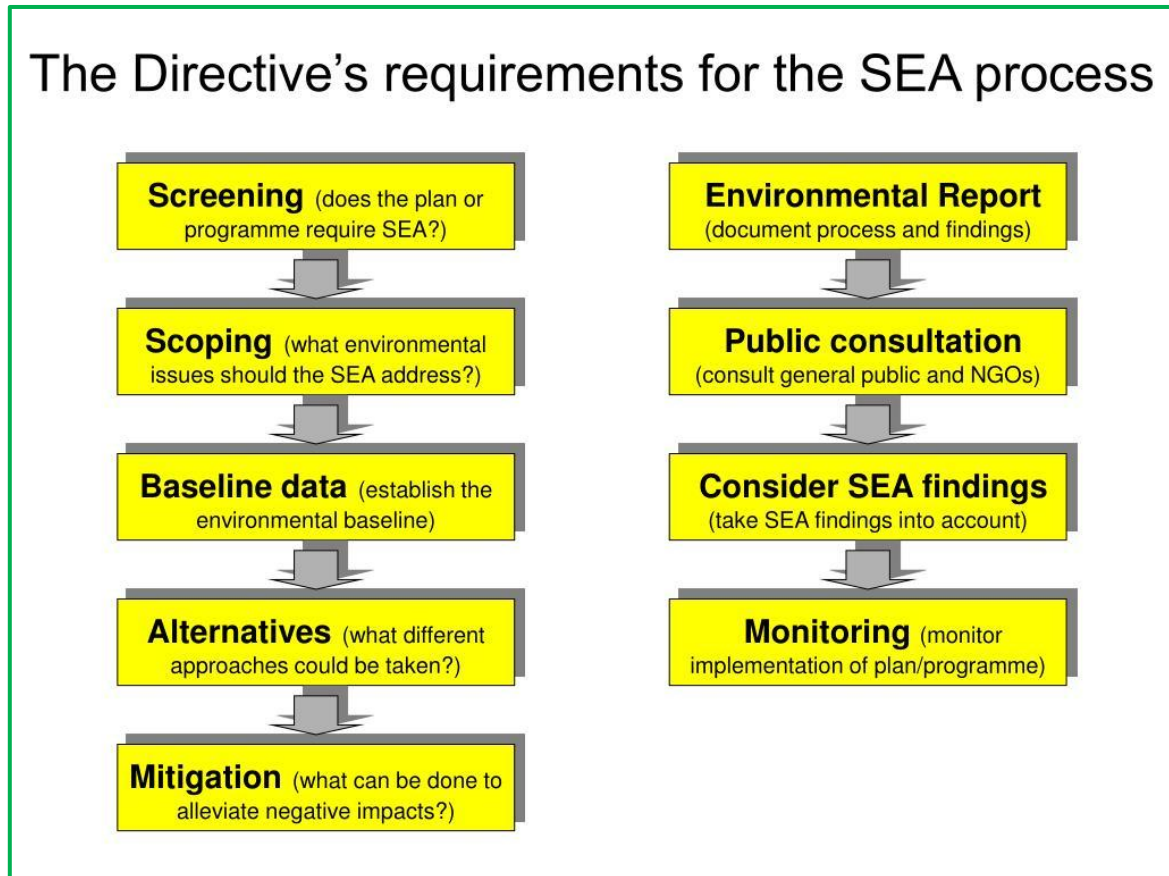
General provisions

1. Each Party shall take the necessary legislative, regulatory and other appropriate measures to implement the provisions of this Protocol within a clear, transparent framework.
2. Each Party shall endeavor to ensure that officials and authorities assist and provide guidance to the public in matters covered by this Protocol.
3. Each Party shall provide for appropriate recognition of and support to associations, organizations or groups promoting environmental, including health, protection in the context of this Protocol.
4. 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.
5. Each Party shall promote the objectives of this Protocol in relevant international decision-making processes and within the framework of relevant international organizations.
6. Each Party shall ensure that persons exercising their rights in conformity with the provisions of this Protocol shall not be penalized, persecuted or harassed in any way for their involvement. This provision shall not affect the powers of national courts to award reasonable costs in judicial proceedings.
7. Within the scope of the relevant provisions of this Protocol, the public shall be able to exercise its rights without discrimination as to citizenship, nationality or domicile and, in the case of a legal person, without discrimination as to where it has its registered seat or an effective centre of its activities.

Key Provisions of the Protocol

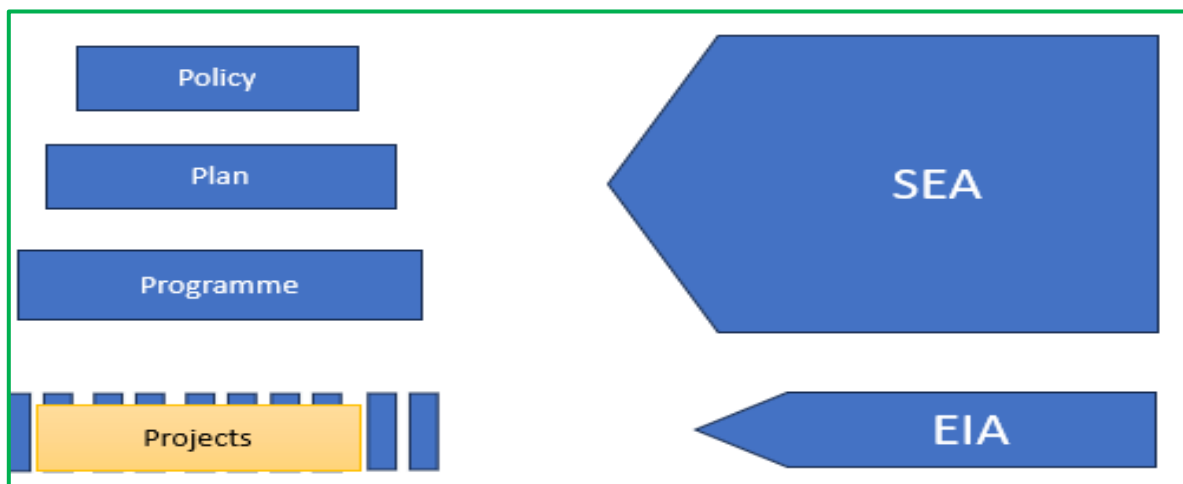
1. Scope: Defines the types of plans and programs that require SEA.
2. Screening: A process to determine whether a plan or program requires a full SEA.
3. Scoping: Identifies the environmental issues and alternatives to be considered in the SEA.
4. Assessment: Evaluates the environmental impacts of the proposed plan or program and its alternatives.

5. Mitigation: Identifies measures to avoid, minimize, or mitigate negative environmental impacts.
6. Monitoring: Tracks the implementation of the plan or program and its environmental effects.
7. Public Participation: Ensures that the public has a meaningful opportunity to participate in the SEA process.



SEA in relation to EIA

The EIA Convention focuses on the transboundary impacts of projects, while the SEA Protocol primarily addresses the Strategic Environmental Assessment (SEA) of plans and programs within a single state, with consideration of transboundary effects as a secondary concern.



Comparison between SEA and EIA

Aspect	SEA	EIA
Planning level	SEA is an overarching framework to enable comprehensive and forward-looking assessment of potential environmental implications at the policy, planning and programme level.	EIA represents a definitive approach to assessing the specific environmental impacts of a specific proposed development.
Spatial scale	SEA is undertaken at a larger spatial scale, such as an MSP region or sector-wide at a national level	Small spatial scale focussing on the maximum extent of the project boundary impacts (e.g. of a windfarm or aquaculture facility)
Level of detail	At the strategic scale, the complexity of plans mean that assessment of effects can only be articulated in general terms such as direction of travel (positive or negative).	At the small scale of EIA, sufficient detail of project design is required to enable quantification of impacts, and judgement on the significance of these.
Flexibility	Iterative and adaptive, informing changes to the plan based on assessment including review of alternative options to the plan.	Limited flexibility - mitigation measures can be proposed to address negative effects but there is limited flexibility to adapt the proposal.
Responsibility	Responsibility of planning authority.	Responsibility of proponent (e.g. industry).

Benefits of SEA

- **Improved Decision-Making:** SEA provides a structured framework for considering environmental factors, leading to more informed and sustainable decisions.
- **Enhanced Environmental Protection:** By identifying and addressing potential environmental impacts early on, SEA can help prevent or mitigate significant environmental damage.
- **Increased Public Trust:** SEA's emphasis on public participation fosters transparency and builds trust between decision-makers and communities.
- **Enhanced Sustainability:** SEA promotes sustainable development by ensuring that environmental considerations are integrated into planning and implementation.

Challenges and Opportunities

- **Capacity and Resources:** Implementing SEA can be resource-intensive, requiring specialized expertise and funding.
- **Stakeholder Engagement:** Balancing the interests of various stakeholders can be challenging, especially when there are competing priorities.
- **Complexity of Environmental Issues:** Assessing complex environmental impacts can be difficult, particularly when there are uncertainties or long-term consequences.
- **Technological Advancements:** Advances in data analysis, modeling, and remote sensing can enhance SEA capabilities and improve the accuracy of assessments.

Conclusion

The Protocol on Strategic Environmental Assessment provides a valuable framework for ensuring that environmental considerations are integrated into decision-making processes. By systematically evaluating the potential environmental impacts of policies, plans, and programs, SEA contributes to sustainable development and a healthier planet.

References

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3. Capacity-development activities in Eastern Europe, Caucasus & Central Asia – see http://www.unece.org/env/sea/ecca_capacity.htm