

# **Chapter 1**

## **SEA IN INTERNATIONAL PERSPECTIVE**

The term strategic environmental assessment (SEA) is now widely used to refer to a systematic process to analyse the environmental effects of policies, plans and programmes. Often, this process is equated with a formal, EIA-based procedure, as exemplified by the European SEA Directive (Directive 2001/42/EC) which comes into force in mid-2004 across the European Union. However, for the purposes of this review, we consider the field of SEA to be much broader and to encompass a range of policy tools and strategic approaches as well as formal EIA-based procedures and near-equivalent forms of environmental appraisal. The boundaries of the field are mapped generically by reference to the function of SEA as a means of integrating environmental considerations into development policy-making and planning (which also are broadly considered).

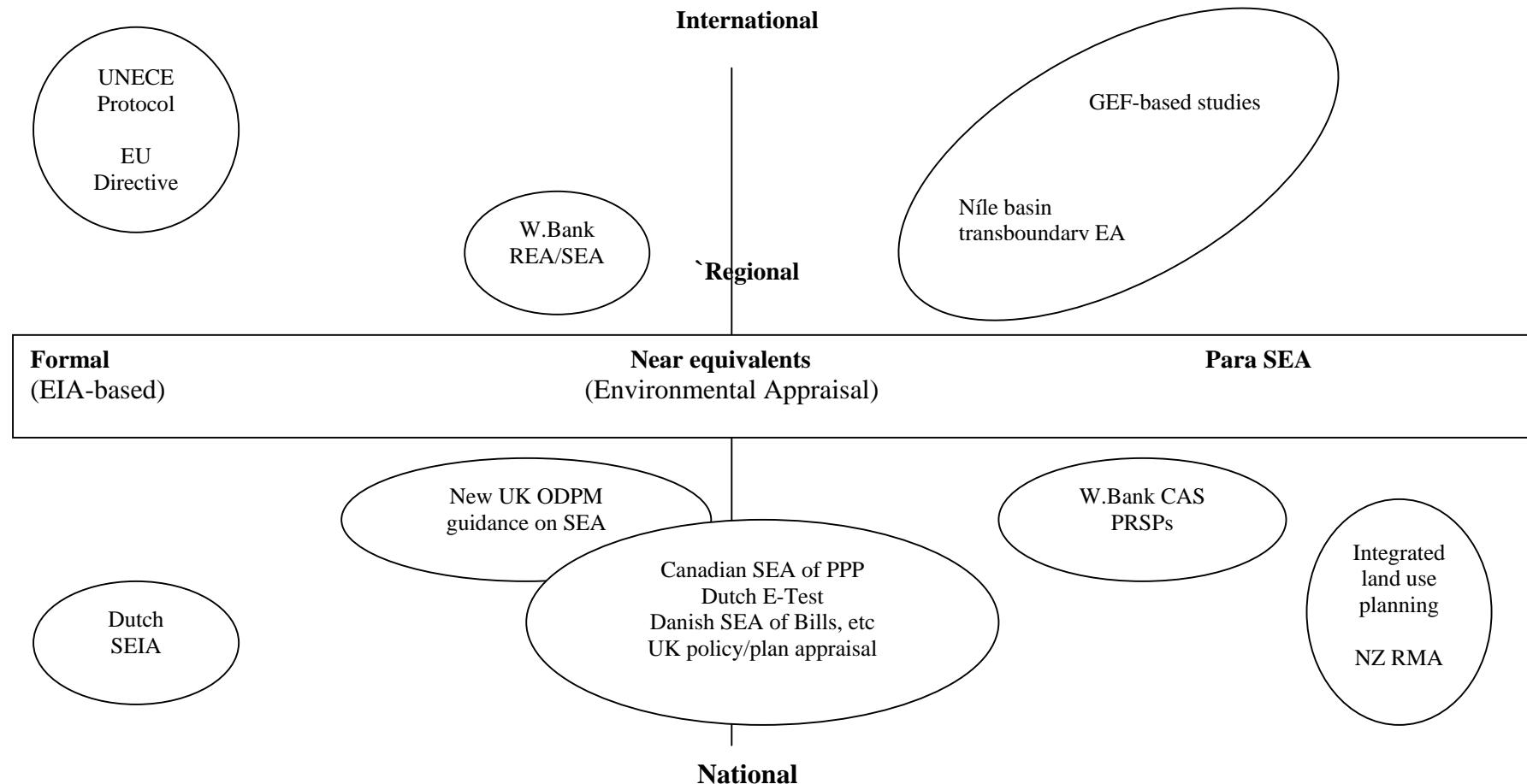
Within this frame of reference, different types of SEA can be recognised, although some are at an early stage of development (Figure 1.1). These include forms of *para-SEA*, a term we use for processes that do not meet formal definitions of SEA or their specification in law or policy but which have some of their characteristics and elements. At present, few developing countries have established formal arrangements for SEA of policies, plans or programmes, but a growing number apply SEA-type processes and elements of SEA. There is also increasing use of a family of para SEA tools to ‘mainstream the environment’ in international lending and development where a more strategic agenda is emerging, characterised by a greater focus on policy and programme delivery.

Depending on the jurisdiction or circumstances, SEA may also include consideration of social and economic effects. Their inclusion as a matter of principle is widely supported in the literature on the field and, increasingly, SEA is seen as an entry point or stepping stone to integrated assessment or sustainability appraisal. A holistic, cross-sectoral approach to the implementation of sustainable development is promoted throughout the *Plan of Implementation* agreed at the World Summit on Sustainable Development, although what this approach entails is not spelled out. There are, however, numerous statements and recommendations on the development and use of policy tools and measures to strengthen development decision-making at all levels. These include explicit reference to EIA and integrated assessment and implicit reference to SEA, for example in the context of strengthening methodologies in support of policy and strategy (see Box 1.1).

In this context, national sustainable development strategies (NSDS) are of particular interest. All countries are requested to prepare them by 2005 under the *Plan of Implementation* agreed at the World Summit on Sustainable Development in 2002 ([www.un.org/esa/sustdev/documents/WSSD\\_POI\\_PD](http://www.un.org/esa/sustdev/documents/WSSD_POI_PD)). They are in place already in some countries and in preparation in others. SEA and NSDS are related and mutually supportive instruments. First, the process of strategy preparation includes para SEA elements such as evaluation of the state of the environment and identification of the critical trends and issues that require policy responses. Second, the NSDS provides a key framework for giving effect to SEA and more integrative approaches and particular attention is given to this relationship in this review (see Chapter 7).

There is now considerable international interest in SEA with differing opinions and increasing debate about its nature and scope. Frequent conferences and workshops are held on the subject and the literature on SEA is growing exponentially. An emerging theme of

**Figure 1.1: Typology of sea approaches**



**Formal:** prescribed in international or national EDIA-type instruments

**Near equivalent processes** of environmental appraisal of policies/laws: and broader SEA-type processes/methods

**Para SEA:** Don't meet formal specifications or strict definitions; but share some characteristics or elements and have same overall purpose.

### **Box 1.1 : References to EIA and integrated assessment in the WSSD Plan of Implementation**

#### **EIA**

**19.** Encourage relevant authorities at all levels to take sustainable development considerations into account in decision-making, including on national and local development planning, investment in infrastructure, business development and public procurement. This would include actions at all levels to:

(e) *Use environmental impact assessment procedures*.

**36.** Improve the scientific understanding and assessment of marine and coastal ecosystems as a fundamental basis for sound decision-making, through actions at all levels to:

(c) Build capacity in marine science, information and management, through, inter alia, promoting the *use of environmental impact assessments* and environmental evaluation and reporting techniques, for projects or activities that are potentially harmful to the coastal and marine environments and their living and non-living resources;

**62.** Achieving sustainable development includes actions at all levels to:

(h) Provide financial and technical support to strengthen the capacity of African countries to undertake environmental legislative policy and institutional reform for sustainable development and to *undertake environmental impact assessments* and, as appropriate, to negotiate and implement multilateral environment agreements;

**135.** Develop and *promote the wider application of environmental impact assessments*, inter alia, as a national instrument, as appropriate, to provide essential decision-support information on projects that could cause significant adverse effects to the environment.

#### **Integrated assessment**

**15.** [Re: accelerating the shift towards sustainable consumption and production ..... all countries should take action .... at all levels to]:

(a) Identify specific activities, tools, policies, measures and monitoring and *assessment mechanisms*, including, where appropriate, life-cycle analysis and national indicators for measuring progress, bearing in mind that standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries;

**40.** [Re: implementation of an integrated approach to increasing food production ... action should be taken] at all levels to:

(b) Develop and implement integrated land management and water-use plans that are based on sustainable use of renewable resources and on *integrated assessments of socio-economic and environmental potentials*, and strengthen the capacity of Governments, local authorities and communities to monitor and manage the quantity and quality of land and water resources;

**136.** *Promote and further develop methodologies at policy, strategy and project levels for sustainable development decision-making* at the local and national levels, and where relevant at the regional level. In this regard, emphasize that the choice of the appropriate methodology to be used in countries should be adequate to their country-specific conditions and circumstances, should be on a voluntary basis and should conform to their development priority needs.

SEA is not referred to specifically in the Plan, but is implied e.g. in sub-section 136:

*Source:* Plan of Implementation, World Summit on Sustainable Development, final version, 24<sup>th</sup> March 2003 ([www.un.org/esa/sustdev/documents/WSSD\\_POI\\_PD](http://www.un.org/esa/sustdev/documents/WSSD_POI_PD))

international debate concerns the applicability of SEA in developing countries, particularly with regard to the development and implementation of strategies for sustainable development and for poverty reduction. Increasing demands are being made for information and training on SEA, which outstrips supply despite the growing number and range of guidance materials and capacity building programmes

Many see this relationship simply as one of transferring the current approach to SEA from the North to the South. This occurs, for example, through the application of World Bank procedures and practices by borrowing and client countries and the design and delivery of training and capacity-building programmes. As indicated in the revised edition of the UNEP EIA Training Resource Manual, these programmes are still supply-motivated rather than needs-based (Sadler and McCabe, 2002). Yet it is questionable whether SEA, as currently conceived and promoted, is necessarily an appropriate model for developing countries to adopt and adapt to their context and circumstances. There are arguments for and against this course of action but, currently, this debate lacks a broader context and a larger range of alternatives that might be entertained.

This issue has become more pressing with the introduction of international legal frameworks for SEA, particularly the European SEA Directive (2001/42/EC) and the SEA Protocol to the UNECE Convention on EIA in a Transboundary Context (agreed at Kiev in 2003). Both instruments prescribe an EIA-based procedure for SEA that draws heavily on the earlier European EIA Directive (1997/00/EC). Many observers expect the SEA Directive and the SEA Protocol to become international reference standards, certainly within the sphere of influence of the European Union and its aid and assistance activities. The SEA Protocol, which is based on the Directive, will be open to signatory countries beyond the UNECE region and, over time, may become a global instrument or a catalyst for other regions to establish their own multilateral framework.

Against this background, the rationale for undertaking a critical review and reappraisal of international experience with SEA comes into sharp focus. This review makes particular reference to the application of SEA in developing countries, where experience remains relatively limited and there are many challenges, and to countries in transition, where there is a richer vein of recent experience and much innovation in application. In this context, the concern is to gain a better understanding of the opportunities that SEA offers and the constraints on its implementation. We take a pragmatic approach, looking at the application of SEA tools and processes, how well they work in meeting their objectives - including protecting the environment, and what improvements can be made to assure sustainability and to integrate these considerations into economic development and poverty alleviation strategies. Earlier exercises along these lines have been undertaken for regions, such as Central and Eastern Europe (Dusik *et al.* 1999, 2001), and for individual countries, such as Samoa<sup>1</sup> (Strachan, 1997).

A more general stock-taking of international experience with SEA now seems appropriate, given the trends described above taking place and in light of the momentum that appears to be building to 'transport' SEA from the North to the South. There appears to be growing enthusiasm on the part of many EIA practitioners in developing countries to adopt this approach. Yet their experience with conventional EIA is sobering; there is growing evidence that this process does not work well in many developing countries (see, for example, Mwalyosi and Hughes 1998, who review EIA experience in Tanzania.). In most cases, the reasons are not so much technical, as issues of lack of political and institutional will, limited

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<sup>1</sup> The results indicated that with respect to the information requirements, there is good potential for undertaking SEA in the short to medium term in Samoa. However, institutional capacities are limited and policy implementation effects are likely to influence the effectiveness of SEA.

skills and capacity, bureaucratic resistance, antagonism from vested interests, corruption, compartmentalised or sectoral organisational structures and lack of clear environmental goals and objectives.

Undoubtedly, these structural problems will loom large as constraints to the introduction of SEA. In addition, there are many issues regarding the use of SEA in industrial countries that are unresolved. These include continued opposition by national and international development agencies to the systematic application of SEA, particularly at the highest levels of policy- and law-making. A major issue in the negotiation of both the European SEA Directive (2001/42/EC) and the SEA Protocol to the UNECE Convention on EIA in a Transboundary Context (2003) was the scope of SEA application, particularly in relation to policy and legislation. These aspects are omitted from the Directive and included in the Protocol as non-binding. Yet this issue is far from settled and questions concerning the role of SEA in policy-making are likely to resurface once the Directive becomes implemented.

In the next chapter, we examine these challenges in relation to the emergence and evolution of SEA practice.

