



CAPACITY BUILDING STRATEGY ON SEA AND EIA IN GEORGIA

FINAL DRAFT

AUGUST 2017
TBILISI, GEORGIA



Table of content

1	Introduction	3
1.1	Purpose of the document	3
1.2	Preparation of the Strategy	3
1.3	Role of EaP GREEN in developing SEA and EIA in Georgia	3
2	SEA and EIA in Georgia	4
2.1	Current status and existing challenges	4
2.2	Possible future issues	5
3	Capacity development strategy	7
3.1	Objectives and priorities	7
3.2	Activities	8
4	Implementation and monitoring	12
4.1	Implementation	12
4.2	Monitoring	12



1 Introduction

1.1 Purpose of the document

This capacity building strategy on strategic environmental assessment (SEA) and environmental impact assessment (EIA) (hereinafter also the ‘Strategy’) was prepared as the final activity in Georgia within the "Greening Economies in the European Union's Eastern Neighbourhood" (EaP GREEN) project¹ in order to:

- Identify existing challenges with the current SEA and EIA system and practices in Georgia;
- Outline priorities and specific activities for further capacity building on SEA and EIA in Georgia;
- Determine the main target groups for capacity building.

The Strategy aims to provide a background document to the Ministry of Environment and Natural Resources Protection of Georgia (hereinafter also the ‘Ministry’) and other relevant stakeholders for further coordination of activities towards establishing the SEA and EIA system in the country, which shall enable application of SEAs and EIAs in accordance with international legal framework and a good practice.

1.2 Preparation of the Strategy

The Strategy was prepared by the national and international consultants to UNECE in cooperation with the experts from the Ministry of Environment and Natural Resources Protection of Georgia. It reflects conclusions from the discussions and suggestions raised at the final EaP GREEN event ‘Towards a fully-fledged SEA and EIA system in Georgia’ (Tbilisi, 26 April 2017) and the results of a questionnaire survey carried out among relevant stakeholders.

1.3 Role of EaP GREEN in developing SEA and EIA in Georgia

In response to existing challenges, since 2013 the UNECE within the EaP GREEN supported the Ministry of Environment and Natural Resources Protection of Georgia in undertaking a number of steps to introduce and develop a national SEA and EIA system according to the provisions of the Espoo Convention, its Protocol on SEA and the EU SEA and EIA Directives. The focus was given to improving the country’s legislative and institutional framework on SEA and EIA, defining roles and responsibilities of various authorities involved in EIA and SEA processes, building capacities for practical application of SEA and EIA, and raising awareness and common understanding of the EIA and SEA benefits.

¹ The EaP GREEN assists six countries of the European Union Eastern Neighbourhood Partnership in progressing faster towards a green economy framework. It is implemented with the financial support of the European Union and other donors, and is jointly implemented by the four partner organisations: OECD, UN Environment, UNECE and UNIDO. More information can be found at <http://www.green-economies-eap.org/>.



2 SEA and EIA in Georgia

2.1 Current status and existing challenges

Despite the fact that Georgia signed the Protocol on SEA in 2003, SEA has been only rarely applied in the country so far (actually, only two pilot SEAs have been carried out) as previous legislation did not require SEA application. Similarly, although Georgia initiated reforms of its EIA system already in 1996, implementation of EIA procedures still does not fully follow international principles of good practice. The reasons include:

- Non-existing legislative framework for SEA;
- EIA legislation and practice not in accordance with international legislative framework and a good practice, respectively;
- Lack of guidance on the practical application of SEA and EIA;
- Low awareness of SEA and EIA and its benefits among public authorities responsible for the preparation of plans and programmes, and project developers;
- Lack of understanding of the roles and responsibilities of various authorities in the SEA process.

Significant progress has been made towards a fully developed SEA and EIA system in Georgia between 2013 – 2017. The new legal framework – the Environmental Assessment Code – was prepared, approved by the Government, and adopted by the Parliament on 1 June 2017. The Code transposes requirements of the Espoo Convention, its Protocol on SEA, and the EU SEA and EIA Directives into the national legislative framework. Following the provisions of the Code, the two guiding documents – on the practical application of SEA and EIA, respectively, were finalized in 2016. After the Code is adopted, these guidelines are expected to be formally acknowledged by the Ministry.

The pilot SEA of the National Waste Management Strategy and Action Plan of Georgia was conducted in 2015 – 2016, through which the SEA procedure outlined in the draft Code was partially tested.

In order to increase capacity for coordinating SEA procedures and understanding of SEA benefits and roles of the key actors, a number of training and awareness raising events were organized including workshops within the pilot SEA, training for the experts from the Ministry of Environment and Natural Resources Protection and the Ministry of Labour, Health and Social Affairs on SEA scoping and quality control, as well as the high-level event to support adoption of the Code.²

As a result of these activities, several above mentioned challenges have been addressed to a large extent – new SEA and EIA legislation provides a sufficient framework for conducting SEA and

² More information about SEA and EIA activities in Georgia carried out within the EaP GREEN can be found at <https://www.unece.org/environmental-policy/conventions/environmental-assessment/about-us/protocol-on-sea/enveiaabouteap-green/georgia.html>



EIA procedures, understanding of SEA/EIA benefits has increased, the national environmental and health authorities enhanced their capacities for coordination of SEA and EIA procedures.

However, other challenges still remain - the most significant include:

- Lack of awareness on SEA among the planning authorities (especially local self-governments);
- Lack of information on new EIA procedures among the project developers;
- Lack of awareness about the differences and links between SEA and EIA;
- Lack of data (in particular spatial/GIS data) and information about the environment and health status of the population;
- Insufficient system of quality control in SEA and quality control and post-project analysis EIA;
- Low capacity of the Ministry of Labour, Health and Social Affairs (as the national health authority) to get efficiently involved in SEA and EIA procedure;³
- Competences of consultancy companies and practitioners.

2.2 Possible future issues

It is important to emphasize that after enactment of the new Environmental Assessment Code a number of SEA and EIA cases shall most probably significantly increase as the scope of SEA and EIA application – as stipulated by the Code – is larger compare to current legislation. This may further exacerbate existing problems as well as result in new challenges. Therefore, the capacity building strategy has to reflect the points below:

- Increased number of SEA and EIA cases will further increase the demand on the capacity of the Ministry Environment and Natural Resources Protection and the Ministry of Labour, Health and Social Affairs regarding their expected role in SEA and EIA procedures;
- There will be increased costs related to the additional steps in SEA/EIA procedures (screening, scoping, potential transboundary consultations, more extensive public consultations) as stipulated by the Code, which need to be – together with the costs related to the expert committees – reflected in further budgeting (especially relevant for the planning agencies);
- There may be a limited capacity of consultancy companies and practitioners to carry out an increased number of SEAs and EIAs;

³ Although according to the new Code health authorities are involved only in SEA procedure, they should – in accordance with an international legislative framework and a good practice – also play certain role in EIA process. Therefore the strategy addresses this issue as well.



- There will be a demand for training and capacity building on the practical application of SEA and EIA.

3 Capacity development strategy

3.1 Objectives and priorities

The objective of the strategy has been defined as ‘to establish SEA and EIA system in Georgia enabling to carry out SEA and EIA procedures in accordance with an international legal framework’.

The strategy addresses the long-term priorities (and related short-term activities) for three components of the overall capacity building:⁴

- System capacity: i.e. ‘frameworks within which institutions and individuals operate’;
- Institutional capacity: i.e. the ability of an institution to ‘operate effectively within a given system’;
- Human capacity: i.e. ‘skills and expertise of individual persons and their motivation’.

The priorities outlined below reflect expected mid-term (i.e. 5 – 10 years) development of the SEA and EIA system in Georgia.

A. System capacity

The priorities for developing system capacity are:

- A.1. Further elaborate the national legislative framework, in particular preparation of the secondary legislation;
- A.2. Support the practical application of SEA and EIA through the preparation of specific guiding documents;
- A.3. Ensure efficient sharing of information on SEA and EIA procedures;
- A.4. Improve accessibility of environmental and health data to be used in SEA and EIA.

B. Institutional capacity

The priorities for developing institutional capacity are:

- B.1. Increase the capacity of the Ministry of Environment and Natural Resources Protection to:
 - i. Ensure overall management of SEA and EIA system;
 - ii. Coordinate SEA and EIA procedures;
 - iii. Ensure the quality control in SEA/EIA;
 - iv. Ensure post-project analysis in EIA.

⁴ See section on ‘Introduction to Capacity Development for the Protocol’ (B1.2) in the Resource Manual to Support Application of the UNECE Protocol on Strategic Environmental Assessment, UNECE, 2012



- B.2. Increase the capacity of the Ministry of Labour, Health and Social Affairs to ensure the health aspects are properly addressed in SEA and EIA;
- B.3. Ensure appropriate financial allocation in the budgets of the governmental planning agencies to cover execution of SEA for relevant strategic documents;
- B.4. Increase the capacity of other relevant authorities to perform their role in SEA/EIA processes.

C. Human capacity

The priorities for developing human capacity are:

- C.1. Enhance expertise of the consulting companies and practitioners to conduct SEA and EIA to an appropriate quality standard;
- C.2. Provide opportunities for relevant stakeholders to get hands-on experience with SEA and EIA through carrying out pilot SEAs and EIAs;
- C.3. Support networking of relevant institutions, organisations and individuals involved in environmental assessment.

3.2 Activities

To achieve the objective and priorities outlined above, it is recommended that the following specific activities should be implemented in the period 2018 – 2020:

Priority A.1: Further elaborate the national legislative framework, in particular through the preparation of the secondary legislation;

Activities:

A.1.1: Preparation of the order on further analysis of strategic document implementation results (i.e. monitoring in SEA).

Priority A.2: Provide support for the practical application of SEA and EIA through preparation of specific guiding documents

Activities:

A.2.1: Preparation of guidelines/checklists on EIA application in the sectors stipulated in Annex II of the Environmental Assessment Code;

A.2.2: Preparation of guidelines on: (i) quality control in SEA/EIA, and (ii) post-project analysis/strategic document implementation afterward analysis.

A.2.3: Preparation of guidelines on addressing health in SEA and EIA.

Priority A.3: Ensure efficient sharing of information on SEA and EIA procedures;

Activities:



A.3.1: Establishing an SEA/EIA online information system to enable the sharing of relevant documents (scoping and SEA/EIA reports) and information – both as records of the closed procedures as well as to be used as a mean for stakeholders' participation.

A.3.2: Introducing a legal obligation for relevant authorities to publish documents and information in SEA/EIA online information system (after it is introduced).

Priority A.4: Improve accessibility of environmental and health data to be used in SEA and EIA.

Activities:

A.4.1: Preparing the list of sensitive environmental and health issues for each region with regular updates as a basis for SEA and EIA;

Priority B.1: Increase capacity of the Ministry of Environment and Natural Resources Protection to (i) ensure overall management of SEA and EIA system; (ii) coordinate SEA and EIA procedures; (iii) ensure the quality control in SEA/EIA, and (iv) ensure post-project analysis in EIA.

Activities:

B.1.1: Organizing a training course for the staff of the Ministry of Environment and Natural Resources Protection on the practical application of the SEA/EIA procedure, in particular addressing the following topics: screening, scoping, quality control, environmental decision, post-project analysis, public participation, and transboundary consultations.

B.1.2: Elaborating a proposal for decentralization of the SEA/EIA-related tasks of the Ministry of Environment and Natural Resources Protection to the sub-national level (it should be based on estimated number of SEA and EIA cases per year).

B.1.3: Preparing and submitting application for the twinning project, which would enable a long-term involvement of an expert (representative of a governmental authority) from an EU Member State in SEA/EIA-related activities of the Ministry.

B.1.4: Organizing information and experience exchange event on SEA and/or EIA (workshop, study tour, etc.) to share experience with Baltic countries.

Priority B.2: Increase the capacity of the Ministry of Labour, Health and Social Affairs to ensure health aspects are properly addressed in SEA and EIA.

B.2.1: Organizing a training course for the staff of the Ministry of Labour, Health and Social Affairs on practical application of SEA and EIA procedures and the role of the health authorities.



B.2.2: Organizing a training course for the staff of the Ministry of Labour, Health and Social Affairs on addressing health in SEA and EIA.

B.2.3: Organizing a study tour on addressing health in SEA and EIA to an EU Member State.

B.2.4: Preparing and submitting an application for the twinning project, which would enable a long-term involvement of an expert (representative of a governmental authority) from an EU Member State in SEA/EIA-related activities of the Ministry of Labour, Health and Social Affairs.

Priority B.3: Ensure appropriate financial allocation in the budgets of the governmental planning agencies to cover execution of SEA for relevant strategic documents.

Activities:

B.3.1: Organizing working meeting with representatives of the planning agencies to estimate the necessary financial allocation to cover SEA application in their respective sectors (based on the expected number of SEA cases in next years in a given sector).

B.3.2: Preparing and disseminating official letter of the Ministry of Environment and Natural Resources Protection to the planning agencies providing details regarding need to include financial allocation for SEA application in budgetary plans for future years.

Priority B.4: Increase capacity of other relevant authorities to perform their role in SEA/EIA processes.

Activities:

B.4.1: Organizing awareness raising campaign (i.e. a series of a small workshops and dissemination of information materials) for the local self-governments regarding application of SEA for the sub-national strategic documents.

B.4.2: Organizing training courses on SEA and EIA for line ministries and other planning authorities including municipalities.

Priority C.1: Enhance the expertise of consulting companies and practitioners to conduct SEA and EIA to an appropriate quality standard.

Activities:

C.1.1.: Developing a comprehensive training course on SEA and EIA which would serve as a basis for a qualification for SEA/EIA experts (this activity should be implemented in cooperation with academic sector, see C.1.2 below).

C.1.2: Developing a scheme of qualification for SEA/EIA experts.



C.1.3: Liaising with universities and other educational institutes to promote the integration of relevant skills training into academic curriculum of selected relevant Georgian universities.

Priority C.2: Provide an opportunity for relevant stakeholders to get hands-on experience with SEA and EIA through carrying out pilot SEAs and EIAs.

Activities:

C.2.1: Conducting pilot SEA and/or EIA (optimally with transboundary aspect), which should include training workshops and seminars.

Priority C.3: Support networking of relevant institutions, organisations and individuals involved in environmental assessment

Activities:

C.3.1: Organizing regular (1-2 per year) coordination meetings with all relevant stakeholders to discuss problems and activities regarding SEA and EIA in the country. These meetings should be organized by the Ministry of Environment and Natural Resources Protection and invite representatives of the Ministry of Labour, Health and Social Affairs, national planning authorities, large municipalities, and the main donors.

C.3.2: Initiate the establishment of a national network of SEA/EIA practitioners, including the organisation of a national conference/workshop for practitioners to initiate networking (see below).

C.3.3: Organizing the first national SEA/EIA conference to share experience with application of SEA and EIA in accordance with the Environmental Assessment Code (in 2019 or 2020).

C.3.4: Developing electronic registry of consulting companies and individual experts capable to carry out SEA/EIA.



4 Implementation and monitoring

4.1 Implementation

Implementation of the Strategy shall be managed by the Ministry of Environment and Natural Resources Protection, which shall coordinate implementation of the activities with relevant partners. To streamline Strategy's implementation, it is recommended to prepare an implementation plan following a format proposed below:

Table 1: Format for the Strategy's implementation plan

Activity	Implementing period	Main responsibility for implementation	Partners for implementation	Comments
A.1.1: Preparation of the bylaw on....	1.1.2018 – 31.12.2018 (the bylaw should be submitted to the Government on January 2019)	Ministry of Environment and Natural Resources Protection		A working group on preparation of the bylaw should be established
...				
...				
C.1.1: Developing a training course on SEA and EIA which would serve as a basis for a qualification for SEA/EIA experts	1.1.2018 – 31.12.2018 (the first run of the course should start in January 2019)	To be determined depending on the source of funding	<ul style="list-style-type: none"> Ministry of Environment and Natural Resources Protection Ministry of Labour, Health and Social Affairs 	

4.2 Monitoring

In order to ensure monitoring of the Strategy's implementation, the Ministry in coordination with relevant partners will prepare a short monitoring report on annual basis. The monitoring report can follow the format proposed below and shall serve for the discussions with relevant partners on necessary adjustments of the Strategy.



Table 2: Format for the Strategy’s monitoring report

Activity	Status of implementation	Proposed adjustments of the activity	Comments
A.1.1: Preparation of the bylaw on....	The draft Law was finalized in December 2018 and submitted to the Parliament in January 2019.		The activity has been fully completed and can be excluded from the Strategy.
...			
...			
C.1.1: Developing a training course on SEA and EIA which would serve as a basis for a qualification for SEA/EIA experts	The training course was developed in March 2019, the first run should be organized from September to December 2019.		The training course should be linked to the SEA pilot, which should be initiated in August 2019.