EaP GREEN PROGRAMME

Implementing the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in Ukraine

National training workshop for policy makers, administrative officials, and NGO representatives

Kyiv, Ukraine, 1-4 October 2013

Workshop report

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Content:

1. Background
2. Workshop objectives
3. Training approach and methodology
4. Summary of the training outcomes
5. Workshop conclusions
6. Workshop evaluation
7. Acknowledgment

Annex 1: Workshop agenda
Annex 2. Workshop evaluation form analysis

1. Background

Strategic Environmental Assessment (SEA) is a primary tool for ensuring that environmental, including health, considerations are thoroughly taken into account in the development of plans and programmes. SEA promotes sustainable development by mainstreaming the environment into economic and social development and integrating green economy and sustainable consumption and production targets into strategic decision-making process. United Nations Economic Commission for Europe (UNECE) provides the secretariat for the Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention) and its Protocol on Strategic Environmental Assessment. The Protocol provides for the environmental assessment of certain plans and programmes regardless of whether they might lead to a transboundary impact.

After the signature of the Protocol on SEA by Ukraine in 2003, SEA has been applied in strategic planning by several national and local authorities. In 2013 new legislation on SEA is being developed in Ukraine, creating a need for stronger and wider integration of SEA into national and regional planning processes through training of practitioners, development of related SEA procedures and exchange of good practices.

UNECE Secretariat in close cooperation with the Ministry of Ecology and Natural Resources of Ukraine organised a training workshop 'to provide a step-by-step guidance on application of the SEA as a tool in the strategic decision-making and strengthen the implementation of the UNECE Protocolon SEA in Ukraine'. The training workshop was held in Kyiv on 1-4 October 2013.

The workshop launched a comprehensive set of technical advice and capacity building activities envisioned for 2013 – 2016 under the Workplans of the Espoo Convention and its Protocol on SEA. The activities include carrying out reviews of the existing national regulatory and legislative frameworks, capacity building on SEA/EIA procedures, pilot projects, development of guidelines and other activities to strengthen administrative capacities of the national authorities in charge of the environmental assessment. The activities are funded by the EU Programme 'EaP GREEN: Greening economies in the European Union's Eastern Partnership countries'[1] and among others aim to promote use of strategic environmental assessment and environmental impact assessment as essential planning tools for sustainable development in Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine.

2. Workshop objectives

The workshop aimed to strengthen the capacity of the national authorities for the implementation of the Protocol on SEA in Ukraine. It further aimed to improve participants understanding of the benefits of SEA and possibilities for using the SEA as a tool in strategic decision making. The workshop demonstrated how the SEA can be applied to plans and programmes in various contexts and provided insight on how to apply the SEA methodology.

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[1] The "Greening economies in the European Union's Eastern Partnership countries (EaP-GREEN)" is a four year EU funded Programme. It is implemented jointly by OECD, UNECE, UNEP and UNIDO for the benefit of Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and the Ukraine from 2013-2016. Espoo Convention Secretariat is responsible for implementation of the SEA/EIA related component. More information on the Programme is available following the link: http://www.oecd.org/env/outreach/eapgreen.htm

Specific objectives of the workshop were:

- To introduce the concept of SEA and illustrate the process through a (hypothetical) case study;
- To relate the lessons learnt from the case study to the participants´ context;
- To illustrate possible ways for effective implementation of SEA in line with the provisions of the UNECE Protocol on SEA;
- To provide participants with examples of tackling specific environmental issues, for example climate change, within the SEA;
- To obtain and discuss recommendations on future actions for improving the use of SEA methodology in Ukraine.

The workshop agenda included a half-day introductory part, where the Espoo Convention and its Protocol on SEA were presented together with the current developments of relevant legislation on environmental assessment in Ukraine; a three-day practice-oriented training on SEA using Harvard case method; and a concluding half-day discussion on the opportunities and barriers to the future development of the SEA system in Ukraine (for details, please see the Workshop agenda in Annex 1 to this report).

In total twenty experts from ministries, research institutions, NGOs and other organizations took part in the training and contributed to , discussions addressing methodological aspects of individual SEA components and the potential for the application of SEA in the Ukrainian context. Thirty four experts participated in the opening session of the workshop.

3.   Training approach and methodology

The training was largely based on the SEA training manual, which has been developed by the German Technical Cooperation (GTZ/InWEnt). The training employed innovative methods by intensively exploiting opportunities for action learning and group work. In line with the casework methodology of the Harvard Business School, the training focused on practical approaches to SEA. This methodology allowed discussions on locally appropriate SEA approaches (based on insights put forward by the participants). Furthermore, conclusions were formulated through a joint debate rather than delivered by the trainers as 'ready-made' teaching messages.

In order to promote principles of the Protocol on SEA and to customize the training to the context of Ukraine, a new case study on National Energy Policy of the fictitious Centia Republic was developed. The fictitious case was however substantially based on the Ukrainian reality (e.g. energy related data and institutional setting), thus enabling participants to employ their real life experience while working on training assignments.

The training manual and slides were modified to encourage participants to find possible practical solution for the tasks related to designing a SEA process for their hypothetical case through the following exercises:

a. Determining whether the proposed plan requires an SEA
b. Determining the key issues and scope of assessment
c. Analyzing the baseline trends

d. Assessing cumulative impacts of proposed development activities and suggesting their optimization

e. Using effective means of participation

f. Finding linkages between programme preparation and SEA[2]

g. Ensuring reflection of SEA results in decision-making as well as an adequate management and monitoring system for implementation

h. Managing SEA effectively within budgetary and time constraints

The training was conducted using a typical case work methodology of the Harvard Business School - i.e. the case study had provided context information and framework for presentation of tasks together with their theoretical reasoning, followed by trainer´s practical tips and instructions. Participants worked in small teams, which were established at the beginning of the training.

In order to strengthen the learning effect and provide specific real-life examples of how certain typical SEA tasks can be performed in practice, each section was concluded by a discussion entailing short presentations from real SEA cases conducted in the region (e.g. Ukraine, Russian Federation, Kazakhstan, Czech Republic) delivered by the trainers. In addition, one real-life SEA (SEA on Regional development plan for Bakhchissarai region, Crimea) was presented in more detail throughout the whole training, in order to consistently demonstrate practical issues and problems using the example from the participants´ home country context.

4.   *Summary of the training outcomes*

As indicated above, each training block consisted of a short introduction to the topic and to the case work, followed by group work on the assigned task, presentations of the results and a facilitated wrap-up discussion.

The presented results indicated possible solutions to the training assignments and viewpoints that reflected personal experiences of participating experts. The following points can be concluded from the discussions within the training:

Determining whether SEA is needed for the proposed plan (screening)

Under the current legislative provision in Ukraine, there is no appointed authority that shall conduct screening and/or issue formal screening decisions. The guidance provided by legislation (listing types of plans, programs or policies (PPPs) for which the SEA is obligatory) is regarded as sufficient for time being. However, potential practical problems resulting from this arrangement are acknowledged – lack of clearly specified responsibility can result in ineffective screening where either some environmentally important PPP can escape attention, or PPP formally complying with screening criteria but in fact having no significant environmental effects might be subjects of SEA.

Need for a further guidance and more detailed legislative provisions is recognized, however, further developments are difficult to predict before the adoption of the legislation on SEA.

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[2] This session was repeated once again at the end of the training in order to allow the participants to use the information and knowledge gained during the previous training´s sessions.

Determining the scope of the SEA (scoping)

The discussions following the presentations of the case work results were focused on the problems with the identification and specification of relevant environmental themes and objectives and their modification for the specific assessment. It was stressed, that there is a need for a strong link between the application of SEA and the overall system of country's strategic documents on the environmental protection (i.e. the SEA shall facilitate integration of environmental objectives into plans, programs and policies).

A need for iterative scoping exercise during the SEA procedure was discussed while addressing procedural approaches to the scoping. Scoping should be conducted by experts responsible for SEA in close collaboration with a planning team and in this way provide useful information about possible risks that may be considered during the elaboration of a plan or a program.

A lack of detailed formal guidance on scoping (e.g. formal scoping decision) was discussed, however without clear conclusion to what extent it is beneficial to conduct the scoping as a formal step. The need for extensive consultations with environmental authorities and other stakeholders at this stage was widely recognized by the participants, while at the same time, concerns were expressed regarding the willingness of institutional stakeholders (i.e. various national authorities) to provide their inputs to the process beyond the standard commenting only on final draft of a PPP.

Analysis of the baseline trends.

Both expertise and institutional capacities in Ukraine are quite high. Therefore it should be relatively easy to access environmental data and information required for the analysis and elaboration of the SEA report. On the other hand, access to a socio-economic data – and especially the data about future projects or developments that would be needed for future baseline projections - may not be available or restrained. Therefore, a close collaboration with the planning team, which may have access to various sources of background data, is crucial.

The participants also highlighted following issues, which are vital for production of a quality SEA report:

- data quality;

- discussions of uncertainties (e.g. climate change issues);

- ensuring that environmental objectives and policy goals are set.

In addition, the participants acknowledged that the cultural and political context is a relevant factor for the data interpretation.

Assessment of cumulative impacts of proposed activities and propose their optimizing.

Drawing on the results of the case work exercise, the participants debated appropriate means of comparing development alternatives, including cost-benefit analysis, multi-criteria analysis, and other methods. Quality of a strategic document itself, justification of suggested alternatives and level of their elaboration are of key importance for selecting approach and methods to be used within the SEA.

Participants agreed that expert judgments made by leading professionals could provide a sufficient basis for discussion with the planners. Expert opinion adds new information (e.g. about possible risks) to the overview of issues or potential problems identified during the scoping stage. The

assessment of cumulative impacts should mainly focus on assessment of the scale of possible risks and problems and guide comparison of alternatives. Uncertainties and information gaps must be consistently acknowledged in order to prevent misunderstanding and misleading guidance to the decision-making.

Use effective means of consultations

Participants identified several techniques for enhancing effectiveness of public participation and highlighted a need to ensure transparency and information availability from the initial stages, and throughout the whole SEA process. However, as have been indicated within the discussion, the associated costs might be an important obstacle to the extensive consultation procedures.

The current lack of clearly established procedures for SEA in Ukraine has been pointed out as the main obstacle to the practical application of SEA (i.e. institutional stakeholders lack willingness and capacity to participate in consultations beyond legally required procedures).

Role of SEA in decision-making

The overall conclusion was that in the Ukrainian context, for SEA to be systematically applied, it has to become a formalized tool, which is clearly embedded into decision-making systems through either legislative changes or administrative order or other regulations. As many elements of SEA are to a certain extent already present in the standard Ukrainian procedures of economic and territorial planning and forecasting, as well as in the procedure of the State Ecological Expertiza, it is also necessary to clarify relations between the existing procedures and SEA to avoid overlaps and inefficiencies.

5. Conclusions

Based on the discussion during the training the participants and the trainers drew the following conclusions:

1. Legislative basis offers sufficient opportunities for initial undertaking of SEA. However, the potential for conducting SEA independently from external assistance (both financial and technical) is still low, and without legislating SEA as an obligatory procedure and developing a practical experience in SEA, there islittle incentive for further extensive application of the procedure.

2. The establishment of SEA as an autonomous procedure in compliance with the Protocol on SEA is a matter of political decision. The participants were not aware to what extent there is political commitment to pursue this goal, or if other alternatives (e.g. adoption of Russian model of effectively abolishing the SEA) are still under consideration. Consequently, they pointed out that within the environment of uncertainty and lack of political guidance there is a lack of motivation for authorities, planners and other stakeholders, to develop practice and pioneer SEA.

3. A draft for new legislation on SEA is currently under review. However, further legislative changes would be needed in the future to elaborate on issues such as:

    o Responsible authority/authorities on SEA (e.g. with mandate to issue screening and scoping decisions)

    o Quality control of SEAs

    o how will SEA and OVOS/SER be coordinated?

4. The participants observed that legal changes will not be sufficient to implement Protocol on SEA effectively despite vast technical expert capacities (with experience from EIA/OVOS field and others) available. SEA requires a systematic dialogue between planning and environmental authorities and professionals. Further efforts are needed to facilitate discussions within the professional community of Ukraine to adopt such dialectical approaches.

5. Further participants noted that it is necessary to establish cooperation between the planning and environmental professionals; to ensure participation of environmental professionals in the planning process from early stages.

6. In addition, it will be necessary to analyze already conducted pilot SEAs and to publish information on the lessons learned as well as to provide information to the decision-makers on the potential of SEA and its benefits.

7. Change in the mentality of decision-makers could be achieved through experience exchange events (such as study tours in countries with successfully implemented SEA) targeting namely high-level professionals and decision-makers.

6.   Workshop evaluation

Workshop participants were provided with evaluation forms to give feedback to the organizers. In total 19 questionnaires were collected and analyzed. The summary of the results is presented below (for the complete overview of results see Appendix 2).

The overall participants´ evaluation was very positive, the participants reported that:

- The topic was very important (the average score was 2,58 from 3 as maximum);
- The delivery of information was clear (the average score was 2,74 from 3 as maximum);
- The most useful for the participants were (i) presenting SEA in a stepwise manner; (ii) case studies from different countries (including Ukraine and Russia); (iii) group exercises;
- Essential topics for the further trainings were suggested by participants as follows:

    o EIA (11 participants);

    o SEA (10)

    o Strategic planning (10)

- o Stakeholder engagement in the strategic planning/SEA process (9 participants)

- As an important condition for the future development of the SEA implementation in Ukraine, the participants mentioned: (i) legal framework development and implementation; (ii) case studies and pilot projects; (iii) SEA and trans-boundary EIA trainings; (iv) SEA awareness, and local capacity building;

- Several proposals for improving the efficiency and effectiveness of further similar workshops have been suggested, for example:

  - o Preliminary work with the participants and their involvement into (case)studies; pre-workshop meeting with up to 15 selected participants.

  - o A real SEA study for the interested participants

  For further details please see Appendix 2.

7.   Acknowledgements

The workshop was jointly prepared by UNECE Secretariat, Ministry of Ecology and Nature Protection of Ukraine with support of Resource Analytical Center 'Environment and Society' and the Aarhus Center.

The original training methodology was developed by a consultant team consisting of Jiri Dusik, Alfred Eberhardt and Felipe Perez supported by Harald Lossack, Axel Olearius (GTZ) and Jan-Peter Schemmel (GTZ). The set of PowerPoint slides for this particular training was modified by Michal Musil (Integra Consulting Ltd.). The case study on fictitious National Energy Policy of the Centia Republic was prepared by Michal Musil (Integra Consulting Ltd.).

The training was facilitated by Michal Musil (Integra Consulting Ltd.) and Marina V. Khotuleva (Ecoline Environmental Assessment Centre) with assistance of Maia Gachechiladze-Bozhesku (Ecoline Environmental Assessment Centre).

Mr. Andrey Artov prepared and delivered the presentation on SEA for the development plan for Bakhchissarai region in Crimea.

Annex 1: Workshop agenda

Day 1

09.00	**Opening the workshop** *Volodymyr Buchko, Ministry of ecology and natural resources of Ukraine* *Elena Santer, Secretariat Espoo Convention, UNECE*
09.20	**Introduction** • Presentation of participants and their expectations • Introduction to the workshop objectives • Practical information *Elena Santer, Secretariat Espoo Convention* *Michal Musil, Integra Consulting Services Ltd., Czech Republic* *Marina Khotueva, Ecoline Environmental Assessment Centre, Russian Federation*
10.30	Coffee/Tea
11.00	**Introduction to the UNECE Protocol on Strategic Environmental Assessment the Espoo Convention** • Basic information • Evolution of SEA *Elena Santer, Secretariat Espoo Convention*
12.00	**Evolution and current status of environmental assessment system, including strategic assessment in Ukraine** • Legal framework and institutional set-up • Main issues of SEA practice *Alexander Tarasenko, Ministry of ecology and natural resources of Ukraine*
12.30	Lunch
14.00	**Introduction to a case study for the application of the strategic environmental assessment (SEA) procedure** **Reading time for participants** *Michal Musil, Integra Consulting Services Ltd., Czech Republic* *Marina Khotueva, Ecoline Environmental Assessment Centre, Russian Federation*
15.00	Coffee/Tea
15.30 – 17.30	**Link Programme (P/P/P) and SEA** • Introduction • Case work Wrap-up & Discussion on how the case work relates to the participants context

SEA training session (Days 2 – 4)

Michal Musil, Integra Consulting Services Ltd., Czech Republic
Marina Khotueva, Ecoline Environmental Assessment Centre, Russian Federation

Day 2

09.00	**Determining whether SEA is required and determining the scope of the assessment** • Introduction • Group work • Presentations, Wrap-up & Discussion
10.30	Coffee/Tea
11.00	**Determining whether SEA is required and determining the scope of the assessment (continued)**
12.30	Lunch
14.00	**Analyzing the baseline trends** • Introduction • Group work • Presentations, Wrap-up & Discussion
15.30	Coffee/Tea
16.00 – 17.15	**Analyzing the baseline trends (continued)**
17.15	**Closure of the day**

Day 3

09.00	**Analyzing proposed development priorities and their alternatives** • Introduction • Group work • Presentations, Wrap-up & Discussion
10.30	Coffee/Tea
11.00	**Analyzing proposed development priorities and their alternatives (continued)**
12.30	Lunch
14.00	**Assessing the cumulative impacts of proposed activities** • Introduction • Group work • Presentations, Wrap-up & Discussion
15.30	Coffee/Tea
16.00 – 17.15	**Assessing the cumulative impacts of proposed activities (continued)**
17.15	**Closure of the day**

Day 4

09.00	**Ensuring effective opportunities for public participation in SEA** • Introduction • Case work • Presentations, Wrap-up & Discussion
10.30	Coffee/Tea
11.00	**Ensuring effective public participation in SEA (continued)**
12.30	Lunch
14.00	**Taking due account of the SEA outcomes in decision-making and monitoring** • Introduction • Case work • Presentations, Wrap-up & Discussion
15.30	Coffee/Tea
16.00 – 17.00	**Closing session** • Wrap-up of the training • Training evaluation • Participants´ view • Distribution of certificates

Annex 2: Workshop evaluation

The results obtained from the participants through the questionnaires are presented below in a structure following the format of the evaluation questionnaires. In total 19 evaluation forms (out of 20 distributed) was recovered and analyzed. Figures indicate number of participants giving particular specific answers.

1. Please, indicate how important and relevant was the workshop topic for you?

1 (not important) - 0   2 (somewhat important)   - 8   3 (very important) - 11

2. Please, indicate how clear and understandable was the delivery of information for you (mark:)

1 – (absolutely not clear) 0;   2 (clear)   5   3 (absolutely clear)   14

3. What, in your view, was the most useful at the training workshop?

#	Statement	No of participants
1	SEA case studies in different countries/ Practical examples/ combines theory and practice	12
2	Stakeholder engagement	2
3	Presentation of SEA steps	3
4	Group exercises	6
5	SEA awareness raising	1
6	Presentation of A. Ardov shared Ukraine experience	3
7	Detailed guidance on SEA application	1
8	Illustrations, training materials, case studies, ideal models, stages etc	1
9	Trainer's presentations	1
10	General policy concepts and SEA	1
	Not enough time to have all sessions that were originally planned	1

Translated transcripts of the original suggestions made by participants:

Participants comments (What, in your view, was the most useful at the training workshop)
1. Presenting SEA in a stepwise manner 2. Explaining the stakeholder and public engagement procedure 3. Practical examples (Tomsk Project, Bakhchisaray)
SEA case studies in different countries
Combined theory and practice, including real-life examples of SEA projects
Raising awareness of SEA among broader audience

Case studies, group exercises
Presentation made by Andrei who shared his experience
Detailed guidance on SEA application
Illustrations, training materials, case studies, ideal models, stages etc.
Not enough time to have all sessions that were originally planned
Group exercises (it's interesting to know what other people think)
Training was sufficiently detailed and group exercises supported training sessions. Case studies were very important
The notion of SEA is new for me, and all information was very interesting. The most useful things include SEA case studies from the former USSR countries and experience with engaging the public
Case studies from Ukraine and Russia, group discussions and a cross-sectoral team of experts
Presentation of real-life information (the Bakhchisaray SEA)
Theory supported by case studies, many discussions, active involvement of trainers
Case studies
The Bakhchisaray District Strategic Development Programme, Tomsk Project lessons
All case studies presented were very useful. Theory combined with practice was a significant advantage, including the Bakhchisaray SEA presentation
Trainer's presentations
General policy concepts and SEA
Case studies
Group exercises

4. Which topics you believe it are essential to conduct additional training for you and your colleagues on (please, underline as appropriate)?

☐   Strategic planning (10 participants)

☐   SEA (10)

☐   EIA (11)

☐   Link between Economics and Environment (6)

☐   Engagement of the public in the strategic planning process (including SEA) (9)

☐   Other, please explain:
- Examples of transboundary consultations on SEA;
- Green and Blue Economy (to understand trends in state policy);
- Modern approaches to environmental management.

5. *What forms of support are required for implementation of EIA and SEA?*

The following suggestions came from participants:

1) Development of SEA legislation: Eleven participants mentioned this point;
2) Case studies and pilot projects were mentioned by all the participants;
3) Local capacity building, disseminating knowledge and information about SEA, technical support, trainings, discussion of international experience have been mentioned by seven participants;
4) Governmental support and political will has been mentioned by three participants; three more participants mentioned financial issues;
5) Also, information in mass media has been suggested.

Translated transcripts of the original suggestions made by participants:

More case studies and pilot projects are required to enhance the SEA mechanism. Technical and information support is needed Independent expert opinions on conflict issues (protection against pressure) EIA/SEA expert training and practice
Applying the SEA legislation Pilot projects Disseminating knowledge and information about SEA
Incorporating SEA requirements in the legislation Local capacity building Developing a practice and tradition for SEA
Developing legal framework for SEA, specialist training Financial support
Government support. In our country, a regulatory framework has to be in place to enable the SEA application Engagement of the private entrepreneurs in decision making on economic issues Similar trainings to present/discuss international experience
Regional examples Pilot SEA projects Dissemination of methodological materials
Political will and interest Funding the development of bylaws and regulations supporting the implementation of the new EIA legislation SEA and transboundary EIA training
Legal framework should be in place first. Additional financial support. SEA should be supported by expert community and NGOs
Legal framework (ratifying the SEA Protocol), clear financing procedures for SEA (it not clear currently how SEA studies are going to be financed)
Financing, public awareness raising, trainings, roundtable meetings, access to information for broader public

Environmental protection
Weak legal framework
Legal framework, financial support
Legal framework, political will
Legal framework
Legal framework, ratifying the SEA Protocol and adopting the SEA law Thematic training
Mass media, political will
Government support

6. What are your proposals to improve delivery of similar workshops?

As options for improvement for the further workshop, participants mentioned:

1) Preliminary work with the participants and their involvement into (case)studies; pre-workshop meeting with up to 15 selected participants.
2) Tasks for group exercises should be formulated in a more simple manner; 'homework' for participants has been suggested;
3) A real SEA study for the interested participants has been suggested;
4) The difference between EIA and SEA SEA should be explained from the outset for those who have a first encounter with SEA;
5) It might be useful to prepare and present input data for each exercise in the Power Point format;

Translated transcripts of the original suggestions made by participants:

Preliminary work with potential participants and their involvement in SEA studies if they meet the criteria and are interested in further training. For example, a pre-workshop meeting could be organised, and up to 15 people selected to participate in practical exercises. Tasks for group exercises should be formulated in a more simple manner. As an idea, a real SEA study could be conducted with interested participants. It can be divided into 3-4 stages, with tasks specified for each stage
More information about SEA practice in the new EU members and founding nations
Hold a series (2-3) of workshops to undertake the SEA of a real draft policy, the participants could do their homework in between
Training workshops for specialists to learn more about the practical application of SEA instruments
The difference between EIA and SEA should be explained from the outset for those who have a first encounter with SEA. For example, I clarified for myself what is what only through a personal communication with trainers
Training should be divided into several parts, the first part to include a general introduction and a SEA case study (e.g., Bakhchisaray). The main practical part should be more adjusted to take account of local realities. The teamwork of Michael/Marina/Andrei was great. More case studies are required

The workshop delivery was adequate to understand SEA
Larger number of case studies with photo documentation, tables, diagrams. An important advantage of training materials/handouts is that they include a list of abbreviations, important links and contact information
Practical experience with SEA in Ukraine
It might be useful to prepare and present input data for each exercise in the Power Point format
Everything was fine
No suggestions, everything was clear and well organised. Great format!