

# **PUBLIC PARTICIPATION IN THE SEA PROCESS OF BRAZIL**

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## **1. Introduction**

The Strategic Environmental Assessment (SEA) is an instrument of public policy that aims to ensure that the environmental variable to be considered in the decision-making processes of policies, plans and programs (PPP) in the early stages of its design and strategic held in general in the context of government initiatives (EGLER, 2001).

Whereas SEA is seen as a planning tool to operationalize the strategy of sustainable development, public participation is an essential element of the process (CRNČEVIĆ, 2007).

Thus, public participation in the SEA process is among the priorities of the current environmental management, providing an interface between state and society in the management of collective interests (COSTA; BURSZTYN, BIRTH, 2008).

Given this context, as a form of direct public participation in decision making, some conventions, principles and criteria were established by reputable organizations such as the United Nations Economic Commission for Europe (UNECE), International Association for Impact Assessment (IAIA), the European Commission and World Bank.

The main goal of this paper is to assess how public participation is accomplished in the Brazilian Strategic Environmental Assessment process, through the evaluation of two case studies mentioned by some authors as references in this insertion: the SEA Region North Coast and SEA for Sector Petroleum and Natural Gas in Southern Bahia.

The aim is to verify that these cases considered in the course of their cases, the directions set by the UNECE Aarhus Convention for public participation, the Principles of Good Practice for Public Participation IAIA and criteria established by the European Directive 2001/42/EC and World Bank for the same purpose, which will investigate whether the Brazilian references actually meet effectively the principles of public participation established worldwide.

## **2. The Public Participation in SEA**

Since 1990, public participation has been institutionalized, becoming a reference of expanding access to the popular sectors in the implementation of public policies (COSTA; BURSZTYN, BIRTH, 2008).

Through a literature review was possible to identify numerous opinions about the public participation process, making a broad concept, with practical problems of operationalization, but constantly listed on the agenda of development actions (TEIXEIRA, 2005). On several occasions, public participation refers to involvement of stakeholders and affected by the proposed Policy, Plans and Programs at the local level of development, making them active and non-passive (EVERSOLE, 2003). It is also associated with the construction of spaces that create interfaces between state and society in the management of collective interests (CARVALHO, 1998).

The public participation process can occur in several ways, such as mobilization, popular movements, trade unions, political parties, local councils, non-governmental

organizations, participatory budgets, forums, professional organizations, among others (CARVALHO, 1993; TENÓRIO, 2004).

According to Sadler and Verheem (1996), public participation is most commonly found in the field of SEA of plans and development programs, particularly where they influence the implementation of specific projects likely to attract interest and controversy. As well, public participation seems to be found mainly in the phase boundary, where the questions are determined to SEA, and in the revision phase, when the suggestions to the SEA reports may occur (EUROPEAN COMMISSION, 1999).

### 3. Directions for Public Participation in SEA

Public participation, as mentioned above, can occur at any stage of the SEA studies, however, ends up being a multi-limiting step in this process.

In order to address this public participation in decision making, some conventions, principles and criteria on public participation have been developed by renowned bodies as follows.

**Aarhus Convention of the United Nations Economic Commission for Europe - UNECE:** signed in 1998 in Aarhus, Denmark, European Community, with its theme goes to the essence of the relationship between people and governments, not merely an environmental agreement, but also a convention about government accountability, transparency and responsiveness (UNECE, 2000).

**Principles of Good Practice IAIA Public Participation:** identifies the conditions necessary to make the participation process credible and to maximize interest and commitment of stakeholders (ANDRÉ; ENSERINK; CONNOR, CROAL, 2006).

**Criteria for public participation of the European Directive 2001/42/EC:** dated June 27, 2001, provides for the assessment of the effects of certain plans and programs on the environment. Among the procedures established by policy, are those related to public participation in the SEA process, even if mentioned in a broad and succinct (EUROPEAN COMMUNITY, 2001).

**Criteria for public participation from the World Bank:** a World Bank policy is public participation in decision-making processes on PPPs.

### 4. Methodology

<b>Step1</b>	Literature review on SEA, Public Participation and Guidelines of Public Participation in SEA.
<b>Step2</b>	Considered to be benchmarks of public participation in the Brazilian context.
<b>Step3</b>	Identification of the conventions, principles and criteria established by reputable organizations such as UNECE, IAIA, the European Commission and World Bank.
<b>Step4</b>	The comparative analysis of best practice and attitude adopted by the Brazilian cases of reference during the processes of public participation, through a matrix.
<b>Step5</b>	Presentation of the findings on the assessment made in Step 4, and the results obtained on the Brazilian SEA and their efficiency and public participation in decision-making processes of PPPs.

## 5. Results and Discussion

The Strategic Environmental Assessments identified by Bastos (2010), Oberling (2008) and Teixeira (2008), as a reference for public participation in the Brazilian context were: Strategic Environmental Assessment of the Pole and the North Coast Strategic Environmental Assessment for the Petroleum Sector and Natural Gas in Southern Bahia.















The North Coast SEA was carried out between 2006 and 2007, with the goal of inserting social and environmental variables in the planning process of tourism in the North Coast region (Ceará, Piauí and Maranhão), by evaluating the environmental consequences of development actions, supporting the strategic decision making, as well as provide a sectoral analysis of the integrated tourism and socio Pole.











Since the SEA for the Oil and Natural Gas in Southern Bahia, in Camamu-Almada Basin has been conducted between the years 2002 and 2003, with the purpose of subsidizing the oil companies in the identification and definition of alternative environmentally friendly use of energy resources, transportation and processing routes, pipelines, location of power plants and transmission lines and utilization of natural gas for other purposes.

According to the established criteria, based on the principles of public participation at the World Bank (1993, 1999), UNECE (1998), European Commission (2001) and IAIA (2006), it was possible to analyze how public participation was SEA processes in the two case studies selected by this article.




Table 1 presents the findings of the SEA Region North Coast and the SEA for the Oil and Natural Gas in Southern Bahia.

Table 1 - Matrix with the results of analysis of the processes of public participation in SEA Region North Coast and the SEA for the Oil and Natural Gas in Southern Bahia.

<b>Review Criteria</b>	<b>SEA North Coast Region</b>	<b>SEA Petroleum and Natural Gas in Southern Bahia</b>
1. Did it display the identification of social groups, values and cultures of local communities that could be affected directly and indirectly by the proposal? Did it set out how this identification was done?		
2. Did it show any social understanding and cultural values of the parties to be affected?		
3. Did it state the participants (NGOs, experts, among others)?		
4. Did it display in which steps the public participation is carried out?		
5. Was the proposal information available since the early stages of the evaluation?		
6. Was the information clear and understandable?		
7. Were there any indication about where the information could be obtained? Were these		

easily accessible to the public?		
8. Did it allow opportunities for public participation as well as reasonable time for it?		
9. Did it present the procedures for public participation (forms, communication channels and methods used)?		
10. Did it indicate the consensus about the proposal implications? Was there a discussion about the choices and conclusions?		
11. Did it explain how the public opinion was incorporated?		
12. Was the final discussion proposal available, clear and simple to understand?		

**Legend according the criteria:**

 Meets the criterion     Partially meets the criterion     Does not meet the criterion

According to the Table 1 you can see that for the SEA Region North Coast 5 criteria were met in full, three criteria were partially met and four criteria were not met. For the EFA Oil and Natural Gas in Southern Bahia three criteria were met in full, five criteria were partially met and four criteria were not met. The items below explains how each criterion analysis of public participation was considered by each of the SEAs.

Given the analysis in two case studies of the Strategic Environmental Assessment was possible to observe that some criteria considered essential for public participation in planning processes could not be met or have not been met satisfactorily.

## 6. Final Thoughts

It can be concluded based on case studies evaluated, that Brazil still has much to evolve with regard to public participation in decision making, since the Strategic Environmental Assessments considered reference only meet certain criteria established by reputable bodies, other criteria being of equal importance beyond the scope of the implementation of Strategic Environmental Assessments.

Therefore, it is important that questions related to the process of developing a Strategic Environmental Assessment are contemplated to legitimize the process. Therefore, it is suggested as a way to incorporate the criteria for public participation in SEAs Brazilian regulation of some key aspects to this process, such as:

- Public participation should occur early in the process of developing an SEA thus enabling the public to express their views and interests effectively.
- It is essential that there be the establishment of a reasonable time for public consultation for the parties involved has time to prepare and submit your comments.
- The material with the process information should always be available to the public in accessible language, which is considered of fundamental importance for those involved understand the process of decision making.
- Must have a greater focus on how the public views are raised and considered during decision making.

Public participation, an essential element of SEA should be integrated into your processes aiming at the inclusion of information that is relevant to the process of

decision making, increasing, thus the credibility of the shares at a strategic level. Furthermore, it increases the transparency of decision-making and representative of the population, resulting in reduction of conflicts between the parties.

## 7. Limitations of Article

The limitations of this article can be cited which was requested from the company that developed the SEAs report available for public consultation, as well as other relevant information, to make it possible to evaluate its contents and check the fulfillment of the criteria. However, only the information was obtained regarding the report of SEA Petroleum and Natural Gas in Southern Bahia.

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