

# SEA in Brazil: Legal-institutional challenges

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# Brazilian context on SEA

- Voluntary SEA (no standards on the topic)
- Environment is seen as obstacle to development
- Little practical experience with poor results
  - Object: projects, not PPPs (not influential)
  - Low compliance with best practices
  - Low learning capacity



# Question: What about a voluntary SEA of a government program in Brazil?

- Is it effective?
- Does it provide learning capacity?
- Does it change the way the government deals with the environmental variable?
- What influences those results?



# Case study: SEA of the Hydroelectric Generation Program of Minas Gerais

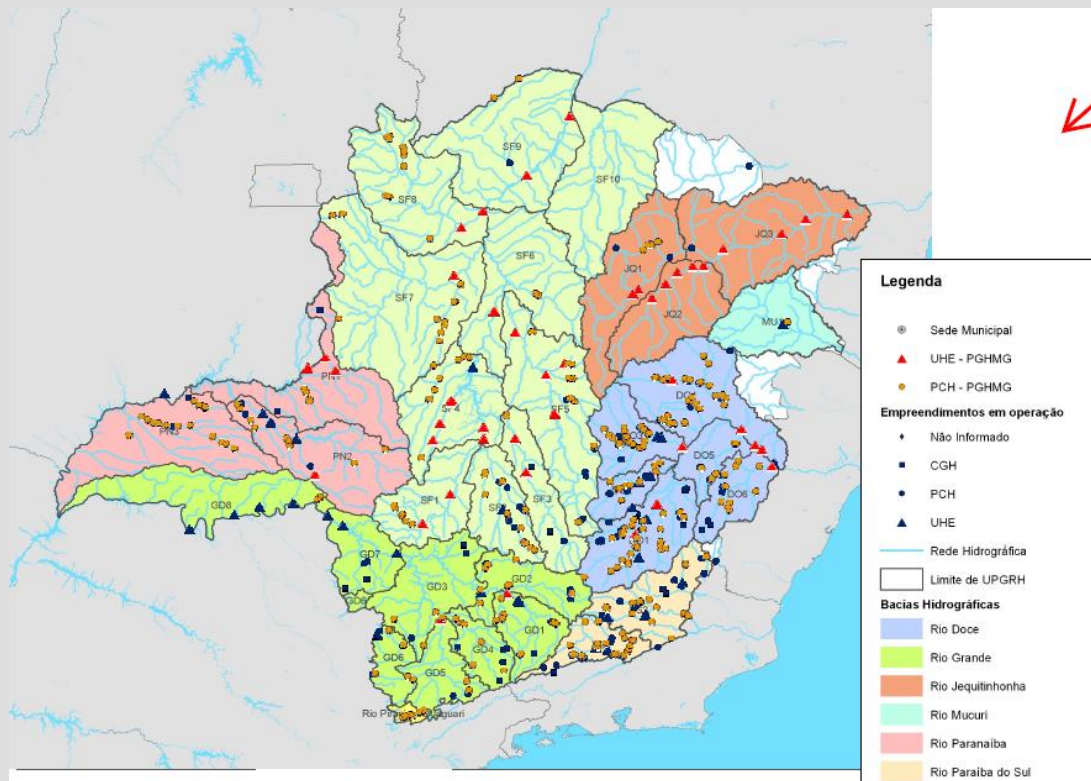


- 4th biggest Brazilian state (aprox. size of France)
- 2nd biggest population (2x Portugal)
- 3rd biggest economy
  - Sales
  - Mining



# Case study: SEA-HGPMG

- SEA made in 2007
- Hydroelectric developments to be implemented between 2007 and 2027 (6000 mW increase)



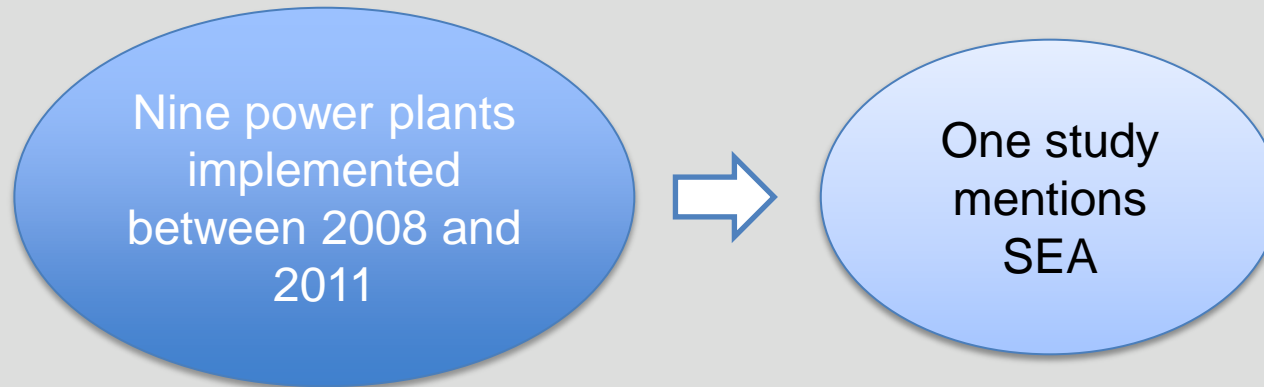
# Substantive effectiveness

- Recommendations to the government, such as:
  - Update SEA
  - Stimulate other energy sources (sun, wind)
  - Improve projects in course
  - Improve power capacity in “old” power plants
- The results, after seven years:

Complied	Almost complied	Partially complied	Almost not complied	Not complied
0	0	2	4	6



- Use of SEA findings in environmental studies



- SEA-HGPMG did not influence government decisions.

## Normative effectiveness

- Interviews with stakeholders then and now
- Government's vision about the environment did not change.



# Factors influencing the outcomes

- Non-compliance with SEA good practices:
  - SEA seen as study, not as process
  - No update
  - No tiering
  - SEA did not enter the planning system
  - No training
  - No public participation
  - No follow-up





# Factors influencing the outcomes

- Reasons that happened:
    - Lack of political will
    - Lack of institutional capability
- ...and there is no law in MG regarding SEA.*

Did that have any influence in the outcome?



# Legal-institutional dimension

## Theory

Lack of political will  
+  
Low learning ability  
=  
Need for detailed rules

## Practice

Detailed rules  
=  
Excessive bureaucracy  
+  
Low implementation capacity

*What to do?*



# Solution

## Procedural rules

- Decisions about PPP should be fundamented in SEA findings.
- In case of divergence, the argument should be solid and valid.
- Prevents political influences by promoting transparency
- Promotes bureau capacity by inserting SEA in the system



# Thank you!

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