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:

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• Use of SEA findings in environmental studies

Nine power plants implemented between 2008 and 2011

One study mentions SEA

• 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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