

SOCIAL PARTICIPATION AS FOLLOW UP STRATEGY OF ENVIRONMENTAL IMPACTS

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1. INTRODUCTION

The State of Espírito Santo has been coming through the last decades in an important period of significant economic dynamism, with planned and realizes investments in the areas of oil and gas, metals and mining, pulp and paper, construction, automotive and metal-mechanical industry, besides the railways, harbors and port basis to distribute the production. Into a scene of economic growth, the environmental impact assessment is an important tool to the sustainable development of territory. Particularly, considering we have so many problems with social services and the rising of conflict situations.

In Brazilian legislation, developments with potential polluter like highways with two or more lanes; railways; ports, ore, oil and chemicals terminals; airports; industrial complexes and agribusiness units (petrochemicals, steel, chlorochemical, alcohol distillery, etc.) and others listed in the CONAMA Resolution No. 01/86 need to prepare the Environmental Impact Assessment and Environmental Impact Report to be submitted for the environmental agency review to obtain an environmental license. (CONAMA, 1986)

With the impact assessment, it is issued an environmental license which according to the State of Espírito Santo laws, projects are made in three stages: preliminary license where the environmental agency signals with area viability; installation license when the company is able to start its implementation; and operation license when the company becomes to operate. (ESPÍRITO SANTO, 2007)

The social participation, under Brazilian law, is based on discussions about the environmental impacts indicated in the EIA, before the license emission, during the preliminary evaluation period. After the license guarantee, the society participation is held indirectly through representation on the Board of the Environment or other institution which organized civil society has chair.

2. SOCIAL PARTICIPATION ON AIA AT ESPIRITO SANTO STATE

With new projects coming up in the State scene, the licensing organization in the state of Espírito Santo - IEMA - was faced with a scenario of intense debates and conflicts related to the theme "environmental licensing and the large industrial projects."

Conflict situations discussed during the licensing process have become very common, considering the population discontents who were directly affected by these projects, which were not seen as part the debates about the environmental and social viability.

They also observed as the undisputed presence of environmental liabilities related to the installation of large projects without planning and with high power change in lifestyles, especially activities related to the eucalyptus monoculture, steel and mining.

So, impacted communities, especially on the state coast (an area highly demanded for installations of industrial enterprises) began a process of legitimate discussion with IEMA. They questioned the environmental licensing process about how it was being done.

In this context, it became clear that only a regulated public hearing instrument was not sufficient to deal with the needs for social participation during the licensing procedures for potentially polluting activities.

A critical and analytical view about the involved concerned on the current format of public hearings, as a way to consult and inform that the public can infer about the failure as participants, mainly when they have a late involvement on the hearings. At this moment, all the social and environmental expectations of the people involved are manifested, especially the affected community, including the interests legitimately annoyed, that go beyond the purpose of the instrument, but because they don't have the opportunity to participate in the earlier stages, they find this time to manifestation during the public hearings space.

Searching for a democratic and continued environmental management, with unrestricted access to information and participation in the decisions, the Environment and Water Resources Institute of Espírito Santo – IEMA (the environmental licensing agency) adopted a strategy to install the Environmental Licenses Monitoring Committees (CALIAM) as a monitoring tool of positive and negative impacts to the physical, natural and social / economic means, after the granting of the document authorizing the installation of industrial enterprise.

The CALIAM are formed by representatives of communities and stakeholders (local communities, municipal authorities, among others) identified in the studies made by the environmental agency to the licensing process or surveys previously carried out for granting the Preliminary Environmental License.

To deal with this work, it was analyzed three CALIAM experiences installed by IEMA, with licensing of three large industrial enterprises like oil, gas and naval industry. Two of these committees were made in the northern state of Espírito Santo and other one in the south region, during a period between the years 2008-2014. Two of them ended their works, and one is still in operation during the preparation of this article. All were related to the project installation phase.

There are three consolidated moments of public participation: public consultation for Terms of Reference (TR); Public Hearing (AP) or Public Consultation (CP); and the participation on the State Environmental Council (CONSEMA); and Regional Environmental Council (CONREMA).

The Control Licensing System from Environment Polluting Activities and Degrading (SILCAP - DIO / ES, 2007) establishes an innovation to create the Public Inquiries to the Terms of Reference for EIA preparation, in order to collect contributions in the communities possibly affected during the installation / operation project. These meetings provide the community their effective participation on environmental licensing procedures for large projects from designing the TR for preparation of the EIA.

With a given LP, company has a description with the condition that deals about the implementation of CALIAM, whose members were appointed in the EIA, because their social importance in industrial installation locations. After the environmental license is granted, the Commission is composed to have meetings to talk about subjects suggested by the participants, based on the Customer Report of Constraints - RAC. It is company subject to provide all the logistics that enables the participation of members, the preparation and forwarding of care report of conditions and the provision of information when requested.

3. METHODOLOGY

The methodology developed to conduct meetings is operationalized as follows: IEMA Technicians responsible for analysis conditions of each environment, the team whom manages the health sector, a security and environmental company, consultants, representatives from affected area, municipal government, and eventually some guest when the agenda involves conditioning that has more actors.

Previously the reports are routed electronically to commission members. During the meeting they have to talk about to the executive reports of conditions, prior to the meeting. At this time the members have time

to do the questions about the submitted documents. Demonstrations and recommendations generated at the meeting are recorded in minutes, and taken into consideration by the technicians in the analysis of the conditions. Bylaws is prepared by IEMA and approved by the Commission that discuss about the competence of all members from that Board, and establishes the organization rules and commission function.

It's responsible to the commission to side order of meet about conditionals relatives to the environmental license project, and not only about human environment. It's not just a deliberative character, demonstrations and recommendations made at the meeting are analyzed by IEMA, referencing technical and administrative decisions. These analyzes may result disciplinary sanctions to the company suggestion agreements with the municipality, formation of working groups to follow up the installation site, carry out joint inspections, training to the community, and others.

The discussions in the committees have an educational method, because in a period before the predominant subjects were employment and income, jobs and training for local residents. Currently, discussions involve atmospheric monitoring, biotic, and water issues such as recovery of coastal lagoons and others that have become the focus of community discussions.

The implementation of this strategy needs a changing paradigm that has been manifested in whole world on the environmental agenda, which has to harmonize economic growth with the maintenance of environmental and social quality. Nowadays, environmental licensing is one of the main instruments used to this purpose provided in the National Environmental Policy (Law 6.938 / 81).

Based on technical reports translated into the informal language by government agents and expert consultants in each environment affected, CALIAN'S meetings has been consolidating as places to share information in a transparent manner, in a moment of negotiation between government, civil society and the productive sector.

Participant observation on the meetings showed recurring situations that demonstrate some weaknesses during the process that must be overcome in order to contribute to the work advancement.

After an analysis, weaknesses were identified: some representatives defending personal interests; the civil society representatives are always the same and don't alternate; there is not much engagement about the civil society and its participation in meetings, or even about the information request with their representatives; difficulty of understanding by the representatives with poor education level (although there are efforts and guidance for adoption of informal and accessible language to all public); existence of social liabilities left by other industrial projects in the region; excessive interventions without continuity and further results by consulting companies in the communities, to prepare assessments and studies that create expectations in the population, leading to a situation of disbelief; with the innovation of CALIAM strategy, some procedures are not yet internally defined in environmental agency, and the decision belongs to the analyst meeting coordinator, creating weaknesses; understanding by the community, that the company and IEMA are "on the same side" and the civil society on the other, establishing conflicts.

Some strength points have been identified: high performance of the Public Prosecution service restrictions; possibility to realize joint actions between companies operating in the same territory, because the common goals of certain restrictions; existence of a charter that regulates the actions and responsibilities of Commissioners; technical improvements of discussions about the impacts and command and control measures; real-time monitoring of socio-communitarian improvement of conditions; feedback to the society in relation to mitigation measures, or potential impacts provided in the EIA.

4.CONCLUSION

It exists as expected results to this monitoring methodology of impact: to share the knowledge about the environmental impacts on a multidisciplinary and transversal way; joint decision-making measures for the mitigation of negative impacts and enhancement of positive impacts; involve public entities in the monitoring and evaluation of social and environmental demands from the licensing of great potential polluted / degrading activities, sharing and discussing data for deficit plans and future demands; improving the institutional image of IEMA.

The reflections are: what is the limit that the environmental agency has to go with to accompany these meetings? What are the strategies to provide a better understanding about what has been said? How to change the environmental agency image with the community? How do not expose the company on embarrassing situations? How far will the oversight role / Commission controller without interference with the jurisdiction of own environmental agency?

It can be understood that in the initial stage on CALIAM, it is expected the conflicts of ideas and dissatisfactions, especially during a moment of democratic exercise like this. Measures such as involving the Commission on the work improvements, and creating an assessment tool by the Commission to be made by all members to contribute to its development and consolidation.

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BRASIL, Lei nº 6.938, de 31 de agosto de 1981. **Diário Oficial da República Federativa do Brasil**, Brasília, 2011. Disponível em <http://www.planalto.gov.br/ccivil_03/leis/l6938.htm>. Acesso em : 23 nov.2014

CONAMA. Resolução CONAMA, de 23 de janeiro de 1986. Publicado no Diário Oficial de 17/2/86. Disponível em <<http://www.mma.gov.br/port/conama/res/res86/res0186.html>>. Acesso em 16 de novembro de 2014.

ESPÍRITO SANTO. **Constituição Estadual do Espírito Santo**: promulgada em 5 de outubro de 1989. Disponível em <http://www.al.es.gov.br/appdata/anexos_internet/downloads/c_est.pdf>. Acesso em: 15 set. 2014.

_____. Decreto Nº 1.777, de 09 de janeiro de 2007. Diário Oficial do Estado do Espírito Santo, 2007. Disponível em <www.meioambiente.es.gov.br>. Acesso em: 15 set. 2014.