



Public participation in and learning through SEA in Kenya



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ABSTRACT

Meaningful public engagement is a challenging, but promising, feature of strategic environmental assessment (SEA) due to its potential for integrating sustainability principles into policies, plans and programs in developing countries such as Kenya. This research examined two selected SEA case studies to identify the extent of participation, learning outcomes attributable to participation, and if any learning outcomes led to social action for sustainability at the community level. Strengths across the two cases were the inclusion of marginalized populations and consideration of socio-economic concerns. Consistent weaknesses included inadequate notice, document inaccessibility, lack of feedback and communication, and late analysis of alternatives. Despite some learning conditions being unfulfilled, examples of instrumental, communicative, and transformative learning were identified through a focus group and semi-structured interviews with community participants and public officials. Some of these learning outcomes led to individual and social actions that contribute to sustainability.

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1. Introduction

Meaningful public engagement is a challenging, but promising, feature of strategic environmental assessment (SEA) in developing countries such as Kenya. One of the key characteristics of SEA is an emphasis on the use of participatory and consultative processes with those who are to be affected by the proposed policy, plan or program (PPP) (Ahmed et al., 2005; Kjørven and Lindhjem, 2002). Practice in this regard is, however, just emerging in developing countries and for the first time scholars are testing community-based approaches to SEA for achieving more meaningful local participation (Sinclair et al., 2009).

In developing countries, the integration of SEA in decision-making processes is important because large segments of the population rely heavily on primary sector activities for their livelihoods and are disproportionately affected by environmental degradation, but often have little influence in high level decisions about the management and allocation of natural resources (Kende-Robb and Van Wicklin, 2008; Retief et al., 2008). Incorporating sustainability principles and participatory approaches into SEA can promote accountability and transparency, allow for the integration of various types of knowledge, and can have a direct impact on the well-being of citizens, along with the potential to be a key component of poverty reduction.

Meaningfully engaging local communities in SEA also creates an arena for conversation and learning amongst stakeholders and has the

potential to generate positive social change (Sinclair et al., 2009). Since shifting away from unsustainable patterns of resource use requires profound personal and social transformation (Diduck et al., 2012), transformative learning theory has great potential for understanding the linkages amongst public participation in decision-making processes, learning that leads to individual perspective transformation, and individual and social action supporting transitions towards sustainability in environmental assessment, including SEA (Diduck and Mitchell, 2003; Fitzpatrick and Sinclair, 2003; Jha Thakur et al., 2009; Sinclair and Diduck, 2001; Spaling et al., 2011). However, more research is needed to better understand the effectiveness of public participation and the potential of learning in SEA (Jha Thakur et al., 2009; Okello et al., 2009; Sims, 2012). In this context, the dual objectives of this case study research were to examine participation approaches in SEA processes in Kenya and to consider whether participation in SEA can lead to transformative learning that supports sustainable resource use at the community level.

2. Transformative learning

Transformative learning is a popular education theory used to describe the process of adult learning (Sims, 2012; Taylor, 2007). It involves critical reflection on underlying assumptions, beliefs, values, and perspectives, thereby facilitating the development of more functional frames of reference to guide actions and inform decisions (Mezirow, 2000, 2003). Transformative learning theory distinguishes between instrumental and communicative domains of learning, both through which deeper transformations may be facilitated (Cranton, 2006; Mezirow, 2000, 2003; Sims, 2012). Instrumental learning refers to performance improvement through learning how to control and

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work with environmental variables and communicative learning entails developing an understanding of what others mean when they communicate with us (Mezirow, 2000). An abundance of instrumental and communicative learning outcomes have been observed in empirical EA research; however, examples of transformative learning have been less common (Diduck et al., 2012; Sinclair et al., 2008).

The learning process begins when an individual encounters a perspective that is misaligned with their current frame of reference and then engages in critical self-reflection to identify unfounded assumptions, beliefs, or perspectives underlying the problem (Cranton, 2006; Diduck et al., 2012). According to Mezirow (2000), seeking alternative viewpoints and engaging in critical discourse is essential for the justification of new assumptions and aids in the development of more functional frames of reference. The transformative learning process is complete when the individual takes actions based on the newly developed perspectives (Diduck et al., 2012). Although transformative learning theory primarily addresses individual learning, a growing literature suggests links between individual perspective transformations and social action (Diduck and Mitchell, 2003; Sims, 2012; Sims and Sinclair, 2008).

Mezirow (2000) identifies a set of ideal conditions that enable meaningful participation and create highly effective learning environments. To meet these conditions, participants must have: accurate and complete information; freedom from coercion and distorting self-deception; openness to alternative points of view; the ability to weigh evidence and assess arguments objectively; equal opportunity to participate in discourse; and willingness to seek understanding and agreement and to accept a resulting best judgment as a test of validity until new perspectives, evidence, or arguments are encountered and validated through discourse (Mezirow, 2000: 13).

3. SEA in Kenya

Kenya was the first East African country to legally uphold SEA practice (Onyango and Schmidt, 2007). The Kenyan SEA framework has been evolving since the implementation of the 1999 Environmental Management and Coordination Act (EMCA), which promotes the “integration of environmental considerations into development policies, plans, programs, and projects” (GoK, 1999). Although the legislation does not explicitly mention SEA, it provides every Kenyan citizen with the right to a clean and healthy environment and makes provisions for “public participation in the development of policies, plans, and processes for the management of the environment.”

The Environmental Impact Assessment and Auditing Regulation (EIAAR) of 2003 produced more comprehensive parameters for Kenyan SEA practice, including definitions and objectives of SEA, “triggers” of SEA, and content necessary in SEA reports (Onyango and Schmidt, 2007). National SEA guidelines, the final draft released in 2011 by the National Environment Management Authority (NEMA), were informed by international agencies such as the OECD (NEMA, 2011). The guidelines include an overview of SEA, a substantive list of steps necessary to undertake SEA, and indicate the roles of various stakeholders, including the stages at which public participation are required. It also indicates that an education component must be embedded into the public participation process as many individuals may not have been involved in such a process, especially at the strategic level (NEMA, 2011). Eleven SEAs representing a variety of sectors including water, forests, education, infrastructure, industry, and information and technology had been completed at the time of this research, with indications that several more were underway up to the point of the 2013 national elections.

4. Approach

Qualitative research was conducted utilizing a case study strategy of inquiry (Creswell, 2009). The case study locations were determined by reviewing 9 of 11 completed and approved SEA report documents at

the NEMA office in Nairobi (two reports were not available online or in hardcopy at NEMA) using the following criteria: the SEA process followed a government regulation; sufficient documentation available to support an analysis related to the specified SEA; fairly recent consultation (completed within the last two years); and the willingness of the community involved to participate in the study. The two selected case studies examined the SEAs completed for the Kenya Coastal Development Project (KCDP) and the Tatu City Structure Plan. Despite its “project” title, the KCDP is a regional development plan for the Coast Province and reports submitted to NEMA contain standard components of high level EA and were accepted and approved as an SEA. The KCDP case study was the main in-depth focus of the research whereas the Tatu City case was completed more generally for the purpose of confirming and contrasting findings. Both cases are described further below. We also refer occasionally to the other reviewed SEA applications.

The data collection methods included semi-structured interviews, participant observation, and a focus group. A total of 33 semi-structured interviews were conducted with 27 community members who participated in the two selected SEAs and 6 government officials and SEA practitioners who were key players in the public participation processes. Community participants were sought out using a snowball sampling approach starting with community leaders identified in SEA reports and meetings with practitioners. The interviews took place in the participants' family homestead or at their place of work and lasted between one and three hours. A focus group with 15 women, unskilled daily laborers, was conducted with participants from the Tatu City SEA consultations. Translators from the local communities were required for the majority of community interviews and written interview notes were taken as it was determined that the use of an audio recorder created a barrier after some participants declined its use.

All interviews and field notes were transcribed and coded into thematic categories using the qualitative data analysis software package NVivo 8 (QSR, 2008). The analysis of the effectiveness of Kenyan SEA public participation was guided by the ideal learning conditions as identified by Mezirow (2000) and operational definitions for EA formulated by Sinclair and Diduck (2001). The evaluation of learning and action outcomes was guided by constructs from the transformative learning literature (e.g., Cranton, 2006; Mezirow, 2000, 2003; Taylor, 2007). The data collected is often represented by quotes in the text below. These have been selected to highlight the intent and voice of our participants and represent majority of the views shared unless otherwise noted.

5. Case study profiles

5.1. SEA for the Kenya Coastal Development Project (KCDP)

The purpose of the KCDP is to, within a sustainable development framework, improve the management of Kenya's coastal and marine resources and promote livelihood enhancing enterprises in coastal communities (KMFRI, 2010). The proposed activities include the improvement of fisheries governance, monitoring, and research, the promotion of better resource management for increasing eco-tourism and spin-off opportunities, the support of sustainable community micro-enterprise development, and the development of a capacity building program and communication strategy. To comply with World Bank policies, the lead agency for the project prepared an Environmental and Social Management Framework (ESMF) and an Indigenous Peoples Plan Framework (IPPF) (KMFRI, 2010). The two documents were submitted to NEMA in fulfillment of the national SEA requirement. Key players in the compilation of the frameworks indicated that four community consultations in the Malindi district were especially valuable because of the eagerness of the public to participate in discussions. The consultations involved representatives from non-government organizations (NGOs), community based organizations (CBOs), and

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