



Challenges to institutionalizing strategic environmental assessment: The case of Vietnam



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ABSTRACT

Building on new institutional theory, this paper develops an analytical framework for analyzing constraints to the institutionalization of strategic environmental assessment (SEA) at four different institutional levels. The framework is tested in an empirical analysis of the environmental assessment system in Vietnam, which is a frontrunner among developing countries regarding the introduction and use of SEA. Building on interviews with Vietnamese and international experts, as well as an extensive literature review, we identify institutional constraints which challenge the effective use of SEA in Vietnam. We conclude that commonly identified constraints, such as inadequate training, technical guidelines, baseline data and financial resources, are strongly linked to constraints at higher institutional levels, such as incentives to not share information between ministries and severe restrictions on access to information and public participation. Without a thorough understanding of these institutional constraints, there is a risk that attempts to improve the use of SEA are misdirected. Thus, a careful institutional analysis should guide efforts to introduce and improve the use of SEA in Vietnam and other developing countries. The analytical framework for analyzing constraints to institutionalization of SEA presented in this paper represents a systematic effort in this direction.

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Introduction

Assisted by development aid, a growing number of developing countries have recently introduced legislation on strategic environmental assessments (SEAs). The aim is to improve the integration of environmental concerns in strategic decision-making by subjecting plans and programs to additional environmental analysis and stakeholder involvement.

Originating in North America and Western Europe, legislation on SEA is a formal institution containing primarily procedural rules about when and how environmental assessments should be conducted during the development of plans, programs and sometimes policies. However, in many developing countries, formal and informal institutions differ greatly from those in North America and Western Europe, affecting the interpretation and application of the new procedural rules in practice.

The purpose of this paper is twofold: to develop and test an analytical framework for analyzing constraints on the institutionalization of SEA in developing countries. The paper adds to the growing body of research suggesting that contextual factors play a fundamental role in how environmental assessment systems work in practice (Ahmed and

Sánchez-Triana, 2008; Annandale, 2001; Bina, 2008; Boyle, 1998; Hilding-Rydevik and Bjarnadottir, 2007; Kolhoff et al., 2009; Runhaar and Driessen, 2007; Slunge et al., 2011). The earlier technically-oriented approaches to environmental assessments, built on a belief that improved information would lead to better decisions by rational decision-makers, has been increasingly challenged. Instead, more recent analyses stress the role of institutions and governance conditions, the non-linearity of public decision-making, and the potential role that participation, deliberation and learning can have on environmental assessment systems (Ahmed and Sánchez-Triana, 2008; Bina, 2008; Kørnøv and Thissen, 2000; Nilsson and Nykvist, 2009). In the words of Bina (2008, p. 718), "Two decades of practice have shown that good information alone – though essential – will not necessarily lead to better planning or better choices.... It is the context within which planning and assessment occur, and especially all the qualities that are commonly recognised under the framework concept of 'good governance' that makes the difference".

This literature forms part of a broader recognition within social science and development policy on the fundamental role of institutions and governance for economic and social development (see e.g. Acemoglu et al., 2004; Rodrik et al., 2004; World Bank, 2003), as well as environmental and natural resources management (e.g. Ostrom, 1990; Vatn, 2005).

Against this background, it is noteworthy that the use of institutional analysis is still fairly limited in development practice relating to SEA

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(OECD, 2012), as well as in many academic evaluations of environmental assessment systems (e.g., Briffett et al., 2003 and Clausen et al., 2011). There are a growing number of studies focusing on the role of institutional factors for the performance of environmental assessment systems (see, for example, Bina, 2008; Boyle, 1998; Slunge and Loayza, 2012; Turnpenny et al., 2008; World Bank et al., 2011). However, the analytical frameworks and methodologies used in these studies vary widely. For example, Boyle (1998) identifies certain cultural characteristics which shape the performance of environmental assessment systems in Thailand, Indonesia and Malaysia. Bina (2008) uses four dimensions – social, cultural, political and values – to analyze contextual factors limiting the effectiveness of the Chinese environmental assessment system. Turnpenny et al. (2008) study institutional capacities and constraints for integrated policy assessment at the micro, meso and macro levels in four different European countries.

While these and other studies have yielded important knowledge about the role of institutional factors for the performance of SEA systems, the different analytical frameworks used in the studies make comparisons across cases and countries difficult. We propose that the general framework for studying institutions at four different levels developed by Nobel laureate Oliver Williamson (2000) can be useful also for studying SEA institutionalization. We believe that the structure of this analytical framework can be particularly useful when studying SEA institutionalization in countries where both formal and informal institutions differ considerably from the institutions in the U.S. and Western Europe where environmental assessment procedures were first invented.

We test the analytical framework through an empirical analysis of the use of strategic environmental assessment in Vietnam. Vietnam is an interesting case because it is a frontrunner among developing countries in relation to SEA. Development agencies from Germany, Sweden, Denmark, Switzerland and Holland as well as international development banks have played an instrumental role in introducing SEA in Vietnam. They have financed a large number of “pilot SEAs” and numerous training programs for staff in governmental agencies, and have provided technical expertise for the development of a legal framework and technical guidance for SEA in Vietnam (Clausen et al., 2011; Dusik and Xie, 2009). As development aid to Vietnam decreases as the country reaches middle income status, it is uncertain how sustainable or institutionalized the SEA system is without external resources. Vietnam is also interesting as a case study because its formal and informal institutions are very different from the institutions in the countries where SEA was first invented. Importantly, public participation and free and open access to information – which are crucial aspects of environmental assessment systems – are severely restricted in Vietnam (The World Bank Group, 2013).

Besides developing and testing an analytical framework for studying constraints to institutionalization of SEA, the paper also offers lessons learned and associated policy implications for governments that are introducing SEA as well as development agencies supporting such efforts.

The paper proceeds as follows. In the next section, we develop the analytical framework as well as the methodology used for the empirical analysis. In section three, we present the results from the empirical analysis. In the concluding section, we discuss the implications from the empirical analysis from testing the analytical framework.

Analytical framework and methodology

Analytical framework

The study of institutions has a long tradition, but a new institutionalism emerged in the late 1980s as a reaction to the then-dominant actor-centered analyses in the social sciences (March and Olsen, 1989; Nilsson, 2005; North, 1990). For the purpose of this paper, we follow North's (1990) definition of institutions as “...the humanly designed

constraints that structure human interaction...made up of formal constraints (e.g., rules, laws, constitutions), informal constraints (e.g., norms of behavior, conventions, self-imposed codes of conduct), and their enforcement characteristics”. Institutionalization can be described as a process of internalizing a new set of formal norms into an existing system of formal and informal norms so that the new norms become rules that are actually used in practice, what Ostrom (2005, p. 20) defines as “rules in use”.

The slowly changing nature of norms, as well as their importance in the enforcement of formal rules, is one important factor explaining the difficulties involved in changing institutions. While formal institutions, such as water or forest legislation, may change rapidly, informal institutions, such as norms guiding water or forest use, generally change more slowly (North, 1990; Williamson, 2000). When studying processes of institutionalization, it is thus crucial not only to analyze legal frameworks and other formal building blocks, but also to consider norms and other informal institutions.

Steinhauer and Nooteboom (2012) have made one of the few attempts to define what characterizes an SEA system that is institutionalized. According to these authors, an SEA system is institutionalized when there is sufficient expertise in a country to apply SEA; a sound legal and financial basis for SEA is in place; and there is a clear institutional structure with agreed roles and responsibilities (see Fig. 1, box 1). While this definition points to crucial parts of an SEA system, it is not complete. Most importantly, it does not include the performance or effectiveness of the SEA system. This is crucial because it is often during implementation, when there is interplay between formal and informal norms, that the greatest challenges to institutionalization are found (North, 1990). It is also during the implementation phase that policy reforms typically encounter difficulties, not least in developing countries (Batley, 2004; Thomas and Grindle, 1990). In our view, an SEA system that is institutionalized should also be effective in the sense that it leads to improved integration of environmental concerns in strategic decision-making, ultimately contributing to improved environmental outcomes (Fig. 1, boxes 3 and 4). The key mechanisms through which SEA is commonly understood to lead to integration of environmental concerns in decision-making are through (i) improving the information on which decisions are made; (ii) increasing stakeholder participation and access to information in decision-making; and (iii) providing a forum for deliberation, coordination and learning (Fig. 1, box 2) (Ahmed and Sánchez-Triana, 2008; OECD, 2006; Therivel, 2010).

However, there may be several formal and informal constraints limiting the effectiveness of an SEA system. Several authors have argued that these contextual constraints tend to make the link between SEA and environmental outcomes indirect rather than direct, stressing the effect SEA can have on for example the framing of problems and the strengthening of stakeholder groups (Ahmed and Sánchez-Triana, 2008; Nilsson, 2005). Terms such as incremental effectiveness (Bina, 2008), transformative effectiveness (Cashmore et al., 2004) and normative effectiveness (Chanchitpricha and Bond, 2013) have been used when studying these types of indirect effects.

In our analysis of formal and informal institutional constraints, we build on the framework for studying institutions at four different levels developed by Nobel laureate Oliver Williamson (2000). The first level is *Social Embeddedness*, which comprises informal institutions such as norms, religion and culture. The second level is the *Institutional Environment* or the formal rules of the game, including constitutions and the executive, legislative, judicial and bureaucratic functions of government. The third level is the *Institutions of Governance*, where much of the day-to-day policy making takes place. Institutions at this level include the different parts of government bureaucracy, as well as laws and regulations. The fourth level is *Resource Allocation and Employment*, where incentives created by institutions at the other levels affect the choices of the different actors in society. This fourth level of analysis corresponds to the “action arena” in the Institutions and Development

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