



## Importance of context in adoption and progress in application of strategic environmental assessment: Experience of Thailand

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### ABSTRACT

Following the example of other developed countries, strategic environmental assessment (SEA) tool is now being introduced in developing countries, with the expectations, among others, that it will influence decision-making process in planning, and also usher in the participatory and collaborative planning towards a more sustainable track in development. This article examines Thailand's own recent introduction of SEA. The authors underscore the particularity of the Thai planning context as well as the broader governance structure and processes in the country as the critical factor influencing the extent, substance and form of adoption of SEA. Top-down tradition of planning and serious limitation of public participation opportunity structures and institutional culture have minimized the tool's positive impact and influence in development planning. Thailand's experience in SEA introduction thus reaffirms the important lesson from a number of other developing countries: that legal framework for SEA is necessary and critical especially in its initial adoption; and, that public participation needs to be supported too and institutionalized for the tool to fulfill its promise of improving environmental governance and optimizing potentials of development projects vis-a-vis various social and environmental concerns.

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### 1. Introduction

The development of Thailand in the past 20 years has been officially directed towards sustainable development, especially after the Earth Summit in Rio de Janeiro in 1992. Social and environmental considerations have been increasingly incorporated into the National Economic and Social Development Plan (NESDP) as the focal areas of development (NESDB, 2005). While these considerations are indeed explicit in the policy discourses of the government, economic growth in recent decades however tend to cause natural resource depletion and degradation (ONEP, 2006). Moreover, accumulated impacts of industries, affecting environment and people's health, have become a focus of public debate and contention, involving conflicts between civil society organizations, private business sector and government. One example is the pollution in Map Ta Phut,<sup>1</sup> one of the most important industrial areas in Thailand, which finally has become the national public agenda and has triggered change in relevant legislations.

During the same period, Thailand government has also enforced EIA regulation to mitigate environmental problems. But many deficiencies remain in the EIA system. Some of these have been recognized, especially issues of inadequate public participation and lack of integration of environmental impact into the decision-making process (TEI, 2001; ONEP, 2004a). To address the obvious gap in effectiveness of existing policy instrument in environmental protection, SEA has been introduced, putatively as the more promising tool in several important government documents including in the 10th NESDP 2007–2011, as well as in the current National Environmental Quality Management Plan 2007–2011 (NESDB, 2007; ONEP, 2007). The initiation of SEA is aimed to enhance not only environmental protection but also environmental governance such as opening up existing planning procedure to participation by major stakeholders (ONEP, 2009), and thus addressing one of the major weaknesses of environmental management in Thailand (ONEP, 2004b).

This article discusses the experience of Thailand in introducing SEA in the country's environmental management practice, focusing on major factors that have constrained fulfillment of outcomes of the tool to make a significant difference. We will start by highlighting certain theoretical insights and lessons on a number of issues around SEA adoption experiences in other countries and use these as our thematic focuses on how these have been played out in recent Thai experience. This article aims to contribute to the literature on SEA adoption, especially in developing countries by identifying critical elements that have to be taken into account seriously in the context of a developing country's existing planning

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<sup>1</sup> Map Ta Phut is the district where Map Ta Phut Industrial Estate is located. The cumulative impacts of air pollution emitted from the heavy industries such as petroleum and chemical industry are claimed as the cause of severe health problems of nearby residents. The serious dispute among resident, industry, local government and government agencies finally led to the trial court decision to suspend the operation of 76 industrial projects in the area on 29 September 2009 (NHCO, 2010).

tradition. We hope to ground expectations on what this management tool can or cannot immediately deliver in improving environmental management under certain governance conditions particularly pervasive in middle-income developing countries such as Thailand.

## 2. Particular context of adoption of SEA: issues of legal support and public participation

SEA was intended to affect the policy process by moving policies, plans, and programs, toward a sustainable outcome (Brown and Thérivel, 2000). Although, SEA was first introduced in the National Environmental Policy Act (NEPA) passed by the U.S. Congress in 1969 (Partidário, 2000), implementation remained limited up until 2001. Since then there has been an increasing adoption of SEA by many developed countries such as the enforcement of EU Directive 2001/42/EC or known as the SEA Directive. Some developing countries too have in varying degrees adopted it through the operations of international agencies (Dalal-Clayton and Sadler, 2005). At the regional level in Southeast Asia in particular, there are also a number of SEA initiatives, such as, for example, in the Greater Mekong Sub-region, conducted by the Asian Development Bank and member countries (GMS EOC, 2008). While SEA has been widely practiced in the developed countries, especially in Europe and North America, most of the adoptions of SEA in developing countries are at the initial phase (Dalal-Clayton and Sadler, 2005).

The benefits of SEA such as predicting and assessing potential impacts of proposed policies, plans and programs, assisting the collaborative planning process, and enhancing the learning of SEA relevant knowledge and analysis at the levels of individual and organization, are recognized by countries with SEA experiences (Fischer et al., 2009; Wang et al., 2009; Van Buuren and Nooteboom, 2010). Many authors have supported enhancing SEA's influence on decision-making process by integrating it into the planning process, and refining it within that specific context (Hildén et al., 2004; Fischer and Gazzola, 2006; Hilding-Rydevik and Bjarnadóttir, 2007; Bina, 2008; Noble, 2009). However, current reviews reflect SEA's limited influence on outcomes of decision-making process (Sadler, 2005; Retief, 2007; Runhaar and Driessen, 2007; Noble, 2009). Studies of SEA practices in several countries and common argument in current literature point out that, in addition to providing a SEA guideline, the implementation context of SEA must be understood and taken into account in the application to ensure the success of the process (Kørnøv and Thissen, 2000; Hildén et al., 2004; Hilding-Rydevik and Bjarnadóttir, 2007).

Context of integration has been defined as the factors or circumstances that have an impact on the chosen approaches to SEA and on the outcomes of SEA implementation (Hilding-Rydevik and Bjarnadóttir, 2007). Different SEA approaches and systems are shaped by the specific context of each country. For example under the same EU Directive on SEA, Turkey's own adoption seems to emphasize technical methodologies and procedures rather than the institutional changes to increase the capacities for effective environmental governance (Unalan and Cowell, 2009); while in the Netherlands, SEA's adoption underscores collaborative planning process to enhance governance in planning (Van Buuren and Nooteboom, 2010).

As in system models of policy process, progress in the adoption of SEA would depend on important 'environmental' or institutional factors such as legal-structural environment and the political and administrative culture of the system that a given policy tool is being developed, introduced or implemented (Birkland, 2005; Immergut, 2006; Kleiman and Teles, 2006). Favorability or absence of these factors may be enabling or constraining to the policy change process. Particular to SEA, two factors have commonly been pointed out that affect the momentum and progress of its implementation in the

country, namely, legislative support and political culture of participation.

The necessity of legal provisions not only explicitly supporting SEA process but also constituting it as a mandatory requirement to planning process has been found to be as fundamental to implementation, especially in the countries where SEA is conducted on a voluntary basis or in the initial phase of being institutionalized (Retief et al., 2008). In Taiwan, for example, one of the early adopters among Asian countries, legal mandate for systematic procedure of SEA has been important for its successful implementation (Liou et al., 2006). However, the matter is not straightforward. Other authors argue that the specific political and administrative system should be counted into the design of the SEA system during the adoption (Hildén et al., 2004). Hence, these authors argue that positive influence of SEA to decision-making process could be either with or without the legal support. However in a given institutional culture of limited collaborative planning and domination of powerful vested interests, the legal provision becomes very important to facilitate the SEA initiation.

Typically, public participation, to be carried out at various stages, is a required element of the SEA process. However in some cases, public participation in SEA has been minimal, conducted just to meet a minimum compliance of the law (Sadler, 2005). Moreover, the different prevailing political and administrative cultures lead to different degrees of public participation in SEA, varying in levels of meaningfulness (Ortolano, 2008). In China, in the context of its political tradition of limited open and free public debate, only expert review of report is common in the initial phase of SEA implementation and public participation is lacking (Zhu and Ru, 2008). Although public involvement has increased recently, the practice relied mostly on the use of questionnaire survey (Wu et al., 2011). Wang et al. (2009) reported that the low environmental awareness, lack of enthusiasm, and lack of specific legal mandate for participation have contributed to the low level of public interest in participation. In Turkey, on the other hand, deficits in capacity of civil society have limited the meaningful participation process (Unalan and Cowell, 2009). These situations contrast, for example, with that in Netherlands, where the right of participation is entrenched in the political system and law and high environmental awareness are common in civil society. Here SEA, particularly its public participation component process, has genuinely led to the collaborative planning (Van Buuren and Nooteboom, 2010).

Historically given structural and cultural limitations in a country's political system however do not predetermine doom to SEA's participation component. Based on the recent studies, SEA itself can play the role of awareness raising and create the learning opportunity for practitioners, planners, stakeholders and the public to increase their capacity and knowledge (Sheate et al., 2001; Sinclair et al., 2008; Nykvist and Nilsson, 2009; Fischer et al., 2009), which eventually may contribute and advance more meaningful participation processes, especially in the form of knowledge exchange forum. Thus while it is important to grasp the constraints to public participation imposed by a country's given political system, SEA itself can be a window of opportunity for furthering meaningful participation in the planning processes.

## 3. Methods

The authors used document reviews, key informant interview and surveys to gather and triangulate data and information on SEA practices, planning and related decision making. Six officials at management level of environmental agencies in Thailand were interviewed between March and May 2008. The interview manuscripts were subsequently sent to them to verify and validate answers. The information gathered were analyzed and used to characterize patterns and conditions of relevant planning and decision-making practices. In September 2008, a questionnaire on the policy and planning process was also sent to the heads of policy and planning

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