A comparative analysis on how different governance contexts may influence Strategic Environmental Assessment

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ABSTRACT

This paper explores the relationship between governance contexts and the development and outcomes of Strategic Environmental Assessment (SEA). The main objective of this paper is to understand if, and how, the governance context may influence the system and institutionalisation of SEA, and the capacity of SEA to reach its objectives. The research methodology is based on the comparison of six country-cases that have an established SEA system, including three European countries, two Asian countries and one in Latin American, with distinct national culture and political-administrative setting. Results show that cultural and institutional values impact how SEA is interpreted and carried out, and that SEA systems are facing constraints of a more normative and cognitive nature. Connecting governance contexts and patterns in the SEA systems confirm that SEA is not 'context free', but instead 'context-influenced', while its capacity is dependent on its level of adaptation to the governance environment.

1. Introduction

Literature acknowledges that Strategic Environmental Assessment (SEA) has developed largely under the philosophy of Environmental Impact Assessment (EIA) as designed for development projects (Partidário, 2000; Bina, 2007; Fischer, 2007; Verheem and Dusík, 2011; Tetlow and Hanusch, 2012; Noble and Nwanekezie, 2017) through what has been commonly named 'EIA-based' model of SEA. The EU SEA Directive (Directive 2001/42/EC) is the outstanding landmark of the 'EIA-based' model of SEA (Dalal-Clayton and Sadler, 2005; Verheem and Dusík, 2011; Tetlow and Hanusch, 2012), determining the institutionalisation of SEA within the European Member States, but also influencing how the SEA legal framework has been adopted in many parts of the world.

Internationally SEA systems may target strategies, policies, legislations, plans, and programmes, according to the country of application (Ludovico and Fabietti, 2018). Also the structural dynamics of the SEA systems has been suggested to be largely influenced by governance contexts (Ahmed and Sánchez-Triana, 2008; Bina, 2008; Slunge and Tran, 2014). In this paper we build on the work of Meuleman (2015: 4) who argued that "IA [Impact Assessment] (…) is influenced by (…) the governance environment in which IA takes place". We can assume that governance and IA instruments cannot therefore be dissociated and, in

similar lines, that SEA systems and SEA capacity are highly dependent on the governance contexts (illustrated by specific values, traditions, relationships and dynamics) in which the SEA systems operate. We add that when establishing SEA in a given jurisdiction it is particularly important to address *how* the governance environment can influence SEA. Our argument in this paper, as a consequence of the above, is that SEA will need to learn and adapt to governance patterns (given the existing practice of governing – hierarchical, market or networked according to Meuleman, 2015) that define such contexts if it is intended to more adequately address decision problems.

The main objective of this paper is to understand if, and how, the governance context may influence the system and institutionalisation of SEA, and the capacity of SEA to reach its objectives. This paper takes stock on a long-term discussion around the nature of SEA as a context-specific instrument (Hildén et al., 2004; Fischer and Gazzola, 2006; Hilding-Rydevik and Bjarnadóttir, 2007; Runhaar and Driessen, 2007; Bina, 2008; Noble, 2009; Gibson et al., 2010; Wirutskulshai et al., 2011; Slunge and Tran, 2014; Partidário, 2015; Azcárate, 2015). Such premise is axiomatic in this paper, but we intend to go further by focusing on how a particular governance context may influence the institutionalisation of SEA and consequently the capacity of SEA to act as a decision support instrument.

The following sections of the paper present the paper theoretical

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frame that informs the empirical work around the comparative analysis of the selected cases. The examples selected and the arguments developed aim to critically support the need for SEA systems to be 'reflexive' of the governance context of implementation, and the specific governance patterns, if SEA intends to more adequately address decision problems at a strategic level, in other words, be fit for purpose. A discussion on the implications of the main research findings regarding the functioning of the SEA systems and the importance of the governance context leads to concluding aspects and possible pathways for future research.

1.1. The importance of context for SEA capacity

When discussing the importance of contexts for SEA, Hilding-Rydevik and Bjarnadóttir (2007: 668) defined context as "the set of facts or circumstances that have an impact on the chosen approaches to SEA". For quite some time SEA researchers agreed that SEA, like other IA instruments, is context-specific, and that context would have an influence on the performance of SEA, seen not only as a procedure but also as an instrument influencing decision-making (e.g. Hilding-Rydevik and Bjarnadóttir, 2007; Bina, 2008). However, several researchers have shown that SEA often have little influence on the outcomes of decision-making processes (Runhaar and Driessen, 2007; Lobos and Partidário, 2014) and this may be because of a lack of adequacy of SEA to the case-specific governance in place.

Contextual influence in SEA capacity can be addressed in different ways, as pointed out by Polido et al. (2014): some authors emphasize the influence of the political and planning systems (Fischer and Gazzola, 2006; Bina et al., 2011), others the decision-making context (Partidário, 2000; Runhaar and Driessen, 2007; Runhaar, 2009), and also the institutional capacity to deal with SEA (Hilding-Rydevik and Bjarnadóttir, 2007; Slunge and Tran, 2014). Bina (2008) and Meuleman (2015) also emphasised the cultural dimension as responsible for constraining the interpretation in assessment, public participation or even knowledge management. We highlight the relevance of the inherent system of values, from both cultural and institutional dimensions, on how SEA can be interpreted and carried out. For example Fischer (2005: 409) raised concerns on this aspect: "there are indications that if SEA results contradict values of decision makers, stakeholders and other actors, effective implementation will be very difficult, if not impossible, despite of, for example, high quality documentation and processes". Also, different views of planning and planning practices are subject to interpretation (Hildén et al., 2004) thus directly influencing how SEA is perceived, and what it is for, and consequently how it is to be conducted, and even by whom.

In IA the concept of capacity has been addressed by some authors. For example Kolhoff et al. (2009, 2018) discuss the capacity for EIA in developing countries, suggesting that the performance of an EIA system (consisting in EIA regulatory framework, actors and capacities, and processes of capacity development) is context-dependent. Capacity as a concept is referred by Kolhoff et al. (2018: 100) as the "ability of the EIA organisation to achieve their interests and objectives". Other authors refer to capacity with slight different angles, for example Kaplan (1999: 16) refers to capacity as "the ability of an organisation to function as a resilient, strategic and autonomous entity"; while Morgan (2006: 8) defines capacity as "the emergent combination of attributes that enables a human system to create developmental value", in other words, the ability of a system to create value.

While Kaplan (1999) and Kolhoff et al. (2018) situate the analysis of capacity at the organisational level, others use different lens to look into the concept of capacity at a more macro institutional level, more in the lines of Morgan (2006), as an imbued system of values. In these cases the analysis of capacity is placed on the functional rules and modes of operation of the SEA system and its contextual culture and governance styles (Runhaar and Driessen, 2007; Runhaar, 2009). We follow this latter perspective and define SEA capacity as the ability of the SEA

system to create value (Partidário, 2000), being shaped by the dominant system of values so as to perform and achieve its intended purpose of putting broad sustainability values at the centre of decision-making (Paridário, 2005; Partidário and Wilson, 2011; Cashmore and Partidário, 2016). Paridário (2005: 662) highlights the "motivations that can enable the positive role of SEA", Partidário and Wilson (2011) relate the SEA performance with institutional capabilities, while Cashmore and Partidário (2016) identify the politicians' mind-sets and the cultural context of the decision as relevant factors in building SEA capacity.

The variety of concepts and purposes of SEA is further reflected in the chosen SEA approaches that countries select when establishing their SEA models, which should be presumably linked to the dominant decision-making cultures in place, and therefore context-specific, in line with Hilding-Rydevik and Bjarnadóttir (2007) and others (e.g. Kørnøv and Thissen, 2000; Bina, 2008; Sheate, 2012). However, often adopted SEA models basically replicate SEA systems conceived under other cultural decision contexts. We argue that a capacity gap might then occur between the formal stated aim of the imported SEA model, the expected SEA outcomes, the installed governance capacities for performing SEA and the actual SEA outcomes. This may be the case when, for example, non-European countries replicate the EU SEA model in their own decision context, with limited adaptation, as we will further discuss in this paper.

1.2. Institutionalisation of SEA systems

For Steinhauer and Nooteboom (2012) institutionalising SEA is embedding SEA structurally into a country's planning practice, while the system is institutionalised when there is sufficient expertise in SEA application, a sound legal and financial basis for SEA, and a clear institutional structure with agreed allocation of roles and responsibilities. Referring to the importance of implementation, Slunge and Tran (2014) added the effectiveness of the system as crucial for a complete institutionalisation, with institutionalisation being 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" (p. 54). The same authors further state that a SEA system that is institutionalised is effective in improving "integration of environmental concerns in strategic decision-making, ultimately contributing to improved environmental outcomes" (Slunge and Tran, 2014: 54).

However the institutionalisation process is dependent on the institutionalists' perspective adopted, and consequently also dependent on the conceptualisation of what is an institution according to different approaches in the New Institutionalism (NI) theory. NI analyses policy outcomes from the perspective of institutions – how institutions channel, constrain and shape the behaviour of individuals (Peters, 2012). The main assumption is that institutions matter (Bulmer, 1994) in structuring political actions and outcomes. Hall and Taylor (1996) distinguished three approaches to NI: historical institutionalism, rational choice institutionalism, and sociological institutionalism. Besides these, Peters (2012) also identified normative institutionalism (very much related to the sociological) and discursive institutionalism.

These different perspectives in the NI provide a framework to understand the institutionalisation of SEA, and ultimately its effectiveness. Considering the institutionalisation process is crucial in creating capacities to make decisions, the institutionalisation of SEA systems will most probably depend on the institutionalist perspective followed. From the historical institutionalism we learn that embodying ideas in SEA structures will create institutions that only exist as long as the ideas are accepted, since those ideas are attached to capacities that maintain the institution functioning; from a rational point of view SEA is fully institutionalised when there is full compliance with established formal rules, irrespective of the decision culture and environmental context; while from a sociological and normative perspective, the process of SEA