



Public participation in environmental impact assessment: why, who and how?



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ABSTRACT

Even a cursory glance at the literature on environmental impact assessment (EIA) reveals that public participation is being considered as an integral part of the assessment procedure. Public participation in EIA is commonly deemed to foster democratic policy-making and to render EIA more effective. Yet a closer look at the literature unveils that, beyond this general assertion, opinions of the precise meaning, objectives and adequate representation of public participation in EIA considerably diverge. Against this background, in this article we aim to provide a comprehensive overview of the academic debate on public participation in EIA concerning its meaning, objectives and adequate level of inclusiveness. In so doing, we hope to stimulate a more focused debate on the subject, which is key to advancing the research agenda. Furthermore, this paper may serve as a starting point for practitioners involved in defining the role of public participation in EIA practice.

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1. Introduction

The US National Environmental Policy Act (NEPA) not only initiated the development of EIA, but at the same time embedded in the process of EIA the concept of public participation (Petts, 2003). At several international conferences following the introduction of EIA, the importance of public participation for environmental decision-making has been formally recognised. One example is the United Nations (UN) 1992 Rio Conference on Environment and Development, which states in Principle 10 of its Declaration that “environmental issues are best handled with the participation of all concerned citizens at the relevant level” (UN, 1992).¹ Another landmark is the 1998 Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters (Aarhus Convention). The Convention, which set out minimum requirements for public participation in various categories of environmental decision-making, calls upon signatory states to “guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention” (UNECE, 1998). Reflecting the perceived centrality of public participation in

environmental decision-making, virtually all countries applying EIA have enacted at least some practical measures for public participation in EIA (Boyco, 2010).²

The importance attached to public participation in practice is echoed in scientific literature (see for instance Doelle and Sinclair, 2006; Hartley and Wood, 2005; Kakonge, 1996; Palerm, 2000; Shepherd and Bowler, 1997; Sinclair et al., 2008). Not only is public participation in EIA a goal in itself, there seems to be widespread consensus that public participation is also key to effective environmental assessment. In line with this perception, most research has dealt with the question of how public participation in EIA can be facilitated (see for instance Hartley and Wood, 2005; Purnama, 2003; Stewart and Sinclair, 2007; Yang, 2008). However, a closer look at these studies reveals that most scholars are divided over the *precise meaning* of public participation in the context of EIA. That is, it is not clear what public participation in EIA involves and requires. Furthermore, there is no consensus on *who* should be allowed to participate in EIA. Lastly, and most strikingly, there is large disagreement as to the specific *objectives* of public participation in EIA.

Against this background, the aim of this article is to provide a comprehensive overview of the academic debate on public participation

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¹ In order to facilitate implementation of Principle 10, in 2010 governments adopted the Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters at the 11th Special Session of UNEP Governing Council/Global Ministerial Environmental Forum in Bali, Indonesia.

² It must be noted that in developing countries legal frameworks for EIA, including provisions for public participation, have usually been established due to procedural requirements of foreign donor agencies (Wood, 2003). In this regard, Wood (2003) recalls to mind that “the notion of public participation in decision making is revolutionary in many developing countries” (p. 17).

in EIA, regarding its meaning, objectives, and breadth.³ Consequently, this article is organised around the following three questions:

- What is public participation in the context of EIA?
- What objectives of public participation in EIA can be distinguished?
- Who should participate in EIA and why?

As far as possible, theoretical claims put forth by scholars are contrasted with empirical evidence reported in academic publications. Our goal is not to evaluate or criticise the literature or to take a normative position, but to structure the debate about public participation by reorganising the literature according to the above questions. With this overview we aim not only to provide an overview of the main positions in the literature but also to stimulate a more focused and fruitful debate on the subject and avoid “dialogues of the deaf”. Furthermore, this paper may support EIA practitioners, competent authorities and stakeholders in deciding on the three questions in the development of the EIA regulatory framework and EIA projects. We are aware of the fact that in practice there are several structural barriers to effective participation, like reported by a.o. Hartley and Wood (2005), Lostarnau et al. (2011), Morgan (2012), Morounkeji Lawal et al. (2013) and Wiklund (2011). However, these specific barriers are not the focus of this paper. In our view, before an attempt is made to resolve these barriers, first a discussion about the abovementioned basic questions should be held.

2. What is public participation?

Almost two decades ago, Adnan et al. (1992) noted: “it is often difficult to understand whether those talking about people’s participation mean the same thing or simply use the phrase as a kind of magical incantation” (as cited in Hughes, 1998, p. 23). In spite of the increasing popularity of participatory approaches to (environmental) policy making this seems not to have changed. In many cases, authors talk about public participation without defining it. The few authors who do provide a definition of the concept have conflicting opinions about its meaning. For instance, the International Association for Impact Assessment (IAIA), (2006) defines public participation in the context of environmental assessment as “the involvement of individuals and groups that are positively or negatively affected, or that are interested in, a proposed project, programme, plan or policy that is subject to a decision-making process” (p. 1). Here, the extent of involvement as well as its intended effect remains unclear. By contrast, Hughes (1998) perceives participation in EIA as a process, which enables individuals or organisations affected by a proposed project to significantly influence decision-making. According to Arnstein (1969) – who is frequently referred to in literature on public participation in EIA and beyond – participation is “a categorical term for citizen power. It is the redistribution of power that enables the have-not citizens, presently excluded from the political and economic processes, to be deliberately included in the future” (p. 216). This view implies that public participation is a means to empower formerly marginalised individuals. These examples illustrate that the definition of public participation in the context of EIA is directly linked to the objectives that the participatory process is supposed to fulfil.

Reflecting disagreement on the meaning of public participation, there seems to be great confusion in the use of the terms ‘participation’ and ‘consultation’ in the EIA literature. Several authors perceive ‘public participation’ as a catch-all phrase for different types of involvement techniques regardless of the scope and purpose and, consequently, use the terms ‘participation’ and ‘consultation’ interchangeably (see

for instance Agrebeshola, 2009; Del Furia and Wallace-Jones, 2000; Scott and Ngoran, 2003). Others criticise this imprecision given “important differences in the meaning of the terms” (Hughes, 1998, p. 22). According to Hughes (1998), the use of the term ‘participation’ is appropriate only in cases where participants have significant control of the decision-making process and are thus able to influence it. Similarly, some authors suggest to distinguish between different forms of participation ranging, e.g. from information provision, to consultation, to shared decision-making. To this end, scholars such as Shand and Arnberg (1996), Adnan et al. (1992), Hughes (1998), Thomas (1995) and Arnstein (1969) developed frameworks, which allow differentiating between different forms of public participation. However, as O’Faircheallaigh (2010) aptly remarks, while these frameworks have the advantage of directing attention to the various forms in which the public may be involved in decision-making, they imply that the different types of participation are separate categories, i.e. that they are not interrelated. However, EIA practice suggests that less active forms of participation, such as information provision, may actually trigger more genuine (formal or informal) forms of public participation such as shared decision-making or social protest (O’Faircheallaigh, 2010; Petts, 2003).⁴

Among scholars who distinguish between different forms of public participation, there is no consensus regarding their respective importance. Some authors, such as Runhaar and Driessen (2007) or Thomas (1995) argue that no form of participation is inherently better than the other since the necessary extent of involvement depends on the characteristics of the policy problem at hand. To shortly illustrate this point, regarding Strategic Environmental Assessment (SEA) Runhaar and Driessen (2007) state that “interactions and negotiations with, and input from, stakeholders are required when the stakes of the various actors involved are high, norms and values diverge, and there is uncertainty about the causes of the policy problem or the impacts of alternative policy programmes – that is, when ‘unstructured’ policy problems are at issue (p. 5)”. By contrast, “‘structured’ policy problems (...) can be solved in a more traditional way. Here, policy can be left to public policy-makers” (Runhaar and Driessen, 2007, p. 6). Other scholars, such as Arnstein (1969), condemn less collaborative forms of public participation as an attempt of decision-makers to instrumentalise participants for their cause. Hence, Arnstein’s (1969) ‘Ladder of Citizen Participation’ establishes a hierarchy of forms of participation. Arnstein (1969) suggests that people ought to refrain from ‘lower’ forms of participation in order to obtain control over decision-making. Authors such as O’Faircheallaigh (2010) or Devlin and Yap (2008) do not share this notion and claim that members of the public might successively increase their influence over decision-making. In this regard, Devlin and Yap (2008) highlight the importance of informal forms of participation in the context of environmental assessment as a means to open up decision-making processes: “Even quite closed and technocratic EA processes can be broken open if the public becomes aware of the project and begins to mobilize against it” (p. 19). There are even cases where informal public participation (such as protest marches, media campaigns and petitions) resulted in the revision of the EIA procedure and repeal of the final decision. In Costa Rica, for instance, extensive social protest led to the shutdown of the Las Crucitas gold mine (which had previously undergone an EIA and obtained an environmental permit) and finally to a ban of any mineral open-pit mining in the country (Glucker, 2012).⁵ Clarke and Harvey (2008) likewise report that informal public participation has been influential in decision-making in EIA in South

³ In line with Dietz and Stern (2008), in this article the term ‘breadth’ of public participation is used to refer to the number and type of participants involved in EIA processes.

⁴ For example, as O’Faircheallaigh (2010) points out, a community that is being informed about a project undergoing EIA may, by this means, become aware of the decision-making process and the issues at stake and, as a consequence, demand to be more actively involved in future decisions.

⁵ For more information on the case, see, for instance: <http://nvdatabase.swarthmore.edu/content/costa-ricans-protest-open-pit-gold-mining-2010> (last accessed 14.10.2012).

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