

STRATEGIC ENVIRONMENTAL ASSESSMENT AS AN INSTRUMENT FOR ENHANCEMENT OF PUBLIC PARTICIPATION IN PLANNING

Tijana Crnčević

The paper presents an overview of experiences of public participation within planning, summarized in the "ladder of citizen participation". Further, considering that Strategic Environmental Assessment (SEA) is seen as an instrument for operationalizing the sustainable development strategy, the stress is on the place, role and scope of public participation in SEA within planning.

Special attention is given to the status of SEA regarding public participation in planning in Serbia. One of the conclusions of the paper is that by introduction of the "Plan for public participation" as a legal obligation, it could be the way for operationalizing public participation and further, enhancement of participation in planning.

Keywords: *strategic environmental assessment, public participation, planning*

INTRODUCTION

Strategic Environmental Assessment (SEA) represents multi-disciplinary, systematic and cyclic process which comprehends knowledge not only of the process in nature but also in the society. One of the simplest definitions defines SEA as "an instrument for evaluating the impacts on the environment of the plans, programmes and policies" (Glasson et al., 1994). During the development of the instrument, the definitions have been adjusting and developing. Reviewing the literature, SEA is also defined as "... systematic process for evaluating the impacts..." (Sadler & Verheem, 1996) through to the newest one which supports SEA as an "...instrument adaptable to the current process of decision-making and which is more policy oriented and related to the concepts..." (Partidario, 2000). It could be said that this represents, the development of the theoretical base in the world and the EU, which was primarily directed towards taking into consideration the need for this instrument up to the contemporary theoretical papers that consider the effectiveness of the application of the SEA.

Referring to the sustainable development strategy, the application of SEA is supported as an integral part of the planning process. The results of the implementation show that SEA is effective in the countries where a developed policy for environmental protection and sustainable development already exists. Taking into consideration that SEA is seen as a planning instrument for operationalization of the sustainable development strategy, the public participation represents an essential element of the process.

The main supporting framework for SEA in respect to public participation is contained in the Agenda 21 (A21) and Convention on access to information, public participation in decision-making and access to justice in environmental matters done at Aarhus, Denmark on 25th of June 1998 - known as Aarhus convention - whose regulations aim to establish an effective system for spreading the information as well as for the promotion of transparency within the procedure of decision-making.

The 10th principle of the Rio Declaration states that "the best way for resolving the questions of the environment is within the participation of all interested parties...", while the Aarhus Convention, article 7, among other things, specially points out the public participation in the process of plan and program making within the subject of environment, after which "Every party will during the preparation of plans and programs which refer to the environment do all necessary preparation for the public participation in the transparent and objective circumstances, providing information for the public..."

Taking into account the contemporary inclinations, the Republic of Serbia, according to the Law on Strategic Environmental Assessment (Official gazette – Republic of Serbia n.135/04) introduced and defined SEA as "making the report about the environmental condition, conducting act of consultation, taking into consideration the report and the result of consultation in the action of making decisions and adoption of certain plans and programs, as well as providing the information and data about the brought decision."

PUBLIC PARTICIPATION AND PLANNING

Considering public participation in the planning process it is possible to separate two main approaches. After the first one, the question is will the professionals represent the citizens or, after the second one, will the activities be conducted steering for "strengthen" citizens, what is comprehended from running out different educational programmes (Arnstein, 1969). As an illustration of the results and experience from practice, referring to the level of public participation in planning, in "the ladder of citizen participation" could be distinguished: from nonparticipation through the tokenism to the citizen power (Figure 1).

At the bottom of the ladder within the level of nonparticipation are (Arnstein, 1969) , distinguished further forms: manipulation, where citizens have place in certain city councils but without concrete participation and with the aim to emphasize purpose of education and therapy, with main intention to educate and "transform" citizens.

First step within the level of tokenism for the legitimate public participation, is informing what is understood by the process of providing the information from competent authority towards citizens, without possibilities for any response and negotiation. The tools which are often used are different media, leaflets, posters and survey techniques. Then consultations follow comprehending calls from responsible organizations to the hearings, usually using techniques such as attitude surveys, neighborhood meetings and public opinions. Placation, as a form of tokenism, represents the level of public participation when citizens start to realize certain impact, which depends on the quality of technical support used in formulating the priorities to the extent where the society is organized to stand for it.

Next on the ladder, within the citizen power level is partnership, where citizens can enter into such partnership giving them the opportunity to negotiate and to exchange opinions with the ones who traditionally have the power because they have resources - professional and material. Then delegated

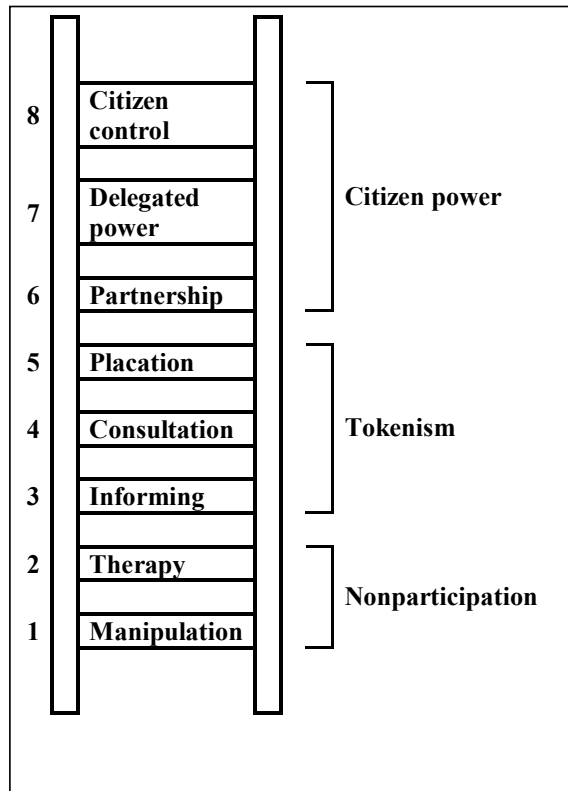


Fig. 1 Ladder of citizen participation (Arnstein, 1969)

power and citizen control, as a form of progressive and active public participation where citizens have the control over the programs or the citizens could be specially delegated to conduct the programs, which actually depends from the resources - professional and as well as the material.

After an insight at the ladder, it is possible to point out that presented forms are reflection of experiences of the different systems of planning. Introducing new interests in the planning process, meaning environmental protection and sustainable development - which support active public participation - strengthen the conflict. As new conditions and standards are established in the process of planning and carrying out control, the imperative of the effective implementation is to obtain active public participation with the aim to take part of the responsibility during the plan implementation.

So, it could be said that the implementation of sustainable development strategy depends also on the way local population is mobilized. The main function of SEA understands active public

participation support and achievement of communications between all actors of the process. The role of SEA regarding the process of planning is to strengthen the public, in the sense to educate, to timely inform and also to provide conditions for active participations. Regarding the conditions, i.e. the system of environmental management and planning, SEA "moves" the level in the ladder of citizen participation, providing the conditions for active participation.

Regarding the presented ladder, SEA supports separated forms but, at different stages of the process, actually, taking into account the stage of the process, SEA represents the

combination of more than one. That means that, deepening of the phase, the public role will be less or more participative, from tokenism in the SEA formulation phase (such as the identification of main problems), to the citizen's power in the later phases of the process such as monitoring, which, taking into account the sustainable development and the plan implementation, has an interest to strengthen the public to be able to take control.

SEA AS A TOOL FOR ENHANCEMENT PUBLIC PARTICIPATION IN PLANNING

The SEA and public participation experience in practice shows that it is possible and that it has to be active. Specially public participation is supportive at different strategic levels, where reactions of the public have to be stimulating and encouraging, particularly emphasizing the longing for development of specific methods and techniques for advancing participation at the higher levels (EC,1997). On the other side, the concern regarding the possibilities for public participation in the SEA is stated as well as the assumption that depending on the subject and the number of population that are potentially under impact, this actually would not be possible, as it is timely demanding and

also requires additional material support (EC, 2000). As a result of these opposite experiences, the main message in the process of formulating the Directive 2001/42/EC of the European Parliament and the Council of 27 June 2001 on the assessment of the effects of certain plans and programs on the environment (SEA Directive) referring to the public participation is that the document has to be "just good frame for public participation", so that every country member is left with the opportunity to define the scope of public inclusion (Strategic Environmental Assessment Workshop report, Semmering, Austria, 1998).

Also, regarding the enhancement of public participation within SEA it should be stressed. The Protocol on Strategic Environmental Assessment adopted at Kiev in 2003, represents the document which also provides extensive public participation in the process of decision-making within numerous development sectors.

However, it has to be stated that special impact to the further development of SEA was accomplished by adopting SEA Directive, setting up the methodological and procedural framework for SEA within the European Union (EU). Regarding the public participation, article 6 of the SEA Directive states the public obligation to give an opinion of the plan proposal and the SEA report which represents, after article 2 of the SEA Directive "the part of the documentation which is part of plan or program and contain regulated information". All other and further involvement of the public is left to the country member.

The results of the research conducted in Flanders among actors of planning process - the representatives of administration, target groups, local government and the experts for environmental assessment - show presence of certain consciousness for the need as well as the support of all participants for public participation. Most of the stated actors expressed positive, standing at the position that it is important that public enters at the beginning as well as at the end of the process, while the lowest support was given to the option to include the public during preparations of the SEA report (Devuyt et al., 2000).

The public participation in SEA gives an opportunity to get an insight into the citizens' reflections regarding environmental problems and the plan and it has the possibility to influence the rationality of the whole process and likewise the effectiveness. For active and successful public participation the methods and techniques which are standing within the SEA application are also important. The overview of possible methods and techniques is given in the Table 1. They are set apart according to the level of public participation as well as the level of participation, and the choice, beside other, directly depends on the scope of SEA phase.

Table 1. Overview of the methods and techniques regarding the levels of public participation (Sadler, 2001)

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Education and information provision	Information feedback	Involvement and consultation	Extended involvement
Leaflets / brochures Newsletters	Staffed exhibits / displays Staffed telephone lines	Workshops Focus groups / forums	Community advisory groups / liaison groups Planning for real
Unstaffed exhibits / displays Advertising Local newspapers National newspapers Television and radio Video Site visits	Internet Public meetings Survey, interviews and questionnaires	Open house	Citizen juries Consensus conference Visioning

As it is presented in the Table 1, the level of public participation depends on the level of necessary technical, material and experts support. The application of SEA supports public participation, taking into consideration the distinguish levels, where tendencies regarding the planning process are toward supporting the public participation within the level involvement and consultation and extended involvement so that the possibilities to obtain the impact to the planning solutions could be given to the public through SEA.

Beside that, it is necessary to state that successfulness of the process of public participation also depends on how the environmental justice is considered, what means the support of applying innovative approaches so that the language, institutional, cultural, economic and historical barriers could be exceeded for the effective participation. That means, beside other, direct coordination with the individuals and organizations which are under impact, translation of important documents, personal interviews and audio recordings so that maintenance of all comments and held meetings could be possible which in turn will promote participation as well as obtain help for the citizens with special need (CEQ, 1996).

SEA AND PUBLIC PARTICIPATION IN SERBIA

In Serbia, the current planning regulations - Law on planning and construction, Official gazette Republic of Serbia 47/2003 and supported regulations - are standing for public participation within public meetings, actually referring to the ladder of citizen participation - public participation is within the level of tokenism.

Introducing SEA in Serbia established certain potentials, but at the same time also created

limitations. Actually, the main potential is legal framework for SEA which, by the way it was introduced created following limitations: not coordinated legal frame referring to the planning regulations, the time limit for adjusting was not included and necessary guidelines and expertise were not procure (Crncevic, 2005).

The legal framework for SEA gives certain support to public participation, since it supports the existing frame within the planning process. The Law on SEA defines public as "one or more physical or legal persons, their associations, organizations or groups" (article 4). According to the article 19 of the Law on SEA, public participation is obligatory before submitting the SEA Report for the agreement. Organization in charge of public participation is a body which brings the plan, that after this article is defined to "consider SEA report within the placing of plan to the public opinion and public meetings, if this is not regulated by special law". This regulation is in accordance within the one in the Law of planning and construction and supported regulations. However, taking into account main principles of SEA as a planning instrument, public in the SEA process has much more breaded role, actually public participation is an integral part of the process, included from the beginning of plan making, which current Law on SEA does not provide. However, Law on SEA gives an opportunity to involve public in the way regulated by "special law", taking into account this case, the Law of planning and construction and supported regulations or the separate law, or the act which will regulate public participation.

However, these regulations are to the certain point within the main conditions established in the SEA Directive, considering the paragraph stated during the process of formulating SEA Directive that it is better that any frame existsthan not to have one.

Last years presented distant activity of steering towards mobilization of public within different programs and activities, as well the actions with the aim for environmental protection and

implementation of sustainable development strategy such as formulation of Local Environmental Action Plans and Local Agendas 21. For these activities, the support of local governmental bodies individual citizens and certain support of foreign donators is stated. Giving the support to these programs, strengthens the local community in environmental protection and sustainable development. It can be assumed that these activities could also have an important contribution in the implementation of the SEA in respect to the public participation, as well as regarding the development of the information base for the subject environment.

However, the current practice regarding the public participation in SEA shows that, the scope of public involvement is not considered and the support for broaden public participation is not given enough in implementation of SEA, but only as stated by the law within the planning regulation (Crncevic, 2007).

The solution for the current problems and one of the ways for activating public participation could be by introducing "Plan for public participation" within the legal requirements for SEA. The Plan could be the way for operationalizing public participation in the process of SEA in planning. The content of the Plan comprehends, first defining the public under impact of the plan and referring to the SEA phases, defining the role, the scope and the methods and techniques for obtaining desired aims.

Taking into account that the application of SEA in Serbia is at the beginning and that public participation in planning till now has not had an active part in the process of formulating the scope, it is important to state that possible directions are contended by the foreign experiences and guidelines. In this respect, Aarhus Convention can specially be distinguished, where article 6 states more specifically the regulations for public participation in the process of decision making.

Further, to obtain the conditions for active public participation - taking into account that

legal framework does not specially consider and stimulate public participation, one of the ways could also be to procure the conditions that existing public meetings within the process of plan making obtain other form and content, aiming to strengthen public participation.

CONCLUSIONS

However, it still can be said that the main question is whether the public participates? If public is to be mobilized, it has to have the motive and "to believe" in the project in which they are called to take part. So, it could be said that including the public in SEA, they will have the possibility to be educated within the strategy of sustainable development, then they will have the opportunity to develop and stand for certain attitudes and in that way they will contribute in achieving support to global efforts regarding the implementation of sustainable development strategy.

Above all, within the SEA in planning an active public participation is understood. The level of public participation is different, from education and obtaining the information over to the consultation and participation, and that is in direct condition with the scope of the SEA phase and subject plan as well as the material and professional conditions.

Introducing SEA in Serbia is a good starting point for obtaining the conditions for enhancement of public participation in planning and the "Plan for public participation" could be a way of operationalizing and "moving" the public towards more active participation.

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