The Protocol on SEA: a matter of good governance ?

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SEA ?

-> to explore some issues that might be necessary for future SEA (Protocol) "governance" improvements: towards a more qualitative and sustainable decision making Protocol

(A...) definition of SEA: A process directed at providing the authority responsible for policy development (the "proponent") (during policy **formulation**) and the decision-maker (at the point of policy **approval**) with a holistic understanding of the environmental and social implications of the policy proposal, expanding the focus well beyond the issues that were the original driving force for new policy" (Brown & Therivel, 2000)

-> EA-concept based on the notion of **rational decision making < policy cycle approach**

SEA & Policy cycle & New Public Management

EA was developed when rationalist thinking prevailed in decision making circles, but this paradigm was left

- **There appears to be a revival of rationalism — the process-oriented policy cycle, but (Everett, 2003):**
  - **there is little doubt that effective policy-making requires good process but it is erroneous to suggest that the content of policy, particularly in the case of contentious decisions, is derived from the policy cycle itself.**
  - **the policy cycle is not a substitute for the actual making of decisions but an administrative and bureaucratic mechanism for effectively setting in place a process once the difficult decisions have been made.**

NPM comprises some key elements that are central to evaluation

- **Besides accountability, evaluation can also :**
  - **support the decision-making process in the planning stage of the policy cycle, to assess and compare different policy alternatives.**
  - **be conducted for improving policy implementation, linking policy targets with the internal management of responsible organisations. Last but not least, evaluation could enhance policy learning and contribute to the answer on the fundamental question 'What works?'. (De Peuter, 2008)**

- **NPM : just one way to look at the public sector (Verlet, 2010)**

SEA rationale / benefits

- Promote integrated decision-making (environmental/ social …/sustainable development)
- Facilitate design of sustainable policies/plans
- Facilitate considerations of more alternatives
- Take account of cumulative effects
- Enhance institutional efficiency / administrative legitimacy
- Increase transparency by involving stakeholders
- Increase influence from other sector policies and enhance coordination
- Streamlining project assessments
- Provide a mechanism for public engagement / building trust
- For politicians: more credibility, easier implementation of better made decisions/plans and possibility to avoid (costly) mistakes / deadlocks

Features

Some useful features:

- An EA process involves at least a number of categories of participants and given the objective of this process, the relationships between these stakeholders in the impact assessment process could be described as an "administrative negotiation process"

- This reflects a "governance by transaction" approach and includes risks for political engineering. This process includes also different dimensions related to rationality, decision making and sustainability. So SEA serves multiple purposes.

Features

OECD:

Where SEA is applied to plans and programmes, a structured approach to integrating environmental considerations can be used. Key stages for carrying out an SEA on the level of plans or programmes include:

- establishing the context,

- undertaking the needed analysis with appropriate stakeholders,

- informing and influencing decision making, and

- monitoring and evaluation.

SEA applied at the policy level requires a particular focus on the **political, institutional and governance context underlying decision-making processes**.

Critical observations in literature

- Elling (2004) : Achilles-heel of EA is public participation
- Jones (2007) : political decision is crucial factor, achievement of SD goals remains elusive
- Van Buuren & Nooteboom (2009) : SEA procedure can be used to structure the larger process, but it can also function as a subordinate procedure with minimal visible structuring impact; legal framework as a tool to enhance collaborative decision-making
- Slunge a.o. (2009) : SEA needs to identify and understand the role of key institutions, and assess needs and possibilities for institutional strengthening and change
- Backes (2009) : need for :
  - Integrated decision making
  - Procedural management

-> **Governance** !

Governance

What is Governance?… numerous definitions / descriptions

"The practice of governance has changed. Governance, it is argued, is increasingly about the *co-ordination* of the actions of, and interactions between, public and private actors, across multiple layers and structures of governing. Thus the term 'governance' is increasingly used to refer to the co-ordination of traditional, formal activities of government alongside other, informal processes that regulate societal development. (Baker, 2009)

-> Governance is more than efficiency and includes different – and sometimes overlapping or even conflicting – features such as accountability, transparency, ethical behaviour, rule of law, equity, quality, leadership, effectiveness, sustainability, stakeholder management…

Quality control ?...

Article 7 SEA Protocol on Environmental Report stipulates

"3. Each Party shall ensure that environmental reports are of sufficient quality to meet the requirements of this Protocol."

Elements ? -> definition of SEA in the Protocol

"Strategic environmental assessment" means the evaluation of the likely environmental, including health, effects, which comprises the determination of the scope of an environmental report and its preparation, the carrying out of public participation and consultations, and the taking into account of the environmental report and the results of the public participation and consultations in a plan or programme

-> **UNECE Manual includes Quality Assurance checklist (Table A4.4)**

Performance criteria for SEA

A good quality SEA process is:

-> Integrated

-> Sustainability – led

-> Focused

-> Accountable

-> Participative

-> Iterative

-> Influential

Procedural criteria: comprehensiveness, timeliness, transparency, participation, credibility (ANSEA)

Policy steering & sustainability tools at the public management levels

EA as an element/tool for governance for sustainable development :

"both behavioural change and systems innovation need strong societal engagement to be successful and cannot simply be imposed from the top"

Furthermore, sustainable development may be targeted at different levels when applied to the public sector:

- **Sustainability of organizational operations**
- Sustainability of public policies and services
- Sustainability of the impact on all stakeholders.

As is the case with any performance measurement system, existing sustainability measurement frameworks are conceived of to serve one or more purposes:
- Mainstreaming sustainability
- External reporting (usually for accountability purposes)
- Benchmarking (usually either for accountability or for learning purposes)
- *Learning and innovation*
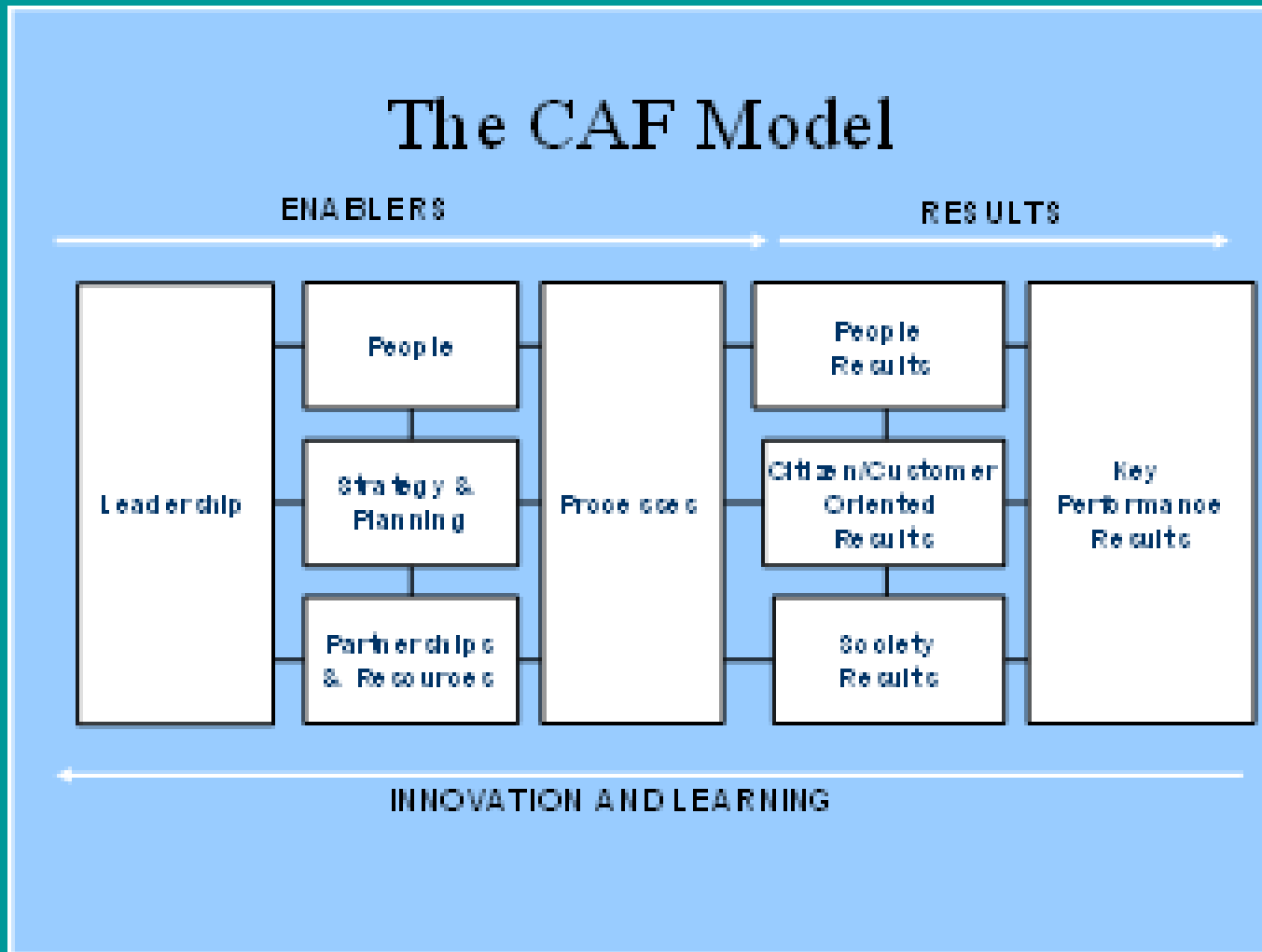- *Building trust and accountability with external stakeholders.*

Quality management
at the organisational level

CAF

The *Common Assessment Framework* has four main purposes:

- To introduce public administrations to the principles of TQM and gradually guide them, through the use and understanding of self-assessment, from the current "Plan-Do" sequence of activities to a full fledged "Plan-Do-Check-Act (PCDA)" cycle;

- To facilitate the self-assessment of a public organisation in order to arrive at a diagnosis and improvement actions;

- **To act as a bridge across the various models used in *quality management*;**

- To facilitate bench-learning between public-sector organisations.

Quality Management -> dimensions

The CAF Model

ENABLERS			RESULTS	
Leadership	People	Processes	People Results	Key Performance Results
	Strategy & Planning		Citizen/Customer Oriented Results	
	Partnerships & Resources		Society Results	

INNOVATION AND LEARNING

Sustainability & quality management

EUPAN-project (2010) referred to: **Supplement of (Environmental) Sustainability for the CAF framework in Finland (examples of two dimensions)** : <u>**applicable to SEA !**</u>

Citizen and customer oriented results

(Key words: citizen/customer indicators and citizen/customer satisfaction measurements)

- The trust felt for the organizations ability to enhance sustainable development in its own work?
- The results from customers/citizens regarding enhancing sustainable development?
- The customer/citizen results regarding sustainable development.
- The amount of complaints from customers regarding environmental questions and issues linked to that (e. g whether service point is situated from the point of view of using public transport)

People results

(Key words: the views of the personnel, the personnel indicators)

- How well the personnel is committed to the environmental targets.
- The capacity of the leadership to communicate the targets to the personnel.
- The amount of development ideas received from the personnel.

To conclude : need to incorporate SEA in a broader good governance / decision making perspective

- Need and duty to reflect "out of the box", inter alia due to the sustainability requirements and quality concerns
- Globalisation and development bring new challenges which can only be addressed by **new (public) governance approaches**
- Impact assessment improvements will be necessary to support this NPG and thus cannot be limited to issues of efficiency within a command and control decision making process and public management
- However efficiency and effectiveness considerations remain important too in order to enhance and improve the participation of stakeholders in the NPG
- Public management requires more transparency, accountability and leadership in order to remediate declining administrative legitimacy
- **SEA has to play its role in the good governance process requirements through 4 dimensions**:
    - management & control (internal / short term);
    - justification (external / short term);
    - steering (internal/ long term);
    - supervision (external / long term)

-> Need to embed SEA by fostering linkages to public management tools

-> Update the SEA Protocol manual...?