



## Governance in Strategic Environmental Assessment: Lessons from the Portuguese practice



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### ABSTRACT

The analysis of governance in Strategic Environmental Assessment (SEA) can help understand why, whether and how strategic decision-making happens. Understanding the governance context is strategic to improve the role and capacity of SEA to stimulate, and legitimate decisions that integrate environmental issues and are sustainability driven. The objective of this paper is to discuss why governance is important in SEA. In the SEA literature governance is mostly addressed in silos (i.e. public participation or decisions transparency or accountability) rather than in an integrated way. In addition few authors adopt a strategic view to address the governance context within which SEA is used. In this paper we address the heuristics of governance in SEA based on theoretical and empirical evidence, suggesting how SEA may incorporate the governance dimension. First a review of the SEA literature in relation to governance sets the context to the analysis on how governance is approached in practice, based on 60 Portuguese SEA cases. This is followed by the presentation of an empirical SEA case conducted in Portugal to illustrate what, in our understanding, can be an example of good practice in considering governance in SEA. Final discussion reflects on the role of governance in SEA in promoting engagement, enabling collaborative action, learning processes and dialogues, concluding on the relevance of governance in creating development contexts that can deal with change.

## 1. Introduction

### 1.1. Overview of governance in SEA

Governance and strategic environmental assessment (SEA) can hardly be dissociated. According to Meuleman (2015) the construction of SEA systems is highly dependent on the procedural, incremental and substantive dimensions of respective governance contexts. Meuleman (2008: 11) defines governance as ‘the totality of interactions, in which government, other public bodies, private sector and civil society participate, aiming at solving societal problems or creating societal opportunities’. In the political arena, governance can be tied to three political dimensions as the political system itself (politics), the institutional structures and political instruments (polity) and the political processes and contents (policy) (Meuleman, 2015).

The consideration of governance in SEA gains special meaning in the legitimisation of strategic decisions, based on the relationship between society and decision-makers. This is also because it is through governance that multiple types of knowledge can be better incorporated

to enable learning processes. In the context of this paper, governance can be understood as a dimension of analysis that should be strategically positioned in SEA to enable the achievement of desired development objectives. In its essence, governance shapes functioning patterns of the development system, underlying the formulation of public policies and respective regulatory aspects. Thus, addressing governance in SEA can play a pivotal role in defining goals, setting priorities and making choices.

The objective of this paper is to understand why governance is important in SEA. Research on governance in SEA is expanding but still fragmented into single aspects of governance (e.g. public participation, monitoring and follow-up, capacity-building, decisions transparency or accountability). The broad ‘match’ between governance and SEA is therefore not easy to assess or review. The evolution of SEA theory throughout the years shows an increasing concern with governance issues, however generally looking into particular aspects: the need to understand the context of decisions (Hilding-Rydevik and Bjarnadóttir, 2007; Ahmed and Sánchez-Triana, 2008; Bina, 2008; World Bank, 2011); the role of communication between actors for a successful

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assessment (Vicente and Partidario, 2006); the importance of considering the political dimension of SEA (Slootweg and Jones, 2011; Jiliberto, 2012; Partidario, 2015); the production of legitimate knowledge to support decision-making (Partidario and Sheate, 2013; Sánchez and Mitchell, 2017); the influence of actors on dynamic processes and influence of SEA in decision-making (Runhaar, 2009; Van Buuren and Nooteboom, 2010; Hansen et al., 2013); the understanding of SEA as a social construction tool with influence in the mediation of power in decision-making processes (Cashmore and Axelsson, 2013). Governance in an integrated way, conciliating these various single aspects, tailor-made to particular circumstances, and addressed broadly to improve the role and function of SEA is yet rather unexplored in the body of SEA literature. This paper aims to contribute to fill in this gap.

We argue that the theoretical evolution in relation to governance in SEA discourse is perhaps nested in the increasing concern with the adoption of strategic perspectives in the SEA literature. However, the still dominant traditional impact assessment feature in the practice of SEA, with an undervalued strategic dimension, well recognized in the literature (Tetlow and Hanush, 2012; Bidstrup and Hansen, 2014; Lobos and Partidario, 2014; Noble and Nwanekezie, 2017), limits SEA ability to understand the governance context of development. And that is because SEA is mostly reactive to concrete planning and programme development proposals, largely using a technocratic and rationalist approach (Lobos and Partidario, 2014), looking for territorial materialized consequences, often limited to biophysical aspects, following what Partidario (2015) called the compliance or marginal approaches as opposed to the constructive approaches.

Meuleman (2015: 13) alerted to the fact that '[impact assessment] IA problems can be related to typical weaknesses of governance styles' and that 'it makes sense to think seriously about governance when IA is carried out, as governance systems offer both constraints and opportunities for the governance of IA systems and procedures'. According to Meuleman (2015) the IA problems (related to scoping, alternatives, uncertainty, public participation or follow-up) can be associated to bureaucratic issues, partitioning of the public administration, centralization of knowledge and power, political struggles or even the culture of participation. Wang et al. (2012: 415) also claim that 'the core reasons of blocking the effective SEA implementation are, in most cases, the issues relating to political cultures and institutional background, such as lack of powerful environmental governance and accountability'.

A critical shift in IA expertise, essential to broaden the understanding of SEA, is needed. An increasing body of knowledge on public administration, political and social sciences, psychology and behavioural economics and management is making way in the range of expertise involved in SEA, beyond the original physical, engineering, biological or geographical based knowledge, enriching the understanding and triggering the potential of SEA (Partidario, 2000; Geneletti, 2015; Partidario, 2015; Runhaar and Arts, 2015). But we argue in this paper that in addition to the expansion of expertise in SEA governance, constructive approaches are also necessary, with positive and strategic thinking adopted in SEA to act as an instrument of change (Partidario, 2015).

Following the above lines of argument, we question why governance is important in SEA. And we address this issue by exploring strategic thinking as an orientation norm and as a SEA approach, because we consider strategic thinking of extreme relevance for adopting a governance perspective in SEA.

## 1.2. Strategic thinking in SEA: governance as a component of SEA for sustainability

Strategic thinking in SEA implies addressing SEA differently from what has been traditional theory and practice. From early days Partidario (1996: 3) argued that 'SEA must address the strategic component in any of the decision instruments incorporated in its scope', and that SEA should seek to add value to decision-making as a

strategic move to integrate environmental and sustainability issues in development processes. Strategic thinking, as an orientation norm, can help give meaning to complex environments as the ones SEA apply to. It allows to use forward-looking thinking when addressing the consequences of decisions, with the purpose of helping to ensure adaptation to new challenges arising from changes in an uncertain and complex environment. We argue that strategic thinking in SEA can enable a better understanding of governance contexts to drive 'transitions in governance and decision making processes' (Noble and Nwanekezie, 2017: 171).

Three reasons may help to understand the relevance of strategic thinking when discussing governance in SEA: 1) it allows the consideration of a wide range of perspectives and understandings in complex systems, positioning governance at the heart of the strategy itself; 2) it enables focusing on what is critical and what are root causes when addressing the policy and societal challenges; and 3) it provides the capacity to choose and learn when dealing with intended strategies (goal-rational oriented), with deliberative strategies (contextual-oriented) and with emergent strategies (learning oriented) in contexts of high interaction.

We also argue in this paper that governance is an essential dimension in SEA to enable sustainability. Partidario (2000) argued that SEA would fall largely behind its potential by focusing solely on physical and ecological issues and instead 'environmental assessment must understand and integrate sustainable development principles' (Partidario, 2000: 651). However, there are claims that broadening the scope of SEA to integrate other sustainability dimensions, and addressing it holistically, will likely weaken SEA as an environmental assessment instrument, as it will reduce the weight given to the environment in detriment of economic and social issues (e.g. Morrison-Saunders and Fischer, 2006, Sadler, 2016). We are with Sheate (2009) when he points out that sustainability is a basic purpose in all environmental assessment instruments. The issue is how and to what extent sustainability is perceived: embrace sustainability from an environmental perspective, address sustainability based on the 'three-pillar model', or approach sustainability in a broadly and integrated manner. We position SEA as part of a *sustainability* governance system.

Following this line of thought, a Strategic Thinking (ST) approach in SEA to advance sustainability has been developed over the last decade (see, for example, Partidario, 2007a, 2007b, 2009, 2015) motivated by the need to assess how a development context is prepared to deal with change, while keeping an integrated sustainability perspective. This inevitably includes addressing governance. In developing this approach, Partidario pointed out the importance of searching for the drivers of social and/or ecological/biophysical changes in strategic assessments (Partidario, 2007a, 2007b). Governance addresses many of these drivers, expressed through roles and responsibilities, policy priorities or power tensions. There are examples around the world that explicitly recognize governance in national guidance for SEA. Chile, for example, published the Orientation Guidance for the Application of SEA in 2015, giving emphasis to the institutional context, inclusive engagement of stakeholders, and the overall governance conditions of the development context (MMA, 2015).

For Partidário (1996: 9) the 'implementation of SEA depends on effective political will...' needing 'administrative and institutional mechanisms (...) and the most appropriate ways to ensure a certain degree of accountability', a concern subsequently also argued by other authors (Kørnøv and Thissen, 2000; Wallington, 2002; Bina, 2003). This means that governance can be incorporated in SEA as a technical component (context analysis, macro-policies setting direction), as an institutional component (levels of influence, roles and responsibilities), and through engagement and communication (stakeholders' engagement, public participation and learning) with no rigid sequence, recognizing the need to be adjusted to the decision process cycle (Nitz and Brown, 2001; UNEP, 2009).

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