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Public Participation in Environmental Impact Assessments – Good and Bad Practice in the Czech Republic

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Introduction

Discussion about public participation in national or regional policy making has run in the Czech Republic for many years. Up till now Strategic Environmental Assessment (SEA) is the only legally binding process for public participation in policy making. New guidelines for communication with public during preparation strategic documents has been prepared at governmental level in 2006 but this document was not finished and approved due to not enough strong political support.

What are the main objections against passing the guidelines for communication with public from the side of state officials? In the working group preparing this document, that involved representatives of ministries, academics and NGOs, we could hear concerns from massive public participation when everybody can talk to everything and the work of official is paralyzed.

Strategic Environmental Assessment (SEA) is a formal procedure that is running according to Environmental Impact Assessment Act from 2004. According to this Act there are assessed environmental impacts of national and regional development plans, spatial plans, transport, agriculture, energy and other policies, operational programs for European cohesion funds. Part of this process is a public hearing and gathering inputs from the public.

In 2006 the Ministry of the Environment published 30 statements about environmental impacts of assessing policies – all of these statements were positive and approving. Teams organising the SEA process prepared 30 public hearings. But public participation was in general low. The question is why ?

Methodology

Personnal experience from a few public hearings, analysis of reports from public hearings and interviews lead with representatives of SEA teams, NGOs and officials have been the main tools for analyzing the practice of organizing public hearings in the Czech Republic. The main focus of this survey was “what is going wrong if public does not used the possibility to comment the policies and their impacts on environment”. To be able to answer “why is public participation low in SEA procedures” was necessary to ask more generally “why public should participate” or “what are its motivations /barriers for being active and participate”.

Public hearings are organized as an instrument for giving public information and for allowing them to comment the policies. We suppose that people attend the public hearings if they are curious, they want to get information on one side and on the other side they want to influence

the policy making and to comment new policies. According to Arnstein (1969) public participation ranges from citizen control to outright manipulation and most public hearings fall in the mid-range and be considered informative or consultative. Informative meetings are held primarily to provide information to audiences, such as via the use of technical presentations. Consultative meetings have informative aspects but also emphasize gathering citizen input (McComas, Besley and Trumbo, 2006). Concerning motivations we can find in literature that people attend public meetings for the practical purpose of seeking specific goals or objectives and they actively weigh the costs of attendance (missing work, their inputs do not have impact) against the benefits (e.g. new information). When the costs outweigh the benefits, they have less incentives to attend (Whitely, 1995). Other aspects of motivations are the degree to which people actually feel threatened by the issue. Research has confirmed that people with higher levels of concern about a specific topic are more likely to attend public meetings about that topic. The feeling of curiosity or simply the wish to hear what the authorities or other citizens say are other explanations for attending the public hearings (McComas, 2003).

The findings of McComas, Besley and Trumbo (2006) concerning motivations for attending public meetings in local communities suggest that majority of citizens who attend the public meetings could be categorised as the curious, fearful and the available. The majority of citizens who did not attend could be described as the uninformed, the indifferent, the occupied and the disaffected.

Heberlein (1976) who assessed the environmental public hearings says: “The individual who believes the issue affect him, has knowledge of the time and location of hearing, is free from competing demands, views himself in a responsible role, is knowledgeable about the project and believes his presence will have an impact will be likely to attend a hearing.”

For analyzing the low public participation at public hearings during SEA procedures the questions were grouped in four areas: 1. effectiveness of the SEA process, 2. effectiveness of public participation, 3. user friendly procedures for citizens, 4. understandability of the process for public.

Effectiveness of the process

The aim of SEA procedures is to assess environmental impacts of policy drafts on environment, to identify the main threatens and suggest measures for minimalization them. During SEA is not relevant to say if the policy is good or bad in general or from economic, social and other reasons. The participants of SEA can only say what might be impacts on environment or which goals in assessing policy might be in conflict with other strategic documents or environmental legislation. Citizens at public hearings can ask for completing the strategic assessment in some missing aspects of possible environmental impacts or suggest new indicators for measuring environmental impacts of the policy. The result of the SEA procedure is a statement of Ministry of the Environment that is not binding for other government bodies but it has only recommendatory character. That means that public hearings are organized not for improving the policies but for improving SEA process, which is very specific and needs some expert knowledge.

Effectiveness of public participation

The trust in fair process and the belief that citizens inputs might have concrete outputs (in this case an impact on formulation policies) are considered as crucial for citizens motivations to actively participate in consultation processes. The curiousness or concern about solution of some political topic or curiousness about character of debate might be also motivations for participating in more informative public hearings. Then citizens expect to get new information in an interesting and understandable way and to have some space for debate that can influence the final policy. But it must be clear to all – the public and organizers of public hearings - what are their expectations and what is purpose of public involvement. If people come to give their inputs to policy making they expect that their comments will be included in a policy draft or it will be explained them why their inputs will not be included.

User friendly procedures for participants

To attend the public hearing citizens must know the location and time. If public hearing takes place in the morning when most of potential participants are at work we cannot expect high attendance. If the location is in the centre of the city the probability that people will come is higher. Important are also other aspects: Is information that is needed for active participation at public hearing (e.g. draft of assessing policy and SEA documentation) on Internet? How much is time demanding to get a picture about the problem? Is it enough to read 3-5 pages, or is it necessary to study technical documentation? Important is also timing of the public hearing. If the meeting is early in the process, the debate is more general about policy goals and possible environmental threatens, indicators and so on. The later timing of public hearing (as it is in the Czech republic) needs good preparation, expert knowledge as debate is more technical. For instance to have competent inputs at public hearings during SEA procedures in the Czech republic you must read all the documentation that counts a few hundreded pages.

Understandability of the process for public

For effective participation (with some output) in SEA procedure it is necessary to know this procedure and to know what kind of input is expected from public. It was said that not all comments are relevant in this procedure. If citizens do not know their role and they have not got realistic expectations for their participation they are dissapointed and they attend such public hearing only once or a few times and then they consider such events as waste of their time.

Findings and conclusion

Strategic Environmental Assessment is an expert procedure and participation in this procedure needs expert knowledge. On the other side in the Czech Republic it is the only legally binding instrument for disclosing policy drafts and for gathering inputs from public at policy-making. Government bodies are not obliged to disclose policy drafts and their practice differs case by case, e.g. drafts of Rural Development Plan or National Transport Policy were disclosed and placed on Internet at the moment when SEA procedure started.

If citizens or organized public (NGOs) want to express their views on policy drafts and to participate in policy making, SEA procedures used to be the only way for doing that. As they often do not know the SEA procedure precisely, they come to a public hearing and their inputs are not relevant (do not concern environmental impacts or they are too general). In some cases the public comments were relevant but they did not influence the assessing policy as SEA statement has only recommendatory character. If public inputs are not effective

public is dissatisfied and after this experience it is not further motivated to attend public hearings.

Another important aspect is timing of public hearings. In the Table 1 the differences of public hearings in early and late phase of SEA procedure are compared. It is clear that public involvement at the late stage of the process (as it is according to the Czech law) cannot be effective. Public hearing has in the Czech Republic informative character about SEA process, where content of assessing policy cannot be influenced.

Table: Comparing of timing of public hearings in SEA procedures

<i>Public hearing at early stage before starting work at the SEA documentation (scoping)</i>	<i>Public hearing at late stage when the SEA documentation is finished and presented to public</i>
The methodology of assessing process can be discussed and changed	The methodology cannot be changed it can be only criticized.
It is not necessary to study SEA documentation (debate is more general)	It is necessary to study the SEA documentation (debate is more technical)
It is possible to discuss and change goals and priorities.	The documentation is finished, nothing can be changed.
The plan for public participation during the SEA process can be clarified and changed.	The SEA process is over.

The question is what are the expectations of organizers of public hearings (officials and SEA teams). It was found that they do not have clear expectations. The reason for organizing public hearings is the valid legislation when they must present their work at public hearings. Low attendance of public and minimal public inputs raise scepticism about public participation in policy making in general. This finding opens new questions. Formalized or not formalized processes of public participation? *Can the bad construction of the formalized process paralyze public participation?*

Some benefits of SEA procedures have been also identified. Disclosing policy drafts at first. As there are no other rules for public participation in policy-making and government bodies are not obliged to make policy drafts public accessible SEA procedure used to be the first moment when the draft of policies are placed at webpages.

Chance for citizens mobilisation is the second benefit that was identified. Public hearing for Watershed Management Plan that counts with a few dozens dams that threaten (or limit development) many villages was attended by hundred people from all around the Czech Republic – but it was a part of long term campaign organized by experienced campaigners from NGOs.

In conclusion it should be said that public hearings are not the only instrument for public involvement in policy making. Working groups and involvement of NGOs in expert SEA teams seem to be more effective. Concerning public hearings the early stage of the process is recommended for them. Early in the process there are options for public to make comments and to change methodology of environmental assessment, to discuss priority and goals of assessed policies without need to study hundreds pages of technical documents. SEA procedures are specific and expert based and it should not be the only option for public to participate in policy making.

Literature:

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