

# **ENVIRONMENTAL POLICY ADOPTION IN THE EU CONTEXT**

**ADOPTION OF THE EU SEA DIRECTIVE IN TURKEY**

This thesis is submitted for the degree of doctor of philosophy.

By

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September, 2007

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## **Acknowledgements**

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The production of this thesis would not have been possible without the help of several individuals and institutions.

First of all, I would like to acknowledge the invaluable academic advice, guidance and support I have received throughout this research from my supervisors, Dr Richard Cowell and Dr Andrew Flynn.

I would also like to extend my appreciation to Professor Alan Hooper, Dr Kevin Bishop, Dr Heli Saarioshki, Dr Francesca Sartorio and Dr Roberta Sonnino for their assistance and encouragement at the various stages of my study.

I am deeply indebted to the academic staff of the School of City and Regional Planning in Cardiff University for their suggestions and support. I thank Andrew Edwards for his invaluable technical assistance over the last four years. I would also like to thank all my friends for their continuous support during my research in Cardiff.

I am very grateful to several individuals from the Planning and Environmental Impact Assessment Department in the Ministry of Environment and Forestry of Turkey. I also acknowledge the support that I received from the many consultants who were involved in Turkey's adoption of the EU Strategic Environmental Assessment Directive.

I would also like to thank Margaret Foster and Sam Morgan for their support and all my fellow PhD students on the third floor of CPLAN, who provided companionship and shared the research study's good and challenging moments.



Finally, I deeply thank my husband Orhan, my son Semih and my parents for their continuous support.

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## Summary

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Although there are a growing number of studies in the environmental field of Europeanisation, more academic inquiry is needed to assess the success of environmental policy adoption, especially within certain accession countries where EU policy implications seem particularly challenging. This study aims to investigate the adoption of an EU environmental policy instrument, the EU Strategic Environmental Assessment (SEA) Directive, within one such accession country, Turkey. For this purpose, a theoretical framework based on Europeanisation and policy transfer is applied to Turkey's adoption of the EU SEA Directive and the consequences are assessed through empirical research. The EU SEA Directive places great emphasis on the governance modes such as transparent decision-making and public participation with domestic policy-makers in its concern and drive to promote sustainable development. Adoption of the SEA Directive implies new governance modes for Turkey's institutional settings, especially the country's political and administrative institutions. The research shows that the discourse of 'Europeanization' helped empower actors seeking to drive through the SEA Directive, until the accession process started to falter; and that there remain questions about whether SEA, on its own, proved able to influence Turkey's approach to democracy or governance in the environmental sphere.

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## Table of Contents

---

<b>Declaration</b> .....	ii
<b>Acknowledgements</b> .....	iii
<b>Summary</b> .....	v
<b>Table of Contents</b> .....	vi
<b>Abbreviations</b> .....	x
<b>List of Figures</b> .....	xi
<b>List of Tables</b> .....	xii
<b>List of Boxes</b> .....	xiii

### CHAPTER 1: THE RESEARCH AIMS AND THE SCOPE OF DISSERTATION

---

1.1. Background to the Research.....	1
1.2. The Research Aim, Objectives and Questions .....	5
1.3. Research Rationale.....	6
1.4. The Structure of the Thesis.....	12

### CHAPTER 2: EUROPEANISATION AND POLICY TRANSFER

#### Literature Review

---

2.1. Introduction.....	15
2.2. Concepts and Debates in EU Environmental Studies.....	16
2.2.1. Analytical Approaches for EU Environmental Policy Studies.....	19
2.3. Concepts and Debates in Europeanisation Studies.....	25
2.3.1. Analytical Approaches in Europeanisation Studies.....	27
2.3.2. New Institutional Perspectives in Understanding Europeanisation.....	34
2.4. Policy Transfer Literature.....	37

2.4.1. Concepts and Typologies.....	37
2.4.2. Approaches to Understanding Policy Transfer.....	43
2.4.3. Problems Associated with the Literature.....	58
2.5. Conclusions.....	64

## **CHAPTER 3: ANALYSIS OF POLICY TRANSFER**

### **Conceptual Framework**

---

3.1. Introduction.....	65
3.2. Causal Factors in the Policy Transfer Process.....	66
3.2.1. Motives for Transfer.....	66
3.2.2. Institutional and Actor-Related Factors.....	67
3.3. Definitions of Policy Transfer Outcomes.....	72
3.4. Causal Links Between Process Dynamics and Likely Outcomes.....	73
3.4.1. Theoretical Approach.....	73
3.4.2. Analytical Framework for Policy Transfer .....	77
3.5. Conclusions: An Analytical Framework for EU Environmental Policy Adoption.....	83

## **CHAPTER 4: RESEARCH METHODOLOGY**

---

4.1. Introduction.....	87
4.2. Ontological Basis.....	87
4.3. Research Design.....	89
4.4. Research Methods and Data Analysis.....	91
4.4.1. Data Collection.....	94
4.4.2. Data Analysis.....	104
4.5. Ethical Issues and Limitations.....	106
4.6. Conclusions.....	107

## **CHAPTER 5: A CHALLENGING EU ENVIRONMENTAL POLICY INSTRUMENT**

---

5.1. Introduction.....	109
5.2. SEA in an Evolutionary Context.....	110
5.3. Development of SEA in the EU.....	112
5.4. The Content of SEA.....	115
5.4.1. Stages in SEA Process.....	119
5.4.2. Potential Benefits of SEA Application.....	123
5.4.3. Challenges and Barriers to SEA Application.....	124
5.5. Implications of the EU SEA Directive.....	127
5.6. Conclusions.....	134

## **CHAPTER 6: TURKEY: THE ENVIRONMENTAL POLICY CONTEXT**

---

6.1. Introduction.....	136
6.1. Background History of Environmental Policy.....	136
6.2. Institutional Structures of Environmental Policy.....	144
6.2.1. Democratic Participation in Environmental Decision Making.....	145
6.2.2. Transparency and Accountability in Environmental Decision Making.....	150
6.3. Conclusions.....	151

## **CHAPTER 7: ANALYSIS AND EVALUATION**

### **Case Study**

---

7.1. Introduction.....	152
7.2. Analysing the SEA Adoption Process in Turkey.....	153
7.2.1. Motives for Adoption.....	153
7.2.2. Emergence of Networks for Adoption.....	156
7.2.2.1. Networks for the First Pilot Project.....	157
7.2.2.2. Networks for the Second Pilot Project.....	161
7.2.3. Goodness of Fit: Pressure for Adaptation.....	165
7.2.3.1. Protection and Integration of Environment.....	167

7.2.3.2. Democratic Participation and Transparency.....	168
7.2.3.3. Legal and Procedural Aspects.....	175
7.2.4. Interacting Institutions and Agencies.....	181
7.2.4.1. Institutional Factors.....	181
7.2.4.2. Agency Factors.....	182
7.2.5. Changes in Domestic Institutions.....	188
7.2.6. SEA Impacts on Environmental Policy .....	193
7.3. Evaluation of Empirical Findings.....	196
7.4. Conclusions.....	203

## **CHAPTER 8: CONCLUSIONS**

---

8.1. Introduction.....	208
8.2. Empirical Study Findings.....	209
8.3. Policy Implications of the Research.....	213
8.4. Conclusions.....	215
8.4.1. Contributions to Knowledge.....	215
8.4.2. Reflections for Future Research.....	216
<b>Bibliography</b> .....	217
<b>Appendix 1</b> Chronology of the EU SEA Directive’s Adoption in Turkey.....	238
<b>Appendix 2</b> Case Study Material: Interview Schedules .....	241
<b>Appendix 3</b> Turkish National Programme for the Adoption of the Acquis	
Section: Environment .....	250
<b>Appendix 4</b> Draft SEA Regulation of Turkey.....	255
<b>Appendix 5</b> The EU SEA Directive.....	270

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## Abbreviations

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ABGS	Turkish Secretariat General of EU Affairs
CEC	Commission of the European Communities
EA	Environmental assessment
EC	European Community
EIA	Environmental impact assessment for projects
DETR	Department for the Environment, Transport and the Regions in the UK (1997-2001)
DG	European Community's Directorate General in the UK (1990-97)
DGENV	Directorate General of the Environment
DoE	Department of Environment
DPT	State Planning Organisation in Turkey
EIONET	European Information and Observation Network
IFIs	International Finance Institutions
MPAP	Matra Pre-accession Projects Programme
MoE	Ministry of Environment
MoEF	Ministry of Environment and Forestry
MoPWS	Ministry of Public Works and Settlements
NEPA	US National Environmental Policy Act
PPA	Pre-accession Programme (PPA)
PPP	Plan, Programme and Policy
SEA	Strategic Environmental Assessment
SPO	The State Planning Organisation

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## List of Figures

---

Figure 1.1.	The independent variable: dimensions and levels of adaptation pressure.....	32
Figure 2.2.	Policy transfer uncoupled.....	48
Figure 2.3.	From lesson drawing to coercive transfer.....	50
Figure 2.4.	Conceptualising structure and agency in policy transfer analysis	53
Figure 2.5.	The emergence and development of voluntary policy transfer networks.....	56
Figure 2.6.	The emergence and development of coercive policy transfer networks.....	57
Figure 3.1.	Causal chain in the rational-based policy transfer process.....	79
Figure 3.2.	Causal chain in the power-based policy transfer process.....	80
Figure 3.3.	Interacting institutions and actors' interactions.....	82
Figure 3.4.	Causal chain in the obligation-based policy transfer process.....	83
Figure 3.5.	Causal chain in the EU environmental policy adoption.....	85
Figure 4.1.	Actors involved in the SEA Adoption Process in Turkey.....	96
Figure 4.2.	Actors Involved in the First Pilot SEA Implementation Project ...	99
Figure 4.3	Actors Involved in the Second Pilot SEA Implementation Project.....	101
Figure 5.1.	The relationship between different forms of SEA.....	117
Figure 5.2.	Stages in, and links between, the PPP-making and SEA.....	120
Figure 7.1.	Process dynamics in SEA adoption.....	204
Figure 7.2	Relations between mediating institutions and agencies .....	205



---

## List of Tables

---

Table 2.1.	The dependent variable: dimensions of administrative change	30
Table 2.2.	Patterns of administrative change across member states.....	33
Table 2.3.	The desirability and practicality of transferring programs...	45
Table 2.4.	A policy transfer framework.....	49
Table 2.5.	The characteristics of policy communities, epistemic communities and policy transfer networks.....	54
Table 2.6.	Multi-level policy transfer analysis.....	58
Table 5.1.	Barriers to SEA application.....	125
Table 7.1.	Factors influencing the effectiveness of democratic participation.....	197
Table 7.2.	Evaluation of institutional adaptation.....	199
Table 7.3.	Reasons affecting adoption success from the actors' discourses.....	202

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## List of Boxes

---

Box 4.1.	Stage 1: The beginning stage of adoption process.....	95
Box 4.2.	Stage 2: The implementation stage of the First Pilot SEA Project	98
Box 4.3.	Stage 3: The implementation stage of the Second Pilot SEA Project.....	102
Box 4.4.	Stage 4: The outcomes of the adoption activities.....	103

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# Chapter 1

## Introduction

## RESEARCH AIMS AND THE SCOPE OF THE DISSERTATION

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### 1.1. Background to the Research

Borzel (2002) has noted the increased attention that scholars have given to the potential effects of European levels of government on the institutions of member states. This 'Europeanisation' is conceptualised in two main ways: as an incremental process reorienting the shape and direction of politics to the degree that political and economic dynamics of the EU become part of the organisational logic of national polities and policy-making (after Ladrech, 1994:70), and as the outcome of change at the domestic level (after Hix and Goetz 2000). Bomberg and Peterson (2000) and Borzel (2002) make the point that 'Europeanisation' is an interactive process, which involves a reciprocal relationship between 'bottom-up' and 'top-down' procedures. 'Bottom-up' procedures entail 'up-loading' or communicating to the EU, shared beliefs, formal and informal rules, discourse and identities that emanate from member states, whilst 'top-down' procedures entail a 'downloading' of EU directives, regulations and institutional structures to the domestic level of member states (George, 2001; Padgett, 2001).

This study is concerned with European environmental policy adoption and, therefore, is mainly interested in top-down dimensions of these interactive processes. Clearly, the political settings of national governments in Europe have been impacted by Europeanisation processes and forced to reconsider and reform the institutional arrangements of national policy making (Radaelli, 2000). However, domestic structures are not the passive recipients of EU intentions (Featherstone and Kazamias, 2001). Understanding the downstream impacts of Europeanisation, and national responses to these impacts, is essential in understanding policy adoption in the EU context. National responses to EU agendas continually challenge the possibility of convergence; a key concern given the varying domestic political and institutional contexts of member states (Wallace, 2000).

The prospects for 'Europeanisation as convergence' depend upon national policy arrangements in terms of the institutions, mechanisms and instruments, which differ for each member or candidate state (Bennett, 1991). No single state can hope to be perfectly and consistently aligned with the EU requirements and the real puzzle is to understand how misfits arise between EU requirements and different national practices, and how individual countries manage the continuing multi-level politics of integration (Jordan, 2002). Knill (2001), Lenchow (2001) and Cowles et al. (2001) have each emphasized the need for more theoretical and empirical studies to explore under what circumstances and to what extent EU policies and programmes are successfully adopted. This marks the broad context for this study.

If convergence does occur, then field of environmental policy is a likely candidate, with De Bruijn (2000) and Andonova (2004) arguing that processes of Europeanisation have strongly affected the domestic political dynamics of environmental regulation in both member states and accession countries. However, as a consequence of geophysical and ecological differences, as well as political and economic disparities, member states have had quite different interests when it comes to environmental policy matters (Holzinger and Knoepfel, 2000:7). Member states have sought to avoid the harmonization of environmental standards and policies when they clash with their domestic interests. Measures involving exceptions, derogation periods and vague statutory terms, as well as a vast implementation deficit, have led some to argue that harmonization has remained a fiction, whereas uncontrolled national differentiation is the reality (Soveroski, 2000 in Holzinger and Knoepfel, 2000). As Weale (1991:21) notes, cross-national differences are 'deeply rooted in policy styles and organisational structures', comprising a mix of institutional and ideological factors which are 'likely to be difficult to change'. The considerable difficulties and resistance encountered within national administrations in complying with European environmental requirements are also noted by Knill (2001), problematising simplistic notions of convergence. The evolving polity of the EU acknowledges these difficulties, insofar as it makes extensive use of Directives, rather than Regulations - which seek to govern the ends if not the means of policy - to deliver policy objectives across the Member States (Richardson, 2001).

Subsequent enlargements of the EU have increased not only the diversity between member states but also the degree of differentiation. The impending South Eastern enlargements - involving Turkey, Bulgaria, Romania, Albania, Croatia, Macedonia and Serbia - differ from

previous enlargements in several aspects (Holzinger and Knoepfler, 2000), and may be especially problematic in the field of environmental policy. Most candidates have serious problems with industrial pollution in at least some areas, yet economic development is likely to remain the priority of these states for some time to come. Implementing the full environmental acquis, in other words ‘the body of laws developed by the EU which reflects the specific obligations agreed by policy-makers’ (McMormick, 2001:25), within the short period of time before accession is, at best, an immensely challenging prospect (ibid). Previous studies have shown that harmonizing environmental policies may require fundamental changes to the pre-existing decision-making systems of some countries yet policies ‘downloaded’ from the EU frequently fail to produce their desired effects at the implementation stage in these countries (Caddy, 1997). The result is that although ‘EU environmental policy is a policy area where adoption really matters for effective implementation, non-compliance with EU directives or tardy and only partial adoption of regulations by national and sub-national governments can render the best prepared policies nugatory’ (Lenchow, 2001:158).

In the Europeanisation literature, there are many studies exploring the extent to which harmonisation with EU policies is essential for effective environmental policy and examining the effect of Europeanisation on environmental policy across member states. However, there is a need for further research analysing environmental policy adoption in candidate countries that are also obliged to comply with the EU environmental objectives. This study intends to contribute to the environmental policy adoption studies with particular reference to these so-called ‘accession states’. Moreover, it analyses the EU environmental policy adoption process through the lens of policy transfer. This study defines ‘policy transfer’ as a more general phenomenon than policy adoption in the EU context and utilises policy transfer as an explanatory tool for EU environmental policy adoption.

Transnational policy transfer might be expected to be pervasive within an international organisation like the European Union, which draws national actors into a common policy milieu. Indeed, exchange within international organisations is identified as an important factor in the increasing incidence of transfer practices (Dolowitz and Marsh, 2000). Thus various analysts have begun to connect top-down conceptualisations of the Europeanisation process with analyses of policy transfer. The EU has been portrayed as a ‘massive transfer platform’ (Radaelli, 2000), a supranational ‘idea hopper’ for shifting policies between member states

(Bomberg and Peterson, 2000) and an institutional opportunity structure within which to gather information about innovative policy instruments in member states (Jordan et al., 2000).

The empirical research of this study investigates the adoption process of an environmental policy instrument - the EU SEA (Strategic Environmental Assessment) Directive - in one of the accession countries, Turkey. The European Community SEA Directive, known formally as Directive 2001/42/EC on the Assessment of Certain Plans and Programmes on the Environment, was agreed by EU member states in 2001, and adopted in June of that year. Member states were then obliged to implement the Directive within three years, and compliance with the Directive became part of accession requirements for candidate members. Within the broader context of EU environmental legislation, the SEA Directive is of particular analytical interest for a number of reasons (which are explained in section 1.3 in detail). SEA potentially represents a paradigm shift (Pischke and Cashmore, 2006) by moving the emphasis of environmental assessment away from environmental consequences of decisions to the decision-making processes themselves (Dalkmann et al., 2004) and introduces particular standards of transparency, accountability and participation. It therefore presents significant challenges for conventional decision-making systems.

Even within existing member states, implementation of the SEA Directive has been problematic. The Directive introduces additional or enhanced planning requirements that change conventional, national planning methods and cultures to varying degrees, and requires more detailed examination of the environmental conditions of the areas affected by policies, plans and programmes that fall under its terms (Stoeglehner, 2004). Hence although this Directive was supposed to be transposed into legislation, assisted by appropriate capacity building, in all member states by 21 July 2004, in practice only nine states transposed it on time with another six fully or mostly transposing it by July 2005. Therivel and Walsh (2006), assessing the status of SEA one year after the implementation of EU Directive, found that no plans or programmes requiring SEA had yet reached the public examination stage, but that a few were facing legal challenge. Adoption is thus likely to be a slow and gradual process, yet our knowledge is at present rather limited (Therivel and Walsh, 2006).

Turkey is linked to a set of recent accession countries called the South East European transition countries. It seems that the EU SEA Directive's adoption is likely to be considerably more challenging in these countries, which have been experiencing a delayed

transition and progress towards accession due to the economic, socio-political and institutional context of decision-making. This study seeks to contribute to the Europeanisation debate by focusing on how European environmental policy is adopted in the context of one accession country - Turkey - which, as this analysis shows, is characterized by differences with the political and administrative context embodied in the requirements of the European SEA Directive.

## **1.2. Research Aim, Objectives and Questions**

The aim of this study is to provide an analysis of environmental policy adoption in the EU context through the lens of policy transfer. The objectives to be met in addressing this aim are:

- to identify the analytical dimensions of policy transfer processes,
- to develop a conceptual framework for explaining how policies are transferred,
- to apply the policy transfer framework to environmental policy adoption in the EU context,
- to analyse Turkey's adoption of the EU SEA Directive in the light of the analytical framework developed for European policy adoption.

To realize the aim and the objectives, the research presented here sought to answer the following four research questions:

1. To what extent can the concepts of policy transfer be applied in environmental policy adoption in the EU context, and accession states in particular?
2. What steps has Turkey taken to adopt the EU SEA Directive, and how has the Directive affected the domestic policy-making machinery?
3. How have different actors mobilized and sought to shape Turkey's response to the SEA Directive?
4. Could Turkey's overall response to the EU SEA Directive be better explained as knowledge-driven policy learning or as obligatory policy transfer?

### 1.3. Research Rationale

Part of the rationale for this research is theoretical. There is a vast literature on Europeanisation addressing the downstream impacts of European policies, including the (in)compatibilities of EU policy and corresponding national policies. This provides a valuable springboard for understanding the dynamics of environmental policy adoption, particularly in an accession country. As Heritier et al. (2001) and Cowles et al (2001) explain, however, the Europeanisation literature adopts largely institutionalist insights and highlights the role of domestic institutions in shaping patterns of convergence and divergence. This study has a different approach in that it analyses policy adoption through the lens of policy transfer, which seeks to explain policy transfer and its consequences in more general terms than policy adoption within the EU context. After considering why policy transfer concepts might be fruitful in explaining policy adoption processes, this thesis applies them to European environmental policy adoption.

There is a growing body of literature that uses policy transfer to explain the development of programmes and policies and even entire systems in a variety of countries. Proponents of policy transfer perspectives suggest that transfer may shape policy change, but it is also treated as a critical variable in the failure of national and international programmes and policies (Dolowitz and Marsh, 2000:21; Dolowitz et al 2000). One merit of the policy transfer literature is the explicit consideration given to the role of reasons and consequences of different motivations for transfer, that have not been so widely considered in the Europeanisation literature. Such factors in policy transfer processes provide a wider explanatory perspective for environmental policy adoption. In the work of Dolowitz et al (2000), policy adoption in the EU context is taken as exemplifying a particular set of practices which can be characterized as ‘obligatory policy transfer’ since, within the EU, member states are required to adopt their national policies to match European regulations and directives as part of their obligations to the Union. This notion of ‘obligatory transfer’, and the attendant risks, will be an important theme in this research.

However, this study also intends to test models of policy transfer, which have the potential to assist in our conceptual understanding of transfer processes and extend existing frameworks within the policy transfer literature. The present study recognizes the need for a more effective framework linking transfer process dynamics and outcomes as underlined by James



and Lodge (2003) and develops an analytical framework for policy transfer. The concepts of policy transfer framework are applied to environmental policy adoption and used in analysing Turkey's adoption of the EU SEA Directive.

There are several reasons for choosing Turkey as the focus of the empirical study. First of all, it is one of the candidate countries for the EU membership, and so must harmonize with the *acquis communautaire* during the negotiations in the pre-accession process. In practice, all candidate states have tended to make efforts to move towards the *acquis* in their national legislation and policy, or at least to receive authorization to derogate, either by being granted concessions, particularly with regard to the timing of compliance, or required to apply higher national standards (Soveroski, 2000 in Holzinger and Knoepfel, 2000). The case of Turkey's adoption enables us to investigate specific relationships between EU and a current candidate state in the field of environmental policy.

Another advantage to selecting Turkey is that southern European Member States are typically represented as having the poorest compliance records in implementing EU policies (Borzel, 2000), thus providing stern tests for the 'Europeanisation as institutional convergence' thesis, at least in the environmental sphere. The difficulties experienced by southern European countries in protecting their environment were dubbed 'the Mediterranean syndrome' by La Spina and Sciortino (1993). One should acknowledge that this characterization can be oversimplified: Borzel (2000) has remarked on the striking similarity of implementation patterns between European environmental 'leaders' and 'laggards', finding considerable variation, not only between states, but also between different policies within one state, muddying any neat sense of a north-south divide in accounting for compliance problems. However, studies on central and south eastern Europe countries (Czech Republic, Estonia, Hungary, Poland, Latvia, Lithuania, Slovakia and Slovenia) refer to similar compliance problems to the Mediterranean countries, sustaining concerns about a wider picture of institutional mismatch between long-standing EU members and newer recruits (Andonova, 2004; Caddy 1997; Borzel 2001).

While Turkey's experience can be located in terms of wider Mediterranean and eastern expansions, it should be noted that the proposed south eastern enlargements differ from previous enlargements in several significant respects. First of all, the *acquis communautaire*, which must be adopted by the current accession countries, has become substantially more

comprehensive than it was at the time of the EU's southern enlargement in the mid-80s. As a result of more and more implications for specific administrative structures and procedures, implementation of the EU *acquis* has become more demanding (Holzinger and Knoepfel, 2000). This is particularly evident in the field of environmental policy where the Community now relies more heavily on procedural rules, for example participation and information requirements, and pays special attention to the administrative preconditions for integrating environmental policy with other relevant policy areas (*ibid*). Secondly, the economic disparity between current EU member and accession countries is considerably greater than with previous accessions: this was true of the enlargement countries of central and eastern Europe, and is arguably more severe still for the proposed south eastern enlargement countries. As these countries have limited governance capacities, problems could arise both in transposing existing Community Laws and passing new laws. As with the former state socialist states of central and eastern Europe, many accession countries from the South and East are still going through a process of political and economic transformation, as well as turbulent social transitions. Not only do these countries have to adopt the *Acquis Communautaire*, but they must also, and more or less simultaneously, fundamentally reform their economic and legal institutions (*ibid*).

For these reasons, some analysts would contend that the EU's south eastern enlargement programme is taking place under substantially more difficult conditions than any previous enlargements (Carius et al., in Holzinger and Knoepfel, 2000:142-44). The south eastern enlargement is especially problematic in the field of environmental policy, where the implementation deficit bears comparison to those of previous enlargements into central and eastern Europe (Hines in Holzinger and Knoepfel, 2000:287). In these national contexts, compliance with the EU environmental *acquis* undoubtedly challenges traditional modes of governance. Here, the term 'governance' indicates 'a move away from the bureaucratic hierarchies so emblematic of old-style government which directly linked centralized states to local areas towards looser, more interactive administrative arrangements such as coalitions, partnerships or networks' (Marks, 1996; Stoker 1997 in Cowell and Murdoch, 1999:654).

There is a lack of investigation on adoption and implementation of the EU environmental policy in the south eastern enlargement countries, where many reform efforts are distracted by political struggle (Stokovic and Skuflic, 2006). Although a range of comparative studies have examined Europeanisation in Central and Eastern EU countries (see, for example, Georgieva,

1993; Andonova, 2004), there remains a need for more in depth investigation, especially in the newer south eastern European accession countries to obtain a contextually rich and nuanced understanding of how European policies are adopted. In this regard, Turkey represents a good context for understanding adoption processes and the extent to which compliance with EU Directive is achieved. A further factor in Turkey's favour is that the transformation of economic, legal, political and administrative institutions is not complete as in the other south eastern Europe countries. Thus, it is contended that understanding the SEA adoption process in Turkey might offer insights into our understanding of the adoption dynamics in the environmental policy field in Turkey as well as, more tentatively, those south eastern Europe countries which have similarities in their political, economic and administrative contexts. The costs and policy challenges associated with EU accession give rise to concerns about the ability of Turkey to comply where the formal and cultural institutional characteristics of policy making differ from those of western Europe countries which dominate the EU norms. Of particular relevance to the environmental sphere is that Turkey has historically operated a very centralized political and administrative system that is quite different to the open, integrated administrative system promulgated by EU policies, and specifically promoted by SEA. Hence, Turkey's adoption provides an opportunity to follow a real case as to how and how far institutions are being transformed within the adoption process.

Finally, there are pragmatic advantages of empirical investigation of Turkey's adoption for the research design in the fact that the researcher, as a native of Turkey, has the scope to contact and communicate effectively with policy-making authorities, conferring the advantages of language and knowledge of domestic settings, and enabling a richer understanding of the (in)compatibilities between the logic of EU and national policy. Such understandings can best be garnered from qualitative research interactions with the actors who play an important part in shaping the continuing inter-penetration of domestic and European politics. The salience of this native experience will be discussed in more detail in the methodology chapter (Chapter 4).

Turning then to the object of transfer - the EU SEA Directive - the value of focusing on this instrument is not only the growing use of appraisal techniques in environmental governance (Owens et al., 2004), or the intrinsic importance attributed to it in improving systems of environmental governance and facilitating more sustainable patterns of development (see for

example Partidario, 1996; Sadler, 1996; Sadler and Verheem, 1996; Therivel and Partidario, 1996; Glasson et al., 1994; Lee and Walsh, 1992; Therivel et al., 1992), but also that it represents a particularly challenging EU policy instrument. It is challenging because SEA requires the integration of environmental considerations into decision-making (Dalal-Clayton and Sadler, 2005; Sheate et al., 2003; Dalkman et al., 2004), and seeks to improve public sector decision-making at all levels and across all activities through a transparent system of assessment which encourages public participation (Jackson and Illsley, 2006). Hence, the SEA Directive represents fundamental challenges, especially, at the policy and more strategic decision levels where qualitative, participation and communication processes become much more important than technical methodologies (Dalal-Clayton and Sadler, 2005).

One of the key trends in environmental governance and evaluation, exemplified by the development of SEA is the shift away from the traditional 'object' of assessment - specific projects - towards a more encompassing view of the policy process, which brings evaluation techniques closer to the political dimension of decision-making. In this regard, SEA has wider implications for the delivery of sustainable development which might cause national decision-making systems face fundamental changes. This, too, makes it a fascinating focus for study. The processes by which SEA is adopted, and the consequences, can in turn impact upon the success of national sustainability strategies, hence understanding the mechanisms by which such processes have spread around the globe is of value in itself.

Arguably, then, the major challenges in achieving both the aims and potential of SEA, in promoting sustainable development, are not methodological. Rather they lie in the institutional and political arena. The effectiveness of SEA arrangements depends on the policy, legal, and institutional context, and whether these too can be reformed to establish basic preconditions. Different countries face a range of difficulties in aligning their particular political and institutional contexts to the administrative ideals of SEA (Therivel and Partidario, 1996); this is why 'uploading' a common SEA framework to inform the EU Directive proved so controversial when the Directive was being drafted. In Turkey, one might anticipate that a lack of knowledge and experience concerning the identification and assessment of environmental impacts; the difficulties of achieving integrated policy-making; limited public involvement; and lack of clear accountability or transparency in decision-making system would create difficulties that may influence the adoption of SEA (Adaman and Arsel, 2005).

Through an empirical study of Turkey's adoption of the EU SEA Directive, it can be demonstrated how the adoption of this policy occurs and evolves in a particular context. To achieve this, the study provides an in-depth investigation of how the mandatory components and idealized requirements of SEA are conceived by the actors involved in the transfer process and shaped by domestic institutions; which new modes of governance seem to be promoted by these components; and what challenges or barriers affect compliance with the SEA Directive. Through this study, an effort is made to understand the degree of domestic institutional transformation, including new modes of governance introduced to national decision-making systems to comply with the EU Directive. By giving attention to these issues, it will be possible to learn what makes SEA adoption 'successful' or not in a different context, and how far the EU Directive contributes to the realization of sustainable development in challenging context of Turkey.

In terms of the environmental focus of this study, - the 'environment' in Strategic Environmental Assessment - the specific concern is confined with a particular subset of environmental policy: policy and project appraisal. To that extent, the underlying concern of the research is about 'environmental policy' conceived in traditional, physical terms of directly protecting the quality of the natural environment and controlling pollution. However, the discourses of sustainable development and 'environmental policy integration' that permeate SEA can serve to blur the boundaries of what constitutes an environmental policy, as does the EU Directive itself. The SEA Directive makes reference to economic and social effects as well as environmental effects of a plan and programme and environment, and promotes a sustainable development perspective that considers the achievement of environmental-social and economic objectives at the same time (CEC, 2001, Article 1). In this regard, this study assesses the formal transition and administrative compliance with the objectives of EU SEA Directive - which is an environmental policy instrument promoting an environmental assessment tool - rather than providing an evaluation of outcomes and impacts of SEA on the environment. It must be emphasized that the impacts of implementation 'on the ground' is the acid test of any environmental policy, but the relative novelty of SEA in Turkey mean that the focus of this study must remain primarily on the adoption of SEA as a policy instrument, and its potential, rather than on downstream effects.

#### **1.4. The Structure of the Thesis**

The next chapter of this thesis develops the conceptual arguments by examining two main sets of literature which are Europeanisation and policy transfer. It begins with current discussions about EU environmental policy studies and Europeanisation impacts but focuses these vast debates by giving particular attention to adoption of environmental policies. Analytical approaches in these studies are examined with the purpose of understanding the theoretical and empirical gaps in the research field. Following the review of existing approaches in the Europeanisation studies, a distinctive research field, 'policy transfer' literature is examined to identify the case for an alternative analytical perspective to be applied to EU environmental policy adoption. Concepts and analytical approaches in the policy transfer literature are examined and problems associated with particular theoretical approaches and analytical frameworks or models are discussed. The deficiencies with these theoretical approaches are stated and, in a response to these deficiencies, the need for analysing policy transfer in the light of alternative theories, to better explain how policy transfer occurs and what makes it successful, are highlighted.

Chapter Three sets out an alternative theoretical framework for policy transfer which is then applied in this thesis to EU environmental policy adoption. The theoretical approaches discussed in this chapter are built upon to explain the relationships between causal factors and outcomes in conceptualising policy transfer. Different types of policy transfer are defined and analytical frameworks for three different types of transfer - as 'rationality-based', 'power-based' and 'obligation-based' frameworks - are developed. The obligation-based type of policy transfer is identified as the framework fitting best to the case of environmental policy adoption in the EU context, and its key analytical components are explained.

Chapter Four explains and justifies the research methodology and research strategy, including the epistemological and ontological basis. The chosen research design is that of an intensive, in-depth qualitative investigation of Turkey's adoption of the EU SEA Directive. The chapter explains the data selected for the the empirical research - interviews, document analysis and observation - and how data collection methods were connected to four key stages in the adoption process. An explanation is given of how the theoretical approach of the thesis was applied to the selection of actors to be interviewed and documents to be analysed. The

techniques of data analysis are also presented. In the penultimate section, ethical issues surrounding the data collection, including trust, validity and cultural issues that arose during interviewing and also limitations to the study are discussed. The Chapter concludes with reflections on the methodology, including data collection, presentation and analysis.

Chapter Five introduces SEA as an object of policy transfer, and examines in greater detail the challenges to EU environmental policy and Europeanisation that it creates. The content and components of dominant, idealised models of SEA policy are explained followed by the likely constraints to adopting an effective SEA system in practice. Then different countries' experiences with SEA are outlined, to provide some insights into the different ways in which the basic mechanisms of SEA have been adapted in different national settings. The objectives and implications of the EU SEA Directive are discussed in this light, with particular reference to the accession countries.

Chapter Six presents a historical overview of environmental policy in Turkey, drawing out features of its present national 'policy styles and structures' which might be considered inconsistent with the ideals of SEA. Then, domestic institutional structures, the degree of democratic participation, transparency and accountability in decision-making, communication and cooperation mechanisms between state departments and various actors, and the history of environmental assessment in Turkey are introduced.

Chapter Seven provides an analysis of Turkey's adoption of the EU SEA Directive and evaluates the findings. In the analysis, the concepts involved in the obligation-based policy transfer framework are applied to the SEA Directive adoption process, and these concepts are examined in Turkey's case. This involved examining how process factors such as 'the reasons for adoption', 'emergence of networks for adoption', 'differences in settings of Turkey and EU contexts in terms of political, legal and procedural aspects', 'cultural institutions', 'actors learning and empowerment', and 'actors' strategies' unfolded in practice. Then the changes in domestic institutions as responses to the adoption process are discussed. In the last part of the chapter, the empirical findings are evaluated. Finally, the question of what affects the success of adoption in Turkey is answered by bringing together the empirical findings and the conceptual framework for policy transfer.

The concluding chapter, Chapter Eight, discusses the research findings in relation to the four research questions posed above. The first part of the chapter explores two key issues - 'how far Europeanisation, in the environmental field, is likely to extend to Turkey, based on its experience with SEA' and 'how different actors were mobilized and sought to shape domestic responses to the SEA Directive' - in the light of the research findings. Following this, reflections are offered on possible deficiencies with the adopted theoretical approach and conceptual framework, and ways in which they might be developed. Contributions to existing knowledge are discussed and suggestions for future research are provided. In the last part of the chapter, the policy implications of the study are then presented to suggest how policies can be adopted more effectively in different national contexts.



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## **Chapter 2**

### Literature Review

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## **EUROPEANISATION AND POLICY TRANSFER**

### **2.1. Introduction**

This chapter reviews the two distinctive literatures on Europeanisation and policy transfer to develop an analytical framework for the analysis of environmental policy adoption in the EU context. In the first part of the chapter, the EU environmental policy and Europeanisation impacts studies in the Europeanisation literature are reviewed, focusing on those studies that are considered most pertinent to European policy adoption. Following the concepts and ongoing debates in the studies of the EU environmental policy and EU impacts, the theoretical approaches used in both study areas are examined by giving particular consideration to ideas-settings-chaos dominant approaches and regime theory approach - within the EU environmental policy studies and the new institutionalist approaches - including rational-choice, sociological and historical perspectives - within the Europeanisation impacts studies. Then, the shortcomings of these approaches are discussed to inform the analysis of impacts and domestic responses to the adoption of European environmental policy.

The second part of the chapter reviews the policy transfer literature, giving particular attention to how this literature might offer concepts and analytical insights for understanding policy adoption in the EU context. In the review of this literature, the varying terminology such as 'policy transfer', 'lesson drawing', 'policy diffusion' and 'policy convergence' is clarified and an effort is made to tease out distinctive claims and concerns of these concepts. Attention is given to the models of Rose (1991) and Mossberger and Wolman (2001) for prospective policy evaluation, the model of Bennett (1991) for policy diffusion, and the models of Dolowitz et al. (2000) and Evans and Davies (1999) for policy transfer analysis. Various concepts and theoretical approaches in the existing literature are examined to develop an analytical framework to be applied in European environmental policy adoption. At the end of the second part, deficiencies of the existing approaches and models for explaining dynamics

of policy transfer process are discussed, again so that their deficiencies and potential are examined to extend existing models of policy transfer.

## **2.2. Concepts and Debates in the EU Environmental Policy Studies**

Europeanisation is defined as ‘the emergence and development at the European level of distinct structures of governance, that is, of political, legal and social institutions associated with political problem solving that formalise interactions among the actors, and of policy networks specialising in the creation of authoritative European rules’ (Cowles et al., 2001:3). The environmental policy area is characterised by a high degree of Europeanisation in terms of regulatory obligations (Weale 1996; Knill 1997). According to Grant et al. (2000), EU environmental policy has a distinctive character, in terms of the legitimacy of EU policy competence, the policy instruments available to achieve policy goals, and implementation or enforcement problems associated with the achievement of those goals. One potentially significant difference is that environmental policy is still a younger and, in some respects, less well-entrenched policy sector in EU or national government systems than other areas (Grant et al., 2000). In order to achieve a legally accepted status, it has had to be defined in line with single market policy objectives (ibid).

Weale (2002) remarks that one significant difference between environmental and other policy areas in patterns of Europeanisation is the role of ‘lead states’ in the formation of environmental policy. Each member state has its own agenda in terms of maximising the financial and other advantages it derives from the policy. EU environmental policy is perpetually at risk of being thought too uniform in scope and form for the environmental diversity of Europe, with too much attention being paid to the postmaterialist concerns of northern Europe and insufficient attention to the sustainable development concerns of southern member states, and their concerns for different commodities (Weale, 2002). But all the member states are interested in the outcome of the bargaining process. Thus, the policy process in the environmental arena is typically driven by a small number of member states which are significantly more environmentally progressive than the rest (Sbragia, 1996), which creates larger adaptational pressures when environmental policies are ‘uploaded’ from these ‘ideals’ to the EU.

Another defining feature of environmental policy within the EU concerns deficiencies in implementation (Jordan 1996; Christiansen and Tangen 2002). Implementation and enforcement of legislation remain the weakest links in EU environmental policy for a number of reasons that relate to the particular character of environmental problems (Somsen, 1996, Jordan, 1996). The Commission's own statistics on the implementation of Community legislation reveal serious deficits with respect to environmental legislation: in 1995 member states reported that only 91 per cent of the Community's environmental directives were being implemented, and that more than 20 per cent were not transposed in some member countries compared to other categories of directives (CEC 1996:2). The level of analysis is all important here. 'Compliance', the process of giving effect to EU environmental policy at the national level, is achieved when EU legislation is enacted into national statute and administrative practice. But, arguably, the success of EU policies should be judged by the impacts they have on the ground (Jordan, 2002). If for example, as the Commission warned (CEC, 1996:1) the Acqui is not fully implemented, EU environmental policy risks becoming a paper exercise with little tangible effect on environmental quality (Jordan, 2002).

In assessing the effectiveness of national measures to ensure the implementation of environmental policy measures in the EU, particular attention needs to be focused on the type of legal instrument used. The Council and Commission are both empowered to issue regulations which, once adopted, automatically become part of the national legal framework in each member state without the necessity for legislative implementation: Regulations are 'directly applicable', though they often require member states to take action to ensure compliance with their provisions. Because regulations are binding in their entirety across all Member States (Article 189/2), they have generally been used for precise purposes such as financial matters or the daily management of the Common Agricultural Policy. Only rarely they have been used for environmental matters (Haigh, 1990:2).

In contrast, directives are the preferred tool of EU environmental policy which, once adopted by the Council of Ministers, require member states to transpose into national laws, regulations and administrative provisions necessary to bring national legislation into line with EU law. Once a directive has been transposed into national law, it is assumed that the practical means by which its aims will be achieved are not only via the directive, but also through the national implementing legislation. A defining characteristic of directives is that they impose binding obligations on the result to be achieved, while they leave national authorities with some

flexibility to choose the form and method (Article 189/3). Thus, directives allow for national diversity and variation within the permitted scope of the directive's test and, to connect to debates on Europeanisation dealt with below, moderate the 'adaptation pressures' in meeting EU requirements (Cowles et al., 2001:7). In contrast, regulations impose obligations of form, in the sense that a regulation automatically becomes an integral part of the national legal system (Freestone and Davidson, 1988). The body of the EU environmental legislation currently encompasses some 300 legal acts of which 140 are Directives and other core policy documents concerning 'integration' and international commitments (Christiansen and Tangen, 2002).

Despite the apparent flexibility of directives, however, a number of important compliance and implementation issues still arise. In order to implement a directive correctly, a member state must ensure that national legislation complies with it fully and within the designated time limit. Once a directive has been adopted as EU law, member states are then normally given between 18 and 36 months to implement (or transpose) it into national law. The legal, technical and administrative measures used by member states to transpose environmental directives into national law show considerable variation, according to national legal traditions and administrative norms. Even assuming that EU environmental law is implemented into national law in an appropriate manner, the problem then becomes one of enforcement for the competent national, regional and local authorities that are responsible for monitoring the practical application of environmental standards in the member states (Jordan, 2001).

Previous studies had shown that harmonising environmental policies required fundamental changes to the pre-existing systems in the member states. While the diffusion of policy innovations has been often initiated at the national level, perhaps from environmental 'lead nations', and then transferred to the European level (De Bruijin, 2001; Jordan, 2005), Christiansen and Tangen (2002) point to important institutional challenges, lack of personnel and technical resources particularly in accession countries as well as limited public and legal awareness in the field of environmental protection, in shaping implementation. They refer to the problems related to the Spanish accession that unveiled considerable and hidden costs due to weak administrative structures and lack of financial resources in the environmental field. Adoption of EU environmental directives frequently fail to produce their desired effects at the implementation stage due to the fact that the capacity of individual countries to respond to the challenge of policy development differs in terms of national systemic factors. The legal,

technical and administrative measures used to implement environmental directives into national law vary more considerably in the accession countries where political and cultural backgrounds differ greatly.

The difficulties of compliance and implementation are not unrelated to the object of EU environmental policy, and the tools it implies. Knill and Lenchow (2000) remark that new more flexible instruments of EU policy making including directives are expected to improve the effectiveness of environmental policy in basically two ways. First, as noted above, they leave Member States more leeway to comply with the EU requirements by taking account of domestic context conditions (Haigh, 1990). In fact, the new flexibility may ease the decision-making process as well as the subsequent implementation. Second, in promoting the role of general public in the implementation process (by strengthening public access and self regulation), the Commission aims at increasing the societal support and awareness with respect to its policies. Strong societal support and awareness, in turn, increases the pressure on domestic administrators to properly comply with EU legislation. Directives implying a voluntary approach are also deemed to fit better with the complex nature of contemporary environmental policy than purely top-down legislative approaches (Wright, 2000). Nevertheless, there are still big questions about capacities of national governments to roll out the more participatory instruments, and the extent to which pressure from civil society genuinely leads to improved policy performance in different societal contexts. Both, for example, have been rather lacking in the former state socialist countries of central and eastern Europe (Baker and Jehlicka, 1998) and in the transition countries of south eastern Europe (Igor and Lorena, 2006).

### **2.2.1. Analytical Approaches for EU Environmental Policy Adoption**

There are analytical approaches in EU environmental studies that may provide us with explanations for what causes convergence and divergence in environmental policy adoption across member states. By doing so, these studies have wider value for this study, in characterising the dominant processes of Europeanisation. Jordan et al.'s (2000) research, which focuses on the rising popularity of 'NEPIs' (new environmental policy instruments), identifies the factors that might conceivably cause European states to respond in either convergent or divergent ways to these instruments. They utilise three different streams of public policy literature - 'ideas-dominant approach', 'settings-dominant approach' and

'chaos-dominant approach' - which provides a useful typology of explanatory idioms. Being derived from more general theoretical frameworks for explaining policy change, not just to understand the impact of 'external' ideas, these approaches make different predictions about the nature of the selection process and the intervening influence of endogenous factors in shaping the form in which new policies are adopted.

In the ideas-dominant approach, 'ideas drive the search for new instruments whereas institutional factors and questions of implementation are played down' (Jordan et al., 2001:12). The ideas-dominant approach assigns greater explanatory weight to human agency and thus it attributes the wholesale switch to NEPIs in Europe and the parts of the world to networks of ideas and expertise (ibid). Hall's (1993) study of social learning points to the different ideas embedded within political institutions as the key factor explaining policy change. Hall (1993:278) explains policy change as 'a cognitive struggle between different groups to improve their understanding of the suitability of particular instruments to act as solutions'. Haas (1992:3) also explains that ideas are important because 'the diffusion of new ideas and information can lead to new patterns of behaviour and prove to be important determinant of international policy coordination' and stresses the increasing complexity of public issues and a more unpredictable policy-making environment that lead policy makers to participate more in epistemic communities to resolve policy dilemmas. The advocacy-coalition framework assumes that such learning is instrumental, i.e. 'members of various coalitions seek to better understand the world in order to further their policy objectives' (Sabatier, 1998:104). According to ideas-dominant perspective, policy instruments play an instrumental role in policy process. The actors' strong belief in the superiority of NEPIs as against traditional, regulatory policy instruments inspires the emergence of a transnational community of experts, and then NEPIs are uniformly applied in those countries where supportive, knowledge-based coalitions are dominant and more sporadically where they are not (Jordan et al., 2000). The ideas-dominant approach says little about what happens when new ideas are implemented in different national contexts because they are primarily theories of agenda setting and policy selection, however this approach alerts analysts to the role of learning and the purveyors of knowledge.

The settings-dominant approach assumes that institutions structure political actions and outcomes rather than simply mirroring social activity and rational competition among aggregated units (March and Olsen, 1984; Thelen and Steinmo, 1992; Lindberg and

Campbell, 1991). At a basic level, institutions have been defined as a relatively stable collection of practices and rules defining appropriate behaviour for specific groups of actors in specific situations (March and Olsen, 1998:948). More specific is Hall's (1986:19) definition as 'the formal rules, compliance procedures and standard operating practices that structure the relationship between individuals in various units of the policy and economy'. Aspinwall and Schneider (2001:3) point out that 'the effects of institutions on human action can be either constraining or empowering': rules may prevent actions that might otherwise be pursued, but also newly created institutions may open up avenues which could not have been pursued earlier.

According to settings-dominant approach, 'institutions form and adapt slowly in the process inventing in certain norms, values and cultures; they are not changed easily unless there are sudden external shocks' (Jordan et al., 2003:20). In terms of the implications for compliance with EU policy measures, the first and most obvious point is that policy makers across the member states prefer incremental change regarding the adoption of new instruments. Bulmer and Burch (2001) remark that implementation of NEPIs in Europe has usually been incremental. This certainly fits with the generally slow pace at which certain types of economic instruments have been adopted in parts of Europe and the most frequently cited barriers are broadly 'institutional', namely bureaucratic resistance, complexity and political inertia (Hanley et al., 1989; Keohane et al., 1998, cited in Jordan et al., 2000:13). Second, instruments that work with the grain of national institutions are more likely to be adopted. Institutional arrangements that create opportunities for effective governance in one country may heighten risks of governmental failure in another because the latter government faces different facilitating and limiting conditions (Weaver and Rockman, 1993:39-40). To give a pertinent example for Strategic Environmental Assessment, the settings-dominant approach would contend that countries with a consensual or corporatist style are more likely to adopt measures predicated on voluntary agreements and regulation than those characterised by greater conflict.

In contrast to the ideas dominant approach, settings-dominant approaches consider that 'institutions refract the pressure for change in a way that perpetuates existing arrangements and thus, the common imposition of a set of rules leads to widely divergent outcomes in societies with different institutional arrangements' (North, 1990:101). This approach assigns greater weight to institutions and accounts for how institutional contexts may affect the

adoption of new policies. Although, the role of institutions is overstretched by settings-dominant approach, it contributes to our understanding of how complex are the interactions between institutions and policy-making process.

The third approach to explain divergence or convergence is the 'chaos-dominant approach' (Jordan et al., 2000:14). This approach draws its inspiration from 'garbage can' model of Cohen et al. (1972) which examines how decision-makers 'dump' problems in an organisation. According to Cohen et al.'s model, what happens is that problems emerge to engage some of the people who take decisions. In the next sequence, these decisions-makers move on to try to solve other problems, but in the meantime, the decision creates new problems which involve another set of actors who make more decisions that affect a further group of decision-makers and so on. The result is chaotic style of policy-making as decision-makers deal with a changing array of problems and solutions.

Kingdon (1984) applied Cohen et al.'s model to the wider political process to develop his 'policy streams' approach. This assumes that, at any one time, there are four interacting streams: a stream of choices (ideas), a stream of problems, a stream of solutions, and a stream of decision-making attention. All the elements to the policy-making process shift and change, and policy outcomes arise from continual interplay. According to policy streams approach, policy solutions emerge because the time for an idea has come and they often disappear rapidly. Ideas are not uniquely associated with one person or organisation, but they arise from the sharing of agendas between decision-makers. Problems are public matters requiring attention such as environmental degradation that may or may not get defined as important or not. Policies are proposals for change based on the accumulation of knowledge and development of interest among the specialists in a policy sector. This approach asserts that agendas are not automatic reflections of the power of participants in the policy process while incrementalism summarizes some aspects of the process, therefore the contingency of the interactions between the streams can cause discontinuity or sudden agenda change. It also assumes that there is a likelihood of novel solutions moving onto the policy agenda only in rare policy windows when the policy streams interconnect (Kingdon, 1984).

Kingdon's study points to the possibility of a policy window opening to create an opportunity for a policy entrepreneur such as the European Commission, epistemic communities or more broadly-based policy advocacy coalitions to push for the adoption of a new policy idea.



However, it also suggests the possibility of divergence when well entrenched institutional actors are in control of compliance and implementation (ibid). The chaos-dominant approach differs from ideas-dominant and settings-dominant approaches. While the ideas and setting-dominant approaches focus on knowledge and institutional contexts respectively, the chaos-dominant approach explains decision-making situations in the policy instrument context and alerts this study to a much more fluid context to the influencing of events and less predictable processes and contexts for policy change.

Problematising all such debates about convergence and compliance, however, is the lack of specificity attaching to the term 'successful outcome' and, thereby, convergence. Skjaerseth and Wettestad (2002) help to unpack this term, drawing upon their analysis of environmental regimes. They analyse 'regimes' to understand the effectiveness of EU environmental policy and define one core element of effectiveness as 'change in the behaviour of target groups at national and subnational levels caused by the institution in question' (Skjaerseth and Wettestad, 2002:100). Hence, effectiveness is a wider concept than implementation and compliance, which are confined to the follow-up of a specific policy. Substantial knowledge about the implementation of EU Directives is an important building block in effectiveness studies. International environmental regimes as well as EU environmental policy produce a chain of consequences and effectiveness that can be measured at different points in this chain. Skjaerseth and Wettestad's research points to the gap between what is delivered, in terms of policies or outputs, and what is achieved on the ground, in terms of environmental improvement or impact, and identifies three core dimensions as 'output, outcome and impact' (ibid:106).

For Skjaerseth and Wettestad (2002), 'output' is conceived as relevant policy, 'outcome' points to 'changes in the behaviour of those subject to the provisions of regimes', while 'impact represents the tangible consequences affecting the physical problem at hand' (ibid:100). They remark that 'these dimensions can in turn be further specified: output can be divided into the extent to which international obligations are incorporated in national policy (output 1), and whether adequate policy instruments and measures have been adopted and implemented in accordance with relevant policy (output 2)(ibid:106). They note that their evaluations depend heavily on which phase in the causal chain they are focusing on. In relation to this chain of consequences, two main perspectives in the measuring of effectiveness evolve, focusing upon 'behavioural change' and environmental problem

solving. According to their research, regimes must first produce outputs and induce greener outcomes in order to solve resource and environmental problems, Hence, they see behavioural change as a necessary condition for achieving regime effectiveness. However, they also note that ‘behavioural change is not sufficient, as even considerable behavioural change may fall far short of solving the problem at hand’ (ibid:106).

Skjaereth and Wettestad (2002) argue that behavioural change can be caused by factors unrelated to the policy in question and remark that any assessment of regime effectiveness requires causal inference between output and outcome to understand whether it is the policy in question or other unrelated factors that have caused observed changes in behaviour (ibid:107). The most important analytical requirement in any evaluation of what can be achieved is to make evaluation criteria explicit. They distinguish two main alternatives when approaching the question of what can be achieved. The first alternative is related to the distance between the actual regime/policy and some notion of the ideal solution; either in economic or, most commonly, environmental terms. The second is related to what would have happened in a hypothetical situation without the regime or policy.

Skjaereth and Wettestad (2002) also suggest how explanations of regime effectiveness can be applied to EU environmental policies. Given the EU has strong policy-making powers but comparatively weak powers of implementation, the study of regime effectiveness is considered as a means of bridging the gap between evaluation and explanation of effectiveness of EU environmental policy. Skjaereth and Wettestad’s study transfers approaches and methodologies from international regime analysis to the EU which requires particular sensitivity to institutional, political and historical characteristics. The study underlines the differences between the EU and an international regime whilst EU environmental legislation or clusters of legislation come close to the notion of environmental regimes in the implementation phase.

The regime effectiveness study provides a different analytical perspective to evaluate the outcomes of EU policies while current research on EU environmental policy tends to be marked by an output, and to some extent, an impact focus. In this regard, it offers conceptual insights for the present research for clarifying the boundaries of what constitutes of environmental policy and discussing ‘effectiveness’ and ‘success’ especially as to the key considerations in the notion of policy outcome with implications. However, this approach has

limitations in explaining EU impacts on domestic institutional contexts. Considering this, the following section reviews approaches to the analysis of Europeanisation and European policy impacts on domestic institutions.

### **2.3. Concepts and Debates in the Europeanisation Studies**

Research examining the impact of the European Union on its member states has boomed. Much of the scholarly work is concerned with developments at the European level and focuses on the extent to which domestic conditions affect the outcome of supranational institution-building and policy making. However, in recent years, ‘under the label of ‘Europeanisation’, researchers have started to study the process through which European integration penetrates and, in certain circumstances brings about adjustments to, domestic institutions, decision-making procedures and public policies’ (Liefferink and Jordan, 2002:1)..

The Europeanisation literature interprets ‘Europeanisation’ in numerous ways, including concepts of ‘downloading’, ‘uploading’, ‘fit’ and ‘misfit’. To Ladrech (1994:70), as noted in Chapter 1, Europeanisation is an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy making. Buller and Gamble (2002:17) consider it to be ‘a situation where distinct modes of European Governance have transformed aspects of domestic politics’. The main emphasis for these conceptualizations of Europeanisation is on the ‘downloading’ of EU policy into domestic policies (Howell, 2002).

Similarly, Hix and Goetz (2000) identify European integration as an independent variable and change in domestic systems or Europeanisation as a dependent variable. This is a useful distinction if we understand Europeanisation as the outcome of change at the domestic level; however, if the domestic level initiates change in the EU and affects European integration then the variables are reversed. In practice, the situation is likely to be more complex: the relationship between European integration and Europeanisation is interactive such that the distinction between the dependent and independent variables is obscure (Howell, 2002). Similarly, Featherstone and Kazamias (2001) argue that Europeanisation embraces both the domestic and EU levels of policy making and, stressing the interdependence between the two, they focus on the expansion of EU institutions and their policy-making capabilities as well as resulting changes in member states.

For Olsen (2002), however, knowing what Europeanisation is is less important than whether and how the term can be useful for understanding the dynamics of the evolving European polity. To advance this explanatory role, some analysts have sought to connect the adoption of EU policies to the type of governance regime in which the policy is embedded. Using language with echoes in policy transfer debates, hierarchical regimes emerging from an 'amalgamation trajectory' of integration entail a coercive form of adoption, via regulations or directives that are so tightly worded as to leave member states with little discretion in their implementation (Padgett 2001). In contrast, pluralist regimes based on 'soft law' (more loosely drafted directives, recommendations, resolutions, or European Council declarations) entail interdependence and power sharing between supranational and national authorities, and generate more voluntaristic, discretionary forms of policy adoption (Metcalf 1996). Thus the nature and consequences of Europeanisation shifts with the changing styles of governance and, one might add, with the malleability of the objects being governed.

To explain cross-national variations in the impact of European policy at the domestic level, the concept of 'fit' has been widely used (Heritier and Knill, 2000). It is argued that the misfit between EU policy and domestic institutions creates 'adaptation pressures', the level of which has crucial implications for the quality and pace of implementation, and thereby 'Europeanisation' (Heritier et al., 1996; Knill 1997; Kohler-Koch and Eising 1999; Heritier and Knill 2000; Cowles et al., 2001). To explain adaptation pressures with respect to the adoption of EU policy, it is argued that adaptation pressure increases if EU regulations affect national institutional arrangements that are deeply embedded in the national administrative traditions (Knill, 1998). In this framework, the openness of member states to external policy models is deemed to depend on the intensity of adaptation pressures that would arise out of the need to recalibrate domestic policy preferences and norms to the EU model. The mediation of adaptation pressures arising from an EU policy can be related to a number of further institutional variables: unitary/federal state structures; single party/coalition government; and the degree of autonomy of the state from societal actors (Schmidt, 2000; Heritier and Knill, 2001).

However, the domestic institutional environment is not immutable and may be subject to shifts catalysed by European policy. First, adaptation pressures may serve to redistribute resources amongst domestic actors, strengthening reform elements against their opponents (Borzel, 1999) and offering new opportunities to renegotiate domestic constraints (Hix and

Goetz, 2000). Second, the socialisation effects of interactions taking place during the uploading stage of EU transfer may have generated change in the normative yardstick against which domestic actors define their interests and policy preferences (Borzel, 1999). A study of the Europeanisation of small West European states concludes that the governments of these states have adapted to European integration in an incremental and ad hoc way, building upon pre-existing domestic traditions and arrangements (Hanf and Soetendorp, 1998). For accession countries, this debate raises the question of whether administrative structures will converge with best or shared practice in the EU, or whether and how EU influences are moderated by institutional arrangements and traditions.

### **2.3.1. Analytical approaches in the Europeanisation impacts studies**

In the literature, a growing number of studies are characterised by a systematic focus on the domestic impact of Europe from different perspectives (Cowles et al., 2001). In seeking to explain these domestic impacts some, as noted above, focus on assessing the institutional compatibility or 'fit' between European and domestic arrangements - i.e. the level of European adaptation pressure - as the most important variable (Olsen 1995; Heritier et al., 1996; Borzel 1999). Others (Majone 1996; Lehmkuhl 1999; Haverland 2000; Schneider 2001) completely discard this institutional argument, focusing instead on the extent to which European policies have affected domestic opportunity structures and interest constellations, while another group of scholars (Lavenex 1999; Checkel 2001) emphasize the impact of European policies on belief systems, ideas and the expectations of domestic actors.

An important development in the literature has been approaches that seek to combine, effectively, these perspectives. For example, Cowles et al. (2001) define the existence of 'European adaptation pressure' as the necessary condition for domestic change, although, for this change actually to take place, certain conditions have to be fulfilled. There have to be some facilitating factors which provide the basis for corresponding responses to the adaptational pressures, such as the changing beliefs and preferences of domestic actors, the emergence of 'change agents' or 'favourable' institutional opportunity structures (Knill 1998; Borzel and Risse 2000; Knill and Lenschow 2001). Key questions surround how political and institutional fits or misfits arise, and the level of explanatory abstraction that can be justified. Knill and Lehmkuhl (2002) suggest differentiating and qualifying different explanatory approaches depending on the particular mechanism by which European policies impact upon

domestic arrangements. They ask the question of ‘what are the domestic impacts of European policy making’ and base their analysis on three mechanisms of Europeanisation: institutional compliance, changing domestic opportunity structures, and framing domestic actors’ beliefs and expectations. They argue that the distinctive basis of Europeanisation, rather than the particular policy area, is the most important factor to be considered when investigating the domestic impact of varying European policies. The more European policies positively prescribe or impose a concrete model for domestic compliance, the more relevance the level of adaptation pressure has for explanation; an observation which once again brings the object of policy, and its implications, firmly into the equation.

In contrast, others argue that European adaptation pressure does not constitute a necessary condition for domestic change (Heritier and Knill, 2001). They base this on observed cases in which European policies have led to national reforms, even though European and domestic arrangements were fully compatible. They suggest a ‘dynamic approach’ which conceives of European policies as an input into the domestic political process that might be exploited by national actors in order to enhance their opportunities for achieving their objectives. In this context, the degree and direction of domestic change depends on the distinctive constellation of three interacting factors: namely, ‘the stage of national regulation in relation to European policies’, ‘the level of sectoral reform capacity’, and ‘the prevailing belief systems of the domestic actors’. The particular combination of these factors not only affects which domestic actors are strengthened or weakened by EU legislation, but also whether those actors benefiting from European influence are actually able to exploit effectively their new opportunities, putting through regulatory reforms consistent with their interests.

On this basis, Heritier and Knill (2001) propose a less functionalist view of the relationship between (apparent) EU requirements and domestic policy processes. This view can be developed, also, by utilising approaches adopted in the EU policy impacts literature, such as social learning through interaction or discourse, which is central to social constructivist perspectives, which may play a role in facilitating policy downloading from the EU (Radaelli, 2000; Schmidt 2000). Also, Hayes-Renshaw and Wallace (1997) propose the view of interactions between experts and bureaucrats that may generate transnational epistemic communities that impact upon national policy preferences and cultures. As well as simply combining these analytical perspectives, there is the additional, meta-theoretical task of reconciling the significance of actors and institutions in explaining patterns of change (or

persistence) in domestic practices in the face of pressures for Europeanisation. One can characterise as institution-based perspectives those which start from the concept of adaptation pressure, and actor-based perspectives those which focus on belief systems, preferences and the strategic interaction of domestic actors.

The starting point of all agency-based approaches on the EU is the assumption that 'actors in all relevant decision-making arenas behave strategically to reach their preferred outcome' (Aspinwal and Schneider, 2001:7). Agency-based perspectives focus on interests as the primary, independent explanatory factor and explain institutional developments by reference to the prevailing actor constellation in a given institutional context (Shepsle, 1989). Meanwhile, institution-based perspectives emphasize the role of institutions on political actions and outcomes (March and Olsen, 1989). Institution-based perspectives focus on institutions as independent variables including norms, ideas and values and assume that institutions influence movement towards or away from integration. They may comprise codified, clearly visible rules or they may be routines and standard practices which are less visible but equally important determinants of social behaviour (Aspinwal and Schneider, 2001:3). Both perspectives are characterised by analytical weaknesses as well as strengths. Agency-based approaches are not biased in favour of institutional stability, thus they can equally well account for stability and change. However, they need to account for 'high empirical complexity because of their low level of analytical abstraction' (Knill, 2001:25). On the other hand, 'the independent explanatory value assigned to institutions implies the rather deterministic bias of the institution-based approaches on the role of actors' (ibid:25).

In such cases, Knill (2001) considers that focusing on the impact of EU policies on strategic opportunities and constraints, as well as on the preferences and beliefs of national actors, provide a more promising analytical starting point. Thus, he combines agency-based and institution-based approaches to overcome the one sidedness of previous frameworks and develops a framework to analyse the impact of European legislation on national administrations. This study thus gives careful consideration to Knill's approach as it specifies a more integrated perspective on the question, 'what is the impact of Europeanisation?' and 'to what extent do these changes imply patterns of administrative convergence across accession countries?'. To assess the impact of European legislation on national administrations, Knill distinguishes between two analytical dimensions, characterising

sectoral administrative arrangements in terms of administrative style and administrative structure (see Table 2.1).

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### **Administrative Style**

### **Administrative Structure & Organisation**

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#### *Regulatory Intervention*

deductive versus inductive

hierarchical versus non-hierarchical

substantive versus procedural

detailed versus flexible

#### *Administrative Interest Intermediation*

legalistic versus pragmatic

adversarial versus consensual

formal versus informal

closed versus open

privileged versus equal access

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#### *Competence Allocation*

centralization versus decentralisation

fragmentation versus concentration

#### *Co-ordination and Control*

patterns of vertical control

patterns of horizontal co-ordination

**Table 2.1.** The dependent variable: dimensions of administrative change

Source: Knill 2001: 41

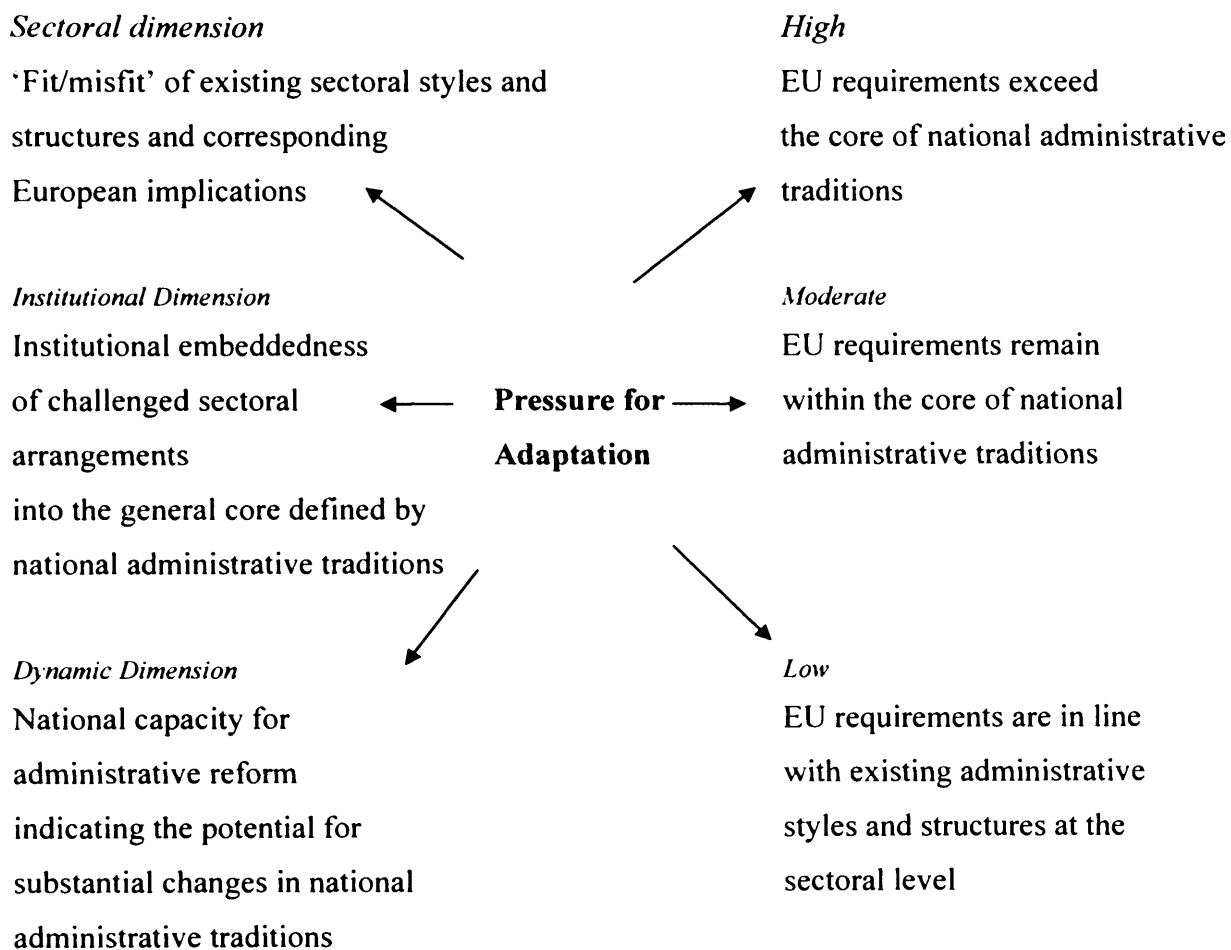
Further, two dimensions of administrative style, one about the way in which regulation takes place (regulatory intervention), the other about the ways in which conflicts of interest are dealt with, namely intervening and mediating patterns of regulation and administrative interest intermediation (administrative interest intermediation) are distinguished by Knill (2001). Where the 'intervening' dimension is characterised by deductive, substantive, hierarchical, and 'detailed patterns of regulatory intervention', it is likely to conflict with the administration style implied by Europeanisation. The type of intervention promoted by Europeanisation, and which best accommodates it, can be characterised by more inductive, procedural, non-hierarchical and flexible patterns, allowing for a large degree of administrative discretion in defining regulatory requirements which is done in the light of case-specific peculiarities. 'Administrative interest intermediation' which is characterised by legalistic, adversarial, formal and closed interactions, with access to the regulatory process being restricted to those societal actors directly affected and addressed by administrative



intervention, is also likely to be less compatible with the kind of interest intermediation implied by those aspects of Europeanisation based on pragmatic, consensual and informal interactions between administrative and regulated societal actors. However, 'informality does not exclude regulatory transparency, which provides third parties with equal access opportunities to the regulatory process' (Knill, 2001:40).

Knill's (2001) study provides us with factors to explain national administrative transformations and the criteria for conducting comparative analysis. His study examines administrative changes in various countries led by Europeanisation through structural and organisational factors - such as centralisation or decentralisation, concentration or dispersion of administrative tasks and competencies; and patterns of vertical and horizontal coordination and consultation- and administrative styles - such as intervening and intermediating types (see Table 2.1). Furthermore, Knill (2001) develops a framework illustrating the links between adaptation pressure and administrative change (see Figure 2.1 below). In his framework, the degree of adaptation pressure is conceived as an independent variable and considered whether European and national policies are in fact compatible. In order to assess compatibility between European requirements and domestic arrangements, the level of adaptation pressure is examined in sectoral, institutional and dynamic dimensions of domestic arrangements as in the Figure 2.1.

Given that the institutional scope of adaptation pressure cannot be satisfactorily captured by a static comparison of European requirements and national structures, Knill's framework assumes that 'administrative traditions are not static but, depending on the national capacity for administrative reform, may be subject to more or less far-reaching developments, which can alter the scope of sectoral adaptation, and hence the institutional scope of European adaptation pressure' (ibid:42). In view of this, the framework suggests that institutional and dynamic conception of adaptation pressure indicate the extent to which national administrative traditions are susceptible to contingent developments - such as changes towards new administrative style and structures implied by Europeanisation. The framework also acknowledges the relationship between the level of adaptation pressure and national reform developments that 'may alter the institutional scope of European requirements' (ibid: 47).



**Figure 2.1.** The independent variable: dimensions and levels of adaptation pressure

Source: Knill, 2001:47

Regarding how Europeanisation might affect the differences between national administrative systems, Knill compares two member states and identifies different patterns of domestic transformation (Table 2.2). He assumes two possible ways that Europeanisation impacts upon domestic arrangements as 'change' and 'no change' and three possible ways that different national administrative systems respond as convergence, divergence and persistence (ibid:49). The comparison of different member states reveals that similarities or differences in the initial constellation of sectoral arrangements and national reform capacities are underlying factors that cause different responses to Europeanisation.

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<i>Country A</i>		
	<b>Change</b>	<b>No change</b>
<b>Change</b>	Persistence	Convergence
	Convergence	Divergence
<i>Country B</i> <b>No change</b>	Convergence	Persistence
	Divergence	

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**Table 2.2.** Patterns of administrative change across member states

Source: Knill, 2001:50

The patterns of administrative change provide us with valuable pointers to account for different national responses to European policy requirements. However, it is difficult to be predictive as Knill's empirical study indicates rather contradictory patterns with respect to the scope and direction of national administrative change. The same European policy might cause fundamental reforms in one country while having no impact at all in others. In the same country, considerable regulatory adjustments to certain European policies might be observed while nothing happens in other policy areas (Knill and Lenschow, 1998, 2001; Heritier et al. 2001; Cowles et al., 2001). Unsurprisingly therefore, some authors stress the way in which European policy has had a differential impact by varying considerably across policies and countries while some authors stress that European policy has led to a convergence of national styles and structures (Harcourt 2000; Schneider, 2001).

Knill's framework seeks to combine assumptions of agency-based and institution-based accounts for the comparison of different national responses with an extensive research approach. The framework does not provide an explanation for what causes convergence and divergence in one country. Why do domestic actors respond differently to the opportunities and constraints provided by Europeanisation? Why do some member-state institutions undergo more profound institutional change than others do, even if they face similar degrees of institutional misfit? The 'new institutionalist approaches' are widely applied in the Europeanisation studies to answer these questions. Hence, we need to understand these

approaches which are dominant in the Europeanisation literature. In this regard, the next section intends to tease out further the claims of new institutionalist approaches.

### **2.3.2. New Institutional Perspectives in Understanding Europeanisation**

National constitutions or deeply entrenched social traditions might hinder the development of certain types of EU integration. Meanwhile, newly created institutions might open up avenues which could not have been pursued earlier (Aspinwall and Schneider, 2001). The basic premise of the new institutional analysis is that institutions affect outcomes: they may lead to or away from integration. New institutionalism does not constitute a single and coherent body of the theory; despite sharing the basic common assumption that institutions do matter, there are a variety of conceptions of how, why and to what extent institutions make a difference.

The different theoretical variants within new institutionalism are grouped into historical, sociological and rationalist institutionalism by Hall and Taylor (1996). The source of concepts in the new institutionalist perspectives are economics and sociology. From an economic perspective, 'institutions are long-lived equilibrium patterns of rational behaviour' (Calvert cited in Aspinwall and Schneider, 2001:2). From sociological perspectives, institutions are inseparable from human identity and behavioural choice and all problems are common, hence all solutions are socially constructed (Berger and Luckman cited in Aspinwall and Schneider, 2001:2). Aspinwall and Schneider (2001) argue that these different perspectives lead to a polarization between rationalist and constructivist approaches. Two ends of the spectrum vary according to the extent to which institutions are internalised by agents and therefore the extent to which agents are capable of acting independently of them (ibid).

Historical institutionalism can be considered in the centre of this spectrum by sharing some characteristics with each of the other two variants. Historical institutionalism bears some similarities to structuration (Giddens, 1976) as it assumes that while agents choose institutions, institutions then constrain agents. It has also similarities with the settings-dominant approach that is used to explain the uneven adoption of NEPIs and their impacts in the environmental studies. Historical institutionalism refers to institutions as independent variables. In historical institutionalism the focus is on the ways prior institutional commitments condition further action and limit the scope of what is possible and cause agents to define their interests (Bulmer 1994; Pierson 1996). According to historical institutionalism,

‘institutional stickiness’ plays an important role in the process of European integration and ‘history creates context which shapes choice’ (Pierson, 1996:156). Thus, institutional change becomes ‘path dependent’ as actors define their preferences endogenously, based upon what has occurred in the past. Applying this to the policy process, ‘institutional arrangements that create opportunities for effective governance in one country may heighten risks of governmental failure in another because the latter government faces different facilitating and limiting conditions’ (Weaver and Rockman, 1993:39).

When we move from historical institutionalism to constructivism, we see a tendency to assume that institutions become increasingly important independent causes of outcomes (Aspinwall and Schneider, 2001:14). Sociological institutionalism contributes to our understanding of the role of cultural and cognitive values and discursive practices in shaping domestic responses to Europeanisation. From a sociological institutionalist perspective, ‘integration depends on cultural and cognitive variation, and the impact of values, beliefs and identities on actors’ responses to integrative challenges’ (Putnam cited in Aspinwall and Schneider, 2001:14). The constructivists focus on normative and cultural institutions that establish a ‘logic of appropriateness’ for human behaviour and tend to emphasize the long-term consequences of institutions like historical institutionalists (Bulmer, 1994). According to constructivists, institutions are inseparable from human identity and behavioural choice (Jepperson 1991 cited in Aspinwall and Schneider, 2001:12), and ‘institutions become internalised and part of agent identity’ (Aspinwall and Schneider, 2001:14). They also take the notions of history, institutions, norms, ideas and are especially concerned with the construction of norms internationally, but also with the communication of norms through discursive practices (Diez 1999 cited in Aspinwall and Schneider, 2001:13). Discursive practices help to construct a normative context which then becomes a basis for action (Katzenstein, 1996 cited in Aspinwall and Schneider, 2001:12).

Both historical and sociological institutionalism are institution-based approaches that are mostly used in comparative literature at the level of nation state. Indeed, institution-based perspectives have tended to rely excessively on comparing one policy sector across EU countries. They provide insights for the analysis of how institutional changes take place. Nevertheless, there are a number of problems associated with them. The first difficulty with the institution-based approaches is accommodating the fact that policies emerge from a complex environment, with countries and policy sectors occupying very different starting

points. For example, with national responses to environmental crisis, it is very hard to disentangle institutional effects from others because each state reacts differently to crisis such as climate change and ozone depletion. It is fairly likely that policy-making differs between countries though it is almost impossible to disentangle the effects of institutions, political ideologies, cultures and interests, but it is harder to know the extent to which policy-making differs between sectors and across countries (Weaver and Rockman, 1993). Another difficulty is its definition of what accounts as institutional. By incorporating values and norms, also, ideas, norms and interests as part of institutions, the institutionalist perspectives include too many aspects of political life under one category (ibid.). In reality, the variety of interactions occur between contrasting elements of a political system, therefore, the term 'institutional' disguises these interactions and causal mechanisms in the policy process.

In contrast to historical and sociological institutionalism, which assign the independent explanatory value to institutions, rational-choice institutionalism assigns interests as the primary, independent explanatory factor and institutions as secondary, intervening factor for explaining political outcomes (Shepsle, 1989). The starting point of rationalist reasoning is the assumption that actors in all relevant decision-making arenas behave strategically to reach their preferred outcome. According to rational-choice branch of new institutionalism, institutions matter because they influence the strategies of actors to achieve their interests, but institutions have no impact on the formation of these interests, which are conceived as exogenous to institutional analysis (Norgaard, 1996; Immergut, 1997). Rationalist branches of new institutionalism alert us to the role and importance of policy learning and contribute to our understanding of causal mechanism under how preferences are acted upon (Katzenstein et al., 1998). In this respect, they provide explanations for the questions of 'why do domestic actors respond differently to the opportunities and constraints provided by Europeanisation?' or 'why do some member-state institutions undergo more profound institutional change than others do, even if they face similar degrees of institutional misfit?' However, explanations provided by the rationalist perspective have deficiencies in accounting for institutional complexities of policy-making. The historical and sociological institutionalist perspectives can explain institutional complexities. However, they provide limited explanations for these questions as they ignore the role of actors. In this regard, both agency-based and institution-based theoretical variants of new institutionalism have weaknesses and strengths, hence these different perspectives have been linked to compensate for their respective weaknesses in some studies (e.g. Knill 2001, Mayntz and Scharpf 1995).

## **2.4. Policy Transfer Literature**

### **2.4.1. Concepts and Typologies**

We turn now to consider policy transfer and examine concepts and typologies that can be applied to EU environmental policy adoption. There is a growing body of literature which uses, discusses and analyses the processes involved in lesson drawing, policy convergence, policy diffusion and policy transfer. While the terminology and focus of each of these bodies of literature varies, and cannot be considered straightforwardly interchangeable, in one way or another all of these studies are concerned with a similar process (Evans and Davies, 1999, Stone 2000). A relatively uncontentious definition of policy transfer is the occurrence of, and processes involved in, the development of programmes, policies or institutions within one political and/or social system which are based upon ideas, institutions, programmes, and policies emanating from other political and/or social systems (Dolowitz et al. 2000). Nevertheless, the history of academic development in this area can be characterised as one seeking to impose a degree of classificatory or explanatory organisation on what is an unwieldy set of literatures.

As will be explained below, the concept of policy transfer is broader than the other concepts in this literature as it covers not only voluntary learning between countries but also more coercive processes. Coercive policy transfer involves one government or supranational institution pushing, or even forcing, another government to adopt a particular policy. Lesson drawing, diffusion, emulation and learning on the other hand, appear to describe virtually the same phenomenon: voluntary transfer, which occurs as a result of free choices of social actors. Policy transfer may have narrower or broader focus in comparison with these concepts. There is a need to specify the meaning and differences of various concepts to prevent confusion in using them. Thus we turn next to examining approaches which try to clarify the nature of policy transfer by characterising the patterns of cross-national policy change, introducing some useful definitions, before turning to more explanatory and empirical approaches.

#### ***Lesson Drawing and Policy Transfer***

Central within voluntaristic conceptions of policy transfer is the notion of cross-national lesson-drawing. A lesson is defined by Rose (1991) as ‘an action-oriented conclusion about a

programme or programmes in operation elsewhere; the setting can be another city, another state, another nation or an organisation's own past'. There is a significant normative, programmatic dimension to this literature. Rose (2001) outlines ten steps that must be taken in order to draw lessons effectively from other countries: diagnosing your problem; deciding where to look for a lesson; investigating how a programme works there; abstracting a cause-and-effect model for export; designing a lesson; deciding whether to import; dealing with resource requirements and constraints; handling the problem of context; restraining speculation through prospective evaluation and using foreign countries as positive or negative symbols. From Rose's perspective, then, lesson-drawing addresses the question: under what circumstances and to what extent can a programme that is effective in one place be transferred to another? To draw a lesson properly, it is necessary to devote as much care to examining the probability or improbability of transfer as it is to evaluating its initial effect.

According to Rose (1991), there are basically four different gradations or degrees of transfer: copying, which involves direct and complete transfer; emulation, which involves transfer of the ideas behind, but not the details of, the policy or program; combinations, which involve mixtures of several different policies or programs; and inspiration, where policy in another jurisdiction may inspire a policy change, but where the final outcome bears relatively little relationship or similarity to the original. Nevertheless, all these gradations refer to voluntary transfer, with the assumption that there is little (external) coercion involved in the process. In this respect, lesson-drawing studies may differ from those examining the diffusion of public policies from their initial point of innovation to other states or countries (ibid).

Lesson-drawing and policy transfer can be an outcome of learning (Stone, 2000, Bennett and Howlett, 1992), which has been subject to a number of interpretations. Hall's (1993) model of lesson drawing involves 'social learning' and 'paradigm shift' (Stone 2000). These perspectives assume that 'learning processes are reflected in both the behavioural and cognitive worlds of the policy actors' (Knoepfel & Kissling-Naf, 1998). Learning leads to the development of 'consensual knowledge' by specialists about the functioning of state and society but is also accepted as valid by decision-making elites (Stone 2000). Jenkins-Smith and Sabatier (1993) take a more specific approach, defining policy-oriented learning as 'relatively enduring alterations of thought or behavioural intentions that result from experience and which are concerned with the attainment or revision of the perceptions of the belief system of individuals or of collectivities'. Here, the emphasis is on cognition and the



redefinition of interests on the basis of new knowledge which affects the fundamental beliefs and ideas behind policy approaches (Hall, 1993).

### *Diffusion and Convergence*

Policy diffusion is the 'process by which an innovation is communicated and adopted through certain channels over time among the members of a social system' (Rogers cited in Berry and Berry, 1999). Studies of this phenomenon tend to examine how one government or organization adopts a new invention or programme and how over time other governments come to adopt it. Importantly, the diffusion literature focuses on the adoption *patterns* of an innovation (Bennett, 1991; Stone 1999), whereby diffusion is defined as 'any pattern of successive adoptions of a policy innovation' (Freeman and Tester, 1996). In other words, diffusion describes a trend of successive or sequential adoptions of a practice, policy or programme. However, the concept also seeks to identify the patterns according to which policies spread and the geographic and structural characteristics of countries which might explain them (ibid).

Diffusion approaches exhibit a fascination with the process and the conditions for transfer rather than the content of new policies (ibid). This tends to give it an apolitical and neutral character (Peters, 1997). Its focus is often limited to broad historical, spatial and socio-economic reasons for a pattern of policy adoption, neglecting the political dynamics involved (Freeman and Tester, 1996). Diffusion studies often presuppose a kind of technocratic determinism, which assumes that the existence of common problems in many places will dictate a common response (Rose, 1991). In contrast to many analyses of diffusion, studies of policy transfer tend to focus on the process by which knowledge about policies, policy instruments and other administrative arrangements operating in one time and place are used in the development of such arrangements at another time and/or place (Dolowitz and Marsh, 1996). Thus, the diffusion hypothesis does not specify the path of causality running from the appearance of an idea or policy proposal to its adoption and implementation. Much intervenes between awareness and action, and diffusion accounts only for awareness. Awareness of a programme, utilisation of the knowledge and adoption of the same program are three conceptually and empirically distinct processes.

Before turning to analyse policy transfer, some attention should be given to concepts of 'convergence' - clearly germane to the direction of policy development within EU member

states. Convergence is defined (Bennett, 1991) as ‘the tendency of societies to grow more alike, to develop similarities in structures, processes and performances’ and describes the phenomenon of sequential adoption in terms of transnational communication. It is common to describe a pattern of increasing similarity in economic, social and political organization between countries as being driven by industrialisation, globalisation or regionalisation. ‘Standardization of standard-setting’ is a good example (Egan cited in Stone, 2000). Convergence is not the same as policy transfer: although policy transfer can be a causal factor in convergence, convergence can result from other factors.

Indeed, whereas diffusion attends to the spread of policies and ideas between countries, convergence allows for the possibility of similar developments taking place in different countries with or without any direct link between them. There are four causes of convergence identified by Bennett (1991), some voluntary, some involuntary, which are useful in drawing out the different political processes of transfer. They are: emulation; elite networking and policy communities; penetration and harmonization as introduced below.

**Emulation**, which is not a synonym for diffusion, means ‘any pattern of successive adoptions of a policy innovation’. In other words, emulation should not be inferred from the successive adoption of similar policies by different states in the absence of any empirical evidence of conscious copying, lesson-drawing or adaptation. In the policy transfer literature, emulation corresponds to the notion of ‘lesson drawing’ (and thus to voluntary processes of policy transfer) (Dolowitz and Marsh, 1996).

**Penetration** involves the clear use of power and is coercive, entailing a compulsion to conform as in coercive policy transfer (which is discussed below in greater detail). Penetration contrasts with the seemingly co-operative relations under harmonisation since it entails that states are forced to conform to actions taken elsewhere by external actors. Siegel and Weinberg (1977) add that a penetrative process is one in which externally based actors participate in the selection of goals, the allocation of costs, and the mobilisation of resources and capabilities in another country’s domestic policy process (Rosenau, 1969).

**Harmonization** promotes convergence as a consequence of political recognition of interdependence and awareness of the costs of divergence. It is promoted and sustained by supranational institutions like the EU and involves some sacrifice of national autonomy and

sovereignty. It is different to emulation (but can also result in mimicry and copying), as it involves a shared experience of learning about problems, and the development of a common perspective or 'international policy culture' (Ikenberry, 1990). Policy convergence can also be induced when states create international institutions (such as international organizations and regimes) to address common problems. International organizations may provide vehicles for epistemic communities and emulation to occur. They may also facilitate spillover pressures as convergence in some policy sectors (e.g. the creation of free trade regimes) generates a need for cognate policy areas to follow convergent paths (i.e. indirect coercive policy transfer) (Dolowitz and Marsh, 1996). To that extent, within processes of harmonization, the degree of coercion and voluntarism may vary markedly between goals and between policy areas. The EU has much greater power than typical international organizations and can force states to accept common policies (i.e. direct coercive policy transfer) (Dolowitz and Marsh, 1996).

**Elite networking and policy communities:** Another factor accounting for policy convergence is the networking of scientists, experts and other professional or policy elites, which creates the conditions for voluntary policy transfer (Bennett, 1991). There is a wide literature on policy networks and communities which form around particular policy issues. An epistemic community is defined as a knowledge-based network of individuals with a claim to policy-relevant knowledge based upon common professional beliefs and standards of judgement, and common policy concerns (Haas, 1990). An epistemic community may base its claim to authority upon knowledge of hard sciences, such as aeronautical engineering, upon a social science such as economics or social policy, or upon common education for professional practice, as in the case of lawyers. An epistemic community can operate at many levels, state, national and international. Once consensus has been achieved within an epistemic community, members return to their respective national bureaucracies and try to re-define national preferences (Jordan et al., 2000).

Although epistemic communities can be a source of new ideas necessary for lesson-drawing, they may lack the political authority to impose binding decisions on domestic institutions. In order to influence policy decisions, individuals and groups must gain access to the government's decision-making process. However, in this struggle not all interests have equal access to the decision-making process. Rather, institutionalised relationships develop between government officials and broader societal interests within a given policy domain (Marsh and Smith, 2000). The actors involved within these policy domains tend to enjoy close, continual

and often privileged access to key government officials. These formalised contacts exist as national and international networks. Such networks can clearly be one of the primary mechanisms for the spread of information among various actors on a global scale. More importantly, such networks can play a vital role in placing information on the governing agenda (Dolowitz et al., 2000).

Associated with, but distinct from policy networks are advocacy coalitions (Sabatier and Jenkins-Smith, 1993). While networks focus on groups and individuals interacting within a policy domain, advocacy coalitions refer to a small number of groups which enter into strategic alliances based upon deeply shared values or 'fundamental ideological principles'. It is these shared beliefs and values that drive actors to work together, both within and across national boundaries in the promotion of specific policies within a given policy subsystem. These coalitions are important in the development and spread of policies and programmes and, therefore, must be acknowledged within any developing model of policy transfer. As with networks the membership of advocacy coalitions is diverse, comprising actors from a variety of public and private institutions at all levels of government who share a set of basic beliefs and who seek to manipulate government to achieve these goals over time (Jenkins-Smith and Sabatier, 1993).

Sabatier's advocacy coalition frameworks (ACFs) are similar to epistemic communities, but the members focus less on technical/scientific method and more on common political objectives (Sabatier, 1998; Peterson and Bomberg, 1999). At any one time, there is likely to be a dominant coalition for a particular area of government activity which sets the intellectual framework within which individual policy decisions are made, and defines a series of minority coalitions. The struggle between these coalitions provides the primary motor of policy change. For ACFs, learning is an instrumental process: far from a disinterested search for truth, it is a means of achieving a priori beliefs. According to ACF, changes in the core aspects of policy require an exogenous 'shock' outside the subsystem while changes emerge incrementally as different coalitions engage in a cognitive struggle (Sabatier, 1998).

Drawing this discussion together, then, emulation or lesson drawing are voluntary processes of policy transfer in which domestic actors participate in the selection of goals whilst penetration describes coercive processes of policy transfer in which external actors participate in the selection of goals. Learning is a crucial element in explaining what goes on in both

processes of policy transfer. Convergence is one pattern of policy making which may have both voluntary and involuntary drivers, promoted by agendas of harmonisation, which may or may not be explained by policy transfer. Emulation, penetration and harmonisation could be seen as different ways in which elite networks behave. Policy transfer can result through the voluntarily or involuntarily involvement of elite networks and policy communities in encouraging one country to emulate the best practice of another or to emulate the imposed policy by an international or transnational body.

Through Bennett's categorisation of the causes of convergence, it is possible to identify some important conceptual distinctions, even if mapping those concepts onto 'real world' processes is much messier. The scope for learning is relevant in each case, as is the role of elite networks, although the way in which they are drawn, and the way in which knowledge is used, is likely to vary. Thus 'epistemic communities' may be a causal element in explanations, but not a distinctive category of 'cause' on its own: Bennett (1991) rather elides patterns and causes in his framework. There is a need for more clarity, organised around lines of explanation rather than categories or patterns of phenomena, and this is the subject of the next sub-section, which examines analytical approaches to policy transfer.

#### **2.4.2. Approaches to Understanding Policy Transfer**

Thus far, the previous section has reviewed work which concentrates on the descriptive characterisation of activities and patterns of policy change, rather than analytical approaches related to policy transfer. In this part, these approaches are discussed in a progression from voluntaristic approaches through to more coercive frameworks, which accommodate a range of motivations for policy transfer, with an intention to develop more effective understanding of policy transfer process and outcomes. The interaction between actors, knowledge and institutional constraints is a running theme throughout.

##### ***Voluntary transfer and the role of learning***

For Bennett (1991), and his consideration of how and why programme evidence from foreign countries enters policy debate and informs action, transfer is essentially a voluntaristic process, in which the use made of evidence is the critical variable. He distinguishes analytically five interests in utilising evidence about an overseas programme: 'they've got one, we ought to have one'; 'we've got to respond to pressure; this provides a ready-made

solution'; 'this provides the best starting point'; 'we've looked everywhere and this seems the best' and 'it works there, it can work here (Bennett, 1991:47). Bennett's approach can contribute to explaining awareness, but does not help to understand the dynamics involved in adoption and implementation as his model focuses only on the transfer of policy goals, content and instruments rather than the transferring process.

The framework developed by Rose (1991) is centrally concerned with the motives for policy transfer in voluntaristic settings, in which it is assumed that straightforward processes of learning can take place. Rose's model is an idealised, methodological model of how it should happen, which distinguishes it from empirically-informed accounts of what actually happens. It is a largely knowledge and learning-based model of change. From his perspective, domestic actors appraise programmes using two very different standards: Is it practical? Is it desirable? The articulation of desires is the legitimate domain of elected officials; determination of what is possible is a primary concern of career officials and experts. The ideal programme is both practical and desirable. As long as a program produces satisfaction, then it meets both criteria; there is no need to search for lessons, because there is no pressure to change (Rose 1991).

Rose's (1991) model for illustrating the desirability and practicality of transferring a programme is, like Bennett (1991) essentially concerned with the production and utilisation of evidence. Four ways of combining technical appraisals with political evaluations of desirability are distinguished (Table 2.3). Mossberger and Wolman (2001) pick up and develop Rose's concept of 'prospective policy evaluation' (Rose 1991; 1993), which makes more explicit the kinds of factors including institutional factors which may shape the likelihood of successful transfer. In their framework for prospective policy evaluation, three main criteria are proposed to assess policy transfer as a form of prospective policy evaluation: awareness, assessment and application.

Policy transfer requires awareness and information about programmes in effect elsewhere as well as prospective evaluation which consists of the assessment of the existing programmes, and their application to a new setting. Similarity of problems and goals, policy performance, and differences in setting should be assessed by asking the following questions: Are there legal, political, or administrative structures needed to support the policy?; Do the proposed solutions run counter to cultural beliefs or public opinion in the country considering adoption?; How will partisan and interest group politics affect transfer?; Are there related

policies that are present in the original setting but lacking in the borrowing country?; Does the policy harmonise with the borrower's economic structure? and, on a somewhat different level, are budgetary resources available?

Desirability		
	High	Low
Prospective evaluation of transferability	(Outcome)	
Positive	Satisfactory Transfer	Unwanted Technical Solution
Negative	Siren Call	Doubly Rejected

**Table 2.3.** The desirability and practicality of transferring programs

Source : Rose 1991: 27

Thus Mossberger and Wolman (2001) argue that decision makers must determine whether there are important differences between the domestic policy environment and the one being considered, or in the problems or goals that this policy is intended to address in the new setting. A judgement must then be made about whether any differences in policy environment, problems, or goals will influence either the effectiveness or the political viability of the proposed policy. Decision makers must also examine whether information about policy in another country is actually used in the decision process. The application criterion does not require that the borrowing country adopt the policy in whole; the policy may be adopted with modification or even rejected. What is important at this stage of transfer is that application is premised on adequate information and assessment regarding the nature of the problem, the goals, policy performance and the policy environment (Mossberger and Wolman, 2001).

The emphasis on knowledge and evidence as an explanatory factor is sustained by Wolman and Page (2002). However, they go further than Rose, Mossberger and Wolman in taking issue with a dominant feature of the policy transfer literature - a focus on classifying types of transfer, rather than on theory-building - but seek to argue that policy transfer is fundamentally about learning and learning, in turn, is a process of transferring information (Farkas cited in Wolman and Page, 2002). Wolman and Page (2002) define policy transfer as a form of policy-oriented learning which requires not only the acquisition of knowledge but also the utilization of knowledge about policies elsewhere. At a minimum, this means taking knowledge into account in policy-making. Policy transfer, since it is a form of policy learning that is done by governments, is a form of 'organisational learning' which can be defined as occurring when individuals acting on behalf of an organization and interacting with others in the organisation learn in such a way that the beliefs, attitudes, or values of relevant organizational members change and, in the case of policy transfer, organisational behaviour also changes (ibid).

Wolman and Page (2002) point out that their information-theory framework permits them to identify and examine some testable propositions about the policy transfer process and to place their study in the context of existing knowledge from other policy transfer studies as well as those from policy learning and innovation diffusion. In particular, this framework consists of a communications and information system which is linked to networks of receivers, producers, senders, and facilitators of information, and some policy characteristics that affect patterns of policy learning. The question of who learns what, from whom, and which sources of information are seen as trustworthy are highly relevant to understanding the actual, rather than ideal, role of knowledge in policy transfer. Nevertheless, one must question the extent to which knowledge production and communication takes place within policy transfer contexts, in which the choices of prospective adopters explains what is transferred.

The models of Rose (1991) and, Mossberger and Wolman (2001) for prospective policy evaluation are concerned that practitioners give careful attention to the available evidence in designing practical pathways for transfer (although they do, of course, draw on practical examples). Rose's model attempts to explain only why transfer occurs while Mossberger and Wolman's model approaches policy transfer as a whole. The former authors' model also offers a discussion about the accuracy of policy transfer as a prospective policy evaluation. Yet both, in a sense, are inviting policy-makers to take a careful, explicit interest in the kind



of ‘adaptational pressures’ discussed above, as factors shaping progress towards Europeanisation. However, their models involve only questions about the evidence ideally required, rather than analytical examination of policy transfer processes.

### *Towards more explanatory approaches*

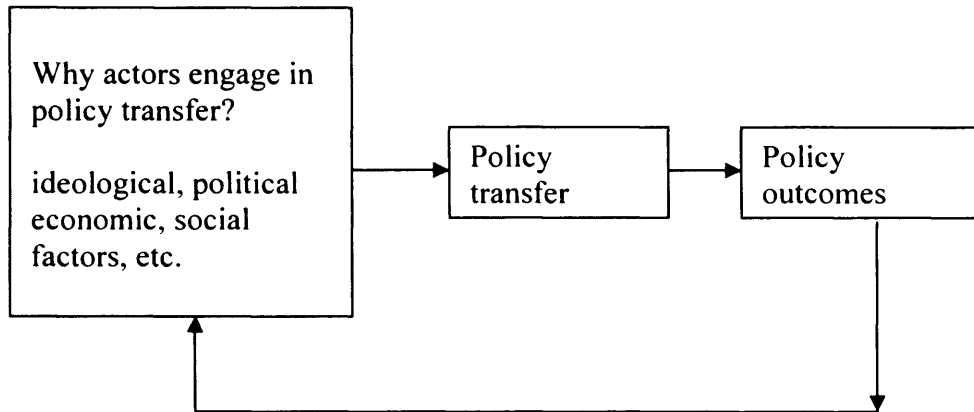
Dolowitz and Marsh (1996) develop their policy transfer analysis model by drawing together a general framework of heterogeneous concepts, including policy diffusion, policy convergence, policy learning, and lesson drawing, under the umbrella heading of policy transfer, which draws on the work of Rose (1991, 1993), Bennett (1991), Robertson (1991), and Wolman (1992). Dolowitz and Marsh (1996) suggest that all these concepts can be categorised as ‘dimensions of policy transfer’. In giving centre stage to the question of *why* transfer occurs, they distinguish between voluntary and coercive transfer in their framework. Thus lesson drawing is categorised as a form of ‘voluntary transfer’, and international consensus, policy impositions, and harmonisation are categorized as direct or indirect ‘coercive policy transfer’ (Dolowitz and Marsh, 1996).

Dolowitz et al. (2000) present a model to illustrate various instances of policy transfer in the transformation of the modern British state by asking the question of ‘why do actors engage in policy transfer?’ as set out in Table 2.4. They point out that policy transfer can be treated as either a dependent or an independent variable; it can seek to explain the process of policy transfer or it can be used to explain policy outcomes. However, as illustrated in Figure 2.2, the two exercises are related. Dolowitz et al. (2000) point out that if one wishes to use policy transfer to explain policy outcomes, then one also needs to explain what causes transfer. Thus a full analysis treats policy transfer as both a dependent and an independent variable (Dolowitz et al., 2000:11).

The model illustrated in Table 2.4 treats policy transfer as essentially a dependent variable. The questions highlighted in the model concern either the characteristics of the transfer or the reasons for the transfer. For the characteristics of transfer two questions are asked: what was transferred?; and what degree of transfer occurred?; concerning the reasons for transfer, three questions are asked: who transfers policy?; why policy is transferred?; what factors constrain or facilitate policy transfer? In Dolowitz et al.’s model, voluntary and coercive types of transfer are distinguished and treated as two ideal-type end points on a continuum.

Dependent variable

Independent variable

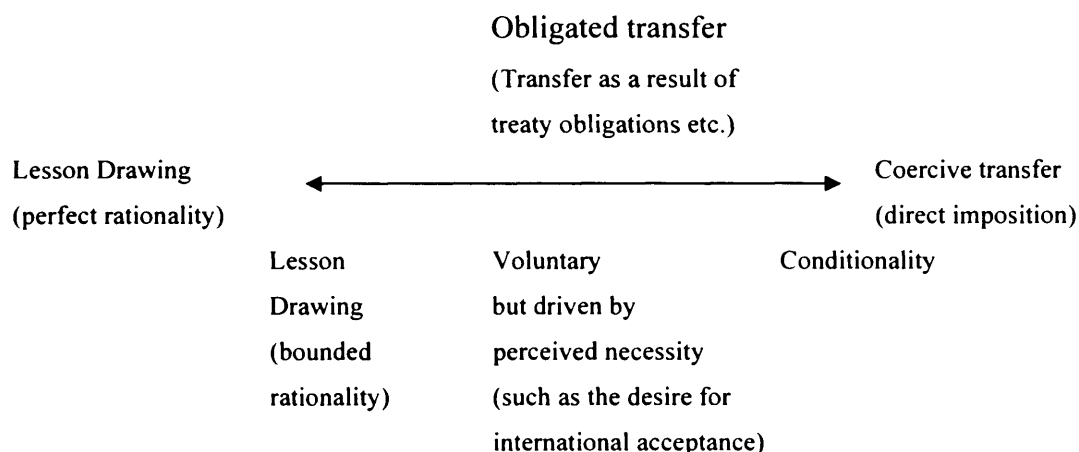
**Figure 2.2.** Policy transfer uncoupled

Source : Dolowitz 1998:176

Purely voluntary transfer occurs when political actors make a 'rational' and 'conscious' decision to borrow policies or programmes from another time and/or political system. In contrast, purely coercive transfer occurs when one or more political systems or international organisations impose a policy, programme or institutional reform upon another political system. There are other categories characterised by more or less voluntary and coercive (see Figure 2.3 below). As regards factors shaping the source and direction of policy transfer, Dolowitz et al. (2000) define seven broad categories: policy complexity, interactive effects, institutional constraints, structural constraints, feasibility constraints, past relationships, and language constraints. These factors help explain why some policies are transferred while others are not and why policies are transferred from some systems rather than others.

Why transfer? Continuum		Who is involved in transfer	What is transferred?	From where?			Degrees of transfer	Constraints on transfer	How to demonstrate policy transfer	How transfer leads to policy failure
Want to	Have to			Past	Within-a-nation	Cross-national				
Voluntary Lesson drawing (Perfect rationality)	Mixtures Lesson drawing (Bounded Rationality)	Elected officials	Policies (goals) (content) (instruments)	Internal State governments	International organizations	Copying	Policy complexity	Media (newspaper) (magazine) (TV) (radio) (internet) Reports (commissioned)	Uninformed transfer	
International pressures (image) (consensus) (perceptions)	Coercive Direct imposition	Bureaucrats/ Civil servants	Programmes	Global City governments	National/Local governments	Emulation	Past policies		Incomplete transfer	
Externalities		Pressure groups	Institutions	Local governments		Mixtures	Structural/ Institutional	Conferences	Inappropriate transfer	
Conditionality		Political parties	Ideologies			Inspiration	Feasibility	Meetings/Visits		
(Loans) (Conditions) attached to business activity)								(ideology) (cultural proximity) (technology) (economic) (bureaucratic)		
Obligations	Policy Entrepreneurs /Experts Consultants/Think tanks Transnational corporations Supranational institutions	Attitudes/ Cultural values Negative lessons					Language Past relations	Statements (written) (verbal)		

**Table 2.4. A policy transfer framework**  
Source : Dolowitz et al. (2000:10)




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**Figure 2.3.** From lesson drawing to coercive transfer

Source : Dolowitz 2000:13

As with the discussions of Rose 1991 and Mossberger and Wolman (2001), there is a recognition in Dolowitz's work that it considers adaptational pressures as one of the main influencing factors of policy transfer. The inherent characteristics of a society's political, cultural and social structures constrain or facilitate the ability of policy makers to engage successfully in the transfer of particular policies or instruments from elsewhere. If the prevailing values of two societies or political systems are similar the possibilities of transfer are greatly enhanced. At the same time, transfer is severely restricted when the values are too dissimilar, as in the case of policy transfer within the EU to member states with very different values. Obviously, even desirable programmes will not be transferred successfully if implementation is beyond a nation's technical or administrative abilities - a point with particular relevance to EU accession states.

The work of Dolowitz and Marsh, thus, encompasses three categories of factors which have a significant effect on policy failure, yet take us beyond idealized, knowledge-driven models of policy transfer that are grounded in perfect rationality. First, the borrowing system may have insufficient information about the policy/institution and how it operates in the originating system: a process of 'unknowledgable transfer'. Second, although transfer has occurred, crucial elements of what made the policy or institutional structure a success in the originating country may not be transferred, leading to failure, a process of incomplete transfer. Third,

insufficient attention may be paid to the differences between the economic, social, political and ideological contexts in the transferring and borrowing systems, a process of inappropriate transfer. In short, because the transfer of policies is to some degree coercive - or expedient - the kinds of prospective policy evaluation discussed by Rose, Mossberger and Wolman does not take place; or cannot, due to the degree of obligation in operation, influence the policy adoption choices of the recipient country.

The model developed by Dolowitz and Marsh is clearly designed to impose some organization on a vast domain of policy-making activity by arranging all possible forms of transfer - voluntary and coercive, temporal and spatial - within an analytical typology. They provide a framework and invite others to criticize and develop it: a map of the process of policy transfer which can only ever be a representation of a reality which needs to be proved or disproved in an objective sense. Rising to this challenge, but raising a fundamental criticism, Evans and Davies (1999) argue that there is no theoretical approach or testable propositions used to explain the mutual causal relationships in the model of Dolowitz et al.. Thus they find this model more descriptive than explanatory for dynamics of policy transfer, best seen as a heuristic model to suggest something about the properties and relations understood to exist within the process of transfer (Evans and Davies, 1999).

Evans and Davies (1999) argue that policy transfer analysts do not have the benefit of a common idiom or a unified theoretical or methodological discourse from which conclusions can be drawn and hypotheses developed, as a consequence of the diffuse nature of this field. Nevertheless, they assert that policy transfer analysis can provide a context for integrating the common research concerns of scholars of domestic, comparative and international politics. Evans and Davies (1999) approach policy transfer from a multi-level and multi-disciplinary perspective but, significantly, seek to locate it within wider changes in economies and societies. They argue that the process of policy transfer should be examined through a structure and agency approach with three dimensions: global, international and transnational levels; the macro-state level, and the interorganizational level. Their three-dimensional model employs the notion of a policy transfer network as a middle-range level of analysis which links to a particular form of policy development.

The range of external structures central to the study of Evans and Davies is indicated in the Figure 2.4, where 'structures' are conceptualized as institutions or processes which they see

as driving or facilitating processes of transfer, through international, national and non-state actors. They contend that the literatures on globalisation, internationalisation, transnationalisation and policy transfer may be linked in three ways. First, these processes can act as facilitators of policy transfer in the sense that they increase opportunity structures for policy transfer (for example global communications) and secondly, at the same time, policy transfer facilitates the processes of globalization (for example political integration and convergence in the formation of governance) through the creation of further opportunity structures, such as EU economic development programmes.

Turning from broader processes of global change that may facilitate policy transfer to the processes by which it occurs, Evans and Davies (1999) point out that policy transfer takes place within a multi-organizational setting, so the analysis of policy transfer requires a method which will provide us with the tools for understanding the nature of interorganisational politics. It must also furnish us with the appropriate tools for analysing how decision-makers acquire and utilise knowledge.

In a connection with previous analysts, Evans and Davies accept that policy network and epistemic community approaches provide us with such a method and they argue that the relationships between the literatures on policy transfer, policy networks and epistemic communities can be integrated through the development of the notion of a policy transfer network which can operate at different scales. In taking this forward, Evans and Davies suggest that most empirical examples of policy transfer tend to emphasize close-knit policy communities (a form of policy network) which may be comprised of a constellation of representatives of epistemic communities, other forms of policy entrepreneurs, key bureaucrats, politicians or privileged groups. Table 2.5 maps out the relationship between the Marsh and Rhodes' (1992) conception of a policy community, the Adler and Haas (1992) conception of an epistemic community, and Evans and Davies' (1999) conception of a policy network.

**GLOBALISING TENDENCIES**

↑ ↔ ↓

(→ can constrain and/or facilitate)

**STRUCTURAL FACTORS:** changes in the nature of exogenous and endogenous social, economic, technological, ideological and institutional structures can influence the nature of policy formation and development

Exogenous structures

<b>Economic</b>	<b>Technological</b>	<b>Ideological</b>	<b>Institutional</b>
e.g. international market structures and financial systems, transnational economic actors (multinational corps.)	e.g. international communications systems, microelectronics electronic digital switching; post-Fordism	e.g. the end of changes in geopolitics; break-up of embedded liberalism and emergence of predatory liberalism, development of new epistemic communities	e.g. GATT, G7, EU international regimes non-economic international actors

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(→ can constrain and/or facilitate)

Endogenous structures and the competition states

<b>Economic</b>	<b>Technological</b>	<b>Ideological</b>	<b>Institutional</b>
e.g. macroeconomic policy making, the structural power of different fractions of domestic capital, position within the world economy	e.g. impact of flexible specialisation and micro-electronic technology on production processes	e.g. the struggle between social democracy and the new right for hegemonic control of the agenda of political discourse The emergence of the competition state	e.g. development of new forms of governance as a consequence of the hollowing out of the state, EU membership and its challenge to state sovereignty and treaty obligations under the GATT, ECHR

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**Figure 2.4.** Conceptualising structure and agency in policy transfer analysis

Source: Evans and Davies 1999:372

<b>Dimension</b>	<b>A policy community (Marsh and Rhodes)</b>	<b>An epistemic community (Adler and Haas)</b>	<b>A policy transfer network (Evans and Davies)</b>
<b>Membership</b>			
Number of participants	Very limited number, some groups, consciously excluded	Limited, a shared set of causal and principled beliefs (analytical & normative) act as a filter mechanism which precludes certain inputs	Very limited, the system has a bias against certain inputs, emphasis on bureaucratic and technocratic elites
Type of interest	Economic and/or professional interests dominate	Natural and social scientists or individuals from any discipline or profession with authoritative claims to policy relevant knowledge which reside in both national and international organizations	Agents of policy transfer, affected politicians and bureaucrats
<b>Integration</b>			
Frequency of interaction	Frequent, high quality interaction of all groups on all matters related to policy issue	A continuous process of bargaining and negotiation takes place within and between epistemic communities	Within set time scale frequent, high quality interaction of all groups on all matters
Continuity	Membership, values and outcomes persist over time	Membership and values persist over time as long as reputation survives	Ad hoc-action-oriented networks set up with the specific intention of engineering policy change
Consensus	All participants share basic values and accept the legitimacy of the outcome	All participants share a consensual knowledge base and a common policy enterprise	All participants share basic values



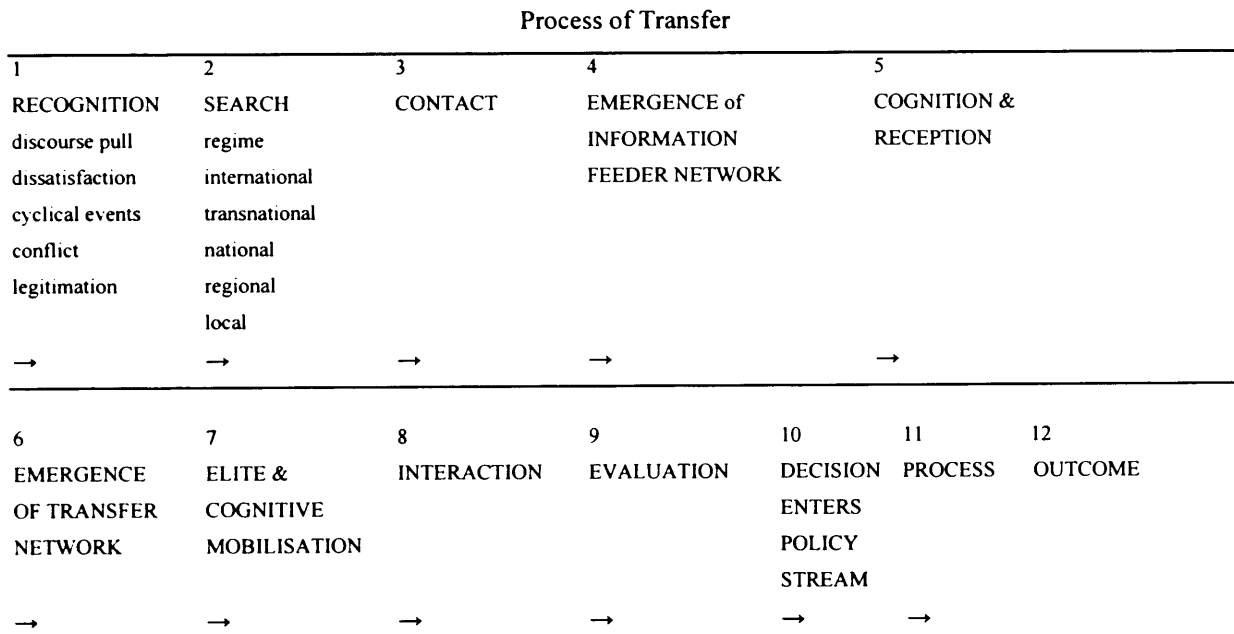
<b>Resources</b>			
Distribution of resources (within network)	All participants have resources; basic relationship is an exchange relationship	All participants have knowledge resources; basic relationship is an exchange relationship	All participants have resources; basic relationship is an exchange relationship
Distribution of resources (within participating organizations)	Hierarchical leaders can deliver members	Policy makers are dependent on the intelligence gathering skills and knowledge resources of the epistemic communities	Policy makers are dependent on the intelligence gathering skills and knowledge resources of the agent of transfer and the organization,
<b>Power</b>			
	There is balance of power among members, although one group may dominate it must be a positive-sum game if community is to persist	The view of policy makers ultimately determine influence of an epistemic community and their status of acceptance	The success of policy transfer network rest on the ability of the agent of transfer to satisfy the objective policy problem of the client , there must be a positive-sum game if the network is to persist

**Table 2.5.** The characteristics of policy communities, epistemic communities and policy transfer networks

Source: Evans and Davies 1999: 375

There are key similarities between the first two characterisations in terms of membership, the nature of integration and resources. Moreover, the membership and values of both a policy community and an epistemic community tend to persist over time. The application of a version of policy network analysis which incorporates the strengths of the epistemic community approach is important because it allows us to focus on the nature of intentional explanation with particular reference to the role of agents in the process of policy transfer. Their notion of a policy transfer network can also help us to evaluate the cognitive dimension of decision-making - i.e. how decision makers acquire knowledge.

Thus, through its emphasis on structural (organizational rules and imperatives) and interpersonal relationships (information and communication exchange) within networks, together with consideration of structural factors exogenous to the network (e.g. ideology, economy, technology and resource exchange), a method is provided for understanding forms of policy development within a multi-organisational setting. In this sense, policy transfer networks provide a contextual interaction of state and international policy agendas forged through the interaction of state, non-state, transnational and international actors. For Evans and Davies, then, policy networks matter because without them other policies might be adopted. Different levels of government participate in policy transfer networks for a variety of reasons.

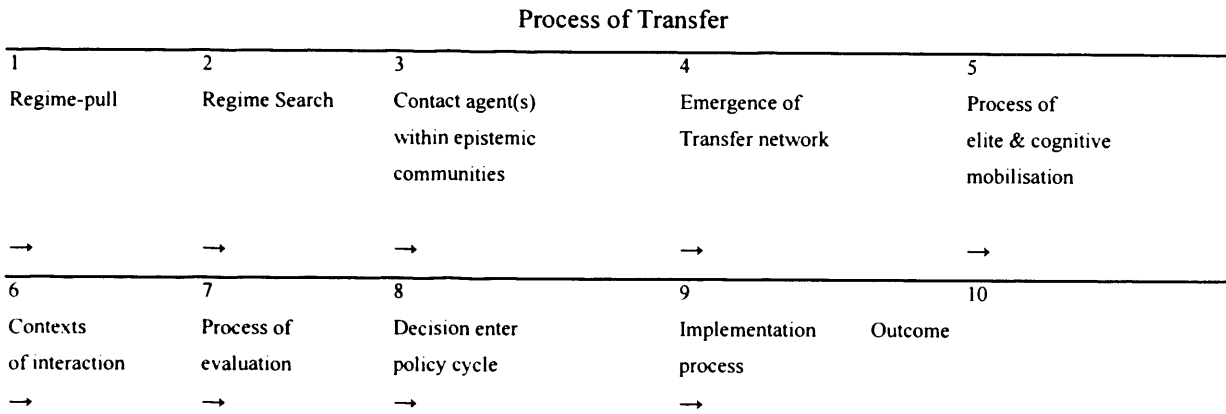


**Figure 2.5.** The emergence and development of voluntary policy transfer networks

Source: Evans and Davies, 1999:377

When governments (local, regional, national and supranational) engage with these networks, this reflects an interaction between (1) the need to satisfy policy problems; (2) gaining access to other organisational works; (3) further relevant motivating values (regime-pull, discourse-pull, ideological factors); and (4) providing certain essential skills and knowledge resources. Evans and Davies (1999) illustrate how both voluntary and coercive transfer processes can be broken down into stages in Figures 2.5 and 2.6. In the multi-level policy transfer analysis

model of Evans and Davies (1999), policy transfer networks are specified as one component of an explanation of policy change (see Table 2.6).



**Figure 2.6.** The emergence and development of coercive policy transfer networks

Source: Evans and Davies, 1999:380

Evans and Davies explain any variation in the policy transfer processes as the result of variation in either the structure independent variable or in the intervening variable-process or mechanism (Table 2.6). For example, exogenous or network environment changes may lead to the creation of a policy transfer network leading to policy change. These changes may be economic/market, ideological, knowledge/technical, or institutional effects. If economic factors constitute the catalyst for change, the form of the response may be influenced by the ideology of the competition state. It may also be deduced that policy change which emerges from a policy transfer network could be the product of endogenous factors such as the influence of the agent of transfer or the donor organisation.

The implications of Evans and Davies' essentially structurationist ontology is that they consider processes as dependent on structures: structures and processes can shape the behavior of international, state and non-state actors and constrain or facilitate processes of policy transfer. In this sense, they embrace ideas consistent with new institutionalism, while acknowledging that the institutions which frame and facilitate transfer exist not only within nation states, but reach across and between states and supra-state bodies.

Events at levels 1&2 may partly be explained by reference to 3&4

**1. Interorganisational Level**

**Policy Transfer Network**

A network of agents in resource dependent relationships and weak interest structure

Some level of autonomy from structural forces at the level of options analysis and implementation

**2. The Competition State**

Some level of autonomy from structural forces at the level of strategic selectivity, e.g. the tendency of states to attempt to steer around crisis

**3. Macro Structures**

Economic, technological, ideological and institutional

**4. Global, International and Transnational Structures**

Economic, technological, ideological and institutional

Events at levels 3&4 may partly be explained by reference to 1&2

**Table 2.6.** Multi-level policy transfer analysis

Source: Evans and Davies, 1999:381

Evans and Davies are concerned with whether structural processes external to the process of policy transfer have an impact (directly or indirectly) upon the context, strategies, intentions and actions of the agents and conversely also whether the strategies, intentions and actions of agents can constrain and/or enable structures.

### 2.4.3. Problems Associated with the Policy Transfer Literature

Having considered key contributions to the policy transfer literature, in this section consideration is given to their analytical and explanatory merits. One of the main questions within the literature is whether to treat policy transfer as either a dependent or independent variable. Some authors, like Bennett (1991), use policy transfer as an independent variable; the process of policy transfer is used to explain why a particular policy was adopted. In

contrast, other authors, for example Rose (1991) and Wolman and Page (2002), treat it as a dependent variable; attempting to explain why transfer occurs. Other studies which treat policy transfer as both dependent and independent variable (such as Dolowitz and Marsh, 1996) only explain the process of transfer (policy transfer is the dependent variable) or the outcomes (policy transfer is the independent variable). Although the aim of such studies is to make a full analysis of policy transfer, these works do not provide a satisfactory explanation for the causal links between process dynamics and outcomes of policy transfer, and need further consideration to progress beyond description (James and Lodge, 2003).

The one sidedness of many key studies' interpretation of the causes of policy transfer is another weakness in the literature. As previous sections have noted, a number of studies assume policy actors to be perfectly rational and hence their frameworks are only fully effective in explaining voluntary policy transfer. In practice, actors in all relevant decision-making arenas may behave strategically to reach their preferred outcome and there may be coercive elements in policy transfer. In some cases of coercive transfer, national actors have little or no autonomy of action. The adoption of particular EU policies by current candidate member states, for example, may not be wholly voluntaristic, or driven domestically by shared appreciation of the intrinsic merits of a policy. More subtly but no less powerfully, changes in the international economy, and in the location of a particular nation within it, constrain the autonomy of politicians and may push them towards the emulation of solutions which are favoured by financial institutions and perhaps specifically, holders of the country's currency or debt. As pointed out by Dolowitz et al. (2000), nations may turn voluntarily to policy transfer, seeing it as the best solution. However, if a problem and its perceived solution have been internationally defined and agreed upon, a nation which does not adopt this solution will face increasing pressure to do so. One example is the capacity of transnational corporations to force policy makers into policy transfer by attaching conditions to their decisions to invest within a particular country (*ibid*).

A further problem in the literature - which links policy transfer to wider theoretical debates in the social sciences - is the tendency to overemphasize the role of actors. Most authors discussing policy transfer believe that the process brings new actors and ideas into decision making and policy processes, as in the lesson-drawing and policy networks perspectives. Rose's lesson-drawing perspective deepens concepts of rational policy-making and enables policy-makers' behaviour to be compared to a benchmark of a rational-learning-based ideal.

This perspective is not clear from the overemphasis upon politics and, particularly, the assumption that political actors are rational. It places more weight on the role of politicians, bureaucrats and tends to play down the constraints such as institutional structures and processes. For example, Rose (1991:123) states:

“Even though institutions are necessary, it does not follow that they are important...A new program can usually be administered in more than one way; insofar as this is the case, one institution can be substituted for another.”

Accounts of lesson-drawing have echoes of conventional rational accounts of policy-making which stress that policy decisions are made about the pursuit of valued goals through interventions by public bodies or their agents. The lesson-drawing concept offers the potential for distinguishing rational policy-making from forms of apparently non-rational policy-making, where knowledge seems not to be used to pursue goals in a systematic way. Rational lesson-drawing provides a different conceptual approach to accounts which stress ‘the organisational and cultural processes involved in learning, which often have more to do with rituals and legitimacy than with processes of optimisation’ (Agyris and Scon, 1978:319 cited in Aspinwall and Schneider, 2001). Hence, the novelty of the insights offered by this perspective is limited, being similar to the expectations of rational policy-making. However, the hypotheses about the value of prospective policy analysis do appear to be amenable to empirical investigation, even if researchers may have to look elsewhere to explain how learning type processes actually unfold.

Of course, policy making in practice is not inevitably a rational process (Dolowitz and Marsh, 1996). Rather, it is often a messy process in which different policy solutions and problem streams need to combine at the appropriate moment for a policy to develop (Cohen et al., 1972). The policy transfer continuum of Dolowitz and Marsh presents a range of explanation for voluntary and coercive policy transfer. At one end of the continuum is ‘wanting to’ transfer involving ‘voluntary’, ‘lesson-drawing’ and ‘perfect rationality’. At the other end is ‘have to’ transfer involving ‘direct imposition’. In between are myriad combinations, combining lesson drawing, with rationality that is bounded by the forceful imperatives behind policy transfer, both domestic and international. Even here, however, placing the dimensions of difference on a single continuum means that the framework obscures the potential range of

different explanations of the policy making process. It does not capture the differences between theories in which 'transfer' is 'voluntary' in sense of not being forced by some international obligation in a treaty or external imposition, but involves 'bounded rationality' because it is heavily constrained by the sort of organisational limits identified by Simon who suggested that the factors bounding rationality are 'psychological', including incomplete knowledge of options and their consequences, and 'organisational', with organisational structures framing how choices are made (Simon cited in James and Lodge, 2003:185).

Another perspective that falls under the group of rational-based perspectives and risks underplaying the role of institutions is the 'policy network perspective'. The relationships in a policy network play an important role in policy transfer process as they generate values and norms of behaviour. Network analysis emphasizes continuity in the relations between interest groups and government departments, in what Smitter (1970) calls the process of interest group intermediation. As such, the existence of a policy network both has an influence on policy outcomes and reflects the relative status, or even power, of the particular interests in a broad policy area, although it clearly does not determine them (Rhodes and Marsh, 1992). The nature of the network is important in affecting how learning occurs and ideas spread. Networks with higher connectivity are likely to promote more learning than those with fewer links (Sabatier; and Haas cited in James and Lodge, 2003:186).

Examples of these sorts of theory include the 'advocacy coalitions' and 'epistemic communities' approaches. These approaches look at advocacy coalitions or epistemic communities to be independent variables to explain policy change. In so doing, policy network perspectives provide a partial explanation, of certain aspects of the policy transfer process, since they focus on only relationships within networks (Kassim, 1994). These perspectives have also problems with their individualist ontology. For example, Sabatier (1987:678) defines an advocacy coalition as 'individuals who share a belief system'. As he later admits that some individuals in a coalition do not share the belief system: they may participate simply because they have certain skills to offer, but otherwise may be different to the policy disputes. So, it is hard to draw a boundary between who shares the beliefs that define the coalition and who is only professionally involved. It is also hard to accept beliefs as a priori as Sabatier does. Indeed, these beliefs are changeable through social learning and both language and context help to constitute beliefs (Hajer, 1995:71). The policy networks offer useful frameworks for exploring possible features of the social world that might shape policy

transfer and also the potential for policy change, however network-based approaches do not help to respond to the weaknesses of agency-centred approaches.

Equally, there are policy transfer studies that risk overemphasizing the importance of political institutions in shaping policy. Such works emphasize that institutions structure the actions and values of actors working with them and political institutions to determine, order and modify individual motives in terms of institutional interests. Additionally, they assume that expectations, preferences, experiences and interpretations of other actions are constructed within political institutions and political behaviour is embodied in institutional structures of rules, norms, expectations and traditions that limit the free play of individual will and calculation. Such works tend to identify institutional and structural factors as the main influencing factors in decision-making to engage with policy transfer. As with developments in social theory more generally, there have been some studies within the broad policy transfer tradition which seek a less dualistic rendering of structure and agency. The framework of Evans and Davies (1999) in which policy transfer is viewed as a mutually constitutive relationship between structure and agency seeks to assess whether the strategies, intentions and actions of agents can constrain and/or enable structures, through Wendt's (1987) conception of structuration theory, which draws heavily from Giddens (1979, 1984).

Giddens' structuration theory argues that agents reproduce structure while, at the same time, structures govern actors. For Giddens, institutions are the 'commonly adopted practices which persist in recognisably similar form across generations ... We create society at the same time as we are created by it. Individuals (i.e. agency dynamics) do have an element of free choice in what they do, but they are also institutionally conditioned in what is right and wrong, what is possible and what is not; what is legitimate and what is plainly unacceptable in a modern society' (Giddens, 1984:8). Neither is free of the other and thus, agency and structure are mutually constitutive. The structuration theory has five central features: Firstly, it accepts both the reality and the explanatory importance of irreducible and often unobservable social structures which generate agents (for example gender, race, knowledge); secondly, structures are defined in generative terms as a set of internally related elements which occupy a position within a social organization (for example agents, practices, technologies, ideologies, territories etc.); thirdly, agents and structures are reconciled in a dialectical synthesis which overcomes the subordination of one to the other; fourthly, social structures are perceived as inseparable from spatial and temporal structures, and it is argued that time and space must be



incorporated directly and explicitly into theoretical and empirical research; and finally, structuration theorists contend that social structures cannot exist independently of the activities they govern as they are given essence through the practices of agents (Wendt, 1987). Structuration theory, then, conceptualises agents and structures as mutually constitutive yet ontologically distinct entities; each is an effect of the other (Giddens 1979).

There is considerable merit in the structurationist perspective adopted by Evans and Davies (2002) in their conceptualisation of the policy transfer process, however, there are also problems associated with this approach to explain how institutions change and how learning takes place. A central reservation focuses on the conflation of structure and agency. Archer (1998) argues that conflating structure and agency weakens their analytical power. In order to account for why things are 'so and not otherwise', it is necessary to maintain the analytical distinction between the parts of society and its people. Structure and agency, in her view, are phased over different tracts of time (human actions over the short-term, structures enduring) which allows their analytical separation. A further critique is the lack of concrete empirical examples in Giddens work, together with its abstract conceptual focus that offers few clues as to how to proceed in the everyday world in the gathering of useful understanding and its reflection back into the world of practice (Rose, 1991; Gregson, 1987). Another difficulty is at the epistemological level: unless an institution exists prior to action it is difficult to understand how it can affect behaviour - to reduce the empirical problem one needs a diachronic model of structuration process as well as longitudinal data (Barley and Tolbert, 1997).

Policy transfer theories offer no unique solutions to such enduring problems of social theory, but they also suffer from a range of other analytical tendencies and blind spots. Dolowitz and Marsh (2000) have identified an excessive orientation towards positivism. Most policy transfer studies downplay the role that subjective perception and judgements play in the definition of problems and solutions. For example, in the analysis of Dolowitz and Marsh policy transfer 'success' or 'failure' are defined as some forms of policy transfer without being separated from processes of policy transfer; thus, according to James and Lodge (2003), Dolowitz and Marsh re-describe aspects of policy 'failure' without explaining it. As Hajer (1995:59) argues, discursive interaction (i.e. language in use) can alter cognitive patterns and create new cognitions and new positionings, thus discourse fulfils a key role in processes of political change. Most scholars within the policy transfer tradition ignore discursive

components of the policy process and role of subjective definitions of policy success or failure whilst what constitutes 'successful transfer' - a key outcome variable - is subject to competing interpretations and subjective definitions may affect policy transfer outcomes. However, most ignore the way that subjective definitions affect how and where searches are conducted for policy ideas and, also, what solutions are considered. Although most policy transfer studies downplay their role, one should at least allow space for actors' perceptions and judgements within the policy transfer process.

## **2.5. Conclusions**

This Chapter has reviewed ongoing debates and theoretical approaches in the studies of 'EU environmental policy' and 'Europeanisation impacts' to understand what goes on and why in the adoption of EU environmental policy. Examination of EU environmental policy studies has added valuable insights to better understand aspects of compliance and effectiveness, whilst examination of the Europeanisation impacts studies has contributed to our understanding of domestic impacts of environmental policies, by drawing upon a broad variety of different theoretical conceptions. However, the review of analytical approaches in the Europeanisation studies has also highlighted the need for different perspectives that might add more explanatory insights to explain environmental policy adoption.

The policy transfer literature has been reviewed to provide a wider perspective to explain how and why policy adoption occurs. The models presented in the literature to explain policy transfer have mainly drawn upon theories about learning, policy networks and the structuration or sought to organise diverse and conflicting theories under a common framework, obscuring differences between them. These models have not always specified the structured context of social action, and therefore, they lack of explanatory strength to specify and link the dynamics and outcomes of policy transfer process. As James and Lodge (2003:190) have pointed out, there is need for further studies that focus more directly on the effects of learning processes or styles of policy making on policy outcomes. Concerning the need for extending existing frameworks, this study also seeks alternative approaches to provide an account of interactions between policy transfer process dynamics and outcomes. In the next chapter, an attempt is made to refine our analysis of policy transfer processes, by considering how actors mobilize to respond policy transfer pressures and how political and cultural changes take place.

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## Chapter 3

### Conceptual Framework

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## ANALYSIS OF POLICY TRANSFER

### 3.1. Introduction

Policy transfer can be considered as a form of adaptive policy making by which policies, programmes and ideas emanating from other political and/or systems are transferred to a new domestic setting (Dolowitz et al., 2000). When studying policy transfer one of the key factors that we need to understand is what drives actors to engage in the process, as these reasons can influence the whole process, including the outcomes, and the application of knowledge, beyond the initial selection of candidate 'lessons'. This Chapter aims to identify the influencing factors and likely outcomes of transferring policies between jurisdictions, and explain the causal links between different processes.

In particular, in order to explain the causal links in the policy transfer process, it is essential to unpack the relative influence of rationality and power on the process, and the relationship between them. In the analysis of Dolowitz et al. (2000:13), such rationalities feature strongly in different types of transfer processes - voluntary and coercive respectively - though it is to be expected that different combinations of rationality may be operating in any given transfer process, especially when we unpack the state to look at the roles of different actors - political, administrative, etc - involved in transfer. Moreover, Dolowitz et al. (2000:13) also identified other types of reasons for transfer, beyond the simple voluntary and coercive dichotomy, bringing in different conditions of bounded rationality, perceived necessity or conditionality. To give one example, treaty obligations are among the most common reason for transfer yet involve calculations and then the meeting of obligations, not all of which may be equally palatable to all sections of the adopting government. In order to better understand policy transfer, it is therefore essential to examine the particular combinations of rationality-based and power-based processes, and their interactions, rather than seeing them as hermetic, discreet, ideal-type processes. Developing analytical frameworks for different types of policy transfer processes and presenting their main differences may to help explain and clarify these processes, which is the purpose of the following section.

## 3.2. Causal Factors in the Policy Transfer Process

### 3.2.1. Motives for Transfer

The defining feature of rationality-based policy transfer is that governments borrow policies, programmes and institutions from other jurisdictions with the expectation that the transfer will lead to success, where ‘success’ is measured by the extent to which a transferred policy achieves the aims set by *the borrowers* (e.g. governments). Here, policy makers’ transfer processes start when they voluntarily engage in an active search for new ideas, when they perceive a condition becoming problematic, or when dissatisfaction with the status-quo arises. Different types of networks, such as epistemic communities, advocacy coalitions or policy transfer networks (references) may thus be involved in searching for, and developing policies and programmes.

It is within this voluntaristic setting that an evaluation of prospective outcomes is likely to be undertaken, framed by the requirements of the borrowing government, to decide whether the policy should be adopted as a whole, modified or even rejected. The main point in rationality-based process is that knowledge is applied to adapt the transferred policies to fit institutional conditions by rational domestic actors, in line with the idealized processes of Rose (1991) and Mossberger and Wolman (2001).

In cases of coercive or power-based policy transfer, one government, political institution or political system forces another to adopt a programme, policy or institutional structure. The originating (forcing) system has greater power in shaping the policy agenda and formulation including what constitutes ‘successful transfer’ than the borrowing system itself. The main factor in the power-based process is that radical changes in domestic institutions may well be anticipated by the originating system, for the adoption of imposed policies. It is an open question how far prospective policy evaluation forms any part of the originating system’s activities.

Between these conceptual ‘extremes’, in cases of obligation-based policy transfer (Dolowitz and Marsh, 1996), domestic policy-makers can be required to adopt policies and programmes as part of their obligations as members of international regimes and structures (e.g. the EU) or compelled to adopt particular policies by

transnational corporations and international agencies. Their commitment may therefore be more calculative than normative, in that for the government as a whole the benefits of joining an international regime is seen as outweighing the difficulties and costs of individual ensuing obligations. However the success of obligatory transfer is the degree to which the formal transposition and the practical application of institutional and instrumental changes correspond to the aims set by the originating systems (e.g. transnational, international institutions). Thus, knowledge-based rationalities are not necessarily absent in obligation-based processes as it involves both voluntary and coercive elements. Global, international and transnational networks may again be involved in constructing relevant knowledge to define political interests, to refine the ideological basis of policy proposals, to formulate and to implement transferred policies. The main point in the obligation-based process is that, in the minds of those setting the obligations at least, domestic institutions must undergo some degree of adaptation to fit transferred policy requirements, and one might still therefore expect this coercive element to affect domestic outputs. As noted in the Europeanisation and EU environmental policy impacts literature, however, there can be different ways of achieving this convergence, and very different responses.

### **3.2.2. Institutional and Actor Related Factors**

Whatever the balance between voluntarism, knowledge and obligation in the transfer process, actors and institutions play important roles, in that both combine to facilitate and constrain the direction, form and consequences of policy transfer, and the adaptation that takes place. Once it is decided that a policy is to be transferred, institutional and actor related factors continually interact to shape the process. The term 'institution' is used in this study as the most significant domestic structures which comprise components of a polity or society, consisting of regularized and comparatively stable interactions (Cowles et al., 2001, p4), including systems of rules - both formal and informal (March and Olsen, 1989).

#### ***Formal Institutions and Resources***

Formal institutions refer to explicit structures - that is, written norms, rules, and procedures codified in constitutions, laws, treaties, agreements etc. - which create

resources and regulate their exchange. Hence, 'formal institutions impact on the distribution of resources among actors' (Borzel, 2002:30). Resources are defined as 'any attribute, circumstance or possession that increases the ability of its holder to influence a person or a group because this person or group depends on this resource' (Rogers, 1974: 1425). More specifically, resources are factors which allow actors to influence political outcomes. Whether and which resources are effective instruments of political influence is contingent upon the specific context (Scharpf, 1997:51), but one can identify certain types of resources, which have the potential of providing political influence (Borzel, 2002):

- (1) legal resources: codified or formalised rules and procedures which allocate rights of autonomous decision-making (legal and administrative competencies), participation, and veto;
- (2) financial resources: formal rights to funding as well as the control over the distribution of finances;
- (3) organisational resources: human resources, expertise, information; and
- (4) political resources (legitimacy): the capacity to mobilise political decision as well as the capacity to increase (decrease) the efficiency and transparency of policy-making processes.

Formal institutions provide actors with material and ideational resources to induce structural change. The presence of facilitating institutions empowering actors explains why institutional adaptation sometimes occurs (Cowles et al., 2001:10). Formal institutions can also exert blocking effects on the capacity of actors to induce structural changes. The greater the power that is dispersed across the political system and the more say actors have in political decision making, the more difficult it is to foster 'domestic consensus' or 'winning coalitions' necessary to introduce institutional changes in response to policy transfer (Cowles et al., 2001:9). Thus, the existence of multiple veto points in a given policy-making structure is likely to inhibit or at least to considerably slow down the adaptational process, if no other mediating factors are present (Tsebelis, 1995). But there are also institutional factors that might have a facilitating effect in helping to overcome such veto points.

***Informal institutions***

Formal institutions, including political and social systems, are usually entangled with informal structures. These include policy networks, epistemic communities and so on, but also refer to implicit, that is unwritten and uncodified rules, and collective understanding of what constitutes appropriate, i.e. socially acceptable, behaviour in a given situation. While formal institutions impact on the distribution of resources, informal institutions or institutional culture define how to use the available resources in a legitimate way. Consequently, the ultimate strategy choice of an actor within the range of options defined by the distribution of resources is not just a question of available resources and the cost-benefit calculation of the expected utility of present alternative strategies depending on the preferences and strategy options of the other actors (Borzel 2002:30). The socially shared meanings or rules of appropriateness embedded in the institutional culture favour or discredit certain strategy choices because they would be considered inappropriate. Thus, actors can be expected to use a strategy which resonates with established routines, familiar patterns of behaviour, and shared meanings of appropriateness in order to attain their purposes (Hattam 1993).

In many instances, actors disregard alternative strategies since they discredit them as being socially inappropriate (Borzel, 2001). Rather, they employ those strategies which they are used to invoking in comparable situations. Informal institutional mechanisms can sometimes play a significant role in overcoming the constraining effect of multiple veto points, for instance drawing upon a tradition of consensus-oriented or cooperative decision-making culture (Borzel 2001, Katzenstein 1984). Interacting institutional factors of the transfer process might facilitate or constrain institutional change in response to policy adaptation but institutions do not change institutions, they provide opportunities for actors to do so, or even affect their interests (Cowles et al., 2001). Actors with their interests, power and strategies do change the institutions in which they are embedded.

One key product of interaction which can have this propensity for change is differential empowerment. Here, external pressure for institutional change leads to new relationships and the redistribution of power capacities among a variety of domestic actors ranging from legislatures, courts, regional governments to interest groups. The distribution of resources in an institutional setting results in a certain

power constellation which largely defines the range of strategy options among which actors may choose to pursue their interests as a function of their own preferences and capabilities as well as the perceived preferences and capabilities of others (Borzel 2002). By transferring policies, domestic actors are able to exploit new resources, thereby presenting an opportunity to further their goals. For example, European environmental policy transfer may provide domestic actors with new legislative opportunities in environmental area which would have been impossible in the previous institutional setting.

### ***Learning.***

It is important to recognize that the redistribution of power resources does not assume that actors necessarily change their interests. Rather, power capacity enables actors to further these given interests and to induce institutional change. But knowledge, too, can sometimes lead to more fundamental changes in actors' interests and therefore constitutes an actor-centred mechanism to induce such transformations (Jenkins-Smith and Sabatier; Levy cited in Cowles 2001:12). Of course, variations are likely in the nature of learning that takes place, and the kinds of actor responses that follow. Analysts typically distinguish between instances in which actors merely adjust means and strategies to achieve their given goals and preferences (single loop learning) and situations that lead actors to change these goals and preferences themselves (double loop learning or complex learning) (Argyris and Schon cited in Cowles et al., 2001:12). The term 'single loop learning' is not easy to distinguish from strategic adjustment which does not lead to fundamental changes in actors' behaviour or interests. The double loop learning that may result in changes in actors' behaviour and interests occurs over rather more protracted periods of time (Cowles et al. 2001). There are clear parallels here with the 'social learning' and 'paradigm shift' perspectives, defined in Hall's (1993) model of different orders of learning. Only in the case of 'paradigm shift', are learning processes reflected in both behavioural and cognitive worlds of policy actors (Knoepfel and Kissling-Naf, 1998:345).

The environmental policy studies literature has shown that policy change is often impeded by powerful structural and institutional factors reinforcing traditional policy paradigms (Carter, 2002:178). According to Hall's (1993) definition of policy change, radical changes that reflect a fundamental paradigm shift, follow a wide-ranging



process of societal debate and reflection on past experience, or 'social learning'. The role of double-loop or complex learning is essential for radical changes, especially for policy-makers in the environmental policy area.

Processes of learning can have implications for the character or degree of policy transfer. Policy learning may result in a more coherent transfer of ideas, policies and practices whereas mere copying may well be ad hoc and piecemeal (Stone, 2000:8). Certain actors may have a greater capacity for learning whereas others may adopt lessons for symbolic purposes or as a strategic device to secure political support rather than as a result of improved understanding (Robertson, 1991). Learning by bureaucrats in response to exogenous pressures or influences may be much more instrumental (Stone, 2000), and the nature of their learning may - in turn - affect the process of a policy's adoption.

***Empowerment.***

Actors with their interests, power and strategies do change the institutions in which they are embedded. Empowerment and learning are key products of interaction between actors and institutions which can have this propensity for change. Dealing first with empowerment, external pressure for institutional change leads to new relationships and the redistribution of power capacities among a variety of domestic actors ranging from legislatures, courts, regional governments to interest groups. The distribution of resources in an institutional setting results in a certain power constellation which largely defines the range of strategy options among which actors may choose to pursue their interests, as a function of their own preferences and capabilities as well as the perceived preferences and capabilities of others (Borzel 2002). By transferring policies, domestic actors are able to exploit new resources, thereby presenting an opportunity to further their goals. For example, European environmental policy transfer may provide domestic actors with new legislative opportunities in environmental area which would have been impossible in the previous institutional setting.

### 3.3 Definitions of policy transfer outcomes

The policies, programmes and institutions are transferred with the expectation that transfer will lead to success. In the analysis, ‘what constitutes evidence for transfer success or failure?’ is defined as a key determinant of likely policy transfer outcomes. Before discussing the success or failure of policy transfer, we need to clarify the boundaries of policy transfer process. The process is incomplete without reference to implementation, therefore, it is necessary to point out that compliance with the transferred policy does not only mean compliance with legal requirements. As practical implementation is part of the process, compliance refers to administrative and political implications as well as legal aspects.

In the case of voluntary transfer, success tends to be defined by whoever is transferring the policy voluntarily. Policies are voluntarily transferred as solutions to defined problems in the first place and policy-makers determine necessary changes or modifications in settings for adaptation to desired policy. The extent to which the problem has been solved constitutes evidence for transfer success or failure and, therefore, can be called the outcome of rationality-based process. If the reason for transfer is more coercive, success is more likely to be defined by whoever has power to demand adaptation to policy requirements (Dolowitz et al., 2000). In the coercive or power-based policy transfer, ‘what constitutes evidence for transfer success’ can be demonstrated by institutional changes inspired by external political system. Different audiences hold primacy in each case.

In the case of obligatory policy transfer, policy objectives set by external jurisdictions have to be complied with by the obligated party. The scope for obligated parties to have some influence on the objects of transfer - at least in reasonably open institutions like the EU where some members are able to exert influence on what is ‘uploaded’ to the EU for subsequent transfer to member states - can differentiate this type of transfer process from power-based processes. The answer to the question of ‘what constitutes evidence for transfer success’ can be compliance with the obligated policy requirements or adaptation of domestic institutional settings to the obligations. Compliance with what was required in the original policy is measurable by assessing

the extent to which requirements have been successfully incorporated into domestic institutions.

### **3.4. Causal links between process dynamics and likely outcomes**

#### **3.4.1. Theoretical Approach**

As was noted above, policy transfer is a form of adaptive policy making in which transferred policies, programmes and ideas emanate from other political and/or social systems for a range of different reasons. Different reasons for transfer, differences between the originating and borrowing systems and interacting institutional and agency factors cause policy transfer process to become a complex set of interacting elements over time (Dolowitz et al., 2000; John 2002). To this we might add the different nature of the policy objects being transferred. Existing approaches which seek to illuminate the complex process of policy transfer which are mainly rationalist, pluralist or structurationist in orientation explain different aspects of the policy transfer process. Learning or ideas-based approaches are useful in explaining voluntary policy-transfer but do not explain what drives the processes of coercive or obligatory forms of policy transfer. With pluralist approaches, the interests of a group of actors are seen as driving the process, which is useful in explaining networks and network policies but does not explain relations between other interacting process dynamics. Approaches rooted in structuration theory provide an understanding of relationship between institutions and actors, however, when, why and how structures and agents impact upon one another, how institutions change or how learning takes place still remain to be understood, and the application of this theory to empirical work is difficult (Gregson, 1987).

For these reasons, this study seeks alternative approaches to explain the process of policy transfer. In particular, it seeks to incorporate an element of social constructivist thinking. Given that what constitutes a relevant ‘lesson’, ‘obligation’ or ‘successful transfer’ is open to competing interpretations, it is surprising that analysts have not given more attention to social constructivist approaches in the analysis of policy transfer. The social constructivist approach sees that ‘interests are intersubjectively constituted through discourse and institutional practices that work according to

identifiable policy discourses that through their story-lines provide the signpost for action within these institutional practices' (Hajer, 1995:264). Social constructivism conceives the policy process as part of broader social and cultural phenomenon. Thus social constructivists are interested in finding ways to understand the policy process by looking at the organizing principles, discursive practices, institutional designs and mediation arenas that shape the systemic conditions of policy environments and that determine the process and content of the social production of policy making (Cosio, 1998). Thus social constructivism provides additional explanatory insights to explain what drives actors to engage in the policy transfer process, how that action is justified discursively, how political change in institutional arrangements comes about, how power is structured in institutional arrangements, how rationality and power influence the process and how the process dynamics shape outcomes.

The term 'discourse' is defined here, after Dryzek (1997:8) as 'a shared way of apprehending the world'. Discourses enable subscribers to interpret bits of information and put them together into coherent stories or accounts. They provide basic terms for analysis, debates, agreements and disagreements as they rest on assumptions, judgements and contentions. Hajer defines discourse as 'a specific ensemble of ideas, concepts and categorizations that are produced, reproduced and transformed in a particular set of practices and through which meaning is given to physical and social realities' (ibid:44). In Hajer's view discourses are the product of institutional practices and individual activities that reflect particular types of knowledge. They are actively produced through human agencies that undertake certain practices and describe the world in certain ways. Actors do not however act within a vacuum. Discourses simultaneously have structuring capabilities as they provide parameters within which people act and shape the way actors influence the world around them. Accordingly, 'what can be calculated from the theoretical deployment of discourse is that discourses are designed to modify agency dynamics at the very initial stages of their deployment, to later indirectly exert their influence over the structural framework conditions and the framing of the situative contexts in a given policy environment' (Hajer, 1995:264).

There are a large number of alternative ideas as to exactly how discourse influences the policy process and hence an equally large number of different approaches to

empirically analyzing discourse in practice (Ockwell and Rydin, 2005:6). Foucault's pivotal work highlights the regulatory power of discourses as they act to select appropriate and meaningful utterances and actions within a struggle for hegemony in the policy making process (Foucault cited in Ockwell and Rydin, 2005:6). Hajer takes Foucault's combined concept of power and knowledge and sees discourse as constituting both text and practice (Hajer, 1995:17-44). From Hajer's perspective, discourse analysis is a method to illuminate the social and cognitive basis of the ways in which policy problems are constructed (Hajer 1995:15). Applying Hajer's perspective enables us to understand the constitutive role of discourse in policy transfer process by allocating a central role to discoursing subjects through maintaining the context of a duality of structure and agency.

As various actors are likely to hold different perceptions of what the problem really is, it is important to identify the key actors involved in the policy transfer process. If the key actors are identified, their discourses reveal the rationality in legitimising their actions. It is thus possible to shed light on the functioning of interacting institutions that both enable and constrain the agents through discourse deployment and communicative practices. However, social constructivism is an approach and a general methodology but not analytical framework to perform these tasks.

Rydin's (2003) work provides a framework to explain how discourse, communication and language play a role within the policy process. Rydin's framework of discursive strategies and institutions marries an institutional approach with awareness of the importance of language use, identifying discursive patterns, looking at the interaction within communication, and considering actors' discursive strategies within such an institutional framework (Rydin, 2003:53). According to this framework, institutions provide an account of the context in which language use occurs and actors need to judge the requirements of these institutions when they choose their discursive strategies. The logic of appropriateness helps to guide behaviour. Rydin's framework suggests that discursive strategies appear to have contributed to an actor's success, then this relates to its 'fitness for purpose' and actors are likely to continue to use discursive strategies that turn out to be successful in terms of their goals. This framework provides a new analytical insight for the analysis of policy transfer by considering discourse as discursive strategies, along with communication in forms and

processes of discourse creation. The discursive strategies of proponents and recipients of policies to be transferred are both relevant, as are the extent to which they can construct a coherent discourse coalition across the policy transfer network, and the reach of that network into the relevant departments of government.

Murdoch (2004:50), however, criticizes the ‘discursive turn’ in policy analysis, for neglecting the interconnections between discourse, practices and places. His work aims to extend commonly accepted understandings of policy discourses by attending to three main issues: first, the means by which discourse achieves the effective coordination of actors distributed in time and space; second, the materiality of discourse or the way discursive repertoires become embedded in heterogeneous alignments of people and things; and, third, the geography of discourse in which repertoires and their associated alignments develop in spatially uneven forms (ibid). Such an approach, although applied to the diffusion of assessment techniques across British local planning authorities, has relevance to the insinuation of appraisal techniques across the departments and sectors of government, such as the integrative, cross-cutting agenda of SEA.

Murdoch (2004) employs a ‘governmentality’ perspective to better understand this ‘spatiality’ of discourse and to bring policy discourse ‘down to earth’, to situate it in space. The term ‘governmentality’ has been used by Foucault (1991) to refer to the ‘mentalities’ of rule by which governing authorities seek to shape the conduct of diverse actors and agencies. ‘Foucault’s formulation highlights not just multiple and diffuse sites of power, but to fundamentally heterogeneous forms of rule’ (Barnett, 2001:16). This reference to heterogeneous forms of rule indicates that the practice of government can take place through multiple media, including both discursive and material sources (Dean cited in Murdoch, 2004:51). Thus the materializing of discourses in time and space requires the assembling of heterogeneous resources - political rationalities and technological and material resources - in ways that facilitate the dissemination of ‘specific governmentalities’ (2004:56). Political rationalities are identified as discursive fields within which the exercise of power is conceptualized; and technological and material resources are identified as programmes, calculations, techniques, apparatuses, documents and procedures through which authorities seek to embody (Rose and Miller, 1992:175).

A social constructivist approach informs this study both to see how particular stances towards policy transfer are rationalized and legitimated and to see how particular policy discourses get embedded into laws, practices and procedures. Applying a social constructivist approach to the analysis of policy transfer process is an attempt to understand how discursive repertoires shape the conduct of diverse actors, how discursive construction influence the actors' mobilization and responses to policy transfer, and, how discourse coalitions work to frame decision-making through the use of diverse sets of resources. Deployment of a social constructivist approach to the analysis of policy transfer process adds useful insights in the multiple interpretation of policy transfer's success or failure, in the relationship of representations to the exercise of power and in looking at how discourses are actually inscribed in techniques, rules and documents.

### **3.4.2. Analytical Framework For Policy Transfer**

The debates and approaches of the Europeanisation literature have revealed the need for more effective explanations of what goes on and why in the EU environmental policy adoption. Hence, in order to fulfil this need, in the second part of the chapter, policy transfer literature was examined to provide a wider perspective on how and why adoption occurs - with more variables than proposed in the existing Europeanisation literature. In this respect, problems associated with the prevailing approaches, such as learning-based, policy networks and structuration theory approaches, used in policy transfer models have been discussed. The models developed by Dolowitz et al. and Evans and Davies have been given particular attention as their models added valuable insights for combining voluntaristic, rational frameworks with perspectives that recognise the imperfect and coercive nature of policy transfer that can be applied to the EU environmental policy adoption. These models and theoretical approaches behind them have indicated the need for alternative approaches to explain policy transfer process considering the questions asked by this study. Thereby, having recognized this need and that different policy transfer processes stem from different motives, this study developed a three-fold analytical framework to explain policy transfer, outlined below.

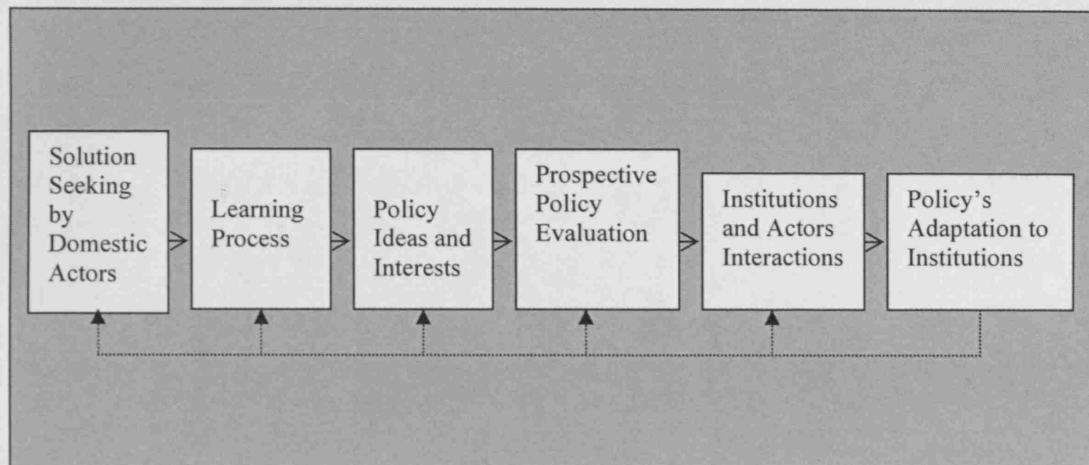
***Rationality-based policy transfer framework***

The symbiosis of problems and policies defines the nature of agenda setting in the rationality-based processes of policy transfer. Decision making is dominated by ideas and interests as a result of conscious lesson-drawing activities, as defined by Rose (1991). Policy-makers learn about the policy context by paying attention to crucial elements of what made the policy a success in the originating system or how it operates in the originating system i.e. prospective policy is evaluated before making decisions through policy networks and epistemic communities that play an important role in the learning process. Institutional factors influence the decision to engage in policy transfer as a result of prospective evaluation. If the institutional structures of two systems are too dissimilar, in other words, adaptation pressure is too high, the possibilities of transfer are severely restricted and, in a voluntaristic setting, this means that transfer is highly unlikely to occur.

Domestic institutional structures shape the boundaries of a policy, thereby policy can be adapted in whole or modified to fit existing institutions. However, a social constructivist approach helps to explain causal links in the rationality-based policy transfer. The discourse is the medium by which cases for change and improvement are made and it defines relevant knowledge. The communication and collaboration of policy-making actors affect the success of the desired policy's adaptation in the domestic institutions.

The framework (Figure 3.1 below) for explaining causal chain in rationality-based policy transfer process primarily rests on the assumption that policy-making is based on policy-making actors' rationality and depicts complex relationships between agency dynamics and institutional conditions. Learning plays an important role in actors' incorporating solutions into the existing institutional settings. Discourses of policy making actors are good tools for understanding how their solutions are incorporated into institutions. The analysis of governmentalities - techniques, rules, documents - allows us to understand the extent to which rationality is operationalised and the degree to which the transferred policy is the solution to the defined problem.





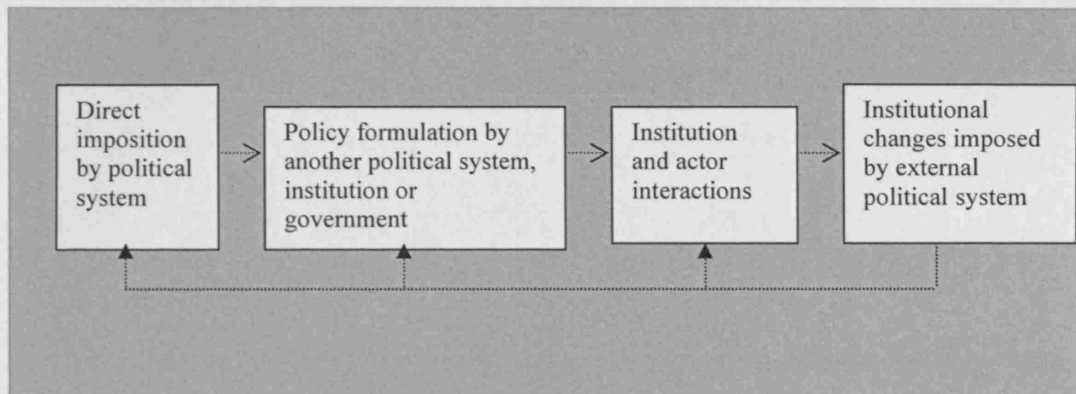
**Figure 3.1.** Causal chain in the rational-based policy transfer process

Source: the author

#### *Power-based or coercive policy transfer framework*

Conversely, policies may not have the same symbiotic relationship with problems, at the same governmental level, in the case of more coercive transfer processes. The power and force behind the adoption of a policy defines the nature of agenda setting. In this context, domestic actors may not always have the autonomy to look for lessons in responding to emerging problems, which are largely framed externally. External political institutions - governments, international bodies, or actors like the EU - may then be involved in the policy formulation process. In most cases, institutional changes are anticipated by the external power, and define the parameters of success (Figure 3.2).

While the direct imposition of a policy or instrument in one country by another is very rare, these characteristics of coercive transfer may appear in other settings. The social constructivist approaches offer an explanation for power-based process as discourses addressing the workings of power fulfil a key role in political change, rather than simply ideas and interests of domestic policy-making actors, at least in supplying legitimising rationales for the coercive measures.



**Figure 3.2.** Causal chain in the power-based policy transfer process

Source: the author

### *Obligation-based policy transfer framework*

The frameworks to explain purely voluntary and purely coercive processes of policy transfer can be categorised as ideal-types of policy transfer models. Policies can be imposed by political systems or international organisations rather than being always the best solutions, or pushed coercively to be adopted. However, in a world of independencies and alliances, obligation-based policy transfer is more likely to occur in reality. For obligation-based process (Figure 3.4), although there is international or transnational pressure for the adoption of particular policies or mechanisms, domestic actors may have autonomy in agreeing or mediating the nature of the obligation, and the policies to be transferred. The reasons for transfer do not fit wholly within models of ideas or interest based explanations because, with obligatory transfer model, policy transfer is not necessarily initiated by actors' ideas and interests, in terms of the motivations for the transfer.

The EU is an important context for obligation-based model of policy transfer. Institutional differences between domestic and originating systems are understood within strands of the Europeanisation literature as 'adaptational pressure'. The degree of adaptational pressure determines the extent to which domestic institutions will have to change in order to comply with transferred policy and its rules. In cases where originating policies imply significant contradictions with domestic institutions, adaptation pressure is expected to be high and resistance to change is likely. As institutions cannot change themselves, actors change them, it is essential to

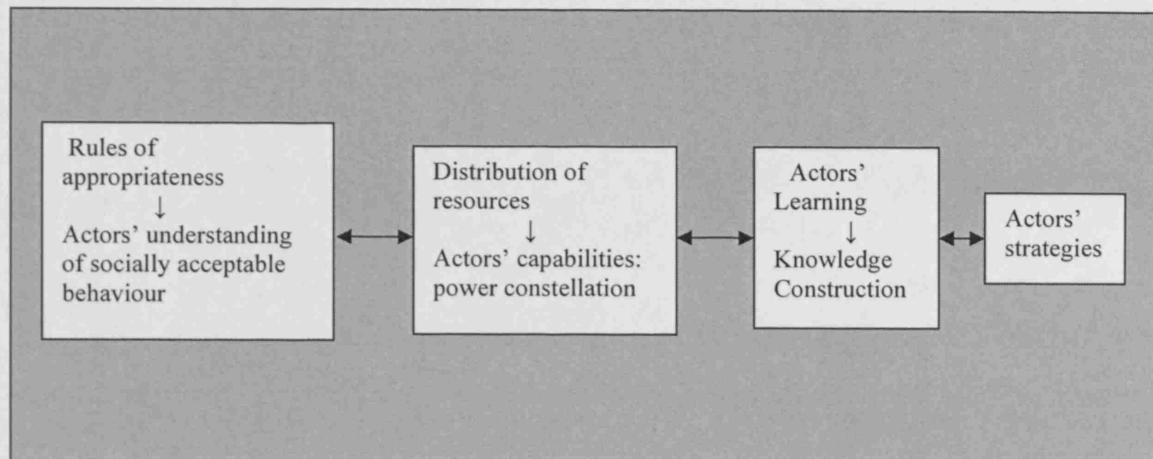
understand how actors change institutions, thereby we need to illuminate interactions between actors and institutions in the obligation-based process.

Adaptation pressure can cause redistribution of resources and a clash of power among domestic actors (Borzel 2002). Empowerment of actors results in their use of resources to embed the rationality of transferred policy in domestic institutions. Their power can be constrained by formal and informal institutions. As illustrated in the Figure 3.3, interactions between institutions and actors influence strategies which are pursued by actors to attain their purposes. The actors' strategies play an important role in domestic institutional transformations. Albeit that policy transfer is pushed by external actors, domestic policy makers have leeway to choose their strategies to achieve externally imposed policy objectives.

The obligation-based policy transfer process has similarities with rationality-based transfer as to the role of learning and knowledge construction. As noted above, the obligation-based process may not necessarily start by actors' learning and rationally responding to an emergent problem but once it starts, domestic actors learn over time and their strategies evolve by learning. Information networks or epistemic communities may be contacted to learn from and consult with throughout the evolution of policy adoption. Once epistemic communities or policy networks cluster around the policy domains, they act to facilitate processes of policy learning, so that policy is developed in line with coalition ideals (Sabatier, 1999). Thus, learning plays a significant role in formulating and implementing transferred policy in obligation-based processes. In the EU context, policy transfer networks form to help 'download' EU policies, which may involve actors from those countries which were so effective in 'uploading' their preferred policy frameworks to the EU. Hence, these networks act to facilitate processes of policy learning for the domestic policy-making actors.

When actors from different organisations see mutual benefits from transferred policy, institutional changes are more likely to occur. In this respect, institutional changes are more likely when actors choose strategies that may foster domestic consensus; thereby policy interests have the best chance of survival. With respect to the right strategies, cooperative strategies seems to have more potential in fostering domestic consensus while a non-cooperative strategy may result in conflict and competition between

actors from different organisations, as stated by Borzel (2002). Some domestic institutional settings offer less scope for consensual, cooperative ways of working for policy-making actors.

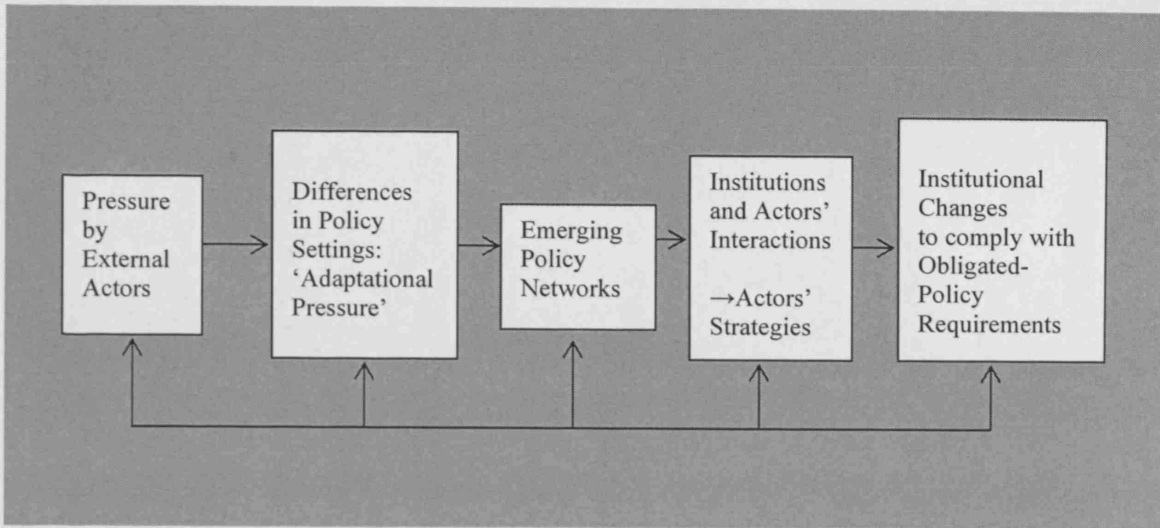


**Figure 3.3.** Interacting institutions and actors' interactions

Source: the author

Constraining institutional factors may evolve more slowly than actors' interests. When the change rate of the institutional process is too slow, policy transfer may fail due to significant constraints to comply with the policy objectives. Informal institutions or institutional culture in which shared meanings or rules of appropriateness are embedded may also evolve more slowly than policy-making actors' interests, as well as formal institutions, and affect the adoption process. Informal institutions may constrain the capabilities of policy-making actors and affect the success of adoption by resistance to institutional changes, however, the presence of facilitating institutions enable such resistance to be negotiated.

The obligation-based process differs from the rational-based process as to the source of policy objectives as well as motives for policy transfer. Domestic policy-makers act to achieve policy objectives implied by external actors in the obligation-based process whilst domestic policy-making actors determine policy objectives in the rational-based process. If the success of obligated policy transfer is to be interpreted, it needs interpretations of both external and domestic actors involved in the process (see Figure 3.4).



**Figure 3.4.** Causal chain in the obligation-based policy transfer process

Source: the author

In this respect, the social constructivist approach helps us to assess multiple interpretations of the involved actors in the transfer process and allows us to explain dynamics and outcomes of obligation-based policy transfer through analysis of discursive rationalities. Furthermore, social constructivism provides a basis for empirical analysis to understand the level of institutional resistance to the domestic policy-making actors who struggle to undertake the necessary institutional changes through various discursive strategies.

### **3.5. Conclusions: An Analytical Framework for EU Environmental Policy Adoption**

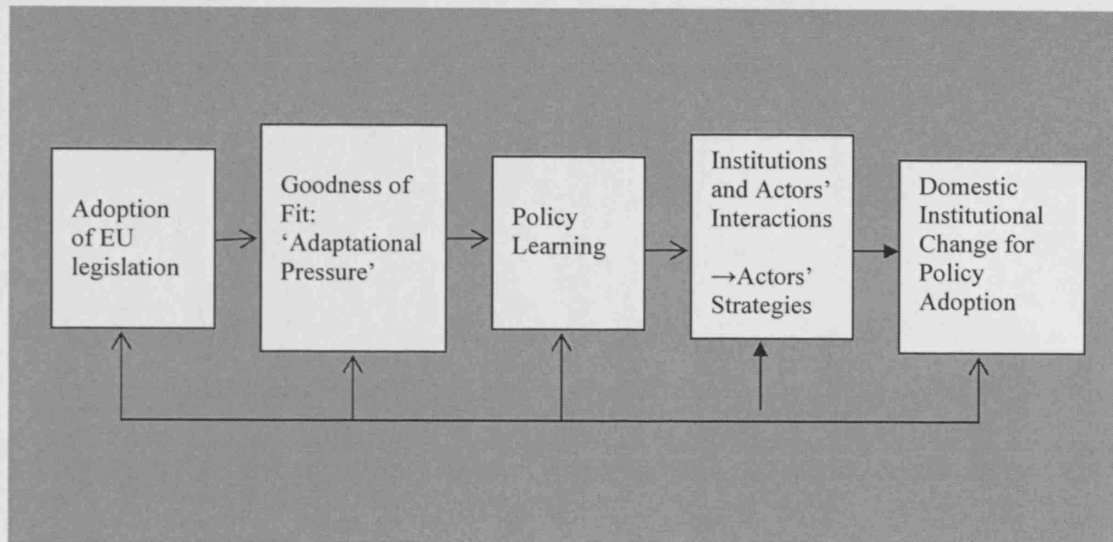
While overall, the decision to join the EU is voluntarily taken by countries, albeit in the light of judgements about the wider direction of national and global development, adopting EU environmental policy may not necessarily be seen as intrinsically desirable by some or all domestic actors. In this respect, in order to explain environmental policy adoption through the lens of policy transfer concepts, the obligation-based process framework fits best since specific EU policies can be considered obligatory rather than voluntary in most cases. Such discussions can be connected, usefully, to emerging patterns in the changing style of EU environmental

policy, notably the new 'voluntary approach' (Richardson, 2001) which aims to overcome EU implementation problems caused by the top-down approach. Nevertheless, the traditional top-down legislative approach remains more common in EU policy making (ibid). Where implemented by directive, however, EU policies have elements of discretion, allowing for aspects of voluntary policy transfer to unfold, especially at the operational level.

The concluding argument here is that an obligation-based framework of policy transfer helps to organise the process factors of environmental policy adoption - 'reasons for adoption', 'adaptational pressure', 'information networks', 'actors' interests', 'institutional adaptability', 'resource distribution', 'policy making styles and structures' and 'actors' strategies' - to conceptualise and explain the interactions in the process. The analytical framework (Figure 3.5) depicts the EU environmental policy adoption as a process with complex relationships between these factors. As pointed out in the framework, reasons for adoption are intertwined with process dynamics and outcomes. The conditions of adoption success has been imposed by the EU Directive, hence the outcomes can be assessed against the level of compliance with Directive's objectives. In this respect, outcomes of EU environmental policy adoption can be 'full compliance', 'non-compliance' or 'weak compliance'.

According to most analysts, the success of compliance can be defined simply as the extent to which the EU policy's obligations are incorporated or, the degree to which domestic institutions are changed to comply with the relevant policy requirements. Indeed, in the EU literature, successful policy adoption has been equated with convergence (Howell, 2002), in respect of key, specified outcomes and processes; non-adaptation corresponds to divergence; and weak adaptation corresponds to the persistence of national approaches (Knill, 2001). These patterns of outcome are closely related to the levels of European adaptational pressure and therefore to the domestic institutional changes necessary to comply with the EU policy requirements. However, domestically, different actors may construct 'success' more ambitiously, seeking to achieve deeper changes than EU policy requires, or define it in terms of ensuring the persistence of domestic norms as far as possible, minimizing 'adaptation pressure' and minimizing the impacts of the obligation. 'Success' could simply be discharging the obligation sufficiently to access EU resources, markets and political

communities, rather than substantive success in implementing particular policy measures. Actors' discourses and discursive rationalities are thus useful tools for understanding the extent to which an obligation is discharged.



**Figure 3.5.** Causal chain in the EU environmental policy adoption

Source: the author

Discourses are also important tools for policy-making actors in transforming their ideas and interests to other actors involved in the adoption process. Once the EU policy to be complied with is determined, learning process of domestic policy-making actors becomes activated in that direction. Policy information networks may emerge, or existing networks may be adapted, to facilitate learning. Knowledge is constructed among domestic actors involved in policy adoption. Then, policy-making actors develop discursive rationalities and discursive strategies and use them to convince other actors to extend the conditions for transforming domestic institutions. Hence, the analysis of actors' discursive repertoires enables us to capture how they function in ways to comply with the EU policy requirements.

The obligation-based transfer model has pointed out that the more profound the implications of any given object of transfer, the more significant the institutional task of accommodating it. In applying this to the framework of EU environmental policy adoption, it becomes clear that cross-cutting environmental policy innovations, that

cause higher adaptational pressures, are more difficult to comply with because their adoption has consequences for so many parts of government, and for dominant features of governance style. Strategic environmental assessment is just such a cross-cutting policy innovation, and will be introduced in Chapter 5. The thesis now turns to explain the methodology and research strategy followed in conducting the empirical research.



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## Chapter 4

## RESEARCH METHODOLOGY

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### 4.1. Introduction

In the previous chapter a framework was developed to explain the causal links between the factors and outcomes of policy adoption in the EU context. This chapter aims to develop a methodological framework to gather the evidence for operationalising this theoretical framework, by using it to structure an empirical investigation of the adoption of the EU SEA Directive in Turkey.

The first part of the chapter explains the reasons for adopting a ‘realist’ view of science as an ontological basis of this research. Then, the second part discusses the rationale for choosing a case study approach and an intensive research design. This part also explains how the empirical research was designed to fit with four stages of the SEA Directive adoption process. Following the research design, the third part presents the methods of data collection. The selection of qualitative methods of data collection - interviews, document analysis and observation - is explained, as is how the theoretical approach to policy transfer was applied to the selection of actors to be interviewed or documents to be analysed. The techniques of data analysis are also presented in the third part of the chapter. In the fourth part, ethical issues surrounding the data collection, including trust, validity and cultural issues that arose during research are discussed, along with limitations to the study. Reflections on methodology, including data collection, presentation and analysis form the conclusion of this chapter.

### 4.2. Ontological Basis

This research takes a ‘realist’ view of science to understand how the adoption process works in a particular case - Turkey’s adoption of the EU SEA Directive. ‘Realism’ claims that ‘the task of science is to invent theories to explain the real world and to

test these theories by rational criteria' (Robson, 2002:32). This research too adopts a realist approach, in so far as it has developed a theoretical framework for environmental policy adoption in the previous chapter and uses empirical evidence to test this framework. Material derived from empirical study was expected to illuminate the complex connections in explaining policy adoption. Any lines of response which did not fit the theory were considered, and any implications drawn from them are discussed and used to elaborate the previously developed framework.

At the heart of 'realism' is the assumption that there is a 'reality' which exists independently of our awareness of it (Sayer, 1992:5). Although social phenomena such as actions, texts and institutions - which are concept-dependent - have to be interpreted by starting from the researcher's own frames of meaning, by and large they exist regardless of researchers' interpretations of them (Sayer, 1992:6). 'Realism' wants to reduce social phenomena to their underlying causes or constituent parts, as 'realist' explanation is concerned with how mechanisms produce events. Although 'realism' accepts that most individuals, for most of the time, do not make sense of the world by way of the rather clinical abstractions used by social science, it believes explanatory power is lost if these real life interpretations are severed from the explanatory causal relations which correspond to scientific and objective descriptions of reality (ibid).

The 'realist' approach taken in this study led to the use of qualitative data collection methods, especially interviews, in understanding the opinions of the actors involved in the process and interpreting them with a consideration that 'there can be more than one truth'. The framework provided, theoretically, an analytical abstraction of relationships between influencing factors and outcomes in the policy adoption process. The realist approach entails real life evidence for testing the analytical abstractions proposed by the theoretical framework, developed in the Chapter 2. Social constructivism offered a useful understanding of causality in the adoption process and enabled the analytical framework to be operationalised by its reflection back into the world of practice. In the analysis of Turkey's adoption case, the social constructivist approach made an important contribution to the empirical study as to the selection of actors to be interviewed. Thus, the actors whose discourses could help us to see how knowledge was constructed and how power was exercised in the

process were selected as the interviewees. A realist approach helped in focusing attention on the reflections of actors and actor-related factors that could make the difference between the success and failure of the adoption process. Thus, the 'realist' analysis of the adoption process revealed evidence about the role of actors and actor related factors in shaping outcomes and provided real life evidence for testing the framework.

### 4.3. Research Design

This research employed an explanatory case study approach for qualitative data collection. According to Yin's (1989:23) definition, 'a case study is an empirical enquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between the phenomenon and the context are not clearly evident; and in which multiple sources of evidence are used'. In this regard, the case study of EU SEA Directive's adoption in Turkey reflects Yin's definition, as it provides a real-life context to explain policy adoption process. Following Mitchell, the case study pursued here is essentially heuristic: it reflects, in the events portrayed, features which may be construed as a manifestation of some general, abstract theoretical principle (Mitchell, 2000:170). In terms of the selection of cases, any set of events will serve the purpose of the analyst if the theoretical base is sufficiently well developed to enable the analyst to identify within these events the operation of the general principles incorporated in theory (ibid).

There are other key features framing the case study. Analysing Turkey's adoption of the EU SEA Directive offered an opportunity to follow the process of adoption from its beginning. Processual aspects could be drawn out, as the case deals with a sequence of events, over quite a long period, where the same set of main actors are involved over a relatively long period. The 'extended case' (after Gluckman 1961) of Turkey's adoption of the EU SEA Directive followed here enabled the researcher to trace the chain of events, and therefore how events were necessarily linked to one another through time. For practical purposes of writing up the research, the end of the case study was defined as the end of pilot implementations and the issuing of national SEA legislation at the end of 2005.

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An intensive research design was chosen, because the primary questions concern how some causal process work out in a particular case (Sayer, 1992:242); in this case, explaining how and to what extent Turkey has adopted the EU SEA Directive. As an intensive research project, this study focused mainly (though not exclusively) on groups whose members might be either similar or different but who were actually related to each other structurally or causally, and asked what agents actually did (Sayer, 1992). Specific, identifiable individuals involved in the SEA Directive's adoption were of interest in terms of their knowledge and their mode of connection to others (ibid).

As a research strategy, case studies have many advantages. Case studies elicit useful information on organisation and institutions in both the private and public sectors, firms, workplaces, schools, trade unions and bureaucracies, including policy implementation and evaluation, and processes of organisational change and adaptation (Hakim, 1987). For the analysis of SEA adoption in Turkey, these advantages of the case study approach are considered to contribute to the reliability and validity of the research. As Turkey's case is not chosen for its typicality or representativeness but for its explanatory power, and its intrinsic relevance to debates about the Europeanisation of environmental policy, such criticisms of case studies are not valid for this research (Mitchell 1983). Turkey's adoption case is not used as a basis for statistical generalisation, but to test the theoretical claims of the research. To adopt Eckstein's classification (Eckstein 1975:94-123), this case study is most closely related to 'disciplined-configurative studies': configurations or patterns of elements, which the observer does not look upon as unique or idiographic, but instead seeks to interpret the patterns in terms of general theoretical postulates.

Being a disciplined-configurative study, Turkey's adoption case is not strictly tied into established theories. There is a space for new theories in neglected areas when the existing theories do not fit. The case study thus is tied into theoretical inquiry - but only partially, where theories apply or can be envisioned; passively, in the main, as a receptacle for putting theories to work and fortuitously, as a catalytic element in the unfolding of theoretical knowledge. A case can challenge established theories if the theories ought to fit it but do not. It may also point up a need for a new theory in neglected areas (Hempel, 1965). In this regard, the application of theories to Turkey's

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case may have feedback effects on theorising. Hence, it is intended to improve the analytical framework in the light of feedback effects of the empirical findings.

In terms of structuring the case study, the research was designed to collect data from successive stages and strands of the adoption process. A loose structuring framework is taken from the plans made by policy-making actors for the EU SEA Directive's adoption. According to these plans, as well as the continuing process of making the necessary arrangements for drafting and adopting the Directive, two or three pilot projects would be undertaken to gain SEA experience and to proceed with organising, training and also preparing the draft SEA legislation. Since these pilot projects were to be integral to the learning process with SEA, and thus to policy transfer outcomes, analysis of these pilot projects was thus made integral to the case study.

Data collection was structured around four, broadly sequential but overlapping stages of the adoption process:

- the initial stage of the EU SEA Directive's transfer
- the First Pilot Project's implementation;
- the Second Pilot Project's implementation; and
- political, legislative and administrative outcomes.

Each stage had particular groups of actors to be studied, but the connections between these stages also required attention – notably the actual influence of the pilot projects, and the knowledge that they are claimed to have generated, on the way in which the SEA Directive was adopted. Specific methodological choices are explained in the following section.

#### **4.4. Research Methods and Data Analysis**

Three major qualitative research methods were used for data collection: interviews, document analysis and observation. These methods were used to answer the questions of 'What steps has Turkey taken to adopt the EU SEA Directive, and how has the Directive affected the domestic policy-making machinery?', 'How have different actors mobilized and sought to shape Turkey's response to the SEA Directive?', and 'Could Turkey's overall response to the EU SEA Directive be better explained as

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knowledge-driven policy learning or as obligatory policy transfer?'. The theoretical framework for environmental policy adoption in the EU context and theoretical approach behind it informed the selection of actors to be interviewed, documents to be analysed and events or actions to be observed at each stage of data collection.

Documentary analysis played a particularly important role in this research. Attention was given to reviewing the existing documentation such as the National Programme for the Adoption on the EU Acquis (Appendix 3), internet resources, project proposals and activity reports of the MoE, SEA reports of the Pilot Projects and the Draft SEA legislation (see Appendix 4).

Throughout the research, the major source of data was in-depth interviews, which offered greater possibility for obtaining detailed information about the process dynamics. The adoption of in-depth interviews was deemed to be the best way of gathering information from key actors, to gather their opinions as well as to explore their thoughts and motivation. Interviewees were identified from those who had discursive power in the adoption process, and some capacity to shape organisational and policy outcomes – positively and negatively. In practice, mostly interviews were conducted face-to-face, and steered sufficiently to provide good coverage of research topics (Drever, 1995).

Each research interview was kept to a minimum of one hour and conducted by the author. As it was simply impossible to remember all details of discourses (or even to note all of them at the time), a tape recorder was used during interviewing. Interviewees were asked if tape recording of the interviews was acceptable, and the majority indicated that they did not mind. Some notes were taken during the interviews in case of mistakes with recording. In order to reduce interpretative bias, each interview was written up immediately after completion.

A key positive claim for interview data, pertinent to this research, is that the interviews elicit data that gave insight into people's experiences, in which interviewees are regarded as experiencing subjects who actively construct their social worlds (Silverman, 2001). Hammersley and Atkinson (1983) point out that an attachment to naturally occurring data is a kind of 'naturalism' that unwittingly agrees

with positivism in that the best kinds of data are somehow untouched by human hand, neutral, unbiased and representative. To deal with the risk of naïve naturalism, interview responses were not treated simply as true or false reports on ‘reality’; nor were interview questions and answers seen as wholly passive filters towards some truths about peoples’ identities. Instead, careful attention was paid to treat these responses as displays of perspectives and moral forms. It was considered that interviewer and interviewee were ‘actively constructing some version of the world appropriate to what was taken to be self-evident about the person interviewed and the context of the question’ (Baker, 1982:109).

It was also considered that peoples’ cultural worlds were more complex than those suggested by most positivists, who argued that interviews, based upon pre-tested, standardised questions, were a way of increasing the reliability of the research (Glassner and Miller, 1997). This study regarded it as insufficient simply to ‘pre-test’ an interview schedule by asking questions to a few respondents. Rather, the interviews with various actors who were involved in SEA adoption let conversation develop within a flexible design. The topic headings and questions that reflected the researcher’s general idea of interest and concern were predetermined; however, if particular interests or concerns seemed inappropriate with a particular interviewee, the questions or topics were omitted or additional ones included to generate intensive data. The researcher had a shopping list of topics and wanted to get responses to them with considerable freedom in the sequencing and wording of questions and in the amount of time devoted to each. The interviewees were allowed to speak freely in their own terms about a set of concerns brought by the researcher to the interaction, plus whatever else they might introduce (Lofland and Lofland cited in Robson, 2002:281). In this respect, the interviews were a combination of semi-structured interviews with unstructured or open-ended interviews (ibid:278).

During the empirical research, systematic observation was rarely possible, as there were few open arenas in which aspects of the SEA adoption process took place. However, observation was used in an unstructured, supportive role in this research, as an exploratory process to find out what was going on in some situations, especially during public participation meetings of Pilot SEA Project Implementation and also SEA training meetings. Direct observation was used as a supportive or supplementary

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method to collect data that might complement or contextualise data obtained by interviewing, and sometimes to guide the conduct and design of interviews (Glassner and Miller, 1997). Although an unstructured form of observation was used during the public participation and training meetings, this was interpreted in the light of extensive background knowledge of SEA policy and its adoption acquired by the research, to better interpret what was observed. Overall, however, the main effort in the case study research was devoted to a series of interviews whilst observation was used to validate or corroborate the messages obtained in the interviews. Having justified the choice of methodologies in general terms, and how they fitted together, the next section outlines the research conducted during each stage of the SEA Directive adoption process.

#### **4.4.1. Data Collection**

##### ***Early adoption***

SEA had been one of the subjects included in Turkey's National Accession Programme, which was submitted to the EU Council in 2001. This Programme indicated that a Draft SEA Directive of the EU would be prepared and the necessary works and regulations would be carried out in the light of this Directive, under its heading of 'Environment' (Appendix 3). The Ministry of Environment decided to adopt SEA legislation to comply with the EU SEA Directive, which was itself issued in June 2001. The empirical component of this PhD research commenced in January 2002, allowing the gathering of data in the early stages of the policy transfer process.

At this stage, data collection aimed to understand the main reasons for adoption, the key actors and actors' networks involved in the adoption and the relevant institutions of the adoption process, through the use of qualitative analysis. The starting point for data collection was the review of existing documentation, such as Internet resources, the National Programme, and activity reports related to the EU accession. The first set of interviews were based on knowledge gathered from these documents, which guided the pursuit of evidence on who decided for the adoption of the EU Directive, who prepared the project presented to the EU, and which networks and contacts were established. Interviewees were domestic policy-making actors who had guided the initial decision to adopt the EU Directive (two people who were involved in the SEA



in the Secretariat General for EU Affairs), and also the actors who were assigned to deliver the transfer of the SEA Directive in Turkey (six people from of the Ministry of Environment), as listed in Figure 4.1. The first interviewees from the Ministry of Environment (MoE) consisted of the Head of Department, the office chief and four assistant officials in the General Directorate of EIA and Planning, later renamed 'SEA and Planning'. In this study, they are referred to as 'SEA team members' and are considered to be the main actors or core actors of the adoption process. The SEA team members were not only interviewed twice in the first stage (in January and April, 2002), but in each subsequent stage of the empirical research; every interview including at least two of them. After the election of the new government in 2002, bureaucratic changes also affected this department. The department head, office chief and one key official in the SEA team were replaced with new officials. Therefore, interviews after the summer 2003 took place with both new and existing members of the team.

#### **The initial stage of the adoption process**

**Main Topics:** What was the reason for the SEA adoption of the EU? Who are involved in the adoption process? How do the actors define their roles? What are their opinions on how SEA would be helpful for Turkey? How do they define adoption success? Which problems do they consider in the SEA transfer? How far do these problems stem from the SEA concept and Turkey's existing policy context?

**Interviewees:** 6 people who are in the SEA team in the Ministry of Environment, 2 people who are involved in the SEA in the Secretariat General for EU Affairs

**Interview dates:** January 2002, April 2002

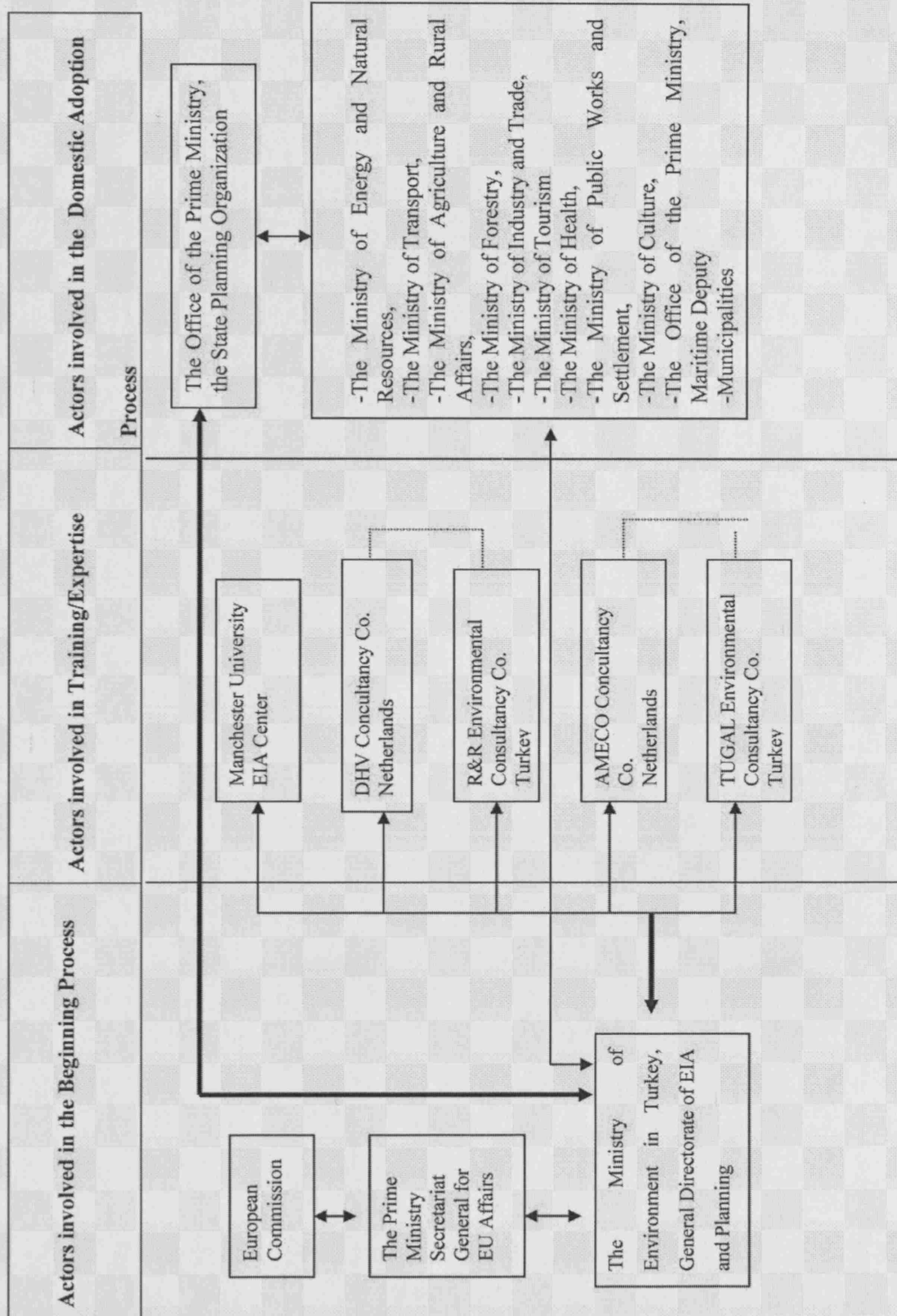
**Method:** The use of document analysis and open-ended, face-to-face interviews

**Analysis:** Qualitative analysis of documents and interview transcripts

#### **Box 4.1. Stage 1**



Figure 4.1. Actors Involved in the SEA Adoption Process in Turkey



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Interviews were conducted in Turkish and then translated into English. A flexible interviewing environment helped explore the topics given in Box 4.1. The respondents enjoyed relative freedom to express their own views about any given topic. An example of interview schedule translated into English can be found in Appendix 2.

As with any research strategy reliant on elite interviews, accessibility to key respondents was one of the most important issues and created some difficulties. The main problem arose from conducting the empirical research in another country, with limited time to schedule interviews with all the relevant actors. Another problem, especially with Ministerial actors, was that there were cancellations due to sudden unexpected meetings or other reasons that delayed the interview programme. Also there was a pervasive lack of knowledge and experience of SEA.

The first stage of the research, then, sought to produce a causal explanation of the dynamics of the beginning of the adoption process. Through document analysis and interviews, this study investigated the reasons for adoption, the actors and institutions involved in adoption, activities such as training and pilot project implementations related to the SEA adoption, differences between domestic and EU institutional contexts, anticipated barriers and challenges to adoption by domestic policy-making actors.

### ***The first pilot project***

During the second stage, the main aim was primarily to understand the dynamics and outcomes of the First Pilot Project Implementation and, second, the place of this project's implementation in Turkey's SEA adoption process. The project was initiated in 2002, based on implementing SEA in a revised land-use plan for the environment of the Canakkale Region, and to inform the preparation of prototype SEA documentation. The MoE's General Directorate of EIA and Planning was responsible for the implementation and enforcement of legislation/policy related to SE, but the Turkish Ministry of Foreign Affairs and the Secretariat General of EU Affairs shared responsibility for co-ordinating monitoring of the projects' progress in the pre-accession process. At the beginning of the project, training for MoE staff was provided by a consultant company from Holland (DHV), which collaborated with a

Turkish partner (R&R). Staff were also trained by an expert from the Regional Environmental Centre for Central and Eastern Europe.

### **The implementation stage of the First Pilot SEA Project**

**Main Topics:** What are the links between actors and organisations in transferring ideas about SEA to Turkey? What are the actors' expectations from the pilot project? What challenges or opportunities might be faced in SEA pilot projects? Which political, organisational and administrative changes might SEA cause? Does SEA lead to the mobilisation of political consensus or social support in favour of environmental policies or cause conflicts? How and why? What is their evaluation of this Project in terms of success of adoption? How do they define 'success' for SEA adoption?

**Interviewees:** 6 people in the SEA team in the Ministry of Environment, 5 trainers and consultants, 5 officials from the line Ministries, 5 local actors involved in the projects

**Interview dates:** July 2002, December 2002, April 2003, and July 2003

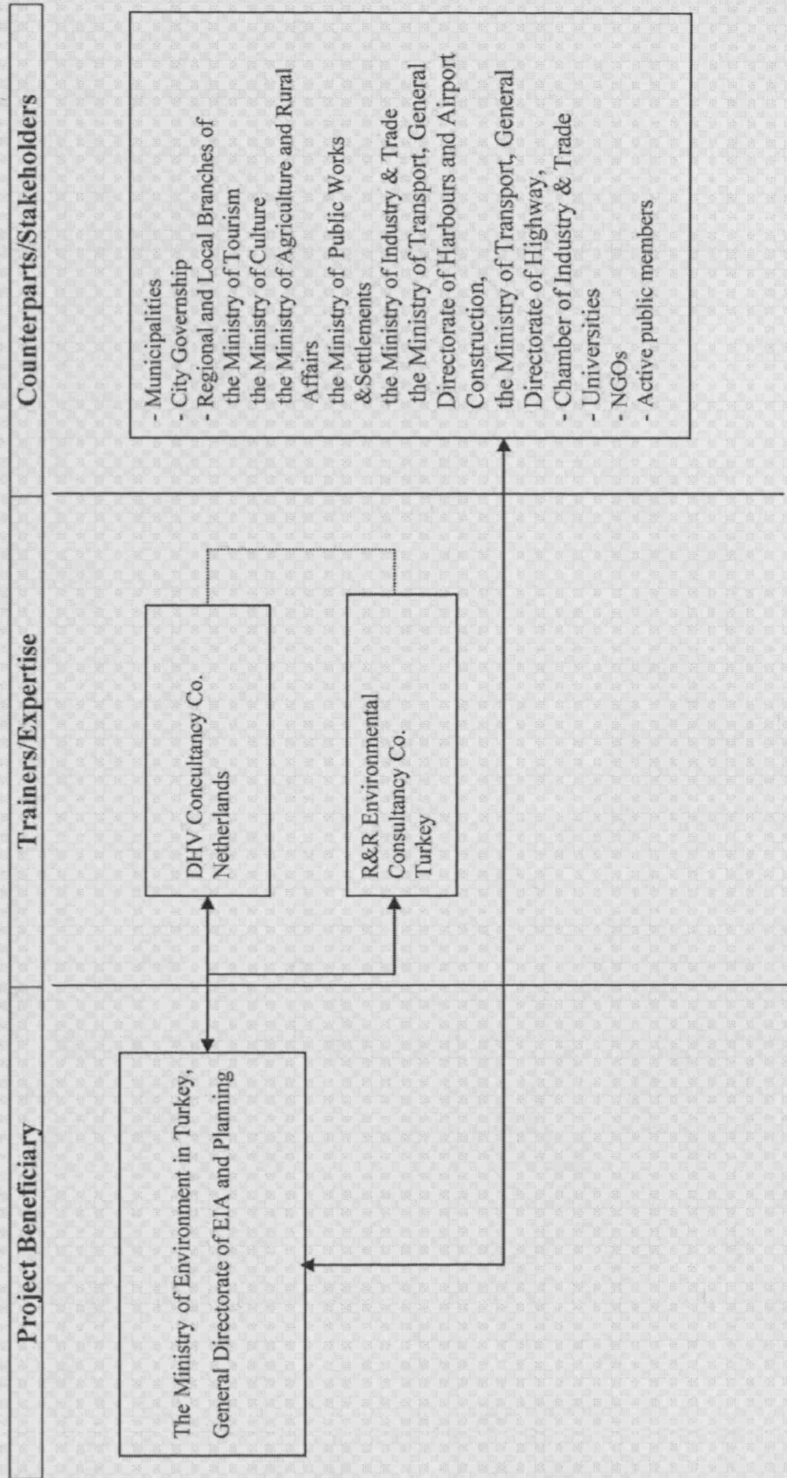
**Method:** Open-ended interviews and document analysis

**Analysis:** Qualitative analysis of documents and interview transcripts.

#### **Box 4.2. Stage 2**

The interviewees were selected from all those parties that were involved in the project, as summarised in Figure 4.2. The SEA team (six members who were also interviewed in the first stage) in the MoE, five trainers and consultants (three from DHV, two from R&R), five officials from the line Ministries such as Ministry of Housing Works and Settlements and the Ministry of Industry & Trade and five local actors (NGO representatives) involved in the projects were interviewed between July 2002 and 2003. Among those interviewees, the SEA team members and foreign consultants (3) were interviewed in July and December, 2002 and also April and July, 2003, in order to learn about progress with the SEA pilot project.

Figure 4.2. Actors Involved in the First Pilot SEA Implementation Project



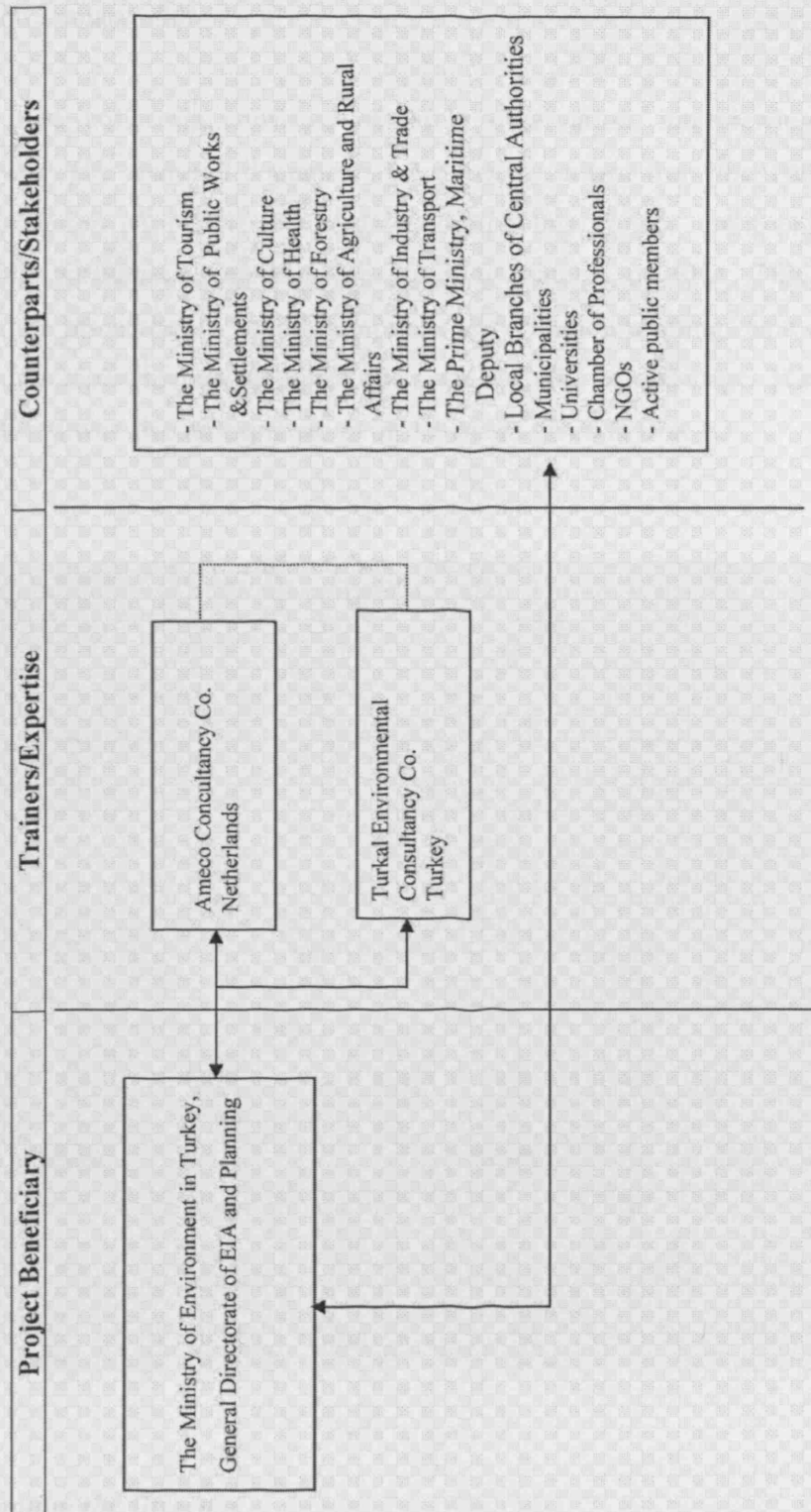
The aim of tracking progress with the pilot project was to shed light on the success of SEA adoption, considering the objectives of the EU SEA Directive. This part of the empirical study endeavoured to collect information on the issues of integration of environmental concerns into decision-making, transparency and accountability of decision-making and public participation. Data collection from interviewing and document analysis were assessed.

The actual implementation of the First Pilot Project could not be observed directly because it took place in a location and time that made participation difficult for the researcher. However, after its completion, the actors involved in the Project implementation were interviewed. At this stage of the study, one difficulty was contacting some of the participants from public meetings, as they came from various organisations and locations. Therefore, some of the interviews were conducted by telephone. The interviews were designed to learn about SEA implementation processes from the perspective of various actors' (Box 4.2.) and the data collected was considered as an explanatory rather than a representative database. The purpose of interviews and document analysis was to obtain data on the main topics such as causal explanation of the role of learning, formal and informal institutions, policy environment and agency's capabilities on the adoption process, actors' views on successful SEA adoption and the extent to which EU objectives were being implemented.

### ***The second pilot project***

The main aim of the third stage was to understand the dynamics and outcomes of the Second Pilot Project, together with the place of this project in shaping broader outcomes for Turkey's SEA adoption process. The second project concerned the implementation of SEA in a tourism development plan in Antalya, and was intended to assist in developing the institutional and legal infrastructure for the implementation of the EU SEA Directive (2001/42/EC) in Turkey. The General Directorate of EIA and Planning of the MoE was responsible for the execution of the project. In the context of this pilot project, the Ministry of the Environment and the Ministry of Tourism were the main stakeholders. Staff training was provided by a consultant company from Holland (Witteveen+Bos and the Netherlands EIA Commission), that collaborated with a Turkish partner (Tugal Environmental Technologies). The actors'

Figure 4.3. Actors Involved in the Second Pilot SEA Implementation Project





network in the second pilot project can be found in Figure 4.3. The SEA team members and trainer-consultants were interviewed on seven occasions between January 2003 and January 2005.

At this stage, data collection consisted of direct observation, interviewing and document analysis. The analysed documents were mainly drawn from the Turkey's Draft SEA Legislation (Appendix 4), prepared during this project, environmental reports for public participation meetings and training material on SEA. This pilot project enabled the researcher to attend two public participation meetings as a direct observer. The main topics investigated were the same as at the second stage. The type of account produced was also an explanation of the issues given in Box 4.3.

#### **The implementation stage of the Second Pilot SEA Project**

**Main Topics:** What are the links between different actors and organisations in transferring policies for SEA? What are the actors' expectations from the pilot projects, and were they met? What challenges or opportunities might be faced in SEA pilot projects? Which political and organisational-administrative changes might SEA cause? Does SEA assist in fostering consensus, or effective solutions to environmental policies, or cause conflicts? How and why? How do people define 'success' for SEA adoption?

**Interviewees:** 6 people from the SEA team in the Ministry of Environment, 5 trainers and consultants, 5 officials from the line Ministries, 5 local NGO representatives involved in the projects

**Interview dates:** January, April, July 2003, January, April, July 2004, January 2005

**Method:** Open-ended interviews, direct observation and document analysis

**Analysis:** Qualitative analysis of interview transcripts, documents and observation

#### **Box 4.3. Stage 3**

##### ***Impacts on adopting the Directive***

The last stage of the empirical study focused on Turkey's adoption process, already partly explored in the two Pilot Projects. The aim of investigation at this stage was to



examine what changed and what entered into decision-making circles in Turkey as a response to the SEA Directive's adoption. The empirical study, therefore, intended to gather data on domestic, organisational, legal, financial and political, institutional changes and to examine the impact of the knowledge gained during the two pilot projects.

The main topics - the role of learning, formal and informal institutions, policy environment and agency's capabilities on the adaptation process, actors' views on successful SEA adoption and the extent of implementing the EU objectives - were investigated through a series of in-depth interviews with the core actors and the planning authorities. The quality of information obtained from interviews was highly dependent on the interviewees. The majority of actors agreed to participate in the research. However, some of the actors with in-depth knowledge of SEA, resisted interview requests.

#### **The outcomes of the adoption activities**

**Main Topics:** How can SEA adoption success be measured and what is your definition of success? To what extent is SEA transfer complying with the objectives of EU SEA Directive? Which institutional changes have occurred as a result of the pilot projects and might happen in the future?

**Interviewees:** 2 people who are in the SEA team in the Ministry of Environment, 2 trainers and consultants involved in the pilot projects, 10 people from the planning authorities

**Interview Dates:** January, April, and June 2005

**Method:** The use of documents and open-ended interviews

**Analysis:** Qualitative analysis of documents and interviews

#### **Box 4.4. Stage 4**

At this stage (Box 4.4), interviews were carried out between January and June 2005. Two officials, who were in the SEA team in the MoE, two trainers and consultants

involved in the pilot projects, (one trainer was from Witteween+Bos, one consultant from Tugal Consultancy Co.) were interviewed in January, April and June 2005 and ten people from the planning authorities (from the State Institute of Statistics, the State Institute of Planning, Local Branches of Central Authorities and Municipalities) were interviewed between January and June, 2005.

Of note, 91 interviews were conducted in total for the study between January 2002 and June 2005. As the core policy-making actors, the same two SEA team members out of six, in the Ministry of Environment and Forestry were interviewed at all four stages of the research. The rest of their team members were also present in most of these interviews. The case study interviews ended in June 2005 after the completion of the Draft SEA legislation. The MoEF officials informed the researcher that there would be no more pilot projects and other activities between this date and the issue of the National SEA Legislation. The Draft SEA Legislation was announced through the Internet and opened to discussion for the amendments before the issue of the National SEA Legislation. Ultimately, the MoEF postponed the National SEA Legislation until more stable membership negotiations between EU and Turkey about EU membership were restored. In this respect, the researcher continued to follow-up the documents related to the EU Directive's adoption in Turkey until the end of 2006.

#### **4.4.2. Data Analysis**

Multimethod case studies are always likely to generate many pages of field notes including records of observations, informal and formal interviews. Following Miles and Huberman (1994:9), the first analytic task is coding the materials (i.e. deciding that a particular part or segment of, say, an interview transcript falls into an identifiable category). This involves not only assigning that code but also having a way of seeing it alongside other coded data in the same way. In this study, the tasks of reading, coding and collating the data were accomplished by means of file folders containing various sources of data, markers and highlighters rather than using computer software for qualitative data analysis. The main reason for not using computer software in this research was the lack of available software at the time of analysis in Turkey.

Most of the interview transcripts needed to be translated from Turkish into English. Discourse analysis was applied to interview transcripts and existing documents on SEA adoption. Potter (1997:146) defines discourse analysis as ‘an analytic commitment to studying discourse as texts and talks in social practices’. In analysing Turkey’s SEA adoption process, language was focused on as the medium for interaction and what involved actors think and do was extracted from the analysis of their discourses. One theme that could be particularly emphasised was the rhetorical nature of speech and texts, mainly constructed in two languages. There were some difficulties with translation between Turkish and English as translation is never perfect. Language became an issue, which raised the possibility of some meaning being lost in translation. However, considering the risks of meaning losses and distortions, a special effort was made to keep meaning as close to the original as possible.

In coding the transcript data, an effort was made to identify sequences of related talk, to examine how speakers took on certain roles and looked for particular outcomes in their conversations. The analysis then traced the trajectory through which a particular outcome was produced. As Heritage (1984:241-4) explains, ‘a speaker’s action is context-shaped in that the conversation’s contribution to an ongoing sequence of actions cannot adequately be understood except by reference to the context in which it participates’. This was taken into consideration in the analysis of transcripts. Also, an effort was made to organise translated texts by grouping them according to their contents. It was useful to establish a set of content categories, then the texts that fell into each category was analysed. Categories which were based on the stages of the empirical work also helped to organise different actors’ views around the same topics.

The concern of transcript analysis was at the level of language or discursive practices in general, rather than that of the individual interviewee, though the role of interviewees in driving or blocking change was considered important. As Marshall (1994:95) puts it, the interview is no longer seen as a means of measuring the genuine views of a participant but as a means of exploring the varied ways of making sense, or accounting for the practices of participants. The answers to the questions of ‘how actors define their roles’, ‘how they approach SEA as an environmental policy and an object of adoption’, ‘how they define the constraining or facilitating factors in the

adoption process', 'how they define successful adoption', and 'what strategies actors follow for a successful SEA adoption' were pursued in the interview transcripts and documents.

#### **4.5. Ethical Issues and Limitations**

During data collection, several ethical issues arose. The interviewees were informed about the research aim at the beginning of the interviews and their consent was sought and given to answer relevant questions. Most of the interviewees did not want to be identified, and were given assurances that they would remain anonymous in the written form of the case study and that their responses would be treated in strictest confidence. Some of the foreign consultants and trainers requested anonymity, and perusal of the finalised written study. Special attention was given to their requests. Interviews were conducted with a tape-recorder but, before recording, interviewees were asked for their consent.

In conducting the interviews, there were occasions where interviewees found some of the questions far-fetched, or difficult to answer. Some of these interviewees were the planning officials who thought that they had a limited knowledge and experience of SEA and the Directive's adoption. For these cases, they were told that since there were no right or wrong answers, only their opinions and personal experiences were of interest. Some of them were the ministerial officials who had difficulty in openly expressing their ideas, especially on the barriers to adoption success. If they seriously criticised the political and administrative arrangements in their department and the government, their thought that their official position would be under threat. For these cases, they were assured that their identities would be protected and they were free not to explain some facts if they did not feel confident.

Telephone was used to conduct interviews with NGO representatives and local planning authorities who were involved in the public participation meetings of the First Pilot Project. The lack of visual cues during these telephone interviews might have caused problems in interpreting what was being said. Being aware of this, the interviewees were asked for clarification of their opinions.

‘Any research may be contaminated to some extent by the values of the researcher, as Weber pointed out in the early years of the twentieth century’ (Weber, 1946 in Silverman, 2001:270). However, subjectivity in interpreting the interview data was unavoidable. Subjectivity of the interviewees' comments in explaining the facts and events in the adoption process was also noted during interpretations. For example, past and present government officials voiced conflicting opinions of adoption process blocking factors. As suggested by Mason (1996:150), ‘one way to confront this problem was to try to clarify research intentions’. Therefore, multiple interpretations of the blocking factors did not cause confusion because it was intended to account for different perspectives in understanding of real facts and features of the adoption process.

Some limitations to the data became apparent during collection. Gaining access to gatekeepers caused a slight difficulty at the beginning of this research, but improved over time. Geographical distances limited the researcher’s participation in public meetings of the First Pilot Project, which was in Canakkale Region. Time was another limiting factor, especially as ministerial officials had limited time for interviews and also some planning authorities could not give precise interview dates due to their heavy workloads.

#### **4.6. Conclusions**

The preceding account has described the ontological basis of the research, the longitudinal, four-stage case study approach, and the choice of methods: principally elite interviews with documentary analysis, supported by direct observation. Together these methods provide a robust basis for charting Turkey’s progress with the concept of SEA, and the EU SEA Directive in particular. Through the pilot projects, it was also possible to tease out the role of knowledge and learning, alongside the influence of (more coercive forms of) power. The multiple interview strategy also opens up different perspectives on what constitutes ‘successful adoption’ by an array of actors.

At the core of the issue, however, is Turkey’s compliance with the Accession requirements of the SEA Directive. Such compliance is potentially subject to a range of interpretations, from minimalist readings of the Directive to more expansive ideals

of what SEA requires. To contextualise the adoption process, and the particular governance challenges that SEA can create, the next chapter offers a critical introduction to SEA and the EU's SEA Directive.

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## Chapter 5

### A CHALLENGING EU ENVIRONMENTAL POLICY INSTRUMENT: STRATEGIC ENVIRONMENTAL ASSESSMENT DIRECTIVE

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#### 5.1. Introduction

As the introductory chapter explained, this study intends to provide an empirical analysis of adoption of the EU SEA Directive in Turkey. This chapter introduces the content and implications of SEA and the EU Directive, to understand what is to be adopted. In the first part of the chapter, SEA is presented in an evolutionary context, with emphasis on the development of SEA in the EU. Then, the concept of SEA is unpacked further by exploring various definitions and categories. Following this, stages of SEA are explained and links with plan-, programme- and policy (PPP)-making are illustrated.

In the second part of the chapter, SEA is treated as an object of adoption. The reasons for SEA policy adoption are questioned and the potential benefits of SEA are explained, to help understand possible voluntaristic reasons for its adoption. Then the main challenges and barriers to SEA adoption and application are assessed to facilitate better understanding of the problems associated with SEA policies and their application. This part also summarises the actors involved with SEA policy. The third part focuses on the EU SEA Directive's objectives and implications.

Finally, the Chapter offers some reflections from member states' experiences, in terms of the challenges that SEA can create. In the concluding section, to draw attention to the difficulties in adopting the EU Directive, its discretionary demands – areas where the Directive is open to interpretation -, operational issues and the consequences of choices made by member countries are discussed. Then, barriers due to discretionary margins and implications of new governance modes are explained to better understand the reasons behind differences in SEA adoption across the EU.

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## 5.2. SEA in an Evolutionary Context

The development of Environmental Impact Assessment (EIA) for specific projects began more than 20 years ago in the United States, with the US National Environmental Policy Act (NEPA) of 1969 (Glasson et al., 1994:99). After that, EIA regulations were rapidly established in countries such as Canada (1973), Australia (1974), West Germany (1975) and France (1976). In 1985, the EC Directive 85/337 made EIA mandatory in certain circumstances, with a view to promoting greater uniformity of practice throughout the European Community. EIA is now used in some form or other in most countries of the world.

The extension of project EIA principles to the policy and planning levels has met with some resistance and concern amongst policy-makers and planning practitioners from many countries (e.g. Sweden, Australia, Denmark and the UK). These countries have claimed that plans already cover project EIA requirements and use similar methodologies, such as scoping the analysis, comparison of alternative solutions and conflict-resolution approaches. Applying specific Environmental Assessment (EA) mechanisms, such as SEA, to plans and policies would hence be superfluous. However, it was in Sweden, where planning provides the context and mechanism for project EIA to enter the decision-making process, that critical differences between project EIA and planning were identified, thus underlining the particular role of appraisal techniques at policy and planning levels (Lerman, 1995).

The argument that SEA can improve and facilitate the EIA of site-specific projects has been used to support SEA since its early days. While this relationship is not always obvious, as most countries still neglect to put in place the mechanisms that will ensure it, in some countries it is being suggested that, as a consequence of SEA, more sound and environmentally sensitive policies and plans will incorporate the necessary requirements for the subsequent development of the projects. The Netherlands, New Zealand, Denmark and the UK are examples of countries where these arguments are made. As pointed out by Therivel and Partidario (1996), two distinct approaches are used to apply project EIA to strategic decisions. The first is literally an extension of the practice of project EIA (which they refer to as a 'project-based approach'); the second adopts a policy and planning rationale, whereby project EIA principles are tailored in the formulation of policies and plans, through the identification of needs and options for development, which are then assessed in the context of a vision for sustainable development ('policy-based approach').



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‘SEA can play a significant role in enhancing the integration of environmental concerns in policy and planning processes, thereby, helping to implement sustainability’ (Therivel et al., 1999:9). The concept of ‘sustainability’ - first announced by the ‘Our Common Future’ report of the World Commission on Environment and Development (1987) - is based on the idea that it is impossible to separate economic development issues from environmental issues. The importance of ‘Our Common Future’ report and then the 1992 Earth Summit in Rio de Janeiro, for SEA is the way in which they generated arguments for discussing how environmental issues could be dealt with at a global level in an economic, equitable and holistic way. This, in turn, informed debates about environmental management and planning. In certain interpretations, however, sustainability goes beyond the weighing up of impacts or preventing environmental damage of individual projects, or even of PPPs. It has been defined as meaning that the environment should be protected in such a condition and to such a degree that environmental capacities (the ability of the environment to perform its various functions) are maintained over time: at least at levels sufficient to avoid future catastrophe, and at most levels which give future generations the opportunity to enjoy an equal measure of environmental consumption (Jacobs cited in Therivel et al., 1999:22).

When systematically applied, SEA can become a vector for the transition from the standard to the sustainability agenda for environmental protection (Therivel et al., 1999). In the standard agenda, the emphasis is on tackling the environmental symptoms or effects of the development in the “downstream” part of the decision cycle. By contrast, the sustainability agenda promotes an integrated approach to government decision-making that focuses on the sources or causes of environmental deterioration. These lie in the “upstream” part of the decision cycle, in the economic, fiscal and trade policies that guide the overall course of development. SEA provides a mechanism for instilling environmental objectives and considerations into these decisions (Sadler, 1994).

Many countries relate SEA to sustainability goals, on the grounds that SEA may assist the decision-making process by influencing the design of more sustainable policies and strategies. Therivel et al. (1999) remarks that, in some cases, sustainability remains an implicit background policy (e.g. in US, Sweden, Norway, Finland, France, Germany and the UK) however in other cases, sustainability issues are used as benchmarks against which objectives and criteria in SEA can be measured (e.g. Canada, the Netherlands, Denmark) or as a strong

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policy that helps to shape new forms of decision-making in support of sustainable development (e.g. Australia, New Zealand).

As well as drawing upon global discourses of sustainable development, SEA has also emerged in the context of national environmental policies. In countries where there is longer-standing and/or more extensive experience with project EIA, SEA has been seen as an extension of existing environmental assessment (EA) practices to higher levels of decision-making (e.g. the US, the Netherlands). Where regional and local planning practices have dominated the environmental policy arena, SEA is more often incorporated within planning practices. This was certainly the case in Nordic countries (e.g. Denmark, Sweden, Norway and Finland) and also in the UK, France and Germany. Australia and New Zealand have opted for an overall reform of the environmental administrative process whilst in New Zealand, this process was legally and administratively under way with the proclamation of the Resource Management Act, and in Australia a major review of its EIA process was undertaken (Partidario and Therivel, 1996). With a very few exceptions (e.g. the Netherlands), most European countries in which SEA had been carried out in practice did not have a legislated process before the official adoption of the EU SEA Directive in 2001.

### **5.3. Development of SEA in the EU**

The adoption of a specific directive that would address the environmental impacts of PPPs was under discussion in the EU for some time. The first draft of this directive was already being debated in the late 1980s. The EC's Fourth Action Programme on the Environment of 1987 (CEC, 1987: Article 174) stated that EIA "will also be extended, as rapidly as possible, to cover policies and policy statements, plans and their implementation, procedures, programmes as well as individual projects", and the Fifth Action Programme of 1992 (CEC, 1992) reiterated this aim within its broad framework for achieving sustainable development. In response to those requirements, the EC's Directorate General XI (DGXI on Environment) has been working on a number of fronts to establish SEA requirements both for the EC's own activities and for those of Member States. These include: an internal procedure whereby all DGs must examine their PPPs' environmental repercussions at the time when the PPPs are first conceived, and any proposed PPP, which is likely to have a significant environmental impact, is marked with a "green star" and the impact discussed and justified in the accompanying documentation; a requirement for Member States to appraise the

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environmental impacts of plans and projects (only), which could have a significant impact on Special Areas of Conservation or Special Protection Areas under the EC Directive 92/43 on habitats; a requirement that Structural Fund applications are accompanied by an “environmental profile”; and a draft SEA Directive.

The Commission’s study of SEA legislation and procedures in Member States in 1995 found that all of the countries studied had some elements of environmental assessment in their appraisal systems for policies, plans and programmes, but none consistently met all of the basic requirements for SEA systems. The study identified weaknesses in key areas including documentation of assessments, the information included in reports, public consultation and the integration of appraisal into decision-making procedures (DETR SEA Report, 1998). Both DGXI and DGVII (on transport) have also commissioned considerable further research on SEA, for instance on existing SEA methodologies, case studies of SEA, the costs and benefits of SEA, and SEA in the transport sector (English Nature, 1996).

After several further versions of the proposal, a draft SEA Directive was agreed in December 1996 (CEC, 1997: Article 174). This would apply to land use plans and programmes, which are subject to preparation and adoption by a competent authority or which are prepared by a competent authority by an act of legislation and which are part of the land use decision-making process for the purpose of setting the framework for subsequent development consent decisions, and which contain provisions on the nature, site, location or operating conditions of projects. This definition includes plans and programmes in sectors such as transport (including transport corridors, port facilities and airports), energy, waste management, water resource management, industry (including extraction of mineral resources), telecommunication and tourism.

The draft Directive required the lead agency responsible for the plan or programme (PP) to assess its impacts on human beings, fauna, flora, soil, water, air, climate, landscape, material assets and the cultural heritage. The SEA would need to include a discussion of the following: the contents and objectives of the PP; the environmental characteristics of any area likely to be significantly affected by the PP; the existing environmental problems, especially those related to areas of particular environmental importance; the relevant environmental protection objectives at international, EC or Member State level and how these were considered during the PP’s preparation; the PP’s likely significant environmental effects; any alternative ways of

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achieving the PP's objectives considered during its preparation and reasons why these were not adopted; any mitigation measures for the PP; any difficulties encountered in compiling this information.

The draft SEA Directive was clearly based heavily on the EIA Directive's consent-based approach, and was considerably weaker than previous proposals in terms of the range of PPPs it applies to. This had been in response to a chilly reaction to earlier proposals by other DGs and the Member States (Glasson et al., 1999:42-50). The proposed EC Directive of 1996 could not take effect until a future Presidency completed the process of negotiations and secured endorsement by the Council of Ministers (ibid). Some Member States had no provision for SEA and did not intend to introduce it unless an EC Directive came into force. Other Member States which applied SEA processes would have to decide how to implement the requirements of the proposal. The SEA procedure in the proposed EC Directive was specified as follows: assess the significance of the direct and indirect environmental effects of plan or programme implementation; provide an opportunity for the public and statutory bodies concerned to express their opinions on the proposal and the accompanying statement; inform and consult with neighbouring Member States on proposals that have significant transboundary effects; carry out the assessment before the adoption of a plan or programme and take account of the environmental statement and the results of consultations; exclude minor modifications of existing plans and programmes, provided these are not likely to have significant effects.

The proposed Directive (1996) had a number of weaknesses. For example, it had a narrow scope of application to official land use decision-making processes; it was not clear whether certain types of sector developments, with important environmental implications, were included or not; the emphasis was on procedure rather than objectives or purpose; and most critically, there was no substantive reference to sustainable development (DETR SEA Report, 1998). Nevertheless, wrestling to create a common framework for SEA was still considered important, not least in the context of any future expansion of the EU. The accession countries had a variety of formal or informal SEA processes, but the quality of assessment varies and guidance on procedure and methodology would be valuable. Both these countries and others in Central and Eastern Europe also faced severe environmental problems. The Final Declaration of the fourth Ministerial Conference of the 'Environment for Europe' process

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emphasised the desirability of SEA of proposed policies, plans and programmes (ECE/CEP/56).

This Proposal was amended by the Commission in 1999 after the European Parliament had its First Reading. This amended text formed the basis for negotiations at Council level with the 15 Member States during 1999. In December 1999 the Environment Ministers reached a political agreement on a common text for the future Directive (the common position). The common position was formally adopted on 30/03/2000. The European Parliament as co-legislator approved on 6 September 2000 the Common Position subject to the amendments voted at its plenary session. The Commission formulated on 16 October 2000 its opinion on the amendments to the Common Position voted by the European Parliament. On 31 May 2001 EP and on 5 June 2001 the Council formally adopted the SEA Directive 2001/42/EC.

Under the EU Directive, officially adopted in 2001, it will be a mandatory requirement for local authorities and other bodies to conduct SEAs of certain plans and programmes, including development plans, waste plans, and local transport plans from July 2004. While this Directive applies only to plans and programmes, it will nonetheless bring greater attention to the higher policy level decision-making, since decisions made at this level are likely to become more exposed as EIA/SEA moves up the decision-making tiers (Sheate, 2003). The Barcelona European Council (EC Presidency Conclusions 2002:33 cited in Sheate, 2003) considered the SEA Directive 2001/42/EC to be one important instrument for the effective integration of environmental concerns into other sectors.

#### **5.4. The Content of SEA**

Having reviewed swiftly the evolution of the SEA Directive, attention now turns to examining in more detail the content of SEA, especially from the perspective of academics that have reflected on the forms that SEA is taking or should take.

Therivel et al. (1992:19-20) described SEA as 'a formalised, systematic and comprehensive process of evaluating the environmental effects of a policy, plan or programme and its alternatives, including the preparation of a written report on the findings of that evaluation, and using the findings in publicly accountable decision-making'. Subsequent definitions

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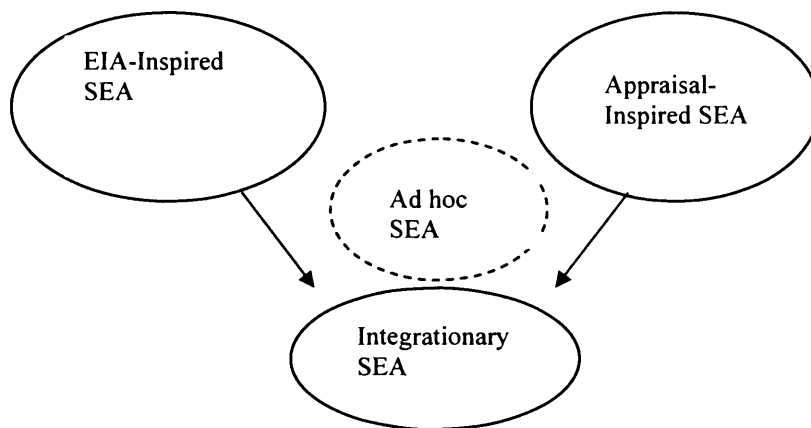
describe SEA more broadly. Sadler and Verheem (1996:27) described SEA as a decision-aiding procedure for evaluating the likely significant environmental effects of options throughout the policy plan or programme development process, beginning at the earliest opportunity, including a written report and the involvement of the public throughout the process whilst the term SEA has been used for any form of assessment of the environmental impacts of PPPs in some studies. In terms of how SEA might influence decisions, Kornov and Thissen (2000) emphasise the duality of SEA, identifying SEA as either having an advocacy role, where its primary purpose is to raise the profile of the environment, or an integrative role where environment, social and economic considerations are combined in a more objective way. Despite these different definitions of SEA, 'most strategic environmental practitioners do agree on what the overall concept of SEA is - a structured, proactive process to strengthen the role of environmental issues in strategic decision-making' (Verheem and Tonk, 2000:177).

From the literature, one can identify two broad approaches to SEA: the first is that of EIA-inspired SEA, which is an improvement on the existing process of 'project EIA' and the second is integratory SEA, which is a way of 'trickling down' the objective of sustainability. With the former, although project EIA is becoming widely used and accepted as a useful tool in decision-making, it largely reacts to development proposals rather than proactively anticipating them. Because EIAs take place once many strategic decisions have already been made, they often address only a limited range of alternatives and mitigation measures; those of a wider nature are generally poorly integrated into project planning. Consultation in EIA is limited, and the contribution of EIA to the eventual decision regarding the project is not clear (CEC, 1993; DoE, 1991; Glasson et al, 1995; Lee and Brown, 1992; Therivel et al, 1992).

Project EIAs are also generally limited to the project's direct impacts. This approach ignores such impacts as the additive effects of many small projects or management schemes that do not require EIA, for instance, agricultural management schemes or defence projects. It can also omit induced impacts, where one project stimulates other development. For instance, the construction of a new road can induce both new traffic and new developments such as out-of-town shopping centres or new towns. In typical UK practice, the EIAs for power stations, which clearly cannot function without transmission lines, have not considered the environmental impacts of these lines (Sheate, 1995). Project EIA also struggles with

synergistic impacts, where the impact of several projects exceeds the mere sum of their individual impacts. One example would be where several projects that each encroach on a wildlife site only minimally may, together, affect the site to an extent where it can no longer support certain species; others include global impacts such as biodiversity and greenhouse gas emissions (Wood, 1995). Insofar as SEA can encompass these impacts, it can incorporate environmental issues into project planning by influencing the context within which project decisions are made. Thus the rationale for SEA extends 'upstream' from the deficiencies of project EIA.

Nevertheless, a number of authors suggest that SEA should develop more independently of project EIA (for example, Sadler and Verheem, 1996, p22; Therivel and Partidario, 1996, p53). Turning to the second broad approach, SEA can also play a significant role in enhancing the integration of environmental concerns in policy and planning processes, thereby helping to implement sustainable development. A more integrated system of planning means that environmental and sustainability criteria are incorporated throughout the planning process, for instance, in the identification of suitable (or unsuitable) locations for development, and in the assessment of alternative PPPs.



**Figure 5.1.** The relationship between different forms of SEA

Source: Based on Figure 1 in Sheate et al., Vol.1, 2001, p.3

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An SEA framework could allow the principle of sustainability to be carried down from policies to individual projects. It could help to ensure that environmental and sustainability considerations are incorporated into the objective of a PPP; it could identify environmental and sustainability benchmarks by which the effects of a PPP can be tested; and could appraise whether the impacts of a PPP are likely to be in accordance with sustainability objectives. The ideal, then, is that SEA and the general integration of environmental considerations in PPP-making are complementary and mutually reinforcing activities which, together lead to sustainable development (Therivel and Partidario, 1996:9). As noted in the previous section, many countries relate SEA to sustainability goals, at least rhetorically, on the grounds that SEA may assist the decision-making process by influencing the design of more sustainable policies and strategies.

Clearly, if one looks more broadly at the way in which policy review and appraisal mechanisms may operate, and their analytical traditions, then this two part distinction may not be adequate, and fail to appreciate how different approaches to SEA may interconnect. Sheate et al. (2001) distinguish four broad models of SEA that embrace environmental integration, as illustrated in Figure 5.1.

(1) EIA-inspired SEA. This approach originates from ecological/resource management disciplines. It includes a base line assessment of a preferred option or alternative locations. There is more emphasis on technical methodologies and systematic assessment procedures. This form of SEA is particularly used at the programme level. Often this is an incremental development from EIA, and because it is more informed by baseline data (e.g. about sensitive elements of the environment) it is more likely to be able to address indirect, as well as direct, effects.

(2) Policy analysis/appraisal-inspired SEA. This approach originates from political science and policy analysis, in assessing the impacts of a preferred option against objectives. There is no baseline survey, and often little or no direct public participation. This model is often used within regional and spatial land use planning, and sustainability appraisal.

(3) Integratory SEA. This is focused on an objectives-led process, and is a combination of the first two models. Impacts, direct and indirect, are appraised against a combination of an environmental baseline survey and objectives. The process begins early in the development of



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the policy and investigates alternative means of achieving those objectives. Public participation is generally an important component of the process. This form of SEA is more likely to be found where there is a strong national environmental legislation and policy framework.

(4) Ad hoc mechanisms of environmental integration. These are mechanisms that utilise techniques such as roundtables, audit committees and state of the environment reports. These tools often fulfil similar roles found within elements of SEA. However, there is no systematic process providing discrete 'hooks' into the developing policy.

There are commonalities between Sheate et al's framework and earlier efforts to categorise SEA (see, for example, English Nature 1996). Other questions also warrant consideration, such as the extent to which the focus of SEA, for the purposes of promoting sustainable development, needs to extend beyond aspects of the physical environment to consider environmental and socio-economic aspects (Fischer, 2002). The important point here is simply to emphasise the open-endedness of debates about what SEA necessarily entails. Similar ambiguity can be identified as one proceeds in turn through the stages of SEA processes.

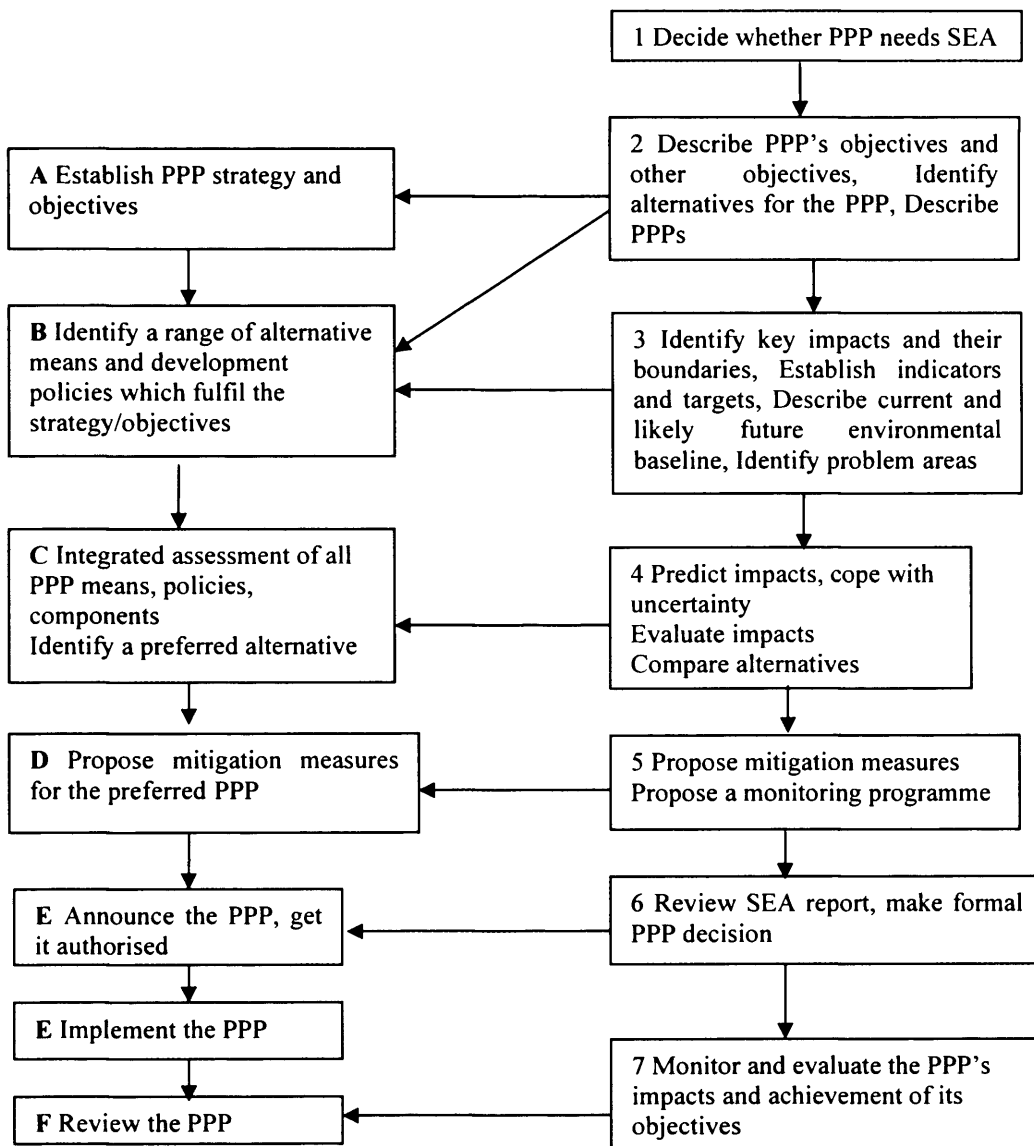
#### **5.4.1. Stages in SEA Process**

The SEA process can be broken down into a series of stages. SEA practitioners may decide how to complete each stage in the best way, using the most appropriate techniques (Lee, 2000). Conventionally, SEA processes have been less defined in structure than EIA; varying quality and effectiveness may be one consequence of the absence of a procedural and institutional framework found in many countries. Thus what follows might be characterised as the typical model, although points of variation are considered en route.

Integration of SEA into the planning process can be attained by various means. According to Kirkpatrick and Lee (1999, pp.227-228), it may, for example, refer to: procedural and organisational and social and economic appraisals to be undertaken at similar points in time so that they can be simultaneously taken into consideration in decision-making; methodological guidelines that encourage different types of appraisal (environmental, social and economic) to use consistent assumptions, methods and data and, when combined in an

## PPP-making Process

## SEA Process



**Figure 5.2.** Stages in SEA and the links with decision-making processes for plans, programmes and policies

Source: Based on Figure 1 in Therivel and Partidario, 1999, p.6

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overall appraisal, to avoid gaps and overlaps in their coverage; arrangements to ensure that frequently neglected impacts (e.g., health or gender impacts) are assessed and taken into account in overall appraisal and decision-making; provisions to ensure that assessments (environmental, social and economic, or combined) are taken into consideration at all key stages of decision-making in the planning and project cycle are tiered into appraisals and decision-making at subsequent stages in the cycle.

At the beginning of SEA process lies the consideration of possibilities for development, e.g. alternative means for achieving objectives and goals and designing development proposals (Wood, 1995). The SEA process itself starts with the screening stage which determines whether a proposed plan or programme needs assessment (Figure 5.2). It does so by assessing whether the impacts of a PPP are potentially in conflict with previously identified objectives and targets. Screening can be achieved on a case-by-case basis, (by using a set of criteria to determine, for example, whether the PPP could have significant environmental effects, or by establishing a list of proposals that automatically are subjected to a SEA. Screening can also be used to determine the extent of SEA that is required, for example, a detailed SEA for proposals that may have major effects on the environment or a short SEA for proposals that may have minor effects (Andre et al., 2004; European Commission, 1999; Sadler and Verheem, 1996; WorldBank, 1993). As Figure 5.2 shows, screening is followed by scoping, which creates the terms of reference for assessment (Lee and Hughes, 1995). Scoping allows key environmental issues that are potentially significantly affected by the PPP to be identified and determines the issues to be addressed in the assessment.

Consultation and participation are considered to be of fundamental importance in the assessment process and their use results in one of the potential benefits of SEA (Fischer, 2002). It is regarded as an essential component of the assessment process since it aims to increase the legitimacy of the decision-making process and of the authorities, to enhance transparency in decision-making and to increase the citizens' confidence in the measures adopted by public authorities. That said, the public's role can range from the less demanding (from the decision-making body's perspective, at least), in the form of consultation, to the more active, as seen for example in participatory land-use or resource management systems.

The decision-making stage consists of deciding on the approval, amendment or refusal of a proposal (European Commission, 1999). The decision, usually made by the relevant

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authorities (e.g., the government), is generally based on several criteria or components (e.g., relevance of the proposal in relation to the objectives, efficiency of the proposal and fulfilment of the objectives at the least costs) (ibid). Thus, the conclusions of SEA are merely one of the components (along with economic and social impact studies) taken into account while making this decision. The results of the previous steps should be supplemented with the responses of the public and the consultees so that the competent authority can determine what modifications should be made to the PPP action prior to approval.

To support the decision-making stage, an assessment report is prepared in order to provide authorities with factual information and comprises the analysis of environmental impacts and consequences (Sadler, 1996). Some form of review is deemed important in order to check the quality and adequacy of the assessment report.

Monitoring represents the last stage of the SEA process and comes in effect once the strategic proposal subjected to SEA is implemented. Although there are difficulties in monitoring the accuracy of predictions for effects years ahead, some form of post-implementation monitoring and post-auditing (Dipper et al., 1998) is often deemed necessary to understand the extent to which the plan has been successful in moving towards or indeed achieving, its objectives. Monitoring can assist in measuring any 'uncertainties' previously identified during scoping and prediction, check that any proposed mitigation measures have been put into practice, or inform action to mitigate any significant non-predicted impacts (Marr, 1997). Again, ideally SEA is an iterative process and it is crucial that through monitoring, past experience of SEA is built upon, by re-examining criteria used previously, checking how appropriate this still is and amending and updating where necessary (Scott et al., 2001:16-18).

As an addendum to this summary of the stages of SEA, it is useful to outline the categories of interest groups involved. These are: the action-leading agent (proponent), the competent authority, the environmental authority and public. The action-leading agent is the organisation responsible for developing the plans, programmes and policies (PPPs). This could be a private company or a public sector agency. The competent authority - usually a government or quasi-government organisation - is responsible for deciding on the PPP. The action leading agent and competent authority are usually the same public organisation: for instance a transport ministry could propose a road policy and programme, prepare the SEA and decide whether programme should go ahead. The environmental authorities contribute information, and are

consulted as part of, the SEA process. They could include the relevant environment agency, landscape and conservation body, and pollution regulatory organisations. The public is often represented by various pressure groups and elected representatives (Therivel and Partidario, 1996:6-8).

#### **5.4.2. Potential Benefits of SEA Application**

A number of potential benefits that result from SEA application have been suggested (Sheate 1996, Lee and Walsh 1992, Therivel et al. 1992), and it is these that might form the incentive for voluntary policy transfer. Fischer (2002:9-13) organises these benefits into five main themes, outlined below.

(1) Wider consideration of impacts and alternatives. As discussed previously in relation to project-based EIA, SEA offers more scope to consider indirect and induced impacts, synergistic impacts, long range and global impacts, and cumulative impacts (Sadler and Verheem, 1996). An evaluation of the potential impacts of different alternatives, based on clear underlying objectives and targets allows impact significance to be determined. Furthermore, a wider consideration of impacts and alternatives also includes the use of scenarios, allowing ranges of uncertainty to be identified. Finally, SEA is able to widen the range of impacts and alternatives by dealing with small-scale projects or non-project-based actions, for which EIA does not apply (Lee and Walsh, 1992, p129).

(2) Proactive assessment. SEA can provide a proactive supporting tool for PPP formulation in relation to sustainable development, by helping decision-makers address the causes of environmental impacts rather than simply treating the symptoms of environmental deterioration (Sadler and Verheem, 1996, Gardner 1989). To achieve this proactive dimension, SEA should start as early as possible and be fully integrated into the whole PPP formulation process (Therivel, 1996, Sheate, 1992).

(3) Increasing the efficiency of tiered decision-making. As noted earlier, SEA is needed as project EIA currently starts too late within a tiered decision-making system to consider the full range of alternatives and impacts. SEA can increase the efficiency of tiered decision-making by shortening and simplifying, or even making project EIAs redundant altogether.

(4) Systematic and effective consideration of the environment at higher tiers of decision-making. 'References to the importance and advisability of a tiered approach to assessment imply that the different stages in the formulation and implementation of a policy nest within one another, and that policies, plans and programmes are each a distinct stage of the process' (Therivel, 1999:37). The argument here is that clear provisions and requirements (policy, law, regulations and guidelines) lead to environmental considerations being built consistently into all levels of decision-making and bring certainty into SEA systems (Partidario, 1996).

(5) Consultation and participation on SEA-related issues. Through SEA, public, non-governmental organisations and other institutions can be involved at early stages of the PPP-formulation process, in order to identify possible problems at the beginning. Delays of actions due to public opposition may thus be prevented (Sheate, 1994). Public involvement has been described as the litmus test of the utility and effectiveness of SEA, which may enhance the credibility and acceptability of decisions (Goodland and Tillman, 1995), and lead to increased public acceptance of the resulting PPPs (Sadler, 1994; Wood, 1995).

### **5.4.3. Challenges and Barriers to SEA Application**

These positive aspirations for SEA also amount to a challenging programme for policy change. Yet different countries face a range of challenges and barriers regarding their particular political and institutional contexts for the implementation of SEA. Often these difficulties interact with the uncertainty and vagueness associated with SEA, and from its potential role in environmental decision-making. Problems experienced include a lack of guidance and training, lack of clear accountability and responsibility, lack of resources and unknown or untested methodologies. Table 5.1 summarises the most often indicated barriers, based on reviews of the implementation of SEA in various national contexts (Partidario, 1994).

Sigal and Webb (1989) categorised constraints on the SEA process as institutional and methodological. As well as the need for political commitment to SEA (see Figure 5.1), without which SEA is nothing but a paper exercise (Therivel and Partidario, 1996), successful SEA requires early planning and inter- and intra-agency cooperation. These are activities that most agencies find difficult to conduct. Agencies frequently resist SEA because of

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perceptions of cost and restrictions on action during the process, and poor understanding of timing and scope.

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- Lack of knowledge and experience concerning which environmental factors to consider, what environmental impacts might arise and how integrated policy-making can be achieved
  - Institutional and organisational difficulties and the need for effective coordination amongst and within government departments
  - Lack of resources (information, expertise, financial)
  - Lack of guidelines or mechanisms to ensure full implementation
  - Insufficient political will and commitment to implement SEA
  - Difficulty in stating clear policy proposals and in defining when and how SEA should be applied
  - Methodologies not well developed
  - Limited public involvement, either in SEA or in the prevailing political culture
  - Lack of clear accountability in the application of the SEA process
  - Project-specific EIA practices are not necessarily applicable to SEA and are inhibiting sound SEA approaches
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**Table 5.1. Barriers to SEA Application**

Source: after Therivel and Partidario, 1996, p19

On the methodological side, baseline data collection creates a number of issues. Most immediately, collecting and analysing large volumes of data consumes personnel and financial resources, but the nature of the data collection exercise creates more fundamental challenges. It is widely recognised that SEA may not involve detailed and extensive surveys, as required in project level EIA, but make use of existing information sources such as 'state of the environment reports' as a basis for policies and their likely achievements (Therivel et al., 1999). Yet the type, quantity and level of detail of the desired data can be less well defined at programme, plan or policy level, while the number of alternative options can be greater, the impacts may often be more diverse, with more variables to consider (ibid).

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Impact prediction is thus a challenge with SEA. Economic, social and environmental changes may occur which may not be feasible to predict during the SEA process, especially when it is considered that some PPPs may have a lifetime of 15-30 years. All SEA reports represent a snapshot of the current state of the environment and knowledge available at the time of preparation, requiring careful assessment of the confidence that might be placed in the data, before making bold judgements on predictions (ibid).

So, methodological constraints arise with the level of detail and uncertainty that can be achieved. In general, an SEA document is prepared in less detail and with less quantification than documents for specific projects. SEA does not lend itself to quantitative analysis without making assumptions, particularly in models that may reduce the accuracy and increase the uncertainty of predictions, though these are not insurmountable problems (Therivel et al., 1999; Therivel and Partidario, 1996; Glasson et al., 2001). Much depends on decision-makers' expectations regarding assumptions, uncertainty and precision at the broader levels of government planning. But effective and efficient SEA can require an experienced multi-disciplinary team of experts.

On the procedural side, PPPs are generally non-linear, complex and iterative. This makes it difficult to know when an SEA should be carried out, and what exactly the PPP is that is being assessed. PPPs may have no formal authorisation stage, but instead evolve in fits and starts through to implementation. Therivel et al. (1999) point that the dynamic nature of the policy process means issues are likely to be redefined throughout the process, and it may be that a series of actions, even if not formally sanctioned by a decision, constitute policy. Decision-makers may also be concerned that SEA should not take over the process of PPP decision-making. There may also be issues of confidentiality (Therivel et al, 1999:41). Any SEA system and methodology needs to cope with these issues. SEA must be able to deal with a more nebulous decision-making process, with uncertainty, with larger scales and with induced, secondary and cumulative impacts.

Doubts about the feasibility of this enterprise is one factor that has been used to justify resistance to SEA. Nevertheless, in a growing range of settings, decision-makers have come to realise that a well prepared, timely assessment and reporting process can highlight and anticipate potential environmental problems, prevent or provide support for agency positions during litigation (Webb and Sigal, 1992 cited in Therivel and Partidario, 1996). Moreover,



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SEA is a mechanism for public involvement in the decision-making process that contributes to public acceptance of agency decisions. It also provides opportunities for federal, state and local agencies to work together so that regulators and decision-makers have a basis for understanding and resolving issues related to agency activities and plans.

### **5.5. Implications of the EU SEA Directive**

Having reviewed debates about the form, potential benefits and difficulties of SEA, the final section of this chapter applies this material to debates about the aims and desired content of the EU SEA Directive. The stated objective of the EU SEA Directive (see Appendix 5) is to ensure the protection of the environment (Article 1); contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes (Article 1); and contribute to more transparent decision-making. In implementing the SEA Directive, departments and agencies are required to be guided by the following principles (Directive 42/EC/2001):

(1) Early integration. The analysis of environmental considerations should be fully integrated into the development of a policy, plan or program. To support sound decision making that is consistent with the principles of sustainable development, the consideration of environmental effects should begin early in the conceptual planning stages of the proposal, before irreversible decisions are made. In this way, strategic environmental assessment can support the analysis of options and identify issues that may require further consideration.

(2) Examine alternatives. One of the most critical aspects of any strategic environmental assessment is the opportunity to evaluate and compare the environmental effects of alternatives in the development of a new policy, plan or program. This comparison will help identify how modifications or changes to the policy, plan or program can reduce environmental risk.

(3) Flexibility. The guidelines presented in the SEA documents are advisory, not prescriptive. Departments and agencies have discretion in determining how they conduct strategic environmental assessments, and are encouraged to adapt and refine analytical methodologies and tools appropriate to their circumstances.

(4) Self-assessment. Each individual department and agency is responsible for applying strategic environmental assessments to its proposed policies, plans and programs as

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appropriate, determining how an assessment should be conducted, performing the assessment and reporting on the findings of the assessment.

(5) Appropriate level of analysis. The scope of analysis of potential environmental effects should be commensurate with the level of anticipated effects.

(6) Transparency and Accountability. Strategic environmental assessment should be part of an open and accountable decision-making process within the federal government. Transparency and accountability should be promoted through the involvement of affected individuals and organisations, when appropriate, and through documentation and reporting mechanisms.

(7) Use of existing mechanisms. In conducting a strategic environmental assessment, departments and agencies should use existing mechanisms to conduct any analysis of environmental effects, involve the public if required, evaluate performance and report the results. Such mechanisms shall also be used to report statements of environmental effects.

(8) Public participation. The Directive stresses the importance of public participation by reflecting the ‘enhancing public participation’ goal of the EU and sees partnership, participation and the involvement of civil society as the basis for a sustainable political culture. According to the Directive, the public and environmental authorities can give their opinions and these opinions should be taken into account in the course of the planning procedure. After the adoption of the plan or programme the public is informed about the decision and the way in which it was made. In the case of likely transboundary significant effects the affected Member State and its public are informed and have the possibility to make comments, which are also integrated into the national decision making process.

As we can see, in its advice the EU echoes the stated benefits for SEA discussed in the wider academic literature. In addition, however, it gives particular emphasis to some challenging principles - considering SEA and alternatives early in the process, involving civil society - as well as setting out scope for flexibility in implementation, and the use of existing mechanisms.

The Directive lays down a minimum environmental assessment framework, which would set out the broad principles of the environmental assessment system and leave the details to the Member States, having regard to the principle of subsidiarity (8<sup>th</sup> recital of preamble). This two-tiered legislation is characteristic of European Union Directives: that is to say, while the results are mandatory, each Member State has a choice of methods and form while respecting

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its set limits (Institut Bruxellois pour la Gestion de l'Environnement 2001 cited in Risse et al., 2003:455).

The compulsory aspects are well defined in the Directive 2001/42/EC, while the other aspects leave some latitude to Member States for their implementation. This discretionary margin can be the result of imprecision in the Directive's stipulations or from issues not explicitly addressed by the Directive, but that can nevertheless be taken into consideration by the Member States in implementing their SEA process. The presence of discretionary margins might raise some operational issues for authorities who are responsible for implementing SEA in compliance with the Directive, although they may not be fully aware of the consequences of their choices on the effectiveness of the Directive in attaining its objectives, such as environmental protection and accountability. Herein lies the scope for current or prospective EU Member States to negotiate the 'object of transfer', either to minimise adaptation pressure, in Knill's (2001) terms, or to draw upon existing domestic norms and knowledge.

Operational issues are raised by the existence of discretionary margins of the Directive and Member States have a level of choice about how they approach them. The first example is Article 3 of the Directive, which specifies the screening step of SEA. The Directive does not clearly state the Directive's limits concerning which strategic proposals should be subject to SEA. Also, it does not specify the extent of the assessment to be done. Risse et al. (2003:458) remark that this raises some operational issues for Member States, such as whether SEA should be applied to other strategic proposals than the ones mentioned in the Directive (e.g., legislation, policies).

Restricting SEA to those plans and programmes that are compulsory may limit the Directive's effectiveness in terms of environmental protection, by not considering a number of strategic proposals which are likely to have significant effects on the environment (e.g., laws, policy statements, financial and budget plans and programmes). This differs from the current approaches in jurisdictions like Canada (Canadian Environmental Assessment Agency, 2000; Department of Foreign Affairs and International Trade, 2001), the Netherlands (Verheem, 1999), Finland and Denmark (Sheate et al., 2001a), where a much broader range of proposals can be subjected to a SEA process.

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Another operational issue is whether all SEAs be done in a similar way or whether screening should lead to a multi-level system, which allows for different types of SEAs, according to the potential effects of the plan or the programme on the environment. For example, one might operate a detailed or extended SEA for strategic proposals, likely to have significant environmental effects and a shorter SEA for strategic proposals, having minor environmental effects.

Article 4 of the Directive specifies SEA integration, and underlines the necessity of carrying out environmental assessment during preparation of a plan or programme and before its adoption or submission to the legislative procedure. It also indicates that the requirements of the Directive should be integrated into existing procedures in Member States for the adoption of plans and programmes, or incorporated in procedures established to comply with the Directive. SEA integration is also referred to in Article 11 of the Directive that states that Member States may provide for coordinated or joint procedures when the obligation to carry out assessment arises simultaneously from the Directive 2001/42/EC and other Community legislation. These Articles underline at least two principal components to consider while integrating SEA into the planning process: tiered application of SEA to the different levels of planning (strategic levels and project level); coordination of SEA with the other considerations taken into account in the planning process.

The timing of SEA integration in the planning process and in the implementation of tiering are not clearly stated in the Directive. Therefore, one principal issue is raised by Risse et al. (2003:460): ‘when should SEA be integrated in the preparation of strategic proposals, at the onset of the preparation of plans and programmes, or just before the adoption or submission of plans and programmes to the legislative procedure?’ The well-known risk of delayed assessment - i.e. after the decisions used to identify the objectives of the proposal, the alternatives to assess - is that decisions can be taken which foreclose the scope for considering adequately the environmental consequences (Therivel and Partidario, 1996; Sheate et al., 2001).

In the SEA Directive, public participation (referred to as information and consultation) is addressed by many articles. These articles require that: Member States identify the public that is affected or likely to be affected by, or having an interest in the decision-making (Article 6); the public should be involved, through information and/or consultation, at different stages of

SEA (Articles 3, 6, 7, 8 and 9) and be given the opportunity to express their opinion on the subject at an early stage, i.e., before the adoption of the plan or programme or its submission to the legislative procedure (Article 6); transboundary consultations should be initiated for plans and programmes likely to have environmental effects in other Member States than the one in which they are being prepared (Article 7); Member States determine the detailed arrangements for public information and consultation, regarding in-state as well as transboundary public participation (Article 6, 7 and 9).

While being clear as to the necessity of public participation in the SEA process, key questions are left unspecified by the Directive. What members of the public should be informed or consulted about the SEA and its results: the public at large or just certain directly involved interest groups? What is the role of the public in the process: offering legitimacy to the decision, or generating knowledge by critically challenging the evidence and evaluation? (ibid:462). The choices made by Member State of the European Union regarding the above-mentioned operational issues can shape the transparency of its SEA process but also the integration of environmental considerations into the preparation and adoption of plans and programmes (ibid:465). Concerning the selection of the public to inform about the SEA and its results, the most transparent solution would be that all the people affected by a PPP (e.g., the whole population of a country in the case of a national transport plan) should be informed about the ongoing SEA, have access to the relevant documentation and have a right to express their opinion about the proposed initiative. Moreover, it is often argued that broad-based consultation, actively engaging all relevant sections of society, will help to ensure that views are taken into account. It will also extend the availability of environmental knowledge, and thus improve the extent to which environmental considerations are taken into account in the planning process.

Being a Directive, the text does not specify the format that should be used for public involvement; who or which body should be responsible for this step in the process; or any time or financial constraints. Yet, the choices made by Member States can greatly influence the legitimacy of the public participation stage, and thereby, the SEA process as a whole. Thus, open hearings by an independent board with sufficient time and resources given to participants to prepare their representations could be seen as offering greater legitimacy to the public, albeit that they would be more time consuming and costly, than consultations via the

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internet done by a programme's or plan's proponent working on a very tight schedule and budget.

In the Directive, reference to decision-making is made in Articles 8 and 9. Article 8 identifies the elements that have to be taken into account in the decision-making: the environmental report, the opinions expressed by the concerned authorities and the public during the consultations and, if relevant, the results of transboundary consultations. Article 9 requires that the authorities, the public and the other Member States consulted during the SEA process, be informed of the adoption of the plan or programme and that a series of documents related to the adopted plan or programme (notably the plan and programme as adopted; a statement summarising how environmental considerations have been integrated into the plan or programme) are made available. What the Directive does not do is define the importance of SEA in the decision to approve, amend or refuse the strategic proposal - raising a long-standing dilemma about the status of appraisal in public decision making. Questions will remain about how the SEA conclusions should be weighted with respect to other analyses (economic and social notably) in the overall decision, the extent to which environmental considerations could override social or economic considerations, and by what criteria. Clearly, if SEA is not taken into account in the final decision, this diminishes the value of conducting an SEA in the first place. On the other hand, placing too much emphasis on the SEA, at the expense of other issues, could have significant negative impacts in terms of social well being and economic growth. Much may depend on the political priorities of the context in which SEA is used, and the extent to which competent authorities provide a defensible explanation of their decision.

The Directive is also silent about the mechanism by which the documents related to the adoption of the plan or programme are made available. The choice lies between an active strategy, based on transmission of the documents to the consulted public and authorities, or a passive strategy, based on the possibility of consulting the documents in one place, for example, the offices of the government who has initiated the SEA. An active information strategy about the decision has obvious advantages for the transparency of the process. An additional benefit is that the decision-making authorities will probably make more of an effort to justify explicitly the way in which SEA results have been weighted in their decisions, if they know that all concerned publics will be provided with detailed information about the rationale leading to the final decision (Risse et al, 2003).

Monitoring is addressed briefly in Article 10, which states that the significant environmental effects of the implementation of plans and programmes have to be monitored at an early stage for the Member States to be able to undertake remedial actions. The Directive gives little guidance on the minimal scope or desired attributes of a monitoring programme. Risse et al., (2003:466) ask these questions by stating that there are issues that each Member State will have to address: Will the indicators for a given plan or programme be limited to those pertaining to the significant environmental effects or will they also include other indicators? Will duplication be avoided by using existing monitoring arrangements or will new arrangements be required? What body will oversee the monitoring and will the public be involved?

With the first question then, potentially at least, the Directive allows Member States to define the monitoring objectives in a very restrictive way, at the expense of environmental protection. Thus, a Member State can exclude most environmental impacts from the monitoring program by giving a very narrow definition to 'significant environmental effects'. Secondly, if Member States effect monitoring through existing institutional arrangements, then their utility may be compromised where strategic proposals generate qualitatively different environmental consequences (i.e., general environmental effects at the strategic level as opposed to more local effects at the project level). Much depends on whether existing arrangements, in as much as they are effective at the project level, are modified to take into account the particularities of strategic proposals.

Concerning the third question raised above, if monitoring is currently deficient, as is often the case in EIA systems (Sadler, 1996), it may be necessary to set up a totally different monitoring arrangements where the actors' roles differ from the traditional type of monitoring usually done by a project proponent and the responsible agency (a Ministry of Environment, usually). Meeting the Directive's objective of transparency implies some form of public involvement in monitoring, leading to political and institutional choices about how far to facilitate the public's participation on all phases of the monitoring programme, including: choice of indicators, data collection, reporting and the subsequent adjustments to the monitored plan or programme.

## 5.6. Conclusions

As mentioned when outlining the evolution of SEA (section 5.2), SEA has been a rapidly emerging environmental policy tool adopted in many countries; in many instances, without necessarily being driven by the obligatory requirements of a transnational or supranational organisation. The reason for SEA adoption by ‘rational decision-makers’ has been consideration of the potential benefits that SEA would provide for the country. SEA promotes environmental values as well as information through the application of principles of good decision-making. The focus of SEA is not only on the consequences of decisions but also decision-making processes. Thus, SEA potentially represents a paradigm shift in environmental policy-making.

However, SEA has also become woven into the discourses and institutions of transnational bodies, most notably the European Union. EU Member States are obliged to adopt the Directive that aims to ensure that domestic policy-making adopts SEA procedures, to shape new forms of decision-making in support of sustainable development. In practice, Member States face a range of challenges and barriers regarding their particular political and institutional contexts for the adoption and implementation of the EU SEA Directive. Reviewing existing research has illustrated the range of challenges that SEA entails, as an object of policy transfer, notably the early, cross-sectoral integration of environmental concerns, as well as democratic participation and transparency in decision-making. Moreover, reviews of SEA case studies have demonstrated that the existence of guidelines and regulations does not guarantee effective adoption of SEA in practice. Adoption of political aspects has been more difficult than legal and procedural aspects as they place considerable pressure on domestic, institutional structures.

Problematising the policy transfer process, and the adjudication of ‘successful transfer’ is the existence of discretionary margins to the Directive, as explained in section 5.5. These margins cause uncertainty and vagueness associated with SEA implementation. The choices on the discretionary issues made by domestic authorities, who are responsible for the adoption and implementation of SEA Directive, influence the effectiveness of SEA implementations regarding the Directive’s objectives. There is also good reason to believe that such a cross-cutting environmental policy instrument for existing Member States would be more challenging for the accession countries, due to their additional economic, social and political



problems. The environmental policy context of one of the accession countries, Turkey, is introduced, and then the EU SEA Directive's adoption in Turkey is investigated in the following chapters.

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## Chapter 6

### TURKEY : THE ENVIRONMENTAL POLICY CONTEXT

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#### 6.1. Background History of Environmental Policy

During the 1980s and especially the 1990s, Turkish modernity and its state-centric governing of society from above faced a serious legitimacy and representation crisis (Keyder, 1997: 47). A number of important changes and transformations gave rise to this crisis. First, in parallel with the changes in the world economy during the 1980s, and increasing exposure of the Turkish economy to economic globalisation in the 1990s, the ideology of national developmentalism became untenable. Rather than national developmentalism, the regulation of state-economy relations has become increasingly dictated by the neo-liberal discourse of individualism, the free-market and the minimal state. This transformation has also given rise to societal support for individual rights and freedoms, the democratisation of state-society relations, and the positive and transformative impacts of the European integration process for creating an efficient and effective state (Ozbudun and Keyman, 2002, pp.303-5).

Turkey has also been experiencing rapid and dynamic change due to high population growth and uncontrolled urban expansion. This unsustainable growth has produced significant environmental problems and concerns that only began to be addressed in the 1970s. To coordinate all national and international activities relating to the environment, the Prime Minister's Under Secretary for the Environment was founded in 1978, with the task of setting environmental policy, preparing regulations and cooperating with other ministries. However, the environmental policies put in place were not able to keep pace with Turkey's industrial development and, after this initial flurry of action, environmental issues were given less priority (Turgut, 2001).

The Environmental Law came into force in 1983 with the aim of considering the environment as a whole, not only to prevent and eliminate environmental pollution, but also to encourage sustainable management of natural resources and the land. According to the basic principles governing the application of the Environmental Law, as stated in the Constitution, citizens as

well as the state bear responsibility for protecting the environment. It is also stated in the Law that in all economic activities every measure should be taken to minimise pollution (ibid: 62).

The Under Secretary for the Environment was replaced by the Ministry of the Environment (MoE) in 1991 as environmental protection measures gained more importance in the international arena. This change led to a diversification of the Ministry's responsibilities and an expansion of its staff and its empowerment with authority to implement and enforce policies (ibid: 66). At the central (national) level, the MoE had overall responsibility for environmental activities. The activities of the MoE covered issues such as appropriate land use, protection of natural resources, plant and animal species, prevention of pollution, and raising public awareness.

After a faltering start, Turkey has made some progress in environmental policy, notably in the adoption of environmental legislation, the launching of conservation schemes and the introduction of institutional machinery. However, during the 1990s, Turkey experienced increasing environmental pressures on the decision-making process, due to the significant expansion of the energy, industry and tourism sectors. Integration of the concept of sustainable development into national environmental legislation, as opposed to rhetoric, took quite long time after the Rio Summit. The 1983 Environmental Law was not updated to reflect this new concept, which meant that many important cases, brought before the courts relating to environmental protection, were dismissed due to interpretations based on outdated provisions (ibid: 188).

Environmental legislation and instruments for environmental protection were eventually reformed under the influence of the Rio Summit and Agenda 21. EIA was introduced and the National Environmental Action Plan (NEAP) was prepared and adopted in 1998 as part of the national development plan. However, the concept of 'development', used in the Rio texts, was changed to 'growth' in the National Action Plan. The Fifth Environmental Action Plan of the EU was prepared with the aim of integrating environmental concerns into policies to promote sustainable development. However, the principle of 'integration' had not been emphasised in Turkish Environmental Law to the same extent as in EU legislation, meaning that environmental protection policies were ignored in economic and social policies. The first time the sustainable development concept was mentioned in a strategic proposal was in the Seventh Five Years' Development Plan (1996-2000) (Official Paper, 1995).

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These developments have overlapped with, and been informed by, Turkey's process of accession into the EU. Turkey was officially recognised without any precondition as a candidate EU Member State, at the 1999 Helsinki European Council Meeting. Thus Turkey, like other candidate states, has had to adhere to a pre-accession strategy to stimulate and support its reforms. This strategy includes an Accession Partnership, combined with a National Programme, for the adoption of the EU Acquis. For this reason, the Turkish Parliament has had to amend the 1983 Environment Law, which substantially differed from the EU Environmental Acquis, particularly in terms of standards, monitoring requirements, and methods of measurement, to create a new legislative framework for the transposition of the Acquis. The new law also includes the principle of sustainable development in other sectoral policies.

Since the Helsinki Summit of 1999, at which Turkey was granted the status of candidate country for full membership, Turkey-EU relations have become more established and consolidated. This process gained a new impetus at the Copenhagen Summit of 2002, where Turkey obtained a conditional date to start its full accession negotiation.

In various respects, it seems that European integration has had more of an impact on Turkey's environmental policy than either domestic ideas or other international movements. In Turkey, no serious attention was given to the work and recommendations of the World Commission on Environment and Development (1987). Environmental issues in Turkey were not subject to critical examination in their relationship to the development process. Typically, reactions to environmental degradation in Turkey only emerged when there was an acute problem that had an immediate life-threatening impact. On the other hand, the long term environmental consequences of development policies are either simply ignored or not given much attention. This is particularly true of the agricultural sector, where there has not been a systematic analysis of agrarian development and its environmental impact (Turgut, 2001).

This is not the whole picture however, nor is it static. By the early 1990s, international concerns about 'sustainable development' did begin to prompt both environmental NGOs and the state in Turkey to start to link environmental issues with development issues. As a signatory to a number of international protocols and agreements on environmental protection, the Turkish State has shown signs of critical engagement with development NGOs. The National Programme on Environment and Development produced for the World Summit on

Sustainable Development, convened in Johannesburg in 2002, is a case in point. The state invited a number of civil society organisations and academics to contribute to the preparation of the programme, which remains the only systematic treatment of the relationship between environmental degradation and development in Turkey. Yet the report fails to recognise the fact that environmental problems in a particular country cannot be separated from the global patterns of resource use, as nation states are integrated into the global economy (ibid: 196).

Since Decision No. 1/95 of the EC-Turkey Association Council, implementing the final phase of the Customs Union, there have been continuous efforts on the part of Turkey to harmonise its legislation with the EU 'Acquis Communautaire'. Eventually, as a candidate country, Turkey adopted a revised National Program for the adoption of the 'acquis' on the basis of the Accession Partnership, which indicates the priority areas for Turkey's membership preparations, the environment being one of them, in addition to social inclusion and democratisation (Izci, 2005).

The overall principle of accession is that Turkey's environmental policy and considerations, together with institutional and legal structures, have to be aligned with the EU environmental 'acquis'. Research suggests that Turkey's environmental legislation was already beginning to approximate to certain EU norms, prior to accession. According to Budak (2000), for example, Turkey had at the end of the twentieth century incorporated the environmental concerns and policies of the EU into its legal structure to a great extent as a non-member state. In a similar vein, by 2001, Turkey had made a great deal of progress in regard to the approximation of environmental 'acquis' in specific sectors, such as textile and chemicals (Ekmeztoglou et al., 2001). Its most recent attempt to strengthen its administrative capacity was the merging of the Ministry of Environment and Ministry of Forestry in 2003. With regard to administrative capacity, the merger produced a threefold increase over previous MoE staffing levels, although how this staff would be allocated and trained at regional and local levels was not clearly defined.

In addition, in its National Environment Action Plan of 1999, Turkey had already made reference to the adoption of the EU's environmental standards and regulations at a feasible pace for integration with the European Union in the long-term (DPT, 1999 and Okumus, 2002). Furthermore, Turkey became a member of the European Environment Agency in 2003 and joined the European Information and Observation Network (EIONET), which enables the

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Union to monitor progress with its environmental policies. The Union, for its part, has been supporting Turkey in this regard. An expert meeting was held in Istanbul on Environmental Heavy Cost Investment Planning Project for Turkey. The Regional Environmental Centre opened an Ankara Office within the context of a two-year project, aiming to assist the Ministry of Environment to achieve a high-level of environmental protection and compliance with the EU environmental requirements. In 2004, two projects from the Life Third Countries programme were carried out to establish an information system for small-and-medium size enterprises on EU environmental approximation and also support education for sustainable development activities in Turkey (Izci, 2005).

Despite the many improvements that have been observed, especially in the last few years in Turkey, with regard to harmonising its environmental regime with that of the Union, progress was uneven and in many respects, 'hollow' (Caddy, 1996). The 2004 Regular Report on Turkey raises problems in the implementation and enforcement as sources of major concern, although progress is acknowledged with regard to the transposition of the environmental 'acquis' (COM, 2004, p.134). This could be interpreted as an improvement over the 2000 Report, in which the European Commission highlighted huge differences between Turkey and the EU in terms of environmental standards and measurements.

Turkey has been in a period of transition prior to the full implementation of some of the EU Directive since 2001. As was apparent in earlier rounds of accessions, the EU has developed more 'coercive routes of influence' in the domestic policy-making process of candidate countries, with better established membership criteria (Grabbe, 2003: 303; Bulmer and Radaelli, 2004) and specific transitional periods as the main tools for the accession countries to prepare themselves for accession (Grabbe, 2004). As a result, by 2005 Turkey had in place a set of legislative measures that fully recognise the principles of environmental management. The motivation for EU membership seems to have stimulated efforts and focused objectives for an environmentally friendly economy and society in Turkey (Okumus, 2002).

Across EU member states, the enforcement of regulations is most effectively carried out when assigned to a specific institution, whose role does not conflict with the interests of other institutions. This is not the case in Turkey. Different institutions may interfere in the decision-making process for the enforcement of environmental regulations and thus decrease its effectiveness. Although many elements have already been in place for the efficient

implementation of environmental policies, regulations and standards, there remains a lack of enforcement capability, which clearly needs rectifying. At the cut-off date for this PhD (June 2006), problems stemming from a lack of environmental information and public participation in environmental concerns, insufficient environmental financing and limited institutional capacity remain to be addressed. Within the framework of sustainable development, Turkey faces the challenge of balancing economic growth with environmental progress.

Despite the ever-growing environmental considerations within the EU, environmental problems are still secondary in the political agendas of Turkey, as in other member states. The environmental standards imposed by the Union are often in conflict with vested interests and public attitudes (Adaman and Arsel, 2005). Current studies on Turkey's path to sustainable development shed light on a list of priorities of the MoE, such as environmental awareness, environmental education, water supply networks, coastal management and marine environment, urbanisation, treatment of waste, protection of ecosystems, energy policy, emissions of pollutants and health. These priority areas basically indicate the main challenges Turkey faces (and faced so far) while reaching sustainable development, in addition to the difficulties of the approximation process. In that journey, future accession to the EU most likely will continue to be the main motive for legal and institutional changes in the environmental policy (Okumus, 2002).

Izci (2005) raises two points about the nature of the accession process, which help in explaining progress so far. First, the approximation of the environmental 'acquis' is usually seen as a technical change, leaving out other important elements of the domestic context. It is assumed that meeting the environmental 'acquis' would be a costly, but manageable, investment for Turkey (Markandya, 2003). Yet how this burden of implementation will be shared among the different groups and institutions (e.g. the state vs. the business community vs. municipalities) within the country remains to be seen. The impact of the EU on the environment in Turkey is also expected to be associated very closely with its effects on competitiveness and growth (as in the case of the Southern and Eastern accessions), as the country will have to invest heavily in order to be able to follow the requirements of the environmental 'acquis'. Furthermore, through the approximation process, Turkey will have to be a party to many international environmental agreements to which the EU is a signatory. This situation also creates new challenges and considerations for Turkey.

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It seems that, in the short term, the impact of environmental policy on competitiveness and growth are likely to become more popular subjects in the public opinion and on the agenda of policy-makers in Turkey. The pressures of economic growth inevitably lead to resource depletion and environmental degradation in Turkey and the myriad of small and medium-sized enterprises that produce for the local and world markets are considered the worst culprits for environmental pollution (OECD, 2000). There is a huge gap between regulation and enforcement, as indicated by the COM 2004 Report, due to the lack of resources and of political will. Moreover, the Ministry of Environment and Forestry does not have the organisational or financial ability to inspect problem areas and enforce rules and regulations throughout the country.

Different phases of European integration itself in the past generated different effects on the environmental policies in Turkey, as in the member states. The current EU emphasis on sustainability calls for Turkey to attain sectoral integration and implies changes in norms and beliefs. Therefore, the impact of the EU on the environment and environmental policy in Turkey and also the role of non-governmental organisations in environmental policy-making is open to further inquiry (Izci, 2005).

The contradiction between the demands of the International Finance Institutions (IFIs) - which are very influential in Turkey's domestic policy decisions for continued economic growth and liberalisation - and the political conditionalities, asking for democratisation and people's empowerment, is also evident. The political conditionalities imposed on Turkey by IFIs insist on democratisation, decentralisation and the consideration of the demands of civil society. Yet acceding to the demands of local and international environmentalists simply means endangering the deified economic growth (Aydın in Adaman and Arsel, 2005). In IFI parlance, local empowerment is an absolute necessity for the consolidation of democracy, yet empowerment means further pressure on the state to change its growth-oriented approach, which might harm the interests of local businesses (see Aydın in Adaman and Arsel, 2005: 65).

In recent years there has been a growing awareness of the environmental and social impacts of growth-based economic policies and local players have been leading environmental movements against them. For instance, local communities from Akkuyu and Bergama have been demanding that the state should constrain certain type of development activities in order



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to protect community environments (Kadirbeyoglu, 2005). Local demands for changes in the state attitude toward the environment in Turkey are often unsuccessful in that they tend to be parochial and have limited support from the general public; but, at the same time, they are significant in showing that communities are challenging the legitimacy of the state as well as the relentless expansion of capitalism. The environmental community movement in Turkey is still in its infancy; it has not been widespread, considering the extent of state encroachment on local environmental resources. The long history of 'state tradition' or state oppression and thus the non-development of a culture of civil society are largely responsible for this apathy on the part of local communities to react en masse to environmentally harmful economic policies (Aydin in Adaman and Arsel, 2005: 57).

Although the state has been sympathetic to the expansion of civil society in recent years, its attitude toward civil society activity has been inconsistent and often contradictory. While the state has been signatory to international agreements on environmental protection and has incorporated environmental protection into development programs, it simply has turned a blind eye to environmentally harmful industrial and agricultural activities or, even worse, actually has planned some of them (ibid: 59).

In summary, until the 1980s, environmental issues were hardly on the agenda for the Turkish State as the level of industrialisation and agricultural commercialisation had not created the level of environmental degradation that would endanger the conditions for capital accumulation. Nor had they generated a sufficient level of reaction from the workers, peasants and public in general to threaten the legitimacy of the state. Furthermore, there was no strong external pressure to force the state to promulgate environmental regulations that could provide the basis for environmental institutions to fight against environmental problems. The rapid advancement of environmental problems and increasing international pressures, however, have forced the state to take action to promulgate laws, decrees, rules and regulations for environmental protection, specifying standards for air and water quality. With the support and encouragement of international organisations, the state has introduced institutional and legal changes for environmental management (Adaman and Arsel, 2005). Public pressure is a key factor in improving environmental performance but this in turn, depends upon the degree of public awareness of environmental problems (Caddy in Knill and Lenchow, 2000:216). In Turkey, the public's environmental awareness and pressure is limited by the overwhelming predominance of economic conditions and a closed policy-making culture. Within this

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perspective, institutional structure of Turkish environmental policy, democratic participation, transparency and accountability in environmental decision-making are examined in more detail below.

## **6.2. Institutional Structures of Environmental Policy**

The administrative structure of government in Turkey is divided into distinct policy sectors. Socio-economic and physical plans and programmes are prepared by different institutions and organisations at the national, regional and local levels. For example, The State Planning Organisation (SPO) is responsible for social, economic and regional development plans and other Ministries and institutions are responsible for their own sectoral plans and programmes and their implementation. Each policy sector is characterised by administrative arrangements that reflect the different groups, whose interests are built into that sector and the underlying power relations between their interests. This sectoral fragmentation of government entrenches the structural power of producer groups over many areas of environmental decision-making (Okumus, 2002).

The State Planning Organisation (SPO) plays a vital role as it prepares five-year development plans and decides on investment priorities based on investment requirements. The SPO also allocates resources for public investments. One of its units, the Local Authorities, Environment and Technological Research Department, formulates environmental policy recommendations for the five-year plan, evaluates the MoEF's investment projects and programmes, and prepares annual environment programmes. However, the SPO does not evaluate sectoral investments' compliance with environmental policy (Okumus, 2002). The Higher Council for Planning (HCP) chaired by the Prime Minister is responsible for decision-making on macroeconomic and social policies and evaluation and allocation of resources for large investment projects. Ministers of agriculture, forestry, energy, transport, settlements, finance and the Under Secretary of the SPO are members of the HCP, but the MoEF is not.

This illustrates the wider point that, politically, the MoEF tends to have limited power and low importance within government (Okumus, 2002). Split roles and responsibilities between different governmental agencies and the MoEF's lack of presence (present in 34 of a total of 81 provincial centres) further undermine the MoEF's functionality (Regular Report, 2000). Such fragmentation would not be of a concern if effective integration and communication

mechanisms were established to improve coordination, but the MoEF's influence on other Ministries is poor. This situation is exacerbated by general communication and coordination problems between local (including regional offices) and national government. Thus, major municipalities, such as Istanbul, may take action without guidance from the centre.

Apart from the MoEF, there is a wide range of central governmental institutions in charge of environmental matters, whose responsibilities overlap. In many environmental areas, effective competence is still in the hands of the Ministry of Health. Structurally, the MoEF has to become more effective at the provincial and municipal levels, since the current set-up is inadequate for achieving all its responsibilities. Yet it is the governor of each province under the Ministry of the Interior that is responsible for coordination between municipalities and government institutions and ensuring policies are implemented according to the policy guidelines of the government. Integration among municipalities, separated by areas under the direct control of the governor and with different political backgrounds, is difficult when no specific environmental cooperation is supplied (Okumus, 2002).

This institutional fragmentation and the weakness of environmental agencies help to explain why the implementation of environmental laws has been extremely ineffective, but it is not the only factor. The state's prioritisation of economic development and continued treatment of the environment as a resource to be exploited lies behind the failure to monitor environmental violations and enforce sanctions on the culprits (Turgut, 2001). There are huge discrepancies between attempts to fully integrate environmental concerns into development plans and the institutional inefficiencies and relaxed attitude toward monitoring and implementation. While the state has been quite active in introducing environmental laws, lack of funds, trained personnel and, most importantly, the political influence of dominant classes have undermined its effectiveness in implementing them.

### **6.2.1. Democratic Participation in Environmental Decision-Making**

Turning to democratic participation in environmental decision-making, Turkey's Eighth Five-Year Development Plan foresees a change in the outlook of public administration (DPT, 2003). It calls for the restructuring of the central government and a decentralised implementation of "a participatory and people-based administrative system". Civic public

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administration is seen as being more effective in local administrations, with the example of Local Agenda 21. However, progress has thus far been limited.

In general, the public tends to exercise their participation and scrutiny functions through the NGOs, local governments, and the media. Thus, the mode of political participation is influenced by the political elite: political participation usually takes the form of participation in elections and election campaigns; and individual or collective petitioning to political organisations in order to convey demands, complaints or requests. However, elite-driven political participation is uncommon, though there are various examples of the impact of civic initiatives (Okumus, 2002). State agencies have a reputation for 'going it alone', with a marginal interest in involving other stakeholders in decision-making, implementation and enforcement processes. While legislation requires broad participation from environmental interest groups, in, for example, the Environmental Council and Higher Council for the Environment within the MoEF, such participation is minimal. The process requires the full support and involvement of all interested parties, in particular the MoEF (Okumus, 2002).

Local Agenda 21 Programme, which was adopted at the UN "Earth Summit", convened in Rio de Janeiro in 1992, states among its objectives: "By 1996, most local authorities in each country should have undertaken a consultative process with their populations and achieved a consensus on 'Local Agenda 21' for the community". In line with this objective UNDP launched a Local Agenda 21 Project in 85 countries, including Turkey. Implementation in Turkey commenced at the end of 1997, under the project title 'Promotion and Development of Local Agenda 21 in Turkey' (Turgut, 2001). The UNDP had selected the 'Local Agenda 21 Program of Turkey' as a world-wide 'best practice' in 2001 and decided to present this programme as best practice to the world leaders and governments in the UN 'Rio+10' Summit in Johannesburg. Public participation in environmental issues took place under the leadership of political parties, professional organisations, associations, foundations, and voluntary organisations (ibid: 179).

Communication and coordination, from the angle of civil society, was extremely weak before 1980. In this period, there had been no civil society development to lead to the increasing participation of societal groups into politics (Kalaycioglu, 2002). Nor was there a civil society independent of the state and prepared to demand the protection of civil rights and freedoms (Yerasimos et al., 2000). The history of contemporary Turkey, since the 1980s, has witnessed

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the emergence and increasing importance of civil society, the rapid dissemination of civil society organisations, social movements and citizenship initiatives throughout society and the globalisation of civil society activities. Civil society has been perceived as one of the most important areas, not only of the process of democratisation in Turkey but also of the process of Turkey's integration into the European Union (Gole, 1994; Keyman 2001; Keyman and Icduygu, 2003). Thus, in this process, civil society has constituted an integral element in the transformation of Turkish modernity and democracy. Moreover, parallel to the problems embedded in the process of the revival of interest in civil society and its globalisation, in the same period civil society in Turkey had also faced serious problems. Civil society had organisational and financial capacity building problems. It lacked the qualitative effectiveness to exercise its transformative power. The problem of transforming the quantitative importance of civil society into qualitative effectiveness, in this sense, appears to be the general problem relating to civil society in Turkey today (Ozbudun, 2000).

The state-centric model of associational life in Turkish modernity, the defining features and characteristics of which were embedded in the organic vision of society and the duty-based understanding of citizenship, can be said to have maintained its dominance up until the 1980s. In other words, the transition to the multi-party parliamentary system did not alter the existing associational life. Even though the transition to democracy symbolised a set of developments in which the economic life involved a certain level of liberalisation, cultural and social life did not have civil society organisations independent of the state (Ozbudun, 2000). It was only with the radical economic and cultural changes in Turkish modernity during the 1980s that Turkey witnessed the emergence of the idea of civil society organisations as the actors of a new associational life based on civil rights and freedoms.

Since the 1980s, there has been a steady increase in the number of civil society organisations and in societal calls for the need to democratise state-society relations in Turkey (Turkiye Tarih Vakfı Yayinlari, 2000, 2003). Civil society organisations have been extremely important in introducing to society the language of rights and freedoms, the discourse of individualism and the idea of participatory democracy. Moreover, they have challenged the long-dominance of the state-centric model of associational life, to criticise the strong-state tradition and its top-down governing of society; and to transform the republican and duty-based notion of citizenship into an active citizenship with a democratic emphasis placed upon the philosophical principles of rights and freedoms which involve both individual and group-

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based claims to autonomy, pluralism and democracy (Gole, 1994). It can be suggested in this context that it was only during the 1980s and the 1990s that the idea of civil society in Turkey gained definitional and institutional resemblance to the way in which civil society functions in modernity and constituted itself both as an associational life, independent of the state and as a vital area for democratisation.

The process of deepening Turkey-EU relations, at the beginning of 2000s and the economic crisis in 2001, are the most important historical developments that have made the state elites and political actors perceive of civil society and civil society organisations not instrumentally, but on the contrary, as an effective factor for democratisation. These processes have their origins in both the international context and domestic developments. It should be noted, however, that these processes have not had direct impacts on the development of civil society: to the extent that they have resulted in the significance of democracy for a politically and economically stable society, they have also provided a suitable context for the increasing importance, in the minds of state elites as well as political and economic actors, of civil society in making Turkey a democratic and economically stable country (Keyman, 2005).

Issues of democratisation have become bound up with 'Europeanisation'. As part of accession negotiations, the decision was taken that full accession negotiations would begin in 2004 without delay if Turkey fulfilled what was known as the Copenhagen political criteria. The Copenhagen criteria refer mainly to the fulfilment by the candidate country of the necessary conditions of democracy and its implementation in state-society relations: the establishment of a democratic state structure and the protection of individual rights and freedoms, including the rights and freedoms of minorities. As Turkey-EU relations became more firmly established, this forced the government in Turkey both to make a number of significant legal and constitutional changes and to attempt to implement these changes in state-society relations, in order to upgrade Turkish democracy to European standards, as EU membership requires (Aydin and Keyman, 2004). In 2004, Turkey's recent political and social will to democratisation, as well as the efforts of the government to make necessary democratic reforms to meet the Copenhagen criteria, resulted in a historical turning point in Turkey-EU relations. Full accession negotiations between Turkey and EU started in 2005 and this decision would have impacts through the Copenhagen mechanisms on the process of democratisation of state-civil society relations in Turkey, where the opportunities for participation in environment and development planning are still so limited.

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In Turkey, environmental considerations have been mainly brought to the decision-making process in individual policy sectors by environmental impact assessment. Turkey has had legal arrangements related to environmental impact assessment (EIA) for projects since 1993. There was no environmental assessment law but there has been an EIA Regulation, based on the related provision in Turkey's revised Environmental Law. EIA in Turkey was based on United States and European Union procedures, although pressures to align procedures with the norms of the EU's EIA Directive have been irresistible (Adaman and Arsel, 2005). In the 2002 Report, some achievements with the alignment of the EU environmental 'acquis' were reported, including the transposition of the EIA Directive (COM, 2002).

The MoEF has the authority to decide whether relevant parties are consulted or not for their opinions on investment projects. The public is not consulted during the preparatory stage of development plans and has only the right to oppose the prepared plan within a limited time span. Only two environmental regulations (EU Directives for EIA and Air Quality Protection) encourage public participation. Although there are participation mechanisms, such as local environment committees for environmental impact assessments and councils for the environment and forestry, public participation is a relatively new and unfamiliar concept in Turkey's social culture. The absence of environmental reporting and stakeholders' access to information also leads to many conflicts between NGOs and, in general, the public and the government. This is not a problem arising only from governmental policies in Turkey. Environmental NGOs, as with other similar organisations, lack trained specialist and skilled staff, sufficient financial sources, access to foreign funds, project cycle management and public participation (Okumus, 2002).

Turkey is not a signatory to the most significant international institution on public participation, the Aarhus Convention, which entered into force in 2001. Under the Aarhus Convention, Article 7 refers to public participation, transparency and accountability in decision-making, access to information and access to justice during the preparation of plans, programmes and policies. A prerequisite of participation is the right to access information and documents. Although the role of public participation in environmental decision-making is highlighted in the Rio Report, participation is not stated as a principle or general rule in the Environmental Law of Turkey (OECD, 2005).

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### 6.2.2. Transparency and Accountability in Environmental Decision-Making

Turkey's Right to Information Law was enacted in October 2003 and came into force in April 2004. The law aims to provide a right to information to all citizens, according to the principles of equality, impartiality and openness that are the necessities of a democratic and transparent government, as echoed by EU provisions. Although the enactment of the Right to Information Act is a very important first step towards openness, transparency and democratisation in Turkey, it remains to be seen how transparent the government will be (Akdeniz, 2005).

What makes freedom of information and related legislation challenging is that public administration in Turkey traditionally had the tendency to treat information regarding the operation of government as a state secret. When the public authorities were criticised about the lack of information disseminated they tended to use the excuse that related laws had not made the dissemination of information compulsory (Akdeniz, 2005). Issues unrelated to national security, such as public debt, are also considered to be secret and public authorities did not feel any obligation to keep citizens informed even on the issues that would affect them deeply, such as the emergence of a disease. This attitude prevailed from the top administrator to the desk clerk (ibid). Debates in Parliament were also affected by this attitude. Opposition parties could obtain information not through official channels but through unofficial ones. Dissemination of information even about very simple matters through unofficial channels to the public through the media, was considered a major crime.

Nor has there been an effective system of accountability in Turkey, since the supervision is based on bureaucratic supervision within central administrative structures. Central government uses two tools: supervision by the superintendents and administrative tutelage over local administration. Administrative tutelage is used by the central government to control and supervise local governments. Within this context, decisions of the local governor related to budgets are subject to the approval of the representative of the central government. This system does not provide real accountability. Public opinion research shows that lack of accountability is one of the reasons for decreasing confidence towards public authorities, as well as towards politicians (Akdeniz, 2005).

Within the existing system, there are some tools for providing accountability, but these tend to construct accountability as a legal issue rather than as a principle of good governance. As a



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mechanism for enacting accountability in Turkey, political accountability is exercised through democratic institutions and practices. In their attempts to influence political decisions as well as by channelling reactions, criticisms, evaluations and affirmations of the voters, NGOs and the media also constitute a form of accountability. Increasing numbers of NGOs contribute to the political accountability in Turkey. In addition to these tools, draft laws on public administration and local government provide the framework and the instruments for the achievement of accountability as a principle of good governance (Okumus, 2002).

### **6.3. Conclusions**

This Chapter has introduced environmental policy making context in Turkey and examined existing political and administrative systems in the environmental area. The place of environment in other policy areas has been discussed, and the role of administrative style and structures in the domestic environmental policy making have been highlighted to illuminate the differences between Turkey's settings and the EU policy implications. Particular consideration in this regard has been given to the political aspects implied by the SEA Directive such as democratic participation, transparency, accountability and integration of environmental concerns. It has also been underlined that Turkey has problems of capacity building and efficiency in the environmental policy making area.

The bureaucratic hierarchies of a centralized government and weak interactive arrangements such as partnerships and networks have been identified among the key reasons why Turkey's institutional context might experience difficulties in the adoption of the EU SEA Directive. However, EIA processes had already started to push open a few of these doors - though not very far. It has been concluded that once adopted, SEA policy may contribute to further institutional changes in the domestic policy-making machinery, in concert with other EU policies that also require an accountable and transparent policy-making environment. It is to the analysis of the EU SEA Directive's impacts on Turkey's domestic policy-making machinery that this study turns next.

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# Chapter 7

## Case Study

### ANALYSIS AND EVALUATION

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#### 7.1. Introduction

This chapter seeks to answer the following research questions: what steps Turkey has taken to adopt the EU SEA Directive?; how has the Directive has affected the domestic policy-making machinery?; how have different actors mobilised and sought to shape Turkey's response to the SEA Directive?; could Turkey's overall response to the EU SEA Directive be better explained as 'knowledge-driven' policy learning or as 'obligatory' policy transfer? The chapter is structured in concert with the empirical research, based on the key features of the conceptual framework developed in Chapter 3.

The reasons for adoption are examined in order to understand key motives influencing the adoption process. Following this, at the beginning of the Chapter, the emergence of networks in the adoption process is investigated to understand what contacts are established to learn about SEA policy and how these contacts influence policy decisions. Then, adaptational pressure (Knill, 2001:41; Cowles et al., 2001:7), caused by differences between Turkey's institutional settings and those of the policy's originating system, is examined to understand the blocking and enabling institutions in the adoption process. The potential effects of the EU Directive's legal, procedural and political dimensions are then examined, including the potential impacts on existing institutional settings. Particular consideration in this regard is given to the main dimension of the Directive, including political aspects, such as democratic participation and transparency, as well as the integration of environmental concerns into decision-making processes. Interacting institutions and agencies (Cowles et al. 2001:9) are then examined to understand how institutions and actor-related factors, such as knowledge and empowerment, interact and shape the process and outcomes. Mediating institutions, policy-making rules and style, distribution of legal - financial - organisational-political resources and institutional culture (rules of appropriateness, as mentioned by Borzel, 2002:31) and the formal institutions of Turkey are discussed and their role in enabling or restricting governmental action is explained.

At the end of the chapter, domestic institutional changes are examined to ascertain the extent to which they have changed as a result of implementing the SEA Directive. Following the analysis of changes, the political and administrative aspects which have been integrated into domestic policy-making system are examined and finally, an evaluation of the empirical findings is undertaken. Those empirical findings which do not fit the conceptual framework and its underlying theoretical approach are identified and assessed.

## **7.2. Analysing the SEA Adoption Process in Turkey**

### **7.2.1. Motives for Adoption**

EIA has been implemented for projects since the early 1990s in Turkey, providing an opportunity for environmental and citizen groups to engage in the decision-making process by giving them access to information, the right to comment on draft reports and to apply for a judicial review of the EIA's preparation. In this respect, it is more progressive than most of Turkey's environmental policy. The Legislation on Environmental Impact Assessment (EIA), prepared by the Ministry of Environment is the most notable effort in this respect. EIA is compulsory for all large-scale economic projects. In order to prepare the EIA, the administration is required to follow a participatory process, which includes method such as "submitting written views" and "holding public meetings" (Kocasoy, 1994).

As has been noted in some countries in the world, deficiencies with the EIA system have informed the rationale for SEA. Efficiency is one such concern in the Turkish context. Potential investors have encountered problems due to lack of coordination between local and higher-level land use plans. An investor has to get a construction permit from the municipality and comply with local development plans and EIA legislation before being able to invest in a factory. In some cases, the municipality gives the necessary permit for land use, but there may be higher-level land use plans, which conflict with the investor's plan. Not only may the investor lose time and money endeavouring to obtain the EIA documents and land use permit, his investment can be stopped due to higher land use plans (interview, 2001).

Strategic environmental assessment was first heard about by officials from the Planning and EIA Department in the MoE, who were participating in EIA-related UN meetings during the UN Espoo Convention in 1991 for the first time. Experiences with EIA projects and this

preliminary knowledge of SEA led Ministry officials to start considering the need for SEA. EIA was considered necessary for projects but insufficient to cover national, regional and local level plans and programmes (interview, 2001). As stated by officials in the Planning and EIA Department of the MoE, the need for a more strategic form of environmental assessment, in order to integrate environmental considerations into plans and programmes and ensure that they contributed to sustainable development in the future, was identified at this early stage. The leader of the SEA team in the Department of Planning and EIA expressed the ambitious intention and voluntaristic desire of his team for improving domestic policy-making on environment and stated:

“Before the EU SEA Directive’s adoption in Turkey, we decided to assess the problems, strengths and weaknesses of environmental impact assessment and also to find out solutions for these problems, to improve the weak aspects, to determine what changes were needed in order to have a more effective system” (interview, 2001).

Some of those officials who had preliminary knowledge of SEA were alert to some of the wider social and political implications, believing that if environmental concerns were moved towards higher decision-making levels through SEA adoption, significant political, social and administrative changes and gains could become possible. For example, SEA implementation would contribute to democracy by facilitating access to information and public participation in environmental management, state investments would be more transparent and open to discussion with local authorities and NGOs and other stakeholders would gain a greater role in decision-making processes:

“Environmental NGOs would have more importance in the society and an informative role as mediators between policy makers and the public. At the same time, NGOs would have the right to obtain information pertaining to a policy, programme and plan as interest groups in SEA implementation” (MoE Official interviewed, 2001).

At the ‘Second Parties Conference,’ held in Sofia in 2001, a draft UN SEA protocol was introduced and participant countries were asked to discuss the protocol prior to the next meeting in Kiev in 2003.

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However, the European Parliament and Council announced the European SEA Directive in 2001, without waiting for discussion of the UN protocol. After Turkey's voluntary decision to seek to join the European Union, Turkey's 'National Programme' for the adoption of the EU 'Acquis' was prepared in 2001. Compliance with the EU 'Acquis' is a necessary condition for each candidate country that seeks membership of the Union (DGENV Contract, 2000). In the Official Journal of Turkey (March 2001), necessary works and regulations that would have to be performed to comply with the EU 'Acquis' were stated. The Turkish Government assigned responsibility for preparing and enforcing the 'National Programme' to the Turkish Secretariat General of EU Affairs (ABGS). The article relating to SEA was under the heading '4.23 Environment' in the National Programme and specified necessary works and regulations to comply with the EU SEA Directive.

Although requirements in the UN SEA Protocol were followed by officials, it was EU accession that mainly motivated environmental policy-makers and accelerated the SEA adoption process, rather than SEA being seen as a strategically effective tool for protecting the country's environment. One MoE official weighed the power of the drivers very clearly:

“EU accession is the main motivating factor for adopting SEA in Turkey. The second motivating factor is the need for a more strategic tool for environmental assessment” (Interview, 2001).

Nevertheless, MoE officials – the main policy-makers for SEA policy adoption – were prepared to see environmental and EU pressures as mutually reinforcing the case for SEA. This point was made in an interview in 2002: “We expect that our SEA transfer will meet the sustainability purpose of the EU Directive”.

During this early stage in the process, 2001-2, the SEA team officials explained that Turkey's adoption of the EU SEA Directive entailed complying with its requirements, though of course the Directive gave only the main framework, details were left to the domestic policy-making actors. However, as Borzel (2003) points out, significant variation between member states can arise from misfits between the problem-solving approach, policy instruments and standards of EU legislation and a state's domestic regulatory structure. In Turkey's case, although full compliance with the Directive was desired, interviewees in the MoE and in other planning authorities were aware of the high 'adaptation pressure' between Turkey and EU settings.

Policy-making actors in the MoE had some knowledge of SEA and although their knowledge of it was incomplete, they thought it could be the solution to problems presented by EIA applications. Officials were voluntarily following UN activities related to SEA and thinking about adopting the UN Directive when it was published. But Turkey's decision to comply with the EU 'Acquis' brought about a different direction for officials to follow, since the EU SEA Directive was published earlier than the UN Directive and SEA policy adoption became obligatory in the environmental field, as indicated in the National Programme.

### **7.2.2. Emergence of Networks for Adoption**

SEA adoption in Turkey has been accompanied by supportive action from epistemic communities and resulted in copying, involving a shared experience of learning about problems and the development of a common perspective or 'international policy culture' (after Ikenberry, 1990). Turkish officials had prior experience of utilising networks to assist with the transfer of novel policies, even within the environmental assessment field. Officials from the EIA Department, in the Ministry of the Environment (MoE), decided to get training from the EIA Centre at Manchester University in order to learn more about the EIA policy of the EU. During EIA training, these officials became aware of a new environmental policy, SEA, and passed their knowledge of SEA on to officials in the Planning Department, who were following and participating in UN meetings focusing on environmental issues. In the beginning only two officials had knowledge of SEA and one of these would become leader of the SEA team in the MoE. There were six officials who were directly related to SEA adoption in the Planning Department.

The Turkish Secretariat General of EU Affairs (ABGS) encouraged Ministries, including the MoE, to present projects to the Pre-accession Programme (PPA) and the Matra Pre-accession Projects Programme (MPAP), funded by the Government of the Netherlands, after enforcement of the 'National Programme' in 2001. The Dutch pre-accession programmes aimed to assist eleven candidate member states in Central Europe (Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovenia, Slovakia and Turkey) to meet the criteria for EU membership through projects dealing with (the consequences of) implementing European legislation. A group of officials from the Department of EIA and Planning were assigned the responsibility to adopt and enforce the SEA legislation. This group, the Ministry's SEA team, consisted of five officials, who

prepared and submitted two SEA-related projects to the EU Secretariat General in Turkey for submission to Senter International, an agency responsible for implementing the Matra Programme on behalf of the Netherlands Ministry of Economic Affairs and the Ministry of Foreign Affairs. The stated aims of Senter International are to provide assistance to the public sector in implementing the 'Acquis Communautaire' or accession-related policy and to establish lasting relationships between government institutions in the Netherlands and recipient countries. The Netherlands Ministry of Foreign Affairs, which was responsible for policy-making regarding the Matra Programme, played no direct role in the project's implementation. Figure 6.1 illustrates the actors involved in Turkey's SEA adoption (Appendix 1).

The SEA team aimed at gaining experience from the two SEA projects, especially in learning how to implement key components of the EU SEA Directive such as democratic participation and integration of environmental considerations into plans and programmes. As officials themselves put it, "The SEA Directive will be prepared in the light of the experiences gained from the pilot projects" (Interview with the MoE official, 2001). From an analytical perspective for policy transfer, these pilot projects have a significant place in understanding the adaptation capability of domestic actors and institutions. The interviews with actors involved in the pilot projects have provided information on how policy networks are established, how knowledge is used in the evolution of policy and which factors constrain progress of SEA adoption.

#### **7.2.2.1. Networks for the First Pilot Project**

The first pilot project was initiated in 2002 to implement SEA in the revised land-use plan for the environment of north-south Canakkale, Karabiga-Gumusçay and the Gelibolu Peninsula. Besides gaining experience in SEA implementation, preparation of prototype SEA documentation was expected from this pilot project. On the Turkish side, the EIA and Planning Department of the MoE was responsible for securing sufficient manpower and expert input for the purpose of implementing and monitoring the project. The Turkish Ministry of Foreign Affairs and the Secretariat General of EU Affairs shared coordination for monitoring the project's progress. In terms of external participants, at the beginning of the project, training for Ministry officials was provided by a consultant company from the Netherlands, DHV, which collaborated with a Turkish partner, R&R. The Ministry's SEA

team members were trained by an expert from the Regional Environmental Centre for Central and Eastern Europe. While the content of the training programmes was defined substantially by the EU's requirements, there was an openness to learning from the domestic context, too:

“The training programmes were defined primarily by the long-term expertise of the Dutch company (DHV), largely formed by EU legislation and experience simply because of its location in the Netherlands. The Terms of Reference for the project demanded that the EIA work and eventually the SEA work resulted in alignment with a proper implementation of the EU Directive, so it was also necessary to provide training that took EU legislation and procedures into account. In addition, the training programmes were adapted to a certain extent to the Turkish situation and legislation, especially regarding EIA. One of the goals of this follow-up project was the development of SEA legislation of Turkey in line with Directive 2001/42 since there was no existing SEA legislation in Turkey as yet. The training took place with the use of a Turkish interpreter who was an expert on EIA execution in Turkey. Undoubtedly, his interpretations were influenced by his own long experience of EA” (Interview with one of the trainers, 2002).

The EIA and SEA activities in the MoE were carried out by the same Dutch training group, but with different groups of ministerial officials, to gain experience before the implementation of EU Directives. The ministerial officials with the greatest knowledge of SEA found it “hard to find experts in consultancy firms sufficiently aware of what SEA actually means”. From their perspective, the experts themselves were not sufficiently experienced in the subject - generally, not only in Turkey - as SEA was a relatively new and fashionable subject in environmental management.

The EIA activities were mainly carried out by a specific department in the MoE, concentrating on certain types of EIA, mainly involving infrastructure. In the case of SEA activities in the MoE, the Department of Planning and SEA Department was much more active than the EIA Department (Interview with a Dutch trainer, 2002). So, through a pilot project, SEA was taken into account in land use planning for the first time in Turkey at meetings between policy-makers, stakeholders and the public in February 2002. Present were actors from the Municipality, the City Governing Council, Local Representatives from Ministries such as Tourism, Culture, Agriculture and Public Works, industrial associations



and State Investment Directorates. These stakeholders were selected by/to reflect public opinion on land use. According to the suggestions of stakeholders, the sectors such as tourism, agriculture and energy, each subject to change, were identified on the land-use plan. By March 2002, these changes had been ratified. SEA implementation was structured into scoping tasks, environmental analysis, impact evaluation, and identifying mitigation measures.

An assessment of environmental quality, which included evaluation of the present state of ecological stability and diversity, cultural and symbolic quality of the urban environment, anticipated positive and negative impacts of individual policy plans as well as cumulative impacts and impact interactions, was undertaken by using existing map-based information of designations. Sustainable development criteria and indicators for environmental assessment, capturing both the global effects and the effects on local environmental quality, for example, efficient use of non-renewable resources, maintaining biodiversity, socio-economic requirements - were specified. Then alternatives, such as assumed population development, transport needs and housing patterns were developed. The individual policies of all alternatives were examined, analysed and assessed according to their likely impacts on broader policies, settlement inhabitants, the natural environment, and landscape. Based on SEA results, the most environment friendly alternative plan was investigated and mitigation measures were suggested. The process, as far as the 'technical' component of the assessment was concerned, aspired to the rational, comprehensive approach, but with key parameters agreed between major governmental stakeholders.

Following the preparation of the SEA report by MoE officials, the Deputy Governor of Canakkale announced a second public participation meeting, inviting participants representing NGOs from different municipalities, professional Chambers and organisations, such as the Chamber of Agricultural Engineers, tourism associations, universities, industrial organisations, active people from local villages, mayors, landowners, industry and employers' associations, military personnel and the public in general. Some of the participants thought that the scope to participate and comment on the SEA report was effective and useful for their environment. In the meeting, a draft regional development plan and a draft SEA report, including an executive summary, were presented by the MoE. The plan, report and summary were also placed on the Internet to enable interested parties to download them.

The public participation meeting was evaluated by the MoE, DHV and R&R. The first pilot project was successfully carried out, according to DHV's report submitted to the Dutch Government and also provided experience on how to implement SEA (Interview with the SEA team leader, 2002). DHV was, at the same time, conducting an EIA project with a different group of officials in the MoE. Although EIA had been undertaken for eleven years, the SEA project's implementation was considered more successful by DHV trainers than the EIA project. Trainers from DHV thought that lack of communication, limited time to deal with work load, and the existing setting were negative aspects that had affected the EIA project's success.

From the view-point of the Dutch trainers, more piloting and demonstration was the answer to further progress with SEA, and prior experience with EIA was regarded as helpful:

“Hopefully, the follow-up project will make SEA procedures concrete and digestible. Luckily the EIA project was carried out first, which gave a first sight of pilot project execution and training in Western European approaches to EIA, before taking a step towards the more policy-oriented SEA approach. In short, actors have had some concrete experience of project orientation before looking at the larger policy-oriented picture. This first step should help domestic actors to some extent” (Interview with a Dutch trainer, 2002).

The Dutch trainers thought that the SEA pilot project had been achieved more effectively than the EIA project because EIA experiences were utilised by SEA actors and actors' enthusiasm and cooperation were higher for adopting a new policy. The SEA experiences seemed to have been very positive for the Turkish participants. However, the Dutch trainers were hesitant about the scope for cementing these lessons in practice:

“The extent to which the training truly helped the participants is unclear. We hope that some of the practices that have been taught will stick, but are concerned that because of the institutional structure and, consequently, management processes at the Ministry of Environment, the procedures may revert back to previous practices when the consultants' work is finished” (Interview with a Dutch trainer, 2002).

The extent which the expectations of the MoE had been met by pilot project trainers was also questioned (Interview with the MoE officials, 2002). While officials felt that the pilot project provided an opportunity to learn about SEA and its implementation in land use plans, they also felt that:

“The experiences derived from this opportunity have been useful, but not sufficient to gain a broad understanding of SEA and its practice. The first project trainers could not answer all our questions. The consultancy firms mainly focused on budget considerations and their presentations were inadequate on SEA. At the present time, we still need practical guidance” (Interview, MoE official, 2002).

At the end of the training meetings and technical site visits, the SEA team evaluated the findings of the SEA report and public consultation event. The team members applied SWOT analysis and determined land use development according to tourism, agriculture and energy needs. To this extent, officials felt that the local implementation of SEA had been successfully conducted. Local public participation contributed to the success of the first pilot project, which was defined as a good example of SEA implementation by both sides. The nature of the participation exercise reflected typical approaches to involve wider interest groups in Turkey. The formal process of evaluation involved feedback forms sent to participants about the covered topics during the meeting to understand the level of participants’ learning. The evaluation of the project in general was undertaken in two ways: with representatives of the consultancy firm and an official from the Netherlands, as well as inside the Department of Planning and EIA in the MoE (Interview with an MoE official, 2002).

#### **7.2.2.2. Networks for the Second Pilot Project**

In 2002, a second project, to conduct an SEA for Antalya’s Tourism Development Plan, was presented to the Matra Programme and accepted. Senter International financed it and again the Netherlands Royal Embassy in Turkey played a role in monitoring the project on behalf of the Dutch government. A consortium of Dutch organisations was responsible for the project’s implementation.

At the beginning of the second project, the Dutch trainers presented the Turkish Government with a whole range of possibilities with regard to SEA:

“This includes the ‘ideal model’ although I am not sure whether this model is the best theoretical model or the model that best that fits the Turkish situation. We also presented the common SEA procedures in Europe” (Interview with a Dutch trainer, 2002).

As the trainers adjudged that “the knowledge level of the Turkish audiences ranged from nothing to expert in EIA and SEA,” an effort was made to adapt the training presentations to the audience. If necessary, translations in Turkish were provided. From their perspective, moreover, the training programme was not defined by the EU - only the Directive was defined by the EU. From the trainers’ point of view, in the initial stage of the project, it was impossible to predict what impacts the training programmes would have on practical policy development after the project started (Interview with a Dutch official, 2002).

Within Turkey, the national co-ordinator, the Ministry of Foreign Affairs, was responsible for coordinating international pre-accession assistance programmes and monitoring Turkey's general progress in the pre-accession process. Coordination responsibilities were shared with the Secretariat General of EU affairs. The Turkish Ministry of the Environment was responsible for policy making relating to strategic environmental assessment and securing sufficient manpower and expert input for the purposes of project implementation and project monitoring. The SEA team for the first pilot project was also responsible for executing the second project and taking on board the strategic guidance on SEA, provided by the Project Advisory Committee during project implementation.

The project's purpose was to develop the institutional and legal infrastructure for implementing the SEA Directive (2001/42/EC) in Turkey, by utilising SEA in Antalya's tourism development plan. The Ministry of Tourism was the authority responsible for preparing the tourism development plan of the Manavgat Area (around Antalya on Turkey's southern coast), which aimed to diversify tourism activities and extend the tourism season. In terms of this plan and the second SEA pilot project, the Ministry of the Environment and the Ministry of Tourism were the main stakeholders. The role of the Ministry of Public Works and Settlement was reviewed in the Inception Phase of the project as an advisory body on

land-use. The Ministry of the Environment was the environmental authority for the project and responsible for implementing SEA in the tourism development plan. The Ministry of Tourism, the planning agency, collaborated with the Ministry of the Environment and Forestry (MoEF) in preparing the 'environmental report'.

The Governor of the Antalya region is the head of regional administration, including the regional branches of Ministries. However, decisions pertaining to regional branches of Ministries are taken at the central level within Ministries: thus, for example, the Ministry of Tourism has a centralised, organisational structure and as a result, its local branches play only a limited role in the planning process. As such, the Governor has a mainly coordinative role. The extent of involvement of regional branches of Ministries and the level of their competence differ between line ministries. Data collection and initial planning were usually executed by the regional branch, which advised the central Ministry accordingly. The central Ministry sought other Ministries' involvement through eliciting their opinions. Coordination was thus carried out at the central level and local branches mainly provided information.

The project aimed at using outputs of the final national draft SEA regulation on the tourism development plan of Antalya and cross-links with related initiatives as feedback for future SEA procedures. The following project results were anticipated:

- SEA legislation prepared and implemented in a pilot project;
- increased and strengthened institutional capacity within the Ministry of the Environment and other relevant partners;
- a common understanding and knowledge of SEA created among relevant partners and stakeholders and improved collaboration;
- knowledge on SEA and its implementation transferred to relevant parties involved in the implementation process of SEA procedures (also in other regions of Turkey);
- increased public awareness of the need for SEA; an improvement in relevant stakeholders' access to information, and public participation.

As the project progressed, a draft SEA Directive was prepared and presented to relevant parties at a meeting. Introductory information on SEA and its implementation were provided for relevant parties involved in the implementation process of SEA procedures at that

meeting. Also, the need for environmental assessment to be applied in plans, programmes and policies was emphasised (Interview, Turkish trainer, 2003). These meetings were deemed to be successful at raising public awareness by environmental policy-makers, however, environmental NGOs disagreed. Few environmental NGOs participated in the meetings, and NGOs who were not invited demonstrated against the proposed plan and protested at not having the opportunity to express their views.

All these activities contributed to the knowledge of policy-making actors (in the MoE team). At the beginning of pilot projects, knowledge of policy-making actors on SEA was limited. These actors were in the 'single loop' learning process (Argyris and Schon, 1978) that leads to major adjustments in methods and strategies to achieve pre-given goals and preferences. This process can also lead to first- and second-order changes of policy-making, as described by Hall (1993), in which policy is adjusted without challenging the existing policy paradigm. As discussed in Chapter 3, the strategic adjustment approach, as a result of 'single loop' learning, is sufficient for coping with the new obligatory environmental policy but not for inducing fundamental institutional changes or paradigmatic changes (Radaelli, 2000). An accumulation of first- and second-order changes in policy does not automatically lead to third-order changes, defined by Hall (1993) as a radical shift in the overall goals of policy, because the traditional paradigm of environmental policy making was not replaced with an alternative at the beginning of SEA experiences.

The experiences gained from the first pilot project were not sufficient to enable SEA team members, as policy-making actors, to induce institutional changes since the first SEA implementation was conducted under the guidance and training by foreign experts. However, these actors successfully adjusted their strategies to achieve their given goals. On the other hand, training and experiences gained during the second pilot project helped actors to deepen their knowledge and experience of SEA and to change their given goals and interests. At the beginning of the second pilot project, implementing SEA, carrying out steps such as scoping, report preparation, public participation, monitoring and preparing the draft directive were the main aims and all these steps were followed by the SEA team officials. As SEA implementation and preparation of draft legislation continued, the SEA team members started to conceptualise SEA implementation differently. Over time, they had more questions, especially on how participation and transparency could be effectively achieved and what impacts the changing role of the MoE might have (Interview, 2003). They were seeking

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solutions to questions raised with a consideration of Turkey's existing institutions. Their changed interests and preferences induced an understanding of the need for institutional transformations rather than strategic adjustments under the guidance of foreign experts (Interview, 2003). Both in the draft regulation as in the pilot component of the project, 'training on the job', seminars and study tours were important for transferring of knowledge. Knowledge transfer, during the second pilot project, led to actors' increased understanding of core features of EU SEA policy and of the institutional transformations necessary to attain these features.

After the second pilot project, SEA adaptation seemed to evolve by the strategies of these actors, whose knowledge of SEA and how to use their power capacities led them to induce institutional changes in favour of the adaptation. The policy-making actors used discursive strategies, based on 'Europeanisation' and the importance of harmonisation with the EU legislation, to influence the planning authorities. These actors developed and induced a programme to train the planning authorities. They also induced legislative change.

The project's implementation was scheduled to last two years, to be finalised by the end of 2004. As regards the transposition, implementation and enforcement of the relevant 'Acquis Communautaire', it was assumed that possible changes at the political level would not interfere with capacities built and organisational improvements achieved under the project. It was also assumed that the government of Turkey would make available sufficient national resources to ensure the project's results were sustained. However, during the second year of the project, the new government took the decision to merge the Ministry of the Environment with the Ministry of Forestry. Key officials in the SEA team of the MoE were changed in 2003 by the new government and these changes subsequently influenced the SEA adoption process.

### **7.2.3. Goodness of Fit: Pressure for Adaptation**

National, institutional traditions in Turkey are not static, although they show great stability over time where regulatory patterns are deeply rooted in legal, political and administrative institutions. Therefore, a static comparison of European requirements and existing institutions is not always helpful to capture the institutional scope of 'adaptation pressure' - the extent to which existing national institutions are compatible with European policy requirements. As

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explained by the analytical framework for policy adoption, adaptational pressure or goodness of fit specifies which aspects of a new policy will prove difficult to adopt. Therefore, in this part of the chapter, existing formal institutional settings (political, legal and procedural, organisational and financial) and informal institutions (institutional culture) in Turkey are examined to ascertain their compatibility with the core principles of the EU SEA Directive.

As specified in Chapter 4, the SEA Directive makes exacting political as well as institutional demands in three broad areas: the integration of environmental considerations into the preparation and adoption of plans and programmes, more transparent decision-making, and more democratic participation in decision-making. Legal aspects cover issues such as integrating requirements of the Directive into existing procedures in Member States for the adoption of plans and programmes, or incorporating them in procedures established to comply with the Directive, transboundary consultations and fulfilling the requirements of the relevant Community legislation in order to avoid duplication of assessment. Procedural details covering environmental reports, consultations, and information on decisions and monitoring are left to the Member States.

Objectives of the Directive that have implications for Turkish politics are perhaps the most challenging aspects to comply with. Some ministerial officials evidently believe that the extent of environmental policy concerns, economic development and ecological knowledge may be barriers to adoption, and cannot be easily be shifted by the adoption of the SEA Directive alone, no matter that it is an accession requirement.

“Priorities of the government and ministries may be barriers to SEA development because Turkey, as a developing country, has to focus on economic issues rather than environmental concerns” (Interview with MoE officials, 2001).

Other political objectives, namely transparency in decision-making and democratic public participation, are closely linked to the legislative system, administrative styles and structures and institutional culture. Interviewed officials considered informal institutions had more constraining effects than formal institutions on the success of the SEA Directive’s adoption but they also felt that there was a need for better understanding of how domestic institutions block or facilitate the adoption of political objectives (Interview with MoE officials, 2001).



### 7.2.3.1. Protection and Integration of Environment

The success of the first objective, integrating environmental concerns into strategic proposals, depends on the level of economic development and ecological knowledge (Nilsson and Persson, 2003), especially if integration is taken to imply giving greater weight to environmental factors, rather than simply greater consideration. According to Weale (1996), both environmental protection and ecological awareness are linked to a society's level of economic development. Socio-economic concerns in Turkey, as a developing country, have been given more importance in strategic decisions than protection of the environment. The prevailing belief of ministerial officials is that attempts to integrate environmental concerns in policy-making processes are profoundly shaped by the economic priorities of the government and ministries:

“Turkey has to become a developed country to deal with environmental concerns at the same level with the other concerns as in developed countries” (Interview, 2001).

In Turkey, socio-economic and physical plans and programmes have been prepared by different organisations for years. For example, the State Planning Organisation (SPO) is responsible for social, economic and regional development plans, while other line ministries and institutions are responsible for their own sector plans and programmes and implementation. Within this fragmental setting, environmental issues have not been sufficiently considered in the early stages of planning, as the EU SEA Directive requires. Environmental protection concerns may have been partly integrated into some plans, especially physical plans, but without a detailed environmental assessment. On this basis we might identify high adaptation pressure, due to the need to comply with new EU environmental legislation it strongly challenges existing entrenched policy style patterns and institutions.

A disinclination to give substantive priority to the environment is echoed in virtually non-existent mechanisms for integration. Sharing this analysis, NGO respondents criticised the MoE officials for giving primary consideration to economic development.

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“If MoE’s main policy is not to obstruct government investments, then MoE can not be effective in protecting the environment with this policy” (Interview, NGO representative, 2003).

The priority of environmental NGOs is the environment, whereas most officials from the various ministries attach more importance to economic and social concerns. Nevertheless, there are ministerial officials who support the need for change in traditional institutions to integrate environmental concerns effectively in the decision-making process by adopting and implementing the EU Directive. The MoEF or other ministerial bureaucrats think that the only way to develop the country is to create new employment opportunities by investments therefore investments should not be obstructed by bureaucracy. An official from the Ministry of Public Works and Settlements stressed the urgency of environmental integration for Turkey:

“We need to reconstruct planning process by integrating environmental concerns and paying more attention for environment to achieve a more sustainable development” (Interview, 2003).

However, the Ministry of Public Works and Settlements (MoPWS) had been the planning authority until the planning task was assigned to the Planning and SEA Department in the MoE. The officials from the MoE explained that other ministerial officials would not think the same as the MoPWS officials did.

#### **7.2.3.2. Democratic Participation and Transparency**

As noted in earlier chapters, an expansive view of the EU SEA Directive implies a developed NGO community and public who are aware of environmental problems and ready to participate in the environmental decision-making process. Yet public participation has not been part of the planning process in Turkey. In the existing domestic administrative system, reciprocal communication between the public and decision-makers is limited, secrecy is more dominant than transparency and the public are not consulted or informed during strategic decision-making stages.

Turkey has been a 'state-led' society since the state has developed autonomous authority structures over society in order to lead the nation by active intervention and control (Badie and Birnbaum, 1983, cited in Knill, 2001:44). However, public participation and transparent decision-making are more likely to happen in a 'society-led' state than a 'state-led' society where a network of elites and institutions have national legitimacy in place of state. In the 'society-led state' model, political influence is founded on social values and not on forcible conquest (Dyson, 1980 quoted in Knill, 2001:44).

“SEA implementation requires public participation which sounds essential and very useful for the country’s democratisation whilst existing political culture does not encourage consultation between different public bodies nor considers their point of view in a democratic discussion environment. The top-down approach of Turkey’s administrative system limits effective SEA implementation by the lack of participatory policies” (Interview an NGO respondent, 2003).

Similarly, a Dutch expert remarked that:

“The whole institutional setting in Turkey has to change over the coming years if SEA is to be allowed to play an important role in decision-making. This includes a stronger role for NGOs, greater environmental awareness, a more effective decision-making process, and improving the efficiency of Turkish governmental bodies in order to facilitate projects in the pre-accession process” (Interview with a Dutch SEA expert, 2002).

Arguably, NGO and public capacities in Turkey are insufficient to fulfil the participatory element of SEA. Although the number of NGOs and their interest areas have expanded in recent years, the NGO community remains small and its institutional capacity needs strengthening. There is also the need for a more active civil society (Interview with a Dutch expert, 2002). When SEA policy is fully integrated in Turkey’s legal system, SEA legislation will define administrative actions, as Knill (2001) points out, adding that the model of administrative action is fundamentally related to legal rules defining possible courses of action. SEA and public participation require development of a 'civil society' with strong NGOs, active civilians who can have access to information and competent authorities, and who will take advantage of these entitlements. In this respect, Turkey is developing fast, but further progress is necessary. Reforms to change existing administrative systems are not

progressing well, nor do they provide clear guidelines for public participation and local administration, as implied by the EU legislation.

Nevertheless, it is widely believed by the MoEF officials that adoption of the EU SEA Directive can itself be a force for participatory democracy in Turkey by encouraging wider participation among actors with the competent authorities and public, though the challenges were also acknowledged:

“In my opinion, public participation is the most difficult aspect of SEA adaptation. Here what I mean is ‘real participation’, which I believe that EU accession will help to cultivate” (Interview, MoEF official, 2003)

One of the officials from the Ministry of Public Works and Settlements likewise had positive expectations from SEA:

“Turkey’s planning process has not been transparent and does not involve alternative proposals. It has also been poor about monitoring and controlling. SEA will bring transparency and the consideration of alternative proposals in the planning process as well as improving monitoring and control” (Interview, 2003).

However, SEA adoption was also viewed by some MoEF officials as merely a token procedure that would not increase the public's democratic participation in strategic planning decisions. One such official stated that public participation was considered a necessary procedure in the policy-making process but what the public says has not been the main criterion in planning, even in more democratic states of Europe (interview, 2003). In this sense, the claims invested by some in the ‘lesson’ of SEA have a hollow ring, once one investigates how the policy has functioned elsewhere.

Two core components of strategic decision-making in a democratic environment - public participation and transparency - have not been major features of the traditional planning process in Turkey. Their importance for compliance with the EU SEA Directive therefore needs to be recognised, as indicated by officials from the Ministry of Public Works and Settlements. One of these officials remarked that there has been lack of transparency in domestic-traditional policy-making culture where transparency entails informing the public

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about strategic decisions (Interview, 2003). However, in Turkey's administrative system, transparency and public participation have been perceived as bureaucratic obstructions.

The effectiveness of participatory and transparent decision-making in the environmental field is closely linked with the national policy-making context in general (Interview, MoE official, 2003). After the announcement of the National Programme to harmonise with the EU Acquis in 2000, a new legislative era began with the aim of introducing fundamental changes to existing institutions. For example, in order to encourage effective public participation, transparency in policy-making, and a decentralised local administrative system, the new 'Public Administration Law' is intended to facilitate compliance with EU Directives. On one hand, the Public Administration Law could be important in promoting public participation by providing a framework for the other laws. On the other hand, it is also a source of uncertainty within the wider accession process:

“Unfortunately, there are many unknown aspects in this Law, for example, the importance of public participation is highlighted but how the public will participate in decision-making is unclear” (MoEF official, Interview, 2003).

To increase the effectiveness of public participation, better tools for public announcements, such as information networks, are also required. Thus, while NGO respondents had welcomed and appreciated their involvement in the SEA pilot projects, finding the experience 'very useful', they also felt that there would have been more participation indeed if such meetings had been more widely announced and advertised (NGO Interview, 2003). The interviewed NGO respondents also thought that the small budget allocated for the MoEF was insufficient to meet public participation expenses (2003) or, indeed, its wider environmental duties.

Many project participants felt that an informed public is especially important to enhance public participation in decision-making, as an expert from the Turkish partner of the Dutch consortium highlighted (Interview, 2003). But public participation is problematic in Turkey, with 'lack of awareness' as central to this problem:

“It is not easy to consult the public at different stages of plans and programmes. Traditionally, the public has not participated in decision-making in Turkey. The experience with EIA has shown that public participation in the environmental field is

weak but enhancement of awareness leads to the public's greater interest in participating in environmental policies. Lack of interest mostly stems from lack of information and knowledge so there is a need to systematically and widely inform the public about forthcoming meetings" (Interview with a Dutch expert, 2003).

The problem also stems from a lack of knowledge on the part of decision-makers about transparent and participatory decision-making. To some, it is seen as risky to involve the public in 'upstream' decisions:

"Informing the public causes speculation, for example sharp increases in land prices are seen. For this reason, we prefer to inform the public without showing plans to eliminate such speculation" (Interview, MoEF official, 2003).

Pilot SEA projects were considered very useful tools for understanding the challenges and opportunities that SEA policy adoption could potentially present. Based on his experience with the first pilot project, an MoEF official, interviewed in 2003, anticipated more transparency and wider public participation in state investment processes, but also that state organisations would resist sharing their decisions and information with other organisations and the public. NGO and public participation in investment decisions contribute to attaining the aims of plans and programmes and sustainable development by providing discussion for all parties on the investment (Interview, MoEF official, 2003).

Officials also identified challenges and opportunities likely to affect SEA policy adoption. The SEA implementation in the Canakkale project provided positive and negative lessons for the officials. For example, collecting environmental data was difficult because of the vast project area. Selecting evaluation criteria was also difficult, as checklists were very limited. Insufficient attention to alternatives in plan making was also defined as a major factor that would cause problems in the future.

During the interview with the officials in 2003, officials explained that the EU Directive was being implemented as closely as possible, despite existing difficulties. The views of foreign SEA trainers on the challenges and opportunities are significant to understand and compare domestic institutional features in SEA adoption. When asked what kind of institutional

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challenges, opportunities, constraints or facilitators were anticipated in the adoption of SEA policy in Turkey (in 2003), one Dutch expert explained that:

“MoEF staff are young and eager for training to take place to enable them to conduct and review SEA in a way that is in line with the EU Directive. I think that these domestic actors’ interests are the most important assets for the adoption of the EU Directive by the MoEF. However, the Ministry also faces liabilities, which will hinder the Directive’s effective implementation. One hindering factor is the institutional and management structure within the Ministry”.

According to interviews with the Dutch experts, Turkish administrative structures experience overlapping responsibilities and consequently confusion on the part of staff as to who is really responsible for what. There is also a communication problem within the Ministry (and between Ministries with related mandates) in that people within the same department are not aware of what others in the same department are doing. Further, the experts believe that:

“There is a tendency to keep particular knowledge and expertise without sharing, because when it is shared it will be given away freely and render the particular individual who originally possessed it of little use. The level of cooperation that is required in order to carry out successful SEA might be difficult to sustain in such an atmosphere” (Interview, 2003).

Time also became an issue during the execution of the project. In 1993, the EIA Regulation was put into force in Turkey and this involved a reallocation of responsibility from the provinces to the central MoEF for the so-called “pre-EIA report”. Consequently, instead of becoming more decentralised, EIA has, in fact, become a more centralised process in Turkey and the resulting extra volumes of work on staff members’ desks has been visible to everyone. With increasing work volume, concentration on project-oriented activities has subsequently become less and this tendency might continue in future.

“The Ministry must learn to delegate its work and training its branches to take care of work appropriate to them while it takes charge of steering the EIA/SEA process in compliance with EU demands. However, our project involving the execution of an SEA Pilot Project was carried out very professionally by the planning team at the Ministry.

It may be dealt with such a team involved in the project, implementation of SEA will happen more quickly than I would presently predict.” (Interview, Dutch expert, 2003).

The Dutch expert seemed to put a lot of emphasis on the individual agency and the personal skills of particular officials: “members of the SEA team at the MoEF were young and open to new ideas, and their capacity was high for training and new experiences”. Despite this positive view, he pointed out that he was less optimistic about the planned timetable as a result of the experiences of the previous year. This expert remarked that things were happening much more slowly in practice than planned in theory. Nevertheless, the expert concluded that SEA would eventually be successfully adopted in accordance with the EU Directive.

Foreign experts/trainers found implementation of the SEA project more successful than the EIA project’s implementation. Their explanation for this was that EIA had been undertaken for more than eleven years in Turkey and existing institutional settings for EIA obstructed new ways of implementation. They implied that having no SEA legislation was a facilitating factor in the process of adoption. There were also blocking factors in the adoption process, such as the lack of communication, limited time to deal with workload, the enmeshed bureaucracy in the case of the EIA project. When one of the Dutch experts was asked (in 2003) about the similarity of the problems between EIA and SEA projects, he underlined the existence of similar problems, especially with the institutional structure, but also unusual circumstances which had enabled the SEA pilot projects to be better executed.

“Ironically, the reason that SEA was so professionally undertaken was because of one of the institutional problems I mentioned earlier, namely the overlapping responsibilities between the MoEF’s Planning and EIA Department and the main planning organisation under the Ministry of Public Works and Settlements. These overlapping responsibilities had resulted in a court case earlier in 2002, which meant that, until this case was settled, the MoEF Planning and EIA Department staff could not carry out their normal activities until the court case was settled, and consequently had time to consider the training and pilot project very seriously” (Interview, 2003).

This is hardly evidence of positive integration between the Ministries. The experts also thought that the smaller Planning Department in the MoEF was very well organised and had a



department head who was well respected. There were other contributory factors, for example, excellent local representation helped enormously to the SEA implementation success. The Dutch expert remarked that there should be good organisation in a given department, good leadership and delegation, and specific amounts of time put aside for project activities to get the most from the funding and project activities (Interview, 2003).

The centralised administration system in Turkey does not depend on coordination between relevant organisations, local organisations and the public. Therefore this aspect was identified as an institutional blocking factor for SEA adoption by foreign experts. Regional development plans are prepared by the Ministries (such as Energy, Natural Resources, Public Works) and sent to municipalities without prior discussion with relevant organisations or the public. Better public participation may reduce this shortcoming. Experts also pointed to the need for a specific SEA department, a multidisciplinary team in the MoEF and the establishment of SEA departments inside the other Ministries and planning authorities. Thereupon, decision-making authorities would be obliged to consult environmental authorities or employ environmental experts in their bodies before making any decisions.

#### **7.2.3.3. Legal and Procedural Aspects**

Many key parties feel that meaningful compliance with the SEA Directive requires a fundamental change in Turkey's traditional environmental policy-making system. Existing legal institutions, as part of the policy-making system, entail changes in line with the EU legislation. Turkey has not signed some of the most significant Conventions in the environmental policy area, such as the Espoo and Aarhus Conventions, which are concerned with transboundary environmental impacts and free information flow. The significance of these omissions stems from the fact that some of the articles of these conventions are also included in the EU SEA Directive, meaning that Turkey's adoption of the latter, without signing the aforementioned conventions, presents a dilemma, especially with regard to transboundary issues (though one should note that should Turkey join the EU it would become a de facto signatory to the Aarhus convention, because the EU as a whole is already a signatory). For some government officials, the three conventions are intimately linked:

“In my opinion, SEA implementation could not be effective without signing these Conventions since they constitute the basis of the SEA Protocol. I see a very close link between these phenomena in terms of democracy” (MoE official, Interview, 2002).

This official also pointed out that if the government decided to be more democratic and contemporary, it should be really sincere in its objectives, without wasting any time behind the concepts and should not postpone signing international conventions (Interview, 2002).

There are other key respects in which Turkish environmental law differs from that of the EU, particularly in terms of standards, monitoring requirements and measurement methods. Furthermore, implementation of the law is poor. The SEA Directive does not imply a hierarchical decision-making command and control approach; instead the Directive encourages voluntary actions which entails a high level of environmental awareness and consideration. Yet existing environmental assessment policy in Turkey depends on a command and control approach and does not traditionally operate on a voluntary basis. For effective SEA implementation, a softer decision-making approach, which necessitates showing respect to all interest groups’ opinions and benefits in the society with a high level of environmental consciousness, should supplant the traditional command and control-based approach in environmental policy-making.

The EU Directive places responsibility for the preparation of SEA documents and strategic decision-making on those authorities considered competent to develop strategic proposals. Consequently, the role of the MoEF as the environmental decision-making body has to change with this new approach. In particular, there is a need for decentralisation and the sharing of responsibilities rather than the MoE remaining the centralised body controlling environmental policy.

A politicised bureaucracy is another traditional political-administrative pattern in Turkey which creates problems for policy transfer, especially with respect to creating conducive conditions for policy learning. Political guidance and control affect the implementation of formal procedures and the policy-making process. Policy priorities may not favour environmental concerns and compliance with EU environmental policy may stay at a very simple level instead of producing profound institutional transformations. With the politicisation of the bureaucracy, the issue at stake is that officials who were trained and

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became experts on SEA policy may subsequently be assigned to different departments and different positions should elections lead to a change in government. To some of the international experts and to the government officials involved, this politicised bureaucracy is one of the main challenges to SEA adoption, affecting the duration and quality of the process.

“I was head of the SEA team in the MoE but now my position no longer exists in the Department after the election” (MoEF official, Interview, 2003).

The new Government replaced existing department heads and general directors with other officials in the MoEF and also rearranged the wider administrative structure. In May 2003, the MoE was merged with the Ministry of Forestry and the Ministry of Tourism was merged with the Ministry of Culture. However, some officials were less concerned about losing in-depth expertise as a result of politicised bureaucracy. One of them, interviewed in 2003, commented that assignment of new bureaucratic positions by the new Government had not affected the conduction of SEA policy implementation, “except for a two week delay for passing information to these officials” (Interview, 2003). The more recent state of adoption suggests that this latter comment is unrealistic.

A key issue, already noted in the earlier chapter, is extensive legislative fragmentation in Turkey. Roles and responsibilities are split between different governmental agencies and the MoEF's lack of presence (it has branches in only half of all provincial centres) are other factors that have a negative impact on certain functions of the MoEF. Such fragmentation would not be of concern if effective integration and communication mechanisms were established to improve co-ordination. However, the MoEF's existing influence on other Ministries remains poor.

There are also general communication and coordination problems between local and national administrations. Environmental NGOs see this lack of coordination between different administrative bodies and lack of communication between different public authorities as the main hindrances to effective SEA implementation.

“I don't think that SEA can be effectively implemented under the existing institutions, and if these institutions are not changed, SEA will only serve to facilitate investments

by reducing the costs and time involved in EIA procedures, without contributing to ways of improving existing policy-making” (NGO respondents, Interview, 2002).

The Dutch experts likewise described Turkish administrative system as:

“Centralised and not depending on coordination between relevant organisations, local organisations and public. The ministries such as Ministry of Energy and Natural Resources, Ministry of Public Works prepare sectoral development plans and send them to municipalities without prior discussion with relevant organisations or the public” (Dutch expert, Interview, 2002).

This is not a situation that is desirable in the longer term and future approximation to the EU ‘Acquis’ will require more effective national coordination systems. The SEA Directive implies new governance modes such as decentralised governance, which entail better coordination between planning authorities. Many NGO respondents point to the necessity for change in policy makers' understanding in order to produce a better administrative system. The EU Directive may be adopted legally, but if the understanding of policy makers stays the same, SEA implementation cannot be effective. More decentralised governance is better for more democracy and more efficient control of investments (Interview with NGO respondents, 2003).

There has been a change in planning structure in recent years. The Ministry of Housing and Settlements had been responsible for preparing physical plans in Turkey. Responsibility for physical planning was given to the MoEF in 2003, but existing physical plans cover only ten percent of the country. The MoEF aims to complete plans for the whole country within eight years. One official asked, “How can SEA operate effectively in a country which needs seven or eight years to complete country-scale physical planning?” (MoEF Interview, 2003). To some, implementing SEA effectively meant strengthening the position of strategic planning at central level, “producing regional policies and strong local bodies which are decentralised” (official from the Ministry of Housing, Works and Settlements, Interview, 2003).

Turning to the issue of staff capacity and expertise, it is widely felt that the existing organisational structure of the MoEF lacks experts to train relevant staff in the competent authorities, to follow up SEA related public participation meetings, and control the quality of

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such authorities' SEA reports. Overall administrative capacity at the national and regional levels is a matter of considerable concern in Turkey. The general level of development, lack of autonomy, strong use of political power by governments (governing bodies) and lack of in-depth expertise are important constraints that limit the effectiveness of SEA adoption.

SEA activities have been continuing in the MoEF Planning and SEA Department. There is a need to establish a specific SEA department as well as a multidisciplinary team in the MoEF when the Directive is officially announced. Such changes mean decision-making authorities would be obliged to consult the environmental authority before making any decisions. An MoEF official identified shortcomings as lack of institutional capacity and trained personnel in the other Ministries to implement the SEA Directive and prepare the SEA report. There is a need for competent authorities to be reorganised in order to integrate environmental issues into their plans and programmes (Interview, 2003).

Integration of environmental concerns in strategic proposals and democratic public participation in decision-making are difficult and slow due to the involvement of various bodies and institutions at different levels and conflicting interests and responsibilities. Moreover, the lack of trained and specialist staff, financial resources and civil society development cause difficulty in the integration process. A Ministry of Tourism official remarked that:

“The policy of MoT is based on sustainable development, sustainable tourism, and sustainable sectoral development and the Law for Public Works and Settlements includes environmental considerations that should be integrated into plans. In this respect, SEA implementation is not a completely new issue from the viewpoint of the interviewed officials in the MoT. The environmental values had to be taken into account together with social, cultural and economic values to some extent within tourism plans before SEA, but SEA entails more detailed environmental inventory and criteria, public participation, alternative proposals that enable plan makers to prepare more sustainable development plans” (Interview, 2003).

NGOs were clear about severe adaptation pressure which was intensified by their high ambitions for SEA procedures:

“Existing institutional structures in Turkey do not fit with the EU requirements. My concern is that this reality will not be considered by the relevant authorities. Our politicians and top-level bureaucrats do not have in-depth knowledge of environmental issues, ecosystems, natural life, organic agriculture, Rio 10 and Kyoto Conventions, Agenda 21 and sustainable development. Our traditional policy making culture is populist and depends on vote investment. Our politicians' main consideration is to create new job opportunities by new investments by the NGO respondents. Traditional decision-making without consulting the public for its opinions on local plans and programmes causes short and long term problems. We, being environmental NGOs, discuss with politicians mostly because of their way of solving problems but in most of the cases we sue political authorities and in the end after long lasting court cases, NGOs gain nothing. But we are aware of our role to develop an understanding of sustainable development in the country. We will not let policy-makers or bureaucrats take decisions which have short-term gains and long-term negative impacts on the environment and object to every threat to local ecosystems by investments on behalf of local people. In my opinion, SEA will contribute to democracy in policy-making” (Interview, NGO respondents, 2003).

In Turkey, existing data recording systems are another problem area that affects SEA adoption and implementation. An environmental data inventory is lacking, which is very important for conducting SEA policy effectively. When interviewed in 2003, the head of the project of the Ministry of Tourism (MoT) indicated that lack of data was the main problem faced during the pilot projects. Existing domestic monitoring and controlling arrangements are also poor. The public is not encouraged to participate in them so necessary remedial actions are often not taken. The officials from the Ministry of Public Works and Settlements, interviewed in 2003, anticipated SEA implementation to improve public involvement in the monitoring process and monitoring and control in the planning stages, as the SEA Directive requires public involvement in the monitoring process from the early stages of policy implementation.

## **7.2.4. Interacting Institutions and Agencies**

### **7.2.4.1. Institutional Factors**

Facilitating formal institutions provides actors with material and ideational resources to induce structural change (Risse et al., 2003). Borzel (2002) has identified these resources as legal, financial, organisational and political. There were no existing legal procedures for SEA before its adoption in Turkey but, according to Dutch SEA experts, this is a facilitating institutional feature for adoption. Pilot projects helped to create financial resources, which facilitated actors' activities in the SEA adoption process but lack of financial resources in the MoE hindered adoption. Human resources were sufficient to commence the adoption process but later the SEA adoption group shrank, although a larger one was needed in the MoEF. Another organisational problem, which emerged by the government change, was reorganisation in the ministries. Organisational resources did not subsequently contribute as much to the adoption process as they had in the beginning.

By the end of the second pilot project, there were only a few officials who were available for interview and no specific plan existed for organisational change. The new Directive's full implementation was postponed until EU accession negotiations identified a more concrete pathway for Turkey's membership. An examination of Turkey's efforts to comply with EU policies, progress reports and the accession partnership document that outlines the EU's expectations and the commitments in the national programme that Turkey has prepared for this purpose reveals that, although the issue of environmental harmonisation has been designated as a priority policy area, Turkey has made little progress with regard to compliance with sustainable development policies (Mengi and Algan, 2003). 'Europeanisation' required a rapid reform process to achieve harmonisation with EU legislation, yet rapid changes in Turkish policy-making have not been easy.

The majority of interviewees (2003) involved in the SEA adoption process indicated constraining institutions as the reason why Turkey has made little progress with regard to the adoption of SEA policy. These actors remarked that institutional culture has been more of a hindrance, bounding the rationality of actors to accommodate 'Europeanisation', than formal institutions. In particular, they also expressed their consideration that necessary adjustments

to domestic institutions would take a long time with the existing policy-making culture, which did not encourage democratic participation and transparency.

#### **7.2.4.2. Agency Factors**

##### **Actors' Empowerment**

'Europeanisation' not only leads to adaptational pressures, it also differentially empowers domestic interests (Cowles and Risse 2001). Domestic policy-making actors can acquire powerful resources (initiative, information, ideas and institutions: legal, political, organisational and financial) that enable them to alter the domestic balance of power. Thus, they may be able to use 'Europeanisation' as an opportunity to further their goals and exploit new opportunities depending on previous resources provided by domestic institutions such as access to the public sphere and decision-making bodies, financial means, information and legitimacy (Kitschelt, 1986). The question, then, is whether SEA adoption has caused a redistribution of power resources among a variety of domestic actors from active civilians and environmental NGOs to local authorities.

As a result of SEA adoption, actors in the Department of EIA and Planning had been trained and gained experience in SEA. Their interests had been positively affected by 'Europeanisation' and shaped by the SEA adoption process. During the interviews (2003), these actors remarked that they had used European policy adoption as an opportunity to further their goals relating to sustainable development and developed strategies to facilitate the adoption of SEA policy. From their experience they have been able to identify possible institutional barriers to SEA implementation, such as the self-interests of other line ministries favouring economic rather than environmental considerations and lack of support for environmental policy concerns.

Because of resistance encountered from state organisations, in their reluctance to share their decisions and information with other organisations and the public, officials in the SEA team became aware of the need to surmount these barriers to effectively adopt SEA policy requirements in accordance with the EU Directive. When asked what their plan was after completing the second pilot project, respondents stated that it was to arrange meetings in order to introduce and shape SEA policy, draft the Turkish SEA legislation and present it to the



appropriate planning authorities, and train assigned officials from these authorities in practical and procedural aspects of SEA policy (Interview, MoE officials, 2002).

A further opportunity for domestic actors to develop their interests, ideas and knowledge emerged during the execution of the pilot projects. Public participation meetings during Canakkale and Antalya Pilot SEA Projects increased public awareness by providing access to information related to their environment. During the Antalya Pilot Project, the SEA team and their trainers had trained ministries in procedural and practical aspects of SEA and consulted them concerning the implementation of the SEA Directive. Selected officials from other ministries also gained new resources such as initiative, interests, ideas and institutions through SEA policy adoption to act within the domestic context. However, delay in the official SEA implementation, caused by EU membership problems and post-election bureaucracy, prevented the actors of SEA adoption from using these resources. The SEA team had intended to use adaptational pressures to bring about institutional changes to comply with the EU Directive. Interest groups who had gained new resources by SEA adoption supported the team's efforts to induce institutional transformations, such as integration of environmental issues and involving the public in strategic proposals.

### **Actors' Learning**

Key MoE officials were highly motivated to adopt and implement the EU environmental 'acquis' at the beginning of the adoption process. They established an effective communication network and division of tasks within their Department. The first pilot project had provided an opportunity for the team to learn about SEA and its implementation in land use plans. The experiences derived from this opportunity were found useful but insufficient to gain a wider understanding of SEA and its practice. The Dutch trainers evaluated actors' learning during the first project very positively, however, they also intimated the likelihood that procedures would revert back to their original forms after completion of the pilot project's implementation because of administrative structures in the Ministry (Interview, Dutch experts, 2002).

The second pilot project aimed to provide more knowledge and experience of SEA. As the second project's beneficiary, the Department of SEA and Planning in the MoE was responsible for implementing and enforcing legislation and policy relating to SEA and for securing sufficient manpower and expert input for project implementation and monitoring. At

the beginning of the project's implementation, training need assessment was undertaken and training was subsequently organised to increase actual knowledge and expertise. In order to create awareness and facilitate common understanding and knowledge of SEA, seminars and consultative meetings were organised. To improve collaboration between different stakeholders, discussion groups and consultative platforms, to disseminate information and increase public participation, the media and Internet were utilised. So within the sphere of knowledge dissemination and learning at least, the second pilot project was more carefully designed than the first pilot project.

Trainers presented the whole range of possibilities with regard to SEA to trainees, including the 'ideal SEA model' and common SEA procedures in Europe. The training programme also involved proposing recommendations regarding institutional settings in Turkey, identified necessary institutional changes, the role for NGOs, the need for greater environmental awareness, requirements for public participation and a more effective decision-making process. It also stressed the need for greater efficiency in Turkish governmental bodies in order to facilitate projects in the pre-accession process. To some extent, training helped to create a common understanding and knowledge of SEA among relevant partners and stakeholders, improving collaboration beyond the MoEF.

For the second pilot, the MoEF and the Ministry of Tourism were the main stakeholders and they jointly coordinated the studies required for preparing the 'environmental report' for the pilot project. During the project, a draft SEA Directive was prepared and presented to the relevant parties at a meeting. Knowledge of SEA and its implementation were also transferred to the relevant parties involved in the implementation process of SEA procedures at the same meeting (Interview, MoE official, 2003). Public awareness of the need for SEA was also increased with public participation meetings (Interview, a public member, 2003). All these activities enhanced the knowledge of policy-making actors both in the MoT and MoEF and the development of information networks by having different foreign experts on SEA policy. At the beginning of pilot projects, actors in the SEA team were in the 'single loop' learning process (Argyris and Schon, 1978). As their knowledge of SEA was limited, they could not adjust the means and strategies to achieve their given goals and preferences themselves. In other words, actors' incomplete information or 'single-loop' learning about SEA enabled them to produce what training experts defined as an efficient outcome. The strategic adjustment accomplished as a result of 'single-loop' learning was sufficient for coping with the new

obligatory environmental policy requirements but insufficient for inducing fundamental institutional changes or paradigmatic changes (Radaelli, 2000). The SEA team actors remarked that their learning was incomplete after the first pilot project and they expected more detailed knowledge on SEA to prepare national SEA legislation, by the second pilot project.

Policy-makers' interests were changed by the learning process during pilot projects. Training in and experience of SEA became deeper and more complex during the second pilot project. At the beginning of the second pilot project, the aims included implementing SEA, carrying out scoping, report preparation, public participation and monitoring and preparation of the 'Draft Directive'. While SEA implementation and preparation of draft legislation was going on, the SEA team started to conceptualise SEA implementation differently. By this time, they had more questions, especially on how participation and transparency could be effectively achieved and what impacts the changing role of the MoE might have. They sought solutions to these questions that took into consideration Turkey's existing institutions. As their knowledge level increased, core actors gained a better understanding of the need for institutional transformations rather than minor adjustments.

Knowledge transfer during the second pilot project enhanced actors' understanding of core features of SEA policy and how to use their power capacities to induce institutional changes to deepen compliance with the Directive. However, reorganisation of the SEA and Planning Department of the MoEF adversely affected the SEA adoption process in respect of actors' knowledge accumulation. Personnel changes made by the new government of the former main SEA policy-making actors in the Ministry, who had accumulated specialist knowledge, retarded the progress of adoption. The adoption process might be more voluntarily driven if actors with deeper knowledge of SEA were left to achieve their own goals and preferences.

“The new government's decision to merge the MoE and Ministry of Forestry may cause delays in the planned time schedule of SEA Project due to changes of key personnel who are responsible to adopt SEA Directive” (MoEF official, 2003).

“Reorganisation or position change is not only a problem peculiar to this project, it has been a problem of Turkey's in general. When their positions are changed, trained officials have to work in other departments without achieving their missions or using

knowledge gained in the training field. “(Interview, local consultant in the second pilot project, 2003).

As the above quotations suggest, changing policy-making actors affected the SEA Directive’s adoption by interrupting knowledge and experience accumulation.

### **Actors’ Strategies**

The redistribution of resources by ‘Europeanisation’ imposes costs on domestic actors (Borzel, 2001). Some actors lose power while others gain power and pursue strategies to avoid or reduce costs of adaptation, by trying to rebalance the distribution of resources. SEA policy-making actors may pursue a basic strategy to redress the balance of power, which may involve cooperation. Keohane (1984:51-52) defines ‘cooperation’ as occurring when actors adjust their behaviour to the actual or anticipated preferences of others, through a process of policy coordination. According to Milner (1997), a ‘cooperation’ strategy has two important elements. First, it assumes that an actor’s behaviour is directed towards some goal(s), which need not be the same for all the actors involved, implying goal-oriented behaviour on their part. Second, it is assumed that actors receive gains or rewards from cooperation. The gains acquired may not be the same in magnitude or kind, but there are gains for each.

The strategy of policy-making actors in charge of SEA adoption in Turkey did involve cooperation with other line ministries and planning authorities primarily through training seminars to comply with the EU Directive. The SEA team’s goal was to introduce the new policy and facilitate institutional change by garnering the support of different planning authorities. If participants in training seminars had not agreed on the benefits of SEA policy and ‘Europeanisation’, collaboration would have been impossible. Team actors strove to reach solutions to problems and conflicts by accommodating the interests of other actors involved in SEA adoption and sharing new resources with them. The team prepared the Draft Directive by consulting with other actors responsible for preparing plans and programmes in the policy areas covered by the EU Directive and training other actors that would be involved in the Directive’s implementation.

In soliciting the cooperation of officials from planning bodies, ‘Europeanisation’ has been a discursive strategy used by the SEA team actors. In the pursuit of goals for change, ‘Europeanisation’ was a facilitating factor since it is a central feature of the national policy

agenda for Turkey and would be seen as beneficial – or inevitable - by the majority of actors. The obligation to adopt EU legislation has resulted in relevant parties adjusting their institutions to EU requirements. In this regard, ‘Europeanisation’ discourse has contributed to the progress of SEA adoption.

Following up the process of SEA adoption revealed the EU SEA Directive had encountered more adaptational pressure than legal and procedural aspects. Within any interpretation of the SEA Directive, integration of environmental concerns in strategic proposals presupposes transparency and democratic participation in the preparation of strategic proposals, which scarcely existed before SEA policy adoption. In responding to their new opportunities, the SEA team in the MoE adopted strategies to change existing political institutions by changing formal rules and procedures, suggesting the greater the adaptational pressure, the more the institutional change. The SEA team cooperated with other actors from line-ministries and other planning bodies with the aim of gaining their support for institutional changes but not all planning actors seemed supportive of the changes.

As institutions define strategies, so strategies can feed back to institutions. Formal and informal institutions mutually influence each other, thus formal institutional changes may, in the long run, affect informal institutional culture (Borzel, 2001). As domestic institutions have lower adaptability and higher pressure for adaptation in Turkey's case, greater formal institutional changes were anticipated. The SEA team actors had difficulty achieving formal and informal institutional changes due to the lack of a cooperative institutional culture. However, the cooperative strategy of the SEA team had more effect on formal institutions as draft SEA legislation was prepared before the emergence of the new governance practices implied by EU legislation. Nevertheless, ‘Europeanisation’ discourse strategy has stimulated changes in the existing institutional culture, albeit with democratic deficits stemming from a strong-state tradition. If the SEA Directive were the only Directive to be adopted, without other EU legislation, SEA team actors would have been much more constrained by the existing institutional culture and therefore would have experienced more difficulties inducing institutional changes. ‘Europeanisation’ reinforces the concepts of democratic participation, transparency and decentralisation as various EU Directives imply these concepts, including the SEA Directive.

So, although MoEF actors viewed SEA as a useful tool in environmental policy and of benefit to the country, they used 'Europeanisation' discourse in defining the aim of SEA adoption as one of the tasks necessary for membership of the EU. Their reasoning was that the government's 'Europeanisation' discourse of obligation was adjudged more powerful by domestic actors than a knowledge-based but voluntaristic approach in adopting the environmental sustainability and democratic benefits of SEA. However, one can also observe the vulnerability of such a strategy, should geo-political circumstances shift. In December 2002, EU leaders had been committing the Union to starting negotiations with Turkey on full membership, provided Turkey fulfilled relevant criteria, common to all candidate countries. At a summit in December 2004, the EU reviewed Turkey's progress and decided, provided all the criteria were met, to start negotiations "without delay". At this stage, SEA team actors explained what strategy they would follow to finalise policy adoption, namely, to issue a National SEA Directive at the end of the pilot projects. However, they had to abandon this strategy until more concrete EU membership negotiations restarted (Interview, MoE official, 2004).

Economically, politically and institutionally, Turkey needs the "anchor" of the European integration process, yet sections within the EU have long been reluctant to grant Turkey full membership. This has hurt Turkey's progress and led to the emergence of factions within Turkey opposing EU membership, which affected the motivation of SEA policy actors and, therefore, the power of their discursive strategy of 'Europeanisation'. When Europe moves decisively, as it did at the Copenhagen Summit in 2002, economic, political and institutional progress in Turkey is accelerated in a very tangible way. But, further hesitation by Europe is seen as undermining those who want to bring Turkey's democratic transition to a successful conclusion (Dervis et al., 2004). Overall, we can see the central role of actors' discursive strategies in the adoption process, as identified within the analytical framework. When the 'Europeanisation' discourse loses power, the impact of the SEA team actors' strategy on the other actors (officials of line ministries, local planning authorities and civil public members) weakens and consensus and cooperation cannot be achieved in adopting SEA policy.

#### **7.2.5. Changes in Domestic Institutions**

The views and definitions of the actors involved in the pilot projects helped to elucidate what domestic institutional changes were made and to assess possible future changes. These actors

defined SEA adoption as a pioneer project in the Turkish context. This is true to the extent that traditional styles of policy-making in Turkey start by issuing legislation then training and implementation processes follow. In this case, however, the compliance process for a policy was started before legislation was issued. Thus, draft SEA legislation was prepared during the second pilot project which was the first test of provisional SEA procedures. The final SEA regulation would be based on the outcome of this test. The MoEF announced the draft SEA Directive on the Internet and opened it to discussion in order to evaluate objections or missing aspects such as sectors and strategic proposals that were not covered.

Turkey's draft National SEA legislation expresses the same objectives as the EU SEA Directive. Its main objective is "integrating environmental considerations into the preparation and approval/acceptance of plans and programmes with a view to promoting sustainable development, by ensuring that an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment". So, whereas previously environmental assessment was applied only to projects as a result of SEA legislation, for the first time in Turkey, environmental issues were to be taken into consideration during the preparatory stages of strategic proposals. Pilot projects demonstrated that full compliance with this broad objective of the Directive would take longer than anticipated as a sustainability approach has not yet been adopted by domestic political institutions. This is for two main reasons. One is a lack of environmental data and knowledge which prevents an effective assessment of the likely environmental effects of plans and programmes (Interview with Dutch trainer, 2004).

The second factor was identified by MoEF officials (2003), as the major factor hindering the effective integration of environmental considerations in strategic proposals. As Turkey is a developing country, the government's priority is economic development whilst environmental objectives are of secondary importance, a point echoed by Dutch trainers. Traditional policy-making culture is populist and depends on investment for votes. The main criterion in the minds of policy-makers is not integration of environment, it is to create new employment opportunities by investments in development plans (Interview, MoEF official, 2004). The stakeholders (the MoEF officials, NGO representatives and consultants) stated the other reason as that policy-makers' priorities are not environmental concerns. NGO officials involved in the pilot projects have pointed out different hindering factors that would affect SEA adoption and implementation in Turkey, such as the lack of coordination and

communication between different administrative bodies and public authorities (Interview, NGO officials, 2003).

As an illustration of the concern that dominant political objectives are impervious to changes in formal institutions, a manifesto was issued in June 2003 by an alliance of domestic NGOs criticising the Government's environmental policy. This stated that the Government is misleading both public opinion and the EU: while it is taking steps to fulfil the political criteria established by the EU, it is also ignoring EU's nature conservation policies and laws. The Government is planning to open up for development the last areas of wilderness in Turkey before the laws and directives of the EU are implemented and to make millions of dollars from this sale. By making concessions and amnesties, the Government will encourage the destruction and plundering of valuable conservation areas (Environmental NGO respondents, 2003). Environmental NGOs came together to issue a manifesto stressing that environment was not one of the main policy targets of the government. Clearly, the government had not convinced environmental NGOs on its sincerity about sustainable development.

According to EIA and SEA trainers from the University of Manchester and from the Netherlands, significant problems in the adoption of SEA policy in Turkey are lack of integration of environment in the highest level policy decisions, failure of the politicians to identify national environmental priorities, and also failure to integrate national and local planning authorities (Interview, 2002). A Dutch expert-trainer, who took part in one of the pilot projects, criticised the Environment Minister for not listening to the views of experts and for the Minister's insistence on making the EIA process even shorter than it was, despite the objections of the experts actually doing the work in this field (Interview, 2003).

All the factors cited above influence the speed of change and thus the way in which environmental considerations are integrated into strategic plans. When legislation enters into force, integration of environmental considerations will become part of decision-making, as legislation requires. However, any intention that this might promote sustainable development is unlikely to be fulfilled as the behaviour and understanding of policy-makers is not changing at the same time as the legislation. These 'realities' are influencing the 'reality' behind legislation, behind its wording. There is a time lag between changes in legislation and institutional culture. Experiences gained during pilot projects demonstrated that training in



SEA can contribute to changes in actors' behaviour and understanding to some extent. These changes are expected during the official implementation of the SEA Directive. According to Dutch trainers (Interview, 2004), integration of environmental considerations by fulfilling sustainability requirements depends on further changes in institutional culture and in the quality of environmental assessment.

In practice, the pilot projects did stimulate moves towards more transparent and participatory decision-making processes, but not without constraints. Various actors involved in the pilot projects pointed out the potential conflicts these constraints created for complying with the SEA legislation. The first pilot project was conducted by the MoEF and public participation was better than in the second pilot project, which was conducted by the Ministry of Tourism, due to different levels of ministerial commitment to openness. The number of members of the public participating in the second project's meetings was not the problem. However, these meetings were announced only to local people, who could not fully evaluate the likely negative effects of the project. Environmental and other relevant NGOs in the region protested vociferously when they heard about the chosen project after a public participation meeting. These NGOs were unhappy about not being invited to public participation meetings.

Foreign trainers from the UK and MoEF officials acknowledged that participation and transparency are limited in Turkey (Interview, 2002), hence neither would be easily adopted by politicians. It is not easy to change Turkey's centralised policy-making system and 'top-down' administrative tradition into the more decentralised and consensus building based system that MoEF officials thought SEA demanded (2002). A lawyer, speaking on behalf of an Environmental NGO, stated that "public participation in decision-making process can be implied by legislation but this does not necessarily lead to effective participation" (Interview, 2003). As local trainers saw it, lack of interest mostly stems from lack of information so there is a need to systematically inform the public" (Local trainer, 2003). A Dutch trainer pointed out the sharp differences between Turkish and Dutch citizen rights, remarking on the difficulties faced by Turkish citizens in going to court, pleading cases aimed at protection of the environment, whereas in the Netherlands the legal rights of citizens encourage their active participation in public meetings (Interview, 2004).

The actors involved in the pilot projects have practised new governance styles through the public participation meetings to some extent. However, it seems transparent and participatory

decision-making will take a long time to reach the level implied by the sustainability approach, due to these constraining factors. Actors' views on domestic changes in decision-making identified constraining factors to transparent and participatory decision-making. The main constraints were lack of public interest and awareness, lack of a developed civil society and civil rights, lack of information and announcements to the public, lack of will to consult the public and limited perceived need for democratic discussion within the government.

Looking to the draft legislation, there are issues covered by the EU Directive but not by the National SEA Directive. One issue is the necessity for comprehensive and reliable information supplied for the assessment. However, the pilot projects have proved that environmental information resources in Turkey are limited, so although this issue is not considered in the EU legislation, it will be a failing 'reality' for qualified environmental assessments in Turkey. Some actors involved in the projects pointed to this problem, saying the "main problem we have faced during the project has been lack of recorded data related to the environment" (2003).

The other issue is provision of coordinated or joint procedures fulfilling the requirements of the relevant community legislation. For example, the EU SEA Directive sets forth that likely transboundary effects should be openly discussed. Although there is a necessity to accept all conventions referred to in the Directive, transboundary effects are not referred to in the national legislation since the Espoo Convention and the Aarhus Convention have not been signed by Turkey (see section 6.3.3.2). As noted earlier, MoEF officials felt that "SEA implementation cannot be effective without signing relevant conventions which SEA protocols are based upon" (2002). They see a very close link between those phenomena in terms of democracy. One of the MoEF officials wrote a newspaper article explaining the necessity for signing these conventions in adopting transparency and democratic participation. Unfortunately, this official was punished for a while by not being allowed to come to his work place.

All this is not to imply that the process of adopting the SEA Directive has been without domestic institutional consequences. One key institutional change brought about by the impact of SEA adoption was organisational change in the MoE. The department for EIA was changed to the department of SEA and Planning, albeit without changes in capacity. An official from the MoEF stated that new units or departments would eventually be established

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to conduct SEA procedures in every planning body, planning authority and line ministry when the SEA Directive is officially issued, as happened with EIA (2003). Furthermore, a new non-political organisation may be established to conduct SEA independently, a step which some MoEF officials see as critical to effective implementation: “Both SEA and EIA works are better conducted by such an independent institution rather than a department within the Ministry” (Interview, 2002). This is a challenging response to the politicisation of bureaucracy in the Turkish government. A Dutch trainer remarked that Turkey has to build up experience within each ministry for policy-making on a strategic level to integrate environmental concerns and that this experience only existed within the State Planning Organisation. As a consequence, more expertise within all ministries on environmental issues was needed (Interview, 2004).

Dutch trainers pointed out that existing changes in domestic institutions were insufficient:

“The whole institutional setting in Turkey has to change over coming years to let SEA play an important role in decision making. This includes strengthening the position of NGOs, more environmental awareness, more quality in the decision-making process, and strengthening the capacity of Turkish governmental bodies” (Interview, 2003).

In this regard, four years into the adoption process, existing domestic institutional changes were insufficient for the effective adoption of the EU SEA Directive. From the foreign consultants’ point of view, most of the existing formal and institutions have played a constraining role upon actors rather than facilitating adoption.

#### **7.2.6. SEA Impacts on Environmental Policy**

SEA has yet to be implemented legally in Turkey and, at the time of writing, the MoEF planned to issue national legislation in 2006. Consequently, the draft legislation has been the only concrete guide to help our understanding of which decisions about the content and impact of SEA have entered into the environmental policy cycles. Issues covered by the draft National SEA legislation include screening, scoping, the SEA report, quality control and monitoring. These issues were addressed during pilot projects and the planning authorities were informed about SEA legislation in discussions about the environment. Moreover, in the process of complying with the EU ‘Acquis Communautaire’, the authorities were introduced

to the requirements for transparency and participatory decision-making in various policy areas, not just in environmental policy. The question, then, is how far the legislation proposed can be expected to bring about a new governance style for planning and programme making authorities as a result of the need to integrate environmental considerations into strategic proposals, transparent and democratic participatory decision-making, including coherent and reliable information provision.?

When draft national legislation and the EU Directive (Appendix 4) are compared, it can be seen that the draft does not cover all issues in the EU SEA Directive (Appendix 5). The national Draft SEA Directive does not refer to the terms 'transparency' and 'accountability' in decision-making or cross-refer to the Espoo and the Aarhus Conventions, which are referred to explicitly by the EU Directive. Unsurprisingly, the draft only considers international treaties to which Turkey is a party. Plans and programmes, subject to sustainable environmental assessment listed by Annex I of the Draft Directive, are mainly regional and territorial plans, tourism development plans, railway, highway, maritime lines and airway transportation master plans, rural development plans, water basins rehabilitation plans and programmes, plant production development plans and basin master plans. Energy programmes are a prominent omission from the draft legislation.

With plans and programmes not listed in the Annex I, the Draft Directive permits the competent authority to decide whether the plan or programme should be subject to SEA. Plans and programmes or modifications that are not listed in Annex I, but have an effect on sensitive areas, as described by Annex IV, are also subject to SEA within the scope of SEA legislation. The interviewed actors in the MoEF have stated that there might be an abuse of the legislation if the competent authority alone decides on the necessity of SEA for such plans and programmes (2003). These actors imply that sectoral ministries would be better advised to consult the experts in the MoEF about likely environmental impacts of their plan or programme on sensitive areas.

Experience gained during pilot projects demonstrated that the preparation of alternative proposals and arrangements for public participation were unsatisfactory when SEA procedures were perceived and followed as only an obligatory duty without voluntary aspects. However, SEA policy-making actors, trained in the pilot projects, felt able to define SEA as a decision-aiding process and a useful tool for sustainable development. It has been

observed that voluntary features appeared in making Turkish SEA policy, due to deeper knowledge and experience among some of the key actors.

Pilot project experiences also suggested that the decision-making process of sector ministries would be hardly influenced by the environmental components. Knowledge of SEA would not be sufficient alone to implement SEA in a way likely to promote decisions consistent with sustainable development. Although the MoE officials did not encounter resistance in practice, in future implementation they anticipated weak political will and resistance to SEA from sector ministries, due to economic considerations and the bureaucratic and time-consuming processes of preparing the documentation. The sustainable development concept has entered into national strategic development programmes in theory but there is a need to establish clear national sustainability targets for having satisfactory SEA applications by policy-makers in the sector ministries that would adapt sustainability criteria instead of resisting it.

The pilot projects assisted a better understanding of the needs and demands that had to be met to make SEA attractive to policy-makers. It reinforced the basic, rationalistic conception of SEA that environmental information and data are essential for effective decision-making. At a strategic level, lack of data causes uncertainty in decision-making, making it difficult for a policy-maker to assess the likely environmental effects of a plan or programme. Pilot project participants pointed to the lack of data and information available to meet the needs of environmental policy-making actors. Strategic analysis of carrying capacity and sustainability thresholds when assessing environmental effects requires analysts who have knowledge, capacity and skills. However, institutions with planning responsibilities do not have these analysts in their organisations. Environmental policy-makers are aware of the lack of experience in environmental assessment in other sector ministries and their search for a solution to capacity building has been part of the environmental policy cycle.

Capacity building for public participation is another consideration that has to be taken into account in shaping new policy by SEA team actors (Interview, MoE official, 2003). Public involvement in the SEA process is needed to achieve open discussion of alternative proposals. Environmental policy-makers in the MoEF are aware of the importance of public participation and the role of environmental NGOs in SEA implementation. During interviews with environmental policy-making actors, it was indicated that support for environmental NGOs and the provision of comprehensive and reliable information flow needed to be

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included in the environmental policy cycle to achieve more effective public participation. However, at this stage of the adoption process, there are no decisions that are given as to capacity building and no measures as yet taken to encourage democratic civil society activities.

### **7.3. Evaluation of Empirical Findings**

According to the empirical findings, differences between Turkish and EU political institutions and institutional culture have been key issues for policy-making actors, both in the SEA adoption project and the pilot SEA projects. The legislative and procedural aspects of SEA policy have been more easily adopted rather than its political aspects in Turkey. The new modes of governance, implied by the EU SEA Directive, such as transparent and democratic participation in decision-making are the main examples. The experiences gained from the pilot projects have revealed that deeper institutional transformations are needed for the adoption of political aspects of the Directive.

In the first pilot project, the MoE was the competent authority to prepare the plan, to integrate the environmental concerns into the decision-making process and to arrange public participation meetings. The public participation meetings have been successfully conducted by achieving a broad public hearing and taking into consideration what the public says about the land-use plan under revision. The participants have expressed their concerns and expectations about their environment and influenced the main decision-making actors towards preparing a more sustainable plan. On the other hand, despite the higher participation, public participation meetings have not been fruitful in terms of consulting the public and taking their views into consideration in the final decision-making stage.

The table below (Table 7.1) helps organise the factors influencing the adoption of new modes of governance in the two pilot projects. Clearly, political will plays a vital role in the effectiveness of democratic participation. One of the main reasons for the strong political will in the first project has been the same actors (the MoEF team for SEA adoption) being responsible both for policy and plan making, and equally committed to various virtues of the SEA process. Although the decision-making actors had limited SEA knowledge at the beginning of the learning process, they aimed to integrate environmental concerns into the decision-making process by informing and consulting the public.

In the case of the second pilot project, the actors involved in the project had deeper knowledge of SEA, as a result of learning from the foreign experts during training sessions. However, actors from the competent authority showed less political will to discuss their plan with wider groups, involving all relevant NGOs and the general public. Being from a sector Ministry, the actors from the competent authority were more interested in economic and social issues related to the plan rather than environmental factors and did not present alternative plans, as required by the Directive.

The empirical findings also revealed the role of actors' interests, learning and motivation in constructing powerful discourses to convince other actors to act in favour of SEA policy adoption. Indeed, during the empirical study, a direct connection has been observed between the success of discursive strategies and adoption progress. 'Europeanisation', 'modernisation' and 'sustainable development' discourses have been used to justify SEA policy by the politicians and policy-making actors (SEA team in the MoE). The most common and powerful discourse, 'Europeanisation,' was weakened by the appearance of conflicts in the negotiation process by the EU.

<b>Influencing Factors</b>	<b>Public Participation in The First Pilot Project</b>	<b>Public Participation in The Second Pilot Project</b>
Political will (for effective SEA)	strong	poor
Knowledge level of SEA	simple	deeper
Institutional culture	unchanged	unchanged
Institutional capacity for participation (NGOs)	unchanged	unchanged

**Table 7.1.** Factors influencing the effectiveness of democratic participation

Source: the author, 2005

The new elected government's 'Europeanisation' policy empowered policy-making actors in the MoEF to issue the National SEA Directive. The assigned officials decided on the method of SEA applications on their own, without the need for consensus, in contrast to political aspects of the Directive. According to the research findings, external pressures were not sufficient alone to cause high compliance levels in adopting the political aspects. The analysis has confirmed that institutional culture, especially informal institutions, were important underlying factors to explain the low level of compliance with the more political aspects of the Directive. The sense of obligation associated with EU membership was sufficient only to prompt a high degree of compliance with the legal and procedural aspects of the EU SEA Directive (Table 7.1). High level adaptation pressure - the differences in Turkey's and European settings - played a significant role in the resistance to changes for the compliance with political aspects which could not be achieved only by the main political actors. Some of the political aspects necessitated more discussion time and a wider process of political change, in which 'Europeanisation' acted as a significant driving motive.

The underlying factors behind low compliance coupled with another key element of SEA - the integration of environmental considerations into decision-making - have been the priorities of policy-making actors, as shown in the Table 7.2. As Andronova (2004) points out, the use of international institutions as a commitment mechanism facilitates some aspects of environmental reform but is insufficient to change the preferences or strategies of actors from sector ministries. Moreover, the analytical framework presents difficulties for explaining the practical findings at this point, since EU membership and the environment are priorities for the officials from the MoEF, not for the others from sector ministries. Therefore, an ongoing adoption process may not result in compliance if consensus is not reached on institutional transformations. Environmental objectives are overshadowed by economic reforms and it is widely argued that in the presence of limited economic progress, the task of accommodating Turkey, from the EU standpoint, is insurmountable (Onis, 2004).

'Europeanisation' has empowered environmental policy actors and led to more fundamental changes in those actors' interests by learning. Requirements for transparent decision-making have run up against informal institutional norms, which promote covertness rather than transparency in a strong-state tradition. Mediating agency factors, such as actors' empowerment and learning, have contributed to transforming existing decision-making styles through more transparent decision-making, just within parts of MoEF. However, the level of



<b>Institutions Affected by the EU Directive</b>	<b>Adaptational Levels of Domestic Ins.</b>	<b>Underlying Factors Influencing Adaptational Levels</b>	<b>Degree of Compliance</b>
Legal Settings (SEA legislation)	Change	EU Membership The MoEF is responsible	High
Procedural Settings (technical aspects-change methods)	Change	EU Membership The MoEF is responsible	High
Political Settings	Resistance/ slow change	All policy taking/making actors are responsible	Low
Integration of environmental considerations	Resistance/ slow change	Priorities of policy-makers (economic and social interests)	Low
Development of institutional capacity (environmental NGOs, public awareness)	Resistance/ slow change	Mediating agencies and institutional culture (lack of societal interests, lack of knowledge)	Low
Transparent decision-making	Resistance/ slow change	Mediating agencies and institutional culture (covertness based policy-making within a strong state tradition)	Low
Democratic participation	Resistance/ slow change	Mediating agencies and institutional culture (top-down policy-making approach)	Low
Cooperation and consensus building	Resistance/ slow change	Mediating agencies and institutional culture (prevalence of winning coalitions)	Low
Provision of information and data	Resistance/ slow change	Institutional culture (lack of discipline and organisation for data and information recording and compilation)	Low

**Table 7.2.** Evaluation of institutional adaptation

Source: The author

compliance with the EU Directive for transparent decision-making has not been satisfactory. Similarly, the adaptational process of 'democratic participation' has demonstrated low level compliance dependent on informal institutions. Again, the behavioural and cognitive policy learning processes of policy actors, defined by Knoepfel and Kissling-Naf (1998), have not been capable of driving radical changes.

Changes have been occurring incrementally but have not accumulated into radical changes through the replacement of the traditional paradigm for environmental policy. Hall (1993) argues that policy-makers are best equipped to overcome the various structural and institutional obstacles to change when armed with a coherent policy paradigm, e.g. sustainable development. Carter (2001) points out the need to overcome powerful structural and institutional obstacles makes the replacement of the traditional paradigm a difficult task and is probably dependent on the capacity for significant exogenous factors to disrupt the power of established interests.

Sabatier (1988) too asserts radical change requires the belief systems of policy elites to be shaken by exogenous non-cognitive factors. In the present case study domestic policy-making actors were not armed with a coherent policy paradigm and pressure for 'Europeanisation', as an exogenous factor, was not powerful enough to shake belief systems of policy elites to lead to radical changes.

One of the key challenges is that SEA policy has been deemed to fit better in a cooperative and consensus building based political environment than Turkey's existing state-centred top-down policy-making environment (Adaman and Arsel, 2005). Unless a radical change towards a society-centred democratic system is made in the existing policy system, a high level of compliance will be difficult to achieve, omitting certain elements of the Directive and falling well short of more idealised and ambitious models of SEA. Radical changes depend on both cognitive and exogenous factors. In identifying the importance of belief systems, both Sabatier (1988) and Hall (1993) show that radical change is also dependent on the social learning process of policy elites and the wider society. According to the empirical findings, it seems that radical changes in political aspects will take a long time as persuading policy-makers that their interests are compatible with a sustainable society and winning their hearts and minds towards the adoption of the sustainable development paradigm are not easy tasks in Turkey's economic and political environment.

Public participation is a relatively new process in Turkey and has been stimulated, to some extent, by 'Europeanisation'. To date, the freedom of association has been restricted and state institutions have the ability by law to control the activities of NGOs and funding from foreign sources is subject to authority approval (e.g. Ministry of the Interior). All these factors have led to a rather under-developed, non-governmental sector with a specific dynamic. Environmental NGOs are no exception. The regional distribution of NGOs is very uneven and many cities have no local environmental NGOs. Awareness and effective approaches to environmental concerns and knowledge of recent developments in the environmental sector are low, due to lack of trained and specialist staff. There is a need to establish networks between relevant NGOs to bring an integrated approach to the environmental questions on the agenda. The development of an effective civil society seems to take considerable time and effort. Such factors affect the context for SEA, but Turkey can scarcely be said to have been re-shaped by it so far.

The empirical findings have also demonstrated a low compliance level for the provision of environmental information and data, which is vital for effective environmental assessment and also for raising awareness. The problem for a new institution like SEA is that there has been no regular, comprehensive, nation-wide environmental information system or environmental monitoring in Turkey. An action plan is still under construction by the Turkish Government and this issue will also take time to improve. The underlying explanatory factor has been institutional culture rather than technical deficiencies.

The experiences of other states have shown that successful environmental protection and integration of environmental concerns into strategic proposals are more likely where there are advanced levels of economic development, effective social welfare and environmental awareness (Adaman and Arsel, 2005; Knoepfel and Kissling-Naf, 1998). The interviewed domestic policy-making actors concur with this position: MoEF officials were aware of the advantages and disadvantages of the state of development and the constraining role of traditional decision-making and institutional structures in the adoption process, but thought all such disadvantages or barriers could be surmounted if planning actors were committed to introducing policy changes to wholeheartedly adopt 'Europeanisation' strategies.

Directive's objectives	Reasons for Insufficient Adoption	Reasons for Successful Adoption
Integration of environmental concerns in strategic proposals	<p>Lack of advanced economic development</p> <p>Lack of ecological awareness, environmental consciousness</p>	<p>Discursive Strategies: Europeanisation &amp; Sustainable Development</p> <p>Desire for EU membership</p> <p>Increased environmental awareness</p>
Transparent decision making	<p>Traditional ways of decision making</p> <p>Resistance to transparency</p>	<p>Discursive Strategies: (Europeanisation &amp; Modernisation)</p> <p>Desire for EU membership</p> <p>Respondents' enthusiasm for change</p>
Democratic participation	Existing level of public rights and power, NGO development and power, and understanding of policy-making actors	<p>Discursive Strategies: (Europeanisation &amp; Modernisation)</p> <p>Desire for EU accession</p> <p>Increase in the number of NGOs</p> <p>Increase in learning the importance of participation</p>

**Table 7.3.** Reasons affecting adoption success from the actors' discourses

Source: The author

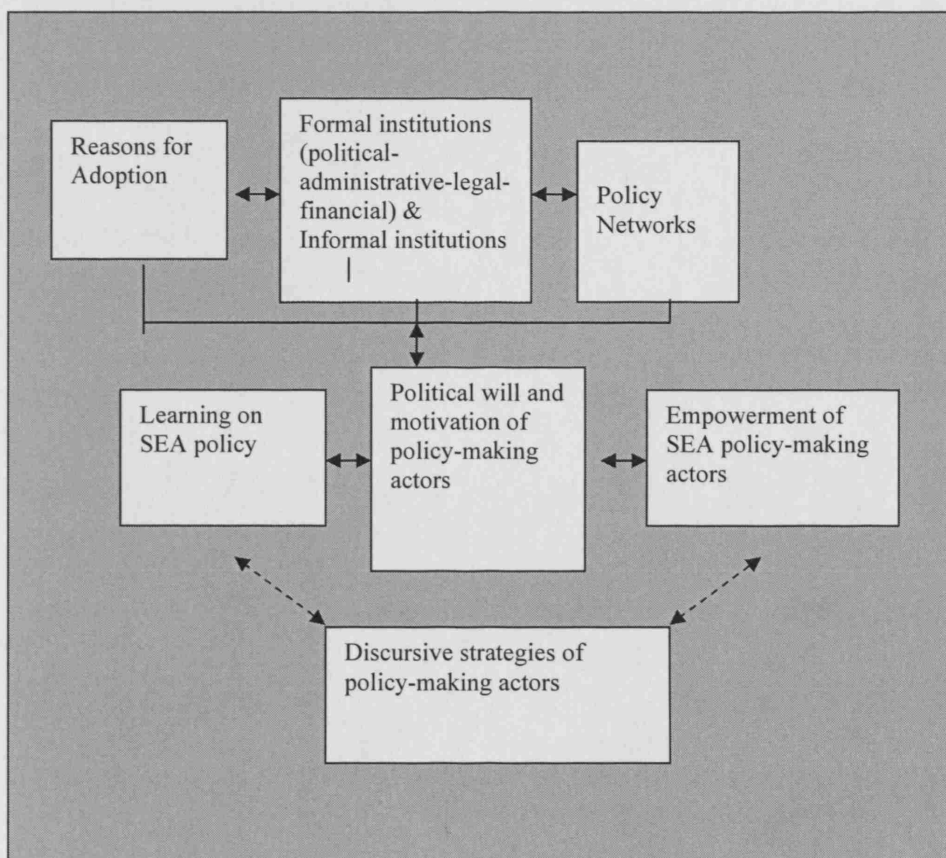
In the light of respondents' remarks, one might conclude that real improvement in transparent decision-making and democratic participation can only be possible by voluntary adoption or, in other words, rationality-based adoption, perhaps prompted by radical, exogenous changes in the policy environment. Otherwise both objectives, transparency and democratic participation, would only be complied with on the basis of obligatory adoption, which tends to be insufficient (Table 7.3). According to interviewees, successful adoption of the political objectives of the Directive is closely linked to full compliance with each objective. In their view, lack of transparency and openness in decision-making have led to failure in democratic participation and full integration of environmental considerations into strategic decisions cannot be achieved unless public participation is successfully achieved.

The analysis of interviewee discourses on what constitutes successful adoption has found that most actors identify it with full compliance with the Directive's objectives though some of them have only limited views of what 'full adoption' means. These discourses emphasise that adoption success mainly depends on discursive strategies, desire for EU membership and increased environmental awareness. 'Obligatory' adoption could stimulate the procedural requirements for adoption but alone has been insufficient to motivate actors to shift traditional ways of decision-making, to improve economic and social conditions or develop existing awareness and knowledge of the environment. Discursive strategies have played a very important role in stimulating relevant actors' motivations for learning and grasping the need to modify informal institutions. The dominant discursive rationality and discourse for adoption is 'Europeanisation' and through this discourse SEA Directive is asserted as 'obligatory' for the sector ministries and other planning authorities. However, the faltering power of Europeanisation discourses has also weakened the discursive strategies of these planning officials and caused a 'halt' in the adoption process.

#### **7.4. Conclusions**

In designing the empirical investigation of Turkey's SEA adoption, the 'obligation-based policy transfer' framework proposed a conceptualisation of the mechanisms of the SEA adoption process. The role of reasons for transfer, adaptational pressure, mediating institutions and agency factors in shaping the adoption outcomes have been examined. Actors' discourses and the researcher's observations revealed how the adoption process was shaped from its beginning in 2001 up to 2006. The empirical study commenced with the adoption decision for

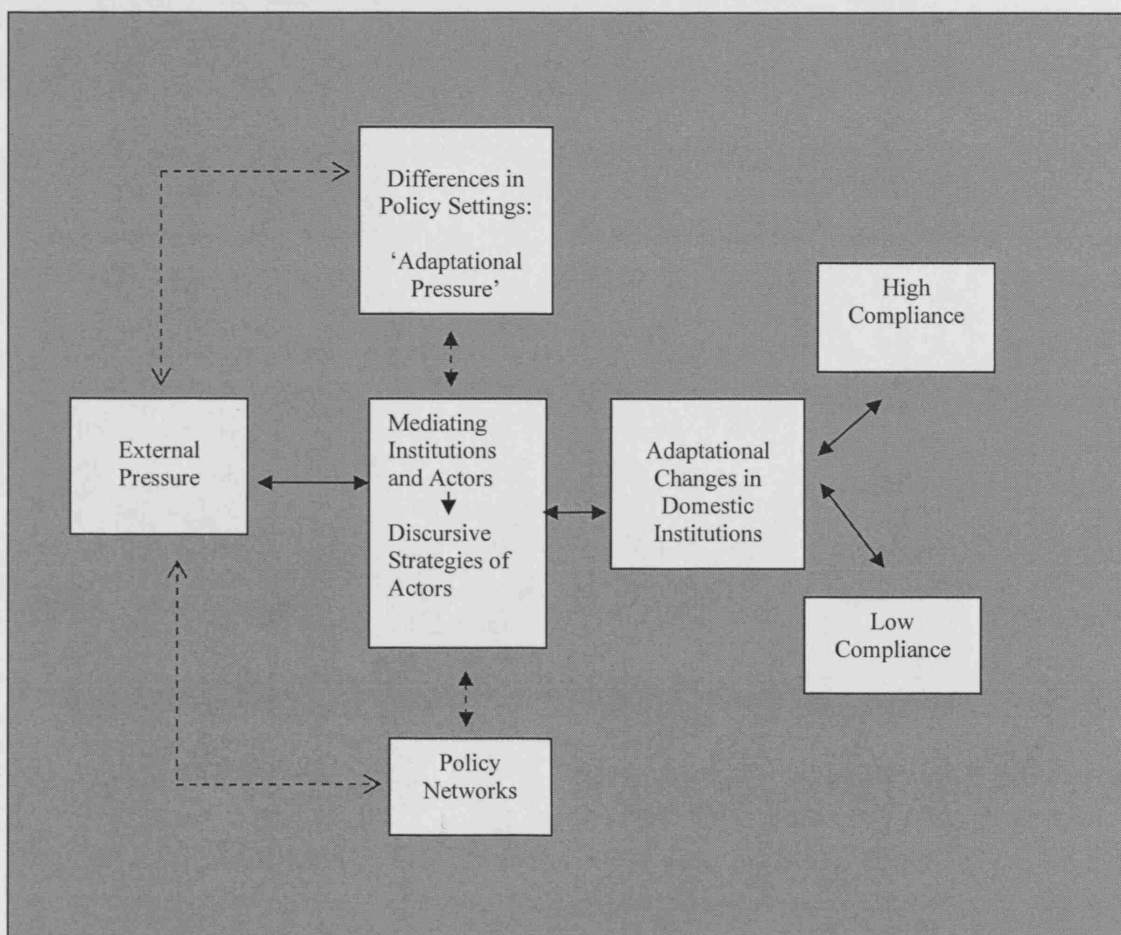
the EU SEA Directive as a part of the national policy to harmonise with the EU 'acquis'. Following the Turkish government's decision, a group of officials in the MoE were assigned the task of facilitating the adoption of SEA policy. Discourses of 'Europeanisation', 'modernisation' and 'sustainable development' motivated the MoE officials, as well as the sense of obligation attached to the adoption of the EU SEA Directive. The officials have engaged with European policy networks to learn about the SEA. Learning about SEA through networks and two pilot implementation projects have played an important role in the adoption process, especially for gaining experience on issues such as procedural aspects, democratic and transparent plan making and arranging public participation meetings before preparing the National SEA legislation. At the time of writing, draft SEA legislation has been prepared and opened to public discussion through the Internet before a final text is ratified (A chronology for the adoption process is provided in Appendix 1).



**Figure 7.1.** Relations between mediating institutions and agencies

Source: the author

As illustrated in Figure 7.1, the reason for adoption has affected the empowerment, learning, and motivation of the main policy-making actors - the SEA team officials in the MoEF. The reason for SEA adoption involved voluntary features as well as obligatory ones, according to the original SEA team, prior to it changing because of Turkey's politicised bureaucracy. The discourse analysis and observation results have shown that the level of political will and motivation for learning was higher among the actors of the first team who contacted with policy networks than the next group who perceived the adoption as more obligatory. The progress of the adoption process has obviously slowed after the first team actors were assigned to different duties. The analysis of practical findings has demonstrated that exogenous reasons and interactions between mediating institutions and actors affect actors' strategies and actions and, therefore, the outcomes of the adoption process (Figure 7.1).



**Figure 7.2.** Process dynamics in SEA adoption

Source: the author

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Formal institutional settings, especially political and administrative institutions and informal institutions or institutional culture (constraining or facilitating) and policy networks (facilitating) have played a significant role in the adoption process by affecting policy-making actors in developing the strategies they used to progress the adoption of SEA. Policy-making actors have learned about SEA and EU SEA Directive with the help of policy networks and sought to facilitate the adoption process by training other planning authorities and other sectors' ministries. The discursive strategies of the policy-making actors have aimed to persuade the relevant actors of the mutual benefits of the new policy in order to foster domestic consensus in transforming institutions. Effective discursive strategies have stimulated changes in domestic institutions and also in actors' behaviour and preferences. The empirical study has demonstrated that discursive strategies of policy-making actors were more effective during the first SEA team activities. The higher levels of political will and learning of these actors have resulted in effective strategy development to promote cooperation between relevant actors and to stimulate domestic institutional transformations, implied by the high 'adaptation pressure' surrounding this policy instrument.

Because four years after the adoption decision, the national legislation has not been issued and implemented, this analysis had to use the two pilot SEA implementation projects as a guide to predict likely outcomes of Turkey's SEA adoption. As it is an 'obligatory' policy transfer, the expected outcome has already been specified by the obligated objectives of the Directive. The policy-making actors have defined the likely outcome as low or high level compliance with the adopted SEA policy, depending on the character or degree of changes in domestic institutions. The changes resulting from low compliance - that is, merely adopting the formal procedures of SEA - may lead to high compliance in the longer term as long as interactions between institutions and actors continue to comply with the policy. The dynamics of Turkey's SEA adoption process can be framed, conceptually, in accordance with the analysis of empirical findings (see Figure 7.2).

The SEA policy-making actors expressed that they could surmount institutional constraints and stimulate domestic changes, to some extent, when 'Europeanisation' discourse reflected the political will of the government as a state policy. The impact of political will on these actors was strong enough to motivate them and drive the policy adoption. However, the problems between Turkey and EU in the process of harmonising with the EU 'acquis' have seriously affected the motivation and empowerment of the policy-making actors and therefore



the rate of the institutional transformation process and the degree of compliance, especially with regard to the more challenging political aspects of the Directive.

### 8.1. Introduction

To what extent can ‘policy transfer’ concepts be applied to the EU policy adoption process? This is one of the key questions addressed in this research project. A theoretical framework has been developed, utilising three distinct ‘policy transfer’ categories - ‘rationality-based’, ‘power-based’ and ‘obligation-based’ ‘policy transfers’ - and their relevance to environmental policy adoption in the EU context. The theoretical framework for ‘policy transfer’ adoption also identified the following main factors together shaping the adoption process: reasons for adoption; adaptational pressure (after Knill, 2001); policy learning, and mediating institutions and agencies. This framework has been designed with the assumption that all factors continually interacted within the adoption process to shape domestic institutional responses to EU policies. Insights from social constructivist approaches were used (Hajer 1995; Rydin 2003), especially to understand the ‘discursive strategies’ adopted by parties involved in the policy transfer process, and competing interpretations of what constitutes ‘successful adoption’ or ‘successful transfer’.

Then the study developed a research strategy for linking the theoretical and the practical problems of environmental policy adoption through empirical research data. To achieve this, qualitative data collection methods have been applied to a research case study investigating the adoption of the EU SEA Directive in Turkey; especially interviews with key actors in the policy process, and documentary analysis.

Following the methodological chapter, this thesis outlined the basis of SEA and the EU SEA Directive to clarify what it was that was to be adopted in Turkey. Chapter Five treated the SEA and the Directive as tools of policy adoption transfer and emphasised some of their challenging aspects, especially for Accession countries with institutional settings that demonstrate a high degree of ‘adaptational pressure’ (Knill, 2001) from the idealised requirements of SEA. New ‘governance’ modes, with levels of transparency, accountability and democratic decision-making implied by the Directive, have been included. Elements of

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uncertainty and vagueness, caused by the Directive's discretionary margins and openness to interpretation, have been taken into consideration in interpreting Turkey's adoption process.

Finally, in the previous chapter, this thesis analysed the adoption of the EU SEA Directive in Turkey to provide some answers to the research questions raised. The data has been analysed in relation to four stages of the adoption process. This suggested that the factors identified by the theoretical framework provided a clearer understanding of the process and that the theoretical approach behind the framework could suggest the possible links between the factors and outcomes in a real life context. Empirical findings that did not fit the theoretical approach have been acknowledged. After reviewing the findings in more detail, below, the adequacy of a theoretical approach for interpreting empirical findings and the policy implications for the research findings are discussed in the concluding sections of this chapter.

## **8.2. Empirical Study Findings**

In this section, the three substantive research questions of the thesis are addressed:

- What steps has Turkey taken to adopt the EU SEA Directive, and how has the Directive affected the domestic policy-making machinery?
- How have different actors mobilized and sought to shape Turkey's response to the SEA Directive?
- Could Turkey's overall response to the EU SEA Directive be better explained as knowledge-driven policy learning or as obligatory policy transfer?

In terms of the theoretical framework, the research has demonstrated that Turkey's political culture, political style and structures, and administrative arrangements have constrained the way in which core policy-making actors (SEA team in the MoEF) have been able to undertake domestic institutional changes implied by the Directive's objectives. Legal institutions have been less significant obstacles to changes. All these institutional factors - formal and informal - have been important in the adoption process, however, actor-related factors such as actors' learning, empowerment, political will, motivation, political rationalities have played the key role in shaping the process. In this respect, various policy networks proved crucial in transferring learning about SEA. The SEA team members learned about SEA and the SEA Directive from these networks at the beginning of adoption process and thus, the adoption process commenced as knowledge-driven policy learning. These policy-

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making actors were motivated by discourses that have been effective in rationalising progress with SEA and the EU Directive, as follows:

- 1- 'Europeanisation' (political discourse)
- 2- Improved environmental protection (environmental discourse)
- 3- Faster investment assessments (economic discourse)
- 4- Democratic participation in decision-making policies (political discourse)
- 5- Transparency/accountability/openness in decision-making (political discourse)

'Europeanisation' was the key discourse for the SEA team, both in empowering particular courses of action, and in motivating the key players. The SEA team members made particular use of 'Europeanisation' discourse as their discursive strategy to obtain support from their colleagues and to strengthen institutional capacities because EU membership of Turkey was a core policy of the government, for which promoting domestic changes at all levels was entailed. The SEA team members believed in the benefits of Europeanisation, SEA, transparent and democratic policy-making; however, after 'Europeanisation', the second most effective discourse had been 'improved environmental protection' - for the core policy-makers at least, as it reflected their departmental interests and benefits. 'Faster investment assessments' discourse was also attractive to the core policy makers, as they had questions about the efficiency of earlier EIA procedures, but this had a more minor role.

Further insights were obtained by tracking the implementation of the pilot projects. There was evidence that the SEA Directive's adoption in Turkey received a degree of support by NGO representatives and the public when they learned about likely political and administrative changes towards 'democratic participation in decision-making policies' and 'transparency in decision-making' that could result from the Directive. The pilot project interviews demonstrated the possibility of forging stronger links between central government and new governance modes implied by the Directive, given the high adaptational pressure between institutional settings of Turkey and the EU. At the end of the pilot projects, the NGO representatives found the existing changes insufficient and asserted that new 'governance' modes would only be successful in Turkey if policy-makers had a deeper understanding of environmental values and sustainable development. The foreign experts who provided SEA knowledge for the transfer process also connected the effective adoption of new 'governance'

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modes to the need for greater environmental awareness and pointed out that top-level bureaucrats and policy-makers should make the aforementioned links their priority.

The empirical research findings indicated the importance of administrative style and structures in the adoption process in framing the role of knowledge in policy transfer, and in affecting the capacity of actors to shape Turkey's response to the SEA Directive. The politicisation of Turkey's bureaucracy had particularly significant effects on the adoption process in these regards. The new government's personnel changes in the SEA department of the MoEF slowed the progress of the SEA Directive's adoption policies. This is unsurprising, given Jordan's (2002:3) observation that:

'departments are important in Europeanisation because they are the primary channels of communication between national and European political spheres. As the chief mediators of the reciprocally interlinked processes of EU integration at the European level and 'Europeanisation' at the domestic level, they are in an ideal position to shape (and be shaped by) both in pursuit of their departmental interests'.

Although the research identified some prior officer interest in SEA, through exposure to international debates about sustainable development, a key research finding is the extent to which the implementation of the SEA Directive in Turkey has been linked to Turkey's accession to the EU. This link was especially dominant for the new SEA team members. For this reason, since the end of 2006, there has been no progress in the SEA Directive's adoption process, no matter that some actors accept the environmental and administrative logic behind the concept. Progress has been further delayed as a result of suspended negotiations about EU membership and growing disputes between the EU and Turkey. This really lays bare the conclusion that, overall, the Turkish government's response to the EU Directive is best explained as 'obligatory' policy transfer, because policy-makers' motivations and actions weakened once these obligations to the EU came under question. By contrast, the former SEA team members explained that they would implement the National SEA Directive, just after completion of the pilot projects, without waiting for Turkey to be accepted by the European Union. In such circumstances, for this set of actors at least, the response to the Directive could have been explained by a shift away from an 'obligatory' policy transfer towards a more 'knowledge-driven' policy transfer process. Clearly, questions remain about how far

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knowledge-based rationalities alone would have enabled them to assert the merits of SEA over the preferences of sceptical colleagues in other departments.

In the light of experiences gained from the pilot projects and the adoption process in general, the best way of characterising the way in which the SEA Directive would have been implemented in Turkey would possibly be as an 'EIA-inspired' SEA (Sheate et al., 2001). There would be more emphasis on technical methodologies and a necessity to undergo a systematic assessment procedure, therefore it would only be an incremental development from EIA. Also, the SEA-related agenda would possibly be carried by experts rather than policy making actors and stakeholders. The ministerial officials would conduct SEAs as an obligatory procedure rather than useful tools for sustainable development. As no remarkable changes in political and administrative arrangements and changes of attitude and culture have been achieved, it would likely be a methodology more than a process.

The empirical research demonstrated close interactions between discourses and the other actor- related factors. For example, actors' motivation was an important factor that shaped the adoption process together with other factors and discourses - constituted within institutional contexts - were important because they motivated the actors. The social constructivist approaches provided powerful explanations for the role of discourse although they were limited to explain the other important factors interacting with discourses in the process. The empirical research also showed that the actors involved in the adoption process held different perceptions of the EU SEA Directive and what its adoption would entail. Significantly, even core policy-makers in the MoEF might not have a complete understanding of SEA, the implications of the SEA Directive and the likely outcomes of its adoption, although they believed in the benefits that SEA could bring to sustainable development in Turkey. Knowledge does not necessarily equate with enthusiasm, either. In contrast to the SEA team, other actors approached SEA and its benefits with suspicion even though they seemed to be trained on SEA. These different perspectives of the actors involved needed attention to understand the dynamics of adoption debates, and to position the role of learning in these processes.

In this respect, the inclusion of elements of social constructivist perspectives has provided a fruitful way for the researcher to interpret fragments of information and assemble an explanation. Hajer's (1995) argument-based approach to policy analysis has offered insights

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in terms of understanding the central role of discoursing subjects, constrained to some extent by social structures, in explaining the constitutive role of discourse in the adoption of EU SEA Directive. The empirical findings support Hajer's account that each social system had its own 'a priori' way of seeing and its own way of arguing things. The empirical findings also justify Hajer's interpretation of politics as a struggle for discursive hegemony, in which key actors try to secure support for their definition of 'reality', as to where things are said and how specific ways of seeing can be structured or embedded in society at the same time as they structure society. In this respect, the research has explained how 'Europeanisation' discourses opened ways to recreate Turkish society and environmental policy, how it constrained action and also how specific, solidified discursive commitments could be dissolved and social change could be brought about.

Following Rydin (2003), too, one can see how discourse supports policy practice, by providing actors with means of legitimating policy. Arguments and ideas raised by those involved in the training exercises, for example, also had the potential to facilitate action through the creation of new actor networks. Those policy-makers concerned with the SEA adoption process of Turkey used discourses as specific strategies for policy adoption, in ways which reflected the domestic institutional context. Policy-makers evidently considered the requirements of both their institution and those of other institutions in society, before deciding what discursive strategies to apply. Then, they developed discursive strategies to legitimate SEA, embedding their discourses in domestic structures. In this respect, the SEA team members have utilised Europeanisation discourse more than the other discourses as it reflected more general interests and benefits.

### **8.3. Policy Implications of the Research Findings**

This section presents the policy implications of the study, discussed below in two broad groups.

#### **1. Temporary and Manageable Problems**

The limited training opportunities provided for planning authorities is one of the problems that can be managed in the short term, if it is well organised and resourced by the MoEF. The quality of training programmes requires contributions from both trainers and planning

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authorities, as the likely ‘users’ of SEA skills. The institutional capacity to conduct efficient training programmes could also be improved, such as through the training of mentors or advisers and allocating budgets for training purposes.

In the environmental policy area, the weakness of institutional capacity to monitor and control activities in general is another factor that leads to complications in the SEA process. The reasons for the problem, such as lack of expertise and lack of financial resources, are similar to those for the training inefficiencies, and may be amenable to short-term solutions. The institutional capacity for monitoring and controlling can be enhanced by additional staff, training and budget allocations in the MoEF and relevant planning bodies.

In identifying these issues as ‘temporary and manageable’, however, one should acknowledge that monitoring is a poorly developed dimension of SEA systems in many countries (Sadler 1996), not just EU Accession countries. This connects the under-provision of monitoring and training to more structural issues surrounding the positioning of the environment as a governmental and political issue.

## **2. Long-term and Systemic Problems**

Democratic participation and transparent policy-making are constitutive of, and vital to, effective SEA. Weak institutional capacity for democratic participation and a propensity to towards administrative secrecy can lead to insufficient adoption and implementation of the EU SEA Directive, as would appear to be the risk in Turkey. Addressing these deficiencies may include symbolic, institutional measures, such as signing the Aarhus and Espoo Conventions, but also entails more fundamental changes to politics and civil society, such as strengthening NGOs and recognising the importance of public participation and openness in decision-making. These steps may take some time, as they require both formal and informal institutional changes and changing cultural institutions cannot be achieved easily. They also take action well beyond the formal institutions of SEA.

Strategic policy-makers’ lack of knowledge on environmental matters is a problem which may in part be solved by the adoption and implementation of SEA , in so far as this is allowed to generate the kind of knowledge that informs policy learning. Yet although policy-makers’ knowledge of SEA itself could be regarded as satisfactory (if they are involved in training and



implementing SEA), some do not seem to integrate environmental concerns into strategic social and economic decision-making concerns. It takes a long time to change existing decision-making systems, but if SEA success is desired - and defined in terms of promoting sustainable development rather than just bureaucratic ritual and compliance - these changes have to occur.

Connecting these weaknesses together is the lack of interest in alternative proposal preparations. In Turkey, the overt preparation of alternative proposals for plans, programmes or policies did not happen before SEA adoption and, again, it is an under-developed aspect of many countries' policy systems. For it to become a more significant feature of decision-making system depends on the extent to which policy-makers can integrate environmental concerns into practical proposals and allow public participation in these issues.

## **8.4. Conclusions**

### **8.4.1. Contributions to Existing Knowledge**

The main contributions of this study to the existing theoretical literature are summarised below.

- 1- First of all, this empirical research study has added a new dimension to 'Europeanisation' literature. It has applied 'policy transfer' concepts and elements of social constructivist approaches to explain the environmental policy adoption process and thus it has brought new perspectives to the analysis of environmental policy adoption in the EU context, and to Turkey in particular.
- 2- In the current 'policy transfer' literature, scholars such as Dolowitz, Marsh, Evans and Davies have sought to provide an improved conceptual framework to understand 'policy transfer' issues. However, they have also pointed out that the value of such a framework required testing through empirical research. This study is a response to such suggestions: it has applied empirical research to the 'policy transfer' literature.
- 3- The empirical research suggests that 'policy transfer' is substantially a form of 'knowledge transfer' and that 'discourse' is an important but under-considered factor

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shaping the transfer process. The case study analysis of Turkey's adoption of the SEA Directive has contributed to 'policy transfer' literature by demonstrating the role of 'discourse' in transferring knowledge, both within governmental organisations and between national administrations; and in representing the 'object' of transfer and the nature of any obligations for adopting particular policy forms.

- 4- This research has also contributed to EU 'policy transfer' literature by focusing on the outcomes of the policy transfer process as well as dynamics interacting in the process itself. To date, scholars of 'policy transfer' literature have treated 'policy transfer' concepts as a dependent or an independent variable to explain policy outcomes and have applied limited theoretical approaches. Their writings try to explain process features by using a 'policy transfer' framework and focusing on institutions as the core elements of the research or on the power of ideas (James and Lodge, 2003). In this research, the motives for transfer, the process dynamics and the likely outcomes - the degree of compliance with the EU SEA Directive - are treated as continuously interacting elements of the transfer process.

#### **8.4.2. Recommendations for Future Research**

The present research opens up several directions for future research, as discussed below.

1. Analysis of Turkey's SEA adoption process has presented up-to-date empirical evidence on potential legal and policy outputs from the Directive, but not the long-term impacts of utilising SEA. Further research on the adoption and the implementation of SEA is required, which goes beyond the time limits of the present study. Not only would this help to link analysis of process to environmental outcomes, the holy grail of appraisal research (Owens et al 2004), but also provide a deeper understanding of their process features and interactions.
2. In this study, SEA was chosen in part because it represents a particularly challenging 'object of transfer', with implications for democracy and environmental policy that extend way beyond narrow delivery and regulatory systems. There is thus a need to extend this study's theoretical approach to other EU policies, in areas such as economics, law and energy, but also to other tools, procedures and instruments.

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## Bibliography

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Adaman, F. and Arsel, M. (eds.) (2005) *Environmentalism in Turkey: Between Democracy and Development?* Hampshire: Ashgate Publishing.

Adler, E. and Haas, P. (1992) 'Conclusion: Epistemic Communities, World Order, and the Creation of a Reflective Research Program', *International Organisation* 46 (1), 367-390.

Aguilar Fernandez, S. (1994) 'Convergence in Environmental Policy?' *Journal of Public Policy* 14 (1), 39-56.

Agyris, C. and Schon, D. (1978) *Organisational Learning: A Theory of Action Perspective*, Reading, MA: Addison-Wesley.

Agyris, C. and Schon, D. (1996) *Organisational Learning: Theory, Methods and Practice*, Reading, MA: Addison-Wesley.

Akdeniz, Y. (2005) [An Advocacy Handbook for the Non Governmental Organisations, Cyber-Rights and Cyber-Liberties](http://www.cyber-rights.org/cybercrime/coe__handbook_crcl.pdf), at: <[www.cyber-rights.org/cybercrime/coe\\_\\_handbook\\_crcl.pdf](http://www.cyber-rights.org/cybercrime/coe__handbook_crcl.pdf)>

Andonova, L. (2004) *Transnational Politics of the Environment: The European Union and Environmental Policy in Central and Eastern Europe*, Massachusetts: The MIT Press.

Andre, P., Delisle, C.E. and J.P. Revéret (eds) (2004) *Environmental Assessment for Sustainable Development: Processes, Actors and Practice*, Montreal: Presses Internationales Polytechnique.

Archer, M., Bhaskar, R., Collier, A., Lawson, T. and A. Norrie (eds) (1998) *Critical Realism: Essential Readings*. London and New York: Routledge.

Aspinwall, M and Schneider, G. (eds) (2001) *The Rules of Integration: Institutional Approaches to the Study of Europe*, Manchester: Manchester University Press.

Aydin, S. and Keyman, E.F. (2004) 'European Integration and the Transformation of Turkish Democracy', CEPS EU-Turkey Working Papers, no.2.

Badie, B. and Birnbaum, P. (1983) *The Sociology of the State*, Chicago: Chicago University Press.

Baker, C.D. (1982) 'Adolescent-adult Talk as a Practical Interpretive Problem'. In G.Payne and E. Cuff (eds), *Doing Teaching: The Practical Management of Classrooms*, London:Batsford, 104-25.

Baker, S., Kousis, M., Richardson, D. and S. Young (eds) (1997) *The Politics of Sustainable Development: Theory, Practice within the European Union*, London: Routledge.

Baker, S. and Jehlicka, P. (1998) 'Dilemmas of Transition', *Environmental Politics*, 7: 1, 1998, 1-26.

Barnett, C. (2001) 'Culture Geography and the Arts of Government', *Environment and Planning, D: Society and Space* 19, 2-74.

Barley, S. and Tolbert, P. (1997) 'Institutionalisation and Structuration: Studying Links Between Action and Institution', *Organisation Studies*, 18 (1), 93-117.

Bennett, C. (1988) 'Regulating the Computer: Comparing Policy Instruments in Europe and the US', *European Journal of Political Science*, 16, 437-466.

Bennett, C. (1991) 'How States Utilise Foreign Evidence', *Journal of Public Policy* 11, 31-54.

Bennett, C. and Howlett, M. (1992) 'The Lessons of Learning: Reconciling Theories of Policy Learning and Policy Change', *Policy Sciences* 25, 275-294.

Berry, F.S. and Berry, W. (1999) 'Innovation and Diffusion Models in Policy Research' In P.A. Sabatier (ed.), *Theories of the Policy Process*, Boulder, CO: Westview Press.

Bomberg, E. and Peterson, J. (2000) 'Policy Transfer and Europeanisation: Passing the Heineken Test?': Queen's On-line Papers on Europeanisation, No.2, at <[www.qub.ac.uk/ies/onlinepapers/poe2.html](http://www.qub.ac.uk/ies/onlinepapers/poe2.html)>

Borzel, T. (1999) 'Towards Convergence in Europe? Institutional Adaptation to Europeanisation in Germany and Spain', *Journal of Common Market Studies* 39(4), 573-96.

Borzel, T. (2001) 'Europeanisation and Territorial Institutional Change: Toward Cooperative Regionalism' in M.G.Cowles, J. Caporaso and T. Risse (eds) *Transforming Europe: Europeanisation and Domestic Change*, 2001, Ithaca: Cornell University Press, 137-158.

Borzel, T. (2002) *States and Regions in the European Union: Institutional Adaptation in Germany and Spain*, Cambridge: Cambridge University Press.

Borzel, T. (2003) 'Guarding the Treaty: The Compliance Strategies of the European Commission'. In T. Borzel and R.A. Cichowski, *The State of the European Union: Law, Politics and Society*, Oxford: Oxford University Press, 197-220.

Borzel, T. and Risse, T. (2000) 'When Europe Hits Home: Europeanisation and Domestic Change', *European Integration On-line Papers*, 4, (15).

Budak, S. (2000) *Avrupa Birliği ve Türk Çevre Politikası : European Union and Environmental Policy of Turkey*, Istanbul: Buke Yayinlari.

Buller, J. and Gamble, A (2002) 'Conceptualising Europeanisation', *Public Policy and Administration* 17/2, 4-24.

Bulmer, S.J. (1994) 'Institutions and Policy Change in the European Communities: The Case of Merger Control', *Public Administration*, 72, 423-44.

Bulmer, S.J. and Burch, M. (2001) The Europeanization of Central Government: the UK and Germany in Historical Institutional Perspective. In G. Schneider and M. Aspinwall *The Rules of Integration: Institutional Approaches to the Study of Europe*, 73-98.

Bulmer, S.J. and Radaelli, C.M. (2004) 'The Europeanisation of National Policy', *Queen's Paper on Europeanisation*, 1/2004.

Caddy, J. (1997) 'The Future Member States of Central Europe: Policy Innovation at the Risk of Hollow Harmonisation', in *Proceedings of the Summer Symposium on the Innovation of Environmental Policy at the University of Bologna, Italy, July 21-25*.

Canadian Environmental Assessment Agency (2001) *Environmental Assessment: A Critical Tool for Sustainable Development*, at [http://www.ceaa-acee.gc.ca/017/0004/development2001\\_e.htm](http://www.ceaa-acee.gc.ca/017/0004/development2001_e.htm)

Carius, A., Homeyer, I. and S. Bär (2000) 'The Eastern Enlargement of the European Union and Environmental Policy: Challenges, Expectations, Multiple Speeds and Flexibility'. In K. Holzinger and P. Knoepfel (eds) *Environmental Policy in a European of Variable Geometry? The Challenge of the Next Enlargement*, Basel: Helbing and Lichtenhahn, 141-180.

Carter, N. (2001) *The Politics of the Environment: Ideas, Activism, Policy*, Cambridge: Cambridge University Press.

CEC (Commission of the European Communities) (1987) *The Reform of the Structural Funds*, COM (87) 376 final of 24 August.

CEC (Commission of the European Communities) (1992) *Fifth Action Programme on the Environment*, COM (92) 23, vol. 1-3, Commission of the European Communities: Brussels.

CEC (Commission of the European Communities) (1993) *Report from the Commission of the Implementation of Directive 85/337/EEC on the Assessment of the Effects of Certain Public and Private Projects on the Environment*. Brussels: Commission of the European Communities.

CEC (Commission of the European Communities) (1996) *Green Paper on the Review of the Merger Regulation*, COM (96) 19 of 31 January.

CEC (Commission of the European Communities) (1997) 'Enlarging the Environment', Newsletter on Environmental Approximation, issue 3 (May).

CEC (Commission of the European Communities) (1999) Regular Report 1999, from the Commission on Turkey's Progress towards Accession, Brussels: Commission of the European Community.

CEC (Commission of the European Communities) Directive 2001/42/EC of the European Parliament and of the Council on the Assessment of the Effects of Certain Plans and Programmes on the Environment (Brussels: EC).

Checkel, J. (2001) 'The Europeanisation of Citizenship?' In: James A. Caporaso, Maria Gren Cowles and Thomas Risse (eds.), *Transforming Europe: Europeanisation and Domestic Change*. Ithaca, NY: Cornell University Press.

Christiansen A.C. and Tangen, K. (2002) 'The Shadow of the Past: Environmental Issues and Institutional Learning in EU Enlargement Processes', *Journal of Environmental Policy & Planning*, 4: (2002) 67-86.

Cohen, M., March, J. G., and J.P. Olsen (1972) 'A Garbage Can Model of Organisational Choice', *Administrative Science Quarterly* 17: 1-25.

Commission of the European Union Directorate General for the Environment, Nuclear Safety and Civil Protection (DGXI) (1994) Strategic Environmental Assessment, Existing Strategic Environmental Assessment Methodology, Brussels.

Commission of the European Union Directorate General for the Environment (DGENV), Environmental Policy in the Applicant Countries and Their Preparations for Accession, Service Contract B7-8110/2000.

COM (2004), 656 Final, Commission of European Communities Regular Report on Turkey's Progress Towards Accession, Brussels, 6 October 2004.

Cosio, G. (1998) 'Social Constructivism and Capacity Building For Environmental Governance', *International Planning Studies*, 3 (3) 367 – 389.

Cowell, R.J. and Murdoch, J. (1999) 'Landuse and the Limits to (Regional) Governance: Some Lessons from Planning for Housing and Minerals in England', *International Journal of Urban and Regional Research*, 23 (4), 654-669.

Cowles, M.G., Caporaso, J. and T. Risse (eds) (2001) *Transforming Europe: Europeanisation and Domestic Change*, Ithaca, NY: Cornell University Press.

Dalal-Clayton, B. and Sadler, B. (2005) *Strategic Environmental Assessment*, London: Earthscan.

Dalkmann, H. Caratti, P. and R. Jiberto (eds) (2004) *Analysing Strategic Environmental Assessment: Towards Better Decision-Making*, FEEM, Cheltenham: Edward Elgar.

De Bruijn, T. (2000), 'European Integration and the Diffusion of Environmental Policy Arrangements: Convergence and National Distinctiveness', International Workshop on Diffusion of Environmental Policy Innovations, 8-9 Dec. 2000, Berlin.

De Bruijn, T. (2001) 'Europeanisation and Environment Policy Arrangements of the Member States: The Concepts of Goodness of Fit' presented at Europeanisation of Environmental Policy Workshop, Cambridge, June-July 2001.

Department of Environment, Transport and Regions (DETR) (1998) *Policy Appraisal and the Environment: Policy Guidance*, London: The Stationery Office.

Department of Environment (DoE) (1991) *Integrated Pollution Control: A Practical Guide*, London: HMSO.

Department of Foreign Affairs and International Trade, The Report on Plans and Priorities, March 2001 at <[www.tbs-sct.gc.ca/rma/dpr/dpre.asp](http://www.tbs-sct.gc.ca/rma/dpr/dpre.asp)>

Dervis, K., Gros, D., Emerson, M. and S.Ulgen (2004) *Cagdas Turkiye 'nin Avrupa Donusumu (The European Transformation of Modern Turkey)*, Ekonomi ve Dis Politika Forumu, Toplumsal Katilim ve Degisim Vakfi, İstanbul:Dogan Yayincilik.

Dipper, B., Jones C. and C. Wood (1998) 'Monitoring and Post-Auditing in Environmental Impact Assessment: A Review' *Journal of Environmental Planning and Management* 41 (6), 731-747.

Dolowitz, D. and Marsh, D. (2000) 'Learning From Abroad: The Role of Policy Transfer in Contemporary Policy-Making', *Governance: An International Journal of Policy and Administration*, 13 (1), 5-24.

Dolowitz, D., Hulme, R., Nellis, M. and F. O'Neill (2000) *Policy Transfer and British Social Policy*, Buckingham: Open University Press.

DPT (State Planning Organisation) (1999) National Environmental Plan of Turkey, Ankara at <[www.unescap.org/stat/envstat/neap-turkey.pdf](http://www.unescap.org/stat/envstat/neap-turkey.pdf)> 2/13/2004

DPT (State Planning Organisation) (2003) The Eighth Five-Year National Development Plan of Turkey, Ankara at <<http://ekutup.dpt.gov.tr/program/2003.pdf>>

Drever, E. (1995) *Using Semi-Structured Interviews in Small Scale Research: A Teaching Guide*, Scottish Council for Research in Education, Glasgow.

Dryzek, J.S. (1997) *The Politics of the Earth: Environmental Discourses*, Oxford University Press.

Dyson, K. (1980) *The State Tradition in Western Europe*, Oxford: Robertson.

ECE/CEP/56 Fourth Ministerial Conference, Environment for Europe, Aarhus, Denmark, 23-25 May 1998.

Eckstein, H. (1975) *Patterns of Authority: A Structural Basis For Political Inquiry*, New York, London: Wiley-Interscience.

Eckstein, H. (2000) 'Case Study and Theory in Political Science'. In R. Gomm, M. Hammersley and P. Foster (eds) *Case Study Method: Key Issues, Key Texts*, London: Sage Publications.

Ekmeztoglou, T., Baladimos, A. ve S. Budak (2001) *Towards Turkey's Accession: EU Environmental Policy and Turkey's Alignment*, Book 5, H. Cansevdi (ed.), Istanbul:IKV.

English Nature (1992) *Strategic Planning and Sustainable Development*, English Nature, Peterborough.

English Nature (1996) *SEA and Nature Conservation*, English Nature, Peterborough.

Evans, M. and Davies, J. (1999) 'Understanding Policy Transfer: A Multi-Level, Multi-Disciplinary Perspective', *Public Administration* 77 (2), 361-85.

European Commission (1998) *Partnership for Integration: A Strategy for Integrating Environment in EU Policies*, COM (98) 0333 Final, Brussels.

European Commission (EC) (1999) Manual on SEA of Transport Infrastructure Plans, Directorate General for Transport (DG VII) Brussels.

European Commission (EC) Presidency Conclusions, 24-25 October 2002.

Fairclough, N. (1997) 'Critical Discourse Analysis'. In Teun A. Van Dijk (ed) *Discourse as Social Interaction*, pp.258-284.

Farkas, A. (1998) *State Learning and International Change*, Ann Arbor: University of Michigan Press.

Featherstone and Kazamias, (2001) *Europeanisation and the Southern Periphery*, London: Frank Cass.

Fischer, T.B. (2002) *Strategic Environmental Assessment in Transport and Land Use Planning*, London: Earthscan.

Foucault, M. (1991) 'Politics and the Study of Discourse'. In G. Burchell, C. Gordon & P. Miller (eds), *The Foucault Effect, Studies in Governmentality*, London:Harvester, 53-72.

Freeman, R. (1999) 'Policy Transfer in the Health Sector', European Forum Conference Paper WS/35, Florence: Robert Schuman Centre for Advanced Studies, European University Institute.

Freeman, R. and Tester, S. (1996) 'Social Policy Diffusion' paper presented to the Conference on Policy Transfer, University of Birmingham, October.

Freestone, D.A.C. and Davidson, J.S. (1988) *The Institutional Framework of the European Communities*, London: Croom Helm.



- Gardner, J.E. (1989) 'Decision-Making for Sustainable Development', *Environmental Impact Assessment Review* 9, 337-66.
- George, S. (2001) The Europeanisation of UK Politics and Policy-Making: The Effects of European Integration on the UK. UACES/ESRC Workshop Sheffield University November.
- Georgieva, K. (1993) 'Environmental Policy in a Transition Economy: The Bulgarian Example' In A. Vari and P.Tamas (eds) *Environment and Democratic Transition*, Kluwer.
- Giddens, A. (1976) *New Rules of Sociological Method*, Basic Books, New York: Hutchinson
- Giddens, A. (1979) *Central Problem in Social Theory: Action, Structure and Contradiction in Social Analysis*, London: Macmillan.
- Giddens, A. (1984) *The Constitution of Society: Outline of the Theory of Structuration*, Cambridge: Polity.
- Glassner, B. and Miller, W.L. (1997) 'The Inside and The Outside Finding Realities in Interviews' In D. Silverman (ed) *Qualitative Research: Theory, Method and Practice*, London: Sage.
- Glasson, J., Therivel R. and A. Chadwick (1994, 1999) *Introduction to Environmental Impact Assessment*, London: UCL Press.
- Glasson, J., Therivel, R., Weston, J., Wilson, E. and R. Frost (1995) Changes in the Quality of Environmental Statements for Planning Projects, Final Report, Oxford Brookes University.
- Glasson, J., Therivel R. and A. Chadwick (2001) *Introduction to EIA*, (2<sup>nd</sup> ed.), London: Spon Press.
- Gluckman, M. (1961) 'Ethnographic Data in British Social Anthropology', *Sociological Review*, 9, 5-17.
- Goetz, K.H. (2000) 'European Integration and National Executives: A Cause in Search of an Effect?' *West European Politics* 23, 211-231.
- Gole, N. (1994) 'Toward an Autonomisation of Politics and Civil Society in Turkey'. In M.Heper and A.Evin (eds) *Politics in the Third Turkish Republic*, Boulder, Westview, 113-26.
- Golub, J. (ed) (1998) *Global Competition and EU Environmental Policy*, London: Routledge.

- Goodland, R. and Tillman G. (1995) *Strategic Environmental Assessment: Strengthening the Environmental Assessment Process*, Discussion Draft, World Bank, Washington.
- Grabbe, H. (2003) 'Europeanisation Goes East: Power and Uncertainty in the EU Accession Process'. In K. Featherstone and C.M. Radaelli (eds) *The Politics of Europeanisation*, Oxford University Press, Oxford, 303-27.
- Grabbe, H. (2004) 'When Negotiations Begin: The Next Phase in EU-Turkey Relations' at <[www.cer.org.uk/pdf/essay\\_turkey\\_hg\\_nov04.pdf](http://www.cer.org.uk/pdf/essay_turkey_hg_nov04.pdf)>
- Grant, W., Matthews, D. and P. Newell (2000) *The Effectiveness of European Union Environmental Policy*, London: MacMillan Press.
- Gregson, N. (1987) 'Structuration Theory: Some Thoughts on the Possibilities for Empirical Research', *Environment and Planning D: Society and Space* 5 (1), 73-91.
- Haas, E. (1990) *When Knowledge is Power: Three Models of Change in International Organisation*, Berkeley: University of California Press.
- Haigh, N. (1990) *EEC Environmental Policy and Britain*, Harlow: Longman.
- Hajer, M. (1995) *The Politics of Environmental Discourse: Ecological Modernisation and the Policy Process*, Oxford: Oxford University Press.
- Hakim, C. (1987) *Research Design: Strategies and Choices in the Design of Social Research*, London: Allen and Unwin.
- Hall, P. (1986) *Governing the Economy: The Politics of State Intervention in Britain and France*, Oxford University Press.
- Hall, P. (1993) 'Policy Paradigms, Social Learning and the State: The Case of Economic Policy Making in Britain', *Comparative Politics*, 25, 275-97.
- Hall, P. and Taylor, R. (1996) *Political Science and Three New Institutionalisms. Political Studies*, XLIV, 936-957.
- Ham, C. and Hill, M. (1993) *The Policy Process in the Modern Capitalist State* (2ed), London: Harvester Wheatsheaf.
- Hammersley, M. and Atkinson, P. (1983) *Ethnography: Principles in Practice*, London: Routledge.
- Hanf, K. and Soetendorp, B. (1998) 'Small States and the Europeanisation of Public Policy'. In K. Hanf and B. Soetendorp (eds) *Adapting to European Integration*, London: Longman, 1-13.
- Hanley, N. (1989) 'Britain and European Policy Process', In P. Lowe and S. Ward (eds) *British Environmental Policy and Europe*, London: Routledge.

- Harcourt, A.J. (2000) 'European Institutions and The Media Industry: European Regulatory Politics Between Pressure and Pluralism', Ph.D. Dissertation, Department of Government, University of Manchester.
- Harmsen, R. (1999) The Europeanisation of National Administrations, *Governance*, 12 (1), 81-113.
- Hattam, V.C. (1993) *Labor Visions and State Power: the Origin of Business Unionism in the United States*, Princeton, NJ: Princeton University Press.
- Haverland, M. (2000) 'National Adaptation to European Integration: The Importance of Institutional Veto Points', *Journal of Public Policy* 20 (1): 83-103.
- Hayes-Renshaw, F. and Wallace, H. (1997) *The Council of Ministers*, Basingstoke: Macmillan.
- Hempel C.G. (1965) 'Aspects of Scientific Explanation'. In *Aspects of Bcientific Explanation and Other Essays in the Philosophy of Science*, New York: Free Press, 331-496.
- Heritage, J. (1984) *Garfinkel and Ethnomethodology*, Cambridge: Polity.
- Heritier, A., Knill, C. and S. Mingers (1996) *Ringing the Changes in Europe: Regulatory Competition and the Transformation of the State-Britain, France, Germany*, New York: Walter de Gruyter.
- Heritier, A., Kerwer, D., Knill, C., Lehmkuhl, D. and M. Teutschet (2001) *Differential Europe: New Opportunities and Restrictions for Memberstate Policies*, Lanham, MD: Rowman and Littlefield.
- Heritier, A. and Knill, C. (2001) 'Differential Responses to European Policies: A Comparison', In A. Heritier et al. *Differential Europe: New Opportunities and Restrictions for Memberstate Policie*,. Lanham, Rowman and Littlefield, 257-294.
- Hines, F. (2000) 'Co-operation and Shared Responsibility: New Challenges for Environmental Policy in Eastern Europe'. In K. Holzinger and P. Knoepfel (eds) *Environmental Policy in a European of Variable Geometry? The Challenge of the Next Enlargement*, Basel: Helbing and Lichtenhahn, 287-316.
- Hix, S. and Goetz, K.H. (2000) 'Europeanised Politics? : European Integration and National Political Systems', *West European Politics*, 23 (4), 1-26.
- Holzinger, K. and Knoepfel, P. (2000) (eds) *Environmental Policy in a European Union of Variable Geometry: The Challenge of Next Enlargement*, Basel: Helbing and Lichtenhahn.
- Howell, K. (2002) Uploading, Downloading and European Integration: Assessing the Europeanisation of UK Financial Services Regulation, Queen's Papers on Europeanisation, 11/2002.

Igor, S. and Lorena, S. (2006) 'Transition Process in South East Europe Compared to the Central European Transition Countries: 45<sup>th</sup> Congress of the European Regional Science Association', Volos, Greece, August 30<sup>th</sup>-Sept. 3<sup>rd</sup>, 2006.

Ikenberry, G.J. (1990) 'The International Spread of Privatisation Policies: Inducements, Learning and Policy Band-Wagoning', In E. Suleiman and J. Waterbury (eds) *Political Economy of Public Sector Reform and Privatisation*, Boulder, CO: Westview Press.

Immergut, E.M. (1997) 'The Normative Roots of the New Institutionalism: Historical Institutionalism and Corporative Policy Studies' In B. Arthur and S. Wolfgang (eds) *Theorieentwicklung in der Politikwissenschaft– eine Zwischenbilanz*, Baden-Baden, 327-340.

Izci, R. (2005) 'The Impact of the European Union on Environmental Policy', In F. Adaman and M. Arsel (eds) *Environmentalism in Turkey: Between Democracy and Development?* Hampshire: Ashgate Publishing, 87-101.

Jackson, T. and Illsley, B. (2006) 'Strategic Environmental as a Tool of Environmental Governance: Scotland's Extension of the European Union SEA Directive', *Journal of Environmental Planning and Management* 49 (3), 361-383.

Jacobs, M. (1991) *The Green Economy*, London: Pluto Press.

James, O. and Lodge, M. (2003) 'The Limitations of Policy Transfer and Lesson Drawing for Public Policy', *Political Studies Review*, (1) 179-193.

Jenkins-Smith, H. and Sabatier, P. (eds) (1993) *Policy Change and Learning: An Advocacy Coalition Approach*, Oxford: Westview Press.

John, P. (2002) *Analysing Public Policy*, 3<sup>rd</sup> ed., London: Continuum.

Jordan, A. (1996) *The Implementation Deficit or Policy-Making? How Do We Theorise the Implementation of EC Environmental Policy?* WP GEC 95-18, Centre for Social and Economic Research on the Global Environment, University of East Anglia, Norwich.

Jordan, A., Wurzel, R. and A. Zito (2000) *Innovating with New Environmental Policy Instruments: Convergence or Divergence in the Europe Union*, Paper Presented Annual Meeting of the American Political Science Association, August 31- Sept.3, 2000.

Jordan, A. (2001) 'The European Union: An Evolving System of Multi-level Governance or Government?' *Policy and Politics* 29 (2), 193-208.

Jordan, A. (2002) *The Europeanisation of British Environmental Policy*, Palgrave Macmillan.

Jordan, A., Wurzel, R. and A. Zito (2003) *New Instruments of Environmental Governance?: National Experiences and Prospects*, London: Frank Cass Publications.

- Jordan, A. (ed.) (2005) *Environmental Policy in the European Union: Actors, Institutions and Processes* (2<sup>nd</sup> edition), London and Sterling, Earthscan.
- Kadirbeyoglu, Z. (2005) 'Assessing the Efficacy of Transnational Advocacy Networks'. In F. Adaman and M. Arsel (eds.) *Environmentalism in Turkey: Between Democracy and Development?* Hampshire: Ashgate Publishing, 101-116.
- Kalaycioglu, E. (2002) 'State and Civil Society in Turkey: Democracy, Development and Protest'. In A.B. Sajoo (ed), *Civil Society in the Muslim World*, I.B. Tauris Publishers, London, 247-73.
- Kassim, H. (1994) Policy Networks, Networks and European Union Policy Making: A Special View, *Western European Politics*, 17, 15-27.
- Katzenstein, P.J. (1984) *Corporatism and Change: Austria, Switzerland, and the Politics of Industry*, Ithaca: Cornell University Press.
- Katzenstein, P.J., Keohane, R. O. and S.D. Krasner (1998) 'International Organisation and the Study of World Politics', *International Organisation*, 52, 645-85.
- Keohane, R.D. (1984) *After Hegemony*, Princeton: Princeton University Press.
- Keohane, R.O. (1986) *Neorealism and Its Critics*, New York: Columbia University Press.
- Keohane, R.O., Revez, R. and R. Stavins (1998) 'The Choice of Regulatory Instruments in Environmental Policy', *Harvard Environmental Law Review*, 22 (2), 317-367.
- Keyman, E.F. (2001) *Turkey and Radical Democracy*, Alfa, İstanbul.
- Keyman, E.F. and Icduygu, A. (2003) 'Globalisation, Civil Society and Citizenship in Turkey: Actors, Boundaries and Discourses', *Citizenship Studies*, 7 (2), 219-34.
- Keyman, E.F. (2005) 'Modernity, Democracy and Civil Society'. In F. Adaman and M. Arsel (eds.) *Environmentalism in Turkey: Between Democracy and Development?* Hampshire: Ashgate Publishing, 35-52.
- Kingdon, J. (1984) *Agendas, Alternatives and Public Policies*, Boston: Little Brown.
- Kirkpatrick, C. and Lee, N. (1999) 'Integrated Appraisal and Decision Making', *Environmental Impact Assessment Review*, Special Issue, 19 (3), 227-233.
- Kitschelt, H. (1986) 'Political Opportunity Structures and Political Protest: Anti-Nuclear Movements in Four Democracies' *British Journal of Political Science* 16, 57-85.
- Kitschelt, H. (1991) 'Industrial Governance Structure, Innovation Strategies and the Case of Japan: Sectoral or Cross-national Comparative Analysis?' *International Organisation* 45 (4), 453-493.

Knill, C. (1997) 'The Europeanisation of Domestic Policies: The Development of EC Environmental Policy', *Environmental Policy and Law* 27 (1), 48-56.

Knill, C. (1998) 'European Politics: The Impact of National Administration Traditions', *Journal of Public Policy* 18 (1), 1-28.

Knill, C. (2001) *The Europeanisation of National Administrations*, Cambridge: Cambridge University Press.

Knill, C. and Lehmkuhl, D. (2002) 'Private Actors and the State Internationalisation and Changing Patterns', *Governance: An International Journal of Policy, Administration and Institutions*, 15 (1), 41-63.

Knill, C. and Lenchow, A. (1998) 'Coping with Europe: The Impact of British and German Administrations on the Implementation of EU Environmental Policy', *Journal of European Public Policy*, 5, 595-615.

Knill, C. and Lenchow, A. (2000) *Implementing EU Environmental Policy: New Directions and Old Problems*, Manchester University Press.

Knill, C. and Lenchow, A. (2001) 'Adjusting to EU Environmental Policy: Change and Persistence of Domestic Administrations'. In M. Cowles, J. Caporaso and T. Risse (eds) *Transforming Europe: Europeanisation and Domestic Change*, Ithaca, NY: Cornell University Press, 116-36.

Knoepfel, P. & Kissling-Naf, I. (1998) 'Social Learning in Policy Networks', *Policy and Politics*, 26 (3), 343-367.

Kocasoğlu, G. (1994) *Environmental Impact Assessment*, İstanbul: Bogazici University Press.

Kohler-Koch, B. and Eising, R. (eds) (1999) *The Transformation of Governance in the European Union*, London: Routledge.

Kornov, L. and Thissen, W.A.H. (2000) 'Rationality in Decision and Policy-Making: Implications for Strategic Environmental Assessment', *Impact Assessment and Project Appraisal*, 18 (3), 191-200.

La Spina and Sciortino, G. (1993) 'Common Agenda, Southern Rules: European Integration and Environmental Change in the Mediterranean States'. In J.D. Liefferink, P.D. Lowe and A.P.J. Moll (eds.) *European Integration and Environmental Policy*, London: Belhaven Press, 216-234.

Lavenex, S. (1999) *Safe Third Countries: Extending the EU Asylum and Immigration Policies to Central and Eastern Europe*, Budapest, Central European University Press.

Ladrech, R. (1994) 'Europeanisation of Domestic Politics and Institutions: The Case of France', *Journal of Common Market Studies*, 32/1, 69-87.

Lee, N. (2000) 'Environmental Assessment in Developing and Transnational Countries', In N. Lee and C. George (eds) *Principles, Methods and Practice*, Chichester: Wiley.

Lee, N. and Brown, D. (1992) 'Quality Control in Environmental Assessment', *Project Appraisal* 7 (1), 41-5.

Lee, N. and Hughes J. (1995), *Strategic Environmental Assessment Legislation and Procedures in the Community EC (DGXI)*, Brussels (2 vols).

Lee, N. and Walsh, F. (1992) *Strategic Environmental Assessment: An Overview*. *Project Appraisal* 7, 126-136.

Lehmkuhl, D. (1999) *The Importance of Small Differences: The Impact of European Integration on Road Haulage Associations in Germany and the Netherlands*, the Hague: Thela Thesis.

Lenchow, A. (1997) 'Variation in EC Environmental Policy Integration: Agency Push Within Complex Institutional Structures', *Journal of European Public Policy*, 4 (1), 109-27.

Lenchow, A. (2002) *Environmental Policy Integration: Greening Sectoral Policies in Europe*, London: Earthscan.

Lerman, P (1995) 'Environmental Assessment within the European Union - Environmental Assessment in Sweden', *EIA Newsletter* 10 (1995). EIA Centre, Department of Planning and Landscape, University of Manchester, Manchester, UK.

Liefferink, D. and Jordan A. (2002) 'An Ever Closer Union' of National Policy?' *The Convergence of National Environmental Policy in the European Union*, Queens Papers on Europeanisation, No.10/2002.

Lincoln, Y.S. and Guba, E.G. (1985) *Naturalistic Inquiry*, Beverly Hills, California: Sage.

Lindberg, L. and Campbell, J. (1991) 'The State and the Organisation of Economic Activity'. In J. Campbell et al. (eds) *Governance of the American Economy*, Cambridge: Cambridge University Press.

Litfin, K. (1994) *Ozone discourses*. In *Science and Politics in Global Environmental Cooperation*, New York: Colombia University Press.

Majone, G. (1996) *Regulating Europe*, London: Routledge.

Manis, J.G. and Meltzer, B.N. (1967) *Symbolic Interaction: A Reader in Social Psychology*, Boston: Allyn and Bacon.

March, J. and Olsen, J. (1984) 'The Institutionalism: Organisational Factors in Political Life', *American Political Science Review*, 78, 734-49.

- March, J. and Olsen, J. (1989) *Rediscovering Institutions: The Organisational Basis of Politics*, New York: The Free Press.
- March, J. and Olsen, J. (1998) 'The Institutional Dynamics of International Political Orders', *International Organisation*, 52 (4), 943-69.
- Markandaya, A. (2003) 'Turkey: Towards the EU Accession and the Environmental Acquis', Paper Presented at the Conference Turkey: Towards EU Accession, 10-11, May, Ankara.
- Marks, G. (1996) 'An Actor-Centred Approach to Multi-Level Governance' in C. Jeffery (ed.) *The Regional Dimension of the EU*, London: Frank Cass.
- Marr, K. (1997) *Reviewing the Environmental Appraisal of Development Plans: A Critical Assessment of Progress and Best Practice with a Focus Upon the North and West Region of England*, MSc Dissertation, University of Liverpool.
- Marsh, D. Richards, D. and M.J. Smith (2000) *The Changing Role of Central Government*, Basingstoke: Macmillan.
- Marsh, D. and Rhodes, R.A.W. (1992) 'New Directions in the study of Policy Networks', *European Journal of Political Research* 21, 181-205.
- Marsh, D. and Smith, M. (2000) 'Understanding Policy Networks: Towards a Dialectical Approach', *Political Studies* 48 (1), 4-21.
- Marshall, H. (1994) 'Discourse Analysis in an Occupational Context'. In C. Cassell and G. Symon (eds), *Qualitative Methods in Organisational Research*, London: Sage.
- Mason, S. (1996) *Qualitative Researching*, London: Sage.
- May, P. (1992) 'Policy Learning and Failure', *Journal of Public Policy*, 12 (4), 331-54.
- Mayntz, R. and Scharpf, F.W. (1995) *Policy Making in the German Federal Bureaucracy*, Amsterdam: Elsevier
- McMormick, J. (2001) *Environmental Policy in the European Union*, New York: Palgrave
- Mengi, A. ve Algan, N. (2003) *Küreselleşme ve Yerelleşme Çağında Bölgesel Sürdürülebilir Gelişme*, Ankara: Siyasal Kitabevi.
- Metcalf, L. (1996) *The European Commission as a Network Organisation*, Maastricht: European Institute of Public Administration.
- Miles, M.B. and Huberman, A.M. (1994) *Qualitative Data Analysis: An Expanded Sourcebook*, 2nd ed., Thousand Oaks, CA: Sage.



Milner, H. (1997) 'Democratic Politics and International Trade Negotiations', *Journal of Conflict Resolution* 41, 117-46.

Ministry of Housing, Spatial Planning and the Environment of the Netherlands (1996) SEA Status, Challenges and Future Directions.

Mitchell, J.C. (1983) 'Case and Situation Analysis', *The Social Review*, May 1983, 187-212.

Mitchell, J.C. (2000) 'Case and Situation Analysis', In R.Gomm, M. Hammersley and P. Foster (eds) *Case Study Method: Key Issues, Key Texts*, London, New Delhi, Thousand Oak: Sage.

Mossberger K. and Wolman, H. (2001) 'Policy Transfer as a Form of Prospective Policy Evaluation', ESRC Future Governance Paper 2, November 2001.

Murdoch, J. (2004) 'Putting Discourse in its Place: Planning, Sustainability, and the Urban Capacity Study', *Area*, 36, 50-58.

Nilsson, M. and Persson, A. (2003) 'Framework for Analysing Environmental Policy Integration', *Journal of Environmental Policy and Planning*, 5 (4), 333-360.

Norgaard, A. (1996) 'Rediscovering Reasonable Rationality in Institutional Analysis', *European Journal of Political Research* 29 (1), 31-57.

North, D. (1990) *Institutions, Institutional Change and Economic Performance*, Cambridge: Cambridge University Press.

Ockwell, D. and Rydin, Y. (2005) 'Conflicting Discourses of Knowledge', at:  
<[www.york.ac.uk/res/celp/webpages/projects/fire/pdf/OckwellandRydin2005-Final.pdf](http://www.york.ac.uk/res/celp/webpages/projects/fire/pdf/OckwellandRydin2005-Final.pdf)>

OECD (2000) Environmental Performance Reviews, First Cycle Conclusions and Recommendations (32 Countries 1993 - 2000), OECD, Geneva.

OECD (2005) Assessment Report on Public Administration, at:  
<[www.oecd.org/dataoecd/2/21/35848369.pdf](http://www.oecd.org/dataoecd/2/21/35848369.pdf)>

Official Journal of Turkey March 2001: New National Programme.

Official Paper: Completion of the Customs Union and the Accession of Turkey to the EU, March 6, 1995.

Okumus, K. (2002) (ed) 'Turkey's Environment: A Review and Evaluation of Turkey's Environment and its Stakeholders', REC Report 2002 at  
<[www.rec.org/REC/Programs/ExtensiontoTurkey/Turkey'sEnvironment.pdf](http://www.rec.org/REC/Programs/ExtensiontoTurkey/Turkey'sEnvironment.pdf)>

Olsen, J.P. (1995) Europeanisation and Nation State Dynamics, Working Paper, 9/95, Oslo: Arena.

- Olsen, J.P. (2002) *The Many Faces of Europeanisation: Arena Working Papers*, 01/02.
- Onis, Z. (2004) 'Diverse but Converging Paths to European Union Membership: Poland and Turkey in Comparative Perspective' *East European Politics and Societies* 18 (3).
- Owens, S. Rayner, T. and O. Bina (2004) 'New Agendas For Appraisal: Reflections on Theory, Practice and Research', *Environment and Planning A*, (36), 1943-1959.
- Ozbudun, E. (2000) *Contemporary Turkish Politics: Challenges to Democratic Consolidation*, Lynne Rienner, London.
- Ozbudun, E. And Keyman, E.F. (2002) 'Cultural Globalisation in Turkey'. In P.L. Berger and S.P. Huntington (eds), *Many Globalisations*, Oxford University Press Oxford, 296-319.
- Padgett, S. (2001) *Market Effects and Institutions in Transnational Governance Formation: European Regulatory Regimes in Telecommunications and Electricity*: Paper presented at the joint sessions, ECPR, Grenoble, France.
- Partidario, M.R. (1994) 'EA at Policy and Planning Levels', in 15th International Seminar on Environmental Assessment and Management, CEMP, Aberdeen.
- Partidario, M.R. (1996) 'Strategic Environmental Assessment: Key Issues Emerging From Recent Practice', *Environmental Impact Assessment Review*, 16, 31-55.
- Peters, B.G. (1997) 'Policy Transfers Between Governments: The Case of Administrative Reforms', *West European Politics*, 20 (4), 71-88.
- Pierson, P. (1996) 'The Path to European Integration: A Historical Institutional Approach', *Comparative Political Studies*, 29 (2).
- Pischke, F. And Cashmore, M. (2006) 'Decision-oriented Environmental Assessment: An Empirical Study of Its Theory and Method', *Environmental Impact Assessment Review*, 26, 643-662.
- Potter, J. And Wetherel M. (1987) *Discourse and Social Psychology: Beyond Attitudes and Behaviour*, Newbury Park, Calif.: Sage.
- Potter, J. (1997) 'Discourse Analysis As A Way of Analysing Naturally-occurring Talk'. In D. Silverman (ed.), *Qualitative Research: Theory, Method and Practice*, London: Sage, 144-60.
- Radaelli, C.M. (2000) 'Policy Transfer in the European Union: Institutional Isomorphism as a Source of Legitimacy', *Governance: An International Journal of Policy and Administration*, 13 (1), 25-43.
- Rhodes, R.A. and Marsh, D. (eds) (1992) 'Policy Networks in British Politics: A Critique of Existing Approaches', *Policy Networks in British Government*, 1-26.

- Richardson, T. (2001) 'The Pendulum Swings Again: In Search of New Transport Rationalities', *Town Planning Review*, 72, 299-319.
- Risse, T. Herrman, R. and M. Brewer (2003) *Identities in Europe and Institutions of the European Union*, Lanham MD: Rowman and Littlefield.
- Robertson, D. (1991) 'Political Conflict and Lesson Drawing', *Journal of Public Policy*, 11 (1), 62-75.
- Robson, C. (2002) *The World Research: A Resource for Social Scientists and Practitioner-Researchers*, 2nd ed., Oxford and Massachusetts: Blackwell.
- Rogers, M.F. (1974) 'Instrumental and Infra Resources: The Basis of Power', *American Journal of Sociology* 79 (6), 1418-1433.
- Rose, J. (1998) *Evaluating the Contribution of Structuration Theory to the Information Systems Discipline*, Manchester Metropolitan University.
- Rose, N. and Miller, P. (1992) 'Political Power Beyond the State: Problematics of Government', *British Journal of Sociology*, 43 (2), 173-205.
- Rose, R. (1991) 'What is lesson drawing', *Journal of Public Policy*, 11(1), 3-30.
- Rose, R. (1993) *Lesson Drawing in Public Policy*, New York: Hatham House.
- Rose, R. (2001) 'Ten Steps in Learning Lessons From Abroad', ESRC Future Governance Paper, October 2001.
- Rosenau, J.N. (1969) *Linkage Politics: Essays on the Convergence of National and International Systems*, New York: The Free Press and London: Collier-Macmillan.
- Rydin, Y. (2003) *Conflict, Consensus and Rationality in Environmental Planning: An Institutional Discourse Approach*, Oxford: Oxford University Press.
- Sabatier, P. (1987) 'Knowledge, Policy-oriented Learning and Policy Change', *Knowledge*, June, 649-92
- Sabatier, P. (1988) 'An Advocacy Coalition Framework of Policy Change and the Role of Policy-orientated Learning Therein', *Policy Sciences*, 21, 129-68.
- Sabatier, Paul A., (1998) The Advocacy Coalition Framework: Revisions and Relevance for Europe', *Journal of European Public Policy*, 5, 98-130.
- Sabatier, Paul A., (1999) 'The Need for Better Theories'. In Sabatier, Paul A. (Hrsg.): *Theories of the Policy Process*, Boulder: Westview Press, 3-17.
- Sadler, B. (1994) 'Environmental Assessment and Development Policy-Making' In Goodland R. and Edmundson V. (eds) *Environmental Assessment and Development*, The World Bank, Washington DC, 3-19.

- Sadler, B. (1996) *Environmental Assessment in a Changing World: Evaluating Practice to Improve Performance*, International Study of the Effectiveness of Environmental Assessment, Ottawa.
- Sadler, B. and Verheem, R. (1996) *Strategic Environmental Assessment: Status, Challenges and Future Dimensions*, Ministry of Housing, Spatial Planning and the Environment, Zoetermeer, the Netherlands.
- Sarangi, S. and Slembrouck, S. (1996) *Language, Bureaucracy and Social Control*, London: Longman.
- Sayer, A. (1992) *Method in Social Science* (2<sup>nd</sup> ed.) London: Routledge.
- Sbragia, A. (1996), 'Environmental Policy-Making' in H. Wallace and W. Wallace (eds) *Policy Making in the European Union*, Oxford: Oxford University Press, 235-255.
- Scharpf, F.W. (1997) *Games Real Actors Play: Actor-Centred Institutionalism in Policy Research*, Boulder, CO: Westview Press.
- Schmidt, V. (2000) 'The Role of Values and Discourse in Welfare State Reform: The Politics of Successful Adjustment', In F.W. Scharpf et al. (eds), *Welfare and Work in the Open Economy: From Vulnerability to Competitiveness?* (1), Oxford: Oxford University Press.
- Schmitter, P.C. (1970) 'A Revised Theory of Regional Integration', *International Organisation* 24, 836-68.
- Schneider, V. (2001) 'Institutional Reform in Telecommunications: The European Union in Transnational Policy Diffusion', In J. Caporaso, M. Cowles and T. Risse (eds) *Transforming Europe: Europeanisation and Domestic Change*, Ithaca, NY: Cornell University Press, 60-78.
- Scott, P., Wood, C., Jones, C. and L. Billing (2001) *Environmental Appraisal of Development Plans: Training Guide*, Occasional Paper 59, University of Manchester.
- SEA Directive (2001) Directive 2001/42/EC of the European Parliament and of 27 June 2001 on the Assessment of the Effects of Certain Plans and Programmes on the Environment. Official Journal of the European Communities L 197/30.
- Sheate, W.R. (1992) Strategic Environmental Assessment in the Transport Sector, *Project Appraisal* 7(3), 170-174.
- Sheate, W.R. (1994) *Making an Impact: A Guide to EIA Law and Policy*, London: Cameron May.
- Sheate, W.R. (1995) 'Transport Policy: A Critical Role for SEA', *World Transport Policy and Practice* 1(4): 17-24
- Sheate, W.R. (1996) *Environmental Impact Assessment: Law and Policy, Making an Impact*, 2nd edition, London: Cameron May.

Sheate, W.R. (2003) 'The EC Directive on Strategic Environmental Assessment: A Much Needed Boost for Environmental Integration', *European Environmental Law Review* 12 (12), 331-347.

Sheate, W.R., Richardson, J., Aschemann, R., Palerm, J. and U. Steen (2001) 'SEA and Integration of the Environment into Decision-Making', European Commission Contract No.B4-3040/99/136634/MAR/B4, Vol.1, May 2001.

Sheate, W.R., Byron, H.J. and S.P. Smith (2004) Implementing the SEA Directive: Sectoral Challenges and Opportunities for the UK and EU, *European Environment*, 14 (2), 73-93.

Shepsle, K.A. (1989) 'Studying Institutions: Some Lessons From the Rational Choice Approach', *Journal of Theoretical Politics*, 1 (2), 131-147.

Shepsle, K.A. and Weingast, B. (1987) 'The Institutional Foundations of Committee Power', *American Political Science Review*, 81 (1), 85-104.

Siegel, R.L. and Weinberg, L. (1977) *Comparing Public Policies: Unites States, Soviet Union and Europe*, Homewood, III Dorsey Press.

Sigal, L. and Webb, J.W. (1989) 'The Programmatic Environmental Impact Statement: Its purpose and Use Environmental Professional', 11, 14-24.

Silverman, D. (2001) *Interpreting Qualitative Data: Methods for Analysing Talk, Text and Interaction*, 2nd ed., London: Sage Publications.

Skjaereth, J.B. and Wettestad, J. (2002) 'Understanding Effectiveness of EU Environmental Policy: How Can Regime Theory Contribute?' *Environmental Politics* 11 (3), 99-120.

Somsen, H. (1996), 'The European Union and the OECD' in J. Werksman, (ed.), *Greening International Institutions* London: Earthscan Publications.

Soveroski, M. (2000) 'European Community Enlargement and Environmental Policy: The Impact of Growing Diversity' In K. Holzinger and P. Knoepfel (eds), *Environmental Policy in a European of Variable Geometry? The Challenge of the Next Enlargement*, Basel: Helbing and Lichtenhahn, pp.111-140.

Soysal, Y. (1993) 'Immigration and Emerging European Policy'. In S.Andersen and K.Eliassen (eds) *Making Policy in Europe: The Europeification of National Policy-Making*, London: Sage Publications, 171-86.

Stoeglehner, G. (2004) 'Integrating Strategic Environmental Assessment Into Community Development Plans: A Case Study From Austria', *European Environment*, 14, 58-72.

Stokovic, I. and Skuflic, L. (2006) 'Transition Process in South East Europe Compared To The Central European Transition Countries'. Paper prepared for the 45<sup>th</sup>

Congress of the European Regional Science Association, Volos, Greece, August 30<sup>th</sup> – September 3<sup>rd</sup>, 2006.

Stone, D. (1999) 'Learning Lessons and Transferring Policy across Time, Space and Disciplines', *Politics*, 19 (1), 51-59.

Stone, D. (2000) 'Non-Governmental Policy Transfer: The Strategies of Independent Policy Institutes', *Governance: An International Journal of Policy and Administration*, 13(1), 45-69.

Thelen, K. and Steinmo, S. (1992) 'Historical Institutionism in Comparative Politics', in S. Steinmo et al. (eds) *Structuring Politics: Historical Institutionalism in Comparative Analysis*, Cambridge: Cambridge University Press.

Therivel, R., Thompson, S., Wilson, E., Heaney, D. and D. Pritchard (1992) *Strategic Environmental Assessment*, London: Earthscan Publications, 1992.

Therivel, R. and Partidario M. (1996) *The Practice of Strategic Environmental Assessment*, London: Earthscan.

Therivel, R. and Walsh, F. (2006) 'The Strategic Environmental Assessment Directory in the UK: 1 Year Onwards', *Environmental Impact Assessment Review*, 26, 663-675.

Tsebelis, G. (1995) 'Decision-Making in Political Systems: Veto Players in Presidentialism, Parliamentarism, Multicameralism and Multipartyism', *British Journal of Political Science* 25, 289-325.

Turgut, N. (2001) *Cevre Hukuku (Environmental Law)*, (2nd ed.), Ankara, Turkey: Baran Ofset.

Turkiye Tarih Vakfi Yayinlari (Turkish Economic and Social History Foundation Publication) (2000) *EU, the State and NGOs*, İstanbul.

Turkiye Tarih Vakfi Yayinlari (Turkish Economic and Social History Foundation Publication) (2003) *EU Integration and NGOs*, İstanbul.

Verheem, R. (1999) Dutch SEA Practice and the Proposed EU SEA Directive. In Bouchardean H. et al. (eds) *Evaluation Environnementale des Plans et Programmes. Amenagement et Nature* 1999, 184-95.

Verheem, R. and Tonk, J. (2000) 'Strategic Environmental Assessment: One Concept, Multiple Forms', *Impact Assessment and Project Appraisal*, 18(3), 177-182.

Waarden, F. (1995) 'Persistence of National Policy Styles: A study of their Institutional Foundations' in B. Ungerer and F. van Waarden (eds), *Convergence or Diversity: Internationalisation and Economic Policy Response*, 333-372.

Walker, J. (1969) 'The Diffusion of Innovation among the American States' *American Political Science Review*, 63 (3), 880-99.

Wallace, W. (2000) 'Collective Governance: The EU Political Process' In H. Wallace and W. Wallace (eds) *Policy-making in the European Union*, 4th ed., Oxford, NY: Oxford University Press.

Waltman, J. (1987) The Strength of Policy Inheritance. In J. Waltman and D. Studlar (eds.) *Political Economy*, Alabama: University of Mississippi.

Weale, A. (1991) 'Ecological Modernisation and the Integration of European Environmental Policy', Paper Presented at the Conference on European Integration and Environmental Policy at Woudschoten, The Netherlands, November.

Weale, A. (1996) 'Environmental Rules and Rule-making in the European Union', *Journal of European Public Policy*, (3), 594-611.

Weale, A. (2002) 'European Environmental Policy by Stealth: The Dysfunctionality of Functionalism?' in A. Jordan, *Environmental Policy in the European Union: Actors, Institutions and Processes*, London: Earthscan Publications.

Weaver, O. and Buzan B. (1993) *Identity, Migration and the New Security Agenda in Europe*, London: Pinter.

Wendt, A. (1987) 'The Agency-Structure Problem in International Relations', *International Organisation* 41, 335-70.

Wolman, H. (1992) 'Understanding Cross-national Policy Transfers: The Case of Britain and the United States', *Governance* 5, 27-45.

Wolman, H. and Page, E. (2002) Policy Transfer Among Local Governments: An Information Theory Approach, *Governance: An International Journal of Policy, Administration and Institutions*, 15 (4), 477-501.

Wood, C. (1995) *Environmental Impact Assessment: A Comparative Review*, Harlow: Longman Scientific and Technical.

World Bank (1993) 'Sectoral Environmental Assessment', *Environmental Assessment Sourcebook Update 4*, Washington, DC.

World Commission on Environment and Development (WCED) (1987) *Our Common Future*, Oxford: Oxford University Press.

Yerasimos, S., Seufert, G. and K. Vorhoff (2000) *Civil Society in the Grip of Nationalism: Studies on Political Culture in Contemporary Turkey*, Wurzburg: Ergon Verlag.

Yin, R.K. (1989) *Case Study Research: Design and Methods*, Newbury Park, CA: Sage Publications.

## **Appendix 1**

### **Case Study Material:**

**Chronology of the EU SEA Directive's Adoption in Turkey**



### **Chronology of the SEA Adoption Process in Turkey**

- 2000 The MoE of Turkey participated in the UN amendment meetings of Espoo and Aarhus Conventions
- Feb. 2001 Draft SEA protocol opened to discussion during the UN meeting in Sofia. (The discussions would continue until the Kiev Meeting in 2003)
- Mar. 2001 Turkey's National Program to harmonise with the EU acquis prepared by the Prime Ministry, Secretariat General for EU Affairs and the decision taken to implement it. Its aims are stated in Article 22 are to increase the efficiency of the EIA process, harmonise with the EU acquis, and to develop the necessary infrastructure
- June 2001 EU SEA Directive announced before the UN SEA Protocol
- 2001 The Prime Ministry, Secretariat General for EU Affairs, called for projects to be financed by MATRA Programme
- 2001 MoE submitted a project proposal entitled 'Adoption and Implementation of the SEA Directive in Turkey' to the MATRA Program
- 2002 One of the pilot projects in the proposal entitled 'Canakkale SEA Project' was approved both by the Secretariat General for EU Affairs and MATRA Program

- 2002 The EU SEA Directive was translated in Turkish. Knowledge providers from Holland and Czech Republic trained the Ministry personnel on how to conduct SEA
- Jan 2002- Canakkale Project implemented; meetings with the stakeholders arranged;  
Dec 2002 data collected and analyzed; the targeted plan revision of Canakkale Project was accomplished; evaluation reports of the implementation were prepared
- Dec 2002 The Second pilot project entitled ‘Antalya Manavgat SEA Project ‘ was approved to be implemented in 2003
- 2003- 2004 Draft SEA Directive was completed and the opinions of the relevant Ministries would be taken
- 2004-2005 The Second Pilot Project was completed
- 2006-2007 Turkish SEA Directive will be declared and SEA will be placed into the Environmental Law

## **Appendix 2**

Case Study Material:

Interview Schedules

**Date of Interviewing:** 15 April 2002

**Interviewee** : The Head of the SEA team in the General Directorate of EIA and Planning, Ministry of the Environment

**Core Topic of the Interview:** To introduce my study and gather general information about Turkey's SEA adoption

**Dates of Interviewing:** 18-19 July 2002, 24-25 December 2002

**Interviewees** : The SEA team in the General Directorate of EIA and Planning, Ministry of the Environment (5 people)

**Core Topics of the Interviews:** To understand the evolution of Turkey's SEA adoption, actors involved in the transfer process, and activities planned to adopt the EU SEA Directive

**Questions :**

- 1- What is your role in Turkey's transfer of SEA?
- 2- What are the main motives for implementing SEA in Turkey?
  - What is the role of EU accession?
  - To what extent are the intrinsic benefits of SEA important motives for decision-making?
- 4- How was the SEA policy formed?
- 5- What are the links to find actors and organisations to transfer SEA?
  - Have new networks been established to deal with negotiations with the EU, relevant departments, and case studies, or have existing networks been used?
  - How might these networks be changed in the future?
- 6- What was your knowledge of SEA before transfer was considered?
  - Do you think SEA will be helpful for Turkey?
  - In what ways?
  - What was the role of knowledge providers in your decisions?
- 7- Did you have problems transferring SEA?
  - To what extent did these problems arise from the following: the EU's interpretation of SEA / Turkey's existing policy framework? / political

priorities and concerns of government / democratisation aspects (e.g. public participation)?

- 8- Has SEA transfer brought about changes to national administrative system?
- What types of changes did you think might happen (before SEA)?
  - What has happened (after SEA)?
  - How were decisions made to implement the pilot projects? Who decided and what were the criteria in choosing pilot projects?
  - What are your expectations of pilot project implementations?
  - Why did you select the ones that you did? What makes them good case studies for SEA?
  - What is the current status of the first pilot project?
  - How are the outcomes of these cases evaluated? Who will evaluate the projects overall?
- 9- What do you think might happen in the future?
- What about the challenges or opportunities you might face in SEA implementation?
  - To what extent do you think SEA transfer will meet the goals of the EU SEA Directive?

**Dates for Interviewing :** December 2002-February 2003

**Interviewees:** Trainers / experts involved in Turkey's SEA adoption: DHV and Ameco Environmental Consultancy Co.

**Core topic of the interviews :** To understand the role of epistemic communities in SEA transfer

**Questions :**

- 1- How far do you train people to implement SEA? (on the ideal model of SEA? or only on the EU SEA Directive)?
- 2- To what extent do you adapt your talk according to the political and institutional setting (e.g. for a Turkish audience)?
- 3- How far are your training programmes defined by the EU?
- 4- Do you know what impacts your training has had on practical policy development?

- Do you think SEA will be successfully adopted in accordance with the EU Directive?
  - Do you find the knowledge level of trained actors in Turkey sufficient to transfer SEA?
- 5- What kind of difficulties or facilitators do you foresee in the adoption of SEA policy in Turkey? How far do these difficulties/problems stem from the SEA concept and Turkey's existing policy context?
- 6- How do you evaluate the impacts of your training programmes?

**Dates for Interviewing :** 21-25 July 2003

**Interviewees** : The SEA team in the Ministry of the Environment (5 people)

**Core Topics of the Interview:**

To understand (I) mediating institutions and actors' interactions in the SEA adoption process; (II) actors' strategies for effective adoption of the EU SEA Directive; and (III) domestic institutional changes implied by SEA adoption.

In order to better understand topic (I), the focus of the following questions will be on the capabilities of the MoE SEA team in terms of power constellation between the team and other domestic actors involved in the adoption, informal rules, and domestic agreement on SEA integration and sustainable development.

**Questions:**

- What aspects are you working on at the moment?

(I)1- Who are important actors in SEA adoption?

- Which Ministries need to approve SEA legislation?
- Are these actors proving supportive or problematic?
- What evidence do you need to indicate they are supportive or problematic? What are their reasons for being problematic?
- What are the main problems with other actors in integrating SEA in the decision-making process?
- Which aspects of SEA prove difficult for other Ministries to accept?

(I) 2- Do you think existing decision-making traditions will easily change as a result of the impact of SEA adoption?

- How do SEA requirements (e.g. more transparency, more democracy) affect domestic cultural institutions?
- What are the evidences for domestic institutional changes?

(I) 3- What has been the impact of the election of a new government on the SEA adoption process?

- What is the priority agenda of government?
- Do you think Turkey's political environment is appropriate for integrating environmental concerns into strategic proposals?
- Do you think SEA implementation might influence policy makers' priority agenda and election outcome?
- Do you believe equilibrium will be achieved between economic growth, social well-being and environmental protection priorities with respect to the decisions of policy makers?

(II) 1- What is your strategy to ensure that SEA conclusions are weighted with respect to other analysis in the overall decision? Why are you choosing this strategy?

- How are you persuading other Ministries of the merits of SEA adoption?
- What is your strategy for choosing SEA method and form that are not clearly defined by the Directive?
- Do you approach SEA as an improvement on the existing process of project EIA or a way of promoting the objective of sustainability? Why?

(III) 1- To what extent will provisions in Turkish SEA legislation lead to transparent decision-making in practice?

(III) 2- How does SEA adoption affect political institutions? To what extent do you think the political priorities of decision-makers will change as a result of SEA adoption?

(III) 3- What organisational changes or new bodies do you expect to be established as a result of the adoption of SEA? Who will decide these? Why will these changes be needed?

(III) 4- What democratisation aspects are raised by SEA adoption (e.g. public participation based on integrated and negotiated environmental management)?

\*What is the role of pilot projects in influencing the adoption process?

\* What results are you looking for from the pilot projects?

\* How do you define 'success' for SEA adoption?

**Dates for Interviewing :** 21-25 July, August 2003

**Interviewees** : The actors involved in the domestic adoption process: Officials in the State Planning Organisation and online Ministeries (these Ministeries will also be asked questions related to pilot projects) (about 11-15 people)

**Core Topics of the Interview:**

To understand (I) mediating institutions and actors' interactions in the SEA adoption process; and (II) domestic institutional changes implied by SEA adoption (III) different interpretations on adoption success.

**Questions:**

(I) 1- What is your role in the SEA adoption process?

(I) 2- Are you considering environmental issues in your strategic proposals'? Why/ Why not?

- What are your criteria or priorities in policy making?
- Are SEA features such as transparency in decision-making or public participation generating problems in the existing decision-making system? What are these problems? Which strategies are you developing to deal with the problems raised by SEA policy adoption?

(II) 1- How does SEA impact on your decision-making for strategic proposals?

- What changes will there be in your policy agenda as a result of the adoption of the EU SEA Directive?
- Do you see SEA as a useful tool for sustainable development? Why?
- Do you think the EU SEA Directive can be successfully complied with and effectively implemented? Why / why not?

(III) 1- How do you define 'success' for SEA adoption?

**Dates for Interviewing :** 16-30 August 2003



**Interviewees** : Actors involved in the pilot projects: trainers or consultants, and officials in the online Ministries or in their local branches, actors involved in the projects from municipalities, universities, sector representatives, NGOs and active members of the public.

**Core Topics of the Interviews :**

To understand (I) the effects of learning in the SEA adoption process; (II) mediating institutions and actors' interactions in the adoption process; and (III) domestic institutional changes implied by SEA adoption (IV) different interpretations of adoption success.

**Questions for trainers or consultants involved in the pilot projects**

The following are aimed at better understanding the role of learning in the domestic institutional changes.

(I) 1- How do you see the impacts of your training programme on practical policy development?

- What is the role of knowledge in changing domestic institutions specified by SEA adoption?

(II) 1. What is your view on the difficulties and facilitators experienced in the adoption of SEA policy in Turkey?

- Do you see these problems as barriers to effective SEA adoption?

(III) 1- What institutional changes should be realised to comply with the EU Directive?

- To what extent will SEA transfer cause domestic institutional changes in Turkey? Why?
- What are your concerns about public participation and transparency in decision making? How do you see the success of Turkey's SEA implementation in terms of compliance with the objectives of the EU Directive.

(IV) 1. How do you define 'success' for SEA adoption in Turkey?

**Questions for domestic implementation actors involved in the projects:**

**National Planning Authorities** (Interview questions for the 'Central Authority: the State Planning Organisation)

- 1- What are your information resources on SEA and the EU SEA Directive?
- 2- What is your role in the Canakkale project/ Antalya project? What are your expectations from the project?
- 3- What features of SEA are challenging Turkish institutions (e.g. traditional policy making culture and organisational structures)?
- 4- What problems or issues does SEA raise for you?
  - Do you consider sustainable development important?
  - How important do you consider environmental concerns in comparison with economic growth and social well-being issues?
- 5- What is your view of transparency and public participation in decision-making in programmes and plans;
  - Are these requirements of the EU SEA Directive barriers or facilitators for your policy decisions? Why?
  - What do you think about the effectiveness of the EU Directive in practice?
- 6- How do you define 'success' for SEA adoption?

### **On-line Ministeries**

These Ministries will be asked the same questions as the Local Authorities and also the following questions :

- 1- To what extent can you compromise with the integration of environmental concerns into decision-making?
- 2- Are SEA features, such as integration of environmental concerns, transparent decision-making and public participation, presenting problems for your policy decisions? Why?
  - Do you think you will change your policies in any way in the light of policy objectives implied by the EU? If not, what are your strategies to continue with your own way of policy-making process?
- 3- How do you define 'success' for SEA adoption?

### **Local public bodies, Universities, Sector Representatives, NGOs and active members of the public**

- 1- What are your information sources on SEA and the EU SEA Directive?
- 2- What features of SEA are challenging Turkish institutions (e.g. traditional policy making culture and organisational structures)?
- 3- How do you define your role in the pilot project?
- 4- What are your reasons for and expectations of your participation in the pilot SEA implementation?
  - a. Do you think your participation and ideas will be considered in decisions for strategic proposals?
  - b. What do you think SEA policy impacts will be on Turkish policy making?
- 5- Do you believe SEA adoption will bring more democracy (greater transparent decision-making and public participation) in Turkey's decision-making system? Why / why not?
- 6-What institutional changes do you think that are more likely as a result of the adoption of the EU SEA Directive?

### **Appendix 3**

Turkish National Programme for the Adoption of the Acquis

Section : Environment

## ENVIRONMENT

The Law Concerning the Ratification of The Agreement Between the Republic of Turkey and the European Community on the Accession of the Republic of Turkey to the European Environment Agency and the European Environment Information and Observatory Network, and the Final Act of the Negotiations for the Adoption of The Agreement Between the Republic of Turkey and the European Community on the Accession of the Republic of Turkey to the European Environment Agency and the European Environment Information and Observatory Network was published in the Official Gazette No:25007 dated 28 January 2003. In the 2003 Accession Partnership Document, adopting a programme for transposition of the acquis and developing a plan for financing investment, based on estimation of the cost of alignment and realistic sources of public and private finance, are priorities under the environment heading. In this context the “Analysis of Environmental Legislation for Turkey” project (MEDA/TUR/ENLARG/D4-01) financed by MEDA Funds, was completed in 2002. Current environment legislation has been compared with EU legislation, a gap analysis and needs assessment study has been completed, and investment costs for directives requiring heavy investment have been calculated within the scope of this project. Exact investment needs will be determined once the Integrated Environmental Approximation Strategy for the Turkish Republic (No:2002-31739) Project is completed in 2004. In addition, studies on priority environmental projects for accession, and supporting the development of an efficient financial mechanism for financing EU environmental heavy-cost directives will be carried out under the environmental heavy cost investments component of the Capacity Development in The Field Of Environment Project (TR-362.03), within the framework of the 2002 Pre-accession Financial Assistance Programme.

Integrating sustainable development principles into the definition and implementation of all other sectoral policies is a medium term priority of the 2003 Accession Partnership Document. In this framework, a project fiche has been prepared and will be submitted to the Pre-accession Financial Assistance Programme at the most appropriate time.

The Draft Act on the Amendment of Environment Law, also contains provisions on access to environmental information. Within the “institution building and access to environmental information” component of the “Capacity Building in the Field of Environment for Turkey” (TR-362.03) project approved under the 2002 Pre-accession Financial Assistance Programme,

studies to create a national database in environmental information and the training of staff for strengthening administrative capacity, will be realized. Legislation on reporting in the context of EU environment legislation will commence only after harmonization and implementation of related legislation and infrastructure studies have been initiated.

Secondary Legislation promulgated after the publication of the first National Programme is listed in Annex 22.1. Turkey's position and procedures to be followed with respect to multilateral environmental agreements to which EC is party are given in Annex 22.2.

## **I- PRIORITY LIST**

### **PRIORITY 22.1 Improvement of Water Quality**

Task 22.1.1 Discharge of Dangerous Substances into Aquatic Environments

Task 22.1.2 Water Pollution Caused by Nitrates from Agricultural Sources

Task 22.1.3 Water Framework Directive

Task 22.1.4 Treatment Plant Sludge

Task 22.1.5 Urban Wastewater Treatment

Task 22.1.6 Quality of Water for Human Consumption

Task 22.1.7 Quality of Surface Water and Ground Water

### **PRIORITY 22.2 Increase Effectiveness of Waste Management**

Task 22.2.1 Integrated Waste Management

Task 22.2.2 Hazardous Waste Management

Task 22.2.3 Specific Waste Management

### **PRIORITY 22.3 Improving Air Quality**

### **PRIORITY 22.4 Nature Conservation**

### **PRIORITY 22.5 Industrial Pollution and Risk Management**

### **PRIORITY 22.6 Increasing Strength and Effectiveness of Environmental Impact Assessment Process and Aligning with Strategic Environmental Assessment Directive**

### **PRIORITY 22.7 Environmental Noise Management**

### **PRIORITY 22.8 Management of Chemicals**

Task 22.8.1 Chemicals

Task 22.8.2 Pesticides

PRIORITY 22.9 Genetically Modified Organisms

PRIORITY 22.10 Nuclear Safety

PRIORITY 22.6 Increasing Strength and Effectiveness of Environmental Impact Assessment Process and Aligning with **Strategic Environmental Assessment Directive**.

### **1-Priority Description**

Environmental impact assessment is assigned as priority considering that Environmental Impact Assessment Directive implementation and enforcement is short term priority in 2003 Accession Partnership Document. Aligning with the Strategic Environmental Assessment Directive is designated as a priority, considering that beginning to transpose and implement the *acquis* is a short term priority, and completing the transposition of the *acquis* is a medium term priority in the 2003 Accession Partnership Document.

The project entitled Adoption and Implementation of the Strategic Environmental Assessment (SEA) Directive (2001/42/EC) in Turkey, supported by bilateral cooperation with the Government of the Netherlands, MATRA Programme, was initiated in 2002 and will be completed at the end of the year 2004. It also includes a pilot project to test the implementation of the Draft SEA Regulation on the tourism sector. Promulgated Secondary Legislation related to environmental impact assessment is listed in Annex 22.1.

### **2- Schedule of Necessary Legislative Changes**

‘Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment ‘

Implementing Regulation on Strategic Environmental Impact Assessment will be entered into force by the Ministry of Environment and Forestry in 2005, IV. Quarter.

### **3- Schedule of Necessary Institutional Changes**

1. Training of personnel working in the field of Environmental Impact Assessment to strengthen the current institutional structure, 2003-2005

2. Training of personnel working in the field of Strategic Environmental Assessment to strengthen the current institutional structure, 2003-2005

- 3. Preparation of sectoral guidelines for increasing the effectiveness of the Environmental Impact Assessment and Strategic Environmental**
- 4. Training of the other Ministry personnel and the local authorities who will be involved in the implementation of the Strategic Environmental Assessment Directive via training of trainers, 2003-2005**
- 5. Strengthening of the administrative capacity to monitor the implementation of the Strategic Environmental Assessment Directive, 2005-2006**



## **Appendix 4**

Draft SEA Regulation of Turkey

# STRATEGIC ENVIRONMENTAL ASSESSMENT REGULATION

## SECTION ONE

### Objective, Scope, Basis, Definitions

#### Objective

**Article 1-** The objective of this Regulation is to set forth the administrative and technical procedures and principles that are to be abided by during Strategic Environmental Assessment process. It shall be implemented to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and approval of plans and programmes with a view to promoting sustainable development, by ensuring that, an environmental assessment is carried out of plans and programmes which are likely to have significant effects on the environment.

#### Scope

**Article 2-** This Regulation covers (the principles pertaining to the issues defined below):

- a) Plans and programmes subject to Strategic Environmental Assessment (according to criteria mentioned in Annex I and II of this Regulation), which are prepared for agriculture, forestry, fishery, energy, industry, transport, waste management, water management, telecommunications, tourism, urban and rural planning or land use,
- b) The administrative and technical procedures and principles that are abided by during Strategic Environmental Assessment process,
- c) The works regarding the Screening, Scoping, Quality Control for the Strategic Environment Assessment,
- d) Providing information on decision and monitoring of the plans and programmes, which are within the scope of this Regulation, after the approval of these by the related authorities,

e) The educational works required for effective and widespread implementation of strategic environmental assessment system in environmental management, and strengthening of the institutional structure of the system.

## **Basis**

**Article 3-** This Regulation has been prepared based on Article 2 paragraph (g) of the Law on the Organization and Duties of the Ministry of Environment and Forestry dated 1 May 2003 and issued 4856.

## **Definitions and Abbreviations**

**Article 4-** The following terms shall have the following meanings wherever they appear in this Regulation:

Ministry: The Ministry of Environment and Forestry,

Plan and Programme: Plans and programmes as described in Annex I as well as any modifications to them and plans and programmes (or modifications) subject to SEA based on the criteria specified in Annex II); which are subject to preparation and/or approval by a public institution or organization at national, regional or local level, or which are prepared by a public institution or organization for approval of the Turkish National Assembly or Cabinet of Ministers, and which are required by legislative, regulatory or administrative provisions, Strategic Environmental Assessment (SEA): The works to be carried out in the preparation of a strategic environmental assessment report, in the quality control of this report, in taking into account of this report in decision making and in providing required information on the decision and monitoring after the approval of the plan or programme.

SEA Process: The process starting with the scoping, as stated in Article 10 herein, for the implementation of a strategic environmental assessment of a plan or programme that is subject to provisions of this Regulation, and ending with the information on the decision and monitoring program, as stated in Article 13 herein, after the approval of the plan or programme,

SEA Report: The report to be prepared in line with the format determined as a result of the works

carried out in scoping and public participation therein and containing information according to Annex III of this Regulation.

Competent Authority: Public institution and organization responsible for the preparation of a plan or programme that is subject to SEA, herein

Sensitive Areas: Areas that are sensitive to environmental impacts in terms of their biological, physical, economic, social and cultural characteristics or those where the existing pollution loads have reached levels that will harm the environment and public health, as well as the areas listed in Annex-IV, which are considered necessary to be taken under protection pursuant to applicable Turkish legislation and international treaties to which Turkey is a party.

Public: Natural or legal persons and their associations, organisations or groups

## **SECTION TWO**

### **General Provisions**

#### **Responsibility for Preparing SEA Report**

**Article 5-** The competent authority, which prepares a plan or programme falling under the scope of this Regulation, shall be responsible for preparing a SEA Report together with the plan or programme, itself or by a third party, and submitting this report to the Ministry, prior to the approval of their plan or programme by the related authority or to the start of legal procedure for approval.

#### **Exempted Plans and Programmes**

**Article 6-** The provisions of this Regulation shall not be applicable to plans and programmes the sole purpose of which is to serve national defense, civil defense and to combat natural disasters, as well as financial or budget plans and programmes.

#### **Modifications to Plans and Programmes**

**Article 7-** The provisions of this Regulation shall apply to any modifications to plans and programmes before they are approved and will have been entered into force.

## **SEA and EIA Implementations**

**Article 8-** Procedures to be implemented in the environmental assessment of projects that are subject to EIA Regulation and are considered within a plan or programme, which shall have been approved by preparing a SEA Report within the provisions of this Regulation, shall be determined by the Ministry within the scope of EIA Regulation in order to avoid duplications in the environmental assessment of these projects.

## **SECTION THREE**

### **SEA Implementation Provisions**

#### **Determination of Plans and Programmes Subject to SEA (Screening)**

**Article 9-** SEA must be executed for;

- a) Plans and programmes listed in Annex-I attached hereto,
- b) Plans and programmes evaluated according to the screening procedure given in AnnexII attached hereto, and decided that they are subject to SEA.

Whether plans and programmes not listed in Annex-I meet the criteria set out in Annex II and therefore are subject to SEA or not, shall be decided by the Ministry. Within this framework, the competent authority shall apply to the Ministry pertaining to whether his plan or programme shall be subject to SEA or not, with a file prepared considering the screening procedure described in Annex-II. The Ministry shall examine the data and documents in the application file according to the screening procedure described in AnnexII, consult other environmental authorities (if applicable) and shall notify the competent authority of the decision taken regarding whether the plan or programme is subject to SEA or not. The Ministry shall also inform the public about its decision.

#### **Commencement of SEA Process and Scoping**

**Article 10-** The scoping procedures related to the contents of the SEA Report to be prepared for a plan or programme shall be under the responsibility of the competent

authority. The competent authority must consult the Ministry and public during the scoping studies where the special format for the SEA Report shall be determined. Within this framework, the competent authority shall organize the scoping meeting with the participation of representatives of related institutions and organizations identified by the competent authority according to contents of the plan or programme, the representative of the organization that shall prepare the SEA Report, if any, and Ministry officials. The Ministry will particularly consider whether the participation of public organizations on human health, nature conservation and environmental issues is regarded as necessary. The date and place of the meeting shall be notified to the participants at least 15 (fifteen) working days prior to the meeting with a letter and draft SEA Report scoping document, which shall be prepared by the competent authority and/or its representative, shall be sent attached to this letter.

The competent authority may invite the representatives from the universities, institutes, research and specialist institutions, profession chambers, labor unions, associations, NGOs and/or the general public to the scoping meeting depending on the contents of the plan or programme, if it seems necessary. Notification about the meeting to those shall be made as mentioned above. Draft SEA Report scoping document shall be prepared considering the information to be given in SEA Report listed in Annex-III. Also, the suggestions regarding the public participation meetings to be carried out within the scoping stage and within the quality control of the SEA Report shall be explained within the draft SEA Report scoping document to be prepared.

In the scoping meeting, considering the contents of the plan or programme and its significant effects on the environment, the followings shall be determined:

- a) Issues that need to be added to (or addressed in) draft SEA Report scoping document,
- b) Issues regarding how and with whose participation the public participations shall be carried out within the scoping stage and within the quality control of the SEA Report to be prepared.

The competent authority shall hold public participation meetings in line with the conditions set forth in the scoping meeting to obtain the public's views regarding the special format of SEA Report, in accordance with the provision of the Article 11.

The competent authority shall determine the SEA Report format by finalizing the draft scoping document considering the views stated in the scoping and public

participation meetings. The competent authority shall prepare the SEA Report in accordance with this format.

## **Public Participation**

**Article 11-** Two public participation meetings, one in scoping stage and the other inequality control stage, shall be held during SEA process by the competent authority. Issues regarding how and with whose participation the public participation meetings will be carried out shall be determined during the scoping meeting in accordance with the Article 10.

The date, hour and place of the public participation meeting, to be organized by the competent authority, shall be notified to the Ministry at least 10 (ten) working days prior to the meeting by an official letter. The competent authority may take the opinion of the participants in written format if it deems necessary.

Representative of the Ministry shall participate to the public participation meeting to monitor procedure and expressed opinions. The secretarial functions regarding the public participation meeting shall be conducted by the competent authority and the factual minutes of the meeting shall be sent to the Ministry. A representative summary of the opinions expressed will be part of the SEA Report.

## **Quality Control**

**Article 12-** The competent authority shall hold a public participation meeting in order to obtain the public's views regarding the SEA Report and the plan or programme prepared by himself, in accordance with the provision of the Article 11. The competent authority shall finalize the SEA Report considering the opinions stated at this meeting and submit it to the Ministry.

The Ministry shall inspect and evaluate:

- a) whether the SEA Report and its annexes are adequate and appropriate in support of the decision making,
- b) whether the examinations, calculations and evaluations have been based on adequate data, information and documentation,
- c) whether the possible impacts of the plan or programme, as well as its alternatives, on the environment have been thoroughly assessed,

- d) whether necessary mitigation measures have been determined to eliminate the possible adverse impacts on the environment,
- e) whether alternatives have been sufficiently examined,
- f) whether the scoping studies and the public participation meeting therein have been held duly and properly, and whether the opinions arose in these meetings have been sufficiently assessed within the SEA report,
- g) whether the public participation meeting carried out to obtain the public's views regarding the SEA Report and the plan or programme prepared has been held duly and properly, and whether sufficient solutions have been brought in the SEA Report to the matters dwelled on in the public participation meeting,
- h) whether the issues stated in Annex-III have been sufficiently complied with, including the statement on gaps in knowledge and their significance for decision making. In case major lacking elements and errors shall have been found in the SEA Report as a result of the inspection and evaluation of the Ministry, the Ministry shall require from the competent authority to remedy these. The opinion regarding the SEA Report, the quality control of which shall have been completed, shall be notified to the competent authority by the Ministry.

### **Information on the Decision and Monitoring Programme**

**Article 13-** The competent authority shall be obligated:

- a) to submit to the Ministry the plan or programme as approved (as well as) together with the SEA Report and an information report stating how the SEA Report has been assessed within the decision making process and monitoring programme, and
- b) to inform the public and other related institutions and organizations participated to the SEA process on the issues stated in paragraph (a) of this Article. The monitoring programme shall be prepared to identify at an early stage unforeseen adverse environmental effects that may arise during the implementation of the plan or programme, and to be able to undertake prompt appropriate remedial actions against these effects. The competent authority is responsible for implementing the monitoring actions described in the monitoring program.



## **SECTION FOUR**

### **Sundry Provisions**

#### **Strengthening of SEA Implementations**

**Article 14-** As and when necessary, the Ministry may carry out all sorts of education/training programmes, plans and projects, prepare books, booklets, guides and other documents, and organize meetings and seminars in relation to SEA implementations, in cooperation with national and international institutions and organizations.

#### **Communiqués**

**Article 15-** As and when deemed necessary, the Ministry may issue communiqués related to the implementation of this Regulation.

**Provisional Article 1-** The provisions of this Regulation shall not be applicable to plans and programmes which shall have been approved or legal procedure for approval of which shall have been started or which shall have been entered into force prior to enforcement date (date of entry into force) of this Regulation.

#### **Entry into Force**

**Article 16-** This Regulation shall enter into force on the day of its publication (in the Official Gazette).

#### **Execution**

**Article 17-** The provisions of this Regulation shall be executed by the Minister of Environment and Forestry.

## **ANNEX-I**

### **LIST OF PLANS AND PROGRAMMES SUBJECT TO STRATEGIC ENVIRONMENTAL ASSESSMENT (\*)**

**The following plans and programmes are only subject to SEA in case they set the framework for future projects or activities which require an Environmental Impact Assessment according to the Environmental Impact Assessment Regulation, Official Gazette dated 16.12.2003 number 25318**

- 1- Regional Plans
- 2- Territorial (Environmental) Plans (\*\*)
- 3- Plans of All Scales (1/25.000 and 1/5.000) within the Culture and Tourism Protection and Development Regions, and Tourism Centers (\*\*)
- 4- Railway Transportation Master Plan
- 5- Highway Transportation Master Plan
- 6- Airway Transportation Master Plan
- 7- Maritime Line Transportation Master Plan
- 8- Marina Master Plan
- 9- Rural Development Programmes
- 10- Water Basins Rehabilitation Plans and Programmes
- 11- Plant Production Development Plans and Programmes
- 12- Basin Master Plan

(\*) Whether any modifications to the plans and programmes listed herein subject to Strategic Environmental Assessment or not shall be evaluated according to the procedure described in Annex II.

(\*\*) SEA shall not be implemented to the lower scaled plans in case a SEA pertaining all relevant environmental issues on the lower scale level has been implemented to its superior scale.

## ANNEX II

### SCREENING PROCEDURE TO BE USED IN THE DETERMINATION OF PLANS AND PROGRAMMES SUBJECT TO STRATEGIC ENVIRONMENTAL ASSESSMENT

The aim of screening is:

- to determine if SEA is obligatory for a plan or programme (and modifications to them) and;
- to ensure that the environmental protection issues are considered in the earliest stage of the planning of the plan or programme thus enabling provisions for integrated impact prevention and avoidance measures instead of technical negative impact abating solutions (so-called mitigations measures).

SEA shall be performed for:

- Plans and programmes listed in Annex-I of this Regulation;
- Modifications of plans and programmes listed in Annex-I of this Regulation;
- Plans and programmes evaluated according to the screening procedure described in this Annex and decided that they are subject to SEA.

Whether plans and programmes not listed in Annex-I of this Regulation shall be subject to SEA or not shall be decided by the Ministry. Within this framework, the Ministry shall identify whether SEA implementation is required for a plan or programme or not considering the screening procedure described in this Annex.

Screening contains three steps (see Diagram 1):

#### 1. Preliminary Screening (Annex-I of this Regulation)

Preliminary screening is a check on plans or programmes that are subject to SEA and listed in Annex-I of this Regulation. If the plan or programme in question is within the list given in Annex-I of this Regulation, the provisions of this Regulation shall be applicable to this plan or programme. Thus, only by specifying type of the plan or programme, issues concerning SEA implementation are made clear from the start.

#### – Sensitive Areas (Annex-IV of this Regulation)

Plan or programmes or modifications of them that are not listed in Annex I of this regulation but have an effect on sensitive areas as described in Annex IV of this regulation are subject to SEA within scope of this Regulation.

#### – Case-by-case Screening

Case-by-case screening remains for plan or programmes or modifications of them after examination on steps 1 and 2 described above. Case-by-case screening requires for each plan or programme to be examined on an individual basis to see whether it is likely to have significant effects on the environment\*. Whether the plan or programme or modifications of them is subject to SEA or not shall be decided depending on the result of this examination.

A systematic analysis of the expected environmental impacts is required regarding the causes of the effects and its acceptors. The classification of environmental effects must take in account the characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

- the probability, duration, frequency and reversibility of the effects;
- the cumulative nature of the effects;
- the risks to human health or the environment (e.g. due to accidents);
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
- the value and vulnerability of the area likely to be affected due to:
  - special natural characteristics or cultural heritage,
  - exceeded environmental quality standards or limit values,
  - intensive land-use;
- the effects on areas or landscapes which have a recognised national or international protection status.

\* If a plan or programme sets the framework for activities subject to EIA, it can be considered likely that significant effects on the environment will occur. In such case SEA is advisable.

## **ANNEX-III**

### **INFORMATION TO BE GIVEN IN SEA REPORT**

(1) An outline of the contents, the scope of the plan or programme, objectives of the plan or programme and relationship with other relevant plans and programmes (consistency analysis);

- (2) The current state of the environment and the likely evolution of this environment without implementation of the plan or programme (do nothing case);
- (3) The environmental characteristics of areas likely to be significantly affected;
- (4) Existing environmental problems arising from the plan or programme, its relationship with any environmental protection areas or sensitive areas (listed in Annex IV);
- (5) A description of the environmental protection objectives, established at national and international levels, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;
- (6) The likely significant effects of the plan or programme on the environment, including biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage (including architectural and archaeological heritage), landscape and the interrelationship between the above factors, (these effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects);
- (7) The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;
- (8) The alternatives of the plan or programme and taking into consideration of these with their effects on environment. An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken, including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;
- (9) Main outline of the public participation meeting (its place, date, participants), the opinions expressed in this meeting and how these opinions are considered in the evaluation within the final version of the plan or programme;
- (10) A description of the measures envisaged concerning monitoring of the environmental impacts those may arise during the implementation of the plan or programme;
- (11) A description of gaps in knowledge and their significance for decision making;
- (12) A non-technical summary of the information provided under the above headings.

## **ANNEX-IV**

### **SENSITIVE AREAS**

The legislation that needs to be referred to in the works to be carried out in relation to plans and programmes under this Regulation is listed below. Any future modifications/amendments/ revisions that may be effected to the legislation shall become an integral part of this section.

1. Areas for which preservation is required in accordance with the national legislation:

a) 'National Parks', 'Natural Parks', 'Natural Monuments', and 'Natural Preservation Areas' defined in Article 2 of the National Parks Law no. 2873 and specified pursuant to Article 3 thereof,

b) 'Wildlife Preservation Zones and Wildlife Breeding Areas' determined by the Ministry of Forestry pursuant to Land Hunting Law no. 3167,

c) Areas which have been described as 'Cultural Assets', 'Natural Assets', 'Archeological, Historical Sites' and 'Preservation Areas' in subparagraphs 1, 2, 3 and 5 of 'paragraph a. Definitions' under Article 2. of Law no. 2863 'The Protection of Cultural and Natural Assets', and which have been identified and registered pursuant to the related articles of the same law,

d) Aquatic Products Production and Reproduction Zones within the scope of the Aquatic Products Law No. 1380,

e) Areas defined under Article 17 of the Water Pollution Control Regulation enforced upon its publication in the Official Gazette dated 04 September 1988, No. 19919, and Articles 18, 19, and 20 thereof amended with the Regulation published in the Official Gazette dated 01 July 1999 No. 23742,

f) 'Areas Sensitive to Pollution' defined under Article 49 of the Regulation on Protection of Air Quality enforced upon its publication in the Official Gazette dated 02 November 1986, No. 19269,

g) Areas specified and declared as 'Special Environmental Preservation Areas' by the Council of Ministers pursuant to Article 9 of the Environment Law no. 2872,

h) Areas that are under protection in accordance with the Bosphorus Law no. 2960,

i) Areas considered as forests in accordance with the Forests Law no. 6831,

j) Areas on which construction ban is imposed pursuant to the Coasts Law no. 3621,

k) Areas specified in Law No. 3573 Amelioration of Olive Production and Grafting of Wild Olive Trees,

- l) Areas specified in Law on Pastures No. 4342,
  - m) Areas specified in the Regulation on Preservation of Wetlands enforced upon its publication in the Official Gazette dated 30 January 2002 No. 24656.
2. Areas required to be protected pursuant to international treaties to which Turkey is a party:
- a) Among the areas which are under protection in accordance with the 'Convention for Protection of European Wildlife and Natural Habitats' (BERN Convention) enforced upon its publication in the Official Gazette dated 20 February 1984, no. 18318, Protection Areas I and II specified under 'Significant Breeding Areas of Sea Turtles' and 'Habitats and Reproduction Areas of Mediterranean Seals',
  - b) The areas placed under protection in accordance with the 'Convention for Protecting the Mediterranean Against Pollution' (Barcelona Convention) enforced upon its publication in the Official Gazette dated 12 June 1981 no. 17368,
  - i) Areas that have been specified as 'Special Protection Areas' in accordance with 'The Protocol Regarding Special Protection Areas in the Mediterranean' enforced upon its publication in the Official Gazette dated 23 October 1988 No 19968,
  - ii) Areas included in the list of "100 Coastal Historic Sites of Shared Significance for the Mediterranean" selected pursuant to the Declaration of Geneva and published by the United Nations Environment Program,
  - iii) Coastal areas which are the environment of living and sustenance for 'the Endangered Marine Species Peculiar to the Mediterranean' as specified in Article 17 of the Geneva Declaration,
  - c) Cultural, historical and natural areas which have been placed under protection by the Ministry of Culture with 'Cultural Heritage' and 'Natural Heritage' status pursuant to Articles 1 and 2 of the 'Convention Concerning the Protection of the World Cultural and Natural Heritage' enforced upon its publication in the official Gazette dated 14 February 1983 no. 17959,
  - d) Areas that are under protection in accordance with the 'Convention on Wetlands of International Importance Especially as Waterfowl Habitat' (RAMSAR Convention), enforced upon its publication in the Official Gazette dated 17 May 1994 no. 21937.

## **Appendix 5**

The EU SEA Directive  
(42/EC/2001)



## Article 1

### Objectives

The objective of this Directive is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.

## Article 2

### Definitions

For the purposes of this Directive:

(a) "plans and programmes" shall mean plans and programmes, including those co-financed by the European Community, as well as any modifications to them:

- which are subject to preparation and/or adoption by an authority at national, regional or local level or which are prepared by an authority for adoption, through a legislative procedure by Parliament or Government, and

- which are required by legislative, regulatory or administrative provisions;

(b) "environmental assessment" shall mean the preparation of an environmental report, the carrying out of consultations, the taking into account of the environmental report and the results of the consultations in decision-making and the provision of information on the decision in accordance with Articles 4 to 9;

(c) "environmental report" shall mean the part of the plan or programme documentation containing the information required in Article 5 and Annex I;

(d) "The public" shall mean one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups.

## Article 3

### Scope

1. An environmental assessment, in accordance with Articles 4 to 9, shall be carried out for plans and programmes referred to in paragraphs 2 to 4 which are likely to have significant environmental effects.

2. Subject to paragraph 3, an environmental assessment shall be carried out for all plans and programmes,

(a) which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use and which set the framework for future development consent of projects listed in Annexes I and II to Directive 85/337/EEC, or

(b) which, in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of Directive 92/43/EEC.

3. Plans and programmes referred to in paragraph 2 which determine the use of small areas at local level and minor modifications to plans and programmes referred to in paragraph 2 shall require an environmental assessment only where the Member States determine that they are likely to have significant environmental effects.

4. Member States shall determine whether plans and programmes, other than those referred to in paragraph 2, which set the framework for future development consent of projects, are likely to have significant environmental effects.

5. Member States shall determine whether plans or programmes referred to in paragraphs 3 and 4 are likely to have significant environmental effects either through case-by-case examination or by specifying types of plans and programmes or by combining both approaches. For this purpose Member States shall in all cases take into account relevant criteria set out in Annex II, in order to ensure that plans and programmes with likely significant effects on the environment are covered by this Directive.

6. In the case-by-case examination and in specifying types of plans and programmes in accordance with paragraph 5, the authorities referred to in Article 6(3) shall be consulted.

7. Member States shall ensure that their conclusions pursuant to paragraph 5, including the reasons for not requiring an environmental assessment pursuant to Articles 4 to 9, are made available to the public.

8. The following plans and programmes are not subject to this Directive:

- plans and programmes the sole purpose of which is to serve national defence or civil emergency,
- financial or budget plans and programmes.

9. This Directive does not apply to plans and programmes co-financed under the current respective programming periods<sup>(11)</sup> for Council Regulations (EC) No 1260/1999<sup>(12)</sup> and (EC) No 1257/1999<sup>(13)</sup>.

#### Article 4

##### General obligations

1. The environmental assessment referred to in Article 3 shall be carried out during the preparation of a plan or programme and before its adoption or submission to the legislative procedure.

2. The requirements of this Directive shall either be integrated into existing procedures in Member States for the adoption of plans and programmes or incorporated in procedures established to comply with this Directive.

3. Where plans and programmes form part of a hierarchy, Member States shall, with a view to avoiding duplication of the assessment, take into account the fact that the assessment will be carried out, in accordance with this Directive, at different levels of the hierarchy. For the purpose of, inter alia, avoiding duplication of assessment, Member States shall apply Article 5(2) and (3).

#### Article 5

##### Environmental report

1. Where an environmental assessment is required under Article 3(1), an environmental report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated. The information to be given for this purpose is referred to in Annex I.
2. The environmental report prepared pursuant to paragraph 1 shall include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or programme, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.
3. Relevant information available on environmental effects of the plans and programmes and obtained at other levels of decision-making or through other Community legislation may be used for providing the information referred to in Annex I.
4. The authorities referred to in Article 6(3) shall be consulted when deciding on the scope and level of detail of the information which must be included in the environmental report.

#### Article 6

##### Consultations

1. The draft plan or programme and the environmental report prepared in accordance with Article 5 shall be made available to the authorities referred to in paragraph 3 of this Article and the public.
2. The authorities referred to in paragraph 3 and the public referred to in paragraph 4 shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the plan or programme or its submission to the legislative procedure.
3. Member States shall designate the authorities to be consulted which, by reason of their specific environmental responsibilities, are likely to be concerned by the environmental effects of implementing plans and programmes.
4. Member States shall identify the public for the purposes of paragraph 2, including the public affected or likely to be affected by, or having an interest in, the decision-making subject to this Directive, including relevant non-governmental organisations, such as those promoting environmental protection and other organisations concerned.
5. The detailed arrangements for the information and consultation of the authorities and the public shall be determined by the Member States.

#### Article 7

##### Transboundary consultations

1. Where a Member State considers that the implementation of a plan or programme being prepared in relation to its territory is likely to have

significant effects on the environment in another Member State, or where a Member State likely to be significantly affected so requests, the Member State in whose territory the plan or programme is being prepared shall, before its adoption or submission to the legislative procedure, forward a copy of the draft plan or programme and the relevant environmental report to the other Member State.

2. Where a Member State is sent a copy of a draft plan or programme and an environmental report under paragraph 1, it shall indicate to the other Member State whether it wishes to enter into consultations before the adoption of the plan or programme or its submission to the legislative procedure and, if it so indicates, the Member States concerned shall enter into consultations concerning the likely transboundary environmental effects of implementing the plan or programme and the measures envisaged to reduce or eliminate such effects.

Where such consultations take place, the Member States concerned shall agree on detailed arrangements to ensure that the authorities referred to in Article 6(3) and the public referred to in Article 6(4) in the Member State likely to be significantly affected are informed and given an opportunity to forward their opinion within a reasonable time-frame.

3. Where Member States are required under this Article to enter into consultations, they shall agree, at the beginning of such consultations, on a reasonable timeframe for the duration of the consultations.

#### Article 8

##### Decision making

The environmental report prepared pursuant to Article 5, the opinions expressed pursuant to Article 6 and the results of any transboundary consultations entered into pursuant to Article 7 shall be taken into account during the preparation of the plan or programme and before its adoption or submission to the legislative procedure.

#### Article 9

##### Information on the decision

1. Member States shall ensure that, when a plan or programme is adopted, the authorities referred to in Article 6(3), the public and any Member State consulted under Article 7 are informed and the following items are made available to those so informed:

(a) the plan or programme as adopted;

(b) a statement summarising how environmental considerations have been integrated into the plan or programme and how the environmental report prepared pursuant to Article 5, the opinions expressed pursuant to Article 6 and the results of consultations entered into pursuant to Article 7 have been taken into account in accordance with Article 8 and the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with, and

(c) the measures decided concerning monitoring in accordance with Article 10.

2. The detailed arrangements concerning the information referred to in paragraph 1 shall be determined by the Member States.

## Article 10

### Monitoring

1. Member States shall monitor the significant environmental effects of the implementation of plans and programmes in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.
2. In order to comply with paragraph 1, existing monitoring arrangements may be used if appropriate, with a view to avoiding duplication of monitoring.

## Article 11

### Relationship with other Community legislation

1. An environmental assessment carried out under this Directive shall be without prejudice to any requirements under Directive 85/337/EEC and to any other Community law requirements.
2. For plans and programmes for which the obligation to carry out assessments of the effects on the environment arises simultaneously from this Directive and other Community legislation, Member States may provide for coordinated or joint procedures fulfilling the requirements of the relevant Community legislation in order, inter alia, to avoid duplication of assessment.
3. For plans and programmes co-financed by the European Community, the environmental assessment in accordance with this Directive shall be carried out in conformity with the specific provisions in relevant Community legislation.

## Article 12

### Information, reporting and review

1. Member States and the Commission shall exchange information on the experience gained in applying this Directive.
2. Member States shall ensure that environmental reports are of a sufficient quality to meet the requirements of this Directive and shall communicate to the Commission any measures they take concerning the quality of these reports.
3. Before 21 July 2006 the Commission shall send a first report on the application and effectiveness of this Directive to the European Parliament and to the Council.

With a view further to integrating environmental protection requirements, in accordance with Article 6 of the Treaty, and taking into account the experience acquired in the application of this Directive in the Member States, such a report will be accompanied by proposals for amendment of this Directive, if appropriate. In particular, the Commission will consider the possibility of extending the scope of this Directive to other areas/sectors and other types of plans and programmes.

A new evaluation report shall follow at seven-year intervals.

4. The Commission shall report on the relationship between this Directive and Regulations (EC) No 1260/1999 and (EC) No 1257/1999 well ahead of the expiry of the programming periods provided for in those

Regulations, with a view to ensuring a coherent approach with regard to this Directive and subsequent Community Regulations.

#### Article 13

##### Implementation of the Directive

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 21 July 2004. They shall forthwith inform the Commission thereof.

2. When Member States adopt the measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

3. The obligation referred to in Article 4(1) shall apply to the plans and programmes of which the first formal preparatory act is subsequent to the date referred to in paragraph 1. Plans and programmes of which the first formal preparatory act is before that date and which are adopted or submitted to the legislative procedure more than 24 months thereafter, shall be made subject to the obligation referred to in Article 4(1) unless Member States decide on a case by case basis that this is not feasible and inform the public of their decision.

4. Before 21 July 2004, Member States shall communicate to the Commission, in addition to the measures referred to in paragraph 1, separate information on the types of plans and programmes which, in accordance with Article 3, would be subject to an environmental assessment pursuant to this Directive. The Commission shall make this information available to the Member States. The information will be updated on a regular basis.

#### Article 14

##### Entry into force

This Directive shall enter into force on the day of its publication in the Official Journal of the European Communities.

#### Article 15

##### Addressees

This Directive is addressed to the Member States.

#### ANNEX I

##### Information referred to in Article 5(1)

The information to be provided under Article 5(1), subject to Article 5(2) and (3), is the following:

- (a) an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes;
- (b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;
- (c) the environmental characteristics of areas likely to be significantly affected;

(d) any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;

(e) the environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;

(f) the likely significant effects<sup>(1)</sup> on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors;

(g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;

(h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;

(i) a description of the measures envisaged concerning monitoring in accordance with Article 10;

(j) a non-technical summary of the information provided under the above headings.

(1) These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects.

## ANNEX II

Criteria for determining the likely significance of effects referred to in Article 3(5)

1. The characteristics of plans and programmes, having regard, in particular, to

- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,

- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,

- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,

- environmental problems relevant to the plan or programme,

- the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to

- the probability, duration, frequency and reversibility of the effects,
- the cumulative nature of the effects,
- the transboundary nature of the effects,
- the risks to human health or the environment (e.g. due to accidents),
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
- the value and vulnerability of the area likely to be affected due to:
  - special natural characteristics or cultural heritage,
  - exceeded environmental quality standards or limit values,
  - intensive land-use,
  - the effects on areas or landscapes which have a recognised national, Community or international protection status.

