

A REVIEW ON PUBLIC PARTICIPATION IN ENVIRONMENTAL IMPACT ASSESSMENT IN MALAYSIA

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Abstract

Environmental Impact Assessment (EIA) was introduced to measure the benefit or cost from physical development to the public and community. In Malaysia, EIA was initiated in 1988 as a mandatory legislative requirement to protect and enhance the quality of the environment through licensing, setting of standards, coordination of research and dissemination of information to the public. Public involvement in assessment period is vital, and this conceptual paper identifies that there are three levels of participation in EIA. However, public participation in EIA in Malaysia, in general, is only instrumental due to weaknesses in regulation, lack of awareness and expertise among the public. This further raises the question of effective EIA implementation when public representation is characterized by pseudo participation and select involvement rather than broad participation of all community members, which is an important prerequisite for effective public participation.

Keywords: EIA, community involvement, public participation process.

1. Introduction

Brager and Specht (1973) referred participation to 'the means by which people, who are not elected or appointed officials of agencies and of government, influence decisions about programs and policies which affect their lives'. While the Skeffington (1969) defined public participation as 'a sharing action to formulate policies and proposal' but a complete participation only happens when the public are allowed to participate actively in the planning process. Public participation also is about human right as concluded in the World Conference of Agrarian Reform and Rural Development (1979: In Misra, Sundaram & UNCRD, 1983) 'Participation of the people in institutions and system which govern their lives is a basic human right and also essential for realignment of political power in favour of disadvantaged groups and for social and economic development'. It is a channel for people to 'ensure the effective influence on the decision making process at all levels of social activity and social institutions...' (Geneletti, 1975). Furthermore, France's (1998) defined participation as 'a process of empowerment that helps to involve local people in the identification of problems, decision-making and implementation, which can contribute to sustainable development'.

The definition of participation actually covered various concepts such as:

1. According to France (1998), participation is a process of empowering every individual in the community to involve in government development.
2. Skeffington (1969) explained participation from political consideration by sharing an action to formulate policies and proposal between government and citizens.
3. While World Conference of Agrarian Reform and Rural Development (1979: In Misra, Sundaram & UNCRD 1983) and Brager and Specht (1973) defined participation as a basic human right for every human being especially disadvantages group.

In a simple conclusion, the definition of participation explains about the concept of democracy, human right and empowerment as a core of the definition. It shows that public participation is an important process in the planning system, which also extends to the political system and has a big role to bring the executive decision from the top to bottom through a planning process.

2. The Significance of Public Participation Process

Slocum and Thomas-Slayter (1995) explained that people need to participate during the decision making process for their personal interests as well as the society's since planning activities will consequently affect public lives. Furthermore, the World Health Organisation (WHO) (2002) developed several arguments as to why the public participation process is important from the viewpoint of the citizens and professionals working with the local authorities (Table 1).

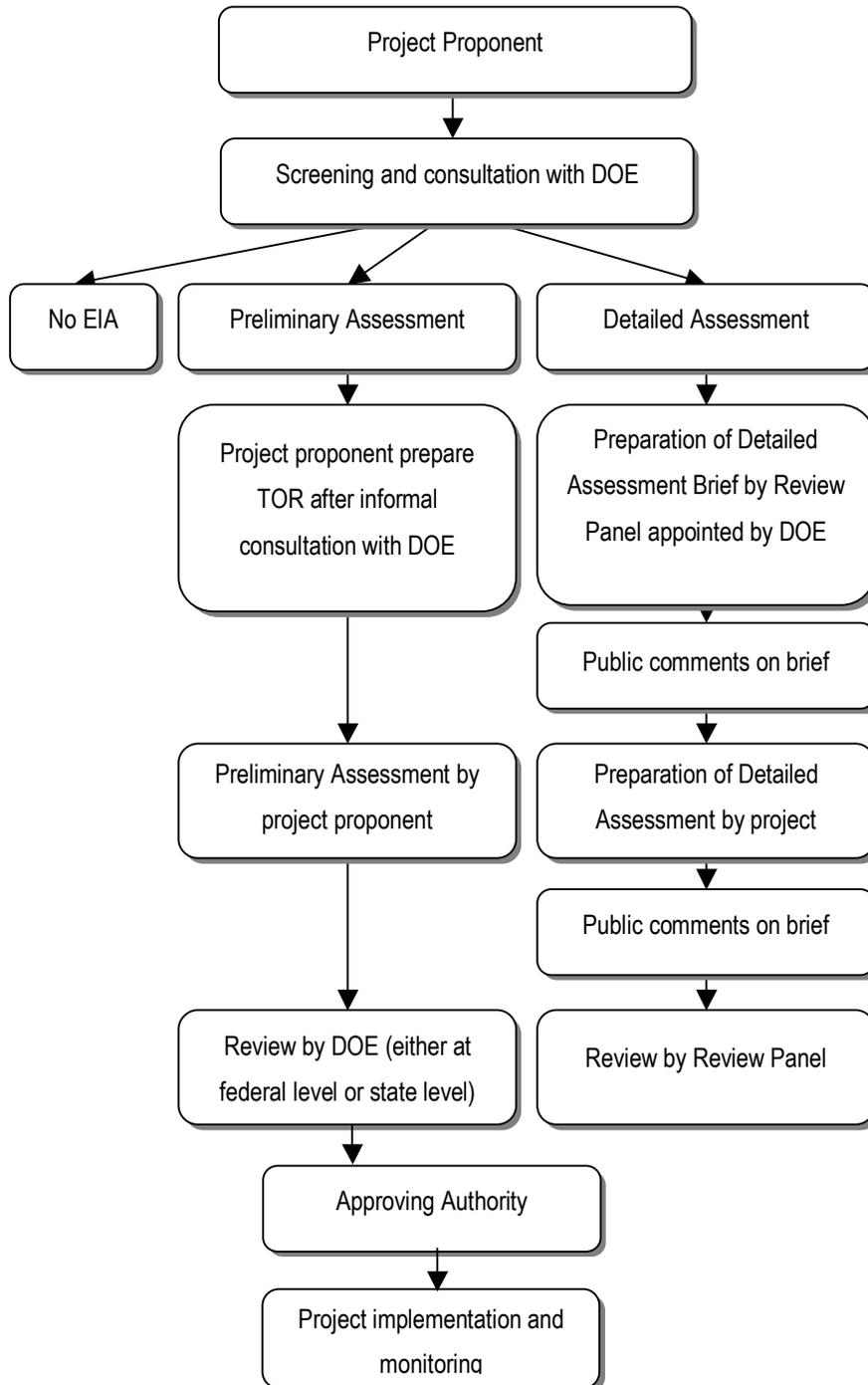
TABLE 1: THE IMPORTANCE OF PARTICIPATION PROCESS

Why participation process is important?	
Citizens' arguments:	We have a right to say about decisions that affect our lives We know more about where we live and what we want and what is best for us than people working for big organisations We are fed up with politicians and civil servants asking us what we think and then not taking our views into account. We want to be actively involved and to have an influence We all have something to contribute and our ideas and views are as valid as anyone else's
Professionals' argument:	Community participation can help us target resources more effectively and efficiently Involving people in planning and delivering services allows them to become more responsive to needs and therefore increase uptake Community participation methods can help develop skills and build competency and capacities within communities Involving communities in decision making will lead to better decisions being made, which in turn are more sustainable because they are owned by the people themselves Community participation is a way of extending the democratic process, of opening up governance, and of redressing inequality in power Community participation offers new opportunities for creative thinking and innovative planning and development

Source: World Health Organisation (2002)

The citizens stress on their right to voice opinions and want it to be considered in the decision-making. Meanwhile, professionals argue that involving citizens can contribute towards better decision-making and target resources more efficiently. The public participation process also has the potential to educate citizens and increase their awareness by being more responsive.

FIGURE 1: EIA PROCESS IN MALAYSIA



Source: Staerdahl et al. (2004)

3. Environmental Impact Assessment (EIA) in Malaysia

The EIA was introduced in Malaysia in 1988 as a mandatory legislative requirement through the Environmental Impact Assessment Order (DOE, 1987) (prescribed activities). It was developed based on the National Environmental Policy Act (NEPA) 1969 of the United States (Briffett et al., 2004). The legislation empowered the Director General of the Department of Environment (DOE) to:

"...protect and enhance the quality of the environment through licensing, setting of standards, co-ordination of research, and dissemination of information to the public." (Briffett et al., 2004)

In terms of implementation, two types of the EIA report were adopted comprising preliminary and detailed assessment whereas the objectives of preliminary assessment are as follows (Figure 1):

- To examine and select the best form of project option available;
- To identify and incorporate into the project plan appropriate abatement and mitigating measures;
- To identify significant residual environmental impacts and another additional objective is required in the detailed assessment;
- To identify the environmental costs and benefits of the development project to the community.

Preliminary assessment is required in all development applications and the DOE will decide on the detailed assessment requirement based on the *'intricacy and impact of the development and its sensitivity and vulnerability'* (Briffett et al., 2004).

4. Limitation of EIA Implementation

According to Briffett (1999: 336), sometimes, the EIA process in Southeast Asia (including Malaysia) was *'simply used as a means to obtaining planning permission'*. For example, in Malaysia, only a project included in the 19 prescribed activities listed in the Handbook of Environmental Impact Assessment Guidelines (DOE, 1995) required EIA study. However, there were some weaknesses in the quantitative guidelines provided in the EIA handbook and raised criticism because of it was vulnerable to abuse by submitting multiple mini projects (Briffett et al., 2004). For example, an EIA was only required if the project was proposed for development on a hilltop or hillside exceeding 50 hectares, or a hotel with more than 80 rooms, irrigation schemes of more than 5000 hectares and coastal reclamation or clearance of mangrove swamps and housing development of over 50 hectares.

Unfortunately, even the handbook showed some weaknesses in the EIA implementation, there was no amendment done for an improvement. But, in March 2005, after the local newspapers exposed the

environmental destruction from the development near to Kuala Lumpur, the Malaysian Prime Minister, (Abdullah Ahmad Badawi) asks for the changes to the existing EIA requirements (Utusan Malaysia, 2005). The government then proposed a compulsory EIA study of any development project starting with 20 hectares and above, compared to 50 hectares and above in current requirement (Utusan Malaysia, 2005). However, the proposal has not been finalised and still in the revision process.

5. Limitation of Public Participation in EIA

In Malaysian EIA study, public participation was required for an improvement in project design. In that case, the term of "public" referred to the 'workers and local community' because they were the closest parties with the project (DOE, 1994: appendix 1). The public participation process only became compulsory in the detailed assessment, not in the preliminary assessment (DOE, 1995). According to Lee (2000, cited in Briffett, 2004), participation process in EIA study was done in two stages: first, during the preparation of EIA study through surveys, meetings and other methods and, second, by written comment procedures after the EIA report was available for viewing.

However, Leong (1991, cited in Briffett *et al.*, 2004) revealed that most of the EIA reports submitted in Malaysia were preliminary assessments where public participation was not required. For example, from 1988 until 1999, out of 1317 EIA reports that were submitted to the DOE, 1234 (95%) were preliminary, 15 were detailed and the remainder were risk assessment and exclusive economic zone studies (DOE, 1995; Memon, 2000).

From 1988 until 1999, only 15 public participation processes in EIA study were conducted in Malaysia. Even though the preliminary reports also provided detailed information more than the minimum requirement (Briffett *et al.*, 2004), the high percentage (95%) of preliminary assessments submitted means that almost all of EIA studies done in Malaysia during that period have been passed without participation process. Although various limitations concerning participation process in EIA existed, two main issues considered as the most important are; the weaknesses in EIA's regulation and public awareness.

Regarding to the weaknesses in the EIA's regulation, an example was shown directly through the statement in the EIA handbook. The EIA handbook stated that, *'the proponent may, if they believed it was in the public interest, applied for not making the report available for public viewing'* (DOE, 1995). Nevertheless, what was meant by 'public interest' in the regulation is not clarified. But, it has an indirectly provided an access for project proponent to pass up participation process.

Furthermore, public awareness of EIA studies is not encouraging. According to Abdul Ghani, (2004), previous experience showed that the response was poor even though the public were invited. Mohd Nor (1991) claimed it was caused by their apathy, their lack of awareness and lack of expertise. Several researchers (Boyle, 1998; Briffet, 1999; Staerdahl *et al.*, 2004) were disagreed to blame the public since *'the access for information about the (EIA) projects and their environmental consequences was very limited'* (Boyle, 1998: 112). This barrier was in contradicted with the statement in the EIA's handbook (DOE, 1988) that, *'the public was invited to comment on a proposed project which has been subjected to detailed assessment'*. Besides, it was difficult to evaluate the environmental impact statements (EIS) because of the confidentiality of the document submitted to the DOE and the EIA reports were not officially released to the public.

In relation to the issues of limitation in participation process, Mohd Nor (1991: 138) claimed that, *'rigid government control over such reports has handicapped the process of public participation in EIA'* in Malaysia. Mohd Nor (1991) was in opinion that the decision makers were still worried of the experience from Penang Hill project in late 1980s () when public objection on environmental issues caused cancellation of the project. But, Boyle (1998) point out an example from the Asian Rare Earth waste repository project also in Malaysia which showed that unprecedented protest from the public has improved the project and provided a better design.

6. Discussion: Implementing a Successful Participation Process in EIA

According to Staerdahl *et al.* (2004), public participation process is the central element in the EIA study since its effectiveness depended on how the involvement process is conducted in the practice. However, the approach of participation process in EIA is vary and depends on participation's objective. Staerdahl *et al.* (2004).revealed three levels of public participation approach implemented in EIA process:

- *Legitimatising participation* - occurred when the sole purpose of the participatory process was to legitimate the process, but it does not have any influence on the content.
- *Instrumental participation* - applied when the public was utilised as information providers to improve the quality of the EIA reports, but the public's prioritisation of problems and benefits was disregarded.
- *Democratic participation* – was when the views and the priorities of the public were taken into account in the decision-making process.

However, Staerdahl et al. (2004: 16) pointed out that the public only had 'limited possibilities for commenting on the project itself unless representative such as the NGO was invited as a member of the EIA Review Panel'. Their view was that the public participation in EIA process in Malaysia was only an 'instrumental participation' since the information received from the public was used merely to improve the EIA report, but disregarded the development issues to the public.

Regardless to what circumstances of participation limitations, it is hard to determine the best approach for an effective participation approach since various aspects such as socio-cultural, administration and public governance are blend together. Based on five criteria of a successful participation process developed by Dalton (2005), four main criteria have been identified as important for the context of participation process in Malaysia, as follows; Sufficient Information, Efficient Administration, Effective Approach and Fair Decision-making (Figure 1).

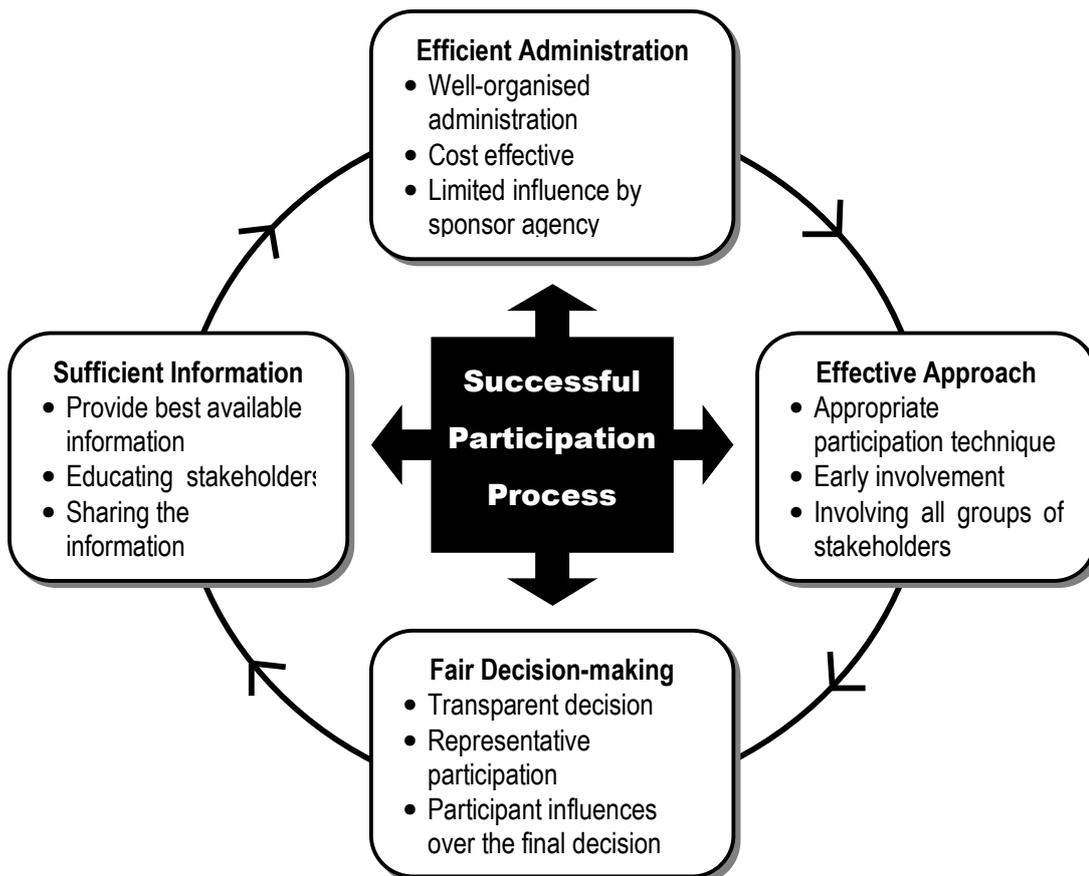


FIGURE 1: CRITERIA FOR A SUCCESSFUL PARTICIPATION PROCESS
Source: Modified from Dalton (2005)

Sufficient information

An effective participation process should provide the best available information to educate the participants, and create a constructive dialogue with the decision makers (Dalton, 2005). Available information should include the technical data that may influence the decision-making process, and the predicted impact that will arise from the decision being made (Brintnall, 1999). The information should be easily available to educate and develop participants' awareness and interest of participation process and to increase public understanding (McGlashan and Williams, 2003). Furthermore, '*ongoing participation education needs to be planned*' (Jackson, 2001: 143) and to ensure the participant will continuously be informed and approached for feedback.

Efficient administration

Tosun (2000) claimed that major problems in participation processes often resulted from ineffective administration, and lack of expertise among government department personnel. He stressed that local government should be well-organised and qualified personnel need to be trained in conducting participation processes. Public participation in EIA needs not only depends on personnel from DOE, but also involving expertise from various disciplines such as economics, sociology, and political science. The governing agency also should limit its influence in the decision-making process to providing more access for participants, and ensuring a fair decision could be made (Dalton, 2005).

Effective approach

In reality, having an Effective Approach and engaging with every individual during the involvement process is not easy and to achieve consensus among stakeholders is almost impossible. Occasionally, different opinions among stakeholders could contribute more to conflict rather than a solution (Campbell and Marshall, 2000). Therefore, understanding the goal of participation and applying the right approach are essential for an effective participation process. Various techniques such as survey, interview, forum, meeting, public hearing and exhibition are appropriate to be employed. Williams (1976) suggests an early involvement to permit the stakeholders to facilitate and provide local information, including their ideas and doubts. It then needs to be supported with the selection of the stakeholders from different backgrounds, even those without expertise and technical capability to receive a diversity of information.

Fair decision-making

Crosby *et al.* (1986) suggest that fair decision-making will help secure support from the community for the final decision, which needs a transparent process to see '*how the process is structured and the*

decision is reached' (Dalton, 2005: 1397). Transparency may dispel stakeholder suspicions about the motives of the governing agency and the reasons for their participation, and provided the stakeholders with confidence to contribute in the decision-making processes (Rowe and Frewer, 2000; Williams, 1976). Even the differences in representative's background could create divergences among stakeholder groups, it is essential in shaping the final plan to represent the wishes of the entire community (Glass, 1979).

7. Conclusion

The EIA study in Malaysia only provides one step of participation through members of the public purchasing the EIA reports and then submitting the comments to DOE. This type of participation is not favoured by the public, which has limited knowledge and understanding of EIA purpose. The one way communication approach in EIA seems to minimise the participation from the public. This reveals that the purpose of participation in EIA in Malaysia is only to inform the public and not to include them in the decision making process (Staerdahl *et. Al.*, 2004).

Arguably, public participation was created to minimise the impact to the public from any development. But in reality, especially in the developing countries (Boyle, 1998), the public does not fully participate because of bureaucratic barriers. In that case, Briffett (1999) claimed that the problem originates from a "top down" induction process, where the public did not receive a chance to voice their concerns and desires, which is similar to the case of EIA implementation in Malaysia. Briffett (1999: 336) then suggested that the attitude of the decision makers also needed to be changed and EIA should not '*simply be used...to obtaining planning permission*'. They need not have negative perceptions just because '*it introduced too much commitment to increased public participation in the planning processes*' (Briffett, 1999: 333).

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