

Lessons Learnt from SIA in Malta: the influence of local context and disciplinary background on the implementation of SIA in EU Member States

Primary Author: Steven Vella

Co-Authors: Mark Reed, Ana Attlee

Introduction

In recent years, there has been growing interest in the potential for Social Impact Assessments (SIAs) to protect the culture, health and well-being of local communities and to facilitate more socially inclusive policy-making in the EU Member States (TEP & CEPS, 2010). SIA emerged as a result of increasing awareness by policy makers that development interventions have significant (and often unexpected) social consequences, and therefore it was important for them to understand and evaluate the consequences of their decisions before implementation and to ensure that those people affected could participate in developments. According to international principles for SIA, developed by the IAIA, SIA should “assist in the development of legislation and policy at national level” (Vanclay, 2003:5). Beyond this, SIA is intended to assist making projects/policies/development initiatives responsive to social concerns, and enable developments to create overall positive social impacts, such as continued or improved community cohesion, continued/improved economic benefits and overall ownership and acceptance of development by communities involved.

However, despite the existence of an integrated impact assessment system that includes the ex-ante assessment of social impacts across most of Europe, the way that SIA is conceptualized and enacted differs substantially between Member States. This may be due in part to the way that the EU EIA Directive is interpreted and codified into national legislation and then implemented by national environmental agencies through the Terms of Reference (TOR) imposed on proposed development schemes for which Environmental Impact Assessments (EIAs) are deemed necessary. The TOR are then further interpreted and applied by practitioners in the field, in relation to the socio-cultural and political contexts of projects. This paper first critically assesses differences in the interpretation of European Commission guidelines across EU Member States, before considering how these are further interpreted by SIA practitioners working in different contexts within Malta. In doing this, we explore the tension of enabling flexibility and sensitivity to context in professional practice, whilst sharing good practice between Member States.

SIA implementation in EU Member States

SIA in EU Member States is typically undertaken as part of an integrated impact assessment that considers a full range of potential impacts arising from a decision, including environmental, economic and social impacts, or through targeted social impact assessments (e.g. gender equality or health impacts). Even

though the International Principles for SIA provide an exhaustive definition of SIA processes as a field of research and practice (Vanclay, 2003: 6-7), most national guidance documents have no clear definition of “social impact”, which may partly explain the current range of national and local interpretations of SIA, including significant differences between Member States in the range of social impacts considered and the rules and procedures that govern the assessment of social impacts (including the extent to which communities and other affected stakeholders are involved in the process). More significant is that for the European Commission Impact Assessments (IA) as well as SIA have different meanings to those referred to in this paper and defined by Vanclay. The European Commission’s Impact Assessment Guidelines, TEP & CEPS (2010) defines IA as “a tool and process to estimate the likely future impacts of policy proposals. Its ultimate objective is to lead to better informed, more evidence-based political decisions. As far as 'social impacts' are concerned, the study took the definition of social impacts used in the Commission's IA guidance¹ as a starting point, and then developed its own working definition for analytical purposes” (p.3). In fact, it seems that there is a mix-up of what the role of SIA should be and how it should be performed in reality, as can also be seen in Table 1. This analysis emphasized the predominance of impacts that could be easily quantified, such as employment, income, access to services and public health and safety, always in relation to EU policies in reference to the Lisbon Treaty, which is about the acceptance of new policies that the EU creates to match the social goals to abide with the Lisbon Treaty’s social agenda.

Table 1: Inclusion of social impacts identified in European Commission Impact Assessment Guidelines in Member State guidelines (from: TEP & CEPS, 2010)

Member State	Employment & labour markets	Standards and rights related to job quality	Social inclusion and protection of particular groups	Equality of treatment & opportunities, non-discrimination	Private and family life, personal data	Governance, participation, good administration, access to justice, media and ethics	Public health and safety	Crime, terrorism and security	Access to and effects on social protection, health and educational systems	No breakdown / categorisation provided
AT	✓	✓	✓	✓	✓	✓	✓	✓	✓	
BE	✓	✓	✓	✓	✓	✓	✓	✓	✓	
BG										
CY										✓
CZ	✓	✓	✓	✓	✓	✓	??	✓	✓	
DK			✓	✓	✓	✓				
EE	✓			✓						
FI	✓	✓	✓	✓	✓	✓	✓	✓	✓	
FR							✓		✓	
DE				✓						
EL	✓		✓	✓			✓		✓	
HU										✓
IE	✓	✓	✓	✓	✓	✓	✓	✓	✓	
IT	✓	✓	✓	✓	✓	✓	✓	✓	✓	
LV	✓	✓	✓	✓			✓	✓	✓	
LT	✓		✓	✓	✓					
LU										
MT	✓			✓	✓		✓		✓	
PL	✓	✓	✓		✓		✓		✓	
PT	✓	✓	✓	✓	✓		✓	✓		
RO										✓
SK	✓		✓	✓					✓	
SI										✓
ES				✓						
SE										✓
NL				✓						
UK			✓	✓	✓	✓	✓			
Total	14/27	9/27	14/27	18/27	11/27	8/27	13/27	7/27	12/27	5/27
% of MS	52%	33%	52%	67%	41%	30%	48%	26%	44%	19%

¹ European Commission: Impact Assessment Guidelines, 15 January 2009, p. 35-36. URL: http://ec.europa.eu/governance/impact/commission_guidelines/docs/iag_2009_en.pdf

Vanclay and other SIA experts do specify that SIAs should also be included for the evaluation of policies. The above analysis made by TEP and CEPS indicate that the EC have limited their evaluation of SIAs to policies, leaving out everything else, basing their analysis on the theoretical coverage of social impacts based on guidelines, rather than the actual range of impacts assessed by practitioners in the field. It is also clear that far less attention is afforded to the collective, shared social values, held by communities affected by decisions, which are typically more challenging to quantify. These may, for example, include impacts on local culture, shared beliefs, customs, language, dialect and values (Armour, 1990), community cohesion, stability and character (Vanclay, 1999, 2002), a sense of place and identity (e.g. Fuller et al., 2007; Dallimer et al., 2012), and a reduction in aesthetic and spiritual benefits from the natural environment (Kenter et al., 2014, 2015). Psycho-social and wellbeing impacts may also be felt, both at the scale of communities (e.g. disruption of social networks and breakdown of local informal institutional structures) and individuals (e.g. linked to health). Considering this much broader range of potential social impacts is essential to prevent decisions maintaining the easily quantifiable indicators of community wellbeing whilst eroding the very essence of that community's sense of place and identity.

This mix-up in definition and scope by the EC may be a very important reason why SIAs in Europe seem to underperform. For the purposes of this paper, SIA is the often-peripheralised component of Environmental Impact Assessment, which predicts the significant social consequences, positive or negative of a development project as defined by Vanclay in his 2003 international principles.

The Maltese Experience²

The EIA Directive was introduced in Malta in 1985, later amended in 1997 and transposed into national legislation in 2007 (EIA Regulations, 2007, LN 114 of 2007), which is currently under reform. While it must be said that unlike many other EU countries where EIAs are still very technocratic and lack the social component either entirely or, as evidenced above, lack many facets of an SIA, Malta's EIAs do include SIAs and they are usually done by social scientists, especially anthropologists. However, many EIAs, unless for EU-funded projects, still lack an in-depth SIA. Even then, the TOR for the social component of the EIA, which are published by the Malta Environment and Planning Authority (MEPA) for individual projects often ask for a "population study" rather than a more extensive SIA. Many times, the social component is only included within the economic component, reducing the holistic breadth of social indicators that an SIA would otherwise consider. Using their experience as consultants in Malta, Vella and Borg (2010) made a number of observations on the discrepancies between best practice and what takes place on the ground in the Maltese context, listing criticisms that interviewees made during a cross-section of SIAs that they

² The observations in this section are derived from 10 years of experience by the primary author as an SIA practitioner in Malta. It is also partly based on a book chapter published in 2010, also as primary author.

had worked on over a 5-year period. The consensus was that affected stakeholders felt ignored, silenced or short-changed by the system (ibid: 197).

The largest obstacles for SIA consultants in Malta to be more effective tend to be budgetary and socio-political constraints, and therefore the SIA does not tend to follow the EIA phases and can even be even side-lined from the process entirely due to the politics surrounding the proposed project. Such side-lining of SIA is often due to the perceived political risks associated with including SIA consultants in the planning / decision making processes of proposed developments, as these practitioners are most likely to come in direct contact with stakeholders prior to the official public consultation, especially if semi-structured, qualitative methods are being used (i.e. directly interacting with stakeholders via open-ended questions). Furthermore, SIA can be considered to be very interpretive, especially by “hard” scientists and policy makers, depending on the methods used and the disciplines (often social science) involved, representing a range of potentially divergent views that conflict with the recommendations of the EIA. As a result, Vella and Borg comment on the contrast between generally highly detailed TORs for the more ‘scientific’, number based components (needing specialized equipment) of EIAs, and the often under presented SIA, generally consisting of a single paragraph, “leaving it to the coordinator to interpret them and for the SIA practitioner to justify his/her methods” (ibid: 197).

Vella and Borg also note that how SIA is carried out can be influenced by how the various social actors involved perceive the EIA, the project and the consultants working on the EIA. The fact that it is the developer who pays for the EIA (and therefore the SIA) means that however impartial the consultant is, s/he generally perceived as having a conflict of interest, despite being required to sign a document that states that s/he has no stake in the project. Almost invariably, stakeholders that will be negatively impacted by the proposed project ask consultants who is paying for the report. While this is a legitimate question, this question stems from the previous experience of stakeholders, directly or indirectly, of a history of corruption by MEPA officials and EIA reports skewed in favour of past projects. Whilst less corruption occurs now, in part due to greater direct public and NGO scrutiny and an increase of a stringent EU auditing culture, which has prompted the EIA reform in Malta, such culturally imbued perceptions are deeply held.

Conclusion

The previous section has illustrated the wide range of factors that influencing the interpretation and implementation of SIA at local scales. SIAs were rarely included in EIAs in Malta, and when they were, they tended to be afforded significantly less detail in TORs. This lack of detail gave room for interpretation, which in turn has been used to justify narrow, and limited “population studies” rather than the holistic assessment needed to be consistent with IAIA principles. While it is not possible to generalize this experience across EU Member States,

Vella and Borg's finding that affected stakeholders "felt ignored, silenced or short-changed by the system" is likely to resonate beyond Malta. Many of the reasons suggested for these failings are also likely to resonate more widely: budgetary constraints, the perceived risk of mobilizing stakeholder opposition via more participatory approaches to SIA, and the complexities that inevitably arise from listening to the multiple, often conflicting narratives of affected stakeholders. Even if these obstacles can be overcome, much greater work is required to overcome barriers to stakeholder engagement that have been erected by repeated poor experiences of SIAs that failed to change decisions and that lost trust..

Even if such barriers can be broken down, methodological barriers may remain. In Malta, as elsewhere in EU Member States, SIAs are part of an economic assessment. Monetary approaches to the assessment of social impacts may be cost-effective and rapid to implement, and typically fit comfortably with the disciplinary skill-sets and epistemological backgrounds of impact assessment practitioners. However, such methods do not easily capture many social impacts, furthermore some would argue that it is ethically wrong to attempt to use monetary indicators to measure certain impacts (e.g. on the aesthetic or spiritual benefits that communities derive from the natural environment).

Non-monetary approaches to SIA tend to have their roots in more interpretivist epistemologies that emphasise the role of local context and co-produce and interpret findings in collaboration with affected stakeholders. Such approaches require different skill sets from SIA practitioners, such as drawing on field methods and analytical techniques used typically in disciplines such as anthropology and sociology. Although challenging to implement, there are now a range of deliberative and non-monetary methods that SIA practitioners can use to assess the fullest possible range of social impacts. These approaches go beyond engaging with stakeholders to collect data in order for SIA practitioners to infer social impacts, or simply giving stakeholders the opportunity to comment on the content of an impact assessment, as recommended in EC guidelines. Deliberative approaches to SIA involve the active participation of parties who may be affected by a decision in the joint assessment of potential impacts.

On this basis, the normative argument could be made that SIA across the EU can deliver greater social benefits if it were to adopt a more deliberative and participatory approach. However, the Maltese case clearly illustrates the barriers to enacting this in practice, given the limited time, resources and disciplinary skills typically available for SIA. Although the interpretation of SIA differs significantly between Member States, the SIA practitioner plays a pivotal role in achieving more comprehensive assessments to effectively inform decision-making. As such, attention should focus on training SIA practitioners in the skills and epistemologies of multiple disciplines. In this way, budgets / funding permitting (and this depends on type of project, Member State, type of development and the predisposition of the EIA Coordinator to ensure collaboration between consultants of the various components of the EIA), future

SIA's could be co-produced between practitioners from different disciplines with affected stakeholders.

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