SIA, Participation and Mediation on the ground

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Introduction

Social impact assessment (SIA) is increasingly used as part of a planning or development process in order to identify and to assess the likely social ramifications of policies and planning decisions on stakeholders, and to more effectively engage those affected in the decision-making process. The utilization of SIA in the planning/development process can help decision makers to fully understand the consequences of their actions before a decision takes place. If carried out effectively, SIA can enhance planning/development decisions so that the resulting projects have greater positive social impacts (e.g. alleviating poverty, improving social cohesion) whilst building ownership of the project for the stakeholders participating. Where decisions are particularly contentious, SIA practitioners can find themselves in the role of "mediator", bringing together the divergent perspectives of developers and stakeholders. In theory, engaging communities and other stakeholders in decisions about development via the SIA process should help avoid conflict[1] and enable more robust and durable decisions to be made (Beierle, 2002; Dietz and Stern, 2008; Reed, 2008).

However, there is evidence that poorly managed participation in SIA leads to failure to achieve intended outcomes, or unintended consequences for affected communities. Stakeholders may perceive SIA practitioners as biased due to how the SIA process and their employment in the process have been arranged (usually by the developer of a project). As a result, SIA practitioners need to be aware of their role and how their perceived bias might alter the dynamics of conflict. Besides the complexities of environmental challenges to the process (environmental impacts because of the proposed project that affect and become social impacts), logistics can also make such processes difficult to successfully facilitate, manage and mediate, for example, constraints to budget and time required. As a result, the SIA practitioner may create more conflict than they are able to solve, biasing outcomes towards the preferences of a minority of active, vocal stakeholders, exacerbating existing conflicts (Cook and Kothari, 2001; Gerrits and Edelenbos, 2004; Scott, 2011) and even creating conflict.

In this paper we explore the role of the SIA practitioner as mediator, in order to develop a theory of participation[2] for conflict resolution that is able to guide good practice in SIA. By codifying good practice through generalizable principles, we do not seek to downplay the importance of local context to each SIA. Instead, we seek to develop a theory of participation that can enable SIA practitioners to adapt participation effectively to their

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[1] We define conflict as 'situations that occur when two or more parties with strongly held opinions clash over conservation objectives and when one party is perceived to assert its interests at the expense of another' (Redpath et al. 2013)

[2] In this context, we define participation as the active involvement of all parties who are affected by or can affect a decision or the resolution of a conflict in deliberation over the terms of that decision or conflict.

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local context in order to successfully mediate conflicts. To do this, the paper will first review concepts of mediation and dispute resolution from a theoretical perspective, before using a Maltese case study to explore mediation in SIA practice. This will then be used to develop a theory of participation for conflict resolution in SIA.

Mediation and conflict resolution

When resolving conflicts informally (as faced by the SIA practitioner) a process of alternative dispute resolution can be followed. Alternative dispute resolution is generally utilised in private and informal solutions to resolve conflicts that might otherwise end in litigation through the courts. Conflict resolution generally follows a continuum from formal (arbitration) to informal resolution (mediation). Mediation is considered to be bottom-up approach to conflict resolution, (Menkel-Meadow 1993), enabling the solution to conflict to emerge from the dialogue and interaction of the participants, without the presence of an external authority (e.g. judge) to rule on the matter.

A mediation approach to conflict resolution tends to be better suited to SIA processes, as this approach works best for dealing with polycentric disputes, that feature multiple parties and multiple issues (Fuller 1971). The advantages of mediation are doubted by some who argue that mediation cannot successfully deal with power imbalances and that these inherently private resolutions lack the authority of public settlements (Fiss 1984). This viewpoint has recently been further supported by Neuberger (2010) who argued that more formal conflict resolution has a constitutional and public value that should not be undermined by private resolution.

Three Maltese case studies

This section will briefly describe three SIAs in Malta where the consultant's (PA) involvement with stakeholders to elicit scenarios involved mediation: a major coast road upgrade; two recycling plants at a waste management facility; and an underwater breakwater in a seaside tourist village[3].

There are a number of interesting themes that emerge when comparing the case studies. First, since the law does not oblige developers to get involved in stakeholder involvement before the official consultation takes place by the Malta Environment and Planning Authority (MEPA), it depends on the developer whether the SIA practitioner can officially carry out such exercises. In the waste management case, since it was a politically contentious project, even though the SIA practitioner sent the developers a report showing the positive effects of including the stakeholder during the EIA process, he was not granted permission to go ahead and organise official stakeholder meetings. Therefore PA involved the stakeholders informally by organising meetings through

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[3] The three case studies were selected because of how differently both developer and stakeholders perceived stakeholder participation and how this affected the participative process, which needed more or less mediation by PA, even though they all take place in one very small nation state within the EU. The three case studies are also being used in the PA's PhD research, which will go into much more detail on the themes discussed here, including knowledge exchange and collaboration between the consultants as well, also considered as stakeholders by the PA, where the SIA expert would act as knowledge broker between consultants from different disciplines, and therefore would mediate knowledge transfer between the consultants on the EIA team for a more collaborative and cross-disciplinary analysis of the data collected for the EIA.

other channels, such as local groups and NGOs, utilising prior relationships developed during the fieldwork for the baseline study of the SIA. Since PA could not facilitate stakeholder involvement officially, providing them information that PA could legally (and ethically) give them, even though the developers did not want PA to give them any information on the project. The stakeholders then used this information as leverage to get answers, even involving the press. Here, PA may have increased tension between the stakeholders and the developer, but by involving the stakeholders, ensured that their right to information, especially on health related issues were brought to light and discussed. On the other hand, thorough knowledge of the existing socio-political realities in Malta meant that by conducting such exercises and ensured knowledge exchange took place, stakeholders could then use that knowledge to mediate better options and involvement for themselves in regard to the project.

In contrast, the case of the Coast Road development, a major 7 km upgrade passing through 8 villages, began with a project leader that endorsed and welcomed the input of the local population. He let PA organise meetings, and personally attended the meetings with his architect in order to explain the project to those who attended. He listened to the stakeholders throughout the process. PA and the project manager collaborated closely in the design of the participatory process; PA was provided with full access to resources and took the lead. In fact, the project manager first ran his presentation by PA in order to ensure that if the latter didn't understand him, then the end user wouldn't either. So he tailored how he would communicate the project in order to ensure his knowledge transfer was effective. At the end of the EIA process, the developer's team informed PA that the SIA report was the one from which they learnt the most and contributed to a number of changes to the plans that enhanced the project and improved relations with the local population.

Finally, we consider the case of the underwater breakwater proposal, on Malta's sister island of Gozo. Here even though a meeting was organised, the developers did not discuss the meeting with PA (as SIA lead), and only allowed PA and his team to simply facilitate the meeting. Their architect did not consult with PA prior to the meeting, and gave a very technical presentation. He brushed local knowledge aside and did not consider their input as valid, a fact he vocalised during the meeting. In this case PA used a non-conventional (culturally appropriate) mediation technique to calm the participants – climbing on a table, whistling loudly and urging the participants to calm down (one stakeholder had become so incensed as to have a chair in his hand ready to throw at the architect). Ultimately, while the stakeholder meeting did not go well, it was the SIA report that detailed the stakeholder concerns that were brought up during the meeting that proved to legitimise stakeholder knowledge. When the report's findings, which were based on stakeholder knowledge, were included into the simulations, it became more apparent that the project would not be viable, with the result that the whole project had to go back to the drawing board. A year later, having realised the worth of stakeholder input, another stakeholder meeting was organised, this time by the SIA team, taking into consideration stakeholders' previous suggestions. This time, even the seating arrangements at the venue was altered to equalise power and better enable deliberation, and discussion between stakeholders and experts was managed to ensure that both the project and the deliberation were clearly understood and facilitated to allow real participation.

A theory of participation

This section draws on insights from the preceding case study of the SIA practitioner as mediator in Malta, in order to provide a theoretical foundation for good practice

participation that may better help avoid or resolve conflicts through SIA. Using our definition of participant, we suggest that the extent to which participation helps avoid or resolve conflict will depend on:

1. The context in which the participation occurs
2. The design of the participatory process
3. The extent to which the facilitator/mediator is able to manage power dynamics within this design and enable deliberation between participants
4. The length of time and spatial scales over which the participatory process occurs.

Principle 1 recognises that the extent to which participation can contribute towards dispute resolution is significantly affected by the socio-economic, cultural and institutional contexts within which it is enacted. There may be certain contexts in which a participatory approach to conflict resolution is unlikely to be productive, for example where an irreversible decision has been made, or where a participatory approach may exacerbate a conflict by involving parties previously unaffected by the conflict.

The second principle recognises that there are a small number of process design variables that increase the likelihood that participation contributes, avoids or resolves conflict across a range of contexts. de Vente et al. (under review) present evidence based on an analysis of different types of participatory process in similar contexts versus similar process designs in very different contexts. They find that participatory processes that help avoid or resolve conflict are more likely to include broad representation of stakeholders and the provision of information and decision-making power to all participants. This emphasizes the need to include and respect the knowledge claims of all involved in a conflict resolution process and requires the explicit inclusion and empowerment of marginalized groups.

The third principle, states that a well-designed process must be effectively facilitated to balance power dynamics between participants (de Vente et al., under review). One of the key roles of the facilitator in a participatory approach to conflict resolution is ensure effective deliberation and learning between participants. Depending on the scales at which learning occurs through participatory processes, deliberation may lead to social learning[4]. Social learning can build and strengthen relationships, enhance participants' understanding of other perspectives, and trigger systemic thinking (Raymond et al. 2010; Johnson et al. 2012) and in contemporary settings can have long lasting effects beyond an initial participatory approach (Bull et al. 2008). Kenter et al. (2014) argue that deliberative social learning processes have the potential to lead to a greater sharing of values, and hence leading groups towards consensus and away from conflict. They suggest that for such learning to occur, it is important that the facilitator/mediator elicits the values of participants at a range of levels, from "contextual values" or preferences to more deeply held values and beliefs, which are likely to underpin conflicts of interest.

Linked to this, the fourth principle shows the contribution of participation towards conflict resolution is scale-dependent over space and time. The extent to which participation facilitates learning, shapes the values of participants and tends towards

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[4] Defined by Reed et al. (2010) as occurring when: 1) there is some change in the relationship between a person and the world (i.e. change in understanding); 2) that this change in understanding occurs through social interaction; and 3) that the learning should occur across more than one person, at the scale of social units or communities of practice.

consensus rather than conflict is highly dependent on the temporal scales over which participation occurs. Assuming that values are made explicit as part of the deliberative process, deliberation within participatory processes may alter contextual values over short timescales (e.g. a single workshop), but deeper-held values and beliefs require engagement over much longer periods of time, potentially requiring generational timescales for more deeply engrained conflicts embedded in the cultural norms of a society.

The extent to which participation can avoid or resolve conflict may depend upon matching the participation of relevant stakeholders to the spatial scales at which a decision is being made, or a conflict is operating over. For national and international environmental decision-making processes and conflicts, this can be challenging. We found, two main mechanisms through which participation can deliver outcomes at different spatial scales: replication and social learning. In reality, a mix of these two processes occurs. Following the replication approach, participatory processes are replicated across a spatial unit (e.g. habitat, region or nation). To be successful, such replication processes (e.g. the EU TEN-T transport network of which the Coast Road upgrade was a part) must adhere to each of the previous three principles, The broader the spatial scale, the more important it will be to adapt the process design to different socio-cultural contexts. Following the social learning approach, participation is designed to enable knowledge and attitudes arising from a participatory process to diffuse through the social networks of those directly involved, enabling participants to draw on shared values and the knowledge of those they are connected to in their social network. Again, for this to be effective, each of the preceding principles will need to have been fulfilled, in particular ensuring effective representation of different stakeholder interests. As the case studies show, this is not always directly possible, though the SIA practitioner can utilise social networks both for knowledge acquisition and transfer, as with the 1st case study. More sophisticated approaches using Social Network Analysis may be used to identify individuals or organisations who are central in social networks in terms of their connectivity and trust, however the principle of homophily suggests that with the exception of certain key individuals acting as knowledge brokers, connecting disparate social networks, most stakeholders diffuse and represent the values and knowledge of others similar to them.

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