

Sticks and stones may break my bones but participation never hurt me: A people-centred model of impact assessment

Introduction

Conflict over development rarely come out of the blue. The seeds of conflict include polarised values, vocal communities, fears for the future of the planet, a trust deficit in society's institutions and greater access to information.

Social movements and protest are grievance mechanisms prompted by disturbed values, contested land use, power asymmetries and loss of trust (Hanna et al. 2016; Kvam 2017). Their contagion effect is fanned by social media, so conflict is high risk. My research would suggest that companies facing an angry public's 'sticks and stones' usually come off second best in terms of legal challenges, project delays, reputation damage, operational costs and festering ill-will. Legacy impacts may include community rejection of future projects.

This paper suggests that conflict is best addressed before it emerges. Impact assessment can play a key role by providing a platform for 'people due diligence', as will be discussed below.

Method

The paper is based on PhD research that included an audit of all impact assessments in the Northern Territory of Australia between 1974 and 2018 and 58 key informant interviews across Australia with practitioners, regulators, Aboriginal corporations, mining companies, NGOs and decision-makers. The research explored gaps between best and actual practice, supplemented with case study research of controversial Australian mining projects and scrutiny of land court judgements to determine the factors in mining projects being challenged, rejected or delayed.

The research highlighted inconsistent approaches, unqualified practitioners, shallow participative practice, rare consideration of values and culturally incompetent regulatory systems. A more people-centric approach would include values mapping, a participative justice framework and culturally competent impact assessment of projects affecting First Nations' land and seas.

Values

Values are the internal standards by which we judge events, behaviour, fairness or what ought to be (IAP2 2006). They are internal psychological states, core beliefs and attitudes, which become the foundations of decision-making and shape the choices we make (Rokeach 1973; Young et al. 2015). So, the first element of the model is mapping community values to predict how they might be disturbed by development and the resilience or vulnerability of communities. Values could be analysed at the following levels:

Sentimental values attached to the place we call home, where we raised our children, buried our grandparents, treasure the peace and quiet, know the neighbours, walk the dog and value our privacy. Disturbance to sentimental values includes the concept of 'solastalgia' (Albrecht 2005), or the psychological distress at unwelcome change to our home environment, loss of place, identity, and fears of pollution and toxicity. Our sentimental values will be influenced by the perceived effects of development on our quality of life and

material wellbeing. We are unlikely to accept trade-offs for the loss of these values, so disturbance of sentimental values is best avoided.

Neighbourhood: Development may affect our sense of community wellbeing and safety, appreciation of landscapes and degree of political efficacy (voice in our own governance). An influx of strangers may change the composition and liveability of our neighbourhood and put pressure on the suitability and affordability of social services (housing, education, transport) and health and safety (including traffic and worker behaviour). Development may disrupt cultural and spiritual ties to land, kin, leadership, cultural practices and ecosystem services through land clearing, pollution and industrialisation of the landscape. Neighbourhoods may value benefits such as jobs, improved social services and social investment strategies.

Regional values incorporate supply chains, economic benefits such as jobs and local procurement, accommodation of workers, possible inflationary and displacement effects, pressures on infrastructure and potential contributions to regional capacity building. Disruption may include distributive inequity, changed governance structures or their reduced effectiveness due to loss of human capital. Benefits may include jobs and industry development, reversing the decline of regional communities and diversifying economies. The extent to which we will accept trade-offs is likely to depend on the strength of our values and how we perceive them being disturbed.

State and national values capture the enhanced revenue and financial viability of governments from taxes and royalties, economic growth and enhanced ability to provide services, as well as a reputation for being investor friendly and enforcing rigorous and quality impact assessment.

Societal values are deep-seated, more disparate and less localised, such as concerns about climate change, use of fossil fuels, opposition to fracking or nuclear waste, scarcity issues such as use of groundwater, or impacts on Aboriginal rights. Industry and societal values are often polarised. Fixed positions unlikely to shift, hence the futility of persuasion by ‘facts’ and ‘education’. Societal values are best considered at a strategic level to provide a weather vane for likely acceptance or conflict.

Participative justice

The second element is early and meaningful engagement. For controversial projects, conflict is best reduced through empowered participation where affected peoples have real influence on decision-making and project planning. Shrader-Frechette (2002) draws on procedural fairness and environmental and deliberative justice to describe ‘participative justice’ as “institutional and procedural norms that guarantee all people equal opportunity for consideration”. I draw on justice, engagement and social psychology theoretical frameworks to develop eight principles of participative justice:

Trust and relationships: Trust, gained through relationship building, is an important predictor of community acceptance. Trust is especially important when there is high uncertainty or insufficient knowledge to make lay judgements and residents have to weigh up potential risks and benefits based on the perceived credibility of scientific information (Luke 2017; Parsons et al. 2014).

Voice is people's ability to express what they feel or think. Having a voice means that community knowledge is seen as authoritative and signifies a belief that people's views are being considered by authorities, who are making an effort to be fair. Consultation fatigue sets in when people feel their input is tokenistic and that the real decisions have already been made (Coakes 1990; Porter 2018).

Power comes from being part of a dominant culture, with better access to resources and decision-makers. It includes bargaining power and whose definition of an impact, value or fact is accepted or dismissed as subjective, emotional or irrelevant. Empowerment is aided by giving affected social groups greater influence and standing, such as hearings in less formal settings, community control over technical inputs and negotiating comfortable environments in which to provide input (Preston 2014; Berger 1977; Lockie 2001).

Control: People affected by projects desire good process (the ability to state their case) and decision control. They are likely to want greater control over important issues, while delegating decisions that matter less. Active participation, or the ability to present their views, makes people more likely to accept the final decision (Ross 1990; Coakes 1990).

Standing: Justice as recognition relates to who is given respect and valued. Some processes devalue Aboriginal people and cultural minorities, whereas all people should be accorded respect, dignity and equal worth so they can be confident that decisions are not biased by power imbalances or technical credentials. The voices of marginalised 'others' should have equal standing with those of dominant groups (Preston 2014, Chambers 1996; Porter 2018).

Inclusiveness covers culturally appropriate participation, adapting to local decision-making procedures, providing time and resources to respond to proposals (O'Faircheallaigh 2009) and giving equal weight to other knowledge systems and worldviews. The 1977 Berger Inquiry in Canada adopted both informal hearings to incorporate "the world of the everyday, where most witnesses spend their lives" and formal hearings, or "the world of professionals, the specialists and the academics" (Berger 1977, p. 387)

Legitimacy, or fair decision-making, includes the credibility and trustworthiness of authorities and degree to which people are treated with dignity and respect (Tyler 2000). To be seen as legitimate, a company needs to provide believable information, deliver on commitments, demonstrate a high level of technical competence and a commitment to social performance (Jijelava & Vanclay 2017).

Independence and impartiality: Impacted groups will look for an unbiased decision-maker who is honest and open and uses appropriate information to make decisions based on the perceived honesty, impartiality and objectivity of authorities (Coakes 1990; Tyler 2000).

Cultural competence

The third element for projects on First Nations land is cultural competence, or regulatory systems with the skills, knowledge, mandate and intercultural capacity to equitably consider other worldviews and knowledge systems. Key components of cultural competence are independent researchers and the time and resources for immersive social science approaches (O'Faircheallaigh 2009; Gibson et al. 2008; MVEIRB 2009; Gibson 2017; Jolly 2014). One method is cultural impact assessment, or specialised research that captures the values, aspirations, worldviews, spirituality, the inseparability of social, cultural, economic and ecological values, the ability to pass on culture,

multicausality and spiritual enrichment (Satterfield et al. 2013). The past dislocation of people with cultural and spiritual ties to the land can compound marginalisation (Vanclay et al. 2015). So, cultural impact assessment needs to convey the complexity of how projects might benefit or disturb values, capture diverse aspirations and outline how projects might enable or thwart local enterprises. Issues that seem small or inconsequential to outsiders may be real and consequential to those affected and are often overlooked or dismissed by biophysically-oriented studies.

Cultural impact assessment (CIA) captures the subtleties of individual, family and community values and context that are lost in aggregated data. With good governance and good process, CIA can overcome a lack of trust in regulatory systems, empower individuals and communities, shift the balance of power to community-driven planning and better inform decision-makers about the long-term implications of changes to landscapes. It can provide rich insights that go beyond archaeological studies of sacred sites and relics of the past by focussing on living cultures.

Conclusion

Conflict is hard to resolve, so is best avoided. Qualitative research constitutes a form of ‘people due diligence’ that provides early insights into the values and worldviews that underlie the interests and positions of affected communities and other stakeholders. Values mapping and authentic public participation - based on narrative approaches - will give potentially affected communities a voice to surface assumptions, concerns and values. This rich qualitative data will build understanding of relevant context, history, sensitivity to disturbance and potential missteps by proponents. Relationships and trust will be built by participation that is culturally-respectful and inclusive, shares control and accommodates diverse worldviews and knowledge systems.

People issues are often dismissed as mere subjective perceptions (Parsons 2019), yet it is aggrieved communities that stop or delay projects, often at enormous cost, including demands on management time (Franks et al. 2014). Conflict is often missed because a muted initial reaction from communities is conflated with apathy. But communities may be passive only until they realise the implications of a project or the disturbance of values reaches a tipping point with cumulative impacts from multiple projects. Conflict over projects on Aboriginal land is often missed because of a reverence for hard data over narrative or worldviews that treat land as a resource to be exploited, without understanding the spiritual and livelihoods significance of land for First Nations people.

The resultant conflict is not resolved with scientific and technical ‘facts’. Conflict is not addressed by technocratic impact assessment. It is best avoided by an early investment in listening. This ‘people due diligence’ – at a scoping or strategic planning stage – deserves equal status with technical and financial due diligence. It will give people real influence and provide an early warning of potential conflict. Good process is an investment, not a cost.

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