

Community Consultation: beyond the law?

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Introduction

We live in interesting times in relation to determining the best way of engaging communities in decision-making processes about issues that may affect them. There is an emerging and growing community mistrust of government and corporate entities. People are increasingly demanding greater accountability, and transparency of decision-making from these bodies. Meanwhile the credibility and standing of non-government organisations continues to grow strongly (see for example recent research undertaken by Edelman PR Worldwide, 2002).

As a result of some sometimes ill-conceived community consultation and communications efforts by the Government and the corporate sector in the past (and regrettably still happening as we speak) community activism against specific proposals continues to gain momentum to the point where any real opportunity for constructive debate to examine the facts and issues is frequently lost from the outset. Often concerns about particular issues are as much about the values people hold as they are about the merits of the particular proposal and therefore require a different approach to simply attempting to engage in a rational conversation about facts, risks and impacts. All this means that any opportunity for so called “rational” debate is even more challenging.

We have laws that provide the basis upon which civil society operates. Often included in such laws are provisions for community participation in decision-making and they generally outline the minimum requirements. But how much do those involved in administering such laws rely on minimum requirements alone rather than examining if more engagement might be better and in fact might lead to better outcomes for everyone?

“There’s no objectivity in this room...”

I heard this comment from an industry representative when I was trying to facilitate a fiery meeting with some very frustrated residents, a farmer and industry representatives. The residents were being affected by what they said were offensive odours from a neighbouring broiler (chicken) farm. The expectation of this representative, skilled technical expert field in his field, was that they could have a rational discussion about the issue and explore ways to resolve it. This was within a context where the industry had initially denied there were odours and was therefore reluctant to respond to residents’ concerns.

People see themselves as exercising their democratic rights to demonstrate and protest. Sometimes however, in these exercises the opportunities to have any meaningful debate are lost, due not only to the approaches chosen by those organisations charged with communicating and consulting with the community but also by those chosen by activist groups. There is a tendency for parties to view things in absolutes – black/white, adopting positional win/lose approaches as well as politicising the issue when it suits. Frequently with most issues however there are shades of grey. Win/lose outcomes also have significant costs, not always of benefit to the long-term interests of parties involved in issues of difference. So how within this context do those charged with communicating and consulting about important public issues choose the most appropriate way to go about their task?

Of course one way is to accept that the black/white and win/lose approaches are all inevitable outcomes of the “rules of engagement” and simply manage the risks. Frequently however the management of these issues in the short, medium and longer term will involve the need to sustain an ongoing relationship with various interested parties. If that is the case then adopting the black/white and win/lose approach will be somewhat limiting in terms of having any kind of future productive working relationship.

This paper will argue that attempting communications and consultation about important public issues from a basis of mutual respect and trust is more likely to achieve better outcomes – whether that may be to accept a certain approach to dealing with an issue, accepting a proposal, or to reject it and develop alternatives. It advocates the concept of principled leadership as described by Susskind and Field (1996:222-238). This paper will also provide some examples of EPA Victoria’s approach to community engagement within this context. It provides reflections from a “working in Government perspective” but the issues highlighted here could equally apply to the corporate and non-government sector.

Towards more effective communication and consultation

The “ideal”

Susskind and Field (1996:13) assert that it is possible to develop effective ways of dealing with angry people by using what they call the “mutual gains” approach. This approach assumes dealing with the public is a multi-party and multi-issue negotiation. Key behaviours to be adopted in working this way include acknowledging the concerns of others, working collaboratively to find solutions, be willing to share power, admitting when you are wrong, acting with integrity, and working with a focus on building long term relationships. How then can this approach apply within a Government context?

Part of a government agency’s role incorporates community education and raising community awareness of the issues they are there to oversee and manage on behalf of the community. Essentially there is a need to establish effective collaboration and an ongoing relationship with the community if they are to achieve their objectives. For example, this is particularly true for EPA Victoria in attempting to get further improvements to air quality where the most significant impact on urban air quality is the motor vehicle. This requires EPA to be able to positively influence people’s attitudes towards their use and maintenance of motor vehicles in a way that can lead to further improvements in air quality.

In theory one could argue that if these consultation and communications approaches are done effectively people become more informed about the issues. This then can increase the likelihood that any discussion and debates about these issues can be undertaken in a more constructive way. The agency responsible for doing the consultation or communications can therefore be more certain about community expectations and they can consequently communicate this with some confidence to Government decision makers, giving hopefully an accurate indication of the level of community support for an issue, program or activity they need to address.

The reality

Regrettably more often than not, these aspects of communications and consultation frequently do not receive as high a priority as perhaps they should. Reasons for this are many. Frequently they require strategies that are long term in nature, do not necessarily deliver results in the short term and their impacts are difficult to quantify. This arguably makes them fairly “unmarketable” in the exercise of resource allocation in many organisations where short-term results seem to increasingly permeate the prevailing culture. Within such a context the challenge is how to convince and influence decision makers that these approaches can work and are worth the investment.

Choosing the best approach

Terms such as strategic communications, community consultation, stakeholder engagement and relationship management are widely and increasingly used. We might all believe that these activities may lead to more successful outcomes in our work - but do we have a common understanding of what they mean and more importantly the most effective way of undertaking these activities?

Particular projects have the potential to generate significant community interest and concern. Ignoring this can be a risky business and can affect a project’s viability. In some circumstances this has led to particular projects being abandoned. Dealing with community dissatisfaction can take up a lot of management resources, costing an organisation time and money and may affect its public image.

So how then do communications and community engagement professionals deal with these challenges? For a start we need to more critically and realistically examine the effectiveness of our efforts, build on our learning from this and aim to continuously improve our approaches in an attempt to address (and who knows, perhaps even reverse) the trend of growing community cynicism.

EPA Victoria’s approach

EPA’s mission involves meeting the Victorian community’s expectations for a safe, clean and ecologically sustainable environment. A key way EPA does this is through the development of environmental legislation including State environment protection policies on behalf of the State Government. These policies provide a framework for everyone to follow when they are engaging in activities that may have an environmental impact. EPA also has an enforcement role, ensuring people are complying with these policies and the relevant environmental laws and regulations.

EPA’s role, in effect, involves being an environmental advocate within the context of managing a range of different stakeholder interests. Frequently stakeholders agree about the desired outcomes, but often have different views about the best way of achieving them. EPA’s challenge is to keep in touch with the various stakeholder interests, issues and concerns. We need to ensure we properly assess and evaluate them as part of our decision-making processes.

Steps to take

Assessing potential impacts

A starting point in assessing the type of communications or community consultation required for a particular project is to think about all the possible impacts of the project. A locally based initiative such as siting or upgrading an industrial facility will require a different approach to one that is attempting to appeal to a wider audience such as gaining community support to accept greater re-use of recycled water.

Analysis of possible issues and interests

Ask some questions – why, who, what, when and how. Doing this can assist in determining the best approach for particular communications and consultation activities. This approach also suggests one where nothing should be assumed – sometimes a tough call for some who believe that they have been engaged for their professional expertise and knowledge and also have an opinion as well.

Do an analysis that examines who might be interested in the particular issue being addressed. Think about what their interests might be. Undertake some role reversal thinking – imagine yourself in the position of those with potential concerns. Imagine what they might be. Do some things to confirm your analysis – go and talk to people, listen, ask questions, re-assess the approach being taken where necessary.

Be open and accountable

Desirable communications and consultation approaches aim to have a transparent and accountable approach - that is, being “out there”, listening to the community’s concerns and responding to them.

From an EPA perspective, our task is very much about influencing those responsible for managing projects and issues, to ensure they constructively address them and that they are sustainable. EPA’s efforts with these endeavours are not always successful and with instances where we are not as successful as we would have liked to be we need to be mature enough as an organisation to critically examine what we may have done wrong and how we can address that in the future.

One particular challenge for EPA here often becomes one of demystifying Government processes and decision-making to the wider community. Our experience suggests that many people are not at all familiar with them, nor do they necessarily understand them.

Good consultation approaches involve answering questions honestly and providing information to people so that they can increase their knowledge and understanding of the issues. People need credible information from trusted sources and this is one important way of building that trust.

Develop trust and respect

Developing a trusting and respectful relationship with stakeholders is a constant challenge for organisations alike, made even more difficult where past consultation efforts have been poorly handled and people are cynical and untrusting as a result. Attempts to improve on consultation approaches need to recognise past experiences in order to avoid making the same mistakes. Acknowledging past mistakes may also need to form part of the consultation landscape.

EPA's experience of being "out there" has meant that in dealing with specific issues, a climate of greater trust and respect has been developed, where we have been able to have some rigorous and constructive debates that have ultimately led to better decisions being made and a more informed community. It is in these small ways we have also been able to have an influence on increasing the level of awareness in the community about environmental issues.

Towards "best practice" community consultation

A growing part of EPA's role is working with its industry clients to develop communications and consultation strategies to manage issues that may have a significant community impact. These approaches are based upon some fundamental key principles:

- People have a right to be informed early, of any issues that may have an impact upon them
- People should be involved as early as possible in the planning stages of projects
- People need to be able to have real opportunities to inform and influence the decision-making process
- Any consultation process should be open and transparent
- Allow enough time for consultation to occur
- Communication should be done in a way that generates a climate of trust and constructive debate
- Get the right balance between listening and telling.

Putting the principles into practice – some successful examples

Environment Improvement Plans

EPA has had some successes with its consultation efforts, notably the development of environment improvement plans (EIPs) between local industries and their community neighbours. An EIP is a public commitment by a company to improve its environmental performance. The company in consultation with its local community develops an improvement plan. The local community is then involved in monitoring the performance of the company against the targets set down in the EIP. Over fifty EIPs now exist and they have provided an effective way for local communities to have a more effective say in the type of environment they want.

An important factor in ensuring the ongoing success of EIPs is that the consultation processes through which the EIP is developed are regularly reviewed and that regular communications of the issues and achievements to the wider community occur. In many instances local communities and companies are effectively working together to solve problems and getting on with actions. In some cases EPA is becoming more of a "bystander" and the need for regulatory intervention has diminished markedly.

Further developments

EPA has continued to build on the success of the EIP approach by introducing the concept in legislation in 2001, of neighbourhood environment improvement plans (NEIPs). The *Environment Protection Act 1970* now contains provisions for the development of NEIPs. Extending the notion beyond site-specific issues, the NEIP concept enables local communities with concerns about their local environment to find solutions to the problem and for them to have some statutory backing.

Problems that could be addressed with a NEIP include issues like poor air quality in a particular locality. A NEIP could also deal with concerns about the impact of diffuse sources of pollution or assist in dealing with past efforts, which may not have not been as effective as they could have been in dealing with the issue.

The Act specifies who can sponsor a NEIP, which must go through a process of endorsement and approval by EPA. EPA is currently participating in three pilot programs:

- Anglesea (sponsor is the Surf Coast Shire);
- Stony Creek (sponsor is the City of Maribyrnong); and
- Edwardes Lake (sponsor is the City of Darebin)

These pilots will help inform the best ways of going about developing NEIPs.

Interesting issues emerging from the pilots concern the challenge of seeking co-operation from potential key partners, coming to a common understanding of what the issues are and what needs to be fixed, demystifying roles and responsibilities of the various organisations that may be involved and basically learning to trust each other and everyone's intentions. In effect it is about developing a climate of trust and respect and renewing relationships with a view to hopefully build more productive ones through which more collaborative approaches to address problems will be achieved. We are beginning to make some progress.

Conclusion

There are no formulae, prescriptive approaches or absolutes in undertaking effective communications and consultation. Perhaps the best outcome is one where the participants are heard to say "I don't agree with the decision but I'm happy that someone listened, my issues were considered as part of the decision-making process and I can see how they were considered".

Even if our consultation and communications efforts become more effective, the philosophical and values-based discussions will inevitably continue, with not necessarily right or wrong answers but within a context where people are more informed about the process of democracy and how then they can have a role in influencing Government directions.

Getting community consultation right from the outset makes good sense. There is not just one way to go about improving community interactions and with time, we can always do it better. The important thing is to keep trying. People do notice and it does make a difference.

References

Edelman PR Worldwide – www.edelman.com/edelman_newsroom/releases/6477.htm

Susskind, Lawrence, and Field, Patrick. *Dealing with an Angry Public. The Mutual Gains Approach to Resolving Disputes*. New York: The Free Press, 1996.

1. This paper was presented at the 21st Annual National Environmental Law Conference, November 2003, Lorne Victoria. Environmental Law in Regional Australia - Empowering the Community.