

‘Decide-announce-defend’ not a viable strategy for project planners



The ‘Decide-announce-defend’ approach to road and transport construction projects, waste and energy upgrades, and major developments, is proving costly and time-consuming for Ireland. Garry Keegan and Dr Ann Torres recommend that likely adversaries be brought together earlier, and that project promoters analyse and define the communities related to their proposed project in order to better engage and negotiate.

The recent Garth Brooks dispute is evidence of a prevailing economic and societal problem, which persists in Ireland. The media regularly reports on projects and policies that attract controversy, many of which are intended to contribute to Ireland’s economic and social development. These controversial projects experience cost and time overruns – protesters are seen digging tunnels, tying themselves to trees, blocking site entrances, getting arrested and incarcerated, marching, protesting, demonstrating, taking court actions and so forth.

Repeating the same mistakes and not getting different results

The Garth Brooks dispute had all the usual ingredients associated with these kinds of conflicts: permit uncertainty, diverse views among multiple stakeholders, negative perceptions of community benefits, unproductive political intervention, adverse local economy impacts, and unsuccessful mediation. Although such controversies are a regular occurrence, we are not learning how to handle them more effectively. The same mistakes are being made, leaving an unhappy trail of fractured relationships and the squandering of scarce resources.

“The Garth Brooks dispute had all the usual ingredients associated with these kinds of conflicts”

There are numerous examples of environmental public policy and commercial projects that have proved to be highly contentious, namely road construction (e.g., M50 Carrickmines, M3 Hill of Tara, N11 Glen of the Downs, Toll Roads, Dublin Port Tunnel); rail expansion (e.g., Luas, Metro, and DART Underground); waste, energy and utility upgrades (e.g., Meath and Poolbeg incinerators; Corrib Gas

Pipeline, overhead transmission lines, telecoms masts, and fracking); and major developments (e.g., Thornton Hall - Meath Jail, Aviva Stadium, Ballsbridge JBC and the Docklands). These initiatives endure negative publicity, general acrimony and sometimes injunction applications, where communities galvanize and become married to the conflict, either as individuals, or as members of action groups.

Losing time and money

In reviewing these disputes, there is consistency with respect to objectors’ arguments and in the approach of the state body charged with project delivery. These disputes lead to acrimonious public debate, project delays and considerable increased costs. These major infrastructure public policy projects, resulting in prolonged and expensive multi-party disputes, are drawn into the political arena and become the subject of election manifestos with the various political parties emphasising different public policy issues. Hence, when there are changes in government and the ‘inherited’ infrastructure projects go against the incoming government’s espoused policy, it inevitably generates further complications. An example of such a scenario is the Ringsend ‘Incinerator’ project, proposed in Sandymount/Ringsend, a popular residential area of Dublin City. This project has been in gestation for many years, during which it has been hotly debated and has absorbed close to €100 million to date.

Why the chance of conflict is so high

With some projects, such as the development of electricity transmission or wind farms, government departments are in sync. For example, at the national level, the Department of Communications, Energy and Natural Resources and the Department of the Environment are deeply involved, jointly responsible, and typically like-minded in developing transmission and wind farm projects. However, local authority municipalities, which such projects straddle, may employ a wide range of policies. Although local politicians

appreciate infrastructure projects are matters of national policy, and may privately acknowledge the need for such infrastructure, they are often compelled to defend project objectors' positions. Developing a 'coalition of the willing' is challenging under these circumstances.

Each time a new 'national need' infrastructure project is initiated, it encompasses a multitude of public policy and community stakeholders, and the potential for conflict is high. The question is how to learn from past mistakes? Is conflict inevitable? What measures minimise conflict, while also respecting stakeholders' varying perspectives? Interest has grown in consensus building, facilitation, mediation, and other forms of conflict resolution through assisted negotiation and voluntary settlement.

Learning from past mistakes

Early intervention, preceded by an appropriate assessment, is important in achieving ultimate mediation success in environmental disputes.

In the application of environmental conflict resolution, bringing likely adversaries together earlier, before conflict escalation is essential. Focusing on improvement of long-term capacity within organisations to deal with conflict is also an imperative. In the future, there will likely be an obligation to specify mediation as part of zoning, permitting, licensing, facility siting, and other environmental related processes. Mandatory ground rules facilitate dispute resolution endeavours.

Public opposition to the siting of facilities (e.g., airports, military bases, industrial plants, prisons, power plants – hydro, solar, nuclear, oil and gas refineries, and waste management sites), which are promoted to benefit a region, but are locally unwelcome, is a well-documented social issue. While proponents of private or public facilities search for strategies designed to achieve public acceptance, opposition groups regularly demonstrate a capacity to halt or delay new projects using a variety of legal and political tactics. Through these actions, efforts to deliver rational planning initiatives to meet environmental needs are thwarted. They expose the inherent weaknesses of facility siting processes in effectively balancing regional and national needs.

Communities: The Who and the What

Exploring the meaning of 'community' clarifies association, inclusion or exclusion. How and by whom community benefit agreements are negotiated may be subject to intense debate by a coalition of representatives from a diverse community. Who is 'in' and who is 'out' of the coalition is important with respect to accountability and legitimacy. Hence, local authority officials and developers may negotiate agreements with preferred groups that may not reflect the full range of community concerns. Establishing who are the local community and what constitutes a legitimate project, although important, is challenging. Communities of place do not necessarily constitute communities of interest.

A geographical community conveys a physical context such a parish, village, town or city. However, as

highlighted in the Croke Park – Garth Brook's controversy, the 'community' is not defined by geography of where people are located, but how people perceive themselves to be connected to others. Hence, how people network, interact, participate in groups, and feel a sense of belonging is what defines a community; proximity does not necessarily infer connectedness. Therefore, modern society develops community around interests and skills, rather than around locality.

“The ‘community’ is not defined by geography of where people are located, but how people perceive themselves to be connected to others”

Project promoters should consider how the local community is defined. For example, communities may comprise of those who are impacted (e.g., visual, noise, traffic), share an interest (e.g., sport, cultural, religious), or on a regional basis (e.g., historical, administrative, geographical). Defining community plays a critical role in negotiating and administering a community benefit agreement.

Communication, transparency and genuine consultation and engagement need to be in the bloodstream of projects. 'Decide-announce-defend' does not work. A coordinated consensus building approach should be embraced, therefore, diminishing the potential to repeat past mistakes. Regarding initiatives of national importance, this approach will make a constructive contribution towards a more harmonious economy and society.

Garry Keegan is a leading conflict intervention expert in the area of energy and transport infrastructure development. Apart from his environmental mediation and multi-party public policy work, Garry also lectures and conducts training courses. Garry holds an MBS in Marketing from University College Dublin and an MA in Mediation from the National University of Ireland Maynooth. He is currently researching a PhD at the National University of Ireland Galway on Public Attitudes to Siting High Voltage Overhead Transmission Lines and the Role of Host Community Benefit Schemes.

Dr. Ann M. Torres is a Lecturer in Marketing at the J.E. Cairnes School of Business and Economics and the Vice Dean of Internationalisation for the College of Business, Public Policy and Law at the National University of Ireland Galway. She spent 2013 as a Visiting Fellow in the Program on Negotiations at Harvard Law School, Harvard University. Her research interests are situated in the convergence of strategy, entrepreneurship and innovative marketing practices. Ann obtained an MBA from the University of California, Berkeley and her PhD from Trinity College Dublin.