

Public Engagement and Renewable Energy Development:

Options and Alternatives for Tidal Energy Development in the Bay of Fundy

A Discussion Paper by Bay of Fundy Marine Resource Centre

SUMMARY OF RECOMMENDATIONS

Based on the research and community participation it did as part of this project, the MRC recommends the following.

- that the plan for the development of tidal power in the Bay of Fundy include an engagement strategy with Bay of Fundy coastal communities that is inclusive, ongoing, dialogic and transparent
- that rather than the usual one-off superficial community consultations, the Bay of Fundy tidal energy development undertake serious ongoing engagement with citizens of Bay of Fundy coastal communities by supporting community-based organizations and agencies that can provide ongoing facilitation of dialogue, public education, outreach and research necessary for meaningful consultation
- that further research be conducted into successful models for citizen engagement in resource projects

INTRODUCTION

The purpose of this report is to examine options for improving citizen engagement in the natural resource and energy projects, and to make recommendations about how these options might be relate to Bay of Fundy tidal power development. The paper is part of a project undertaken by the MRC with funding support from Offshore Energy Environmental research (OEER).

The MRC's approach to this research has involved three steps:

- 1) Writing and researching currents trends and approaches relating to citizen engagement
- 2) Convening a group discussion with Bay of Fundy citizens and community organizations representatives on the draft paper
- 3) Incorporating findings from the research and discussion into the report and submitting it to OEER , with recommendations.

The paper consists of the followings sections

- Background information providing a legal and jurisdictional context as well as current field of citizen participation
- A survey of current theory and practice of citizen engagement
- A summary outline of key elements that need to be added to the citizen consultation process
- Recommendations to OEER

BACKGROUND

1) Citizen Participation: Current Trends and Approaches

There is increasing and widespread recognition that the current practice of government consultation leaves much to be desired. Both community groups and government officials share this dissatisfaction. That governments are wrestling with this question is evidenced by the number of projects that have been commissioned by the Canadian government in the last few years on citizen engagement and consultation in the last few years.¹

Community groups have also produced a number of critiques of government consultation processes. The main criticism is aimed not at the intent of the consultation: there is a shared belief that government usually really want to know what citizens think about issues. Rather it is about the way consultations are structured and conducted. Some elements of this critique are

- Too many people are left out- consultation tends to be limited to
- The loudest voices get louder and quietest go silent
- Lack of information and public education on the issue
- Lack of transparency about how citizen input will inform the decision-making process
- Lack of clarity about how the process is related to consultations with First Nations
- Lack of time needed for in-depth citizen engagement

One participant in the group discussion put it this way:

...nine out of ten any consultation process I have been involved in, it is not consultation. There has already been a decision made and they are seeking input and I have a hard time with the concept of input because to me when they say, well we are seeking your input on this, to me it tells me a decision has already been made or there is something already affirmative but cannot be changed. It is a fundamental question.

¹ Dept of Justice http://www.justicecanada.ca/en/ps/eval/reports/01/citizen_engagement/ce.html

2) Three Recent Examples in the Bay of Fundy Area

Government consultation as it is now done range along a spectrum that goes from minimal or non-existent at one end to fully structured and legally mandated at the other.

Clam Leases

An example of the first kind is the recent issuance of aquaculture leases for depuration clam harvesting by the province. In this case, many community stakeholders- First Nations, business, harvesters, processors, environmental, NGOs and community development associations- all requested a transparent and public process. This was flatly refused by both federal and provincial governments. This is clearly a case where government did not want consult with citizens about a public decision-making process.

Whites' Point Quarry and Marine Terminal

At the other end of the spectrum is the example of environmental assessment of the quarry on Digby Neck, which was a joint panel review under the Canadian Environmental Assessment Act. In this case, every aspect of the engagement with the community, as well as the roles of various government bodies, was structured by legislation.

Voluntary Planning Task Force on Non-Resident Landownership

Somewhere in between comes the kind of public consultation done by Voluntary Planning, as for instance, in the task Force on Nonresident Ownership. This process included public hearing scheduled in regions throughout the province, as well research, and was coordinated by a task force representing key stakeholders.

Although these processes were all completely different in structure the legal context, there are common characteristics. Above all, they are often perceived by the public as being exercises designed to *manage* issues, not *address* them.

2) Current Trends in Citizen Participation and Decision-Making

The question of consultation can best be understood within the wider context local democracy. Citizen engagement, consultation and deliberative democracy. These are

vibrant and rapidly growing fields in North America and around the world. The following are some of the main streams of development in this field

Government Consultation

Over the last twenty years governments have started to adopt a range of methodologies for involving citizens in public policy decision-making. Various approaches have been adopted to achieve the goal of increasing citizen input in public policy decision making.

These include:

- focus groups
- polling
- citizen forums
- public hearings
- advisory committees
- citizen juries

What these approaches have in common is that they are driven by government and as such seldom overcome the barriers to meaningful citizen input in decision-making.

One recent article summarizes the shortcomings of these kinds of consultations in this way

To date, public engagement processes have not been a panacea. Public officials are aware of the challenges presented by wicked problems, yet many attempts to access public input have not been very successful. In general, public meetings tend to leave people discouraged. One common scenario is meetings dominated by polarized groups of individuals in a scenario of “decide-announce-defend” (Forester 1999, p63). These become futile, adversarial encounters shutting out lesser-heard, yet equally impacted people. Even when public participation is encouraged, it is likely that the community does not lead the process, but rather, it is a top-down “expert-client” approach where knowledge is diffused to communities by experts (Powers and Pettersen 2001).²

² Bone et al (get date)

Deliberative Democracy

Deliberative democracy has been defined as follows

Deliberative democracy, also sometimes called discursive democracy, is a term used by some political theorists, to refer to any system of political decisions based on some tradeoff of consensus decision making and representative democracy. In contrast to the traditional theory of democracy, which emphasizes voting as the central institution in democracy, deliberative democracy theorists argue that legitimate lawmaking can only arise from the public deliberation of the citizenry³.

Deliberative democracy usually requires convening citizens to make decisions based on public debate on issues and alternatives, based on reasoned arguments. This approach puts a high premium on reasoned debate, but has been criticized for ignoring unequal access to information and research, as well as the aspects of deliberation which are not purely rational, such as relations between individuals and groups.

Dialogue

Dialogue differs from deliberative democracy in that it is oriented towards constructive communication between citizens and communities. The emphasis is on inclusion, dispelling stereotypes, overcoming conflict, building trust. And building mutual understanding. *Dialogue for Peaceful Change*, an approach to dialogue building developed in Northern Ireland has recently been introduced to Nova Scotia through the work of the Tatamagouche Centre.⁴

Dialogue is about groups and individuals connecting with each other in order to resolve conflicts between them.

There has also been a considerable emphasis put on using online approaches of dialogue.

³ Wikipedia

⁴ <http://www.dialogueforpeacefulchange.net/>

A recent survey identified eighteen program designed to facilitate dialogues.⁵

Although these are powerful tools for bridging gaps between communities and individuals, their impact on public policy issues is much less clear.

Deliberative Dialogue

Deliberative Dialogue combines the features of both deliberative democracy and dialogue. That is it combines the emphasis on making decisions on public policy and thru emphasis on crating dialogue among diverse groups. In a sense this is dialogue which is aimed at taking action on these issues in a way that affects public policy decisions.

*Deliberative dialogues build on the capacities of the public to think, talk and act together in their common interests and are designed to produce a change in the way people habitually interact with each other over public issues. The role of face-to-face public engagement cannot be minimized — human relationships are pivotal in public policy issues (Wade 2004, p361; Burkhalter et al. 2002, p400). People come together in a dialogue over the tensions created by conflict in a contentious public issue, which forces them to face what they value. They realise they cannot ‘have it all’ and through deliberation—critical thinking and reasoning—they struggle over values such as “community, faith, responsibility, civic virtue, neighbourliness, stewardship and mutual concern for each other...while living in a free market economy where intrinsic non-market values are not quantified, yet consideration of these values are essential to resolve contentious public issues steeped in value-based choices” (Yankelovich 1999, p202). In deliberative dialogues, when people do not polarise but instead, struggle together with a contentious issue, they can discover what they share, despite what they don’t agree on.*⁶

⁵ Hasselbad et al (get date)

⁶ Bone et al

An important condition of deliberative dialogue is the ongoing face to face meetings to address specific issues. Deliberative dialogue also gives learning- informal peer learning between adults- a central role in the process.

Learning Circles

One particularly effective means of engaging citizens in deliberative dialogue is the learning circle. The MRC has been actively investigating learning circles as a means of engaging communities and citizens in public issues. Through its participation in a national project⁷ on learning circles the MRC identified a number of key characteristics of learning circles

- *ongoing*, bring together the same group of people on regular basis
- *accessible* to people with different levels of education
- *diverse*, including a wide range of cultural perspectives
- *aimed at taking action* on community and public policy issues
- *facilitated* by a member of the group, rather than led by an instructor
- taking participants' *experience* as a starting point, then adding research and resources as part of deliberative process
- putting a strong emphasis on *peer learning*

An article from the Centre for Study Circles⁸ further describes how these groups can contribute to citizen engagement. These groups can

- Encourage multiple forms of speech and communication to ensure that all kinds of people have a real voice
- Make listening as important as speaking
- Connect personal experience with public issues
- Build trust and create a foundation for working relationships
- Explore a range of views about the nature of the issue
- Encourage analysis and reasoned argument.
- Help people develop public judgment and create common ground for action.

⁷ <http://www.nald.ca/learningcircles/index.htm>

⁸ McCoy et al (get date)

- Provide a way for people to see themselves as actors and to be actors.
- Connect to government, policymaking, and governance
- Create ongoing processes, not isolated events

KEY ELEMENTS OF A GOOD CONSULTATIVE PROCESS

Based on the foregoing research, what would good consultation look like?

Based the forgoing overview there are some key elements that must be incorporated into consultation

INCLUSION

The process should have built-in approaches that reach out to parts of the population, which are often excluded. For example, we know that almost 40% of Canadian does not function well with complex printed documents. This means that all documents should be clearly written and designed and that non-print media should be used wherever possible.

HOLISTIC VIEW

The issue under discussion should be placed in a wider context of the whole ecology and economy of the region, rather than in an isolated box.

As one participant in the discussion put it,

...I really keep coming to the fact that we are always brought to consult on a particular development and sometimes it is bad consultation but regardless where, we're focused on one thing. We are never looking at, or I don't...we are looking at the whole context of the development in the Bay of Fundy...You know there is a quarry issue, the clam leases and everything so, you know, like some people sort of roll their eyes and say, well you can't look at everything all the time, it is hard enough to focus on one thing, but somehow we need to start approaching things in that integrated or holistic fashion. Until we get better at that we are always going to have this fragmented community and being pitted against one another on issues. And I hasten to add too that it is not just the community but government as well. We talked about horizontality but we still work in silos so any way we can help bring a broader context thing that will help the government

LEARNING

There should be a concentrated effort at public education on the issue. So often consultation happens without the necessary public education to support and constructive

public debate. This is not just a matter of handing out fact sheets. It a sustained and ongoing process of development of knowledge, skills and awareness needed to fully participate in the debate in a meaning way.

DIALOGUE

The process should include ways for community groups and different populations to speak to each other order to identify common issues and interests, as well as recognize differing perspectives.

This came up in the group discussions well:

It's not just a question of getting people together and taking a vote. Like now we think 51% of us think this. I don't think that's what I'm hearing but this question about even talking to government. You can talk to industry. You can be talking between cultural communities, even talking between Freeport and Westport. You know, the dialogue I want to suggest is maybe a key part of that first step. How do you come to these values and how do you get well informed about policies? So it seems to me that having a process, that we're talk about an ongoing thing here, not just we're going to jump every time there's an issue but it seems to me that an ongoing process demands some way of the [Socratic] dialogue and that's how you determine what these values are. And if you don't have that dialogue then you're always at risk of somebody as you said Judith, you know small group to say we represent the community and our values are this. So somehow you need a process that, wait a minute we've got to listen to this group and we've got to be not afraid of differences. You've got to have a place where you can bring your differences and we listen and that dialogic process sounds to me it's a common thread.

Another participant's experience was especially relevant to this point:

I went to Antigonish to see the LNG Environmental Assessment Hearings there were rather painful that by in large it was folks from the local area who stood up and said, you

know our sons and daughters are now brought out, they need to come home, we need this, we support this; with a few people opposing it. And by and large they were a successful environmental groups such as EAC with a few people from the community and the atmosphere was really tense and hostile and quite frankly rather sad because it was so many people were pretty much saying we'll do anything for this development to come to our community. The one moment that I felt kind of transcended that model was one of the women from kind of Eastern Shore Area, so not quite in Guysborough County but close enough to be a resident stood up to give a very fact based presentation about what she did know about her objective concern, which might have been the risk of explosion, I can't remember. But then what she actually talked about was what she didn't know and what she questioned. I don't know this. I am wondering this. I am not sure if it is worth it that we do this? And all of a sudden the mood changed and up until that point every single person who had spoken kind of some folks from the audience who's kind of pre-assigned role was to stand up and either support them if they were for the LNG or ask kind of fairly hostile questions if they weren't, when they stood up they were asking her questions back and they were real questions, including a woman who said, well what about if we decided that we wanted this LNG terminal, and the money that come in we would do all the things you're suggesting like investing, education and health care so that we actually have a base to support that stuff. What about if we did this? And that went on for a few minutes and then the panel chair cut it off because that's not what you're supposed to do in those, you're not supposed to question each other, you're not supposed to talk to each other, you're supposed to make statements. But there was just this one moment where it actually went from being people just saying their points in volumes to an actual dialogue and I thought this is interesting. Because I think by and large the people in that area would have agreed to exactly what the outcome was going to be which was LNG in that area and maybe and I don't know if that's ok or not, Don, you ask good questions about whether or not you have to move or not but maybe the point of actually having a real conversation about it and some real laying out of alternatives is the least that we can hope for.

TRANSPARENCY

There should be a clear sense of how the public input is going to be used as part of the decision-making process.

One participant put it this way:

Well what does that mean? Does it mean participative decision making? Does it mean soliciting input and modifying your project to accommodate local needs, or does it mean gathering traditional knowledge and being aware of that, conveying your understanding of that when you mitigate, when you create mitigative measures? What does it mean? Because the government invited me and a bunch of other people to go to Halifax last year to talk about proposed changes to the Provincial Environment Act and then they told us what they intended to do. Then they walked away saying, 'well they engaged in a consultative process'. But that was just information giving. They were not receptive to any changes; they were not receptive to our reaction to those. They were not even particularly interested in answering our questions. What had that got to do with consultation? But that appears to be a mainstream definition that the government has, it's an information dissemination device. Well so has a piece of paper. So has a video.

Another participant put it this way.

One of the things I've been thinking about in the context is of coastal management is what would it look like if a stakeholder group were formed to develop a process to rather than whoever is doing the consulting coming up with a process of usually going around and talking to together and bringing together. What about if the first step was to form a group of people whose job would be to develop a process?

Well that is a little iffy particularly for someone like small, like [frustration] because that could mean numerous things; and I didn't want to get into the discussion earlier it's just on integrated management is when you say consultation and we are going to consult on this. You get a bunch of people in a room and the definition of consultation itself is so

different and even stakeholders scares me because there are people that may not have a direct stake, they have an indirect stake if it is common property and that, and it is a really crucial question because nine out of ten any consultation process I have been involved in, it is not consultation. There has already been a decision made and they are seeking input and I have a hard time with the concept of input because to me when they say, well we are seeking your input on this, to me it tells me a decision has already been made or there is something already affirmative but cannot be changed. It is a fundamental question.

FIRST NATIONS

There should be a concerted effort to inform citizens and community members about the related to First Nations treaty-based consultative processes.

ONGOING

It must be admitted that the foregoing elements of good consultation would be hard to achieve in a round of one time community meeting. They imply a more sustained and robust process of citizen engagement on a range of issues. This was articulated by one of the group participants this way:

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Clearly there seems to be a need for amore sustained involved in issues at a community level, with local organizations and agencies paying an ongoing facilitation role.

RECOMMENDATIONS

Based on the research and community participation, the MRC recommends the following:

- that the plan for the development of tidal power in the Bay of Fundy include an engagement strategy with Bay of Fundy coastal communities that is inclusive, ongoing, dialogic and transparent
- that rather than the usual on-off superficial community consultations, the Bay of Fundy tidal energy development undertake serious ongoing engagement with citizens of Bay of Fundy coastal communities by supporting community-based organizations and agencies that can provide ongoing facilitation of dialogue, public education, outreach and research necessary for meaningful consultation
- that further research be conducted into successful models for citizen engagement in renewable resource projects

FURTHER READING

Bone Zelma et al Victoria, Australia (2006)

Characteristics of Debate, Dialogue and Deliberation Table

http://www.regional.org.au/au/apen/2006/refereed/1/2918_bonetz.htm

Dialogue for Peaceful Change <http://www.dialogueforpeacefulchange.net/>

Hasselblad Torres, Lars et al *Online Approaches to Dialogue-Based Public Engagement*

http://www.americaspeaks.org/resources/library/as/pubs/online_delib_matrix_012105.pdf

McCoy, Martha and Scully, Pat , *Deliberative Dialogue to Expand Civic Engagement: What Kind of Talk Does Democracy Need?*

Study Circles Resource Center (2002).

http://www.thataway.org/exchange/files/docs/DD_Expand.pdf

National Coalition on Dialogue and Deliberation

<http://www.thataway.org/>

Watling, Judy

Getting the Public into Public Policy

Canadian Policy Research Network (CPRN).

<http://www.cprn.org/en/doc.cfm?doc=1398>