SIA and Indigenous Social Development: LNG processing in the Kimberley region of Western Australia

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Draft Chapter for


Introduction

In industrialised countries, a standard approach to Social Impact Assessment (SIA) is to document existing socio-economic conditions within which a proposed development¹ would occur; assess the likely impact of the proposed development; and identify strategies to minimise negative effects associated with it. If the net social impact of the development is expected to be positive, assuming implementation of mitigative strategies, the SIA would normally recommend that the development proceed. Underlying this approach is a primary focus on the social impacts of proposed development (Becker 2001, 312; Howitt 2001, 332-33; Vanclay 1999, 6; Thomas and Elliott 2005, 39-40), rather than on the wider social conditions and structures within which the development would occur. The latter are certainly of interest to SIA, but mainly in that they constitute the ‘base line’ conditions against
which any change generated by the proposed development will be assessed (Becker 2001, 314; MVEIRB 2006, 23; Smith 1993, 87-88; Wright 2007, 425).

For Indigenous people, underlying social, economic and political conditions tend to be a matter of overwhelming concern because, for reasons explained below, these conditions are completely unacceptable. Existing social conditions are not, in this sense, simply a base line against which subsequent changes caused by a development are measured and deemed positive or negative. Rather they constitute a fundamental problem, and both SIA itself and the proposed development that is being assessed are judged in terms of their potential to change existing social realities. While absence of major changes in existing social conditions might often be a positive outcome in ‘mainstream’ SIA where development is expected to generate a significant increase in national economic wealth (see for example Woodside Petroleum Ltd 2007), from an Indigenous perspective the opposite is the case. For example, if an SIA process reinforces an underlying imbalance in political power by marginalising affected Aboriginal people, it is likely to be criticised, regardless of its substantive findings. Similarly, a proposed development will not be judged favourably on the basis that its economic and social benefits are expected to exceed its costs, if it leaves underlying economic and social conditions unchanged and if corporate proponents and government regulators show no awareness of the need to address these conditions in fundamental ways.

Thus in an Indigenous context SIA is inextricably bound up with achieving basic change in underlying social conditions, that is with ‘social development’. From this perspective, a focus on Indigenous approaches to SIA is particularly useful in a volume that seeks to focus on ‘the goals of development rather than simple protection
from harm’, and begins with the assumption that ‘SIA should make an effective contribution to sustainability’ (Vanclay and Esteves, this volume).

This chapter discusses Indigenous perspectives on SIA, using an Aboriginal-controlled SIA of a proposed liquefied natural gas (LNG) processing precinct in the Kimberley region of Western Australia to illustrate the discussion. The following section examines key contextual factors shaping Indigenous approaches to SIA and to industrial development. These factors that are then briefly illustrated by reference to the proposed Kimberley LNG Precinct, as are inadequacies of conventional approaches to SIA for Indigenous peoples. The next sections examine the implications of Indigenous perspectives for the control, conduct and focus of SIA, and for the utilization of SIA findings in a context where the objective is to use SIA to bring about sustained social change. The final section explores the implications of this objective for SIA practitioners. Considering these implications in an Indigenous context highlights issues that are likely to face all SIA practitioners when SIA is considered as promoting the goals of development and contributing to sustainability.

The Indigenous context for SIA

Indigenous populations in industrialised countries reveal a high degree of diversity both within and across jurisdictions, reflecting the large size and varying climatic and environmental conditions of countries such as Australia, Canada and the United States, and the differing colonial histories of individual Indigenous peoples. Understanding the specific histories and contemporary circumstances of individual groups constitutes an important task for SIA. Despite this diversity, many Indigenous
groups share key characteristics that shape their approach to industrial development and to SIA.

One is a history of dispossession and of economic and political marginalisation. With few exceptions, typically affecting groups in climatically extreme regions lacking obvious commercial potential, Indigenous peoples experienced during the 19th and 20th centuries a dramatic decline in their control over their traditional lands, in their political autonomy and, in many cases, in their personal rights and freedoms. In all industrialised countries Indigenous peoples were denied fundamental human or democratic rights such as the right to vote, to organise politically, to move freely, to practice their culture, to raise their children, and to dispose of their natural resources (Anderson and Lawrence 2006; Chesterman and Galligan 1997; Mihesuah 2003; Smith 1999).

In many cases dispossession and marginalisation resulted from a desire by industry and government to exploit large-scale commercial opportunities offered by Indigenous lands, particularly in mining, forestry, fishing and hydro-electricity. Until recently, this exploitation occurred with little regard for the rights or interests of Indigenous peoples, a situation that persists in many cases (Blaser, Feit and McRae 2004; Evans, Goodman and Lansbury 2002; Martin and Hoffman 2008; O’Faircheallaigh and Ali 2008).

As a result of this history of dispossession and economic and political marginalisation, Indigenous people now experience significant economic and social disadvantage relative to mainstream populations. Typically, they have higher infant
mortality rates and lower life expectancy; higher incidence of chronic illness such as diabetes and liver and heart disease; poorer access to formal education, fewer employment opportunities, and lower incomes; greater dependence on state welfare payments; experience overcrowded and poor housing; and have limited access to social services such as health and aged care (Productivity Commission 2007; Centre for Social Justice 2010).

There are other consequences associated with a colonial history of dispossession and marginalisation that are equally important but harder to quantify. One is distrust of and cynicism towards state initiated or controlled regulatory processes, including impact assessment (IA). At a general level, Indigenous people have learned to expect little that is positive, and a great deal that is negative, from state policy, action, institutions or processes (O’Faircheallaigh 2002). In relation to IA, many groups have experienced assessment processes that paid scant attention to their existence, let along their interests, and seemed motivated primarily by a desire on the part of governments and industry to achieve development approvals as quickly and with as few conditions as possible (Dames and Moore 2004; Howitt 2001; Noble and Storey 2005, 177; Suagee 2002). Many groups have also experienced failure by developers and regulatory bodies to monitor impacts ‘post approval’ or to implement the recommendations of environmental inquiries or comply with project approval conditions (Joyce and MacFarlane 2001; O’Faircheallaigh 1999, 2007; Supervising Scientist 1997).

Against this background there is often a profound reluctance to be involved in IA processes that are controlled by government regulators or/and by project
proponents. Indigenous ‘ownership’ of SIA, a concept discussed in detail below, is often therefore an essential prerequisite for meaningful Indigenous participation in SIA. This does not necessarily mean however that Indigenous control of the SIA process guarantees Indigenous participation. SIA occurs within wider state legislative regulatory and project approval processes, and a belief that the outcome of these wider processes is pre-ordained in a way that favours developer interests may militate strongly against Indigenous participation in SIA. Indigenous participation in SIA can also be undermined by experience with other consultative processes that failed to lead to any significant policy change, let alone to a change in social conditions on the ground. In a number of cases the failure of more than a handful of Indigenous people to engage in Indigenous-controlled SIA consultations has been explained to the author by community leaders as reflecting a general disillusionment with participation in public life.

Conversely, there are many documented cases of extensive Indigenous participation in community-controlled SIA (see for instance Coombs et al 1989; Innu Nation Task Force on Mining Activities 1996; O’Faircheallaigh 2000; Gibson 2006). This reflects in part the remarkable resilience of Indigenous peoples and their ability to sustain vibrant economic, social and cultural lives despite the impact of colonization. This ability is reflected, for instance, in their determination to protect and sustain their traditional lands and minimise the negative impacts of industrialisation; the enduring vitality of Indigenous social structures and economic relationships, particular inter-locking interests and relationships based around kinship and connection to land; in some areas, a sustained renaissance of Indigenous cultural activity; and the continuing role of Indigenous elders in transmitting knowledge of
culture and of economic practices (Anderson and Lawrence 2001; Mihesuah 2003; O’Faircheallaigh 2008).

However the power and resilience of Indigenous culture, norms and social forms can in themselves create challenges for SIA. For instance some people may be unwilling to express views on a proposed development in public. This is a particular problem with youth, given that in many Indigenous society elders hold a privileged position and often a determining role in decision making. In addition, there is often a strong ethic in Indigenous communities that those Indigenous people with primary responsibility for an area in customary law have the authority to speak for it. This can result in a reluctance to comment in public on a proposed development that, while it would be located on the ancestral lands of one specific group, has the potential to generate social impacts affecting many groups.

The salience of these general points regarding the Indigenous context can be illustrated through a brief discussion of SIA in the context of LNG development in the Kimberley.

**SIA and LNG development in the Kimberley region, Western Australia**

During 2009 and 2010 I managed an Aboriginal Social Impact Assessment (ASIA) of a proposed LNG processing ‘hub’ or ‘precinct’ at James Price Point, north of Broome in the Kimberley region of Western Australia. The LNG Precinct would process large reserves of natural gas discovered offshore the Kimberley coast by the world’s largest resource companies, including Shell, BP, Chevron, Total, BHPBilliton and Woodside
Petroleum Ltd (‘Woodside’). The ASIA was conducted by the regional Aboriginal land organization, the Kimberley Land Council (KLC), and constituted part of a broader Strategic Assessment of the proposed Precinct undertaken jointly by the Australian and Western Australia governments. Reports from the ASIA, in combination with environmental and other studies, will form the basis on which the Federal Minister for the Environment will determine whether the LNG processing Precinct should be allowed to proceed and, if so, under what conditions. ASIA reports will also inform negotiations between the lead proponent, Woodside, the Government of Western Australia, and the Aboriginal Traditional Owners of the proposed site for the gas Precinct. These negotiations are expected to lead to legally-binding agreements that will provide Traditional Owners with a share of project benefits and a substantial say in management of the LNG Precinct.

The proposed LNG Precinct would represent a massive industrial development in an area which to date has seen only small-scale commercial activity such as tourism and pearl farming. The initial phase of the project alone would involve investment of up to A$50 billion, and a construction workforce of between 3,000 and 4,500, a number roughly equal to the Indigenous population of the regional population centre, Broome, and the project’s hinterland, the Dampier Peninsula.

The base line research undertaken for the ASIA provides a dramatic illustration of the social and economic disadvantage experienced by affected Indigenous people. For example, Indigenous school attendance is poor, and in some high schools Year 10 students miss, on average, one in every four days, compared to about 1 in 20 days for non-Indigenous students. School achievement levels are also
low. For instance in one primary school, Year 5 students were on average 46 per cent below the Australian national average for writing, and 62 per cent below the national average for numeracy. Census data indicate that in 2006 only 1 in four people in Broome and one in five in the Dampier Peninsula had completed high school, compared to 1 in 2 of Broome’s non-Indigenous population. Only 16 per cent of Broome Indigenous residents and only 9 per cent of Dampier Peninsula residents have any post-school qualification, compared to 44 per cent of Broome’s non-Indigenous population. Indigenous people, and especially the young, are heavily over represented in the criminal justice system. Indigenous people comprise about 35 per cent of the population in Broome and the Dampier Peninsula, but accounted for 85 per cent of criminal offences in 2008-2009. In the same year people 19 years or younger accounted for 44 per cent of all Indigenous criminal convictions in Broome/Dampier Peninsula in 2008 – 2009. Housing is in short supply and its quality is very poor. In one of the affected communities, of 64 houses only 7 are in good repair. The Indigenous population suffers from widespread and severe health problems. To cite just two examples, hearing loss amongst Indigenous school age children 30 to 70 per cent, and the Kimberley has the highest rate of acute kidney disease in Australia (KLC 2010, 74-120).

The goals of the ASIA were to provide affected Aboriginal people with information about the proposed LNG Precinct; document their concerns and aspirations in relation to it; and work with them to identify strategies to maximise opportunities arising from the project and minimise its negative impacts (KLC 2010, Appendix 2). But while the numerous consultation meetings and other forms of engagement undertaken as part of the ASIA certainly dealt with these matters, a great
deal of the discussion was not specifically or only about the proposed LNG Precinct. Rather it focused on what participants saw as fundamental problems in achieving the cultural, social and economic development they believe their communities require if they are to be sustainable. Again and again people talked about the need for recognition of their fundamental human, economic and political rights; for decent housing; for education for their children; for access to health services in their own communities, rather than in distant urban centres; for the right to make their own decisions, rather than be subject to the policy whims of State and Federal governments (KLC 2010, 202-242).

ASIA participants believed that it is only because of the proposed LNG development that government was now providing an opportunity for their views to be documented. They were angry at what they see as decades of neglect and cynical about the prospects that government would seriously address their concerns if the project was approved, an outcome most regard as a foregone conclusion. Their view was that developers and the Federal and State governments were determined to establish the LNG Precinct because of the profits and public revenues it would generate, and that state authorities have no fundamental interest in dealing with the social conditions facing Aboriginal people. If state authorities had any such interest they would, in the view of participants, have acted long ago. Participants saw few grounds for optimism, regardless of the outcome of the ASIA consultations or of the regulatory process. If Indigenous people said ‘no’ LNG development gas, they would be left to wallow in their problems. If they said ‘yes’, government would have achieved its objectives and there would be no guarantee that it would deliver on
promises it made to secure Indigenous support for LNG development (KLC 2010, 204-206).

It is not, it should be stressed, that Kimberley Aboriginal people are unconcerned about the potential impact of the LNG Precinct, or do not see documentation of impacts and development of impact mitigation strategies as an important function of SIA. They are deeply concerned, for instance, about the potential impact of project environmental impacts on marine species such as turtles and dugong, harvesting of which are of enormous economic and social significance; and about the impact of a rapid influx of outsiders on sites of cultural significance, on their enjoyment of their traditional lands, on existing social issues related to substance abuse, and on access to and the quality of public services such as health and housing (KLC 2010, 206-240). But they seek to make sense of the proposed LNG Precinct and its impact in the context of history and in particular of a sustained failure by government to meet their needs and to allow them the freedom to pursue their goals; and of an existing economic and social reality which means that they are poorly placed to manage negative impacts, or to realise the opportunities that large-scale industrial development may offer in theory and which are used by Federal and State governments in advocating Indigenous endorsement of development.

**Indigenous SIA: focus, conduct and content**

An immediate and obvious implication of this discussion is that Indigenous peoples will generally wish to achieve ‘ownership’ of SIA, to try and ensure that it is understood and conducted in a way that accords with their view of the purposes of
SIA and their reasons for engaging in it. But what does the concept of ‘Indigenous ownership’ of SIA mean in practice?

The first dimension of ownership involves a capacity to shape the scope and focus of the SIA, to ensure that its terms of reference cover the full range of potential impacts and issues considered important by affected Indigenous people. There is a tendency on the part of government regulators to set a narrow scope both in a spatial sense and in terms of project context and impacts, focusing only on direct impacts of a proposed development and on the area immediately adjacent to the project, and ignoring broader structural factors and the underlying development issues facing Indigenous peoples (Baker and McLelland 2003; Whitelaw, McCarthy and Tsuji 2009; Western Australia 2009a, 14-15). Considering project impacts in the context of existing economic and social disadvantage and the need to address this disadvantage requires a much broader and more comprehensive analysis.

A formal agreement between government regulators and affected Indigenous people regarding relevant terms of reference is strongly advisable if Indigenous goals are to be incorporated into SIA. For example, the Canadian and Newfoundland governments and affected Innu and Inuit people signed a Memorandum of Understanding (MoU) in January 1997 outlining the environmental assessment process for the proposed Voisey’s Bay nickel mine, including detailed terms of reference for the Environmental Review Panel (ERP). The latter included matters of key interest to the Innu and Inuit that went beyond the scope of legislative requirements. For instance the Panel was required to give ‘full consideration’ to traditional ecological knowledge, to address the relationship between the Voisey’s
Bay project and land claim negotiations and to identify how the project would affect women differently from men (Gibson 2006). The ASIA for the Kimberley LNG hub were drawn up by the KLC, approved by Traditional Owners, and then incorporated into funding and process agreements with the Government of Western Australia.

A second dimension of ownership involves the conduct of the SIA. In the Voisey’s Bay case both the Innu and Inuit undertook community consultations to inform their general approach to the Voisey’s Bay project and to the EIA, and were active intervenors in the Environmental Assessment panel, attending hearings, making submissions, and contesting the submissions of the proponent, where necessary. In a number of cases in Australia Aboriginal groups have conducted the entire SIA process, hiring their own SIA consultants and staff, overseeing the community engagement process, drafting reports and having these incorporated into the statutory EIA process (O’Faircheallaigh 2000). This is also the approach adopted in relation to the Kimberley LNG Precinct (KLC 2010).

Indigenous control of SIA maximises the ability to capacity of Indigenous groups to ensure that appropriate methodologies are employed, that relevant issues are not just included in SIA Terms of Reference but are actually explored in practice, and that any other additional issues important to Indigenous participants can be explored. In terms of method, conventional approaches such as distribution of printed or web-based information materials, surveys or open public meetings, often central to conventional SIA (see for example Western Australia 2009b) may be inappropriate in an Indigenous context. Extensive use of graphic materials, visits to similar projects in other locations, small group or family meetings held on people’s traditional lands, separate meetings for males and females and for elders and young people, and the use
of informal discussions in meeting breaks and in informal settings such as outside a community store may all be important in maximising Indigenous participation (Howitt 2001, 339-51; KLC 2010).

Appropriate ways of engagement are not just important in seeking Indigenous perspectives on potential development impacts but also in developing adequate baseline data. Statistical information obtained from government sources, Indigenous organisations and community surveys do not necessarily reveal information regarding critical dimensions of existing social reality. The latter can include social and cultural relationships, community tensions, organisational and community capacity, the degree of powerlessness or, alternatively, control over their lives felt by affected people, and the level of demand being placed on community resources as a result of existing sources of impacts, for example by growing tourist activity or government social interventions.

Effective engagement with Indigenous communities requires substantial and ongoing input from Indigenous people themselves into design and conduct of ASIA processes. The ASIA for the Kimberley LNG Precinct employed three full-time Indigenous staff with an intimate knowledge of the Traditional Owner groups and communities being consulted. Their input was invaluable both in ensuring that the consultations were organised in a way most likely to engage potential participants, and in ensuring that the ASIA manager was aware of issues arising during consultations. The ASIA’s Terms of Reference were approved by, and its manager regularly reported to, a Traditional Owner Negotiating Committee made up of representatives of the family groups most directly affected by proposed LNG Precinct.
In undertaking Indigenous SIA the confidentiality of information provided by Indigenous informants and intellectual property in this information must be addressed. Certain information may be sensitive for cultural or political reasons, and its dissemination to members of the opposite sex or to non-Indigenous people may be inappropriate. More generally, the distrust felt by many Indigenous people towards state authorities may mean that they are reluctant to provide information in the context of SIA unless its potential use is explicitly agreed in advance. It is not uncommon for consultants to draft two versions of SIA reports, one for the Indigenous organisation that controls the study and another to be provided to regulatory authorities.

Information feedback to SIA participants is also important. A failure to report back to groups that have been consulted, to inform them of issues raised by other groups and regarding what is contained in SIA reports and how this material will be used can again add to a sense of marginalisation and powerless.

Indigenous ‘ownership’ is limited if Indigenous perspectives and insights do not make their way into the final reports that reach decision makers. Thus for instance the KLC ensured that its Indigenous impact reports on the Kimberley LNG Precinct would be included, in full and without modification, in the Draft Strategic Assessment Report that would be presented to the Western Australia and Federal Ministers for the Environment, the ‘final’ decision makers in this case.
Another critical issue involves funding. Indigenous ownership of SIA is hollow if Indigenous groups lack the financial resources required to carry out the SIA work of the sort they consider appropriate. Intensive community engagement using methods of the sort discussed above is expensive, with the Innu community consultations costing more than C$300,000 in 1995-96 and the budget for the LNG Precinct SIA being well in excess of A$1,000,000. The Innu and Inuit were also granted intervenor funding by Canada to hire technical experts to review EIA guidelines, develop submissions to the ERP, and review material submitted by the proponent (Gibson 2006). Formal agreement on funding with the regulatory authorities is also essential to ensure, for instance, that a change of policy or government does not result in withdrawal of funding and that that SIA work can be completed.

Issues if time and timing are also vital. Considerable time may be required to negotiate arrangements in relation to the scope and focus of SIA, the use of information provided by Indigenous people, and the preparation of regulatory documents, and to secure adequate funding. Intensive forms of community engagement of the type discussed above are also time-consuming. On the other hand major industrial projects often face tight time constraints because of the potential cost of delay, due in particular to the need to grasp ‘windows’ in international commodity markets. The SIA for the Kimberley LNG hub, for instance, had to be undertaken over a period of just seven months, and community engagement was focused over the hottest time of the year (September – December). This situation created pressures on SIA staff and participants and probably reducing the number of people participating. This far-from-ideal time frame was accepted by the KLC and Traditional Owners
because of the necessity of incorporating Indigenous interests and perspective into the Draft Strategic Assessment Report, due in March 2009; because of the willingness of the Government of Western Australia to accommodate the desire of the KLC and Traditional Owners to control and undertake the SIA; and because the Strategic Assessment process for the LNG Precinct will allow further opportunities for impact assessment work as part of regulatory approvals for individual LNG processing plants.

A final issue involves the sorts of recommendations that emerge from SIA. Reflecting the concerns of Indigenous people, recommendations need to address not just measures to address specific potential impacts of proposed developments, but also the underlying social conditions that will determine those impacts and the extent to which Indigenous people will be able to grasp the opportunities potentially associated with development. While the ASIA for the Kimberley LNG Precinct does contain numerous recommendations designed to directly address specific project impacts, it also includes many others designed to afford affected Indigenous people a central role in managing those impacts and to address underlying social disadvantage in areas such as education, health, housing, substance abuse, criminal justice, and youth welfare (KLC 2010, 267-324).

**Utilisation of findings**

No matter how appropriate and rigorous an SIA process is from an Indigenous perspective, its value is limited unless SIA findings result in actions by proponents and government that address the concerns of Indigenous people. As one elderly Traditional Owner stated in an LNG Precinct consultation:
I'm sick of talking, talking. We have had so many meetings, so much talk, so many reports. But no body *does* anything. We want action.

Failure to address SIA findings also has negative effects in and of itself, as it reinforces Indigenous cynicism regarding mainstream regulatory and policy processes, leading them to disengage even further from future consultative processes and contributing to a sense of powerlessness and worthlessness. Given the already marginalised position of many Indigenous of people such an effect has major ethical and political ramifications.

The failure to respond to SIA and EIA findings is by no means restricted to the Indigenous context. There is now a large literature documenting this failure and suggesting ways of addressing it (for a summary see O’Faircheallaigh 1999, 2007). At a project level, an important mechanism involves the negotiation of legally-binding agreements between project proponents and Indigenous groups providing for specific responses to the potential impacts and opportunities documented by SIA (for a detailed discussion see O’Faircheallaigh 1999). In Australia, these agreements typically provide mechanisms for managing negative environmental and cultural effects, for revenue sharing with Indigenous landowners and for maximising Indigenous opportunities in direct project employment and in business providing project inputs. Similar agreements are being negotiated in the United States and Canada, and in the latter environmental agreements are also being negotiated between governments and Indigenous groups to ensure follow-up of environmental impact assessment findings (Gibson and O’Faircheallaigh 2010; O’Faircheallaigh 2007).
Such project-based agreements have important limitations in addressing the wider social development issues facing Indigenous groups. Private companies who are parties to such agreements typically take the view that their responsibility is limited to dealing with the immediate impacts of their projects, not the legacy of history or underlying structural disadvantage. On the other hand governments, whose involvement is often essential to address these wider issues, are usually not parties to project-based contractual agreements.

The Kimberley LNG Precinct does represent a partial exception to this picture. Because it was initiated as a general industrial facility with multiple corporate users, the project proponent was initially the Government of Western Australia. It accepted that any agreement for development of the LNG Precinct would have to address both its broader regional impacts and the existing disadvantage faced by affected Indigenous people. In April 2009 it negotiated an in-principle agreement for development of the LNG Precinct with the KLC and Traditional Owners, under which it made long-term commitments to provide additional funds for provision of infrastructure and services in areas that include housing, education, training, conservation and land management (KLC 2010, Appendix 4).

The KLC and Traditional Owners have made concerted efforts to secure similar commitments from the Federal Government. They argue that the Federal Government will receive most royalty and tax income from LNG development as the gas fields are located offshore, and has portfolio responsibilities in areas such as education, health, housing and employment that are critical in addressing Indigenous
disadvantage (KLC 2009). Initial findings from the ASIA, regarding the extent of disadvantage faced by affected Indigenous people (see above), and the need for Federal intervention to address it, have been used to press the case. However to date the Federal Government has rejected suggestions that it link its budgetary allocations to findings regarding the potential impacts of individual projects.

The KLC and Traditional Owners have also sought to raise another underlying issue, Indigenous regional governance structures, to establishment of the LNG Precinct. The ASIA consultations reveal a profound distrust of mainstream government, and a belief that underlying impediments to social development can only be addressed through governance structures controlled by Indigenous people themselves. The Federal Government has indicated an in-principle willingness to engage in discussions regarding regional governance, but to date no concrete initiatives have emerged to advance this dialogue. In Canada, where recognition of Indigenous rights in land are linked to Aboriginal self-government (Gibson and O’Faircheallaigh 2010, 29-33), Indigenous groups have also sought to link governance to IA, as for example when the Innu and Inuit utilised the ERP to demand that the Voisey’s Bay project should not be approved until their claims, including their demands for self-government were settled. The ERP accepted their position in this regard, and recommended that resolution of their land claims should be a precondition for project approval. While some years elapsed between approval of the project and final settlement of the Inuit claim and establishment of Inuit self-government in the form of the Nunatsiavut Government, and while the equivalent processes for the Innu have yet to be completed, the Innu and Inuit certainly
succeeded in using the Voisey’s Bay impact assessment processes to advance their self-government agenda (Gibson 2006; Nunatsiavut Government 2010).

This discussion raises a general and important point about utilisation of SIA findings in the Indigenous context and about creating a link between SIA and social development. If SIA is to contribute to social development, its findings cannot be confined to the regulatory arena or to decision-making processes relating to approval of individual development proposals. SIA and SIA findings must be linked to wider political processes and mobilisation of support, within those processes, for fundamental social change. This represents a significant shift from more traditional roles for SIA, and has significant implications for SIA practitioners, discussed below.

Linking SIA to social development also highlights the importance of another issue relating to utilisation of SIA findings. This is the need not just to secure initial regulatory or policy responses to the findings of SIA, but to ensure the continued implementation of these responses over time and the ongoing monitoring of impacts and adjustment of mitigation strategies as the nature of impacts change and the efficacy or lack of efficacy of specific responses becomes clearer over time. The absence of structures and processes to ensure ongoing monitoring, assessment and management is well recognised as a significant problem in the general SIA literature (Joyce and MacFarlane 2001; Morrison-Saunders and Arts 2005). It becomes especially significant if SIA is to contribute to social development, because of the extended time frames (often decades rather than years) required to bring about significant social change.
This implies that SIA must pay greater attention to the design and implementation of appropriate structures for ongoing monitoring and management of social impacts and social conditions, to the relevant resource and organizational requirements, and to the political difficulties involved in prevailing on developers and governments to address social impacts over these longer time frames (O’Faircheallaigh 2007). A specific institutional issue involves the need to involve a wider spectrum of public sector agencies, extending beyond the environmental or resource management departments that typically control impact assessment processes, to include service delivery agencies in areas such as education, housing, health and public infrastructure that are at the heart of social development.

**Issues for SIA practitioners**

This discussion raises important issues for SIA practitioners, some of which arise not just in the context of Indigenous SIA but in any situation where there is a desire to use SIA to promote social development and sustainability.

For non-Indigenous practitioners, who still manage most SIAs involving Indigenous people, one immediate issue is the necessity to develop an appreciation of the specific historical, cultural and political imperatives that drive Indigenous approaches and understandings. In particular, there is a need to appreciate that approaches and methodologies developed in a non-Indigenous context may not be appropriate and to accept the need to link project-orientated SIA to wider issues of human rights and development.
Honesty and transparency regarding the limits and possibilities of SIA is also critical. SIA practitioners are asking Indigenous people, who in many cases are deeply disillusioned with mainstream regulatory processes, to devote their energies and time, yet again, to participate in such processes. In doing so SIA practitioners must, unless they are to add to Indigenous disillusionment and alienation, be frank about the extent to which Indigenous preferences are likely to figure in the calculations of government and corporate decision makers, and the degree to which action outside SIA processes, for example political lobbying of decision makers, is essential if SIA findings are to have any effect. Such frankness is not always easy. SIA practitioners are under pressure to generate a credible SIA report, with credible in this context requiring evidence of extensive Indigenous participation. Acknowledging any limitations on the efficacy and impact of SIA runs the risk of reducing Indigenous participation. Yet failure to do so can constitute unethical behaviour because it can, of itself, represent a source of negative social impact.

Another issue involves the nature of recommendations and the need to move beyond more traditional approaches that focus on project impacts and including issues and areas related to social development more broadly. Such an approach may have to be strongly defended by practitioners against criticism by developers and government agencies that they are moving beyond the appropriate role for SIA. Government agencies in particular may push back strongly against recommendations they see as impinging on their authority and discretion in setting public policy and budgetary priorities.
Other important issues are raised by the fact that, as discussed above, SIA that focuses on social development is unlikely to have an impact on outcomes for affected people in the absence of concerted political mobilisation by Indigenous interests. In this context SIA practitioners may need to maintain ongoing dialogue throughout the SIA process with Indigenous political leaders to ensure they have a sense of what sorts of information will be required to support political initiatives, and how that information will need to be presented.

A related and wider issue involves the adoption of an ‘advocacy’ role by SIA practitioners. While the debate regarding ‘scientific’ and ‘political’ approaches to SIA has a long pedigree (Craig 1990), in this case it can manifest itself in a very concrete and stark way. For example, practitioners may be required to provide information in a form that can be utilised in political campaigns or present their findings in the media in contexts that are highly politicised. Such actions can have significant implications for their ability to subsequently undertake SIA that is developer or government controlled. More widely, adoption of an advocacy role can raise important issues regarding the ‘objectivity’ of SIA practitioners. On the one hand, if they have a genuine commitment to contribute to social development, can they simply ‘walk away’ once they have presented an SIA report to their client, or do they have an obligation to support efforts to ensure that the requirements for sustainable social development are achieved? On the other hand, how far does an advocacy role extend? Does it require them, for instance, to omit information that does not support the political position of affected Indigenous groups? The issue of information disclosure must also be managed carefully. Practitioners need to protect the confidentiality and cultural sensitivity of Indigenous informants at the same time as meeting demands for
the sort of information that is likely to attract the attention of the media, policy makers and the wider public.

**Conclusion**

For Indigenous people, the question is not whether a primary purpose of SIA should be to contribute to sustainable social development, but how to ensure that SIA does make a substantial contribution in this regard. Experience suggests that such an outcome requires that Indigenous people should be able to define, control and manage the scope and purpose of SIA, to ensure that its focus, the methodologies employed, and the breadth of recommendations it generates maximise Indigenous participation in SIA and ensure it addresses not only the immediate impacts of proposed developments but also the underlying social realities in which these would occur. These requirements create significant challenges for SIA practitioners, as does the need to link SIA to, and use it to support, Indigenous political mobilisation if developers and governments are to seriously address Indigenous disadvantage. Challenges of this latter sort are likely to face all SIA practitioners seeking to use their craft in support of sustainable social development.

**References**


Nunatsiavut Government 2010, *Labrador Inuit*,


Western Australia 2009a, *Kimberley LNG Social Impact Assessment Volume 1: Scope and Profile*,


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1 ‘Development’ in this context refers to a project, program, policy or other intervention that is subject to impact assessment. In the Indigenous context, nearly all impact assessment occurs in relation to large-scale resource development and public infrastructure projects.

2 The Strategic Assessment was established under a March 2008 agreement between the Governments of Australia and Western Australia, and its Terms of Reference required a substantial focus on the proposed LNG Precinct’s impact on Indigenous people and Indigenous culture. The Government of Western Australia entered into an agreement with the KLC under which it funded the KLC to conduct the required Indigenous impact studies.

3 That decision is expected by the end of 2010.

4 These negotiations are required under the Federal *Native Title Act 1994*. The *Act* gives legislative expression to the Australian High Court’s 1992 *Mabo* decision, which recognised for the first time that Australia’s Indigenous peoples may have inherent rights in land and water as a result of their occupation of Australia at the time of colonisation, and that these rights survive if they have not been
exinguished by valid grants of land by the Crown and if Indigenous people have maintained their connection to their traditional lands.