

Adapting Impact Assessment to alternative decision-making categories? (not the opposite!)

Research questions:

**What does actually happen in the decision-making phase?
In what way does Impact Assessment contribute to the decision-taking?**

Theoretical basis:

A set of ideal types of public decision-making processes based on different procedural and substantial precondition

Empirical basis:

Public decisions concerning more than 50 offshore petroleum developments in Norway in the period 1985 – 2001 taken both administratively, by government and by Parliament.

Turning the questions around!

- Departure point: Politicians are experts in decision-making and are from a democratic point of view (by definition) making right decisions
- In several occasions and especially in controversial projects, the specific influence from IA on decision-making seems to be insignificant. (A major defect with IA-systems !!)
- Instead of complaining about decision-makers not being rational and taking the “right” decision, and instead of trying to perform even better analysis suited for rational decision-making we could ask:
 - What are the mechanisms for public decision-making (what is happening in the ?) and how can IA contribute to such decision-taking processes?

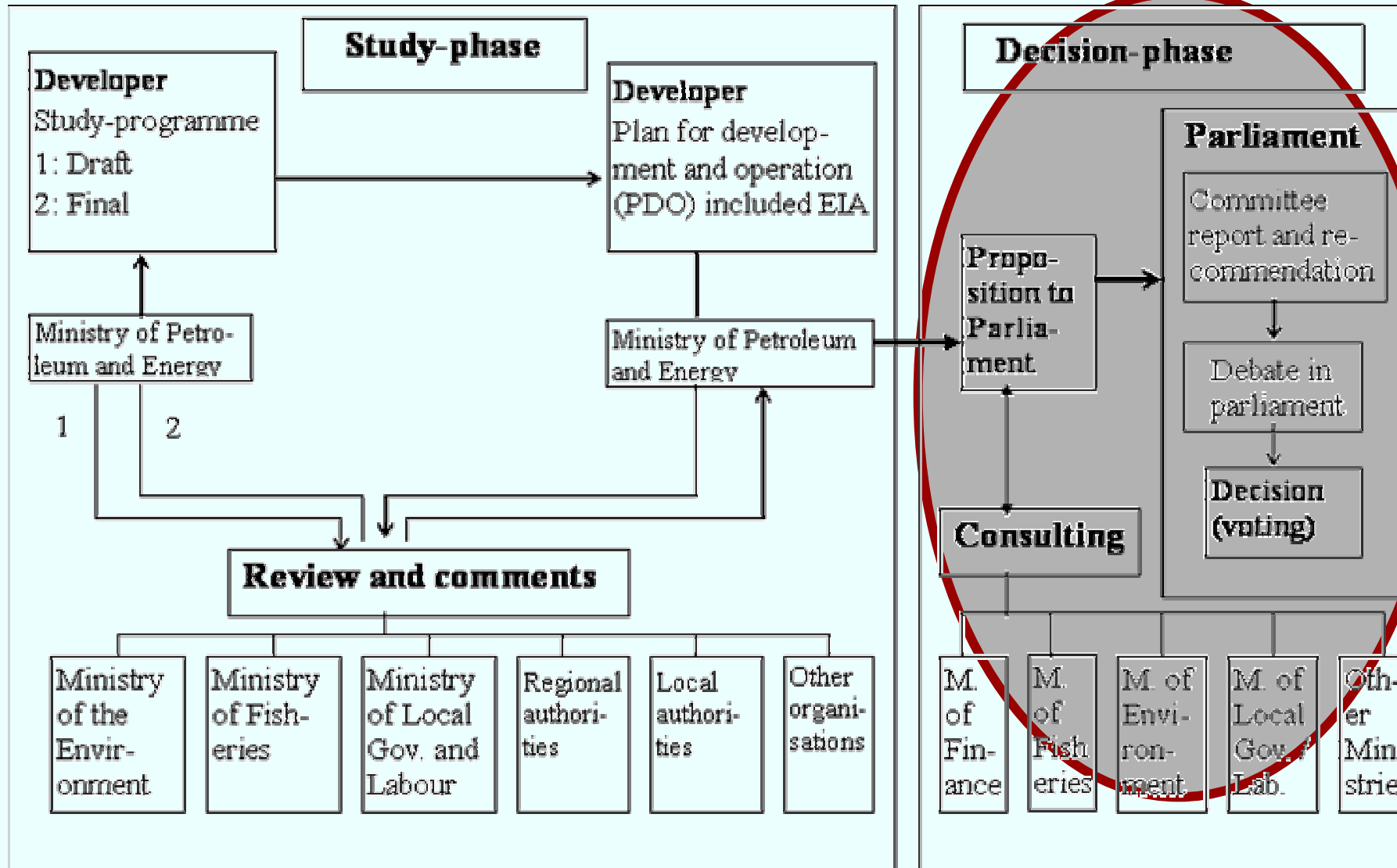
Ideal-types of public decision-making processes *

	Political decisions				Administrative decisions	
Pre-ference constellations	Given equal preferences divisible goods	Unc clarified/ different but compatible preferences	Unc clarified preferences assumed common good	Incompat. preferences fellowship exists	Approved objectives, reliable causality	Approved rules and regulation
Decision-making process	Strategic negotiation	Deliberative negotiation	De-liberation	Voting	Analysis	Sub-sumption
Result of decision making	Com-promise	Package deal	Authorized consensus	Majority decisions	Technical solution	Employment of rules
Decision makers	Parts-representatives	Parts-representatives	Ministers	Party representatives	Technicians	Lawyers
Decision making arena	Negotiation committee	Parliamentary committee	Government	Parliament	Professional bureaucracy	Traditional bureaucracy
Basis of legitimacy	Participat. + substantial fairness	Participat. + sincere discussion	Arguments about common goods	Procedures one person – one vote	Efficiency	Rules and regulation

*) Based on Rommetveit

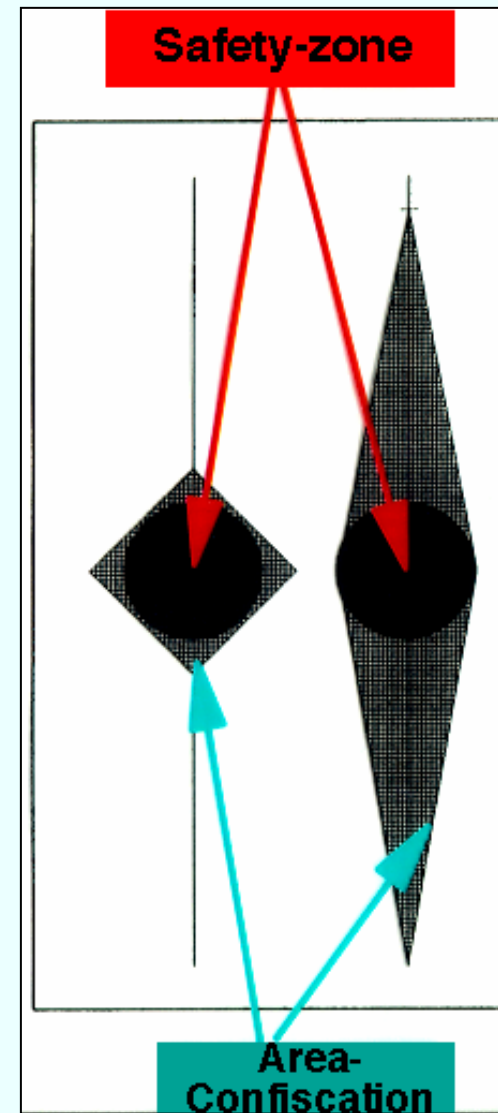
Adapting IA to alternative decision-making categories? Einar Leknes, Rogaland Research, Norway

Decision making procedures for offshore petroleum developments



Restriction zones over subsea-installations - issues

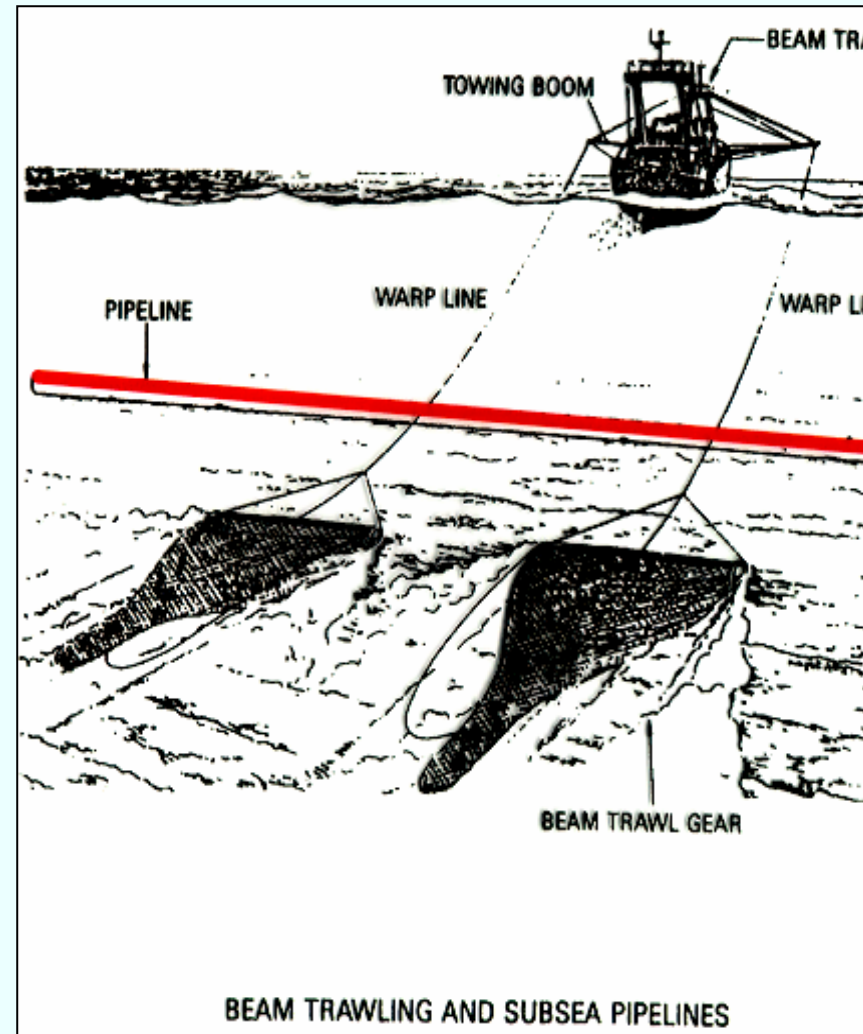
- Fishery authorities demanded no restriction-zones over sub-sea installations to prevent loss of fishing area
- Decisions were taken administratively by Ministry of Local Government and Labour after approval of the PDO and IA
- A separate directive on restriction zones (and safety matters) constitute the basis for decisions.
- A distinct example of the administrative decision making type **subsumption**.
- **IA does not** constitute the basis for decision making, but a separate application does



Pipeline - issues

The fisheries authorities demanded that negative impacts on trawling caused by pipelaying and the presence of pipelines on seabed should be minimised

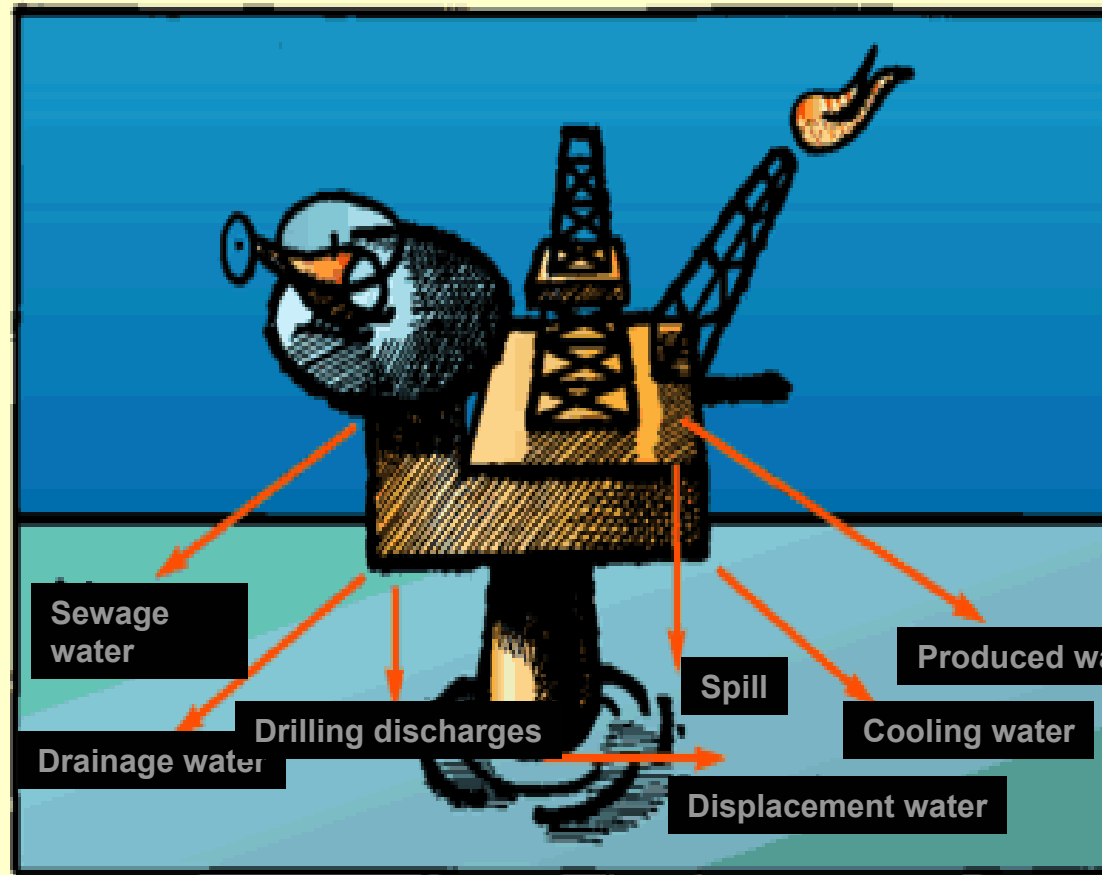
- No regulation existed, diffuse goals
- Decisions were made by the government since neither the committee nor the Parliament showed any interest
- Decision-making process gradually developed **from strategic negotiations** between the developer and the fishery interests to **deliberative negotiations** as a result of more trustworthy IA and pressure from the government
- Impact Assessment influenced directly the decision making



Discharges to sea - issues

Environmental authorities made claims regarding the type, amount and concentration of discharges to sea in order to prevent impacts on marine organisms. Comprehensive body of rules and dedicated staffs both in the Ministries, directorates and petroleum companies dealt with these issues

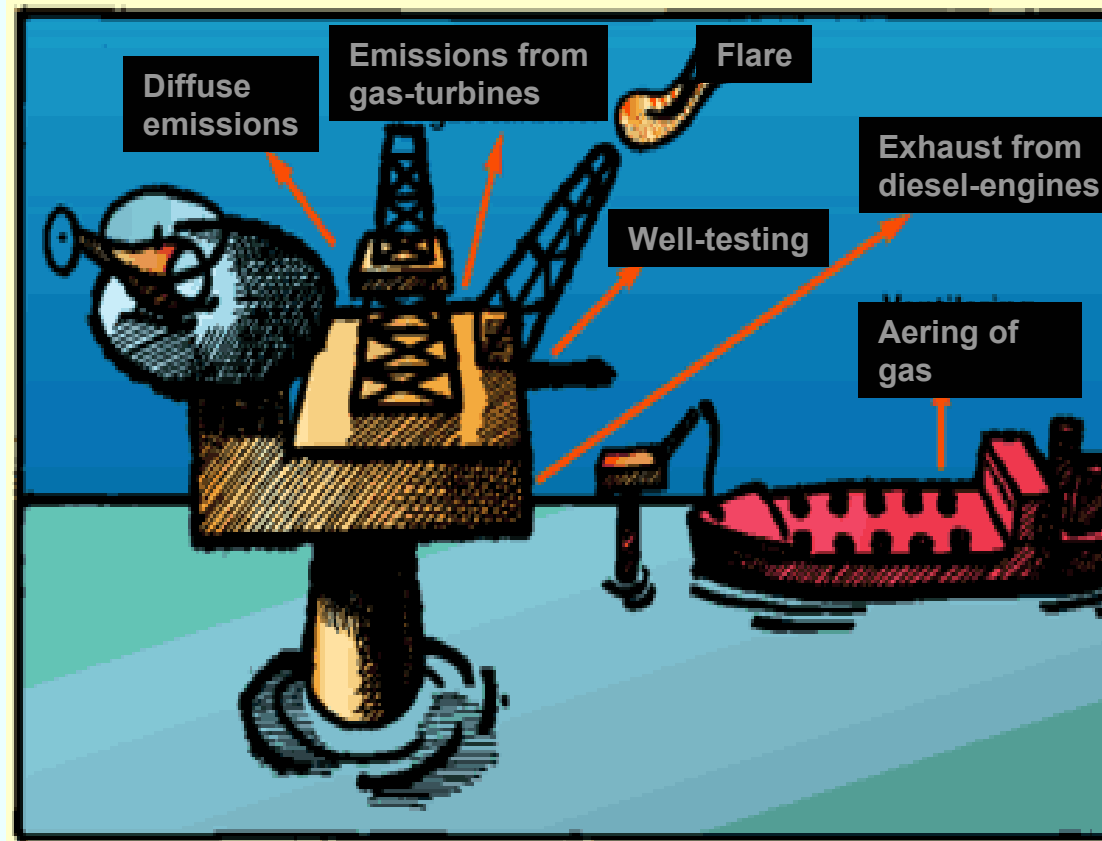
- Decisions taken mainly by the State Pollution Authority (SPA) on basis of separate applications (**subsumption**)
- Analysis of impacts constitute basis for “technical” selection of least harmful chemicals
- IA constitute a basis for superior discussion and negotiation between developer and SPA about reinjection or discharge



Emissions to air - issues

The environmental authorities demanded a minimisation of emissions of CO₂, NO_x and VOC for the operations of petroleum installations in order to reduce the climate-effect and acid-rain. Decision processes can be characterised as a portfolio of conflicts that terminated **by voting in Parliament.**

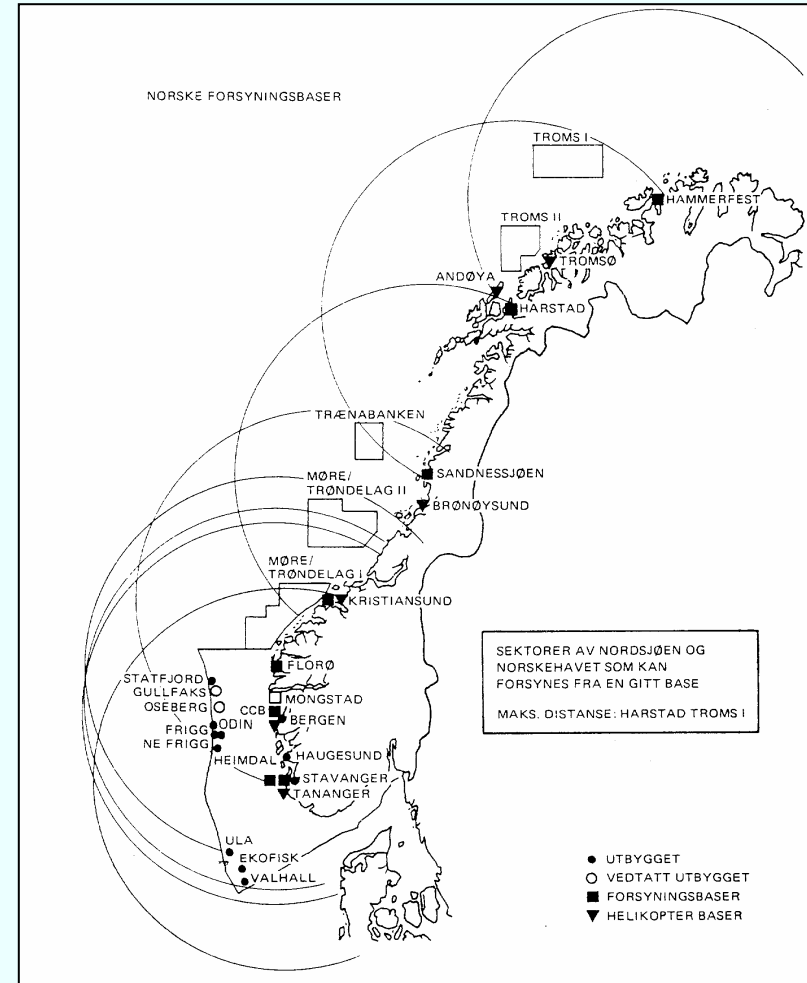
- The feasibilities for alternative solutions were sorted out by the developer, the government and other stakeholders in **pre-negotiation separate from the formal IA-process.**
- **Strategic and deliberative negotiations**, but where numbers of votes behind a party and especially parties in position of changing the majority have considerable power in such a situation



Localisation - issues

Regional authorities demanded that operation organisations and bases should be located **in their region** in order to achieve industrial development and more employment. Final decision were taken by **voting in Parliament**.

- The issue concerned both distribution between regions and the question of efficient localisation. In spite of several white paper - no over-riding solution had been established
- Elected representatives supported their “home-region”. Alternative assessments were made.
- Strategic negotiations including bargaining and building of alliances and lobbying characterises the pre-decision phase.
- IA plays a minor role as basis for decisions.



Decision-making processes in five cases

	Political decisions				Administrative decision		
	Strat. nego- tiation	Delib. nego- tiation	Deliber- -ation	Voting	Ana- lysis	Sub- sump- tion	Contribution from Impact Assessment to decision-making
Restric- tion zone							Minor – separate application
Pipelines	First cases	Later cases					Substantial under delib. negotiation
Discharge to sea	Discussion about discharge or reinjection				Optimi sing		Some – clarifies alternatives for negotiation
Emission to air	Separate pre- negotiation			Final			Some as basis for argumentation
Locali- sation	Lobby Alliance			Final			Minor – some as basis for bargaining

Are these ideal-types of public decision making processes used in project subject to formal Impact Assessment?

Political decisions				Administrative decision	
Strategic negotiation	Deliberative negotiation	De-liberation	Voting	Analysis	Sub-sumption
Yes between different kinds of parties	Yes, where the project can be adjusted to preferences	Yes, where political institutions must appear uniform	Yes, where political authorities have the competence	To a little extent, in minor projects without conflicts*	For sub-issues after approval of impact assessment and by separate application*)

*) The bureaucracy is in some minor development projects given the decision-making competence from the politicians. The administrative decision-making process will in such circumstances have much in common with the category strategic or deliberative negotiation.

To what degree, and how does Impact Assessment contribute to these public decision-making processes?

Political decisions				Administrative decision	
Strategic negotiation	Deliberative negotiation	De-liberation	Voting	Analysis	Sub-sumption
Little degree	Some degree	Some degree	Variable degree	High degree	Low degree
By offering some arguments for bargaining	By "facts" and mitigation measures	By facts and opinions from stakeholders	As one of many sources to assess the project.	By assessing impacts and goal achievement	As mutual preparation before separate application

Preliminary conclusions:

1. Mismatches between the logic of IA and the logic of political decision-making are major obstacles for adaptation of IA to political decision-making.
2. IA can contribute better to political decision making processes like deliberative negotiations and deliberation than to strategic negotiation and voting.
3. The formal and rigid IA-procedures represents another obstacle for adapting to the dynamic political decision-making processes