Environmental Impact Assessment Review 68 (2018) 10–18

Contents lists available at ScienceDirect

Environmental Impact Assessment Review

journal homepage: www.elsevier.com/locate/eiar

# Stakeholders' manipulation of Environmental Impact Assessment

Álvaro Enríquez-de-Salamanca

*DRABA Ingeniería y Consultoría Medioambiental, Universidad Nacional de Educación a Distancia (UNED), Cañada Nueva, 13, 28200 San Lorenzo de El Escorial, Spain*

ARTICLE INFO

*Keywords:*
EIA
Stakeholders
Bias
Manipulation

ABSTRACT

Environmental Impact Assessment (EIA) is a process where several stakeholders take part, each with different interests, making bias unavoidable and a major cause of concern, but there is a big difference between inherent stakeholders' bias and manipulation, an illegitimate attempt to alter decisions for spurious interests. Although manipulation has usually been attributed to developers, any stakeholder may try to use it for self-benefit. In this paper we analyse manipulation possibilities, and how they can be used by stakeholders. While bias is unavoidable and should be reduced, understood and managed in EIA, manipulation is unacceptable and must be excluded.

## 1. Introduction

Environmental Impact Assessment (EIA) is a process where several stakeholders take part with different interests and expertise, which may lead to intentional or unintentional bias in their opinions; but the line between bias and manipulation may be unclear.

As a general concept, the definition of manipulation is to interfere unscrupulously in politics, in the market, in information, etc., with a distortion of truth or justice at the service of particular interests. In EIA, manipulation is a premeditated bias with spurious interests introduced in order to modify decisions for self-benefit; this includes both the intent to deceive and the actions needed to achieve the intent (bad practices), such as using false, exaggerated or altered information, or hiding it, with an illegitimate use of the EIA process through political pressures or by media manipulation, for example. An interest is spurious when it is not what it purports to be, is fake, or appears to be what is not. It is difficult to determine the reasons for bad practices, which may be an attempt to manipulate, or be due to professional bias, error or unskilled professionals, for example. What is really important is to avoid these bad practices in EIA, rather than discussing their origin; but to do that, it is necessary to know the motivations, such as manipulation, and its possible expression in each stakeholder, as a tool to help detect and eliminate them.

Williams and Dupuy (2017) use the term corruption when referring to EIA, associating it with conditions of secrecy and power imbalances exerted by powerful stakeholders such as developers or politicians. Corruption is the abuse of a public or private office for personal gain (OECD, 2008; World Bank, 1997), the misuse of entrusted power for private gain (Ministry of Foreign Affairs of Denmark, 2011; Transparency International, 2017), or the exercise of official powers without regard for public interest (Yingling, 2013). The last author differentiates conventional corruption, when government officials illegally abuse public office for private gain, and unconventional corruption, when elected officials make decisions without regard for public interest, in order to achieve re-election to public office. The Council of Europe and the United Nations Conventions establish various forms of corruption offences: bribery, extortion, facilitation payment, collusion, fraud, obstruction of justice, embezzlement, misappropriation, trading influence, abuse of function, illicit enrichment or money laundering (UNODC, 2012); manipulation is not included, although it may be associated with some of these offences. Most definitions associate corruption with public office; Etzioni-Halevy (1989) notes that anyone put into a position of power is tempted to use public office for personal gain and advantage.

Manipulation is a wider concept, not necessarily associated with an entrusted power or a public office; any stakeholder may try to manipulate EIA, so a broader vision is necessary regarding this concept. Williams and Dupuy (2017) include a literature review on corruption and EIA; but literature has undervalued some forms of manipulation in a biased (probably involuntary) way, focussing on developers. For example, their review includes as a corruption risk that the public is bribed to give their consent to projects, but not that the public itself bribes someone to change a project. However, our paper does not disagree with these authors' work, but complements it.

The possibilities of manipulation differ according to stakeholders. The public can and must objectively defend their interests; but using false information is unacceptable. Politicians should defend general interest, so to defend another interest is manipulation or corruption. Practitioners should make a great effort to be objective, minimize bias, and avoid manipulation; ethics and professionalism are essential. The

*E-mail address:* aenriquez@draba.org.

http://dx.doi.org/10.1016/j.eiar.2017.10.003
Received 10 July 2017; Received in revised form 3 October 2017; Accepted 3 October 2017

integrity of the developer is also essential, because it is the agent whose interests and power make it more likely to take shortcuts through manipulation.

In this paper we make a systematic analysis of the different forms of manipulation and their possible use by stakeholders, including examples from Spanish EIA practice during the last two decades to illustrate the issues raised. The choice of these examples is based on their suitability to clarify the types of manipulation discussed, but not by their frequency or significance; from our experience, EIA in Spain is not very manipulated, but it is possible to find in it, as probably in any other country, examples of manipulation. The aim of the paper is to highlight the existence of a wide typology of manipulation attempts, and to help identify and exclude them from EIA.

The paper is not a systematic review but a joint work of literature review and professional practice. This structure has been chosen because an important limitation in analysing manipulation in EIA is the bias of academic literature, which tends to focus this practice on promoters and consultants, or at most in politicians, but not in other stakeholders such as public or even academics themselves. Consequently, a review of the literature, although interesting, does not provide a complete view of the problem, and it is necessary to incorporate opinions from professional experience, objectively raised, to address this topic, and to enrich the debate on EIA.

## 2. Forms of manipulation

In order to establish the possible forms of manipulation we have taken into account both the literature and the practice in EIA. Practical examples have been included to help understand the forms of manipulation cited, most of them based on the author's experience, sometimes supplemented by published references. Accusing anyone of manipulation is tricky, because it is a practice inherently subtle, hidden or not evident, difficult to prove; often, although its existence seems certain, there is a lack of evidence. For this reason, in the examples cited in the text we have avoided including detailed information about the projects, which, moreover, is not of particular interest for the purpose of this paper. Despite the lack of evidence, these are actual examples from EIA practice, and as such, we consider them to be interesting to illustrate the ways in which manipulation can be manifested.

### 2.1. False information

A clear case of EIA manipulation is the premeditated use of false information. False information may include, for example, fraudulent use of data, unreal prices to reduce or increase budgets, wrong references to laws in order to support opinions, or false viability judgments. The last case is not rare; an alternative may be considered not technically viable to discard it and exclude it from EIA. On a motorway in Northern Spain the developer indicated that an alternative was geotechnically non-viable, but during public information an expert demonstrated that this was false; it was viable, although more expensive than the other alternatives (see also Section 3.3). Flyvbjerg et al. (2002) indicate that cost underestimation in transportation infrastructure projects cannot be explained by error and is best explained by lying, a systematic fallacy (Flyvbjerg, 2013). Morgan (2012) notes the fear that the increased weight given to the financial viability of developments will further reduce the influence of EIA on decisions; if costs are manipulated, EIA can be too.

Sometimes false information is given about the objective of the project to facilitate approval; the restoration of a mill and the construction of a farm-school, both submitted to EIA, were actually hotels, although the Environmental Impact Statements (EISs) did not indicate it.

### 2.2. False alternatives or unnecessary elements

A practice not uncommon in EIA is to propose alternatives knowing in advance that they are unfeasible or very unfavourable, to compare them with the one that is intended to be chosen, and discarding them in an apparently objective process (Gregory et al., 1992). The EIA of roads in Spain is rich in these fake alternatives; a bad alternative may cease to be so when there are others that are worse.

It is also possible to introduce controversial and unnecessary elements, and later remove them to demonstrate goodwill (Sager, 2006). The tunnel of a high-speed railway in Central Spain supposedly needed an emergency exit, which affected a colony of black vultures. Although the EIS considered the impact acceptable, during the EIA the environmental agency indicated that it would be unacceptable; the railway department deleted it from the project, and finally the line was built without this exit, which was not really essential.

### 2.3. Exaggerated information

Sometimes part of the information that supports a project is not exactly false, but exaggerated. An example is traffic forecast in road planning; depending on assumptions (e.g. traffic growth rate) the results may support the feasibility of a project. During the 2000s, traffic forecasts in Spain were too optimistic, in part due to the strong traffic growth since the 1990s (truncated by the economic crisis), but also unreal predictions were made; the traffic forecast for a motorway in Northern Spain was manipulated until it reached an intensity that justified it, being an essential justification of the project in the EIS and the whole EIA process. Tennøy et al. (2006) indicate that predictions, data and assumptions were biased in order to make the Norwegian train-based transport system appear more economically sound than it really was. Flyvbjerg (2007) speaks about “optimism bias” or, as the same author indicates (Flyvbjerg et al., 2002), lies. During the 2000s, several toll roads and airports were designed, submitted to EIA and built in Spain based on very optimistic forecasts of utilization; at present, most are in bankruptcy.

Biased positive information increases the chance that an environmentally unfriendly alternative is chosen (Mostert, 1996); if it is premeditated it is manipulation. An example is the exaggerated emphasis on the economic advantages of some activities or infrastructures, without objective support; these arguments are frequent in the EIA of projects with strong social rejection (e.g. employment and regional or local economic advantages in mining).

### 2.4. Withhold information

A form of manipulation that is difficult to detect is to hide information or, as Sager (2006) calls it, withhold information. The definition of a project under EIA varies a lot, so it is not easy to know if some information is hidden, for example, about objectives or characteristics. The EIS of a river restoration project in Southern Spain hid that the real objective was channelling the streams to allow housing in the surroundings. EISs may hide environmental resources, especially if they are not widely known. Public or pressure groups sometimes hide their real interests during the EIA, or even lie about them.

### 2.5. Undervalue or overvalue impacts

The value of environmental resources or impacts is open to interpretation and it may be biased, or even manipulated by any stakeholder in order to support their interests. Manipulation occurs, for example, when a resource is undervalued to lessen the expected impact on it. Sometimes EISs use inconsistent criteria to undervalue impacts. The EISs of a power line and a pipeline in Spain, both crossing several rivers included in Natura 2000 Network, undervalue this impact indicating that the affected area is limited, without further analysis. The criterion