

The “Rules of Engagement”: A Socio-legal Framework for Improving Community Engagement in Natural Resource Governance

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Abstract

Increasing community action in natural resource governance is commonly seen as a pathway for improving decision making, enabling increased on-ground activity and facilitating widespread acceptance of government and industry legitimacy in managing natural resources. Other perspectives on community engagement see the promise of enriching existing or emerging democratic values by addressing the limitations of representative governance. While the practice of community engagement has been well described, more work needs to be done to understand the institutional factors that contribute to the expectations attached to these practices, and how the role of community in natural resource governance can be improved.

This article presents findings from a review of academic and practitioner literature on the topics of *community engagement* and *natural resource governance*. 127 articles were reviewed and the resulting conceptual framework is described. A thematic analysis of the data-set was then conducted to further clarify and extend the research question. The results reveal a persistent focus on practical aspects of engaging community, without sufficient analysis of how institutional dynamics such as legal requirements, policy drivers and implementation contexts impact on the realities of community environmental governance. The paper concludes with future research directions in the pursuit of improving the role of community in natural resource governance. It is expected that the insights generated through this article will have relevance to other modern democratic societies and be of interest to environmental lawyers, policy makers and community advocates.

Key words

Community engagement; public policy; socio-legal frameworks; natural resource governance

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Resumen

El aumento de la acción comunitaria en la gobernanza de los recursos naturales habitualmente se percibe como una vía para mejorar la toma de decisiones ya que permite aumentar la actividad sobre el terreno, y facilita la aceptación generalizada de la legitimidad del gobierno y la industria a la hora de gestionar los recursos naturales. Otras perspectivas de la implicación de la comunidad perciben la promesa de enriquecimiento que existe en los valores democráticos emergentes, abordando las limitaciones del gobierno representativo. Mientras que se ha descrito de forma correcta la práctica de la participación comunitaria, aún queda trabajo por delante para comprender los factores institucionales que contribuyen a las expectativas unidas a estas prácticas, y cómo mejorar el papel de la comunidad en la gestión de los recursos naturales.

Este artículo presenta los resultados de una revisión de la literatura académica y profesional sobre estos temas: *participación comunitaria* y *gobierno de los recursos naturales*. Tras revisar 127 artículos, se describió el marco conceptual resultante. A continuación, se realizó un análisis temático del conjunto de datos para aclarar y ampliar el tema de investigación. Los resultados revelan un foco persistente en los aspectos prácticos de la comunidad cooperante, sin ofrecer un análisis suficiente de cómo las dinámicas institucionales, como los requisitos legales, los impulsores de políticas y los contextos de implementación impactan en las realidades del gobierno medioambiental de forma comunitaria.

Palabras clave

Implicación comunitaria; política pública; marco sociojurídico; gobierno de los recursos naturales

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1. Introduction

In Australia, government investment in natural resource management is receding. National programs supporting conservation and environmental management on private and public lands are under review in a context of budget efficiencies and growing government emphasis on market based strategies (Australian Government 2014a) (Australian Government 2014b). Conflict over land use has seen tensions arise between government, community and private industry (Barbour 2014, Guilliat 2014, Woods 2014). Recent corruption investigations have linked powerful vested interests with unethical development decisions that have serious environmental impacts (Nicholls 2013, The Australian 2014, Glanville 2014). Attempts to manage shared natural resources across jurisdictional boundaries have been challenged by politicisation and vocal community opposition (Hussey and Dovers 2007, Gray 2011), reducing the ability of government to deliver equitable and sustainable natural resource management (National Water Commission 2013, Rawlins *et al.* 2014).

As population growth, consumption demands and climate change increase pressures on shared resources, there is an need for improved governance structures that balance vested interests with consideration of social and environmental impacts, and enable communities to be involved in making decisions about the management of natural resources (Martin *et al.* 2012, Taft 2014). If "*public participation is widely considered a fundamental aspect of good governance*" (Dellinger 2012) then it is necessary to explore how existing governance structures can engage in productive reforms that bring community voices into natural resource decision making (Holley 2010, Herriman 2011, Evans and Reid 2014).

Analysis of governance regimes from the international arena has identified that power to set the agenda and determine the content of any particular meeting is the least transparent aspect of current community engagement procedures (Werksman and Foti 2011). Suggested reforms are concerned with issues of legitimacy and accountability, and see existing laws as an avenue to enable more rapid progress towards institutionalising new norms of community engagement (Becker 2010, Ross 2010, Turner 2013). This article is concerned with the role of community in Australian natural resource governance, and in particular focuses attention on the interactions and impacts that human populations have with the environment and how institutional rules, organizational structures and cultures of bureaucracy and industry structure these interactions (Dovers 2010).

Community engagement is a common requirement of public policy in modern democratic societies such as Australia. Regularly appearing in legislation, policy documents and program descriptions, '*community engagement*' and '*public participation*' are used in a reassuringly authoritative fashion, suggesting a clear and uncontested view of community engagement and a common understanding of its role in modern governance. However, community is not a static concept, as interactions between individuals, society and the environment create a dynamic context for change, influenced by institutional rules, industrial activities, organisational politics and social norms (Harrington *et al.* 2008, Whitman 2008, Johnston 2010, Souter 2012).

Within this paper, the term *community engagement* is used as synonymous with *public participation*. This reflects an interaction between the Australian vernacular of public policy, and the international terminology of sustainable development (Bottrill and Cordonier Segger 2005, International Association for Public Participation 2012, La Camera 2013). Both phrases carry an assumption that "*environmental issues are best handled with participation of all concerned citizens, at the relevant level*" (United Nations Environment Programme 1992).

This paper briefly outlines the current context for natural resource governance and community engagement in Australia, and then describes the methods used to

develop the empirical component of this analysis. Result of a thematic analysis are presented and then extended in the Discussion, where insights from the literature review are linked to the conceptual framework. The paper then describes how the findings from this analysis have informed a research design and empirical work currently underway in Australia, and concludes with an outline of this investigative framework.

2. Natural resource governance in Australia

Natural resource management (NRM) is a field of public policy that has developed hand-in-hand with community engagement since the rise of environmental activism and participatory planning in the 1960s (Munro-Clark 1992, Whitman 2008). Natural resources are assets that are derived from the natural environment, such as water, soil, mineral and botanical resources. These naturally occurring resources provide the capacity for agriculture, aquaculture, and the foundations of economic trade and development. When human society interacts with natural resources to control, change, improve or disturb ecosystem balance, natural resources are undergoing a form of management. Natural resource *governance* describes the mechanisms developed through policy, legislation and everyday interactions to influence or enact decisions about how these natural resources will be used (Ryan *et al.* 2010).

Concern for sustainable development, environmental protection and agricultural security combine with biophysical factors such as water scarcity, soil degradation and food security to generate complex arenas for public policy (Allan 2008, Lockwood *et al.* 2009). In Australia, attempts to find a balance between the utilisation and conservation of natural resources has seen many iterations of regulation, collaboration, voluntarism and market-interventions, with a current policy focus on a model of regional governance (Lockwood and Davidson 2010, Wallis and Ison 2011, Martin *et al.* 2012, Curtis *et al.* 2014).

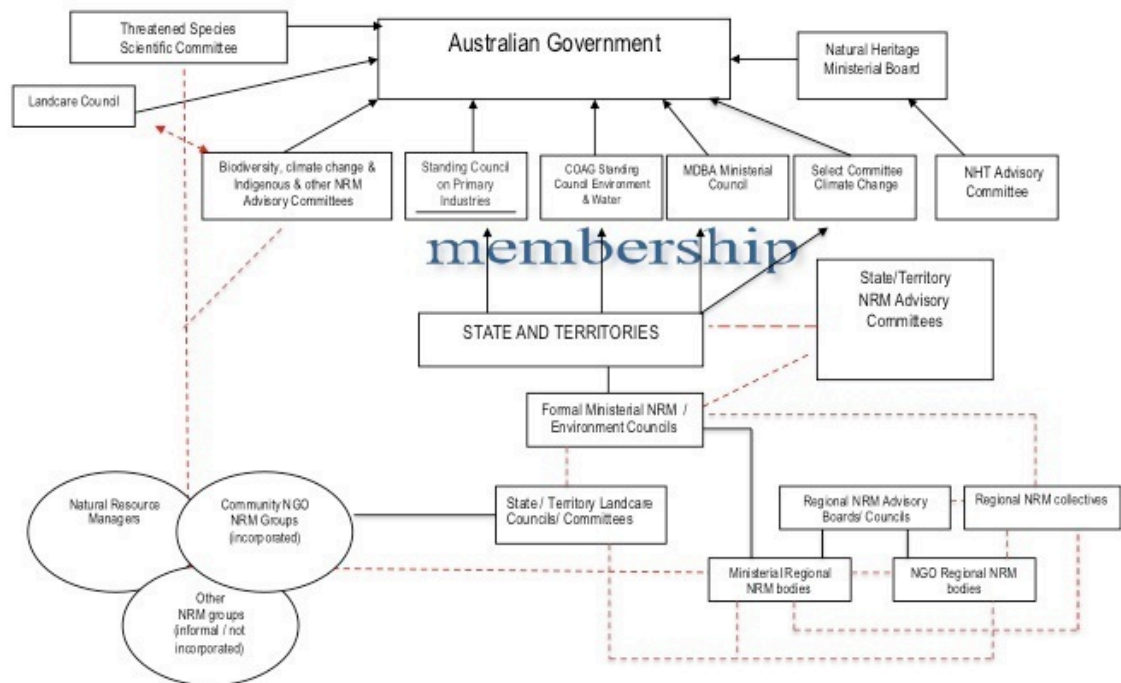
Natural resource governance in Australia is multi-jurisdictional, with varying responsibilities held at every level of government from Federal to Local. Legislation devised at the Federal level devolves responsibilities to State and Territory Governments, inducing a diverse legislative response across the country. Likewise, local government responds to both Federal and State/ Territory directives, to create a mosaic of localised management instruments. Adding further complexity, the Federal Government initiates direct relationships with regional bodies and local governments, distributing funding and imposing conditions of accountability within these agreements. This fragmentation enables competing objectives and interests to flourish, as regional needs are nested within the political mechanisms of federalism. As a consequence, it is suggested that

"ad hoc, polycentric and multi-layered development, constitutional constraints and fragmented institutional arrangements have obstructed an integrated and systemic national approach to managing Australia's natural resources" (Bellamy 2007).

As illustrated in Figure 1, the complexity of natural resource governance in Australia creates challenges for effective community *engagement*. The opportunity for different interpretations of what community engagement is, or should be, and where and when it is appropriately utilised to achieve better environmental outcomes, continue to multiply, as the intention to engage is 'lost in translation' through layers of institutional design (Clayton *et al.* 2011, Williams *et al.* 2012, Martin *et al.* 2012). While procedural mechanisms that aim to inform the community and provide minimum consultation requirements are embedded in much legislation addressing natural resource management, no central organizing principle of participation exists in Australian law. Although "community" is regularly referred to in the objects of legislation there are seldom definitions of who this "community" is, and limited legal recourse on the issue of unsatisfactory community participation.

Figure 1

NRM Governance 2013



NRM governance in Australia. Source: Williams (2013).

2.1. Legitimacy in natural resource governance

Institutions, both public and private, require the trust of the community and the stamp of legitimacy in order to operate successfully (Whitman 2008). Julia Black observed that

Organizations develop structures and procedures not because of their instrumental value in achieving efficient outcomes, but because they can thus communicate to observers that the decisions being made are legitimate and should therefore be supported (Black 1997).

Community engagement strategies can be seen as attempts to demonstrate legitimacy, translating participation in structured activities into a form of tacit approval by community, commonly referred to as a 'tick the box' approach (Ross 2010, Nabatchi and Farrar 2011). This raises serious questions about representation, justice, fairness, and potentially increases the risk of community *disengagement* (Fung 2006, Peterson 2011). Pursuing legitimacy as an objective in itself limits attention to the possible impact these procedures may have on achieving better environmental outcomes and complicates understanding of the purpose of community engagement (Smith 2003).

Previous research in the Australian context has suggested that while procedures of natural resource governance may be embedded in legislation, implementation tends to reinforce existing power imbalances (Holley 2010). The difficulty of distinguishing between the stated intention and the actual outcome is a recurrent finding (Margerum 2008) that stresses the need for more nuanced understanding of concepts of community, representation and participation (Rockloff and Moore

2006), terms that regularly overlap in environmental governance discourses (Lane 2005).

3. Methodology

3.1. *What are the 'rules of engagement'?*

This article draws on the substantial body of existing knowledge about the process and practice of community engagement, to focus on identifying strategic research directions for improving community engagement as an element of natural resource governance. The primary research question guiding this investigation asks: *How is community engagement currently defined and experienced in Australian natural resource legislation, policy and practice; and how could it be improved?*

This question directs attention to the difference between requirements and definitions of community as they appear in legislation, policy, programs and project levels of governance. Several key assumptions influenced the framing of this research. As part of a bigger research program concerned with institutional reform in natural resource governance, the framework needed to connect diverse concepts of "community engagement" and the rules and policy that make up the institutional scaffold (Banakar and Travers 2005, Martin *et al.* 2012). These assumptions guided the development of a conceptual framework which emerged from the literature review and informed the thematic analysis described in this paper.

3.2. *Literature review*

A literature review of existing published papers is a standard step in the development of a new research proposal (Neuman 2011). A literature review ensures that previous discoveries and important conceptual progress are not lost, and that ongoing research builds on the collective knowledge of the academic canon (Silverman 2010). To make sense of the literature, a researcher must compare and contrast, developing categories that group the main findings, while always remaining alert to the outliers that may reveal new or important directions for future research (Rapley 2007). As the literature is explored, these categories become important analytical tools that form the basis of an emerging research question, grounded in previous work and informed by the insights of others in the field (Bernard and Ryan 2010).

However it is always possible that a researcher views and filters the literature through a subjective lens that can skew the outcomes of a review (Agee 2009, Chambers 2003). While a commitment to reflexive research practice is one strategy for addressing the influence of subjective viewpoints, the approach taken in this study was to triangulate the findings of the literature review with a thematic analysis, to test the assumptions and findings that were emerging from the literature (Blaikie 2010, Johnson and Christensen 2008, Richards and Morse 2007).

3.3. *Thematic analysis*

Thematic analysis is a useful way to empirically test intuitive responses to the literature, by repeatedly interacting with the data to find recurring ideas, terms and references (Bernard and Ryan 2010, Neuman 2011, Joffe 2012). As key terms and concepts emerge from this process, the results are re-examined for indications of what might be missing, to establish whether additional references need to be sought out. Themes are then developed and defined, and in this case the literature review keywords extended to capture missing data in the form of journal articles.

In developing a keyword selection list for this literature review, attention was focused on research that explored the intersection between *community engagement* and *natural resource governance*. A list of keywords was generated

from synonyms of community engagement, environmental governance and natural resource management.¹

A total data set of 126 full-text articles was generated over a six-month period from cross-disciplinary international databases.² The initial analysis suggested a lack of research addressing the intersection between institutional settings and community engagement, and this became an increasing area of interest for the review. To further strengthen this enquiry, it was considered worthwhile to revisit the data and code it to establish whether the initial analysis was correct. Codes were applied based on the description or definition of community engagement as it appeared in the abstracts, and whether the article applied a legal, political or practice lens to the research topic. Utilising the terminology of the conceptual framework, a codebook was developed and 5 themes were coded as described in Table 1.

This approach is not without limitations. As the themes were developed inductively and applied retrospectively, this analysis does not claim the methodological rigour of a quantitative systematic review. However, as part of a qualitative study, a thematic analysis can be applied to the same data set (in this case, the literature review) to test the findings and confirm the research direction, without striving for replicability or validity in a positivist sense (Richards and Morse 2007, Denzin and Lincoln 2008, Green and Thorogood 2009). The thematic analysis provides a way to map and visualise the findings of the literature review, while also directing attention to what may be missing, and how personal bias and theoretical influences may be colouring the research question. By exploring the literature through these two methods, the standard 'narrative' approach and a thematic analysis, the research combines social science research methods with the field of legal and institutional scholarship, to access cross-disciplinary insights informed by socio-legal terminology (Banakar and Travers 2005, Green and Thorogood 2009, Fisher *et al.* 2009).

¹. Keywords used: Analysis, Citizen, Collaborative, Community AND engagement, Consultation, Effective , Environment*, Evaluat*, Governance, Institution*, Law, Legal, Natural AND resources AND management, People, Policy, Public AND participation, Socio-legal, Stakeholder

². Databases included social science, humanities, legal studies and environmental science publications. All databases were accessed through institutional subscriptions. Only full text articles were included.

Table 1: Extracts from the codebook developed through inductive reading of the literature.

Community engagement defined, described or required	Examples
Substantive:	Institutional; rules; laws; principles; international frameworks
Substantive/procedural:	Attention to both themes or analysis of interaction
Procedural:	Administration; policy; programs; agreements; contracts; guidelines
Procedural/process:	Attention to both themes or analysis of interaction
Process:	Activities; practice; education; manuals; evaluation; implementation

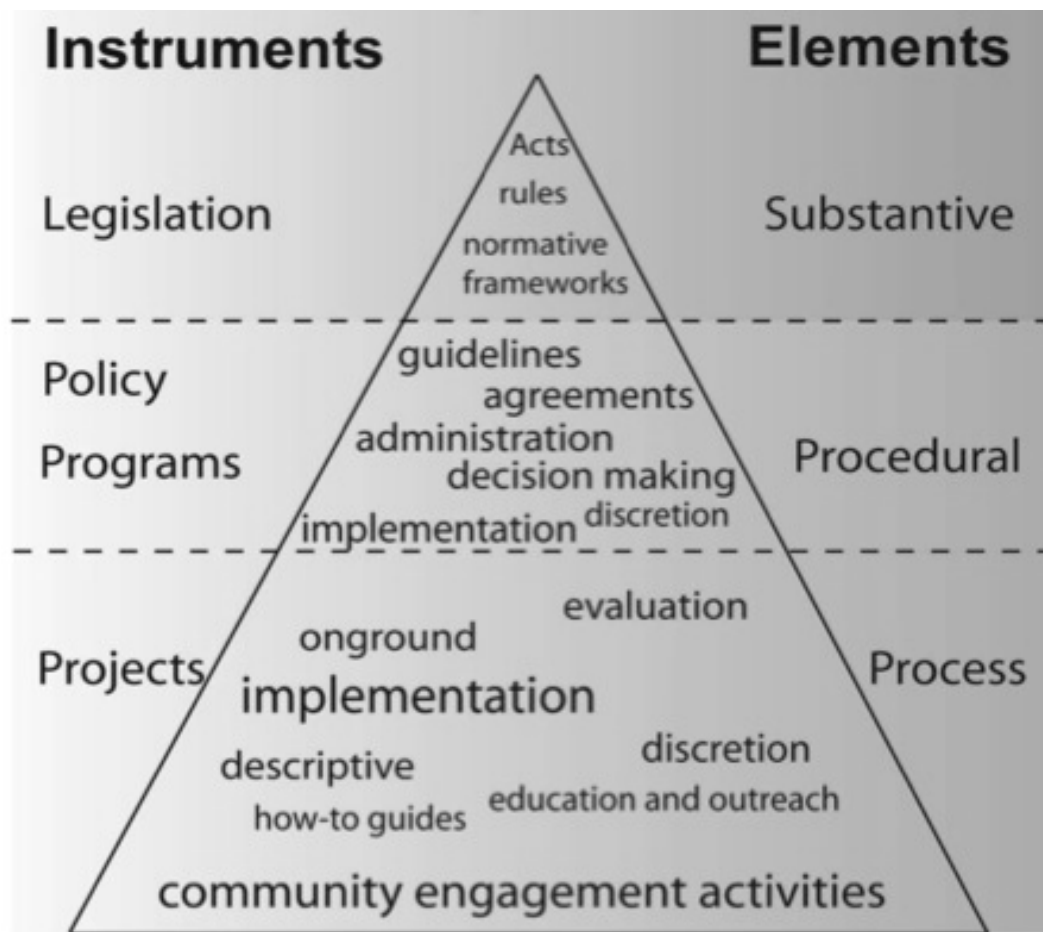
3.4. Socio legal perspectives

Socio-legal research regularly focuses on aspects of procedural justice such as enhanced legitimacy of decisions (Markell 2006), access to justice, (Gross 2008, Tyler 1988) and understanding how people perceive and interact with the law (Tyler 2006). A socio-legal perspective directs attention to the difference between requirements and definitions of community as they appear in legislation, policy, programs and project levels of governance. The socio-legal framework proposed in this article rests on the assumption that clearer articulation of the institutional drivers for community engagement will go some way towards addressing the confusion of purpose that hinders the effectiveness of community engagement and will assist in building better evidence about the role of community engagement in natural resource governance, by establishing boundaries and clarifying expectations at the outset, addressing disillusionment and disengagement, and improving linkages with legal and policy dynamics (Clayton *et al.* 2011).

This research draws on socio-legal scholarship considering the influence of substantive and procedural elements of law in creating meaningful governance regimes (Black 1997, Brown *et al.* 1998, Wiersema 2008, Fisher *et al.* 2009, Kirk and Blackstock 2011, Turner 2013) and concepts of multi-scale “vertical slice” research that support an analysis of the same issues as they appear across institutional, organizational and community scales (Marshall 2007, Dovers 2010). Environmental justice and public policy scholarship that explores the intersection between institutional and social norms inform this framework, and how these are given form in both the *creation* and *delivery* of policy (Black 1997, Gross 2008, Bryner 2002).

Figure 2 illustrates how this research terminology has been adapted for the purpose of the research. The *substantive* refers to the explicit objective of achieving community involvement. This is perceived as a core intention of the legal instrument, and could indeed be the central organizing principle of legislation. The *procedural* concerns community engagement as described or prescribed in requirements, mechanisms, or procedures that can be seen to *enact* engagement, though this is not the core organizing principle of the legal or policy document. Further iterations of this distinction introduced a *process* element that encouraged attention to implementation of both legislation and policy elements (Waring 2001, Kennedy 2006).

Figure 2



The conceptual framework includes examples of each element within the triangle, and draws parallels between instruments of modern governance on the left-hand side, and the socio-legal terminology employed in this framing on the right-hand side.

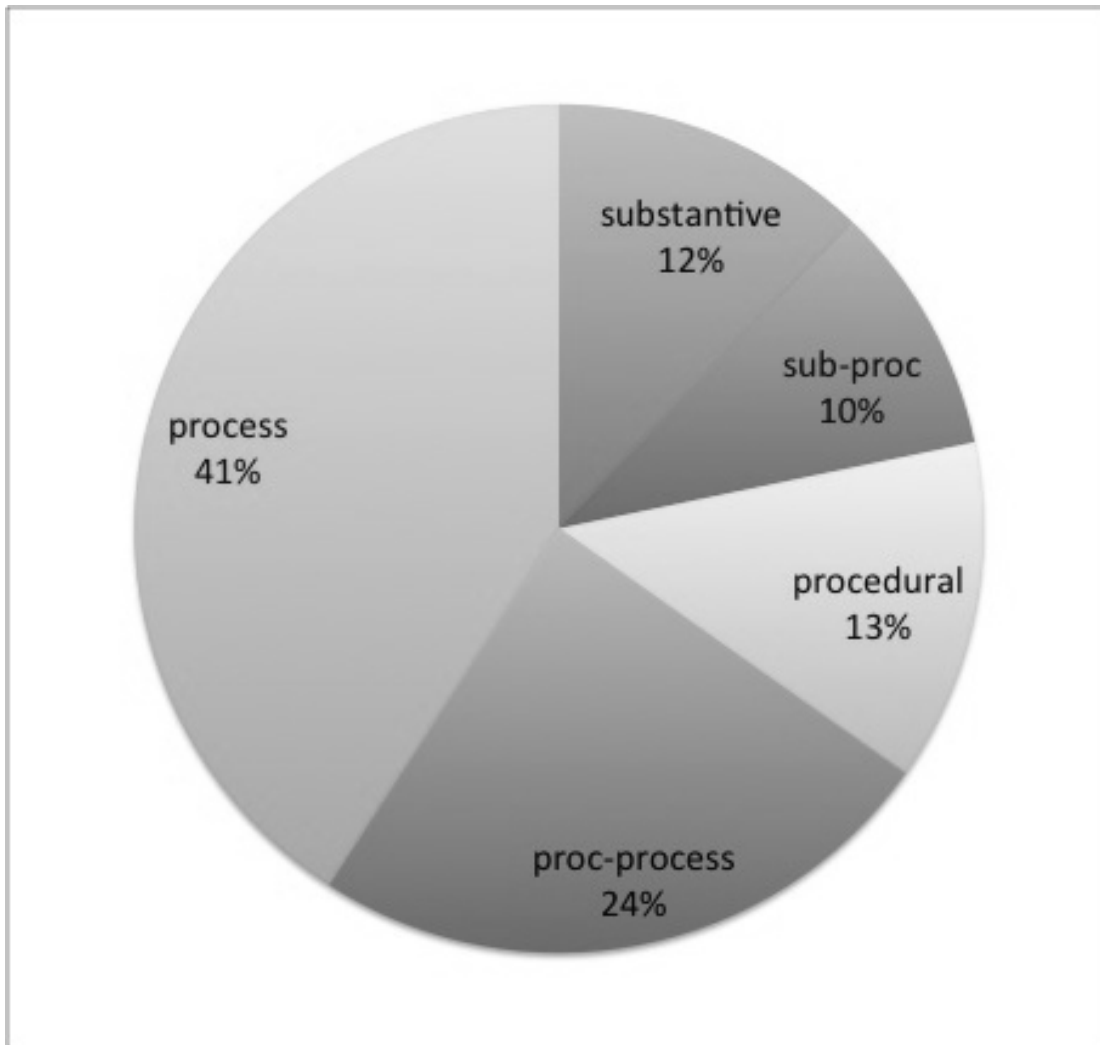
4. Results

4.1. Thematic analysis

The results of the thematic analysis supported the initial findings of the literature review and the utility of the conceptual framework for guiding further research. These findings are presented in the following Discussion. Attention to the interaction between the different themes required development of additional codes, resulting in five distinct themes as detailed in Table 1.

Figure 3 illustrates the predominance of *process* and *process/procedural* data in the literature, and shows the need for further research to understand how substantive and procedural elements interact to support or inhibit community engagement in natural resource governance. The following discussion identifies the significant factors that complicate the study of community engagement as an element of natural resource governance.

Figure 3



Results of a thematic analysis of the data set (n=126 articles) coded to the elements of the socio-legal framework, demonstrating the majority focus of the literature on describing the activities of community engagement.

5. Discussion

5.1. Confusion reigns

The literature reviewed for this research suggests that two types of confusion distinguish the study of community engagement: a confusion of **terminology** and a confusion of **intention** that fails to adequately distinguish between process and outcomes.

Terms such as participation, consultation, collaboration, partnership, public, citizen and community appear throughout the literature and are often used synonymously (Whitman 2008, Berner *et al.* 2011). Researchers have identified this confusion as a key factor in misunderstandings between participants at all levels of governance (Wallis and Ison 2011), with varied meanings being assumed and unspoken, impacting negatively on the design, practice and evaluation of engagement (Brackertz and Meredyth 2009, Brugnach *et al.* 2011, Besley 2012). The wide variety of terms combines with a range of meanings to extend the field of possibility that is loosely referred to as 'community engagement'. In a similar way, terms such as *sustainable development*, *environmental governance* and *public good* are malleable, depending on the definitions accorded to them in different contexts

(Shepherd and Martin 2011, Miller 2012, Jendroska 2013), making them difficult to implement effectively, and challenging to enforce in a consistent manner.

Engagement activities frequently evidence a confusion of purpose, conflating outputs with outcomes, and impeding strong empirical evaluation of effectiveness (Rosener 1978, Koontz and Thomas 2006). Additional confusions are commonly recorded in the diverse expectations held by those involved at various stages in the design, implementation and participation of engagement activities (Barr 2011, Brugnach *et al.* 2011). These confusions often reflect the differing world-views that are embedded in concepts of engagement at the institutional, organisation and individual level (Brackertz and Meredyth 2009), and have significant implications for empirical evaluation of community engagement outcomes (Caron 2000, McKinney and Field 2008).

Practice guides for implementing community engagement often assert that

"public participation will lead to many benefits, such as increasing public trust in authorities, improving citizen political efficacy, enhancing democratic ideals and even improving the quality of policy decisions" (ScienceWise Expert Resource Centre 2012).

This pervasive assumption rests on the belief that engagement carries a normative virtue and there is a predictable link between engagement activities and functional outcomes (Rowe and Frewer 2004, Koontz and Thomas 2006, Banisar *et al.* 2011): if community is given some (undefined) level of access to decision making processes, there will be an increase in voluntarism or social capital to the ultimate benefit of decision makers (Adams and Hess 2001, Brackertz and Meredyth 2009, Marshall 2011). Critical analysis has questioned whether these assumptions are supported by empirical data (Buchy and Race 2001, Maurer *et al.* 2003, Berner *et al.* 2011). The literature reviewed for this study suggests a link between this lack of empirical evidence and the confusion that characterises the field (Caron 2000, Lewis 2008). It is difficult to assess the functional value of engagement when there is a lack of certainty about key terminology, organising concepts and desired outcomes (Grimble and Wellard 1997, Collaborative Democracy Network 2006, Torgler *et al.* 2010, McKinney and Kemmis 2011).

5.2. Institutional dynamics

Procedural forms of governance rely heavily on interpretation and precedence when translating rules into action (Wiersema 2008, Jendroska 2013). Broad rules for community engagement are subject to a distinct form of discretionary power at the implementation stage, which may substantially influence the practical manifestation of these guidelines (Mutamba 2004, Lewis 2008, Wallis and Ison 2011). Legal frameworks for community engagement favour vague substantive definitions or requirements and thereby promote a greater reliance on the way that laws are interpreted and implemented (Wiersema 2008, Shepherd and Martin 2011). This reluctance to define clear goals and objectives at the substantive level and reliance on procedural and administrative instruments may reflect distaste for 'command and control' regulation (Wiersema 2008, Bottomley and Bronitt 2012).

Procedural, discretionary or administrative forms of power can be expressed in a range of ways that are relevant to the consideration of community engagement in natural resource governance. Controlling the definition of a problem, setting the agenda, resourcing a process and framing the terms of engagement are all ways that power can be exerted in a procedural fashion, supporting and reinforcing a status quo that may not be consciously acknowledged (Black 1997, Boxelaar *et al.* 2006). While regulation from the centre is perceived as anti-democratic and generally at odds with the values of inclusiveness and collaboration that characterise best-practice community engagement, in the context of natural resource governance, the literature reviewed for this paper suggests that both

substantive and procedural reforms are required to achieve more meaningful community engagement (Becker 2010, Ross 2010, Bratspies 2011).

Institutional arrangements such as legal rules, policy settings, bureaucratic cultures and more prosaic expressions such as funding applications or reporting templates, can exert an unseen influence on attempts to generate innovative policy responses, resulting in a disconnection between the stated objectives of policy initiatives and the way that these are operationalized (Steelman 2010, Woolgar and Neyland 2013). Paying attention to the institutional architecture that underpins governance enables consideration of possible perverse consequences from reforms (Marshall 2007, Wallington and Lawrence 2008, Fisher *et al.* 2009). Scholars recommend examination of how entrenched policy cultures resist uncertainty and complexity (Gottweis 2008), elevate simplicity and, as a result, increase the risk that decisions will be inadequate for the complex issue at hand (Allan 2008, Wallis and Ison 2011).

While complex problems demand innovative responses, evidence suggests that new governance arrangements are often revealed to be sub-sets of old ways of doing things, destabilising or counteracting innovation (Fischer 2005, Colebatch 2009, Eversole 2011). There is not enough change to really be effective and this suggests that tradition, philosophy, culture, and values are all essential components in understanding the role of institutional dynamics in addressing complex policy problems (Reed 2008, Gunningham 2009, Ostrom and Cox 2010).

5.3. *The limitations of typologies*

Attempts to address these sources of confusion have resulted in a wide variety of typologies and classifications in the engagement literature, ranging from the descriptive to the interpretative (Rowe and Frewer 2005, Margerum 2008). These typologies generally fall into two categories: catalogues of engagement techniques and when to use them (a **process** perspective) (Fung 2006, Markell 2006) and critiques of how power is being expressed through these processes (a **procedural** perspective) (Arnstein 1969, Peterson 2011). These typologies describe the many versions of community engagement that sometimes operate concurrently, ranging from a *principled* commitment to community empowerment and a belief in the practice of democratic rights, all the way through to a *rational* belief in the one-way transfer of knowledge that supports a command and control approach (Johnson *et al.* 2004, Lockwood *et al.* 2009, Eversole 2011). These different versions contain important normative assumptions about the purpose of community engagement, and are described in Table 2.

Disengagement and distrust are the dark sides of poor community engagement (Peterson 2011), creating civic dislocation that leads to a sense of illegitimacy and a vacuum of meaningful engagement (Gottweis 2008). When there is a perceived or actual gap between stated intentions and actions, communities become disillusioned, cynical and detach from government, or from the activities of community engagement itself (Grimble and Wellard 1997, Irvin and Stansbury 2004, Markell 2006, Marshall 2007). The study of exclusion (as opposed to participation) critiques typologies that fail to recognise barriers to engagement (Taylor 2007) and limit our capacity to understand how community engagement works in practice (Holley 2010, Peterson 2011).

Processes can be designed to privilege dominant perspectives and exclude minority voices, through technicalities of limited time frames, restricted opportunities to comment, privileging of "expert" opinions and other subtle reinforcements of existing inequities (Adler 2005, Fischer 2005). Practical considerations such as poor venue choice, inconvenient timing of meetings and not catering for languages other than English are also identified as significant and common barriers to community engagement (Peterson 2011). The political reality of distrust can be a less functional (from a policy perspective) expression of community engagement, where

the public exercise their power in opposition to the status quo. This can create delays, undermine change or halt decision making altogether (Lewicki and Gray 2003). When community engagement fails and civil disobedience results, a systemic lack of trust between community and decision makers is revealed (Fischer 2005) and this only serves to increase the difficulty of addressing complex natural resource problems (Beierle 1999, Gray 2003, Lewicki and Gray 2003).

Table 2: Normative assumptions underpinning different versions of community engagement (compiled by the author from the literature review data)

Procedural norms	Process norms
Principled	Rational
Intrinsic	Instrumental
Inherent good	Outcome focus
Democratic	Pragmatic
Empowering	Efficient
Human-right	Cost-effective
Social	Legal
Transformational	Functional

5.4. Institutionalising community engagement

Understanding the factors that drive community engagement in natural resource governance is a research interest for economists, environmentalists, legislators and policy makers, among others (Pannell *et al.* 2006, Eversole 2011, McKinney and Kemmis 2011, Podger *et al.* 2012, Muro and Jeffrey 2012). Community networks and relationships are considered significant in predicting the success of programs that focus on increasing participation (Adams and Hess 2001, Eversole 2011, Morris 2012). Often described as social capital, the trust and reciprocity that distinguish successful communities are valuable commodities and explains the ongoing focus of much of the research into 'community' (Herriman 2011, Marshall 2011, Morris 2012).

Ostrom argues that '*a core goal of public policy should be to facilitate the development of institutions that bring out the best in humans*' (Ostrom 2010). Attempts to avoid complexity and uncertainty by promoting over-simplified and therefore unworkable policy solutions bears a significant transaction cost for those charged with implementation (Ostrom 2010, Eversole 2011). This is of particular significance when considering community engagement as an element of natural resource governance, where denying the complexity of the issue risks compounding the environmental consequences of poorly designed and implemented policy by disenfranchising the community, disempowering agency staff and creating a negative response to policy reform (Caron 2000, Allan 2008, Brugnach *et al.* 2011). This can lead to unintended or perverse consequences of policy, such as community conflict and poor environmental outcomes on the ground, common problems for natural resource management governance (Connell and Grafton 2008, Wallis and Ison 2011, Browne and Bishop 2011, Coggan *et al.* 2013). The results presented here demonstrate the need for more attention to the difficult interface between the substance of legal and policy settings, and the practical implementation that has

direct impact on community interest and willingness to be “engaged” in matters of natural resource governance.

6. Conclusions

6.1. Implementation

Power dynamics are never far away in a discussion of community engagement and governance. While community has limited opportunities to formalise the 'rules of engagement', institutional power can impose significant transaction costs on the community through accountability mechanisms, legitimacy requirements and legal restrictions. (Marshall 2007, Taylor 2007, Eversole 2011).

How then can community engagement be meaningfully institutionalised to achieve better governance and environmental outcomes? Is it possible to address power imbalances in current governance regimes by transferring accountability from the community back to the bureaucracy or legislature? (Black 1997, Wiersema 2008) There is no doubt that the ingredients for successful engagement are well described and a best practice literature is readily accessible for those interested in the “how-to” of community engagement (Scottish Community Development Centre 2005, Central Office of Information 2009, International Association for Public Participation 2012, Clean Energy Council 2013). However the connection of engagement to decision-making, policy development and legal change is often missing (Irvin and Stansbury 2004).

As a result there is a certain amount of stasis in the study of community engagement that impedes our understanding of how it can be improved as an element of natural resource governance (Holley 2010). The literature surveyed here reveals a significant focus on the public sector, which suggests we may be missing important lessons from the practice of community engagement as it occurs in the private sector (Martin *et al.* 2012). Environmental and natural resource management policies and guidelines may advise the importance of activating the community, however these documents do not specifically define the goals or objects of community engagement as a feature of natural resource governance (Programs Committee of the Natural Resource Management Ministerial Council 2002, Central Office of Information 2009, Gardner *et al.* 2009). This governance gap institutionalises uncertainty at the highest level, by omitting to address how community engagement will be put into practice. There is a need to explore the interaction between expectations of community engagement at higher levels of governance, and the practical experiences of community on the ground (Collaborative Democracy Network 2006, Berner *et al.* 2011).

The literature in this field uniformly acknowledges Arnstein's Ladder of Citizen Participation (Arnstein 1969) as the foundation work in classifying community engagement and participation. Although the academic field may have moved on, attempting to extend and update the Ladder of Participation (Rowe and Frewer 2004, Brackertz and Meredyth 2009, Neef and Neubert 2011), current typologies tend to focus on the methods and practices of engagement (Smith *et al.* 2005, Central Office of Information 2009, Gardner *et al.* 2009), with limited articulation of connections to decision-making (Beierle 1999, Myśiak *et al.* 2008), or the influence of organisational cultures and institutional design (Reed 2008). The value of applying a socio-legal framework lies in the articulation of community engagement within the decision making process of modern natural resource governance (Brugnach *et al.* 2011), and enabling reform proposals that articulate the interaction between the substantive, procedural or process elements. This framing calls attention to the **substance** of community engagement, clarifying the degree to which this is a primary focus or a side issue, regardless of the level of governance being examined.

6.2. Future research

The findings of this paper form the basis for future research concerned with understanding how existing laws and policies influence the implementation of community engagement in natural resource governance. As part of the *Next Generation Resource Governance* research project, a series of Australian case studies have been developed employing a '*principled policy assessment*' methodology (Cordonnier Segger 2004, Howard 2014) that examines both the legal status of principles for community engagement (Barnard 2012) and their implementation³ (Dellinger 2012). This research is guided by a revised conceptual framework illustrated in Table 3 and the belief that

'while legal frameworks are enabling factors.... they are insufficient to guarantee that effective citizen participation will take place' (McGee *et al.* 2003).

The research takes a 'vertical slice' of case studies suitable for qualitative interview and documentary analysis, beginning with identification of legislation that states a role for community in the objectives and/or definitions. The cases are selected for comparative analysis and consider how different governance mechanisms address the community engagement objectives of the relevant legal and policy settings. Data collection has been completed at the time of writing, and analysis is underway.

This study is based on the belief that further analysis of implementation is necessary to inform well-rounded reform directions, and there is a need to develop techniques that can analyse the relationship between legislative, policy and practice frameworks (Fisher *et al.* 2009). Environmental law scholars see the need to develop standardised and replicable research methods (Fisher *et al.* 2009, Martin and Craig, personal communication 25 June 2013⁴) that can facilitate evaluation of both legal and policy settings, and the experience of participants in these community engagement processes (Kirk and Reeves 2011). While more time intensive, empirical work allows the nuts and bolts of implementation to become visible. Attention to the experience of participants through case studies can provide rich information about how ideals translate into experience, merging both legal and social data to improve knowledge in this field (Visseren-Hamakers 2013, Coggan *et al.* 2013, Yin 2009).

Table 3: The investigative framework extends the conceptual framework by adding an evidence and reform element to the research inquiry

Legislation	Content/ substance
Policy	Mechanisms/ requirements
Practice	Implementation/ activities
Evidence	Evaluation for improvement, knowledge change
Reform	Consideration of alternatives

6.3. Implications for the study of community engagement and natural resource governance

It is often assumed that community engagement will lead to many benefits, such as increasing public trust in authorities, improving citizen political efficacy, enhancing democratic ideals and even improving the quality of policy decisions. However, these assumptions are largely untested, and the benefits of 'participation' are not that clear. It appears that a confusion of purpose and lack of clear goals combines

³ For more details of the research design and preliminary results see (Howard 2014).

⁴ P. Martin and D. Craig. *Accelerating the Evolution of Environmental Law through Continuous Learning from Applied Experience*. Paper presented at the IUCN Academy of Environmental Law Research Workshop, University of Waikato, New Zealand.

with a reliance on normative guidelines to generate a wide range of expectations for community engagement. A lack of clarity makes evaluation of effectiveness difficult, providing a possible explanation for the lack of empirical evidence in the field. Multiple expectations also increase the likelihood of disappointment and disengagement, with implications for the legitimacy of natural resource governance. These potentially serious consequences support further investigation of how community engagement is represented in current natural resource legislation and how it is operationalised across the substantive, procedural and process realms of governance, to establish the most strategic way to address this confusion and improve natural resource governance in the future.

This article suggests that applying a socio-legal framework to the literature, and articulating the substantive, procedural and process elements of community engagement in current natural resource governance, can address this gap in the research. Understanding the interaction between the substantive, procedural and process elements of resource governance will contribute to the development of a next generation of institutional arrangements that can successfully facilitate meaningful community engagement in Australia, and provide useful insights to other jurisdictions.

References

- ABC News, 2014. Metgasco referred to ICAC; Bentley gas drilling suspended. *ABC News* [online], 15 May. Available from: <http://www.abc.net.au/news/2014-05-15/government-suspens-metgasco-licence-at-bentley/5454442> [Accessed 5 February 2015].
- The Australian, 2014. Metgasco goes to court over drilling suspension. *The Australian* [online], 4 July. Available from: <http://www.theaustralian.com.au/business/mining-energy/metgasco-goes-to-court-over-drilling-suspension/story-e6frg9df-1226977910443?nk=c4d5544be51fc68263363d22554ea814> [Accessed 14 January 2015].
- Adams, D., and Hess, M., 2001. Community in Public Policy: Fad or Foundation? *Australian Journal of Public Administration*, 60 (2), 13-23. doi: 10.1111/1467-8500.00205.
- Adler, M., 2005. Constructing a typology of administrative grievances: reconciling the irreconcilable. In: R. Banakar and M. Travers, eds. *Theory and Method in Socio-legal research*. Oxford: Hart Publishing, 283-299.
- Agee, J., 2009. Developing qualitative research questions: a reflective process. *International Journal of Qualitative Studies in Education* [online], 22 (4), 431-447, doi:10.1080/09518390902736512. Available from: <http://www.tandfonline.com/doi/pdf/10.1080/09518390902736512> [Accessed 14 January 2015].
- Allan, C., 2008. Can adaptive management help us embrace the Murray-Darling Basin's wicked problems? In: C. Pahl-Wostl, P. Kabat, and J. Moltgen, eds. *Adaptive and Integrated Water Management*. Berlin, Heidelberg: Springer.
- Arnstein, S.R., 1969. A Ladder Of Citizen Participation. *Journal of the American Institute of Planners*, 35 (4), 216-224. doi: 10.1080/01944366908977225.
- Australian Government, 2014a. Caring for our Country Review. In: *National Landcare Programme* [online]. Canberra: Australian Government. Available from: <http://www.nrm.gov.au/about/caring/review/index.html> [Accessed 16 September 2014].
- Australian Government, 2014b. Have your say on the National Landcare Programme. In: *National Landcare Programme* [online]. Canberra: Australian

- Government. Available from: <http://www.nrm.gov.au/funding/nlp/index.html> [Accessed 16 September 2014].
- Banakar, R., and Travers, M., eds., 2005. *Theory and Method in Socio-Legal Research*. Oxford: Hart Publishing.
- Banisar, D., et al., 2011. *Moving from Principles to Rights: Rio 2012 and Ensuring Access to Information, Public Participation, and Access to Justice for Everyone* [online]. Washington: The Access Initiative, World Resources Institute. Available from: <http://www.stakeholderforum.org/fileadmin/files/Moving%20from%20Principles%20to%20Rights.pdf> [Accessed 9 March 2015].
- Barbour, L., 2014. No new money for Landcare groups. *ABC Rural* [online], 30 May. Available from: <http://www.abc.net.au/news/2014-05-30/landcare-grants-no-money/5488998> [Accessed 15 January 2015].
- Barnard, M., 2012. The role of international sustainable development law principles in enabling effective renewable energy policy - a South African perspective. *Potchefstroom Electronic Law Journal*, 15 (2), 207-243. Available from: <http://dx.doi.org/10.4314/pej.v15i2.8> [Accessed 9 March 2015].
- Barr, N., 2011. I hope you are feeling uncomfortable now: role conflict and the natural resources extension officer. In: D.J. Pannell and F. Vanclay, eds. *Changing Land Management : Adoption of New Practices by Rural Landholders*. Melbourne: CSIRO publishing, 129-139.
- Becker, M.A., 2010. Russia and the Arctic: Opportunities for engagement within the existing legal framework. *American Universities International Law Review* [online], 25 (2), 225-250. Available from: <http://digitalcommons.wcl.american.edu/auilr/vol25/iss2/3/> [Accessed 15 January 2015].
- Beierle, T.C., 1999. Using social goals to evaluate public participation in environmental decisions. *Review of Policy Research*, 16 (3-4), 75-103. doi: 10.1111/j.1541-1338.1999.tb00879.x.
- Bellamy, J., 2007. Adaptive Governance: The Challenge for Regional Natural Resource Management. In: A. Brown, and J. Bellamy, eds. *Federalism and regionalism in Australia: new approaches, new institutions?* [online]. Canberra: Australian National University. Available from: <http://press.anu.edu.au?p=52401> [Accessed 15 January 2015].
- Bernard, H.R., and Ryan, G.W., 2010. *Analyzing qualitative data: systematic approaches*. Los Angeles: Sage.
- Berner, M.M., Amos, J.M., and Morse, R.S., 2011. What constitutes effective citizen participation in local government? Views from city stakeholders. *Public Administration Quarterly*, 35 (1), 128-163.
- Besley, J.C., 2012. Imagining public engagement. *Public Understanding of Science*, 21 (5), 590-605. doi: 10.1177/0963662510379792.
- Black, J., 1997. New Institutionalism and Naturalism in Socio-Legal Analysis: Institutional Approaches to Regulatory Decision Making. *Law & Policy*, 19 (1), 51-93, doi:10.1111/1467-9930.00021.
- Blaikie, N., 2010. *Designing Social Research*. 2nd ed. Cambridge, UK, Malden, MA: Polity Press.
- Bottomley, S., and Bronitt, S., 2012. *Law in Context*. 4th ed. Annandale, N.S.W.: Federation Press.
- Bottrill, K., and Cordonier Segger, M., 2005. The Principle of Public Participation and Access to Information and Justice [online]. *Recent Developments in*

- International Law Related to Sustainable Development*. Oxford, UK: Centre for International Sustainable Development Law. Available from: http://www.worldfuturecouncil.org/fileadmin/user_upload/papers/CISDL_P4_Particpation.pdf [Accessed 19 January 2015].
- Boxelaar, L., Paine, M., and Beilin, R., 2006. Community engagement and public administration: Of silos, overlays and technologies of government. *Australian Journal of Public Administration*, 65 (1), 113-126. doi: 10.1111/j.1467-8500.2006.00476.x.
- Brackertz, N., and Meredyth, D., 2009. Community Consultation in Victorian Local Government: A Case of Mixing Metaphors? *Australian Journal of Public Administration*, 68 (2), 152-166. doi: 10.1111/j.1467-8500.2009.00627.x.
- Bratspies, R., 2011. Sustainability: Can law meet the challenge? *Suffolk Transnational Law Review* [online], 34 (2), 283-316. Available from: <http://ssrn.com/abstract=1993331> [Accessed 9 March 2015].
- Brown, W., et al., 1998. *The individualisation of employment contracts in Britain. Research Paper for the Department of Trade and Industry* [online]. University of Cambridge. Available from: <http://www.mbsportal.bl.uk/secure/subjareas/hrmemployrelat/bis/err%20series/120374file11633.pdf> [Accessed 9 March 2015].
- Browne, A.L., and Bishop, B.J., 2011. Chasing our tails: psychological, institutional and societal paradoxes in natural resource management, sustainability, and climate change in Australia. *American Journal of Community Psychology*, 47 (3-4), 354-361, doi:10.1007/s10464-010-9390-1.
- Brugnach, M., et al., 2011. More is not always better: Coping with ambiguity in natural resources management. *Journal of Environmental Management*, 92 (1), 78-84. doi: 10.1016/j.jenvman.2010.08.029.
- Bryner, G., 2002. Assessing claims of environmental justice: conceptual frameworks. In: K. Mutz, G. Bryner, and D. Kenney, eds. *Justice and Natural Resources: concepts, strategies and applications*. Washington DC: Island Press, 31-55.
- Buchy, M., and Race, D., 2001. The Twists and Turns of Community Participation in Natural Resource Management in Australia: What is Missing? *Journal of Environmental Planning and Management*, 44 (3), 293-308. doi: 10.1080/09640560120046070.
- Caron, C., 2000. Evaluating environmental public participation: Methodological questions. *Journal of Environmental Planning and Management*, 43 (6), 769-784.
- Central Office of Information, 2009. *Effective Public Engagement: a guide for policy makers and communications professionals* [online]. London: Government of the United Kingdom. Available from: <http://bch.cbd.int/cms/ui/collaboration/download/download.aspx?id=747> [Accessed 9 March 2015].
- Chambers, P., 2003. Narrative and reflective practice: recording and understanding experience. *Educational Action Research* [online], 11 (3), 403-414, doi:10.1080/09650790300200229. Available from: <http://www.tandfonline.com/doi/pdf/10.1080/09650790300200229> [Accessed 19 January 2015].
- Clayton, H., Dovers, S., and Harris, P., 2011. *Natural Resource Management Policy and Planning in Australia. Vol. 1. Synthesis of broad issues and opportunities* [online]. Canberra ACT: Australian National University. Available from:

- https://crawford.anu.edu.au/public_policy_community/research/nrm/NRM_Ref_Group_Combined.pdf [Accessed 19 January 2015].
- Clean Energy Council, 2013. *Community engagement guidelines for the Australian wind industry* [online]. Southbank: Clean Energy Council. Available from: <http://www.cleanenergycouncil.org.au/technologies/wind-energy/community-engagement-guidelines.html> [Accessed 9 March 2015].
- Coggan, A., *et al.*, 2013. Factors that influence transaction costs in development offsets: Who bears what and why? *Ecological Economics*, 88, 222-231, doi: <http://dx.doi.org/10.1016/j.ecolecon.2012.12.007>.
- Colebatch, H.K., 2009. Governance as a conceptual development in the analysis of policy. *Critical Policy Studies*, 3 (1), 58-67. doi: 10.1080/19460170903158107.
- Collaborative Democracy Network, 2006. A Call to Scholars and Teachers of Public Administration, Public Policy, Planning, Political Science, and Related Fields. *Public Administration Review*, 66 (S1), 168-170.
- Connell, D., and Grafton, R.Q., 2008. Planning for Water Security in the Murray-Darling Basin. *Public Policy*, 3 (1), 67-86.
- Cordonier Segger, M.-C.C., 2004. Significant developments in sustainable development law and governance: A proposal. *Natural Resources Forum*, 28 (1), 61-74, doi: 10.1111/j.0165-0203.2004.00072.x.
- Curtis, A., *et al.*, 2014. The great experiment with devolved NRM governance: lessons from community engagement in Australia and New Zealand since the 1980s. *Australasian Journal of Environmental Management*, 21 (2), 175-199, doi: 10.1080/14486563.2014.935747.
- Dellinger, M., 2012. Ten Years of the Aarhus Convention: How Procedural Democracy Is Paving the Way for Substantive Change in National and International Environmental Law. *Colorado Journal of International Environmental Law & Policy* [online], 23 (2), 309-366. Available from: <http://www.colorado.edu/law/sites/default/files/DELLINGER%20corrected%20v2.pdf> [Accessed 9 March 2015].
- Denzin, N.K., and Lincoln, Y.S., 2008. *The landscape of qualitative research*. 3rd ed. Los Angeles: Sage Publications.
- Dovers, S., 2010. Embedded scales: interdisciplinary and institutional issues. In: V. Brown, J. Harris and J. Russel, eds. *Tackling wicked problems through the transdisciplinary imagination*. London, Washington: Earthscan Ltd, 182-203.
- Evans, M., and Reid, R., 2014. *Public participation in an era of governance: lessons from Europe for Australian local government* [online]. Sydney: Australian Centre of Excellence for Local Government. Available from: <http://apo.org.au/research/public-participation-era-governance-lessons-europe-australian-local-government> [Accessed 19 January 2015].
- Eversole, R., 2011. Community Agency and Community Engagement: Re-theorising Participation in Governance. *Journal of Public Policy*, 31 (1), 51-71, doi: 10.1017/s0143814x10000206.
- Fischer, F., 2005. *Citizens, Experts and the Environment: the Politics of Local Knowledge*. Durham: Duke University Press.
- Fisher, E., *et al.*, 2009. Maturity and Methodology: starting a debate about environmental law scholarship. *Journal of Environmental Law*, 21 (2), 213-250.
- Fung, A., 2006. Varieties of Participation in Complex Governance. *Public Administration Review* [online], 66 (S1), 66-75. Available from:

- <http://www.archonfung.net/papers/FungVarietiesPAR.pdf> [Accessed 9 March 2015].
- Gardner, J., et al., 2009. *A framework for stakeholder engagement on climate adaptation* [online]. Clayton South: CSIRO. Available from: <http://www.csiro.au/Organisation-Structure/Flagships/Climate-Adaptation-Flagship/CAF-working-papers/CAF-working-paper-3.aspx> [Accessed 9 March 2015].
- Gottweis, H., 2008. Participation and the New Governance of Life. *BioSocieties*, 3 (3), 265-286. doi: 10.1017/s1745855208006194.
- Gray, B., 2003. Framing of environmental disputes. In: R. Lewicki, B. Gray, and M. Elliot, eds. *Making sense of intractable environmental conflicts*. Washington: Island Press, 11-35.
- Gray, J., 2011. Water Trading and Regulation in Australia. In: A. Saddy, and A.M. Linares, eds. *Infrastructure Law: a study of regulated markets*. Río de Janeiro: Lumen Juris.
- Green, J., and Thorogood, N., 2009. *Qualitative methods for health research*. London: SAGE.
- Grimble, R., and Wellard, K., 1997. Stakeholder methodologies in natural resource management: a review of principles, contexts, experiences and opportunities. *Agricultural Systems*, 55 (2), 173-193. doi: [http://dx.doi.org/10.1016/S0308-521X\(97\)00006-1](http://dx.doi.org/10.1016/S0308-521X(97)00006-1).
- Gross, C., 2008. A Measure of Fairness: An Investigative Framework to Explore Perceptions of Fairness and Justice in a Real-Life Social Conflict. *Research in Human Ecology* [online], 15 (2), 130-140. Available from: <http://www.humanecologyreview.org/pastissues/her152/gross.pdf> [Accessed 9 March 2015].
- Guilliat, R., 2014. How a row over land clearing left compliance officer Glen Turner dead. *The Weekend Australian Magazine* [online], 13 September. Available from: <http://www.theaustralian.com.au/news/features/how-a-row-over-land-clearing-left-compliance-officer-glen-turner-dead/story-e6frg8h6-1227055190971?nk=df606ada3c86e47c5190ff81b61cc1c7> [Accessed 19 January 2015].
- Gunningham, N., 2009. Environment Law, Regulation and Governance: Shifting Architectures. *Journal of Environmental Law*, 21 (2), 179-212.
- Harrington, C., Curtis, A., and Black, R., 2008. Locating Communities in Natural Resource Management. *Journal of Environmental Policy & Planning*, 10 (2), 199-215, doi: 10.1080/15239080801928469.
- Herriman, J., 2011. *Local Government and Community Engagement in Australia*. Sydney: Australian Centre of Excellence for Local Government, University of Technology.
- Holley, C., 2010. Public participation, environmental law and new governance: Lessons for designing inclusive and representative participatory processes. *Environmental and Planning Law Journal*, 27 (5), 360-392.
- Howard, T., 2014. From international principles to local practices: a socio-legal framing of public participation research. *Environment, Development and Sustainability*. doi: (DOI) 10.1007/s10668-014-9572-3.
- Hussey, K., and Dovers, S., eds., 2007. *Managing water for Australia: the social and institutional challenges*. Clayton: CSIRO.
- International Association for Public Participation, 2012. Core values. *International Association for Public Participation* [online]. Available from:

- <http://www.iap2.org.au/resources/iap2s-foundations-of-public-participation> [Accessed 5 February 2015].
- Irvin, R.A., and Stansbury, J., 2004. Citizen Participation in Decision Making: Is It Worth the Effort? *Public Administration Review*, 64 (1), 55-65.
- Jendroska, J., 2013. Public participation in environmental decision-making: interactions between the Convention and EU law and other key legal issues. In: M. Pallemmaerts, ed. *The Aarhus Convention at Ten: interactions and tensions between conventional international law and EU environmental law*. Groningen: Europa Law Publishing, 91-147.
- Johnson, B., and Christensen, L., 2008. *Educational Research: Quantitative, qualitative and mixed approaches*. 3rd ed. London: Sage.
- Johnston, K., 2010. Community engagement : exploring a relational approach to consultation and collaborative practice in Australia. *Journal of Promotion Management* [online], 16 (1-2), 217-234. Available from: <http://eprints.qut.edu.au/32126/> [Accessed 19 January 2015].
- Johnson, N., et al., 2004. The practice of participatory research and gender analysis in natural resource management. *Natural Resources Forum*, 28 (3), 189-200. doi: 10.1111/j.1477-8947.2004.00088.x.
- Joffe, H., 2012. Thematic analysis. In: D. Harper and A.R. Thompson, eds. *Qualitative research methods in mental health and psychotherapy: a guide for students and practitioners*. Chichester, West Sussex: John Wiley and Sons, 209-223.
- Kennedy, A., 2006. *Exploring individualism and collectivism within Australian universities: Procedural, Substantive and Process elements of the academic employment relationship*. Thesis (PhD). University of New England, Armidale.
- Kirk, E.A., and Blackstock, K.L., 2011. Enhanced Decision Making: Balancing Public Participation against 'Better Regulation' in British Environmental Permitting Regimes. *Journal of Environmental Law*, 23 (1), 97-116. doi: 10.1093/jel/eqq024.
- Kirk, E.A., and Reeves, A.D., 2011. Regulatory Agencies and Regulatory Change: Breaking out of the Routine. *Environmental Law Review* [online], 13 (3), 155. Available from: <http://vathek.org/doi/abs/10.1350/enlr.2011.13.3.127> [Accessed 19 January 2015].
- Koontz, T.M., and Thomas, C.W., 2006. What Do We Know and Need to Know about the Environmental Outcomes of Collaborative Management? *Public Administration Review*, 66 (S1), 111-121.
- La Camera, F., 2013. Economy, ecology and environmental democracy. In: M. Pallemmaerts, ed. *The Aarhus Convention at Ten: interactions and tensions between conventional international law and EU environmental law*. Groningen: Europa Law Publishing, 17-34.
- Lane, M.B., 2005. Public Participation in Planning: an intellectual history. *Australian Geographer* [online], 36 (3), 283-299. Available from: http://isites.harvard.edu/fs/docs/icb.topic845003.files/Session%208%20-%20Feb%2017/Lane_2005_Participation_Intellectual_History.pdf [Accessed 9 March 2015].
- Lewicki, R., and Gray, B., 2003. Introduction. In: R. Lewicki, B. Gray, and M. Elliot, eds. *Making sense of intractable environmental conflicts*. Washington: Island Press, 1-11.
- Lewis, P., 2008. Uncertainty, power and trust. *Review of Austrian Economics*, 21 (2-3), 183-198. doi: 10.1007/s11138-007-0038-9.

- Lockwood, M., and Davidson, J., 2010. Environmental governance and the hybrid regime of Australian natural resource management. *Geoforum*, 41 (3), 388-398.
- Lockwood, M., *et al.*, 2009. Multi-level Environmental Governance: lessons from Australian natural resource management. *Australian Geographer* [online], 40 (2), 169- 186. Available from: <http://www.tandfonline.com/doi/pdf/10.1080/00049180902964926> [Accessed 10 March 2015].
- Margerum, R.D., 2008. A Typology of Collaboration Efforts in Environmental Management. *Environmental Management*, 41 (4), 487-500. doi: 10.1007/s00267-008-9067-9.
- Markell, D.L., 2006. Understanding citizen perspectives on government decision making processes as a way to improve the administrative state. *Environmental Law* [online], 36 (3), 651-708. Available from: <https://law.lclark.edu/live/files/262-363markell> [Accessed 9 March 2015].
- Marshall, G.R., 2007. Nesting, Subsidiarity, and Community-based environmental Governance beyond the Local Scale. *International Journal of the Commons* [online], 2 (1), 75-97. Available from: <http://www.thecommonsjournal.org/index.php/ijc/article/view/50> [Accessed 19 January 2015].
- Marshall, G.R., 2011. What 'community' means for farmer adoption of conservation practices. In: D.J. Pannell and F. Vanclay, eds. *Changing Land Management : Adoption of New Practices by Rural Landholders*. Melbourne: CSIRO publishing, 107-128.
- Martin, P., Kennedy, A., and Williams, J., 2012. Creating next generation rural landscape governance: the challenge for environmental law scholarship. In: P. Martin, *et al.*, eds., *Environmental Governance and Sustainability*. Northampton: Edward Elgar, 47-78.
- Maurer, C., Ehlers, S., and Buchman, A., 2003. Aligning Commitments: Public Participation, International Decision-Making, and the Environment. In: W.R. Institute, ed. *Issue Brief*. Washington: World Resources Institute, 1-24.
- McGee, R., *et al.*, 2003. *Legal frameworks for citizen participation: synthesis report Research report series* [online]. Brighton: Institute of Development Studies. Available from <http://www.ids.ac.uk/idspublication/legal-frameworks-for-citizen-participation-synthesis-report> [Accessed 5 February 2015].
- McKinney, M., and Field, P., 2008. Evaluating community-based collaboration on federal lands and resources. *Society & Natural Resources*, 21 (5), 419-429. doi: 10.1080/08941920701744215.
- McKinney, M., and Kemmis, D., 2011. Collaboration and the Ecology of Democracy. *Human Dimensions of Wildlife*, 16 (4), 273-285. doi: 10.1080/10871209.2011.585435.
- Miller, L., 2012. *(Mis)Understanding American Federalism: on constitutions, collective action, competition and quiescence* [online]. Oxford: The Foundation for Law, Justice and Society. Available from: <http://www.fljs.org/sites/www.fljs.org/files/publications/Miller-Federalism.pdf> [Accessed 21 January 2015].
- Morris, R., 2012. *Community Engagement in Rural-remote and Indigenous Local Government in Australia* [online]. Sydney: Australian Centre of Excellence for Local Government, University of Technology Studies (UTS). Available from: <http://apo.org.au/node/31519> [Accessed 21 January 2015].

- Munro-Clark, M., ed., 1992. *Citizen participation in Government*. Sydney: Hale and Iremonger.
- Muro, M., and Jeffrey, P., 2012. Time to Talk? How the Structure of Dialog Processes Shapes Stakeholder Learning in Participatory Water Resources Management. *Ecology and Society* [online], 17 (1). Available from: <http://dx.doi.org/10.5751/ES-04476-170103> [Accessed 21 January 2015].
- Mutamba, E., 2004. Community Participation in Natural Resources Management: Reality or Rhetoric? *Environmental Monitoring and Assessment*, 99 (1-3), 105-113, doi: 10.1007/s10661-004-4010-x.
- Myśliak, J., et al., 2008. Environmental Policy Aid Under Uncertainty. In: A.J. Jakeman, et al., eds. *Environmental Modelling, Software and Decision Support*. Amsterdam: Elsevier, 87-100.
- Nabatchi, T., and Farrar, C., 2011. *Bridging the Gap between Public Officials and the Public. A report of the Deliberative Democracy Consortium* [online]. Washington: Deliberative Democracy Consortium. Available from: http://www.deliberative-democracy.net/index.php/resources/guides-and-reports/doc_download/31-bridging-the-gap-between-public-officials-and-the-public [Accessed 5 February 2015].
- National Water Commission, 2013. *Murray–Darling Basin Plan implementation: initial report* [online]. Canberra: National Water Commission. Available from: <http://www.nwc.gov.au/publications/topic/audit-reports/murraydarling-basin-plan-implementation-initial-report> [Accessed 21 January 2015].
- Neef, A., and Neubert, D., 2011. Stakeholder participation in agricultural research projects: a conceptual framework for reflection and decision-making. *Agriculture and Human Values* [online], 28 (2), 179-194. Available from: <http://link.springer.com/article/10.1007%2Fs10460-010-9272-z> [Accessed 9 March 2015].
- Neuman, W.L., 2011. *Social Research Methods*. 7th ed. Boston: Allyn and Bacon.
- Nicholls, S., 2013. ICAC: mining licence corruption 'almost inevitable' in NSW. *The Sydney Morning Herald* [online], 30 October. Available from: <http://www.smh.com.au/nsw/icac-mining-licence-corruption-almost-inevitable-in-nsw-20131029-2wf2y.html> [Accessed 21 January 2015].
- Ostrom, E., 2010. Beyond Markets and States: Polycentric Governance of Complex Economic Systems. *American Economic Review*, 100 (3), 641-672. doi: 10.1257/aer.100.3.641.
- Ostrom, E., and Cox, M., 2010. Moving beyond panaceas: a multi-tiered diagnostic approach for social-ecological analysis. *Environmental Conservation*, 37 (4), 451-463, doi: 10.1017/s0376892910000834.
- Pannell, D.J., et al. 2006. Understanding and promoting adoption of conservation practices by rural landholders. *Australian Journal of Experimental Agriculture*, 46 (11), 1407-1424. doi: <http://dx.doi.org/10.1071/EA05037>.
- Peterson, N., 2011. Excluding to include: (Non)participation in Mexican natural resource management. *Agriculture and Human Values*, 28 (1), 99-107, doi: 10.1007/s10460-010-9258-x.
- Podger, A., et al., 2012. Putting the Citizens at the Centre: Making Government More Responsive. *Australian Journal of Public Administration*, 71 (2), 101-110, doi: 10.1111/j.1467-8500.2012.00773.x.
- Rapley, T., 2007. *Doing conversation, discourse and document analysis*. Thousand Oaks: Sage.

- Rawlins, J., Gramenz, E., and Haxton, N., 2014. Wild rivers declarations for Stewart Basin, Archer and Lockhart ruled invalid. *ABC News* [online]. Available from: <http://www.abc.net.au/news/2014-06-17/queensland-government-wild-rivers-declarations-declared-invalid/5529148> [Accessed 21 January 2015].
- Reed, M., 2008. Stakeholder participation for environmental management: A literature review. *Biological Conservation*, 141 (10), 2417-2431. doi: 10.1016/j.biocon.2008.07.014.
- Richards, L., and Morse, J.M., 2007. *Readme first for a user's guide to qualitative research*. 2nd ed. Thousand Oaks: Sage.
- Rockloff, S.F., and Moore, S.A., 2006. Assessing representation at different scales of decision making: Rethinking local is better. *Policy Studies Journal*, 34 (4), 649-670. doi: 10.1111/j.1541-0072.2006.00196.x.
- Rosener, J.B., 1978. Citizen Participation: Can We Measure Its Effectiveness? *Public Administration Review*, 38 (5), 457-463.
- Ross, A., 2010. It's time to get serious - why legislation is needed to make sustainable development a reality in the UK. *Sustainability* [online], 2 (4), 1101-1127, doi: 10.3390/su2041101. Available from: <http://www.mdpi.com/2071-1050/2/4/1101> [Accessed 21 January 2015].
- Rowe, G., and Frewer, L.J., 2004. Evaluating Public-Participation Exercises: A Research Agenda. *Science, Technology & Human Values*, 29 (4), 512-557.
- Rowe, G., and Frewer, L.J., 2005. A Typology of Public Engagement Mechanisms. *Science, Technology & Human Values*, 30 (2), 251-290. doi: 10.1177/0162243904271724.
- Ryan, S., et al., 2010. *Australia's NRM Governance System: Foundations and Principles for Meeting Future Challenges* [online]. Canberra: Australian Regional NRM Chairs. Available from: <http://nrmregionsaustralia.com.au/wp-content/uploads/2013/12/NRM-Governance-in-Australia.pdf> [Accessed 21 January 2015].
- ScienceWise Expert Resource Centre, 2012. *Learning Resources* [online]. Didcot: Sciencewise. Available from: <http://www.sciencewise-erc.org.uk/cms/sciencewise-erc-resource-library/> [Accessed 5 February 2015].
- Scottish Community Development Centre, 2005. *National Standards for Community Engagement* [online]. Glasgow: Scottish Community Development Centre. Available from: <http://www.scdc.org.uk/what/national-standards/> [Accessed 9 March 2015].
- Shepherd, M., and Martin, P., 2011. Using the Moot court to trial legislation about land stewardship. *Land Use Policy*, 28 (2), 371-377.
- Silverman, D., 2010. *Doing qualitative research: a practical handbook*. 3rd ed. London: Sage.
- Smith, J., 2003. *The Changing Nature of Environmental Law: Recent Developments in Public Participation*. Sydney: Environmental Defender's Office Ltd.
- Smith, T.F., et al., 2005. Development of a Typology of Engagement in Natural Resource Management for the Western Catchments of South East Queensland. In: *International Conference on Engaging Communities, Brisbane, Australia* [online]. Available from: http://www.researchgate.net/publication/237332308_Development_of_a_Typology_of_Engagement_in_Natural_Resource_Management_for_the_Western_Catchments_of_South_East_Queensland [Accessed 9 March 2015].
- Souter, D., 2012. *ICTs, the Internet and Sustainability: A discussion paper* [online]. Manitoba, Canada: International Institute for Sustainable Development.

- Available from: http://www.iisd.org/pdf/2012/icts_internet_sustainability.pdf [Accessed 21 January 2015].
- Steelman, T.A., 2010. *Implementing innovation: fostering enduring change in environmental and natural resource governance*. Washington: Georgetown University Press.
- Taft, K., 2014. *Fossil fuels, global warming and democracy: a report from a scene of the collision* [online]. Rydalmere: Whitlam Institute, University of Western Sydney. Available from: <http://apo.org.au/node/41235> [Accessed 22 January 2015].
- Taylor, M., 2007. Community participation in the real world: Opportunities and pitfalls in new governance spaces. *Urban Studies*, 44 (2), 297-317. doi: 10.1080/00420980601074987.
- Torgler, B., Garcia-Valinas, M., and Macintyre, A., 2010. *Participation in Environmental Organisations*. New York: Routledge.
- Tyler, T.R., 1988. What is procedural justice?: Criteria used by citizens to assess the fairness of legal procedures. *Law and Society Review*, 22 (1), 103-135.
- Tyler, T.R., 2006. *Why people obey the law*. New Jersey: Princeton University Press.
- Turner, S.J., 2013. Factors in the Development of a Global Substantive Environmental Right. *Oñati Socio-legal Series* [online], 3 (5), 893-907. Available from: <http://ssrn.com/abstract=2247839> [Accessed 22 January 2015].
- United Nations Environment Programme, 1992. *Agenda 21* [online]. Nairobi: United Nations Environment Programme. Available from: <http://www.unep.org/documents.multilingual/default.asp?documentid=52> [Accessed 31 May 2013].
- Visseren-Hamakers, I.J., 2013. Partnerships and Sustainable Development: the Lessons Learned from International Biodiversity Governance. *Environmental Policy and Governance*, 23 (3), 145-160, doi:10.1002/eet.1612.
- Wallington, T.J., and Lawrence, G., 2008. Making democracy matter: Responsibility and effective environmental governance in regional Australia. *Journal of Rural Studies*, 24 (3), 277-290, doi:10.1016/j.jrurstud.2007.11.003.
- Wallis, P.J., and Ison, R.L., 2011. Appreciating Institutional Complexity in Water Governance Dynamics: A Case from the Murray-Darling Basin, Australia. *Water Resources Management*, 25 (15), 4081-4097, doi:10.1007/s11269-011-9880-4.
- Waring, P., 2001. A greenfield in black coal - The Bengalla Open Cut mine. *Personnel Review*, 30 (3), 280-296. doi: 10.1108/00483480110386121.
- Werksman, J., and Foti, J., 2011. Improving Participation in International Environmental Governance. *Perspectives* [online], 1. Available from: http://www.unep.org/civil-society/Portals/24105/documents/perspectives/ENVIRONMENT_PAPERS_DISCUSSION_1.pdf [Accessed 22 January 2015].
- Whitman, D., 2008. "Stakeholders" and the politics of environmental policymaking. In: J. Park, K. Conca, and M. Finger, eds. *The Crisis of Global Environmental Governance: Towards a new political economy of sustainability*. London, New York: Routledge.
- Wiersema, A., 2008. A train without tracks: rethinking the place of law and goals in environmental and natural resources law. *Environmental Law*, 38 (4), 1239-1300.

- Williams, J., 2013. *Natural resource governance in Australia. Working Paper*. Armidale: Australian Centre for Agriculture and Law.
- Williams, J., Kennedy, A., and Craig, D., 2012. Lost in Translation: Threatened Species in Australia. In: *Global Environmental Law at a Crossroads: 10th Annual Colloquium of the International Union for the Conservation of Nature (IUCN) Academy of Environmental Law Presentations, 2012, Baltimore, Maryland, 1-5/8/2012* [online]. Available from: http://digitalcommons.law.umaryland.edu/gelc/2012/july2_3A/4/ [Accessed 15 January 2015].
- Woods, P., 2014. Residents lock the gate on coal. *The Gympie Times* [online], 10 September. Available from: <http://www.gympietimes.com.au/news/residents-lock-the-gate-on-coal/2381379/> [Accessed 15 January 2015].
- Woolgar, S., and Neyland, D., 2013. *Structures of governance*. Oxford University Press.
- Yin, R., 2009. *Case study research: design and methods*. 4th ed. Los Angeles: Sage.