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**An Evaluation of Public Participation in the  
Environmental Impact Assessment Process of the Maldives**

A thesis  
submitted in partial fulfilment  
of the requirements for the degree  
of  
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## **Abstract**

Environmental Impact Assessment (EIA) is a proactive tool that assesses and addresses the environmental and social impacts of development projects. It has been identified as a process that can potentially deliver the goal of sustainable development. Public participation is an important aspect of both EIA and sustainable development. In many countries EIA provides the only opportunity for the public to participate in decision-making processes. Nevertheless, research reveals that meaningful public participation in EIA in most countries remains a false promise, with consultations undertaken only as an administrative necessity and with the public having no real power to influence the decisions. It is argued here that, in order for public participation in the EIA process to be effective and promote sustainable development, the process needs to follow participatory principles promoted by deliberative democracy.

This research investigates the EIA process of the Maldives, a developing island nation in the Indian Ocean. The low-lying nature of the country makes it extremely vulnerable to environmental change and, therefore, sustainable development is high on the agenda for the Maldives. It is a worthwhile case to study as the political context of the country is changing with the Maldives' recent embracing of democracy. Moreover, the EIA regulations of the country were recently amended in an attempt to make the process more robust. These changes provide an interesting context for the research. In addition, there is very little prior literature on EIA in the Maldives and hence this research is an opportunity to contribute to a still limited body of scholarship.

An interpretive phenomenological research paradigm was adopted in designing the research. A multimethod qualitative research design was selected, with

documents and semi-structured interview being the primary data sources. A conceptual framework based on the reviewed literature was developed and used to direct the research design. In this respect, four aspects that ensure a deliberative participatory process were investigated: fairness, competence, willingness, and capacity.

The findings reveal that the participatory procedure in the Maldives is neither fair nor competent. Moreover, several socioeconomic barriers that affect the capacity and willingness of the actors to participate were identified: namely, political influence, a lack of human and financial capacity, gender gap, a loss of community spirit, and a lack of environmental and procedural awareness.

This thesis contributes to the scholarship on public participation in the EIA process. It specifically helps to identify key challenges for effective public participation in the Maldives EIA process. In this regard, both procedural and socioeconomic barriers were identified. The recommendations proposed are based on the findings of the research, and, if adopted, can lead to more meaningful public participation and thus potentially help to achieve the goal of sustainable development through the EIA process.

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# **Chapter One**

## **Environmental Impact Assessment and Public Participation: An Introduction**

*“Earth provides enough to satisfy every man’s needs, but not every man’s greed.” — Mahatma Gandhi*

Since historical times, the relationship between humans and the environment has existed in a complex dynamic. Human activities rely on the environment for raw materials, and output or wastes from human activities are released into the environment. The early footprint of human activities was miniscule and thus impacts on the environment were local and often minimal. As a result, early concerns about human impact on the environment were almost exclusively based on “amenity” issues and the response was always reactive (Petts, 1999a). However, the industrial revolution and steep growth in the population have since the eighteenth century resulted in an unprecedented rate of pollution and environmental degradation (Petts, 1999a). In addition to loss of amenity, environmental degradation and pollution have created public health and welfare concerns, with large geographic regions and large proportions of the world’s population being affected (Petts, 1999a). Consequently, the reactive approach to addressing these concerns was no longer effective and by the mid-twentieth century there was significant public pressure on the governments of the industrialised north to address these development concerns (Jay, Jones, Slinn, & Wood, 2007). It was in this context that Environmental Impact Assessment (EIA) was introduced as a proactive mechanism to address environmental and social

concerns of economic development (Jay et al., 2007). Since its first introduction in 1969 through the National Environmental Policy Act (NEPA) of the United States, EIA has today spread to all parts of the globe (Glasson, Therivel, & Chadwick, 2005; Vasconcelos, Hamilton, & Barrett, 2000).

EIA has been defined as a process of identifying the likely consequences of development on the natural environment and on the health and welfare of local communities and utilising this information in decision-making (Kurian, 2000). From this definition, it is apparent that the objective of EIA has many similarities with the concept of sustainable development. Popularised in 1987 by the report of the World Commission on Environment and Development (WCED), sustainable development has been defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (World Commission on Environment and Development, 1987, p. 37). This broad and generic definition has been criticised in the scholarly literature for being vague and open to misinterpretation (Dovers & Handmer, 1992; Iyer-Raniga & Treloar, 2000). Moreover, in the policy domain sustainability and sustainable development have been described as a goal, a norm, and a concept concurrently (Kurian, Munshi, & Bartlett, 2014). However, in general, there is agreement that the prime focus of sustainable development, as with EIA, is to ensure that economic development is undertaken without compromising social and environmental values (Dovers & Handmer, 1992; Iyer-Raniga & Treloar, 2000; Kurian et al., 2014). Thus, it is evident that the main objective of EIA is to facilitate sustainable development (Murombo, 2008; Sadler, 1999; Saeed, Sattar, Iqbal, Imran, & Nadeem, 2012; Sinclair, Diduck, & Fitzpatrick, 2008; Vasconcelos et al., 2000).

A common element to both the EIA and the sustainable development process is public participation. Meaningful participation of the affected and interested public in the decision-making process is essential to ensure sustainable development, the prime objective of EIA (Murombo, 2008; Sneddon, Howarth, & Norgaard, 2006; United Nations Sustainable Development, 1992). It has been identified that meaningful participation here connotes a process based on the principles of deliberative democracy (Baber & Bartlett, 2005). Deliberative democracy promotes the creating of a strong public sphere, where arguments put forward by citizens are considered on the basis of validity rather than popularity (Baber & Bartlett, 2005; Dryzek, 2009). Deliberative democracy promotes consensual decision-making whereby claims made by the participants are discussed in detail and verified (Baber & Bartlett, 2005; Miller, 1992). A participatory process based on deliberative democracy is likely to address social and environmental concerns of development and hence ensure sustainable development, as, in such a system, reasoned and rational arguments in principle always take precedence over any claims of economic self-interest (Baber & Bartlett, 2005). Despite this, public participation in the EIA process of most countries remains a false promise with public involvement being kept to a bare minimum and undertaken as an administrative necessity only (Glasson et al., 2005, Petts, 1999b; Saeed et al., 2012; Vasconcelos et al., 2000; Yang, 2008). This situation remains especially true in developing countries, which often lack a culture and history of public involvement in decision-making.

This study examines the participatory process of EIA in one such developing nation — the Maldives. The Maldives is an island nation comprising 26 naturally occurring atolls, 1190 coral islands, 358 of which are inhabited, oriented north to south in the Indian Ocean (Shaig, 2006). The average height of these islands is

just 1.5 metres above Mean Sea Level, leaving the Maldives extremely vulnerable to environmental change (Shaig, 2006). This country, with a population of roughly 300,000, is experiencing rapid economic development with fisheries and tourism being the main economic drivers of the country (Asian Development Bank, 2013; Ministry of Planning and National Development, 2004; United Nations Committee for Development Policy, 2012). However, as stated previously, periods of rapid economic development can often lead to environmental degradation and cause public health and welfare concerns. Consequently, in 1993, the Maldives introduced the Environmental Protection and Preservation Act (4/93), which defined the requirement for EIA to address such concerns over development (Annandale, 2001; Niyaz & Storey, 2011; Zubair, Bowen, & Elwin, 2011). Participation of local communities through deliberation in the EIA process can especially help to foresee and address local environmental and social issues pertinent to development (Niyaz & Storey, 2011). Yet, in the context of the Maldives, little scholarly attention has been directed at assessing the robustness of participatory mechanisms built into the EIA system and, thereby, the potential of the EIA process to ensure sound decision-making.

Thus, the aim of this research is to evaluate public participation in the Maldives EIA process with a focus on identifying the degree to which the current process facilitates meaningful deliberative participation. In doing so, the existing limitations of the process are identified and recommendations are proposed to potentially address these limitations. It is hoped that this study will add to the vast literature that exists on public participation in EIA and specifically give new insights into public participation in EIA in the Maldives, an area which has received very little prior attention. The methodology adopted for this research utilises both primary and secondary data sources.

The rest of the thesis is organised as follows. This introductory chapter is followed first by a chapter that reviews the existing scholarly literature on public participation and EIA with a specific focus on deliberative democratic participation and the Maldives EIA process. This chapter also identifies the conceptual framework adopted for the research. The framework developed is based on the reviewed literature. Chapter 3 on methodology identifies and justifies the research paradigm and provides details of the research design, including information on the data collection and analysis methods applied. This chapter also reviews some ethical considerations and the steps taken to ensure the credibility and trustworthiness of the collected data. Chapter 4 explores the context of the Maldives by investigating the history and culture of the Maldives with respect to public involvement and deliberation in decision-making. The chapters that follow discuss the findings of the research. Chapter 5 focuses on the legal requirements for public participation through the Maldives EIA process. Chapter 6 examines the adopted procedure at a practical level, and Chapter 7 of the discussion looks at socioeconomic barriers to achieving effective public participation through the Maldives EIA process. The concluding chapter sharpens the focus of the study by addressing the main research question, by investigating how this study has helped to address gaps in scholarship, and by suggesting opportunities for further research.

## **Chapter Two**

### **A Review of Scholarly Literature**

#### **2.1 Introduction**

This chapter examines the existing literature on public participation and EIA. In this regard, the literature review first looks at democracy and the environment and how a deliberative democratic participatory process facilitates sustainable development, the main objective of EIA, before reviewing the characteristics of a deliberative democratic participatory process. Next, the empirical evidence on the extent of public participation practised in the EIA process of different countries is reviewed, followed by a specific examination of the existing literature on the Maldives EIA process and public participation. The ensuing section identifies gaps in the research and the research question. The final section of this chapter proposes a conceptual framework, based on the reviewed literature, upon which this thesis is designed.

#### **2.2 Democracy, Environment and Sustainable Development**

Democratic polities have been argued to facilitate environmental protection (Li & Reuveny, 2006; Paehlke, 2005). In this respect, democratic ideals such as freedom of expression, equality, and free media provide a platform for advocates of environmental protection to express environmental concerns, educate the public, and put pressure on politicians to take meaningful action (Li & Reuveny, 2006; Paehlke, 2005). This approach has led to recognition of access to a clean environment as a universal human right and enactment of laws and regulations that protect the environment in many democratic societies. Despite this situation,

many scholars have expressed concern that the current form of representative democracy practised in most countries facilitates environmental degradation rather than protection (Baber & Bartlett, 2005; Ioannis, 2007). The capitalist economy together with a system of representative democracy that favours interest group liberalism has led in most countries to a system of governance which is controlled by a wealthy few (Baber & Bartlett, 2005; Ioannis, 2007). In such a system, the administrative decision-making process is characterised by closed bureaucratic procedures influenced by powerful elites (Ioannis, 2007; Torgerson, 2005). Hence, it is not the moral or rational argument that dictates political decision-making but rather the political resources a party brings to the table (Ioannis, 2007). This form of governance privileges the interests of the politicians and powerful corporate elites at the expense of environmentalists or common citizens (Baber & Bartlett, 2005; Ioannis, 2007; Kurian et al., 2014) and has led to a system of democratic governance which favours corporate and political interests at the expense of environmental protection.

This failure of democratic societies to protect the environment has led to calls by environmentalists for a more deliberative form of democracy (Baber & Bartlett, 2005; Dryzek, 2009; Kurian et al., 2014; Miller, 1992). Deliberative democracy lacks precise definition, but it has been identified as “a school of political theory that assumes that genuinely thoughtful and discursive public participation in decision-making has the potential to produce policy decisions that are more just and rational than existing representative mechanisms” (Baber & Bartlett, 2005, p. 3). As highlighted in Chapter 1, deliberative democracy promotes creating a strong public sphere where the validity of claims takes precedence over popularity (Baber & Bartlett, 2005; Dryzek, 2009; Miller, 1992). Deliberative participation leads to collective decision-making through reciprocal understanding of multiple

perspectives (Dryzek & Simon, 2006; Fung, 2003; Gutmann & Thompson, 2004). In this regard, both science and local knowledge have a role to play. Science can provide expert knowledge, while the local knowledge and lay perspective can help to fill the gaps in scientific understanding (Baber & Bartlett, 2005). Environmentalists believe that a participatory process based on the principles of deliberative democracy will lead to environmental protection and consideration of societal concerns and hence sustainable development, the main objective of EIA (Baber & Bartlett, 2005).

In order to understand how a deliberative democratic participatory process facilitates sustainable development, it is important to look at the level of participation promoted by deliberative democracy. Participation in public policy has often been categorised along a continuum with each step along it representing increased public power in decision-making (Arnstein, 1969; Pateman, 1970). The continuum of increasing public power has often been categorised in terms of manipulation, consultation, partnership, and citizen control (Arnstein, 1969; Pateman, 1970). Here *manipulation* refers to deceptive mechanisms of “buying back” the public on controversial issues; *consultation* involves one-way flow of information from citizens to decision makers with no real public power to influence or contest decisions; *partnerships* are where the decision-making power is balanced, with the public being able to meaningfully contribute to the decision-making process, and *citizen control* refers to when the public is able to exercise full control over the decision-making process (Arnstein, 1969). Academic literature suggests that deliberative democracy promotes the partnership level of public participation in which participants and decision makers consensually agree on decisions (Glucker, Driessen, Kolhoff, & Runhaar 2013; Stærdahl et al., 2004). This approach creates an opportunity for affected and interested publics to address



any concerns they have about development through the decision-making process, and has thus been identified in the academic literature as an important condition for achieving sustainable development (Murombo, 2008; Sneddon, Howarth, & Norgaard, 2006; United Nations Sustainable Development, 1992).

Moreover, many authors identify learning as a key aspect of sustainable development, because sustainability is a state of constant evolution and hence sustainable development is a process that involves learning from experience (Glucker et al., 2013; Iyer-Raniga & Treloar, 2000; Sinclair et al., 2008). Deliberative democracy which promotes a partnership level of participation can facilitate this learning, as it involves dialogue and consensus-building between many different interest groups, thus allowing the participants to learn from each other, a process referred to as social learning (Dryzek, 2009; Glucker et al., 2013; O'Faircheallaigh, 2010; Sinclair et al., 2008; Webler, Kastenholz, & Renn, 1995). In addition, as scientific understanding of nature and the environment is often limited, decisions made through public input are seen to be environmentally more robust, because local knowledge often complements and enhances scientific understanding (Bawole, 2013; O'Faircheallaigh, 2007). Thus, deliberative democracy promotes a partnership level of participation, which can ensure sustainable development — the main objective of EIA — as it leads to more socially just, environmentally sound decisions and promotes learning from experience.

Authors such as Arnstein (1969) and Pateman (1970) go one step further and call for full, overriding citizens' control over the decision-making process. However, critics of such a system have rightly pointed out that citizens consist of many individuals and any process that is without a level of regulatory control and

guidance is likely to lead to policy paralysis (O'Faircheallaigh, 2010; Holland, 2002; Bishop & Davis, 2002; Dienel & Renn, 1995). Thus, it can be concluded that a deliberative participatory process that ensures a partnership level of participation is best suited to achieve the prime objective of EIA, i.e., sustainable development. Next, it is important to consider the characteristics of a deliberative participatory process, and these are discussed below.

### **2.3 Characteristics of Deliberative Participation in EIA: A Theoretical Perspective**

This section explores the characteristics required for successful deliberative democratic participation from a theoretical perspective. Even though different theoretical models for deliberative democracy have been put forward, it is Jürgen Habermas' Theory of Communicative Action (TCA) that has been identified in the scholarly literature as the model most closely aligned with the aims of public participation in EIA (Baber & Bartlett, 2005; Palerm, 2000; Webler, 1995). This theory and critiques of it will be employed in defining characteristics of deliberative democratic participation.

TCA promotes consensual decision-making through an Ideal Speech Situation (ISS) (Palerm, 2000; Webler, 1995). ISS has been described as deliberation that is driven purely by the best argument, whereby there are no coercive forces or domination that influence the outcome of an argument (Calhoun, 1992; Palerm, 2000; Webler, 1995). Habermas (1970) defines "communicative competence" as a precondition for achieving ISS. Communicative competence has been defined as the use of language to arrive at consensual understanding and agreement (Habermas, 1970; Webler, 1995). Elements of communicative competence have been described as including cognitive, linguistic, and rule competence (Palerm,

2000; Webler, 1995; White, 1988). Habermas believes that deliberation based on ISS will lead to fair, competent, and consensual decisions.

Several criticisms of the Habermasian conception of deliberative democracy have emerged in the academic literature. For example, the requirements for cognitive and linguistic competence have been criticised, as these may lead to exclusion and lack of consideration of the needs of vulnerable groups, such as nonnative speakers, indigenous groups, and people with mental disabilities, from the participatory processes (Palerm, 2000). Another major criticism of ISS is the requirement to reach full consensus in decision-making. Many authors argue that in the plural societies of today, comprehensive consensual decision-making is impossible and hence procedures need to be in place to ensure just decisions where disagreements persist (Bohman, 1998; Calhoun, 1992; Dryzek & Simon, 2006; Gutmann & Thompson, 2004; McCarthy, 1992). The complete focus of ISS on procedural aspects has also been criticised, as a legitimate procedure does not necessarily ensure just decisions (Bohman, 1998; Gutmann & Thompson, 2004). Moreover, criticisms have been directed at the total focus of Habermas on the individual views of citizens and hence a disregard for organized views of the society that are expressed through social groups and movements (Calhoun, 1992; McCarthy, 1992).

Authors such as Webler (1995) and Palerm (2000) use ISS and criticisms of ISS to define characteristics required to ensure a successful deliberation. These authors define two main procedural aspects, namely, fairness and competence (Palerm, 2000; Petts, 1999b; Webler, 1995). Fairness can be explained as the notion that equal opportunity should exist for each affected individual or group to express its views and contribute to the development of the argument (Palerm,

2000; Petts, 1999b; Webler, 1995). Similarly, a process of fair deliberation will ensure that all affected parties have equal opportunity to participate, make and challenge validity claims, and have a say in the final outcome or discourse closure (Palerm, 2000; Webler, 1995). The second aspect — competence — encompasses the notion that participatory procedures should ensure that all participants have the knowledge and the tools required to make the best possible decision (Palerm, 2000; Webler, 1995). A competent participatory procedure is seen to ensure that: there are no biases or exclusions based on linguistic or cognitive competence; every participant has access to independent knowledge to make and criticise validity claims; consensually agreed mechanisms are in place to verify expressive claims made by participants; and, conflicting validity claims are decided on the basis of consensually agreed reliable methodological techniques such as referendum, expert panels, or peer review (Palerm, 2000; Webler, 1995). These fairness and competence characteristics of participation address most of the criticisms of ISS. In this respect, no person is excluded on the basis of language or disability; the reference to group participation ensures that organised views are accounted for; and, the process provides a means of making the final judgment where no consensus can be reached, thus accommodating plural views (Palerm, 2000).

As highlighted, ISS has been criticised on the grounds that procedural aspects such as fairness and competence alone cannot ensure that just decisions are made through deliberation. In order to ensure justice, it is important to consider wider socioeconomic considerations or characteristics. In this respect, Palerm (2000) suggests that, in addition to procedural fairness and competence, capable and willing actors are equally important to ensure just decisions through deliberation. Willingness and capacity, according to Palerm (2000), are determined by various

country- or location-specific socioeconomic<sup>1</sup> “demoters” and “promoters”. “Promoters” that enhance the capacity and willingness of actors and hence deliberation include such aspects as a participatory culture in the society, trust in decision makers, awareness of the procedure, accessibility, and financial and/or technical resources to attain the necessary knowledge (Palerm, 2000). Palerm (2000) highlights the point that a group or an individual may be willing to participate but may lack the capacity to participate in terms of time, accessibility, or awareness. Conversely, an individual or a group may have the capacity, but may not be willing to participate due to lack of trust and belief that the participation will lead to just outcomes (Parlem, 2000).

Some authors have highlighted that these procedural and socioeconomic characteristics mean that deliberative democracy requires conditions of modernity and hence can only be successfully implemented in developed countries (Bohman, 1996; Gutmann & Thompson, 1996). Conditions of modernity highlighted in the literature include socioeconomic and political equality, literacy, wealth, cultural homogeneity, and institutional pluralism (Bohman, 1996; Gutmann & Thompson, 1996). However, this conception of modernity as a precondition of ensuring deliberative democratic practice has been challenged by authors such as Gupte and Bartlett (2007) and Sass and Dryzek (2014) who through case studies have illustrated that such deliberative practices do take place in developing parts of the globe. These authors highlight that institutions which ensure inclusive, equitable participation can promote deliberative democracy in the developing world, even in the face of poverty, illiteracy, and regional inequality (Gupte & Bartlett, 2007;

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<sup>1</sup> Socioeconomic here is defined broadly, and hence covers social, economic, political, and cultural aspects.

Sass & Dryzek, 2014). EIA can potentially provide one such institutional avenue for deliberative environmental decision-making.

This review of scholarly literature has so far looked into public participation in EIA from an ideal and theoretical perspective. It is important next to explore the empirical evidence on the level of participation practised in EIA processes worldwide.

## **2.4 Public Participation in EIA: Empirical Evidence**

Public participation in EIA should be inclusive and should ensure decision-making through a fair and competent deliberative democratic process that ensures a partnership level of participation in order to facilitate sustainable development, the prime objective of EIA. Nevertheless, most empirical evidence suggests that public participation in the EIA process of most countries is very weak and that public input is hardly used in decision-making (Bartlett & Kurian, 1999; Bawole, 2013; Nadeem & Fischer, 2011; Petts, 1999b; Vasconcelos et al., 2000; Yang, 2008). In most countries, public participation takes place during the review stage of the EIA process, after the EIA report has been prepared (Bawole, 2013; Nadeem & Fischer, 2011; Petts, 1999b; Vasconcelos et al., 2000). At this late stage, designs and plans are already finalised and hence there is not much scope for the public to bring about change and address concerns through the participatory process. This late involvement leading to limited influence on the part of the public in the final decision has been illustrated in many case studies, for example, Nadeem and Fischer (2011) for Pakistan, Bawole (2013) for Ghana, and Vasconcelos et al. (2000) for Portugal.

Methods utilised for public participation also limit the level of meaningful input into the decision-making process. In most countries, public meetings, public

hearings, and written comments are the most common methods used to attain public input through the EIA process (Nadeem & Fischer, 2011; Vasconcelos et al., 2000; Yang, 2008). These are often conducted very officially, making it difficult for the affected general public, especially marginal groups such as many women, the young, the poor, and the illiterate to express their views (Nadeem & Fischer, 2011; Petts, 1999b; Yang, 2008). This exclusion means that public participation in EIA currently practised in most countries does not meet the criteria for fairness, given that it does not provide equal opportunity for all affected parties to express their views and concerns.

Moreover, issues surrounding accessibility of the EIA reports in terms of language, technicality, and easy availability have been identified in the literature as hindrances to meaningful participation (Murombo, 2008; Nadeem & Fischer, 2011; Yang, 2008). Thus, from a competence perspective, the current process, in most countries, does not provide equal opportunity for access and information to all affected citizens. Furthermore, in most countries, there is no feedback mechanism that explains the reasons for incorporating or not incorporating public concerns in the final decision (Petts, 1999b; Yang, 2008). In addition, in some countries, for example, in Malaysia and China, public participation is left entirely to the project proponent, thus raising questions about the validity of the participatory process (Stærdahl et al., 2004; Yang, 2008). It is evident that in most countries, public participation in EIA is currently being utilised purely as an instrument to legitimise decisions, with no meaningful contribution by the public to the EIA decision. Thus, the level of participation practised in the EIA process of most countries falls along the lower levels of the participatory continuum and hence can be identified as consultative or even, in some cases, manipulative (Petts, 1999b). As shown, this level of participation does not meet the fairness and

competence criteria for a deliberative democratic participatory process and hence does not promote the sustainable development objective of EIA.

In contrast, some countries have started to engage the public early in the EIA process. For example, in countries such as Australia, Denmark, South Africa, and the Netherlands public involvement occurs during the scoping phase of the project prior to project details being finalised (Stærdahl et al., 2004; Wood, 1999). This approach has led to changes in design, consideration of alternatives, and identification of new, mitigation measures through the participatory process (Stærdahl et al., 2004).

Moreover, in some countries, participation methodologies have been adopted that facilitate dialogue between participants and encourage different interests to be represented, leading to democratic decision-making through a fair and competent process (Petts, 1999b; Russo, 1999). For example, in Canada, the public hearing process has been modified to make it less official and more interactive, with legal procedures such as the requirement for written submissions having been removed from the process (Petts, 1999b). Another example comes from the United States where for highly controversial energy projects Collaborative Environmental Assessments (COEA) are undertaken. There representatives of interested and affected parties are involved in dialogue starting from the initial stages of finalising the designs (Russo, 1999). Other interactive modes proposed in the scholarly literature to ensure deliberative participation include community advisory committees, planning cells, citizen panels, and focus groups (Petts, 1999b). The academic literature suggests that stakeholders report satisfaction regarding the decision outcomes in countries where early involvement and meaningful dialogue are practised (Stærdahl et al., 2004) and shows that evidence



of social learning, described as a precondition for sustainable developments, has also been established (Sinclair et al., 2008). However, it has been highlighted that the best methodology for enabling meaningful participation is very much country- and context-specific, and dependent on the cultural norms and the development status of the country (Petts, 1999b; Stærdahl et al., 2004).

Thus, empirical evidence suggests that in most countries, especially in developing countries, public participation in EIA does not meet the deliberative democratic participatory principles and, therefore, is not at a level which promotes sustainable development. However, some countries have started to adopt more deliberative democratic participatory practices through the EIA process. Since this research study aims to look at public participation in the Maldives EIA process, it is important to look next at prior studies on public participation in the Maldives EIA process.

## **2.5 Maldives EIA Process and Public Participation**

EIA became a legal requirement for all development projects in the Maldives when the Environment Protection and Preservation Act (EPPA) (4/93) was enacted in 1993 (Annandale, 2001; Niyaz & Storey, 2011; Zubair et al., 2011). Article 5(1) of the Act stipulates that an EIA needs to be undertaken for any development project that might have significant impact on the environment (Environment Protection and Preservation Act, 1993). Guiding principles for EIA in the Maldives were first developed in 1994 and these guidelines were further revised in 2004 and published as general EIA guidelines (Annandale, 2001; Niyaz & Storey, 2011). The EIA process received regulatory backing under article 5(1) of the EPPA (4/93) when the first EIA regulations were formulated by the Environment Ministry in 2007 (Environmental Impact Assessment [EIA]

Regulations, 2007). These regulations were revised in 2012 and republished (Environmental Impact Assessment [EIA] Regulations, 2012). The Environmental Protection Agency (EPA) of the Maldives is responsible for the implementation of the EIA regulations (EIA Regulations, 2012).

Prior studies on EIA and public participation in the Maldives are very limited. Only one study has looked exclusively at the public participation aspect of the EIA process (Niyaz & Storey, 2011), but several others have investigated participation in the broader evaluation of the Maldives EIA process (Annandale, 2001; de Jong, Runhaar, Runhaar, Kolhoff, & Driessen, 2012; Zubair et al., 2011). All prior studies found public participation in the Maldives EIA process to be very limited (Annandale, 2001; de Jong et al., 2012; Niyaz & Storey, 2011; Zubair et al., 2011). The criticisms identified were similar to those identified in the literature for other developing countries, including the lack of involvement of the affected public — especially marginal groups and NGOs — lack of consideration of public input in decision-making, lack of accessibility of the reports, reports being too technical for the public to grasp, and the reports not being available in the local language (de Jong et al., 2012; Niyaz & Storey, 2011; Zubair et al., 2011). Thus, prior evidence suggests that, as with most developing countries, public participation in the Maldives EIA process does not meet the fairness and competence criteria for a deliberative democratic participatory process.

In addition, Niyaz and Storey (2011) have pointed out that from a historical perspective the Maldives lacks a participatory culture, as the country held its first democratic elections only in 2008. This issue had been identified in the scholarship for other developing countries without a democratic history, for example, Yang (2008) for China. It should be noted that all these studies on the

Maldives were undertaken prior to the implementation of the revised EIA regulations in 2012 and, therefore, do not provide the current status. This and other gaps in the existing literature are identified and the research question is defined in the next section.

## **2.6 Research Gaps and Research Question**

There are several research gaps that can be identified based on the existing literature on public participation in the Maldives EIA process. First, as highlighted, all the studies in the Maldives were conducted prior to the most recent EIA regulations which were implemented in 2012, and the studies by Zubair et al. (2011) and Annandale (2001) looked at the process even before the first EIA regulations were implemented in 2007. Secondly, only Niyaz and Storey (2011) looked exclusively at public participation in the EIA process, whereas other studies looked at participation as a small component of a broad evaluation and thus lacked detailed analysis. Thirdly, views of important stakeholders in the process were not captured in prior studies. In this respect, the study by Niyaz and Storey (2011) is based exclusively on the views of consultants who prepare the EIA reports on behalf of the proponents, and the remaining studies were predominantly based on document analysis. Thus, none of these studies captured the views of the public, NGOs, the regulatory agency, or the proponents, who are all important stakeholders in the process. Fourthly, none of the studies looked at the effectiveness and the limitations of the regulations and the practised participatory process in facilitating meaningful, deliberative democratic participation. Finally, recommendations for improvement of the process are lacking in the literature.

This study aims to address these gaps by focusing on the following research question: To what extent does the Maldives EIA process facilitate meaningful deliberative democratic public participation in decision-making? In addressing the question, the following aspects will be looked at:

1. the level of public participation encouraged by the existing EIA regulations of the Maldives
2. limitations of the regulations and current practice
3. socioeconomic barriers for effective participation, and
4. recommendations for improvement of the process.

This research thus provides a more complete and up-to-date picture of the current participatory practice surrounding the Maldives EIA process and helps to identify sound recommendations to ensure a more democratic, deliberative participatory process.

It is important to define the conceptual framework, which is based on the reviewed literature, and which is used to direct the study design. Details of the conceptual framework adopted for the study are examined in the ensuing section.

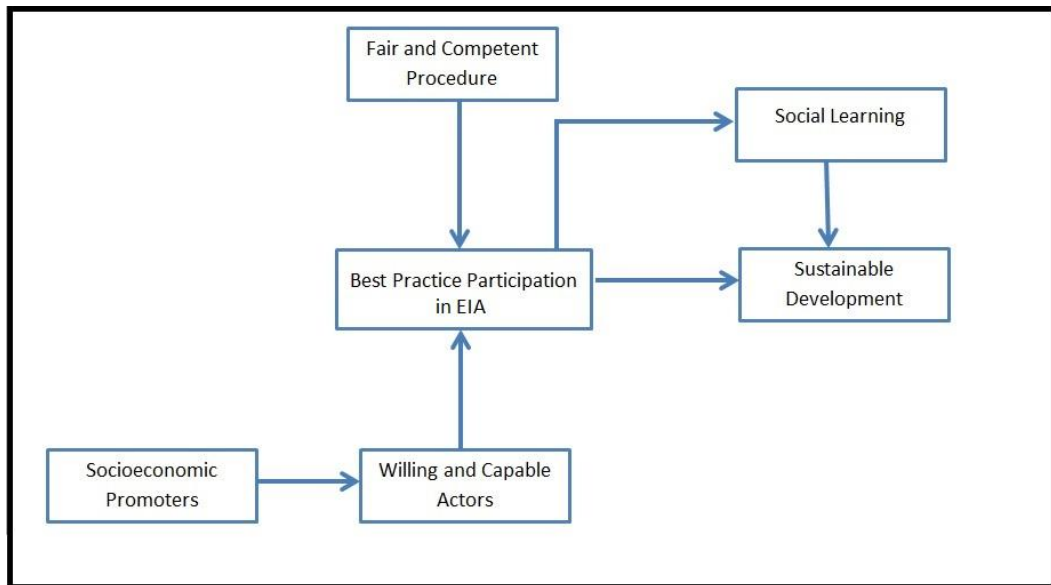
## **2.7 The Conceptual Framework**

This section identifies the conceptual framework for the study. The conceptual framework is broadly based on the framework that was proposed by Palerm (2000) for the evaluation of public participation in the EIA process. Palerm (2000) developed this EIA-specific framework based on initial work done by Webler (1995) in the context of citizen participation in the policy domain.

Palerm (2000) suggests that in order to determine whether public participation is democratic two aspects need to be looked at, i.e., the implemented procedure and

the actors involved in the process. From a procedural point of view, as identified in section 2.3, two conditions need to be addressed to ensure deliberative democratic participation, i.e., competence and the fairness of the procedure. As defined earlier, fairness refers to the notion that the participatory procedures should ensure that equal opportunity of participation exists for each individual or group to express views and contribute to the development of the argument. Competence refers to the notion that participatory procedures should ensure that all participants acquire the knowledge and tools required to make the best possible decision.

The second aspect that is covered in this framework is the actors. As highlighted in section 2.3, Palerm (2000) argues that, even if the appropriate procedure is in place, the willingness and capacity of various actors or stakeholders involved in the process will determine the effectiveness of the participatory exercise. As already described, the degree of willingness and capacity of the participants are enhanced by country- or location-specific socioeconomic “promoters” (Palerm, 2000). In addition, social learning is identified in the framework as an outcome of best practice democratic participation. Although not identified by Palerm (2000), the reviewed scholarship suggests that a deliberative democratic participatory process facilitates sustainable development, the main objective of the EIA process. As identified in section 2.2, social learning can also lead to sustainable development. Thus, sustainable development was incorporated into the framework as the main outcome of best practice public participation. Figure 1 presents a schematic representation of the modified conceptual framework based on Palerm (2000).



**Figure 1: Schematic representation of the conceptual framework, adapted from Palerm (2000)**

This framework is well positioned to address the research question at hand, as it can help to identify the degree to which current EIA regulations in the Maldives promote deliberative democratic participation and also identify limitations for implementation of the process.

## 2.8 Chapter Summary

This review of academic literature has identified that, in order to achieve sustainable development via EIA, public participation in the EIA process needs to follow principles of deliberative democracy. It was also established that a fair and competent process, along with willing and capable actors, are essential to ensure meaningful deliberation. In addition, it was found that, despite the importance of deliberative democratic participation in theory, most empirical evidence suggests that public participation in the EIA process of most countries is very limited, with public involvement occurring too late in the process to make a telling contribution to the decision. Despite this finding, the reviewed literature also showed that there are some good examples of early public involvement and adopted methodologies

that enable decision-making through consensus in some parts of the world. Decisions made through such inclusive, deliberative democratic processes are evidenced in the literature to lead to more satisfactory outcomes for all involved in the process. Moreover, it was found that in countries that practise deliberative democratic participation, social learning — a requisite for sustainable development — was identified as a key outcome of the process.

As for the Maldives, there was very limited literature on public participation in EIA and the available literature suggests that public participation in the Maldives EIA process is very weak. Limited involvement of the affected public, lack of a participatory culture in the country, and limited accessibility were identified as key shortcomings. In the context of the Maldives, several research gaps were identified, including a lack of up-to-date research, a lack of consideration of the views of all the different stakeholders, and a lack of available guidance through research for improvement of the process. The research question to address these gaps was stated as follows: To what extent does the Maldives EIA process facilitate meaningful deliberative democratic public participation in decision-making? A conceptual framework (Figure 1), based on the reviewed literature, was developed to address this research question. This conceptual framework was utilised in developing the methodology for the research. The detailed methodology followed is outlined in the next chapter.

## **Chapter Three**

### **Research Methodology**

#### **3.1 Introduction**

This chapter looks at the methodology adopted for the research. In this respect, the paradigm or the worldview which defines the assumptions of the research is identified first. This positioning is followed by a description of the research design, including details of the data collection and data analysis methods adopted for the study. This chapter concludes with an explanation of the ethical and data credibility issues considered for the study.

#### **3.2 Research Paradigm**

A paradigm can be defined as “the worldview or belief system that guides researchers” (Tashakkori & Teddlie, 1998). The importance ascribed to paradigms in the social sciences may be attributed to Thomas Kuhn’s influential book, *The Structure of Scientific Revolution* (Kuhn, 1970). Kuhn (1970) suggests that paradigms define the “underlying assumptions and intellectual structure” upon which a research inquiry is based. This section provides the details of the paradigm adopted for the research including its justification, underlying assumptions, and limitations.

Paradigms have traditionally been categorised into three broad areas, namely, positivism, postpositivism, and constructivism (variants of constructivism include interpretive and naturalist paradigms) (Tashakkori & Teddlie, 1998). Each paradigm is characterised and distinguished by its ontology or the nature of reality; epistemology or the nature of knowledge or the relationship between the



knower and the known; and, axiology or the role of values in the research (Tashakkori & Teddlie, 1998). For this research, a constructivist paradigm is adopted. Constructivism takes the ontological stance that there are multiple constructs of reality, the epistemological stance that the knower and the known are inseparable, and the axiological stance that the research is value-bound (Tashakkori & Teddlie, 1998). Constructivism is often utilised in qualitative studies where research is based on subjective description or interpretation of some quality or characteristic rather than quantity and a drive for objective proof as in positivist research (Tashakkori & Teddlie, 1998).

One of the many variants of constructivism, interpretive phenomenology, is adopted for this research project. Phenomenology, introduced in the early twentieth century by Edmund Husserl as a way of doing philosophy, is often referred to as “the study of life world or lived experience” (Tuohy, Cooney, Dowling, Murphy, & Sixsmith, 2013). The lived experience of different individuals will differ, leading to different subjective realities. For example, with respect to this research, the degree to which public participation in the Maldives EIA process facilitates meaningful decision-making and the limitations of the process can differ based on individual lived experience, which defines the different perspectives. There are two strands of phenomenology-influenced paradigms: descriptive and interpretive (Tuohy et al., 2013). Descriptive phenomenology aims to describe the different subjective realities of individuals (Tuohy et al., 2013), whereas interpretive phenomenology, also referred to as hermeneutics or interpretive hermeneutics, aims to interpret the subjective realities based on the presuppositions of the researcher (Tuohy et al., 2013; Wagenaar, 2011). The latter is more suited for this research, as it is aimed not only at describing the views of the different stakeholders but at interpreting the

data based on the presupposition of the researcher that public participation in the EIA process should meet deliberative democratic ideals in order to ensure sustainable development. In this respect, the conceptual framework which is used to direct the research design was developed on the basis of the principles of deliberative democratic participation (see Figure 1, Chapter 2). An interpretive phenomenological paradigm adopts epistemological, ontological, and axiological assumptions similar to other constructivist paradigms (Walsham, 1995). Hence, as identified by Garrick (1999), the main assumptions of an interpretive phenomenological paradigm can be summarised as:

- Belief that any event may be explained in terms of multiple processes, factors, and events;
- Belief that complete objectivity cannot be attained, i.e., realities are subjective constructs;
- Belief that the aim of the research is to develop an understanding rather than to develop generalisable universal laws; and,
- Belief that research is not value-neutral and that the research process is influenced by these values.

Taking into account that EIA is a policy instrument, from a policy perspective Dryzek (1982) highlights that the interpretive phenomenological paradigm is ideally suited where there is a wide range of “messy” situations of policy choice. In this respect, what constitutes meaningful participation in EIA and the limitations can differ based on the different perspectives of the actors involved in the process. Moreover, as identified in the literature review, prior studies suggest that the best methodology for democratic participation is country- and context-specific, in other words, is subjective (Palerm, 2000). This subjectivity creates a

“messy” situation where there can be different viable options and views for “best practice” participation. In such situations, a research methodology based on an interpretive phenomenological paradigm will enable the researcher to identify common themes and interpret the subjective realities in line with the views of the researcher (Dryzek, 1982). Dryzek (1982) suggests that a policy analysis based on an interpretive phenomenological paradigm meets three key criteria essential for best practice analysis in that it:

1. is context sensitive to policy process and social situation;
2. takes into account concerns of the stakeholders; and,
3. has the capacity to identify limitations and propose practical recommendations.

Despite this claim, it has been identified that policy makers in governments often look for positivist, objective, quantitative proof before implementing any recommendations. Furthermore, such policy makers are often sceptical of any qualitative data (Tashakkori & Teddlie, 1998). This scepticism can be identified as one limitation of basing the proposed research on an interpretive phenomenological paradigm. However, the aim of this research is not to convince policy makers to bring about change, but to understand the process, the limitations of the process, and to propose some practical recommendations. If need be, statistical backing to support the outcomes of the research can be provided later on as part of a different research project.

A research study based on an interpretive phenomenological paradigm can involve different research designs. The design adopted for this research is described in the following section.

### **3.3 Research Design**

A research design explains the overall framework of the research, including the data collection and analysis methods adopted. This section first describes the overall framework, and then provides details of the data collection and sampling and analysis methods adopted for this study.

At the broadest level, a research inquiry may be based on a single method or multimethod design. A multimethod design, also often referred to as methodological triangulation, involves the use of two or more methods to address the proposed research question (Tashakkori & Teddlie, 1998; Patton 2002). Multimethod designs are especially suitable for qualitative research, as in the present case, because they increase the credibility of the collected data (Shento, 2004). Hence, a multimethod qualitative design is adopted for this research, with documents and interviews being chosen as the main data sources.

A multimethod design may involve parallel or sequential data collection and analysis (Tashakkori & Teddlie, 1998). A parallel design involves the concurrent use of the data collected from different methods to allow the researcher to make common inferences (Tashakkori & Teddlie, 1998). In contrast, a sequential design involves the use of the methods sequentially, that is, the results of the analysis from one method are used to guide and provide context for data collection and analysis for other methods (Tashakkori & Teddlie, 1998). The proposed study incorporates both elements of parallel and sequential design. From a parallel design perspective, both documents and interviews were utilised to make inferences regarding the aspects highlighted in the conceptual framework (see Figure 1, Chapter 2), namely, the fairness and competence of the participatory process and the willingness and capacity of the actors. However, the two methods

provided a different degree of detail regarding these aspects, with procedural aspects of fairness and competence being more easily recognised through the document analysis and issues of willingness and capacity of actors being identified mostly through the interviews. From a sequential design point of view, since the prior literature on the topic is very limited, document analysis was undertaken first and the information gained through this process was utilised in designing the questions for the interviews. Details of the data collection, and the sampling and analysis methods that were employed for both documents and interviews, are described in the next section.

### **3.3.1 Documents**

This subsection provides details of the data collection, sampling, and analysis methods used for the analysis of documents, which, as already described, forms the first component of the multimethod research design adopted for this research.

#### ***(a) Data Collection Method***

EIA is a process that involves a lot of documentation which can provide a rich source of initial information. For example, in addition to the EIA regulation which provides information regarding the legal requirements for participation, each EIA report contains a chapter which documents the participatory process followed during the report preparation phase. These two sources can provide insights, especially with regard to procedural fairness and competence as identified in the conceptual framework (see Figure 1, Chapter 2). One unique feature of documents is that they provide an opportunity to compare the data across time (Glenn, 2009). This research employed comparison when EIA reports from different years, and prior regulations were analysed. The analysis across time is especially important for the research as the new regulations were

introduced in 2012, and so provide a point of reference for comparison. Thus, documents prior to 2012 and after 2012 were used in the analysis.

As Glenn (2009) notes, one concern with data collection through secondary documents relates to accessibility of the data and missing data. This issue was not a major challenge for this study as the current EIA regulations and EIA reports from 2009 onwards were available from the website of the Maldives EPA. A request was made to the EPA to acquire the 2007 regulations, and the 2004 and 1994 EIA guidelines. It was unfortunate that the latter two were not available from the EPA and thus were not used in the analysis. Reports prior to 2009 were not considered as essential since the comparison is between post- and pre-2012 reports.

#### ***(b) Sampling Method***

The sampling method that was used for the analysis of the regulations was to analyse all available data sources. As highlighted in the section above, due to the unavailability of prior guidelines, only EIA Regulations 2007 and EIA Regulations 2012 were analysed.

Purposeful sampling was used to select EIA reports for the analysis. Unlike quantitative research, qualitative research focuses on the depth of the data rather than the sample size (Patton, 2002). In this respect, purposeful sampling aims to provide large amounts of data from a small sample (Patton, 2002). There are several different types of purposeful sampling. For the purpose of this research, maximum variation sampling, often referred to as heterogeneous sampling, was adopted (Patton, 2002). Heterogeneous sampling aims to capture a wide range of perspectives regarding the issue studied (Patton, 2002). Patton (2002) suggests defining criteria for selection of cases for purposeful heterogeneous sampling. For

the purpose of the analysis of EIA reports, two criteria were selected, i.e., time and project type. In terms of time, half the reports analysed were prior to 2012 and the other half after 2012. In terms of project type, six main categories of projects are undertaken in the Maldives, i.e., coastal developments (harbour development, reclamation, sea walls etc.), water and sanitation, housing, tourism, airport development, and fisheries (Environmental Protection Agency, 2010). Thus, a report from each of these categories was selected in the sample i.e., a report prior to 2012 and a post-2012 report, making a total sample size of 12. As far as possible, reports from different years and reports prepared by different consultants were used to ensure maximum variation.

***(c) Data Analysis Method***

A three-step document analysis method, as proposed by Glenn (2009), was adopted for the purpose of this research. Glenn (2009) defines the three steps as superficial reading, thorough reading, and interpretation. The initial step is said to involve features of content analysis and the latter thematic analysis (Glenn, 2009). In this respect, the initial reading involves the categorisation of data into key areas based on the research question (Glenn, 2009). For this purpose, questions were defined under each category identified in the conceptual framework (see Figure 1, Chapter 2), namely, fairness, competence, willingness, and capacity (see Appendix 1). This segmentation of the data was followed by a thorough reading of the categorised data to identify common themes across the documents analysed (Glenn, 2009). The final step, as mentioned previously, involves drawing inferences on the basis of the identified themes (Glenn, 2009). This analysis took into account the time at which the document was produced, i.e., before or after EIA Regulations 2012 and the type of the document (e.g.,

legal documents or reports). Any differences in participatory practice before and after the implementation of EIA Regulations 2012 were identified. This analysis provided data regarding the regulatory evolution of the participatory practice in the Maldives EIA, the level of public participation currently practised, and some issues and limitations of current practice especially with regard to fairness and competence of the practised procedure.

This subsection provided details of data collection, sampling, and analysis methods adopted for document analysis which forms the first component of the research. The next subsection provides these details for interviews, the second component of this multimethod design.

### **3.3.2 Interviews**

This subsection provides detailed descriptions of the data collection, sampling, and analysis methods practised for interviews, the second component of this multimethod design. Analysis of interview data provides in-depth understanding of the research topic, especially with regard to the willingness and capacity issues of actors involved in the process.

#### ***(a) Data Collection Methods***

Semi-structured face-to-face interviews were conducted with stakeholders involved in the EIA process, including consultants, proponents, regulatory agency and community groups, to determine their views on the fairness and competence of the existing procedure and their willingness and capacity to participate in the process. Semi-structured interviews were developed based on the conceptual framework (see Figure 1, Chapter 2) and the understanding achieved through the document analysis, the first component of this study (see



Appendix 2). Semi-structured interviews rather than unstructured interviews were considered particularly appropriate because I believe that, as a novice researcher, a degree of structure and direction is essential. The structured interview was rejected as being too extreme and too reductionist for the purpose of interpretive research (Berg & Lune, 2012). Semi-structured interviews provide a balance between these two extremes in that they provide the flexibility to ask probing questions to fully understand the viewpoints, while at the same time providing a structural guide for the interview (Berg & Lune, 2012). Since the aim of the interview is to attain the views of the interviewees, most questions were open-ended (Patton, 2002). The length of the interviews varied between 0.5 to 1.5 hours depending on the responses given by the interviewees and their lived experience.

#### ***(b) Sampling Method***

Similar to the document analysis selection process, the participants for the interview were selected using purposeful heterogeneous sampling. As highlighted, this method of sampling aims to obtain a wide range of perspectives regarding the studied subject (Patton, 2002). This method fits the purpose of the interviews, as it is aimed at identifying all the views of different stakeholders involved in the EIA process regarding public participation.

As outlined, purposeful heterogeneous sampling promotes the use of criteria for selecting units of analysis, in this case participants for the interview. Keeping this purpose in mind, the criteria for selection of participants for interviews under each of the stakeholder categories, namely, EIA consultants, proponents, regulatory agency, and community representatives, were formulated. A total of 18 individuals were interviewed, i.e., 4 or 5 individuals under each stakeholder

category depending on the criterion adopted. Details of the criterion that was used to select interviewees under each category and how they were contacted are summarised below.

**EIA Consultants:** There are 21 registered EIA consultants in the Maldives. These consultants vary in terms of their areas of expertise, thus this criterion was used in selecting consultants for this study. In terms of expertise, these consultants specialise in marine biology, planning, water and sanitation, and environmental science and management. Thus the sample included individuals from each of these four areas.

**Proponents:** The criterion that was used to select proponents was based on the project type. As highlighted before with respect to documents, the main types of projects that require EIA in the Maldives include coastal developments, water and sanitation, housing, tourism, airport development, and fisheries (Environmental Protection Agency, 2010). Proponents corresponding to each of these categories were approached for the interviews, but efforts to interview an airport development proponent were not fruitful. Hence, the final sample size was five. As the contact details of the proponents are available in the EIA reports, this information was utilised to contact the proponents. The EIA reports, as highlighted before, are available from the website of the Maldives EPA.

**Regulatory Agency:** The regulatory agency, the Maldives EPA, has staff working at different levels. In this regard, the views of top policy formulators and on-the-ground implementers may differ. Thus this criterion was used to select participants to interview from the regulatory agency. In this respect, two top level policy formulation staff and two on-the-ground implementers were interviewed under this category. Prior consent was attained from the EPA to interview the

employees, before making personal contact through e-mail with potential participants.

**Community groups:** Community groups such as NGOs and a local council representative were interviewed. To increase the heterogeneity, four types of NGOs were interviewed: a leading environmental NGO; an island-level community development NGO that has environmental protection and preservation in its mission statement; a community development NGO; and, a women's development NGO. For the latter two, the interview focus was on those who were consulted through the EIA process in order to ensure that they had familiarity with the EIA process. The contact information of the consulted individuals is available in the EIA reports and this information was utilised to contact representatives of the latter two NGO groups. The former two groups — environmental NGOs and community development NGOs with an environmental component — were considered to be familiar with the EIA process, and contact information for these NGOs was acquired from their websites. In addition to the NGO groups, as highlighted, a local councillor from one of the islands was selected for interview. In order to ensure familiarity, a councillor consulted through the EIA process was sought.

Non-identifiable, descriptive information regarding the interview participants is provided in Appendix 3.

### ***(c) Data Analysis Method***

Intentional analysis, an interpretive text analysis method, was employed for the analysis of the transcribed interviews. As the name suggests, intentional analysis aims to understand the intentions of the interviewee (Lacity & Janson, 1994). This method of analysis sits firmly within the interpretive paradigm, as it recognises

the contextual circumstance which influences the subjective interpretations of the researcher and the researched (Lacity & Janson, 1994). That is, it takes into account aspects that may influence the subjective realities of the researcher and the researched, including time, culture, and status or position. The four steps of intentional analysis identified by Lacity and Janson (1994) were followed for this research. These steps are described below.

**Step 1:** Identifying the “facts” or aspects agreed by all participants regarding the investigated issue.

**Step 2:** Determining the reasons for the different views ascribed by the participants.

**Step 3:** Identifying common themes.

**Step 4:** Extracting the “essence” from the text. This step involves the researcher drawing inferences which are based on the viewpoints presented by the participants.

As with the document analysis, this analysis was undertaken by taking into consideration the four aspects of best practice public participation identified in the conceptual framework (see Figure 1, Chapter 2), i.e., competence, fairness, willingness, and capacity. This analysis provided in-depth and complementary evidence to that identified through the document analysis.

Since this research project involved contact with humans, ethical considerations were of prime importance. In addition, steps needed to be undertaken to ensure the credibility and trustworthiness of the research. These aspects are covered in the next section of this chapter.

### **3.4 Ethics, Credibility, and Trustworthiness of the Research**

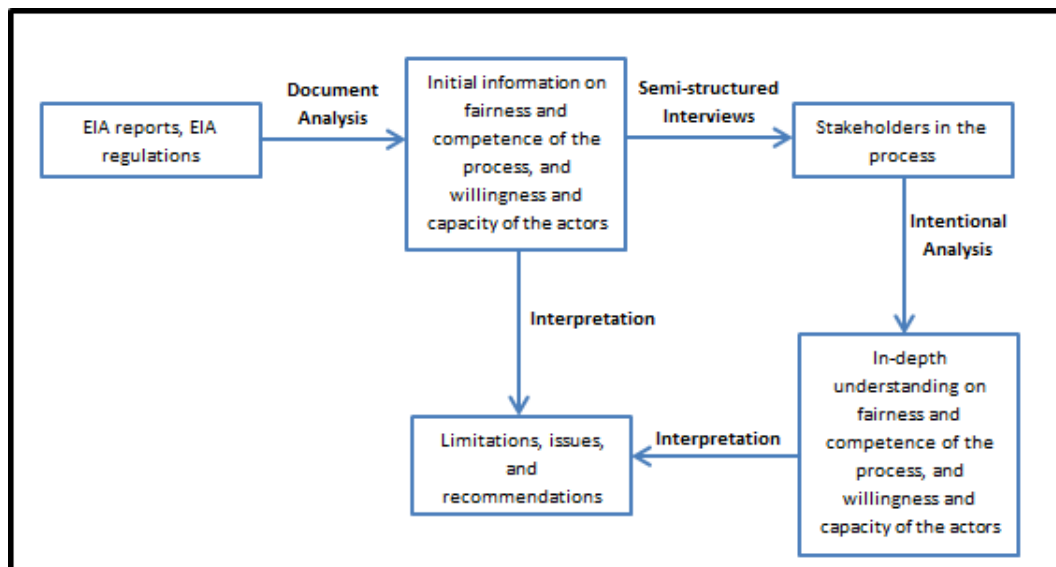
Ethical issues along with the credibility and trustworthiness of data are important aspects to contemplate when undertaking any qualitative research. This consideration is especially important in research that involves contact with humans. In this regard, some of the ethical issues that needed to be considered and the steps undertaken to ensure the credibility and trustworthiness of the collected data are described here.

Some of the good practice, ethical considerations that were observed throughout the research process include: ensuring that the interview participants gave informed consent; ensuring that the interviewees were not induced to participate through financial or other means; and, ensuring that the confidentiality of the participants was maintained by using codes rather than actual names in the research write-up (O'Leary, 2004).

The importance of ensuring trustworthiness and credibility of data in qualitative research has been described as equivalent to validity and reliability checks in quantitative analysis (Shento, 2004). In this regard, some good practices that were observed through this research to ensure the trustworthiness and credibility of the collected data include: data triangulation by use of multiple methods; member checks or participants checking the interview transcripts for accuracy; peer review; prior background research; and, proper research design (Shento, 2004).

### 3.5 Chapter Summary

This chapter described the methodology adopted for this research. The conceptual framework (see Figure 1, Chapter 2) was used to design a multimethod qualitative research study. An interpretive phenomenological paradigm was adopted because the research topic is subjective in nature, meaning that interpretations of the current participatory process in the Maldives EIA and the limitations of that process are not value-neutral. A multimethod design was adopted for the research with the initial document analysis undertaken being followed by analysis of key stakeholder interviews. This methodological triangulation ensures the credibility and trustworthiness of the proposed design. Since the research involves collection of primary data from human participants, attention was given to ethical considerations in the research design. The key steps of data collection and analysis involved in this research are summarised in Figure 2.



**Figure 2: Research design, key data collection and analysis steps**

Overall, this research gives new insights into the existing process of public participation in the Maldives EIA process, the limitations of the current process,

and recommendations for future improvement (Figure 2). A major strength of this research design is that it is based on the views expressed by the stakeholders involved in the process, in addition to analysis of the adopted procedure, thus, it is hoped, leading to recommendations that are practical. Before discussing the findings of the research, the next chapter will bring the study into perspective by looking into the deliberative democracy in the Maldives from a cultural and historical context. This chapter provides the reader with some insights regarding the context of the country, and hence aims to enhance the understanding of the research findings.

## **Chapter Four**

### **Research Context: Deliberative Democracy in the Maldives in its Historical, Cultural Context**

Prior to examining the findings of the research, it is important to look into the history and culture of the Maldives with regard to deliberative participation in government decision-making. This overview provides the context for the research and helps with understanding the reason for selecting the Maldives for this study. In addition to prior literature on the public participation in the Maldives EIA process being limited — as identified in Chapter 2 — the changing cultural and political context in the Maldives since the mid-twentieth century with regard to political freedom and public involvement in decision-making makes the Maldives an interesting case to study. In this respect, this chapter explores the history and culture of the Maldives with a focus on how public involvement in administrative and government decision-making has evolved from historical times.

Historical and archeological records suggest that people settled in the Maldives some 2000 years ago (Pijpe et al., 2013). The language of the country, Dhivehi, is influenced by Singhalese and to some extent Tamil and evidence suggests the people of the country originated both from India and Sri Lanka (Bell, 1881; Maloney, 1976; Pijpe et al., 2013). Amongst the early settlers, Buddhism was the predominant religion (Bell, 1881; Phadnis & Luithui, 1981; Pyrard, 1619). It was in 1153 that the Maldives embraced Islam, the conversion believed to be influenced by an Arab navigator who came across the islands (Phadnis & Luithui, 1981; Pyrard, 1619).



The Maldives has been influenced by the colonial powers that ruled the region. However, Portugal was the only colonial power to directly rule the country, doing so for 15 years in the sixteenth century (Maloney, 1976). Apart from this period, the Maldives was a protectorate of the Dutch in the seventeenth century and the British in the eighteenth and the nineteenth centuries, but they did not influence the internal administration of the country (Bell, 1881; Maloney, 1976; Phadnis & Luithui, 1981). However, the British did have a military presence in the country during World War II (Maloney, 1976; Phadnis & Luithui, 1981). The British left the Maldives in 1968 and since then the Maldives has been recognised as a fully independent state (Maloney, 1976; Phadnis & Luithui, 1981).

In terms of politics, governance, and administration, the country has a long history of rule by an absolute monarchy, with a king, *rasgefaanu*, who had absolute power and authority. In this system of autocratic rule, the *rasgefaanu* had the power to override any decisions and all decisions required the approval of the *rasgefaanu*. Apart from the *rasgefaanu*, the second most powerful person in the state was recognised to be the chief justice, *fandiyaaru* (Bell, 1881; Pyrdard, 1619). In addition, each atoll had junior judges called *naibs* assigned by the *rasgefaanu* who enforced the law at the island-level in each atoll (Bell, 1881). Moreover, from an administrative point of view, each atoll had an atoll chief, *atholhu verin*, whose principal task was to collect revenue for the *rasgefaanu* from each island (Bell, 1881). The *atholhu verin* were assisted by island chiefs, *katheeb*s, in each island (Bell, 1881). Furthermore, the imams of the mosque, referred to as *mudhims*, were seen as very influential individuals in each island (Maloney, 1976; Naifaree, 1955). Together, these individuals, who were exclusively men, wielded significant power and authority at the level of each island and important decisions were always made under the influence of these individuals (Maloney, 1976;

Naifaree, 1955). It has been highlighted that often in many islands, the *katheeb*s and the *mudhims* fought for supremacy (Naifaree, 1955). Thus, historically the country was characterised by an oligarchic system of rule where a few individual men of status controlled the decision-making power, and thus the country was governed in a way which was very different from a deliberative democratic system of governance. In an oligarchic system, citizen participation in decision-making is nonexistent.

In addition, a caste system was observed historically in the country (Bell, 1881). In this respect, four distinct classes could be identified (Bell, 1881). The first and the highest rank was that of the royal family, followed by people within the family lineages of former kings, followed by government officers holding high positions, with the lowest class being the common citizens (Bell, 1881). Nobility was passed down the maternal lineage (Bell, 1881). The caste distinction was so significant that individuals were named with a caste identifier (Bell, 1881). Moreover, the people of the lower and upper classes never mingled and the elites took precedence in all aspects of daily life (Bell, 1881; Pyard, 1619). Some of the rules observed included the commoners not being allowed to sit in the presence of elites, not being allowed to dress like the elites, and not being allowed to overtake the elites on the road (Bell, 1881; Pyard, 1619). In such a social system the voices of the common people, who were the vast majority of the population, were never heard. The views of the citizens were considered insignificant and hence deliberation and consultation with the general public were politically and socially alien concepts.

The monarchy in the Maldives lasted until 1953 when the first republic was formed (Phadnis & Luithui, 1981). However, this lasted for only a year and

political tensions led the country to revert to a monarchy in 1954 (Phadnis & Luithui, 1981). In 1968, a second attempt was made to form a republic, and it has survived 'til today (Phadnis & Luithui, 1981). However, the governance practised was still mostly autocratic in nature. In this regard, the president, like the *rasgefaanu*, held unprecedented power over the executive, judiciary, and legislative branches of the government (Henderson, 2008). Elections were held every 5 years, but these were mostly a 'yes or no' popularity contest for the presiding president (Maloney, 1976). Two presidents served under this system. The first presidency lasted for 21 years (Phadnis & Luithui, 1981) and the second for 30 years (Niyaz & Storey, 2011).

Under the second republic, at the atoll- and island-level, the *atolhu verin* and the *katheeb*s appointed by the president held most of the power (Government of Maldives and United Nations Development Programme, 2005). Even after the second republic, the complete lack of involvement of women in positions of decision-making and authority is notable. In this respect, all the *atholhu verin* and *katheeb*s were men (Ministry of Planning and National Development, 2007). Despite this lack of involvement in decision-making, the Maldives is one of the better countries in South Asia in terms of gender equity (Asian Development Bank, 2007). This is especially apparent in the education and literacy statistics, with a higher rate of literacy observed for women than men since as far back as the 1960s (Ministry of Planning and National Development, 2006). In addition, from an economic perspective, the Maldives has a rich history of both men and women being involved in economic activities. For example, statistics from 1978 suggest that the economic activity participation rate of women was very high, at 60% (Asian Development Bank, 2007). Nevertheless, the society was patriarchal with women undertaking all the household chores and the public sphere and

decision-making avenues being entirely comprised of men. Moreover, traditionally most of the economic activities like fish drying that the women undertook were within the household, while most of the men went out to fish (Fulu, 2007). Modernity had a negative effect on employment of women, as small household industries like fish processing were replaced by factories and the women's contribution to the household income was lost, making men the exclusive breadwinners in most families (Fulu, 2007). Thus, by 1995, the women's economic activity participation rate was at a very low 28.1%, widening the gender gap (Ministry of Planning and National Development, 2006). Hence, even after the second republic, all the government decisions were made by men in power and there is a history of excluding women from positions of authority. Moreover, modernity also had a negative effect in terms of women's roles in the society.

However, changes started to occur in the 1990s with women's development committees for each island being established in 1992 and island and atoll development committees being established in 1999 (Government of Maldives and United Nations Development Programme, 2005). These committees consist primarily of elected members from the community and are seen as the voice of the community (Government of Maldives and United Nations Development Programme, 2005). It is required that at least 25% of the atoll and island development committees are comprised of women, thus beginning to address gender equity issues (Government of Maldives and United Nations Development Programme, 2005). The *katheeb*s and the *atholhu verin* chair the island and atoll development committees respectively (Government of Maldives and United Nations Development Programme, 2005). Consultations were often held with these committees with regard to any development projects undertaken at the atoll

and island level (Government of Maldives and United Nations Development Programme, 2005). These consultations can be seen as the first signs of public participation in government decision-making in the Maldives and the first step towards a more deliberative democratic form of governance. Scholarship suggests that autocratic states in transition often resort to such deliberations to maintain state legitimacy (Dryzek & Niemeyer, 2010; He & Warren, 2011). At the same time, since the second republic, the caste system that existed in the Maldives has gradually eroded and it is no longer apparent today (Masters, 2009). Moreover, with increased female participation in the service industry, women's economic participation rate had increased to 52% by 2006 (Asian Development Bank, 2007; Ministry of Planning and National Development, 2006). This factor has also led to increased involvement of women in positions of authority; for example, 25% of women working in the education sector are involved in senior decision-making positions (United Nations Population Fund, 2011).

Further democratisation occurred in 2008 with the ratification of the new Constitution of the Maldives (Henderson, 2008). The executive, judicial, and legislative branches of the government were separated and the absolute power of the president reduced (Henderson, 2008). A multiparty political system was introduced (Henderson, 2008). The presidential term was restricted to a maximum of 10 years, with elections held every 5 years. A decentralised local government system was established with elected councillors holding key posts at atoll and island level (Commonwealth Local Government Forum, 2011). The first democratic presidential election under the new Constitution was held in late 2008 (Niyaz & Storey, 2011). From having no involvement in politics at all, women's role in politics has also increased over time. In this respect, the first elections held under the new constitution resulted in 57 out of 1091 councillors being women

and 5 out of 77 Members of Parliament being women (United Nations Population Fund, 2011). Moreover, in terms of literacy, recent statistics suggest that the Maldives boasts a very high 98% literacy rate both for men and women (Ministry of Planning and National Development, 2006). However, these positive changes have followed a period of political instability in the country and three presidents have taken office since the new Constitution. This is typical of instability observed in other parts of the globe following a newfound political freedom and, in fact, is similar to the instability observed in the Maldives following the change from a monarchy to a republic in 1953 (Maloney, 1976).

Thus, historically and culturally, the Maldives has had a long history of excluding common citizens from decision-making and all decisions were made by elites in the community. These elites were exclusively men in positions of power. This inequity was exacerbated by a caste system that was practised in the country. Since the 1990s, democratic reform has progressed in the country and the public are increasingly involved in the decision-making process. Regulations such as Environmental Impact Assessment, for which democratic participation is a key concept, were formulated during this time. This study, therefore, is undertaken against a background of a changing cultural and political context. Evidence presented in this chapter suggests that in the Maldives there is increasing involvement of the public in government decision-making and increased political freedom. This changing political and cultural landscape, together with the fact that the Maldives has a very vulnerable environment as highlighted in Chapter 1, provides an important context within which to study public participation in the Maldives EIA process. Hence, it will be worthwhile to see whether the political and cultural transformation occurring in the country has filtered through to the policy level and whether deliberative democratic ideals to promote environmental

protection and sustainable development are practised under the recently revised EIA regulations. The discussion of the results of the analyses undertaken are presented in the chapters that follow.

## **Chapter Five**

### **Legal Requirements for Participation: Fairness and Competence of the Regulations**

#### **5.1 Introduction**

This chapter explores the results of the analysis on the legal guidelines for EIA in the Maldives, specifically the procedural aspects of fairness and competence. The analysis focuses on the EIA regulations of 2007 and 2012<sup>2</sup>. In terms of participatory requirements, not much difference was observed between the two regulations; hence, the results are discussed generally for both regulations unless otherwise stated. Where reference is made to specific articles of the regulations, it is done to highlight the currently active EIA Regulations 2012. Even though this chapter is predominantly based on document analysis of the regulations, where appropriate, the findings will be complemented by the results of the analysis of the interviews. This chapter first looks at the stages or phases of the EIA process through which public participation is required in the Maldives EIA process and that section is followed by the analysis of the fairness and competence of the participatory requirements through the regulations.

#### **5.2 Participatory Requirements under Maldives EIA Process**

The EIA process in general consists of six stages or phases: a screening phase; a scoping phase; a report preparation phase; a review phase; an appeal phase; and, a monitoring phase (Petts, 1999b; United Nations Environment Programme, 2007). Public participation can take place in any of these phases and there are different

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<sup>2</sup> As stated in Chapter 3, EIA guidelines 1994 and EIA guidelines 2004 were not available from EPA, hence the 2007 and 2012 regulations only were analysed.



aims for or advantages of involving the public in each phase. However, in practice, it is recognised that in the EIA process of most countries public participation in general takes place during the scoping phase and the review phase (United Nations Environment Programme, 2007). Given below are descriptions of the aim of participation under each phase of the EIA process and description of the degree of participation required under the EIA regulations of the Maldives for each phase.

1. **Screening:** Screening is the step where it is determined whether an EIA is required or not (United Nations Environment Programme, 2007). This step is applied only to projects that are not listed under the regulations as requiring EIAs. Public involvement during this phase can help to identify significant issues that experts of the regulatory agency may not be aware of regarding the proposal and hence help in determining whether an EIA is required or not (United Nations Environment Programme, 2007). In terms of public participation, under the regulations there is no requirement to attain public input during the screening phase in the Maldives; hence, the decision is left entirely to the regulatory agency at this stage.
2. **Scoping:** For projects that require EIA under the regulations and for those that require EIA after screening scoping is the next step. Scoping is the process that determines areas to focus in the EIA, by identifying key issues that need to be addressed through the assessment (Wood, 1995). Usually the Terms of Reference (ToR) are produced at the end of the scoping meeting, and these highlight the requirements of the EIA study (United Nations Environment Programme, 2007). These requirements include such aspects as: studies to be undertaken; impacts to be examined; alternatives

to be considered; requirements for mitigation; and, monitoring and provisions for additional public participation (Petts, 1999b; United Nations Environment Programme, 2007). In most EIA systems, the public is involved during the scoping phase so as to ensure that important impacts, mitigation measures, and alternatives to examine are not overlooked in finalising the ToR (Petts, 1999b; United Nations Environment Programme, 2007). However, under the EIA regulations of the Maldives there is no requirement for public participation at this stage. Under article 11 (shaviyani<sup>3</sup>) of the regulations, scoping only requires meeting between the proponent or his/her representative, the regulatory agency and other relevant authorities invited by the regulatory agency (EIA Regulations, 2012). As per article 11 (Raa<sup>4</sup>), the proponent and the regulatory agency must agree on the ToR for the EIA (EIA Regulations, 2012). Thus, no opportunity exists in the Maldives for the affected public to contribute to the scoping process.

3. **Report Preparation Phase:** Following scoping, the ensuing phase is to prepare the EIA report in accordance with the approved ToR. Public participation during this phase can help to identify impacts and mitigation measures, best practicable alternatives, and local values and preferences (United Nations Environment Programme, 2007). These objectives are very similar to those identified above for scoping, and Petts (1999b) suggests that for this reason, in most jurisdictions, public involvement during the report preparation phase is not a legal requirement. However, in the Maldives, where there is no public involvement during scoping, EIA

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<sup>3</sup> Shaviyani (ސ) is the second letter of the alphabet of the Maldivian language, Dhivehi.

<sup>4</sup> Raa (ރ) is the fourth letter of the alphabet of the Maldivian language, Dhivehi.

regulations specify that public participation is required during the report preparation phase. In this sense, schedule (Baa-1<sup>5</sup>) of the regulations highlights that the EIA reports shall provide the following details regarding public participation in this phase: list of persons involved; the time and location of the meeting; methodology adopted; and, the main outcomes (EIA Regulations, 2012).

4. **Review Phase:** The review phase provides the final opportunity for the public to comment on the project and raise their concerns prior to decision-making. Participation during the review stage is a must in the EIA process of almost all countries (Wood, 1995). As for the Maldives, upon receipt of each EIA report it is required under article 13 (Raa) of the regulations to make each report available for public comment for 10 working days (EIA Regulations, 2012). Furthermore, it is required under article 13 (Noonu<sup>6</sup>) of the regulations to provide written notice of availability of EIA reports for commenting to the relevant authorities (EIA Regulations, 2012). Moreover, according to article 13 (Kaafu<sup>7</sup>), for complex and/or controversial projects, public hearings are required to be arranged by the proponent at a location or locations specified by the regulatory agency (EIA Regulations, 2012). However, what is meant by complex or controversial is not defined under the regulations.
5. **Appeal Phase:** Once the decision is made by the regulatory agency, it is common practice to define an appeal period within which the public could appeal the decision (Petts, 1999b). Opportunity may be provided to appeal

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<sup>5</sup> Baa (ބ) is the fifth letter of the alphabet of the Maldivian language, Dhivehi.

<sup>6</sup> Noonu (ނ) is the third letter of the alphabet of the Maldivian language, Dhivehi.

<sup>7</sup> Kaafu (ކ) is the seventh letter of the alphabet of the Maldivian language, Dhivehi.

the decision through the environmental court or through an appeals board (Petts, 1999b). In the Maldives, under article 15 of the regulations, the right to appeal is given only to the proponent and the appeal decision is made by the environment Minister (EIA Regulations, 2012). Thus, concerned members of the public do not have any means through which to make their case and appeal an unsatisfactory decision. Moreover, giving the exclusive power to reverse a decision through the appeal process to the Minister increases the chances for decisions made through the EIA process to be influenced by political motivations.

**6. Monitoring Phase:** Monitoring refers to the follow-up phase after implementation of the project; it helps to identify actual impacts of the project, determine compliance with the approval conditions, and can help to address unforeseen issues (Petts, 1999b). Monitoring can help to improve future EIA decisions by improving the existing environmental knowledge (Petts, 1999b). Public input during the monitoring phase can help to identify unforeseen issues and impacts that arise during project implementation and thus can help to address such issues as the project progresses (United Nations Environment Programme, 2007). Moreover, public deliberation in this phase can lead to learning from experience, as observations are made regarding the consequences of various decisions (Fung, 2003). In addition, involvement of the affected public in this phase can help to identify and notify the regulatory agency promptly if there are any deviations in project implementation from the approved decision statement. Thus, this phase ensures the accountability of the proponents. There are no requirements under the EIA regulations of the Maldives for the public to be involved in the monitoring phase of the EIA.

Thus, in the EIA system of the Maldives, the public is involved during only two phases, i.e., during report preparation and reviewing of EIA reports. Here the opportunity for discussion and deliberation exists mostly during the report preparation phase, as public hearings are only required in the review phase of EIA for complex and controversial projects. There is no definition for complex and controversial projects under the regulations, and records suggest that only two such review phase public hearings have been undertaken since the first EIA Regulations came into force in 2007. These hearings were undertaken in 2011 for a waste management project and in 2014 for a resort development project (Environmental Protection Agency, 2011; Moosa, 2014).

Next, it is important to investigate the procedural fairness and competence aspects of the participatory requirements under the regulations.

### **5.3 Fairness of the Regulatory Process**

As discussed in Chapter 2, fairness refers to the notion that equal opportunity should exist for all affected individuals or groups to express views and contribute to the development of the argument (Palerm, 2000; Petts, 1999b; Webler, 1995). As identified earlier in the chapter, the opportunity for the public to participate is provided in only two phases of the EIA process in the Maldives, namely, the EIA report preparation phase and the EIA report review phase. Doelle and Sinclair (2006) identify that the early and continued involvement of the public is essential to ensure an effective and fair process. Thus, from a fairness perspective, the EIA regulations of the Maldives do not meet this basic requirement, as opportunity is not provided to the affected public to contribute to all the phases of the EIA process.

Applying the evaluation criteria set out under Appendix 1 to the Maldives EIA process, it was found that requirements to ensure fairness of the process were not sufficiently defined under the regulations (Table1). From a fairness perspective, prior notification is important as it provides an opportunity for individuals and groups to identify themselves as being affected and express their interest in participating (Palerm, 2000). It is equally important that notification is given through a means which reaches the entirety of the affected community and that notification is given early enough for potentially affected individuals to identify their interest and prepare for the process (Palerm, 2000; Smith & Wansem, 1995; Stewart & Sinclair, 2007). Notification can be given through multiple methods, such as through the official gazette, mass media, flyers, public notices, and postings (Angela, Arnold, Arend, & Thomas, 2012; Palerm, 2000). In the Maldives EIA process as highlighted in Table 1, there are no requirements under the regulations to notify the affected public either during the report preparation phase or during the review phase and this lack of requirement applies both to participatory meetings and for EIA reports made available for comment through the website of the EPA during the review stage. As highlighted in the section above, the only notification that is legally required under the regulations is that for the relevant authorities during the review stage of EIA regarding the availability of reports for commenting (EIA Regulations 2007; EIA Regulations, 2012). Thus, whether to notify or not prior to participatory meetings is left to the organisers of the meetings, i.e., the EIA consultant for the report preparation phase and the EPA for the review phase.

At the same time, as highlighted, under article 7 (Raa) and Schedule (Lhaviyani<sup>8</sup>) of the regulations, the EIA reports are also only required to be published in the website of the EPA for public commenting (EIA Regulations, 2012), with no requirement to notify this availability. With no notification, it is likely that the 10 working days' public commenting period defined under the regulations is likely to pass without public knowledge of the availability of this opportunity in the first place. Furthermore, statistics from 2012 suggest that the Internet was accessed by only 39% of the population (Freedomhouse, 2013). Thus, the need for Internet access means that the vast majority of the public are excluded from the review phase. The issue of the lack of easy public access to the reports was highlighted by almost all the interview respondents. In this respect, a respondent from the EPA stated:

One practice under the regulations to involve the public is to publish the EIA reports on the [EPA's] website. But that only provides access to only a small fraction of the general public. Hence, we need to devise a mechanism that ensures wider public access to reports.... (EPA3.POL.M, personal communication, May 6, 2014)

Two respondents from the community stakeholder group provided support for this point by suggesting that the need to have Internet access means that only the younger people have access to the reports:

Even if it [the report] is uploaded to the website, people might not know; everyone in the Maldives does not use the Internet; the percentage of those who use the Internet is not that high in the Maldives. Even though it is common amongst the youth, middle-aged people will not be very familiar and people over 35 years

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<sup>8</sup> Lhaviyani (ލ) is the sixth letter of the alphabet of the Maldivian Language, Dhivehi.

usually do not use the Internet.... (COM3.COMENV-NGO.M, personal communication, May 25, 2014)

It is very difficult for us to check via the Internet; especially for the elderly it will be more difficult; some youth may be able to check via the Internet. (COM2.COM-NGO.M, personal communication, May 21, 2014)

The council respondent who was interviewed in the community stakeholder group accentuated this difficulty for island communities by suggesting that the Internet is too slow to even perform administrative tasks of the council efficiently:

Internet access is very difficult for the council as well; we can just barely complete office administrative tasks. It is very difficult; the Internet is very slow; sometimes we even have to take the modem outside [of the office to get access], so it is very difficult to undertake activities via the Internet. (COM5.COUNS.M, personal communication, May 21, 2014)

Attaining public feedback through the Internet and other technological means may be ideal and best for countries of the developed north. However, as this evidence from the Maldives indicates, such practices rarely lead to meaningful outcomes in less developed parts of the globe. Hence, several authors, for example Smith and Wansem (1995) and Lee and George (2000), have flagged the importance of taking into account the social, cultural, political, and economic context of the country before embracing generic EIA practices of the developed world.

As identified by Webler (1995), involvement of the affected public in finalising the agenda for the meeting and in determining the rules of facilitation is an important fairness criteria. The public input during agenda setting will ensure that all participants have equal opportunity to suggest topics for debate, thus ensuring all their concerns are discussed (Webler, 1995). Moreover, preagreeing on rules of



facilitation ensures that each participant is comfortable to participate in the deliberation (Webler, 1995). The EIA regulations of the Maldives do not have any detailed requirements with respect to any of these aspects (Table 1). Hence, they are left open to being defined by the organisers of the participatory meetings.

Some participants in meetings will naturally be more silent. Hence, to ensure a fair process where equal opportunity to express and deliberate exists for all participants, it is essential to actively seek the views of reticent participants (Steinhauer & Dutch Centre for Public Participation, 2012). There is no regulatory guidance in the Maldives EIA process for meeting moderators, be it EIA consultants during report preparation phase or the representatives of the EPA during the review phase, to acquire views of silent participants (Table 1).

Easy access for the participants in terms of time and location is equally important to ensure a fair process. Depending on the time and location of meetings, certain affected groups and individuals may be excluded (Nadeem & Fischer, 2011; Palerm, 2000). Hence, it is important to hold the meetings at a time that ensures maximum participation, ideally outside the official working hours and at a location that could easily be reached by all affected individuals (Nadeem & Fischer, 2011). However, the EIA regulations of the Maldives do not define any requirements that need to be adopted in terms of the location and time of the participatory meetings (Table 1).

Ensuring two-way communication is another key aspect of a fair participatory process. In this respect, if there is only a one-way flow of information, the opportunity to challenge or defend claims does not exist, thus not providing equal or fair opportunity to build arguments (Webler, 1995). Moreover, as elaborated in Chapter 2, deliberative democracy promotes a partnership level of participation

where participants agree on the outcomes. Hence, a two-way communication process is essential to ensure such consensual decision-making (Glucker et al., 2013; Stærdahl et al., 2004). As can be seen in Table 1, the EIA regulations of the Maldives do not specifically address this aspect. In this regard, the regulations, both for the report preparation phase under schedule (Baa-1) and for the review phase under article 13 (kaafu), refer to acquiring public views only, with no requirements to address concerns through deliberation (EIA Regulations, 2012). Thus, considering the Arnstein (1969) ladder of participation, the regulations promote only a consultative level of participation where there is only a one-way flow of information. Petts (1999b) identifies that most EIA systems worldwide facilitate a consultative level of participation and that there are very few examples where the partnership level of participation is practised.

In order to ensure a fair process, it is essential to ensure the involvement of marginal groups within the society (Nadeem & Fischer, 2011; Petts, 1999b). Specific effort needs to be made to invite and involve these groups, as scholarship suggests that self-selection alone often attracts only the influential, well-off members of a society (Fung, 2003; Goodin & Dryzek, 2006). As for the Maldives, as described in Chapter 4, traditionally women were excluded from positions of power with men making all the important decisions (Fulu, 2007; Ministry of Planning and National Development, 2007). The regulations do not make any specific reference to marginal groups (Table 1). Schedule (Baa-1) stipulates that:

The list of persons consulted needs to be provided in the EIA report. This list should include persons from government authorities, atoll and island council members, community groups, NGOs, local residents, local fishermen, tourism operators and any

other likely to be affected by the proposed development. (EIA Regulations, 2012)

The issue with such a list is that it risks excluding many important groups (Doelle & Sinclair, 2006). Thus, authors such as Doelle and Sinclair (2006) suggest that it is best not to provide such a listing. In the case of the list provided, it excludes some important women's groups such as island-level women's development committees. Moreover, it is noticeable that the list highlights mostly male-based employment sectors like tourism and fishing as important groups, while ignoring mostly female-based employment sectors in the country like agriculture, health, and education (Ministry of Environment and Energy, 2012) and in so doing suggests a gender bias in this listing.

Hence, overall from a fairness perspective, as can be seen from Table 1, this analysis of the regulatory requirements suggests that they do not meet any of the fairness criteria applied. In this regard, as highlighted, there is no requisite for prior notification, no guidance to involve participants in agenda setting or in defining rules of facilitation, no provisions to acquire views of silent participants, and no requirements to ensure that meetings are held at a location and at a time most suitable for the affected public. The regulations promote a one-way flow of information and there are no requirements under the regulations to ensure participation of marginal groups in deliberation.

This chapter next examines the competence aspects of the regulatory process.

**Table 1: Summary results of the analysis for fairness requirements of the regulations**

Fairness Aspect	EIA Regulations 2007 and 2012	
	Report Preparation Phase	Review Phase
Notification	No	No
Involvement in agenda setting and defining rules of facilitation or moderation	No	No
Actively seeking out views of silent participants	No	No
Accessibility through time and location	No	No
Promotion of two-way communication	No	No
Special consideration of marginal views	No	No

## 5.4 Competence of the Regulatory Process

As described in Chapter 2, competence refers to the notion that participatory procedures should ensure that all participants acquire the knowledge and tools required to make the best possible decision (Palerm, 2000; Webler, 1995). Applying the evaluation criteria (Appendix 1) found that most of the competence requirements were also not met through the regulatory provisions (Table 2). However, unlike fairness, some positive aspects were identified through the analysis (Table 2).

From a competence point of view, first it is important to provide prior information to the affected public before conducting any participatory exercise (Palerm, 2000). This provision can include both project-related information and process-related information, such as project description, potential impacts, and the outcomes aimed at through the participatory process (Palerm, 2000). This information will ensure that prior to participation all participants have full knowledge of the project

and have a realistic expectation of what can be achieved through the participatory process. In terms of the Maldives EIA process, there is no regulatory requirement to provide prior information in the report preparation phase prior to public participation (Table 2). Thus, to provide this information or not is left to the judgement of the consultants who undertake public participation in this phase. In the review phase, as identified in the section above, under the regulations each EIA report is required to be made available for commenting through the website of the Maldives EPA (EIA Regulations, 2007; EIA Regulations, 2012). Hence, project information is available to the public during this phase (Table 2). However, as highlighted under the analysis for the fairness criteria, this information is available only to those who have access to the Internet and, since there is no requirement for notification under the regulations, the affected public are unlikely to be aware of the availability of this information and thus, from a public participation perspective, the information becomes ineffective.

A legitimate criticism of EIA systems worldwide has been the unfair bias in terms of the information available to the proponents of the projects when compared to that for the participating public (Petts, 1999b; Wood, 1995). This bias arises as proponents attain expert knowledge through the consultants, while the public are left to their own devices when challenging any claims or raising any concerns. In most cases, the affected public cannot afford to hire experts to attain independent knowledge (Wood, 1995). To address this gap in resources, in Canada, for example, funding is provided to the public to acquire independent expert knowledge, and experience suggests that this knowledge leads to more substantive discussions during the participatory process (Wood, 1995). There are no provisions under the EIA regulations of the Maldives to provide any such funding (Table 2). This omission is understandable, as for a resource-poor country like the

Maldives, such a funding scheme is not realistic. However, other innovative means could be adopted to address this gap. For example, it can be made a licensing criterion for the consultants to provide unconditional independent expertise, thereby providing the opportunity for the affected public to seek expert knowledge from consultants other than those hired by the proponent for any particular project of concern. Another option is for the EPA to provide this knowledge to the public. However, such a move is likely to raise questions regarding biases in decision-making, considering that the EPA is the decision-making body. Even if financial support is not available to ensure access to independent expert knowledge, it is essential that sufficient time is given for the affected public to acquire such knowledge. There are no requirements under the EIA regulations of the Maldives to inform the public and provide sufficient time to prepare for participatory meetings either during the report preparation phase or the review phase (Table 2). However, during the review stage, a 10 working day period is provided for the public to comment on the EIA reports under article 13 (Raa) of the EIA regulations (Table 2) (EIA Regulations, 2012). Whether this is sufficient time is another matter. Examples from other countries suggest that longer time frames are usually given for public commenting and scrutiny, such as 20 working days in New Zealand (Ministry for the Environment, 1999) and 45 days under the National Environmental Policy Act (NEPA) in the United States (Wood, 1995). The results of the analysis of interviews suggest that at least a month is required to study an EIA report, thus indicating that the 10 working day period is insufficient. In this respect, the leader of a prominent environmental NGO stated:

We can't do it within that time period; the period is too short [10 working days]. We currently only check and criticise sensitive

projects... time is required; at least we require about a month.  
(COM1.ENV-NGO.M, personal communication, May 13, 2014)

As highlighted in Chapter 2, one of the most important features of deliberative democratic participatory practice is the need to validate any claims, arguments, and information (Baber & Bartlett, 2005). As for the EIA process, independent peer review of the information provided in the EIA report provides such an opportunity to check the validity (Palerm, 2000). As highlighted in Table 2, this practice is followed in the EIA process of the Maldives. In this regard, article 13 (Shaviyani) of the EIA regulations stipulates:

On determination that the EIA report is accepted, the regulatory agency will assign a minimum of two competent and qualified reviewers. The reviewers will be selected based on the criteria identified in Schedule (Alif<sup>9</sup>) of the regulations.... (EIA Regulations, 2012)

The criteria identified in Schedule (Alif<sup>9</sup>) suggest that the independent expert needs to meet some conditions. These conditions, as per Schedule (Alif), include: not being involved in the preparation of the particular EIA report; having a bachelor's degree in an area related to environmental management; and, having 5 years' working experience in a field related to environment management (EIA Regulations, 2012). As per the regulations, the identities of the independent reviewers are required to be kept confidential (EIA Regulations, 2007; EIA Regulations, 2012). Although confidentiality is given to prevent any potential discrimination against the expert and to prevent potential corruption, this anonymity reduces the transparency of the process and provides opportunities for misuse. Under the current system, there is no guarantee that the decision released by the EPA is based on the outcomes of the independent review. Ideally, each

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<sup>9</sup> Alif (ا) is the eighth letter of the alphabet of the Maldivian language, Dhivehi.

expert should be able to defend any position based on facts and this information needs to be available to the affected public, the proponent, and the consultants in order to instil trust in the process and to ensure the accountability of the reviewer. In other EIA systems where experts are involved, it is common practice to disclose all the information. For example, in the Netherlands, each EIA report is reviewed by an expert commission and the full details of the composition of the commission and their findings are disclosed (Wood, 1995). Some respondents of the EPA shared this perspective and felt that it is important to make the existing review process more transparent. In this regard, it was stressed:

I believe that the way it is now the reviewer fails to take responsibility for his/her review; in a way, through the current system, it might be difficult for project proponents to influence the review, but the question is does the review decision depend on the reviewer's review. If you look at the decisions EPA has taken in the past 3 years, you will find the reviewer's review is not considered when the decision needs to be made in a particular way. Since things are like this. I don't see the point of keeping reviewers confidential in fear of influencing the review decision. I think if it is transparent and people know who reviewed which report the reviewer will be accountable too. (EPA2.IMP.M, personal communication, May 13, 2014)

I think the review will improve [if reviewers are made transparent], because then they [the reviewers] will check more thoroughly; if they have to take responsibility for their review, they will review better. (EPA3.POL.M, personal communication, May 6, 2014)

A consultant agreed with this perspective, identifying the importance of postreview communication between the reviewer and consultant; referring to this, it was emphasised:



If I am the reviewer, I am saying as a consultant, if I am the reviewer, one of the things that I would want most is to share my review findings with the consultant who prepared the EIA report...as there might be some issues that the consultants fail to identify that the independent reviewers may find important; that is actually the purpose of the review also.... (CONS4.WATSAN.M, personal communication, May 7, 2014)

Other consultants suggested that there is a lack of confidence in the process, as they felt that the reports were not reviewed by qualified persons:

My concern is, what I have always said is that, EIA regulation stipulates that an EIA consultant needs to have a certain amount of experience, but if the reviewers do not have any experience in making EIAs, how can they give input? OK they can give input on some technical issues, but someone who does not know the process should not be allowed to review.... (CONS3.ENVMNGT.M, personal communication, May 14, 2014)

...I am certain that EIA is reviewed by those in the EPA. I am quite sure that they also get paid the MVR 500 allocated for this work and many of the reviewer comments I have noticed are trivial; sometime explaining certain terms, or questioning on some method, which does not mean much to the overall report.... (CONS2.MARBIO.M, personal communication, May 14, 2014)

A means through which such confidence issues can be resolved is by revealing the details of the reviewers. As previously flagged, potential corruption is the main reason that was highlighted for not supporting increased transparency of the review process. In this respect, a senior figure in the EPA expressed concern:

It is important that the reviewers remain anonymous or else what happens is that if the proponent knows who the reviewer is, there is a chance of potential bribery and corruption.... (EPA4.POL.M, personal communication, May 11, 2014)

There are some ways around this legitimate concern. One is to reveal the reviewer information only after the review outcome has been shared with the EPA. Then there will be no chance of corruption during the review process, but the disclosure will still ensure transparency, and hence confidence in the process is maintained. Another potential solution is to undertake the review process through a review panel as in the Netherlands (Wood, 1995), as the chances of bribery influencing decisions will be less when the decisions are taken by a group of experts. Moreover, one respondent from the EPA felt that if there are mechanisms in place to check and scrutinise the work of the reviewers, identity will not be an issue. Suggesting that it is synonymous to the way a court operates, he explained:

...just because one knows the judge who precedes a case, it does not necessarily affect the case, unless someone approaches the judge and the judge is bribed, that is why there needs to be mechanisms in place that scrutinise professional conduct [and identify corruption]... (EPA2.IMP.M, personal communication, May 13, 2014)

A potential reason why some senior representatives of the EPA were against revealing the reviewers and the reviewer's feedback directly may be because doing so would make it harder for decisions to be made the way the politicians want. Political influence in the EIA process is rife, as will be discussed in more detail in Chapter 8. Identifying this political influence within the EPA, a representative of a government proponent commented:

...in a meeting that I participated in that included representatives from the EPA and politicians, the politician said that this needs to be approved before this date and then the EPA representative said submit the report and then we will approve it. (PROP3.COAST.GOV.M, personal communication, May 5, 2014)

Therefore, rather than preventing corruption, the fear of not being able to control the decision the way the politicians want, in turn contributing to corruption, might be one reason why some of the respondents were against increasing transparency in the review process.

In addition to the review of the EIA report, in some jurisdictions, independent expert knowledge is also available during the participatory meetings and hearings, especially during the review phase (Nadeem & Fischer, 2011; Steinhauer & Dutch Centre for Public Participation, 2012). Experts can be utilised in deliberative forums to resolve conflicts and bring about consensus regarding different aspects discussed in participatory meetings (Baber & Bartlett, 2005). However, there are no requirements under the EIA regulations of the Maldives for such independent expert knowledge to be available during the participatory meetings undertaken during the report preparation phase or the review phase (Table 2). The only expert knowledge that is available during participatory meetings held during the report preparation stage is that of the consultant, who is hired by the proponent, and hence may potentially present a biased opinion.

Attainment and use of anecdotal local knowledge is another important aspect that needs to be considered to ensure an informed, competent decision is made through the process. Local knowledge can help to fill information gaps with respect to expert knowledge or provide support to expert opinions (Bawole, 2013; Glucker et al., 2013). Such knowledge, often accumulated over a long period of time, is an important source of information. No specific reference is made in the EIA regulations of the Maldives to acquiring local knowledge (Table 2). Site visits can also enhance the anecdotal knowledge of the participants regarding the local environment and hence can lead to better decisions through the participatory

process (Petts, 1999b). There are no requirements under the EIA regulations of the Maldives to undertake site visits as part of the public participation practice, during either the report preparation phase or the review phase (Table 2). However, in the scoping phase, which does not require the involvement of the affected public, it is identified in the EIA regulations that site visits may be undertaken. In this respect, article 11 (Noonu) of the regulations specifies that:

In the scoping meeting, the participants may determine that site visits are necessary. Where such site visits are deemed necessary, the proponent shall make all necessary arrangements at his/her own cost and expense. (EIA Regulations, 2012)

Thus, this opportunity is provided in the scoping phase which involves the proponent, EPA, and other relevant government authorities only. This opportunity can have advantages in finalising the ToR. Strangely, such requirements for site visits are not defined under the regulations for participatory processes during the report preparation phase or the review phase (Table 2), the two stages in the EIA process of the Maldives that involve the affected public.

Providing feedback information to the public regarding how the information they provided was interpreted and utilised is important to reduce misunderstanding, increase confidence in the process, and to help participants to reach consensus and compromise (Glasson et al., 2005; Palerm, 2000; Steinhauer & Dutch Centre for Public Participation, 2012). For example, the European EIA Directive requires such feedback to be provided (Petts, 1999b). This feedback needs to be given in the EIA reports and also in the decision statement issued following the review of the reports. As for the Maldives EIA process, with respect to information that needs to be provided in the EIA report, Schedule (Baa-1) of the regulations specifies:

The EIA report should include a summary of the outcomes of the consultation with the main concerns identified. (EIA Regulations, 2012)

This statement requires concerns to be identified but does not require any feedback to be given on the issues raised. Similarly, for the review stage, under article 13 (Raa) of the regulations, the opportunity is provided for the public to raise concerns through submitting comments on the published EIA reports only (EIA Regulations, 2012). However, there is no requirement under the regulations to provide feedback regarding such concerns through the final decision statement. Thus, the Maldives EIA regulations, at present, do not require feedback to be given about the issues raised by the public, both during the report preparation phase and the review phase (Table 2). In addition to providing feedback, the opportunity to challenge the final decision is an important final validity check which increases accountability and confidence in the process (Petts, 1999b). As highlighted earlier in this chapter, the appeal opportunity for the final decision is not provided to the public under the EIA regulations of the Maldives (Table 2).

The language used in communicating with the public is another aspect to consider when ensuring that the required understanding is achieved by the participants so that they can contribute effectively to the decision-making process (Nadeem & Fischer, 2011). This issue is especially important in countries where multiple languages are in operation and where projects affect communities speaking different languages. In such situations, it is essential that any information is provided in all the different languages used by the affected public (Nadeem & Fischer, 2011). When formulating questions for the document analysis (Appendix 1) and the interviews (Appendix 2), this was not considered as an essential criterion for analysis, as the Maldives is a homogenous society with the same

language and culture (Ministry of Planning and National Development, 2006). Almost all meetings, unless a foreign party is involved, are conducted in the local language, Dhivehi. Nonetheless, many documents in the Maldives are produced in English and the EIA reports were traditionally all in English. Although the majority of the public can understand English as the official education system is in the English medium (Ministry of Planning and National Development, 2006), the use of English can still lead to misunderstanding, as English is not the mother tongue and is not used in day-to-day communication. As can be seen from Table 2, this issue was addressed through the EIA Regulations 2012, where under Schedule (Baa-1) the nontechnical summary of all EIA reports is required to be written in the local, Dhivehi language. Moreover, the EIA Regulations 2012 is in Dhivehi, while the first EIA regulations, published in 2007, was in English. This aspect of addressing the language issue is the only positive change, in terms of facilitating public participation, that was observed in the EIA Regulations 2012 compared with the 2007 regulations (Table 2). Some respondents of the EPA identified this as a positive change, as one respondent pointed out:

I think it is a very positive change [having the executive summary in Dhivehi]; now reports are shared with the atoll council also; since it is in Dhivehi, it will be easier to read the report, at least the summary; I think most councils will check that summary...  
(EPA3.POL.M, personal communication, May 6, 2014)

Another respondent identified that this change might be one reason why, compared to before, the EPA now receives increased council and public complaints regarding EIA violations. The other potential reason, highlighted for this increased public participation, was sharing of reports with the atoll council to fulfil requirements under article 69 of the Act on Decentralisation of the

Administrative Divisions of the Maldives<sup>10</sup> (7/2010). In this regard, an EPA representative commented:

...what I am saying is that councils, either because it [executive summary] is in Dhivehi language or because the EIA report is now shared with the [atoll] council, they now identify issues [violations]; that is a good change...similarly issues [regulatory violations] have been raised by the local public. People can say that there is a regulatory violation only if they have seen the reports from somewhere and having read the report, so it is now there to a degree, but still not fully satisfactory.... (EPA2.IMP.M, personal communication, May 13, 2014)

Therefore, it is likely that these two changes had a net positive effect in terms of the public and the councils' reporting regulatory violations to the EPA. In terms of participatory meetings held under the regulations, both during the report preparation phase and the review phase, there is no specific requirement under the regulations to undertake the process in the local Dhivehi language (Table 2).

Thus, overall from a competence perspective, even though not fully satisfactory, some positive aspects were identified through this analysis of regulatory requirements. In this regard, for the review phase, the EIA report is available for public viewing even though accessibility needs to be improved; peer expert review, which needs to be made more transparent, is undertaken; opportunity in terms of time, even though not sufficient, is provided so that the local public can

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<sup>10</sup> Article 69 stipulates "If any party, be it government or private sector, undertakes a project that requires an Environmental Impact Assessment, the party should submit the EIA report to the atoll council of that administrative division. Moreover, the information regarding the potential impacts on the environment as a result of the proposed project and information regarding the mitigation measures that will be implemented to reduce the potential impacts should be shared with the atoll council of that administrative division."

obtain the views of independent experts; and, a nontechnical summary of each EIA report is available in the local Dhivehi language (Table 2). However, none of these issues was accounted for during the report preparation phase (Table 2). Moreover, important aspects to ensure that appropriate knowledge and hence competence is attained through the process such as use of local knowledge, site visits, providing feedback, and the opportunity to challenge the final decision were not provided under either the report preparation phase or the review phase of the Maldives EIA process (Table 2).

**Table 2: Summary results of the analysis for competence requirements of the regulations**

Competence Aspect	EIA Regulations 2007		EIA Regulations 2012	
	Report Preparation Phase	Review Phase	Report Preparation Phase	Review Phase
Provision of prior information	No	Yes	No	Yes
Financial support to attain independent expert knowledge	No	No	No	No
Providing time to consult other experts	No	Yes	No	Yes
Provision of peer review of the information presented	No	Yes	No	Yes
Use of local knowledge	No	No	No	No
Use of site visits to improve understanding	No	No	No	No
Providing feedback information	No	No	No	No
Opportunity to challenge final decision	No	No	No	No
Use of local language	No	No	No	Yes



## 5.5 Chapter Summary

This chapter examined the procedural requirements of the EIA regulations. Its analysis suggests that, even though opportunity exists in the Maldives EIA process for the public to participate during EIA the report preparation phase and review phase, in terms of regulatory requirements, many of the fairness and competence criteria to ensure a deliberative democratic process are not specified under the regulations. Especially from a fairness perspective, none of the investigated criteria is required under the regulations (Table 1). From a competence perspective, some positive aspects were identified in the review phase, such as provision of prior information, opportunity in terms of time to consult independent experts, peer review, and use of the local language. Nevertheless, the analysis shows that, overall, many aspects, especially with respect to participatory meetings, are left open to interpretation.

Prior research suggests that this lack of regulatory definition of the participatory procedure to follow is not unique to the Maldives. For example, a comparative analysis by Wood (1995) showed that this flexibility in terms of the exact procedure to adopt is common even for well-established EIA systems. Hence, it is important to look into the participatory process adopted at a practical level. Moreover, as identified in the conceptual framework (see Figure 1, Chapter 2), in order to ensure a deliberative democratic participatory procedure, it is important to consider the socioeconomic factors that influence the willingness and capacity of the actors involved in the process. These aspects are covered in the ensuing chapters.

## **Chapter Six**

### **Practical Adoption of Participatory Practice**

#### **6.1 Introduction**

This chapter examines the practical adoption of the participatory practices under the EIA process of the Maldives. As described in Chapter 5, the detailed procedure to follow from a fairness and competence point of view is not defined under the regulations (Table 1 and Table 2), thus leaving plenty of leeway in terms of the exact procedures to adopt. The focus of this chapter is on the participatory process adopted during the report preparation phase. This phase is chosen because not enough data are available to investigate the participatory process in the review stage. As highlighted in Chapter 5, at the time of writing only two public hearings at the review stage had been held in the Maldives.

This discussion is based on the results of the document analysis of the EIA reports and the intentional analysis of the interview transcripts. As identified in Chapter 3, evaluation of documents (Appendix 1) and semi-structured interviews (Appendix 2) were the data collection methods utilised in this study. Even though the document analysis investigated the differences between the reports prior to and after the implementation of EIA Regulations 2012, very little difference was observed in terms of the process adopted. Hence, the following discussion is common for all reports analysed. Since the regulations allow for flexibility in the participatory process, there were some minor differences between the procedures followed by individual consultants. Therefore, the following discussion is based on the majority views described through the interviews and the EIA reports. Nevertheless, for most consultants interviewed and most reports analysed, the

adopted process was very similar. In this respect, this chapter first gives a brief overview of the common participatory practice followed by consultants. Thereafter, the chapter presents a detailed discussion of the fairness and competence aspects of the participatory practice.

## **6.2 The Common Participatory Procedure**

As mentioned, despite some minor differences, the common practice, in terms of public participation via the EIA process, can be summarised as follows:

1. The consultant sends a letter of notification himself/herself or via the proponent to the council informing the council of the date and purpose of the visit. This letter is usually sent about 1 week prior to the field visit. The letter normally makes a request for a meeting to be arranged with the council.
2. A meeting is held in the council office with the council members and any other parties that the council deems important to involve. These may include NGOs, industry groups and/or representatives of government organisations.
3. The consultant introduces himself/herself, states the aim of the visit, and gives a description of the project to the participants.
4. The consultant asks the participants for their views on the proposed project and the forum is opened for discussion. In addition, the consultant collects some local environmental information from the participants.

5. The meeting is concluded once all the issues raised by the participants are discussed.

This is the general procedure that the majority of the consultants that were interviewed followed. Even from this brief description, it is evident that the process followed does not meet many of the fairness and competence criteria that are essential to ensure that the participatory process is undertaken in accordance with deliberative democratic ideals, the details of which are explored in the sections that follow.

### **6.3 Fairness of the Participatory Process**

Fairness, as described in previous chapters, requires that the participatory process should ensure that equal opportunity exists for the entirety of the affected public to participate (Palerm, 2000; Petts, 1999b; Webler, 1995). Even at the most basic level, the common process adopted does not meet this requirement, since, as described in the section above, the meeting is usually open only to councillors and a selected few. A week's notice, however, is given to the council prior to the field visit by the proponent or the consultant (Table 3). In this respect, some consultants commented:

Usually the proponent sends a letter... for example, if it is a project by the housing ministry, they will inform that a team of ours will go to the field on a particular day. Then the council will call even if we are late, so in that way coordination is good.  
(CONS4.WATSAN.M, personal communication, May 7, 2014)

We do notify them [council]; we do not just go and consult... sometimes we give about a week's notice; we give out contact

numbers and all and they will call. (CONS3.ENVMNGT.M, personal communication, May 14, 2014)

As identified before in the analysis of the regulations, notification by itself is not enough, as notification will ensure a fair process only if it is given through a means that reaches the entire affected public (Palerm, 2000; Stewart & Sinclair, 2007). Thus sending out invitations to a select few, as seems to be the general practice based on the findings, does not ensure a fair participatory process. Only 1 consultant of the 4 interviewed and 1 report of the 12 analysed indicated that open meetings were held for the general public. In such cases, notification regarding the meeting was announced through a loudspeaker to the entire island (CONS1.PLAN.M, personal communication, 8 May, 2014). Such methods are better and have a wider reach and, as identified by one community representative, have been practised in the Maldives since historical times (COM2.COM-NGO.M, personal communication, May 21, 2014).

Sufficiently timely notification is essential to ensure that people can free up time in their schedules for the meeting, prepare for the meeting, and hence give meaningful input (Palerm, 2000; Smith & Wansem, 1995; Stewart & Sinclair, 2007). As highlighted for the majority of the cases, the common practice was to give 1 week's prior notice to the council, and, in the rare instance where the meeting is open to the general public or where other selected groups like NGOs are involved, the notification is given even closer to the meeting. In this respect, a representative of a women's development NGO who participated in an EIA participatory exercise noted:

I was notified regarding the meeting just 2 hours prior to the meeting... I did not get any information regarding the meeting prior to that; someone called my husband and said that they wanted

to meet with the leaders of the NGOs of this island; that's why we went; the meeting was held all of a sudden....  
(COM4.WOMNGO.F, personal communication, May 29, 2014)

These findings suggest that even though notification is provided via the currently practised procedure (Table 3), it is neither sufficient nor in the majority of the cases leads to a fair process because notification and, thus the opportunity to participate, exists only for a selected few.

As emphasised in Chapter 5, involvement of the affected public in preagreeing on rules of moderation or facilitation and in agenda setting is an important fairness criterion to ensure that all participants are able to suggest topics for debate and contribute to the discussion (Webler, 1995). Of the 12 EIA reports analysed only three contained detailed minutes of the process followed. Hence, the following discussion is based on the process described in these reports and the interview responses. The results of the analysis suggest that the meetings were moderated by the consultants and opportunity was not provided to the participants to decide on the precepts of facilitation (Table 3). However, the analysis shows that the agenda was left open and flexible and all participants were provided with the opportunity to suggest topics and issues to discuss (Table 3). In this regard, a consultant suggested:

... I do not assign a particular time for consultation; I do conduct the meeting 'til participants have no additional input to make....  
(CONS2.MARBIO.M, personal communication, May 14, 2014)

In addition to this approach, actively seeking out the views of the silent participants can ensure that the meetings are not dominated by the views of an influential few and that equal opportunity exists for all participants (Steinhauer &

Dutch Centre for Public Participation, 2012). All the consultants who were interviewed suggested that they actively seek out the views of silent participants in the meetings; thus this fairness criterion was satisfied (Table 3). In this respect, it was stressed:

Meetings usually go that way [one or two are noisy], so we do try to get the view of everyone. Hence, in the team that goes to field from this office, there will be one person who is familiar with consultation...for example, in a group of men and women, if women do not talk, we prompt them and ask for women's view.... (CONS4.WATSAN.M, personal communication, May 7, 2014)

...those discussions will be dominated by one or two people and I think that is human nature... I do ask specifically from them [the silent participants] whether there are any views that they might want to contribute.... (CONS2.MARBIO.M, personal communication, May 14, 2014)

We actively try to attain the views of the silent participants in the meetings. (CONS3.ENVMNGT.M, personal communication, May 14, 2014)

Accessibility to the meeting in terms of time and location is essential to ensure that opportunity exists for the majority of the affected public to participate (Nadeem & Fischer, 2011; Palerm, 2000). The location needs to be open to all and the time generally outside working hours to ensure maximum participation (Nadeem & Fischer, 2011). Time also depends on the culture of the country. The respondents of the community suggested that community meetings are generally undertaken at night time, following the last prayer of the day, to ensure that both men and women can participate, as this time falls outside working hours. In

addition, most household chores will be completed by this time. Referring to this timing, the councillor noted:

Usually community meetings are held during night time, or else [during day time] both men and women will be involved in work or will be busy taking their children to school. Those hours will not pass'til it is 4 or 5 in the afternoon, so during morning hours attendance will be very low. (COM5.COUNS.M, personal communication, May 21, 2014)

Other considerations may have to be made depending on the context of the island. For example, in islands where fisheries is the dominant employment sector, Friday night specifically is preferred, because for the rest of the week most of the fishermen, who account for most of the men in such islands, will be out at sea. Referring to this point, a community development NGO representative from a fishing community stated:

...usually these [community] meetings are held on Friday night, because that is a time when everyone will be on the island.... (COM2.COM-NGO.M, personal communication, May 21, 2014)

Despite there being an established system at the community level whereby meetings are held in open locations during night time, the reports analysed and the interviewed consultants suggested that EIA participatory exercises are undertaken behind closed doors in the council offices, at a time preferred by the councillors, thus not meeting this fairness criterion (Table 3). Only one consultant interviewed and one report analysed suggested that meetings are held in accordance with Maldivian community norms. Other consultants described the common practice:

...we hold the meeting at a time that is suitable to the councillors; it may be day or night.... (CONS4.WATSAN.M, personal communication, May 7, 2014)



[the councillor] sets the time for the meeting....  
(CONS2.MARBIO.M, personal communication, May 14, 2014)

We hold the meeting at a time convenient for them [councillors];  
we usually hold the council meetings during official working  
hours, that is, to respect them. (CONS3.ENVMNGT.M, personal  
communication, May 14, 2014)

As detailed in previous chapters, deliberative democracy promotes a partnership level of participation (Glucker et al., 2013; Stærdahl et al., 2004) which means that, from a fairness perspective, the participatory process shall ensure that there is a two-way flow of information and hence that equal opportunity exists for all participants to contribute to the development of the argument (Webler, 1995). As for the process followed in the Maldives, with the exception of three of the reports analysed, all the other reports suggested that there was a unidirectional flow of information from participants to consultants. The interviews with the consultants and community members confirmed this finding (Table 3). Emphasising the one-dimensional nature of the consultation, a representative of an NGO suggested:

They [consultants] did not give much detail regarding the project;  
they asked us very general questions... they did not explain  
anything of that sort [potential environmental impacts].  
(COM4.WOM-NGO.F, personal communication, May 29, 2014)

The interviewed consultants suggested that appropriate information regarding potential environmental impacts and other details could not be shared due to the stage of the consultation, as field visits are undertaken prior to detailed impacts being studied, and mitigation measures and alternatives considered through the EIA process. Fung (2003) suggests that when such important additional

information becomes available it is essential to undertake a second round of deliberation. Referring to this idea, a consultant highlighted:

...in my opinion, we need to go on a second round after EIA is completed, because now we are giving mostly project description, so we are attaining information regarding the components within the project: Is the project and project components acceptable to them [public]? These questions we are asking, but we cannot discuss what the impacts are, what are the alternatives, this discussion does not happen.... (CONS1.PLAN.M, personal communication, May 8, 2014)

Hence, considering the Arnstein (1969) ladder of participation, the current practice is mostly inclined towards a consultative level of participation. Furthermore, it was found that in some projects procedures that can be described as manipulative in terms of Arnstein's (1969) ladder were practised. For example, in a sewerage project that was analysed, the public participation described in the EIA report was undertaken 1 year prior to even the ToR being issued. Moreover, from the meeting minutes, it was evident that this particular participatory exercise was not undertaken for the purpose of EIA or the concerned project per se, but rather to determine the infrastructure needs of that particular island. In addition, a community NGO representative, even though listed in a resort development EIA report as a consulted individual, suggested that he was not involved in any discussions regarding the project. Referring to the deceptive incident, the representative suggested:

...perhaps because I signed a piece of paper that asked whether people want the project to be underway on the island or not, that might have my name and number. But I am sure I was not consulted regarding the project...They did not talk to me regarding the project; I do not know anything about the project. I only know

what I hear through word of mouth. I do not know the current status of the project.... (COM2.COM-NGO.M, personal communication, May 21, 2014)

Therefore, as identified in Table 3, the participatory practice in the EIA process of the Maldives generally involves one-way flow of information, thus suggesting a consultative level of participation and, in some cases as highlighted above, there was evidence of manipulation and deception.

As already described, a fair participatory process should pay special attention to inviting and involving marginal groups, as self-selection often attracts only strong partisans who are often influential figures within the community (Fung, 2003; Goodin & Dryzek, 2006; Petts, 1999b). As seen in Chapter 4, within the Maldivian context, all community decisions were made traditionally by men in positions of power (Fulu, 2007; Ministry of Planning and National Development, 2007). Hence, women are often excluded from decision-making forums. The results of the analysis suggest that specific attention was not paid to involving marginal groups like women in the practice (Table 3). In this respect, only 4 of the 12 EIA reports analysed and only 1 of the 4 consultants interviewed suggested specific attention being paid to ensure the involvement of such groups. Identifying the lack of involvement of women, a female representative of the EPA noted:

Usually consultation involves men; even in the council it is men who are consulted. The list of those consulted in [EIA] reports always includes men; women are not consulted.... (EPA1.IMP.F, personal communication, May 12, 2014)

In addition, it was surprising to note that the majority of the community representatives who were interviewed did not register the lack of women's involvement in participatory meetings. This omission may be due to one of two

reasons. It may be that, since the lack of involvement of women is the norm, people do not notice the absence of women in meetings or, conversely, perhaps with modernity, women are increasingly involved in such meetings. However, considering the evidence from the reports analysed, the former is likely to be true. Another reason why this issue was not raised across the interviews may be due to the fact that the majority of those interviewed were men (Appendix 3). The research was not designed this way intentionally, but since the research involved mostly interviews with people in leadership positions, it resulted in a sample dominated by men. As identified in previous literature, for example, Asian Development Bank (2007) and Fulu (2007), this finding suggests that even today such positions of power in the Maldives are mostly occupied by men.

Therefore, overall from a fairness perspective, only a few aspects that are required to ensure a deliberative democratic participatory process are being met in terms of the common participatory procedure that was implemented. For instance, under the current process being followed, there is no opportunity to influence the mode of moderation or facilitation; accessibility in terms of time and location is not open to all; the process in general involves the one-way flow of information from participants to consultants; and, special consideration is not given to acquiring the views of marginal groups like women (Table 3). Even where some of the conditions were met, the measures were not sufficient. In this respect, even though prior notification is given, it is usually given only to a selected group and evidence suggests that the period of notification is too short for the public to provide a meaningful input (Table 3). Only two of the conditions investigated — acquiring views of silent participants and participants being able to influence the agenda — were fully satisfied (Table 3). The next section of this chapter

investigates the competence aspects of the participatory process adopted by the consultants.

**Table 3: Summary results of the analysis for fairness requirements of the practised participatory procedure in EIA report preparation phase**

<b>Fairness Aspect</b>	<b>EIA Participatory Process Followed by Consultants</b>
<b>Notification</b>	<b>Yes</b>
<b>Involvement in defining rules of facilitation or moderation</b>	<b>No</b>
<b>Involvement in agenda setting</b>	<b>Yes</b>
<b>Actively seeking out views of silent participants</b>	<b>Yes</b>
<b>Accessibility through location and time</b>	<b>No</b>
<b>Promotion of two-way communication</b>	<b>No</b>
<b>Special consideration of marginal views</b>	<b>No</b>

## **6.4 Competence of the Participatory Process**

As described in previous chapters, a competent process will ensure that all participants attain all the necessary information to arrive at the best possible decision (Palerm, 2000; Webler, 1995). In this respect, providing prior project and process information so that the public can prepare for the meeting is an essential first step to ensure that the participants have an idea of what outcomes can be achieved through the participatory process (Palerm, 2000). The results of the document and interview analysis suggest that no such information was provided prior to the participatory meetings (Table 4). The interviewed island councillor stressed that even councils receive information regarding projects very close to

implementation and indicated that sometimes projects commence without prior communication of this information. In this respect, it was noted:

[The information] regarding projects comes [to the council] very close to the date of implementation of the projects and there have been situations where work has started even without providing such information.... (COM5.COUNS.M, personal communication, May 21, 2014)

It was acknowledged by one of the consultants that this lack of prior familiarity with the project makes the participatory process pointless, as without such prior knowledge participants are hesitant to express views. Referring to this topic, the consultant stressed:

Unless the public are prepared, we do not get anything. If that news has not gone to them before and if they are not prepared, nothing comes out actually. Maybe one of the options to change is that the concept needs to go to the island a little bit early. That way by the time we go, issues will be discussed. Because [without prior project information] some people will be hesitant to share their views even if they have good thoughts, thinking this is not a good thought, so it does not come out, so everyone is usually very positive about the project.... (CONS1.PLAN.M, personal communication, May 8, 2014)

It was suggested by the community participants that, in order to ensure effective public participation, project information needs to be provided at least a month prior to any participatory exercise. Referring to this idea, several participants noted:

I think it will be good to provide the information regarding any project 1 month prior to any consultation so that people can get ready.... (COM2.COMNGO.M, personal communication, May 21, 2014)

I think information regarding projects needs to be shared at least a month before; then only we can discuss the project within the community. (COM5.COUNS.M, personal communication, May 21, 2014)

In addition to project information, as identified above, knowledge regarding the EIA process is essential for the public to discern avenues through which to contribute to the decision-making process (Palerm, 2000). All the interview participants suggested that the public awareness regarding the EIA process is very limited (Table 4). On this subject, some respondents of the EPA noted:

I have to say that the general public will not know even 2-3% [of the EIA regulation]. (EPA2.IMP.M, personal communication, May 13, 2014)

There is no awareness at all; what will happen next [in the process] they do not know.... (EPA1.IMP.F, personal communication, May 12, 2014)

Perhaps surprisingly, even the interviewed community development NGO which has undertaken a number of community-level environmental projects lacked this awareness. In this regard, the interviewed representative suggested:

...we also do not know that it is opened up for public comment; we know that a project is underway when it starts.... (COM3.COMENV-NGO.M, personal communication, May 25, 2014)

As identified in Chapter 5, worldwide, there has been criticisms of the EIA system because of unfair bias in terms of information available to the proponents when compared to that available to the public (Petts, 1999b; Wood, 1995). The proponent hires the environmental consultant to undertake the environmental assessment and to provide expert knowledge. The affected public cannot afford

such expertise nor, as identified previously in this chapter, are sufficient time or information provided prior to participatory meetings to seek such insights (Table 4). During the participatory meetings undertaken in the EIA report preparation phase, the only expertise available is that of the consultant, who can be viewed as an employee of the proponent. Despite professional practice promoting unbiased views in the EIA reports, the expectation of the proponents defer. Referring to this view, a consultant pointed out:

...they [the proponents] think that we are their representatives, but we do explain to them clearly what our role is in the process [to provide unbiased views].... (CONS3.ENVMNGT.M, personal communication, May 14, 2014)

As discussed in Chapter 5, procuring local environmental knowledge accumulated over time can help to fill information gaps or provide support to scientific findings (Bawole, 2013; Glucker et al., 2013). Hence, utilising such knowledge is important to ensure that a competent decision is made through the participatory process. This need for information is especially important in the Maldivian context, where long-term environmental data are limited and EIAs are prepared on the basis of just one- or two-day surveys. Emphasising the importance of local knowledge, some respondents commented:

...we have very little statistical information regarding the environment; the currents, areas of erosion, and all these aspects are not studied in detail as in foreign countries. In that case the residents of that island will know that information the best, so I believe that it is very important to get this information.... (PROP2.WATSAN.GOV.M, personal communication, May 5, 2014)

It is very important [to attain local knowledge]. The consultant goes to the field for 2 days. Actually, [a] consultant cannot study



the environment in that short period of time... so it is very important to get that information from the public... (PROP3.COAST.GOV.M, personal communication, May 5, 2014)

...the consultant comes from another island; the consultant just visits an inhabited island to undertake an EIA, so the only source of data that the consultant collects is in situ data. However, for some projects, historical data is very important; historical data needs to be collected and analysed if the correct decision is to be made. The only source of historical data is the public, as in most islands of the Maldives there are no written records of such data.... (EPA2.IMP.M, personal communication, May 13, 2014)

In particular, getting views of elders and knowledgeable groups like fishermen was considered essential by the respondents. In this respect, it was stressed:

...it is very important to consult older people, as they will know the changes that have come about to the island, not only environmental changes, all the changes that had taken place they will know. They will know to compare present and past.... (COM4.WOM-NGO.F, personal communication, May 29, 2014)

It is very important [to get the public views], as I believe that the inhabitants of that island will know better than the surveyors, for example, the regions of the island that erode or accrete; they will have experience so they will know very well. Usually fishermen will know very well things like changes in currents.... (PROP5.FISH.PVT.M, personal communication, May 28, 2014)

Evidence from the analysis suggests that local knowledge is utilised extensively in the Maldives EIA process (Table 4). In this respect, except for one report, all the reports analysed for this study used local environmental knowledge in the assessment. Furthermore, all the interviewed consultants and proponents

acknowledged the use of such community insights in preparing EIA reports and in project planning. Here, the interviewees highlighted the point saying:

We need their [community] input to understand historical changes that have taken place so that comparisons can be made to the current situation. For example, with regard to coastal erosion, we do get information regarding when, how, and where erosion occurs.... (CONS3.ENVMNGT.M, personal communication, May 14, 2014)

Local knowledge we do rely a lot...I mean in addition to council; sometimes we do get the views of the fishermen, for example. Even the councils sometimes recommend us to consult certain people [who have local knowledge].... (CONS4.WATSAN.M, personal communication, May 7, 2014)

... for example, when building a harbour on an island we do get information [local traditional knowledge], especially from fishermen and elders of the island and people with specific knowledge. From these people we do get some very productive input... we also utilise this information and the consultants also do utilise the information. (PROP1.TOUR.PVT.M, personal communication, May 10, 2014)

In addition, as identified in previous chapters, visits to the project implementation site can also enhance the anecdotal local knowledge of the participants (Petts, 1999b). However, only 2 of the 12 reports analysed and 1 of the 4 consultants interviewed suggested that such site visits were undertaken as part of the practised participatory process (Table 4). It was suggested by a consultant that there is no need for such site visits as local communities are familiar with the surroundings (CONS1.PLAN.M, personal communication, May 8, 2014). The experience of the consultant who undertakes site visits suggests that this is a nescient assumption

and, as identified in the literature, additional thoughts can be triggered from participants through such visits. Experience also shows that participants prefer such site visits. In this sense, it was emphasised:

Most of the time they also want to show us the site, so we go to the site with them...yes, of course, that is good in that way [get additional useful input].... (CONS3.ENVMNGT.M, personal communication, May 14, 2014)

As elaborated previously, giving feedback to the participants regarding the outcomes of the public participation exercise is important to reduce misunderstanding and increase public confidence in the process (Glasson et al., 2005; Palerm, 2000; Steinhauer & Dutch Centre for Public Participation, 2012). As identified in Chapter 5, such feedback can be given via the EIA reports or through the issued decision statement. The analysis of the EIA reports suggests that such feedback is not usually given in the Maldives (Table 4), as only in three of the projects analysed did the EIA reports provide feedback on different issues raised by the public.

Another essential condition to increase public confidence in the EIA process is to ensure that opportunity exists for the affected public to contribute to the decisions made through the EIA process (Petts, 1999b). The results of the analysis of EIA reports suggest that this opportunity was not provided via the EIA process of the Maldives (Table 4). Analysis of the 12 reports revealed only one harbour project was finalised on the basis of community inputs, in this case regarding the location of dredge material disposal and certain design aspects of the harbour. Other than this exception, in all the other projects analysed, no substantial decisions were made based on public consultation and preferences. There were suggestions from some of the interviewed community representatives that this failure has in turn led

to a loss of confidence in the process and hence a lack of interest in participation.

In this respect, a participant stressed:

...people are not convinced to participate; they do not feel the importance of participation, and they do not feel that their inputs are utilised in making decisions.... (COM3.COMENV-NGO.M, personal communication, May 25, 2014)

Communicating with the public in the local language can also help to increase public understanding of the available knowledge and hence enhance the ability to contribute to the decision-making process (Nadeem & Fischer, 2011). As stated in Chapter 5, in devising the questions for document analysis (Appendix 1) and semi-structured interviews (Appendix 2), language was not considered as a key criterion, as it is the norm in the Maldives to undertake public meetings in the local, Dhivehi language (Table 4). However, the issue of the technicality of the language used in communicating with the public was raised by some of the participants. In order to enhance understanding, it was stated that communication with the public needs to take place in less scientific, more everyday language.

Emphasising this point, a representative of an NGO noted:

...when explaining some issues to the public it comes at much higher language. For example, a concept that is in an academic book, if an academic comes and explains to the public [in academic language] people will not understand; instead of that it needs to be explained in a language that is shallower and in a way people could understand better.... (COM3.COMENV-NGO.M, personal communication, May 25, 2014)

Thus, overall from a competence perspective, as regards the participatory process practised during the report preparation phase, the use of local knowledge and use of the local language, even though not investigated in detail, were the only criteria

that were met (Table 4). Of these, in terms of language use, it was flagged by some participants that use of local language alone might not be enough. In addition, a simpler language when communicating with the public needs to be adopted to enhance understanding. Other than these two positive aspects, opportunities for the public to acquire knowledge to meaningfully contribute to the decision-making process are limited in terms of the current practice followed. In this respect, no prior project information is given; participants do not have access to independent expert knowledge; site visits are not undertaken; no feedback is given on the issues raised by the public; and, the public input is rarely used in making project-related decisions (Table 4).

**Table 4: Summary results of the analysis for competence requirements of the practised participatory procedure in EIA report preparation phase**

<b>Competence Aspect</b>	<b>EIA Participatory Process Followed by Consultants</b>
<b>Provision of prior project and process information</b>	No
<b>Access to independent expert knowledge</b>	No
<b>Use of local knowledge</b>	Yes
<b>Use of site visits to improve understanding</b>	No
<b>Providing feedback information</b>	No
<b>Public's ability to contribute to final decision</b>	No
<b>Use of local language</b>	Yes

## 6.5 Chapter Summary

This chapter investigated the fairness and competence aspects of the participatory process followed in the EIA process of the Maldives. The focus was exclusively on participation during the EIA report preparation phase, as only two review stage public participation exercises have been undertaken in the Maldives. In conjunction with the regulatory analysis undertaken for these procedural aspects in Chapter 5, this analysis is essential, as the regulatory process leaves much flexibility in terms of the process to follow. Hence, the actual procedure implemented needs detailed investigation. In this regard, it was found that, despite not being defined under the regulations from a fairness perspective (see Table 1, Chapter 5), some of the conditions were met in the general process that was followed. For instance, even though not sufficient or widely distributed, notification is given prior to the participatory meetings, participants were able to influence the agenda in terms of being able to suggest topics for discussion, and views of silent participants were actively sought out via the consultative process (Table 3). Similarly, in terms of competence, even though not specifically required under the regulations (see Table 2, Chapter 5), local knowledge was sought and used by the consultants (Table 4). Nevertheless, similar to the analysis of regulations, the analysis of the process followed suggests that it did not meet most of the fairness and competence criteria (Table 3 and Table 4). Thus, from a procedural point of view the requirements to ensure a deliberative democratic participatory process were not satisfied and hence there is significant room for improvement.

As identified in the conceptual framework (see Figure 1, Chapter 2), in addition to the procedural aspects, socioeconomic issues that determine the willingness and

capacity of the actors involved in the process influence the democratic nature of the participatory proceedings. Such socioeconomic issues are discussed in the following chapter.

## **Chapter Seven**

### **Socioeconomic Challenges for Deliberative Democratic Public Participation in the Maldives EIA Process**

#### **7.1 Introduction**

A deliberative democratic participatory process requires, in addition to procedural aspects of fairness and competence, the capacity and willingness of various stakeholders to be involved in the process (Palerm, 2000). The capacity and willingness of stakeholders can be influenced by country-specific socioeconomic factors (Palerm, 2000). This chapter explores such socioeconomic factors, focusing particularly on “demoters” (Palerm, 2000) that act as hindrances for a deliberative democratic process. Such issues can be identified and understood by talking to people and by obtaining different views and perspectives. Thus, as described in Chapter 3, this section is based mostly on the intentional analysis of the interview responses. The key socioeconomic barriers that were identified through this analysis include the following:

- Political influence
- Human capacity and financial constraints
- Gender gap
- Loss of community spirit
- Lack of awareness.

All these elements in some way influence the willingness and capacity of different stakeholders to be involved in a deliberative democratic process. Some of these issues, such as human and financial capacity issues and lack of awareness, have



also been identified in prior research with regard to other developing countries, for example, Smith and Wansem (1995) with respect to Indonesia, Sri Lanka, and the Philippines. Others, however, are specific to the context of the Maldives. As highlighted in Chapter 4, the Maldives is in a state of transition both politically and culturally, thus leading to some interesting findings. Each of the different aspects identified is explored in detail in this chapter.

## **7.2 Political Influence**

EIA has often been described as a politically transformative tool that leads to less bureaucratic, more transparent, ecologically rational decisions (Bartlett, 2005). However, it is essential to note that EIA is a political process and hence quite easily could be reduced to a symbolic window-dressing exercise (Bartlett, 2005; Cashmore, Gwilliam, Morgan, Cobb, & Bond, 2004). If there are no means of making the administrative state accountable and ensuring the EIA recommendations are implemented, the decisions made via the EIA process can easily be based on political influence and vested interests (Bartlett, 2005; Cashmore et al., 2004). As highlighted in Chapter 5, the review process is not transparent, the right to appeal is given to the project proponent only, and the final appeal decision rests in the hands of politicians, thus leaving plenty of room for political influence. Moreover, the EPA is established under the Ministry of Environment and Energy and hence is not an independent body. This situation leads to strong political influence within the agency. Referring to this influence, a senior representative of the EPA noted:

It is a big challenge that EPA is not independent. EPA is associated with the ministry [environment ministry] and works under the ministry, hence has to report to the Minister. It has become very difficult especially recently for EPA to make its own decisions, in

terms of taking action against regulatory violations and stopping such violations. The Ministry intervenes in such issues, for example, in reality it is EPA's responsibility if something is undertaken against the regulations to stop it, because the mandate to implement the regulations is with EPA; however, these things get implemented now only by the Minister's will, if he wants.... (EPA3.POL.M, personal communication, May 6, 2014)

The results of the analysis suggest that this political pressure is a significant capacity barrier for effective implementation of the EIA process. There is pressure to speed up the EIA process and approve certain projects, leading to poor reports, poor review, lack of public involvement, and inconsistent decisions. In this regard, it was highlighted:

EPA gets lots of pressure from different [government] sources, for example, to finish projects faster. Because of this there is no consistency in decisions being made, due to government pressure. (EPA1.IMP.F, personal communication, May 12, 2014)

We cannot hold [public hearings] because there is pressure from the government. For bigger projects, the pressure is even more; that's why we have to release the decision statement of such projects faster. (EPA1.IMP.F, personal communication, May 12, 2014)

Normally for the reviewers 14 days are given [to complete the review]; however, now the time period is very short. Sometimes reviewers are given only 7 days, sometimes reviews have been completed in 24 hours also.... (EPA2.IMP.M, personal communication, May 13, 2014)

...there is pressure to finish EIA reports within a very short period of time, so the time for data collection and survey, all of this, is required to be completed within a very short period of time. Hence,

the quality of the collected data becomes very low, thus leading to low quality reports. (EPA3.POL.M, personal communication, May 6, 2014)

It was identified that such pressure is usually associated with public sector projects undertaken by the government rather than projects implemented by private parties. In this context, representatives of the EPA noted:

Pressure mostly comes from government projects, a lot of pressure will come, especially close to elections.... (EPA4.POL.M, personal communication, May 11, 2014)

For private sector projects usually [political] influence does not come to EPA unless it [the project] is proposed by a very influential person. However, for government projects, there are projects to which the pressure comes straight from the level of President; there are projects to which pressure comes from our Minister.... (EPA2.IMP.M, personal communication, May 13, 2014)

Due to such pressures and due to the fact that the regulations do not provide appeal rights to the public, government projects are almost always approved by the EPA. The environmental impacts of such projects are likely to be greater as well, because such projects are often not well planned and usually are undertaken within a very short period of time to fulfil election promises. Referring to the ad hoc nature of such projects, a representative of a government proponent stated:

...for example, in the last Parliament election we were instructed to start 10 projects before a particular time, but at that time we were undertaking projects in other locations, so we had to stop these projects and then go to these new projects which we have to start before a particular date. Before starting there is an EIA process, which has many steps including scoping meeting, ToR, and to approve it [the report] it takes 2 weeks, and like this, a lot of time

passes, around 1 month goes for the whole process. Despite the regulations having these timeframes, sometimes we have to bypass it, so the politicians use their power and speed up the process for some islands. For example, in one island we are working in at present, we were asked to start excavating the day the candidate for that constituency visited the island.... (PROP3.COAST.GOV.M, personal communication, May 5, 2014)

In addition to being unplanned, there were suggestions that even when EIA was required some government projects were undertaken without an EIA being carried out. Acknowledging this issue, with respect to housing projects undertaken in two inhabited islands, a representative of a government proponent suggested:

EIA was not undertaken for those projects. Those are loopholes; in one island we had to do it in a mangrove area so we needed to put sand into the area as well; in another island, it was undertaken in a very vegetated area. Despite this, EIA was not done and it did not create any issues.... (PROP4.HOU.GOV.M, personal communication, May 7, 2014)

Moreover, consultants identified that there is very limited scope to bring about any changes to government projects via the EIA process. Referring to this point, a consultant stated:

There is a difference; private parties do listen. With government projects it is very complicated to bring about changes; if we start making too many suggestions we become labelled as difficult.... (CONS1.PLAN.M, personal communication, May 8, 2014)

It may seem surprising to the casual observer that the private sector is more willing to adopt the EIA process than is the government. The results of the analysis suggest that this difference is related to the mindset of the key stakeholders. The private sector recognises the benefits of the EIA process, while the politicians do not. Reference to the private sector in the Maldives corresponds

mostly to the tourism sector, which contributes the most to the country's Gross Domestic Product (GDP) (Central Intelligence Agency, 2013). Moreover, from an EIA perspective, most reports are submitted each year from this sector. For example, statistics from 2010 suggest that 50% of the reports submitted accounted for tourism-related developments (Environmental Protection Agency, 2010). The natural beauty of the Maldives is the main selling point for tourism in the Maldives and hence the sector has a vested interest in protecting the natural environment. Acknowledging this factor, a resort developer noted in an interview:

...in our resort projects we are selling the environment; hence, any activity undertaken for the protection of it [like EIA] is essential, I believe. (PROP1.TOUR.PVT.M, personal communication, May 10, 2014)

On the other hand, politicians have mostly viewed EIA as an unnecessary burden that slows the development process. Referring to this mindset of politicians, a consultant highlighted:

This time, during elections, a member of the Parliament that I met asked me 'What is the use of an EIA, what is the point of doing it?' He was very unhappy with having to do an EIA. I asked him, 'what is the use of Parliament members if we think in that way?'.... (CONS4.WATSAN.M, personal communication, May 7, 2014)

This political mindset means that even though the willingness is there on the part of the EPA to involve the public more and to improve the EIA process, such suggestions for change are usually ignored by the politicians. In this respect, an EPA representative stated:

...there are many changes that are required to be brought to the regulations, but the issue is that, at a political level, they will not

agree to such changes.... (EPA2.IMP.M, personal communication, May 13, 2014)

Thus, overall, political influence was identified as one of the biggest capacity constraints for all the interviewed stakeholders involved in the EIA process. In this regard, as highlighted, political influence means that the consultants do not get either the time to prepare thorough EIA reports inclusive of the input from the affected public or the opportunity to bring about the necessary changes, especially to government sector projects. Moreover, this influence means the EPA does not get enough time to review EIA reports assiduously, hold public hearings, enjoy the freedom to make educated decisions, and have the opportunity to effect the required changes to the regulations. Furthermore, political influence means the government proponents are not able to involve the public early and undertake comprehensive planning for development projects. Finally, due to this influence, the affected public is not provided with adequate time, and hence opportunity, to participate in the EIA process. Therefore, to ensure that the EIA process is more transparent and to increase public participation in the process, the political mindset needs to change. Emphasising this need, a representative of the EPA noted:

The biggest challenge to effective implementation of the regulation at present is political pressure. Politicians need to realise the damage they are causing to the environment and realise that the 1 month spent on preparing an EIA is not lost time. If that day comes, the pressure will significantly decrease. (EPA2.IMP.M, personal communication, May 13, 2014)

In addition to political pressure, human and financial capacity issues were identified by the majority of the stakeholders interviewed as key constraints that

affect EIA public meeting facilitation and participation. These issues are discussed next in this chapter.

### **7.3 Human and Financial Capacity Constraints**

Prior research has suggested that human and financial resource constraints are key issues that prevent effective participation via the EIA process (Bisset, 2000). This issue is especially prevalent in developing countries where resources are limited (Smith & Wansem, 1995). Financial and human capacity constraints can affect both meeting facilitation (Bisset, 2000) and participation (Nadeem & Fischer, 2011). In terms of facilitation, personnel and financial resources are required to hold public meetings. This point is especially true for a country like the Maldives where governance is still very much centralised. In this respect, the EPA operates centrally out of the capital city Malé, although most of the development projects are implemented in the outer islands. Therefore, holding public meetings can lead to considerable costs, especially since the vast geographic spread of the country leads to significant transportation expenses. In this regard, referring to the financial constraints of holding review stage public hearings, EPA representatives noted:

For example, for a project undertaken in an outer island, if we have to hold a public hearing, we will have to go to that island, which is an additional cost; we do not have [finances to cover] all those costs.... (EPA3.POL.M, personal communication, May 6, 2014)

There is a budgetary issue, especially if we have to go to an island and undertake a public hearing. (EPA1.IMP.F, personal communication, May 12, 2014)

Moreover, the government budgetary allocation to the environmental sector is very limited in the Maldives, as the focus of the government is on development

projects. For example, statistics from the 2014 budget suggest the whole environment sector was apportioned only 2% of the budget, while housing and infrastructure received a massive 69% of the total budget (Ministry of Finance and Treasury, 2014). Highlighting an example of how the limited finances disrupt the capacity of the EPA to involve the public in the EIA process, a senior representative stressed the following point:

...if we had to notify [the availability of the EIA reports for public commenting] via radio or TV, it will cost a lot. We do not have enough financial resources to do that, hence it is a big challenge [to improve]. (EPA4.POL.M, personal communication, May 11, 2014)

In addition to financial constraints, human capacity is also a key constraint that the EPA faces. It was identified by several of the respondents that there are very few field officers who can go to the field and undertake public participation and monitoring exercises via the EIA process. Moreover, the few available field staff also do not have the relevant training. Acknowledging this issue, some representatives of the EPA indicated:

...there is the issue of human capacity as well. When EPA wants to go to the field, there are no personnel to go to the field.... (EPA4.POL.M, personal communication, May 11, 2014)

...the second issue [in addition to the budget] is that we have very few staff that are able to go to the field. If you visit EPA, you will see that there are about 30-40 staff working. However, amongst these there are very few who can work in the field and who can be considered as field officers. In addition, these field officers are also not trained.... (EPA2.IMP.M, personal communication, May 13, 2014)

As identified above, from the perspective of the public, these capacity constraints can have an impact on the ability to participate in the EIA process. All over the



world active NGOs play a key role in assisting the public to voice environmental concerns, in promoting regulatory changes, in helping to fill the regulatory gaps left by the government, and in increasing the environmental awareness of the public (Doyle & McEachern, 2008). Suggesting that such things do not happen in the Maldives, a consultant stressed:

...[in the Maldives] there are only a few NGOs and very few engage with NGOs. Civil society plays a prominent role in development projects in the developed world. The issue is that in the Maldives, there is no active civil society. There are not enough NGOs who can put pressure, in other words, there are no stakeholders.... (CONS2.MARBIO.M, personal communication, May 14, 2014)

It was identified by the interviewed NGOs that this active role cannot be undertaken due to a number of capacity constraints, paramount of which were funding difficulties. Referring to the importance of funding for the establishment and operation of NGOs, a community-based NGO which implements local-level environmental activities noted:

For NGOs, in the initial stage it is most difficult, if good funding sources are not there... I think that was a main constraint. Because there was no initial funding source, we could not undertake the initiatives the way we wanted. (COM3.COMENV-NGO.M, personal communication, May 25, 2014)

This difficulty can be especially severe for environmental NGOs, as most of the time these NGOs work against powerful corporate interests (Doyle & McEachern, 2008). Identifying this constraint, the lead figure in a prominent environmental NGO noted:

Since we are a cause group there are no direct beneficiaries...and since we generally have to oppose to the activities of businesses,

usually there are no parties willing to contribute to our activities....  
(COM1.ENV-NGO.M, personal communication, May 13, 2014)

Moreover, the contested political nature of the country means everything comes down to politics. Even when guaranteeing funding for an NGO, it becomes a precondition to be a member of a particular political party or to promote a certain political ideology. Referring to this problem, a women's development NGO representative highlighted:

The biggest constraint for the operation of the NGO is attaining funding. Since now the whole country is politicised, we can't go to a particular person to get funding. Even if we go they ask what political party are you in and that becomes a condition to get the funding. I do not want to get money that way.... (COM4.WOM-NGO.F, personal communication, May 29, 2014)

The lack of financial means is further exacerbated by the lack of available state benefits for the NGOs. In this respect, suggesting the reluctance of the state to provide office space, a representative of an NGO noted:

There is the issue of lack of office space for our operations. This is a huge island; it will get even bigger with time and there are lots of NGOs in this island, but the government has not given land to any of the NGOs. We have requested for this many times. We have requested to give space, even to share with other NGOs; we have given the idea to give a space to share between 3 to 4 NGOs, but so far we have not got a positive response. (COM4.WOM-NGO.F, personal communication, May 29, 2014)

Even where state support is provided, such support is also available to corporate interest groups. Identifying this bias, an NGO representative suggested:

...if we look at the experience of the last 20 years, self-interest groups like MACI [Maldives Association for Construction Industry] and MATI [Maldives Association for Tourism Industry],

they have been given bigger land; there are no criteria, [the government] just makes an executive decision and gives land to these groups.... (COM1.ENV-NGO.M, personal communication, May 13, 2014)

In addition to financial difficulties, the results of the analysis suggest that the NGOs do not have the required human capacity to provide input for the EIA reports during the review stage. In this respect, a representative of an environmental NGO noted:

...we are a small NGO and so we also do not have the capacity to go through all the EIAs and comment. Then there are no other NGOs [involved in such policy issues]... [others] are generally involved in things like primary education, nature trips, and such kinds of things, so there is no other NGO that challenges these things at a policy level.... (COM1.ENV-NGO.M, personal communication, May 13, 2014)

Therefore, evidence from the analysis suggests that financial and human resource issues prevent both the capacity of the regulatory agency to involve the public and the capacity of the public and NGOs to participate in the EIA process.

As identified in the introduction to this chapter, a gender gap is another socioeconomic issue that affects the balance of participation in the EIA process; this issue is discussed in the next section.

## **7.4 Gender Gap**

As described in Chapter 6 under the analysis of the fairness criteria, the document analysis suggests that more men than women are involved in public participation exercises held through the EIA process of the Maldives. However, as noted, when asked about it, this issue was not registered as a concern by most of the interview respondents, perhaps suggesting that this gap is a cultural norm. A community

representative who suggested that there is a gender gap quoted similar social and cultural reasons for it as those identified in the prior literature, for example Fulu (2007) and Ministry of Planning and National Development (2007). In this regard, it was stressed:

... [the lack of involvement of women is due to] cultural reasons and also the way family structure is organised in the Maldives. Women are supposed to look after children, so if the man goes to the meeting the women cannot go. (COM3.COMENV-NGO.M, personal communication, May 25, 2014)

The analysis suggests that women usually get the opportunity to participate and contribute only to island-level activities which since traditional times have been undertaken by women, such as cleaning and planting trees or on issues specifically related to women. In contrast, when it comes to important decision-making issues like planning of development projects, women are usually not involved. Hence, for such issues, even if women are willing to participate, the capacity to participate is hindered by the lack of accessibility. Referring to this point, a women's development NGO representative emphasised:

We are usually not consulted on things like that [development projects]; we have not got information regarding such things. Usually, we are invited to activities related to women's development. (COM4.WOM-NGO.F, personal communication, May 29, 2014)

Furthermore, more recently, especially in the capital region where most of the population lives in rental apartments, in addition to undertaking all household tasks, women are usually involved in full-time employment in order to meet the high living expenses. Increased involvement of women in the workforce represents progress in one sense. However, as mentioned above, family structure

is still organised in such a way that women have to take complete responsibility for all household tasks. As a result, given their work and household chores, women even though willing to participate, do not have the capacity in terms of time to participate in community meetings or NGO activities. In this regard, a representative of a women's development NGO noted:

...most people on this island live in rental apartments, so to make a [decent] living, both partners have to work usually, so women can't give time for these things [NGO activities].... (COM4.WOM-NGO.F, personal communication, May 29, 2014)

As identified in Chapter 4, even though still not sufficient — as even the skewed gender sample of this research demonstrates — more and more women are involved in leadership positions. However, as noted by Fulu (2014) at the opposite end, especially with the proliferation of Islamic conservative beliefs within certain sects of the society, some women are becoming more conservative as well. People who hold such views believe that women should not be seen with men in public places, thus extinguishing any opportunity for, and hence the willingness of, such women to participate in any forums that involve men. Evidence of such conservatism was captured via the interview process as well. In this regard, there was considerable difficulty in interviewing one female respondent, with the date and time being set and then cancelled because the respondent felt uncomfortable to be interviewed in person by a male interviewer. Therefore, the interview was later undertaken as a telephone interview, an arrangement with which the respondent felt more comfortable. As suggested by Fulu (2014), this example seems to point to two very different paths women in the Maldives are taking today; while some are becoming more active and involved others are becoming increasingly more conservative.

Hence, the gender gap in the community is a huge constraint for women to be effectively involved in deliberative forums, affecting both the willingness and capacity of women to participate.

The next socioeconomic issue that will be discussed in this chapter is the loss of community spirit, a reason given by many of the interviewed community representatives for the lack of willingness and interest of the public to participate in EIA meetings.

## **7.5 Loss of Community Spirit**

A common theme that came across in most of the interviews was the lack of willingness or interest of the affected public to participate in the EIA process. The participants ascribed different reasons to this issue, with a loss of community spirit and a lack of awareness being the two predominant factors identified. The latter will be discussed in the ensuing section of this chapter. In terms of loss of community spirit, it was identified that a lack of interest in participation is not unique to the EIA process, rather it is common to all community meetings, including council meetings, despite the fact that such community meetings are more accessible and hence more in line with the ideals of deliberative democracy when compared to the EIA public meetings (see Chapter 6). Referring to this lack of interest, an NGO representative and a councillor noted:

...there are biannual meetings held by the council in this island. So in this island it is good. In the meeting, the council explains the planned activities, what has been undertaken. But the issue with the meeting is that very few turn up, despite the council president arranging for a dinner for the participants after the meeting....  
(COM3.COMENV-NGO.M, personal communication, May 25, 2014)

When we call for council meetings also the number of people who show up are very less [sic].... (COM5.COUNS.M, personal communication, May 21<sup>st</sup>, 2014)

As described in Chapter 4, following its democratisation the political environment in the Maldives has remained very active and unstable with three presidents taking office since 2008. Protests and political activism are rife and people go to such lengths that, in every island, households are painted in the colours of different political parties (Figure 3). Even cases of domestic violence due to political tensions between married couples have made local media headlines (Ahmed, 2014). The turbulent nature of the political environment means that the community spirit within these islands has eroded and people are not willing to be involved unless they are involving themselves in some form of political activism. Consequently, meetings arranged by the council or meetings arranged through the council such as EIA public meetings are attended by only the few who share the political ideology of the council. In this regard, a representative of a community NGO suggested:

Usually the same people show up to the meetings, due to the party system. There are challenges for such things, because party issues come to this...so usually for meetings also people of the majority party on the council usually show up; others might show up to listen but will not say anything. But mostly it will be people from that particular party [majority party] who will show up.... (COM2.COM-NGO.M, personal communication, May 21, 2014)

Highlighting that this was not the case before, the same representative noted:

...for example very early around 10-15 years back people's participation was there; if any activity is undertaken in the island

everyone will be involved. Due to political divisions now it is no longer there... back then what is undertaken are small island-level projects. For example, for an electrical cable laying project of the island, everyone will participate, or for any other thing if called upon everyone will participate. That spirit is no longer there; I feel like that day will never come. (COM2.COM-NGO.M, personal communication, May 21<sup>t</sup>, 2014)

Political divisions have also affected the operation of NGOs. In this regard, the women's development NGO representative, suggesting that the NGO has lost most of the members due to political turbulence, stated:

When this NGO started there were around 150 members, but now there are very few. With the political turbulence the country underwent, especially since one founder member of the NGO was very politically active, people thought of this NGO as promoting a particular party so we lost a lot of members... now there are about 30 members including myself.... (COM4.WOM-NGO.F, personal communication, May 29, 2014)



**Figure 3: A colourful street in Narudhoo, Noonu Atoll, with campaign flags and households painted in colours of different political parties**

(Adapted from “Volunteer photos presidential campaign”, by A. Ahmed, 2013, Haveeru Daily. Retrieved from <http://www.haveeru.com.mv/dhivehi/pictures/5317>)

In addition to political tensions, the other issue that was exclusively identified for the capital region was a loss of community spirit due to a loss of a sense of



belonging. As touched upon previously, all services extend from, and better education and health care are available in, the greater Malé area and hence many migrate to the capital region from other islands. The greater Malé area currently consists of three inhabited islands, Malé, HulhuMalé, and Villingili. Around one third of the population of the country resides in these three islands (Shaig, 2006). Thus, the demand for land is very high and hence rental prices are at a premium in these islands. Therefore, the region consists of a predominantly transient population. A transient population is unlikely to have a sense of belonging and thus lacks the willingness to be involved in community initiatives. Emphasising this aspect, an NGO representative from the capital region stressed:

...here it is very different from other islands; it is an island where people from different islands of the Maldives come and live, so that community spirit is not there and people move very often from one place to another. Most of them are rental tenants, so once they find a cheaper accommodation [elsewhere in the capital region] they will move. Thus, what happens is that, even if people are asked regarding their thoughts, they will give very negative answers: we are here only temporarily; we might have to leave tomorrow as well; we do not care about the development of this place; we just live here by paying the rent.... (COM4.WOM-NGO.F, personal communication, May 29, 2014)

Thus, loss of community spirit was identified as one of the most prominent reasons for the lack of public willingness and interest in participating in public forums like EIA public meetings. This disinclination may be ascribed to a combination of a number of reasons amongst which political divisions and the loss of a sense of belonging were identified as the key themes through the analysis.

As highlighted at the outset of this section, in addition to the loss of community spirit, a lack of awareness was identified as another reason why the public show little interest in participating in the EIA process of the Maldives. This issue is investigated next in this chapter.

## **7.6 Lack of Awareness**

Awareness can refer to the understanding of the importance of the EIA process and public participation and how the process will benefit different stakeholders involved in it. In addition, awareness can also refer to procedural awareness, which includes aspects such as where and how to participate, what projects require EIAs, and where and how to report complaints (Palerm, 2000). These two aspects of awareness are discussed in this section. Both aspects can influence the willingness and capacity of the public to participate and the willingness and capacity of other stakeholders to facilitate public participation through the EIA process. With regard to the first aspect, the results of the analysis indicate that the public is not aware of the importance of participation. Thus, there is a lack of public interest and willingness to participate in the EIA process. In this regard, it was suggested:

...the interest is not there that much; maybe a few people might go... what happens is that they are not that aware [regarding the importance of participation]; they will not show much interest if called upon to give input on a project... they do not understand that from such projects the environment might be impacted....  
(COM2.COM-NGO.M, personal communication, May 21, 2014)

I think people are not aware regarding these things. If people are made aware their participation will also increase, in my opinion.  
(COM4.WOM-NGO.F, personal communication, May 29, 2014)

Awareness is very low, in the Maldives. The public of the islands do not know what EIA is; the purpose of doing an EIA also they do not know, so their awareness is very low.... (PROP5.FISH.PVT.M, personal communication, May 28, 2014)

It was suggested that this issue may perhaps be linked to the low general awareness on local environmental issues overall. As alluded to in Chapter 6, only a few people in the community like elders and fishermen have this local environmental awareness. This lack of awareness on local issues has been identified in the literature as a key constraint for effective public participation in low- and middle-income countries (Bisset, 2000; Nadeem & Fischer, 2011). It was highlighted specifically that even though the mass of the public may be aware of global environmental issues like climate change, at a local level this awareness is not there, suggesting a gap in terms of public education and awareness. Thus, identifying the need to address this matter as a high priority issue at a policy level, two respondents noted:

Environmental awareness in the Maldives is in a unique situation. The public of Maldives is very aware regarding global environmental issues. For example, climate change, greenhouse effect, these things even small children will know; however, local issues, they do not understand actually... I think the school curriculum also needs to focus more on local environmental issues rather than global issues. I am not saying that it is not there at present, but that awareness usually comes at a higher level than the local person can grasp. (CONS4.WATSAN.M, personal communication, May 7, 2014)

...from a global perspective, even though Maldives is considered as a champion in terms of raising environmental issues globally, that awareness is not there amongst the locals. Most people in the Maldives do not know why these things are done. That message

needs to go from the top level across the board to the public. If that message is not spread, people will not know the importance of this [environmental protection]. (COM3.COMENV-NGO.M, personal communication, May 25, 2014)

As mentioned, the second aspect in terms of awareness is procedural awareness, which is very low amongst the general public (see discussion of competence, Chapter 6). In this regard, a majority of the interviewed public respondents said they were unaware of the avenues through which to participate in the EIA process; thus, this ignorance was identified as a key capacity constraint.

As indicated earlier in this section, awareness can also impact the willingness and capacity of different stakeholders to facilitate public participation. The results of the analysis suggest that this is true of proponents, especially government proponents, as their role was found to be minimal in the EIA public participation process. This finding suggests a lack of willingness on the part of government proponents to listen to public views, demonstrating a lack of awareness of the importance of public participation. Referring to this lack of involvement in the process, some government proponents noted:

...we do not go to the field with the consultants, but we participate in the scoping meeting....  
(PROP2.WATSAN.GOV.M, personal communication, May 5, 2014)

Usually we do not participate in public meetings as we remain as proponents, but sometimes our people will go on field trips.... (PROP3.COAST.GOV.M, personal communication, May 5, 2014)

Hence, it seems that most proponents, especially on the government side, see the EIA process and public involvement as just another administrative necessity.

Thereupon, it is evident that along with the general public most proponents are also not aware of the importance of public participation via the EIA process. Nevertheless, there was an indication that, if effort were put into making the public and proponents aware, the effort would pay off. In this respect, some consultants noted that the way some private proponents were brought on board was by explaining the benefits of the EIA process for them and for their projects. Emphasising this point, a consultant suggested:

[the private sector] do listen... the way we approach this is instead of something that is undertaken to fulfil a regulatory requirement, we show them that this is undertaken for their benefit....  
(CONS3.ENVMNGT.M, personal communication, May 14, 2014)

Another consultant referring to how he was able to persuade resort developers to undertake postproject monitoring — one of the weakest implemented phase in the EIA process of the Maldives — stated:

...we try to convince them [resort developers] that this [to undertake monitoring] is the best option. For example, we say that we are involved in monitoring erosion [of the resort] or to monitor potential damages that occur to the island via the contractor. That is more attractive to them [the resort developers]....  
(CONS1.PLAN.M, personal communication, May 8, 2014)

Such mechanisms can be used to promote public participation as well. For example, from the perspective of the proponents, early and continued involvement of the public means that complications are unlikely to occur during implementation of the project, hence potentially saving time and resources (Steinhauer & Dutch Centre for Public Participation, 2012).

In addition to realising the importance of participation, procedural awareness on the part of the proponents can help them identify projects that require EIA early

and hence allocate enough time for public participation and the whole EIA process. However, the interview process evidenced that, similar to that of the general public, the procedural awareness of the proponents was also very weak. In this respect, the following issues were identified through the analysis:

- i. An interviewed government proponent thought that scoping meetings were held after EIA reports have been prepared.
- ii. Another government proponent did not know that a list of projects that require EIA is provided in the regulations and hence kept continually referring to the need to provide such a list to improve the EIA process.
- iii. A private sector proponent interviewed constantly kept referring to the regulatory agency of EIA as the Ministry.

Therefore, this analysis shows that the awareness of the general public and even the proponents was low regarding the EIA process and the importance of the process. However, there was evidence that suggests that awareness can easily be increased with the required effort. Hence, in order to ensure effective public involvement via the EIA process, there is a need to explain to the general public and the proponents alike the different steps involved in the process, and there is also a need to “sell” the benefits of the EIA process to these stakeholders with a focus on explaining how environmental protection and sustainability also mean greater economic security and individual wellbeing.

## **7.7 Chapter Summary**

This chapter discussed some of the socioeconomic challenges that prevent an effective deliberative democratic participatory process being implemented through

the EIA process of the Maldives. As pointed out in the conceptual framework (see Figure 1, Chapter 2), such socioeconomic issues affect the willingness and capacity of the actors involved in the process. Table 5 presents the summary of the different capacity and willingness issues identified for different stakeholders under the analysis. Through this analysis, it was found that in the Maldives EIA process, political influence was the biggest issue that affects the capacity of all the stakeholder, because, even with a willingness on the part of different stakeholders to involve the affected public, political influence means opportunities in terms of time, accessibility, and resources are not provided to ensure effective public participation. In addition to this influence issue, a lack of both financial and human capacity was identified by the EPA respondents as key capacity constraints on the implementation of effective participation. Similarly, it was found that human resource and financial issues restrict the involvement of NGOs in the EIA process. Moreover, the analysis shows that culturally there is a gender gap, which results in women having less capacity in terms of available time and opportunity to participate. The interview process also suggested that there is no willingness on the part of some conservative women to participate in forums that involve men.

Furthermore, the analysis highlighted that the community spirit in the Maldives has eroded due to political divisions, reducing the willingness of the public to participate in any public forum, unless for a political cause. Another issue that has contributed to this loss of community spirit, and hence willingness to participate, was that the transient population in urban areas do not have a sense of belonging. Lack of awareness regarding the benefits of public participation in the EIA process reduced the willingness of the proponents to involve the affected public and the willingness of the public to participate in the EIA process. Moreover, the lack of procedural awareness of these two groups meant that the public lack the

capacity to identify where and how to participate. In addition, the proponents are not aware that EIAs, and hence public participation, are required for different development projects and so sufficient time is not allocated to the process.

**Table 5: Summary results for the socioeconomic analysis**

Socioeconomic Demoters	Public		Regulatory Agency		Proponents		Consultants	
	(W= Willingness and C= Capacity)							
	W	C	W	C	W	C	W	C
Political Influence		✓		✓		✓		✓
Human and Financial Capacity		✓		✓				
Gender Gap	✓	✓						
Loss of Community Spirit	✓							
Lack of Awareness	✓	✓			✓	✓		

Overall, in this chapter socioeconomic “demoters” which affect the willingness and capacity of the stakeholders involved in the process have been identified. Moreover, in Chapter 5 and Chapter 6, the procedural aspects of the fairness and competence of the process, both in terms of the regulatory provisions and the implemented procedure, have been investigated.

In the next, concluding chapter, the discussion will be brought into perspective by addressing the main research question: To what extent does the Maldives EIA process facilitate meaningful deliberative democratic public participation in decision-making? Based on this discussion, conclusions will be drawn on how much at present the Maldives EIA process facilitates sustainable development, i.e., the targeted outcome of the process. This discussion will be followed by propositions for improvement of current practice and suggestions for further research.



## **Chapter Eight**

### **Recommendations and Conclusion**

This chapter addresses the research question by drawing on the discussions in the preceding chapters. In addition, the chapter explores the potential of the current EIA practice in the Maldives to achieve sustainable development, the main objective of the process. Furthermore, the limitations of the current practice and recommendations for improvement of the existing process are identified. The contribution to the literature on EIA and public participation is detailed, especially in the context and from the perspective of the Maldives. The chapter concludes with a discussion of the potential for further research.

#### **8.1 Deliberative Democratic Participation and the Maldives EIA Process**

The main research question for this thesis asked: To what extent does the Maldives EIA process facilitate meaningful deliberative democratic public participation in decision-making? As indicated in the conceptual framework (see Figure 1, Chapter 2), four aspects were examined, namely, the procedural aspects of fairness and competence of the participatory process and the socioeconomic factors that affect the willingness and capacity of actors involved in the process. From a procedural point of view, neither the regulations nor the practised procedure met the majority of the investigated fairness and competence criteria (see Table 1 and Table 2 in Chapter 5, and Table 3 and Table 4 in Chapter 6). In this respect, from a fairness perspective, in terms of the adopted procedure, the participants were not involved in defining the rules of facilitation; the meetings were not open to the general public; there was generally only a one-way flow of

information from participants to consultants; and, no special attention was paid to involving marginal groups (see Table 3, Chapter 6). Furthermore, from a competence viewpoint, prior project information was not provided; independent expert input was not available in public meetings; site visits were not undertaken; feedback was not given on public input; and, the public was not able to influence the final decision (see Table 4, Chapter 6). Thus, from a procedural aspect, most of the conditions required to ensure a deliberative democratic participatory process were not met through the Maldives EIA process.

As highlighted by Parlerm (2000), in addition to procedural aspects, the willingness and capacity of the actors involved in the process can and will affect the potential for a deliberative democratic participatory process. In this respect, it was found that political influence, limited human and financial resources, gender gap, loss of community spirit, and lack of awareness were major socioeconomic “demoters” or barriers impeding a deliberative democratic participatory process. Most of these aspects are reflective of the current social, economic, and political environment of the country. In this respect, the loss of community spirit was mostly linked to the political tensions that the country has experienced recently. It was found that political rivalry and tensions have filtered down to the level of the community, effectively breaking community ties. This lack of community spirit reduced the interest, and hence the willingness, of the public to participate in the EIA public participation exercises. Moreover, it was found that the gender gap continues to be an issue in the Maldives, with the involvement of women limited in public participatory exercises. The traditional roles of women and the family structure mean that women undertake most tasks within the confines of their homes. This limits their participation in public forums. Moreover, there was

evidence of an increased gender gap within some sections of the community due to the recent proliferation of Islamic conservatism.

As indicated in Chapter 7, of all the issues discussed political influence was identified as the key constraint that affects the capacity to involve the public in the EIA process. It was found that this influence was especially rife for government sector projects, which means that for such projects, the opportunity for the public to participate in terms of time and accessibility is often not provided. To a degree, this issue is reflective of the development status of the country and the current political environment. As the Maldives is a developing country with a competitive political environment, there is political pressure to start development projects quickly, especially at times of elections. Being a developing country also means that the majority of the government's budgetary allocations fund infrastructure projects, with very little available to other sectors. This limited funding means that the capacity in terms of financial and human resources is not there to enable the EPA to involve the affected public and NGOs in the EIA process.

In addition, the lack of focus in the education system on local environmental issues means that the public lack the required environmental awareness to understand the importance of participation in decision-making on issues that have significant environmental implications. Moreover, the regulatory and procedural awareness of the public was very low; hence, the majority of the public are not aware that the opportunity to participate exists through the EIA process. Similarly, the procedural awareness of the project proponents was found to be very low. Furthermore, the findings suggest that government proponents in particular do not realise the benefits of public participation, thus reducing the willingness to listen to public views through the EIA process.

Therefore, overall, both from the procedural point of view and from a socioeconomic point of view, the conditions to ensure a deliberative democratic participatory process via the Maldives EIA process do not currently exist. Hence, the answer to the research question is that the Maldives EIA process does not facilitate meaningful deliberative democratic participation at present. In a broader context, this answer suggests that the recent democratic political transition that the country has undergone has not yet been fully adopted at the level of public administration and governance. As highlighted in Chapter 2, a deliberative democratic participatory process is required to ensure sustainable development, the main objective of the EIA process. The potential of the existing EIA process in the Maldives to achieve this objective is, therefore, investigated next in this chapter.

## **8.2 Sustainable Development and the Maldives EIA Process**

As discussed in Chapter 2, a deliberative democratic process can facilitate sustainable development — the main objective of EIA — as public participation based on deliberative democratic ideals promotes decision-making which is based on validity rather than popularity. However, since the findings of the research suggest that the Maldives EIA process does not facilitate a deliberative democratic participatory process, the potential of the process to lead to sustainable development is significantly undermined. The interview responses provide support for this conclusion, as all the respondents claimed that the full potential of the EIA as a tool for sustainable development was not realised in the Maldives. Nevertheless, most participants identified the potential of EIA as a tool for sustainable development. In this respect, highlighting the fact that even under the

current situation some positive changes occur through the process, a consultant and an EPA representative noted:

Even the way it is now, to a degree it does lead to sustainable development. For example, through the current process there is a legal requirement to reduce irreversible damage as much as possible. So where these issues are identified, there have been situations where the nature of the projects has been changed and there have been situations where some projects have been stopped. Hence, even at the current tight situation, to a degree it leads to sustainable development.... (EPA2.IMP.M, personal communication, May 13, 2014)

Even though not many changes occur through the EIA process some changes do occur... for example, in one project EPA suggested to undertake the project as per what was highlighted in the alternatives. I can't remember which project it was but there are two or three projects like that.... (CONS4.WATSAN.M, personal communication, May 7, 2014)

In addition to a direct contribution to sustainable development, as discussed in Chapter 2, a deliberative democratic participatory process can lead to sustainable development through social learning. However, as discussed in the procedural analysis, since public participation in the Maldives EIA process generally occurs prior to impacts being identified, very little information flows from experts to the public. Therefore, this potential at present is not garnered through the EIA process of the Maldives. Acknowledging this point, a consultant noted:

At present that opportunity is not fully provided. That awareness will increase if we explain the impacts to them after analysis. Now we talk only about the project; we mostly only describe the project and only if they raise an issue we are explaining it to them. For example, if they are asking about coastal erosion, we are

responding to it. But instead of that [to increase awareness], we need to describe the whole picture [all the details]....  
(CONS1.PLAN.M, personal communication, May 8, 2014)

Nonetheless, there was evidence that the EIA process can increase environmental awareness if all the required information is communicated to the public. In this regard, private proponents, who as highlighted in Chapter 7 are involved in the process more, explained that their awareness increased due to involvement in the process. Emphasising this learning, a private proponent suggested:

Awareness did increase significantly by working with the consultants for 4 months; the changes [impacts] that may occur as a result of the projects and things like that [we understood]....  
(PROP5.FISH.PVT.M, personal communication, May 28, 2014)

Moreover, the other private sector proponent interviewed went a step further and suggested that the EIA process has helped to change his personal beliefs and mindset, thus identifying the larger potential of the EIA as a tool for social learning and hence sustainable development. In this regard, it was stressed:

Yes, that is true; environmental awareness of everyone involved in the process can increase. For example, I have been involved in this process for more than 20 years, so I have heard about EIA and environmental protection for a long time. Now, for example, if I visit a household and find that a light is on [that is not needed], it becomes difficult for me, so the mindset has changed.  
(PROP1.TOUR.PVT.M, personal communication, May 10, 2014I)

Therefore, there is evidence that if the participatory exercise is followed in accordance with the ideals of deliberative democracy it can lead to sustainable development both directly in terms of the projects implemented and indirectly through social learning by influencing personal beliefs and mindsets. However, at present this potential is not fully realised through the Maldives EIA process due to

procedural shortcomings and socioeconomic barriers. Next, it is important to investigate how the current practice can be improved to ensure a more deliberative democratic participatory process and hence ensure sustainable development through the process. This issue is discussed in the next section.

### **8.3 Recommendations for Improvement of Current Practice**

As highlighted in Chapter 2, one of the aims of the research is to identify some practical recommendations to bring about improvement in the process. This section aims to achieve this end by elaborating some practical recommendations to address the issues identified in the discussion. In this regard, recommendations are provided first to address the procedural issues discussed in Chapter 5 and Chapter 6. These recommendations on procedural issues are followed by some recommendations to address the socioeconomic barriers identified in Chapter 7.

#### **8.3.1 Recommendation on Procedural Issues**

From a procedural perspective, the biggest issue is that the regulations do not provide any guidance in terms of the participatory process to follow for both the report preparation phase and the review phase. Where such particularities are not provided in the regulations, there is a need to address this gap through guidance documents. However, documents that provide detailed guidance on public participation are also not available in the Maldives. The only EIA-specific guidance documents available in the Maldives are the generic ToRs, which other than stating that public participation is required also do not address any particularities. Hence, these procedural aspects need to be defined either by revising the regulations or by developing comprehensive guiding documents. Both have advantages; the latter can be achieved immediately without all the legal and

political barriers involved in revising the regulations, while the former will provide more enforcement power when compared to a guiding document. Either way, defining the following requirements will result in a more deliberative democratic participatory process:

- Notification regarding meetings needs to be given daily starting from about a week prior to public meetings. This notification currently goes only to the council, but this needs to be broadened to the entire affected public. Notification can be given through loudspeakers, an inexpensive means that is widely used in the islands. Loudspeakers have a wider reach than notifying through the Internet and are less costly than announcing through newspapers, radio, or television. Notification needs to highlight information such as where the meeting will be held, the time of the meeting, and how additional information regarding the project can be acquired. Ideally, this additional information should be available from a public location on the island at which a particular project is implemented, for example, from the island council.
- Public notification also needs to be made regarding availability of the EIA reports for commenting; this notification can again be made within islands by using loudspeakers, which as stated above, are relatively inexpensive yet effective. The notification should provide details regarding where the report can be accessed, how to provide input to the report, and the deadline by which comments will be accepted.
- As highlighted, the current system requires access to the Internet to access and read the EIA reports during the review stage. Due to poor Internet



connectivity, this medium of communication alone is not effective or ideal for a developing country like the Maldives. Hence, in addition to uploading reports to the EPA website, during the review stage a copy of the EIA report needs to be made freely available from the island council of the concerned island so that the general public can read it.

- For public meetings, in order to ensure that the attendances of the meetings are maximised, the meetings should always be held during night time, ideally after 8:00 pm. As indicated in Chapter 6, this timing coincides with the time both men and women are relieved of daily responsibilities. The meeting needs to be held at a location that is easily accessible to the public, such as an open hall.
- As one consultant highlighted, two public meetings need to be held during the report preparation phase: one to provide project information (this is what is done at present) and the other after analysis to explain the impacts and alternatives to the public and to determine public preferences. This meets the criteria of providing prior project information and ensuring two-way communication, as it gives time for the public to process the project information prior to the second meeting where detailed deliberations can occur. Thus, this approach can effectively give the public the opportunity to provide an informed input and also ensure social learning through the process.
- Prior to the commencement of the meeting, the rules of facilitation need to be defined and agreed to by the participants. Moreover, as is the case

under the current practice, the agenda of the meeting needs to be open and the public should be able to influence the topics for discussion.

- Site visits need to be undertaken, especially during the second meeting, as new insights can arise as a result of such visits and will make it easier to explain the different perspectives.
- It was identified in Chapter 6, even though not specifically stated under the regulations, the consultants generally utilise local knowledge. This requirement can also be specified explicitly to ensure that such knowledge is acquired and used in all implemented projects. To attain such knowledge, specific attention needs to be given to involving the elderly and also, depending on the type of project, specific groups like fishermen.
- Marginal groups need to be identified for involvement in the scoping phase of the EIA process and these groups should be listed in the ToR as specific groups to meet. As discussed, in the Maldivian context, women can be considered as a marginal group. In addition to women, other island-specific groups may exist. Hence, it is important to identify these groups in the scoping phase to ensure their participation.
- There needs to be a requirement to provide feedback on the issues raised by the public. The consultant should provide this feedback in the EIA report and the EPA should provide this via the decision statement. In this respect, each of these documents should highlight how different issues raised by the public were addressed. Even if a claim is rejected, the reason for rejecting the claim needs to be clearly reasoned.

- As described in Chapter 5, under the current regulations the power to appeal is available to the proponent only. However, to ensure a fair process, this right of appeal needs to be extended to the affected public as well, thus, providing an avenue for the affected public to challenge the final decision.
- The public should have access to independent expert knowledge. The issue for a developing country like the Maldives is that the general public does not have the resources to acquire such independent input. As described in Chapter 5, public acquisition of this knowledge can be facilitated by making the provision of expert input a licensing criterion for consultants, or by providing such independent knowledge through the EPA.
- The EIA regulations currently stipulate that public hearings need to be held after review for “complex and controversial” projects. However, the definition of complex and controversial is not provided in the regulations. Therefore, it is not surprising that to date only two such exercises have been undertaken. These terms need to be clearly defined through the regulations. Complex and controversial can be defined in a number of different ways. For example, a project can be considered as controversial if there is huge public opposition to it. Such opposition can be identified based on the comments that the EPA receives during the review stage. Furthermore, complex may indicate projects that potentially have significant environmental and/or socioeconomic impacts. Another condition that can be used to identify controversial projects is if the two independent reviewers disagree regarding some major component of the

reviewed project. Defining such conditions will make it easier to identify projects that require public hearings following review.

- The information regarding the identities of the reviewers and their qualifications should be public knowledge, once the review is completed. As discussed in Chapter 5, this transparency can increase public and other stakeholder confidence in the process.
- The public needs to be involved in the monitoring phase of the EIA. As highlighted in Chapter 5, this involvement can enhance the social learning capacity of the EIA process and also help the EPA to identify regulatory violations easily. Under the regulations the consultants are already required to monitor the physical environment and prepare periodic monitoring reports. It can be made a requirement for the consultants to undertake public meetings during these visits, to share monitoring information with the public, and to canvass the public's views and perspectives regarding project implementation.

### **8.3.2 Recommendations on Socioeconomic Issues**

In addition to the procedural aspects, the socioeconomic barriers identified in Chapter 7 need addressing in order to ensure a deliberative democratic participatory process. In a way, grappling with such issues is more important as it influences the willingness and capacity of actors involved in the process. Without willing and capable actors, implemented procedures are unlikely to be effective and necessary procedural changes are unlikely to occur. However, it is very difficult to propose concrete recommendations to address such issues as these are related to the broader social, economic, political, and cultural context of the

country. Despite these difficulties, on the basis of the outcomes of the study some recommendations can be identified. These include:

- Increasing awareness at all levels from politicians, to proponents, to local citizens, to school children is the most important issue that needs to be considered when addressing the socioeconomic challenges. As highlighted in Chapter 7, a major constraint for effective implementation of the EIA regulations is political influence. Thus, the mindset of the politicians needs to be changed regarding the EIA process. For this change to occur, the politicians are required to understand and acknowledge the importance of both the process and the outcome in terms of sustainability. Similarly, the awareness of the proponents needs to be increased, especially that of the government proponents. One way this increased awareness can be achieved is by holding workshops to promote EIA, with the benefits of the process illustrated through case studies. At a local citizen's level, both the procedural awareness and awareness regarding local environmental issues need to be raised in order to increase the willingness and capacity of the affected public to participate. Local NGOs can be trained and utilised in undertaking regular community-level awareness programmes. This measure will increase the reach of the awareness programme and also greatly reduce the costs involved; thus, it is ideal for a resource-poor country like the Maldives. In addition, as stressed in Chapter 7, it is important to incorporate local environmental issues in the education curriculum. Education not only will increase the awareness of the children, but also have a positive impact through them on parents (Evans, Gill & Marchant, 1996; Legault & Pelletier, 2000; Vaughan, Gack, Solorazano, & Ray, 2003).

- The gender gap is a pre-eminent issue in the Maldives and hence as identified earlier, specific and special attention needs to be paid to involving women in EIA public participatory exercises. Approaches such as having mini discussions involving only women as an integral component of the main meeting, having female representatives in the team that undertakes public participation, and specifically inviting island-level women's groups and NGOs to these meetings can help to increase women's involvement.
- The public participation meeting needs to be held separate from that with the council. As discussed in Chapter 7, the research suggests that due to political tensions meetings held by the council or through the council are mostly attended by those belonging to the political party that holds the majority in the council. Thus, in order to increase public confidence in the process and to increase the number of participants, it is advisable to hold the public meeting separately.
- Making the EPA an independent agency can greatly reduce political influence in the process and can increase the confidence of all the stakeholders involved. The EPA needs to be an independent entity that makes decisions based on the logic of sustainable development rather than political influence. In addition, the final appeal decision regarding EIAs needs to be made, as highlighted in Chapter 5, by an independent appeals board rather than by a politically appointed Minister as is the case at present.

- Increased environmental awareness of politicians can help to a degree to address the financial and human resource barriers that exist for EPA to involve the affected public and NGOs in the decision-making process. In addition, other innovative mechanisms need to be explored by the EPA and NGOs to address these capacity gaps, for example, by seeking assistance through international donor agencies.

The recommendations highlighted in this section do not aim to be exhaustive or detailed, but aspire to provide guidance for improvement of the process. Some finer details such as timeframes and best possible methods need to be investigated further through pilot projects and further research. However, it is hoped that these recommendations will act as a foundation for developing a more deliberative democratic participatory process through the Maldives EIA process.

Next, it is important to consider the contribution that this study has made to the existing literature on EIA and public participation, especially in the context of the Maldives. In addition, limitations of the study and potential avenues for further research require examination. The final section of this concluding chapter explores these aspects.

#### **8.4 Contribution to Literature and Suggestions for Further Studies**

This research helps to address many of the research gaps identified in Chapter 2. In this regard, this study provides new insights into EIA and public participation in the Maldivian context. For example, this is the only study to date that has reviewed the most recent EIA regulations, i.e., the EIA Regulations 2012.

Moreover, comparisons were made with the previous regulations and the improvements in terms of public participation identified. As suggested in Chapter 5, from a public participation standpoint, only one improvement was observable, namely, the requirement to have the executive summary of reports in the local language, Dhivehi. Moreover, unlike previous studies, this study obtained the views of representatives of all the different stakeholders involved in the EIA process. This approach helped to identify unique country-specific, socioeconomic insights which were not evident in any prior studies. In this regard, the socioeconomic barriers to public participation identified include: political influence, limited financial and human capacity, lack of community spirit, gender gap, and a lack of awareness. In addition, unlike prior literature, even though not exhaustive, this research does provide some practical recommendations for the improvement of public participation through the EIA process of the Maldives. The recommendations took into consideration the context of the Maldives, thus enhancing the practicality of implementation.

The study also contributed to the broader literature on public participation in EIA, deliberative democracy, and sustainable development. In this regard, the potential of a participatory process based on the ideal of deliberative democracy to lead to sustainable development, the main objective of EIA, was identified through this research. In this respect, it was identified that local knowledge from the public can help to fill gaps in scientific understanding and it was also found that increased involvement in the process can lead to social learning, which facilitates sustainable development by increasing awareness. Thus, this study adds to the extensive literature that indicates that deliberative democratic participation through EIA has potential to lead to sustainable development and social learning.



There are many avenues for further research that can be explored. As identified in the section above, the recommendations provided in this study are not exhaustive and hence require further detailed exploration. Moreover, each of the socioeconomic issues identified in this study, namely, political influence, human and financial capacity, gender gap, loss of community spirit, and lack of awareness, can be studied in further detail to identify the implications of each in terms of public participation through the Maldives EIA process. Moreover, this research involved only a limited sample from each stakeholder group. Hence, detailed studies can be undertaken to explore the needs and requirements of each group individually. Another limitation of this study is that due to time limitations the analysis of the process followed was done on the basis of documents; more insights and increased depth of understanding can be achieved by observing actual public participation exercises in practice. Furthermore, the potential of the EIA process for social learning and sustainable development, even though identified, were not investigated in detail through this study. Thus such investigation provides another opportunity for further research.

In conclusion, I believe this study achieved the main research objectives highlighted in Chapter 2. In this regard, the limitations of the current practice and socioeconomic barriers that prevent deliberative democratic participation were identified through the analysis. Moreover, sound recommendations were proposed that can be used as direction in revising the regulations and guidelines. The outcomes of this study, if utilised, will lead to improved public participation through the EIA process of the Maldives and will help achieve the sustainable development goals of EIA.

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# **Appendix 1: Questions for the document analysis**

**Source:** Parlem (2000), Petts (1999b), and Webler (1995)

## **1. Fairness**

### **Administration**

1. Does/Did the process provide an opportunity for everyone to suggest and debate on the issues to be discussed?
2. Does/Did the process provide an opportunity for everyone to agree on the facilitator?
3. Does/Did the process provide an opportunity to debate on the rules by which the discussion will be moderated?
4. Does/Did the process provide a means through which disagreements over rules, agenda and facilitation could be resolved?
5. Does/Did the process ensure that participatory meetings are undertaken in a location that could easily be reached by affected or interested groups?
6. Does/Did the process provide enough prior notice before participatory meetings?
7. Is/Was prior notice given through a means which could easily reach the mass general population?
8. Is/Was the participatory meetings held at a time, which encourages maximum participation?

### **Participatory process**

9. Does/Did the process attempt to identify potentially affected individuals?
10. Does/Did the process provide all potentially affected individuals equal opportunities to participate?
11. Does/Did the process promote two-way communication?
12. Does/Did the process provide all participants equal opportunity to express views, information and claims?
13. Does/Did the process provide an opportunity through which disputes over claims and information could be resolved consensually through a pre-agreed procedure?
14. Does/Did the process attempt to actively seek out the views silent participants?
15. Does/Did the process pay specific attention to involve marginal groups?

## **2. Competence**

### **Access to expert and local knowledge**

16. Does/Did the process ensure where expert knowledge is brought into discussion there is an opportunity to challenge expert knowledge?

17. Is/Was the process flexible enough to allow time and opportunity for participants to consult other independent experts and for further information to be collected?
18. Does/Did the process provide financial support for participants to engage other expertise?
19. Does/Did the process promote the consideration of local knowledge?
20. Does/Did the process promote site visits to promote individual knowledge on the local environment?
21. Are the participants briefed on the range of expert opinions regarding the issue?

### **Validity**

22. Does/Did the process facilitate for independent peer review of the data presented?
23. Does/Did the process provide a means to discuss and deliberate on uncertain information?
24. Does/Did the process provide opportunity to discuss and deliberate regarding any uncertainties of expert knowledge?
25. Is/Was there an opportunity for participants to challenge the final decision?

### **Reducing misunderstanding**

26. Does/Did the process provide enough prior information to the general public to identify whether an individual is affected or not?
27. Does/Did the process provide feedback on the consequences on the claims made by all participants?
28. Does/Did the process encourage participants to reach compromise?
29. Does/Did the process provide opportunity to clarify the claims made by the participants?

### **3. Capacity and willingness**

30. Is/Was any capacity/willingness issues of the participants identified through the participatory meetings?
31. Does/Did the process provide financial assistance to address capacity issues?
32. Does/Did the process provide technical assistance to address capacity issues?
33. Does/Did the process try to address willingness issues associated with the culture?
34. Does/Did the process attempt to increase willingness through building confidence?
35. Does/Did the process attempt to maximize access to the participatory meetings?

## **Appendix 2: Interview Questions**

The interview will include a general set of questions to all participants and some specific questions based on personal experience. These specific questions will differ based on the stakeholder group to which the participant belongs. Given below are the general questions for all participants, followed by the specific questions for each stakeholder group.

### **1. General questions for all participants**

1. What do you think is the purpose of public involvement in EIA process?
2. Do you think that adequate opportunity is provided through the EIA process for the affected public to influence the final decision? Why, why not?
3. Do you think that involvement of the affected public can lead to increased environmental protection? Why, why not?
4. In what ways (if any) do you think local knowledge on the environment could help in environmental protection?
5. Do you think the environmental knowledge of the public is enhanced by taking part in such a process? Why, why not?
6. In your view, what are the main constraints for the public to take part in the EIA process?
7. Generally speaking, if the opportunity arises, do you think that people, especially the affected public, are willing to take part in participatory forums and meetings? Why, why not?
8. What about women and youth, do you think they are adequately represented in such meetings? If not, what are the main constraints for their participation?

### **2. Questions based on personal experience: Regulator agency (EPA)**

1. What procedure do you typically follow to attain public input during the EIA process?
  - 1.1 Do you notify the public regarding availability of reports for commenting? If so, through what means?
  - 1.2 Do you receive any response from the public regarding the projects reviewed?
2. For the report preparation phase, do you think that the public participation requirements are clearly defined in ToRs? Why, why not?
3. What kind of information do you usually get through the public?
4. Do you find the information that you attain to be useful? Why, why not?

5. How do you utilize the information attained from the public?
  - 5.1 To what degree do you utilize it in decision-making? (probing question)
  - 5.2 Do you utilize it to fill information gaps? (probing question)
  - 5.3 What do you do when there are conflicting public views? (probing question)
6. Do you think the environmental awareness of the participating public increases as a result of the EIA process? Why, why not?
7. Do you think the proponents become more environmentally aware as a result of EIA process? Why, why not?
8. Typically through the EIA process what kind of positive changes (if any) are you able to bring about to the project?
  - 8.1 Can you share some examples? (probing question)
9. Why do you think that during the review stage of EIA there is minimal public interest in the process?
10. What are the main constraints for holding public hearings during the review stage of EIA process?
11. Based on your experience, do you think any improvements have taken place in the EIA process, in terms of participation through time?
12. What can be done to improve public participation through the EIA process?
13. What are the main constraints and challenges for EPA in implementing EIA Regulations?
14. Do you believe at present the EIA process in Maldives facilitates sustainable development? Why, why not?
15. Do you have any additional thoughts that you want to share?

### **3. Questions based on personal experience: EIA consultants**

1. Could you explain the typical process that you follow when undertaking public participation?
  - 1.1 What procedures do you follow in identifying affected public to be involved in the process? (probing question)
    - 1.1.1 Do you pay any special attention to involve marginal groups and disadvantaged groups through the process? If so, what procedure do you follow to ensure this? (probing question)
  - 1.2 Typically, when do you inform the participants regarding the meeting? (probing question)
  - 1.3 Do you give any prior information to participants? If so, what information? (probing question)

- 1.4 What procedures do you follow in terms of moderating the meeting? (probing question)
  - 1.4.1 Do you define the rules of moderation prior to the meeting? (probing question)
- 1.5 What do you do when there are conflicts in terms of public views? (probing question)
- 1.6 Do you typically give feedback to the public regarding their input? (probing question)
2. What kind of information do you usually get through the public?
3. Do you find the information that you attain to be useful? Why, why not?
4. How do you utilize the information attained through the public?
  - 4.1 Do you utilize it to define impacts? (probing question)
  - 4.2 Do you utilize it to define mitigation measures? (probing question)
  - 4.3 Do you utilize it to fill information gaps in expert knowledge? (probing question)
5. What are the main challenges that you face when undertaking public participation?
  - 5.1 Do you think that EPA gives enough guidance in terms of the process to follow? (probing question)
  - 5.2 Does the ToR define the process to follow appropriately? (probing question)
  - 5.3 Do you get support from proponents in undertaking the process? (probing question)
6. Do you think the environmental awareness of the participating public increases as a result of the EIA process? Why, why not?
7. Do you think the proponents become more environmentally aware as a result of EIA process? Why, why not?
8. Typically through the EIA process what kind of positive changes (if any) are you able to bring about to the project?
  - 8.1 Can you share some examples? (probing question)
9. Why do you think that during the review stage of EIA there is minimal public interest in the process?
10. Based on your experience, do you think any improvements have taken place in the EIA process, in terms of participation through time?
11. What can be done to improve public participation through the EIA process?
12. Do you believe at present the EIA process in Maldives facilitates sustainable development? Why, why not?
16. Do you have any additional thoughts that you want to share?



#### **4. Questions based on personal experience: Proponents**

1. When do you typically, first contact the affected public regarding the project?
  - 1.1 Do you have any contact with the public prior to starting the EIA process? If so, to whom in the community? (probing question)
2. What role do you as a proponent, typically undertake in consulting the public during report preparation phase?
  - 2.1 Do you typically take part in the process? (probing question)
3. What kind of useful information do you usually get through the public?
4. Do you find the information that you attain to be useful? Why, why not?
5. How do you utilize the views expressed by the public?
  - 5.1 Do you utilize the information in modifying the project? (probing question)
6. What kind of relationship do you have with the community during the project implementation phase?
  - 6.1 Do you give feedback on the progress of the project? (probing question)
7. What kind of effect (if any) did the process have on your personal environmental awareness?
8. What can be done to improve public participation through the EIA process?
9. Do you believe at present the EIA process in Maldives facilitates sustainable development? Why, why not?
10. Do you have any additional thoughts that you want to share?

#### **5. Questions based on personal experience: NGOs (community groups and environmental NGOs)**

1. What role do you play as an NGO in the community?
2. Do you play any role in increasing the environmental awareness of the public? If so, what are some initiatives that you undertake?
3. What role or roles have you (if any) played in the EIA process?

***If participated in an EIA participatory process (during the review phase or the report preparation phase) the following questions will be asked, if not will skip to question 15:***

4. When were you informed about the meeting(s)?
5. Do you think that enough prior notice was given?
6. What information were given to you (if any) prior to the meeting(s)?
  - 6.1 Were you given the agenda of the meeting prior to the meeting? (probing question)

- 6.2 Were you given project information prior to the meeting? (probing question)
- 6.3 Did you find the prior information provided useful? (probing question)
7. What are your thoughts on the location and time of the meeting(s)? Was it ideal?
8. What concerns and issues (if any) did you raise about the project(s)?
9. To what extent (if any) do you think that your inputs were utilized?
10. Do you think the process followed allowed all participants equal opportunity to express views? Why, why not?
11. What feedback (if any) was (were) given to you during the meeting(s)?
12. What feedback (if any) was (were) given to you after the meeting(s)?
- 12.1 How useful did you find the feedback given? (probing question)
- 12.2 Do you think the feedback given was adequate? Why, why not? (probing question)
13. Did you follow the progress of the project after the meeting(s)? If so, what did you do in this regard?
14. What kind of effect (if any) did the process have on your personal environmental awareness?
- .....
- .....
15. Will you take part in the EIA process if the opportunity arises in the future? Why, why not?
16. Outside of what you are doing at present, what roles as an NGO do you think you can play in the EIA process?
- 16.1 What prevents you from undertaking these roles? (probing question)
17. Why do you think that during the review stage of EIA there is minimal public interest in the process?
18. Based on your experience, do you think any improvements have taken place in the EIA process, in terms of participation through time? (question only to environmental NGOs)
19. What can be done to improve public participation through the EIA process?
20. Do you believe at present the EIA process in Maldives facilitates sustainable development? Why, why not?
21. Do you have any additional thoughts that you want to share?

## Appendix 3: Participants Details

The table below provides the details of the participants with each participant identified by a unique code to ensure confidentiality. None of the information provided regarding the participants including their descriptions, their gender or the date on which the interview was conducted allows the participants to be identified.

PARTICIPANT CODE	DESCRIPTION	GENDER	DATE OF INTERVIEW
<b>CONSULTANTS</b>			
CONS1.PLAN.M	PLANNING	MALE	8th MAY 2014
CONS2.MARBIO.M	MARINE BIOLOGY	MALE	14th MAY 2014
CONS3.ENVMNGT.M	ENVIRONMENT MANAGEMENT	MALE	14th MAY 2014
CONS4.WATSAN.M	WATER AND SANITATION	MALE	7th MAY 2014
<b>EPA</b>			
EPA1.IMP.F	IMPLEMENTATION LEVEL	FEMALE	12th MAY 2014
EPA2.IMP.M	IMPLEMENTATION LEVEL	MALE	13th MAY 2014
EPA3.POL.M	POLICY LEVEL	MALE	6th MAY 2014
EPA4.POL.M	POLICY LEVEL	MALE	11th MAY 2014
<b>COMMUNITY</b>			
COM1.ENVNGO.M	ENVIRONEMNT NGO	MALE	13th MAY 2014
COM2.COMNGO.M	COMMUNITY DEVELOPMENT NGO	MALE	21st MAY 2014
COM3.COMENV-NGO.M	COMMUNITY DEVELOPMENT NGO WITH ENVIRONMENT COMPONENT	MALE	25th MAY 2014
COM4.WOMNGO.F	WOMENS DEVELOPMENT NGO	FEMALE	29th MAY 2014
COM5.COUN.S.M	COUNCILOR	MALE	21st MAY 2014
<b>PROPONENTS</b>			
PROP1.TOUR.PVT.M	TOURISM (PRIVATE)	MALE	10th MAY 2014
PROP2.WATSAN.GOV.M	WATER AND SANITATION (GOVERNMENT)	MALE	5th MAY 2014
PROP3.COAST.GOV.M	COASTAL DEVELOPMENT (GOVERNMENT)	MALE	5th MAY 2014
PROP4.HOU.GOV.M	HOUSING (GOVERNMENT)	MALE	7th MAY 2014
PROP5.FISH.PVT.M	FISHERIES (PRIVATE)	MALE	28th MAY 2014