Examination of a Negotiation Model for Addressing Community Concerns about Technological Risks and Impacts.

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Abstract

Issues and conflicts arise when a company's existing or intended technological activity causes concerns in its host community about risks, impacts, and their consequences for local health, safety or environment. Research indicates that many of the concerns can best be addressed and conflicts avoided when the company and its community or groups in the community directly engage in negotiating and implementing agreements that provide mutually-accepted responses to residual risks and impacts and thereby supplement existing laws, regulations, local permit authorities and company self-regulation. We call this engagement concept "the new social contract" and have examined models for its application, such as the "good neighbor agreements" and "community benefits agreements" that have been developed in recent years.

Discussion starts with the conditions that motivate and influence the negotiation process, the legal and contextual parameters that shape outcomes, the complexities and legitimacy issues that arise when conflicting factions within the community are involved, the considerations involved in choosing between a legally-enforceable contract or trust-based agreement, and the need to include provisions for dealing with new or changing circumstances.

This is followed by analysis of experience in negotiating and implementing "good neighbor agreements" and other models such as state-authorized "community benefits agreements", the types of specific commitments and compromises made by the companies and communities and groups involved, the causes of breakdown and success, and the derivation of lessons learned about the value and limitations of the negotiation approach. The paper concludes with advisories and recommendations regarding further use of the negotiation model.