



How im(Moral) is the “Nimby” stand? Elements to the Ethics of “environmental” Conflicts

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Abstract

The extensive use of the “Not In My Back Yard” (NIMBY) acronym by social scientists and society at large (i) is supposed to describe an existing phenomenon, even if it is admittedly ill-defined and elusive and (ii) became the indicator of a set of social, ideological and moral choices, and is used as a tool to depreciatively qualifying the resistance and protest of communities against the implementation of projects affecting them (namely their water resources). The argument relies on two oppositions: (i) at the social level, between “private” (namely individual) interest and “general interest” or “common good” and (ii) on a moral perspective, the split between an egocentric or selfish attitude and an altruist one. From a methodological perspective, NIMBYism tends to be analysed at the individual level: attitudes, motivations, self-interest calculation, rationality. We will consider that complex phenomenon at a social scale, considering convergence of interests and solidarity among concerned individuals, propagation of protests beyond the local level, and the process of aggregation of actions to constitute genuine social movements. A reappraisal of the Ethics of so-called “NIMBYism”.

Keywords

NIMBY • Protest • Common good • Rationality • Selfishness

1 Introduction

The “NIMBY” acronym has been extensively “used by social scientists since the end of the 1970s to describe the resistance of communities to the siting of controversial facilities and locally unwanted land uses” (Borell and Westermark 2018). The lexical use these authors refers to has been acknowledged by number of other scientists, together with its diffusion in society at large: institutional actors, project promoters, enterprises and of course, the media. We must qualify these uses not as “descriptive of a phenomenon”, but rather as a label imposed on certain local situations, mainly those which imply, as Borell and Westermark (2018) aptly indicate, “resistance movements of communities” against controversial projects affecting them. Two attributes characterise such label: it is imposed on the situations from outside the community, and it is strongly depreciative. The negative load carried by the notion in virtually all its occurrences is best summarized by (Burningham et al. 2014): “In everyday use, the term is a pejorative shorthand to denote irrational, selfish, and obstructive individuals”. They confirm a fact described long before: whenever “[t]he issue of public responses to technological risks has attracted attention from social and behavioural scientists, and also from policy spokespersons, three main viewpoints can be discerned: the public as ignorant/irrational, selfish, and prudent” (Freudenburg and Pastor 1992) write. An implicit assumption is that, by contrast, policymakers and project promoters are expert, informed, rational, and altruist. This dichotomy was adopted without a serious critical examination of its moral implications by a first wave of writings. A new trend emerged in studies on local opposition to “locally unwanted land uses”, whose LULU acronym, due to (Freudenburg and Pastor 1992), has confronted the implicit or explicit assumptions of nimbyism phrasing, both with the theoretical flaws of the concept and the lack of empirical evidences that should sustain it. Burningham et al. (2014) writes “[I] conceptualize this

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discourse as embodying an array of deficit models of the public and public knowledge". We proceed to briefly examining the "array of deficits" "the nimby discourses" the first trend of studies ascribed to opponents to technological and industrial transformations of a given territory.

2 An Inquiry into a Flawed Concept

First of all, are those opponents to local or regional projects "ignorant"? The opposite happens. The high degree of information (including hard technological data) the actors have, as empirical research has demonstrated in a number of cases, either is massively ignored by the tenants of the nimbyism phrasing or has been taken as a huge surprise (Wolsink 2000). People, groups, and communities opposing such projects as urban waste incinerators, high-speed railroads, wind farms, mines, hydraulic projects, etc., appear to be well informed. They are sometimes able to produce reliable information on certain aspects of the projects and their impacts that their promoters either are not aware of or fail to publicly disclose. As time passes after the unwanted project has been designed and decided (typically by outside powerful actors), local communities are able to acquire knowledge and enrol experts who may support their claims at a high technical and scientific level. Ignorance has been demonstrated to become the problem not of the concerned public, but rather that of some project promoters and may simply end stopping the projects on the ground of scientific flaws, along with social considerations, as was the case with the Alaska Pebble Mine project (Kozacek 2014).

As for the second type of "deficits", what leads the NIMBY discourse assumptions to qualify their opponents' action as "irrational"? Two examples may illustrate their reasoning. The first may be found in renewable energy projects (REP). REP is supposed to unambiguously contribute to a common good-replacing fossil energy sources by "clean" ones. Several opinion polls demonstrate a large support to this kind of solutions. When asked if they will accept a wind farm in a given spot which may be near the place they live in, people who had shown support to REP projects in general, will strongly refuse their construction in certain places. This, according to the nimbyist phrasing would be a clear disruption of a rational thinking. But, as Fischel suggests, "NIMBYism is a rational response to the uninsured risks of homeownership", when a person or a community evaluates the material consequences of a given project on her property (Fischel 2001).

The second set of examples for the use of "Nimby" when labelling resistance movements concerns opposition to mining projects and is certainly instructive as well. Mining has been one of the most impacting industries on environment (US EPA). Amongst several potential hazard factors,

like toxic dusts, noise, waste rock and tailings disposal, those connected to water resources are assuming a highest relevance. Classically, a great number of studies have dealt with local groundwater pollution, stemming out of Acid Rock Drainage, of toxic mud dams failure, etc. Those risks have motivated a huge (and growing) number of protests and conflicts between mining companies and communities at a local or national levels (Del Campo 2015). Another set of conflicts has emerged, not about possible accidents, but about water resources consumption during "normal" mining operation. Mining industries are using enormous amounts of fresh water for ores treatment. Gold mining is at the top of water consumption per ton of metal produced (Stoltenborg and Boelens 2016). But such a fact is by far not exclusive of gold mining, as copper and lithium mines, to name just a few, also demand huge water resources for their operation. This is where conflicts emerge between companies and the communities: competition for alternative (incompatible) uses of a limited resource (Bridge 2004; Martsynkevych 2012; Tsatsaros et al. 2018). Present examples of these conflicts are those opposing lithium mining companies and local communities in the Chilean Atacama Desert, where the situation has been described as a "water war" (Sherwood 2018). As communities oppose mining projects perceived as profoundly harming their interests and even their survival by dramatically depleting water resources in their territory, are they acting as irrational "NIMBYS"? This was clearly not the case with Rio Tinto's Pebble Mine project, abandoned after a strong opposition by the Native communities, and the final regulation by US EPA (Kozacek 2014). Such is the nature of mining: the mine must be implemented in the very place where the mineral resource is located or will have to be dismissed. From the point of view of local communities, those places are not an abstract section space defined by GPS coordinates: they are their unique territory. To destroy it, is to destroy the community, as surely as if a deportation would force them out of it. Space may be fungible; community territories are not.

The third "deficit", the moral one, remains unsolved so far. It would stem out of the fact that a person approves a certain type of projects whenever they are conducted far away from her place but refuses it in her backyard. These choices are blatantly "selfish": are they? First, we should clarify what is meant by "backyard". In a restrictive reading, this would mean the immediate proximity to one's home. In this acceptance, the person is only defending her personal, almost intimate space, something that you are compelled to consider legitimate, but may be (although not necessarily) seen as ignoring her neighbour's interests and a fortiori, "general interest". If the meaning of "backyard" is larger, and describes a neighbourhood, valley, river basin, or region to which the person claims having some right and/or duty of conservation or some other interest in maintaining a certain

state of affairs, to label her stand as “selfish” is much more problematic. The larger scope entails necessarily the interests of some other people (neighbours, inhabitants, users) and may be seen as a question, not of property, by sovereignty of a community on her territory. Such is the case when local communities resist mining projects which endanger water resources, compromising their very survival. But let us examine the “worst” case: the person is just refusing the construction of the project in her “backyard”; how could she accept its construction in the backyard next to her own? Or say, three or four backyards away? What is the distance at which she would think that her specific interest would cease being damaged? Of course, if we accept this as her individual reasoning, we must admit that her neighbours may follow the same. The “narrow selfishness” of a given person may thus propagate across space and society. It is then possible that instead of a “nimby” attitude, the resistance to a given project may be better described as a “NIABY” (Not In Anybody’s Backyard) stand (Soutra 2016). A stand which, apart from the case of mining, may mean: far away from any densely inhabited place (e.g., off-shore REP). In every single instance (wind farm, mine, hydroelectric dam, waste dump...), it is probable that the propagation of such a kind of shared or “empathetic selfishness” will reach a frontier beyond which the feeling, the stand and willingness for action ceases to spread. Interestingly, as we verified in our fieldwork, propagation from a dense nucleus of action readiness fed by self-interest and empathy with neighbours’ interest, while reaching a spatial limit, may literally project itself to some social groups and spaces which are not contiguous to the starting point (Santos 2016). This happens every time when external groups, congregating people who, while not being directly affected at that time, feel that their situation might become similar and join the action and/or negotiation. This led (Schaffer Boudet 2011) to devote “special attention to the key mechanisms of frame bridging, relational diffusion, brokerage and certification”. Further, groups of people whose personal, material, interests are not, and most likely will not be, threatened, may join the criticism of a given project for the sake of a given interpretation of what is, and what is not, the “common good”, or “general interest” (Conde 2015; Soutra 2016). Analysis of the kind of horizontal process described above is interesting because it endangers interpretations that reduce people’s resistance to a moral deficit and calls attention to the shared “good reasons” they may have to resist a given project implying “Locally Unwanted Land Use” (LULU), as (Freudenburg and Pastor 1992) phrased it. A vertical analysis must complete the former, in order to account for the asymmetric relationships between the local, impacted interests, and the tenants of the project against which resistance arises. These are always powerful stakeholders, either private or public, who are invariably able to

in a position to take the decisions about what is to be done, where and how a project must be implemented, including, as it may be, against local will.

3 “Common Good”, “General Interest” and Private Profits

This is where the rhetoric of “common good” or “general interest” plays a major role in justifying the decisions to implement the controversial projects, and dismiss resistance, by simply taking for granted without further examination the qualification of the project by its promoters as corresponding to “common good”, as explicitly does, among others (O’Hare 2010). The research thus has to deal with two problems (i) the competition between local and external actors around the definition what is, and what is not the “common good” or “general interest”, and conversely, (ii) what is or is not a private, particular interest and whose interest it is. In several cases, locally affected people will tend to bring to the light the particular egoistic interests moving the project’s promoters, which may entail the defense of private profits of an enterprise, political interests of a party or politicians, etc. In many cases, like in urban waste disposal projects, politicians and enterprises will have decided a trade-off between alternative technical solutions and among several possible locations, and have populations being confronted with their decisions (Hou et al. 2019). As (Wolsink 2006) puts it, “The conflicts are actually about fairness (Sjöberg and Drottz-Sjöberg 2001 in Wolsink 2006); my emphasis). Use of the “NIMBY” label is thus unfair and has been challenged. “Since the early 1990s, there has been an increasing trend for studies to require full clarification of the concept, to avoid it, or completely discard it as an analytic tool” (...), one of a kind of “ill-defined, lazy concepts that are easily used to legitimize simplistic politics” (Wolsink 2006). The use of the NIMBY label “is likely to exacerbate conflict and result in those so labelled feeling excluded and aggrieved” (Birmingham et al. 2006). We may hypothesize that the strong dual opposition between “common good” and “particular interest” (as problematic as it may be) is a basic cognitive schema for social categorization of actors, actions and motivations and is consequently a “good” tool or “weapon” for actors involved in social conflicts. A particularly clear counterexample was documented by (Jakobsen 2008), in her study on the causes of success to the construction of wind-farms in the Danish island of Samsø. She points out mainly “knowledge sharing”, “involvement of local people in the decision-making process and the organisation of ownership”. This is also what (van Veelen and Hagggett 2017) found in their Scottish Highlands’ research on locally managed industrial energy projects: a common ground may take form only after a long, agonistic, process

and eventually at the cost of radical changes in the initial project design.

It's only by deconstructing the definition of social utility and general interest that resistance movements may avoid the “nimby” qualification. This is done by unveiling the nature of involved private interests, analysing and confronting the planned sharing of costs and benefits between promoters and impacted stakeholders and eventually constructing an alternative definition of a common good. Such a definition is ever highly problematic because it includes extremely complex components and can by no means avoid political, questionable choices, namely those between short term and long term and between economic growth (“development”) and ecological preservation.

4 Trust, Power and Legitimacy

Accusing a group or community to engage in “Nimbyism” because they resist the realization of a project decided by an external power, private or public amounts to ignore the deep variables at play in these situations. It has been shown that a major factor is at stake in these conflicts: trust. Resistance arises when people don't trust the enterprise or public power's discourse, promises and accountability (Hou et al. 2019). Such distrust may be, and often is, motivated by prior experiences of institutional failure to meet their engagements towards affected people. In her extensive review of the literature on mining resistance movements (Conde 2017) concludes: “The literature reveals that local communities react not only to perceived environmental impacts but also to their lack of representation and participation in decisions concerning their development path, lack of monetary compensation and distrust with the mining company and the state”. We retrieve all three elements of the situational schema we have been analysing so far: risk, powerlessness, distrust. In most cases, the resistance to the localisation entails that there may be alternative locals where to build it. This is obviously not the case with mining projects because mineral resources are located where they are, the remaining alternative being between extracting them and renouncing to do it. This makes conflict setting much more difficult. In spite of promoters' efforts to meet some of the locals' concerns (mainly by negotiating modalities of implementation, promises of economic compensation of material losses, etc.), communities may simply refuse to accept any mine which would imply the destruction of their human and natural habitat (water resources, villages, fields, valleys, etc.). When it comes to mining activities, local resistance to a project may mean, as mentioned above, the overall rejection of any mining at all in that given place. The problem raised by this resistance may be phrased as a typical “nimby” one: those communities reject a given metal mine, but they still want to

use products that could not be produced without that metal: so where would its extraction be legitimate? Private mining companies may thus draw on the “common good” rhetoric to promote their own interest. Public institutions, in turn, may, and in most cases do, recognise the mining project as coinciding with the general interest: state income (taxes, royalties), employment, economic growth. The states may decide to allow a company to prospect and eventually exploit a mineral deposit, giving to the local communities some information about the decision, and promising to the communities that some care will be taken to mitigate the inevitable damages to their territory: biodiversity, water and land resources, homes, health, and well-being.

Especially since three decades, there was a considerable rise in the number of mines, in their dimension, and further localisation in more populated areas, aggravating their impact on environment and on communities' lives and territories. This fostered the rise in the number and in intensity of resistance movements (Conde 2017). A major factor has been identified to explain the origins of conflict and the new forms it takes: lack of credibility of government information and general mistrust of public institutions. “Additional factors are a decline of confidence in the ability of government and industry to make informed, prudent and equitable decisions about risky technologies and statutory creation of new opportunities for public participation in administrative and judicial processes (Mazmanian and Morell 1990). There is no reason to believe these conditions will be altered appreciably anytime soon” (Kraft and Clary 1991). Almost thirty years later, drawing on an important corpus of works, Banning concludes that “[a]ll of the above-mentioned results point towards a deep mistrust of local citizens towards their governments to responsibly consider the siting of risk-generating facilities” (Banning 2016).

5 Concluding Remarks: Positive Collective Outcomes of Apparently “nimbyist” Resistance

The spreading of protest movements had at least two consequences. On the one hand, they exerted a very efficient pressure towards the reinforcement of legal frameworks, imposing new and stricter technical constraints on extractive activities. Water resource's consumption and management, which was seen decades ago as a secondary or lateral issue, became integral to any project involving land transformation, and its incidence on watersheds, streams and their biological health. On the other hand, the process of decision has tended—in the best cases—to integrate some participation of the locally affected communities, eventually since the very beginning of any project. They draw on a better inventory of effective damages, better compensation, and

mining companies’ insurance against industrial risks. It is only apparently paradoxical that each local resistance movement against mines, that some would disqualify as “nimby” because they defend a particular place and community, has very positive outcomes to the situation of many other communities that are eventually confronted with mining projects, and to society at large. Better laws, better decision processes, better compensation of damages and insurance against hazards, which would probably not have happened without resistance movements, are undoubtedly outcomes that correspond to a consensual acceptance of a “common good”.

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