

A framework for assessing the procedural justice in integrated resource planning processes

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Abstract

Globally, there is growing competition for a wide range of natural resources. The need to manage and allocate natural resources fairly has been identified as an important policy goal in many discussions. These deliberations have in turn brought questions of social justice into sharp focus. To better understand justice issues in resource allocation and planning, general theories of social justice are reviewed from various perspectives. Social justice focuses on creating fair and equal conditions in which individuals matter, and their rights are recognized and protected when decisions are made. Social justice is discussed in the literature with respect to three main concepts: equity, distributive justice, and procedural justice. Our review of this literature reveals that attending to procedural justice can lead to a process ensuring a fair allocation of resources, adding transparency, and improving public acceptance. However, the procedural justice literature lacks a comprehensive model to assess integrated natural resource planning processes vis-à-vis procedural justice. This paper addresses this gap. It describes a model of procedural justice which we propose is well-suited for application in a range of circumstances and across jurisdictions. To generate the model, several theories of procedural justice are reviewed, leading to the identification of five fundamental principles against which processes for making resource management and allocation decisions can be assessed. To ensure fairness, planning processes should have (i) an unbiased framework; (ii) an informative procedure; (iii) a process that secures legitimate representation; (iv) an effective public consultation process and (v) the ability to resolve conflicts.

Keywords: Integrated Resource Management, procedural justice, regional planning, Alberta, Canada.



1 Introduction

One of the challenges associated with the integrated approach to managing natural resources, an approach that has become increasingly popular in recent decades, is to develop fair processes for natural resource planning. There is a growing level of competition for the limited natural resources on the planet, and many planning agencies are finding it increasingly difficult to meet ever increasing levels of demand for resources. For instance, competition between urban, agricultural, and industrial sectors, all vying for their fair share of these resources, place demands that are increasingly difficult to accommodate, and concern is also mounting about the efficiency and effectiveness of many resource management and planning processes [1]. Integrated Resource Management (IRM), introduced by the United Nations [1], is considered an approach to ensure a fair planning process. Proponents of IRM claim that the governments alone cannot make fair and sustainable decisions regarding resources, and thus advocate collaboration between governments, key stakeholders and the general public. Only by doing so can the diversity of perspectives necessary to make fair and just decisions is provided [2–4].

The concept of social justice, an idea which considers the allocation of power, benefits, resources, and fundamental rights and responsibilities, provides a perspective on how planners and managers can deal with complicated resource allocation decisions, such as those relating to water resources. One aspect of social justice, *viz.* procedural justice, has particular application to this discussion. This is because procedural justice is concerned with how decisions are made rather than the outcome of those decisions [5, 6].

In the procedural justice literatures we find the argument that reaching a fair planning process cannot be guaranteed, primarily because the concept, fairness, is contested. Furthermore, the principles associated with procedural justice have yet to be integrated into a comprehensive model in IRM. Our review of the literature reveals that: i) the concept of fairness is entangled with participants' feelings which make achieving practical outcomes a difficult task; and ii) the use of integrated resource management in the context of regional planning processes is relatively new. The current literature does not comprehensively address procedural justice in this context. This chapter addresses these issues by systematically reviewing the literature to draw from the amalgam of ideas on social justice, planning process and resource (such as water) management to identify critical components of procedural justice. It also develops a framework to assess procedural justice which influences the development of fair natural resource plans acceptable to the affected communities.

2 Integrated Resource Management

There are numerous tensions and challenges in natural resource management, owing in part to the various and often conflicting demands from different users who all want a fair share of key resources. In addition, many demands are increasing as populations and economies grow. To address these challenges, it is



helpful to review the successes and failures of resource management and allocation systems that have been used in the past across various jurisdictions.

One attempt to integrate social, environmental, and economic values was the introduction of Integrated Water Resource Management (IWRM) which promotes the coordinated development and management of water, land, and related resources in order to maximize economic and social welfare in an equitable manner without compromising sustainability of ecosystems [7]. IWRM principles can be summarized into three main categories: social equity, economic efficiency, and ecological sustainability. To foster social equity, IWRM emphasizes shifting from a control and command management approach, to an approach emphasizing collaboration and participation [7]. Through inclusivity, a genuine consensus can be reached through mutual and cooperative agreement among participants.

Most of the decision-making tools associated with IWRM presuppose that participants have equal access to information, and commit to negotiating power differentials with honesty and integrity. However, in practice, IWRM decision-making processes are often characterized by intense conflicts among participants over preferences, goals and values. These processes can also be hobbled by power imbalances, variability in the capacity of actors to understand information, especially if that information is highly technical, and prone to communication barriers. Given the existence of power imbalances, and other sources of conflict, it is hardly surprising that that elements of injustice will be present in the decision making process [2]. The IWRM community is aware of such concerns, and have adjusted decision making models with the aim of striking a fairer balance among various perspectives. Notwithstanding this observation, however, IWRM methodologies and tools must be evaluated regularly in order to ensure that specific policies meet the goals of the actors involved [8, 9].

This chapter identifies the critical components of procedure justice and develops an analytical framework to facilitate evaluation of various planning processes carried out following an integrated resource management approach. It therefore becomes necessary to focus on the process of decision making to better understand diversity and complexity of issues and challenges such as distribution of allocation of power, benefits, resources, and fundamental rights and responsibilities. To deal with these challenges, it is critical to review theories of justice to identify relevant components under which successful integrated planning processes can develop.

3 Theories of justice

Clayton [9] observes that issues of justice arise when resources are not equally distributed between groups, or when resources are (or are perceived to be) in short supply. In the literature, several theories of justice have been developed in various economic, social, and environmental contexts and grounded in different philosophical frameworks. Most philosophies of justice follow one of the three main schools of thought: egalitarianism, liberalism, and utilitarianism. The core principles of each theory focus on aspects of human rights and moral behaviours. Egalitarianism focuses on the equality of access to all resources, and supports the



idea that all humans are equal in fundamental worth and moral status. Liberalism rests on the concepts of popular sovereignty, collective expression of rational choice, and free society. By way of illustration, Nozick [10] held that “only a minimal state limited to enforcing contracts and protecting people against force, theft, and fraud is justified. Libertarians believe that more extensive states would violate a person’s rights, and are thus unjustified” (p. 56). Finally, utilitarianism proposes that the ultimate objective of morality is to maximize the utility and minimize the deficit or damage.

Rawls [11] proposes a perspective on justice that combines key concepts from liberalism and utilitarianism. Rawls argued that justice is a system of thought and it is the first virtue of social institutions. In order to resolve conflicting claims, it is essential to think about justice as a principle or a set of principles that can underpin a legal system. To develop these principles, it is helpful to consider justice from economic, environmental and social perspectives.

The concept of social justice is an inseparable part of justice theories. Social justice means creating a fair and equal society in which each individual matters and their rights are recognized and protected when decisions are made. Prilleltensky and Nelson [12] define the value of social justice as the “fair and equitable allocation of bargaining powers, resources, and burdens in society” (p. 4). Social justice is discussed in the justice literature with respect to three main concepts: equity, distributive justice, and procedural justice [13, 14].

The challenge of defining ‘equity’ in a social context has a long and extensive history. From a social policy perspective, equity has two main components: proportionality and egalitarianism [1]. Proportionality focuses on allocation of resources between people. A proportional allocation of resources should be based on people’s efforts towards the greater good. In contrast, egalitarianism proposes that everyone should enjoy an equal share of resources without any special considerations.

Distributive justice evaluates whether an outcome is just in terms of the distribution of resources between stakeholders. The concept of procedural justice is described by Tyler [15] as the belief that “fairness of procedures mitigates loss of support due to poor outcomes and maintains supportive behaviour” (p. 210). Procedural justice is commonly assessed by examining each step of the decision-making process and evaluating whether it is just. A review of procedural justice and its application to natural resource management is offered by Lawrence *et al.* [16]. According to Lawrence *et al.* [16], procedural justice is first concerned with the fairness of individual components of the planning process, and then considers public opinion to evaluate the fairness of a given process as a whole.

4 Procedural justice

Procedural fairness has been recognized by scholars from several different fields as an appropriate measure to evaluate a planning process and outcome satisfaction [6, 17, 18]. Generally there are three main theories that influence current research on procedural justice: (1) theory of procedure [19]; (2) justice judgment theory [5]; and (3) group value theory [6]. Theory of procedure [19] argues that legal



process has to resolve conflicts in such a way as to bind up the social fabric and encourage the continuation of productive exchange between individuals. Justice judgment theory [5] focuses on identifying procedural rules for fair allocation based on individual beliefs. Group value theory [6] support the providing voice for individual during the process of decision making and focus on the importance of procedural justice prior to distributive justice.

To add more weight on integrated resource management various studies about social justice in water management and regional land use planning were systematically reviewed. These studies were compared and analysed to identify procedural justice components (see Figure 1).

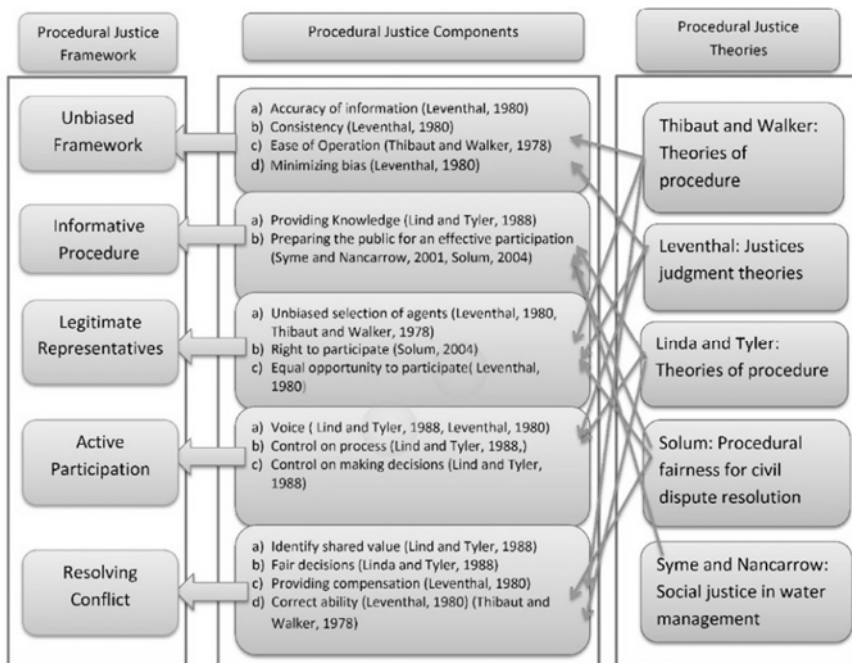


Figure 1: Procedural justice framework.

Designing a fair procedure is complex and can be unpredictable. Consequently, it may be necessary to add or change procedural components based on circumstances [5]. Syme and Nancarrow [4] believe that as long as there are disagreements in perception of what is fair and just, creating a fair decision-making procedure will be difficult. Lukasiewicz *et al.* [3] argue that “procedural justice literature lacks a comprehensive model” (p. 3), making it necessary to strike a balance between designing technical rules and incorporating the needs of the individuals involved. The issue of balance becomes more prominent in the regional planning process.

4.1 Procedural justice framework

Creating a framework which is fair and procedurally just demands recognizing the value of public participation and public experience, accommodating diverse social and cultural values, and meeting public expectations of what constitutes fairness and procedural justice in the context of planning processes. In this regard, five major principles can be identified. These principles provide the basis for specifying a comprehensive, evaluative framework. The five principles relate to (i) an absence of bias; (ii) provision of information; (iii) representation that is inclusion and legitimate; (iv) active, as opposed to passive, participation; and (v) resolution of conflicts.

These five principles can be used to inform a framework for evaluating the fairness of integrated resource planning processes. Taken together, these principles yield a set of criteria against which the fairness of integrated resources planning processes, such as those used in the management and allocation of water, can be assessed systematically and with a high degree of analytic rigour. The following subsections describe the five principles in greater detail.

4.1.1 Framework for an unbiased process

While it has long been recognised by practitioners and theorists alike that planning process are seldom free of bias [20], addressing bias represents an important step toward achieving a fair process. Based on the advice offered by Leventhal [5] and Lind and Tyler [6], the minimization of bias can be achieved by attending to the following considerations: (i) internal consistency; (ii) accuracy of information; (iii) operational ease. Each of these considerations contributes to the construction of a fair planning process; and (iv) managing group dynamics.

To explain, consistency across people, methods, time, and objectives has been identified a hallmark of a fair planning process [17, 21]. Assessing a planning process solely on its objectives and/or outcomes ignores questions of procedural justice or fairness. The theoretical possibility is hereby acknowledged that a sound and reasonable planning objective, as well as a just outcome, could each be products of a procedurally unjust process where, for example, identifiable groups might have been excluded. Lukasiewicz *et al.* [3] have observed that if a planning process is consistent throughout, participants might accept the planning process as a fair procedure, even if they consider the outcome unfair.

Accuracy is the second component which leads to a fair planning process. Accurate and relevant information ground in sound science are necessary but not sufficient conditions for making informed, evidence-based decisions. If the accuracy of information is compromised or if necessary scientific data are incomplete, the chances of a poor decision being taken are heightened [22].

Ease of operation means having an understandable procedure, and is another important ingredient in an unbiased process; a fair planning process must be easy for participants to understand. A process that is ambiguous or confusing can result in the disenfranchisement of particular groups. In order to participate fully in a process, all stakeholders must be able to follow the process. Participants in a process must be able to understand why particular objectives have been established, as well as the basis upon which specific implementation strategies

were selected. Several observers have argued convincingly that when people understand the basis for the design of the process, they are more willing to accept the plan and its outcomes [23, 21].

The final element in minimizing bias relates to power imbalances within and amongst groups of stakeholders. Sometimes a particular group, or perhaps an individual within a group, may occupy a position of power that allows that group or individual to exert disproportionate influence over the process. Recognition of such issues and the manner in which they are managed will have a significant impact on the degree to which the process is regarded as fair [21, 23, 24]. A fair process must provide opportunities for open discussion and for the consideration of various views and interests [24]. A fair process is one that is inclusive and culturally informed [21]. Ironically, in order to ensure that all parties to the process are 'heard', the process facilitator may need to adopt discriminatory practices by treating some individuals and groups differently than others. This consideration is of particular relevance in the situations involving marginalized groups.

By way of summary, these four principles have been identified in the literature as pillars of an unbiased planning process. A fair planning process is consistent, unbiased, accurate and easy to understand, public and stakeholders are more willing to accept the planning process and its outcomes.

4.1.2 Informative procedure

The second element of our framework relates to the nature used in support of a planning process. To be fair, the information used in a planning process must be such that all participants are empowered through the provision of timely and relevant information, conveyed in a way that is sensible to all parties [3, 6, 20]. Lind and Tyler [6] and Solum [21] argue that an informative procedure has two main goals: (i) to provide background knowledge to the public [6] and (ii) to provide opportunities for effective participation [21].

In the context of a resource planning exercise, for example, an informative process should provide general information about the region, as well as information about the planning process itself, possible outcomes of the plan, and the legal consequences of the plan. Background information should also enumerate any specific particular challenges facing the region, how the plan will respond to those challenges, and how particular decisions are likely to affect the public in the future [23]. Provision of such information will assist public to understand why the planning process is important, and will provide for more informed feedback. Participants will also be better able to consider thoughtfully solutions to particular issues and challenges.

An information rich planning process, one that meets the conditions laid out here, should provide the public opportunities to actively participate in the planning process. An informative process introduces participation opportunities, emphasizes on the importance and the value of public ideas, and makes sure to address public concerns in the planning process [1]. In summary, then, an informative process creates positive perceptions of the planning process by first providing the public with background information, and secondly, providing them with a foundation for active participation.



4.1.3 Legitimate representative

Several observers have noted that consulting with representatives of the public who possess special expertise is extremely useful to both planners and government agencies involved in natural resource management or regional planning [3, 24, 25]. Ideally, these representatives, who have special knowledge and represent specific sectors and are interested in participating in the process, are consulted [1]. However, no matter what sort of specialized or expert knowledge a given individual possesses, if they are representative of a sectoral interest, and especially if that sectoral interest is represented by a duly constituted NGO, it is imperative that the representation in question be legitimate.

To ensure legitimate representation, three conditions must be met: (i) an unbiased selection process for representatives must be used [5]; (ii) representatives must be treated and valued equally [20]; and (iii) equal opportunities must be given to each representative to share his or her ideas [5]. In a fair process, all qualified representatives should have an equal chance to be selected by authorities, so that various political perspectives, gender, interests, and ideologies should be given a voice in the process, ideally.

Procedural justice scholars argue that representatives should be treated equally and respectfully. Moreover, each representative should have equal access to information and financial resources. As a practical consequence of the second of these two points, access to financial resources, it may be necessary in some circumstances for some sectoral interests to receive financial support, especially if without such support their participation would be impossible. As a case in point, many jurisdictions in Canada, and elsewhere, provide intervene or support in the context of environmental impact assessment processes.

Ensuring that sectoral and stakeholder group representatives are legitimate, a condition of which is that they have been identified in a transparent and defensible way, adds credibility to planning processes. Selecting legitimate representatives soundly and then making sure their input is sought and thoughtfully considered, are fundamental considerations if processes are to be viewed as being fair.

4.1.4 Active participation

A fair planning process must include both legitimate representatives and active participation in order to ensure that the public's voice will be properly considered. It is widely accepted that parties to a planning process are likely to be more willing to actively contribute by investing resources, time, and energy, when they perceive that a planning process is fair. At the same time, a process which provides for active participation is generally regarded as a fair one. Recent procedural fairness research shows that fair procedures will encourage active participation when the public is provided with opportunities to voice their interests, control the process, and control the outcomes [20, 21]. Active participation means that participants are afforded the opportunity to voice their interests, and that participants are able to exercise control over both the process itself and over final decisions [5, 26].

The opportunity to voice interests is associated with providing members of the public with the right to speak and have their views represented in a planning process. Ideally, concerns about empowerment and mobilization of social capital



should be high priorities vis-à-vis active participation. The ability to voice interests in the planning process is a component of universal fairness, and should be provided for traditionally marginalized groups as well as for the majority [1]. Public meetings and open houses are commonly used to solicit public input, and can indeed be very effective in some circumstances [27]. However, there is a literature stretching back over five decades, critiquing long-used methods for public participation may be wanting [28, 29]. For instance, Innes and Booher [29] argue that many traditional approaches to public participation produce counterproductive outcomes and can lead to mistrust. Another critique is offered by Tauxe [30] who contends many processes actually reinforce existing power relationships and dominant discourses while marginalizing less powerful groups. Tauxe [30] goes on to argue that public participation programmes should be structured in ways that are, for example, sensitive to the cultural traditions of specific cultural groups. The lesson to be drawn from these authors, among others, is that planning agencies must engage in constant reflection in order to ensure that their goals pursuant to public participation are being met. Examples of non-traditional methods of soliciting public input in planning exercises include collaboration learning [29, 30], coordinated resource management [29], and multi-scenario, multi-criteria analysis [30].

Participants should have control over the planning process and the final decisions. Arnstein [23] and Houlden *et al.* [19] argue that active participants not only have the ability to present their ideas, but also have the ability to influence the planning and decision-making process. Arnstein proposes a ladder of participation to show the critical differences between empty, ritualized participation and 'real' citizen control. The ladder of participation is divided into eight steps based on the degree of influence of participants in controlling the process of decision-making. These eight steps in order of increasing levels of power are identified as: manipulation, therapy, informing, consultation, placation, partnership, delegated power, and citizen control. Planning processes which are on the first or second step of the ladder are considered to be non-participatory. Planning processes that include fair procedures will be located on the higher steps as participants and disputants have the ability to influence the presentation of information and argument, and can directly shape the final decisions in the planning process. In summary, a fair process is one that empowers participants, giving them a voice and allowing them to exercise control over the course of a planning process, including the decision-making and implementation stages.

4.1.5 Resolving conflicts

Anytime a participatory approach is adopted, particularly if the approach is broadly inclusive, conflict stemming from competing interests and different values is inevitable [30]. To ensure fairness, attention must be paid to conflict resolution [1]. It has been argued that a fair process has several aspects which facilitate the resolution of conflicts, including the identification of shared values [6], identifying and correcting wrong decisions; this is called 'correctability', and providing compensation to harmed parties [5].



Understanding both differing and shared values of actors will help identify solutions that are acceptable to all parties, and consequently improve the perception of procedural justice [20].

The scientific approach has the ability to carefully review the process to find mistakes and errors in the process. Leventhal [5] introduced the concept of correctability as an important component of procedural justice. A fair process must be one in which poor decisions can be detected and corrected [5, 20, 24].

Finally, providing compensation as part of a fair process is complicated, and is accompanied by its own legal process. In such cases, it has been argued, individuals and/or groups who are made worse off by a decision ought to receive some level of compensation if the process is to be fair [3]. Compensation can be provided using a variety of mechanisms, such as monetary compensation and resource replacement compensation. In several papers, Syme and Nancarrow [1, 21] indicate that compensating actors improves the perception of fairness in the planning and implementation processes.

5 Conclusion

The integrated approach to managing natural resources has become increasingly popular. For integrated resource planning to be successful in resolving resource allocation and planning challenges planners and decision makers have to ensure that the planning process is fair. Social justice research offers several tools to facilitate the acceptance and collaboration necessary for a fair planning process since it heightens the probability of fair outcomes, increases public acceptance of the plans and their outcomes and enhances public trust.

Based on a systematic review of various theories related to social justice and the literature discussing the success and failure of various resource management plans we developed a framework to evaluate procedural justice aspect of future planning processes. Five critical components should be assessed; a fair planning process needs to have: (i) an unbiased framework (process); (ii) an informative procedure; (iii) legitimate representation; (iv) an effective public consultation process; and (v) the ability to resolve conflicts. Fair planning processes must have an unbiased framework (process) which is consistent and uses the most accurate information available at the time. These frameworks should be easy to understand, and try to minimize personal and political biases during the process.

Fair plans also have an informative procedure which provides sufficient background knowledge such as general information about the region, the planning process, possible outcomes of the plan and, the legal consequences of the plans. A fair planning process supports unbiased selection of legitimate representatives to consult with and advocates for an effective and active participation in order to ensure that the public's voice will be properly considered. Finally, a fair planning process aims to balance the competing interests and conflicting values by understanding each perspective and providing an appealing mechanism to compensate the losing actors.

The framework developed here highlights additional steps that must be taken in order to ensure a fair planning process and enhances the acceptance of integrated



resource plans. In particular, the study contributes to the literature by establishing a sound analytical model for evaluating procedural justice and identifying the critical principles to consider when evaluating procedural justice.

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