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Benefits or bribes? Ethical concerns with the potential corruption of civic obligations through community benefits schemes for wind farms

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ABSTRACT

Community benefit schemes have become a common feature of new energy industries, and are especially prevalent in renewable energy developments like wind farms. These schemes arise when businesses—either under their own discretion or in compliance with policy mechanisms—establish systems to deliver in-kind and monetary goods to local communities. The schemes may be morally justified on several grounds, including compensation and distributive fairness. Yet almost from their beginning, community benefit schemes have faced accusations that they amount to *bribery*. While prior research has illuminated the empirical factors likely to lead to such allegations, this paper employs normative theory to help developers and policymakers better understand when and how this 'bribery' accusation articulates a genuine ethical concern. Community benefits schemes are not bribes strictly speaking; they do not involve secret and illegal abuses of power. However, they can influence community members to forgo their civic and stewardship obligations—such as to attend to a local development's potential environmental or cultural impacts—in favour of their self-interest. Fortunately, strategically designed community benefit schemes can deliver important moral goods while minimising the ethical concern that they inappropriately influence civic decision-making. The paper enumerates four key policy principles for designing such schemes for new energy developments: avoiding bribes is a matter of prioritising ethically mandatory obligations, reducing self-interested influences, supporting stakeholder's civic obligations, and developing trust and integrity in relevant operations and processes.

1. Introduction

Community benefits schemes involve commercial developments setting aside funds or in-kind support for local communities [1,2]. These schemes can deliver significant goods to local communities, enhancing fairness and compensating for burdens [3,4]. In so doing, they can encourage public acceptance of socially desirable initiatives, such as renewable energy development [2,5,6].

However, such schemes are consistently met with the moral accusation, levelled at them by community members resisting the developments, that they count as *bribes*. This paper will focus on bribery concerns with community benefits schemes in the context of the siting, development, and operation of new energy developments—particularly renewables like *wind farms*. In this context, bribery allegations regarding community benefits schemes have been levelled by community critics, protestors and opinion writers in many cases around the globe, including in: Scotland [7], Colombia [8], Denmark [5,9], UK [1,10,11], Germany [12], Netherlands [12], and Taiwan [13]. Such accusations are worrying both because they might articulate a genuine ethical concern, and also because they might stymie vital renewable energy developments to mitigate carbon emissions from fossil fuels [14,15].

This paper asks the moral question: when are community benefit schemes correctly considered as bribes?[1] The existing scholarly research on community benefits and bribes largely comes from a social science

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[1] Community benefits schemes raise many ethical concerns—including the type and sufficiency of compensation, its distribution (whether it unfairly rewards or harms some stakeholders and not others), the processes and information provision practices employed, and much more [1,4,5]. This paper only considers these other issues when they impact on the specific concern of bribery.

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perspective and methodology, examining factors that make community benefits more likely *to be perceived* as bribes [5,10,11,16].[2] In contrast, and noting the multidimensional nature of the energy transition and the interdisciplinarity of the issues it raises [17], p. 5, this paper employs normative theory, enquiring into when such schemes *are* bribes and when their bribe-like qualities raise serious ethical concerns.

This normative, rather than sociological, question is an important one [4], pp. 349–341. An industry or government might think they are behaving laudably in offering money to local communities, when in fact the offer inappropriately influences stakeholder decision making, and amounts to a bribe. In cases where the scheme does amount to bribery, citizens are entitled to call out this fact, and to demand its cessation. On the other hand, there can be accusations of 'bribes' that are misplaced or opportunistic. Ethical analysis can help explain why a community benefits scheme is legitimate and does not warrant allegations of bribery.

The paper employs normative analysis and applied moral philosophy. These methodologies involve understanding, justifying and explicating moral principles or values, and critically analysing arguments concerning whether specific actions or general policies conform to—or breach—those principles or values [18–20]. On the basis of this analysis, we develop a list of policy implications, explaining how community benefit schemes can be designed to reduce inappropriate influence on civic decision-making.

1.1. Understanding 'bribery': three definitions

A standard dictionary definition of 'bribe' is:

> (verb) 'to try to make someone do something for you by giving them money, presents, or something else that they want.'
> (noun) 'money or a present that you give to someone so that they will do something for you, usually something dishonest.'[3]

Analysing a series of bribery cases, philosopher Thomas Carson [21], p. 158, concluded that bribery occurs when:

> an individual (the briber) pays another individual (the bribee) something of value in exchange for the bribee's doing something that violates a special duty or special obligation that attaches to an office occupied, or a role or practice participated in, by the bribee. To be bribed is to accept a payment that compromises a special duty or special obligation that one has.

This definition captures the key feature of bribery as an 'an inducement to violate a duty or obligation' [22], p. 282, see similarly, [4], pp. 358–359. However, there are less exacting uses of the term. Pritchard [22], p. 285, invokes a Calvin and Hobbes cartoon, where Calvin's mother explains how she gets her son to clean his room: *I bribe him with cookies*. This usage makes sense, as Calvin's mother is resorting to a perversely transactional way of motivating her son's required behaviour.

With cases like this in mind, it is possible to craft several different notions of a bribe. A 'loose' definition, capturing the case of Calvin's mother, can understand a bribe as:

- the promise and/or delivery of a benefit
- that influences or aims to influence a party (a person or group) to act in a way desired by the briber,
- in cases where that party morally should not be influenced to act in that way by that benefit.

A 'broad' definition adds the important additional property picked out by Carson and Pritchard:

- because the desired action involves violating a special (role-based) moral obligation the party possesses.

Finally, a 'strict' definition instead refers to the legal rendering of a bribe, specifying that the party should not be influenced by the benefit:

- because the desired action involves violating a specific *legal* obligation the party possesses, based on a role they are *officially* performing.

We submit that these are all reasonable uses of the term 'bribe' and they are all morally of interest, since they all involve some moral wrongdoing that occurs when one party is trying to influence another. For our purposes here, we will understand bribe through the broad definition. The 'strict' definition would be inappropriate, because critics are not alleging that a party has violated the law through secret arrangements. Adopting the strict definition would immediately rule out community benefit schemes as bribes—but would leave open the substantive ethical question about whether there was serious and objectionable moral wrongdoing occurring. On the other hand, the loose definition seems overly inclusive. In particular, it could attach to only mild forms of wrongdoing. A parent 'bribing' their child with cookies is (if anything) only guilty of a very minor moral failing. Moreover, we will argue that there *are* special moral obligations—specifically, civic and stewardship obligations—at stake when local communities make decisions about renewable energy developments. If these arguments are correct, then it makes sense to think allegations of bribery are targeting inappropriate attempts to influence others to violate those obligations.

All that said, it must be emphasised that there are powerful ethically-relevant differences between bribes under the 'broad' and 'strict' definitions. Understood in the strict sense, bribes are illegal and concealed, and explicitly aim to make authorities illegally abuse their power and betray their official responsibilities [21–23]. Such secret, illegal and corrupt abuses of power are instances of profound moral wrongdoing—and such malfeasance clearly occurs in the renewable energy sector [24–26]. We must be wary of mistakenly thinking the moral opprobrium reserved for such abuses should apply to the more ambiguous and publicly transparent influences that occur under the broad definition of 'bribery'.

The paper's research question, 'Can community benefits schemes function as bribes?' can now be specified through the broad definition of bribes as:

> Can community benefits schemes influence or aim to influence parties to act in a way that violates special role-based moral obligations they possess?

1.2. Types of community benefits

The influential UK Department of Trade & Industry (DTI) Report on community benefits [6], p. 5, lists four types of community benefits relevant in the context of offshore wind:

- **Community funds**: a lump sum or regular payments into a fund benefiting local residents

[2] A welcome exception is Hannis and Rawles, who undertake an explicitly ethical analysis of community benefit schemes [4], pp. 358–366. While insightful (see below), their article's focus on the very specific problem of radioactive waste disposal siting necessarily limits their discussion's more general applicability. Specifically, their analysis focuses exclusively on compensation for harms, and operates in a special context where the decision to accept the development (the waste-management facility) is distinct from the decision to create the radioactive waste in the first place (the nuclear power station). This feature limits how far community benefit funds can influence decisions that create risks and harms [4], pp. 360–63.

[3] https://dictionary.cambridge.org/dictionary/english/bribe.

- **Benefits in kind**: the developer directly provides local community facility improvements, environmental improvements, visitor facilities, school and educational support, and similar benefits
- **Local ownership**, such as through shares (including preferential rights to purchase shares), part-ownership or profit-sharing schemes
- **Local contracting and employment** during construction and operation.[4]

The DTI Report notes that 'necessary actions' that mitigate or monitor any losses or risks (such as environmental impacts) from the development, or that must take place in order to make the development viable (such as roads), do *not* count as part of community benefit schemes.[5]

1.3. Legal status of community benefits schemes

Community benefits schemes can vary in their legal status [1], p. 6068 [16], pp. 2–3, from schemes run entirely by government, to legal requirements to include schemes in community engagement negotiations, to policy-makers' unofficial expectation that developers will create such schemes. Or there may be no legal or policy requirements at all.

Summing up, community benefits schemes can come in different forms and be deployed in diverse settings. According to the above (broad) definition, such schemes will count as bribery if and only if they promise or deliver a benefit that influences or aims to influence parties in a way that benefits the entity that set up the scheme but involves the parties violating a special role-based moral obligation they possess.

2. Why community benefits might be morally justified

This section critically examines six justifications that might support the development of community benefits schemes.

2.1. Justification 1. Fair distribution: 'making sure communities get their fair share'

'Fairness' can apply to both processes and outcomes. This first justification focuses on *outcomes*: ensuring a fair distribution of risks and benefits across stakeholders. (Section 2.4 below considers legitimate *processes*.) This justification therefore aims to legitimise community benefits schemes through the schemes' creating a fair distribution of benefits (or an 'equitable redistribution', or 'outcome fairness') in cases where locals deserve to share in the development's profits.[6] Both intended benefits (when the scheme is set up) and the actual resulting benefits (once the scheme is operating) are relevant to Fair Distribution. This concern will be particularly compelling when industries are operating on public or common resources [27], such as offshore windfarms operating on the open sea or a hydroelectric development on a dammed river. Just as a business might have to pay a rent, lease, or registration cost to use a public resource, a 'benefits sharing' scheme may be negotiated with the local community.

Since renewable energy developments, like offshore wind farms, tend to have their greatest benefits directed nationally (energy production) or globally (mitigating global warming) fairness might require directing benefits to local communities [6],[7] as well as negotiating space with competing traditional industries (tourism, fisheries, aquaculture), if marine spatial planning has not yet been established [13].

2.2. Justification 2. Appropriate compensation: 'making up for negative impacts'

While these initiatives are typically referred to as 'community *benefit* schemes', they can play a role not just in the sharing of benefits, but also in compensating for losses. This justification aims to legitimise community benefits schemes through their potential for compensating local stakeholders for costs, imposts, risks, and adverse impacts they might suffer from the development,[8] such as limitations on recreational, commercial, cultural and traditional activities [13], impacts on views, losses to the tourist industry, and suppressed property values. Efforts to compensate for costs are usually ethically reasonable—and in some cases may be ethically required.

2.3. Justification 3. Baseline demands: 'minimum expectations for local businesses'

This justification aims to legitimise community benefits schemes as being the ordinary and expected outcomes of local industrial development.[9] Communities can reasonably expect that there will be various knock-on or spinoff benefits from local industrial development. These specific expectations are culturally relative and can vary from one community to another. However, plausible minimum-standards expectations might include local employment opportunities, local contracting practices, use of local services and supply chains, the developer paying relevant taxes and rates to contribute fairly to the public purse, and improved price and accessibility for the developed products. Communities might also expect companies to be responsive to (say) noise or other pollution concerns. These are moral minimums demanded by community. However, a 'sharp operator' might find ways of profitably avoiding these socially anticipated outcomes and practices.

A company committed to delivering these benefits (e.g. having explicit internal policies prioritising local training and employment) is justified insofar as it meets basic ethical expectations. Note that this is a very *narrow* justification for community benefits schemes—applying only to benefits like local employment and contracting, and perhaps some limited 'in kind' benefits.

[4] See also [10]. Some analyses exclude this final factor (e.g., [16]), p. 3, which we discuss below in the context of 'Baseline Demands'.

[5] There is a grey zone with respect to building infrastructure necessary for the project, such as new or improved roads, ports, or railways, in cases where this infrastructure is highly desired by the community. This infrastructure may be necessary for the project, but may also be viewed by the community as a strong reason for accepting the development, as it provides them with a benefit they will otherwise not enjoy. See Hannis [4], pp. 354–55, for discussion.

[6] The words 'local' and 'local community' appear in all six justifications. However, the terms arguably mean a different thing in each case. For example, Justification 1 (Fair Distribution) will focus on those citizens who deserve a share of benefits when profit-seeking companies use local public resources. In contrast, Justification 2 (Appropriate Compensation) will exclusively target stakeholders adversely impacted by the development (e.g. [13]). While there may be overlap, these are different stakeholder cohorts. This means there can be profound contestation about *which locals* get included in community benefit schemes [2,3,9].

[7] Cass et al. [10], p. 272, found that stakeholders felt that local communities *should* get a share of project benefits *even as those same stakeholders* viewed community benefit funds as inappropriate bribes.

[8] Hannis and Rawles [4], pp. 352–354, focus exclusively on this justification, which is central in their context of siting radioactive waste. We will use the term 'compensation' exclusively for redress for adverse impacts—note the 'wide' usage in [5], pp. 2–3.

[9] These are not discretionary or supererogatory norms that imply ethical excellence or best-practice, but rather the minimum ethical requirements that are demanded of any decent economic actor. Even free market enthusiast Milton Friedman accepted the legitimacy of such basic moral obligations, insisting that the responsibility of corporate executives was to their employers' desires, which, 'generally will be to make as much money as possible while conforming to their basic rules of the society, both those embodied in law and those embodied in ethical custom' [28].

2.4. Justification 4. Legitimate process: 'a legitimate negotiated result of our community engagement practice'

This justification frames community benefits schemes as part of the package of costs and benefits negotiated by a community, or its representatives, in an official decision-making process. More informally, the community benefits might be part of what the industry offers the community in order to ensure their ongoing social acceptance (or 'social licence to operate')—an acceptance that might prove vital to the operation's ongoing social sustainability [29].

Legitimate Process justifications do capture one genuine dimension of moral appraisal (see [30]), and a community benefits scheme that arose without genuine consultation would be morally concerning. However, as a positive justification for such schemes, in the context of bribery concerns, this consideration is not compelling. After all, the fact that the benefits scheme officially or unofficially influenced the development's approval or ongoing operation is precisely what the allegation of bribery contends. What remains to be shown is that the scheme was an *appropriate* influence within that otherwise legitimate process, and that it did not incentivise decision-makers to violate any special moral obligations they possess.

2.5. Justification 5. Corporate social responsibility: 'it's what business owes morally to the community'

This justification aims to legitimise community benefits schemes simply by saying they are part of being a responsible business and a 'good neighbour'. Community benefit schemes might be part of a discretionary 'giving back' to the community [2].

This justification seems reasonable when applied to some small-scale community benefits. Local businesses routinely sponsor nearby sports teams or school initiatives (though they might also secure advertising and other benefits by doing so). But while there are many demands that can be put on private enterprise under the banner of corporate social responsibility [31], handing significant sums of money annually to local community organisations goes well beyond normal practice. Companies are understandably sensitive to the potentially substantial costs of corporate social responsibility initiatives [32], and the usual motivation for such initiatives is to improve their reputation—especially when governments exercise a high level of control over the industry [33]. In other words, while companies might *say* they are 'giving back' to communities purely to be good corporate citizens, their behaviour suggests companies only hand over large sums of money when their operations and profits depend on stakeholder and government opinion of their legitimacy [33], p. 516. Thus, it seems reasonable to surmise that the motivation for creating community benefits schemes is not simply to be a good neighbour or corporate citizen, but to influence decision-makers to accept the development.

2.6. Justification 6. Legal/quasi-legal obligations: 'we are required by law to deliver this scheme'

This justification aims to legitimise community benefits schemes in cases where they are legal obligations and the business has no choice but to obey the law. There also may be official guidelines, and legally required practices, outcomes, reporting obligations, and metrics that create at least a quasi-legal pressure for delivering community benefit schemes. For example, a company might be legally required to report publicly on its Environment, Social and Governance (ESG) performance. Community benefits schemes targeting locals might be reasonably seen as contributing to the 'Social' component of this metric.

2.7. Ethical justifications and bribes

Each of the above justifications aims to explain why community benefits schemes—in at least some forms—might be ethically welcome. The DTI Report [6], p. 8, moves from such considerations (it explicitly notes Justifications 1, 2 & 5 in the above list) to a sanguine conclusion:

> All of these perspectives offer good justifications for the provision of community benefits from a wind energy development. Such provision – and any offer of community benefits by a developer – should not therefore be seen as 'bribes' or attempts to 'buy planning permission'.

The DIT Report is correct that (some of) these justifications can provide good reasons to ethically support community benefits schemes. However, we argue below that the Report should not be so quick to brush aside concerns that community benefits could nevertheless constitute bribes. Indeed, it is even possible that benefits schemes could constitute bribes even if they were not intended to; benefits might still inappropriately influence a decision-maker even if they were offered for some other reason.

3. Why might community benefits be considered a 'bribe'?

It might be thought that a business like an energy developer responding to the moral concerns listed above, and deciding to devote substantial resources to the local community, represents an unqualified good thing. Isn't this exactly what most people *wish* private enterprise was more willing to do [32], p. 1586?

Unfortunately, energy development often operates on or near public resources, with potentially significant impacts on communities and their way of life [13], wildlife, and ecosystems [6,34]. As such, the approval, regulation, expansion, and continued operation of these developments are necessarily subject to continued political decision-making. That decision-making will be influenced by community benefit schemes. Even if the schemes are not officially considered,[10] in a democracy that is responsive to local concerns, the schemes will plausibly impact on social acceptance and therefore the likelihood of grassroots resistance [35]. Such resistance might strip the 'social licence to operate' from a development, potentially leading to legal challenges, or impacting on political decision-making about how the development should be regulated, governed and taxed—and even if it should continue at all [29]. A community benefit scheme might work to head off and take the wind out of the sails of community resistance. Indeed, even if no changes to the operations are possible (it's a 'done deal'), weakening the motivation for community protests and public outcries, and encouraging apathy and ambivalence, might still benefit the operators, industry and political backers in the long term. The schemes could therefore provide 'hush money' or 'shut up candy' [16], p. 5—appeasing people to keep them quiet. As such, community benefit schemes can influence decision-making about the development's ultimate legal status and prospects.

As they should. After all, if the public is presented with a development that will not offer any compensation for its adverse impacts, or will unfairly hoard all the profits from its use of a public resource (Justifications 1 and 2 above), then those are both perfectly good ethical reasons to reject it. Whether a development will avoid such unfairness is a manifestly relevant policy consideration. In Mhairi Aitken's [1], p. 6071, study, a community objector to a development stated this point plainly:

> It's all very well to say it's not a planning consideration, but of course it is a relevant planning consideration if a wind power company is offering to pour significant sums of money into a community for the life of a wind farm… why should that not be recognised as a good thing?

[10] Even the DTI Report, while stressing that in the UK official planning processes were required to exclude all consideration of such schemes, observes the 'grey area' concerning whether some schemes must be, or will continue to be, excluded from consideration [6], p. 14.

Indeed, community benefits schemes may be *designed* to influence such decisions [5,16]. Justification 4 (Legitimate Process) explicitly aimed to justify such schemes insofar as they were negotiated in official decision-making processes. If the promise of such schemes was a condition of community or local government approval, then the schemes plainly were a factor in the result.

This opens the allegation of bribery. The broad definition described in Section 1.1 defined a bribe as:

- the promise and/or delivery of a benefit
- that influences or aims to influence a party (a person or group) to act in a way desired by the briber,
- in cases where that party morally should not be influenced to act in that way by that benefit because the desired action involves violating a special (role-based) moral obligation the party possesses.

Community benefits schemes straightforwardly fill the first two clauses. They involve the promise or delivery of a benefit, and that benefit plausibly will be a factor in—that is, influence—a party's decision-making in a way desired by the developer; that is, the benefits will influence parties to respond more positively towards the development. The pivotal question then, is whether the final clause is filled: whether the desired action can violate a special moral obligation.

Do the parties in question—the community members or the community as a whole—possess a special moral obligation that they are being influenced to ignore or violate? It is plausible to think that they do. In a democracy, citizens are morally obliged to take their civic obligations seriously [36]. Alongside activities such as voting, being informed and thinking conscientiously [37], pp. 86–87, and as part of their civic obligations of political participation [38], citizens should try to make judicious decisions about local issues, including major industrial developments, weighing up the public goods and costs they involve. They should then act on the basis of these judgments as they undertake civic activities like voting, protesting, writing submissions and deliberating publicly with other citizens. They may also have an informal role as custodians or stewards of their locale, its environment and its traditions—caring for their community, its culture and values, and the ecology it shares with other living creatures [39,40].

The offer of large benefits might tempt locals not to take those civic and custodian roles seriously—of being paid off to look the other way.[11] This could happen, for example, if decision-makers were so personally or communally desirous of the promised benefits that they wrongly ignore, discount, or resist other manifestly relevant (e.g. environmental) considerations. This would be most obvious if an official stood to gain substantially from a scheme's operation, in which case the schemes would create a clear conflict of interest and would constitute a bribe in the strict sense. But it can apply more broadly to ordinary local stakeholders who are bound by special duties of civic participation and environmental stewardship. In response, citizens might rightly insist that their 'principles are not for sale' [1], p. 6068.

This then is an inherent paradox in community benefit schemes. Community benefits will and should influence decision-making about developments, and they are often introduced for this purpose. However, once they *do* influence decision-making, the benefits—for some decision-makers at least—may inappropriately crowd out other factors that should be considered, making it legitimate to cast them as bribes.

Understood in the above way, the capacity for community benefits schemes to bribe communities falls on a *continuum*. While turning up at a local community with triumphant promises of a new football field or hospital wing may be obviously morally inappropriate—as a developer themselves observes, quoted in [10], p. 265—most real-world cases are more contested and ambiguous. There won't usually be a specific moment or sudden threshold when all (or a specific subset of) community members suddenly decide to completely ignore the public interest and local environmental priorities because they are tempted by the windfall gains generously offered by the community benefits scheme. Instead, as the self-interested gains become increasingly tempting, and the processes by which other civic and stewardship ethical concerns are incorporated into community deliberations are sidelined, it becomes increasingly likely that more and more community members will be inappropriately swayed.

This continuum of influence should not be taken as a reason to simply avoid worrying about bribery—the fact that there is no determinate threshold where a scheme definitively becomes a bribe does not remove the genuine ethical concern with inappropriately influencing civic decision-making. But on the other hand, the continuum of influence cannot be a decisive reason against *all* community benefit schemes, as such schemes can respond to important ethical concerns like compensation and fairness (Section 2). Moreover, there are plenty of ways that economic benefits can *appropriately* influence civic decision-making. Democracies routinely, through both the ballot-box and through legislative and executive decision-making, incorporate—and *rightly* incorporate—economic considerations. Local councils and state governments are surely within their rights to take seriously industrial developments that will deliver jobs and resources that might prove to be a regional town's economic lifeblood. And local voters, NGOs, community groups and activists are all entitled to consider the economic impact of a development—and, to at least some extent, its impact *on them personally*—when they decide how to vote, or whether to support or resist a development.

How then can a development live up to the genuine ethical reasons for having community benefit schemes (outlined in Section 2), while at the same time avoiding morally inappropriately influencing decision-makers? As Section 4 below goes on to argue, the answer lies in attending carefully to the nature, extent, process, transparency, and timing of the community benefit scheme.

Before turning to these recommendations, this section covers two further issues: the importance of distinct parties to bribery concerns, and the prevalence of such concerns in renewable energy developments.

3.1. Bribery requires distinct parties, but corruption does not

The above definition of a bribe requires two relatively distinct parties, with one party influencing or aiming to influence the other. But as Eitan et al. [41] show, there are many complex and nuanced ways in which parties (especially developers and the local community) can interact in designing and implementing renewable energy developments. For example, suppose members of a community aim to further their self-interest by installing a lucrative renewable energy development nearby and they approach a developer to help them achieve this goal. Suppose further that, because of environmental risks, proceeding with this project would involve an abdication of the community's civic and custodian obligations to make such decisions in the public interest and be responsible stewards of their local environment. There is serious wrongdoing here—the community are corruptly benefiting by abdicating their responsibilities. However, the wrongdoing here is not a bribe because there is no external party that is influencing or aiming to influence the community to behave in this self-interested way. Instead, bribery will be most likely in cases where the developers are pro-active and retain control of the development (Archetypes 7 and 8 in [39]). Fortunately, many of the recommendations listed in Section 4 below will work to limit self-interested benefits and strengthen processes for civic roles. These outcomes will limit not only bribery concerns, but also serve to restrain self-seeking community

[11] Hannis and Rawles [4], p. 360, posit that bribery concerns arise when those not party to the agreement (including future generations) may be harmed by the development. In our view, the development's impacts on other parties only create *bribery* concerns (as distinct from other ethical concerns) when the beneficiary is duty-bound—as a public official, citizen, or custodian—to properly consider those parties as part of their civic role.

opportunism.

3.2. Why do bribery concerns arise predominantly in the context of renewable energy developments?

Now that we have canvassed the key ethical reasons in favour of community benefits schemes (in Section 2) and the ways they might raise concerns with bribery (in Section 3), we can see why these concerns seem to predominately arise in the context of new renewable energy developments.

First, there are good ethical reasons to consider community benefits schemes in these cases. Apart from cases where a (perhaps remote) community intends to exclusively use the electricity created by the development (see [41]), p. 99, it will often be the case that the development's main beneficiaries are all those with improved energy security and costs—which will often include countless non-local consumers. While locals may benefit from employment schemes, different developments can have very different labour requirements, and these may change across construction and operation stages. Moreover, key beneficiaries of carbon mitigation initiatives will include far off peoples and future generations who might otherwise suffer from the negative externalities of continued fossil-fuel use. While these benefits might be so strong as to make certain developments not just desirable but necessary, locals might still reasonably question whether the development's benefits are being fairly shared (as per Justification 1: Fair Distribution)—especially when local state property and common spaces like the open sea are being used for siting the development and transmitting the energy. Renewable energy developments can also have unwanted local impacts (with different impacts on visual amenity, interference with existing activities, and local ecologies depending on the type of development—for example offshore versus onshore wind farms) and at least some of these might deserve a level of compensation (Justification 2). An additional complication is that policy-making and regulation for different types of renewable energy developments can be spread across different levels of government (local, state, federal), which can make ensuring fair and equitable outcomes harder to achieve.

At the same time, new energy developments are often contested and controversial, meaning that local community has a decision to make about whether they will support or resist the development. Since developments have social, cultural, political and environmental impacts, local community-members will rightly take themselves to have civic and stewardship responsibilities as they make those decisions. Because the scheme's benefits will press exclusively in the direction of accepting the development, the possibility will emerge that community members will be influenced to downplay their civic responsibilities for conscientious decision-making and simply accept the windfall gains. As governments, policy-makers and developers alike can be strongly incentivised to ensure the project goes ahead, this influence on public support may be welcomed and even intended.

The localised nature of energy developments is key in understanding why bribery concerns are more likely to arise for issues like offshore wind farms rather than in general voting on major policy issues in state or federal elections. Normally, the tiny chance that one's vote will make a material difference means that it is never rationally worth voting in one's narrow self-interest. But this calculation shifts decisively on major local developments, where a nearby development's personal costs or benefits may be substantial, and where one's actions—as a concerned citizen—may be far more impactful. In such cases, it might well be rationally worth acting on one's narrow self-interest to block a development—as at least some instances of NIMBYism suggest [42]. Alternatively, if the personal benefits are desirable enough, it may be rationally worth supporting—or at least failing to critically interrogate—a new energy development, giving rise to the spectre of bribery.

Thus, while the ethical issues in play in these contexts are in principle generalisable, we would expect concerns with bribery (prompted by promised benefits, whether formally in a community benefits scheme, or otherwise) to coalesce around local developments broadly, and renewable energy developments specifically.

4. Policy implications: what features allow community benefits schemes to avoid bribery concerns?

By providing benefits to local stakeholders who are undertaking civic and stewardship responsibilities over their locale, it is difficult to implement a community benefit scheme that is categorically immune to bribery effects. After all, the promise of benefits if the project goes ahead inevitably provides *some* inducement for local stakeholders to eschew their civic responsibilities and simply take the proffered benefits. At the same time, community benefit schemes should not be categorically ruled out by bribery-based concerns: they can serve ethically justifiable goals (regarding compensation and fairness) that assist in legitimising much-needed renewable energy developments.

Fortunately, the foregoing analysis suggests sensible ways forward. Namely, community benefit schemes should be designed and implemented in ways that reduce so far as possible their capacity to inappropriately influence local citizens to compromise their civic and custodian responsibilities. This can be done in four main ways:

1. Prioritise the scheme's ethically mandatory parts.
2. Minimise self-interested influence by altering the benefit's nature and size.
3. Foreground civic decision-making in substance and process.
4. Uphold the scheme's integrity and transparency.

These four overarching principles can be operationalised in many different ways, leading to the many distinct practical recommendations outlined below. As a limitation to the scope of these recommendations, it must be frankly acknowledged that community benefit schemes can come in many different forms, as can the legal and regulatory systems, the institutional and organisational architectures surrounding developers, and the arrangement of partnerships between community, developer and government [6,41]. These variations may make some of the specific recommendations outlined above less practical or even impossible—especially for developers who must inevitably work within the legal and regulatory hurdles of each distinct governance system. However, the general advice offered above will hold true: avoiding bribes is a matter of prioritising ethically mandatory obligations, reducing self-interested influences, supporting stakeholder's civic and custodian obligations, and developing trust and integrity in the scheme and the processes that surround it.

More broadly, the successful implementation of a single recommendation will not suffice to remove the possibility of bribery, and the inability or failure to implement a single recommendation will not immediately make a scheme bribery. As discussed above, the possibility of inappropriate influence to betray civic responsibilities is not an all-or-nothing determination. Instead, it is a continuum concept with murky borders. Given this ambiguity, scheme designers will be well-advised to do what they can on each factor, so far as possible, acknowledging that perfectly fulfilling each of the below recommendations will rarely be possible or necessary.

4.1. Prioritise the scheme's ethically mandatory parts

There are two reasons why it is crucial to focus on a scheme's ethically mandatory parts. First, if something is mandatory, then it must be morally prioritised: a party simply cannot be faulted for doing something they are ethically required to do. Second, the *failure* to attend to ethically mandatory requirements makes the provision of benefits to decision-makers highly suspicious. The bribery allegation centres on the developer who shovels money at influential decision-makers *instead of* attending to the genuine ethical concerns raised by the development. A powerful way of neutralising such concerns is therefore to demonstrably attend to base-level ethical requirements.

What then are the ethically mandatory parts of Scheme's? These arise from Section 1's Justification 2 (Appropriate Compensation) and Justification 3 (Baseline Demands).

Justification 2: Compensation is an ethical priority because concerns with harms are widely understood to have a greater moral urgency than other moral considerations, including considerations of distributive fairness (see for example the lexical ordering between rights and distributive fairness in Rawls [43], pp. 53–56). Not every burden or subjectively felt impost can be compensated in a free society and all citizens must be expected to occasionally shoulder some burdens for the public good. However, if a development is exposing specific parties to major costs or serious risks—especially if these imposts were not reasonably expected [44]—then this provides a reason for benefits schemes to prioritise Justification 2 (Appropriate Compensation) for those cases before attending to concerns with benefit sharing (Justification 1). Intuitively, it seems premature to move to sharing *benefits* when there are some citizens who are facing *costs*. Why should some citizens secure windfall gains while others have not broken even? A failure to prioritise compensation thus creates bribery concerns, as splashing money around broadly might influence the wider community to have an inappropriately favourable view of the development, making it harder for the specific individuals facing losses to generate broad community opposition (as seen in [16]), p. 8. Still, it must be acknowledged that there will be reasonable contestation surrounding what types of compensation are required, and who should receive it. The ethical priority owed to restitution of harms will normally apply only to the clearest and most serious cases of losses and risks.

Justification 3: Baseline Demands constitute a minimum-standards moral expectation placed on all industries. It would be inappropriate to allege a developer was engaging in bribery simply because they made promises, and perhaps put in place mechanisms, to ensure they were living up to the basic standards demanded by the local community. Local employment or contracting guarantees are particularly legitimate because the creation of jobs is a well-accepted political and civic consideration.

The relativism of Baseline Demands must be noted. In some cases it may cover only matters like local employment and paying fair taxes. But there may be grey areas, such as a renewable energy development that offers local residents cheaper electricity. Because of the way energy infrastructure works, it may not be straightforward to deliver cheaper electricity to locals. However, because it might *seem* to the community intuitively like an expected knock-on effect of the local development, communities may feel that if they are not receiving it, then the development is failing to live up to ethical expectations.

As with the failure to prioritise compensation, community benefits schemes that sit alongside the developer's 'sharp operator' tactics elsewhere (that is, dodging mandatory ethical obligations) are bound to seem suspicious (see e.g. [1]), p. 6071. Why would a developer set up a special system for benefit sharing if they are not even living up to minimal moral expectations?

- ✓ *Developer recommendations*: Attend to priorities like Appropriate Compensation and Baseline Demands first—whether within the community benefit scheme or independently from it.
- ✓ *Policymaker recommendations*: In overviewing and regulating schemes, put in place measures to ensure priorities like Appropriate Compensation and Baseline Demands are being covered—whether within the community benefit scheme or independently from it.

4.2. Minimise self-interested influence by altering the benefits' nature, timing and size

A sensible way of reducing the possibility of benefits functioning as self-interested influences is by ensuring that the schemes do not involve exceptionally large benefits, especially if these are directed to individuals or small groups (or very small communities). The greater the size of the benefits going to particular groups, the more they become likely to swamp other considerations (like attending to civic responsibilities). Because humans time-discount, immediate benefits are also more enticing, meaning delayed and longer-term benefits should be used where possible. In the most serious cases involving extraordinary benefits, a concern with 'rent extraction' can arise, where the community holds developers to ransom by 'selling approvals' [1], p. 6068. In this case, bribery shades into extortion [22], p. 282, as the community uses its decision-making authority to unfairly secure windfall gains.

Changing the nature of the benefits can also alter their self-interested nature.[12] For example, some schemes fund other renewable energy initiatives—like subsidising rooftop solar energy [1], p. 6073. There are two reasons why a scheme that rewarded communities with renewable energy resources might avoid inappropriately influencing decision making. First, the benefit to the community is pro-social in the sense that the benefit doesn't only advantage the community, but also furthers the wider and long term global effort to mitigate global warming (sometimes framed as 'climate justice': [45]). There is less likelihood of an individual or group being tempted on the basis of their immediate self-interest to betray their civic responsibilities when the benefit is *itself* a way of enacting those responsibilities. Second, the scheme helps further the development's stated policy goal—namely, the provision of renewable energy for carbon mitigation purposes. Community benefit funds can make it seem like a sacred good—the community's local environment and its place attachment—is being made commensurate with money [9]. Instead, explicitly pro-social and pro-environmental benefits schemes place genuine ethical values on both sides of the equation. Rather than 'sell out your values for cash', the message is: 'if you help us achieve our renewable energy goals, then it's only fair that we help you in the same way'.

In these ways, the *type*, *size* and *timing* of the community benefits can help determine whether they amount to an inappropriate influence on stakeholder decision making.

- ✓ *Developer recommendations*: Ensure benefits are sensibly sized and delivered over the long term to broad communities rather than small groups. Aim to provide benefits that themselves have strong public interest credentials.
- ✓ *Policymaker recommendations*: Publish clear and accessible guidelines on the expected size, timing, and nature of benefits for renewable energy developments.

4.3. Foreground civic decision-making in substance and process

The nub of the bribery concern is that citizens and stakeholders are being influenced to avoid attending conscientiously to their civic and stewardship obligations. The more that these obligations are supported and taken seriously in practices and policy, the less chance they will be sidelined by the proffered benefits.

These civic obligations can be supported in terms of process and substance.

In terms of *process*, genuine and timely community consultation is

[12] Hannis and Rawles [4], pp. 364–66, observe that different kinds of benefits can be appropriate in different normative relationships. For example, if a friend helped another friend move house, it would not be appropriate to reciprocate with cash (as they would pay a professional removalist in a commercial relationship), but it would be appropriate to buy the friend pizza. This phenomenon can be captured in the first 'loose' definition of bribery offered in Section 1, where even if there is no special role-based responsibility in play, stakeholders might feel that accepting funds is inappropriate; that this commercial transaction is not *the right way* to influence them. Instead, the community might feel in-kind benefits are more acceptable as a reciprocal way of acknowledging the benefit-sharing or compensation owed to them.

crucial. Community benefits schemes should never replace or shortcut such consultation. The processes provide a forum for important concerns like governance, environment, animal welfare, local history and place attachment factors to be considered, and for community members to exercise their civic and stewardship responsibilities by attending to these responsibly.

Practices and processes that predict, research or monitor the potential for adverse impacts, and then accessibly communicate those findings to the community, must also be strongly supported. For example, environmental impact reports and ongoing environmental monitoring allow community members to have confidence in their ability to stay informed and make evidence-based decisions—and to trust that agreements are being monitored and upheld. Governance systems must ensure that environmental regulators or scientific researchers are fully independent, and relevant reports are made public.

Considering timing, the community benefits schemes should ideally not be the *first* factor the public hears about and considers, which might serve to manipulatively frame their later decision-making. Equally, negotiation about benefits that comes after siting decisions have been made may function as appeasement [7], p. 7. Rather, the benefits ideally should be considered at the same time as other factors—both positive and negative—are clearly articulated. This can be a particular challenge in cases where standard practice is to negotiate community benefits prior to the formal application being lodged.

In terms of *substance*, the development must make sense on its own terms, in the sense that it must be—and be capable of being demonstrated as being—environmentally sustainable and effective in delivering the promised goods [5], p. 6. For example, in an offshore wind context, this would mean that site is well-chosen for renewable energy generation; it is not a crucial habitat for wildlife, it enjoys strong and consistent winds, it is (or can be) appropriately connected to the electricity grid, it is serviceable by nearby ports, and so on. This will ensure the common-sense concerns that community members will have with the proposed development are able to be clearly and sensibly answered, meaning they can be confident their civic and stewardship obligations are being upheld.

Community benefits funds will be at their most justifiable when the only significant problems with the development are that it (a) has adverse impacts on locals (especially economic impacts); and/or (b) should share its profits with local communities. As we saw in Section 2, answering to these two concerns (providing compensation for losses and fairly sharing profits) are among the strongest justifications for community benefit funds. The funds can *directly* address these issues. But this is not the case if the development is dubiously placed from an environmental, renewable-electricity-generation or animal welfare perspective. Consider an example where there is widespread community concern about windfarm impacts on seabird migration through the locale. In response, the developer offers generous community benefits. But how is any handover of cash or goods to the community supposed to help the *seabirds*? To be sure, communities are entitled to make judicious decisions that trade off among relevant priorities—including both environmental and economic priorities. However, the more that environmental problems are met with offers of community benefits, the more the schemes will function as a bribe to get an otherwise suspect project over the line, with the community being paid to look the other way, rather than attending to the genuine problems the development poses for the seabirds and delivering solutions for them.

In sum, supporting community members' civic obligations to attend to issues of environmental impact, animal welfare and energy production reduces the likelihood that Community Benefits Schemes will overwhelm or supersede these obligations.

✓ *Developer recommendations*: Ensure processes for genuine and meaningful community consultation are strongly supported, transparent and independent research monitoring is available where appropriate, and that the environmental, economic and energy-production case for the development is as strong as possible.
✓ *Policymaker recommendations*: Publish clear and accessible guidelines or licence requirements regarding community consultation. Leverage the independence of government regulators (or independent scientists) to perform research and monitoring. Communicate accessibly and accurately to community stakeholders on the development's economic, environmental and energy-production qualities.

4.4. Uphold the scheme's integrity and transparency

Bribery is a type of corruption, and the more that the scheme, and the processes and regulations that surround it, are performed with transparency and integrity, the more trustworthy it becomes. Four features are relevant here: transparency of scheme justification; legal mandate and regulatory oversight; project integrity; and genuine implementation.

4.4.1. Transparency of scheme justification

The justification for the community benefits scheme should be clearly and transparently articulated [23]. Businesses can be tempted to style the scheme as a purely discretional corporate social responsibility initiative (Justification 5). This justification makes the business seem morally admirable: they are acting purely out of the goodness of their hearts. But, as observed above, companies that are not vulnerable to having their licenses or regulatory conditions changed as a result of public opinion do not normally make sizable community investments that significantly impact on shareholder risk and profit margins [6]. As such, a reasonable interpretation of such schemes is that the business is using them to strategically influence community acceptance. As such, Justification 5 (Corporate Social Responsibility) is an inappropriate justification for community benefit schemes of any significant size. Similarly, Justification 4 (Legitimate Process) is—if not backed up by any further considerations like Fair Distribution or Appropriate Compensation—unsatisfying: the concern with bribery is *precisely* that the schemes are having an influence in such processes.

Ultimately (presuming the schemes go beyond Baseline Demands), the most plausible justifications for the schemes will be Appropriate Compensation or Fair Distribution. Unfortunately, new energy developers, such as for wind farms, avoid appealing to Appropriate Compensation [3,10]. This justification threatens to frame the wind farms as something fundamentally problematic with serious negative local impacts (rather than as, say, a net positive for locals). However, transparency requires that if there will be imposts on the community and it is appropriate to compensate for them, then it is a non-negotiable requirement to be up-front about this fact. Developers need to acknowledge there can be costs, and that the schemes aim in part to compensate for these. Being clear about the scheme's intended justifications and aims can also help manage expectations. Benefit sharing is a different metric to harm-compensation, and adversely impacted stakeholders expecting the latter will be disappointed if they are faced with the former [5], p. 8.

Transparency does mean that different communities should be able to learn about the schemes offered to other communities and the reasoning and negotiations that lead to them. This will mean communities need to have the maturity to understand that benefits will be contextual, and that the fact that another community received more funds or different benefits is not necessarily a source of unfairness.

4.4.2. Legal mandate and regulatory oversight

When the community benefits scheme is legally mandated, the particular industry operators can hardly be blamed as behaving inappropriately, as they must obey the law.[13] However, local citizens could still worry that the *government itself* is effectively bribing them to look the other way, and to not take responsibility for local affairs [16], p. 8, [11]. For example, ecologically-minded citizens might feel that the government was using legally mandated community benefits requirements to influence their local community into accepting developments that align with government agendas (e.g. the pursuit of renewable energy), to the detriment of other ecological values.

Still, appropriately meting out compensation for losses, and fairly balancing benefits and risks is something that democratic governments are meant to do. Governments have their own sources of (e.g. democratic, procedural, deliberative) legitimacy that will attach to the laws and regulations they create [30,46]. There are also established modes of accountability in democratic government decisions—not least that citizens can vote out those responsible for objectionable policy decisions.

Cass et al. [10], p. 272, and Walker's [11] research suggests that public views align with this analysis. People view community benefits more favourably if they are legally mandated by government policy. At the same time, Jorgensen's [16], p. 8, work shows that legalised systems are not immune to telling accusations of bribery.

All that said, community benefits schemes that *aren't* explicitly and comprehensively mandated by government are not necessarily inappropriate. There may be reasons to avoid government involvement, perhaps because legislation is technically or logistically difficult to create (see, e.g., [6]), p. 8. Law may be inflexible, compared to community benefits that are settled by a process of negotiation that attends to local context and scale. This might result in quasi-legal obligations, where government authorities endorse community benefits schemes without explicitly mandating them.

4.4.3. Developers, project and governance integrity

Community benefits schemes do not happen in a vacuum. Community members weighing up whether the schemes are intended to inappropriately influence decision-makers will consider what they know of the particular developers in question and of the industry more generally [9], p. 414. This requires more than merely avoiding illegal corruption (e.g. [24–26]). If the developers and industry can achieve a solid record of integrity (including honesty, transparency and trustworthiness [47]), then their offers of benefits will deserve to be considered in good faith.

Community members will also need to trust the larger regulatory and governance regime (an 'integrity system': [48]) that monitors, regulates and licenses the operations. If the integrity system is known to be deeply flawed, then offers of funds are more likely to function as bribes, because they are influencing the community to 'look the other way' in cases where community decision-makers cannot be sure that other procedural and substantive (environmental, animal-welfare, cultural) values are being robustly protected.

4.4.4. Genuine scheme implementation

Finally, a developer may succumb to the temptation to make the consultation—and the administration of the benefits schemes—as easy, minimal and cheap as possible, and provide only information and expertise that further its interests [5], p. 8. An otherwise well-designed benefits scheme might fall at this final hurdle of operationalisation, and in so doing reveal itself as a mechanism to promote community quiescence, rather than as a genuine, ethically sound, initiative. The creation and funding of a fully independent body to administer the scheme and/or a neutral mediator to manage these processes can ensure that consultation and administration processes contribute to—rather than detract from—their ethical standing.

- ✓ *Developer recommendations*: Be transparent about the scheme's aims and commit to implementing the scheme in a genuine, prioritised manner. Uphold integrity in all dealings with community and government to ensure trustworthiness.
- ✓ *Policymaker recommendations*: Develop legal requirements or at least guidelines and recommendations for community benefit schemes. Recognise that government itself will often have a pro-development agenda and that it will need to demonstrate its integrity and independence to the community.

4.5. Discussion and example

Perhaps the key takeaway from the above recommendations is that it is often not the Scheme *itself* that creates the bribery effect, but elements that surround the scheme that make bribery effects stronger and more prevalent. Even an extremely well-constructed and well-intentioned Scheme (considered in isolation) may have profoundly worrying bribery effects if it is attached to a dubiously justified development, that engaged in no genuine community consultation, overseen by a weak or corrupt regulatory system.

With this analysis in tow, is it possible to discern actual cases where the bribery concern has definitively arisen? Notwithstanding the above-noted point about the continuum effect, there are cases where this analysis implies that serious bribery concerns occurred—to the point where the community benefit scheme should have been overhauled or scrapped. For example, van Wijk and colleagues [7] describe the compensation scheme of the 24 MW wind farm in Glenburg, Scotland. After the Scottish government overruled local authorities' rejection of the project, aiming to mitigate opposition, the developer unilaterally offered £2000/MW/year in compensation. While this amount was in line with similar projects, the benefits were offered without consulting the community. As well, the developers placed arbitrary limits (including a £1000 cap per community project) on its additional sponsorships. Furthermore, the compensation scheme was only introduced after site selection had been made, meaning the decision occurred without meaningful community participation. Ultimately, the community viewed the compensation as an attempt to buy their support rather than a genuine benefit-sharing initiative. The scheme failed to increase acceptance, leading to financial and political costs for the developer and the eroding of broader regional support [7], p. 10. On our reckoning, the community were correct to adjudge this scheme as a bribe, in particular because of the scheme's serious failures in community engagement and lack of respect for local civic decision-making, its post hoc unilateral offer of funds intentionally aiming to mitigate opposition, and its untransparent and arbitrary scheme implementation. The community were ethically disrespected, and were well-warranted in redoubling their opposition.

Moving forward into new empirical research, the above principles and recommendations can serve as a basis of empirical research, exploring how far new community benefit schemes (and the regulatory structures around them) operationalise these principles, and whether following the suggested recommendations succeeds in mitigating allegations of bribery in the public discourse.

5. Conclusion

From the perspective of those offering community benefit schemes, such schemes may seem a morally laudable thing to do. However, the fact that the schemes apply to developments where community members—whether officially or unofficially, directly or mediately—play a role in the regulation of those ongoing operations, means that the schemes can exert an inappropriate influence on decision-makers.

[13] Queries might remain about the industry's role in the law's *creation*, e.g. through lobbying and campaign donations. Here the concern would be that the industry intentionally created a policy regime that both required and allowed them to bribe communities.

At the same time, critics must be circumspect in the demands they place on developers. Community benefits schemes are easy to fault. Small benefits can seem a token effort; large benefits can appear a bribe. If the benefits are introduced early in proceedings, the schemes can be accused of trying to subvert appropriate processes. If they are introduced late, then they look like a sweetener to salvage a development that was otherwise facing rejection. It is unfair to put anyone in a situation where they are opportunistically morally critiqued no matter what they do.

While there is a legitimate basis to the concern with bribery, this paper has argued there are sensible and feasible ways of designing community benefit schemes that will greatly reduce their capacity to exert an inappropriate influence on civic decision-making.

CRediT authorship contribution statement

Hugh Breakey: Writing – review & editing, Writing – original draft, Methodology, Conceptualization. **Larelle Bossi:** Writing – review & editing, Writing – original draft, Methodology, Conceptualization. **Rebecca Marshallsay:** Writing – review & editing, Writing – original draft, Methodology, Conceptualization. **Charles Sampford:** Writing – review & editing, Writing – original draft, Methodology, Conceptualization.

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