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Questioning the origin of the expression ‘social licence to operate’: challenging current beliefs

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ABSTRACT

This paper dispels a myth about the origin of the metaphor, ‘social licence to operate’ (UK spelling) or ‘social license to operate’ (US spelling). ‘Social licence’ (for short) is an important concept in the fields of social practice, social performance, social impact assessment, impact assessment generally, and related areas. Social licence refers to whether a project, company or organisation of any kind has approval from affected people, local communities, and other societal stakeholders. Words like social acceptance, social legitimacy, credibility and trust are typically used to describe social licence. Despite widespread belief that either Jim Cooney (early 1997) or Henson Moore (late 1996) invented the concept, I present conclusive evidence the expression pre-dated them. Although the precise origin remains elusive, I argue that what is understood by ‘Social licence’ is similar to the meaning of ‘licence to operate’ that was featured in the 1993–1995 ‘Tomorrow’s Company Inquiry’ of the Royal Society of Arts. The concept was also present in discussions around implementing the Responsible Care Initiative in the North American chemical industry. Social licence is an important concept in social impact assessment and project management because the perceived legitimacy of a project affects how people experience social impacts.

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Introduction

The expression ‘social licence to operate’ (UK spelling), or ‘social license to operate’ (US spelling), has become a key concept in the fields of social impact assessment, social practice, social performance and related fields (Vanclay and Esteves 2011; Harvey and Bice 2014; Vanclay et al. 2015; Vanclay and Hanna 2019; Vanclay 2020, 2024; Moreira et al. 2022; Giderler and Vanclay 2024). For convenience, in most places in this paper, I will simply use ‘social licence’, except where US spelling was used in a quote. In essence, social licence refers to the extent to which local communities and societal stakeholders approve (or not) of a project, company or organisation of any kind (Gunningham et al. 2004; Raufflet et al. 2013; Dare et al. 2014). Other ways to describe this notion are the extent to which there is ‘social acceptance’, ‘social legitimacy’ and trust in the project or planned intervention (Thomson and Boutilier 2011; Melé and Armengou 2016; Gehman et al. 2017).

It is generally considered that the expression ‘social licence to operate’ arose in the late 1990s, became popular in the extractive industries field in the 2000s – e.g. featuring prominently in the *Breaking New Ground* report of the Mining, Minerals and Sustainable Development project (IIED 2002) – and has since become a widely used metaphor across

many sectors (Jijelava and Vanclay 2014, 2017, 2018; Parsons and Moffat 2014b; Hall et al. 2015; Kelly et al. 2017; Vanclay 2017; Duncan et al. 2018; Barnes 2019; Vanclay and Hanna 2019; Voyer and van Leeuwen 2019; Chen et al. 2021; Chen and Vanclay 2023). Various key writers and thought leaders have used the term, including John Ruggie (2008, 199) and arguably John Elkington (1997, 164, 234), giving some credibility and legitimacy to the concept itself. However, there are also some criticisms and critics of the concept (e.g. Owen and Kemp 2013, 2023; Parsons et al. 2014; Owen 2016; Ijabadeniyi and Vanclay 2020; Boutilier 2021; Parsons and Luke 2021; Glückler and Gutiérrez 2025).

Originally an industry expression, its take-off in academic research happened around 2014, with several special issues on the topic being published, including: *Impact Assessment and Project Appraisal* 32(4) (e.g. Bice and Moffat 2014; Boutilier 2014; Harvey and Bice 2014); *Social Epistemologies* 28(3–4) (e.g. Parsons and Moffat 2014a; Rooney et al. 2014); *Forestry* 89(5) (e.g. Moffat et al. 2016); and the *Journal of Business Ethics* 136(4) (e.g. Demuijnck and Festerling 2016; Melé and Armengou 2016). Since then, the number of papers on social licence that are published each year has been steadily increasing (Santiago et al. 2021; Chen et al. 2025). An early indication of the growing importance of the concept is that a significant entry on social licence

appeared in the 2013 *Encyclopedia of Corporate Social Responsibility* (Raufflet et al. 2013).

Many papers (erroneously) state that the term was coined by Jim Cooney in March 1997, including Cooney (2017) himself and various others (e.g. Joyce and Thomson 2000; Thomson and Boutilier 2011; Prno 2013; Bice and Moffat 2014; Boutilier 2014; Morrison 2014; Syn 2014; Mather and Fanning 2019; Hitch and Barakos 2021; Stuart et al. 2023). An interview clip of Jim Cooney talking about his invention of the social licence concept was recorded in 2015 by the Canadian Science and Technology Museum (part of their Mining and Metallurgy Legacy Project) and is available on YouTube: <https://www.youtube.com/watch?v=NkQMq0gIEYU>.

An alternative narrative about the origin of the concept has been given by some other publications (e.g. Kirsch 2014; Luke 2017; Brueckner and Eabrasu 2018; Boutilier 2021; Santiago et al. 2021; Stronge et al. 2024; Breakey et al. 2025), which state that the expression first appeared in an article by Henson Moore in the Paper Industry Management Association (PIMA) magazine in October 1996. However, Henson Moore (1996) used the expression in a matter-of-fact way as if it was a pre-existing, commonly used expression, and gave no indication that it was a novel concept. In my personal correspondence about this with Henson Moore in 2018, he replied that he did not invent the term and did not recall where it came from – in other words, for him, it was a normal pre-existing expression. This made the issue of where and how the term came about an interesting topic that I have pondered over for some years, and which I explore in this paper.

The issue of the origin(s) of the expression is important because, despite its various critics and criticisms, I believe that the concept ‘social licence to operate’ is useful for understanding the relationship between local communities and a project, and for understanding the experience of social impacts. This usefulness has been demonstrated in the impact histories of places exposed to project-induced impacts, for example the village of Schoonebeek in the Netherlands (Veenker and Vanclay 2021), the communities surrounding the San Cristobal mine in Bolivia (Boutilier and Thomson 2019), as well as by other case studies about social licence in specific situations (e.g. Jijelava and Vanclay 2018; Chen et al. 2021).

Apart from giving due recognition to the person who actually did first invent the concept and to ensure that we have a full understanding of the history of the idea (which should be sufficient justifications by themselves for this paper, and important from a scientific integrity perspective), understanding the origin(s) could be worthwhile for many reasons. For example, knowing the circumstances that triggered the creation of the concept could help in understanding the concept. Since there has been some drift in the definition of the concept over time, maybe clarity about the

origins would help in re-establishing consensus around the meaning of the concept, its value, and perhaps a definition.

The concept of social licence is important for social impact assessment, impact assessment generally, and for the development of projects and planned interventions because there is a direct connection between (the lack of) social licence and local people’s experience of social impacts (Vanclay 2002, 2012). A lack of social licence is another way of saying that a project is not regarded as acceptable or legitimate by local people, and that trust in the project, proponent and government may be low. Also, there may be low levels of distributive justice (an equitable distribution of goods and services, costs and benefits), procedural justice (fair process and fairness in decision-making), recognitional justice (awareness of, respect for, engagement with, and fair consideration of the needs of the diverse subgroups in the affected communities and of their perspectives), and contributive justice (the ability of everyone to meet their responsibilities and be able to contribute appropriately). Like Parsons and Luke (2021), I think that, although sometimes subject to misuse, when used reflexively, social licence can still be a useful concept that empowers communities, and enables and motivates companies, projects and project staff to consider local community perspectives.

Some academic detective work

Given that Henson Moore (1996) did not claim credit for inventing the concept of social licence and used the expression in a way that gave the impression it was already in existence, I thought I would try harder to find the origin by using various search tools. In my searching, I used both US and UK variants.

A search in *Scopus* revealed that the wording ‘social licence’ had been used in a few social science papers prior to the 1990s (e.g. Dennis 1975) to refer to certain individuals in certain situations having ‘permission’ to misbehave, i.e. to engage in certain types of behaviour that would otherwise be considered licentious or inappropriate (for example, being drunk, playing the clown, acting in a deviant way). Obviously, this is not the same meaning as the current understanding of the concept of ‘social licence to operate’, i.e. whether there is widespread approval of a project or organisation.

Searching with *Google Scholar* reveals that, apart from Henson Moore’s (1996) article, several other publications in 1996, 1997 or early 1998 also used the term ‘social licence’ in an incidental way, all without a reference, as if it was a widely understood expression in common use (e.g. Argus 1996; Algie 1997; Gentry 1997; Gentry and Esty 1997; Esty and Porter 1998). In July 1997, the then new journal, *Corporate Reputation Review*, published a special issue with an article mentioning ‘social license’ (Post and Griffin 1997).

A PhD thesis in education studies by Florence Hamrick, which was awarded in May 1996 following an oral exam on 16 November 1995 (thus clearly before Henson Moore and Jim Cooney), casually mentioned the expression ‘social license to operate’ once in the thesis, but in a way that indicated it was a normal expression (Hamrick 1996, 6):

The notion of a legal contract and legal chartering is itself underpinned by a sociological understanding of a social contract. For example, Meyer (1970) and Kamens (1971) spoke of a metaphorical ‘charter’ granted from societies to their socializing agents – in this case, schools and colleges. While colleges are also chartered through a legal process, it is the broader social understanding of institutional purpose, often tacit, that provides colleges with something like a *social license to operate*.

A chapter in a World Bank published book, *Choices for Efficient Private Infrastructure Provision in East Asia*, that was fully published by August 1997 – thus written, edited and produced before then – Gentry (1997, 78) wrote incidentally that: ‘Some multinational companies view public involvement as the means of obtaining the “social license to operate”, which they regard as just as necessary as any legally required permits’. Bjorn Stigson from the World Business Council for Sustainable Development used the expression in a book chapter, which was published in an edited book based on papers presented at an October 1997 workshop and published by the OECD in March 1998. As one of the emerging priorities for business, Stigson (1998, 62) wrote: ‘Corporate social responsibility – This relates to the evolving roles of companies in a globalising economy and changing expectations associated with business’s “social license to operate”’. As established by Google Books, the wording, ‘Maintenance of a “social licence” to operate and expand’ was also used in the Preliminary Papers produced for that workshop (OECD 1997, 164). In an article published in October 1997, Furger (1997, 468) wrote ‘The president of the American Forest and Paper Association has justified the creation of self-governance institutions within this industry by claiming that the industry was losing the “social license” to harvest wood’. Various other sources in the late 1990s and early 2000s also used the term in an incidental way without reference, reinforcing the idea that it was a normalised expression (Owen 1998; Kolk et al. 1999; Warhurst 2001; IIED 2002; Ward et al. 2002; Warner 2002).

Given that these early sources used the expression as if it was in common usage, I decided to search for the expression in newspapers and other digitised media by using *NexisUni* (LexisNexis) and *Gale Research Complete*, both of which are subscription-based search engines of digitised media content (newspapers, magazines etc). I searched for both

‘social licence’ (UK spelling) and ‘social license’ (US spelling). The two search engines (NexisUni and Gale) returned largely similar results, with the following extracts being indicative of a reasonable amount of common language usage. These extracts, together with the sources mentioned above, irrefutably prove that the social licence concept pre-existed both Jim Cooney and Henson Moore, and suggest that it might have come from the field of corporate management and/or corporate social responsibility.

Australian Financial Review, Wednesday 28 August 1996, in an article about the National Australia Bank and its Managing Director, Mr Don Argus (Gray 1996, 31):

But Australian banks have only tenuous hold on their ‘*social licence to operate*’ in the community he said. The social licence comprises the degree of trust, they have built, the quality of their reputation and the perception of whether they are adding real value to communities. Banks ‘are not widely seen as a positive influence on social capital and that is a challenge we at the National understand is real’, Mr Argus said.

Investors Chronicle, 29 November 1996, in the Bearbull column (Bearbull 1996, 31):

At the end of August we purchased United Utilities for the Income portfolio (A ‘Tomorrow’s Company’, Today). I had been intrigued, amongst other things, by UU’s vaunted commitment to the principles outlined in the Tomorrow’s Company inquiry of the Royal Society of Arts, Manufacturers (sic) and Commerce; one of these principles is that companies should act so as ‘*to maintain a strong social licence to operate*’. The apparent paradox here was that UU has rarely been away from the centre of one public storm or another, most recently over its highly controversial long-term incentive scheme for directors. With characteristic Bearbull detachment, it was left to the reader to decide just how closely aligned were the public perceptions of United Utilities, on the one hand, and the directors’ own assessment of their company, on the other. But enough; you get the picture. A tabloid-style denunciation of the company’s adoption of the ‘Tomorrow’s Company’ paradigm as a load of old public relations twaddle would not really be my style, although one may perhaps be forgiven for noting UU has an unusually long list of PR advisers.

Australian Financial Review, 22 December 1997, in an article called ‘A brand new social license to operate; BIG PICTURE – Corporate Image’ (Lagan 1997, 15).

Leading multinationals, however, have been quick to recognise that the success of their international brands is now wrapped up with earning their *social license to operate*. Many are working hard to ensure there is a values match between themselves and their consumers.

The Weekend Australian, Saturday 28 December 1996, in an article about corporate ethics (Simons 1996, 3):

THE deputy chairman of BHP, Mr Jerry Ellis, has admitted that the company made a mistake in its handling of indigenous people's concerns about the Ok Tedi river system in Papua New Guinea. Mr Ellis made the admission during one of a series of interviews with people at the top of Australia's corporations on the topic of ethics and corporate morality. Mr Ellis said that for any company to operate successfully, it had to gain a 'social licence' or broad community consent to its activities. But Mr Ellis said the company had failed to understand fully the concerns of the communities of Ok Tedi. 'Clearly we made a mistake at Ok Tedi, in respect of not having fully understood all the communities that we needed to satisfy,' he said. 'The group where the sedimentation was worst hadn't been sufficiently clearly in our sights as we worked down this long river system. We had most of it, but we didn't manage that well enough. "We knew about it, we talked to them, but we hadn't listened to them carefully enough, so they took their frustrations to the process you have viewed. "We didn't manage that well, but it's not a policy matter. We just didn't manage our existing policy very well.' After lengthy controversy and litigation, BHP arrived at an out-of-court settlement with the Ok Tedi landholders in June. Mr Ellis said that in spite of the Ok Tedi litigation, BHP had recently gained a diamond mining licence in the northwest territories of Canada after a two-year public review process during which people from the Ok Tedi region spoke against the company.

International Herald Tribune, Tuesday 27 January 1998, in an article querying whether Global South countries are in a 'race to the bottom' (Dale 1998, 13):

Even when environmental rules are not enforced, many American multinationals still want to comply with them for commercial reasons – to improve their access to other markets and to maintain what one participant called their '*social licence to operate globally*'.

The Sydney Morning Herald, Saturday 9 May 1998, in a letter with the heading 'Operating under implicit social licence' (Saul 1998, 46):

All organisations operate under an implicit *social licence* and we have seen many instances where that licence has been restricted to limit the actions of organisations that pollute the environment, put employees' health at risk, produce dangerous products, or test their new products on animals, etc. Surely, it is not asking too much of our leading executives that they see that their *social licence* may also properly be restricted to limit actions which throw people out of work, damage the traditional fabric of rural communities, or place employees under intolerable levels of workplace stress.

The Globe & Mail (Toronto, Canada), 13 June 1998, in an article 'How a forestry giant went green: when MacMillan Bloedel stopped thinking in absolutes, it rethought clearcut logging. Its adversary, Greenpeace, toasted the firm in champagne' (Lush and Matas 1998, GALE|A30049140):

The proposal to reinvent logging came from an internal MacMillan Bloedel process kicked off by Mr. Stephens a few weeks after he moved into the chief executive's office last year. The former Manville Corp. chief executive had presided over the revival of the Denver company, brought to its knees by ignoring the social consequences of manufacturing asbestos. In mid-November, Mr. Stephens asked for a complete review of all aspects of MacMillan Bloedel's forestry practices. He also injected something entirely new for the managers in a forest company. The new executive wanted a forest strategy that would be sensitive to its social consequences, to improve what he called its '*social licence*.' 'This was not a place our company had gone before,' Ms. Coady said. 'We looked for a definition [of social licence] and could not find one, so we made one up. We decided that social licence was meeting social expectations beyond the law.'

The first few of these extracts prove that the concept of social licence to operate was already in existence and established (at least in certain circles) by the end of 1996 (thus before Henson Moore and Jim Cooney) and therefore there had to have been a discussion about it in the fields of corporate management and/or corporate social responsibility before then. A comment in the extract from the *Investors Chronical* (1996, 31) made reference to the 'Tomorrow's Company Inquiry', which was my next place to look for answers as to what was the original source of this expression.

Lead 1: The Tomorrow's Company Inquiry (1993–1995)

The Tomorrow's Company Inquiry was an investigation over several years undertaken by the Royal Society for the encouragement of Arts, Manufactures and Commerce (RSA). Starting formally in January 1993, an interim report was published in February 1994 (RSA 1994), and the Inquiry's 33 page final report was published in June 1995 (RSA 1995). The Inquiry's objective was 'to stimulate greater competitive performance by encouraging UK business leaders, and those who influence their decision-making, to re-examine the sources of sustainable business success' (RSA 1995, ii). In the Preface to the report, Sir Anthony Cleaver, the Chairman of the Inquiry, wrote:

As members of the Inquiry team we have therefore made it our goal to consider how Tomorrow's Company will achieve sustainable success in a world which is not only increasingly competitive, but also increasingly critical and vigilant of business standards. We have tackled the sterile debate over shareholder versus stakeholder head on. We believe that only by giving due weight to the interests of all key stakeholders can shareholders' continuing value be assured. We describe this as the *inclusive* approach and have developed a framework for its use by Tomorrow's Company. (RSA 1995, iii)

The Tomorrow's Company Inquiry considered that one of the major forces for change was: 'the increasing need for companies to maintain public confidence in the legitimacy of their operations and business conduct – in other words, to maintain their *licence to operate*' (RSA 1995, 1).

The Executive Summary clarified how a company of the future (tomorrow) would be differentiated from companies of the past (yesterday):

Most significantly, Tomorrow's Company:

- clearly defines its purpose and values, and communicates them in a consistent manner to all those important to the company's success
- uses its stated purpose and values, and its understanding of the importance of each relationship, to develop its own success model from which it can generate a meaningful framework for performance measurement
- values reciprocal relationships, understanding that by focusing on and learning from all those who contribute to the business, it will best be able to improve returns to shareholders
- works actively to build reciprocal relationships with customers, suppliers and other key stakeholders, through a partnership approach
- expects its relationships to overlap and acts, with others where necessary, to maintain a strong *licence to operate*. (RSA 1995, 1)

The expression, 'licence to operate', appeared 14 times in the final report of the Tomorrow's Company Inquiry. Although the wording 'social licence' was not used anywhere, it is clear that their meaning of 'licence to operate' is the same as contemporary usage of 'social licence to operate', as the following two extracts establish.

One other major force for change is worth considering in more detail: the increasing need for companies to maintain public confidence in the legitimacy of their operations and business conduct - in other words, to maintain their *licence to operate*. ... Today, a company's *licence to operate* and its competitiveness are closely linked. The process of maintaining confidence can be as positive for company performance as the loss of confidence can be detrimental. (RSA 1995, 5)

2.6 Maintaining a strong *licence to operate*

TOMORROW'S COMPANY expects its relationships to overlap and seeks to reinforce the commonality of interest between them. It recognises that its long-term future is enhanced by a supportive operating environment and acts, with others where necessary, to strengthen its *licence to operate*.

YESTERDAY'S COMPANIES think of stakeholders in terms of either separate transactions or conflicting priorities. They are reluctant to acknowledge the

concept of a *licence to operate*, often clinging to the notion that the law adequately describes the public acceptability of business conduct. (RSA 1995, 10)

What is curious about the Tomorrow's Company report is that there is no specific definition given for 'licence to operate', and in all 14 uses the expression was used incidentally (as if it was expected that the reader would know what it meant). Of course, a 'licence to operate' in its conventional regulatory meaning of a permit being issued by an appropriate authority would be clearly understood and not needing of a definition, but the use of the expression in the Tomorrow's Company report was not this conventional meaning. Thus, it would appear that the concept must have predated the Tomorrow's Company final report, and given that this report only says 'licence to operate', establishing who first used the expression 'social licence' is still an open question.

The hunt goes on

After my success in obtaining a copy of the Tomorrow's Company report (RSA 1995), now with more determination, I proceeded to investigate further using all available channels and following up on any potential leads. Searching in Google Books, I came across a paper by John Colligan (1996), the Director for East Asia, Australia and South America for Shell International Exploration and Production, published in the '*APPEA Journal*' in 1996. It was the transcript of a speech he gave on 17 June 1996. He wrote (and presumably spoke) the words: 'Other indirect costs, whilst more difficult to compute, are just as real. These might include damage to corporate reputation, damage to operations and the confidence of customers and, ultimately of course, the risk of losing the company's social licence to operate' (Colligan 1996, 27–28). This paper also predates Jim Cooney and Henson Moore, but again the expression was used in an incidental way as if it was normal wording understood by everyone, at least in the oil & gas industry.

I also found a 1994 paper that used 'licence to operate' with the same meaning:

The paper briefly reviews the outcomes of the Rio Summit and considers the impacts of the Sustainable Development concept on the Oil Industry. Short term issues discussed include the role of environmental responsiveness in maintaining the industry's '*licence to operate*', developing environmental legislation, the cost of compliance, and the potential business opportunities of good environmental and risk management. Examples of the industry's achievements are provided. (Kohlhase 1994, no page available)

Searching in NexisUni, I was able to establish that, between 1 January 1990 and 31 December 1999, 330

articles mentioning ‘Tomorrow’s Company’ were published. Thus, the Tomorrow’s Company Inquiry attracted a lot of attention at the time. Some 21 of these articles also mentioned ‘licence to operate’. All but one of these 21 articles were published after the release of Tomorrow’s Company Final Report in June 1995, however one from February 1994 (Guardian 1994) revealed that the idea of ‘licence to operate’ was also mentioned in the Interim Report of Tomorrow’s Company Inquiry.

Although Sir Anthony Cleaver was the Chairman of the Tomorrow’s Company Inquiry, Mark Goyder was the RSA Program Director with responsibility for the Inquiry. Goyder was also the lead author of the Inquiry’s reports. He produced several papers in the lead up to the Inquiry and afterwards in his new capacity as founder of Tomorrow’s Company, an independent think-tank he founded in 1996 to bring the Inquiry’s agenda forward. In a March 1993 paper, Goyder wrote:

The inquiry will be concerned in particular with change in a company’s *licence to operate*. This phrase is a crude way of capturing all those relationships which a business needs to handle to give it the room to manoeuvre in an independent entrepreneurial way. It includes relationships with customers, employees, and potential employees and the people who will educate them, suppliers, the community, the Government, the EC, all other actual or potential regulators, the green movement, and of course, the providers of capital. (Goyder 1993, 41)

He also wrote:

A central premiss (sic) of the inquiry is that to be successful, business must manage the often conflicting demands of its stakeholders, and anticipate the changes which those stakeholders will demand in its licence to operate. To do this it also needs a clear and consistent sense of its central purpose and of how this purpose relates to the business’s obligations to all its stakeholders. The RSA inquiry — and this paper — are concerned both with individual companies and the business community as a whole. Individual companies will find their *licence to operate* affected by the way in which business as a whole behaves. This inquiry is an opportunity for a representative group of companies to influence the operating climate for business. (Goyder 1993, 42)

And:

There is also a very strong reason for shareholders to be worried about the second problem as well as the first. Every business obtains a *licence to operate* from the community. If the community, through its government or through pressure groups or through the consumers, is not satisfied with what business is doing, it may decide to regulate. It is the initiatives which business takes which will enhance its *licence to operate*: the better the measures the more easily can a business show what it is achieving and thus avoid regulation. (Goyder 1993, 43)

And in the conclusion to his article:

Think of a business as the gymnast on the trampoline. The success of the business is the height which the gymnast jumps. The *licence to operate* is the trampoline, maintained by the different stakeholder groups, at the four corners of the trampoline (customer, investor, employee, community), and the tension which they exert. If any one stakeholder applies disproportionate tension the trampoline will be unbalanced and the business will not hit the heights. There is somewhere an optimum tension, a creative tension, which will enable the business to climb higher through competitive advantage. (Goyder 1993, 44)

Given these extracts, it seemed possible to me that Mark Goyder might have been responsible for conceiving of a ‘licence to operate’ in the understanding of it as being the expectations on a company from its community stakeholders (i.e. the essence of social licence). I was able to track Mark Goyder down, and in October 2025, I put some questions to him by email. Mark replied saying he agreed that he was partly responsible for fleshing out the concept (as indicated in the extracts above and elsewhere) but stated that the idea preceded him. He suggested he heard the idea in 1992 during discussions he had with leading business figures in the preparatory process leading up to the Tomorrow’s Company Inquiry. He recalls hearing of this concept from Bob Malpas (later Sir Robert Malpas, https://en.wikipedia.org/wiki/Robert_Malpas), who had worked as a Managing Director with BP between 1983 and 1989 and went on to be Chairman of the Cookson Group. Mark Goyder stated in his email to me that: ‘Bob was a lucid thinker and very experienced. He suggested that I needed to think about the concept of the licence to operate, which was often current in the extractive industries, because he felt it had more general application’. This is an important comment because it suggests that the concept of social licence (if not the precise wording) was present at senior management levels in the extractive industries many years before either Jim Cooney or Henson Moore.

Unfortunately, Bob Malpas is no longer with us, so I can’t ask him where he heard of the concept. Nevertheless, the email from Mark Goyder suggests that, although Bob Malpas introduced Mark Goyder to the concept as being something used in the industries Bob was associated with, Bob was not (likely to be) the creator of it. So, more effort was required in my attempts to track down the originator of the idea.

Lead 2: The Responsible Care Initiative

In October 2025, I also wrote to Brad Gentry, who was amongst the first academics to publish using the expression ‘social licence’ (Gentry 1997; Gentry and Esty 1997). Brad, now a senior academic in the Yale

School of the Environment, started his professional career as an environmental deal lawyer. Brad replied to my email indicating that he did not invent the term, but he seemed to recall it 'being used by some chemical companies (or their trade associations) as they worked with local constituencies to improve their standing in the community – as bad standing led to protests, closures, inability to expand and other local impacts'. He thought the origins of the term might have been related to the chemical industry's adoption of the 'Responsible Care Initiative'. So, this was my next avenue to follow up.

Responsible Care started first in Canada in the 1970s as a voluntary commitment by senior executives in chemical firms to observe a set of principles. In 1983, the Canadian Chemical Producers' Association adopted a formal statement (Belanger 1990). In 1988, Responsible Care was adopted by the US Chemical Manufacturers Association (now the American Chemistry Council) (Kavasmaneck 1990). Responsible Care has been studied by many academics, including Neil Gunningham (1995). Gunningham and colleagues were amongst the early academics to discuss the concept of social licence in some detail (Kagan et al. 2003; Thornton et al. 2003; Gunningham et al. 2004, 2005), although they attribute its origins to the pulp and paper industry, with them having heard this during their fieldwork in 1999.

Searching for 'Responsible Care' and 'Social Licence' or 'licence to operate' (in UK and US spelling variants) in Scopus, Google Scholar and NexisUni returned the following results.

Financial Times (London), Friday 18 June 1993, an article reporting on a survey of chemicals and the environment (Tighe 1993, no page available):

Chemical industry critics may point out there is more than a little corporate self-interest in this - after all, the purpose and aim of ICI's Teesside community action team, established in 1991, are 'to re-develop employee morale/esteem/community spirit' and 'to protect and develop *licence to operate*. But Mr Peter Dunlop, a retired engineer who chairs the Grangetown liaison panel, is in no doubt there has been a genuine change of heart within ICI - perhaps more than the company would like to admit.

Posner (1994), in an article published in journal, *Review of European, Comparative & International Environmental Law* (Posner 1994, 162):

The Chemical Industry exists to manufacture products that can be used by other industries and by the public to maintain and improve the lifestyle demanded by society. A key feature of the industry is its continual search for new and innovative products that will have fewer detrimental effects on the well-being of man and the environment. In order to be able to fulfil its role the industry increasingly needs a '*licence to operate*', whether that be granted by the regulators (e.g. authorizations under Integrated Pollution Control,

planning permission or notification of new substances) or by the public finding industry acceptable as an employer, producer of products or provider of solutions to problems (e.g. the development of clean technologies, health care products and cleaning agents).

Chemical Market Reporter (1996), in an article about the European chemical industry's 'Responsible Care' environmental management program (*Chemical Market Reporter* 1996, no page available)

Simon de Bree, chairman of DSM and president of the European Chemical Industry Council (Cefic), sees negative public perception as a threat to the industry. 'As long as the public sees the chemical industry as a polluting, dangerous industry and has doubts about our sustainability, our activities will be inhibited,' he says. 'We are talking about our *licence to operate*. Our poor image means we have problems finding new land to build on, obtaining permits and using new technologies. It also means that the government is more prone to impose taxes on us.'

The Age (Melbourne), Tuesday 11 June 1996, a newspaper item about the prospect of tougher environmental laws (Milburn 1996, 1).

Despite these pitfalls, Mr Jim Smith, the Plastics and Chemical Industries Association's manager of the *Responsible Care* program, said companies were becoming more aware of their legal obligations and the importance of developing a dialogue with the neighborhood outside the factory. Companies could no longer afford to ignore rising community expectations of a cleaner, safer environment. 'Whether you call it community pressure or not, companies are working with their stakeholders to try to identify their needs and wishes,' he said. 'In the chemical industry we recognise that is a requirement for a long-term *licence to operate*.'

Conclusion

Unfortunately, I have not been able to establish who actually coined the expression 'social licence to operate'; however, it is clear that it certainly was not Jim Cooney (1997) or Moore (1996). There were many writers who preceded or were at least contemporaneous to Cooney and Moore, most of whom used the term as if it was a common language expression, including Argus (1996), Algie (1997), Gentry (1997), Gentry and Esty (1997), Post and Griffin (1997), and Esty and Porter (1998). Nothing that I can establish connects any of these authors to Jim Cooney or Henson Moore. Bearbull (1996) used the term in November 1996, but specifically referenced it to the Tomorrow's Company Inquiry.

The earliest usages of the precise expression 'social licence to operate' or 'social license to operate' that I can find are: Florence Hamrick in a PhD thesis awarded May 1996 (but likely to have been in the draft submitted for her oral exam in November 1995)

(Hamrick 1996); John Colligan in a speech given on 17 June 1996 and published in the *APPEA Journal* later that year (Colligan 1996); and Don Argus in a newspaper article published in August 1996 (Gray 1996). These three sources conclusively prove that neither Jim Cooney nor Henson Moore was first to use the expression. However, these three early sources all use the expression in an incidental way as if the expression was already in common usage, and none give the sense that they were the originator. Given that Florence Hamrick was the earliest and likely to still be alive today, I made several attempts to contact her, but without success. Consequently, I can not say conclusively who coined the term, social licence.

With the passage of time, perhaps it will never be possible to convincingly establish who coined the term or was first to use the words, 'social licence to operate'. However, given the way 'licence to operate' was used in the *Tomorrow's Company Inquiry* and the fame of the Inquiry (e.g. its reports and other publicity), I suggest it is quite likely that the *Tomorrow's Company Inquiry* influenced the field of corporate governance and the discourses around various industries, diffusing the idea around the world. The misquoting by the *Investors Chronicle's* columnist, Bearbull (1996), who inserted the word 'social' into the expression, was perhaps remarkably percipient, and perhaps the result of some other as-yet-undetected source that had already made this addition, or it was a serendipitous addition implying that 'social licence' was a better description of the intended meaning of 'licence to operate' as used by the *Tomorrow's Company Inquiry*.

It is clear to me (and hopefully to all readers) that the meaning intended by 'licence to operate' in the *Tomorrow's Company Inquiry* (RSA 1995) is the same as what is meant to be understood by 'social licence to operate' now. I personally think that adding 'social' to 'licence to operate' makes eminent sense and provides a clearer comprehension of the concept, for example by providing greater differentiation from a 'legal licence to operate'. Perhaps, the expression arose unconsciously and/or serendipitously. Perhaps, the expression was first mentioned on a radio broadcast or TV program that is not accessible to my internet searching strategies. It is likely that we will never know for certain who invented the term.

Although it is now evident that Jim Cooney was not the first person to say the words 'social licence to operate', this does not detract from the significant contribution Jim has made to the extractive industries, especially in relation to 'understanding the ethical norms that either govern or should govern the decisions within the mining industry' (Cooney 2015, online). Jim's contribution was much more than just allegedly inventing a term. Jim 'championed the concept of sustainable development

and pioneered the application of policies and procedures to improve the industry's social and environmental performance' (CMHF 2025, online). He also had a major role in the Mining, Minerals and Sustainable Development (MMSD) project that led to a new paradigm of thinking within the extractive industries. As an aside but worth noting, is that Mark Goyder also had some level of involvement in the MMSD project, and was a speaker at a conference held jointly by The Royal Institute of International Affairs, Control Risks Group and the MMSD Project on the 15-16 October 2001 (MMSD 2001).

To conclude, despite the critics of the concept, I remain of the view that the concept of social licence to operate is useful and worthwhile, and that it is a key concept in the field of social impact assessment. In my view, the social licence concept should be seen as nothing more than a metaphor, and certainly not something that should be measured. Social licence must be seen as an ongoing dynamic, not as a single point-in-time assessment. Also, a social licence has to be earned and not presumed. It is something accorded by local communities, not something companies can assert they have (Parsons and Luke 2021). Furthermore, while obvious protest clearly does reveal there is no social licence (Hanna et al. 2016), the absence of protest does not mean that social licence has been accorded (Vanclay and Hanna 2019).

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