

limits of and obstacles to participation; the possible misuse of participation processes

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Limits of and obstacles to participation and the possible misuse of participation processes

The following overview is intended for persons who initiate or wish to take part in participation processes (administrators, project promoters, politicians, ordinary citizens, process facilitators, NGOs, representatives of interest groups etc.). It is intended to show where the limits of participation processes lie and what possible obstacles may be lying in wait during the process or even at the preparatory stage. It is also meant to increase alertness toward the risk of participation processes being misused.

The overall aim is to improve the chance of a given process going well, by pointing out possible dangers in connexion with selecting the level of involvement for the project in question (for instance), with designing the process in detail or with the necessary preconditions. But it is also important to correct any misguided or exaggerated expectations, which could otherwise lead to participation processes being called into question generally as decision-making instruments. The questions at the end of most sections are meant to remind the reader of the key aspects that need bearing in mind when participation processes are being planned and implemented. You will also find tips on making a success of participation processes in Worksheet No. 1 “Checklists on preconditions and quality criteria for participation processes in the public sphere”.

One or two concepts briefly explained:

As used in this text, the word “Stakeholder“ covers both ordinary citizens and representatives of diverse interest groups and initiatives. It applies both to those actually or potentially affected by a project or a plan and to those wishing to play an active part because they are interested in changing and improving their surroundings.

The word “process“ refers to a development, a sequence of steps following logically one from another or of interleaved events. Here the concept of a participation process implies people taking an active share in shaping social life. That can extend from working together on individual projects or plans all the way to taking part in the development of policies.

Limits of participation processes

Participation processes can make an important contribution to improved and more comprehensible decision-making in the area of projects, plans and the shaping of policy in the public sphere. All the same, participation processes have their limits – they are not “magic wands” to be used to solve problems in any and every situation. Two kinds of limit are involved: methodical – not every method is suitable for every participation process and/or for every type of problem – and contextual – certain elements of the situation may restrict the possibilities of utilizing participation processes.

Participation processes are impeded, ...

... if those (potentially) affected and interested fail to take part:

Whether participation processes succeed largely depends on whether those affected are willing to take part. If significant groups of those (potentially) affected and interested refuse to take part in a process, or wish to drop out of an ongoing process, or are not open enough to express their own interests and needs, there is a risk that participation will fail.

The reason(s) may be:

- > People are afraid of being “pocketed”.
- > People see other routes as more promising as regards getting their own way.
- > People do not anticipate any (personal) benefit from participation.
- > There is a shortage of resources (time, information, money etc.).
- > Channels of communication and people’s ability to express themselves are inadequate.
- > People have already had off-putting experience of participation.

Important questions to reflect on:

- > Have those (potentially) affected and interested been or are they being informed about the participation process adequately and comprehensibly?
- > Is the communication setup transparent and designed for dialogue?
- > Are those (potentially) affected and interested actually in a position to take part and have a say in the process?

¹ Als ‚Betroffene‘ werden hier sowohl BürgerInnen als auch VertreterInnen unterschiedlicher Interessensgruppen und Initiativen verstanden. Der Begriff ‚Betroffene und Interessierte‘ bezieht sich sowohl auf jene, die von einem Projekt, einer Planung tatsächlich oder potenziell betroffen sind, als auch auf jene, die aus einem Interesse an der Veränderung und Verbesserung ihres Lebensumfeldes heraus aktiv werden möchten.

... if politicians do not identify with / support the process:

Participation processes require a political framework that does in fact permit ordinary citizens to have a say, and that ensures that the results of the process are handled in line with the agreement made. Participation processes run into difficulties if the politicians fail to support them, or ignore or even boycott them. If the politicians take no serious account of the results, or if they take a decision that runs counter to the recommendations from the participation process, without giving reasons for this, those affected may come to see participation purely as political window-dressing. People may then be much less willing to take part in participation processes in future.

The reason(s) why politicians do not identify with / support the process may be:

- > Politicians are afraid that their scope for action and decision may be restricted.
- > The outcome of the participation process conflicts with the politicians' general approach.

Important questions to reflect on:

- > Are the politicians willing to support the participation process without reservation or prejudice?
- > Are the politicians willing to provide the necessary resources (funding, infrastructure)?
- > Are the politicians genuinely willing to respect the solutions worked out, to take them into account or to implement them? This means that (other things being equal) the results of the process are to be implemented in full: should this not be possible, contrary decisions are to be presented in a transparent way and to be backed by reasons.

... if there is no scope for action / organization:

At the start of a process it must be made clear to what extent all those involved can exert influence / have a say / jointly decide, and how much scope the process has. If only marginal issues are left to be discussed, because key decisions on the central questions have been taken in advance, there is not much point in participation.

Participation processes may be pointless if:

- > those involved are confronted with faits accomplis.
- > key decisions have already been taken..

Important question to reflect on:

- > Have the participants a genuine opportunity of achieving something?

... if statutory standards and limits (e.g. in the social or ecological field) are disregarded:

It is not possible to disregard statutory standards (such as environmental standards) or to attempt to renegotiate these (say) in the course of a mediation process. On the other hand it is perfectly possible to make voluntary agreements about tighter limits or additional measures (e.g. erecting noise barriers where no statutory requirement exists). Then again, it is also possible to make revising existing standards and limits, or laying down new ones, the subject of participation processes; consensus conferences or consultation procedures are very suitable methods in such cases.

... if social asymmetries persist throughout the process:

Because of differences in their resources (time, money, personality) not everyone and not all segments of the population are equally able to take part in a participation process. But invitations to join in participation processes should appeal to citizens in all walks of life, and encourage them to stand up for their own interests and take part in decision-making. If this broad appeal does not materialize, there is a risk of the process in question being seen as elitist.

Important questions to reflect on:

- > Is the participation process organized so that all segments of the population are in a position to take part?
- > Have specific efforts been made to reach, invite and support segments of the population who have difficulty in articulating their interests?

... if there is a permanent stalemate:

Situations in which incompatible positions, arguments and/or values confront one another can exist at the start of a participation process or develop in the course of the process. They diminish the scope for action by making it harder (or impossible) to reach agreement on collective, consensus solutions by means of negotiation.

The reason(s) for a permanent stalemate may be:

- > Some of those involved feel that a participation process would weaken their own position.
- > Some of those involved doubt that participation process would lead to a solution acceptable to everyone, so they simply defend their own position tooth and nail.

Important questions to reflect on:

- > Has it been made clear at the start of the process that its success depends on everyone involved being willing to reach a consensus?
- > Has an attempt been made to initiate a shift in perspective, i.e. have those involved been encouraged to put themselves in other people's place, so as to understand them better?

Obstacles to participation processes

There are various possible obstacles that may make it harder to prepare and conduct a participation process, or may jeopardize the whole enterprise. Worksheet No. 1 is concerned with preconditions and quality criteria for participation processes. Obstacles may arise if these preconditions and quality criteria are disregarded.

Obstacles to participation processes arise ...

... if the process is inadequately prepared:

In-depth preparation is essential if the process is to succeed. If too little time and thought is invested in preparing the process, lack of clarity – or inconsistencies – may put a strain on the entire course of the process. Along with process design, deciding who is involved when and how, and arranging timescale and funding, selecting a method or methods also has a crucial influence. No participation method is a patent remedy guaranteeing success; which method is appropriate in a particular case must be decided with an eye to the specific project.

Important questions to reflect on:

- > Which is the right method for the problem on hand?
- > What criteria must a suitable process design satisfy? How can it be customized for the process in question?
- > How can those (potentially) affected and interested be informed in a balanced and comprehensive way in advance? Who are the stakeholders?
- > What needs to be clarified, and what agreements need to be made, at the start of the process?
- > How can a constructive style of discourse and respectful treatment of one another be established as norms within the process?

... if the focus of the process is unclear:

For a participation process to succeed, its content and focus must be clear. Obstacles arise if the scope of participation is not staked out before the process gets under way: what is the issue, what decisions have already been taken, what decisions can still be influenced, etc. In development processes, e.g. within the framework of Agenda 21, it is not always clearly defined what is up for discussion and what is not; here an ongoing dialogue with politicians and/or administrators is necessary to stake out these boundaries.

Possible obstacles:

- > The assignment and/or the central issues in the participation process have not been made sufficiently clear.
- > The scope of the process has been left too vague, and the rules applying are imprecise.
- > An issue or topic is being discussed that the participants have no influence on (though they are unaware of this).

Important questions to reflect on:

- > Is it sufficiently clear / has it been made sufficiently clear (repeatedly) in the course of the process what its scope and content are?
- > How open-ended is the process as regards its outcome?
- > Have clear agreements been made about the sequence of events, procedural rules and scope for decisions?
- > Have the goals of the process been discussed openly and in sufficient detail?

... if an unsuitable level is selected for application:

Participation involves selecting a level of application (local, regional, national, EU level). Careful thought should be given to the question of which issue / which concern can be tackled best at which level – whether, for instance, it makes sense to carry out a regional opinion poll in connexion with erecting a cycle track in one particular community.

Important question to reflect on:

- > Which level should discussion take place / a decision be reached at?

... if many of those (potentially) affected and interested are not reached:

There are all sorts of reasons why many people do not join in participation processes. Maybe the information provided has not been properly prepared, or people feel the issues presented are nothing to do with them, or they are hindered by circumstances, or resources are not available.

Important questions to reflect on:

- > What groups are affected?
- > Do all those (potentially) affected and interested know that a participation process is taking place?
- > Is the information available in a form comprehensible to all groups of people (potentially) affected and interested, particularly to migrants?
- > Could there be barriers to access for individual groups? If so, how can they be eliminated?
- > How can the groups be kept open during the process? What can be done to prevent closed structures (“cabals”) developing that scare new arrivals away?

...if it is not clear what will happen to the results:

In every participation process the question of implementing the results that have been worked out collectively plays a key part; the participants' final verdict on the process largely depends on this question. Possible breaches of rules and agreements, and deficits as regards transparency and reliability, are thus among the most serious obstacles to the success of participation processes – and in many cases have a decisive influence on whether the participants will be active again in future in matters of public concern. A key element in this connexion is the politicians' binding pledge to give reasons for any deviation from the results obtained in the course of the participation process. It must be ensured that the results of the process are taken into account when the final decision is taken (e.g. by the local council) and are carefully checked. The public have a right to be informed how and to what extent the results of the process have been taken into account and what arguments the decisions taken are based on. It is helpful if (say) the local council explain in a public statement why they do or do not resolve upon the Local Agenda 21 Plan as a result of the LA 21 process in this form.

Important questions to reflect on:

- > Is it clear how binding the results achieved are? How can they be made more binding?
- > Have sufficient funds been budgeted for implementing the results?
- > Has the distribution of political responsibility for implementing the results been taken into account adequately?
- > How can it be ensured that the framework for implementation is not altered after the process has been completed?
- > Have the politicians committed themselves to taking the results into account (i.e. either to adopting them or, if other decisions are taken, to giving intelligible reasons for this in public)?

... if information is missing or is not presented in a comprehensible form:

Some participation processes (e.g. consensus conference, citizen jury) deliberately involve non-specialists in working out a specialized recommendation, even though they lack the necessary background. Particularly in the case of tricky specialized decisions the relevant information needs to be presented in a form intelligible to the participants, and they need an opportunity to acquire the necessary background. If information is not presented in a broadly comprehensible way, it may be much more difficult to reach a result.

Important questions to reflect on:

- > How can complex specialized knowledge be presented so that non-specialists understand it?
- > How can interchange between experts and ordinary citizens be structured as a process of learning from one another?

... if sources of friction interfere with people's working together:

Various factors can put a considerable strain on people's working together in a participation process: for instance, if the flow of communication is not transparent, i.e. if some groups conduct secret negotiations behind the backs of the other participants, or if other people put pressure on participants to behave in a particular way during the process (e.g. by phone lobbying). Again, if the process facilitators are not impartial, or if some participants doubt their impartiality, working together in an atmosphere of trust will be impossible

Important questions to reflect on:

- > Are conditions right for open, trusting communication between all participants?
- > Are the process facilitators impartial (in the sense of not having an interest of their own in the matter, and of performing their task in the same way vis-à-vis all participants).
- > Have procedural rules been agreed that ensure participants treat one another fairly and respectfully, and is care taken that these rules are kept to?

... if expectations are aroused but not fulfilled

If unrealistic expectations of what participation processes can achieve are not corrected in time, disappointment may result, leading to disillusionment with participation processes in general.

Important questions to reflect on:

- > Has the scope available for influence and manoeuvre been presented realistically?
- > Is it clear to all participants how far the results will be binding?
- > Are all participants aware what will be done with the results after the process has been completed.

The risk of participation processes being misused (instrumentalized)

Participation processes yield a variety of benefits (as outlined in Worksheet No. 2 on participation: Benefits of participation processes from the point of view of the various groups of agents). However, there is a risk that participation processes may be misused to push particular interests or a particular result, i.e. instrumentalized.

Participation processes are misused / instrumentalized if ...

- > a single individual or group presents solutions that have been worked out collectively as their own achievement in public,
- > some extraneous idea is presented as if it were part of the solutions that have been worked out collectively,
- > the outcome of the process is presented only selectively and incompletely,
- > the results achieved are not treated in the way agreed,
- > the aim is purely to gain time – to put off a decision seen as unfavourable for a particular group as long as possible,
- > the process is employed as “occupational therapy“ for groups with scanty resources, to effectively put them out of the running.

STRATEGIC GROUP ON PARTICIPATION

In 2002, on the initiative of the Ministry of the Environment, ÖGUT set up the Strategic Group on Participation, which is intended to

- > give the notion of „Participation“ clearer contours, develop it further and make it more widely known,
- > promote awareness of participation in the public eye and among decision-makers in politics, the administration and business,
- > work out participation strategies for policies relevant to the environment and sustainability,
- > contribute to sustainable development by promoting participation,
- > promote participation at communal, regional and national level,
- > make concrete “how to” guides available to people with practical interests.

The members of the Strategic Group on Participation are qualified experts on the subject with backgrounds in many different fields. The following experts were members of the group when this worksheet was drafted. For the status quo of membership please visit <http://www.partizipation.at/mitglieder.html>:

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THE WORKSHEETS AS PRODUCTS OF THE STRATEGIC GROUP

The results of debate within the Strategic Group are summarized and published as “Worksheets on Participation” and aim at facilitating practitioners’ work.

- > The Worksheet No. 1 on Participation drawn up in the Strategic Group contains a checklist on preconditions for participation processes in the public sphere and a checklist on quality criteria for participation processes in the public sphere.
- > The Worksheet No. 2 on Participation presents an array of arguments in connexion with the question of what benefits participation provides for which groups of agents.
- > The Worksheet No. 3 on Participation deals with the limits of and possible obstacles to participation processes, and with the risk of such processes being misused.
- > The Worksheet No. 4 on Participation (at present only available in German) contains recommendations on how to improve consultation in formal and informal participation processes.

All products from the Strategic Group are available on the website www.partizipation.at.

Utilizing the worksheets is permitted and encouraged, provided that reference is made to the “authorship of the ÖGUT Strategic Group on Participation”. Responses and comments are welcome, and will be taken into account as revised versions are generated.

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