

Reaching decisions in participation processes

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Reaching decisions in participation processes

How are decisions reached in participation processes? Is one particular way of reaching a decision superior to all others? What effect does the way selected have on the process, and on the type and the quality of the decision and the outcome? These are the questions which this worksheet starts from.

The worksheet is addressed to anyone interested in participation. It is meant to

- > heighten awareness of how far-reaching the influence of the decision procedure selected is,
- > present the various different ways of reaching a decision, with their respective advantages and disadvantages,
- > simplify the task of choosing the most suitable procedure for the case in question, and
- > help in preparing decision-reaching in participation processes.

The issue of how decisions are reached is one of the central issues in democracy. In democratic systems, as in public participation processes, important preliminary decisions need to be taken about the overall framework, about the structure of the process and about powers of decision before a start is made on working toward the actual decision at issue. Given that these preliminary decisions influence the process and its outcome, it is well worth giving some thought to the following questions, which should be openly formulated:

- > Who decides who is entitled to decide?
- > Who decides what is to be decided?
- > Who decides how the decision is to be reached?

Ways of reaching a decision ...

... are numerous. Depending on the specific issue, the persons or groups taking part, time, place and other resources needed (e.g. the social and cognitive skills of the participants), various different ways of reaching a decision may be suitable for the actual situation.

The process of reaching a decision always involves a preparatory stage – which may be more or less extensive – and the actual decision.

Three general categories¹ can be distinguished:

- > Majority decisions
- > Consensus or compromise decisions
- > Decision by lot or other random procedures (actually among the oldest democratic methods of reaching a decision² – not discussed here, though).

The various possible ways of reaching a decision must be clear before their respective advantages and disadvantages can be weighed up and the most suitable method for a particular situation selected. The choice has to be made anew whenever a decision is to be taken. It is therefore possible that various different methods (or some combination of them) are appropriate at successive stages of a decision-making process.

Majority decisions

In parliamentary democracies majority decisions are the norm and generally highly regarded. The underlying assumption here is that the majority can take binding decisions for an entire group or community. In participation processes majority decisions are called for particularly in cases where a choice between alternatives in a given area must be made without delay – a great advantage when definite action is called for. There are various ways of specifying these alternatives to start with: for instance, a person or a committee can be empowered to define them, or they may emerge as the result of previous negotiations between all those involved.

As a rule majority decisions involve choosing between two alternatives at a particular point in time (i.e. yes/no or either/or). But the choice can be between several alternatives instead, to be arranged in order of preference (A ahead of B and C, say). What majority decisions cannot provide is the further development of the issue and/or the modification of alternatives at the moment of decision, even if the problem in question is not dealt with adequately as a result. At votes and elections the participants cannot negotiate or strike bargains with each other – that would require a communicative process. The alternatives to be chosen between can be modified only after the decision has been taken (e.g. so as to take another vote subsequently). By contrast, with consensus or compromise decisions (where the participants communicate with each other in the immediate decision-taking situation) the various possible solutions can be adapted in discussion to take any new insights into account.

¹ This worksheet is focused on ways of reaching decisions in groups; so it does not cover “authoritarian” decisions taken by a single person empowered to do so.

² In the ancient Athenian democracy political office was assigned by lot; this method was regarded as more democratic than election, because any (male) citizen who satisfied the basic requirements for office had the same chance of being selected.

Majority decisions:

Pro

- > Quick decisions are possible
- > A large number of participants can be accommodated
- > The method can contribute to democratic stability and avoid deadlock
- > The participants do not need the ability to put themselves in other people's shoes

Contra

- > At the time of decision participants cannot negotiate with each other (only beforehand)
- > The wishes of minorities may be ignored
- > Only yes/no or either/or decisions are possible

Majority decisions have another disadvantage: they are reached at the expense of a minority, so they tend to undermine distributive justice. The principle of majority voting can thus deepen the gulf between the majority whose preference carries the day and those whose vote has no effect because they are in the minority. One can compensate for this by means of rules about minimum levels of participation (e.g. a quorum of at least one third of the participants) and about supermajorities (e.g. a two-thirds majority)³. Other mechanisms to check majority decisions, such as a veto, have a purely reactive function.

Votes and elections are obvious examples of majority decisions. Some people see majority decisions as a stopgap, or as less democratic than communicative ways of reaching a decision (involving consensus or compromise). In some situations requiring a decision majority voting is the procedure of choice, particularly in cases where a decision is needed without delay even if a large number of people are entitled to share in the decision. Majority voting guarantees that decisions can be reached, and counts as a mainstay and yardstick of stability in a democracy.

Consensus or compromise decisions

Methods of taking decisions aimed at reaching a consensus or compromise necessarily involve a process of communicative negotiation on the way to the decision. The idea is to use methods of promoting an exchange of information and communication between the agents participating so as to give everyone a say and a balanced share of influence, and thus achieve as much distributive justice as possible between majorities and minorities.

³ The various forms of proportional representation are also attempts to achieve more distributive justice.

Compromise und Consensus⁴:

Consensus (from Latin consentire = agree) is an agreement resulting from a negotiating process. Consensus presupposes that all members of a group agree to a result without (concealed or open) opposition, and that they all see this result as a gain/as positive, without frustration or disappointment. In the search for a consensus not only standpoints, but also the interests and needs behind these are examined. Only if all the participants understand each other's interests and needs can they revise their standpoints and thus become open for new options. The advantage of the consensus approach is that every single voice must be listened to. In many cases, though, this approach requires time-consuming discussions – and individual participants can stymie the process.

A **Compromise** is an agreement reached by each side waiving some of its demands. In some circumstances a compromise may be the preferred solution, e.g. if time and money are in short supply. If the problem in question has been thrashed out to a point where all the participants agree to a joint decision, and are able and willing to give objective reasons for and justify it, even if some measure of dissent remains, this can legitimately be called a “fair and reasonable compromise”. On the other hand, if the compromise adopted results from one side giving way – frequently after prolonged conflict or in the case of unequal opponents – it will turn out to be an “uneasy compromise”, that usually soon breaks down.

Consensus or compromise decisions are feasible only if the participants examine others' interests and needs without prejudice (“looking behind conflicting standpoints”). This presupposes that the participants are able and willing to recognize other people's (including their opponents') points of view as justified and to understand these. This can lead to the people involved in a conflict seeing themselves no longer as opponents, but as ensnared in a shared dilemma that can be resolved only by joint efforts.

Various different methods can be employed to prepare the way to the decision, such as: consensus conference, citizen jury, focus group, future workshop, scenario process or mediation. Within the framework of communicative methods ancillary techniques⁵ can be used to objectify and structure the preparation phase (e.g. assessment procedures, cost-benefit analysis, decision trees/matrices, portfolio analysis, simulation etc.). The decision is reached by all participants agreeing to a solution jointly developed in the communication process (consensually or as a compromise).

Reaching a decision by means of communicative methods has the advantage that the participants can explain, give reasons for and/or justify their standpoints, thus making the interests behind these clear; in the ideal case the preparatory phase and the process of resolving the conflict or solving the problem can then lead on to consensual decisions.

⁴ Adapted from the Wikipedia definition during the Strategic Group's discussions.

⁵ See the methods listed under www.partizipation.at/methods.html

Consensus and compromise decisions:

Pro

- > Different opinions and preferences can be taken into account
- > Both/and and if/then decisions (as opposed to yes/no and either/or decisions) are possible
- > The subject matter can be extended and extra time can be taken
- > Striking a bargain to balance conflicting interests consolidates democracy

Contra

- > The approach works only if the participants have the social and cognitive skills needed for discourse and are capable of adopting a perspective other than their own
- > The preparatory phase consumes a lot of resources

But there are also obvious disadvantages: communicative methods require specific social and cognitive skills and endowment with resources on the part of those involved, and they also take time. It may well be that the amount of time, the financial resources and the skills (willingness to put one's cards on the table, ability to articulate one's interests etc.) needed for a consensus-oriented, dialogue-centred way of reaching a decision are simply not available in a given case. Another point: the consensus or compromise approach arouses expectations⁶ which it may be impossible to fulfil⁷, in which case serious participants in a decision-reaching process will feel frustrated⁸. This hazard can be dealt with before a participation process begins, by defining the process framework and informing all participants of it; this will involve answering questions such as "What happens if no consensus or compromise is achieved within the time available?" and "How much scope is there for consensual decisions to make a real difference?"

Summary

In the course of a participation process it may make sense to employ majority voting for some decisions and aim for a consensus or compromise on others – particularly if decisions of differing scope are involved. The respective advantages and disadvantages of the various ways of reaching a decision must be weighed up and the most suitable method for a particular situation selected. Majority decisions are in principle no less democratic than a consensus-oriented, dialogue-centred way of reaching a decision, which may – if expectations are too high, or willingness to reach agreement is missing – fail to produce any result at all.

⁶ Cf. Worksheet no. 6, "coping with expectations in participation processes"

⁷ The so-called "Achilles' heel of democracy", exemplified by the tension between individual interests and the common weal, or between majority and minority interests etc. This means that no decision procedure can sidestep these central paradoxes of democracy and guarantee that the process of reaching a decision will produce a good result.

⁸ Cf. Worksheet no. 3, "limits of and obstacles to participation; the possible misuse of participation processes" and no. 6, "coping with expectations in participation processes"

Ways of reaching a decision in practice

Strategic environmental assessment (SEA) of the Vienna Waste Management Plan 2007

To carry out the SEA of the Vienna Waste Management Plan 2007 a team was formed from representatives of the City of Vienna, environmental organizations and outside experts. This team was jointly responsible for drafting the Vienna Waste Management Plan 2007 and for drawing up the environmental report (SEA Round Table).

As regards reaching decisions, the following guiding principle was agreed: “As far as possible the SEA team takes decisions in consensus. Should no agreement be attainable on isolated aspects, the view of the majority and dissenting views and the reasons given for them will be documented. All organizations represented on the SEA team have equal rights. When polls are carried out on individual steps in the course of work, each organization has one vote.”

The central decisions on (for instance) the goals of the Waste Management Plan, the planning alternatives to be investigated, the methods of assessment and finally the planning solution recommended were reached by consensus. Intensive discussion in the SEA workshops led to complete consensus within the SEA team on the overall result. Details (e.g. of the priorities applying to the measures planned) were settled by majority decision.

In the course of the SEA process a large number of major and minor decisions were to be reached by a group of around 25 persons; in this context a combination of consensus and majority decisions worked well.

Mediation process Natura 2000 Verwall

The mediation process in Verwall (in Vorarlberg) was designed to resolve conflicts in connexion with designating a Natura 2000 zone. Over a period of just under one and a half years a team of 33 persons negotiated the basis for a zonal management plan.

The procedural rules for the mediation process specified that decisions were to be reached by consensus. In the course of the process it turned out that not all the various different interests involved could be reconciled. The participants therefore resolved to issue a consensus report at the end of the process, in which the main points agreed were listed – this report ran to 35 pages – and to record in a separate report all the issues on which no agreement was reached during the process.

The fact that the negotiators freed themselves from the constraint of being committed to reach agreement on every single issue was a great relief to all the participants, and made it possible to reach agreement on the bulk of the issues arising. Without a separate report on the unresolved issues it would not have been possible to produce the consensus report.

At the end of the process a monitoring group in which all the special-interest groups concerned are represented was set up. Since then this group has not only monitored progress in implementing the agreements, but has also been instructed to review the report on unresolved issues at the appropriate time and to see whether a consensus is now possible on individual aspects.

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 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.
- > No. 4 of the Worksheets on participation contains recommendations for dealing with statements in formal and informal participation processes.
- > Worksheet No. 5 is concerned with ways of reaching decisions in participation processes, and is meant to simplify the task of identifying the most suitable way in a particular case.

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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