

# Stakeholder and Public Involvement in Environmental Policy Making

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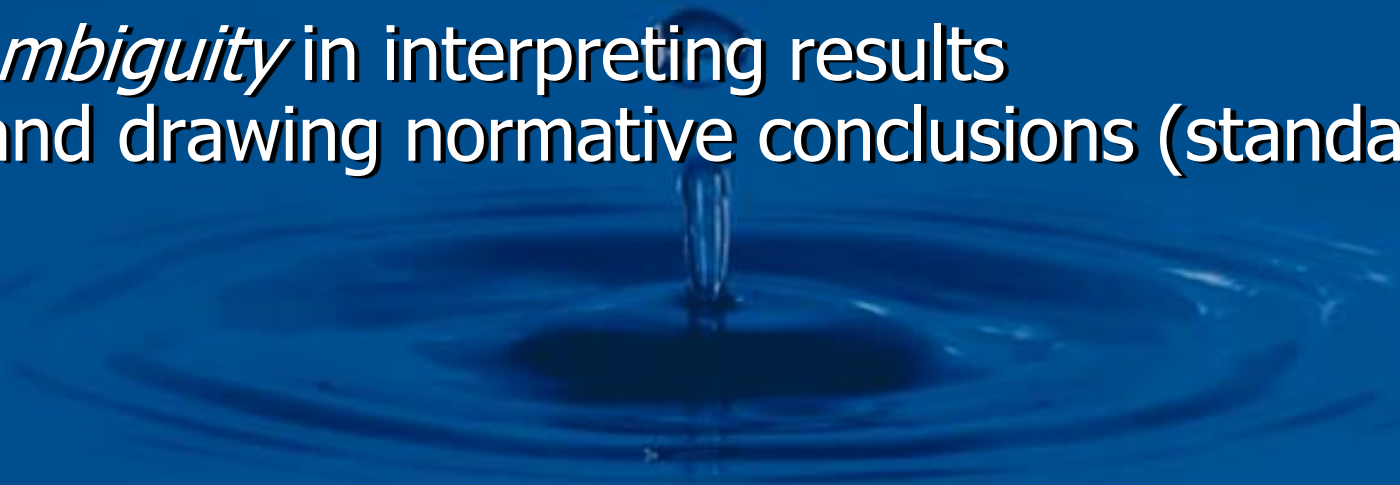
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# Characteristics of Risks to Human Health and the Environment

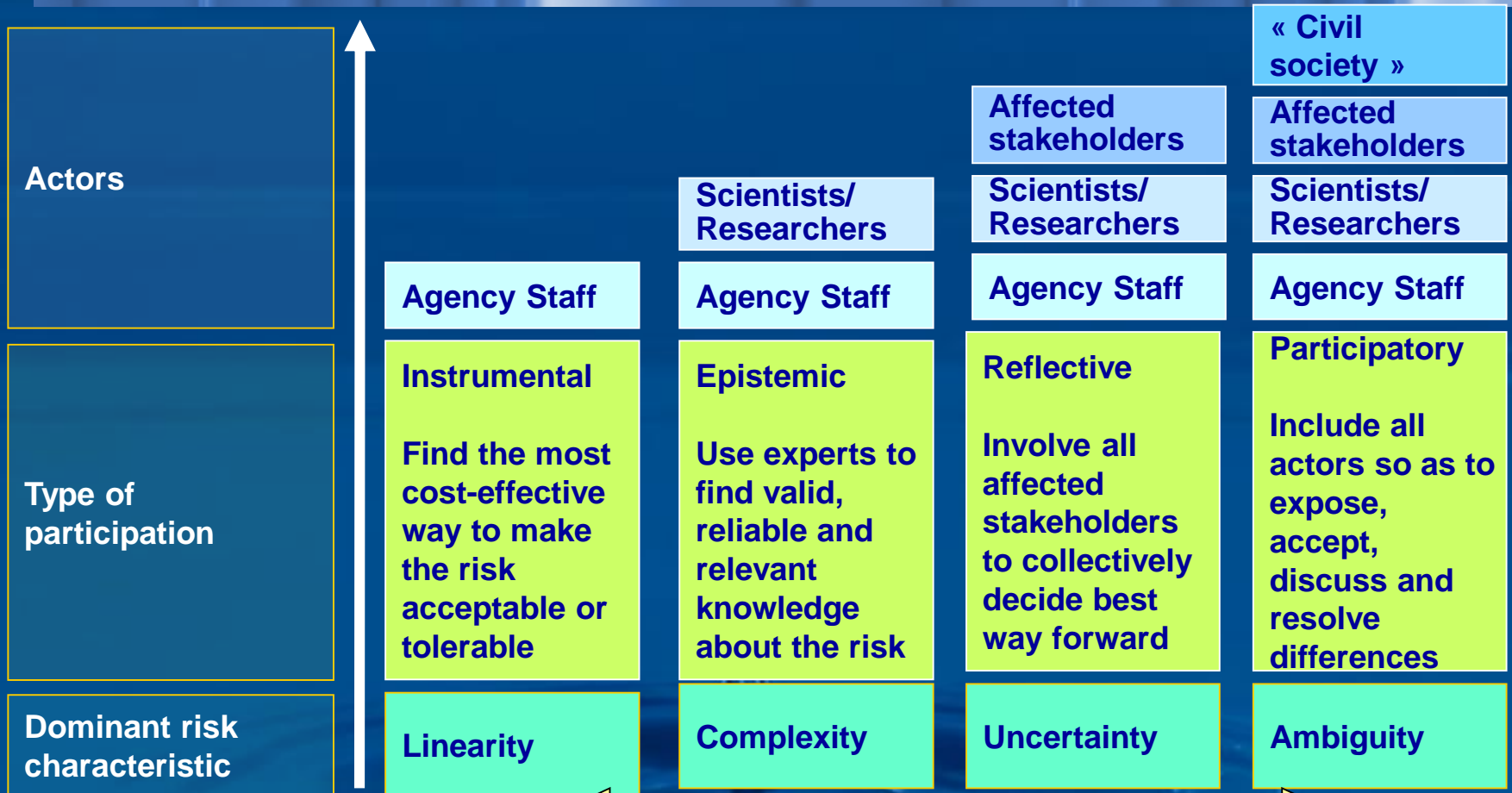
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- *Complexity* in assessing causal and temporal relationships
- *Uncertainty about effects and vulnerability of absorbing system*
- *Ambiguity* in interpreting results and drawing normative conclusions (standards)



# The Risk Management Escalator

(from simple via complex and uncertain to ambiguous phenomena)



As the level of knowledge changes, so also will the type of participation need to change

# Crucial Questions for participation

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## ■ *Inclusion*

- *Who:* stakeholders, scientists, public(s)
- *What:* options, policies, scenarios, frames, preferences
- *Scope:* multi-level governance (vertical and horizontal)
- *Scale:* space, time period, future generations

## ■ *Closure*

- *What counts:* acceptable evidence
- *What is more convincing:* competition of arguments
- *What option is selected:* decision making rule (consensus, compromise, voting)

# Candidates for Participation Models

## ■ ***Organized stakeholders***

- Hearing
- Round Tables (Forum, Dialogue Processes)
- Negotiated Rulemaking
- Mediation and Alternate Conflict Resolution

## ■ ***General public***

- Ombudsperson
- Public Hearings
- Citizen Advisory Committees
- Citizen Forum, Planning Cells, Citizen Juries
- Consensus Conferences (Danish Model)

# Typology of stakeholder involvement techniques and procedures



# Analytic-Deliberative Approach

## ■ *Characteristics of analytic component*


- Legitimate plurality of evidence
- Need for joint fact finding
- But no arbitrariness in evidence claims
- New procedures necessary

## ■ *Characteristics of deliberative component*

- Based on arguments not on positions or interests
- Key variables: fairness, common good, resilience and capacity building
- Crucial factor: inclusiveness and consensus on rules for closure

# Requirements for Deliberative Participation Models

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- Clear mandate and time frame
  - Range of available and suitable options
  - Willingness of legal decision makers to give product of participation serious attention
  - Willingness of all parties to learn from each other
  - Refraining from moralizing other parties or their positions
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# Summary

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- Requirements for Stakeholder Involvement
  - Inclusion: fair representation
  - Closure: fair competition of arguments
  - Legitimacy: integration in due political process
  - Effectiveness and efficiency
- Analytic-deliberative model for risk governance
  - Complexity: analytic knowledge discourse
  - Uncertainty: deliberative discourse on distributive justice
  - Ambiguity: moral legitimacy of activity or impacts

# *Final Note*

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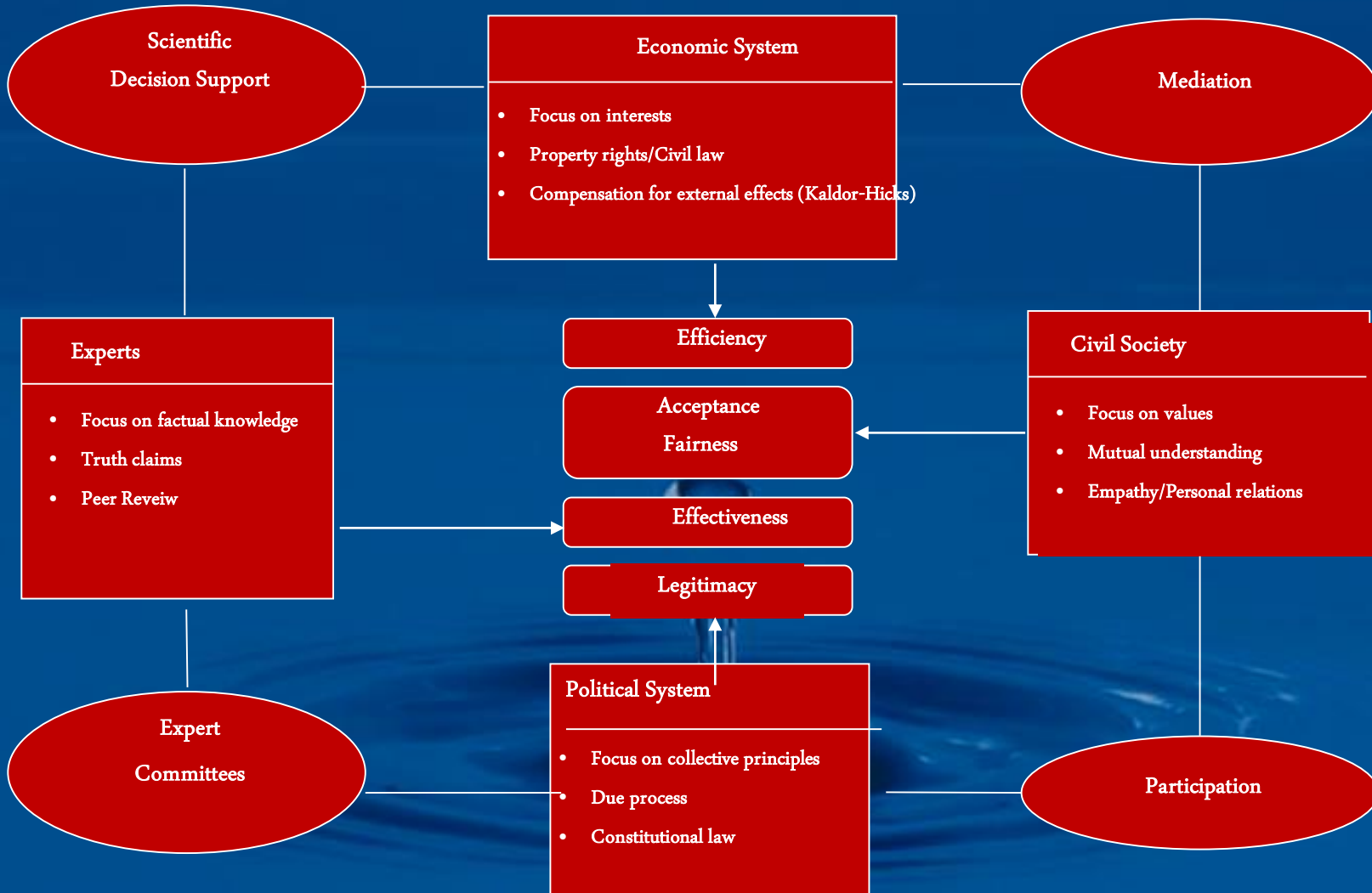
**Deliberative processes for involving stakeholders and the general public are instruments of art and science: They require a solid theoretical knowledge, a personal propensity to engage in group interactions, and lots of practical experience**

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***EXTRA SLIDES***



# Four Basic (Sub)systems and their Means of Dealing with Conflicts



# Basic Aspects of Inclusion

## ■ **Inclusion: What and who has been included?**

- Topics and themes
- Purposes (Objectives)
  - Information
  - Enlightenment
  - Feedback (concern expression)
  - Recommendation for action
  - Co-determination
- Perspectives (frames of interpretations)
- Knowledge (science, stakeholder, affected publics)
- Arguments (cognitive, expressive, normative, evaluative)
- Emotions, affects
- Time frame (intra-generational equity)
- Geographic range (inter-generational equity)
- **Representatives of these points (Who can represent these viewpoints)**
  - Who has been invited and why?
  - How were the invited motivated?

# Basic Aspects of Closure I

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- **Deliberation: How is the process structured?**
  - Process structure
    - Institutional setting (responsibilities, accountability)
    - Choice of instruments (Round Table, Citizen Panel, Consensus Conference)
    - Choice of tools (Delphi, Multiplan, Value Tree)
    - Role of Facilitator (independence, competence, neutrality, self-interests)
  - Process rules
    - Deliberation rules
    - Decision making rules
  - Learning platforms
    - Generation of common knowledge
    - Generation of common understanding
    - Generation of empathy and trust
    - Generation of common yardsticks for selection (options, arguments, etc.)

# Basic Aspects of Closure II

- **Selection: How is the outcome selected and what is the outcome?**
  - Focus or closure on topics and themes
  - Selection of options
  - Legitimacy of perspectives (frames of interpretations)
  - Validity of arguments
  - Authenticity of emotions
  - Relevance of time frame
  - Relevance of geographic range
- **Implementation: What is being done with the outcome?**
  - Adoption by respective authorities within predefined purpose of the process
  - Connectivity to other governance levels and structures (Anschlussfähigkeit)
  - Monitoring and Feedback
  - Assessment and Evakuation

# Perspectives I

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## ■ *Functionalist*

### ■ *Goals:*

- Improving policies
- Reach better outcomes
- Constructive resolution of conflicts

■ *Rationale:* diversity and more inclusion avoids error

■ *Methods:* Delphi, Negotiated Rule Making, Hearing, Citizen Advisory Committees



# Perspectives II

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## ■ *Neo-liberal*

### ■ Goals

- Collection of public preferences
- Informed consent
- Win-win strategies for conflict resolution

■ *Rationale:* either individualization or representation

■ *Methods:* Referendum, focus groups, large representative samples, mediation

# Perspectives III

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## ■ *(Habermasian) Deliberative*

### ■ *Goals:*

- Competition of arguments
- Common good orientation
- Diversity but not representativeness

### ■ *Rationale:* overarching rationality by appropriate discourse structure

### ■ *Methods:* rational discourse, citizen panels, round tables

# Perspectives IV

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## ■ *Anthropological*

### ■ *Goals:*

- Involvement of the “model” citizen
- Common layperson as juror between conflicting interests

### ■ *Rationale:* Belief in “universal” power of common sense

### ■ *Methods:* Consensus conferencing, citizen juries

# Perspectives V

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## ■ *Emancipatory*

### ■ *Goals:*

- Empowering those that have the most to lose
- Contribution to fight injustice and unfair distribution of power and money

### ■ *Rationale:* Need for power redistribution

### ■ *Methods:* Action groups, science workshops, community development groups, tribunals

# Perspectives VI

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## ■ *Post-modern*

### ■ *Goals:*

- Giving dissenting views a public voice
- Deconstructing universal knowledge and value claims

### ■ *Rationale:* Acknowledgement of plural rationalities

### ■ *Methods:* Open forums, framing workshops