Conference on Public Communication and Large-Scale Urban Regeneration Projects
September 5 – 6, 2006 in Warsaw, Poland

# Dialogue and Public Participation

**A pre-requisite for urban development and the implementation of public projects?**

## 1. Participation in political decisions

Towns and communities constitute the basic unit of local government in a democratic state. This is the level at which citizens come into direct contact with the state and the authorities in conducting their everyday affairs. It is the level at which they encounter democracy at first hand. How stable the democratic political system is, the degree to which it is accepted and hence the prospects for sustainable urban development depend to a very large extent on whether the public's encounter with democracy at the lowest, i.e. local authority, level is a stimulating and satisfactory experience.

It is impossible for the public as a whole to be informed about every single local issue, to take part in discussions and help make decisions. The standard practice in a representative democracy, therefore, is to have elections every four to six years in which voters can elect candidates to represent their interests at the local authority level (in the town council, for instance). Those who are elected are then entitled to make decisions - to the best of their knowledge and belief - on behalf and in the interests of the general public.

In practice, there is an increasing degree of dissatisfaction with the decisions taken by elected representatives. In the following section the question is posed whether representative democracy, which is perfectly acceptable as such, might not be supplemented by elements of direct democracy, i.e. direct participation by the public or organised groups of citizens.

- ways in which political interests have traditionally been represented are no longer adequate to cater for the wide variety of interests and demands which exist today;
- certain sections of society, professions and lifestyles are no longer represented in parliaments;
- specific social groups organise their own lobbies and therefore have access to politicians, whereas other groups, which are poorly organised or not organised at all, are denied such access;
- professional politicians often live in a closed-off world with their own institutions and information systems. They see no need to have their ear to the ground, to listen to advice or recommendations from the public, or to seek any justification for the policies they pursue;
- members of the public often no longer consider decisions made by politicians to be appropriate or to the general good and do not identify with them. Resistance mobilised as a result ranges from demonstrations to legal proceedings in administrative courts, which hold up planning procedures or bring them to a halt.

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Example: The graphic below shows the two possibilities in generating a traffic development plan for the German City of Heidelberg:

1.  The traditional way: The inhabitants of Heidelberg elect very 5 years the city council. The city council decides that a traffic development plan is necessary and and asks the administration to generate a plan together with the external expert Prof. Wermuth

2.  The new way (they chose): In addition to the existing political and decision making system the city council allows a temporary "traffic forum" filled by chosen stakeholders and local interest groups (NGO´s) in addition to political parties and experts.

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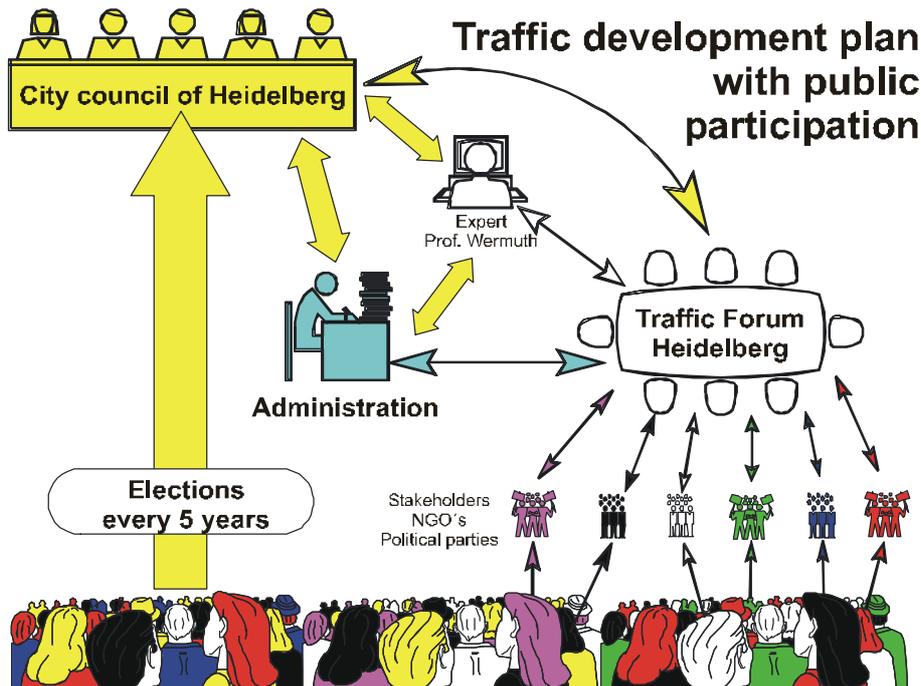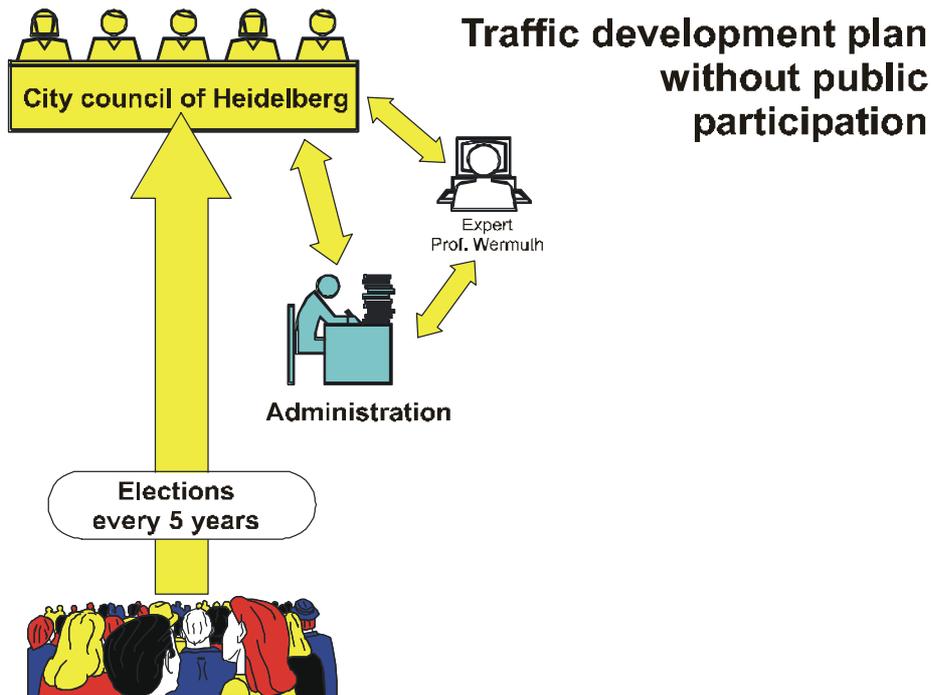
## 2. The advantages of dialogue

Call for dialogue with the public stems not just from the unsatisfactory situation outlined above. It also offers distinct advantages for the local authorities:

- public participation enables democratic attitudes and behaviour to be exercised and promotes integration into the city's social systems. This reinforces local democracy in the long term;
- public participation gives politicians and administrators a chance to find out what inhabitants are  worried about, what they want and what they propose. Direct contact with the public thus provides them with information and a corrective to their own ideas and opinions;
- political decisions stemming from public participation enjoy much greater legitimacy;
- planning processes can be improved and speeded up (greater efficiency);
- plans reflect real needs to a greater extent and are therefore likely to prove more satisfactory in the longer term;
- people who are not experts often come up with surprisingly simple, new and good solutions;
- resources can be used more effectively and bad planning / investment can be avoided;
- relations between inhabitants, property owners and investors can be improved;
- members of the public can be made aware of problems which the neighbourhood faces and opportunities it has;
- trust and skills are enhanced all round;
- conflicts can be resolved more quickly and better;
- complaints, protests and legal proceedings decline.


## 3. Participation procedures

A distinction is made below between formal and informal means of participation. A legal basis exists for formal participation, i.e. for cases in which participation of members of the public or individual groups (e.g. property owners, investors, nature conservation associations) is required by law. Informal participation is not restricted to specific issues or methods; it can be organised as needs dictate. Some conditions are that it should not contravene municipal regulations (municipal code) or overrule existing responsibilities (to take decisions, for instance).


### a) Formal public participation

Essentially, there are two kinds of formal public participation:

- firstly, participation which is either designed to establish closer relations with the public and be of direct benefit to the politicians and administrators or dependent upon their decisions. In this kind of participation the public is 'brought in';
- secondly, participation resulting from independent public initiative and depending on self-generated activities. In this kind of participation members of the public join in 'on their own account'.

Examples of the first kind are:
- public meetings of local authority organisations (town council, committees);
- obligations to inform the public in good time about major planning projects at local authority level;
- question time and opportunities for the public to be heard in public meetings;
- opinion polls;
- involvement of informed members of the public in the work of committees;
- obligations to hold public meetings at specified intervals (e.g. every two years).

Examples of the second kind are:

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- public right to submit suggestions and file complaints;
- citizens' initiatives (in council meetings);
- petitions for local referenda.

Examples of the second kind of participation depend on individual initiative of members of the public. A petition can force the council to have certain matters decided by a local referendum. However, this is only possible if signatures required by local government law have been submitted.

A number of *special laws* also contain provisions for public participation which are of relevance at the local political level. These regulations can apply, for instance, to land use planning, planning for building work and urban renewal, pollution control, environmental impact assessments, waste management issues, help for children and adolescents and latterly also local public transport.

Essentially, the aim of these formal means of participation is to *inform* the public about planning intentions and investment projects and to *find out* what the public thinks. Members of the public can make suggestions and voice their reservations, about which the authorities then decide. It is not intended that there should be genuine public *participation* or even cooperation.

There is increasing *dissatisfaction* with these formal means of participation because in practice they frequently reveal the following inadequacies:
- participation often takes no account of target groups and specific interests; it is theoretical in nature (abstract representation in plans which members of the public cannot interpret properly; formulated in specialist language they cannot understand); this means that only very few people are in a position to express their views;
- there is defensive reaction to public interests and proposals;
- inhabitants receive no feedback on the response to their proposals;
- information is often difficult to acquire;
- meetings which are held often contain a great deal of public presentation on the part of the authorities and provide little opportunity for discussion. Communication tends to be one-sided, not geared to an exchange of views and mutual learning;
- meetings are not chaired by a neutral person, but by the authorities, who thus face a conflict of interests when it comes to complaints and attacks.

## b) Informal public participation

Formal means of participation alone are no longer adequate for local government policy. *Informal participation models* aimed at bringing about *genuine public participation* or even *cooperation* have been used to an increasing extent in recent years. No restrictions are placed on the extent or nature of such participation, provided it does not contravene responsibilities laid down in the municipal code. Participation of this kind is voluntary and supplementary in character and helps the authorities (town council) in their decision making. It replaces nothing and nobody, and as such does not constitute competition for the established authorities. There is no need for complicated legal frameworks to be drawn up for informal participation procedures. Given good will on all sides, they can begin without delay.

On the one hand, these procedures are weak because they do not incorporate the right to make decisions and can only draft *recommendations*. On the other hand, they are powerful because they hold out the hope that good, sound arguments and the weight of consensus achieved between interest groups will exert considerable persuasive force. There should be a voluntary agreement to the effect that "no political decisions ought to be taken which fly in the face of good argument". This does not interfere with politicians' constitutional right to make decisions freely, but it obliges them - if they choose to ignore recommendations - to explain to the public why these arguments were disregarded.

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This agreement on how participation results are to be handled is needed if members of the public are to see any sense in being actively involved on a voluntary basis over a period of days, weeks or even months. Members of the public must sense that involvement is worthwhile, that they will be listened to and that arguments and ideas they put forward will enable them to exert an influence.

The following are examples of informal types of participation:
• municipal forums;
• round tables;
• public expert reports / planning units;
• future search workshops;
• future search conferences;
• future prospects workshops;
• open space conferences;
• planning for real;
• plannings cells;
• Internet based participation models;
• mediation.

Which participation is appropriate to which particular issue must be decided on a case-by-case basis.


## 4. Design of cooperative participation processes

What are the basic questions you have to deal with when you start to design a tailored participation model that fits exactly to your needs?
• What ist the *aim* or *goal* of the intended cooperative participation process and what kind of *interest* does the city counsel have in installing it? What does the city council want to *know* or to *have* as a result of it (intended purpose)?
• What exactly are the *subjects*, *problems* or *tasks* to deal with?
• What should the *result of the process* look like (form not content)?
• How are people *affected* by the subject or problem and are they willing to *participate* and *cooperate*?
• Who should be a *participant* in this process and by what reason?
• Does every body in the city council and public administration (civil service) *realy wants this process*? If not, are these people able to disturb the process or to obstruct and blockade the results? Is there a chance to convince these people bevore it starts?
• Whats the *structure* of the participation model (procedures, methods, rules)?
• How much *time* do you have for this process?
• Do you have a sufficient *budged* and who will pay? Is the paying institution willing to stay neutral or does it expect certain results for its money?
• Is the *information of the public* assured?
• Which methods, techniques and rules will be applied?
• What are the different *roles* in this participation process and is everybody clear about his role?
• Is some kind of postprocessing assured (feedback, controlling) ?


The answers to these questions are the best preparation to choose among the existing participation models, to alter them according to your specific needs or to invent even a new one.

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## 5. Participants in informal participation models

When mention is made of 'the public' in the context of participation, it does not generally refer to the tens of thousands of private, non-organised citizens living in a city. Indeed, it would certainly be extremely difficult in organisational terms to arrange communication and feedback between tens of thousands of people. Schemes involving direct democracy are also not ideal when it comes to communication with the planning authorities because

- selection of participants is purely arbitrary and can thus be controlled and misused from outside;
- persons involved cannot ensure their continued presence over comparatively long periods of time;
- stages in the work process and intermediate results can never be concluded if new participants call them into question;
- there is a lack of authorised persons for the authorities to contact;
- 'grassroots' democratic systems are too cumbersome to provide the requisite input for planning authorities.

The models/kinds of participation referred to above are generally designed for between 20 and 70 people or, in some exceptional cases, such as future prospects workshops or open space conferences, for several hundred. Clearly, only a very small percentage of a city's inhabitants can take part. Hence, great care must be taken in selecting participants in order to avoid any subsequent claims of manipulation. The method usually chosen is to include representatives reflecting the interests of those affected by the issue at stake. The selection process must be both transparent and acceptable. Ways also need to be found to communicate outcomes of the participation procedures to the non-participant general public and to ensure opportunities for feedback.

## 6. Parties involved in dialogue and how they see themselves

New forms of dialogue at the local level require all the participants to develop both a changed understanding of themselves and a new 'attitude' to one another, as well as new capacities and social skills in the way they deal with one another, in short a transformed 'culture of debate'. However, there will only be changed behaviour conducive to greater public participation if all those involved can see the sense and benefit of such a change for themselves (or their interest group) as well as for the city and the local community.

The way key players in town planning (politicians, administrators, NGOs, the business sector) see themselves will be most readily apparent in the section on Public participation from various points of view.

## a) Politicians

In people's general understanding of democracy, politicians are invested with power to make decisions for a limited period of time on the public's behalf so that public matters can be conducted in the general interest. Models of participation which do not interfere with constitutional tasks and decision making or other responsibilities provide politicians with additional information, ensure that models are accepted at an early stage and so *help politicians to form their own opinions and make the requisite decisions*. It is advantageous for politicians not just to be informed of the outcome of participation processes, but also to be directly involved themselves. They then have access to information at first hand and are familiar with negotiation or other processes which are required to bring about consensus and cooperation in informal procedures, in particular.

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## b) Administrators, authorities and experts

One of the tasks  authorities have is to prepare decisions to be taken by politicians and to act as a constant source of assistance to town planners who put decisions taken by politicians into practice. The detailed local knowledge of members of the public involved in the new participation models enhances information available to experts. This then enables experts to gain acceptance for their plans at an early stage. Participation procedures also help to resolve dilemmas between experts and non-experts referred to above. Moreover, participation can reduce the time needed to put plans into practice, because opposition and legal proceedings tend to be reduced or avoided altogether.

## c) NGOs

Non-governmental organisations representing the interests of the public concerning urban development and environmental issues tend to combine their demands for sustainable development with a plea for participatory democracy. In the past they have often encountered difficulties in obtaining the necessary information and in being taken seriously as recognised partners in talks.

Their influence has increased, however, as a result of the greater level of expertise they can now draw on. More and more qualified specialists are now members of NGOs and often have access to their own analysis and research facilities. As a result organisations are in a better position to cooperate on a broad level. However, NGOs have to be clear in their minds as to their own limitations. They help to form public opinion but they do not participate in decision making.  Nonetheless, NGOs are in a position to exert influence by means of good arguments and ultimately to assert their point of view.

In terms of transfer of know-how, training courses and availability of experts, NGOs are now perhaps the most important service partner for local authorities seeking to raise the level of public involvement.

## d) Private sector

Given the objectives it pursues, the commercial, business or private sector has an ambivalent attitude to public participation. The sector has a fundamental interest in a stable, well-functioning community environment but is wary of increased risks, because there are limitations on the extent to which outcomes of public discussion and participation can be forecast and controlled. Results may run counter to sectoral interests in private projects, problems may arise in gaining acceptance and permission for large-scale or complex projects, project development time frames may have to be extended, and the project itself might be put at risk because its objectives may become transparent to competitors in the market.

On the other hand, the private sector does not overlook opportunities provided by public participation procedures in terms of better knowledge and evaluation of the conditions applying to a particular location. This may prove beneficial in marketing terms, minimise areas of conflict, obviate planning errors, reduce investment risks and make a major contribution to commercial optimisation of a project or urban development scheme.

## e) Neutral chairmanship

Placing responsibility for the conduct of public participation procedures in the hands of neutral third parties has paid dividends. A chairman's task is to ensure a fair and proper dialogue, i.e. to be responsible for the *process* but not for *content*. This enables participants and representatives of various interests to concentrate on their respective positions. There is now a separate professional category of chair persons, moderators or mediators with special qualifications and skills who are able to structure a dialogue properly, to steer clear of pitfalls involved in communication and to prevent

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misunderstandings from occurring. Among the essential qualifications of a good chair person are:

- openness and impartiality towards all those involved in the procedure and the arguments put forward; neutrality towards, and personal independence of, local political parties, majority groupings in the local council and views of the authorities;
- reliability in keeping to agreements, maintaining confidentiality, adhering to agreed rules, forms and general conditions;
- ability to create transparency in arguments, positions and interests by means of clarification, analysis and disclosure;
- presentation of the methods used, objectives to be achieved and steps to be taken.


## 7. Forms of dialogue

A planned dialogue requires certain *forms* and *structures*. There are no ready-made 'recipes' for the required time and effort to be invested which will apply at all times and in all places. On the contrary, forms used have to be tailor-made for the respective issue and need to take due account of the municipal potential. A distinction is made below between forms of dialogue for *one-off actions* and forms of dialogue for *permanent institutions* in public participation.

Three elements normally have to be taken into account when plans are being drawn up for new forms of dialogue between politicians, administrators, the private sector and citizens' action or other interest groups:

- *transparency*: it is essential that there should be clarity about everything from the framework conditions to objectives, responsibilities, modes of decision making, implementation of results etc.;
- *chaos*: the great variety of differing groups and initiatives and elements of unpredictability they bring to bear almost inevitably produce a certain degree of chaos, since not all participants are as well organised as administrative authorities, for instance. This may be seen as negative and threatening but is not necessarily the case; it is quite possible to adopt a relaxed attitude when confronted by chaos, to adapt to it and regard it as being part and parcel of a process of social renewal;
- *patience*: if attention is focussed too much on the outcome rather than on the process, a feeling of impatience may arise, particularly if there is excessive pressure to achieve and implement results. It should be borne in mind that it takes a lot of staying power to re-establish contacts and re-build trust which have been undermined, as well as cautiously to explore and try out methods of cooperation. Setbacks are always possible, too (e.g. in matters of trust). All this requires patience, particularly at the outset. Later on, once the requisite positive experience has been gathered, it may be easier to move ahead at a faster pace.


## a) One-off actions

One-off actions involving public participation are generally occasioned by an issue which is limited in terms of time and space. Perhaps

- a traffic model is being sought for the municipality which requires the support of as many people as possible;
- controversy is raging about the route to be taken by a by-pass;
- a location has to be found for a waste disposal site;
- a school is to be closed;
- an old established neighbourhood is to be redeveloped.

In all these and similar cases, use can be made of forms of participation such as municipal forums, round tables, citizens' expert reports / planning units, future search

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workshops, future search conferences, open-space conferences, Planning for Real, future prospects workshops and mediation.

## b) Permanent institutions

Attempts to generate a new culture of debate in municipalities and introducing elements of direct democracy as a source of aid and support for representative democracy may also lead to the establishment of *permanent institutions*, for which there are various organisational forms:

- a *municipal institution* set up by the local authority to bring together the representatives of a wide variety of interests around one table; participants meet at regular intervals to advise the city on long-term urban development issues or matters of acute concern (e.g. urban forum)
- commissioning *specialist institutions* by the authorities (e.g. S.T.E.R.N, the redevelopment agency in Berlin), tasked to organise and implement public participation on a certain issue (e.g. urban renewal) and in a limited area (e.g. a certain neighbourhood) over a period of several years;
- a *public-private community facility*, in which the municipality is joined on an equal footing by private and public institutions (e.g. the business sector, trade unions, architects, university, press etc.) and all agree to finance the facility together; the forum will then engage in independent discussion with the public on urban planning matters and bring about improvements by expressing criticism and ideas;
- *private institutions* set up by interested members of the public and groups (e.g. Wedding Municipal Forum or Wedding Traffic Forum in Berlin);
- *municipal institutions* may also serve as a point of contact for dialogue in a city.

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## 8. Two dilemmas in participation processes

## a) The Participation Paradox

Normally the city council or public administration identify a problem and start thinking about planning and solutions. After a long period of planning and internal discussions they have to make a decision and after that realize the decision. The information of the public happens rather late, when the experts have found their solution they think to be the best. The influence of the public to change this solution is very small. Claimed inherent necessities, pressure of time and quite often contracts with investors make it almost impossible to discuss alternatives. This leads to confrontation and resistance because the public had no fair chance to express its goals and own ideas. But the problem is not only that the public often is involved too late. We tried it out several times to inform the citizens about a problem in city planning as soon as possible. We invited them to talk with the administration at the very beginning, when the administration itself did not had solutions in mind. We had two affects: Only very few citizens came to the meeting and the few that came were embarrassed that we did not present measures and projects but only the problem. The problem to solve was very abstract and theoretic for them and they did not want to talk about vague possibilites but concrete measures. So we learned that is very hard to interest citizens for city planning problems when the possibilities of influence are high. Interest and engagement rises as the solution becomes concret and sometimes not until the excavator starts to works and kills the trees in front of their homes. This is a paradox or dilemma you have to cope with and find good solutions for it.

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# The Participation Paradox
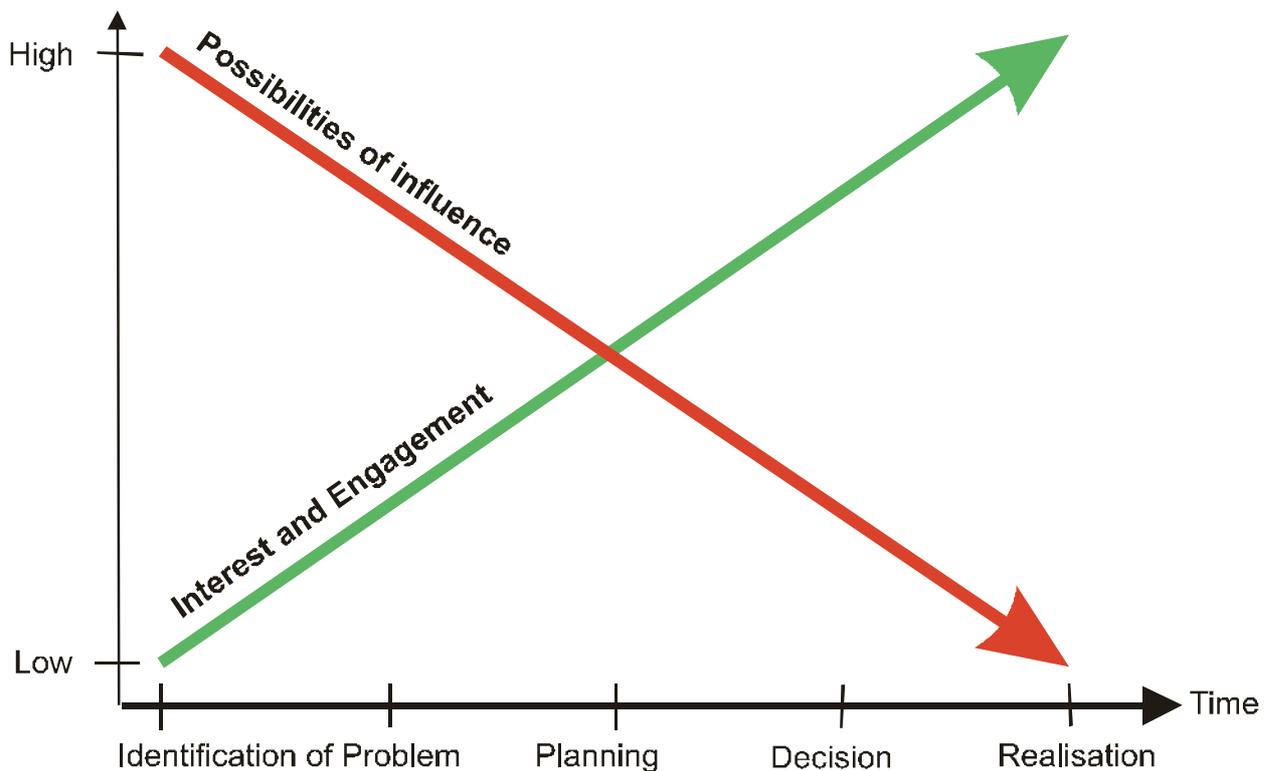


Source: Adrian Reiner: „Mobilisierung der Kompetenz von Laien – Die Methode Planungszelle/Bürgergutachten"
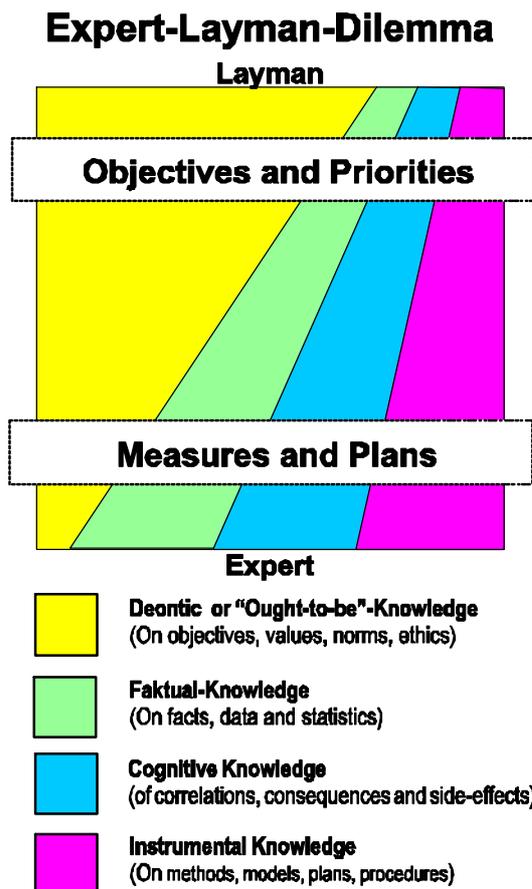
## b) The Expert-Layman-Dilemma

You can distinguish human knowledge into 4 categories:

- *Deontic knowledge* or ought-to-be-knowledge (goals, objectives, values, norms, ethics, morality)
- *factual knowledge* (data, statistics)
- *cognitive knowledge* (of correlations, link-ups, consequences and side-effects) and
- *instrumental knowledge* (methods, models, plans, procedures)

Experts are experts by definition because they can draw on factual, cognitive and instrumental knowledge they have learned or gained by experience, to which laymen as non-experts, by definition do not have access. This produces a dilemma because experts wrongly believe that their specialist knowledge enables them to determine also which objectives and priorities are meaningful and what the future should look like. This deontic knowledge about what the future should look like and which development (of the city) is desirable is a knowledge that everybody of the community shares and has an equal right to. Expert-knowledge can tell us how to get there and what the consequences are but not whether we should aim at it or not.

On the other hand layman quite often claim to know which means and measures are better than the proposed solution by the experts. If they not respect these differences, the layman public can easily agree by consensus to plant a row of trees in a certain street but the experts could laugh upon this proposal, because they know about the wastewater canal and electric cables in the ground that inhibits this idea.

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## Expert-Layman-Dilemma

**Layman**

**Objectives and Priorities**

**Measures and Plans**

**Expert**

- **Deontic or "Ought-to-be"-Knowledge** (On objectives, values, norms, ethics)
- **Faktual-Knowledge** (On facts, data and statistics)
- **Cognitive Knowledge** (of correlations, consequences and side-effects)
- **Instrumental Knowledge** (On methods, models, plans, procedures)

So the challenge of this dilemma is, how can we talk e.g. with every body in the audience about the lack of green in the city quarter and agree on an improvement (as an objective and that this is may be more urgent than a public library as to the priority) and then let the experts find out about the right places to do this (as the appropriate measure and plan). Both have to understand and accept their capacities and role.

## 9. Pre-requisites and success of public participation

If all these different kinds of participation are to function properly, there must be clarification in advance of the basic conditions, perceptions, roles, objectives, organisational issues, neutral chairmanship, processes, rights and obligations, rules etc., since nothing can be taken for granted. This working basis must be accepted by all concerned. If that is the case, positive communication between partners is possible; this can lead to effective participation on the part of members of the public (defining problems, setting objectives, proposing measures) and in some cases to negotiations, balancing interests, achieving consensus and cooperation in implementing what has been agreed on.

Every form of public participation requires financial, personnel and other resources. Willingness to make the requisite investment here often depends on the anticipated 'success'. It is of the utmost importance to ensure clarity beforehand about how 'success' in participation is subsequently to be measured. This involves establishing *who* will be allowed to determine whether a procedure was successful, *when* success can be stated and *which objectives* are to be achieved. Success criteria should not be based on whether one side or the other has been able to assert its point of view, but rather on whether it has proved possible to fulfil the above-mentioned criteria and quality requirements to the greatest extent possible. Don´t forget that succes is not only a question of material result and consensus but also if the relationship of the participants have improved, if people feel involved in the political development of their city and if local democracy has turned out to be a real and lived experience.

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