SUIT
Sustainable development of Urban historical areas through an active Integration within Towns

Task 1.2a – Contextual conditions for an opening of the EIA decision-making process

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Summary

The theme of the following report is the opening of decision-making process and expert evaluation to stakeholders other than those traditionally called upon (population, interest groups, etc.). This opening does not come about without causing some more or less specific problems concerning the object of the decision or expertise and the involved actors. The first part of the report consists of a reminder of the context in which participative tools are multiplying – to what expectations and questions do they respond? It is followed by a very synthetic and selective inventory of the tools (focus groups, Delphi, workshop scenario etc) and some instructions for use of such an inventory. A chart of transversal questions is then introduced as a conclusion. These questions are applicable to all the tools and must be taken into account by the different categories of actors to give meaning to their participation.
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1.0. Introduction

The theme of the following is the opening of decision-making process and expert evaluation set up on a prevention model to actors other than those traditionally called upon. This opening does not come about without causing some more or less specific problems concerning the object of the decision or expertise and the involved actors.

In one case, the opening consists of broadening the range of scientific disciplines to include scientists and experts from sciences so-called “soft” in the expert evaluation system which, until now, has been essentially mono-disciplinary and from “hard” sciences. The problems here are caused by co-production of multidisciplinary or interdisciplinary knowledge. In concrete terms, scientists and experts from “soft” and “hard” science have set up dialogues about certain isolated objects. Thus, AIDS currently represents the archetypical field of scientific research with the widest interdisciplinary practice. If this interdisciplinarity tends to a greater or lesser degree to spread to the management of other risks (nuclear waste, asbestos, food security...) it is gradually invading other fields than the field of risk management. Among these are especially: development and management of urban space, territory, settlement conflicts...

In another case, the opening consists of widening even further the expert evaluation processes by taking into account forms of knowledge other than those of scientists/experts. One of these “other knowledge forms” is thus the contextual knowledge of “lay” citizens. In this case, the problem of participative methods is added to that of knowledge integration. One can wonder about what co-produced knowledge represents, about the practices that lead to it, but also concerning questions that are traditionally the realm of political science and public law – who is authorised to speak? In what capacity? – and more recently, about the effects of the opening. By bringing to the fore that all public policies have effects that are not necessarily those expected, evaluative research has opened a field of investigation that has greatly benefited from successful ethno-methodological approaches in social sciences. This practice results in more detailed knowledge than that which takes place during the opening process by observing the way multiple interactions between actors, objects and speeches are reformulated, moving objectives and the means of public policies throughout their elaboration and implementation. Detailed knowledge thus acquired contributes in turn to define the problem of traditional questions – Who speaks? - In what capacity? – differently than research that is done with strategic or institutional references. If the opening of a decision-making or expert evaluation process taking into account “lay” knowledge is gaining ground little by little in the management of other risks (nuclear waste, asbestos, food safety...), it is also progressively gaining ground in other fields besides risk management. Among these can be included: arrangement and management of urban areas, territory, settlement conflicts....

The question of co-production of scientific knowledge comes from inter-disciplinary practice especially interesting for researchers.

On the other hand, the problem of political participation tools directly concerns all categories of actors – politicians, administrators, citizens and... experts/scientists. This latter point, given special attention hereafter, is likely to be of great interest for the Environment Impact Assessment procedure – especially by proposing an enrichment of the participative parts and thoughts about their effects and limits.
Due to demands for effectiveness and efficiency, the author of the opening cannot disregard more and more refined knowledge about opening processes, their modalities and effects on choosing the opening tool and supervising the implementation. At the same time, the choice and monitoring of its application become more and more complicated cognitive operations under the double effect of a diversifying offer of participative tools and a better understanding of what really takes place during the opening. The corollary of this is a more and more impressive volume of scientific publications that explains in itself that lay actors not having particular expertise in political participation expect concrete and realist recommendations that “guarantee” the effectiveness and efficiency of the opening that they want to set up. This expectation brings up the question of the conditions for use of scientific knowledge that is both wider and more specialised.

It is with the potential user in mind, and in the perspective of helping in decision-making for both public actors and citizens – as they are also authors of the opening – that one proposes a brief reflective analysis of systems of opening the decision making and expertise process to citizens. Two questions mark this analysis: (1) to what degree and (2) how knowledge acquired concerning these participative tools can help the actors selected or create the opening modalities?

(1) One must first pinpoint limits of use/generalisability of knowledge in new contexts. The evolution of social sciences in the 90’s –interdisciplinarity, the multitude of methods and the renewal of theoretical questions – concerning objects that were until then divided into categories that are already included in political science, sociology or public law, has permitted a very precise case study emphasizing the role of the context. The idiosyncrasy of participative tools becomes an empirical question, modifying the problem of the use of scientific knowledge.

(2) How to use this knowledge? Besides greater precision in analysing opening tools, the cognitive turn taken by social sciences beginning with the development of ethnographical works leads one to pose new questions, to do research on the direction of observed changes. Conceptual tools –“action plans”, “justification principles”, “technical objects”, etc. – joined to an ethnographical approach using tools as “vehicles” to circulate from the political sphere to the social, economic, organisational, etc. spheres permit not only detailed description, but also research on the political sense of the opening, a sense that pre-established categories of traditionally concerned disciplines do not allow restitution in all its complexity. Now, the opening actors are asked questions about the sense of the opening plan in terms of limits, key points where the changes being made alter more or less explicitly the significations of the opening steps. These moments are “flashing lights” to be considered at the time of selecting and monitoring the opening. The schedule of reading scientific literature at the same time as the analysis of participative tools that are proposed from research results suggesting a wide diversity of observed processes, allows the re-introduction of a certain structure, a certain order in a reality that is so complex that it becomes difficult to understand. The proposed schedule is the result of an exercise that was imposed to illustrate the use that one can make of scientific knowledge in marking out the crucial points of participative tools. It focuses on recurring procedural questions to which actors must pay attention in their research on the meaning of the opening. Thus, it is not exhaustive and is only one way to use scientific knowledge to help in decision-making.
These pages deal with four points:

1. A reminder of the context in which participative tools are multiplying – to what expectations and questions do they respond?
2. A very synthetic and selective inventory of the tools;
3. Instructions for use of such an inventory;
4. A chart of transversal questions – they are asked about all the tools – which must be taken into account by the different categories of actors to give meaning to their participation (the flashing lights).

2.0. The context of a demand for opening an expert evaluation and decision-making process

Since the end of the 60’s, participative experiments have multiplied; new rules are always being tested, combined, and evaluated in more and more varied contexts. One of these is the field of managing technological risks for health and environment. Another, more recent, is that of national and regional development and management of public areas – especially urban ones.

This diversification in the offer of participative tools is the result of more and more refined reflection in the realm of political participation by theoreticians, as well as that of citizens, concerning core questions in any political system. Who decides? How? According to what criteria? There are more and more citizens who pose questions about technological risk management. The origin of this is incertitude about the facts, about the confidence that they can place in persons responsible for this management as well as preoccupations about distributive or procedural justice that have not been answered and that sweep away social cohesion. Such questions mark the limits of representative democracy and the ineffectiveness of traditionally associated methods. Faced with new citizen demands for information, consideration of their viewpoint in decision-making processes and correcting the output – this concept being greater than that of the decision-making – it is judged unacceptable.

Public meetings, public investigations and resorting to judicial arbitration, ultimate alternative to modify the distributive effects of a decision that is felt to be unjust by a part of the social actors but also synonymous with destructive conflict, do not, or no longer, guarantee that collective risk management meets the criteria of social acceptability. These being by definition the result of social construction, a dynamic process, the opening system must still be adapted.

Finding new opening systems meets political decision-makers’ and citizens’ expectations. This expectation is largely due to the acceleration of technological progress since the Second World War. In the wake of this acceleration, questions posed by the decision-maker to science have multiplied – even though there is a rupture in social representations of science. Strict scientific grounds for a decision are no longer sufficient to make this legitimate for the public, even though for about fifty years expert plans and decision-making processes for matters of risk drawing on a logic of prevention where management of technical risks were in line with expertly mastering scientifically identifiable risks and on their solidification, had not made waves. The breaking point - when the prevention plan does not meet the criteria for social support – coincides with new categories of socially pertinent risks. Beginning in the
1960’s, modern risks – the archetype at the time was nuclear risk – began to show doubts about the infallibility of science founding postulate of risk prevention models and the ability of the State to effectively fill its kingly function in matters of citizen security. Identified more or less exactly, modern risks and their management have become a source of scientific controversy, social and political incertitude, which, amplified by the media, are the starting point of heuristics of fear. People are afraid of harmful consequences for the future of humanity in time and space, but also for everyday individual life. A new problem of social acceptability of risks was formed, bringing into play rationalities that multiply at the same time as new categories of actors become concerned, calling in this way for co-produced knowledge. Management has shifted from the scientific arena to the political sphere, causing new questions and thus making “traditional” expert evaluation based on progress in scientific risk analysis in the logic of prevention partially obsolete. To the technical quality of decisions has been added the necessity to consider the questions and knowledge of citizens as well as their mistrust of the State’s performance in implementing its own decisions (control over the respect of standards, for example).

The multiplication of “modern risks”, the generalisation of questions about social acceptability for all risks, whether they are modern and/or traditional, together with increasing citizen demands in matters of procedural justice, explain the increased frequency and diversification of fields of political intervention where the opening of traditionally expert evaluation plans is required.

In addition, progressively, the related problems of (1) opening the decision-making/expert evaluation process and (2) political participation have invested other fields, while continuing to try to promote both social acceptability and technical optimality for the decisions. These fields are notably those of urban policies, territorial planning, especially urban areas, settlement conflicts.... They concern all categories of actors – politicians, administrators, citizens and ... experts/scientists – involved in or concerned by city policies and territorial planning – including urban areas.

This last point, privileged in the following pages, is likely to be of great interest to the Environment Impact Assessment- especially by proposing an enrichment of its participative parts and a reflection about their effects and limits.

3.0. A non-exhaustive and synthetic presentation of participative tools

The methods presented here represent only a small part of the existing tools. Their selection is doubtlessly a little arbitrary and is inspired by the respective popularity of these methods.

3.1. The focus group

As a research tool used at the beginning in the context of scientific investigation, this method can also clarify the perceptions of the concerned population for the decision-maker, without preconceived ideas or hypotheses to be verified (the method is inductive). The focus group is also a participative tool, favouring involvement of the milieu. In such a perspective, the citizen/layman is recognised as being expert of its personal experience.
The technique consists of recruiting one to four group(s) – in relation to the object of the investigation or decision - of 6 to 12 persons (volunteers) each and to create an open discussion with a logic of creativity between these persons. An analysis/synthesis of the discussion will allow one to pin point the main key words used by the participants as well as the points of agreement/disagreement in the core of each group on one hand, and between the groups, on the other hand.

3.2. The Delphi group or the Delphi method

Originally, Delphi was also a research tool. It aims at building consensus on an object or event, present or future, thanks to a structured process of communication organising elicitation, aggregation and modification of group opinions independent of experts.

Delphi includes at least three opinion rounds. Each participant gives his/her opinion (1), is informed of the opinions of others and reactions to his/her own opinion (2) to allow him/her to react in forming a consensual response (3).

Communication is done by interviews or questionnaires (possibly electronic). Anonymity is guaranteed; the risk of undue influence of some is thus avoided. However, it is difficult to prevent a certain lassitude in the group, the consequence of which could be a false consensus.

The participants are systematically exposed to the same information between each turn so that they may revise their judgements (learning function of the technique).

The Delphi method is useful for several purposes, not only with scientific experts but also with citizen participation. The objective can be to mobilise actors around both possible and desirable future scenarios. Delphi is often a tool for consensus building. It can also help participants to have a look at all possible visions without trying to reach a consensus of all parties, to manage disagreement or simply to take note of it.

3.3. The workshop scenario

Participants in brainstorming sessions define priorities and consensus zones. The objective is to take the participants from the phase of critical attitudes to that of constructive action.

The scenario workshop method (SW) includes in fact two series of workshops.

At first, four groups of local actors – residents, experts, public decision-makers and representatives from the private sector – are brought together (among themselves) for a brainstorming session on two to four scenarios.

Secondly, participants work together to elaborate an action plan.

The make up of the workshops is essential: local heterogeneous actors who are all experts because as local actors they know the possibilities and limits of a change. The change depends on them, and their actions, now and in the future.
This diversity and locality makes the method a pertinent learning method. Participants are expected to produce evaluations of proposed choices and to develop new ideas concerning barriers and proposals about possibilities and needs.

Another role and, incidentally, one of the SW results, is to establish/re-establish dialogue between groups who do not, or no longer, speak to each other. Thus the SW is also another participative technique.

3.4. Citizen panels, planning cells and citizen juries

While these techniques are rather similar in trying to inform the decision-maker and to open the decision-making processes to citizens, these methods vary:

- According to the participants’ “status” - persons who are directly affected or even non-involved persons;
- According to the selection method. This latter is strongly linked to both their status and choice of spatial limits of the question. On the local level, all persons potentially affected are invited to participate. At the level of regional or national projects, selection is based on voluntary participation or random sampling.

The legitimacy and effectiveness of these methods is based on the respect of three conditions.

(1) The decision-maker seriously considers the recommendations of the citizens in his decision.

(2) There must be enough citizens in favour of the proposed participation process.

(3) The results must be seen as the product of equal treatment of all participants and satisfy competence criteria.

The citizen panel makes the groups work, helped by moderators, in workshops, in three steps.

(1) The participants define the sensitive questions, (2) then go to the creative phase, without excluding utopias, before (3) concluding by a concretisation phase (reality principle).

Respect of communication rules (restricted speaking time, forbidden criticism during phases 1 and 2 to allow expression of unorthodox ideas) is one of the key elements of this technique. Its field of application is the development of prospective and creative views, which can also become concrete actions and self-managed projects. In concrete terms, these application fields are: education policies, the quality of urban life; territorial planning; management of public urban areas.

The planning cell is designed as a supplementary possibility offered to citizens thanks to dialogue established with experts to get information about technical and social dimensions of possible options, to discuss and evaluate them keeping in mind their probable consequences, value systems and preferences. This extra possibility results from the dialogue with experts that has permitted this planning cell.
The participants – 15 to 25 – are selected by random sampling and invited to participate, in return for financial compensation for the 3 to 5 consecutive days that they devote to working together following the seminar plan (with moderators). The means of selection – all individuals selected will not accept the invitation and the number of participants makes that the group is not really representative of the different components of the public. The objective is rather to form a heterogeneous group of unconcerned persons - in contrast with the consensus conference – but reflecting a great diversity of values and interests as in the last technique. The subjects treated may be similar to those of the consensus conferences. In Germany, for example, the choices in the field of energy policy at the end of the 80’s were preceded by the organization of several planning cells working in parallel.

Setting up planning cells working in parallel on the same subject is an interesting variation of this method. It contributes to greater publicity of the results and promotes public debate dynamics. The legitimacy of the results is additionally reinforced when several cells working in parallel and independently of each other reach the same conclusions.

As for the jury of citizens, it is a variation of the method initially developed in the United States: the “sciences court”. The jury is made up like a planning cell: a group of unconcerned lay citizens are chosen at random and sorted in a way to reproduce the diversity of the socio-demographic components considered to be relevant in the context. Their participation is financially compensated. The participants meet for 4 to 6 days, during which:

- They listen to the arguments of the scientists/experts chosen by the moderator (an independent actor) to defend the options under consideration as well as the positions of the representatives of concerned interest groups;
- They interrogate the actors who have come to inform them;
- Finally, they vote on recommendations in favour of an option. The moderator controls the «interrogation».

The presence of representatives from civilian society, beside experts, differentiates this technique from “science courts”. Doubtlessly, these give a say to public representatives but limit their participation to the evaluation of appropriateness of technological choices from information strictly limited to scientific considerations. The transversality of the questions posed by technological choices is not taken into account here but is in a citizen jury. As in the founding model, the jury votes at the end of the procedure. The results are communicated to the decision-maker who must have already promised to take them into consideration and show the jury how it has taken the result into account in its final decision.

3.5. Mediation

Covering a variety of alternative procedures to regulate conflicts on a co-operative basis (win-win), it generally constitutes a procedure, freely accepted by the parties, during which the parties or their representatives explore their points of disagreement before going on to creative and co-operative discussion. This step is facilitated by the presence of the mediator – neutral actor – whose role is established in advance, case by case, without ever having the judicial power to impose a solution. His/her role is to more or less actively help the reconciliation of viewpoints and stimulates participant creativity. Mediation is generally in contrast to judicial arbitrage.
4.0. How to use the inventory

The selected tools presented above have all been the objects of repeated applications. Their use is generalised – and sometimes even routine. Their use has been the object of transfers: transfers towards other fields of application; towards other aims than those for which they were initially elaborated; towards other cultures.

Consequently, these tools seem to have their own life, independent at first glance from the context of their applications. The institutional analysis reinforces this vision presenting them as special combinations of more or less institutionalised rules, formal and explicit, which are organised in differentiated ways, reproducible and able to be applied generally, taking into account the actors, the realities as well as the circulation of information. This facilitates/imposes certain interactions, rather than others, between the actors.

Political participation theoreticians question the empirical foundation of a vision that is taken out of context of political participation.

Such a vision, supported by classic institutional analysis, is in fact at least partly contradicted by observed results. And firstly, by the very multiplication of participative tools.

Because, when all is said and done, each method, in its initial phase, represents an ad hoc solution for a specific situation considered problematic in its context and for which there is no adapted tool.

This has then been invalidated, since the development of a sociology careful to restore the complexity of the processes, resulting from rules coordinating the actors. These rules are taken into account, not for their formal content, but for their set up. One discovers how the tool was constructed, sometimes changing its meaning:

- As the actors (re) define what makes the problem – this definition being the central stakes of any conflict;
- With unsuspected opening modalities that they become aware of;
- With the re-orientations of the path of the question defined as a problem – scientific controversy or not, public debate or not, destructive conflict or not, etc.
- In function of the degree or urgency for a solution for the different actors, etc.

Without doubt, each of the tools represents a special combination of rules that organise interactions between the actors and facilitate certain interactions with a certain regularity and prevent others. But it is still true that it is the actors themselves, with their specificities and those of the context, which make these rules work and give them meaning. Thorough analysis of these tools’ application, taking into account the contextual dimension shows in fact that the theoretical profile of a tool, itself inferred from the rules it is based on, has an uncertain predictive value. However, it shows up some regularity such as the counter-productive character of certain combinations of rules or some contextual dimensions –unique to putting a rule into effect.

For example, the use of everyday language, rather than juridical or expert language, adds a feeling of conviviality to a mediation procedure, while risking the accentuation of the
inequality of the parties. Everyday language can be a source of ambiguities, resulting in a vague agreement, lacking indicators of objectives or results. The weakest party, a priori advantaged by the use of everyday language, would have problems to later question the fidelity of the application of the agreement.

Thus and in concrete terms, the use of a participative tool demands both a thorough and dynamic analysis of the context in interaction with the rules on which the opening plan is based.

Thus, all presentations, all inventories of participative methods also aim to sensitise actors to the multiple possibilities and nuances of the openings as well as the contextual specificities at the origin of the diversification of tools, to the “cruciality” of the contextual conditions and their application. These conditions have contributed to the success or failure of experiences that have been carried out and analysed. They are “flashing lights” to be considered during the pre-evaluation phases, follow-up and evaluation phases of the impact of the opening process.

The inventory must also sensitise the opening actors to the necessity of following the implementation of this opening. This follow-up will allow information feedback that is indispensable to the optimal exploitation of the results of the opening based on its concrete signification – its application and effects then and there – as an analysis, co-produced by the participation actors, of what has happened.

In brief, a kind of debriefing to possibly improve the tool in case of repeated use.

5.0. The crucial questions: a selective presentation of “flashing lights”

The crucial conditions to take into consideration in the choice of a participative tool are numerous. Thus, this presentation is only a selection of questions chosen according to two criteria.

1. These questions can be asked about all participative methods, with more or less acuteness, whether it concerns opening of decision-making process to citizens or to new kinds of scientific expert evaluation (e.g., experts from human sciences);

2. Their relevance is validated by extensive research on application cases. Finally, this presentation should be interpreted as a list of “flashing lights” which must be considered as a group. And that is where lies the difficulty.

5.1. Should an opening plan be institutionalised and formalised or a flexible and adaptable process?

All resort to participative tools raises a fundamental question: that of the procedural legitimacy of the tools. Do the rules that organise them make their implementation a legitimate tool/process that conforms to expectations of procedural justice – who decides? how? – at the origin of the participative demand? Do the implemented participative
tools/processes guarantee equal treatment of participants/end-users’ demands for the opening? The absence of a “prefabricated” simple answer to this question poses pragmatic problems for the manager of an opening plan illustrated by the questions mentioned below (the flashing lights). Without doubt, their solution requires theoretical reflection based on analysis of previous experiences. But it is not enough. The signification of the demand for an opening of the plan is susceptible to vary according to the contexts and thus needs to be evaluated in the field.

*Why isn’t there a simple prefabricated answer to the question: what are the expectations of the concerned actors about procedural legitimacy by the opening plan?*

To begin with, the idea of what makes a procedure “fair” is different according to the individual, the society and context. There are different ways to define what is meant by a "fair procedure". The criteria for procedural justice retained by the author of the definition are multiple. Their signification as well as their relative balance of power varies.

No opening demand bringing into play the principle of procedural justice falls into a context where one could make a clean sweep of the existing relational climate, more or less weighed down by mistrust that has built up over time. Understanding the signification of the demand cannot be done without doing a field study.

There are as many empirical studies about social representations of procedural justice as there are about implementing different participation techniques proving that all opening procedures must “compromise” with both of these paradoxical requirements. Thus, a procedure must simultaneously (1) meet standardisation requirements – the same cases must be treated identically; (2) take into account the specificities of the situation.

On one hand, every participative procedure must be able to adapt to contextual requirements of effectiveness and efficiency. Requirements such as those of taking into account new actors and new realities closely linked to the context – are thus better met by informal procedures.

**On the other hand,** every participative procedure must also satisfy the requirements of standardization and consistency through institutionalised procedures – the rules of the participation game are explicit, formalised, codified, - giving structure to interactions between the actors (CEE). One thinks of frequent complaints of residents – founded or not – about an application they consider to be the discretion of the incident study system... The demand for institutionalisation corresponds in this case to a demand for legitimacy...

This tension between the two requirements is especially well illustrated in the context of conflict resolution. There are two ideal/typical modalities of the mentioned polarisation – flexibility versus standardisation. *Mediation* is an ad hoc procedure whose adaptation to case specificities is done on the bias of a procedure which can be very informal. The absence of formality is often presented as a gage of better listening, dialogue, and creativity... compared to *judicial regulation of a conflict*. As for *judicial arbitrage*, it is the product of several centuries of reflection about the way to strictly regulate relations between actors.

Thus, the first flashing light lies in this tension that demands to be clearly identified before any selection/construction of a participative tool. An optimal arbitrage must be carried out between, on one hand, the demands for flexibility and sensitivity to the case in hand, and on the other hand, those for a certain institutionalisation in answer to demands for
standardisation, equal treatment of citizen demands - the core idea of procedural justice carried by a judicial culture unique to our society.

5.2. Who are the actors to which the plan is opened?

5.2.1. The basis of participation:

The opening of the decision-making process by taking new actors into account must encompass the definition of one or several quality(ies) of actors that make their participation relevant. Simply put, one can say that techniques privilege one or another of the following qualities.

Either one asks a potential actor to be personally affected by the decision under debate. He is an expert in matters of his interests, of his preferences;

Or he has a combination of socio-demographic qualities that justify his participation in the make up of a group that represents a microcosm of the concerned society (local, regional, national, etc.). He is an impartial speaker for civilian society.

As for the microcosm that will have access to the opening, let us bring up two extreme example cases of a continuum full of nuance. This could be a representative sample, opinion polls being the extreme case of public participation where the right of speech is strictly limited by the author of the questionnaire, or, at the opposite end, a much more limited group when the opening calls for interactive personalised communication between participants.

Many techniques favour the actor selected by random sampling and answering to a number of socio-demographic criteria. The essential element which differentiates him from a “volunteer”, always suspected of representing an interest group, is that he participates in his quality of expert with his own view of the “general interest”, his view being a combination of that of others, all just as “disinterested”.

5.2.2. The way of selecting the participants

There are shades of meaning to add to the distinction between voluntary or involuntary participation. And many of these questions concern the impact of the selection modalities on the basis – the right – of participation.

Furthermore, let one take the extreme example of “voluntary participation” – that where the actors define themselves as such. The selection poses no problem a priori. But what will the decision-maker do with the results of a forum of volunteers? In the context of a persisting conflict, for example, such a forum is in all likelihood tainted with bias that would evidently trouble the representativeness of the actors who call themselves volunteers in case – very probable – that they declare that they represent actors or objects other than themselves.

In fact, concrete experience shows that the decision-maker who has only volunteers-activists as participants will generally look for other less concerned interlocutors. Without lasting success because “ordinary” citizens back out or give up. Thus, any plan that endures risks, by forcing the distinction, to be invaded either by activists who volunteer their services but represent only themselves or by persons who at the beginning are not very concerned but whom somebody has managed to “interest”. The latter finally accept “the moral contract to participate”, but at what price?
5.3. How to guarantee actors’ fidelity to their mandates?

The participation tool often causes a separation (especially physical) between the participation forum and those that the actor-participant represents. How to make these actors remain loyal to their principals? How to make these actors remain loyal to the mandate with which they have been bestowed? This question becomes even more acute when the implementation of a participative procedure settles in for the long term. It is the same, for example, for accompaniment committees. The solution (output) found at the end of the opening must be able to bring the other concerned actors into line, even those not directly participating in the debate. These may very logically have – in the mean time – changed their position, reformulated the terms of debate as a result of their interactions with experts or other stakeholders. They may also have caused mistrust among their constituents, lacking plans/aptitudes that favour interactive communication, while the debate takes place in a quasi-private sphere.

5.4. What is the role of the audience? When should it be planned? When should it be avoided?

Private sphere, public sphere: that is the problem of the audience. The absence or existence of an audience is another crucial element to consider in choosing an opening plan. The role of the audience and its impact on the reformulation of a question are particularly well illustrated in the functioning of a public meeting, a wide spread modality of participation, but also in the working of a new opening tool, the parliamentary committee in charge of investigation.

Take the example of a public meeting in the context of a settlement conflict tied to a technological risk. These conflicts are typically mixed in their object: they concern factual data (the definition of the geographic zone concerned by the settlement for example), questions of confidence (is the developer really solvent? What about the future?) and finally, questions of values (justice, usefulness, beauty, etc.)

The complexity of their objects and their value dimension easily make the dynamics of these conflicts become destructive, leading to a win-lose solution or a blockage rather than a cooperative solution (mutual gains). Destructive dynamics can be explained by the importance of the valorial stakes and the rigidity of the object of conflict. The conflict cannot be solved cooperatively if the adopted solution clashes “too much” with the values supported by one of the parties. Breaking the destructive dynamics supposes that one finds a solution that is compatible with the values defended by each of the parties, and that the parties reach a certain degree of consensus about the legitimacy of their respective values.

But what is the sense of an opinion expressed by the residents in the context of a public meeting, especially if it is given coverage by the media? Their opposition is shown by public expression of an opinion that is indignant about the projected distribution. Expressed privately, the indignation reveals deep investment in the values in whose name the disagreement is expressed. Expressed in public, it indicates that the values have sufficient general interest to deserve to be expressed publicly, that they have the ability to mobilise the audience. The passage from the private sphere to the public sphere indicates then that the one who expresses his indignation acts as the legitimate defender of these values, of the general interest and of the population in the audience that these values bring together.
Indignation also has a strong affective connotation, such as the values. Should one be surprised that public expression of indignation about a settlement considered acceptable according to conventional criteria transforms what was until then an essentially technocratic decision-making process into a public debate that often seems like trench warfare or civil war?

Public meetings are an ideal/typical form of “high risk” opening because it creates an audience and because the potential effects of this audience are not taken into account and managed in advance. It is the movement from which the conflict here and now builds into a conflict at a general level such that the destructive dynamic unfailingly settles in.

5.5. Can one leave the actors the liberty to reformulate the problem?

The opening of a decision-making and expert evaluation process is the opportunity to reformulate the object of the decision to be made. New actors intervene with new interests, new definitions, and new room to manoeuvre. By simplifying the reality, one observes two kinds of reformulation.

The limits of the problem are extended – it no longer concerns the reduction of the noise from night flights in a perimeter around Airport X but to forbid night flights in all European airspace... and more generally to discourage, through the use of fiscal measures, flights of less than 500 kilometres in a perspective of sustainable development... All the while knowing that such a reformulation, if it succeeds, if it is taken up by other actors, will have a local effect of opening more latitude to reduce night flights... Such a process implies building interest of new actors, thus the extension of the network. It is often accompanied by a phenomenon of audience – the breeding ground of potential actors – and media coverage, to interest a great number of actors and to line them up.

The limits of the initial problem may also shrink. A problem that was initially very complex, thus being the object of a multitude of conflicting definitions – imposes its definition of the problem as being the major stake in a conflict – is reworded as a more limited, simpler problem. Broken up into elements, only one of them is retained, reducing in this way the competence/matter of the opening plan. Its geographical limits may also be reduced. These processes can of course be combined.

One remembers the dissociation carried out between the problem of regional airports and the national airport. The objective of this kind of reformulation is to reduce the network of actors by homogenising them to optimise the chances that the actors will find an agreement starting with a tangible and accepted common denominator.

When the question of maintaining a link between the participating actors and those that they represent is posed, it is done with much more acuteness if there is a shrinking/simplification of the question. It is lining up outside actors, all actors who have not been directly admitted into the forum, on the results of the opening process that is in question (see above).

5.6. Should the outputs be integrated in the final decision?

It is evident that a political decision going against a large referendum – even if it is not decisive – or against the conclusions of a consensus conference widely covered by the media would cause problems in terms of social acceptability. But often the results of the opening –
the output - must be again reformulated by the decision-makers in order to be integrated in the decision without signing away the latter. It is thus necessary to foresee, at different steps of the decision, modalities of dialogue with the forum or to guarantee a certain transparency making the operated changes explicit in the context of the putting the decision into operation.

Take the case of the decision-making process opening whose aim is to enlighten the decision-maker. Fundamentally, it is difficult – or nearly impossible – to mobilise all the actors, “ordinary” citizens, without the advance promise of the decision-maker to take their opinion into account. But how to signpost this integration? How will the citizens and the media judge it afterwards? The changes and reframing of expressed opinions are, by definition, numerous. These questions come up in an other form when the decision-maker has to instrument the results of the opening, as, for example, in the case of a referendum concerning the choice between several pre-established options. Between the two extremes – the focus group and the “classic” referendum – compared to popular initiative such as it is applied in Switzerland concerning genetic manipulation – many cases are possible and as yet little studied.

How to judge the integration of the results in a decision? In light of mediation experience, social adhesion to the results of mediation and well-founded evaluation of this participative/alternative method of conflict resolution requires the respect of some requirements, without doubt equally relevant to the application of other tools. It means formalising the results of the opening in a written document, in explicit terms, without ambiguity and with references to indicators of objectives, implementation and impact. The participants may want to evaluate the usefulness of their participation. As for the decision-maker, such a constraint can only lead him to consider the conditions of application of the decision he is about to make, to contemplate its feasibility and to help him avoid many deceptions...

How can one integrate the opinions, the desires, the judgements, etc. expressed by the actors of the forum when this integration means a delicate operation of aggregation? Does the output reproduce with fidelity what was said and especially what the constituents have had to say at the end of the participation? This question prolongs that of the representativeness raised by the selection of participation candidates.

No matter how one manages the diversity of opinions, advice, judgements, the fidelity of the decision made as a result of the opening can only be approximate. Integration of the output in the decision made necessarily means a reduction of diversity. Either the actors participating in the forum “move” to agree on what they are going to say to the decision-maker, without necessarily being followed by concerned actors outside the forum. Or it is the politician who identifies what he has retained from the opening.