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

Task 1.3 – Description of historical area conservation scenarios: Exploratory definition of the end-users’ requirements

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Executive summary

Task 1.3. goals are built upon case studies analysis (task 1.2.) and on the detailed specification of the end-users requirements in terms of E.A. procedures (task 1.1). The goals are a better insight on the “existence” of systematic patterns or scenarios describing the course/dynamics taken by different cultural heritage management cases. This information is a baseline input to the different tasks of WP3 (EA guidelines) focusing on fine-tunings to bring to the EIA/SEA process.

The work-program.

Firstly, scenarios have been inferred from a comparative analysis of case studies data to identify the dimensions – variables, processes – which explain the similarities and the dissimilarities across cases.

Secondly, guidelines have been drawn on scenarios. They are meant to draw end-users’ attention on the existence of innovative options – potential points of entrance to new methodologies, to stakeholders, to citizens – and to make more tangible the benefits and the costs of these options. The corner stone methodology is the EIA/SEA process. The desired outcome is to avoid destructive conflicts but not co-operative conflicts.

Case studies fall in two categories in terms of dynamics: destructive cases or cases characterised by the public’s indifference.

Scenarios are structured around a diachronic (paths) and a synchronic dimension (outcome and process variables leading to undesirable paths).

A broad question guided the data interpretation: how does it come that part of our cases were/are destructive conflicts while other cases progress(ed) “smoothly”?

Several sub-questions structured the comparative analysis supporting the scenarios and the guidelines.

- At what stage is a case management likely to take a destructive course?
- Are there outcome and process factors/variables which are systematically underpinning destructive conflicts? If so, what are they?
- Should something be done to prevent rather than mitigate destructive conflicts? Costs and benefits respectively entailed by prevention and mitigation of a destructive case management are to be explicited to help end-users making an informed trade off decision.
- In case decision-makers prefer prevention, what are the optional methodological approaches?
The results

Scenarios

Cultural heritage case studies and siting conflicts suggest the following regularities with regard to their dynamic.

- A case can be set on a destructive track at any moment of its sequences – project design, decision, operationalisation, on-going functioning – and at any stage of its progression (public notification, screening, scoping, etc…);

- In most destructive conflicts, a succession of critical stages contribute to the escalation or perpetuation of the conflict – competitive interests become prevalent.

- Destructive conflicts often start when a project becomes public thanks to a ritualistic compliance of the public authorities to the legal requirements in terms of information distribution – procedural unfairness, “black rumours”, loss of trust;

- A destructive path is systematically observed when a project arises opposition while the outcome of the screening sequence of the EIA process is exemption. – procedural unfairness aggravated by the lack of transparency of the exemption decision, expansion of the limits of the problem to the non technical impacts opponents are concerned with;

- An exemption decision may not preclude or slow down a course leading to a cooperative solution as long as the project does not arise an open conflict. The negative effect of the EIA exemption may be depleted in a context of a longlasting trust in the authorities to whom the exemption decision is imputed. Trustful people will not reverse in distrustful opponents as long as they just have a mild concern insofar as they focus on the credibility of actors rather than on the plausibility of substantive arguments for/against the project.

- There are legion of siting conflicts which perpetuate, escalate while/because the EIA concludes to the acceptability of the project’s impacts. Citizens strongly against a project have a high level of aspiration about the usefulness of an EIA to support their position. They are outraged when a project is exempted. They are also outraged when the EIA results are not congruent with their position - how many EIA concluded to the rejection of the project? Their next move is to open the blackbox of knowledge production.

- Conflicts may go on escalating, perpetuation (deadlock) or come to a closure (endpoint).

- A win-lose closure occurs when one of the parties has the ressources and activates them to force the other party to capitulation, inaction or withdrawal.
A deadlock is observed as long one of the parties has the resources and activates them to blocking or slowing down the progress of the case (impasse). For instance by fostering competing values – audience effect.

A deadlock also happens when none of the parties have the resources to impose the definition they support. This scenario corresponds to a transient state between competition and imposition or cooperation.

The reformulation of the problem may lead to a win-win closure resulting from the introduction of new actors, new strategies into the process. Any reformulation at any stage of the case processing is risky for the course of the conflict decision-makers but may also move the case from a destructive or deadlocked course to cooperative settlement. Thanks or due to new actors, new discourses, new strategies are introduced into the processes.

With regard to the EIA procedure, scenarios underline three critical moments related to the performance of an EIA: the screening, the scoping, the research and the publicisation of the results.

Destructive scenarios typically illustrate that the following processes and outcomes are at work.

- A mixed conflict: facts, management performance and values
- Lack of trust – experts, administrations, political representatives
- Status quo bias

Some guidelines

- Destructive conflicts have unbearable costs … and few benefits (potential counter-expertise).
- Broad approaches to prevent/mitigate destructive conflicts are of two complementary kinds: enhancing co-operative interests and avoiding to forego public debate.
- This may be done by fostering a proactive participation – in sharp contrast with reactive participation - and by extending the proactive participation to lay people who will mediate between polarised stakeholders groups.
- A broad-based and proactive participation is an alternative option to the sole conventional decision making process involving a trade-off between its costs and benefits.
- The costs are the resources needed by the participative process (time, money, organisation etc..) itself and by the changing of the political culture (citizens, political actors).
- The expected benefits are tow-tiered. At the level of the project: upgrading its quality and its social acceptance. At the level of the political system: limiting the level of destructive conflictuality which is next to saturation is an obligatory passage point toward a sustainable democratic political system.
Content list

1. INTRODUCTION ............................................................................................................................................6
   1.1 A brief overview of the task ....................................................................................................................6
   1.1 From a rule-based to a problem-solving approach ...........................................................................6

2. THE GENERAL APPROACH .....................................................................................................................8
   2.1 Public participation: from ideology to pragmatism ............................................................................8
   2.2 The difficult benchmarking of the “successful” case management ..................................................9
   2.3 Conceptual and analytical tools .........................................................................................................11
      2.3.1. The discriminant variable: the level/dynamics of the controversy about the project ............11

3. SCENARIOS – DYNAMICS, OUTCOMES AND PROCESS CONSIDERATIONS, GUIDELINES ...........................................................................................................................................................14
   3.1 Scenarios: dynamics and outcomes and process considerations explaining the course taken by the case processing ..................................................................................................................15
      3.1.1. Scenarios: what courses might be/are taken by the dynamics of case processing ..............15
      3.1.2. Outcome and process considerations .........................................................................................15
   3.2 Guidelines .............................................................................................................................................32
      3.2.2. Destructive conflicts: their costs and ... benefits ..................................................................33
      3.2.3. Broad approaches to prevent/mitigate destructive conflicts. Costs and benefits .................35

4. CONCLUSION ..............................................................................................................................................37

5. BIBLIOGRAPHY .........................................................................................................................................37
1. Introduction

1.1 A brief overview of the task

Actual practices of decision-making processes in urban projects and urban construction projects related to material assets and CH have been explored in task 1.2. to highlight both their positive and negative aspects.

In task 1.3., scenarios are inferred from the analysis of case studies data. Data collected about a set of pre-defined variables common to the whole set of case studies are submitted to a transversal analysis. The focus is on process and outcome considerations that are likely to influence significantly the reactions of the urban and social environment to decisions taken in the field of urban regulation and more specifically to decisions involving material assets and CH dimensions.

Task 1.3. has two complementary goals:

- A better insight on the “existence” of systematic patterns or scenarios describing the course/dynamics taken by different cultural heritage management cases is useful to identify variables, factors, processes promote a “successful ” closure of the case or stand as barriers against it;
- This information is a baseline input to the different tasks of WP3 dealing with EA guidelines.

1.1 From a rule-based to a problem-solving approach

Concretely, this deliverable aims at proposing research supported tools to help end-users in tow respects. To identify crucial factors/variables that systematically jeopardise substantive and procedural aspects of decision-making about issues involving CH dimensions. To present the pros and cons of new methodological points of entrance policy-makers might include in the decision process to increase the effectiveness and efficiency of the urban regulation – the legal procedure and political practices.

Scenarios and more specifically normative scenarios are hence designed:

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1 Scenarios describe successive moments of a problem between two points of time corresponding respectively to the initial state of the problem and to its final or latest state. These moments/processes are characterised by the renewal of actors, discourses, audiences until its closure at the chosen “endpoint” representing the state of the system after the “storyboard” is completed.

2 Scenarios are of two kinds. Descriptive and normative. Both are useful tools for decision-makers.

Descriptive scenarios inform on the mediating processes which occur and might explain how policy making cases in the field of urban heritage management build up or not from their point of departure - the “basis” or the first definition of the initial state of the system designated as the problem justifying the urban project - towards a desirable final state. The focus is on the chain of events leading to an observable outcome which is/will be more or less in adequacy with the desirable outcome (the goal to be achieved).

Normative scenarios - much as scenarios used in prospective methodology in its “backsight” version – content a normative endpoint, a referential structure guiding the policy maker in the selection

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- to draw end-users’ attention on the existence of different options - potential points of entrance to new methodologies, to stakeholders, to citizens - and on the utility of assessing the pros and cons of these options at the light of contextual variations and their objectives. Methodologies should better match to objectives if they take into account contextual variables. This implies that the selection and the implementation of methodologies are to be preevaluated with regard to relevant contextual parameters. Under this condition, new points of entrance will be a source of legitimacy because selected from an enlightenment perspective (1).

- to make more tangible the benefits of new points of entrance such as the EIA/SEA procedure but also their costs.

- to get a better insight on potential fine-tunings to bring to the EIA/SEA methodology with respect to its application to problems of CH integration within urban settings. Keeping in mind, on one hand, the principle of subsidiarity and, on the other hand, the potential generalisability of lessons from/to environmental conflicts and more specifically from/to siting conflicts.

Prospective fine-tunings of the EIA/SEA procedure are meant to upgrade the effectiveness and efficiency of a methodology designed to get to a knowledge based and socially accepted decision. Fine-tunings would be explored in two complementary directions. Firstly, to shift the EIA process from a rational legal implementation of the rules – formal compliance to the legal order – to a goal-orientated (learning) process. Secondly, because this shift would reduce the uncertainty of its impact on the technical quality and the social acceptability of the subsequent decision, to make of the EIA process a corner stone methodology which contributes to the elicitation of the expectations, preferences, concerns of the public and to their integration into the decision.

The assumption underlying this work program is therefore twofold. The EIA/SEA methodology is an obligatory/convenient passage point to improve integration of the cultural heritage within urban settings because its offers at different stages the opportunity to deal with process and outcome considerations hindering a successful integration. These opportunity or points of entrance are to be investigated in terms of feasibility – end-users requirements - and effectiveness – counterproductive effects are to be preevaluated and mitigated.

of processes to (dis)activitate to reduce the gap between “what is” and what should be”. These processes are evidenced by descriptive scenarios.

In fine, normative scenarios are meant to:
- provide end-users with an analytical grid to help them to identify critical phases which need be tackled with more effective and efficient procedure than the “routine” procedure mode based on the legal regulation (a problem solving approach);
- list key variables/factors/processes which are to be take into consideration to design fine-tuned processes, for instance processes involving the public, generating trust and social acceptance of the project from actors who claim a voice about the initial formulation of the project and who may turn into fierce opponents under a rule-based approach from the onset of the case management.

3 The assumption is grounded on regularities observed across cases - not only across cultural heritage cases but also across environmental protection and cultural heritage cases - interpreted at the light of scientific literature on conflict resolution and deliberative governance.
A grid of the potential/observed courses – scenarios – of programs designed to integrate the CH in urban settings is presented. These scenarios are drawn from case studies data reported in task 1.2, but also from siting conflicts cases previously observed and interpreted with the support of literature (2). Combined to outcome and process considerations, this grid is meant to provide a tentative set of guidelines.

It is not intended as a panacea or as step toward a specific operations manual. Basically, the idea is that under some circumstances, conventional/legal approach of the case processing is not sufficient. Decision-makers have much to gain by shifting from a rule-based approach to a problem-solving approach: a more workable and legitimate case management process for all of the interested parties. To do this shift effectively and efficiently, they need tools that will foster their learning capability, their open-mindedness, and certainly not a manual/consumer’s guide.

2. The general approach

2.1 Public participation: from ideology to pragmatism

Our main and biased concern stands with processes facilitating the convergence of the actors involved into a case, notwithstanding their role4. They are expected to converge on the goals of the project and on the experience-supported belief that these goals have been achieved by the case manager or at least are on the way to achieved with acceptable impacts.

The normative standard underlying the (prescriptive) endpoint should better explicited from the start than come from the blue in the last part of the report (guidelines). The “ought” refers to a broad public participation in policy decisions involving urban rehabilitation, revitalisation and planning programs. A project should be perceived as “the right thing to do/done” by the many different parties, including the lay public to be differentiated from stakeholders. The public should be recognised as an interested party and asked for an informed consent once that citizens are ready to accept the costs of their demand for recognition, empowerment5. And in case this demand is not so salient as it might be or is in some countries, it should be fostered for the sake of the technical quality, the social legitimacy of decisions and more generally for the sake of the “good” functioning of our democratic systems (see below).

The grounds of such a participation falls into three areas: justice, knowledge and pragmatism.

Justice. It is a simple matter of justice that those who consider that they are affected by the policymaking or who belong to the affected entity are given the right and the

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4 Actors from the political sphere, expert sphere and civil society.

5 This questions raises the status of such a demand. An ideological had or an empirically observed and prevalent social representation of the citizen’s role of citizens. The issue is at evidence controversial. But whatever the ideological position, one cannot disregard that a project which outcomes and processes are not agreed on by concerned citizens is likely to generate either apathy, indifference and a lack of appropriation – an « alien »- or destructive conflict and opposition.
opportunity – if they wish – to get more voice – see below the scope of the voice - in the decision that weighs broadly defined costs against benefits.

Knowledge. Richer resources of ideas and perspective on issues dealing with quality of urban life, on urban projects laymen have a contextual knowledge – feasibility, unsuspected impacts by experts in camera, on an urban political project they wish to transfer to future generations would be gained by soliciting help from the constituencies. But in response to some end-users who contest the layman competence to express an informed consent, we postulate that an informed consent can only be got through deliberative governance processes which are based on mutual learning.

Pragmatism. Independently from the “oughts” of our political systems, empirical data highlight that a project perceived as the “right thing to do/done” fosters individual and social practices which are more congruent with the intended/desirable effects of the project on the urban environment as well as on other parts of the social environment. Moreover, social acceptance of the decision is positively influenced by the participation to the decision-making process. For many reasons structured around the quality of the decision – it fully addresses to the issues broached up by social actors for or against the project – and the public confidence resulting from a participatory process - interested parties get to know each other, enhancing their similarities rather than their dissimilarities.

2.2 The difficult benchmarking of the “successful” case management

This difficulty has much to do with the translation of goals into objectives.

Before analysing case studies data, one has to define the outcome of the case management process for each case. The simplest way is to define the outcome of the process as a “success” if the project is operationalised as planned or at least without significant alterations; otherwise, it is considered as a failure. Such definition may undergo critics because its reductionism, its conservative sociological functionalism. The dichotomy does not differentiate between projects that are still in the process of design, operationalisation. This argument is highly relevant to our analysis which draws on ongoing case studies except the Hodimont case. Furthermore, a measure using this indicator does not differentiate between two projects - one that is strongly supported by the public – and another that is permitted and operates but where a substantial portion of the relevant community/communities are opposed to it or indifferent to it (apathy).

Hence, the measure of success used in this report takes into account the level/dynamics of controversy surrounding the project: a destructive or lively and co-operative conflict or no conflict at all.

The level/dynamics of controversy is moreover a faithful indicator of reality insofar as the success of the case is “fragile”, never to be taken for granted even after its operationalisation. Saint Lambert case illustrates this hard-to-live-with political constraint.

Put in other words, a project is successful under two conditions. A teleological one: a project is successful as far as it comes to a closure or as long as it moves toward the

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6 see report on task 1.2. The analytical model, Aberyswith, 2001.
intended final state. A procedural one: the course of the interactions between actors is co-operative rather than destructive.

The successfulness of the closure of the project management may also be viewed as the outcome of the internal and external validity of the methodologies utilised to make the case progress.

Internal validity of a methodology activated in a policy making process is measured by its effectiveness and efficiency with regard to the achievement of goals/expectancies explicitly (re)stated throughout the process\(^7\). It refers to the consistency of “the rules of the game” regulating the decision-making process with explicitly stated goals and expectancies. Methodology is expected to match to purpose by taking into account to process and/or outcomes considerations.

External validity of a policy making process is measured by the social legitimacy of its substantive goals, its rules and its implementation and by the shared belief that these goals are achieved or on the way to be achieved. External validity also has a procedural dimension: do actors share the values underlying the methodology(ies) used at different points of entrance of the process (procedural fairness criteria)?

A successful closure involves methodology(ies) eliciting a positive judgement from a substantial portion of actors – across networks – about substantive outcomes and procedural considerations.

Internal and external conditions of the validity of the policy making process initiated by the emergence of the problem until its closure can be evaluated with regard to its performance at two different levels in terms of its comprehensiveness which is inversely related with the operationalisability of performance indicators:

- **the specific goals of the project/program** (desirable outcomes of the intervention). Do all or a substantial portion of actors defining themselves as concerned support the goals of the project and the belief that they are/will be achieved at the end of the case management?

- **the contribution of the program achieving its goals to a sustainable city policy** - coping with economical, environmental, social concerns raised by the project/program.

Internal and external validity requirements highlight that a “successful” policy making process is for a part made of different methods, modelled on process and outcome considerations\(^8\) to offer “procedural” qualities that lead to valued and shared outcomes.

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\(^7\) Internal validity has much to do with the observed effectiveness and efficiency of the rules of the “game” structuring the policy making process. Do these rules foster effectively and efficiently the evolution of the sub-spheres of the urban regulation system – the political, operational and legal definition of the problem – in accordance with urban, social and technical changes so that goals and expectancies are met?

\(^8\) The concepts of procedural and substantive rationalities developed by Simon for structuring choice under uncertainty are useful for formulating prescriptive guidelines in the urban project management field. **Procedural rationality** refers to the decision process utilised by the different interested parties concerned with a particular problem, given inherent human limitations in collecting and processing information. **Substantive rationality** refers to the way an outcome is chosen from a set of alternatives. It
Some methods are more than others – and depending on context - characterised by a gap between their internal validity – their observed outcomes are definitely not congruent with a successful closure - and their external validity. When methods presenting this gap are activated, one can expect that they will bottleneck the case. Mediation (5), public meeting (6) and referendum (7) are more often than not good illustrations of this gap.

2.3 Conceptual and analytical tools

2.3.1. The discriminant variable: the level/dynamics of the controversy about the project

Concretely, the level/dynamics of controversy around the project is one amongst other relevant indicators of a successful outcome. As the intended variability of the cases under study with regard to their conflictuality lets presume, the first entrance point to the comparative analysis is the following question: how does it come that some cases went/proceed “smoothly”, without major disruptions while others did/do not? What are the dissimilarities which make the difference?

Performing a comparative and diachronic analysis of case studies data with this point of entrance has a two-fold interest: heuristical and pragmatical.

Conflicts have been extensively studied by many disciplines, using many approaches and methods. Hence, this literature offers many interpretative frameworks to give meaning to what might be perceived as unrelated phenomena or to propose counterintuitive relationships. Case studies in interaction with theory generate new hypotheses about the dynamics of conflictual CH cases management. In reverse, studying CH conflicts enlightens the scenarios of a relatively new categories of conflicts – environmental and siting conflicts – which are known for their intractability.

Pragmatically, destructive conflicts have many undesirable and negative outcomes on the program management - delay, increasing costs, contextual variations to be identified and taken into consideration (flexibility of the program), increased complexity. Inversely, efforts made to prevent such destructive conflicts or to transform them into co-operative disputing may fail or fire back..

Hence, policy-makers need tools to help them in the difficult task of assessing their decision-making context – are there critical actors (for instance organised stakeholders groups), past history, trust/distrust climate, etc. to be aware of? A thorough knowledge of the context, combined to information on the options among conflict resolution and participatory methodologies, their pros and cons, are useful for decision makers. They are in better position to evaluate the likely pattern(s) of the case, the costs and benefits of the potential patterns and to decide what costs they are ready to consent to maximise their chances to avoid a pattern which definitely stands against the achievement of their goals.

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focuses on the types of benefit-cost criteria that are utilised and how specific policy tools can facilitate the final outcome.

9 Two out of the eleven cases are/have been at the centre of an extended, destructive conflict: Emahl and Saint Lambert. Namur station quarter illustrates the deadlocked conflict. Some of the other cases have been conflictual but apparently not in a disruptive way (Victoria square in Belfast and Copenhagen Opera). Remaining cases are either more or less on the consensual side (Ceregidion, Paddington Hospital, Rondell Platz, Guillemins) or not actively contested (Hodimont).
The choice of the point of entrance of the comparative analysis imposes upon us to seek amongst the many conceptual and analytical tools developed in conflict/controversy research those we expect to be heuristically and pragmatically useful for identifying regularities and idiosyncrasies in (potentially) conflictual scenarios.

Following the social constructivist approach (8), any conflict is about the definition of the problem at stake and untractable (irreversible) differences in the framing of controversial issues are barriers to social mechanisms inducing co-operative resolution.

Hence, scenario construction capitalises on a transversal approach of the diachronic dimension of the cases apprehended through the succession of problematisations/definitions of the case which are supported/contested by interested parties in the course of its progression. Scenarios are made of successive key moments (stages) when factors, variables and triggering processes interact and channel the case either toward shared or toward unshared successive definitions of the problem. Each definition of the problem or translation may be irreversibilised or not, definitely or not. The duration of a conflictual and destructive case is often associated to many displacements of the definition of what is at stake.

They are many factors, situations, processes to explain how actors declaring themselves as concerned come to agree/disagree on the definition of the problem from the onset of the case until its closure - What is the problem? How big is it? How complex? What are the relative weights of its dimensions for the conflict participants? Etc.

Some are known. More are still to be investigated. To give meaning to a vast array of complex situations and processes described in our case studies, we used the theory of the actor-network and the conceptual and analytical tools of the so-called sociology of translation (see report task 1.2. on the analytical model) (9).

The actor-network theory suggests to focus on the functioning of actors and networks for a better understanding of the dynamics of a case.

Translations are the core of the dynamics of networks: actors form a network by a succession of translations and about translations.

Do actors weave into networks? Do networks converge on irreversible translations/displacements?

The course of a conflict is consequently apprehended by focusing on the many formulations/reformulations – translations - of the initial problem and on the interessement, enrolment strategies and mobilisation processes which are at work during the many years of the life of a project and model the successive translations.

The actor-network theory also highlights the key role of the irreversibilisation of translations on precluding a co-operative conflict resolution.

The ST conceptual and methodological tools are used to identify the processes, displacements which are critical for the dynamics of the case, and at what moments the construction/deconstruction of the definition occur.

Four moments are in theory critical for the functioning of actors and networks: problematisation, interessement, enrolment and mobilisation. We shall briefly outline them for the sake of intelligibility of the next pages (for an extensive presentation, see report on the analytical model).
Problematisation: how to become indispensable?

At the initial stage, some actors define themselves as concerned. They present an initial plan stating hypothetically who are the actors they enlist and the reasons why they invoke them. Those actors who are enlisted accept, reject or redefine the transaction, not in a clear-cut way but through passing different states of adjustment to each other so that alliances may be formed. The corner stone of the future alliance is a common ground and consensus between the actors on the nature of the problem and on the mutual gain they might obtain from solving it.

Interessement: building alliances by processes of inclusion/exclusion

Interessement process refers to the definition of group boundaries and to the exploring of group alliances which are strategic for the achievement of the goals. Interessement is commended by how some actors interpret what actors are yet to be enrolled, what they want as well as what entities these actors are associated with (what links are to be interrupted?) Interessement implies processes of inclusion (the allies whose identity, goals, motivations have to be “glued”) and exclusion (actors whose links have to be severed with those actors who are considered as their (potential) competing allies. Interessement involves strategies ranging from seduction or even simple solicitation to the use of the physical force. A successful interessement confirms the validity of the problematisation in so far as the system of alliances resulting from the different adjustments confirms the hypothetical system conjectured at the stage of problematisation.

Several strategies of interessement are systematically activated in our case studies: traditional/conventional participatory methods such as public meetings or public inquiry are typically interessement strategy insofar as they lock actors into place – for or against -expanding or narrowing the discourse.

Enrolment: how to define and coordinate the roles

During the enrolment, the identity of actors (in interaction with their goals) may also be fixed or displaced. Enrolment refers to the definition of roles.

As interessement, enrolment involves the use of a large range of strategies leading to convergence or dissidence.

As soon as participants to conventional methodologies enter actively into a (re)problematisation - many organisers of public meeting have experienced the process – the public meeting becomes an enrolment process.

Participatory methods involving mutual learning processes - legal, technical, social, etc.- encourage participants to enter the process at the initial problematisation to correct/fine-tune the initial definition is typically an enrolment process. Participants – laymen, experts etc. adopt complementary roles which are explicitly defined. At the issue of the process, they are undoubtedly different on many aspects.
Mobilisation: how representative are the spokesmen?

By a process of reduction step by step, a few actors (political representatives, scientists, delegates of public associations researchers, experts) become the spokesmen of the different parties – the civil society, the city, SD, the scientific community, the target population, past/future generations etc.. To solve co-operatively a case, the representativeness of the spokesmen must be agreed on. Who speaks in the name of whom? Who represents whom? During the whole process of translation, successive spokesmen are designated and equivalencies are sought between what the mandates want to be said and what the delegates will say. Representation is in essence a power process in so far as representation displaces and concentrates the power to speak from the mass, after and as far as it has been silenced, to a few actors.

To be accepted by a concerned individual, the decision must demonstrate the receptiveness/responsiveness of the spokesmen to the to the interests of the entity in the name of which they act.

3. Scenarios – dynamics, outcomes and process considerations-, guidelines

Our case studies fall in two categories: destructive/deadlocked or apparently non conflictual (indifference or acceptance) cases. This is so because they have been purposely selected to explore in a more systematical way than casual data permit the issue of the course taken by CH case processing. Some cases turn in conflicts having appearingly a life of their own. They continue even though the issues that initially gave rise to them have been forgotten or become irrelevant. Other conflicts are like malignant tumours: they grow out of control and enmesh the disputing parties in a web of hostile interactions that perpetuate and escalate the conflict. But some cases where elements predicting a destructive course are present end in routine policies.

They are two expected outcomes from the case studies comparative and diachronic analysis. A table of patterns or scenarios based on the life history of the cases identifying stages – critical sequences - when translations accounting for the dynamics of case occurred.

Case studies-based theoretical research is of pragmatical interest about methods to mitigate destructive conflicts, their costs and benefits, their implementability. The history of some case studies illustrate that the dynamics of their scenario fluctuates overtime. This happens when competitive and co-operative interests are present – by essence urban projects/construction with a CH dimension and where public authorities are (co)promoter or (co)funding involve both kinds of interests. Case studies offer an additional - CH related- insight on variations of the relative strengths of co-operative and competitive interests which are associated with a shift in the course of a conflict (from destructiveness to co-operation or more often the reverse). At evidence, the difficulty is to elicit the expression of co-operative interests without displacing the conflict over competing values.
A broad question structures the ineroperation of the data: how does it come that part of our cases were/are destructive conflicts while other cases progress(ed) “smoothly”?

Several sub issues derived from this broad question. To minimise redundancies, the tentative and partial answers have been concatenated in two sections of the third part of the report: scenarios and guidelines.

The sub questions and the allocation of the answers to sections are as follows:

- What is the trademark of a destructive conflict? (scenarios).
- At what stage does a case management is at risk to take a destructive course? (scenarios).
- What outcome and process factors/variables systematically underpin destructive conflicts? (scenarios).
- Should something be done to prevent destructive conflicts, knowing that prevention strategies have costs but also that transforming by essence costly destructive conflicts into co-operative debate is process requiring a combination of resources, skills, contextual conditions but still very uncertain with regard to its outcomes? Costs and benefits respectively entailed by prevention and mitigation are to be explicit. A trade off decision setting in balance these costs and benefits is to be taken (guidelines).
- In case prevention is preferred, what are the most efficient entrance points to new methodologies, to new actors? The same line of questioning is relevant before undertaking to solve/mitigate a destructive conflict (guidelines).

3.1 Scenarios: dynamics and outcomes and process considerations explaining the course taken by the case processing

3.1.1. Scenarios: what courses might be/are taken by the dynamics of case processing?

3.1.1.1. Scenario building

As stated above, a scenario summarising the case processing describes the successive moments of a problem between two points of time corresponding to the initial state of the problem – its first formulation - to its final state – the project designed to address the problem is completed and performs as an established program - or its latest state.

Scenarios may be represented along two dimensions of variability. A diachronic one\textsuperscript{10}. Successive moments inform on the progression of the case. They are documented by

\textsuperscript{10} The life history of the case is usefully – heurisitically and pragmatically - scrutinised with the help of Jones’ sequential model of policymaking process (10). Despite the critics, the model offers an analytical grid which makes more apprehendable very complex phenomena and triggers relevant questions about processes contributing to the reversibilisation/irreversibilisation of some sequences, about missing sequences etc…

Following this model, a policy making process goes through sequences of:

- Conceptualisation/design of the project/program
- Defining and describing the problem
- Operationalising objectives – translation of goals into measurable and operational objectives
- Developing an intervention model - including causal, intervention and causal hypotheses
- Defining the extent and the distribution of the target(s) population
following the actors, their behaviours, their discourses, their interactions at key moments, stages which offer crossroads at numbers of points of the life of the program many any during the sequences of the project (see note 10). A synchronic dimension. At each sequence of the project’s “life”, there are different potential sideroads. Taking one rather than another may engage the future of the case progression insofar as it has an impact - positive or negative, reversible or not - on the progression of the case toward its successful closure. The existence of potential sideroads raises pragmatics and research issues. Under what conditions does a specific road prevail? Do some sequences preclude systematically any reversibilisation? What moments or crossroads deserve in priority a careful contextual analysis?

Combining both dimensions of scenarios sheds some light on the processes of irreversibilisation and reversibilisation of the definition of the problem. These processes are of central interest for end-users. They give meaning to what might be perceived as unrelated phenomena: audience, the expression of competing values, going back and forth from escalation to descalation, the changing limits of the problem, the role of lay people etc..

3.1.1.2. Patterns

Two main patterns, each one presenting subpatterns emerge from our case studies 11:

Pattern A: the project raises public controversy

Public controversy may in theory involve different types of citizens ranging from disinterested laypersons to members of public interest groups (11).

A regularity observed across all case studies where public controversy has been reported is to be immediately stated: active participants/opponents are well-organised and high-profile groups. Unorganised and diffuse interest groups are relatively underrepresented.

Examples

In the Namur station case, a committee of inhabitants of an impacted and low profile neighbourhood (Bomel) expressed grievances, claims but did not engaged into litigation. For

- Anticipating targets acceptance
- Designing the delivery system, the administration of the project/program – everything a program does to a target, during the targets’ participation to the program. The delivery system is not neutral: it may significantly affect the impactof the program.
  - Decision: go/no go or fine-tune the conceptualisation (reversibilisation)
  - Implementation (operationalisation) of the project/consrtuction
    - Monitoring the operationalisation
  - Evaluation
    - Monitoring the functioning of the program once the project or some significants parts are operationalised
    - Impact studies
    - Efficiency analysis

11 All case studies deal with on-going cases, excepted the Saint Lambert case which is partly an unfinished business and Hodimont which functions as an established program. Hence, the focus will be on the design of the project/program and on the decision-making process sequences without excluding lessons from the Hodimont case on the other sequences.
the time being, the relationships between Local Authorities and the Bomel inhabitants are neither convergence nor an open conflict.

Lay people belonging to a low-profile target group of the program or affected by the project stay silent (respectively Hodimont and Guillemins case).

This statement is important to understand the perpetuation of some conflicts over years and even decades... thanks to organised and well-off stakeholders and raises the issue of the costs-benefits of organising the participation of unorganised publics with regard to the de-escalation of destructive conflicts.

Pattern A differentiates into sub-pattern A1 - a destructive dynamics – and sub-pattern A2 - a co-operative dynamics. Both sub-patterns lead either to the closure of the case or to its deadlock. The outcome of the processes raises the issue of the successfulness of the closure.

As it has been mentioned before, a conflict is a struggle about the definition of a problem (noisy road). It is eventually settled by a decision taken in a more or less authoritarian way (ranging from the decision taken/imposed by a leader to the decision taken at unanimity). A destructive conflict involves competition (win-lose) between mutually incompatible definitions.

A constructive conflict involves co-operation about these definitions leading at least to a distributive bargaining (compromise) and at most to consensus. The constructiveness/destructiveness of the decision varies to the extent it promotes a mutually satisfactory solution for all the parties. It ranges from the win-lose decision which satisfies completely one side at the exclusion of the other side(s) to a solution which is mutually satisfactory (consensus) getting through the compromise, a win-win solution resulting from a distributive bargaining negotiation.

Sub pattern A1 : destructive conflict
The course of the conflict goes through several critical stages – the course can take at this stage a destructive path or not.

A public debate may take a destructive track at any moment of the life of the project and at any critical stage.

But in most conflicts, several successive critical stages are observed across siting conflicts. The succession of critical stages, each of them resulting in destructiveness, contribute to the perpetuation or escalation of the conflict.

Stage 1 of destructive scenario: sub patterns A11 or A12

Sub pattern A11

Destructive conflicts often start at the moment a project is displaced to the social arena – public announcement, mandatory public meetings, the modalities of public inquiry (key moment one).

Citizens blame public authorities for implementing the legal requirements of public information to meet the letter of the law and to keep the public as ignorant as legally

12 This is one of the reasons why one should be careful to extrapolate from the past to the future without a close monitoring of the case progression.
acceptable. The strategy of a “bureaucratic” (ritualistic) enforcement of the legal procedure of information (its content and the way it is publicised) is incompatible with a distribution of information obeying to the distributive principle of need people activate as far as the distributed resource involves information (13). People resent having been kept in the ignorance of the information they suppose LA detain. An information which is in their view in sharp contrast with the official and terse announcement. Ignorance combined to concern places the publics in a context of great uncertainty where “black” rumours inevitably make up for the deficit of institutionalised communication (14). Rumours frame before long the ritualistic compliance to law as (procedural) unfairness. LA are seen as manipulative (distrust).

Procedural unfairness seems to play a prominent role at this stage by activating doubts about the "true nature" of local representatives portrayed as self-interested, uncaring persons, outsiders or, worse, corrupted by the economical actor at the origin of the project. The procedural fairness discourse also has a strategic function. The scene is set for expanding the contest to facts, the internal validity of the project and the work program it implies (the cost-efficiency of the project/work program, the feasibility of the program), the faithfulness of the result to the project as well as the positive and negative impacts of the project and the resources/means planned to minimise negative impacts and maximise positive impacts from the operational phase until and including its running stage.

Example.

The Emahl case illustrates this pattern: opponents first disagreed with the procedure – expansion/politicisation strategy. The activation of the procedural unfairness discourse gave them a point of entrance into the process of disputing which displaced afterwards to the quality of the project. In other words, LA had created the opportunity for a mixed conflict involving justice values, principles.

The justice motive – a legitimate and available discourse to lay people who are competent to say what is fair or unfair - has not only a substantive value -the argument is salient in its own right- but also a strategic function in social relations. The preference that actors express for or against a project implies a judgement which is not only personal but will be sanctioned by others as good or right. People must provide a basis for challenging views about what is right or wrong. The untimely public inquiry offered to actors who initiated the conflict the opportunity to redefine the issue as a question of justice which permitted them to impose themselves as obligatory passage points both to lay people and to local/regional.. political actors. Since justice is universal and individual, a claim for justice establishes a common ground. The complexity of the justice discourse leaves room to protest actors to activate different but equally legitimate justice values. And as soon as a conflict involves values, it becomes destructive because a value stake reduces/excludes the feasibility of a transaction, of a negotiation between the actors (see below).

Sub pattern A12

It may also happen that despite their drawbacks, the public announcement, the modalities of public inquiry and even public meetings do not trigger a feeling of procedural unfairness and start a destructive conflict.

Example:

The Namur station case – not a destructive conflict but on the course of deadlocked dynamics. People reacted outside the legal frame of public inquiry to express general demands – active participation – and concrete requests. The procedural unfairness has not been activated, may be
because authorities have added steps to the legal procedure. Despite the conventional rationale – a passive consultation, not appropriate to publics demands -, the gesture conveys a message of cooperativeness.

Stage 2 of a destructive scenario: No EIA

Very soon in the public life of the project, competent authorities decide if a EIA will be performed or not. What is the impact on the course of the case processing if a screening decision concludes to exemption of EIA? 13

No EIA: sub patterns A111, A121 and A122

The decision to exempt or not the project from an EIA gives a hint on the problematisation supported by the authors of the decision. Deciding to carry on an EIA acknowledges that there are potential negative impacts to be assessed. Exemption means that competent authorities dismiss any significant impacts, a position which is not necessarily agreed on by local residents who have a contextual knowledge of the operational area and the “perceived impact” zone.

Since the scenario under study is encompassing public debate and a destructive/deadlock dynamics (pattern A1), the impact of the very existence of the EIA process combined to an exemption decision is to be addressed at stage 2 under one or another of the following conditions 15 16.

The case entering stage 2 is either already destructive (sub pattern A121a) or in an unstable equilibrium due to a controversial context which still is not open conflict (sub patterns A121b and A122). For instance political actors are a priori for the project while some people a priori hesitate or are worried, express their disagreement (opinions, attitudes) but do not act against (behaviours).

Sub pattern A121a

Exempting an already destructive case project from EIA/SEA will amplify, fuel the conflict. An escalation of a destructive conflict is observed when stakeholders are told that an EIA will not be performed, either because of the nature of the project or because the project is under the thresholds set to a mandatory EIA. The absence of an EIA displaces the definition of significant impacts at the epicentre of the conflict. Who defines the impacts? What are the impacts? To what extent negative impacts should be minimised? What are the acceptable ways to minimise them? Etc..

13 The question is relevant for projects expected to bring significant change. All of our cases could be candidates to an EIA/SEA. Only four of them have been submitted to an impact assessment, for different reasons.

14 The use of the notion of perception underlines that the impact zone is apprehended by lay people. The use of the notion of evaluation or assessment is limited to the expert judgment. This distinction is common in risk research: lay people « perceive » risk. Experts evaluate risk. The distinction is a convenient shortcut despite the inappropriate use of the notion of perception.

15 The case may also be ignored by the public (lay people are indifferent, no stakeholders): the pattern B is relevant (see below).

16 The “no negative impact” of the exemption sequence will be briefly evoked in the pattern A2 (cooperative public debate).
Next, what is the impact of the “no EIA” option on a case arising “some” concern?

Exemption triggering effect on destructiveness has been consistently observed in environmental/siting conflicts. Potentially destructive conflicts bascule at this stage on the destructive side.

None of our case studies combine the “no EIA” option and an initially mild but sufficient concern (perceptual barrier). Many siting conflicts however follow this scenario.

Hence, we shall tentatively hypothesise the generalisability of this effect in CH cases. Doing so, we posit that the destructive effect of the exemption in siting conflicts is not the outcome of a feeling of unfair distributive effects of the siting: negative resources allocated to the publics and positive resources to the promoter. In other words, the assumption is that projects with a CH dimension are no exception even if “by essence” they have a prevalent “common good” dimension. This position is consistent with the statement that destructive siting conflicts involve any kind of project, even projects which are a priori dictated by societal/collective needs – schools, tourist projects, sportive installations, art pieces (cf. The Buren case in Paris), etc….

Evidence drawn from siting conflicts shows that an EIA exemption decision affects the future problematisations of the project as soon as the screening decision is taken and notified to the public.

Very briefly, two sorts of impact are observed.

A first one is much alike the effect of a ritualistic enforcement of public information: exemption triggers a feeling of procedural unfairness which leads to a destructive conflict about competing problematisation.

Let us considers the order of the successive events of the pattern A121b. It is much alike the sequence described in stage 1 A project comes on the political and public agenda as soon as it is announced in the forms set by law. Political actors are a priori for the project while some people a priori hesitate or are worried. Competent authorities decide on legal grounds to exempt the project from impact evaluation. They advertise the decision in due forms – usually on a wall of the city hall among many other legally required advertisements. Once informed in this ritualistic way (considered as procedurally unfair for lack of transparency framed as an indicator of manipulation), potential opponents engage into a problematisation process activating attributional analysis in reaction to their feeling of injustice. They decide who is to be blamed for procedural unfairness and develop arguments congruent with their attribution. A recurrent discourse focuses on local authorities who are overexposed to the blaming because they are enrolled into the project at many levels: spokesmen of their constituency (political and moral if not legal responsibility), developer, funding organisation, etc.. They are blamed for their unfaithfulness to the constituency as far as they are suspected to manipulate the project to keep it below thresholds above which the EIA is mandatory or to meet the letter of the law but not its essence when the nature of the project is such that an EIA is not mandatory while they suspect that the project will have impacts.. Their doubts, their mild concern are now frustration and indignation. They are convinced that the exemption from EIA is a biased decision aiming at occulting the « true » negative impacts of the project.
Lack of transparency of the arguments underlying the exemption decision is an aggravating circumstance insofar as the EIA process either rings a bell or even represents the hopeful solution for people in awe with the consequences of the project.

The destructive effect of a public decision deleting the impact assessment on the dynamics of the case processing is the negative side effect of the public infuion with the EIA/SEA process. As EIA/SEA process is goal oriented, one may not disregard the notions of aspirations and performance such as defined by K.Lewin and al. (15). The theory these authors developed about the ways individuals set their level of aspirations and about their reactions to achieving or not the level of aspiration seems to be a fruitful line of investigation. It makes more understandable the strength and the resilience of the feeling of disappointment experienced when they face a situation they frame as a failure situation. It explains that and how people experiencing dissatisfaction tend to react to avoid this state of mind.

Two broad categories of individual reactions are observed. Rationalising defence mechanisms are activated thanks to the reassessment of the situation. Rationalisation operates under the condition individuals feel initially responsible of the failure. This is clearly irrelevant in the context of a screening decision out of the control of stakeholders. The other track is to link the failure to external forces such the local political environment.

The second kind of impact is specifically due to the lack of transparency. The minimalism which is the trade mark of the information given to the public about the screening decision is framed as the signal that an unwanted project is planned rather than as the « proof » that the project will not have « significant » impact to worry about. Here again (see pattern A111), deleting the EIA sets the definition of significant impacts at the epicentre of the conflict. The limits of the definition underlying the project are on the agenda of the public debate. This entails a scientisation of the debate since the facts founding the decision is questioned. The black box of knowledge production half-opens.

**Example**

In sum, the Emahl case became through successive displacements a mixed conflict (see report on the analytical model). Initially problematised by the developer as a functional solution to protect CH objects and their appropriation by the public and more specifically by the residents in the neighbouring quarters\(^{17}\), the definition became conflictual and destructive. The opponents disagreed first with the procedure – expansion/politicisation strategy - and secondly with the quality of the project – narrowing/scientisation strategy - which in essence is refuses for its negative impact on built CH or assimilated. The opponents focused their argumentation on the procedure and on the quality of the project - its negative impact on built CH or assimilated, its lack of economic strength, of congruence with the built environment thanks to the untimely public inquiry and the absence of an EIA. Through successive displacements, they expanded their discourse – new registars were mobilised, reducing the chances of convergence (mixed conflict, see below). They also narrowed their discourse in two directions. The glass box has been assimilated to a technical modality – it has been definitely denied the status of a work of art – to prevent an untractable debate on aesthetic. They subdivided the definition of the problem by picking up a narrow element that all parties agreed to consider as relevant : the interpretation of the legal provisions protecting listed buildings. Once they got a decision from the Council of State court forbidding to go on with the pulling down of listed buildings, they de facto

\(^{17}\) The project was meant to protect and promote objects located in (derelicted) museums and by definition part of the cultural heritage. It was supported by conservators.
irreversibly shifted their position since the glass box’ corollary was the demolition of the ensemble Brahy Dewilde. Hence, the decision of the Council of State, aligned on the position of the opponents, shaped the future reproblematisation which restarted the progression of the case towards its closure. Opponents had no other choice than to accept the actual option since they got what they claimed to be the reason of their contest: the glass box option was abandoned.

Sub pattern A122

An exemption decision may not preclude or slow down a course leading to convergence as long as the project arises some degree of concern but not an open conflict. Many other factors influence the process of conflict construction and deplete the negative effect of the EIA exemption.

For instance, in a political context of a long-lasting trust in the authorities to whom the exemption decision is imputed, the exemption is not likely to reverse trustful people in distrustful opponents when they are just mildly concerned by the project. They will use the peripheral route of communication (16)– focus on the credibility of actors rather than on the plausibility of substantive arguments - and frame the project in terms of gains rather losses (see below the endowment effect).

Stage 3 of a destructive scenario : EIA (patterns A131 and A132)

Once the decision to carry on an EIA/SEA is taken, the scoping process and the public reactions to EIA results become the third critical stage.

Under which circumstances is an EIA likely to facilitate the convergence of actors, to get to a successful closure of the case? Or to initiate, perpetuate or escalate the destructiveness of the conflict?

Sub pattern A131

There are legion of siting conflicts which perpetuate, escalate while/because the EIA concludes to the acceptability of the project’s impacts.

This statement suggests that the EIA process may often arise a double-bind situation for opponents. Citizens opposing against a project have a high level of aspiration about the usefulness of an EIA to support their position so that they are outraged when a project is exempted. But they are also outraged when the EIA results are not congruent with their position. A frequent situation for how many EIA concluded to the rejection of the project? Their next move is to open the black box of knowledge production.

There are at least three critical moments related to the performance of an EIA/SEA which might negatively affect the course of the case: the scoping, the research and the publicisation of the results.

The scoping. Through lack of a shared problematisation of the workprogram, opponents’ association do not agree on the adequacy of the EIA and hence on the decision founded on the EIA. They engage into a reversibilisation of the option, opening the scientific arena, bringing in new experts new arguments.

Disagreement on the work program stems from two circumstances.
Presently, most EIA are performed by experts coming from hard sciences. They systematically privilege technical issues, apprehendable through “objective” science, leaving aside the non-technical implications of the project. Either on the presumption that social, economical impacts are not amenable to a « scientific » (quantitative pre-evaluation) or – worse – on the assumption that common sense will do. This raises the issue of another EIA scientific culture, of a dialogue between hard and soft sciences to also address social, economical, etc. impacts that often are the most questionable issues from the point of view of stakeholders, lay people. These questions are in theory dealt by the social impact assessment which is to be distinguished from impact assessment but nevertheless under control of assessment professionals. Concretely, social impact assessment is the “parent pauvre”…

The absence of experts from soft sciences may be partly compensated by the active presence of stakeholders and more generally lay people at the scoping stage. But in many countries, they do not participate. No wonder that their concerns are not identified and subsequently that they are strongly disappointed by an EIA which leaves their questions without answers.

At this point, one might suggest the organisation of focus groups or scenario workshops (17), citizens jury (18) to frame the scope of the EIA. The « plus » of scenario workshops stems from the fact that this tool organises the interactions between different categories of roles – laymen, experts, public authorities, the developer, the EIA undertaker – to explore the value of added information, and decide the workprogram with regard to the relevance, the cost-effectiveness and the usefulness of the information expected from the EIA.

Interactions between EIA experts and the other actors. Impact assessment may be structured by in three ways. A professional-dominant model, a partnership mode where parties-at-interest are actively involved in the design of the research and play a major role in forming its results with the help/control of the professional team who makes the significant decisions. The third mode is participant-dominant : the parties-at-interest determine from their own perspective what the impacts are and what mitigation strategies are appropriate. The expertise required from the professional is not technical or substantive rather mediative (19).

There is much to say about the pros and cons of these modes. And even more for future investigation. What mode, what modalities best match to the purpose of fostering iterative interactions between the EIA process and the actors in charge with the decision-making process ?. In other words, what modalities implement effectively an EIA process designed to solve problems rather than to meet the letter of the law?

**Example**

The comments on the EIA process implementation in the Guillemins case – a non conflictual case - reveal difficulties encountered by the cohabitation between the EIA and the « norma1 » decision-making process. Firstly, actors interviewed for their acknowledged “expertise” on the case had in the whole problems to tell the legal status of the EIA in that case : mandatory or not. It had been non mandatory. Some had a hard time to make the connection/distinction between the urban legal regulation tools and their implementation and the EIA process. The author of the EIA himself underlined the need to organise – institutionalise ? - interactions between the author of the project and the author of the EIA sooner, to open the process to an advisory board - representing the public actors and the concerned people to get as soon as possible to get to a
shared problematisation, the corner stone of the whole process (no significant reversiblisations). He deplored that his intervention was strictly technical, that he was not asked to put his study in perspective and had not been given the opportunity to get insight on the historical, sociological background and the plans for the future.

Informing the public. The criticality of this moment - the EIA supports the contested project – stems from the two previous moments. Opponents contest the workprogram, the relevance of the EIA and the decision founded on the EIA. They engage into a reversibilisation of the option by opening the scientific arena, bringing in new experts new arguments.

This usually happens when information on the EIS is legally delivered to the public in a summarised form limited to the technical results of the evaluation study. Non-experts typically get an information without any control on the "production process" of these results since there is no retrospective opening of the path leading to these results. The scientific arena is hermetic (20). Before long, public associations ask for a full disclosure of the technical information claiming that they possess the technical-scientific competence making it possible to understand the particular social and natural phenomena in the realm of objective reality. Concretely, in an increasing number of cases, they produce an inside or outside counterexpertise and open a scientific arena.

Sub pattern A132

An EIA supporting the views of the opponents closes the case at their satisfaction (see below). This not means a successful closure as far as the initial problem is unsolved. The developer may withdraw (sub pattern A131a).

Another sub pattern (A132b), more congruent with the definition of a successful closure (see ), is an EIA which does not support the initial position of opponents but persuades them that facts do not sustain their arguments.

This scenario implies that several conditions are met.

- The process is opened to any actor who may express a concern.
- The EIA work program is designed after an exhaustive collection of questions, claims, concerns. There is a shared problematisation of «obligatory passage points » - questions to be answered - and actors – those who will answer (experts, laymen) , which conditions the quality of the EIA and its social legitimacy.

The example of the Dutch EIA process that follows this model seems to be the most prominent reason of the decrease of destructive siting conflicts in this country. The Dutch exception.

- Since we are in a destructive scenario, the opponents devote many resources to their proactivism and are highly concerned (circular process). Involved individuals are known to process relevant information - the results of the EIA - by utilising the “central route” (21)– the focus is on the validity of the arguments and not on the credibility of the source. An interactive communication between professionals and parties-at-interest is therefore a key condition. This implies creating an appropriate forum. Hereagain, the formula of citizens jury seems a promising avenue.
**Stage 3+... : toward the endpoint**

A barest outline suggests that a conflict may go on escalating, perpetuate (deadlock), or come to a closure. We shall focus on the path of a destructive conflict coming to its closure (sub patterns A141a and A142), and on the deadlocked conflict (sub pattern A141b).

**Sub pattern A141a**

One of the parties has the resources and activates them to impose a win-lose solution (domination):

The other party:
- capitulates (accommodation) – cedes apparent victory to the other-;
- does nothing (inaction) or so it appears,
- withdraws (refuses to participating in the conflict).

**Example**

In the Emahl case, opponents successfully get the control over the case processing as soon as LA commit a legal irregularity: they submit the case to court arbitration which happens to sustain their position. They master two critical resources: legal expertise and time – the project processing is subject to tight deadlines imposed by the distant funding organisation. Finally, the initial project of the glass box is abandoned by the developer who has no other option than to accommodate. The opponents succeed in imposing their views which are pretty much close to status quo (see below). The solution they impose is perceived as a loss by those who authored/supported the initial project – some conservators for instance - or but who had no other choice than to accommodate given the risk of dereliction of the area and the urgent need for an adequate shelter for CH collections.

**Sub pattern A141b**

One party has the resources and activates them to deadlock or slow down the process.

Blocking or slowing down the progress of the case (impasse) may be done:
- totally, partially (part of the project);
- with a long term vision (time is an unequally distributed resource among the parties), or as a short term strategical move.

A typical destructive/deadlocked scenario is observed when a party successfully imposes to go back to a previous moment, a previous definition (reversibilisation), by fostering competing values – audience effect.

A deadlocked scenario is all the more likely when the opponents are organised stakeholders rather than non-organised publics. For two complementary reasons. They need organisational resources to mobilise an audience made of lay people and getting an audience gives them access to the media resources they need for amplifying the

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18 This does not mean that conservators will disagree with the final outcome. It just means that conservators who were facing the prospect of a status quo or an endless conflict, favoured the glass-box for the sake of their collections and for the social visibility of this aspect of CH. A key conservator died last year so that we will get the answer.
conflict and opposing to LA. In a conflictual and destructive case processing, stakeholders have by definition successfully enrolled an audience of laymen – the audience stands as a third party (21)– by activating competing values which are presumably supported/shared by the audience. Why laymen? As mentioned above, laymen are able to figure out from values they support what they prefer without knowing much else about the case. This explains why an interessement strategy based on the activation of competing values is so tempting to opponents who try to foster their redefinition of the problem. The steadiness of the destructive course is also an outcome of the “ignorance” of laymen. For as long as they rely on their values because they do not know much else about the case, the definition they agree with and support after they got enroled, mobilised becomes persistent and unavoidable. In other words, stakeholders are trapped/block by the own definition. Cornered in a translation that they cannot neither impose nor modify without appearing as unfaithful to their audience, stakeholders cannot enter into a negotiation process without losing face. Either they block the case by successive legal recourses based on procedural entrance points or they try a reversibilisation by introducing new actors who might exert an arbitration role.

Example
In the Emahl case (again), the conflict is untractable as soon and as long as the parties support their respective position by different and legit values and goals. They block the case by promoting a competing definition of CH, recognised as legitimate by the Council of State. This definition precludes effectively the building of the glass box which is a central stake in the conflict. One can interpre at least partly - the position of the opponents as the outcome of a status quo bias (see below).

Sub pattern A141c
None of the parties have the resources to impose the definition they support. This scenario corresponds to a deadlocked conflict, a transient state between competition and imposition or co-operation.

Sub pattern A142
One party initiates a displacement which leads to convergence . Any reformulation at any stage of the case processing is risky for the course of the conflict decision-makers but may also happen to be a key (positive) displacement – an obligatory passage point – facilitating a move from destructive or deadlocked conflict to co-operative settlement. Thanks or due to new actors, new discourses, new strategies that are introduced into the processes.
A constructive reformulation may foster a new solution. This is possible if past problematisations do not shape and determine future problematisations.
A not so constructive reformulation is observed when a party successfully fosters a solution leaning on the side of status quo. This reversibilisation scenario operates under two conditions. Firstly, there are irreversibl translations/definitions which make difficult/impossible to go back to a point where the contested definition was only one amongst other competing options. Secondly, there is no previous agreement between parties on the unacceptability of status quo. The constructiveness/disruptiveness of the.
reformulation will depend on the significance of the (limited) departure from the status quo.

**Example**

The legal action to stop pulling down buildings located in the operational area of the Emahl project permitted a reversibilisation toward a solution departing as few as possible from status quo.

**Sub pattern A2 : public debate and co-operative course**

Conflict has a bad reputation by its association with psychopathology, social disorder and wars. But conflict is also the root of personal and social change. It has positive functions. Hence the social and scientific issue is not to prevent or eliminate conflict but to find and implement the conditions that give rise to lively controversy rather than to deadly quarrel.

In most conflicts, competitive and co-operative interests are with varying relative strengths. Enhancing the saliency of co-operative interests is associated with the initial course of the conflict or with its shift from destructiveness to co-operativeness.

None of our cases presented a combination of public debate/public participation and co-operative dynamics. Environmental and more specifically siting conflicts which are thoroughly analysed show that public participation and co-operative conflicts actually do not go along.

Broad public participation and a co-operative course are presently most often mutually excluding conditions but hopefully it is not an iron-clad “law”(relationship). A widened public being granted an expressive voice in an increasing variety of environnemental/etc. policy decisions joined to the pluralistic, multicultural dimension of western post-industrial societies at the origin of a greater variability in public views, contribute to a high level of disruptive conflictuality in our societies (22). For lack of procedures effectively\(^\text{19}\) preventing a destructive course or deadlock of conflicts flourish because people hold contrasted views on what the problems are and how to solve and voice them. Existing procedural rules are extended to give the public more expressive voice (right to information, opportunity to express one's views) as well as more transformative voice (litigation) (23). Basically, extending traditional forms of public participation to meet the citizens demands for more procedural fairness is counterproductive on the size of conflict due to greater variability and polarisation of the views expressed by the public.

Hence full-blown attempts at participation on political and research agendas : there is an increasing offer of techniques including people from the general category of the « public » into some interactive process.

The main objective of these methods is to bring together the groups involved in a conflict and the people affected by a decision so they can work out a common solution to the problem that can be realised without postponement. The presumption of democratic competence of the public is taken as a basis for the use of these procedures as long as the participation process is carried out according to the rules of representative

\(^\text{19}\) Effective procedures facilitate a solution based on cooperative interests or even a creative solution involving attitude change by the disputants.
system. A more reasoned and jointed negotiation should enable an agreement which is made of consensus and of which implementation is carried out by all participants (a prerequisite to the appropriation of the project by its targets (see Hodimont case study).

These methodologies are based on a the strategy of co-operative problem-solving which proceeds on the assumption that the expressed positions of the parties in dispute are not identical with the interests and needs by which the conflict should be explained. The interests need not be as opposite as the positions of the parties appear at first look. An attempt is made to identify the basic interests and needs of conflicting parties to find alternative and optional solutions. The settlement should be found, which considers the needs of all participants and that are accepted by everyone – a win-win situation.

**Example**

This is what precisely happened in the Saint Lambert case where a mediation procedure substantively contributed to the progression of the conflict toward a win-win solution. The feasibility and effectiveness of the mediation had much to do with the choice of the architect-coordinator who played the role of mediator. He is located at the crossroads of competing but complementary networks. He acts as a translator between parties and successfully opens the process of problematisation to new categories of actors who get a voice in the process or propose a narrowed definition of the problem on which actors may start to converge. And of course at that time, his judgement was accepted by all the involved parties for his competence, neutrality towards the parties and his faithfulness to the “city”.

**Pattern B : No public participation**

The case progresses in a climate varying from hostile indifference/apathy - competing values/goals may be publicly expressed but are not followed up by behaviours - or “genuine” social acceptance.

Lack of public debate may be the indicator of different patterns with regard to the life of the project. We shall briefly present the most extremes.

**Sub pattern B1**

Lay people or actors with a vested interest may have competing views but stay outsiders. They may feel powerless, anomic. No organised stakeholders groups are constituted to lead the contest.

This pattern is much alike withdrawal or capitulation. With the same predictable effect on appropriation and on the sustainability of the use of the operationalised project (tagging)

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20 The destructiveness of the passage from a private to a public sphere is a consistently observed outcome of public meetings.

21 As mentioned above, once spokesmen of stakeholders groups activate values registars, mobilise competing values to justify their position, they are cornered in a lock if they need to stay the faithful spokesmen. Hence, an opponent who is the spokesmen of a stakeholders group but also a local political representative planning to get or to stay a professional political actor is placed in a paradoxical situation due to the difficulty for him/her to meet competing role expectations. His/her constituency trusts him/her as long as he/she is not framed for using a double standard. This suggest that destructive conflicts where political elected actors are involved as opponents rank very high on untractability.
Examples

Hodimont case illustrates that the absence of conflict does not mean a successful closure. At evidence, policy makers missed to pre-evaluate targets acceptance.

Guillemins station might illustrate the figure of capitulation on the part of some inhabitants. Parties-at-interest may also stay silent just because they agree with the goals and the means of the project. A contrario, this would mean that the public demands participation for the reason he is unsatisfied and in order to get point of entrance to correct a poorly effected or unfair decision. In other words, the public frames its participation as a mean to contest, to oppose. One can understand why policy-makers have a preference for a public staying silent since a public debate still means trouble, opposition insofar as the constructive side of public participation is not given a thought. This circumstance may stand as a major hindrance at two levels. For the so-acceptable-project: it might still turn conflictual or miss its target. More generally for the many potentially conflictual cases the same policy-makers have/will have to manage: they miss an opportunity to experiment public debate in a non-conflictual case and to progressively build up through successive experiences a new political culture where political actors and citizens learn to interact proactively and co-operatively.

22 Despite the many uncertainties raised by the Guillemins project, most of actors converge on it until now. The combination of the reputation of Calatrava and the shared belief that the prestigious project serves the common interest seems to have silenced people, the usual clique of “proculture” activists. The public stays put. Most of the interviewed key actors rhapsodise on the civic support of inhabitants to a future CH asset and to the benefits of the project for the economic viability of the city. At the light of the strong opposition of the very vocal people living in areas exposed to the aircraft noise nuisances (Bierset), the second interpretation of the silence of concerned residents seems more like wishful thinking than like the outcome of a systematic appraisal of the population opinion. So why do people stay silent?

Some reasons might at first glance be straightforward. Who will protest against a project generally considered as aesthetically likeable and/or the benefit brought by an internationally notorious architect to the city’s image?

Nobody will reasonably contest that the TGV station is preferable to the status quo – a station usually described as ugly, built in 1958 and entered into the collective memory as the climax of social and political troubles in 1960. The station was an attractive target thanks to its glassed front which was destroyed by manifestants.

But the silence may be interpreted in other ways than an indiscriminate adhesion due to the quality of the Calatrava project. Silence may first mean a lack of concern. This is the explanation favoured by residents committees. Most probably true but only partly. Residents committees speak in the name of their members who are not representative of the inhabitants who seem to ignore the existence of these committees and their action. A small scale inquiry results suggest that the activities of these groups are confidential. «for the happy few». One should note that the most potentially exposed quarters are precisely increasingly socially heterogeneous and poor - many low-income people moved in houses in the waiting list for expropriation or in the vicinity of destruction-reconstruction area. Socially homogeneous and well-off quarters are not threatened by the project. So long for the residents committees interpretation.

Another explanation has been proposed by a key actor – an expert – who observed public meetings devoted to the presentation of the project. He suggested that people shown the extraordinary project did not dare to express their doubts: the well known Van Gogh syndrome and the fear to be ostracised for criticising a project globally viewed as positive for the future of the city. In other words, the trade-off between costs and benefits of the future station does not offer an point of entrance to an opposition expressed in the public sphere (audience).
3.1.2. Outcome and process considerations

3.1.2.1. Disagreement on values and goals.

Conflicts in a public arena are over:

- facts and/or
- policy-making and managerial dimensions including managers and decision-makers’ trustfulness, decision-makers managerial skills and/or
- values and goals underlying the project.

The dimension of variability between conflicts about facts, management or values is the degree of generality of the stake and its related degree of rigidity – the perceived lack of satisfactory alternatives or substitutes for fulfilling the «wants» at stake in the conflict (24).

Disagreement over values is at the core of untractable destructive conflicts. Firstly, values enter into the process of preferences formation. Thanks to values laymen support, they are able to figure out what they prefer without knowing much else about the case. This ability is central to individual decision-making. Secondly, values are not negotiable – parties do not accept to share value losses as for instance a solution implementing for 50% the competing values they support.

The objectives of conflict resolution are respectively fact-finding and obtaining truth – what is the most accurate view of the reality according to some (shared) standards of knowledge quality production -, getting consensus on managerial dimensions of the project or/and tentatively on values and goals. Given the affective dimension of values (25), a destructive conflict is most often a mixed conflict: parties disagree over facts, trust and values.

The occurrence of a destructive conflict is a major drawback for the sake of the project but also for public confidence into LA which should be a major concern for LA as far as trust and distrust are asymmetrical dimensions (26).

3.1.2.2. Lack of trust

In recent years, there has been a steady decline in the trust the public has placed into science, expertise and institutions. The dimension of trust is increasingly mobilising the attention of researchers who investigate its (conditional) effect on the destructiveness of siting conflicts (27 ibidem).

Case studies of recent siting conflict point to the significance of the transitiutional dimension of this feeling which relates to another feeling they experience: the feeling of an unfair treatment of the case, either from distributive or procedural standpoint. They react to this feeling by activating different processes (27). One amongst them is the attribution of the source of the injustice. Citizens consistently blame the LA. Whatever the legal authority in charge with the permit consent and more generally with the design, decision and implementation of the project, citizens attribute the source of the departure from justice to local authorities and more specifically to local political – elected – actors (28).

An EIA supporting the «go» option of the decision in a context of lay people worry has a major drawback with regard to its legitimacy function. For two reasons.
Firstly, experts are not trusted. The financial link with the developer is a recurrent argument. Other cultural changes are also at work.

Secondly, lay people will at first process the information using the peripheral route. The credibility of the message stems from the credibility of its source (the experts). They will next enter into a scientisation strategy by opening the black-box of the knowledge

3.1.2.3. Maintain the status quo

Strong objections are registered when one or more groups are not convinced that there is a demonstrated need for the facility even if attractive alternatives are offered. One reason that the status quo serves as “a reference point” for future actions is that the disutility induced by additional losses is much larger than the utility induced a comparable gain. This concept of loss aversion has been well documented in controlled experiments by Tversky and Kahneman (29).

Examples

Referring to our case studies, one can not ignore that even the most conflictual one – Saint Lambert – progressed as soon as the status quo started to be constructed as unacceptable. A major reason accounting for the deadlock in the Emahl case stems from the fact that opponents were initially and for long convinced that the status quo was preferable to the project. Hence they proposed a competing definition of CH focusing on the CH dimension of the listed and unlisted buildings to be destroyed for the benefit of a glass box designed to protect the collections.

The Saint Lambert case is unfinished business. It presently illustrates an unexpected use of the status quo bias to persuade political actors and the audience to reversibilise a much contested construction project. The extension of the Ministry of Justice located in a listed palace lining the place has been a controversial issue for many years. “Objective” but “individual” nuisance criteria such as the negative impact of the planned building on the neighbouring buildings’ sunlight exposition have been referred to. Instructed by the experience of the so-called Nimby conflicts, the opponents expand the limits of the problem by activating a justice discourse. They contest the project on grounds of geographical fairness criteria (macro-justice criteria). They petition for a referendum on alternative siting options… (see below). This demand makes sense among the public because its consistency with the social legitimacy of the procedure or/and with the signal that they do not wish an endless dispute the public might strongly resent. They give a token of their willingness to be constructive by acknowledging that status quo is not tenable. They agree that the Ministry of Justice deserves office space but elsewhere because of the negative distributive effects on the historical centre of the city and the positive effects another location might have on derelicted quarters which might host the Ministry.

One should also notice that status quo is consistently perceived as unacceptable as soon as the project is framed as a response to a collective need activating both the economic and civic registers - economic common interest, the future of the city etc.. The case of Rondell Platz is paradigmatic insofar as the losses are on the cultural heritage side and potential negative social impacts while the supposedly positive impacts are on the economic side. In addition, the economic soundness of the project is questionable. But in Rondell Platz as in the Guillemins

23 There is a non negligible danger that LA’s reluctance to organise proactively a co-operative public debate on the subject will have a counterproductive effect: they risk to be put under strong pressure to organise a referendum which would be a most inadequate participative tool in this circumstance (see below).

Task 1.3 report - 31
case, one of the expected gains is symbolic: the image of the city – a typical “in-group” argument/discourse - compared to the image of comparable cities.

In addition, negotiations - bargaining - outcomes depend on the framing of the choice problem because of the asymmetrical treatment of gains and losses. This is to say that a change in the frame – the outcomes are framed in terms of losses and no more in terms of gains or reverse – can result in a change in a preference (preference reversals) in spite of the fact that all of the key parameters of the choice problem stay identical. Given the research supported endowment effect – loss aversion due to over-evaluation of current possessions -, on can better understand that as long as a case processing involves actors framing the project progression in terms of losses (“out-of-pocket costs”), they will contest the project without much regret for the foregone costs (opportunity costs).

Example

This explains why opponents to the Emahl project, which in its first stage involved the destruction of listed and unlisted buildings defined as CH, were so adamantly against the initial project – the glass box. Moreover, they did not give much thought to the foregone costs which were a major argument of LA to make the case progress in tight deadlines. One cannot exclude that any other option than the glass box, even framed as a gain in terms of CH, would have been opposed successfully – they convinced an audience – had it entailed the destruction of buildings (framed this as a loss).

3.2 Guidelines

Should something be done to prevent destructive conflicts? On one hand, prevention strategies have costs. And on the other hand, transforming destructive conflicts into co-operative debate requires a combination of resources, skills, contextual conditions which are not necessarily under the control of decision-makers so that the outcomes of mitigation strategies are uncertain.

Costs and benefits respectively entailed by prevention and mitigation are to be explicated to draw decision-makers’ attention on the relevant costs and benefits and to help setting in balance and so doing an informed trade off.

The following brief outline posits that the aim is not to prevent or eliminate conflict (see above) but to find and implement the conditions that give rise to lively controversy rather than to deadly quarrel.

Co-operative conflicts are a prerequisite of change – which may be proactive or adaptative. Proactive change is conditioned by the organisations’ learning competencies to tame the time horizon of their decision by using the appropriate tools (for instance the foresight or back sight prospective). Adaptative change is facilitated by the use of evaluative methods that help to correct ongoing programs once their outcomes are better known and feed back into the decision process. Adaptative change may also stem from crisis situation. All these roads to change are more effective if they involve concerned actors into prospective and evaluative activities.

Lively, co-operative conflicts are desirable when controversial issues are at stake. Concretely, an increasing number of problems give rise to conflicts of different degree of destructiveness or cooperativeness. In post-industrial societies, people have different views either about the goals or/and the means to solve them (social pluralism). At the
same time, there is a growing demand from citizens to get a voice – expressive, deliberative or transformative – about the increasing number of controversial issues. This explains that the level of conflictuality observed in post-industrial societies heightens next to a level of saturation beyond which the functioning of the democratic political system in charge with these problems is under stress.

Hence there is no more much room left for a destructive conflicts for the sake of the problem at the source of the conflict.

Still life is ripe with conflicts which may turn destructive at any moment so that decision-makers are facing two main options: prevent or mitigate destructive conflicts, knowing that each new destructive conflict is a toll on the functioning of the political system, that destructive conflicts are difficult to solve co-operatively and that some methods meant to prevent destructive conflicts happen to fire back.

We shall first outline some costs and benefits of destructive conflicts, briefly describe broad approaches to mitigate destructive conflicts or to prevent them by addressing the outcomes and process considerations. With a mention for their costs and benefits. To conclude, end-users’ attention will be drawn with an illustrative purpose on some research-supported flags evidencing “high risk “ – high probability of negative effects - methods and “low risk” methods. Some prevention measures are known – from an interaction of craft and conflict resolution theory -. Their expected costs and benefits are assessed 24. More lines of preventive action are still to be explored. The same might be said about mitigation measures.

3.2.2. Destructive conflicts: their costs and … benefits

3.2.2.1. Deadlines are overruled

- The problem remains unsolved. The developer loses control on the timetable. In many siting conflicts where the promoter is private, the outcome may be a withdrawal of the promoter. The outcome is a successful closure or not depending on the internal and external validity of the project.

Example

A construction project on the outskirts of the University of Liege campus had been planned years ago. A poorly managed public meeting fueled a destructive conflict supported by people who were not directly affected but spoke in defence of the landscaping. A few buildings have been pulled down (without any inconvenience) but nobody – the promoter first – has a clue on what will happen next. The conflict and the concession the promoter made to descalate the conflict scared the investors – uncertain timetable and loss of profit due to the reduction of the gabarit -leaving the developer short of money.

- Forced and overlasting inaction also have opportunity costs (net earnings foregone), adding to the loss of direct subsidies and to increased project costs insofar as the problem or its context may evolve overtime and need more resources to be solved.

- Stretching deadlines also means non monetary costs or/and indirect monetary costs. Lay people and stakeholders actively develop expertise and get organisational resources

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24 The “real” costs and benefits are context-dependent and entail some degree of uncertainty.
25 Benefits stem from the conflict process – they are identical to those resulting from cooperative conflicts.
to make the most of their expertise. As seen above in scenario building, a factual – knowledge-based controversy may go back and forth for years and perpetuate or even escalate the destructiveness of the conflict. And on can expect that the more (valued) resources actors allot to the goal, the more adamant they become (30).

3.2.2.2. The resolution of a destructive conflict

▲ Siting conflicts suggest that domination is most often the privilege of opponents (see below). Sometimes at the expense of the quality of the case processing - the project is not granted the chance to be analysed using a rational discourse (31 Renn) by all the parties (joint conflict analysis) – or the substantive content of the project – objectives related to means. There is no empirical evidence or theoretical arguments to question the generalisability of this regularity to conflicts involving a CH dimension.

▲ Once the conflict is on a destructive track, chances to get to a co-operative conflict resolution are at their lowest level: domination (win-loss solution), and its corollaries – capitulation, inaction or withdrawal – are much more likely to prevail than a negotiated settlement or a third party arbitration satisfying all the parties.

▲ It comes to a loss-loss solution. Besides the different kinds of costs consecutive to extending deadlines, the resolution of a destructive conflict – the Emahl case for instance – may affect the substantive quality of a program/project. This is a likely outcome when the resolution is based on a side by side bargaining process involving actors with competing agendas. There is a non negligible risk that they fall back on an hybrid and unsatisfactory outcome, stripped of the respective assets of the original and competing solutions (a lose-lose solution).

Example

In the Emahl case, opponents got the withdrawal of the glass box which was the option supported by the museum conservators, next phase of the Saint Lambert place actually coming on the political agenda.

▲ The occurrence of a destructive conflict is a major drawback for the sake of the project but also for public confidence into LA which should be a major concern for LA as far as trust and distrust are asymmetrical dimensions.

▲ In addition, one should add that once a destructive conflict is set, a co-operative resolution is a very demanding process.

Example

The Saint Lambert place case suggest that the successful closure was the outcome of the a mediating process which feasibility and effectiveness were partly circumstantial - a status quo was no more tenable -and partly due to the fact that parties had no other choice than to shift from positions to interests (see above). It is interesting to note that Saint Lambert place is unfinished business which does not lend itself to a mediating process as far as the opponents to the present planned phase are translating a hic et nunc conflict into a conflict about principles (see below).

▲ Potential benefits: counter expertise

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26 Side by side bargaining is contrasted with integrated bargaining

27 This problem is well known in the field of political science were the pros and cons of the majority system and the poportional system are much debated.
The added (counter)expertise, as much as the opportunity for new stakeholders to enter a lingering process are not just drawbacks. Stakeholders having developed many kinds of expertise are in a better position to voice their arguments in the public sphere – they become more assertive and master how to use medias for their cause –, pinpoint ongoing contextual variations which if not taken into account might jeopardised the would-be program. At evidence, public authorities’s responsiveness to stakeholders factual arguments and contextual knowledge is not precisely enhanced in a destructive conflict as it might be in a co-operative debate. But from this specific point of view, a destructive conflict addressing to controversial facts may be a better prospect than plain indifference… and silence (foregone benefits of a think tank involving lay people and their contextual knowledge).

3.2.3. Broad approaches to prevent/mitigate destructive conflicts. Costs and benefits

Prevention/mitigation of destructive conflicts is grounded on two approaches: fostering co-operative debate and avoiding to forego public debate. Hence the costs and benefits are those of a proactive public participation fostering co-operative debate.

At evidence, accommodating public participation in different political and administrative situations arises difficult questions:

- Who should be involved?
- What form can lay participation take in complex areas (urban projects/construction with a CH dimension)?
- What are the implications for the representative system and end-users?
- What are the implications of lay involvement for the design of the EIA/SEA process and its implementation (of particular concern to this report)?

The first and the second questions (they are undissociable) are barestly outlined. They will be thoroughly investigated in the WP3 as well as the last two question will be explored in the WP3.

We posited from the start that public participation methodologies offering new points of entrance to the decision process should be considered by policy-makers on grounds of justice, knowledge and pragmatism. This position implies that participation is extended

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28 Public authorities tend to overrate their “expertise” about the local context, its political, social, historical, dimensions. One should make the distinction between political representatives who are the spokesmen of the constituency and should as such be at least credited with the intuitive knowledge of laymen. Unfortunately, their professionalisation plays against this kind of similarity with their constituency. The line to draw between «professional « political actors » - the notion of « political carrer » is an indicator of professionalisation - and experts is increasingly blurred out. As to experts – techno-bureaucrats –, they are meeting role expectations hindering proactive sensitiveness to contextual variables insofar as this kind of sensitivity implies a multidisciplinary or even an interdisciplinary approach. For self evident reasons – organisation, time constraints, lack of conceptual/methodological competences to exchange disciplinary knowledge or to co-product an interdisciplinary knowledge, and notwithstanding the slow emergence of innovative expertise institutions aiming at a multidisciplinary or interdisciplinary approach to better address the complexity of the system and its subsequent vulnerability - most experts are at their best when they are asked to grasp sectorial problems. That leaves room to organised stakeholders – they are often tied into networks - to follow contextual variations and to enter them into the decision horizon.
to lay people and not limited to organised, well-off and educated citizens, in other words to stakeholders groups or to their representatives.

There is, at first glance, a tension between this position, its practical consequences and the message conveyed by a majority of case studies: they went smoothly despite/for lack of public debate.

Experience from environmental conflicts, technological choices conflicts show that social pluralism and public participation – expressive, deliberative or transformative voice - have counterproductive effects: they lead more often than not to destructive conflicts.

A closer examination of the source of prevalent social representations of public participation should mitigate the suspicion political actors have about what they consider as an ideological “thad”. Their social constructions of the costs and benefits of public participation refer to conventional/traditional methods: consultation, public inquiry, public meeting, citizens advisory boards, roundtables, and of course referendum. These conventional methods vary depending on the degree of involvement and subsequent influence allowed to the public but they still have several relevant properties in common. They structure a reactive public participation in the sense that the public is given points of entrance to react to policies and proposals which are already formulated, prior to their involvement. Conventional methods give voice to people on the premise that they are somehow affected/concerned by the project. With the aggravating circumstance that people know better why they are against than why they are for, a cognitive bias which partly explains why they are more prone to express a disagreement than an agreement... Hence, a reactive participation involving concerned individuals has two potential interactive drawbacks: encouraging polarisation - between the supporters of the project and those who participate against - and let polarised groups - stakeholders groups, pressure groups - a large margin of manoeuvre to structure public opposition.

But beside conventional procedures, many other participatory tools are increasingly experienced across the world. Most of them are utilisable to organise a public and co-operative debate about controversial issues. Some of them target unaffected laymen who are given the opportunity to make a judgement about a controversial issue after a learning process enabling them to discuss in a knowledgeable about the technical and political facets of the problem and evaluate the options and their likely consequences according to their own set of values and preferences (32). There are several techniques – known as citizen panels – involving lay people into a learning process before engaging them in different tasks ranging from the creative generation of ideas to making a judgement about a proposal – agree/disagree - through the selection of one amongst the options in discussion.

At this point, one can see the benefits of participatory techniques involving lay people proactively rather than representatives of stakeholders groups in terms of consensus reaching.

Participants are given the chance to mediate between polarised groups and avoid the disproportionate influence of pressure groups. Public participation is no more in tension with the expected outcomes: to initiate a co-operative and interactive dialogue between experts and the general public through medias to enlighten decision-makers who retain the responsibility to take the final decision.
Instituting a broad-based participatory process is a first step toward the responsiveness citizens expect from their political representatives.

Seeking consensus through a broad-based participatory process is more promising and less time-consuming than quarrelling endlessly with stakeholders who happen to bottleneck the case with hidden agendas. When problems occur which comprise different options, panels seem suitable to find a consensual solution. This is in sharp contrast with the methodology which dominates positively social representations of participatory democracy: referendum.

Referendum is a traditional participative tool, very legitimate in most citizens' views for its procedural fairness. It undoubtedly gives the citizens a deliberative voice—at least if the results are integrated in the decision. But it stands against the idea of coproduction as far as citizens are not given a transformative voice. They do not participate in the design of options, to a problem-solving approach beneficial to the quality of the project insofar as the laymen's expertise is not taken into account. Voters are just asked to select one option between preestablished options with the aggravating circumstance that the process is reductionist (the harsh law of the numerical majority), raises the issue of delimiting the voters (a key issue for it influences the predictability of the votes), implies a strong polarisation (a reductionist approach to complex problems) and last but not least is sensitive to imbalance of power and money...(31).

4. Conclusion

One can not exclude that most citizens, who are not "professionalised" opponents, just claim more points of entrances into the decision making process to be guaranteed that they will get informed if they wish on the project processing. But one can neither exclude that citizens' silence means powerlessness, alienation from their daily environment. Not because they feel definitely incompetent (knowledge) but because they do not trust public authorities. What is the sense of participating if public authorities are unresponsive? Until the moment where some activists propose inappropriate procedures such as referendum. Still, and despite its drawbacks, referendum is not the worst prospect....

Extending proactive participation to lay people and getting a positive social construction of this innovative facet of policy making involves launching experiences to implement a problem solving approach to the upgrading of the quality and the social acceptance of projects, and to the sustainability of a democratic system in an increasingly conflictual society.

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