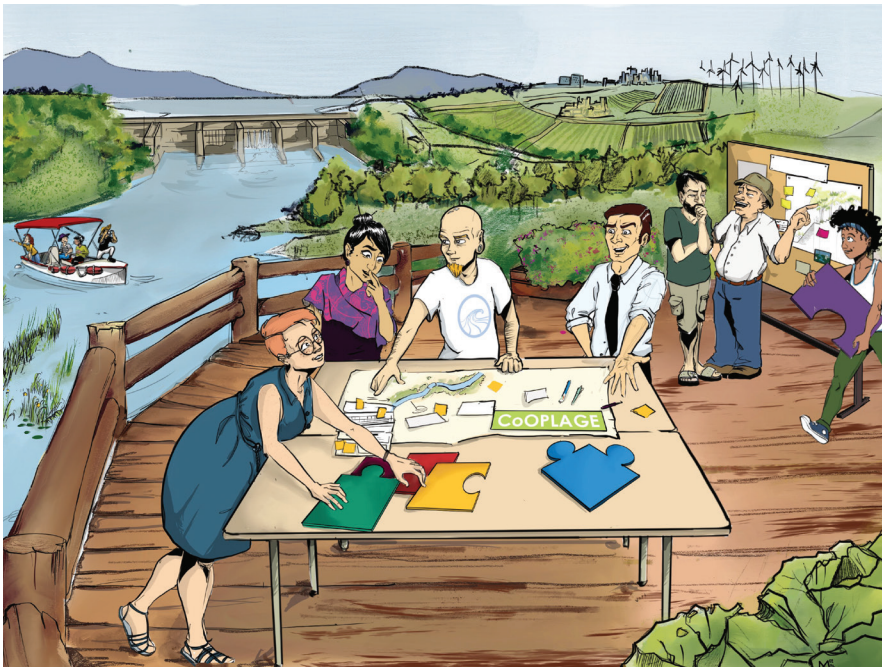
Sciences & technologies Update

TRANSFORMATIVE PARTICIPATION FOR SOCIO-ECOLOGICAL SUSTAINABILITY

Around the CoOPLAGE pathways

Emeline Hassenforder and Nils Ferrand, eds



éditions Quæ

Chapter 4

Developing a culture of participation: Progress and considerations in France

Joana Janiw; Interview conducted by Emeline Hassenforder

Whether at the international level (Aarhus Convention) or with regard to diverse French national regulations (on the environment, town planning, local authorities, etc.), direct involvement of citizens in the democratic process is presently a well-established procedure. Indeed, a review of the last few years shows public participation as an exponentially growing dynamic. This interview with Joana Janiw, Head of the Culture of Public Participation Unit at the General Commission for Sustainable Development at the French Ministry of Ecological Transition and Solidarity, takes stock of recent progress on the subject in the environmental sector in France.

⏩ Can you explain what the recent changes have been in terms of public participation in the environmental sector in France?

The latest advances in the democratisation of environmental dialogue were introduced by the Order of 3 August 2016 reforming the procedures for informing and involving the public in the preparation of certain decisions likely to have an impact on the environment.

"Upstream" participation (public debate, prior consultation), which takes place at the development stage where all options are open, has been strengthened. Access to the right of referral to the National Commission for Public Debate (CNDP[1]) has thus been broadened, notably with the right of initiative. In addition, the device for prior consultation has been consolidated both by the introduction of minimum procedures and by the institutionalisation of a warrant appointed by the CNDP.

Finally, a new device was introduced with the conciliation procedure, and a "participation continuum" mechanism was set up to ensure a "participation log".

"Downstream" participation, which takes place after project submission at the final approval stage, has been revised. The 2016 ordinance modernised procedures by providing, for example, the possibility for a single public consultation and developing digital access to participation. The public consultation report is now systematically posted online; digital posts are open to the public. In some cases, a digital procedure for public participation, which does not involve a regulatory instance, may be organised.

1. Commission nationale du débat public

Four years later, it is important to review how they have fared, not only in terms of compliance with the law, but also in terms of the manner in which methods and tools were implemented to ensure that principles have been respected. This presupposes the development of a true culture of public participation and the ability to rely on what can now be described as participation engineering.

What purpose do participation charters serve?

Participation charters can serve two main functions. They can:
– provide a basis for values and principles to which the various actors commit, so that participation can be effective and constructive;
– serve as a reference to guide the implementation of the participation process.

The Public participation charter was created in 2016 with this in mind (figure 4.1).

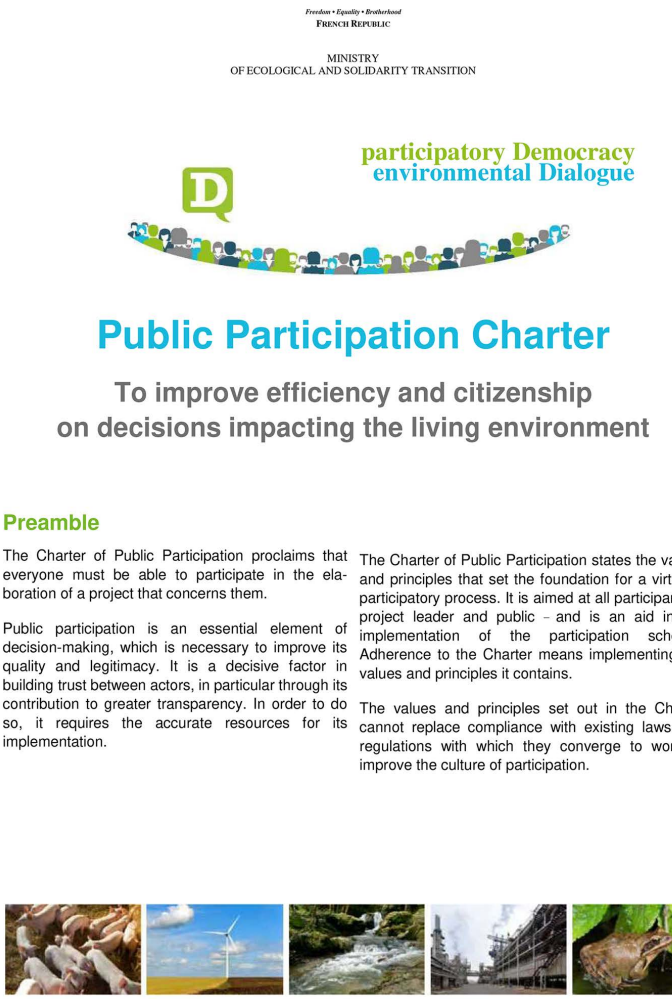


Figure 4.1. First page of the Public participation charter

Based on the principle that the success of participation depends to a large extent on the degree of trust that the parties place in each other, it addresses all participants (project leaders, associations, citizens) and creates reciprocal engagement. The elements contained in the charter are likely to help create and maintain this trust.

A participation charter is aimed at anyone likely to be concerned by public participation mechanisms: project leaders, both public and private, as well as stakeholders who demonstrate interest in the project (community-based organisations, collectives, citizens, companies, etc.), or organisations that help to make participation a reality and promote it (consultancy firms that provide methodological support to project leaders, civic groups that promote public participation, the CNDP, etc.). It thus highlights that good conditions for dialogue are not the sole responsibility of the project initiator, but also of those who come to discuss it with them. The Public participation charter helps provide favourable conditions for this encounter.

Each stakeholder can apply it to their level; for example, a citizen who adheres to the charter may ask a project leader or their local authority to subscribe to this common frame of reference as a framework for discussion, which takes the form of: "I undertake to apply the values and principles of this charter as the frame of reference for our discussion of project X. Are you willing to make the same commitment for the proper conduct of our debate?"

This charter gives substance to the legal principles set out in the Order of 3 August 2016. This is why both texts were drawn up in the same time-frame and were published almost simultaneously. This tool aims to show a coherent and multi-scalar action of the French government, on the two components "hard law" and "soft law", through their mutual reinforcement.

This tool also aims to contribute to the development of a culture of public participation as an essential element in the construction of sustainable projects (Rio Declaration, Article 7 of the 2004 Environmental Charter).

To date, more than 220 structures and citizens have committed to applying it in their participatory mechanisms.

⏩ What can we expect from a warrant?

The role of a warrant (whether an individual or a group of individuals) is to ensure the sincerity and smooth running of a consultation. In concrete terms, I see a "firm part" and a "conditional part" in the implementation of this role.

The "firm" side entails ensuring the transparency and completeness of information, making sure that the project leader responds to questions raised by the public. It also means applying the standards for qualitative dialogue that the CNDP has set: independence, neutrality, transparency, equal treatment, argumentation. Further, the warrant can also be seen as a facilitator, or as an advisor on consultation methods, so that they are well adapted. Some stakeholders may even expect mediation.

The listing of these different qualities and abilities highlights how difficult it is to put them all together in one person.

Above all, I see the figure of the warrant as a decisive step forward in bringing the dialogue to a certain level of quality. The warrant is there to guarantee the process

itself, and not to take sides on the substance. Paired with the charter, the warrant is a good match for creating a favourable consultation framework.

However, care should be taken to avoid extending the list of what is expected from a warrant. The success or failure of a consultation does not reside with them. They play an important role, but this should not absolve anyone of their responsibilities.

It seems to me that the issue of guaranteeing processes questions, in a much more global way, a constantly increasing need for security and control in public decision-making. This is undoubtedly a corollary of participation: I will get involved if and only if my invested time and energy "serves a purpose". Yes, but what purpose? I cannot go into too much detail here, but let us bear in mind a few obvious points: firstly, we will never get everyone to agree; secondly, the studies and forecasts we make here and now with assumptions in 2020 are unlikely to come true in the end (see Nassim Nicholas Taleb's The Black Swan[2]). We should therefore collectively adopt a modest approach, as there is an inherent element of uncertainty in any project that cannot be deconstructed by studies or by a guarantee mechanism. And given the complexity of the problems that humanity is now facing, even if only considering the management of "common goods", it seems necessary to learn to live with this element of uncertainty, and therefore of risk.

⏩ In your opinion, is France ahead or behind other countries in terms of public participation in the environmental sector?

The political-administrative organisations of different countries are so specific and so diverse that I do not think it is possible to objectively elaborate comparison criteria to compare public decision-making systems.

For instance, can environmental management in a federal state really be compared with that of a country like France? Structurally, we are not organised in the same way, the responsibilities of the different levels of decision-making are not the same, and the public decision concerning a railway project, a wind turbine or a public policy linked to the management of water resources probably does not follow the same process in one country as in another.

And this is without taking into account cultural aspects. This became clear during the Covid 19 health crisis; countries around the world are observing and inspiring each other, but with an ability to accept the extremely different constraints, for example between Asia and Europe.

Clearly, comparison is not reason.

It seems to me that the legal framework for public participation in France is very comprehensive and has little to envy others. Are there many countries that have given constitutional value to the principle of participation "in the preparation of public decisions having an impact on the environment" (see Article 7 of the 2004 Environmental Charter), as France has done? To date, whether at the international level (Aarhus Convention) or in our various codes (on the environment, town planning, mining, local authorities, etc.), it seems to me that direct involvement of citizens in the democratic process is today well established and that we can rely on a globally robust system.

2. Editions Les Belles Lettres, 608 p., 2012 – Penguin Books, 480 p, 2008

In any case, looking back over the last two years, it is evident that public participation is an exponentially growing dynamic. The Great National Debate and the Citizens' Climate Convention have clearly taken these issues to another level.

Apart from these two very strong democratic experiences, there is a real desire on the part of the French government to shake things up. The Interministerial Directorate for Public Transformation has created a Centre for Citizen Participation, the Ministry of Ecological Transition has its own dedicated participation centre, not to mention the creation of a Ministry for Citizen Participation in July 2020. In addition, some of our operators are embarking on very ambitious experiments. The French Biodiversity Office, for example, has considered that since biodiversity is a common good, which belongs to everyone and therefore to citizens in particular, it is normal to think about how to open up the governance of the Office to citizens and to see what role they want to play in the public policies that it carries out. This seems to me to be a very courageous stance, as it accepts to review its frameworks and ways of administering by giving a significant place to citizens, which is not necessarily self-evident in established systems. But surely, the meaning of democracy is also to provide spaces for citizens to take part in the life in society. I believe that these organisations that dare to question what already exists and what seems obvious are also doing the common good by opening up a path for reflection, as is also the case with the National Food Council, which is working on the link between institutional consultation and consultation with the general public.

In addition to these government initiatives aimed at broadening citizen participation, there has been an extraordinary capacity of local authorities to work towards public participation in the environmental sector for some time now, (regional climate-air-energy plans, etc.) and to invent and reinvent participatory democracy.

⏩ Why do you think it is important to include citizens in water management?

If there is one thing that is essential to the survival of the human race, it is water! Through the management of this primary resource, a global mindset can be reactivated: understanding that water is not just about turning on a tap, but rather understanding it as a vital and multifaceted cycle, closely dependent on its relationship with its environment, and integrating deep down the fact that it is a common good.

The notion of "common goods" is also frequently encountered when we talk about public participation and what it should mainly be about. Common goods are those resources that belong to everyone and therefore to no one, or the contrary, and which invites us to take a position that stems from a deliberation, a societal choice. We desperately need for citizens' choices to go beyond individual concerns, to always be made with this understanding that we have a common destiny… This, at the State level, is what is called of public interest.

Maslow's pyramid shows that physiological needs require satisfaction first, and even condition the ability to take into account other needs, including security. Yet, the entire water management system goes far beyond physiological needs alone, however in public participation, it is often necessary to "catch" citizens by what concerns them directly, what affects them, their "attachments", as Bruno Latour would say. It makes sense to go back to what is sensitive, to make people understand that a singular need is in fact a question of the survival of the species.

⏩ With which actors should a culture of public participation be developed and how?

I see developing this culture as a way of revitalising democracy. Public participation complements direct and representative democracy in that it allows citizens to re-enter the public arena on a more continuous basis and with greater power to act. The culture of participation therefore concerns absolutely everyone.

It must be said, however, that this culture is already present, firstly thanks to the regulatory framework which requires project leaders to consult the public, but also thanks to local authorities that have dared to play this hand to the full without the spur of the law.

What is needed at this stage is a change of scale. The demonstrators are there, as are the methods and tools. All that is missing at times is the will.

In order to change scale, the levers that have the greatest power of traction, of suggestion need to be activated. Here, we are obviously talking about education - with more collaborative then competitive teachings, as well as initial and continuous training. But also, and above all, elected officials, who have real powers of transformation, in particular mayors, whose scope for action is more easily identifiable by citizens.

That said, in addition to these great classics—education and elected officials—, I believe that other postures should also be reexamined. I am thinking of the citizens, who sometimes do not realise that administering a country is an infinitely heavy and complex thing. An example would be the Yellow Vests movement[3] which, when it reached a certain critical mass, considered the question of its structure. Who represents the movement? One or more? Appointed or elected? A federal or pyramidal organisation? Who decides what and how? If the Great Debate[4] had one virtue, it was that by confronting themselves with the challenges of democracy, some citizens realised the interest of the institutions already in place. When I say that, I am not saying that these institutions are functioning at their best, as it is obviously increasingly complicated to obtain the assent of citizens to public decisions. However, caution must be taken not to dismiss everything with the sweep of a hand, because our institutions are the result of the long process of democracy.

I am also thinking of the world of research. I am frequently surprised that the academic world, which urges project owners to change their positions, has only marginally found a way to change its own, having only too rarely offered to help shed light on the operational issues raised by major democratic issues. Democracy is being shaken from all sides, some even say it is in danger. So why can't we get the world of research to collaborate with the world of project management in the broadest sense, in order to find the most effective ways of developing a project or a public policy?

3. The Yellow Vests movement is a protest movement that began in October 2018 in France to protest against rising motor fuel prices. The name of the movement comes from the fact that many demonstrators wore yellow high-visibility vests.

4. The Great Debate is a french national public debate that was held in France between january and march 2019 following the Yellow Vest movement. Each french citizen could give his/her opinion about four topics (ecological transition, taxation, democracy and citizenship, organisation of the State and public services) through lists of grievances, exchanges between citizens and mayors, local debates, a website, themed national conferences and regional citizens' conferences.

The critical analysis they can produce is, in my view, largely underused when it remains confined to publications that project leaders do not have time to read. Why is it so hard to sit down at the table with the project leaders to inform their thinking with academic elements that allow for central issues to be reviewed when implementing participation in an effective way? Is legitimacy the result of numbers and/or a random draw? (and therefore, as a project leader, do I invite a large number of people or do I choose to use mini-groups?) What do the social sciences have to say? There is no definitive answer, of course, only arguments in favour of one thesis or the other. But helping, for example, to construct "states of controversy" on major democratic issues such as legitimacy, the effects of a guarantee system, the synthesis of contributions (by hand/artificial intelligence) or others, would help to shed light on what is at stake in the public debate and to make sense of it. I therefore have the greatest respect for those who dare to engage in action research, which is undoubtedly an interesting lever for developing the culture of participation.

Beyond the actors themselves, developing a culture of participation must be based on reference frameworks, which provide the opportunity for coherence and standards. The charter is one of them, but I won't go back over it.

Beware, however, of democratic fatigue, born as much from the multiplication of requests as from discouragement when the link to the decision is not sufficiently evident.

Finally, I would say that beyond the legal texts and reference frameworks, beyond the methods and tools, public participation is above all a form of spirit, an attitude rather than know-how. It is when each person embodies it in their daily life, in their relationship with others, that it takes root.