Inclusive Governance: Public participation in risk decision making

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Part 1

Basics of Participatory Decision Making (PDM)
The Four Functional Systems of Society (Basics)

<table>
<thead>
<tr>
<th>MEANING</th>
<th>ORDER</th>
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<tbody>
<tr>
<td>Culture</td>
<td>Politics</td>
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<tr>
<th>(RE)-PRODUCTION AND DISTRIBUTION</th>
<th>RELATIONSHIP</th>
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<tbody>
<tr>
<td>Economy</td>
<td>Social Action</td>
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Generalizable values and norms

Economic System
  Optimizing allocation and distribution
  • Pareto principle
  • Distributive discourse (bargaining)
  • Rational actor: decision/game theories

Maximizing Utility
  Empathy
  Evidence

Political System
  Sustaining Order
  • Compatibility with universal or positive principles
  • Normative Discourse
  • Theory of communicative action

Civil Society
  Sustaining Relationships
  • Mutual understanding
  • Therapeutic Discourse
  • Social bonding theories

Expert System
  Sustaining Meaning
  • Methodology and Peer Review
  • Cognitive and interpretative Discourse
  • Theories of knowledge management and epistemology

System Dependent Conflict Resolution Models
Four Basic (Sub)systems and their Means of Dealing with Conflicts

- **Scientific Decision Support**
  - Focus on factual knowledge
  - Truth claims
  - Peer Review

- **Economic System**
  - Focus on interests
  - Property rights / Civil law
  - Compensation for external effects (Kaldor-Hicks)

- **Efficiency**
  - Acceptance
  - Fairness

- **Civil Society**
  - Focus on values
  - Mutual understanding
  - Empathy / Personal relations

- **Political System**
  - Focus on collective principles
  - Due process
  - Constitutional law

- **Participation**
  - Mediation
  - Expert Committees
  - Legitimacy
  - Effectiveness
Crucial Questions for Participatory Decision Making (PDM)

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

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

<table>
<thead>
<tr>
<th>Concept</th>
<th>Main objective</th>
<th>Rationale</th>
<th>Models and instruments</th>
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<tbody>
<tr>
<td>Functionalist</td>
<td>To improve quality of decision output</td>
<td>Representation of all knowledge carriers; integration of systematic, experiential and local knowledge</td>
<td>Delphi method, workshops, hearing, inquiries, citizen advisory committees</td>
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<tr>
<td>Neo-liberal</td>
<td>To represent all values and preferences in proportion to their share in the affected population</td>
<td>Informed consent of the affected population; Pareto-rationality plus Caldor-Hicks methods (win–win solutions)</td>
<td>Referendum, focus groups, internet-participation, negotiated rule-making, mediation, etc.</td>
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<td>Deliberative</td>
<td>To debate the criteria of truth, normative validity and truthfulness</td>
<td>Inclusion of relevant arguments, reaching consensus through argumentation</td>
<td>Discourse-oriented models, citizen forums, deliberative juries</td>
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<tr>
<td>Anthropological</td>
<td>To engage in common sense as the ultimate arbiter in disputes (jury model)</td>
<td>Inclusion of non-interested laypersons representing basic social categories such as gender, income and locality</td>
<td>Consensus conference, citizen juries, planning cells</td>
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<td>Emancipatory</td>
<td>To empower less privileged groups and individuals</td>
<td>Strengthening the resources of those who suffer most from environmental degradation</td>
<td>Action group initiatives, town meetings, community development groups, tribunals, science shops</td>
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<tr>
<td>Postmodern</td>
<td>To demonstrate variability, plurality and legitimacy of dissent</td>
<td>Acknowledgment of plural rationalities; no closure necessary; mutually acceptable arrangements are sufficient</td>
<td>Open forums, open space conferences, panel discussions</td>
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Typology of stakeholder involvement techniques and procedures
General Requirements for a Participation Model

- **Fairness**
  - inclusion of all affected parties
  - representation of all relevant arguments
  - representation of all relevant interests and values

- **Competence**
  - communicative ability (able to make claims and challenge them)
  - substantive validity (state of the art in knowledge)

- **Legitimacy**
  - Transparency (internal and external)
  - Compatibility with legal decision making (Anschlussfähigkeit)

- **Efficiency**
Part 2

Application to Risk Governance
WHAT IS RISK GOVERNANCE?

**Governance** refers to the actions, processes, laws, traditions and institutions by which authority is exercised and decisions are taken and implemented.

**Risk governance** refers to the actions, processes, laws, traditions and institutions by which decisions about risk handling are prepared, taken and implemented.
IRGC’s RISK GOVERNANCE FRAMEWORK

Deciding

Who needs to do what, when?

Who needs to know what, when?

Is the risk tolerable, acceptable or unacceptable?

Getting a broad picture of the risk

The knowledge needed for judgements and decisions

Understanding

Pre-assessment

Management

Communication

Characterisation and evaluation

Appraisal
Focal features of risk governance

**Diversity of players**
- *Government*: executive, legislative, judiciary
- *Private*: corporations and economic associations
- *Civil society*: NGOs, civil action groups
- *Science*: expert communities

**Governance Model**
- Inclusive governance (all play a distinctive role in governing risks)
Preferred Perspective for Risk Governance

(Habermasian) Deliberative

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

Rationale: overarching rationality by appropriate discourse structure

Methods: rational discourse, citizen panels, round tables
More specifically: Analytic-Deliberative Approach

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

**Characteristics of deliberative component**
- Based on arguments not on positions or interests
- Key variables: fairness, common good, resilience and capacity building
- Crucial factor: inclusiveness and consensus on rules for closure
The Risk Management Escalator
(from simple via complex and uncertain to ambiguous phenomena)

As the level of knowledge changes, so also will the type of participation need to change.
Stakeholder Involvement at Different Stages

**Pre-assessment:**

*Understanding the situation and the social context*

- Shaping the process (consensus on frames)

  Inclusion of frame-makers; closure by consensus or parallel processing (supported by creative dialogue methods such as open space conferencing)

- Objective: acknowledge different (legitimate) frames and select the ones that seem appropriate to the problem
Stakeholder Involvement at Different Stages

Appraisal: Characterizing our knowledge (water systems and interventions)

• Gathering information and assessing impacts

Inclusion of knowledge carriers; closure by methodology and peer review (supported by hearings, Delphi, etc.)

• Objective: Collect and process all relevant information on the impacts, its wider implications and the concerns that people have
Stakeholder Involvement at Different Stages

Characterization and Evaluation: Evaluation of the present situation and means of intervention

- Deliberating around values/perspectives and assigning trade-offs
- Inclusion of “winners” and “losers”; closure by consensus or due process (supported by deliberative methods)
- Objectives: Becoming aware of the trade-offs involved, making them transparent to a wider audience and making sure that major violations of interests and values are avoided
Management: Selecting intervention methods and monitoring impacts

- Weighing pros and cons of management measures

Inclusion of those directly affected; closure by due process (low ambiguity)

- Inclusion of major value-driven stakeholders and closure by public participation (high ambiguity)

- Objective: Designing effective, efficient, fair and ethically acceptable risk management measures
Part 3

General Conclusions
Summary I

Requirements for Stakeholder Involvement
- Inclusion: fair representation
- Closure: fair competition of arguments
- Legitimacy: input into all phases of risk governance
- Effectiveness and efficiency

Five concepts of Participation
- Functional
- Neo-liberal
- Deliberative
- Anthropological
- Postmodern
Summary II

- Analytic-deliberative model for risk governance
  - Complexity: analytic knowledge discourse
  - Uncertainty: deliberative discourse on distributive justice
  - Ambiguity: moral legitimacy of activity or impacts

- Different participatory requirements for each stage:
  - Pre-assessment: Frames
  - Appraisal: Knowledge about impacts and concerns
  - Evaluation: Fair discourse on trade-offs
  - Management: Social compatibility of measures
**Final Note**

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