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international peacebuilding
advisory team

PUBLIC PARTICIPATION AND CITIZEN ENGAGEMENT.

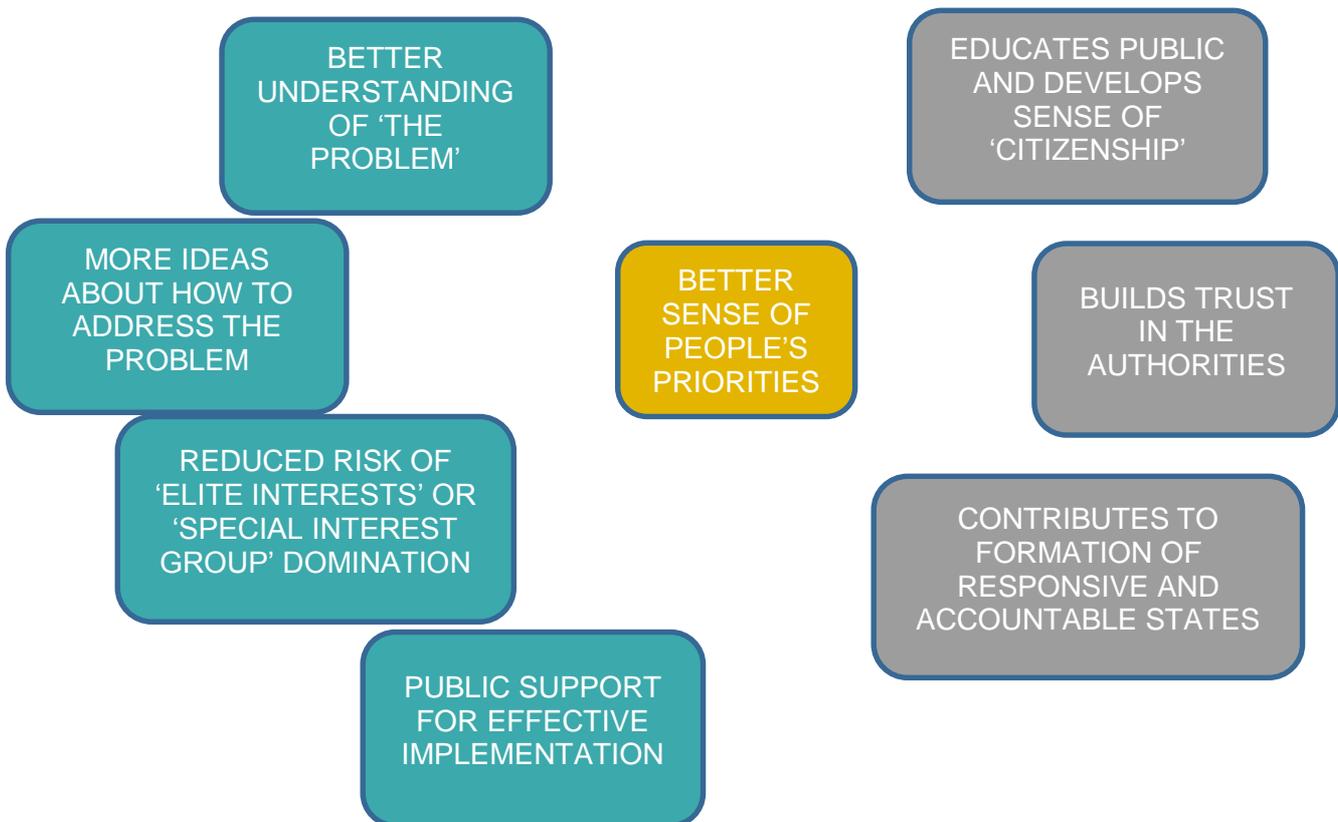
*Effective Advising in Statebuilding and Peacebuilding Contexts – How
2015, Geneva, Interpeace*



1. WHY PUBLIC PARTICIPATION AND CITIZEN ENGAGEMENT?

Most expert-advisers advise on issues of great public importance i.e. the populations at last have a strong interest in the outcomes of policy choices, and of the design and implementation of a variety of public policies and of the institutions that have to deliver them. Yet overall, the level of public participation and citizen engagement in these 'decision-making' processes tends to be low. The public, of 'citizens' is often also very little informed about what is being discussed and decided, even though it is supposed to be 'in the public interest'. That has even been the case about what, in Western states, is the most fundamental expression of the socio-political contract between state authorities and citizens: the constitution. ¹ Similarly, there are still 'security sector' advisers who consider 'security sector reform' a matter of 'specialists', even though public security is often a major preoccupation of citizens.

There are a variety of reasons why active public participation and citizen engagement is considered to bring 'added value'. Among the most important ones are:



- 'Better sense of people's priorities': Governance actors need to deal with everything and in theory at the same time. A sense of what the priorities are for the populations can be a better guide than the logic of national elites and the international development partners for the 'sequencing' that is inevitable. While (capital-city based) elites often think they know 'what the people want', serious participatory exercises tend to show this to be incorrect or at least bring up significant nuances. In the Macedonia of 2003-4 for example, the political elites were totally focused on 'minority ethnic' issues, following a brief violent confrontation with armed groups from the Albanian ethnic minority. Broad public consultations however showed that for the citizens of Macedonia the top priority was unemployment and underemployment.
- 'Better understanding of the problem': 'Solutions' are shaped by what the understanding is of 'the problem'. There is sometimes also not a common understanding of 'the problem' and what its contributing factors are.

¹ There were a lot of handbooks on the substantive options for constitutions. But it took till 2011 before we saw a handbook setting out options for the process of constitution-making and reform (Brandt et alii).

That makes it hard to develop a consensus around ‘the solution’. Extensive public consultations in Mali in 2014 for example revealed that the Malian people do not see ‘the problem’ as the perceived marginalization of the populations in the North, leading to repeated armed rebellions there, but as a generalized ‘state failure’ that affects populations in the centre and south of the country in fairly equal measure.

- ‘More ideas about how to address the problem’: People who are directly affected by a problematic situation tend to have ideas about what would ‘resolve’ the situation for them. Relying only on the ideas of elites and (foreign) technocratic experts, deprives the decision-makers of a great reservoir of potentially creative ideas and suggestions.
- ‘Reduced risk of ‘elite interests’ or ‘special group interests’ dominating the policy priorities and the shape of the public policies’: Active civil society engagement with the relevant parliamentary commissions in Guatemala for example, protected the interests of the public at large against the influence, in new legislation, from private security companies and from the sellers of arms and ammunition.
- ‘Public support for implementation’: Deciding new policies or policy changes or reforms is the ‘easy’ part. The real challenge is ‘implementation’. The ‘implementation gap’ is typically caused by a multitude of factors. But broad public involvement in the understanding of ‘the problem’ and the process to decide a ‘solution’, also builds a broad support base for ‘implementation’, that will continue to urge for the ‘implementation obstacles’ to be overcome. Continued public participation may also draw timely attention to new problems that come up during the implementation itself. Ongoing public participation in Rwanda for example, showed people’s deep unease about too great a concentration of power in the office of the local administrative authority. Some of these powers were subsequently separated.
- ‘Educates the public and develops a sense of citizenship’: Western experts in particular sometimes fail to appreciate that other countries are still in the midst of a historical process of ‘state formation’. There is no ‘state formation’ without the equally historical development of the notion and experience of ‘citizenship’ (see also Hand Out – Strong societies can build strong states). In parts of Myanmar for example, many people in 2015 do not have a sense of ‘citizens’ that –through a reciprocal network of rights and duties- ‘belong’ to the ‘state of Myanmar’. People also need information and develop a sense of confidence before they will start demanding and exercising their rights as ‘citizen’.
- ‘Builds trust in the authorities’: ‘Governing’ is easier when the authorities by and large can trust the citizens – and when ‘citizens’ by and large trust the authorities. Where there is more ‘consent’ there is less need for ‘coercion’. Lack of trust in the authorities is a frequent characteristic of relationships however. Lack of communication (and of perceived transparency, responsiveness and accountability) is one contributing factor to this. Serious public participation can help build that trust. In 2013, an extensive public consultation on the island of Bougainville in Papua New Guinea for example, revealed widespread distrust about how authorities – from the Autonomous Bougainville Government to locally elected assemblies- handle the public funds. A practice of ‘Open Budgeting’ in which authorities inform people about the amount of public funds available, involve them in deciding what to prioritise and how, and subsequently account for the use of the funds, could directly address a major source of distrust.
- ‘Contributes to the formation of responsive and accountable states’: As mentioned, many societies are still in a historical process of state- and citizen formation. A socio-political contract between the ‘governors’ and the ‘governed’ requires processes of interaction and negotiation. Broad and regular public participation and citizen engagement are one form of that, often more effective than representation through members of parliament. Such socio-political contracts are not static: globalization for example changes significantly what national state authorities can do and how they do it. As we see in the Western countries, especially after the financial crash of 2008, also in ‘well-developed’ states the socio-political contracts (e.g. around health care, pensions etc.) have to be renegotiated.

“States are not built through institutions alone. Organised citizens also play a critical role (...)”

“Building cultures and constituencies for change can be as important in the long terms as changes in government policies.”

“Building responsive and accountable states without recognizing and supporting the contributions of organized citizens to the process will do little to bring about sustainable change.”

(Quotes from Gaventa et alii 2008: pp. 1, 3, 4)

2. WHEN PUBLIC PARTICIPATION AND CITIZEN ENGAGEMENT?

Simplifying, one can see some key moments in the public policy process at the national but also at the local level where public participation and citizen engagement are highly relevant and can add value:

- a. Setting priorities;
- b. The debate about the need for and shape of a public policy (i.e. options, design, decision);
- c. The implementation of a public policy decided upon;
- d. The review and evaluation of a public policy that has been pursued for some time.

The most critical moment for public participation and input however is at the time when the need for and shape of a public policy are being debated. This is when ‘the problem’ that the public policy will seek to address is being ‘diagnosed’ and ‘analysed’, when options are considered, and when the actual shape of the policy is being designed in certain detail. The broader public, or those sectors of the public that are or will be affected by the ‘problem’ and how the public policy will try to address it, can meaningfully participate and contribute at this early stage.

Public participation is also relevant during the implementation of a public policy decided upon, for a variety of reasons. The implementation of a broad public policy will bring about further choices, through the interpretations of the general policy, but often also because of the specific circumstances of the environment in which the implementation needs to take place. E.g. a local administration may not have enough resources to fully implement the policy, and hence has to make choices. Public participation can ensure that the local public is aware of these constraints but also broadly supports the choices that have to be made. But public participation is often also required for the state to be able to implement a policy. Without public support, the state can find it very difficult to do much of what it would like to do: it will obviously have difficulty raising certain types of taxes, but also e.g. promote community-policing. If the ‘community’ does not support the local police, the policing will be much more difficult and less effective.

Finally, good practice would suggest that periodically a public policy is reviewed and evaluated: is it being implemented effectively, is it having positive impacts, is it having unintended and unanticipated negative impacts that are serious, does the policy have to be modified, does the implementation strategy require changes?

3. RESISTANCE TO PUBLIC PARTICIPATION AND CITIZEN ENGAGEMENT.

Not surprisingly, both at local, national and even international level, resistance can be found to participatory approaches to public policy processes and governance. Some of the commonly invoked reasons are

- Ordinary people don’t have an interest in this anyway; they are focused on their daily needs.
- Ordinary people do not understand the issues, they cannot have an informed opinion and/ or the technical complexities of the issue is beyond their understanding;
- Participatory approaches take a lot of time and delay decision-making;
- Participatory approaches cost money.

This may be correct, but only looks at cost-benefits from a short-term perspective. That ‘calculation’ may change if we take a longer-term perspective.

A less often admitted but of course not insignificant consideration is that of power

- Opening a decision-making process to public debate is seen as undermining and reducing the authority of ‘key people’.

4. FREQUENT PROBLEMS WITH THE QUALITY OF PUBLIC PARTICIPATION.

There are also frequently recurring problems with attempts to solicit public participation:

a. Problems of participation.

- People do not get enough advance notice that a hearing is being held or that their views can be expressed through some other mechanism.
- Hearings are being held in the capital or in the big cities only, and most people can't get to them.
- People can't afford the transport and the economically 'non-productive' time to go and participate in a public hearing or a focus group.
- The timing for the public consultation is not convenient for many people: they are at work or it coincides with a time of the day that is typically very busy in the household;
- The language in which the issue to be discussed is too complex – people have difficulty understanding what precisely is being asked.
- No local languages are used – many people do not have enough fluency in the 'national language' in which the conversation is taking place.

b. Problems of processing the participation.

- There is no or only poor documentation of the various points, observations and arguments raised by the participants.
- The views of the participants are selectively treated, those that confirm a certain version or option are privileged over opposing views.

Other problems are of a deeper structural nature.

c. 'Invited' participation.²

"Is participation only considered valid if it is state-led, or can grassroots organisations express themselves outside of the framework of formal participatory processes? A government may be genuinely interested in hearing from the grassroots, but if it is only interested in formal participation then these inputs from the people are at its behest and on its terms. Such participation has been called 'invited' participation." (...) Perhaps the most important problem with invites spaces of participation is that they can, paradoxically, serve to demobilize rather than mobilize. (...)... invitations to engage with the government may implicitly or explicitly discredit other forms of expression. (...) The public is invited to act in partnership with the government in a consensus-oriented model, and is not encouraged to engage the government critically. Potentially oppositional civil society is domesticated and brought under control or is simply denied recognition as civil society. (...) Thus the responses of government to anyone who contradicts it are a crucial litmus test for its democratic intent." (Ballard 19)

"Direct democracy": This results from the fact that people do not accept to limit the expression of their views –and feelings- to the mechanisms established by the authorities. They will seek and create other channels of expression and other mechanisms of influence.

"Social movements reject democracy as operating through elected representatives only and pursue a strategy of direct democracy which seeks ongoing accountability." (Ballard p. 20)

d. "Downsized democracy".

"However, citizen participation is often reduced to participation by elite, organized civil society, in the form of predominantly non-governmental organisations (NGOs), business and other interest groups with access to resources. (...) Participation mechanisms that are established to channel citizen input are in the main not accessible to the majority population in societies characterized by inequality, particularly marginalized communities and sectors, and typically do not automatically benefit poor people and groups that have long suffered social exclusion." (Buccus

² See also the Hand Out on 'Understanding and Working with Power' on 'participation by invitation only'.

Special Focus p. 49) In such cases, “the opening of spaces leads merely to the empowerment of local elites, not ...consideration of the voices and interests of the more marginalized.” (idem p. 54).

e. Frustration over ineffective participation.

“Groups at discussion forums to learn of civil society experiences of public participation spoke of mixed experiences of the policy process. Feelings of being sidelined and marginalized, excluded and disempowered overwhelmingly dominated. These were occasioned by not receiving feedback on inputs made in processes, not seeing any recommendations being taken up or any impact from having participated and made input, being co-opted into participating in a process with a pre-determined outcome, being excluded from an ‘inner-circle’ enjoying privileged access to decision-makers and information, and not being recognized as worthy of participating. Concerns were raised at government’s tendency to call for community input at advanced stages of policy formulation, for political buy-in and implementation, rather than at the outset when problems and solutions are being developed.” (Buccus in Special Focus p. 55).

5. WHAT BENEFITS CAN PUBLIC PARTICIPATION AND CITIZEN ENGAGEMENT DELIVER?

Recent research does confirm that, often, regular citizen participation and engagement can contribute to various desirable developmental and democratic outcomes.

- Better development results: e.g. improved health, water, sanitation, education...
- Strengthening of practices of participation: people learn the civic skills, form the relationships and the networks and build the organisations and coalitions needed to make their voices heard;
- Construction of ‘citizenship’: people are more aware of their right to participate, more knowledgeable about legal and institutional references and more confident about their ability to do so;
- Strengthening of responsive and accountable states: improving a culture of and frameworks for accountability; more responsive states are better at delivering services and protecting and extending rights;
- Development of inclusive and cohesive societies: more pluralistic and inclusive societies, bringing new voices and issues into the public arena.

A meta-synthesis of a hundred research studies of citizen engagement in twenty countries concluded that “*citizen participation produced positive effects across these outcome types in 75 per cent of the outcomes studied in the sample, though in each category there are examples of negative outcomes as well.*”

The negative outcomes related to meaningless participation: e.g. tokenistic or manipulated participation; the use of new skills and alliances for corrupt or questionable ends, and elite capture of the participatory process so that power relations in the new spaces reinforced the old hierarchies and patterns of exclusion. There are also risks: that citizen engagement might run into ‘bureaucratic walls’, that policy decisions following public engagement are not implemented etc. And sometimes more serious risks of reprisals, including violent reprisals against active citizens as we have seen, for example, in India, when people wanted to make use of the ‘Freedom of Information Act’.

The international development partners have often sought to promote more democratic politics. The corner stone of this policy have been ‘elections’. We now know that introducing political systems such as ‘multi-party democracy’ with its cycles of ‘elections’, can actually increase polarization and political conflict. We tend to forget that in well-established democracies, the heightened confrontations around elections are countered by a myriad of collaborative networks that cut across political divides, and by a broader ‘democratic culture’. Regular public participation and citizen engagement can help to develop such ‘democratic culture’ or deepen it.

In practice people hold different perspectives on democracy:

- *Democracy is for elected representatives and public sector officials:* This has been called an ‘elite’ model of democracy. “The appeal of participation to those who wish to deepen democracy is clear. Without participation, one is simply left with occasional elections that require a population to aggregate all their concerns and beliefs about the way things should be done into a single mark on a ballot. (...) Elections are taken to be a moment of democratic completeness, rather than just one of the criteria of democracy alongside active citizens shaping their government.” (Ballard p. 17). Such ‘elite’ perspective holds that a vote into office is essentially a political blank cheque for elected representatives to proceed as they see fit. (Ballard).
- *Governance can best be left in the hands of technocrats.* Governance and public policy on a variety of issues requires specialized knowledge and should therefore not be left in the hands of the ordinary citizen. It is a matter for ‘specialists’, ‘experts’, and ‘technocrats’.

- *Governance is a concern of all citizens.* Public participation is designed to narrow the social distance between the electorate and elected institutions. The quality of democracy is directly related to the extent of continuous citizen participation in all matters of governance.

These various perspectives can be categorized as 'representative', 'technocratic' and 'participatory democracy'. In practice these forms should not be seen as an either/or matter, especially not in a 'deliberative democracy'. Proponents of a 'deliberative democracy' emphasise the importance of public debate and public reasoning in the management of public affairs.

Prominent and thoughtful people such as Amartya Sen (2005) and Al Gore (2007) have argued that open, informed, public and civic debate are a major societal mechanism for non-violent conflict management.

"Public reasoning includes the opportunity for citizens to participate in political discussions and influence public choice. (...) While democracy must also demand much else, public reasoning, which is central to participatory governance, is an important part of a bigger picture." (Sen 2005:14/16) Al Gore expresses the same point with references to the "conversation of democracy", "open and free public discussion" and "the marketplace of ideas" (2007:12-13).

Public participation can be argued to be a 'public good' in itself:

- Public participation is designed to promote the values of good governance and human rights;
- Public participation acknowledges a fundamental right of all people to participate in the governance system;
- Public participation requires recognising the intrinsic value of all of our people, investing in their ability to contribute to governance processes;

And yet - many so-called 'democratic societies' are actually '*diminished democracies*' and suffer from a serious '*democratic deficit*'. Citizens are increasingly skeptical and distrustful of political parties and institutions and of corruption. There is declining political participation, one expression of this being low 'voter turnout' at elections.

6. ENABLING CONDITIONS FOR PUBLIC PARTICIPATION AND CITIZEN ENGAGEMENT

Researchers have been examining a wide variety of cases to try and identify enabling and constraining conditions for public participation and citizen engagement. Some of the important variables identified are:

- Political motivation and resources
- Access to information (that is trusted) and the capacities to assess and process it;
- The role of the media and diversity/competition among media
- Civil society capacity
- Broad inclusion in the effort for change (makes elite capture more difficult)
- Strong public information and dissemination strategies
- State-civil society synergy
- Institutionalization of accountability mechanisms
- Mechanisms that incentivize or reward good behaviour and that sanction unaccountable behaviour

Interestingly, positive outcomes of especially associational forms of citizen engagement, also occur in settings that are *not* very democratic. The research found that in many such settings local associations play important roles towards all various development and outcome types. This then argues against a strategy of 'state' and institution-building first'. (Gaventa & Barrett 2010:)

"Not all the burden lies with government: citizens, civil society and community organisations, media, and the private sector must take responsibility for monitoring government efforts and using the law. Without an adequately developed demand side, the law is likely to wither on the vine. In other words, the demand and supply sides must match, and where they intersect will determine the quality of the transparency regime." (Calland and Neuman 2007, cited by McGee and Gaventa 2011: 21)

Successful transparency and accountability initiatives are likely to occur in situations where all or most of following conditions exist/have been created:

- An activated civil society, that connects to state actors and/or enters into the governance space;
- Alliances are formed between different reform-minded state and non-state actors, across the branches of government (legislative, executive, and judiciary) and involving associations, citizen movements, civil society organisations, media, academics etc.

- Such networked and allied reformist actors can eventually shift the balance of power (there will be shifting alliances in a game of moves and countermoves while there is a struggle for domination)
- Where leverage increases and progress and some successes are experienced, citizens and civil society are encouraged and deepen their commitment and/or spread the efforts. (work by Jonathan Fox, referred to in McGee and Gaventa 2011:29)

EFFECTIVE COLLABORATION BETWEEN STATE AND SOCIETAL ACTORS.

We know from broad experience that significant and sustained changes do not happen without broad informal or formal networks/alliances/coalitions among those that support the change. Supporters of the change have to exist within the institutions of the state and within the wider society. That has two implications:

- It is not helpful to see a strong dichotomy between 'state' and 'society', nor to see either as 'homogenous';
- It is not helpful to pursue strategies of 'state building' first.

7. PUBLIC PARTICIPATION ITSELF AS A PUBLIC POLICY.

Public participation by 'invitation' must not be left as an 'option', dependent on the personal preferences and priorities of individual politicians and public servants. Constitutions and other legislative frameworks can make public participation mandatory. This can be through a direct and expressed obligation to promote and pursue participation and also be further enabled through complementary legislation such as the right of access to information. The text box on the next page shows some of the most important constitutional and policy provisions that make public participation mandatory in South Africa.

In New Zealand, the 1977 Local Government Act and its subsequent amendments in 1989 (section 37K), is another example that directs local authorities to promote effective public participation in the process of local government, allowing communities to choose between different kinds of local public facilities and services while also preserving public wellbeing. So we see that local administrations too can choose to promote and pursue public participation and communicate this explicitly.

Constitutional and Policy Provisions and the Right to Participate.

South Africa's constitution has a number of sections dealing directly with public participation. Sections 59, 72 and 118 for example charge both houses of the national parliament and all provincial legislature with the responsibility of promoting public participation.

"The South African Constitution offers the public a commitment to an open and democratic form of governance. Over and above peoples' right to exercise an elective option of choosing their representative, they have a right to exercise influence over all decisions made by government." (Buccus, Special Focus p. 49).

In 2005 the Department of the Provincial and Local Government of the Republic of South Africa drafted a "National Policy Framework for Public Participation."

South Africa has further specific local government legislation, the Municipal Systems Act, providing for community involvement in local development planning and budget processes, monitoring and performance review initiatives (sections 2 and 5).

"This legislation also imposes a duty on municipalities to create a conducive and accessible environment for implementing a continuous systematic process of involving citizens in taking decisions relating to their affairs. Section 4 in particular imposes a duty on municipalities to contribute towards building the capacity of local communities, to enable them to participate in the affairs in the municipality. According to this section, councillors and staff have the active duty to foster community participation through developing a culture of municipal governance that complements formal representative government with a system of participatory governance. Such constitutional and legislative provisions leave no doubt as to the existence of extraordinary political commitment to notions of participatory governance." (Hicks 2005)

The following textbox provides an example of the principles that underpin the policy of public participation in the Douglas County Regional Planning Commission in Colorado, USA.

PRINCIPLES UNDERPINNING THE PROMOTION OF PUBLIC PARTICIPATION IN A LOCAL ADMINISTRATION.

Douglas County Regional Planning Commission, Colorado (USA).

1. All major public policy decisions or large implementation projects will affect many people.
2. Professionals, elected officials, agencies and organizations do not have a monopoly on good solutions.
3. Even if a project or policy decision is sensible and beneficial, it must be arrived at properly and fairly to be acceptable.
4. People are much more willing to live with a decision that affects different interests unequally if the decision-making process is open, objective and considers all viewpoints.
5. Interacting with an official representative of an organization or group may not substitute for interacting directly with the organization or group.
6. Effective public notification and participation takes time and effort, and can be expensive, yet is essential to sound decision-making.
7. Financial constraints should be reasonably considered in designing participation programs.

(From its 'Public Participation Policy Plan' 1999 p. 2)

The Department for Environmental Protection of Pennsylvania State, another public administration service, has its own 'public participation center'

(http://www.depweb.state.pa.us/portal/server.pt/community/public_participation_center/14004)

Public participation can be researched, promoted and monitored and evaluated also in university settings. The State University of Portland (USA) for example, has a Center for Public Participation (<http://www.cpp.pdx.edu/>) while the Univ. of Wisconsin-Madison hosts a "Public Participation Learning Community"

(<http://uwparticipation.blogspot.com/>)

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Extensive research on citizenship and citizen engagement has been led by the Development Research Centers programme on 'Citizenship, Participation and Accountability' at the Institute for Development Studies, Sussex, in the UK. See <http://www.drc-citizenship.org/>

Relevant is also the Building State Capacity video no 7: "Understanding your authorizing environment". 4.41 minutes, with Matt Andrews <http://buildingstatecapability.com/tag/bsc-video/page/5/>

Put together by K. Van Brabant

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