

Centrum för klimat och säkerhet
Rapport 2012:1

Participation in Flood risk Management

An introduction and recommendations
for implementation

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Centrum för klimat och säkerhet | 2012:01

ISSN 1403-8099

ISBN 978-91-7063-384-3

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651 88 Karlstad
054-700 10 00

Print: Universitetstryckeriet, Karlstad 2012

Abstract

Involving interested parties in Flood Risk Management is a crucial and challenging issue. The implementation of the European Flood Directive requires the active participation of stakeholders. But how can this be achieved successfully? This publication gives a brief overview of participation issues in Flood Risk Management in order to prepare for and to assist participatory processes. It provides a synopsis of key issues, findings of literature research and project results in (public) participation in the field of water and flood risk management.

The focus here is on general aspects of (public) participation. This publication describes an understanding of what participation is and gives some definitions of relevant terms. Furthermore the question “why is participation important?” is considered and reasons for and against participation and potential barriers are described. Guidelines for the key questions that should be addressed before a participation process is started are offered and different working steps are explained. Finally, some examples of methods and tools for participation are described.

However, this short description can only give an overview and orientation of this broad field. In fact, each project and process has to be adapted to the respective situation and conditions. Nevertheless, this brochure might contribute to the participatory process in Flood Risk Management and help to involve interested parties as required by the EU Floods Directive.

Table of contents

1 Introduction	5
2 What is Participation?	6
Formal and informal participation	7
Definitions	8
3 Why Participation?	9
Reasons for and against participation	9
The benefits of public participation in FRM	11
Risks and potential disadvantages of Public Participation	12
Barriers to participation processes	13
4 How can participation be achieved?	15
Key questions and working steps	15
Recommendations for participation processes	16
Examples of different methods for different types and sizes of groups	18
References	19

1 Introduction

This paper is a synopsis of key issues, findings of literature research and project results in (public) participation in the field of water and flood risk management. The purpose is to give a brief overview on participation in order to prepare and to assist participatory processes in the methodological approach field of Flood Risk Management (FRM).

The focus is on general aspects of (public) participation and tries to answer the following questions: (1) what is participation? (2) why should participation be done? and (3) how should participation be done? In conclusion, some examples of methods and tools for participation are briefly described. However, this short description can only give an overview and orientation of this broad field. In fact, each project and process has to be adapted to the respective situation and conditions.

Nevertheless, this brochure might contribute to the participatory process in Flood Risk Management and help to involve interested parties as required by the EU Floods Directive.

2 What is Participation?

In any discussion on participation in water and flood risk management, we have to clarify if we are concerned with the formal participation of:

1. Representatives of authorities in related fields such as land use planning or nature conservation and/or
2. Stakeholders like non-governmental organisation (NGOs) and/or people or institutions who/which might be affected by management and planning issues (e.g. nature protection organisation, water users, business or potentially affected citizens) and/or
3. The general public who could be more or less directly affected by water and flood risk management issues and potential impacts by measures.

The EU Floods Directive (EC 2007) is aiming for an “active involvement of all interested parties”. An interested party could be any type out of the three described above.

Generally, it seems to be less common and maybe more challenging to involve stakeholders and the general public in participatory processes than authorities. Therefore, the following description includes all types of participation and focuses mainly on participation of stakeholders and the general public.

Public participation may be defined as the active involvement of citizens in executing common (political) matters, or of members of an organisation, a group, an association and others in common affairs (Schubert and Klein 2001). In a more general context Renn et al. (1995) describe public participation as forums of exchange that are organised for the purpose of facilitating communication between government, citizens, stakeholders and interest groups, and business groups regarding a specific decision or problem.

The EU Water Directors define public participation as follows:

“Public participation can generally be defined as allowing people to influence the outcome of plans and working processes. It is a means of improving decision-making, to create awareness of environmental issues and to help increase acceptance and commitment towards intended

plans. Public participation for the implementation of the Directive [Water Framework Directive] is recommended at any stage in the planning process, from the Article 5 requirements to the Programme of Measures and the design of the River Basin Management Plan”

(EU Water Directors 2003, p 3f)

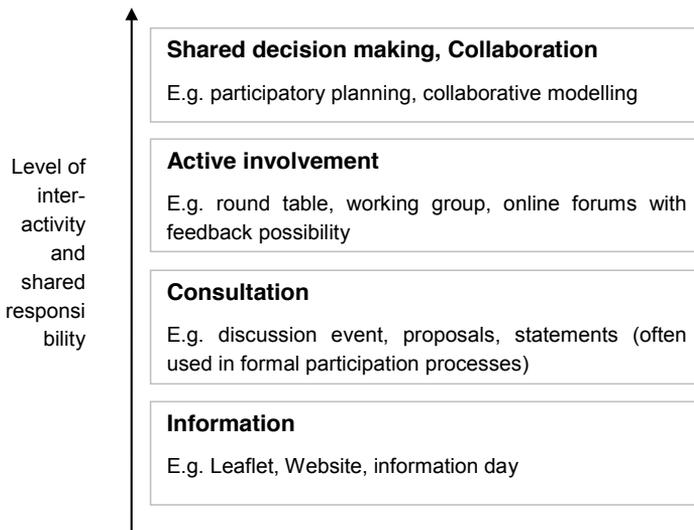


Figure 1: Levels of participation. The figure illustrates four different levels of participation, differentiated along the level of interactivity with and shared responsibilities of stakeholders. It also exemplifies types or methods of participation. However, these examples are not necessarily typical formats for the respective level; in the end it depends on the way a particular method is implemented.

Formal and informal participation

Firstly, there is the formal proceeding of public participation: these are procedures which are legally mandatory and mainly involve processes in urban land use planning or environmental impact assessments. The second proceeding is informal public participation, which entails consultative processes that are not mandatory, for example, in district planning or goal-seeking practices for future development (e.g. citizen juries or collaborative district planning) or water management. In case of the EU Water Framework Directive (WFD) (EC 2000) and the EU Floods Directive (FD), public participation can

be seen as mandatory because information, consultation and active involvement are required or should be encouraged respectively. However, the implementation process itself is not prescribed.

Definitions¹

Public (or “general public”): “One or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organisations or groups” (SEIA Directive (2001/42/EC), Aarhus convention art. 2(4));

Interested party (or stakeholder): Any person, group or organisation with an interest or stake in an issue, either because they will be directly affected or because they may have some influence on its outcome. Interested party also includes members of the public who are not yet aware that they will be affected (in practice most individual citizens and many small NGOs and companies);

Broad public: Members of the public with only a limited interest in the issue concerned and limited influence on its outcome. Collectively, their interest and influence may be significant;

Consultation: Lowest level of public participation if we consider information supply as being the foundation. The government makes documents available for written comments, organizes a public hearing or actively seeks the comments and opinions of the public through, for instance, surveys and interviews. “Consultation” in Art. 14 of the Directive refer to written consultations only;

Active involvement: A higher level of participation than consultation. Active involvement implies that stakeholders are invited to contribute actively to the planning process by discussing issues and contributing to their solution;

Additionally **collaborative decision making** should be mentioned. This term implies a process where all involved persons or parties have equal rights. The negotiation takes place at the same level of competences.

¹ Mainly taken from EU Water Directives (2003)

3 Why Participation?

Reasons for and against participation

Why participation?

“The water users and water polluters need to be turned into part of the solution”

(EU Water Directors 2003, p. 66)

“When it comes down to it, what happens in the river basins is the sum of what actors are doing within the legal framework; but the legal framework alone does not control the actions.”

(Quote from an expert interview partner; Evers 2008)

Why not participation?

“It is really hard to involve inhabitants: sometimes they do not care and sometimes they care too much.”

(Quote from an expert interview partner; Evers 2008)

Many recent legal statements, such as international resolutions (e.g. the Aarhus Convention or the strategic plan of the RAMSAR convention), European Framework Directives² and consequently national laws and guidance, consider public participation an important issue for their implementation. Public participation plays a particularly central role in the entire handling and implementation of the WFD although the expression itself is not used in the Directive. However, the participation of the general public is mentioned in Art. 14 of the WFD in connection with the account of the grounds for the directive. Since the Floods Directive is to be implemented in accordance with the WFD in respect of public participation also, this issue has to be considered.

² The Directive on the assessment of the effects of certain plans and programmes on the environment (SEA) 2001/42/EC (EC 2001) and the *Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information (repealing Council Directive 90/313/EEC)* (EC 2003f) exists, which requires free access to all kinds of environmentally relevant information. Finally, a Directive on public participation (EC 2003a) itself exists to guarantee certain kinds of involvement of the public in planning processes.

The following reasons for participation are formulated in the FD:

CHAPTER V Coordination with Directive 2000/60/EC, public information and consultation

Article 9:

1. the development of the first flood hazard maps and flood risk maps and their subsequent reviews as referred to in Articles 6 and 14 of this Directive shall be carried out in such a way that the information they contain is consistent with relevant information presented according to Directive 2000/60/EC. They shall be coordinated with, and may be integrated into, the reviews provided for in Article 5(2) of Directive 2000/60/EC;
2. the development of the first flood risk management plans and their subsequent reviews as referred to in Articles 7 and 14 of this Directive shall be carried out in coordination with, and may be integrated into, the reviews of the river basin management plans provided for in Article 13(7) of Directive 2000/60/EC;
3. the active involvement of all interested parties under Article 10 of this Directive shall be coordinated, as appropriate, with the active involvement of interested parties under Article 14 of Directive 2000/60/EC.

Article 10

1. In accordance with applicable Community legislation, Member States shall make available to the public the preliminary flood risk assessment, the flood hazard maps, the flood risk maps and the flood risk management plans.
2. Member States shall encourage active involvement of interested parties in the production, review and updating of the flood risk management plans referred to in Chapter IV.

“Public information and consultation” demand that the “member states shall encourage the active involvement of all interested parties in the implementation of this Directive, in particular in the production, review and updating of the river basin management plans”

(FD 2007)

The phrase “public participation” does not appear in the Directive. However, since the FD refers to the WFD, we can assume that the guidance document on public participation (EU Water Directors 2003), which gives guidance for the implementation of the WFD, is also applicable to the FD.

The guidance document distinguishes three forms of public participation with an increasing level of involvement:

1. Information supply
2. Consultation and
3. Active involvement

So, the implementation of the FD is to include active involvement, information and consultation.

The benefits of public participation in FRM

The following points attempt to summarise the key potential benefits that can result from public participation in water and flood risk management. We can distinguish two different directions of benefit: one is more related to the individuals involved in the process and the second is more correlated to the benefit for the general process or output.

Benefits to individuals:

- More transparent and basic decision making;
- Better control of decisions and their implementation and chance to control expert information and administration and strengthen the ability to make judgments on water issues;
- Reduction of the media monopoly on persuasion and influence;
- Empowerment of the public – participants can learn to express their interests, thus gaining influence;
- Participants can enhance their capacity for coping with floods through a learning process;

Benefits to the process:

- Extension of the stakeholders’ (and citizens’) room of action through learning processes, reflection and putting issues in a broader context;

- Social learning and experience – if participation results in constructive dialogue with all relevant parties involved, then the various publics, government and experts can learn from each other’s water awareness;
- Support of a common discourse as a basis for long-term perspectives;
- Less litigation, misunderstandings, fewer delays and more effective implementation and monitoring (by e.g. network of delegates, experts, gossips...) can eventually lead to the most cost efficient solutions;
- Increasing public awareness of environmental issues as well as the environmental situation in the related river basin district and local catchment area;
- Making use of different kinds of knowledge (regional, local, historical, social events), experience and projects of the different stakeholders, thus improving the quality of plans, measures and river basin management;
- Legitimising decisions, public acceptance, commitment and support with regard to decision-making processes;
- Citizens taking over responsibility not only for decisions but also for implementation and realisation of measures (can also be a financial aspect – unsalaried engagement);
- ...

Risks and potential disadvantages of Public Participation

- Potential costs
- Time consumption
- Risk of losing control of the process of authorities
- Domination by certain persons or institutions
- Non-implementable solutions/results
- Exclusiveness of processes (exclusion of important stakeholders)
- Potential conflicts which could lead to “dead ends”
- ...

Barriers to participation processes

Participation processes are impeded,³

if (potentially) affected and interested parties fail to participate because:

- People are afraid of being “pocketed”
- People see other routes as more promising as regards getting their own way
- People do not anticipate any (personal) benefit from participation
- There is a shortage of resources (time, information, money etc.)
- Channels of communication and people’s ability to express themselves are inadequate
- People have already had off-putting experiences of participation

if politicians do not identify with / support the process, because:

- Politicians are afraid that their scope for action and decision may be restricted
- The outcome of the participation process conflicts with the politicians’ general approach

if there is no scope for action / organisation, because:

- Those involved are confronted with *fait accompli*.
- Key decisions have already been taken (“alibi participation”).

if social asymmetries persist throughout the process, because:

- many of those (potentially) affected and interested are not reached; the participation process is not organized in a way that all population segments are in a position to take part
- No specific efforts have been made to reach, invite and support segments of the population who have difficulty in articulating their interests

³ Strategic Group on Participation, 2004; Fischer et al. (2004), Pfefferkorn et al. (2006), summarised in Fleischhauer et al. 2009).

if there is a permanent stalemate, because:

- Some of those involved feel that a participation process would weaken their own position
- Some of those involved doubt that the participation process will lead to a solution acceptable to everyone, so they simply defend their own position tooth and nail

Additional barriers do occur:

- if an unsuitable level is selected for implementation
- if it is not clear what will happen to the results
- if information is missing or is not presented in a comprehensible form
- if sources of friction disrupt cooperative efforts
- if expectations are aroused but not fulfilled
- if the representatives of institutions/organisations are not competent (regarding decision and expertise)

Participation processes are misused / instrumentalised:

- if a single individual, or group, publicly presents solutions that have been worked out collectively as their own achievement

4 How can participation be achieved?

“The more information you give, the more support will come from them [the public]”

(Quote from an expert interview partner; Evers 2008)

Key questions and working steps

Before starting the participation process, some key questions have to be answered and several issues should be considered step by step, for example:

1. Identification of the participation target
2. Analysis of problem/project based boundary condition such as spatial conditions, catchment analysis etc.
3. What kind of participation is needed / recommended?
4. Is there a basis for participation and do decision makers accept and support the participation process?
5. Are there enough resources available to conduct the participation process?
6. Who should be involved and participate? Identification of (core) stakeholders
 - a. on the spatial scale
 - b. regarding official/formal goals to be met for pp.
 - c. concerning stakes and interests
 - d. with regard to problem solving capacities
7. Identification of different phases and goals of participation
 - a. whose knowledge is needed/wanted?
 - b. whose agreement is needed?
 - c. who is a legitimate stakeholder/participant (in which phase of the process)?
8. Identification of different scales and levels of participation
 - a. for whom information is enough?
 - b. who should be consulted?

- c. who should be involved in collaborative decision making?
- 9. Decision on the method and tools for participation
- 10. Consideration if and what kind of evaluation should be undertaken
- 11. Check the potential and means of establishing and maintaining a long-term / ongoing process and/or establishing a network or a group
- 12. The conduct of the participation process

Recommendations for participation processes

The following aspects should be considered as general requirements for successful participation processes:

1. The main prerequisite is that decision makers accept a change of roles from decision makers to persuaders and act as moderators between experts and the general population as the stakeholders. This is the most important and most difficult point. Honesty and transparency are basic preconditions for public participation. “Pseudoparticipation” has to be considered as counterproductive.
2. The communication structure and strategy are crucial in public participation. A multi-channel communication should be realised (not only one type of communication but a cascade of approaches to the public with a variety of instruments). The following factors should be considered:
 - a. The communication structure and strategy should be cooperative, emancipated and integrative; with respect for every participant and take all interests into consideration;
 - b. Consideration of factors influencing the participation practice (context such as history, structure, process such as transparency, trust, flexibility, open process, iteration, and content such as diversity of knowledge, proof, reporting etc.);
 - c. A reciprocal relationship between stakeholders for interaction in their communities (functionality like Discourse Management) should be possible;

- d. Provision of information to learn about purposes and reasons for attitudes of other stakeholders/stakeholder groups and users is of interest to participants;
 - e. A gender and diversity sensitive and diversified approach should be realised to reach and include different societal groups. Different milieus should be addressed, groups and different communication measures tailored for individual milieus (different milieus oriented along main milieus). Target group specific information in different formats and tools should be provided;
3. Personal permanence of contact persons to build a sustainable structure and trust among participants and to reduce redundancies or waste of time and energy;
 4. It must be clear how participants can influence the planning process. It should be made clear that the system will give people the “right to know”, “right to object” and the ability to “participate in actual decision making”. Information about ways and scope of participation (how, when, what influence participants have, schedule, who is involved et cetera);
 5. Encouragement of self organisation; the more the participants have direct contact and exchange with one another and the more active they are, the more sustainable the process generally becomes. This means a new kind of process attendance where the focus lies more on facilitating than guiding through the procedure. So participants cannot only “nod something through” but can/have to demand information on certain aspects, have time to discuss it for as long as they need and want to, and so on. This method supports the responsibility and influence of the stakeholders/public and promotes social learning / and empowerment;
 6. Gain new target groups by using new media (young people, business people, people living in the countryside);
 7. Provision of instruments for active participation (Web forms, forums, chats etc.) and multi-channel-communication (online participation, offline meetings, small groups, online and offline inquiries, terminals etc.) for different social milieus;
 8. Internet and e-participation tools can/should be used with
 - a. Always up-to-date and understandable information which is permanently accessible;

- b. Information which gives profound and clear visualisation (with different kinds of visualisation);
 - c. Provision of interactivity and possible feedback;
 - d. Possibility of cross-linking and dialogue between the stakeholders;
9. Transparency: information about who is involved, how the comments are used, how the decision structures work are important;
10. Explore the decision problem from various perspectives;

Examples of different methods for different types and sizes of groups

Table 1: Potential methods for participation processes for different types and sizes of groups. Extract from ERANET-CRUE project IMRA – internal document (IMRA 2010), modified by the author.

Methods for small groups (15 people) (mainly face-to-face)	Methods for medium sized groups (20-30 people) (face-to-face and/or online)	Methods for larger groups (face-to-face and/or online)
Round table	Citizen jury	Agenda conference
Consensus conference	Consensus conference	Citizen jury
Dialogue	Cooperative discourse	Citizen panel
Future workshop	Collaborative modelling (with face-to-face-workshops)	Collaborative modelling (online)
Mediation	Dialogue	Cooperative discourse
	Fish bowl	Consensus conference
	Future workshop	Fish bowl
	Mediation	Internet forum
	Planning for real	Mediation
	Simulation game	Open space conference
	Workshop	Planning for real
	World café	Simulation game
		World cafe

Please see for detailed descriptions for potential participation methods recommended for different phases of the process the “Planning and implementing communication and public participation processes in flood risk management” by Firus et al. (2012).

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ISBN: 978-91-7063-384-3