PUBLIC MANAGEMENT SERVICE
PUBLIC MANAGEMENT COMMITTEE

INVOLVE THE PUBLIC

Meeting of Senior Officials from Centres of Government on Risk Management
Reykjavík, 22-23 October 2001

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JT00114278

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## INVOLVE THE PUBLIC

### QUESTIONS FOR DISCUSSION

**Why should decision-makers involve the public?**

1. Do you involve the public in risk management, and if so, for what reasons and how do you proceed?

**To what extent should citizens be involved?**

2. Do you consider that there are particular fields where it would be useful to involve the public, and others where involving the public might be inappropriate?

**Involving the public at all stages of the risk management process**

3. In designing a deliberation process, how do you identify and select stakeholders among the public?

4. Do you involve the public at each stage of the risk management process?

5. Please provide concrete examples of cases where decision-makers (or civil servants) have been held responsible for a risk that has occurred.

6. More generally, what lessons and insights on stakeholders’ involvement can you offer to others?
I. Decision-makers stuck between citizens’ expectations and their potential liability

Being under the watchful eye of the public

1. Citizens’ expectations concerning the need for quick and efficient government response to avoid or overcome current and future risks have become very high. Indeed, citizens tend to consider that exposure to hazardous situations is acceptable, only if there is a personal choice in deciding whether or not to subject oneself to these hazards (e.g. personal risks on the roads). On the contrary, collective risks are barely tolerated, regardless of the anticipated degree of risk. Citizens have an increasing aversion to any perceived risk in the public domain. Accordingly, decision-makers, who are accountable to citizens for their actions through elections, would like to respond to citizens’ expectations and to take actions to reduce risk probability.

And dealing with liability

2. But, on the other hand, they are increasingly liable for their actions and their consequences, for instance the damages caused. Thus their traditional capacity to deal with potential risks is increasingly challenged by the threat that they might be held liable for the consequences of a decision they had made or, on the contrary, for a decision they should have made.

AIDS and liability

At the beginning of the 1980s, many politicians in Europe turned a blind eye to the potential risk of AIDS as they considered there were only a few cases in the homosexual population. In the 1990s, decision-makers were judged for their inaction when they were aware of the possibility of contaminated blood transfusion.

Trying to find a solution

3. In face of uncertainty and high levels of scientific disagreement, one potential response is to be prudent and not to proceed with a particular action if there is some chance of its leading to significant danger. Precautionary approaches imply that decision-makers should act in advance of scientific certainty to protect the environment from incurring harm (for further detail, see the issues paper on “managing risk”).

4. As scientists cannot know all the answers about risks and decision-makers do not want to be held responsible for their mistakes, decision-makers tend to involve citizens more and more in risk management in order to determine which risks are worth taking. Sharing responsibilities with citizens should not be seen as a way to shift the blame for difficult or unpopular policy decisions. Decision-makers should regard information, consultation and participation as a way to improve decisions but they should keep in mind that citizens consider that it is up to decision-makers to take the responsibility.

5. Today, major decisions on complex risk issues involve both scientific and value-laden elements through early and ongoing dialogue among stakeholders. Citizens may bring information and perspectives to the table that are critical to the decision process. Furthermore, they are essential to building
trust in the decision process. Therefore an ongoing exchange of information and ideas between risk managers and the concerned public is fundamental to the overall risk management process.

II. Involving citizens: from information to participation in the risk management process

Why should decision-makers involve the public?

It could be argued that in a society that builds on representative democracy the decision-makers by definition represent the value of their voters. However the values involved in risk issues are not automatically apparent – for this to happen transparency must be secured by procedures that involve members of the general public. Thus citizens’ involvement is crucial to reach decisions which best reflect the opinion of the general public. There are three rationales for the desirability of public involvement:

- An ethical rationale: the public should be involved because they are the ultimate source of values in society, and these values should be expressed in decision-making.
- A political rationale: public involvement strengthens the stability of decisions as it allows a broader responsibility for decisions.
- A rationale about knowledge: experts and politicians should involve the public because they possess knowledge, which is different from the knowledge of experts and politicians.

Furthermore, when citizens participate in a risk management decision, they are more likely to accept it for three reasons:

1. They have instituted changes that make it objectively more acceptable.
2. They have got past the process issue of control and mastered the technical data on risk; that is, they have learned why the experts consider it acceptable.
3. They have been heard and not excluded, and so can appreciate the legitimacy of the decision even if they continue to dislike the decision itself.

The emergence of new participative processes aims at capturing values through the creation of small public spaces where citizens can discuss the issues with each other, scientists and decision-makers. These processes need to be mapped so as to show in which way they can contribute to more informed decision-making, according to the following dimensions:

1. Potential to provide transparency: capacity to evaluate facts, values and authenticity and stretching capacity.
2. Extent of public involvement: if the procedures are interactive with the public, if they allow the public to set the agenda.
3. How “the public” is represented, e.g. with individual stakeholders, open to all, or with political decision-makers.
4. The role in the decision-making process: purely informative, advisory or part of formal decision-making.
5. Consensus building or adversarial in character.

(Source: Andersson, Transparency and public participation)
To what extent should citizens be involved?

9. Different levels of public participation in decision-making can be defined, ranging from information to active participation. Governments seek to inform, consult and encourage active participation by citizens in order to enhance the quality, credibility and legitimacy of their policy decisions.

- **Information**: a one-way relationship in which government produces and delivers information for use by the public. It covers both “passive” access to information upon demand by stakeholders and “active” measures by government to disseminate information.

Informing can refer to very different attitudes from the public authorities. It can mean giving the right to citizens to access information in principle but not trying to facilitate it despite the bureaucracy; or taking active measures to help citizens to get information (portals on the Internet, information campaign, public disclosure of data, telephone help desk etc.).

**An example of active information: food safety**

A number of OECD countries have adopted measures concerned with sharing information on the safety assessment of GM foods with the public. These include: inviting public comments on reports containing safety evaluations by scientific assessment bodies; disclosure of data used in safety assessments to support applications, especially on the Internet; application of results of meetings of safety assessment bodies; development of food labelling or appointing consumer representatives to committees responsible for safety assessments.

*Source: Report of the task force for the safety of novel food and feeds*

- **Consultation**: a two-way relationship in which stakeholders provide feedback to government. It is based on the prior definition by government of the issue on which their views are being sought and requires the provision of information.

- **Active participation**: a relationship based on partnership with government, in which stakeholders actively engage in the decision-making process. It acknowledges a role for stakeholders in proposing policy options and shaping the policy dialogue – although the responsibility for the final decision or policy formulation rests with government.

*Source: OECD report on Citizens as Partners*

As for active participation, the question is to know to what extent stakeholders should be committed in the decision, especially when dealing with risks that have a strong ideological background like nuclear policy.

**An example of participation: the Round Table on Nuclear Policy in Japan**

The Round Table on Nuclear Policy has been taking place since 1996 in Japan in order to democratise nuclear policy-making. From the perspective of participatory policy analysis, the aim of the Round Table is to improve the quality of policy advice given to policy makers under existing political and administrative systems. There are some problems, but it contributes to the consensus-making process.
10. Involving the public in decision-making might lead to further erosion of citizens’ trust if they discover that their efforts to be informed, provide feedback and actively participate are ignored or have no impact at all on the decisions reached. Some governments might involve the public so as to:

- defer difficult decisions through extended discussions and debate;
- stave off protests and deflect criticism by launching consultation without any real intention to incorporate the results;
- respond to international peer pressure by introducing “cosmetic” measures to improve the interface with citizens without fundamental changes in traditional policy-making processes.

Involving the public at all stages of the risk management process

11. The identification of stakeholders among the public is the first step in order to involve them at all stages of the risk management process. Stakeholders include groups that are affected or potentially affected by the risk, risk managers and groups that will be affected by any efforts to manage the source of risk (e.g. decision-makers, community groups, interest groups, local governments, businesses, labour unions, the media, and government agencies). Decision-makers should be aware that some individuals or groups might claim that they are stakeholders without being actually representative.
12. The NRC (National Research Council, Canada, 1996) identified four key considerations in designing a deliberation process, especially to ensure that:

- the participation is sufficiently broad;
- the selection process is fair and perceived as fair;
- participants who presumably represent interested and affected parties are acceptable to those parties as representative;
- participants bring to the process the kinds of knowledge, experience and perspectives that are needed for the deliberation at hand.

13. The next step implies a series of talks with the aim of learning how the various stakeholders perceive risks, gaining knowledge about their information needs and their views on how the risks should be managed. Subsequently a deliberative process might be tailored to the specific needs and knowledge of the stakeholders. Public involvement must be planned and initiated early in a project and continue throughout its lifetime.

14. In the end, decision-makers should keep in mind that deciding what is and is not an acceptable or tolerable risk is a political and societal decision, not a technical one.

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<td>Risk identification</td>
<td>• Identify stakeholders</td>
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<td>• Determine their level of involvement</td>
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<td>Risk assessment</td>
<td>• Consult stakeholders in defining scope of issue</td>
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<td>• Develop stakeholder analysis for ongoing verification and refinement</td>
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<td>• During the risk estimation process:</td>
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<td>- discussion of source and exposure issues</td>
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<td>- communication of results with stakeholders</td>
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<td>- assessment of changes in knowledge/perception in light of new information</td>
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<td>Risk evaluation</td>
<td>• Elicit stakeholder perceptions of the risk and benefits, and the reasons for these, if possible</td>
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<td>• Assess stakeholder acceptability of risks</td>
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Involving the public in decision-making gives more weight to decision-makers’ choices. This complementary approach to risk management should not conceal the fact that decision-makers are the ones who take decisions in the last resort and, accordingly, that they are accountable to the public for their decisions. Such efforts to introduce elements of participatory democracy in the risk management process are not intended to replace decision-makers’ final decisions, but to complement and enrich their approach.

Indeed, the public considers that decision-makers are elected to take and assume decisions. Both the media and the public tend more and more to look for those who are to blame when a disaster occurs, trying to identify the decision that enabled a hazard to become an actual risk.

A serious mistake in risk management might result from an inappropriate decision during a crisis but also from the absence of a decision that should have been made. Accordingly, politicians might be held responsible for these mistakes as well as high civil servants in particular cases. Being liable for decisions can lead to different types of penalties:

- From a political point of view, decision-makers might not be elected again or, at least, this could damage their reputation both at the national and at the international level.
- From a legal point of view, they can be sentenced to various penalties, ranging from a simple fine to imprisonment.

(Source: Environmental health risk management, a primer for Canadians)