

# Evaluating the success of public participation in water resources management: five key constituents

Gül Özerol<sup>a</sup> and Jens Newig<sup>b</sup>

<sup>a</sup>*Deloitte and Touche Consulting, Silikon Binasi Kat:1 No: 26, ODTÜ-Teknokent, 06531 Ankara, Turkey*

<sup>b</sup>*Corresponding author. Institute of Environmental Systems Research, University of Osnabrück, 49069, Osnabrück, Germany.*

*Tel.: + 49 541 969-2315, Fax: + 49 541 969-2368. E-mail: jnewig@usf.uni-osnabrueck.de*

Received 10 April 2006; accepted in revised form 17 January 2007

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## Abstract

Public participation (PP) is increasingly expected to enhance the effectiveness of water resources management. This is recognized in recent legislation such as the European Union Water Framework Directive. We identify five key constituents that affect the success of PP processes and which can be used as indicators thereof. These comprise: 1) the scope of the participants; 2) communication with the public; 3) capacity building; 4) timing; and 5) financing of participation. They are based on the management of resources—namely time, human and financial resources—and on further aspects that emerge from the utilization of these resources throughout the PP process. Drawing on existing case studies from the European Union and Canada, we demonstrate the applicability of our evaluative scheme. We find severe deficits in the PP cases that can all be attributed to the five key constituents. Although not representative, our analysis points to important challenges for water policy, particularly in the European multi-level context.

*Keywords:* Capacity building; Communication; Financing; Public involvement; Scope; Stakeholders; Timing; Water Framework Directive

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## 1. Introduction

Recent years have witnessed an increased understanding of the value brought about by the involvement of both institutional actors and lay citizens in public decision-making processes (Mostert, 2003). This growing awareness is perhaps best expressed in the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters of 1998. The Aarhus Convention grants citizens and organizations the right to be informed about the environmental matters and to participate in environmental decision making. Thus, more and more

doi: 10.2166/wp.2008.001

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emphasis has been put on designing public participation (PP) and incorporating it into environmental decision-making processes.

Water policy and water governance have been forerunners of this development for several decades (see Delli Priscoli *et al.*, 1998). Integrating social, economic, institutional as well as environmental aspects, integrated water resources management (IWRM) has emerged as a participatory approach for the coordination of water and related resources. IWRM is defined as “the management of surface and subsurface water in a qualitative, quantitative and environmental sense from a multi-disciplinary and participatory perspective” (Jaspers, 2003: 79). The consideration of the values, beliefs and knowledge of the public combined with *classical* expert judgements through PP is regarded as a major component of IWRM. Some even argue that IWRM cannot be achieved without PP (Jaspers, 2003; Delli Priscoli, 2004).

As can be shown by the example of European Union water policy, current developments display a shift towards an integrated and participatory approach in contrast to the 1980s and 1990s, when water policy became highly complex and disaggregated through a number of water-related directives with separate concerns, different and even conflicting methodologies, definitions and aims. By the end of the 1990s, the degradation of water quality and the demands on the part of the public regarding high water quality led policy makers to design a comprehensive and integrative legislation for the management of the EU waters, the Directive 2000/60/EC (Water Framework Directive, WFD) (Kallis & Nijkamp, 2000). Furthermore, legislators felt the need to adapt the legislation so as to reflect the diversity of societal interests and concerns, which has also become manifest in the WFD (Kaika & Page, 2003; Mostert, 2003; Page & Kaika, 2003; Newig, 2005; Newig *et al.*, 2005).

Considering the fact that PP is given high importance for supporting the implementation of water policy at the EU and international level, it is a crucial task to realize successful PP processes and to assure that they make a substantive contribution both for the public and the competent authorities. In this paper, we develop a set of constituents that can be applied to different PP settings with the aim to evaluate their success. While PP can have very different aims and rationales<sup>1</sup>, we will focus in our analysis on its *instrumental* value. We thus follow a major trend not only in the scholarly literature (Heinelt, 2002; Beierle & Cayford, 2002), but also in international agreements such as the Aarhus Convention<sup>2</sup> or European Union policy. Quite specifically, the WFD guidance document on public participation states that “[p]ublic participation is not an end in itself but a tool to achieve the environmental objectives of the Water Framework Directive” (EU, 2002: 6).

We begin, in Section 2, by identifying and explaining five key constituents, which can be used for the evaluation of the success of PP. Section 3 starts with the introduction of the WFD as a piece of legislation that includes PP provisions for water resources management at the EU level. The main features of the WFD including its key requirements, main instruments and the PP related aspects are presented. Further, the application of the key constituents is investigated through the analyses of the results of several surveys and projects in water resources management. The analysis concludes in Section 4 by highlighting those crucial issues where success has not been achieved in terms of the five key constituents and a brief discussion of the current and future situation.

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<sup>1</sup> “Intrinsic” values of PP relate, for example, to aspects of emancipation, legitimacy or an improvement of “political culture” (Johnson, 1997; NWCF, 2005).

<sup>2</sup> Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, Aarhus, Denmark, 25 June 1998.

## 2. Key constituents of public participation

The reasons and motivations that account for the current emphasis on public and stakeholder involvement in water resources planning, policy and management are manifold and complex. In very general terms, PP mostly aims at improving decision making by either enhancing the effectiveness of the decisions, or their legitimacy, or both (Newig, 2005). More specifically, the following objectives are frequently named to justify and motivate PP (Webler, 1995; Ashford, 1999; Harrison *et al.*, 2001; Beierle & Cayford, 2002; EU, 2002; Mostert, 2003; Newig, 2005):

- Increasing public awareness of environmental issues;
- Increased quality of decisions by drawing on lay local knowledge;
- Social learning and developing a shared understanding of the problem dimensions;
- Less litigation, fewer misunderstandings, fewer delays and more effective implementation;
- Public acceptance, commitment and support with regard to decisions and plans;
- Stronger democratic legitimacy of decisions by allowing the public to have a say in and/or an influence on the decisions at stake;
- Social goals such as the building of trust in institutions.

In the European Union context, PP plays a particularly important role for the legitimacy of EU policy. By enhancing the legitimacy of policy implementation through effective PP, the democratic deficit of EU legislation is sought to be compensated (Newig & Fritsch, 2008).

Despite the numerous potential benefits of PP, it is questionable whether every PP activity succeeds in attaining the expected benefits. This contribution therefore aims to develop manageable, practical criteria that help assess the benefits achieved by PP processes. What makes this a particularly challenging task is not only the multitude of objectives that are attributed to PP—as indicated above—but likewise the multitude of levels and instruments.

Three main levels of PP that can be distinguished are: information supply, consultation and active involvement (Arnstein, 1969; Mostert, 2003; Newig, 2005). As the foundation of PP, *information supply* implies that the competent authorities enable the access of the public to (background) documents and information. This allows reaching a very broad public. A more interactive way is *consultation*; that is, members of the public are given the opportunity to express their opinion and concerns regarding plans and other documents. These can be provided either by written comments or by public hearings. Furthermore, surveys and interviews can be conducted in order to gather the opinion of public actors. As a more ambitious instrument, consultation allows for a more intensive involvement of the public, but as this is usually also more costly and time-consuming than the mere supply of information, it is, in practice, most often limited to a selected subset of the general public. In *active involvement*, the public is invited and given the opportunity to actively participate by discussing issues and contributing to their solution (EU, 2002). Through active involvement, public actors are given a stronger opportunity to actually influence decisions, although they might not become responsible for their management. Since active involvement implies a much more intense interaction and communication among all partners, it typically comprises fewer actors than the other levels of participation.

Under the current conditions, there exist no clear-cut procedures for PP that can be followed under every specific context and level. Therefore the tools and techniques used may differ from each other; but

the PP processes should be an integrated part of the decision-making processes (Creighton, 2000; Kallis & Nijkamp, 2000; EU, 2002; Videira *et al.*, 2003; Barreira & Kallis, 2004; Creighton, 2005).

Several approaches have been developed in order to evaluate the success of PP activities. Each PP activity uses a particular process and produces a particular set of results (Beierle & Cayford, 2002). The emphasis of different approaches for the evaluation of success lies either on the process, on the results or on both; there is no consensus on the right choice of these attributes to evaluate success (see Ashford, 1999 for an overview of approaches). For instance, Beierle & Cayford (2002) argue that the process of participation largely affects the success. They define success as “the extent to which PP efforts achieve “social goals” (Beierle & Cayford, 2002: 7), where the social goals include incorporating public values into decisions, improving the quality of decisions, resolving conflict among competing interests, building trust in institutions and educating and informing the public.

Webler (1995) takes a process-based approach for evaluating success and argues that a sound evaluation of PP is not possible only according to the outcome or only according to the assessment of the participants. Instead, he evaluates the success based on the fulfilment of the general goals of fairness and competence during the PP process. Fairness means providing the public with equal opportunities to take part in the decision-making process and equal access to knowledge. Competence is associated with the achievement of personal development and social interaction among the participants (Webler, 1995).

The approaches to the evaluation of success listed above have a social perspective in terms of the goals of PP, which are known *a priori* (i.e. before the PP process begins) and assessed *a priori* (i.e. after the process is over). In this paper, we propose to evaluate the success of PP according to a set of constituents, which can be associated with the entire PP process. Our approach to the evaluation of success is based on the resources that are utilized during the PP process. We argue that PP requires the management of three major resources: namely, time, human (including both the participants and the competent authorities) and financial resources. These resources relate to several constituents, which should be taken into account during the PP process. Furthermore, we argue that the success of PP is related to the degree of effectiveness within the application of the key constituents. Management of human resources includes the constituents about quantity and quality. Scope of the participants is about the quantity of the participants in the PP process. Communication with the public and capacity building are related to the quality of the participants’ understanding and their ability to participate. Timing of participation is considered as the constituent related to the management of time resources during the PP process. Finally, financing of participation is identified as the constituent that is relevant to the management of financial resources allocated to PP process. These constituents and their relationships are given in Figure 1 and are discussed below.

### 2.1. Scope of the participants

Scope can be defined as the range of the participants in a participation process. Although PP may sound like the participation of *everybody*, such a perception can sometimes prove to be not only

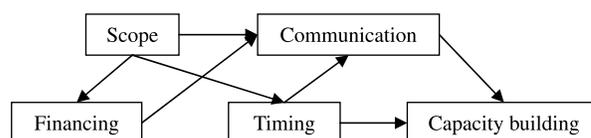


Fig. 1. Key constituents and their relationships.

ambiguous but also useless for tackling the issues. Participants regularly form different “subsets of the public” that change with participation processes (Creighton, 2005: 274). Accordingly, several observations have been made concerning the scope of the participants under different situations (see Aggens, 1998). First of all, in some cases it may be practically impossible to involve *everybody* due to limited time and financial resources. Furthermore the form of PP may not be suitable for involving everybody. Finally the goal of PP may require the inclusion of specific groups from the public, as in the case of conflict resolution. Therefore, depending on the form and the purpose of PP, relevant members of the public should be identified, selected and involved as participants.

The terms public and stakeholders are sometimes used to differentiate the scope of the participants as they refer to different forms of PP. Regarding the usage of these two terms, the definition of PP by Beierle & Cayford (2002) is worth mentioning. They define PP as “mechanisms to involve the lay public or their representatives in administrative decision making” (Beierle & Cayford, 2002: 6), where the mechanisms imply PP techniques, such as town meetings, advisory committees, citizen juries and focus groups. The above-mentioned definition of PP reflects the concern for the scope of PP since it includes the involvement of either the lay public or their representatives. However, they mention that they do not differentiate between PP and stakeholder involvement. The WFD simply uses the term *public* to address the participants of information supply and consultation. In Article 2(4) of the Aarhus Convention, public is defined as “one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organizations or groups” and the term interested party is used concerning active involvement. In the CIS Guidance Document for PP, “interested party” is defined as “any person, group or organization with an interest or ‘stake’ in an issue either because they will be affected or may have some influence on its outcome” and the term “stakeholder” is used as a synonym to “interested party” (EU, 2002: 11). We assume that, in principle, information supply and consultation involves the whole public, whereas it may reduce to stakeholders for specific consultation processes. On the other hand, active involvement is assumed to be more selective since only the interested public groups (i.e. stakeholders) are within the scope.

If the scope of the participatory process involves the whole public, it should be ensured that every member of the public has equal opportunities to reach the information supply and to give feedback, because there are no priorities or differences among the public members. If, however, the scope is limited to certain relevant stakeholders, then it can be expected that stakeholders have different degrees of interest to participate in decisions. In order to assess these degrees, a stakeholder analysis can be carried out at the beginning of a participation process that can also be used in further phases. Stakeholder analyses should include the identification of current organizations, which would represent the interests of stakeholders and therefore need support for doing this (Harrison *et al.*, 2001). The factors that should be considered when selecting the relevant stakeholders include the relation between the stakeholder and the issue concerning the scale and context at which the stakeholders usually act and the political, social and environmental context (EU, 2002).

Through a stakeholder analysis, it is possible to assess the distinguishing features of different stakeholders. Stakeholders have knowledge, experience or aspirations due to the economic, social or cultural relationship that they have with the problem (Harrison *et al.*, 2001). As a result, their contributions will be different. Some stakeholders contribute with their ideas and the information they possess, whereas the others may have more direct interests, such as the land or property that may be directly affected.

In addition to differentiation, stakeholder analysis should be used to prioritize the stakeholders. Prioritization is necessary since some stakeholders may be crucial for tackling an issue in a specific

phase of the decision-making process, or some stakeholders could be able to provide the most useful information regarding the issue at hand. However, in order to ensure transparency and trust, justification of the prioritized stakeholders should also be made (EU, 2002; Videira *et al.*, 2003). For every phase of the decision-making process, the role of different stakeholders should be reviewed. As the process proceeds, some stakeholders may become more affected by others, represent a larger party, be more active, or have more (financial) resources or knowledge (EU, 2002).

## 2.2. *Communication with the public*

Renn *et al.* define PP as “forums for exchange that are organized for the purpose of facilitating communication between government, citizens, stakeholders and interest groups, and businesses regarding a specific decision or problem” (Renn *et al.*, 1995: 2). Given the fact that, communication between the partners of PP can be identified as one purpose of PP, establishment of an effective communication between competent authorities and the public is crucial for the success of PP.

Ideally, communication consists of two-way interactions between the partners (Rowe & Frewer, 2005). However, in the case of PP the balance is in favour of the competent authorities, since they usually possess the information and the public requests that information. Therefore the implementing authorities should restore the balance by creating an environment suitable for two-way interactions. They should be aware of the expectations of the public, be open to the ideas of the public and respond to their requests so that the legitimacy of the PP process can also be ensured (Beierle & Cayford, 2002).

Management of expectations is the basic requirement for an effective communication with the public. Appropriate actions should be taken in order to manage the expectations of the public. First of all, it should be decided before the PP process what the boundaries of the participation will be and what is expected as the result of the participation process. For instance, in the case of a public consultation, it should be clear who is being consulted and about which issues. As for active involvement, the role that the stakeholders will play should be made clear before they are involved. During and after the PP process, necessary feedback should be given to the stakeholders so that they can be able to make their own evaluations (EU, 2002).

Continuous exchange of ideas on the relevant issues enables better communication. Therefore, in order to enable the exchange of ideas, the language that is used throughout the participation process should be clear and the concepts should have the same meaning for everyone involved (Harrison *et al.*, 2001). The quality of the information supply is important at this point. The necessary background information should be accessible, consistent and concise so that the public is encouraged to participate in further activities. The content of information supply should also be objective. If it is subjective or biased, the trust of the public to the competent authorities may be lost (Creighton, 2000). Finally, the confidentiality of the information supply should be ensured. It should be made transparent beforehand how the maintenance and the dissemination of information will be made and by whom. The Guidance Document, for instance, suggests that the information management and dissemination be carried out through a central information centre (EU, 2002).

After having exchanged ideas through information supply and feedbacks, the public should be able to receive financial compensation for the time and effort that they make (Harrison *et al.*, 2001; EU, 2002). This could be managed by communicating with them continuously about the results of their participation, otherwise they may decide that their time and effort are wasted and they may refrain from participating.

Alternatively, as an outcome of the PP process, if the stakeholders observe that the decisions are not implemented or they cannot influence the outcomes, they might feel manipulated and stop participating.

Finally, it is a precautionary approach to evaluate the progress of the participation activities against the objectives that should be set at the beginning (Harrison *et al.*, 2001). Checking whether or not the objectives are met and, if they are not, searching for means of improvement can be included as the stages of the evaluation process. Presenting the results of the evaluation to the public serves the purposes of both reaching transparency and establishing effective communication (EU, 2002; Videira *et al.*, 2003).

### 2.3. Capacity building

Within the context of PP in environmental decision making, capacity is defined as “the public’s ability to understand environmental problems, get involved in decision making and act collectively to implement the change” (Beierle & Cayford, 2002: 13). It is suggested that, through participation, members of the public should be given the opportunity to improve their ability to participate, which implies capacity building.

Since capacity is based on the ability of the public to participate, it can have different levels of impact for different forms of participation. In the case of information supply and consultation, the capacity of the public is adequate if the public can understand and respond to the information provided, regarding the issue at stake. However, more capacity is needed for active involvement, because participation becomes a series of interactions between the stakeholders and the competent authorities. It cannot be expected that all the stakeholders have the necessary knowledge and skills to participate adequately. Therefore PP requires capacity building in order to establish strong relations and a common understanding among the stakeholders so that the individual members of the public become more engaged in the PP process. In turn, the success of PP can be improved.

As a concrete means for capacity building, training activities can play an important role, targeting both the competent authorities that plan and carry out the participation process and the stakeholders who participate. Through training, competent authorities can improve their institutional capacity, which includes their capacity to successfully implement legal PP requirements (Delli Priscoli, 1998).

The development of a common understanding of the decision process and its results is also an important task for setting the rules and principles of participation (Harrison *et al.*, 2001). Such an understanding can be *learned* through capacity building. Hence PP can be considered as a *social learning* process for all the participants and an investment for future PP experiences (EU, 2002; Pahl-Wostl, 2002).

### 2.4. Timing of participation

Well-organized PP requires that the stages of the process are clearly defined. In addition to identifying the scope of participation, for each stage, it should also be planned when the public will participate. This timing depends on the objective of the activity, the expected outcome of PP, the historical and political situation and the results of the stakeholder analysis, if needed.

At different stages of the decision-making process, stakeholders have different contributions to the expected outcome because of their different interests (EU, 2002; Mostert, 2003; Videira *et al.*, 2003).

Independent of the stage at which they participate, the stakeholders should be enabled to participate *as early as possible*. It is suggested that the participation should take place while the problem definition is being made (Creighton, 2005); a task that is valuable in itself. Early involvement ensures that the concerns of the public can be addressed and better decisions and greater public acceptance can be achieved (Mostert, 2003). If the participation of the stakeholders happens late or even after the decision is made, the competent authorities lose the opportunity to benefit from the stakeholders' insight, experience and knowledge and to allow maximum involvement, influence and ultimate acceptance of decisions. After that point it is not meaningful to initiate a PP process (Ashford, 1999; EU, 2002).

Utilizing different forms of PP at different stages of decision making is appropriate for the timing of different forms. It can be suggested that information supply would be more appropriate at the initial stages. As the public develops a better understanding of the process and capacity building is made based on previous experiences, consultation and active involvement can be more appropriate for the advanced stages (Harrison *et al.*, 2001).

### 2.5. Financing of participation

It is inevitable that PP requires allocation of financial resources, because the organization of the PP process creates additional expenses. These expenses mainly include the costs incurred for the organization of participation activities, the involvement of stakeholders and NGOs and the employment of consultants for participation, all of which would not occur in the case of non-participatory approaches (EU, 2002). This situation results in increased management and administrative costs.

A study conducted in 1994 by the World Bank's Learning Group on Participatory Development measured the benefits and costs of their participatory projects (Harrison *et al.*, 2001). According to the findings from 42 participatory projects, which were analysed and compared with equivalents, the principal benefits were identified as increased uptake of services, decreased operational costs, increased rate of return, and increased incomes of stakeholders. But the absolute costs of participation were greater, though they were offset by benefits. For the sake of transparency, the public should be made aware of these additionally incurred costs from the beginning, even if these costs are expected to be more than compensated by their mid- and long-term benefits.

PP activities create additional costs on the side of the participants, too. The public should be financially supported for the costs of activities, which are incurred specifically during the participation efforts of the public (Harrison *et al.*, 2001). If a stakeholder analysis is made, the results of the analysis can be utilized to discover which stakeholder groups lack the financial resources to participate (Mostert, 2003). Furthermore, during the organization of PP processes, the locations that are chosen for PP should be close to the public to be involved. Both the financial and human resources constraints should be taken into account when choosing the location (EU, 2002).

## 3. Application of the key constituents

In the following, a number of water management cases are analysed with respect to their application of the key constituents. The first three cases portray results of surveys and projects that were carried out

across Europe, while the final case study investigates the barriers to participation in a Canadian environmental assessment.

### 3.1. *Public participation in water resources management: The case of the WFD*

Considering its requirements, the WFD constitutes a major piece of EU legislation for implementing a water policy in line with the principles of IWRM. The basic requirement of the WFD is the determination of river basins as the relevant management unit rather than the administrative or political boundaries. Naturally, some of these river basin districts (RBD) are transboundary. For each RBD, a river basin management plan (RBMP) must be established and updated every six years. The ultimate objective of the WFD is to achieve a ‘good status’ for all EU waters, including ground, surface and coastal water, by 2015.

PP is considered as “central to the WFD and its implementation, and a key element for a new water management era” (WWF & EEB, 2004: 29). The emphasis put on PP regarding water management is supported by the idea that PP constitutes a tool that bridges the discontinuities between the geographical and administrative boundaries (Delli Priscoli, 2004). The administrative boundaries usually possess a fragmented structure in the sense that the water resources, in particular the rivers, are partly covered by different administrative units. This situation creates a need for the coordination of different administrative units regarding the management of whole water resources in the geographical boundary of the river basin. Through PP, the knowledge and views of stakeholders from different geographical and administrative regions in the river basin are brought together. Hence it becomes more likely that a comprehensive perspective of the whole river basin is achieved and all feasible options for management are duly considered.

Documents related to the WFD give definitions of PP as follows: “Allowing people to influence the outcome of plans and working processes” (EU, 2002: 11); “The process of ensuring that those who have an interest or stake in a decision are involved in making that decision” (Harrison *et al.*, 2001: 2).

Several provisions of the WFD address the emphasis put on PP. Article 14 of the WFD, which is the key PP provision, introduces three main forms of PP: namely, information supply, consultation and active involvement. Whereas information supply and consultation must be “ensured” by the member states, active involvement is only to be “encouraged”. While information supply must continue during the whole implementation period of the WFD, consultation has to take place in three different stages. Secondly, Preamble 14 of the WFD points out the role that PP will play for the overall success of the WFD. Thirdly, Preamble 46 of the WFD emphasizes the importance of informing the public properly in order to ensure their participation. Finally, Annex VII addresses the requirement that the river basin management plan should summarize the PP measures taken, their results and their impact on the plan, and that the river basin management plan should include details on where and how background information can be obtained.

Despite the ambitious PP provisions of the WFD, previous experiences show that the competent authorities experience difficulties in meeting these requirements. Therefore, PP is considered as the most pressing and problematic issue in making sure that the WFD will be promptly and adequately implemented (Harrison *et al.*, 2001). Furthermore, the WFD, which is to be implemented in all member states and EU accession countries, provides only a framework structure, while specific regional conditions may require specific measures. In order to harmonize and facilitate its implementation and to

fill the gap between the text of the WFD and its actual implementation, the process known as Common Implementation Strategy (CIS)<sup>3</sup> was developed and the CIS Guidance Document for PP has been prepared as an attempt to ease the implementation of the PP requirements of the WFD (EU, 2002).

We examine several projects portrayed in Annex II of the CIS Guidance Document, which address problems encountered during PP processes and “lessons learnt” (EU, 2002)<sup>4</sup>. We investigate the connection of these problems to the key constituents as given in Table 1.

The experienced problems are related to several constituents. In the first and the second project, the public was invited to participate only after the discussions had already taken place. This is a result of discarding the principle of involving the public as early as possible and it is related to the timing of participation. Lack of knowledge and trust are major problems in the third project, which are related to capacity building and communication with the public, respectively.

### 3.2. Reports of the Water and Wetland Index Project

We have analysed WWF’s Water and Wetland Index (WWI) project, investigating several reports of this project in terms of the key constituents of PP.

The first report is an assessment of the WFD implementation process in 23 EU member states and several other countries using a survey (WWF, 2003b). The analysis shows that every country carries out some form of PP. For instance, there are several activities for information supply and consultation. The level of information supply is surveyed on the basis of targeted information events (seminars, workshops, etc.) and the number of information tools (web pages, leaflets, etc.). There are also ongoing consultation processes. Furthermore, the majority of the countries claim that they at least partially identified stakeholders to be involved in PP activities, which could be the beginning of a stakeholder analysis. In almost half of the countries a committee is established for active involvement of stakeholders. Moreover, the CIS Guidance Documents are tested in several pilot river basins (PRB), although the testing process is not going as planned (see also WWF & EEB (2004) for a detailed analysis of the PRB testing of the CIS Guidance Documents). On the whole, these activities are not satisfactory owing to several problems which are shown in Table 2.

Table 2 demonstrates that the countries included in the survey have many problems related to all the key constituents. On the one hand, the majority of the problems are about the scope, timing and communication constituents, which require changing the concerns of the competent authorities in favour of broader, earlier and clearer participation principles, respectively. On the other hand, solving the problems that are related to capacity building and financing is critical for the successful realization of further PP activities.

Another study of the WWI project examines six cases from Europe, which are considered as “bad examples of water management” (WWF, 2003a). Among those cases, the Austria case is related to the implementation of the PP requirements of the WFD. It includes the legal transposition of the WFD into national law before the end of 2003 in accordance with the requirements of the WFD. It is stated that the

<sup>3</sup> Common Implementation Strategy for the Water Framework Directive (2000/60/EC), Strategic Document as agreed by the Water Directors under Swedish Presidency, available from: [http://ec.europa.eu/environment/water/water-framework/facts\\_figures/guidance\\_docs\\_en.htm](http://ec.europa.eu/environment/water/water-framework/facts_figures/guidance_docs_en.htm) (last accessed 26 March 2008).

<sup>4</sup> Detailed (bibliographic) information on these example projects, not all of which deal especially with the Water Framework Directive, are given in Annex II of the Guidance Document.

Table 1. PP problems of the example projects from the CIS Guidance Document for PP.

Key constituent	Related problems	Project
Scope	There was representation through committees of several members, and not direct participation of the public	River basin management plans (SDAGE), France
Timing	The SDAGE document was made available to the public after its approval, leaving no time for response	
Capacity building	Discussions between representatives of the same organization/authority	
Communication	The asymmetry of information among stakeholders	The local water management plans (SAGE), France
Timing	The participation process was slow, mainly for legal, political and institutional reasons	
Timing and communication	The consultation of the general public was only formal, when the draft was already developed and complete	
	The public could not relate their local experiences to a catchment/river basin scale	
Capacity building	There was often a lack of knowledge and awareness about catchment issues and the ability to make the link between action and impacts	Erne sustainable wetlands cross border, Ireland and Northern Ireland
	The public was not always confident about sitting around the table with specialists and experts	
Communication	There was a real feeling that statutory agencies do not listen to the communities' needs and it would be a waste of time to participate	

Source: Based on EU (2002: Annex II).

government has decided that only the national law on water should be modified according to the WFD. However, this is not regarded as sufficient, because the review of all national legislations has not been officially published and there are a variety of national laws dealing with water management and freshwater protection. The government finished the bill for the new law on water in April 2003 and started the compulsory consultation process. Two problems are observed with the new law bill, regarding the implementation of the PP requirements of the WFD. First, as is the case for the other principles of the WFD, such as good status for all water bodies and integrated river basin management, PP is only partly mentioned in the bill. Second, regarding the forms of PP addressed in the WFD, only the public consultation for the development of the river basin management plans is included. No other PP activities are regulated. Both problems address the fact that PP is not among the concerns of the government, although it is one of the main requirements of the WFD. It can be argued that there is a lack of institutional capacity.

The final report that we examine from the WWI project includes the conclusions and recommendations in relation to water policy across Europe (WWF, 2003c). The results are based on questionnaires, which assessed several issues of water policy at a national level and at the river basin district level. The main conclusion of the report is that PP in water management is poor or very poor in almost half of the surveyed countries. The poorest issues are identified as the lack of information supply

Table 2. Problems related to the implementation of the PP requirements of the WFD.

Key constituent	Related problems
Scope	The committees have a majority of government representatives Environmental NGOs are not always represented in the committees In the committees, the linkage between the representatives and the represented basis should be improved
Timing	The role of the NGOs in the testing in PRBs is not clarified and their involvement is low Meeting frequency of the committees is often irregular In Northern Ireland, the third WFD consultation document was made public with a much shorter period than the recommended 12-week consultation period In most of the countries, testing in PRBs is delayed NGOs are not involved for the testing in PRBs or they could not start working even if they are conducted
Capacity building	In case the committees existed before the adoption of the WFD, they need some capacity building for adapting to the requirements of the WFD Only 30% of the stakeholder analyses include an assessment of training and human capacity needs Only half of the countries have a good or fair level of information There is a need to ensure that the information flow is continuous during the implementation of the WFD and the information is presented in an understandable way to the public with non-technical background as well
Communication	None of the countries provided the public with the results of the stakeholder analysis In Greece, the draft transposing law is provided to the public only upon request and during the consultation, several versions of the same law were present, which caused confusion
Financing	In most of the countries, the stakeholders are not financially supported for participating in WFD-related activities, which is attributed to the fact that financing the activities for capacity building is of no concern for the governments

Source: Based on WWF (2003a, b).

to stakeholders and the quality of means for active involvement of the stakeholders. The problems that are mentioned in this report and that are related to the application of the key constituents of PP are summarized in Table 3.

The content of the problems listed in Table 3 implies that PP practices in the EU are not sufficient to be considered successful. In particular, the problems concerning communication and timing are large both in number and in their implications. They show that PP often remains on *paper* since it cannot be implemented in the way that it was planned. Problems related to the scope and financing address unequal opportunities for stakeholders and imply the limited concern of the competent authorities for the range of involved stakeholders and their financial support. Finally, problems related to capacity building cannot be solved immediately since capacity building is possible through training and learning, both of which demand time from the public and authorities.

### 3.3. A case study from Canada

We will now consider a case study on PP in environmental assessment (Diduck & Sinclair, 2002). The authors identified potential barriers to participation, each of which could be related to the constituents that are mentioned in Table 4.

Table 3. PP problems of the EU's water policy.

Key constituent	Related problems
Scope	The authorities seek the participation of economic sectors more proactively than that of environmental NGOs or research institutions Active involvement of the non-governmental stakeholders in decision-making processes exists in less than 50% of the countries
Timing	Stakeholders cannot contribute to and influence the decision-making process since the participation often takes place only towards the end of the process The background documents are often issued at the end of the decision-making process
Capacity building	The capacity of the stakeholders is not enough to participate The stakeholders lack the necessary knowledge to get involved The information supplied is sometimes too technical to be understood by everybody The content of the information is sometimes very large and unorganised Although the documents are available in theory, they are often inaccessible due to bureaucracy or administrative obstacles It is difficult or takes a long time to access the background documents
Communication	The information supply to the stakeholders is less than the sufficient level In 60% of the countries, responses to consultation and the outcomes of the consultation are rarely published before any progress is made in the decision-making process Some projects, mostly those related to the definition and approval of management projects, have less transparent decision-making processes
Financing	The stakeholders are not financially supported for the participation activities

Source: Based on WWF (2003c).

Table 4. Barriers to participation and their relation to key constituents.

Barrier to participation	Example case	Related key constituent
Information deficiencies	Inaccessible information Overly technical information Incomplete information	Communication
Lack of resources	Need for institutional capacity Lack of knowledge about the project Need for participant funding Unequal opportunities to participate	Capacity building Financing Scope
Lack of opportunities to participate	Manipulation or control of the participation by one or more parties Scarcity of opportunities to have arguments	Communication and capacity building
Lack of impact on ultimate decisions	Lack of openness Foregone conclusions Participants not understanding the project	Communication Timing and communication
Lack of motivation or interest or time	Uninterested participants Busy participants Belief of being adequately represented by others	Capacity building Communication

Source: Based on Diduck &amp; Sinclair (2002).

The authors searched for the existence of the barriers listed in Table 4 through the results of a case study. The case study included two projects, namely the construction of a hog slaughtering and processing facility and a wastewater treatment plant, in Brandon, Canada. Both projects were subject to environmental assessment, which provided several opportunities for participation. However, the involvement of the public was very low. Through interviews and questionnaires, the authors investigated why the public refrained from participating. The responses of the public revealed that the participants were not *uninterested*, but the *foregone conclusion* was the main barrier to participation. Since the public was not involved from the beginning, they believed that the decisions had already been made at the time they participated, and they believed that their participation therefore would not have any impact on the decision. This barrier is related to the constituents of communication with the public and timing of participation. As stated before, public involvement in the project should start as early as possible. Regarding communication, the competent authorities should have made it clear that the participation of the public is taken seriously and that it will have an impact on the final decisions. Lack of knowledge about environmental assessment is identified as another important barrier to participation. Capacity building for the participants would be helpful in preventing this barrier. As a conclusion, each of the key constituents is related to one or more of the barriers to participation. Therefore, it can be argued that, by considering the key constituents during the participation process, those barriers could be prevented and better PP outcomes could be achieved.

#### 4. Conclusions

The aim of this paper was to develop criteria for evaluating the “success” of public participation in water resources management. In line with current international agreements and European Union legislation, our success criteria refer to the instrumental (rather than “intrinsic”) values of PP. We identified five key constituents of PP and assessed their current application within the context of the European Union and Canadian water policy, paying particular attention to the relevant provisions of the EU Water Framework Directive. We argued that these constituents ought to be effectively implemented during participatory processes such that successful results can be achieved and both the public and the competent state authorities can benefit from PP.

The effective application of the key constituents is expected to have substantial impact on the success of PP. The results of several empirical studies show that, in each of these dimensions, severe deficits can be observed. Conversely, all of the problems that were encountered in the case studies can be related to the application of one or more of the key constituents. The major problems extracted from the analyses are as follows:

- *Scope of the participants*: unclear definition of stakeholders, unequal opportunities for involvement, especially on the side of environmental NGOs;
- *Communication with the public*: inaccessible, unclear, insufficient, too much or too technical information; delay or absence of response from the competent authorities; opaque decision-making processes; lack of trust;
- *Capacity building*: lack of knowledge on the part of the public, lack of institutional capacity;
- *Timing of participation*: late involvement of the public, involvement at the end of the decision process;
- *Financing of participation*: lack of financial support for participants.

Considering the results of the analyses, it can be observed that problems of communication with the public and problems of capacity building are encountered more often than the others. However, we do not aim to prioritize the constituents and corresponding problems since each constituent has its own contribution to the success of PP. Rather, it is expected that improvement in one of the constituents will eventually result in a better position of the other constituents, since they are related to each other.

These findings—albeit not representative—highlight significant challenges that current water policy is facing when seeking to implement PP. This concerns the multiple levels of governance, ranging from the competent local authorities to national legislation and, in the case of the European Union, supra-national legislation as well.

Local authorities will be the main implementers of public participation. Contrary to the wording of the Water Framework Directive, which mainly refers to whole river basins as spatial units of PP, both the WFD guidance document and current experience call attention to the importance of local levels (Kastens & Newig, 2007). Local authorities will be the ones to carry out stakeholder analyses in order to clarify the *scope* of participants, to *communicate* clearly and *early* decision issues, and give feedback to the participants. Depending on the respective jurisdictions and competences, local authorities will only partly be able to *financially* support participants.

National policy will have to warrant a favourable institutional environment for PP. Although in the case of the WFD, the legal implementation process has already been completed by national parliaments, EU member state governments are nevertheless in the position to provide the financial means for PP at the local levels. European Union policy should (and partly does already) support PP by financing local and regional pilot projects in its ‘Interreg’ initiatives.

Finally, the building of capacity on the part of the public for participation in local and regional decision processes has the potential to strengthen democratic values that relate to much higher levels. Hence it may well be expected that the legitimacy of political institutions such as those of the EU will profit from participatory governance that was intended, in the first place, to enhance the substantive effectiveness of water policy.

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