Civic Engagement and Public Space: What is it and Who is responsible?

For the purposes of this paper, civic engagement is understood to be the attempts by individuals or groups to infuence policy-makers and decision-makers involved in public places – public space, the public realm and the urban design and masterplanning of those areas.

Dr Henry Tam¹ has emphasised a distinction between the two current interpretations of the phrase: "the term civic engagement is often used to refer to two quite different things. One is volunteering and helping strangers. The other sense, quite different, is about democratic participation. You can do one without the other. Many analysts tend to conflate the two, and a lot of policy development tends to give support to one in the name of helping the other" (House of Lords, UK: Select Committee on Citizenship and Civic Engagement, 2018, p10; para12)².

In this context, there is no single entity clearly idenfied as being 'responsible' for civic engagement. Central government often depends on it, seeks and encourages it, and sometimes creates frameworks for managing it; local and regional government, cities and municipalities, designers, commissioners, 'free-floating' campaigners galvanising others into action – all could be credited with being the driving force behind a mobilised and engaged civic people to create public places and deploy their passion to motivate and mobilise people towards social cohesion and productive outcomes. Each should clarify its meaning and purpose for them, or they risk it becoming an empty rhetorical declamation, with little substance.

This confusion within civic engagement, as a concept, is apparent across Europe; in April 2010 <u>Citizens Lab</u> published a paper, *Mapping New Forms of Civic Engagement in Europe* exploring how European citizens are actively seeking alternatives to the estbalished wisdom of *civic engagement and participation* and how they can engage in the decision-making processes that *'reflect the real concerns'* of humans in their habitats³. Research was based on nine countries – Sweden, the United Kindgdom, Poland, Hungary, Croatia, France, Spain, Portugal, and Greece.

Common themes emerged – people-centred approaches to civic engagement were recurrent in all country profiles; social issues had become politicised and vice versa; proximity politics and locality; the idea of *'the Commons'* – that resources and heritage of a given society should be held in common, or at least used widely, rather than privately-owned) and in turn, the growth of civic engagement to influence the discourse from a voluntary base, rather than only in the context of formal public consultation.

¹ Formerly Director of Cambridge University's Forum for Youth Participation and Democracy, and prior to that the Government's Head of Race Equality

² The Ties that Bind: Citizenship and Civic Engagement in the 21st Century, House of Lords 2018 (<u>https://publications.parliament.uk/pa/ld201719/ldselect/ldcitizen/118/11802.htm</u>), p10

³Mapping New Forms of Civic Engagement in Europe, MItOst/CitizensLab, 2010, p5

One of the more notable tendencies was for the '*floating*' nature of engagment – in the Prologue, Yael Ohana notes that the historical importance of belonging to a formal organisation is no longer as important to civic engagement. Rather, this '*belonging*' has been replaced by '*free-floating*' participants who engage in projects or campaigns when they consider them important, and on more issues, for less time, but not necessarily less intrusively.

Of significance, in this context, is the inclusion of the acknowledgement that when country profile authors were asked a specific question about Europe – '*What is their relation to Europe and European values?*' – their answers pointed to a European civil society which was no longer being bound together by the glue that was Europe.

Indeed, some of the observations by profilers went as far as criticising European institutions and European integration. Profilers were found to be focused on their local concern, unaware of any potential support to their causes elsewhere in Europe and the extent of benefits of any collaboration.⁴

In seeking further answer(s) to this question, we examined the UK standards or protocols. On 27 June 2017, the United Kingdom's Select Committee on Citizenship and Civic Engagement was appointed by the House of Lords with the remit "to consider citizenship and civic engagement". The Committee has prepared a report which sets the out the challenges and makes several observations, one of which is the use of the term civic engagement.

Evidence submitted to the inquiry suggested a lack of coordination across Government, a lack of leadership – or identified responsible department or individual – resulting in a lack of long-term commitment to initiatives. Early in the report, the Committee states "We believe that coordination of policy would be helped if a single minister in a single department, presumably the Ministry for Housing, Communities and Local Government, was given responsibility for coordinating all matters related to citizenship and civic engagement" ⁵ (Select Committee on Citizenship and Civic Engagement, 2018, p12;para 22) and sets out how this could be achieved in the concluding chapter Summary of Conlusions and Recommendations ⁶ (p123-129; para 1-79).

Defining "public space"

It is generally accepted that a **public space** is a place that is generally open and accessible to people. <u>Roads</u> (including the <u>pavement</u>), <u>public</u> squares, parks and <u>beaches</u> are typically considered public space.

⁴ Mapping New Forms of Civic Engagement in Europe, MItOst/CitizensLab, 2010, p5-15

 ⁵ The Ties that Bind: Citizenship and Civic Engagement in the 21st Century, House of Lords 2018 (<u>https://publications.parliament.uk/pa/ld201719/ldselect/ldcitizen/118/11802.htm</u>),p12
⁶ The Ties that Bind: Citizenship and Civic Engagement in the 21st Century, House of Lords 2018

⁽https://publications.parliament.uk/pa/ld201719/ldselect/ldcitizen/118/11802.htm), p123-129

To a limited extent, government buildings which are open to the public, such as <u>public libraries</u> are public spaces, although they tend to have restricted areas, opening times and greater limits upon use.

Although not considered public space, privately-owned buildings or property visible from sidewalks and public thoroughfares may affect the public visual landscape, for example, by outdoor advertising. Recently, the concept of <u>Shared space</u> has been advanced to enhance the experience of pedestrians in public space jointly used by automobiles and other vehicles. This part of the paper focuses on public space and the role of engagement, or participatory planning in the creation of those spaces.

International Standards on Public Consultations (from OSCE: https://www.osce.org/odihr/313111?download=true)

Public consultations are one way to ensure the effectiveness and inclusiveness of law-making processes. By conducting public consultations, public officials and institutions engaged in legislative processes are able to gather views and experiences from different stakeholders, representing various groups and backgrounds, on matters that are to be regulated. Public consultations constitute a means of open and democratic governance; they lead to higher transparency and accountability of public institutions and help ensure that potential controversies are identified before a policy, law, or other public decisions are adopted. The process of consultation "should be understood as an interaction between the bodies responsible for regulation and parties that are likely to be affected by or interested in the regulation in question".

Developing policies and legislation in a participatory and inclusive manner increases all stakeholders' understanding of the various factors involved, enhances confidence in the adopted policy and legislative measures, and ultimately tends to improve implementation of the new legislation.

Such a participatory approach to the adoption of laws not only leads to greater democratic legitimacy of a regulation, but also nourishes confidence in institutions.

One of the main international instruments recognizing the value of public participation in general is the International Covenant on Civil and Political Rights4 (hereinafter *"the ICCPR"*) which, in its Article 25 par 25 a) emphasizes the right of every citizen to *"take part in the conduct of public affairs, directly or through freely chosen representatives"*.

The conduct of public affairs is a broad concept covering all aspects of public administration, as well as the formulation and implementation of policy at all levels, including local, regional, national and international ones.

As set out in General Comment No. 25, the modalities of citizens' participation, which include public debate and dialogue, should be established by the constitution and other laws of a state concerned.

More detailed provisions concerning public participation in decision-making in environmental matters are included in the United Nations Economic Commission for Europe's Convention on Access to Information, Public Participation in Decisionmaking and Access to Justice in Environmental Matters (hereinafter the "Aarhus Convention").

While the Convention specifically covers the environmental field, its Mandelkern Group on Better Regulation (set-up on 7 November 2000 by EU Ministers in charge of Civil Service and Public Administration), Final Report, November 2001, page 26, available

https://ec.europa.eu/smartregulation/better regulation/documents/mandelkern repor t.pdf. See e.g., OSCE/ODIHR, Opinion on the Draft Law of Ukraine on Police and Police Activities. 1 December 2014. par 133. available at http://www.legislationline.org/documents/id/19511 UN International Covenant on Civil and Political Rights (ICCPR), adopted by the UN General Assembly by resolution 2200A (XXI) of 16 December 1966, which entered into force on 23 March 1976, available at http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx This Covenant was ratified by Ukraine on 12 November 1973. UN Human Right Committee, General Comment No. 25: Article 25, CCPR/C/21/Rev.1/Add.7, adopted 1996. 5 and on 12 Julv pars 8. available at http://tbinternet.ohchr.org/ layouts/treatybodyexternal/Download.aspx?symbolno=C CPR%2fC%2f21%2fRev.1%2fAdd.7&Lang=en Ibidem. UN Economic Commission for Europe (UNECE), Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters ("Aarhus Convention"), adopted on 25 June 1998, which entered into force on 30 October 2001, available at: http://ec.europa.eu/environment/aarhus/ Ukraine ratified the Aarhus Convention on 18 November 1999. OSCE/ODIHR Opinion on the Draft Law of Ukraine "On Public Consultations" key provisions (including Article 6 on public participation in decision-making) may, as examples of good practice, also extend to other subject matters. The Council of Europe (hereinafter: "CoE") has likewise adopted a number of legal instruments to facilitate public participation at the local and regional levels, in particular the Additional Protocol to the European Charter of Local Self-Government on the Right to Participate in the Affairs of a Local Authority which obliges State Parties to secure to everyone within their jurisdiction the right to determine or to influence the exercise of a local authority's powers and responsibilities. Also, in its other documents, some of which contain non-binding recommendations, the Council of Europe recognized that "participation through various forms of voting and consultation gives life to democracy" and has called on governmental mechanisms at all levels to "ensure the effective participation of NGOs without discrimination in dialogue and consultation on public policy objectives and decisions". CoE Recommendation CM/Rec(2001)19 on the Participation of Citizens in Local Public Life also contains a list of concrete steps and measures to encourage and reinforce citizens' participation in local public life.

Numerous OSCE commitments stress the role of transparency in public affairs, and consider it an essential condition to ensure that states are accountable for their actions; in this context, the concept of *"legislative transparency"* is considered to be particularly important. OSCE participating States have specifically committed to ensure that *"[I]egislation will be formulated and adopted as the result of an open process reflecting the will of the people, either directly or through their elected representatives"* (OSCE Moscow Document 1991) and to *"secure environments and groups of society"* (OSCE Maastricht Document 2003).

The OSCE has also recognized the vital role that civil society has to play in this regard. It also strives to promote equally effective participation of men and women in political, economic, social and cultural life. Although Ukraine is not a Member State of the European Union (hereinafter the "EU"), it is worth mentioning that a well-developed legal framework on public consultations. See Recommendations on Enhancing the Participation of Associations in Public Decision-Making Processes (from the participants to the Civil Society Forum organized by the OSCE/ODIHR on the margins of the 2015 Supplementary Human Dimension Meeting on Freedoms of Peaceful Assembly and Association), Vienna 15-16 April 2015, pages 5-6, footnote 14, available at http://www.osce.org/odihr/183991 Council of Europe, European Charter of Local Self-Government, CETS No. 122, adopted on 15 October 1985, available

https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?doc umentId=090000168007a088 Ukraine ratified this Charter on 11 September 1997 and its Additional Protocol on the Right to Participate in the Affairs of a Local Authority (CETS No. 207, available at http://www.coe.int/en/web/conventions/fulllist/-/conventions/rms/090000168008482a on 16 December 2014 (entry into force in Ukraine on 1 April 2015). Article 1 of the CoE Additional Protocol to the European Charter of Local Self-Government on the Right to Participate in the Affairs of a Local Authority. See CoE, Recommendation CM/Rec(2009)2 of the Committee of Ministers to Member States on the Evaluation, Auditing and Monitoring of Participation and at Local and Regional Level, 2009a Participation Policies available at http://www.coe.int/t/dgap/localdemocracy/Documentation/recommendations en.asp See e.g., CoE, Recommendation CM/Rec(2007)14 of the Council of Europe Committee of Ministers to Member States on the Legal Status of Non-governmental organisations in Europe (adopted by the Committee of Ministers on 10 October 2007 at the 1006th meeting of the Ministers' Deputies), par 76, available at https://www.coe.int/t/dghl/standardsetting/cdci/CDCJ%20Recommendations/CMRec(2007)14E Legal%20status%20of%20NGOs.pdf CoE. Recommendation CM/Rec(2001)19 of the Council of Europe Committee of Ministers to Member States on the Participation of Citizens in Local Public Life (adopted by the Committee of Ministers on 6 December 2001 at the 776th meeting of the Ministers' Deputies), Appendix II, available at https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?doc umentId=09000016804f513c Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE (1991), par 18.1, available at http://www.osce.org/fr/odihr/elections/14310 See also the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (Copenhagen. 5 June 29 July 1990), _ par 5.8. available at http://www.osce.org/fr/odihr/elections/14304 OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, adopted at the 11th Meeting of the Ministerial Council, Maastricht, 1 and 2 December 2003, par 36, available at http://www.osce.org/mc/17504. 16 See OSCE Concluding Document of the Third Follow-up Meeting, Vienna, 4 November 1986 to 19 January 1989, par 15, available at http://www.osce.org/mc/40881 OSCE/ODIHR Opinion on the Draft Law of Ukraine "On Public Consultations" exists within the EU. The Treaty on European Union requires its institutions to "give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action"; this should be done via an open, transparent and regular dialogue with

representative associations and civil society.17 Such a regular dialogue aims to ensure that the EU's actions are coherent and transparent.18 Before any new legislative acts are proposed, the Commission is required to consult widely, taking into account the regional and local dimension of these actions; if, because of urgency of a matter at stake, the Commission decides not to organize consultations, it should provide reasons for such decision.

Against the background of the above-mentioned international and regional standards, a number of guidance documents or recommendations have been elaborated in various international or regional fora. These contain a higher level of detail and prescribe, on a more practical level, the steps that need to be taken to enhance citizens' participation in public affairs and ensure that consultation processes are as open and inclusive as possible. These documents include, among others: - the CoE Code of Good Practices for Civil Participation in the Decision-Making Process (2009) 20 (hereinafter "CoE Code of Good Practices"), providing for a number of principles for public participation, which include participation, trust, accountability, transparency and independence; - the Organisation for Economic Cooperation and Development's (hereinafter the "OECD") Handbook on Information, Consultation and Public Participation in Policy-Making; 21 - the OECD Guidelines for Online Public Consultations; 22 - the EU Guidelines on Stakeholder Consultation; 23 and - "Recommendations on Enhancing the Participation of Associations in Public Decision-Making Processes" (2015) prepared by civil society experts with the support of OSCE/ODIHR.

Participatory Planning in Central Europe

In seeking to identify a common baseline and comparative differentiation of international standards, country laws, municipal regulations and guidelines, we looked to individual countries and readily-available resources.

The emerging view, subject to further evidence, is that no single country has a clear set of guidelines or legislation through which effective civic engagement and public realm place-making can be achieved.

For some, it is a collaborative approach through formally-recognised governmental and publicly-funded routes; for others it is the reliance on campaigners to drive the movement effectively to challenge and change, through responses to the perceived or articulated needs of neighbourhoods.

Elsewhere, digital communities are forging the way forward. Below are some examples, within Central Europe and beyond, of how policy is established, how communities identify and respond to opportunities, and how it is often the imaginative designers who create space within the vision of the communities they serve, who lead the shaping of the places that stand out as innovative, visionary and change-making.

Estonia

One of the areas explored by CitizenLab in *Mapping New Forms of Civic Engagement in Europe* was the emerging phenomenon of digital civic engagement.

Estonia is already advanced in this area, a global leader that has been hailed as 'the most advanced digital society in the world' by Wired for its work to create its <u>estonia</u> plaform, supporting the principles of the internet as a social right and electronic ID for every Estonian citizen. Almost all public services are now accessible online.

France

France's <u>Commission Nationale du Débat Public</u> (CNDP) provides a model for examination and potential replication. The CNDP – an independent public body – was set up to guarantee "public participation in the decision-making processes of major infrastructure projects of national interest that present important socio-economic stakes".

It hosts debates on contentious projects as early as possible. All sides are given equal resources to make their case. The CNDP summarises these views in a report, to which project sponsors must respond. Of the 61 projects on which the CNDP facilitated debates between 2002 and 2012, 38 made significant modifications.

French project sponsors view the CNDP process as a valuable exercise in public engagement and data collection; the public see it as independent, impartial, and a real chance to have their voices heard.

One of the CNDP's flagship reference projects is <u>GridLink</u> – the implementation of renewable energy to increase the capacity of France's energy networks – which intoduced Pre-Consultation as part of its strategy, to ensure engagment at a formative stage, thereby empowering citizens and recognising their inputs from Stage Zero, as it is now widely known.

Germany

The <u>European Urban Knowledge Network</u> states that in Germany, official publications identify a high level of civic engagement in the country, and that in some areas citizen participation has been legally enshrined. Most official activity to engage citizens is restricted to the local and municipal level, and within the constitutional constraints, participation is focused on information-sharing and formal public consultation. The Network reports that two institutions have published reports whose understanding of citizen engagement is likely to determine German policy and the constitutional framework for future public participation in general and in specific relation to local public space.

Austria

Unlike most other European countries **Austria** has neither a **planning law** at the national level nor a national competence of urban or spatial **planning**. The federal structure of Austria and its devolved planning powers make for a complex planning system as each state is developing its own spatial strategies, plans and projects.

Vienna is by far the biggest city in Austria and in its double role of state and country capital it has devised specific planning instruments and regulations. This structure prevents any opportunity for national, regional or local guidance around public involvement in the development of masterplans or spatial planning proposals. Nevertheless, Vienna has achieved the accolade of being one of the world's most

attractive and liveable cities: <u>https://www.cnbc.com/2019/09/04/global-liveability-index-2019-most-liveable-cities-in-the-world.html</u>

The Netherlands

Urban planning in The Netherlands is a complex process, which has its basis in the Law on Spatial Planning, in Dutch: *de Wet op de Ruimtelijke Ordening (WRO)*.

The Minister of Housing, Spatial Planning and the Environment is politically responsible. Consultations are open for six weeks – regardless of the size, scale and impact of the proposed development, and only appear to be at a municipal level, with no clear guidance on how to engage, when to engage or for how long. http://www.pyupscale.org/IMG/pdf/The planning process in the Netherlands.pdf

Switzerland

In Switzerland, notable work is being done by urbz, a self-described '*experimental action and research collective*', specialising in participatory planning and design. Urbz works with citizens' associations, local government and private clients.

Examples of how urbz uses the expertise of residents in neighbourhoods to collaboratively produce '*innovative models in architecture, planning and policy-making*' can be found at: <u>http://www.urbz.net</u>

Prague, Czechia

The Prague Institute of Planning and Development (IPR Prague) seems to be leading the drive for increasing the quality of public space as a place where people want to spend and share their time.

Through the <u>Public Space priority</u>, IPR Prague has developed four clear strategies (<u>Public Space Design Manual</u>, <u>Public Space Development Strategy</u>, <u>Incentives for the Action Plan</u>, and the <u>Prague Public Space Design Manual & Development Strategy</u> for achieving those high-quality spaces through rules and recommendations for achieving the stipulated objectives. In the latter, public involvement acts as a principal component of the process of designing, managing and using public space.

Beyond Central Europe

Beyond Central Europe the collaborative efforts of the New York City Departments of Transportation, and City Planning, have been brought together under the *Places for People* movement – which also embraces local stakeholders, along with the knowledge they hold and can share, to create a space for ongoing dialogue to achieve a '*public realm* as iconic' as East Midtown's buildings.

<u>The Places for People – A Public Realm Vision Plan for East Midtown</u> establishes from the outset that in order *'to create world class streets, cities must design their*

streetscapes as vibrant destinations that improve travel and mobility⁷. The document makes clear the intention to refresh the area's world-class business district to meet the needs of the 21st century, and to achieve this, there are proposed projects and guidelines to shape an continuing dialogue with stakeholders about ways to enhance the public realm as a community-driven vision.

Notably, *Places for People* (East Midtown) placed the stakeholder engagement activities at the beginning of the project, rather than designing an initial masterplan, then afterwards consulting and shaping through feedback. *Places for People* places great emphasis on its *Discover > Design > Synthesize* process methodologies⁸.

In Oregon, the <u>Downtown Riverfront Park</u> in Eugene was the subject of a threemonth public involvement strategy which included focus groups, open houses, surveys and online outreach – all of which resulted in more than 3,500 responses from all sections of the community about how they envision the completed space.

One of the priorities heard frequently through this engagement, was the importance of access to the river being provided – the outcome of the engagement will be a three-acre Downtown Riverfront Park, with an adjacent one-acre public plaza, forming the heart of the greater riverfront development.

The designers behind the Downtown Riverfront Park, Walker Macy, has developed a reputation for *creating places with meaning*, and does this by building community, through fostering environmental stewardship via effective engagement and involvement. Further examples of how the practice creates destinations within communities can be found <u>here</u>.

⁷ The Places for People – A Public Realm Vision Plan for East Midtown

⁸ The Places for People – A Public Realm Vision Plan for East Midtown, p18-19

The table below sets out how countries' activities differ in their allocation of role, definition of *'civic engagement'*, *'public engagement'* and *'consultation'*.

Country/City/Locality	Details
Poland	See CitizenLab - <i>Mapping New Forms of Civic Engagement in Europe, MItOst/CitizensLab, 2010.</i>
France	France is regarded by many observers as one of the best examples of how decision-making in (large and small) infrastructure, including public spaces, should be achieved. See link in report above.
	The CNDP hosts debates on contentious projects as early as possible. All sides are given equal resources to make their case. The CNDP summarises these views in a report, to which project sponsors must respond. Of the 61 projects on which the CNDP facilitated debates between 2002 and 2012, 38 made significant modifications.
	Also see: Other Resources note below.
Austria	Austria vies with the Netherlands for most complex in terms of European planning law, and by proxy, guidance around engaging the public in development proposals – see link in report body.
	There is no national planning law, or national competence of spatial or urban planning. All planning powers are established at state level, with any guidance around public consultation limited to sectoral legislation (phone masts, energy etc.) or project-specific responses to known issues and challenges.
Netherlands	The Netherlands vies with France for the most complex urban planning process – and only consults for six weeks, regardless of size, scale and impact of the proposal. See link in report body.
Prague, Czechia	IPR leading drive for increasing quality of public space. Has developed suite of ' <i>design codes</i> ' to support the Public Space priority, and public involvement is a principle
Estonia	Estonia's emerging digital civic engagement has been recognised and is largely used to engage in civic activity (voting, paying bills etc.), rather than integrating into and influencing design and masterplanning solutions for open and public spaces. It is not clear from the projected development of the e- Estonia platform when – or indeed if – this definition of engagement will be available via this portal; this underlines the challenges
Germany	German policy on public participation is set out within its local and municipal laws – see link in report body. Online activity is minimal but a growing area, when

supported by legislation, technology and public will
Urbz, a 'self-described experimental action and research collective' specialises in participatory planning and design. It is working in Switzerland – see link from profile in report body – and also has teams in Mumbai, Bogotá, São Paulo, Geneva and Seoul, providing global perspective and examples of good practice.
The <i>Places for People</i> initiative placed the Discover stage of the public engagement activity at the forefront of the project, then developed a design – see link in report body
Downtown Riverside Park – see link in report body – is a great example of how to deliver public involvement through a range of methods and techniques over a period to establish relationships and spaces for dialogue. Designers Walker Macy adopt a range of approaches for fostering relations in project development and more examples are available on their website
CitizenLab - Mapping New Forms of Civic Engagement in Europe, MltOst/CitizensLab, 2010 – profiles nine countries (Swedent, United Kingdom, Poland, Hungary, Croatia, Greece, France, Spain and Portugal exploring social engagement to support an active civil society. See report body and footnotes. The Ties that Bind: Citizenship and Civic Engagement in the 21 st Century, House of Lords 2018 – a commissioned report exploring identifying the challenges of a disconnected movement, and recommendations to create a single responsible entity – see report body and footnotes

October 2019 Prepared by Quintin Oliver