



Module 20 – CIVIL PARTICIPATION

(Version 2)

The Leadership Academy is a learning and action programme for mayors, senior officials and elected representatives of local government.

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2 MODULE OVERVIEW

2.1 BACKGROUND

The Council of Europe has recognised the right of citizens to participate in the conduct of public affairs as one of the democratic principles shared by all member States.

Participation by all individuals and groups of civil society in decision-making at all levels of government is one of the prerequisites for the improved and proper functioning of democratic society and for guaranteeing democratic security. It allows for open dialogue on critical issues, resulting in better decisions by the authorities and improved governance in the interest of all.

Civil participation is all the more important today when, in many countries, democracy is challenged. Civil participation complements and supports representative democracy. Citizens who feel that they have a say in the general policy debate and in everyday decisions, are more likely to accept the decisions taken and, more generally, to trust their elected representatives.

It is therefore crucial that individuals, non-governmental organisations (NGOs) and civil society at large are involved in the conduct of public affairs and feel empowered to do so.

In this Module we will discuss the principles, fundamental considerations, guidelines and some specific tools that have been developed by the Council of Europe to support the development of principled and informed praxis of engagement in local governments. Through the discussions and handouts we intend to share the cornerstones of a principled and effective practice and during the

sessions we will apply the tools for reflecting on options to deal with situations similar to the daily practice.

2.2 AIM OF THE MODULE

To strengthen participants capacity to plan and implement principled strategies for the engagement of citizens, groups and organizations in the local public affairs and encourage discussion on how would be possible to improve the actual local practices.

2.3 PLANNED OUTCOMES:

Participants:

- be familiar with the principles, guidelines and some specific tools that have been developed by the Council of Europe
- will be able to apply the CLEAR tool to analyse options and strategies for local participation
- will understand when to apply participatory strategies and how to plan them
- will be able to more effectively weight the application of specific tools

As a result participants will be better prepared to effectively apply participatory strategies and tools in their municipality to enhance public trust and effectiveness of local governance.

2.4 DURATION

- 270 minutes

3 MODULE OVERVIEW

3.1 ACTIVITY 1 – INTRODUCTORY EXERCISE

The Module starts with a short basic experiential exercise on open and closed questions where participants experience their tendency to use mostly closed questions even in inquiries where there are gaps even in basic information.

3.2 ACTIVITY 2 – INTRODUCTORY DISCUSSION ON CIVIL PARTICIPATION

Participants discuss in small groups what are the kind of issues where they open participatory processes in their municipalities and what the scope for involvement is. After listing the questions, they decide whether the inquiries are really open questions. They report whether they found open questions for citizen discussion and if yes, which they were.

3.3 ACTIVITY 3 – EXPERIENCING THE DIFFICULTY OF CONSTRUCTIVE DIALOGUE AMONG STAKEHOLDERS

Participants are invited into a role-play exercise. 70% of the group members are assigned roles in the Summerhill scenario. The other will be observers. At least 3 observers have to be selected. Each has a specific task:

- Observer 1: at which phases was the process adversarial/competitive and when were phases of cooperative communication and what was the result
- Observer 2: one focusing whether positions and arguments of some stakeholders changed during the discussion
- Observer 3: could all voices been heard during the whole process, if not why? And have some monopolized the stage? And what was the result?

In a closing plenary discussion participants (role players and observers) summarize obstacles to inclusive process, effective participation and sustainable results.

3.4 ACTIVITY 4 – CONDITIONS FOR EFFECTIVE CIVIL PARTICIPATION

Participants discuss in groups those elements of the previous process that are typical in real life processes as well, according to their experience. After a plenary summary of the key weaknesses, participants discuss how could be the weaknesses of the previous process mitigated. At the end of the process the hand out of the neighbourhood planning process is distributed and discussed to the extent still necessary.

3.5 ACTIVITY 5 – THE CLEAR TOOL OF THE COUNCIL OF EUROPE

The trainer explains the CLEAR tool and distributes the handouts. A short discussion of the tool follows.

3.6 ACTIVITY 6 – PEER REVIEW OF LOCAL CASES WITH THE APPLICATION OF THE CLEAR TOOL

Participants who prepared their own participatory cases, share their experiences in small groups. Other group members act as peer reviewers (explore and advise.) The guide for the inquiry are the two tables in the handout of the CLEAR tool. At the end they report in plenary the results.

3.7 ACTIVITY 7 – DILEMMAS AND CONCLUSIONS

The group discusses what the conditions are when participatory tools need to be applied and what are the benefits, risk and costs of the application.

4 WORKING DEFINITIONS

4.1 CIVIL PARTICIPATION

Civil participation is a process that provide, collect and channel views of individuals, directly or via NGOs and/or representatives of civil society, providing a substantive exchange of information and views which inform the decision-making process in order that public needs are met.

4.2 STAKEHOLDERS

A stakeholder is any individual, community, group or institution with an interest in the municipality and its work, as a result of either being affected by it, or being able to influence it, in a positive or negative way. During the process we distinguish three types of stakeholders:

- Key stakeholders: Those who can exert significant influence or are important to success
- Primary stakeholders: Those who are ultimately affected by the activity either as a beneficiary or a “dis-beneficiary”
- Secondary stakeholders: All other individuals, groups and institutions with a stake or interest or with an intermediary role

4.3 TYPES OF CIVIL PARTICIPATION¹

Civil participation in decision-making can take different forms, including: provision of information, consultation, dialogue as well as active involvement.

- Provision of Information: Public authorities should provide the widest possible access to appropriate information at all stages of decision-making.
- Consultation: Consultation allows public authorities to collect the views of individuals, NGOs and civil society at large within an official procedure on a specific policy or topic.
- Dialogue: Dialogue is a structured long-lasting and results-oriented process which is based on mutual interest in the exchange of opinions between public authorities, individuals, NGOs and civil society at large.
- Active involvement: Active involvement refers to opportunities for civil participation in the decision-making process provided by public authorities to individuals, NGOs and civil society at large that extend beyond the provision of information, consultation or dialogue. It may include working groups and committees for the co-development of documents, policies and laws to be decided ultimately by the appropriate public authority.

4.4 THE CLEAR TOOL

The CLEAR is a tool that has been elaborated by the Council of Europe to help local governments and other local stakeholders to better understand, plan and implement public participation processes in their localities.

¹ Council of Europe. Draft Guidelines of the Council of Europe for Civil Participation in Political Decision-making. Revised and approved by the CDDG on 11 May 2017.

5 KEY CONCEPTS

5.1 ARGUMENT FOR PARTICIPATION²

The Council of Europe has recognised the right of citizens to participate in the conduct of public affairs as one of the democratic principles shared by all member States.³

Participation by all individuals and groups of civil society in decision-making at all levels of government is one of the prerequisites for the improved and proper functioning of democratic society and for guaranteeing democratic security. It allows for open dialogue on critical issues, resulting in better decisions by the authorities and improved governance in the interest of all.

Civil participation is all the more important today when, as in many countries, democracy is challenged. Civil participation complements and supports representative democracy. Citizens who feel that they have a say in the general policy debate and in everyday decisions, are more likely to accept the decisions taken and, more generally, to trust their elected representatives.

It is therefore crucial that individuals, non-governmental organisations (NGOs) and civil society at large are involved in the conduct of public affairs and feel empowered to do so.

5.2 PRINCIPLES FOR CIVIL PARTICIPATION⁴

Civil participation should be promoted and enabled by the following principles which apply

² Council of Europe. Draft Guidelines of the Council of Europe for Civil Participation in Political Decision-making. Revised and approved by the CDDG on 11 May 2017.

³ For example in the preamble of the European Charter of Local Self-Government

⁴ Council of Europe. Draft Guidelines of the Council of Europe for Civil Participation in Political Decision-making. Revised and approved by the CDDG on 11 May 2017.

to all actors involved in civil participation in political decision-making:

- Mutual respect between all actors as the basis for honest interaction and mutual trust;
- Respect for the independence of NGOs whether the NGO's opinion is consistent with the opinion of the public authorities or not;
- Respect for the position of public authorities with whom responsibility and accountability for decision-making lies.
- Openness, transparency and accountability;
- Responsiveness, with all actors providing appropriate feedback;
- A non-discriminatory and inclusive approach so that all voices, including those of the less privileged and most vulnerable, can be heard and taken into account;
- Gender equality and equal participation of all groups including those with particular interests and needs such as young people, the elderly, people with disabilities, minorities, etc.;
- Accessibility through the use of clear language and appropriate means of participation, offline or online, and on any device;

5.3 FUNDAMENTALS OF CIVIL PARTICIPATION⁵

Civil participation should seek to provide, collect and channel views of individuals,

⁵ Council of Europe. Draft Guidelines of the Council of

directly or via NGOs and/or representatives of civil society, providing a substantive exchange of information and views which inform the decision-making process in order that public needs are met.

Civil participation should be guaranteed by appropriate, structured and transparent means including, where necessary, legal or regulatory measures which could include, if necessary, provisions for handling requests for recourse or redress in the event of non-compliance. Any limitations and restrictions to participation should be clearly defined within this framework and be in accordance with the European Convention for the protection of Human Rights and Fundamental Freedoms and the relevant case-law of the European Court of Human Rights.

Different phases of the decision-making process being undertaken by the public authority invested with the necessary power should be open to civil participation.

Information should be easily accessible, transparent and available to the public except where classified for reasons clearly specified by law or restricted for reasons of data protection in line with the relevant Council of Europe Conventions and other international obligations.

Adequate information should be provided in a timely manner allowing for substantive input while decisions are still reversible.

Public authorities should plan and manage civil participation and clearly define the objectives, actors, process, timeline and methods used.

Public authorities should provide up to date, comprehensive information about the decision-making process and procedures for participation.

Public authorities should seek to avoid unduly burdening individuals, NGOs and civil society at large in the course of civil participation and may take appropriate action to facilitate participation.

Where public authorities provide some support to individuals NGOs or civil society at large in the course of civil participation, they should do so in a manner which avoids trying to influence the outcome of the participation exercise in any way.

Where necessary, coordinating bodies for developing and managing civil participation processes could be established or developed further subject to their roles being clearly defined, emphasised and supported.

Public authorities and NGOs may wish to conclude framework agreements for cooperation to support civil participation.

The timeline allocated should provide sufficient opportunity to properly prepare and submit constructive contributions, other than in exceptional and well defined circumstances. Similarly, recourse to restricted procedures and/or procedures involving a limited number of actors should be taken only in exceptional circumstances for which reasons are given.

The scope and method of civil participation should be commensurate to the issue at stake. Public authorities should solicit the widest possible input, including from marginalised, disadvantaged and other vulnerable groups.

Public authorities should not make a final decision until the end of the civil participation process which they have undertaken, except if exceptional circumstances so require and subject to clear justifications being given.

5.4 TYPES OF CIVIL PARTICIPATION⁶

Civil participation in decision-making can take different forms, including: provision of information, consultation, dialogue as well as active involvement.⁷

Provision of Information

At all stages of decision-making all appropriate information should be presented in clear and easily understandable language and in an appropriate and accessible format, without undue administrative obstacles and, in principle, free of charge, in accordance with open data principles.⁸

Public authorities should provide the widest possible access, both offline and online, to key documents and information without restrictions on analysis and re-use of such information.

Consultation

Consultation allows public authorities to collect the views of individuals, NGOs and civil society at large within an official procedure on a specific policy or topic.

Consultation may be carried out through various means and tools such as meetings in person, public hearings, focus groups, surveys and questionnaires and digital tools.

Public authorities should provide publicly available feedback on the outcomes of the consultation which should include information giving reasons for any decisions finally taken.

⁶ Council of Europe. Draft Guidelines of the Council of Europe for Civil Participation in Political Decision-making. Revised and approved by the CDDG on 11 May 2017.

⁷ As defined also in the Code of Good Practice for Civil Participation in the Decision-Making Process.

⁸ Data should be complete, primary, timely, accessible, machine processable, non-discriminatory, non-proprietary, and license-free and compliance should be reviewable.

Dialogue

Dialogue is a structured long-lasting and results-oriented process which is based on mutual interest in the exchange of opinions between public authorities, individuals, NGOs and civil society at large.

Public authorities, NGOs and civil society at large may consider establishing different platforms as a permanent space for dialogue and participation. Such platforms may include regular public hearings, public forums, advisory councils or similar structures.

Active involvement

Active involvement refers to opportunities for civil participation in the decision-making process provided by public authorities to individuals, NGOs and civil society at large that extend beyond the provision of information, consultation or dialogue. It may include working groups and committees for the co-development of documents, policies and laws to be decided ultimately by the appropriate public authority.

Where joint working groups or committees exist, public authorities should adopt transparent criteria and processes for representation of individuals, NGOs and civil society at large.

Various types of partnership involving public authorities and NGOs and representatives of civil society may be suitable at different stages of the decision-making process and may include partnerships relating to the implementation of decisions.

5.5 POWER RELATIONS IN PARTICIPATORY PROCESSES

Stakeholders involved can have different types and levels of power to influence the process and results. Many factors influence the power relations in a participatory process: the capacity of stakeholders to represent their interests, the quality of social capital in the community, the networks and relationships among stakeholders, the spaces for communication. These factors are rarely neutral; they make a difference to the outcome of any participatory process, therefore, leadership need to understand how these factors impact the relationships with stakeholders.

For participation to produce meaningful results, the process has to be aptly designed. The leadership's role in such a design process is to understand the key factors that impact the relationships with stakeholders:

- The framing of the issue: determines the starting point and the scope for the discussion.
- The rules of deliberation which are determined for the process.
- The degree to which stakeholders are allowed to help shape these crucial characteristics of participation varies greatly, but in many countries, most stakeholders have minimal leverage.
- Types of participatory spaces:
 - Closed spaces are where only the formal decision-makers or specific invitees can enter. This means that decisions are made behind closed doors and stakeholders do not have insight into the process.
 - Invited spaces are where the municipality retains discretion over who can enter. They invite only selected stakeholders. In most cases, the rules are set by the municipality.

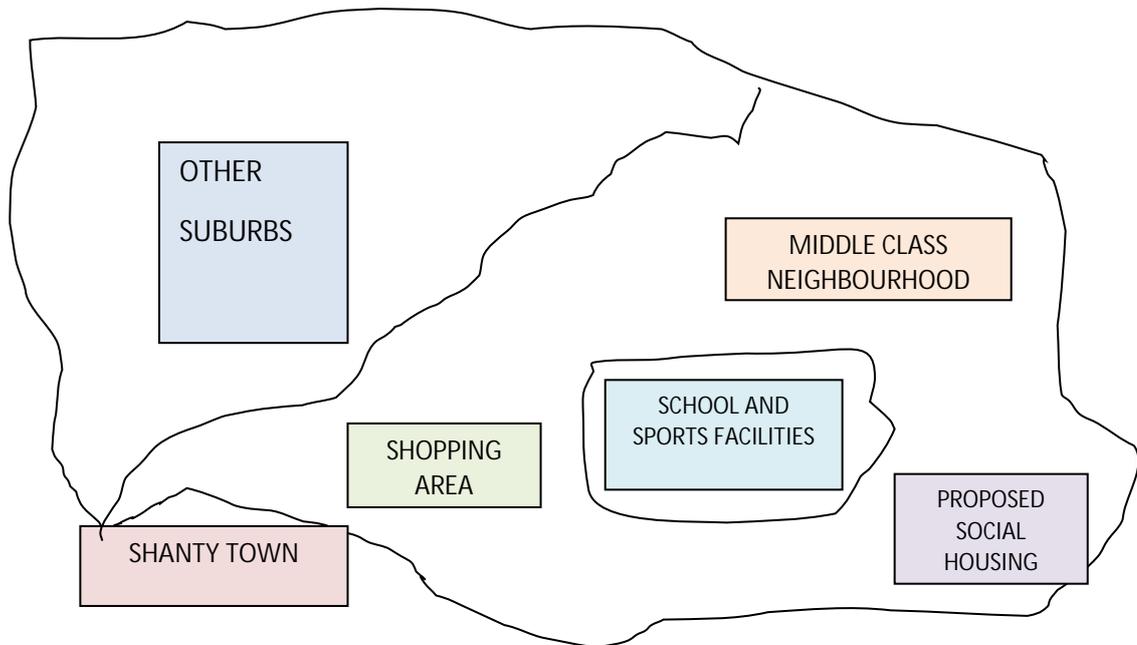
- Open spaces are where any interested stakeholder can enter. Openness means free access to participation but it does not necessarily mean that all participants must be directly engaged. Representation needs to be fairly organized if this approach is to be effective.
- Claimed spaces are created by other forces than the formal decision-maker. Such spaces can emerge from concerns of stakeholders. In most cases, they are created by less powerful groups against the formal authorities. These spaces may emerge (organically) from some common concern or can be created by mobilization around an issue or interest.

The type of space and culture of deliberation strongly impact the power of participating stakeholders to shape the agenda and raise specific issues. In closed and invited spaces, it is often easy to identify bias, even when it is not intended. Also, participants tend to be mutually supportive; they may refrain from challenging differing opinions. Such spaces promote privilege; they may therefore help to reinforce the status quo, leave assumptions unchallenged and promote discrimination and exclusion.

6 EXERCISE HANDOUTS

6.1 HANDOUT 1: SUMMERHILL HOUSING PROJECT SCENARIO FOR ACTIVITY 3.

MAP OF GOOSEFIELD SUBURB IN SUMMERHILL TOWN



Description of Summerhill and the housing proposal

We are in the year 2020. Summerhill is a town with 30,000 inhabitants in the centre of the country. It has a Mayor who is serving his third term; he is known for his commitment to improving the life of the city and all its inhabitants. Summerhill is a prosperous town that is beginning to catch up again after a long financial crisis. New businesses are opening up and the local economy has started to regain momentum.

Goosefield is a relatively nice middle class housing area in Summerhill. It is very popular as it is close to the centre and just beside the large traditional market and shopping area of the city.

Until the last few years, Summerhill had a relatively stable population, but some years ago many people lost their homes. The cause was that during the years between 2002 and 2007 many inhabitants took loans to buy new apartments in the area of Goosefield.

At the moment when they took the loans, they had jobs and the conditions of the loans were excellent, but during the financial crisis of 2010-2015, many lost their jobs; they could not pay their debts and lost their homes. Many of these families moved to small cottages that were built in an area (shanty town) at the edge of the town (see map).

In this area there are no utility services or schools, or any public services available. Within a couple of years the area was transformed into a shanty town. Inhabitants rapidly lost their social status and disintegration of the community speeded up during the last few years.

Today, most people living in the shanty town are unemployed. They try to find some possibilities by begging on the streets of Goosefield and the neighbouring shopping area and by offering services (e.g. ironing, window-cleaning) to local people. The families live in impossible conditions, often breaking up; many children from there are badly behaved and drop out of school.

The shanty town is beyond the built-up zone of the city. According to national regulations, no construction permit can be issued there. The infrastructure costs would anyhow be too high as all utilities and networks would have to be newly built. There is no chance for rehabilitating the area.

In Goosefield, there is a school (grade 1-8) owned by the municipality that is under-utilized. This school has all the sports facilities that it needs; but it also has a large open area that is now covered by grass and used only occasionally by the students as a playground.

The Mayor has a proposition to build social housing, owned and managed by the municipality, in this open school area for the inhabitants of the shanty town. The plan is to build 100 apartments with a subsidised rent and offer them to those inhabitants of the shanty town who had moved there when they lost their apartment in Goosefield some years before. The goal is to offer them a way back to the city and give them a new chance to reintegrate.

ROLE PLAY - SUMMERHILL HOUSING PROJECT

ROLES⁹

The trainer should cut out each role and distribute them to the participants as selected. Participants should not share their roles with other participants in the stakeholder group in advance.

Mayor

You are the mayor of Summerhill. You are a socially committed person who always wanted to keep all members of the community together.

You are serving your third mandate and you are planning to run for election to Parliament in two years.

The situation of the shanty town has always bothered you but up till now you had no chance to do something on behalf of the people there. Now you deeply believe that the new rental housing concept will help them.

There are additional factors that push you to act. You were the Mayor when these people lost their homes and you could do nothing about it. This has bothered you since then. The other factor is that a – both nationally and internationally – very well-known human rights group has started a long campaign on behalf of the shanty town inhabitants; they urge for public action.

The school's open area is municipal property. You can allocate the construction costs in your budget. All existing public facilities have sufficient capacity for the new inhabitants. Your advisers also say that, if the intervention is successful, in the mid-term you could save on the municipality's social costs.

Middle class Housing Association

The members of the Association are the home-owners in Goosefield; the Association is their formal representative body.

The home-owners do not like the idea of the social housing. They feel they have suffered enough from these people who frequent their streets, beg and look for simple jobs. The children who come to schools from the shanty town area are often dirty and badly dressed. Most of them have poor results in school.

You do not want to mix even more with "those people"!

⁹ CoE LAP material

Parents' Association of the school

The children who come to the school from the shanty town are often dirty and badly dressed. Most of them have poor results in school. Many of them are problematic kids; some steal; some drop out; few continue their studies. This renders the performance indicators of the school lower and degrades its reputation.

You have long fought with the school to introduce special support services for these kids (social workers, teaching aids, special training...). This never happened. You are convinced that, without special support, most of these kids will not be able to integrate.

As middle class kids are not allowed to visit the shanty town, you do not really know the exact conditions where these kids have to live and learn.

Environment NGO

You do not want to lose the green area beside the school. Even if it is not a public park, at least it is a green field that is an important element of the active green areas of the town.

You have long defined your position about development. Your position is that there are not enough active green areas in the city. Every area must be maintained! You have a good relationship with the press.

For a risky social intervention, you cannot sacrifice the environment!

Social welfare NGO

You welcome the initiative. You are convinced that if help is given, these families can reintegrate. They are not families who had been marginalised for generations; they are rather "newly marginalised". This gives hope! They have skills; they want to work. The loss of their homes was the only cause of their decline.

Their kids could also catch up if the right conditions for their development and learning are provided. You think it is the responsibility of all to help these people to restart a normal life.

You do not have many resources, but know possible social service providers who could help with various reintegration programmes of adults and children if sponsors could be found. You are also skilled at using the power of the media.

6.2 HANDOUT 2: PREPARING PARTICIPATORY PROCESS – AN EXAMPLE: NEIGHBOURHOOD PLANNING FOR ACTIVITY 4

The aim of the process is to involve local citizens and communities in the planning process in order to:

- Access their insights and give opportunity to formulate their interests and express their desires
- Build support for the result of the planning process
- Enhance awareness of the plans and regulations
- Encourage cooperation and contributions to the implementation

Local participation needs to be implemented according to the national legal regulation but with the employment of contextualized tools and to the extent possible effective, and if necessary innovative solutions.

In order to achieve the objectives, a participatory process needs to be carefully planned and well communicated towards stakeholders and citizens. This means in practice:

- A clear decision and support of the municipality that secures engagement of staff and council members in the preparations and implementation of the planning process.
- Decision on how to engage the public, either through establishing local planning committees or steering groups (as more permanent structures), or via informal consultation workshops. In addition, there is a need for technical support for neighbourhood planning groups.
- Funding available to provide support to communities and groups wishing to engage the public.
- An Engagement Strategy, that lists the major activities and desired outcomes from each event with clear goals, target audience, methods of recording, a timescale, etc.
- Consultation with key stakeholders in order to make sure that all stakeholders and citizens are provided access and to seek support in reaching out to hard-to reach groups
- Voice and opportunity to discuss options through series of workshops and provision of the infrastructure necessary.
- All resources involved in the preparation, organization and engagement in the planning process, reports of the results and many other documents need to be made transparent.
- In order to prove that public engagement was carried out fairly and meaningfully, a statement on the conducted consultation should accompany the completed Neighbourhood Development Plan.

Key elements according to the UK support site for local planning processes 'Forum for Neighbourhood Planning'¹⁰:

- Invest financial resources and time of staff to conduct successful planning process with public participation;
- Introduce financial incentives to increase community engagement and ownership;
- Organize a mobilization campaign which will raise awareness of the process;
- Arrange for a well-coordinated effort from both national and local level authorities, associations and communities;
- Ensure that legal requirements are fully respected;
- Secure a national authority's decision to support a structure for local level consultation.

¹⁰ : Access: <http://www.ourneighbourhoodplanning.org.uk/resources> (last reviewed July 2017)

6.3 HANDOUT 3: THE CLEAR TOOL OF THE COUNCIL OF EUROPE¹¹ FOR ACTIVITY 5 AND 6

The CLEAR tool has been elaborated by the Council of Europe to help local governments and other local stakeholders to better understand, plan and implement public participation processes in their localities. It was developed as a tool for the comprehensive analysis of local condition in order to devise strategies for enhancing public participation. During the Leadership Academy Program (LAP) sessions there is no opportunity for conducting detailed analyses of the practices participating municipalities, nevertheless, we can offer an introduction to the tool in order to structure the discussion on participatory practices in general and encourage reflection on the practices of the local governments of the participants. One of our objectives is to encourage reflection and informed debate among the participants in the hope that the collective wisdom arising from the group discussion will help participants to go home and implement improvements. Our second objective is to raise interest for the tool. Our hope is that after the LAP session participants will commission their experts home to review the whole tool, create working groups and conduct a complete analysis and design proposals for the improvement of the local participatory schemes.

According to the CLEAR tool participation is effective and successful when citizens:

- C – Can do: that is, have the resources and knowledge to participate
- L – Like to: that is have a sense of attachment that reinforces participation
- E – Enabled to: that is, are provided opportunity for participation
- A – Asked to: that is, are mobilised by official bodies or voluntary groups
- R – Responded to: that is, see evidence that their views have been considered.

CLEAR is an acronym composed of the first letters of the components.

During the session we offer an introduction to the tool. We prepared handouts including:

- a summary table of the components
- short explanations for the components
- summarize what we learned about the implementation of the components
- give a short summary of the participatory scheme from the practice of UK local governments that we used during the session to demonstrate the application of the criteria

¹¹ The content of this handout is based on the text of Council of Europe, CDLR. (2008). C.L.E.A.R. Tool – Final version [CDLR(2008)42], CoE: Strasbourg. Available at: <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=1160788&SecMode=1&DocId=1343278&Usage=2> (last accessed July 2017)

6.3.1 The components of the CLEAR tool of the Council of Europe – explanatory summary

FACTORS OF PARTICIPATION	WHY IS THIS IMPORTANT?	KEY FACTORS THAT WE NEED TO KEEP IN MIND / UNDERSTAND
<p>CAN DO Citizens have the resources and knowledge to participate</p>	<p>The individual resources people have to mobilize are different and this makes a difference in their capacity to participate and, thus, it can result in unequal access or even lack of access to participatory schemes.</p>	<p>Time they can afford and the resources they can access, like meeting room, computer, information Knowledge and skills, ability to write and to speak in public Competence and self-confidence to formulate and represent their interests and views</p>
<p>LIKE TO Citizens have a sense of attachment that reinforces participation</p>	<p>To commit to participation requires a sense of engagement with the municipality that leads the focus of engagement</p>	<p>Sense of community, connections to others and networks, social capital and citizenship Local identity, and attachment (identification) to the area and political entity Non-geographical sources of identity, like occupational, religious, ethnic, cultural Trust, generalized and particularized (towards institutions and towards groups and persons)</p>
<p>ENABLED TO Citizens are provided opportunity for participation</p>	<p>The civic infrastructure of groups and organizations makes a difference because it creates or blocks an opportunity for participation</p>	<p>Supportive groups and networks and their activities Active organizations that can channel and facilitate participation Civic infrastructure or coordinating agencies</p>
<p>ASKED TO Citizens are mobilised by official bodies or voluntary groups</p>	<p>Mobilizing people into participation by asking for their input can make a big difference</p>	<p>Public participation schemes and strategies that are diverse, engaging and reflexive Active and targeted reach out, explicit invitations Benefits, rewards and incentives</p>
<p>RESPONDED TO Citizens see evidence that their views have been considered</p>	<p>When asked, people say they will participate if they are listened to, not necessarily agreed with, but able to see a response</p>	<p>Public policy system that has the capacity to listen and respond and staff ready to respond Transparent, balanced and understandable prioritization Feedback, explanation and education</p>

6.3.2 The components of the CLEAR tool of the Council of Europe – key points for the implementation

FACTORS OF PARTICIPATION	HOW TO EXPLORE	POLICY RESPONSE
CAN DO Citizens have the resources and knowledge to participate	Access citizens socio-economic profile Qualitative research of deprived and vulnerable groups and groups in sensitive conditions	Community development, training and development and practical support through the provision of community centres and resources targeted at those groups or communities that may need help to find their voice.
LIKE TO Citizens have a sense of attachment that reinforces participation	Map community groups, networks and identities Analyse activity and contribution of various communities and groups Asses inequalities of voice Explore the quality and spectrum of trust	Build a sense of community or neighbourliness. People have to feel part of a community to be comfortable with participation; so strategies of building social or community cohesion may be an important part in creating the right environment for participation
ENABLED TO Citizens are provided opportunity for participation	Map the voluntary sector and organizations and their activities Identify municipality links and supports	Strong civic institutions can give the confidence to express their views. They may need to me monitored, challenged and managed so that they provide channels for the representation of a wide range of interests rather than a privileged position for a few. Investing in civic communication.
ASKED TO Citizens are mobilised by official bodies or voluntary groups	Map forms of engagement, their information and mobilization schemes Map the active groups and their impact in participatory schemes	Different groups require different forms of mobilization. Public participation schemes that are diverse and reflexive provide the best option in terms of making the 'ask' factor work.
RESPONDED TO Citizens see evidence that their views have been considered	Map statutory procedures and their implementation Map communication and feedback activities Assess decision makers attitude towards voice and understanding of stakeholder perspectives	A public policy system that shows a capacity to respond through specific channels to communicate outcomes, and provide ongoing learning and feedback

6.4 HANDOUT 4: THE DRAFT GUIDELINES FOR CIVIL PARTICIPATION OF THE COUNCIL OF EUROPE CLEAR TOOL FOR ACTIVITY 7

Excerpt from the
DRAFT GUIDELINES OF THE Council of Europe FOR CIVIL PARTICIPATION IN
POLITICAL DECISION-MAKING
Revised and approved by the CDDG on 11 May 2017 with a view to their transmission
to the Committee of Ministers for adoption

The Council of Europe has recognised the right of citizens to participate in the conduct of public affairs as one of the democratic principles shared by all member States.¹²

Participation by all individuals and groups of civil society in decision-making at all levels of government is one of the prerequisites for the improved and proper functioning of democratic society and for guaranteeing democratic security. It allows for open dialogue on critical issues, resulting in better decisions by the authorities and improved governance in the interest of all.

Civil participation is all the more important today when, in many countries, democracy is challenged. Civil participation complements and supports representative democracy. Citizens who feel that they have a say in the general policy debate and in everyday decisions, are more likely to accept the decisions taken and, more generally, to trust their elected representatives.

It is therefore crucial that individuals, non-governmental organisations (NGOs) and civil society at large are involved in the conduct of public affairs and feel empowered to do so.

Principles

Civil participation should be promoted and enabled by the following principles which apply to all actors involved in civil participation in political decision-making:

- Mutual respect between all actors as the basis for honest interaction and mutual trust;
- Respect for the independence of NGOs whether the NGO's opinion is consistent with the opinion of the public authorities or not;
- Respect for the position of public authorities with whom responsibility and accountability for decision-making lies.
- Openness, transparency and accountability;
- Responsiveness, with all actors providing appropriate feedback;

¹² For example in the preamble of the European Charter of Local Self-Government

- A non-discriminatory and inclusive approach so that all voices, including those of the less privileged and most vulnerable, can be heard and taken into account;
- Gender equality and equal participation of all groups including those with particular interests and needs such as young people, the elderly, people with disabilities, minorities, etc.;
- Accessibility through the use of clear language and appropriate means of participation, offline or online, and on any device;

Fundamentals of Civil Participation in Political Decision-Making

Civil participation should seek to provide, collect and channel views of individuals, directly or via NGOs and/or representatives of civil society, providing a substantive exchange of information and views which inform the decision-making process in order that public needs are met.

Civil participation should be guaranteed by appropriate, structured and transparent means including, where necessary, legal or regulatory measures which could include, if necessary, provisions for handling requests for recourse or redress in the event of non-compliance. Any limitations and restrictions to participation should be clearly defined within this framework and be in accordance with the European Convention for the protection of Human Rights and Fundamental Freedoms and the relevant case-law of the European Court of Human Rights.

Different phases of the decision-making process being undertaken by the public authority invested with the necessary power should be open to civil participation.

Information should be easily accessible, transparent and available to the public except where classified for reasons clearly specified by law or restricted for reasons of data protection in line with the relevant Council of Europe Conventions and other international obligations.

Adequate information should be provided in a timely manner allowing for substantive input while decisions are still reversible.

Public authorities should plan and manage civil participation and clearly define the objectives, actors, process, timeline and methods used.

Public authorities should provide up to date, comprehensive information about the decision-making process and procedures for participation.

Public authorities should seek to avoid unduly burdening individuals, NGOs and civil society at large in the course of civil participation and may take appropriate action to facilitate participation.

Where public authorities provide some support to individuals NGOs or civil society at large in the course of civil participation, they should do so in a manner which avoids trying to influence the outcome of the participation exercise in any way.

Where necessary, coordinating bodies for developing and managing civil participation processes could be established or developed further subject to their roles being clearly defined, emphasised and supported.

Public authorities and NGOs may wish to conclude framework agreements for cooperation to support civil participation.

The timeline allocated should provide sufficient opportunity to properly prepare and submit constructive contributions, other than in exceptional and well defined circumstances. Similarly, recourse to restricted procedures and/or procedures involving a limited number of actors should be taken only in exceptional circumstances for which reasons are given.

The scope and method of civil participation should be commensurate to the issue at stake. Public authorities should solicit the widest possible input, including from marginalised, disadvantaged and other vulnerable groups.

Public authorities should not make a final decision until the end of the civil participation process which they have undertaken, except if exceptional circumstances so require and subject to clear justifications being given.

TYPES OF CIVIL PARTICIPATION¹³

Civil participation in decision-making can take different forms, including: provision of information, consultation, dialogue as well as active involvement¹⁴.

Provision of Information

At all stages of decision-making all appropriate information should be presented in clear and easily understandable language and in an appropriate and accessible format, without undue administrative obstacles and, in principle, free of charge, in accordance with open data principles¹⁵.

Public authorities should provide the widest possible access, both offline and online, to key documents and information without restrictions on analysis and re-use of such information.

Consultation

Consultation allows public authorities to collect the views of individuals, NGOs and civil society at large within an official procedure on a specific policy or topic.

Consultation may be carried out through various means and tools such as meetings in person, public hearings, focus groups, surveys and questionnaires and digital tools.

Public authorities should provide publicly available feedback on the outcomes of the consultation which should include information giving reasons for any decisions finally taken.

Dialogue

Dialogue is a structured long-lasting and results-oriented process which is based on mutual interest in the exchange of opinions between public authorities, individuals, NGOs and civil society at large.

Public authorities, NGOs and civil society at large may consider establishing different platforms as a permanent space for dialogue and participation. Such platforms may include regular public hearings, public forums, advisory councils or similar structures.

Active involvement

Active involvement refers to opportunities for civil participation in the decision-making process provided by public authorities to individuals, NGOs and civil society at large that extend beyond the provision of information, consultation or dialogue. It may include working groups and committees for the co-development of documents, policies and laws to be decided ultimately by the appropriate public authority.

Where joint working groups or committees exist, public authorities should adopt transparent criteria and processes for representation of individuals, NGOs and civil society at large.

¹³ Council of Europe. Draft Guidelines of the Council of Europe for Civil Participation in Political Decision-making. Revised and approved by the CDDG on 11 May 2017.

¹⁴ As defined also in the Code of Good Practice for Civil Participation in the Decision-Making Process.

¹⁵ Data should be complete, primary, timely, accessible, machine processable, non-discriminatory, non-proprietary, and license-free and compliance should be reviewable.

Various types of partnership involving public authorities and NGOs and representatives of civil society may be suitable at different stages of the decision-making process and may include partnerships relating to the implementation of decisions.

RELEVANT BOOKS AND PAPERS FOR FURTHER READING

Council of Europe Convention on Access to Official Documents (CETS 205). Convention for the Protection of Individuals with regard to Automatic Processing of Official Data and its Additional Protocol (ETS 108 and ETS 181).

Council of Europe, CDLR. (2008). C.L.E.A.R. Tool – Final version [CDLR(2008)42], CoE: Strasbourg. Available at:

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=1160788&SecMode=1&DocId=1343278&Usage=2> (last accessed July 2017)

Council of Europe. Draft Guidelines of the Council of Europe for Civil Participation in Political Decision-making. Revised and approved by the CDDG on 11 May 2017.

Internet-based resources where further information on specific participatory forms and mechanism can be accessed:

Forum for Neighbourhood Planning: Available at:

<http://www.ourneighbourhoodplanning.org.uk/resources> (last accessed July 2017)

Consultative innovations: Available at: <http://citizensassembly.arts.ubc.ca/> (last accessed July 2017)

Deliberative methods: Available at: <http://www.ourneighbourhoodplanning.org.uk/resources> (last accessed July 2017)

Direct democracy: Available at: <http://www.iandrinstitute.org/> (last accessed July 2017)

E-democracy: Available at: <http://www.e-democracy.org/uk/> (last accessed July 2017)