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**CAN WE BUILD
PUBLIC ACCEPTANCE
OF SOCIO-
ECOLOGICAL
TRANSITIONS
THROUGH CITIZENS'
DELIBERATION?**

*In this article for Confrontations Europe, **Chiara Armeni**, Professor of Environmental Law at the Université Libre de Bruxelles and the Centre de Droit Européen (CDE), explains how better citizen participation in deliberative processes can indirectly support public acceptance of crucial decisions concerning the socio-ecological transition.*

1. INTRODUCTION

The socio-ecological transition constitutes more than a technological or infrastructural transformation. It implies "radical and non-linear societal change" (Holscher et al. 2018). This change requires that people's response to and participation in decisions about the transition take centre stage. There is often confusion between the role of public participation in decision-making and the idea of public acceptance of related decisions. While good participation can lead to a positive response, or acceptance to decisions and change, the two are different notions. Here I suggest that citizens' deliberation- such as representative deliberative processes - can indirectly support public acceptance of societal change, via its contribution to better participation.

2. PUBLIC ACCEPTANCE AND NIMBY

Public acceptance is frequently presented as a pre-condition for technological innovation and policy implementation. But what scholars exactly mean by "acceptance" varies, as the concept remains contested (van Rijnsoever et al. 2015). As a common denominator of its multiple definitions, public acceptance is generally understood as to imply some level of public support for a policy decision or proposed development. In simple terms, it means that we have people on board to pursue the policies or projects proposed. Without such support, the implementation of those projects and policies is deemed harder to achieve. With respect to infrastructure development projects, such as wind energy developments for instance, lack of acceptance is particularly problematic and is often - uncritically - interpreted through the Not-In-My-Backyard (NIMBY) paradigm. NIMBY is a pejorative buzzword to explain individuals and communities' opposition to siting infrastructure in their locality. It presents lack of (sufficient) acceptance as irrational, ignorant, selfish or simply too prudent (Freudenberg and Pastor 1992). But scholars have consistently refuted the NIMBY hypothesis (e.g. Devine-Wright 2005, Wolsink 2000). They not only contest the connection between proximity with an infrastructure (e.g. a wind turbine) and opposition, but also fundamentally condemn NIMBYism as a framework for institutional disengagement with the reasons and rationality of local opposition (Dan van der Horst 2007). When lack of public acceptance is framed as NIMBYism, we overlook the deep-rooted factors and discourses shaping people's attitudes and perception of technology development and siting (Ellis, Barry and Robinson 2007). We trivialise their concerns and misrepresent their values, opinions, and voices in decision-making. This trivialisation leaves little space for genuine public participation.

3. LEGAL RIGHTS TO PARTICIPATE

In order to take public acceptance seriously, we need to engage with the public's responses, away from the NIMBY discourse. And this requires a focus on process. The role of law is important here. Legal rights of individuals and groups to participate in the environmental decision-making are institutionalised at international, EU and national level. Crucially, the 1998 Aarhus Convention recognises the right to participate in environmental decision-making applies to decision-making on specific activities (article 6); on the preparation of plans, programmes and policies (article 7); and on the preparation of 'executive regulations and others generally applicable legally binding rules that may have a significant effect on the environment' (article 8).

The implementation of these rights generally takes the form of public consultations, often in the context of Environmental Impact Assessment for infrastructure projects and of Strategic Environmental Assessment for plans and programmes. The Convention sets minimum criteria by requiring that participation procedures 'allow the public to submit, in writing or, as appropriate, at a public hearing or inquiry with the applicant, any comments, information, analyses or opinions that it considers relevant to the proposed activity' (article 6.7). The competent authority must take 'due account' of the outcome of public participation in the decision, but the ways in which it can comply with this obligation are not specified (article 6.8). This is complemented with the obligation to 'make accessible to the public the text of the decision' and give reasons (article 6.9).

While public consultations formally comply with the legal requirements for participation, in reality non-technical arguments expressed by the lay public during consultations tend to be outweighed by the positions of powerful stakeholders (e.g. industrial or economic interests) and by pre-determined, technically framed, policy objectives. Nor is participation necessarily more effective in national consultations on what these policy objectives should be (e.g. Lee et al. 2013). In theory 'all options are open' but the space to influencing decisions is generally limited (Aarhus Convention, article 6.4). And this sends us back to the question of acceptance as issues of social resistance and opposition to projects are often the consequence of a poor participatory process.

4. DELIBERATIVE PROCESSES

Participation is a condition for the legitimacy of decisions, for improving our problem-solving capacity and learning and a means to improve outcomes through the inclusion of a wider set of knowledges, interests, experiences, and values. But democratic participation is challenging as lack of time, resources and access tend to limit participation, especially in a time of climate crisis (Armeni and Lee, 2021). Frustration with traditional forms of participation has recently led to a wave of innovative deliberative experiments being developed worldwide.

While different, all these experiments are structured around three elements:

1. Deliberation as ‘debate and discussion aimed at producing reasonable, well-informed opinion in which participants are willing to revise preferences in light of discussion, new information, and claims made by fellow participants’ (Chambers 2003, 309);
2. A claim of representativeness of the participants who are selected through random sampling based on demographic criteria; and
3. A commitment to accountability and impact from decision-makers to respond or act on the deliberation outcomes.

Representative deliberative processes follow different models depending on their purposes. Some aim at designing informed citizens’ recommendations on policy questions (e.g. citizens assemblies, citizens juries / panels). Others intend to map citizens’ opinion on policy questions (e.g. G1000; citizens’ councils, citizens’ dialogues) or evaluate ballot measures (e.g. citizens’ initiative reviews). These bodies can be one-off ad-hoc exercises or permanent bodies (e.g. the Ostbelgien model and the city observatory) (OECD 2020, 14).

Although increasingly present in discourses about the climate and socio-ecological transition, deliberative participation is not without critiques. Challenges remain in terms of implementation in practice; representativeness; ability to reach consensus on controversial topics and to overcome the distortive effect of power between participants as well as between participants and experts. (e.g. Parkinson 2001; Niemeyer et al 2001). Yet, even for its supporters, the lack, or inadequacy, of the institutional framework is a barrier to deliberative participation (Smith 2003). In current practice, representative deliberative processes complement – rather than substitute – legally institutionalised opportunities for participation.

5. SOCIAL ACCEPTANCE THROUGH CITIZENS DELIBERATION? BACK TO LAW

Despite increasing interest in citizens’ assemblies and other deliberative processes, the impact of citizens’ deliberation on public acceptance of decisions about the transition is unclear. In the climate context, mandating entities have found that empowering citizens through climate assemblies can improve public acceptance of decisions about the net-zero transition (UK Climate Change Committee 2021, 17). However, others conclude that this is conditional to ‘the expectations of a favourable outcome’ (Pilet et al 2022).

It seems that a direct link between deliberative processes and increased public acceptance of the transition and related social change is difficult to establish. However, I would argue that representative deliberative processes can indirectly support public acceptance of decisions through their contribution to improving the space for participation. This contribution relies, not only on their design, but also on their institutionalisation in the legal and governance structure. This is because lack of recognition of these deliberative innovations – and of their outcomes – in the legal and governance landscape can exacerbate public opposition and frustration.

Different models of institutionalisation are used in various countries. These varies between:

1. Models that aim to give these processes a permanent status (e.g. a permanent citizens' assembly with one-off citizens' panels).
2. Models that are linked to the legislative or policy process by connecting representative public deliberation to parliamentary committees or embedding representative deliberative processes throughout the policy cycle; and
3. Models that institutionalise a "right to deliberation" by e.g. giving people the right to demand a representative deliberative process; requiring representative public deliberation before certain types of public decisions or embedding representative deliberative processes in local strategic planning (OECD 2021).

Within these models, deliberative experiments are connected in different ways to decision-making, give different mandate to the deliberative bodies, can be initiated by different actors and used at different levels of government. Inevitably, their impact on public acceptance and on the quality of the decisions varies. However, their contribution to democratic space in decision-making through their institutionalisation in law and governance can improve and support public acceptance.

6. CONCLUSION

To conclude, the impact of deliberative innovation on public acceptance of decisions related to the socio-ecological transition is yet to be ascertained. However, they certainly have an important role to play in the landscape of experiments to overcome the limitations of more traditional modes of participation in decision-making. Better participation – including through citizens' deliberation – is more likely to trigger a positive effect on people's response to crucial decisions about the socio-ecological transition.

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