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### ***Analysing Public Accountability Procedures in Contemporary European Contexts***

***PubAcc***

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# **EU RESEARCH ON SOCIAL SCIENCES AND HUMANITIES**

## **Analysing Public Accountability Procedures in Contemporary European Contexts**

**PUBACC**

**Final report**

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## **Preface**

Within the Fifth Community RTD Framework Programme of the European Union (1998–2002), the Key Action 'Improving the Socio-economic Knowledge Base' had broad and ambitious objectives, namely: to improve our understanding of the structural changes taking place in European society, to identify ways of managing these changes and to promote the active involvement of European citizens in shaping their own futures. A further important aim was to mobilise the research communities in the social sciences and humanities at the European level and to provide scientific support to policies at various levels, with particular attention to EU policy fields.

This Key Action had a total budget of EUR 155 million and was implemented through three Calls for proposals. As a result, 185 projects involving more than 1 600 research teams from 38 countries have been selected for funding and have started their research between 1999 and 2002.

Most of these projects are now finalised and results are systematically published in the form of a Final Report.

The calls have addressed different but interrelated research themes which have contributed to the objectives outlined above. These themes can be grouped under a certain number of areas of policy relevance, each of which are addressed by a significant number of projects from a variety of perspectives.

These areas are the following:

- ***Societal trends and structural change***

16 projects, total investment of EUR 14.6 million, 164 teams

- ***Quality of life of European citizens***

5 projects, total investment of EUR 6.4 million, 36 teams

- ***European socio-economic models and challenges***

9 projects, total investment of EUR 9.3 million, 91 teams

- ***Social cohesion, migration and welfare***

30 projects, total investment of EUR 28 million, 249 teams

- ***Employment and changes in work***

18 projects, total investment of EUR 17.5 million, 149 teams

- ***Gender, participation and quality of life***

13 projects, total investment of EUR 12.3 million, 97 teams

- ***Dynamics of knowledge, generation and use***

8 projects, total investment of EUR 6.1 million, 77 teams

- ***Education, training and new forms of learning***

14 projects, total investment of EUR 12.9 million, 105 teams

- ***Economic development and dynamics***

22 projects, total investment of EUR 15.3 million, 134 teams

- ***Governance, democracy and citizenship***

28 projects; total investment of EUR 25.5 million, 233 teams

- ***Challenges from European enlargement***

13 projects, total investment of EUR 12.8 million, 116 teams

- ***Infrastructures to build the European research area***

9 projects, total investment of EUR 15.4 million, 74 teams

This publication contains the final report of the project 'Analysing Public Accountability Procedures in Contemporary European Contexts', whose work has primarily contributed to the area 'Governance, Citizenship and the Dynamics of European Integration'.

The report contains information about the main scientific findings of PubAcc and their policy implications. The research was carried out by seven teams over a period of 35 months, starting in August 2001.

The abstract and executive summary presented in this edition offer the reader an overview of the main scientific and policy conclusions, before the main body of the research provided in the other chapters of this report.

As the results of the projects financed under the Key Action become available to the scientific and policy communities, Priority 7 'Citizens and Governance in a knowledge based society' of the Sixth Framework Programme is building on the progress already made and aims at making a further contribution to the development of a European Research Area in the social sciences and the humanities.

I hope readers find the information in this publication both interesting and useful as well as clear evidence of the importance attached by the European Union to fostering research in the field of social sciences and the humanities.

J.-M. BAER,

Director

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## Abstract

The 'PubAcc' (Public Accountability in Contemporary European Contexts) project was carried in 2001–2004 by a research team from the Czech Republic, Denmark, France, Germany, Latvia, Portugal and the United Kingdom. The aim was (1) to analyse public accountability in relation to three different policy-making areas (GM crops, household waste, transport infrastructure projects) in the seven national settings, as well as at European level; and (2) to discuss the significance of public accountability for contemporary democratic governance and legitimacy.

Using an expanded conceptual framework – that goes beyond the traditional conceptualisation in terms of formal provisions for openness and scrutiny within state institutions, and relates public accountability to policy- and decision-making *processes*, the dynamics of *social mobilisation*, and wider *public sphere discourse* – seven national profiles were drawn up and 21 empirical case studies were carried out. The research findings point to the following characteristics of public accountability in contemporary European contexts that have policy implications: first, there are *substantial differences* in the normative conceptualisation and practical experience of public accountability in the seven countries analysed. This needs to be borne in mind when considering public accountability at European level and in relation to new forms of multi-level governance. Second, the differences in the conceptualisation and use of public accountability can be explained with the *different historical, political and cultural traditions* in the countries analysed. Thus, an in-depth understanding of the political process, policy-making and public sphere activities is essential, in order to be able to gain a more thorough understanding of the role of public accountability in democratic governance and legitimacy.

Third, there is a significant difference between the provision of formal structures and procedures of public accountability through state systems, on the one hand, and the 'practice' and 'lived' experience of public accountability in policy-making and public sphere discourse, on the other. This difference can be interpreted as a (perceived) *dysfunction of formal public accountability provisions*. Fourth, there has been a growth in '*extra-parliamentary*' public accountability processes and social mobilisation processes initiated by civil society actors within the public sphere in response to the perceived dysfunction of formal public accountability provisions.

Fifth, the processes of '*Europeanisation*' has had a double-sided impact on public accountability procedures and discourses: in some instances, the Europeanisation of policy-making has fostered public accountability provisions; in other instances,

Europeanisation has meant that effective accountability processes have been curtailed due to the pressure to adopt EU law and regulation without in-depth debate and scrutiny at national and subnational level. Finally, scientific-technological policy issues are differently characterised in the seven national contexts, with Latvia and the Czech Republic having experienced less social and political controversy compared with the other countries. In the case of the latter, the often controversial nature of scientific-technological developments has led to attempts to innovate in *new forms of governance*, with emphasis on stakeholder and citizen participation. This challenges more traditional public accountability provisions. The new mechanisms of public accountability, however, do not fully manage to provide viable alternatives to traditional accountability mechanisms to date.

## I. EXECUTIVE SUMMARY

*"Accountability is a popular concept that is proposed seriously, but not often exactly, as the solution for the ills of government and the remedy for bureaucratic failures. However, when it is subject to deeper evaluation, it loses its apparent simplicity" (Moncrieffe, 2001:46).*

*"Accountability ... is a social and political process. It is about perceptions and power. It can therefore be expected to vary in different contexts, depending on the nature of the policy arena and the power of the different organisational actors" (Day and Klein, 1987:2).*

We live in an age of public accountability, or so it would seem. Governments in new and old democracies, often under intense media and public scrutiny, are made to grant access to information concerning controversial actions and decisions by ministers and bureaucrats. Hospitals, schools, the police and prisons are forced to publish performance results; listing missed as well as fulfilled targets. Shareholders demand answers about ethical investments and 'fat cat pay' from directors and board members of large companies. 'Watchdogs' investigate alleged price-fixing and poor services by privatised utilities, such as gas, water and telephone companies. Scientists have to declare their funding sources and subject their research to ethical assessments by independent committees. International 'transparency' organisations regularly monitor levels of corruption and social responsibility efforts of both public and private actors in different parts of the world. The media investigate the alleged lack of accountability of large non-governmental organisations (NGOs) campaigning on behalf of their grassroots members. At the same time, the spotlight is turned on the media themselves, with questions being asked about the growing power wielded over politicians and governments by media tycoons and the information monopolies dominating the public sphere.

This abundance of demands for greater openness, transparency and accountability of decision-makers in both the political and public spheres raises several important questions. For example, what is the effect of these demands and the resulting actions on politics, business and society? Are the efforts to achieve greater public accountability heralding a more open, democratic society; or are they hindering efficient decision-making and successful entrepreneurship? Does public accountability further erode trust in politicians, officialdom and business people; or does it help to renew their legitimacy in an age of less deference, greater consumer power and communicative abundance? How are we to understand the role of public accountability in contemporary societies characterised by new, emerging modes of multi-level governance, technological advances

and transformations in mass communication? And, considering the historical roots of the concept of public accountability in liberal democracy and nation state-building of several centuries ago, what are suitable practical mechanisms and processes today?

The PubAcc project aims to address these and related questions. It seeks to advance the conceptualisation of public accountability within a contemporary perspective of governance and public discourse, and to provide comprehensive empirical and comparative analysis of recent, complex socio-political issues of public policy-making. The project has a strong European focus, as it is based on a multinational research programme carried out between 2001 and 2004 among a multidisciplinary team of scholars from the Czech Republic (Charles University, Prague), Denmark (Aalborg University), France (QAP Decision, Grenoble), Germany (Centre of Technology Assessment in Baden-Wurttemberg, Stuttgart), Latvia (Baltic Studies Centre, Riga), Portugal (Coimbra University) and the United Kingdom (University of Westminster, London).

## **1. Background**

- The 'PubAcc' (Public Accountability in Contemporary European Contexts) project, carried out in 2001–2004 by a research team from the Czech Republic, Denmark, France, Germany, Latvia, Portugal and the United Kingdom, aimed to: (1) analyse public accountability in relation to three different policy-making areas (GM crops, household waste, transport infrastructure projects) in the seven national settings, as well as at European level; (2) discuss the significance of public accountability for contemporary democratic governance and legitimacy.
- Using an expanded conceptual framework – that goes beyond the traditional conceptualisation in terms of formal provisions for openness and scrutiny within state institutions, and relates public accountability to policy- and decision-making *processes*, the dynamics of *social mobilisation*, and wider *public sphere discourse* – seven national profiles were drawn up and 21 empirical case studies were carried out.

## **2. Findings**

- It should not be assumed as a matter of course that public accountability is a commonly used linguistic term and normative concept across different European national and cultural contexts. On the contrary, this research shows that there are *substantial differences* in the conceptualisation of public accountability in the seven countries analysed. This needs to be borne in mind when considering public

accountability at European level (see e.g. the European Commission's White Paper on European Governance) and in relation to new forms of (multi-level) governance.

- The differences in the conceptualisation and use of public accountability can be explained with the *different historical, political and cultural traditions* in the countries analysed. These different traditions are characterised in terms of historical legacies, constitutional framings, the structures and functions of state institutions, policy regimes, and the conceptualisation of civil society and the public sphere. Thus, an in-depth understanding of the political process, policy-making and public sphere activities is essential, in order to be able to gain a more thorough understanding of the role of public accountability in democratic governance and legitimacy.
- There is a significant difference between the provision of formal structures and procedures of public accountability through state systems, on the one hand, and the 'practice' and 'lived' experience of public accountability in policy-making and public sphere discourse, on the other. This difference can be interpreted as a (relative) *dysfunction of formal public accountability provisions*, as they do not manage to provide adequate responses to complex policy issues.
- There has been a growth in '*extra-parliamentary*' public accountability processes and social mobilisation processes initiated by civil society actors within the public sphere in response to the perceived dysfunction of formal public accountability provisions.
- The processes of '*Europeanisation*' – especially in relation to accession countries (Portugal in the 1980s, the Czech Republic and Latvia in the late 1990s/early 2000s) – has had a double-sided impact on public accountability procedures and discourses: on the one hand, democratisation and reform processes have fostered public accountability provisions (e.g. through the ratification of EU law in national legislation); on the other, Europeanisation has often meant that effective accountability processes have been curtailed due to the pressure to adopt EU law and regulation without in-depth debate and scrutiny at national and subnational level.
- Scientific-technological policy issues are differently characterised in the seven national contexts, with Latvia and the Czech Republic having experienced less social and political controversy compared with the other countries, where scientific-technological issues have frequently been high up on the political and public agenda in recent years. In the latter case, the often controversial nature of

scientific-technological developments – as exemplified by GM crops, the BSE crisis, environmental pollution – has led to attempts on the part of state institutions, policy-makers as well as civil society actors to innovate in *new forms of governance*, with emphasis on stakeholder and citizen participation. This, in turn, has been shown to challenge more traditional public accountability provisions. With the rising complexity and uncertainty of technological innovation, new mechanisms of public accountability have been explored without, however, fully managing to provide successful alternatives to traditional accountability mechanisms to date.

### **3. Policy Implications**

The following characteristics of public accountability in contemporary European contexts have a bearing on policy implications:

- 1) There are substantial differences in the normative conceptualisation and practical experience of public accountability in the seven countries analysed. This needs to be borne in mind when considering public accountability at European level and in relation to new forms of multi-level governance.
- 2) The differences in the conceptualisation and use of public accountability can be explained with the different historical, political and cultural traditions in the countries analysed. Thus, an in-depth understanding of the political process, policy-making and public sphere activities is essential, in order to be able to gain a more thorough understanding of the role of public accountability in democratic governance and legitimacy.
- 3) There is a significant difference between the provision of formal structures and procedures of public accountability through state systems, on the one hand, and the 'practice' and 'lived' experience of public accountability in policy-making and public sphere discourse, on the other. This difference can be interpreted as a (perceived) dysfunction of formal public accountability provisions. Fourth, there has been a growth in 'extra-parliamentary' public accountability processes and social mobilisation processes initiated by civil society actors within the public sphere in response to the perceived dysfunction of formal public accountability provisions.
- 4) The processes of 'Europeanisation' has had a double-sided impact on public accountability procedures and discourses: in some instances, the Europeanisation of policy-making has fostered public accountability provisions; in other instances, Europeanisation has meant that effective accountability

processes have been curtailed due to the pressure to adopt EU law and regulation without in-depth debate and scrutiny at national and subnational level.

- 5) Finally, scientific-technological policy issues are differently characterised in the seven national contexts, with Latvia and the Czech Republic having experienced less social and political controversy compared with the other countries. In the case of the latter, the often controversial nature of scientific-technological developments has led to attempts to innovate in new forms of governance, with emphasis on stakeholder and citizen participation. This challenges more traditional public accountability provisions. The new mechanisms of public accountability, however, do not fully manage to provide viable alternatives to traditional accountability mechanisms to date.

## **II. BACKGROUND AND OBJECTIVES OF THE PROJECT**

### **1. Objectives**

Involving seven partners from the Czech Republic, Denmark, France, Germany, Latvia, Portugal and the United Kingdom, the overall objective of the PubAcc project was to analyse, at the European national and transnational levels, the relevance of public accountability procedures for achieving publicly legitimate and sustainable governance of complex socio-technical issues. The project aimed to assess the functional role of public accountability, and particularly the relationship between public accountability procedures, on the one hand, and the legitimacy and effectiveness of policy- and decision-making on the other.

With its emphasis on the European transnational dimension, the project aimed to contribute to contemporary discussions of how to deal with the long-term institutional changes resulting from European integration and enlargement.

More specifically, the PubAcc project pursued a set of more detailed objectives:

- 1) Define a general characterisation of public accountability – in the form of ‘initial profiles’ – in relation to the seven national contexts concerned, as well as in relation to the European Union (WP 1).
- 2) Establish a common analytical framework for the empirical and transversal research to be undertaken (WP 1).
- 3) Carry out in-depth empirical analyses – through three case studies – of the role of public accountability in the seven national contexts in relation to the issues of genetically modified (GM) food policy, household waste management and local/regional transport policy (WP 2).
- 4) Undertake cross-national and cross-thematic comparisons of the research undertaken, aimed at reaching an integrating view of the role of public accountability in achieving socially legitimate and sustainable governance (WP 3).
- 5) Disseminate project findings through one transnational and seven national conferences with the aim of discussing the requirements for the effective and efficient operation of public accountability tools within European national and European Union-wide contexts (WP 4).

In pursuit of the above objectives, the project addressed four key (guiding) research questions which were dealt with in the course of the four Workpackages (WPs):

- 1) How, and to which extent, is public accountability conceptualised at different European national levels and at European transnational level, and what concrete forms does it take (*characteristics, typology*)?
- 2) What is the functional role of public accountability procedures in relation to the three thematic contexts investigated (*functional role*)?
- 3) What is the relevance of public accountability mechanisms as a tool for achieving publicly legitimate and socially sustainable decision-making (*relevance*)?
- 4) What are the conceptual and practical requirements for public accountability procedures to operate effectively (*requirements*)?

## **2. The Policy Contexts**

As noted above, an integral component of the PubAcc project was the conduct of in-depth empirical analyses of the role of public accountability with regard to three specific policy issues: genetically modified (GM) food, waste management and local/regional transport. Detailed case analyses of each of the policy issues were undertaken within each of the seven national contexts (WP 2) as well as thematically (GM Food/Transport/Waste) and cross-comparatively (focusing on PubAcc issues specific to the national context) across each of the seven national contexts (WP 3). The focus of the analysis differed depending on the policy context involved: the *GM (food) policy* case studies analysed developments in policy-making and public debate during the period 1995-2002, taking into account various events, decisions and interactions that combined shaped the governance of GM food policy over time and that were interesting from a public accountability perspective. In contrast, the transport policy and waste management case studies analysed public accountability characteristics and relevance in relation to specific policy projects that were more delineated in terms of space (e.g. urban public transport projects) and time (e.g. an already established waste incinerator). The following table gives an overview of the case studies chosen within each of the seven national contexts.

	<b>GM FOOD</b>	<b>TRANSPORT</b>	<b>WASTE</b>
<b>United Kingdom</b>	GM food policy ca. 1995-2002 <ul style="list-style-type: none"> <li>• Socio-technological developments</li> <li>• Policy-making</li> <li>• Public debate</li> </ul>	London Underground Public Private Partnership (PPP)	South East London Combined Heat and Power Incinerator (SELCHP)
<b>Latvia</b>		Liepaja-Riga/Ventspils-Riga Railway	Ziemeļvidzeme Regional Waste Project
<b>Portugal</b>		New Lisbon Airport	Taveiro/ Bigorne Landfills
<b>Denmark</b>		Copenhagen Metro Public Private Partnership (PPP)	Copenhagen (Inner Norebro) Waste Management
<b>France</b>		Grenoble Road Tunnel	Gilly-Sur-Isere Incinerator Clear-Up
<b>Czech Republic</b>		Plzen Motorway Bypass	Praha-Malesice/ Liberec Incinerators
<b>Germany</b>		Freiburg Bypass	Böblingen Incinerator

### **III. SCIENTIFIC DESCRIPTION OF PROJECT RESULTS AND METHODOLOGY**

#### **1. Public Accountability – an Expanded Conceptual Framework**

At the beginning of the PubAcc project, as part of Workpackage 1, the research team explored the various, theoretical as well as practical, dimensions of public accountability, as they manifest themselves in the seven national contexts considered. To this end, each national team drew up so-called 'initial profiles' of public accountability relating to their respective political and socio-cultural contexts. This was done using a standard research protocol (see below). These initial profiles helped the PubAcc researchers familiarise themselves in-depth with the ideas, norms, formal structures, mechanisms, and social practices regarding public accountability, and gain a comparative understanding of public accountability in the European context.

This important grounding work led to a close consideration of various theoretical and practical conceptualisations of public accountability. The result of this was a conceptual expansion of public accountability beyond the traditional definitions in terms of intra- and inter-institutional public accountability forms and procedures – that is, beyond the notion of 'accountability' as a mechanism of governmental checks and balances through separation of power (parliamentary accountability; independent judiciary; national audit offices etc) and the normal electoral process (public accountability at the ballot box).

The following summarises the research outcomes of Workpackage 1.

##### **1.1. Initial national profiles**

The initial national profiles were drawn up using a standard research protocol with the following aspects for empirical analysis (a brief rationale for the various dimensions is given):

##### **Linguistic connotations/ terminology**

- Which linguistic connotations/ associations exist?
- What is the language of public accountability?

The term 'public accountability' is not used narrowly in English, but is associated with various related terms and expressions - 'openness', 'transparency', 'accessibility', 'reconnecting with the public' etc.

## **Concepts/ ideas**

- What concepts and normative ideas of public accountability exist?
- How have they been arrived at historically?
- Who are their advocates?
- What is their significance?
- Have there been related (academic) discourses?

It is important to consider relevant historical developments, particularly those concerning constitutional issues and related philosophical and political theory discourses. Equally important, however, are contemporary debates taking place amongst academics, social commentators and social actors.

## **Political system**

- What are the main features of the political system, and what is their significance in terms of public accountability?
- Are there public accountability-relevant laws, regulations, and mechanisms?

'Political system' here encompasses the constitutional framework, the institutional settings (legislative, executive, judiciary), as well as political processes (policy-making, consultation, participatory decision-making, stakeholder involvement etc). The latter is of particular interest in terms of the 'actual working' of public accountability. Equally important is 'political culture' in terms of 'openness/closeness', centralisation/decentralisation etc of the political system.

## **Public sphere**

- How is the public sphere characterised?
- Is there a culture of open, public debate?
- How do various civil society actors and citizens engage in public discourse about issues of public interest?
- Which forms and procedures of public debate exist?
- What is the role of the media?

This dimension is important since public accountability – as a process – is about scrutinising, in public, decision-making in either the political sphere (government, Parliament, political parties etc), the administrative sphere (civil service, expert committees), or the private sector (social responsibility of private enterprise etc).

### **Private sector**

- What is the role of the private sector in public policy- and decision-making?
- Is the private sector's involvement in policy implementation seen as problematic as far as public accountability is concerned?
- What, if any, demands have been made to render decision-making within the private sector more publicly accountable?
- Is 'social responsibility' or 'social accounting' of private sector institutions an issue?

Traditionally, public accountability has been related to the political system and the public sphere. However, with the increasing blurring of the distinction between public and private sector (for example, public-private-partnerships) the analysis should also consider the private sector, in so far as it is involved in issues of public relevance.

### **International organisations and governance**

- What has the influence of international governance (e.g. 'Europeanisation', 'Transparency International') been on national decision-making and public debate?
- What is its relevance for public accountability?

### **Issues/ problems**

- What are significant issues, or 'problems', around which questions of public accountability have been raised?
- How and why have they come to the fore?
- How have the various social actors addressed these issues?

### **Mechanisms/ procedures**

- What kind of mechanisms and procedures exist to achieve public accountability?
- Are there 'new' or emerging procedures, as opposed to 'old' mechanisms of public accountability?

This category includes both general provisions, such as relevant laws, regulations and institutions (ombudsman, complaints office etc), and specific mechanisms, such as public enquiries, petitions, public registers, stakeholder dialogue procedures, citizen participation, public hearings etc. How are these provisions used, and how well established are they?

### **Outcomes**

- How are public accountability measures implemented, and what are the outcomes?
- Does public accountability render decisions 'better' and more legitimate?
- How is the latter point perceived by various social actors?
- What are the 'bottlenecks' if public accountability measures fail/ run into difficulties?
- What are public perceptions of public accountability measures?

It is one thing to agree on some principled statement of public accountability (ensuring openness, accessibility etc), but it is another thing to implement this effectively. One of the justifications for public accountability is that it increases the perceived legitimacy of decision-making. Another is that it promotes 'better' decision outcomes (decisions based on careful consideration etc). However, it is not necessarily clear that this is always the case.

The following methodological tools were used by each national team used to carry out this research:

- literature analysis (academic texts, research reports, official documents, social commentaries);
- media analysis (qualitative, 'impressionistic' analysis);
- 15 semi-structured interviews (with academic experts, constitutional experts, journalists/ media specialists, social commentator, policy-/ decision-makers, civil servants, advisory board members, ombudsman/ watchdog, relevant civil society actors, private sector actors, representatives of international organisations).

The initial profiles provided in-depth information about public accountability structures and procedures in the seven national contexts. The following section summarises the key findings:

### **1.1.1. Czech Republic**

There is no simple translation of "public accountability" into Czech language. "Accountability" is usually translated as "odpovědnost", but this word can be best attributed to the English term "responsibility". We decided to use a less common Czech equivalent: "veřejná vykazatelnost". Related concepts are: legality, rule of law, transparency, predictability, openness, access to information, communication with the public, participation in decision-making, public control, political responsibility. The English concept is not widespread; rather, the contrary is true. Its usage is limited to the occasions of international collaboration and other kinds of contacts abroad.

The Czech political culture is marked by a tension between two sharply contrasting and personalised conceptions of politics. Some stress standard parliamentary mechanisms and calculability of party politics. Others, using the rhetoric of civil society, emphasize the role of civic initiatives and informal political means (non-political politics). Both conceptions relate, in their specific ways, to what may be called public accountability principles. The tension between them should be understood against a broader historical trajectory of contemporary Czech politics.

An important frame of reference for the study of public accountability in the Czech Republic is the process of post-communist transformation. In the beginning, political leaders enjoyed unquestioned legitimacy and emphasised "economic" aspects of the reform. The reforms of regulatory frameworks and of control mechanisms were delayed. The delay, together with a lack of competence and easy access to huge financial resources, led to proliferation of corruption, economic crime and loss of trust of the public as well as of foreign entrepreneurs. Despite of current effort, results of the fight against frauds and corruption have not been convincing. Practical life of the civic sector is rather independent of the above-mentioned tension between party politics and post-dissident rhetoric of civil society. NGOs, foundations, civic initiatives and associations develop rather well, with a substantial financial help from abroad. Transfers of know-how are as important as transfers of money.

The role of experts is not explicitly regarded as a political or public issue (though there exist controversies in which experts do play important role). Expertise enjoys an unquestioned status: it is mostly considered as a force that intervenes in politics from outside. Support from experts is often used as a compensation for lacking public consensus. The independence of the media is regarded as an important value. It seems that the main problem with the media is not that they are biased and too influential, but rather that they are quite un-influential (they themselves cannot make things moving)

and that they tacitly exclude certain important topics (e.g., more complex system features of proposed laws). Knowing how to work with the media – even the so-called new media – becomes a crucial skill for both officials and activists.

Another frame of reference for the study of public accountability in the Czech Republic is the process of EU accession. By applying for membership in the European Union the country has agreed with its basic values, norms and procedures. In its evaluation reports, the European Commission has referred above all to the following problems: insufficient struggle against corruption, economic crime and non-transparent financial flows; delayed reform of central and regional public administration and of the judicial system; state policies concerning ethnic minorities (esp. Gypsies/Roma). Normative pressures from the EU are useful because they help to find consensus over long-needed legislation. On the other hand, adopting rules by means and with the help of a simple reference to “given” European standards has inhibitive effects on public discussion of these new rules and their consequences.

Ecological movements and organisations belong to the most active subjects in the public sphere. Sometimes they engage in activities that reach beyond the field of ecology and address issues of general importance for the development of participatory political culture.

The most characteristic public accountability issues and problems include: uncontrolled links between politics and business; tension between politics and the media; EU accession process; power monopoly of the two most influential political parties based on so called Opposition Treaty; the split of Czechoslovakia in 1993; non-transparent privatisation; lagging and protracted reform of public administration; corruption in public administration; inefficient enactment of law; various environmental conflicts. Since 1989, many standard public accountability mechanisms have gradually been established and/or revived (e.g., free access to information, petitions). The introduction of some mechanisms and procedures parallels respective contemporary trends in Europe (Ombudsman, GMO labelling policy, and social and ecological audits of firms). Other public accountability procedures, however, remain still unnoticed (consensus conferences).

### **1.1.2. Denmark**

The recent change in government in Denmark has brought about a significant shift in regimes in relation to public accountability procedures. The strong interest in such matters as stakeholder involvement in decision-making and so-called green accounts that was so prevalent in the 1990s has given way to a regime of public accountability

procedures that emphasizes fiscal accounting, and is based on an explicit neo-liberal ideology.

The words public accountability do not translate directly into the Danish language, but tend to be thought of in terms of democratic control and democratic legitimacy. Political scientists distinguish five dimensions of public accountability in the Danish context - legal, fiscal, democratic, performance, ethical - that we combine here into a concept of regimes, where emphasis is given to one or more dimensions over the others. There are also different types of institutionalized procedures for public accountability within the different systems (legal, political, economic), as well as more dynamic processes of what might be termed regime-formation, whereby shifts in emphasis among the different procedures takes place.

Danish public accountability procedures build on an historical experience, by which two fundamentally different political cultures were established, one based in the countryside and one based in the cities. Separate ideologies, separate organizational forms and separate political parties came into being, which have shared power through most of the past 100 years through arrangements of consensus-making and compromise. As a society, Denmark has also been characterized by a strong interest in forming associations, and in conducting social and political experiments. A particular feature of the Danish political culture is also the importance given to experiments, perhaps especially in relation to education.

Both the legal system and the political system are marked by tendencies toward decentralization and allocation of authority to the local level. In comparison to other countries, local activities play a significant role in public accountability procedures. There is little formal separation between the government and the parliament, or, for that matter, between the legal and political systems, and there is a comparatively strong political influence within the private sector and the media. The strong role played in decision-making by informal consultations among interest groups and by negotiated settlements among different constituencies can be considered an outgrowth of what has been referred to as a "corporatist" form of governance that Denmark shares with the other Nordic countries.

Three different regimes of public accountability procedures can be identified over the past 30 years. In the 1970s and 1980s there developed a consensual regime, by which there was an overriding attempt to balance different interests by means of compromise and negotiation, which led to a number of new fora for decision-making, technology assessment, and social accountability. In the 1990s, under the social democratic led

government, there was what we term a “greening” of accountability, with a number of new procedures being instituted in order to account for the environmental implications of various decisions. It is this regime that is in the process of being replaced by a neo-liberal regime, by which fiscal accounting is given precedence over all other kinds of public accountability procedures.

### **1.1.3. France**

There is no literal correspondence for *public accountability* in the French language. The word *accountability* (*comptabilité*) is used mainly for its financial meaning. In a passive form, *être comptable de* is sometimes used for meaning *to be accountable*, i.e. to be responsible in front of the community, to have to justify actions, scientific experiments, decisions in front of scientific community, society...But *être comptable de* remains very rarely used in the political arena. *Per se*, this absence is an interesting object of research. Several dimensions may contribute to approach public accountability *à la française*: transparency, accessibility, consultation, dialogue, public participation, de-concentration of power, responsibility, and control. According to the stakeholders claiming for or implementing more transparency or more control of power, the governance perspective of those changes may be different: from opening up or modernising the political system till sharing power or decision-making.

We have identified two main intellectual streams dealing with some dimensions of public accountability: political sciences proposing different contents of what should be good governance and sociology of socio-technical controversies observing the emergence and multiplication of hybrid forums as social constructions of opposition to enclosed decision-making processes.

The French political system is characterised by its centralisation of power: physical centralisation in Paris (Jacobinism) and double delegation (or confiscation) of power to politicians and experts (Colbertism). A third aspect is the historical close relationship built between political and economical elites: this closeness has been a major instrument of economic development with a major *side effect*: corruption.

Some recent events in the last 10 years reveal that changes are at work in France. The question is on the interpretation of those changes. There have been several important public consultation exercises organised by public institutions: national debate on transport (1991 – 1992), regional conferences on health issues (*Etats Généraux de la Santé*, 1998-1999), citizens’ conference on GMOs (June 1998) etc. These initiatives are often inspired by experiences from abroad (consensus conference model for instance) and aim at answering the demand for information and public expression of dissent on

public decisions, in contexts of scientific controversies and planning conflicts. Some institutional tools have been set up to stimulate debate, public consultation and access to information, while others are instruments of control of public action. As in the case of the CNDP (*Commission Nationale du Débat Public*), there is a confusion on the function of those initiatives and instruments: information to the public, consultation, *concertation*? They do not correspond really to a political will to facilitate public access to or participation in decision-making processes.

Some factors of change may come from abroad. The European construction has significant impacts on French governance practices: it contributes to open up the policy making process, in which more actors may intervene at different levels: supranational, national and subnational ones. A second characteristic of the on going changes is probably a shift of the policy making style by putting into practice concertation, negotiation and assessment as sequences of the policy making and not only as modes of acceptance of those policies. As a consequence, there is a process of de-concentration and de-centralisation of power, more by reaction than anticipation.

The second important international interaction is the Aarhus Convention, signed in June 1998 by 39 governments in Europe. It proposes to develop the access to the public of the information in the hands of public authorities, to stimulate participation of the public to decision taking with incidences on environment, to extend the conditions of access to justice. This international agreement even being in a slow ratification process, is used as a reference for action either by NGOs or the government (when proposing a law on local democracy).

Socio-technical controversies and crises are also major instruments of change, by their long term structuring effects, forcing or encouraging the political system to put into practice new procedures. In France, conflict seems to be an important sequence in which stakeholders' mobilisation can create the conditions for opening up the political system for more access to information, consultation and even participation. New information, consultation and participatory approaches have been used in the following areas: nuclear wastes, domestic waste incineration impacts on environment and health, transports and others large public infrastructure projects, local disposals for industrial wastes management, use of genetically modified organisms in agriculture and food...Most of those cases opposed expert knowledge and lay people knowledge, un-transparent decision making process and hybrid forums.

In other situations not involving socio-technical issues, the media is a major actor in pointing out unaccountable practices – for example: (i) secrecy of the use of budgetary

surplus in 1999 and lack of controlling power by the parliament, opening a broad debate on economic and social priorities to be answered with this surplus; (ii) secrecy on the use of secret special funds used by the Prime Minister without any control; (iii) secrecy and multiple errors in the management of the contaminated blood crisis; (iv) a recent much broader focus on the impacts of the current anti-terrorist crusade on civil rights and risk of closing of political systems.

If we refer to the four dimensions of environmental governance, we could consider that those gradual and contradictory evolutions show that a significant part of political, economical and social actors wish to consolidate the modernisation of public action by increasing its legitimacy and credibility (1st model). They could also be ready to engage into the second model (coordination model) by developing non-authoritarian mechanisms of coordination and regulation of collective action. Some political actors, are ready to go to the third model (uncertainty management model). Some components of this model like precautionary principle or risk assessment are considered now as public action principles by public decision-makers. It is still difficult to imagine that those references are more than elements of defensive strategies. The fourth model (changing power relation and sharing) remains out of the agenda for most political actors.

#### **1.1.4. Germany**

A direct translation of the term 'Public Accountability' into German language is not possible. The term can be related to:

- 'Rechenschaft' of a responsible person or officials (government, administration, media, economy) towards the public;
- 'öffentliche Kontrolle' (public control) which means that the public is given the possibility to control and scrutinise the process of decision making - with transparency and access to information as a necessary requirement;
- 'demokratische Legitimation' (democratic legitimacy) that is commonly used and discussed in German language and that is based on 'Rechenschaft' and 'öffentliche Kontrolle'.

The overall objectives of the German constitution (in Germany the Basic Law=Grundgesetz) and the corresponding political system were to create a stable democracy, which would not drift into a dictatorship again. In terms of public accountability this meant minimizing the direct influence of the people on the political decision-making. Institutionalised forms of control were given priority over control by the citizens, and an extensive system of checks and balances was created.

There is an element of uncertainty about the responsiveness and the legitimacy of a complex system like the federal republic, where politics take place in a horizontally and vertically structured negotiation - processes that are not transparent and understandable for the average citizen. Recent public discussions focus on a deficit of democracy and a lack of trust of the German public in their representatives. The political parties are becoming more aware of these democratic deficits and include concrete solutions in their political programs, mainly focusing on increased public participation in politics. However, public accountability as a comprehensive concept is not a topic in Germany, neither in political discussions nor in academic literature. Germany's political system is characterised by federal democratic governance structures and corporatist participatory governance processes. Political parties are the primary institutions of Germany's representative democracy. The parties are held accountable to the public rather than. The German public tends to interpret internal discussions in parties as disputes in a negative sense, conflicts are taken as an indicator of weak leadership. Thus, parties always try to avoid controversial public discussions as much as possible.

A 'freedom of information' is guaranteed by the constitution only in accordance to 'generally accessible sources'. But for much information, which is important for the public it is up to the state itself to define what is 'generally accessible'. Neither the constitution nor any other legal regulation explicitly stipulate common instructions about a direct publicity of the action of the government or its administration. Federal administrative regulations require that relevant national associations are consulted and asked to provide testimony on proposals under the consideration of ministries. The interest groups recognised as relevant are involved, but this assumes that all relevant interests are organised and that is definitely not the case. Thus, decisions affecting the entire populace often are made beyond the public's eye. Many associations do not want to be labelled 'pressure groups' or 'lobbyists', since there is a common interpretation of dishonesty and shame with these terms.

#### **1.1.5. Latvia**

In Latvia, various groups of political agents are more familiar with the concept of political responsibility and responsible governance rather than public accountability. Other concepts, which illuminate aspects of public accountability, are transparency, access to government information, participation in policymaking, cooperation between government and other stakeholders, and legal responsibility of officials.

Most of interviewed experts referred to insufficient responsibility of politics and governance in Latvia, citing problems such as corrupt behaviour, the dependency of

political parties on economic groups, the flaws of administrative reforms (low administrative capacity). Although the civil society is developing, widespread distrust in politics and the lack of skills of democratic participation result in insufficient public demand for accountable governance.

On the positive side, several new developments have emerged: improved access to government information, cooperation between state institutions and civil society organizations in a number of consultation councils in the process of policy formulation and implementation, new initiatives of state administration to open policy making for public participation. However, these new initiatives towards open, transparent, and participatory policy making are yet to be consolidated in order to achieve systemic improvements. A latent conflict exists between increasingly accountable administrative activities and continuously non-transparent political decision-making. Another challenge is the enforcement of accountability in increasingly decentralizing governance. Yet one more challenge is related to the effects of the expansion of information technologies in policy making that both increase opportunities for participation and discriminates against those who do not possess necessary technical means and skills.

#### **1.1.6. Portugal**

Portuguese society displays an intermediate level of development and fulfils a role of intermediation, within the European regional context, between the core countries and the peripheral and semi-peripheral countries of Africa and Latin America. Whereas a superficial comparison of the institutional framework of the democratic regime would underline its similarities with other countries within the European Union, the historical path towards the building of this framework displays a number of specificities, providing a window to the heterogeneous dynamics of Portuguese society and, in particular, to State-society relations.

During 48 years, Portuguese society lived under a dictatorship (1926-1974) – the “Estado Novo”. Under the leadership of Salazar, the dictatorship suppressed basic political rights. A convergence of foci of tension and conflict brought the regime into a collapse, in the form of a military coup on April 25, 1974, followed by a period of active popular mobilization and social and political change. In November 1975, an alliance of moderate and conservative sectors in the armed forces took control, and Portuguese society entered a period of “normalization”, characterised by a strong instability. Portugal was finally admitted to the Community in 1985, and joined it formally in 1986, starting the process of “Europeanization” of the democratic regime. Political culture in contemporary Portugal should be conceived as building upon a pervasive feature of the

State and of State-society relations in the post-1976 period: a gap between legal frameworks and social practices. This gap cuts across “stable” periods and periods of social and political change.

There is no literal translation into Portuguese of the word “accountability”. It is possible, however, to identify a range of words and expressions that, through their interrelations, define a set of semantic fields corresponding to the English “accountability”. In the Portuguese case, any discussion of the meanings and the uses of these terms and expressions should be put into perspective by placing them within specific historical contexts: the lack of accountability in the several dimensions of Portuguese society during the dictatorship; the central role of being accountable to “the people” and to popular assemblies during the revolutionary period; the almost total omission of debate about accountability during the “normalization” of parliamentary democracy; and, the emergence of concerns with public accountability after Portugal joined the EC, in 1986.

The cases presented and discussed have brought issues of public accountability across a range of fields – environment, health, justice, education, public administration - to public debate and point towards some of the consequences of the intersection of the gap between legal frameworks and administrative, political and social practices with the “partial and uneven Europeanization” of Portuguese society for the demand for information, responsibility and transparency in public policy-making.

#### **1.1.7. United Kingdom**

Both the general notion of ‘accountability’ and more specific concept of ‘public accountability’ figure prominently in British public discourse. It is invariably identified in the negative sense of a lack, or even absence of these features various aspects of British society. This ‘accountability deficit’ was identified in the late 1970s, most clearly in the notion that so undeveloped were Britain’s accountability procedures outside of periodic elections that it was effectively an ‘elective dictatorship’. This perception has intensified with the subsequent experience of the years of Conservative government in the 1980s, and now the supposedly modernising administration of Tony Blair. A system that has been characterised historically by the very undeveloped nature of its substantive democracy appears to have become more centralised as even many of the (largely symbolic) features of the British system have been abandoned.

It is principally at the level of local government that real initiatives to increase public accountability are proceeding, but these are hampered by an acknowledged political disengagement that often leaves only a vocal minority enforcing ‘public’ accountability. There has been an important change of style and rhetoric toward a more populist

approach under the Blair administration, but specific examples of what might be regarded as greater accountability are limited principally to devolved regional administration and local government.

Outside the political realm, there has been an important consolidation of a consumer culture of rights, compensation and redress that could be seen as evidence of a more accountable environment. There is a clear trajectory toward the increasing marginalisation of formal parliamentary accountability and a concentration of power in the hands of 'president' Blair. Power has also passed from an increasingly marginalized parliament to the media and a growing number of expert bodies. There are numerous attempts to revive the power and authority of parliament and create new forms of accountability such as through 'e-democracy.' Among the many problems being encountered with such initiatives perhaps the most important is a widespread problem of public disengagement and de-politicisation that limits the effectiveness of even local initiatives.

## **1.2. An expanded conceptual framework**

Based on these initial profiles, a conceptual framework was developed for the further empirical research (Workpackage 2) and comparative analyses (Workpackage 3) in the PubAcc project.

It was concluded that the predominant conceptualisation of public accountability in terms of formal, intra-institutional procedures and mechanisms in relation to representative government is obviously important for both historical and contemporary reasons – the formal institutions and mechanisms are after all the main pillars of representative democratic systems. However, at the same time, there is a strong case for expanding this conceptualisation to give further emphasis on the important dimension of the 'public'.

There are three distinct, yet related reasons for this: firstly, the predominant conceptualisation does not sufficiently take account of the changed nature of both government and governance increasingly manifest in the last decades or so, and hence does not address properly the limitations of the traditional forms and procedures of public accountability. As the structure and role of government in publicly relevant decision-making changes, with a general shift towards pluricentred governance – characterised by multi-level, multi-actor policy- and decision-making processes, including public contestations – so the conceptualisation of public accountability should be broadened to take account of these changes.

The second reason is the relatively little attention paid to those holding governments to account – that is, the conditions under which people can, and wish to, scrutinise the processes of public decision-making. Hence, there is usually a greater emphasis on the ‘transparency’ dimension of public accountability than on the ‘openness’ dimension. The former dimension emphasises the provision of information to the public by decision-makers, whereas the latter emphasises the interaction of social actors with decision-makers in discourse and policy-making.

Thirdly, the conventional conceptualisation of public accountability only insufficiently addresses the ‘public’. Because of its focus on the political sphere and its institutions and procedures, ‘the public’ is only really instrumentalised as it is relevant to these institutions and procedures. So, for example, the public holds the government to account through general elections every four or five years: members of the public are voters, who can exercise their political preferences, and thus indirectly their policy preferences on the ballot paper. The public is (indirectly) represented in the political process through members of parliament, who may speak on behalf of their constituents and claim to represent ‘the public’. And the public is typically instrumentalised in administrative procedures in the form of ‘lay’ and special interest group representatives. Beyond that, ‘the public’ is usually conceptualised in an arguably rather unsophisticated, monolithic and abstract way, often addressed exclusively through the media. In other words, questions of what constitutes the public in different, issue-specific contexts, what opportunities the public has to engage in the exercise of accountability beyond formal procedures, how the process of public scrutiny works within the public sphere, and so on, have not been answered adequately.

One only has to look at the three issues chosen for closer investigation in the PubAcc project (GM food, transport, waste management) – and there are many more issues, as our national profiles show – to see the limitation of the traditional conceptualisation of public accountability. For example, limiting our investigation into GM food policy to the procedures and mechanisms in place within governmental decision-making prevents us from gaining a full picture of the governance of GM food stuffs in the European context. To gain a full picture, one needs to have to look at the nature and dynamics of the multiple interactions taking place between various relevant actors within the political, the public and various specialist spheres, and consider forms and functions of public accountability within this wider setting.

This has led to the following conceptualisation of public accountability in the PubAcc project:

- 1) Public accountability is to be related to policy- and decision-making *processes* in their entirety, as they cut across institutions, involve different kinds of actors, and consist of both formal and informal procedures and mechanisms. Thus, instead of focusing on one or two institutions and their procedures – for example, by asking what the public accountability challenges for parliamentary decision-making relating to GM food are – at the centre of attention is the process of policy- and decision-making (say, on GM food) and its challenges for public accountability.
- 2) Public accountability itself is to be understood as an interactive process of information provision, public scrutiny and discourse concerning policy- and decision-making. Thus, there is not only a broader scope of what is considered to be public accountability, but also a greater emphasis on the *process/procedural* character of public accountability.
- 3) The role of the public, or various publics, public involvement in information analysis and scrutiny, and public sphere discourse is given more specific attention. How is information characterised by high complexity and cognitive/normative/practical uncertainties dealt with in public sphere discourse, and how are participatory processes of governance to be understood within the policy- and decision-making processes?

For public accountability, therefore, the following conceptual dimensions and analytical perspectives were identified:

- *Transparency*. Keywords: access to, and freedom of, information; access to policy-/decision-making processes (upstream and downstream).
- *Openness*. Keywords: responsiveness of decision-making processes to inputs from various actors; openness to challenges from 'outside' the processes.
- *Public participation/engagement*. Keywords: opportunities for active involvement of social actors in policy deliberation and decision-making; formal and informal modes of involvement; integration of participatory mechanisms in decision-making process.
- *Public discourse*. Opportunities for scrutiny of policy- and decision-making in public sphere; potential for critical 'self-reflection' through public discourse processes, and its impact on decision-making process/outcome and public accountability function; mediated and direct forms of (public) discourse; discourse in public and various specialist arenas.

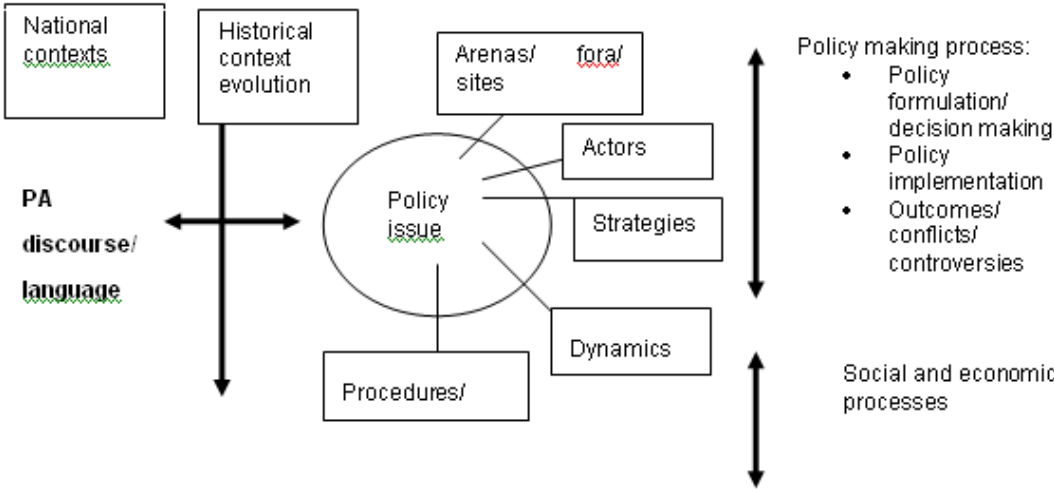
These analytical dimensions are considered in connection with in-depth analysis of the three policy issues investigated. These issues are characterised in terms of:

- the policy- and decision-making processes themselves (key words: multi-level decision-making structure; evolution, dynamics, and problematisation of issue at stake);
- the outcomes of these processes (key words: decisions, events, endorsement of decisions, impact on other decisions); and
- the various social actors and their perspectives/views (key words: strategies, rhetoric, 'world views' brought into process, claims made, actor networking, evaluation of process and outcome).

This conceptual framework, which is broad both in terms of the socio-political spectrum covered (state institutions, formal mechanisms, policy-making procedures, social mobilisation processes, public discourse, actor rhetoric and strategies) and the social scientific methodology underlying it, formed the basis of the in-depth empirical analysis in Workpackage 2 (policy case studies) and the subsequent comparative analysis in Workpackage 3.

The following figure 1. illustrates the analytical focus of the policy issues as governance processes, to which the various public accountability dimensions can be related:

**Figure 1.** Governance processes and public accountability dimensions



## 2. Methodology

The methodology underpinning the PubAcc project included three types of analysis:

- 1) Normative-theoretical analysis: providing a historical and political theory perspective of public accountability.
- 2) Empirical analysis: delivering an assessment of public accountability in specific national and thematic contexts.
- 3) Comparative analysis: providing cross-country and cross-thematic assessments.

Initial profiling undertaken in the course of *WP 1: PROFILING* enabled the participants to trace the distinctive ways in which the demand for greater accountability has evolved in each national context from the perspective of its linguistic use, theoretical ideas, concepts, tools and current practices. This Workpackage also sought to investigate how policy and procedure are becoming more open to public and stakeholder influence.

The common analytical framework devised in the course of WP 1 was used by each partner organisation in their respective empirical and comparative research work at the core of *WP 2: CASE STUDIES*. Each of the three case studies (genetically modified foods, transport policy and waste management) analysed posed interesting problems and potentials for issues of public accountability and was investigated in each national context, mainly through extensive interviews with institutional actors and stakeholders. The participants sought a thorough understanding of the interdependence between public accountability provisions (such as freedom of information acts and public involvement schemes) on the one hand, and the legitimacy, effectiveness and innovativeness of policy- and decision-making and their outcomes on the other.

The transversal analysis undertaken in *WP 3: COMPARATIVE ANALYSIS* endeavoured to synthesise the conclusions reached in each of the national contexts into a more integrated understanding of the issues. The aim was to examine increasing occurrences of public accountability in a suitably comparative context. A comparison of public policy and its consequences in each of these contexts was interesting in itself. It also allowed the partners to draw some tentative conclusions about how and why different approaches evolved, and whether greater accountability was not only a 'good' in itself (from a democratic perspective) but may or may not have increased the effectiveness of policy procedures. Special attention was paid to the European dimension of public accountability by considering the influence of European transnational decision-making and public debate processes on the various national and thematic contexts investigated; and by analysing the European transnational policy- and decision-making processes and public debates per

se, concerning the role played by public accountability with regard to each of the case studies.

In *WP 4: DISSEMINATION OF RESULTS*, participants discussed their findings on public accountability with a variety of relevant audiences, including academics, policy-makers, politicians and stakeholders, by disseminating the project findings through numerous transnational and national conferences and through the publication of numerous scholarly articles.

Moreover, ten partner workshops were held within the 30-month project period, acting as a key methodological tool. The workshops served as a means of refining the research questions, agreeing the common analytical framework and carrying out the comparative analyses.

### **3. Project Results**

An integral component of the PubAcc project was the conduct of an integrating, comparative analysis of European public accountability based on the empirical case-study research. The aim was to carry out a comparison of the thematically related case studies (comparison each of the GM food policy, waste management and transport policy case studies) by analysing the specific aspects of public accountability including: (a) the tension between attempts to increase the public accountability and the drive towards more efficient, market-driven decision-making; (b) the competition between 'old' forms of public accountability (such as parliamentary accountability) and 'new' ones (such as public involvement tools); (c) the difficulties of implementing public accountability provisions in national contexts with little tradition of public accountability, as opposed to national contexts with longstanding experiences.

Special attention was paid to the European dimension of public accountability by: (d) considering the influence of European transnational decision-making and public debate processes on the various national and thematic contexts investigated; and (e) analysing the European transnational policy- and decision-making processes and public debates *per se*, concerning the role, in relation to the thematic fields (GM food policy, waste management, transport policy), played by public accountability.

Through this comparative work, the partners sought to draw conclusions from the work undertaken and comment on the following questions: (a) to which extent are public accountability procedures shaped by national contexts and their respective political, institutional and wider social characteristics? (b) to which extent do the features of particular, context-specific issues shape public accountability mechanisms? (c) what are

the commonalties/ differences between the analysed national contexts, and between the thematic contexts, regarding the role and relevance of public accountability? (d) what implications do the multi-layered decision-making processes in contemporary European society have on the role of public accountability? (e) does a common view of public accountability emerge from this research, or is there more a case for a pluralistic conceptualisation? (f) what can be said about the importance of public accountability procedures relative to achieving effective, publicly legitimate and sustainable decisions/innovation in socially complex decision-making? (g) what does the research undertaken suggest regarding the development of, and the requirements for, public accountability mechanisms for decision-making at European transnational level?

The conclusions drawn for GM food policy, transport policy and waste management, across national contexts are listed below.

### **3.1. GM Food Policy: A Cross-Country Comparison**

*Simon Joss, Cris Parau, Alison Mohr and Andrew Jamison*

#### **3.1.1. Introduction**

This working paper compares the development of GM crops issues in the seven national contexts analysed in the PubAcc project. The cross-national comparison is mainly based on the national case studies carried out in Workpackage 2.

The aim of the comparison is to analyse the longitudinal socio-technological developments of GM technology and the related economic, social and political activities. What kind of technological development (phases) can be observed in the seven national contexts? How have the various economic, political and social actors intervened in, and reacted to, this development? What institutional and actor constellations have formed to promote, regulate or restrain this development? What public accountability mechanisms and processes have emerged, and to what effect?

The paper consists of three parts: the first part looks at the technological developments and their economic and socio-political contexts; the second analyses major social actors and their strategies; and the third part considers public accountability.

### **3.1.2. Technological developments and their socio-economic and political contexts**

#### **Denmark**

Gene technology (GT) development can be divided in three periods:

- From 1978 to 1984, gene technology was developed in laboratories. First state regulations of laboratory research start to be introduced in mid-1970s. Towards the end of the 'laboratory research' phase, in 1983, the first advisory committees – the Committee on Ethical Problems Regarding Transplantation, Artificial Insemination and Diagnostics and the Committee for Gene technology - are set-up at the initiative of the Ministry of Interior. These are charged with looking into designing regulations that take into account ethical and safety issues.
- 1984-1996: development phase: laboratory research and company development of GM crops e.g. Danisco continued to develop GM sugar beets, Trifolium worked on GM fodder turnips, Novo Nordisk and Nordisk Gentofte (leading GT companies) worked on developing enzymes and GM food ingredients. In 1984 both companies announced plans to develop and apply GMOs in the production of insulin and human growth hormone. These announcements mark the start of the first era of public controversy. Importantly, from now onwards until mid-1990s, the parliament becomes key public accountability arena (e.g. by proposing funding for technology assessment activities, by passing the first law in the world on GM releases, by setting-up the Danish Board of Technology).
- From 1996 onwards, one can talk about a marketisation and diffusion of GM products characterised through the first GM products being introduced into the market. After a period of relative calm from 1990 to 1996, imports of GM maize and Soya from the US to the EU in 1996 marked the beginning of the second major public controversy on GM. Central executive takes over the parliament, in terms of taking a series of measures aimed to increase public accountability (and trust) in relation to biotechnology. 'Biotechnology-push' programs, as well as TA processes that intensify with the creation of the Danish Board of Technology, continue in the 1990s. In fact one can speak now of a period of 'routinisation' of TA techniques and processes both at state and non-state level, that potentially can create opportunities for conflict over biotechnology in the future. Ethical and consumer protection issues, that until mid-1990s were only marginal to GT debates and

controversies, come to the fore of the debate. Imports into the EU of US GM maize and Soya in 1996 were key triggers of a second episode of intense state responses.

- Overall, in DK, there seem to be a good match between technological phases and regulation, i.e. technological developments were paralleled by relevant legislative and regulatory actions.

### **Czech Republic**

Similar to DK, three technological stages can be distinguished:

- An extended period of GT laboratory research from the 1970s to 1996.
- From 1996 to 2000, GT was developed mainly by foreign (as opposed to domestic, as in DK's case) enterprises that also undertook the first field trials (e.g. Roundup Ready sugar beet by Monsanto in 1997). The first piece of legislation on GM was drafted by the Agriculture Ministry and voted by the Parliament in 1996. This period (1996-2000) was also characterised by a tendency towards more active participation of local research laboratories and enterprises in the development of agricultural biotechnologies.
- From 2000 onwards, biotechnology has been further developed (e.g. continuation of field trials) including the introduction of first GM products onto the market. In the same time, pre-accession preparations have led to transposition of EU Directives and introduction of more systematic legislation and regulation.
- During the research phase, state activity on biotechnology was almost non-existent. No legislation or regulations on biotechnology existed. In 1989 the Czech Committee for Plant Transgenesis (CCPT) was established as a voluntary association of scientists in the area of transgenic plants. For ten years, until 1996, the CCPT monitored laboratory experiments with transgenic plants, but without any legal competence.
- The first regulation in the CZ to mention on GMOs (Act No. 92/1996 on varieties, seeds and seedlings of cultivated plants) drafted by the executive is introduced in the parliament in 1996 but parliamentary conflicts delay its adoption until 2000.

## **Latvia**

- Unlike DK and CR, one can hardly speak of research and development phases of biotechnology. Traditional research (e.g. micro-biology) takes place in laboratories but this is nothing of the kind found in DK or the CZ.
- Field trials are completely absent and there is no marketisation and diffusion phase, expect perhaps for imports of GM from abroad.
- Like the CZ, there has been a burst of regulatory activity since 2000 in response to EU pressure on the accession countries to transpose the *acquis*.
- From 2000, a burst of state regulatory activity of biotechnology has been noted. This can be linked to LV's preparation for accession to the EU (rather than biotechnology research and development *per se*). Like in many other accession countries in Central and Eastern Europe, transposition of EU legislation that regulates biotechnology, is primarily a technocratic process that, so far, had no implications in terms of triggering controversies or reactions in this field. This is in sharp contrast with complete lack of activity in this area, at both the state as well as biotechnology company level. At the level of structures, the Supervisory Council is the official accountability body. Made of government civil servants and experts, the Supervisory Council can hardly be a suitable accountability tool.
- Formal accountability provisions are in place (rules and regulations, structures) but in reality they are hardly used.

## **Germany**

- There is little information on the early research and development phases.
- Starting with 1996, one can speak of a marketisation and diffusion phase based on imports of GM material into Germany.
- Before 1984, the research community was encouraged to regulate itself and the government tried to limit debate to technical issues.
- With the arrival of the conservative government, the first law on biotechnology started to be drafted in 1984. The setting-up of the Ansheta Commission can be taken to mark the transition from a purely technocratic phase to a process of politicisation of biotechnology. Starting with the end of the 1980s, government's strategy was to promote biotechnology (including funding for the sector) as key

economic sector. Thus, the German Ministry of Research funds the BioRegio Program /Bioregion Contest with the aim of encouraging the regions to propose strategies for biotech development. First parliamentary inquiries into agricultural biotechnology start in 1984 (Gaskell: p.65).

- Reaction 1: With the beginning of the 1990s, EU regulations start to be transposed into national law and implemented (e.g. the German Gene Law in the early 1990s). The 1990s is also a boom period in terms of participatory process in relation to biotechnology, which can be seen as a response to public's reluctance for gene technology. Four initiatives are taken at this stage: 1) the German Parliamentary Technology Assessment Office is set up in 1990. Its report on biotechnology risks and safety is published in 1997; 2) initiatives are taken at regional level with Saxony carrying out a discourse procedure on biotechnology and at the level of academia, with the Berlin Science Centre carrying out a discourse on genetically modified crops; 3) the federal law on genetic engineering is passed in 1993; 4) the Centre for Technology Assessment carries out the Citizens Forum on Biotech. In 1995, the first citizens' conference on biotechnology is organised as part of government's biotechnology R&D initiative. This attracted criticism for being biased towards supporting biotechnology.
- Reaction 2: From 1998 onwards, a series of public controversies (as a reaction to) in particular the BSE crisis and other food scandals and the election of the Schroder government have propelled GT policy and GM food policy. The first measure taken by the Schroder government was to re-organise the executive branch of the government. Under pressure from the new government minister and a member of the Green Party, the former Ministry for Agriculture was renamed into the Ministry for Consumer Protection, Food and Agriculture; this was to 'strongly promote transparency and information for consumers' (more on p.11 of report). Public controversy also called for a change in public policy. The new ministry argued for clear labelling of GMOs and regulations to ensure co-existence of GM and non-GM crops. In 2002, two new structures were set up: the Federal Institute for Risk Assessment and the Federal Office for Consumer Protection and Food Safety. In 2002 Schroder won a second term in government. As part of his re-election he pledged to put 'stronger emphasis on transparency and access to information for consumers in relation to GM food'. Thus a new law - 'The Act on Consumer Information' - introduced in the parliament by the executive did not pass by the second chamber made of regions representatives and dominated by conservatives. In 2001, the first citizens' conference on genetic testing took place.

- Reaction 3: The Green Biotechnology Dialogue was launched in 2001 as a participatory procedure bringing together interested stakeholders in process intended to clarify arguments.

## **France**

- We have very little information on the early research and development phases. Laboratory research started in the 1970s and intensified during the Mitterrand years in the early 1980s, when the first GM policies were introduced.
- In 1997, the French government authorised commercialisation, but not cultivation, of Bt-176 maize. Since France joined the *de facto* moratorium on GM crops in the EU, GM crop cultivation and marketization of GM products have ceased.
- From 1974 to 1992 the state approach to biotechnology regulation relied on scientific expertise, voluntary regulation and a partnership between the government, experts and industry (self-regulatory technocratic phase). Some formal structures were set up in the 1970s and 80s to regulate early biotechnology developments e.g. the National Consulting Committee on Ethics (1982) and the Parliamentary Office for Technology (OPECST) (1983), but overall, state activities in this area tended to be sporadic. In parallel, various R&D research and development policy initiatives were implemented, but the real burst in activity cannot be observed until the early 1990s. Parliament played an important role in ensuring that general public accountability provisions were passed, an example being the 1991 Loi Bataille that introduced provisions for public information and debate.
- 1992 to 1997 can be described as a period of biotechnology politicisation. EU Directives were adopted and the Bioethics Law started to be discussed in 1994. The National Consultative Committee for Ethics set-up in 1994 played an important role in the preparation of the Bioethics Law. However, GM foods remained unregulated while the Bioethics Law is one of the very few regulations containing provisions on GM releases. As in the previous period (1974-1992), the government's approach to regulation is still one based on science. OPECST was an influential player during this period by, for example, introducing a consensus conference. Although there is a visible transition from a technocratic approach (1974-1992) to biotechnology being played out in the political sphere, at the institutional level there is much less innovation than in other Western European countries (e.g. DK). Instead, the state responded by reacting and adapting to biotechnology developments and events (that were taking place especially outside France). Importantly, the National

Commission for Public Debate was set-up by law in 1995 in order to organise public debates on big public infrastructure projects. This might have influenced GM national debates that took place later on (see below). The competence of the National Commission for Public Debate set-up by in 1995 was broadened a few years later, in 2002. The commission can only respond to requests for public debate by the government.

- From 1997 onwards, no dramatic changes took place at the level of the state apparatus' approach to biotechnology, except for the centre-right government's decision to commercialise (but not cultivate) GM crops. In response, the public and civil society actors reacted. It was this reaction (see section on 'Public sphere') that broke the tight link between experts and decision-makers (until then decision-making followed a 'linear' model where politicians delegated responsibility to experts. The new centre left government elected in 1998 introduced a mixture of initiatives aimed at, on the one hand, encouraging biotechnology marketization and diffusion and, on the other, making it more accountable to the public. Strangely, within the same press release, the government announced its authorisation of BT176 maize cultivation in France and the launch of a citizens' conference on GMOs. Pressure from the EU (due to France being the major gateway for GM applications) and WTO appear to have played an important role in government's decision to announce these two measures. Further measures were taken: a series of GM regulations were announced and a new expert committee for Biovigilance was created to examine the environmental and health impacts of Bt176 maize crops. The consensus conference, based on the Danish model, was used by the government as a strategy to legitimately delay taking action as required by the EU and WTO. Perceived to be credible and independent from government, OPECST was delegated to run the consensus conference.
- The Biovigilance Committee in place from 1986 to 1997 is reinstated, but its membership is changed to ensure greater openness to consumer and environmental NGOs interests. GM food labelling based on the principle of substantial equivalence is announced by the government, in accordance with EU legislation.
- Although the conference did not change policy-making, it opened up new avenues for NGOs and the public to influence and contest decision-making.
- In 1998, the first Green Party member was included in the OPECST committee.

- In 2001, GM field trials were abandoned. The State took legal action against various agitators and destroyers of GM crops and against about 100 local mayors who banned transgenic seeds in their municipalities. Furthermore, the government published maps showing where field trials were located, with the effect of feeding mobilisation against GM trials. At the 2001 EU Council on the Environment, the French Environment Minister took a pro-moratorium stance in direct opposition to the Commission and the EU Agricultural Council.
- Public reaction to open field experiments and a request by the Presidents of the OPECST (pro-GM), the President of the National Consultative Committees for IFIX, the National Council for Food (pro-GM) and the French Commission for Sustainable Development, prompts the centre-left government to propose a second round of public debate for the 4-5<sup>th</sup> February 2002. The 'wise committee', made of the four presidents, reported on the outcome, which supported the idea that citizens' expectations in relation to GM (as expressed during public debates and conferences) are taken into account. Public controversy is propelled once more in October 2002 by the request made by the National Institute of Agronomic Research to the government to allow it to undertake open field experiments. NGOs and organic farmers were quick to oppose the request. Over the last years new laws were implemented obliging public authorities to provide information and consult more widely.

## **Portugal**

- Biotech industry in Portugal is poorly developed, though formal structures and rules are in place (introduced as part of Portugal's compliance with EU legislation).
- In 1992, 12 GMOs were approved for release to the environment for research purposes.
- Marketisation can be traced back to 1997, when a transport of genetically modified corn arrived in Lisbon harbour. The decision to commercialise GM seeds was revoked in 1999 when Portugal gained the Presidency of the European Council.
- Similar to other EU member states, a regulatory technocratic phase characterised by technical discourse and relative government inactivity also existed in Portugal between 1992 and 1997. Accession to the EU is behind biotechnology regulations starting to be introduced in (e.g. legislation transposing EU Directive on Deliberate Releases to the Environment (1992/20/EC) and formal scientific bodies being established. Transposition of EC law had the effect of mobilising scientific actors to

organise and to eventually have an impact on decision-making. To begin with, formal political actors ignored concerns raised by societal actors. In their view, biotechnology was as an activity to be promoted not regulated.

- In 1998, public protest illicit response from the government, which set-up an Inter-ministerial Council of Experts with representatives from various ministries (p.15). Parliamentary activity in the area of biotechnology increased from 1998 to 200, to the extent that it emerged as a serious arena where various public accountability activities were played out. Unlike DK, the awakening of parliament took place only after the start of field trials. In 1999, Portugal subscribed formally to the precautionary principle in relation to GM but in reality policy changes could not be observed. In December 1999, two GM seeds whose marketing was previously authorised were revoked. These less supportive attitudes towards GM may have been helped by the presence in the parliament of a minority of left-wing parties that requested GM debates. As a result of the intervention by one parliamentary party, the Advisory Committee for Environment and Sustainable Development, Economic and Social Council (CNADS-ESC) released a report in 2000 highlighting the need for greater accountability. This led to parliamentary debates that had wider public resonance. The year 2000 is characterised by intense parliamentary activity. A parliamentary debate on GM triggered by the Montreal Protocol on Biodiversity is launched and three bills presented. A *de facto* moratorium was also discussed. This may have had a role to play in Portugal joining, in 2000, the block of EU member states supporting a *de facto* moratorium on GM crops. Since coming into power in 2001, the centre right majority has ignored the GM debate. However political parties in the opposition are becoming more active.

### **United Kingdom**

- Biotechnology research in the UK has a long tradition that can be traced back to the discovery of the DNA structure by Crick and Watson in 1953. The first regulation was introduced in 1976, when the Genetic Manipulation Advisory Committee was also set-up (Bauer et al., 1998:162).
- GM field trials started in the early 1990s.
- First food products (vegetarian cheese) containing GM ingredients (vegetarian cheese) are introduced in supermarkets in 1992. 1995 marks the beginning of the marketisation phase.

- The 1970s was essentially a technocratic phase of public policy characterised by initially self-regulation. This was followed by regulation and legislation of various areas of GT on a case-by-case basis (typical of the Anglo-Saxon tradition), transposition of various EU law and tentative experimentation with public participation under the banner of the public understanding of science. Successive bodies were set-up by government to deal with genetic manipulation in the workplace, ethics, and genetic manipulation. The first genetic manipulation advisory group was set up in 1976 and was replaced in 1984 by the Advisory Committee for Genetic Manipulation. The Advisory Committee on Novel Food and Processes was also introduced. Compared to DK, the first biotech regulations introduced in the UK in the 1980s, were add-ons (rather than innovations) to existing regulations. Funded by industry, the Parliamentary Office of Science and Technology was set up in 1989 as a scientific information body. In 1992, the 'GMOs Regulation' came into force to implement the first EC Directive of Deliberate Releases. In 1992 the Office for Science and Technology was established. In 1994 the BBSRC sponsored the first consensus conference with public funding; however at arm's length from government.
- A new phase in public policy starts in 1997 in response to the BSE crisis, change in the government (from Conservative to Labour), and growing public controversy surrounding GM food (especially from 1998 onwards). Most of the changes in this period have been spearheaded by the executive: re-organisation of Ministry for Agriculture, Food and Fisheries, streamlining of the advisory committee system with a view to making it more strategic and publicly accountable (e.g. the setting-up of the AEBC in 1999-2000), Lord Phillips public inquiry into the BSE crisis, a three strand national assessment program regarding GM crop commercialisation including a scientific review, an economic assessment and a national public debate program.
- Overall this phase (compared to the previous one) is characterised by a more strategic, integrating and transparent approach to public policy.

### **3.1.3. Actors and actor strategies**

This section focuses on state actors (central executive, parliament), civil society (NGOs, industry, trade unions) and media responses to the technological phases described above.

#### **State actors and strategies**

##### Denmark

During the early development phase, there has been little intervention from state actors, through for example the introduction of first regulations of laboratory research in mid-1970s. Towards the end of the 'laboratory research' phase, in 1983, the first advisory committees – the Committee on Ethical Problems Regarding Transplantation, Artificial Insemination and Diagnostics and the Committee for Gene technology - are set-up at the initiative of the Ministry of Interior. These are charged with looking into designing regulations that take into account ethical and safety issues. In the absence of public controversy or contestation of gene technology development (to emerge in 1984), these state initiatives can be regarded as pro-active, in the sense that the state tries to anticipate public reaction to certain aspects of gene technology e.g. ethical and social implications.

The second part of the 1980s marks the beginning of one of the most innovative periods in terms of public accountability and technology assessment tools and mechanisms in the history of biotechnology, not only in DK but worldwide. Most of these instruments and tools are proposed by the Parliament (dominated by socialists and greens) who emerges as the major public accountability arena within the political sphere.

##### *Parliament*

In 1986, the Parliament approves the first national funding research program in support of biotechnology research and development. Parliament pressure on the executive ensured that part of this funding was earmarked for technology assessment (TA) processes. These undertakings mark the beginning of a unique phase in the history of accountability of biotechnology characterised through a high level of intensity of state innovation, at both, the level of organisational structures and TA techniques and processes e.g. the setting-up of the Danish Board of Technology (1986), the first legislation in the world on GM releases to the environment (1986), the first consensus conference (1987). The Parliament plays a key role in the institutionalisation of all these innovations, which can be regarded as both reactive, i.e. to leading companies'

announcements of their plans to apply gene technology to the development of pharmaceutical products, and pro-active, i.e. in the sense of preventing a public controversy on GM. These pre-cautionary and in the same time pro-active approach of the state can be best understood in the context of the 1970s nuclear power crisis that led to Denmark renouncing nuclear power and a number of previous food scares.

#### *Central executive*

From 1996 onwards, the central executive that takes over the parliament, in terms of taking a series of measures aimed to increase public accountability and trust in relation to biotechnology. This is not to say that nothing happened in the Parliament in this period. A series of parliamentary debates on ethics, freedom of choice, the power of multinationals and the 'Third World' were held in 1996, following the 'Soya crisis'. However, the executive undertook the bulk of activities during this period (see below). These initiatives appear to have been taken in reaction to serious public controversy triggered by the 'Soya crisis' in 1996.

From 1996 decision-makers start to promote labelling policy as a way of ensuring that consumers' rights are respected and of gaining public acceptance of biotechnology. This has been perceived by the authors of the Danish case study as a government strategy to shift conflict from the political onto the market sphere.

In 1997, the Ministry of Industry and Trade sets up the BioTIK Group to develop a framework for assessing ethical implications of biotechnology.

In 1998, in reaction to public concern and criticism to authorities' handling of the Soya crisis, government started to rethink its gene technology strategy, as reflected in its National Strategy for Biotechnology Research: *'The development of biotechnology must take place in a way that reassures the public. This requires that ethical and legal aspects are systematically assessed and reviewed through independent research in close dialogue with the biotechnological researchers and relating to actual research'* (quoted in the report of the Danish team, p.17). Following the launch of this strategy, a large number of studies on attitudes and assumptions of consumers were conducted. Besides, the Centre for Biotechnology and Risk Assessment was established. Since its launch in 2000, the centre has performed research into generically modified crops and genetically modified research animals. Several major Danish research institutions also carried out major research into ethics and public perceptions.

In 2000, the Minister for Business presents the Parliament a statement on ethics and gene technology followed by the setting-up in 2001, of the BioTIK Secretariat under the

Ministry for Trade and Industry. The BioTIK Secretariat had a membership drawn from nine ministries and was to work towards incorporating ethical considerations into formal decision-making. The secretariat was also to serve as a basis for public consultation and information.

A radical change in government's position towards biotechnology accountability has been noted with the arrival into power, in 2000, of the conservative government, which threatened eliminate the Danish Board of Technology.

### Czech Republic

In 1999, the Czech Committee for Plant Transgenesis (CCPT) - established in 1989 as a voluntary association of scientists in the area of transgenic plants - was institutionalised i.e. CCPT became the official advisory body to the Environment Ministry (this was replaced in 2002 with the Czech Commission for Genetically Modified Organisms and Products, CCGMOP). The decision appears to have been taken as part of the ministry's strategy to increase its control over companies developing gene technology. As part of its pre-accession preparations, since 2002, the government has introduced a number of legislation and regulations aimed on the one hand at transposing EU Directives in the area of biotechnology and on the other at ensuring legal transposition of EU legislation and international conventions on public access to information and public consultation. Beyond these formal provisions, the conduct of public consultation events raises many questions. A telling example is that of the consultation procedure on the approval of field experiments with Bt-corn by Monsanto in 2002. Greenpeace's comments and objections were not included in the text of the official transcript of the meeting, or on the Ministry of the Environment web site. The question arises whether this may have been a deliberate strategy of the government – the transcript was produced by people in the Ministry of the Environment and CCGMOP and was approved by the chairman of the CCGMOP.

It is important to note that CCGMOP had been designed as a slightly more inclusive structure than its predecessor. Its 16 members belong to government bodies, the Academy of Science and civil society organisations. From a public accountability point of view, this is a notable change. However, the merit of the new structure should not be overlooked; with only two Greenpeace representatives and one organic farmer, the structure remains dominated by civil servants (six members) and experts (Biotrin, with three members). Recently the government has also pronounced in favour of labelling of GM products. According to the Czech researcher, this is a strategy aimed at keeping the public quite on GM. Government strategies have also included making information available by organising expert seminars and publishing the text of regulations.

Furthermore, legislation that transposes EU Directives require the authorities to disclose information about GM releases by means of public registers.

### Latvia

The authors of the Latvian GM case study describe the situation regarding GM crops as one of 'sleeping accountability', by which they mean that basic provisions of accountability are in place within the State sphere, but due to a 'lack of real accountability process' they are not used. This would seem to be a reflection of the 'sleeping' state of technological and socio-political developments: no significant R&D; no GM crops field trials; no marketisation of GM products (although officials assume GM food products have entered the market, though without authorisation); and hence no significant developments in the political and wider public debate. Only recently, in 2000, did the Latvian government introduce regulation on the use and distribution of GMOs, and set up a Supervision Council to monitor GMOs and novel food. This regulatory activity, however, seems to have been motivated more by considerations concerning Latvia's compatibility with EU law & regulation, and less so because of intra-national developments.

It is not surprising, therefore, that only a small number of actor strategies can be identified. This analysis focuses on two groups of actors: (1) the government and its Supervision Council; and (2) consumer organisations acting in the public sphere. It should be noted that the following analysis is based on rather limited information available, especially as far as the second actor group is concerned. Government regulation & Supervision Council.

The Latvian government introduced GMO-related regulation in 2000, which was fully in line with the EU's *acquis communautaire*. Note that this was a government regulation, and not legislation – Parliament does not seem to have been involved in this process. A Supervision Council was set up to regulate and monitor GMOs and novel food. In 2002, additional regulation was adopted concerning the assessment of novel food and requirements for marketisation. Three government Ministries are involved in this regulation (welfare/ environment & regional development/ agriculture). The Supervision Council is made up of 5 scientists (from the Academy of Sciences and the University of Latvia) and 8 civil servants from the three ministries concerned. No civil society groups (NGOs etc) are represented on the Council. One of the roles of the Council is to 'inform consumers' about the release of GMOs and to 'organise the international exchange of information'.

## Germany

In the 1980s and early 1990s, it was mainly the federal parliament (*Bundestag*) and its technology assessment bodies (the Enquete Commission and TA Bureau), which debated, assessed and legislated biotechnology. There was considerable opposition to biotechnology from the Green Party, mirroring opposition among sections of the public and NGOs. The conservative government (the executive branch) was mainly involved in promoting biotechnology as a new key technology for German industry and agriculture. This constellation changed in the late 1990s as a result of: (1) various food scandals (BSE etc); and (2) a change of government, which brought the Left (including the Green Party) to power. In the public sphere, too, there seemed to have been something of a change according to the authors – namely the emergence of Greenpeace as the main opponent to GMOs post 1996. The case study also mentions various local protest groups, but it is not entirely clear what role they played in the political and public debate and decision-making.

In the wake of the public controversies about various food scandals, the new government of Chancellor Schröder in 2000 reorganised the Ministry of Agriculture as Ministry for Consumer Protection. The government minister in charge, a member of the Green Party, put a lot of emphasis on transparency and the promotion of consumer information. Additionally, new government offices were set up to deal with risk assessment and consumer protection, which are supposed to act in a more accountable way. Furthermore, the government introduced a new consumer protection law in Parliament in 2002, but this was defeated in the Upper House (which represent state governments and had a conservative majority). Particularly note-worthy is also the government minister's Dialogue Green Genetechnology (GMF) initiative, which was carried out in 2002-3, and which was based on broad stakeholder and public participation. The aim of the initiative was to discuss & assess GMO-related issues and provide public information.

There are certain parallels with developments in: (i) the UK at the time, where the incoming Labour government also reorganised the relevant ministries and attempted to make the regulatory process more open and transparent (including the AEBC's public debate initiative); as well as (ii) in Denmark, where the Ministry of Trade and Industry launched the Biotik initiative and framed the issue of GMOs predominantly in terms of consumer information and ethical assessment.

## France

The 1998 Citizens' Conference on genetically modified food was announced by the French government as a reaction to growing public controversy and to increasing disarray in GM public policy making. The conference was widely viewed by critics as a legitimising act by the Jospin government as it had already approved the cultivation Bt176 maize in France. The French government however viewed the conference as an opportunity to introduce an innovative method to help them through a difficult political and economic impasse created by public opposition. The conference was thus used by the government to actively delay further pressure from the EU to ratify more GM authorisations and from the US to allow GM imports into the EU, while promising to make a decision as soon as the public debate was completed. Concomitant to the Citizens' Conference was the increasing mobilisation of civil society actors such as the Confédération Paysanne (small farmers' union), ATTAC and Greenpeace, with the former involved in the destruction of GM seeds held in Novartis warehouses. Legal action was taken by the government for the destruction of GM crops as it was against some 100 local mayors who banned filed trials in their municipalities. José Bové, charismatic spokesperson of the Confédération Paysanne, played a key role in attracting media attention to the issues, particularly when he was summonsed to court and eventually jailed in 2002. As well ATTAC, an internationally grass roots movement for democratic control of financial markets and their institutions with tens of thousands of members in France, converged with the Confédération Paysanne to form a formidable socio-economic actor.

1994	First application to market a GMO (Bt 176 maize) in the EU by Ciba-Geigy
Pre-1996	Potential conflict nullified by effective science-based regulatory system. Thus, France favoured by applicants for experimental and commercial releases of GMOs
1997	French public policy on agricultural GMOs in total disarray after French government authorises <i>commercialisation</i> of Bt176 but not its <i>cultivation</i> in France Chair of the expert committee that evaluated and supported application, resigns. Government changes from centre-right to left-green and authorises the <i>cultivation</i> of BT176 maize, at the same time announcing the launch of the Citizens' Conference
1998	Citizens' Conference on genetically modified food Government policy to reflect 3 key principles: strict application of precautionary principle; a necessary vigilance for the large-scale use of GMOs; and increased transparency for consumers and citizens. These principles essentially same as those announced by government in 1997.
2000-2001	Government bans GMO field trials
2002	Government-proposed public debate on open field trials (Feb) INRA (National Institute for Agronomic Research) applies for open field trial licence (Oct) Broad pro-GM push led by research organisations, scientists, European Commission and French Ministry of the Environment (Nov-)
2003	Sixteen open field trials approved by government French collective for a call to a citizen debate on GMOs

## Portugal

According to the authors of the Portuguese GMO case study, the Portuguese government's approach to the regulation of GMOs has been one of preventing the issue from becoming politically prominent. Conversely, civil society has tried to proactively promote information dissemination and public debate in order to increase both the visibility of public GMO issues and their wider debate, mainly through the involvement of civil society actors such as NGOs and the general public. GMO regulation in Portugal falls within the domain of two government ministries: the Ministry for Towns, Territorial Planning and Environment, and the Ministry for Agriculture, Rural Development and Fisheries. Numerous government, scientific, consumer, environmental and farmers' organisations scrutinise the actions of these ministries. However, a lack of convergence among environmental organisations and other NGOs has meant an absence of a defined strategy and adequate resources to lobby the government effectively. Thus, in spite of vociferous GM debates in other parts of Europe and in the US in 1996, it was not until the

demonstration by Quercus and Greenpeace against the arrival in Lisbon harbour in 1997 of GM corn that the issue finally entered the public arena.

The media too is accused of failing to promote public debate and air the issues within Portugal, preferring to report the events in other European countries and in the US. Although the issue gained some prominence in the media from 1997 when oppositional debates between scientific organisations and NGOs were publicly played out.

The emergence of Parliament in 2000 as a key actor in the GM debate in Portugal followed the active mobilization of an NGO Platform, which tried to hold the government to account over its lack of openness and transparency on GMO regulation. However, it should be noted that minority parties instigated the majority of parliamentary debates.

The overall impression of the Portuguese government's approach to GMO regulation is "the subordination of any national strategy to a European strategy on the future of GMOs".

Early 1990s	Emerging interest in GMO issues (debate mainly limited to scientific communities)
1992	Directive 90/220/EC Academic and scientific discussions took place to promote broader 'public' debate Environmental release of 12 GMOs
1996	European and transatlantic debate had virtually no resonance in Portugal
1997	Quercus and Greenpeace demonstration in Lisbon harbour against arrival of GM corn
1998	Interministerial group of experts formed in response to demonstration to advise Government on GM issues
1999	Marketing of two GM seed varieties authorised by government (Feb) (minus any parliamentary or public discussion) Series of public debates organised by scientific organisations (Jun/Jul) Increasing protagonism from civil society towards government led to the formation of NGO platform (Nov) Parliamentary debate: Portugal's participation in WTO Conference in Seattle (Nov) Suspension of previous GM seed marketing authorisation (Dec) (allegedly so as not to contradict EU stance) and introduction of new law forbidding the cultivation and commercialisation of GM crops
2000	Portugal assumes EU presidency (Jan) Emergence of Parliament as a key actor in GM debate. Debates on projects of law: <ul style="list-style-type: none"> <li>• On Biodiversity Protocol <ul style="list-style-type: none"> <li>○ 1<sup>st</sup> Bill: maintain suspension of GM crops until Biosecurity Protocol implemented (Socialist Party)</li> <li>○ 2<sup>nd</sup> Bill: 5 year moratorium (Green Party/Communist Party alliance)</li> <li>○ 3<sup>rd</sup> Bill: supporting call for 5 year moratorium (Left Block)</li> </ul> </li> <li>• Commercialisation, importation &amp; production (Green Party)</li> <li>• Precautionary principle (Left Block)</li> <li>• Labelling foodstuff for human or animal consumption (Green Party)</li> </ul> <p>Government accepts moratorium imposed by Parliament National Council for the Environment &amp; Sustainable Development – Economic and Social Council (CNADS/CES) report (prompted by NGO Platform, calls for establishment of legal framework for regulation)</p>

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|------|--|
| 2001 | Public discussion of CNADS/CES Report in Parliament<br>(recommendations ignored by government) |
| 2003 | Parliamentary debate: Further continuation of EU moratorium on<br>GMOs                         |

### United Kingdom

Over the last few years, government led participatory technology assessments were sporadically undertaken e.g. co-funding of consensus conferences (on plant biotechnology, 1994, and radioactive waste management, 1999) and citizens panels/juries. However, the management of these events were delegated to various bodies at government's arm length.

In response to the 1995-2000 GM controversy that culminated in 1999 with the 'great GM food controversy', the government - repeatedly accused during this period by the media and civil society groups for the closeness of its policy and decision-making on GM matters - took measures to revise its regulatory framework. Thus, three new advisory bodies were established (the Food Standards Agency, the Agriculture and Environment Biotechnology Commission, and the Human Genetics Commission).

Of public accountability relevance is the fact that these new bodies have a wider membership in comparison with the previous structures and that they are more open and forthcoming with information to the public. At least one of them (the AEBC) has been charged by the government with the task of proposing how to encourage wider public participation and public debate in the field of biotechnology. The AEBC, for example, publishes the minutes of meetings on its website and most of its meetings are open to the public. The most recent initiative of the AEBC was to propose the government a public debate on GM crop commercialisation, which was to be kept at 'arm's length from the government'.<sup>1</sup> The 'GM Nation Debate' started on the 4<sup>th</sup> June 2003. The debate was steered by the AEBC Chairman, Professor Malcolm Grant. The debate will, according to government claims, feed into its wider assessment of GM crops (that also includes a scientific and an economic evaluation) that may influence decisions on whether to allow commercial cultivation of GM crops in the UK.

Another recent initiative taken by the government, as part of its 'e-government strategy', managed by the Cabinet Office, was to ask the AEBC for guidelines on public debate and

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<sup>1</sup> quoted in BBC News, 18 June 2002, 'Keep ministers away from GM debate'.

deliberation on GM food and crops. These were submitted by the AEBC in the spring of 2002, but so far no further steps were made in utilising them.

### **Civil society actors and strategies**

#### Denmark

Laboratory research drew little, if any, attention of civil society actors in the 1970s – early 1980s. Controversies focused on laboratory safety issues related to DNA experiments and theoretical implications of gene technology and involved primarily scientists and science students. A group active around the Nature Struggle journal brings gene technology to the attention of the public but it is not until 1984 that NGOs and the general public start to react to gene technology developments.

Public sphere activities intensified significantly from mid-1980s. From mid-1980s to beginning of 1990s, the environmental NGO NOAH, the general public, and leading gene technology developers (Novo, Nordisk Gentoft) were the key participants in public sphere processes. With the beginning of the 1990s, the number of active NGOs in the field increased considerably but many of them were only temporary, ad-hoc structures that vanished at the end of the 1996 controversy. After 1996, Greenpeace and Active Consumers in Denmark continued to be the major gene technology opponents. An approximate sequence of events highlighting key triggers, actors, actor interactions and strategies are presented below.

In 1984, Novo and Nordisk Gentoft's announcement of plans to use gene technology in the development of pharmaceutical products took NGOs and the public by surprise. Industry's silence over their advancement in gene technology development prior to 1984 was, according to the Danish researchers, a deliberate strategy to avoid controversy and thus ensure a peaceful environment in which their research could progress smoothly. What followed was a reactive response from the public and civil society actors in what now is known to have been the first era of public debate and controversy related to GM in Denmark.

NOAH, a major environmental NGO in Denmark, emerged as key civil society player and as the only representative of public anxiety over gene technology. None of the other 'new social movement' NGOs made gene technology a subject of their campaigning. NOAH refreshed the debate by raising issues such as - potential biotechnology impact over the 'Third World' and intellectual property rights – and by making connection between gene technology and power, exploitation and justice. During the 1980s, NOAH played the role of a public watchdog and participated in policy processes in relation to both national and

EU legislative and policy developments, including approval of applications for deliberate releases of sugar beets. With its decentralized structure and focus on 'counter-expertise', NOAH can be described as a mild form of participatory protest organisation. Proving information on gene technology to the public was one of NOAH's main tasks. The organisation was a driving force of public controversy and debate and, through its educational activities, helped the public develop its critique capacity

By the end of the 1980s, Novo Nordisk - resulted from the merger of Novo and Nordisk Gentofte - responded to NGOs and public reaction by changing their strategy: regulations were no longer a burden for the company but they were a way of facilitating public acceptance of what the companies were doing and thus, they could be regarded as legitimising tools for biotechnology research and development. Companies' discourse started to address the public not as 'consumers' but as 'citizens' that have a voice and are able to affect the environment within which the companies operated. Notably, Greenpeace, the Consumers Association and the Society for the Conservation of Nature, as well as a number of smaller and often single-issue NGOs, started to take issue with gene technology from the beginning of the 1990s, but it was not until 1996 that their activity became prominent into the public sphere.

Imports of GM Soya and maize from the US to the EU in 1996 triggered a new round of public controversy. Environmental and consumer organisations as well as the general public reacted strongly. GM opponents blamed Monsanto for ignoring consumers' rights to choose whether to eat or not GM foods. Since 1996, Greenpeace and the Active Consumers in Denmark have stood out as the most influential and visible NGOs in the gene technology area. Their discourses focused on environmental risks of biotechnology. In the meanwhile, other organisations have taken up different GM issues such as economic and cultural implications, power and liability. Exploitation of poorer nations has been an issue of concern for the development organisation *Mellemfolkeligt Samvirke*. Traditional consumers organisations have focused on consumers concerns such as consumers' rights.

### Czech Republic

One of the striking features of the civil society sphere in the Czech Republic (in comparison for example to Denmark or the UK) is the low number of civil society actors active in the area of biotechnology: Greenpeace (anti-GM) and Biotrin (pro-GM). Even within these groups, the actual number of people actively involved in campaigning against or pro-GM is remarkably small; only one member from in each of these

organisations deals with GM issues. So far, GM has not caught the attention of other civil society groups or the wider public.

Greenpeace started to campaign against GM in 1996, presumably in reaction to public anxiety over GM across most EU member states. The first of Greenpeace's state contesting actions were against the exclusion of GM living organisms out of the first GM regulation and to pro-GM actors pursuing exclusion of public consultation from GM regulations. Unlike similar organisations in other countries, Greenpeace in the Czech Republic is a relatively new organisation and thus it has to learn and draw from resources available to Greenpeace in Austria. Until 2000, Greenpeace pursued its strategy by using the formal available channels of influence such as taking part in formal consultations (e.g. by submitting comments and objections to the authorisation procedure for Monsanto Bt-corn), organising demonstrations and petitions, publishing articles in newspapers as well as their own materials (e.g. including a translation of 'GM before court' which presents scientists' evidence in support for the destruction of experimental Bt corn in the UK), commenting on draft legislation and carrying out polls amongst local foodstuff producers on their GM policy. A change in Greenpeace's strategy has been noted since 2002, when, it appears, Greenpeace started to realise that using formal channels of influence will not allow it organisation to influence decision-making. Thus, the organisation has turned towards direct action consisting on destroying GM fields and a campaign focused on consumers and the public at large rather than the formal decision-making system.

The civil association Biotrin was founded in 1997 by a group of scientists interested and involved in GM research, as a counter-reaction to Greenpeace's strong anti-GM stance. Four Biotrin members are also members of the advisory body to the Environment Ministry, the Czech Committee for Plant Transgenesis (CCPT). This gives them considerable leeway over influencing biotechnology policy, in comparison, with, for example Greenpeace. Thus, Biotrin played a significant role in the drafting of the law on GM organisms and products. Biotrin has been found to be closely associated not only with the CCPT but also with other government bodies such as the Ministry of the Environment and the Ministry of Agriculture.

### Latvia

Little information is available about civil society actors. However, the study does note that some consumer organisations hosted events to raise awareness and to demand 'real' enforcement of regulations. Arguably, against the background of a 'sleeping' technological and related socio-political phase, this activity by consumer organisations

may nevertheless be significant. Whether or not it had any impact on government regulation and wider public debate is unclear. The public opinion survey carried out as part of the case study suggests that there is considerable public unease about GMOs (e.g. 71% of respondents stated they would not eat GM food).

### Germany

Greenpeace, according to the case study authors, chose a particular kind of accountability strategy – namely, that of consumer-/market accountability. By trying to raise a consumer boycott of GM products, government and industry would be held to account through the market. This, then, could be seen as a shift in tactics (from previous direct challenges of the regulatory system), resulting from shift to the marketisation phase of GMOs in the late 1990s. One of the projects of Greenpeace was 'GenetiXprojekt', which was launched in 1998 and was targeted at young people – to inform them about the risks of GMOs. This was also directed towards the retail sector, which subsequently withdrew a GM product (Nestle's butterfinger), resulting in turn in the withdrawal of GM products by the manufacturer.

### United Kingdom

A series of events that occurred since 1995 (BSE, Dolly the sheep) drew media and public attention to certain issues of GM governance. Thus, criticism by civil society groups, media and the general public reflected a general mistrust in the government, government scientists, and advisory bodies. This criticism was connected to widely perceived closeness and opacity of the regulatory system, and government bias towards GM industry interests.

Public anxiety burst into a significant public controversy in 1999, over GM food. One of the most remarkable facts of this controversy was the ability of various civil society actors to mobilise and challenge the 'official' policy-making networks. For example, Iceland (a large national retailer), Greenpeace and Townswomen's Guild (a traditional, largely middle-class women's association) joined forces, together with other religious, civil and environmental groups, to form FYF – 'five year freeze' – calling for a five-year moratorium on the commercial release of GMOs and GM food. Unusual alliances were also established between some newspapers and environmental campaigners, as is illustrated by the Daily Mail, which sided with environmentalists in calling for a moratorium on the commercialisation of GMOs and GM food, and which was used by the Prince of Wales as a vehicle to state his opposition to GM technology.

## **3.2. Transport Policy: A Cross-Country Comparison**

*Sandra Carvalho, Jorge Correia Jesuino, Valts Kalnins, Hans Kastenholz, Jens Schippl, Talis Tisenkopfs*

### **3.2.1. Summary**

The objective of this comparative analysis of transport case studies is to investigate the mechanisms, processes, outcomes and functional role of public accountability in empirically grounded way, based on a rich material of seven case studies. The analysis aims both at in-depth understanding of key aspects and issues that characterize the actual functioning of public accountability in transport policy contexts in different European countries, as well as at examination of most significant commonalities and differences between countries and specific cases.

The article includes short summaries of the case-studies which are followed by comparative analysis of significant commonalities and differences along 12 specific key-issues of public accountability. They include: context of public accountability, analysis of actors engaged, formal mechanisms of public accountability, learning processes to use accountability procedures, tensions and alliances between expertise and politics, media interventions, impact of European policies and other issues. After examination of these issues the cases are clustered according to the most important commonalities that allow grouping them together. In this part of article we examine the key framing factors that determine the actual processes, mechanisms and functional role of public accountability in different political, historical and socio-economic contexts in Europe. Finally we discuss theoretical implications and challenges for public accountability as observed from transport case studies.

### **3.2.2. Short description of national case studies**

#### **United Kingdom: The London Underground Public-Private Partnership**

This case study focuses on the London Underground Public-Private Partnership (LU-PPP) scheme. The idea for a London tube system, whose maintenance is to be provided through significant financial investment by private companies, while its day-to-day operation is to remain in public hands, was first put forward by the Labour government in 1997. Under the LU-PPP scheme, three infrastructure companies were to be responsible for maintenance work to the tube network while operations, facilities and services would remain the responsibility of the public sector.

The London Underground PPP scheme was enacted by the UK Parliament through the Greater London Authority (GLA) Act 1999. The *de facto* imposition of the LU-PPP scheme significantly limited the decision-making powers of the future GLA and its Mayor with respect to the financing and running of the London Underground.

Mayoral candidate (who was subsequently elected to the position of Mayor in May 2000), Ken Livingstone MP, ran a campaign of opposition to the PPP. The opposition by the Mayor resulted in only the part devolution of London Transport (which had hitherto been under central government control) to Transport for London (which is under the control of the GLA) in July 2000. The devolution of the London Underground was delayed to allow full implementation of the PPP scheme by the UK government. This was finally achieved in spring 2003 with the signing of the final PPP contracts. As a result of this stiff opposition, several amendments were made to the PPP contracts, including an allowance for the Commissioner of Transport for London to intervene in and direct maintenance work.

### **Denmark: Ørestad/Metro project**

The case study deals with the development of the Metro light-train project in Copenhagen and of the new city area, Ørestad, that is to be serviced by the train. The study relates the historical development of the project, how the plans were made in the late 1980s, and briefly traces the process of implementation in the 1990s, focusing on conservation issues that emerged, as well as the choice of technology for the Metro.

The specific motivation for the Metro/Ørestad project was the need to revitalize the economy of the Danish capital city. In May 1991, a Bill on Ørestad was introduced to the Parliament. Due to critical voices, the planning law was violated since there was no provision for public hearings and there were also no alternatives presented for consideration. The Ørestad Law was passed in June 1992.

The Copenhagen City Government and the Danish state set up the Ørestad Development Cooperation (ØDC) in March 1993. Two main tasks for the ØDC were: (1) to develop and build Ørestad on Amager island and (2) build and operate a new light-rail system in Copenhagen. In 1994, the rail system best suited to Copenhagen was to be selected. The ØDC chose the driverless Metro. The basis for this choice was unknown for the public. Stage one of the rail system was officially opened in October 2002 two years behind schedule.

Non-governmental organizations made also a complaint about the nature conservation of the so-called Amager Commons. Nevertheless, the Parliament voted in support of the law

proposal on Ørestad with a decision to reject all pending conservation cases including the one on the Amager Commons. Despite high priority given to the project, Ørestad so far has failed to attract as much private investment as anticipated.

### **Czech Republic: Construction of the bypass of Plzeň**

Since 1989, the Ministry of Transport and Communications issued three priority documents on transport policy. All were controversial which contributed to the fact that many motorway construction projects have been controversial as well. The Czech case study deals with the construction of a bypass for the city of Plzeň. Several alternatives were discussed over the years, among them the so-called K variant nearer to Plzeň and the so called S variant farther from Plzeň. Both were, in different phases of the controversy, approved by government resolution, based on expert reports and supported by municipalities, journalists and citizens' associations. By and large, the K (defeated) variant was supported above all by experts and ecological activists while the S (winning) variant was supported mostly by politicians and public servants. Over the years, the S variant became materially into being (first bridges and family houses were build), while the controversy remained for a long time relatively open especially in media and ongoing legal proceedings. During the controversy, several legal actions were taken, including two judgements of the Supreme Court. All actors emphasised the necessity of a solid expert evaluation and knowledge and put it into a sharp opposition with political forces and strategies. But since the growing number of expert reports did not lead to any clear solution, the purely political decision appeared to be the only way of closing the controversy. The most important examples of public accountability practices were the handling and interpretation of the Environmental Impact Assessment (EIA) procedure and the use of legal tools. These practices were themselves controversial, which fuelled the conflict even further.

### **France: Urban transport policy in Grenoble region**

Due to national standardised legislation, the Grenoble agglomeration had to work out an Urban and peri-urban mobility policy: the central instrument for this is the so called *Plan de Développement Urbain* (PDU). A PDU has to define measurements to reduce car-traffic and to foster public transport as well as cycling. It is a standardised procedure for reflection, consultation, communication and acceptance of planned policy measures. The contested stake at issues in Grenoble is to find a solution for the fast growing amounts of commuter traffic from the city to the suburbanised areas. Two options were discussed: strongly improved public transport (PT) or a tunnel solution. It seems, as if decision makers preferred the tunnel solution from the beginning, before experts could seriously

finish their work and come to conclusion. However, many expert reports and special mechanisms to evaluate this reports occurred. A network against the tunnel solution was build, composed of 18 associations and parties. The networks provided for counter – expertise and proposed an alternative scenario. Referring to European regulations on access to information, they induced legal proceedings – but the case was rejected. The confrontation between opponents and proponents remained quite technical and did not lead to a more acute and opened mobilisation in form of protest activities or demonstrations. In 2001, the decision for the tunnel was adopted by politicians. Meanwhile, the Rhone-Alp region (political regional entity) has rejected to pay any subsidy for the tunnel. It is still open if the tunnel will be build or not. A law (SRU) requires a revision of the PDU in near future. Due to the now very clear financial constraints, the polarisation between the two options, improved PT or tunnel, will become clearer.

### **Germany: Reconstruction of a federal road (B31-East) in Freiburg**

The case study focuses on the heavy conflict about the reconstruction of the federal road B31 in the eastern parts of the City of Freiburg, which went on for some decades. Over the years, several alternatives were discussed, most of them including various bypass/or tunnel solutions. People living along the old B31 Street suffered a lot from the large amount of traffic that crosses Freiburg in east-west direction. Since several decades, residents were heavily claiming for a circumvention, a bypass or a tunnel. Citizens initiatives were organised which promoted a “new B 31”. Further, there were economic arguments mainly supported by industry, retail business and the tourist sector saying that a new bypass/tunnel will give important economic impulses for the whole region. A plan for a bypass-tunnel combination was finally adopted in 1984. But heavy protest against the planning provoked judicial proceedings and impeded the construction of the road for long years. The City of Freiburg was divided in opponents and proponents of the planning. Especially from 1985 until 1992 a “battle of experts” in the legal arena represented opponents and proponents of the planning. During this time, intensive public mobilisation developed against the road and enabled the mobilisation of the financial resources which were absolutely necessary for the opponents to go the long way through the courts – the legal proceedings subsequently involved courts at regional, state, federal and European level. Furthermore, opponents tried to change the majorities in the city council by public pressure and lobbying activities – and they nearly succeeded. The realisation of the planning could not be averted by the opponents, but the planning was significantly improved due to the protest activities and related discourses. It was in October 2002, when the controversial road was finally launched.

### **Latvia: Restructuring the regional passenger transport system in Liepaja district**

The Latvian case-study reflects a local scale crisis emerging since 1997 with the unexpected closedown of some railway services without subsequent replacement with alternatives. The break-up of the Soviet Union raised a deep economic crisis that affected several countries in the region and also Latvia. The rapid change in population mobility and the crisis lead to the search of an optimal passenger transportation model but the necessary reforms are still to be carried out.

Several actors like the Ministry of Transport, the City Councils, Public Transport Committees, the Latvian Railway, the Regulatory Committee for Public Services, Liepaja Bus Company, bus operators, media and public transport users took part in the controversy. Public explanations were given by the Minister of Transport and the Director of Latvian Railway only after the implementation of the unexpected decision. This situation conducted to active local protests, generalized debates, petitions and a picket. The public was largely mobilized to these bottom-up initiatives where people protested against the closedown of what is considered an ingredient of local history and a legend of collective memory. The media mainly reflected the events and debates on passenger transportation and showed a tendency to express solidarity with the population.

After this first crisis, local governments introduced some consultations with local representatives before the closure of other services and more recently two other new procedures were introduced: Public Transport Committees and Control Committees. In these committees, local representatives meet monthly to consider proposals, petitions and pickets from the population and to hear specialist's advices. They also ask for written explanations. Although these improvements on PA procedures people are not convinced of their effectiveness and they normally do not influence the main outcomes of policies.

### **Portugal: Location of the new international airport of Lisbon (NAL)**

The issue analysed in the Portuguese context deals with a long controversy that lasts for almost 35 years. The issue of the construction of NAL was raised in the late 1960's and along these years it has become one of the most highlighted topics in the national polity.

The number of formal and informal actors involved is difficult to determine. It includes successive governments, the parliament, the *ad-hoc* parliamentary commission, ANA-SA, NAER-SA, *Aéroports de Paris* (ADP), NGO's (Quercus, Geota, LPN), the Commission for the Environmental Impact Assessment (CAIA), several municipalities affected by the new airport namely Lisbon and Alenquer, economic agents of the northern region, civil

constructors, counter-experts (SGL, IST, Alambi, aeronautic specialists), collective movements (Pro-Ota, Pro-Rio Frio, Pro-Portela) and regional and national media.

During the revolutionary period and the years that followed it, the project was put aside and only in the 1980's, with a new wave of studies, it grew again. These studies focused on the selection of possible sites for the location of NAL. Initially there were 5 options but successive studies reduced this number to two possibilities (Ota and Rio Frio). In 1998, after a set of preliminary studies of environmental impact (EPIA), international expert consultations (*Aéroports de Paris* – ADP), public consultations and one parliamentary debate, the PS government decided for Ota. But this decision was largely criticized, namely by counter-experts. SGL and IST organized various open forums within expert community but these lively debates had reduced salience and even less positive consequences in the course of action. The CAIA report of 1999 denounced clear insufficiencies of the previous EPIA and emphasised the need for deeper and new studies in the near future. Since then NAER presented a Proposal of Scope Definition of EIA including several amendments on the initial project and proposing new studies. It is noteworthy to say that this last development of the case occurred away from the public eyes. At the moment, the political solution seems to be the postponing of the beginning of the construction of NAL.

In spite of the implementation of a number of PA mechanisms, there seems to persist a serious gap between what is written and what really happens in practice. Using these mechanisms does not mean necessarily to have used them properly.

### **3.2.3. Most significant commonalities and differences**

#### **Nature of the case and its consequences for public accountability**

Exact determination and comparison of the scale and scope of various cases are difficult particularly because there are limited possibilities to quantify these characteristics. The most apparent way to do such a comparison is to identify the levels of governance involved, i.e. local, regional, national and transnational. All of the seven cases have the local and regional levels of governance at their core.

In all cases the local/regional issues are dealt with within either regulatory (France, Germany) or broader policy framework (Portugal) or both (Czech Republic, Denmark, Latvia, United Kingdom) set by national authorities. Where the cases differ, is the presence of conflict between different levels of governance. In the case of London Underground-PPP, a manifest conflict between London and UK-national authorities existed, while in Latvia there was a gradual settlement between local and regional

authorities on the one hand and the national government of the other hand. In the Czech case one sees conflicting attitudes from different municipalities, some of which are in line with the position of the national governmental majority and some of which are not. In other cases we see a considerable consensus among various levels of government over a number of issues or principles (Denmark, France, Germany).

Moreover a number of cases involve a certain European dimension where policies of the European Union play a role. This applies specifically to cases where environmental impact assessments are required by European legislation (for example, Czech Republic) or where the issue in question is seen within the context of a European policy (as in Portuguese case).

One is tempted to assume that the nature of a case and the application of PA mechanisms will vary sharply depending on the number of people or the size and number of social groups concerned by the issue. Moreover a differentiation should be made between actors who are actively involved in the relevant project/policy and actors who are to be affected by the project/policy in question. These circles may often not be the same.

In the cases of Portugal, UK and the Czech Republic one can see a large number of involved actors (multiple levels of government, experts, media, local and national citizens' organizations, etc.). On the face of it, the number of actively involved actors was considerably smaller in Latvia, Germany, Denmark and France. One possible explanation of such relatively narrow involvement is the explicitly local significance of the issue (Latvia, Germany, France) or the particular closeness with which a policy/decision is promoted from the top (Denmark). The sheer number of involved persons is even mentioned as one possible determinant of a policy outcome (Czech Republic).

However, evidence indicates that the number of involved actors may be much smaller than the number of affected individuals (Denmark). Affected but passive actors<sup>2</sup> do not essentially contribute to the development of PA. Therefore it is the involved actors who might be of key significance for the enhancement of PA.

A common feature of a number of cases is that, as time passes by, the action or project in question becomes increasingly irreversible. Sometimes the irreversibility is of physical nature (for example, when some infrastructure objects are already built as in Czech

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<sup>2</sup> In a representative democracy there are "active" representatives which represent the passive actors. Active actors make decisions that affect the passive ones. But when it comes to elections, the passive ones have considerable influence.

Republic, Denmark and Germany), in other instances the irreversibility is of more legal/political nature when either legal obligations (UK) or the overall constellation of various political actors and the state of policy (Latvia) make the retreat practically impossible. Still in some cases relevant decisions are reversible particularly if the decisions made contain some flaws that jeopardize their implementation (France, Portugal).

Danish, Latvian, UK cases provide examples where when seen from the broader public very little public accountability appear to take place. Meantime upon closer scrutiny various intra- and inter-institutional accountability mechanisms come to the sight. The Danish case, however, appears to be rather extreme in the sense that the political consensus among major political forces made the project largely immune to any outside challengers, i.e. the role of outside public accountability seems to be of almost no importance there. At the opposite end of the range of cases, we see the German case where, at least in the initial phases of the road project in question, various PA processes flourished. The Czech and French cases are probably ones where the assessment of PA is most difficult and controversial.

Another line of differentiation among the cases is the extent to which the core problem of the case was clearly visible to the broader public. While issues such as building large infrastructure projects (in Czech Republic, France, Germany, Portugal) or shifting primary modes of public transport (Latvia) are apparently accessible to the broader public, the core issues of London Underground public-private partnership (UK) or the development of Ørestad/Metro project (Denmark) are not readily accessible to as broad public. An interesting remark is hidden behind the fact that there seems to be a link between the more abstract character of the UK and Danish cases and the closeness of the policy making.

### **Different policy phases as different contexts for public accountability practices**

Before examining the seven cases in terms of policy phases, one should note the sharply differing time spans thereof. Some cases are relatively recent like in France, Latvia, the UK (all took place since 1997), some other cases have a much longer history like in Portugal (since 1969), Germany (since 1960's/early 1970's) with Danish and Czech cases somewhere in between. In a number of cases various phases of development are associated with varying degrees and modes of PA.

In some cases the policy issue in question began its development with active use of PA mechanisms (Germany) while in others intense PA activities began as a consequence to crises or some other triggering events (spontaneous protests in Latvia, the fall of

communist government in Czech Republic). In the Latvian case one can see that active use of virtually all available PA mechanisms began explosively after a single triggering event or policy crisis. Some of the cases thus show that the lack of public accountability may actually lead to policy crises or sudden intensified controversies (Czech Republic, Latvia, France).

Even though triggering events do not always amount to policy crises they nevertheless provoke qualitatively new forms of PA exercise (such a triggering event for new forms of public accountability was, for example, the approval of planning for the reconstruction of B31 federal road in the German case, which immediately moved PA activities to the legal sphere).

Particularly in those cases that have had relatively long histories, one can distinguish clear phases of development (Czech Republic, Germany, Latvia, Portugal), which in some cases even coincide with major changes in political regimes (Portugal, Czech Republic). In Denmark the change in policy regimes does not clearly coincide with certain phases of the Ørestad/Metro project although the realization of the project was clearly associated with ideological moves in the governing political environment.

In the Czech Republic (just like in Germany, Portugal and to differing degree also in other cases) different periods saw different modes of controversy and public accountability. For example, in the Czech case the final period from 1997 to 2001 experienced new waves of PA related activities (particularly a new environmental impact assessment and two legal proceedings) and meantime a declining potential for the effect of such activities as one of the policy option began materializing. In the Latvian case PA mechanisms began gradual development and institutionalization after the immediate crisis of rail operation closure was resolved. This allows one to speak of a specific development phase in the Latvian case.

In Czech and Portuguese cases, it is apparent that transitions from authoritarian to democratic rule had profound implications for public accountability. In Portugal under the pre-democratic regime (1969-1971) virtually no public accountability procedures existed in relation to the broader public. A subsequent transition phase from pre-democratic to a democratic regime led to a break in the policy on the new airport of Lisbon, which lasted for some nine years. In the Czech Republic the initialization of the case of Plzeň bypass coincided with the beginning of gradual disintegration of the socialist rule in Central and Eastern Europe. Also in the Latvian case the almost complete lack of public accountability before the triggering crisis might be explained by the legacy of the

communist/authoritarian rule where most policy decisions were simply enforced with nearly non-existent public consultations.

### **Reconsideration of NIMBY**

In four cases (UK, France, Denmark and Latvia) NIMBY phenomenon (Not In My Back-Yard) was not observed whereas in three other cases (Portugal, Czech Republic and Germany) NIMBY processes and attitudes found expression in different forms. In Portugal local manifestations were held against Ota location for new Lisbon airport, in Czech Republic inhabitants of concerned villages affected by "S variant" of Plzeň bypass formed an association for protection of the environment, in Germany affected citizens living along the planned new B31 Federal road rose numerous protests. The German case was most intense in terms of variety of protests and impact of MINBY on continuous disputes and extended decision-making processes.

As obvious from case studies, the origins of NIMBY can be different. 1) In some cases (for instance in Germany) the general public awareness of risk associated with large scale and complex technical projects and doubts about insufficient risk assessment provoked complaints and allegations to the Federal Constitutional Court and European Court of Justice. 2) In other situations (German and Czech cases) fragmented knowledge about environmental, social and economic consequences of large infrastructure projects generated popular protests and resistance. 3) Seeming or real difficulty to access information, to participate and influence the decision-making process, and consequently scepticism towards official authorities was important motif behind any opposing mobilisation. 4) All cases, which exhibited NIMBY instances, exemplified people's concerns about possible losses and damages of their everyday realities, which might be caused by large-scale technological change of the living environment. People were worried not only about direct environmental impacts, but also and not least about protection of local cultural identity, sense of the place, continuity of surrounding livelihood. 5) NIMBY processes can be activated both by internal (within the community under consideration) and external mobilisation. Activism of minority groups can enhance any kind of doubts and resistance and spread NIMBY attitudes among majority population. Typically these activist groups are small for instance in the German case the core group consisted of ten to twenty persons, and they might come from outside community. 6) There are probabilities of NIMBY activism embedded in the environmental impact assessment procedures, which require combining of expertise and public involvement. Actual implementation of these EIA procedures can always provoke certain protests, resistance and allegations, although in practice these procedures and actor behaviours not always follow along the NIMBY lines. Therefore the key question for

reconsideration of NIMBY role in public accountability is to find out under which conditions public decision-making leads towards confrontation and in which circumstances it proceeds in a more consensual way.

The NIMBY phenomenon is characterised by following: high degree of mobilisation of population; spread of critical, negative, even hostile attitudes towards infrastructure projects; use of a range of protest activities (complaints, litigation, inquiries, resistance actions, etc.); use of legitimate public accountability procedures (consultations, inquiries, public hearings, etc.); consolidation of protest by establishing formal organisations and alliances. Involved parties tend to recourse to the intensive use of PA procedures and maximisation of their claims.

In certain situations of public accountability procedures, we can observe a salient presence of NIMBY activism whereas in other situations public accountability mechanisms are implemented in the absence of NIMBY-related concerns. NIMBY presence has a tendency 1) to extend the expertise and decision-making process in time, 2) make decision-making more contradictive and conflictual including controversies in legal arenas (litigation in Czech, Portuguese and German cases), 3) challenging the outcomes of expertise and invoking claims for additional expertise, 4) reversing the irreversible – changing adopted decisions, shifting again back to previous plans (ambiguous choice between variant K and S in Plzen bypass case and confused selection of a site for the new Lisbon airport).

We can see certain positive role and potential of NIMBY activities, for example, they open up decision-making process beyond its bureaucratic and administrative prescription. NIMBY activists bring to the fore of debate arguments that may widen the scope of the debate. Since NIMBY addresses and mobilizes predominantly the local population, it might bring forward basic concerns (e.g. environmental, public health, community welfare, etc.) of the local population. NIMBY can also make visible and present endogenous knowledge in decision-making process.

The NIMBY phenomenon may possess varying degrees of legitimacy. Usually planning procedures and authorities are poorly prepared to deal with NIMBY challenges since they have limited means to differentiate between legitimate and less legitimate NIMBY activities. Planning and decision-making authorities tend to work based on the presumption of equal application of PA procedures with little or no regard for local peculiarities, cultural and social differences. The authorities will therefore tend to view NIMBY activities as more legitimate in cases where NIMBY arguments are based on concerns, which do not contradict this presumption of equal application, i.e. where it is

possible to show that also from the point of view of general procedure, particular sites or localities are especially badly suited or risky for certain types of activities. On the other hand, NIMBY would be viewed as illegitimate in cases where NIMBY associated arguments are based solely on the unwillingness of actors to accept certain action in their vicinity. Such egocentric concerns are in most cases not foreseen and legitimized in the general procedure.

NIMBY processes can be analyzed as part although not always present and necessary of PA procedures. In Czech, German and Portuguese cases NIMBY has been generated through typical actions of mobilization such as anti-project campaigns, complaints, submission of protest letters, requirements for additional expertise, court litigations, etc. While NIMBY complicates, widens and lengthens the policy process, it provides no guarantee that the substantive decisions and actions will be more accountable, responsible, equitable and socially acceptable from the public point of view.

Multiple NIMBY situations tend to produce zero-sum games in the sense that highly developed and heated arguments against certain constructions or other types of actions preclude situations where compromises can be made. Acute controversies where all involved actors have NIMBY as their basic concern in most cases lead to situations where only one of the involved parties is a loser while all others are winners. An adverse effect was observed in Portuguese case where voices from local municipalities sought to revert NIMBY attitudes into so called PIMBY (Please In My Back-Yard) claims trying to attract investment.

### **Density of frames and composition of actors engaged**

All of the cases have a number of common features if compared based on the composition of actors involved. In all the cases one sees a large number of actors who belong to different categories: formal and informal, resourceful and resourceless, powerful and powerless, etc. However, the sheer number of actors does not necessarily determine the course of the particular policy decision under consideration. In certain cases, a large number of actors who possess a significant level of consensus may contribute to the implementation of a policy decision with minor modifications. Thus a great number of actors who possessed a high level of consensus largely facilitated the implementation of the Metro/Orestad project in Denmark.

Meantime where the number of actors is equally large but their positions are conflicting along one or several conflict lines, the substance of implemented policy decisions may be sometimes even unpredictably shaped by particular constellations of actors. Thus the

interactions of various conflicting parties lead to a situation where no realistic predictions could be made about the fate of the project to construct the new Lisbon airport.

Due to the nature of PA procedures, which presume their equal application to all actors involved, even relatively powerless and relatively resourceless stakeholders may have significant impact on the policy process. While the cases do not provide definite answers as to whether such actors are capable of changing the character of final implementing decisions they are clearly capable of extending the policy process in time and bringing in new arguments, awareness of new risks and emphasis on potential problems. This is exactly what one observes in, for instance, Czech and German cases.

Based on the case studies, one may tentatively conclude that formal actors, which possess public authority, are by far advantaged vis-à-vis other types of actors. Despite public accountability procedures, which are largely aimed at holding formal public authorities accountable and empowering informal and often relatively resourceless actors, formal public authorities have guaranteed privileges to set issues on the public agenda, public authorities are also in the position where it is extremely difficult if not impossible to challenge their legitimacy and after all public authorities have by definition established ways of carrying out their plans in difference from less organized and informal actors who have to develop their strategies often on an ad-hoc basis and at times without proper experience.

Cases illustrate that usually actors pursue their own interests in the course of implementation of PA procedures. National level public authorities and government bodies seek for technological solutions that would meet general societal demands in public transportation. At regional and local levels public authorities look for balance between economic benefits and social costs, attraction of investment, promotion of the regional development as well as their own legitimacy by means of accountability mechanisms. Citizen groups and NGOs are usually most visible actors when it comes to the formal procedures at ground level or various types of informal manifestation of population interests and concerns. Given this, cases provide evidence that actors might build alliances and consensual type of interactions similarly as they can be involved in continuous disputes, contradictions and conflicts. It is difficult to fully grasp why the wide variety of actors produce acute conflicts in some cases (Czech, German, Portuguese, Latvian cases) while in other cases cooperation, compromises and consensual decisions are predominant.

There is a greater chance for collaborative approach to decision making process and cooperative implementation of PA procedures if alliance building is founded in democratic

culture or political traditions and if there are routinized practices and long-existing examples of institutionalized cooperation like it can be observed in the cases of the UK, Denmark and partly Germany. From this perspective authoritarian past of three countries under study – Latvia, Czech Republic, Portugal – might be used as an explanation why certain actors tend to neglect the other actors' perspectives.

All analyzed technically complicated cases demonstrate the high status of expertise and experts themselves in decision-making. The accountability reference for experts is highly professionalized, scientific and technical knowledge. On the other hand, the accountability reference for national and local politicians and public officials is the fact that they are either elected representatives or civil servants accountable to political and publicly elected bodies. Another accountability reference for politicians and public officials is their legitimacy in the eyes of the broader public and their political principles, plus their strive for retaining their political and administrative power is an additional and at times extremely strong reference. For the average the accountability frame of reference is built on the presumption and expectations that elected public officials should act on their behalf and in their interest. A key problem in cases of multiple actor involvement is therefore finding a way to combine the different accountability references so that the policy process ensures both a reasonable level of effectiveness, legitimacy, social acceptability and technological soundness. None of the cases provides a sufficient answer to this practical and theoretical problem. Instead different cases may illuminate particular mechanisms or particular interactions, which when combined and viewed in their entirety could give a valuable perspective on the issue of reconciliation of various systems of reference.

Although the nature of decision-making in complex social and technological issues like the reorganization of transport infrastructure in a whole area implies embedded interdependence of numerous parties, actors and stakeholders in a multi-level governance process, in practice our cases prove that decisions regarding particular and specific issues still can be made in groups or organizations, which are relatively autonomous and independent. The Latvian case serves as a prime example for this paradox. One can also suggest that the creation of alliances and use of consultative bodies may provide a way to overcome this discrepancy between the structural interdependence of modern societies on the one hand and the lingering isolated patterns of decision making, which produce a potential for ineffective and crises prone policies, on the other hand.

## **Formal mechanisms**

In all cases different formal PA procedures and mechanisms were used by the various actors. But there are striking differences especially in terms of formalised public involvement, public consultation and what might be called “bottom-up induced PA”. Public consultation and sorts of bottom-up procedures were of minor or even no importance in the UK and the DK case. In both cases, PA is mainly framed as an issue inside the system of representative democracy, where representatives and institutions display PA among each other. In the UK case, the only true direct formal accountability mechanism, was the Greater London Authority Act which was enacted by parliament (a key objective of the Labour Party was the devolution of power in order to address over-centralisation and a lack of accountability in the British Government). The most important opponent of the PPP was the mayor of London, Ken Livingstone, who essentially contributed to the controversy: Ken Livingstone and the Commissioner of Transport for London published numerous expert reports that were highly critical of the proposed PPP and raised concerns about issues such as safety, efficiency, value for money and lines of accountability – as a result, several amendments were made to the PPP contracts.

Apart from that, there were many intra-institutional accountability channels and mechanisms, including: independent reports, UK parliamentary select committee enquiries, a National Audit Office ‘value for money’ assessment, judicial reviews in the High Court, media reporting, the development of safety cases and the appointment of an independent PPP Arbiter. This complicated “web of accountability” is characterised by relatively lack of public visibility of individual accountability mechanisms, the highly technical and legislative nature of these mechanisms and the limited opportunities of public consultation and scrutiny of the LU-PPP.

The Danish metro case is also characterised by a closed policy process with crucial decisions made behind closed doors and, quite similar to the UK case, a PPP-concept was at the centre of the story. Plans for the large Metro/Ørestad project were presented to the surprised public as well as to surprised decision-makers. Immediately after the plans were published, a “Bill on the Ørestad” was introduced to parliament, without public consultation, without offering alternatives and, thus, violating the current planning procedures. There was no significant public debate in the media and no attempt to solicit expert opinions. Only in the phase of implementation, after the decisions were made, some smaller attempts appeared to make the process look more accountable: The Danish Society for the conservation of nature became a seat in the Ørestad Committee

and two citizens meetings were organised. The meetings were held to give information to the public but not to involve the public in the planning process. The basis for the choice of the technical solution stayed unknown for the public. The planning law actually calls for more openness, but since the project was organised by a semi-private company, it was difficult/impossible to induce public access to information.

Also quite similar, in Latvia, local governments must hold public consultation during planning of transport policies. In principle, all stages of policy making in the area of regional transport are subject to strict disclosure rules. However, in the concrete case of the closure of the railway line Liepaja-Priekule-Vainode for economic reasons, the decision of the semi-private "Latvian Railways" was in line with the national transport policy but made behind closed doors. Different to the Danish and UK case, Citizens reacted with protest in form of pickets and petitions; only after the protest begun, officials made contacts with the population and tried explain their reasons. The only impact of PA mechanisms on policy outputs might have been a more elaborate and better bus service as an alternative to the railway connection. It seems as if a sort of learning process can be observed: induced by the experiences with public protest there are attempts to make policy-making more transparent or even responsive. In the following case of the closure of the Liepaja-Riga railway the central government together with Latvian Railways began consultations in good time before the decision was made. Apart of that, a formal arena was created to overcome shortages in terms of PA: Every district council has established a "public transport committee" composed of civil servant and leaders of local municipalities as well as of experts. The committee considers proposals from local municipalities received from the citizens – but there is no direct involvement of the citizens, PA is displayed inside the formal hierarchy of the state authorities. In the Latvian case, nearly all PA provisions are subject to some complaints that they are insufficiently effective.

The Czech, French and German case-studies are characterised by strong involvement of NGOs, counter-expertise and by a broad public debate. In turn, in the UK, Danish, Latvian and Portuguese contexts this happens in a lesser degree. In the highly complicated, and still not closed, Portuguese case about the airport's construction, the important PA mechanisms enacted, are the ones formally prescribed by law. The Environmental Impact Assessments were crucial in involving not only the experts but also the local communities and NGOs in the decision making process. Two public hearings were carried out, which were highly participated; relevant documents were translated from technical into "common language"- even if they were criticised for being biased. The role of the parliament was limited to the political debates in plenary sessions without any consequences for the decision that came to be taken by the government. By and large,

the entities in charge complied with the requirements of PA: The ideas of promoting preliminary assessments on the environmental impacts (EPIA-studies), of consulting with the population concerned as well as with environmental NGOs, and the joint coordination with the Ministry of Transport, reflect a preoccupation in legitimizing the project. Furthermore, with the CADA, there is an independent public agency whose main objective is it to assure the legal execution of legal dispositions referring to the access to administrative information. However, in praxis it is sometimes very difficult to get access to information or official reports.

As in the Portuguese case, the Czech, French and German cases have strong NGO involvement, counter-expertise and large public debates which play an important role, but in the latter three cases the issues at stake were much more contested than in the Portuguese case. In the French tunnel-project (versus improved public transport) measures to fulfil the requirements for PA do exist, but they were not properly used, since the authorities tended to push through their plans. The Law on Air and Rational Use of Energy (LAURE) makes compulsory a *Plan de Développement Urbain* (PDU). The PDU is a national standardised procedure of reflection, consultation, communication and public acceptance in relation to city planning. The law on Solidarity and Urban Renewal (SRU) allocates more accountability to decentralised authorities, namely in the competence of communities of agglomeration – Grenoble agglomeration is such an inter-municipality level.

Further, there is the *Charta de la Concertation*, which promotes a more direct credible dialogue between the project developers and the public. In praxis, public consultation occurs, but only takes place, after the most important decisions are determined – participation has a symbolic character, since it is carried through to fulfil the legal requirements and to gain public acceptance, but not to involve public perceptions and ideas in the planning process. Before the final decision, La Metro launched an opinion poll on the organisation of urban mobility. But the results were ambiguous enough to legitimate all positions. Decision-making was strongly based on various expert reports, which were evaluated by several mechanisms, among them an international expert jury. Experts were mostly mobilised to support the tunnel solution. In the whole case, there was a clear tendency to secrecy and restricted public access to information. This tendency was only broken-up by public mobilisation, which was focused on a network called 3D, composed of 18 local associations involved in mobility issues among them ATCP. On basis of EU-law, ADTC and other association went to the Administrative Court to get access to an expert report which was hold back by the Administration.

In the Czech case, and this is quite similar to the Portuguese case, procedures of environmental assessment were important for the involvement of public and counter-experts. In the Czech Republic, a strategic environmental assessment (SEA) is required for conceptual documents submitted by the government. The SEA includes both public and expert consultation. For the detailed and binding "Development of Transport Networks up to 2010" a SEA was carried through. A public scoping was applied in form of two public hearings. The proposal and related documents were easily publicly accessible. From government side, the SEA was successfully used to make things transparent and open. According to NGOs, the SEA was used in a formal and emptied way; the government was not responsive and did not take into account the SEA results sufficiently. So, there are different views on how far PA is realised through SEA procedures and in how far the government has to take into account the results of the SEA – especially the results of expert reports and public consultation. In the concrete case of the Plzeň Bypass, due to EU-based regulations, an Environmental impact assessment became necessary for the planning. It is obligatory, but the results have the status of recommendations. It included an independent evaluator as well as public hearings. Information and documents were made available and sent to all organisations that might be interested. Hundreds of people were participating in the public hearings.

But the government did not accept the EIA recommendation and did not provide the obligatory explanation of its decision. As a reaction, supporters of the K variant took legal action. In general, legal actions played a crucial role and were mainly used by the opponents of the winning S variant. There were four constitutional complaints and two lawsuits. The decision for the S variant was finally fixed in the parliament by an extra law, the "Law on Bypass of Plzeň" – at the same time, the S-variant has already become gradually materialised in the field since first bridges and family houses were constructed.

In Germany, the case of the bypass/tunnel is characterised by heavy public mobilisation. The B31 is a federal road and the final decision about its reconstruction was up to federal parliament. But in general, the federal level passes the planning responsibility and the discussion about the planning to the state or land level. Accordingly, the most important political arena for decision-making was the city council of Freiburg. Two more formal arenas played an important role: The planning approval procedure, which stipulates that planning authorities have to make a planning and related documents public and gives the affected citizens the possibility to raise objections against the planning. In addition, there was the legal arena where complaints of the opponents provoked legal proceeding from 1985 until 1993, and, less intensive, again in the mid 1990'ties. Different views exist on the quality of the various PA procedures in this case. Proponents point out that the new road is legitimised by democratic decision-making in the political arena and that

information was fully available and transparent, whereby opponents claim that the crucial political decisions were based on wrong information and not correctly used formal mechanisms.

### **Learning to use public accountability procedures**

Learning processes were not relevant in the UK and Danish cases. In the UK, public consultation did not take place and the web of formal accountability mechanisms hardly offered any opportunity for public scrutiny and public discourse. Furthermore, the access to information was restricted by the technical language and the limited attempts to translate expert reports into the wider public language. It was mainly the intervention of the mayor of London that made the case more open for public debate. But there were only minor mobilisation efforts: one *ad-hoc* demonstration organised by a coalition of interest groups including Capital Transport Campaign, Friends of the earth, Greenpeace and Tube Sense.

This limitation might be explained by the fact that public accountability mechanisms were self-contained within the existing formal state/institutions processes. However, arguments of public interests, public safety, public money and the future of public transport have all featured centrally in the often heated debate. The issue of the LU-PPP has been played out visible in the public domain and yet it appears not to have very actively engaged the wider public concerned (commuters, civil society groups and wider London community).

In the Danish case the public was completely excluded of the decision-making process, and only after the decision was made, in the phase of implementation, some critical debates and smaller protest activities emerged. But due to the political and perceived economic importance of the project, it has simply been impossible for the public to mobilise what might be termed an accountability capacity. There have been no appropriate contexts that have developed no sites of debate or critique, no hybrid forums where critical voices could present their opinions. There have been a few highly circumscribed hearings, and occasional articles in the officially sanctioned critical newspaper, but a broad public discussion has been conspicuous for its absence.

Learning processes in terms of PA can be observed in the Latvian case, in both the public and the political sphere. In case of the closure of transport connections, generally rural areas suffer most. People in these areas often are less educated and provide for fewer resources to make use of the existing democratic mechanism. Furthermore, there appears to be a significant confusion in local population about what institutions are responsible for what aspects of passenger transport. Nevertheless, the organisation of

the enormous pickets was based on broad public participation. A broad coalition of various social groups emerged, which was, at least in the beginning, even supported by the local administration and by entrepreneurs. In consequence, officials became more open and explained their decisions, and offered a compromise. But, to a large extent, because of financial constraints, protest activities failed and could hardly contribute to a kind of positive participatory experience.

In spite of the fact, that the picket was a very intense expression of participation, it has not created sustainable long-term forms of citizen's engagement; no NGO or any active civic group was established. In spite of this obstacle to open policy-making, in the meantime, policy makers seem to have realised more the importance of PA in practices. But the local municipalities, which are the link between citizens and the PA arenas, see the current efficiency of the newly established public transport committee critically.

Many informal procedures emerged in the Portuguese case such as: (1) Forums organized by SGL and IST (counter-experts); (2) E-mail contacts between a Portuguese counter-expert and EC; (3) Debate organized by ADRO (local association) near Ota in order to allow the minister to justify his position expressed in the most important national newspaper; and (4) Lobbying activities from the 3 major movements involved in the NAL project.

In the Portuguese case, social movements were not really characterised by an NIMBY effect, but more by a "Please, in my backyard" effect (PIMBY), since every location found promoters in Civil Society, in general led and supported by many well-known people with good contacts to the administrative-political network.

These movements contributed to transparency and gave voice to interests, that otherwise might have been ignored, through alternative mechanisms complementing and even bypassing the political system. However, the lessons gathered with the PA mechanisms might be more related to the disappointment of citizens and NGO's due to the fact of:

- public consultations led to the illusion of effective participation, once experts merely informed the public about the underlying reasons of the decisions taken, through the dissemination of scattered and sometimes distorted information.
- heated public debates within civil society stayed without visibility or consequences.
- rich parliamentary debates took place without real implications in the course of action.

In France, because of major infrastructure conflicts, there has been a social learning process in the 1990'ties. One result was the Charta de la Concertation that wished to promote a more direct credible dialogue between project owners and the public, by recognising associations founded during conflicts as partners in infrastructure development negotiations. In praxis, participation mostly remains assimilated by deciders and project owners as acceptance procedures but not as co-construction of decisions – this is also what happened in the Grenoble case. In the French case, protest was mainly conducted by the non-governmental, but well established organisations in the 3D network, among them the municipality funded ATCP. These organisations provided for “democratic experience”, resources and counter-expertise in transport policy. 3D tried to improve PA by proposing a variant C and by claiming for a stronger involvement of the public in the planning process. Channels to the decision-makers were available via the Green party and also via ATCP. This might be one reason, why a strong mobilisation with demonstrations and heavy protest did not evolve. The confrontation between proponents and opponents of the tunnel remained quite technical or political. This was different especially in the German but also in the Czech case.

In the Czech case, learning took place in the mid nineties, when NGOs and local villages in several cases successfully tried to get access to the Supreme Court by procedural mistakes of the planning authorities. Once in the Courts, they were able to include further aspects of the case and impacts of the proceeding in the legal process. In 1997, the Supreme Court gave the complaining COE and local villages the possibility, not only to take into account their procedural rights, but also the impacts of that allegedly violated rights. This style had already been used in several other cases, when ecological NGOs and local villages were using procedural mistakes of administrations to point to other injustice and substantive problems (the court as an deliberative forum). In 2001, the situation was different: The constitutional court let the suitors only defend their procedural rights. But the planning authorities had the chance to bring in their version of the story.

The German case is characterised by an immense public mobilisation which is surely linked to a sort of learning process. The efficient mechanisms and procedures were adopted from other conflicts, whereby the nation-wide organised NGO acted as multipliers. In addition, Freiburg is a University City, with a high share of high-educated people and a strong “alternative touch”. Moreover, there are experiences with other large infrastructure projects in the region, among them the planning for an Atomic Reactor in a neighbouring village (Wyl), which could be stopped in the late 1970s by extremely strong mobilisation – whereby all societal groups participated.

Furthermore, the collection of money enabled the opponents to buy experience and expertise. The broad coalition of opponents of the planning mobilised the public by informal procedures (among them demonstrations, protest, counter-expertise, flyers, petitions), in order to get the public pressure and the financial resources that were needed especially for the long lasting legal proceedings. Further, opponents tried to change the majorities in the city council by public pressure and lobbying activities. They nearly succeeded. The final decision about the new road only found a tight majority in the city council. The opponents could not avert the realisation of the planning, but the planning was significantly improved due to the protest activities and the related discourses in the various formal and informal arenas. In the concrete case of the B31-East, apart from the relative open policy process in the beginning, officials rather tried to push through the planning than learning to use PA procedures. However, it seems as in the meantime, the City of Freiburg seeks to avoid such conflicts. For example, the new land use plan is developed on basis of extensive, expensive and long lasting public consultation.

### **Media interventions**

In terms of public accountability, the media has double functions. Firstly, it serves as a vehicle for the diffusion of information and contributes to transparency, secondly, it might take side for the one or the other group of actors or criticises one of the groups and thus, contributes to a certain framing of facts, processes and outputs. These two aspects of media intervention are visible and more or less important in all of the seven transport cases. In some cases, like the Danish and the Czech cases, parts of the media clearly changed its perspective over the years and turned more/less critical towards certain ideas or actors. It is difficult to estimate in how far media reporting had or has an influence on the policy processes and outputs in the seven cases.

In the German example, some opponents stressed that with a more neutral media reporting, it might have been possible to change the sometimes tight majorities in the city council and thus to stop the planning, whereas other opponents pointed out that media reporting was not that relevant for the final outcomes.

In the UK case, the Mayor of London led a protracted public campaign, via the media, aimed at derailing the Government's implementation of a PPP on the London Underground. The media was not only a vehicle for public debate, but also campaigners themselves. Thus, media commentators, prominent national newspapers and local television stations have reported on the London Underground PPP on a regular basis,

often giving voice to critical commentators. A lack of (direct) accountability was criticised in many media reports.

In Denmark, newspapers are highly politicised. This is reflected in the problems that were raised when the objective was to criticise a big project that has been supported by all the large parties. Only the independent, left-wing newspaper, *Information*, has provided much in the way of critical coverage of the project. In the beginning, most articles were dealing with the growth perspective and referred to the project in hopeful and positive terms. From 1996 to the opening in 2002, all four big newspapers published more critical articles, but usually not from a 'public participation' or 'citizen involvement' perspective.

In the Latvian case, the media mainly reflected events and debates on passenger transportation. They had a tendency to express solidarity with the population that needed passenger transportation. However, the media usually does not discuss any particular long-term solutions.

In the Portuguese case, as well, the media was an important vehicle of information about the new airport issue. Regularly, it gives voice to the various arguments/ positions and counter-arguments. The national newspapers focused more on the top-down processes whereas the regional newspapers focused more on bottom-up initiatives and tend to be more direct in denouncing the facts.

In France, local press coverage has been extensive, especially in 1998 and 1999. This coverage revealed the public debate happening on the transport and PDU issues. Analytical articles were more open to politician's arguments. Arguments of the associations were mainly presented through the organisation of press conferences.

The bypass controversy in the Czech Republic was and still is attracting a lot of media attention. In this country, media is an important tool for PA. For example, the local media criticised the author of the documentation used in the public hearings and accused him of being unconcerned with health impacts – the evaluator reacted with an open letter. It is noteworthy that in different phases of the conflict both conflicting groups had strong media support. The rhetoric of war – invasion, trench warfare etc. – was an important part of the media discourse.

In Germany, the local media was an important arena for the distribution of information and for debate. Decision-makers seem to be much more influenced by the media than by public protest. Accordingly, the published opinion was much more significant for

members of the city council than for the public opinion. Yet, the transformation of public opinion into published opinion is a controversial issue in the case B31-East.

### **Tensions and alliances between expertise and politics**

All cases deal with controversial socio- technological issues and the corresponding decision-making process is always undermined and supported by experts and consultants. Strong tensions between experts and politics are clearly visible in the Czech case and, to less extent, also in the French and Portuguese cases. For counter-expertise it is generally difficult to get seriously involved in decision-making. Alliances between expertise and politics as well as a tendency to instrumentalise experts can be observed in all cases. Limited public access to expert reports and/or insufficient translation of a “technical language” into a “public language” is crucial in several case studies – and contributes to decision-making behind closed doors.

In the UK case numerous expert reports have been published. The official documents and reports were written in a very technical language and there were limited attempts to translate expert information into public language. Sources of apparently independent expert information can be identified in the form of expert statements in the media. Since the media themselves acted as campaigners, their independence might be relative. Furthermore, many of the so-called independent experts have in fact been (in some occasions paid) consultants to the different institutions involved in the PPP scheme, though this does not necessarily mean that they are in favour of the LU-PPP. Again, their independence may be relative. In spite of all these expert information, the UK Government did not clearly explained in detail why a public-private partnership was the preferred approach rather than using conventional methods of financing.

In the Danish case, consultant engineers (COWI) were involved in the project, but their expert reports stayed confidential and were only published three years after the decision was made. No serious counter-expertise was done.

In the Latvian case, expertise was reduced to the expert of the deciding authorities. Counter-expertise was not brought into the game, which might be due to the fact that no social resources for such expertise were available. There was no NGO involvement in the case and no clearly independent or alternative expert or research institute.

In the Portuguese case, a high number of expert studies were developed:

- EPIA's (1998) included 18 sectorial studies on two possible locations (Ota and Rio Frio) and involved nearly 80 academic experts.

- CAIA's report (1998) alerting for EPIA's deficiencies and need of deeper and new studies.
- PDA (Proposal of Scope Definition of EIS - 2002) was presented by NAER and Parsons Consortium including several amendments on the initial project and proposing new studies.
- PDA analysed by municipalities supported in local entities reports, namely local NGO Alambi.

In the Portuguese case it seems clear, that organised civil society, specially experts and /or counter-experts, were interested in clarifying the arguments pro and cons the airport in Ota and in helping the government in the decision process but the politicians seem to ignore their point of view. In this case it can be said that the expertise served as a source of legitimacy for the political decision. The EPIA experts were questioned only by counter-experts and not by government, there was little discussion about the quality of EPIA within civil society, the scientific discourse obstructed the public understanding of the problem. As a result the distance between civil society and politics tends to increase with the perception of decisions being made behind closed doors.

In the Czech case, between 1990 and 2000, both sides produced twenty controversial expert reports and statements. The need for profound expert's evaluation was strongly emphasised by all actors over the years. The decision for the best solution should be taken on basis of neutral expertise – especially the NGOs were very important here. But in the end, a political decision was made. "Experts failed, we have to decide politically" was a sentence often used in political speeches and in newspapers. Because of the traffic problems in Plzeň, the pressure to find a solution grew high. But the reports did not come to a clear solution, even if over the years, a stronger evidence for the K variant was provided. However, by this time, the S variant became more and more material in praxis.

The relationship between experts and decision makers plays a crucial role in the French case. Grenoble politicians seem to prefer a costly tunnel solution already in 1998, before any serious expert consultation was conducted. This awakes the impression, that expert work has only been mobilised for legitimising this preferences for the tunnel solution. A lack of independence between decision-makers and experts was stated. One expert report that was critical towards the tunnel-solution (SCETAUROUTE) was kept secret by local administration. Counter-expertise was provided by the ADTC and 3D.

In 1998/1999, 3D network publishes its own assessment of the expert reports and brings counter expertise into the game. On basis of this assessment a scenario C (citizens) is

proposed by the association together with claims for more intense public participation. Many expert reports were conducted to assess the different alternatives of the road planning project in the German case. Once a decision was made, officials were reluctant to take counter-expertise into account and defended their planning. Even if a lot of mistakes in official expert reports could be indicated by counter-expertise, the result, the new bypass tunnel connections, was not more than fine-tuned by critical expert reports, but no basic changes were made. Opponents criticised that the crucial political decision were based on wrong information, and thus, had no legitimacy.

### **Discourses and concepts of public accountability**

The complexity of the concept of PA is revealed, among other aspects, by the different discourses invoked by the actors involved in the controversies.

In the UK case-study (London Underground PPP-scheme), the PA procedures were explicitly in the centre of the controversy. The London Mayor strongly opposed to the project by raising issues of safety, efficiency, value for money and lines of accountability. The preference for the PPP approach was not explained in detail, which caused a generalized perception of lack of PA surrounding the project. In the UK system, PA is conceived in the electoral representative sense and not in a direct public participatory sense, therefore tending to exclude the public from the discussions.

On the other extreme can be found the Latvian case-study where PA is considered a tool for public institutions to learn the opinion and needs of the public. In this case PA mechanisms involve requests to local authorities, protest actions, public consultations and committees.

In the Portuguese case, PA is not only reduced to public consultation/information, but also used as a strategy for legitimizing political decisions sometimes already taken. Political actors show little concern with procedural accountability focusing their attention on the outcomes electorally desirable.

The French case is quite similar. Participation tends to be symbolic in result of the instrumentalization made by public authorities to create the conditions for the acceptance of their decisions. In fact it could be argued that the *Charta de la Concertation*, the PDU and also the SRU indicate that there are attempts to establish a more "participatory framing" of PA discourses and concepts.

In other countries legal proceedings and legal tools play a determinant role in the shaping of PA. That seems to be the case of Czech Republic and Germany, where the law enforcement can be considered the main source for legitimacy. Laws regulate the actions

of stakeholders and allow civil society to ask for explanations in courts. In the Czech case PA involves also public participation by allowing the people to raise objections and scrutinize the decision-making process.

The Danish case is somewhat atypical. Due to the dilution of boundaries between the State and Civil Society it became almost impossible to mobilize the accountability mechanisms. No sites for debate and discussion could be identified. PA is understood in terms of more fluid and informal procedures. This informality is probably on the basis of the secrecy surrounding the projects and the decreasing absence of trust in the democratic system.

### **Political culture**

Although the case-studies did not directly address the issue of political culture it was found that public accountability procedures are directly influenced by the political culture where they are embedded and, in turn, the political culture shapes the mechanisms that regulate the state and state-society relationships.

The gap between legal frameworks and social practices is a characteristic of the Portuguese context even in politically stable periods when problems of adjustment are not expected to emerge. The recent past of 40 years of dictatorship is pointed as one of the major causes for that discrepancy.

In the current phase, after the revolution of 1974, the tendency is for a quasi-change of regime with the political parties shortly alternating in the government. This has also contributed to frequent shifts by the policy makers, which seriously affect both the effectiveness and efficiency in implementing public projects. Such policy shifts, not rarely, result in process delays. The NAL case is a clear illustration of such delays caused by the shifts in the Government team. Another reason of instability in the need of achieving reasonable negotiated arrangements among the different political formations represented in the Parliament, namely when the ruling party does not have a majority. The PSD/PP (Social Democratic/ Popular Party coalition) that now rules is not subject to such a constraint, which might contribute to a better decision making capacity. Another interesting and symptomatic feature that characterizes the Portuguese political culture is the low level of trust between civil society, political actors and political institutions.

UK has a long tradition of democratic experience with high levels of political literacy and strong institutional practices of public debate. This can also be observed in the LU-PPP case which illustrates how institutional bodies, such for example the City Mayor, could exert his legal and legitimate power to oppose a less than optimal measure introduced by

the Government. Institutions had a voice, they played as expected, they were listened and policies were corrected accordingly. Even though, it can also be argued that the public, that is, the common citizens, either directly or organized in *ad-hoc* pressure groups, or mediated by the press, was and still remains alien to the struggles taking place at the higher levels of the governance. In part this could be explained by the technicalities that involve the megaprojects launched by the Governments, but also by the apparently correct roles played by the actors in charge.

France is another example of a strong political experience and democratic traditions. But French political culture, at least according with common stereotypes, is also characterized by social conflicts, lively controversies and high protagonism of civil society. Such features can be traced on the case chosen to illustrate the public accountability mechanisms. A reasonable balance among the actors involved was achieved allowing opening the way to a win-win process of negotiation. But conflicts also took place and even escalating to the Court level. Anyway this can be interpreted as a positive signal of the role of institutions. The case also shows the extent at which the bottom-up public intervention through the mobilization of associative bodies, took place. Notwithstanding, the overall positive outcomes, the case also reveals attempts of less clear practices as for example, the public consultation using polls, which can be interpreted as ambiguous and controversial. Another example of "manipulation" was the consulting with two different groups of experts working on the basis of not overlapping agendas.

Denmark is an example of a high developed country exhibiting high standards of democratic traditions. It shares the Scandinavian trend of shifting from a representative towards a participative democracy. More recently it seems however that the ruling parties tend to become less concerned with the public accountability mechanisms. The case described documents the shift that seems to be underway on the Western developed world, characterized by a general weakening of the exercise of "government", which involves a relatively centralized political decision-making structure and a legally separate sphere of public administration. The more fluid system of planning can instead be seen as a part of a more general shift toward the strengthening of a more multifarious realm of "governance", by which public authorities are accountable to different networks and "stakeholders" and, in particular, by which public officials often conduct their activities in close relation to business, without clearly delineated hierarchies. This somewhat blurring of boundaries between public and private, between politics and administration, is clearly illustrated by the "mega-project" in the Danish case. Such mega-projects could be interpreted as a way of turning the public accountability mechanisms virtually impossible to be exerted.

Historically, the local governance in Latvia performed mostly administrative functions but the break-up of the Soviet Union and the emergence of a deep economic crisis changed its political structure and needs. In the transport sector this crisis led to the search of an optimal model of passenger transportation. Although the opening of the political culture in the way of a more participatory system, cooperation with national government institutions is regarded as virtually non-existent or ineffective. Perceived lack of legitimacy of the political process, people's distrust on political actors and fear to criticize are three main characteristics of the Latvian political culture. The case also points to features that appear to be shared by other European countries. Tensions are apparently inevitable whenever and wherever divergent interests oppose the national to the local, the rich to the poor, the city to the countryside, the private to the public.

The Czech Republic belongs to the countries recently devolved to the democratic European concert of nations. Notwithstanding, the long past of totalitarianism is rapidly evolving to a normalized institutional setting where government decisions are scrutinized by the citizens. Constructive social as well as political conflicts can be observed in the case chosen. Bottom-up pressures by local communities attempt to correct initiatives adopted in name of the broader national interests. Important public accountability mechanisms are enforced by the European rules of environmental assessment. The final outcome points a rich as well as complex social dynamics, where action seems to prevail over the lengthy and often inconclusive debates of experts.

Germany is one of the most developed countries in the world with a strong tradition of democratic institutions and practices. Due to its decentralized political arrangement, local public interventions are somewhat institutionalized. The political culture, as documented by the case, is characterized by high levels of conflict and activism. Courts were called to intervene for several times and even an appeal to the European Court (Strasbourg) was submitted. Mobilization of associations, grass roots and media are evidence of a lively as well as active Civil Society. Such an activism certainly contribute to improve the quality of the decisions, although considerably rising the "transaction costs" namely in terms of the inevitable delays in implementing the decisions.

The seven nations represented in the project have different political cultures. Some of them like UK, France and Denmark share a long tradition of democratic practices. The others have a more complex historical trajectory that included periods of more authoritarian regimes. At present and within the new context of the European Union, political institutional similarities became much more apparent. The cases examined around the public accountability processes and mechanisms document such similarities. Tensions between Governments and Civil Society arise whenever infrastructure projects

are implemented. Governments tend to limit their public accountability to the formal procedures, be it the period of elections or the consultations prescribed by the law. Decisions “behind the doors” thus invoking the logic of the legitimacy which cannot be restricted to the legal procedures. The richer the democratic traditions, the more active and intervening will be the Civil Society, through associations, NGO’s and media. But if “deficits of democracy” can be associated with political and economic fiascos, an “excess of democracy” can also lead to enormous transaction costs and eventually to no less costly stalemates.

The examined cases also show that effects of scale and scope are far from negligible. Mega-projects described in the Danish, Portuguese and, at some extent, in the UK case, seem to introduce new levels of complexity for the public accountability. They constitute a “*cas de figure*” of the emergent trend for governance instead of governments blurring the boundaries between public and private, multiplying the number of actors involved and the related technicalities, and transferring to the very long term the outcome’s evaluation. On the other hand, when the projects present more assessable contours, the traditional social mechanisms of public negotiation, aiming at best to win-win outcomes, are more easily activated, with mixed results, greatly conditioned by political cultures where they are embedded.

### **EU influence**

The European Union has become in the last decade very active in encouraging the socio-political-economical convergence of European countries. European directives play an important role in the regulation of several areas. The most important example is the environmental assessment (EIA) as reflected in virtually all the case studies. These top-down directives are frequently invoked in debates, articles and Courts, contributing to legitimize decisions, namely when national laws are lacking. The pressure to adapt to EU directives can have both positive and negative consequences for PA procedures. It can be a source of more transparency and regulation but it can lead to bypass the national responsibilities.

In all the analysed case-studies there was no direct intervention of European authorities or institutions. Exception made to the German case where the European Court of Justice played its role in a bottom-up initiative of the opponents that submitted a complaint invoking a German Basic law”. The Court rejected the claim because it considered that the argumentation was insufficient. In the French case-study, EU directives on access to information were invoked in the National Administrative Court that also rejected the claim based on the French legislation.

Despite these clear interventions, EU influence is sometimes subtle and indirect. On the other case-studies, EU can be seen as a sort of “cloud” above national governments and governance. In the Portuguese case, EU influence was felt in the necessity of adjustment and acceleration of national policies for improving transport and communication systems in accordance to the European policies for the Iberian Peninsula.

Another interesting feature of EU influence can be observed in the Latvian case-study where aspects of transport policy regulated by EU directives were systematically removed from discussions because they were simply to be accepted. It is important to refer that in the UK case and in the Danish case no EU influence was noted.

The above considerations reveal a dual effect that EU can produce in PA procedures. It can be positive when it means the introduction of rules (EU directives) that allow control in the formal PA systems, but it can also be negative when is manipulated by the Governments in order to force less legitimate decisions, or to hasten initiatives on the ground of available funds. EU directives whenever implemented without further debates at the national level also reflect a lack of accountability.

### **Multilevel decision complexity**

The cases used as illustrations vary in complexity, namely in the decision levels implied. Complex cases involve a cascade of decision makers starting with the European Union level and reaching local policy makers.

The Portuguese and Latvian cases involve all governance levels – local, regional, national and transnational, with shared responsibilities. But whereas in the Portuguese case the issue was raised in a national scale, in the Latvian case the issue emerged at the local level. The UK and Czech case-studies involved the local, regional and national levels, while the French and German cases were restricted to the local and regional levels. In the particular Danish case it is not easy to speak about the multilevel decision complexity due to the almost dilution of boundaries between levels.

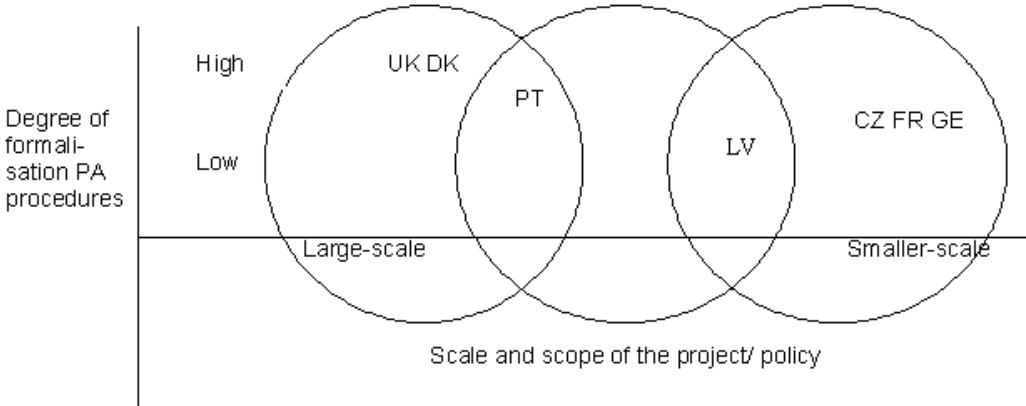
Across the board a pervasive conflict can be observed between the long-term national interest and the short-term local interests giving rise to the NIMBY effect. The European principle of subsidiarity is important for setting minimal constraints at the national levels. It aims at encouraging a bottom-up process of decision construction.

At the other hand, consensual rules as for example the ones related with sustained development strongly contributed to reinforce the public accountability processes, namely in the cases of nations as Latvia and Portugal, where such mechanisms are lacking.

**Clustering of the cases along the most important issues**

After having a closer look at seven transport cases it is possible to group them in three clusters according to the most important commonalities and differences: 1/ UK and DK cases as one cluster, 2/ LV and PT cases as another grouping, and 3/ CZ, FR and GE cases as third cluster (Figure 2.). The criteria used for comparison of all cases were the above-described significant issues of public accountability (see point 3), the outcomes of comparative analysis specified significant main differentiating and unifying factors.

**Figure 2.** Clustering of public accountability procedures in transport cases



The first and the third clusters are clearly differentiated. The UK and Danish cases are characterised by prevalence of formal public accountability procedures in their administrative domain, often behind closed doors and without salient public participation. The projects concerned are large-scale infrastructure projects related to privatisation. The Czech, German and French cases are of a smaller regional scale and they are characterised by high degree of mobilisation and use of both formal and informal mechanisms and procedures of public accountability. The Portuguese and Latvian cases match together due to importance of social and institutional learning to use PA procedures, attempts to open-up closed decision-making process, importance of bottom-up procedures, and accountability embeddedness in EU policies.

Public consultation and sorts of bottom-up procedures were of minor or even no importance in the UK and the DK case. A PPP scheme is central in both cases, PA is mainly framed as an issues insides the system of representative democracy, where representatives and institutions display PA among each other – here we have PA in a “representative sense”. In contrast in the third cluster, the CZ, FR and GE are characterised by stronger or strong mobilisation, by plenty of bottom up mechanisms, by much more transparency and openness – by PA in a “participatory sense”.

The second cluster seems not to have such significant characteristics: PT and LV case have very much overlapping with the other two clusters and might be somehow in between. On the one hand, in terms of scope and size and political levels involved, the large PT airport project could be allocated to UK and DK, whereas the somehow smaller LV project might be closer to CZ-GE-FR cluster. On the other hand, in terms of openness and NGO involvement, the LV case might be closer to the UK-DK cluster, since it has a strong component of PA in a representative sense, even if bottom up PA occurs (in the LV case, no NGOs are "visible"). Taken from this perspective, the PT case, characterised by proactive public consultation as well as strong involvement of NGOs and various associations, might better fit with the CZ-FR-GE cluster, where NGO's and network building provided for PA-capacities such as counter-expertise.

Regarding cluster - United Kingdom and Denmark, here we will indicate some of the major commonalities between the cases of the United Kingdom and Denmark. This is not, however, to say that similar characteristics could not be found also in other cases or that this is an exhaustive description. It may even prove that this particular cluster of cases as well as other clusters are eventually to be reorganized to match empirical findings more accurately.

Both cases indicate a major departure from the somewhat traditional government with a rigid system of political decision-making and legally separate public administration. Both the LU-PPP and the Ørestad/Metro project are examples of governance where a multiplicity of public and private actors form some sort of a network and fluid co-operation in order to carry out large projects. An economic rationale, which stresses saving of public funds in the UK case and increased economic growth in the Danish case, is a primary concern on the part of decision makers. Thus both cases reflected changes in the dominant political ideologies. In the UK, the ideological drive for neoliberalisation and privatization as well as, in the Danish case, the political shift towards more multifarious governance (instead of traditional government) largely determined the substance of the transport policies.

Public-private partnership is a central key-word in both cases. The increasing role of private actors, however, means that the traditional or government-centred mechanisms of public accountability are no longer sufficient because they cannot equally apply to private actors such as private companies. Hypothetically this might be one of explanatory factors for why both projects have failed to produce results as good as initially anticipated (the operations of London Underground experienced some practical problems and the level of private investment in Ørestad failed to reach the expected level).

In both cases there is a perceived insufficiency of public accountability. However, this does not necessarily mean that no PA mechanisms and processes are in place. Serious obstacles to public accountability in the broad sense are facts that existing PA processes are technically complex, there is a whole “web” of specific PA procedures instead of a few major and clear-cut mechanisms, a number of PA mechanisms are of intra-institutional character and thus not easily available to the broader public, it is not possible to pinpoint a single decision-making centre, bottom-up PA mechanisms and public consultation are strictly limited or even non-existent.

Moreover the complexity of subject-matters in question promoted passiveness on the part of the broader public. Even though some PA mechanisms (such as possibilities to initiate and carry out public debates) are clearly at the disposal of different affected social groups, attempts to run bottom-up activities were clearly limited.

#### **3.2.4. Implications and challenges for public accountability**

PA is characterised by various dimensions, as most significant we defined such as, transparency, access to information, openness as well as chances for public scrutiny and co-determination of policy making. Accordingly, at the centre of this concepts of public accountability is the relationship between the public sphere and decision-makers. In this project, we analysed how PA procedures and mechanism are used and developed in different cases. Based on the seven transport cases and on the chapters above, the following statements might serve as an indication of main implications and challenges for public accountability.

***Effectiveness of PA:*** A preliminary cross-national comparison of transport cases allows one to conclude that one of the greatest challenges to public accountability is the maintenance of public perception that PA actually functions in an effective way. This is particularly true in cases of great complexity. The perception of public accountability suffers even more where new forms of governance such as public-private partnerships are extensively employed.

***Perception of public (un)accountability:*** A significant question is how one treats the perception of public (un)accountability. On the one hand, some cases show that in reality a whole set of functioning intra-institutional and inter-institutional public accountability mechanisms exist. Their main limitation is that they are not easily accessible to the broader public, i.e. groups and individuals who are not directly involved in institutions concerned. Further conclusions depend on one’s own judgement. One can consider that such complex intra- and inter-institutional public accountability mechanisms are sufficient (it is just important to decide on relevant criteria – sufficient for what?).

On the other hand, one may consider that public accountability mechanisms are effective only or primarily when they are perceived as such by the broad public(s). After all policies and public projects should be viewed as legitimate and socially acceptable not just by the relatively narrow circle of directly involved politicians, public officials, experts and business people but also by most of the affected groups and even the whole citizenry. In the latter case, one can speak of serious public accountability deficits in a number of cases under consideration.

***Irreversibility of decisions:*** Another major challenge for public accountability in several of the reviewed cases is the relative or absolute irreversibility of certain decisions. In real life several types of factors may effectively override public accountability. These may be sunken costs, e.g. infrastructure already built, legal obligations, e.g. signed contracts, and seemingly unchangeable political constellations, e.g. a complete consensus among parliamentary majority. However, all of these irreversibilities are truly irreversible only inasmuch as our judgment tells so. Therefore it is a challenge of both theoretical and practical importance to find acceptable ways of making policy decisions when a legitimate and publicly accountable way of actions appears to contradict some less legitimate decisions or moves, which seem "irreversible".

***Public private partnership as a challenge to PA:*** It is illustrated by the DK and the UK case, that a serious challenge for PA obviously is the implementation of PPP schemes. The separation of responsibilities seems to be linked with decision-making behind closed doors. The allocation of accountability become less clear and transparent; the cases indicate that the shelter of private industry could well lead to limited access to information, to limited transparency of the experts statements on which decisions were based and to limited attempts to publicly explain why one solution and not an alternative was chosen. Recently, exactly the same characteristics emerge in relation to the German project about implementing an electronic toll-systems for lorry-traffic on Germany highways, based on a sort of PPP.

***Mobilisation without consequences:*** There were striking differences between all 7 cases in relation to the dimensions of PA. The GB and UK cases were characterised by a very closed style of policy making, by minimal or no bottom up PA mechanisms and by PA in a representative sense – to lesser extend this seems to be also true for the LV case. In contrast, the CZ, G, and F, and also the PT (and somehow LV) case are characterised by stronger or strong mobilisation, plenty of bottom up mechanisms and much more transparency and openness. In the latter cases, a lack in PA leads to various forms of mobilisation and, in turn, mobilisation leads to improved PA – but without striking changes in relation to policy outputs. In fact, it seems, as if the impact of PA

procedures on the policy outputs are quite similar in all of the 7 cases: in all cases which are closed until today, the winning variant is the one that was favoured by the decision makers in power - even if the results were modified and slightly improved by protest (GE, LV, FR, CZ). Of course, the selected cases were all characterised by very controversial issues with various conflicting actors involved. It goes without saying that in all the 7 cases, it was impossible to find a solution which satisfies the interests of all groups of actors; it was clear that there will be "winners" and "looser" in the end. But the winners have always been the accountable decision-makers - yet, Pa in a participatory sense, in connection with mobilisation, appears to give more chances for significant public influence on and control of policy-making.

**Public consultation and PA:** Obviously, public consultation procedures did not have to much impact on the outcomes, even if mandatory public consultation exists in our cases: in Germany and France such procedures are directly implemented in the planning law (meanwhile also EIA), whereas in PT and CZ the European based EIA guaranties for public participation. But in all of our cases, the results of such consultation processes were not or only randomly taken into account by the decision makers. It is discussed in literature<sup>3</sup> that this procedures are often used by the administrations to formalise a planning process and not to seriously include public opinion for correction or improving the planning. Several reasons for that are discussed, among them:

Public consultations usually occurs to late in the long lasting planning process, and not in an early stage, were all alternatives are still open. This is exactly what happens in our case studies. So, an important challenges for PA is the questions, at which state of a decision-making process participation should take place. This might lead to the tension between efficiency and legitimacy of decisions-making processes.

Results of mandatory public hearings have the status of recommendations. In general, the planning law or environmental impact assessment requires, that politicians take the recommendation of public hearings into account and give reason when they do not follow them. This leads to the questions if the results of scoping and public consultation should have a stronger binding character for decision making?

Furthermore, decision-making in the transport cases is heavily based on expert consultation. Stronger public involvement in the decision making process diminishes or

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<sup>3</sup> See for example: Renn, Ortwin; Oppermann, Bettina (1998): Politische Kommunikation als Partizipation; in. Jarren, Otfried; Sarcinelli, Ulrich; Saxer, Ulrich (Eds. 1998): Politische Kommunikation in der demokratischen Gesellschaft; Wiesbaden, Page 352-361.

relativises the influence of pure expert statements and puts more emphasise on the public opinion.

**Expert consultation and public accountability:** Strong tensions between experts and politics are clearly visible in the CZ case, and, to lesser extend, also in the FR and PT case. For counter-experts it is generally difficult to get seriously involved in decision-making. Alliances between expertise and politics as well as a tendency to instrumentalise experts can be observed in all cases. Limited public access to expert reports and/or insufficient translation of a “technical language” into a “public language” is crucial in several case studies – and contributes to decision-making behind closed doors.

In general, it seem as if the role of experts and expert reports is not always understand or interpreted properly by various actors in the cases. The difference, between scientific approaches, which are supposed to be neutral, and the political decision-making, which have to decide between different options and have to take into account different preferences, attitudes and time pressure leads to tensions. Expert reports per se do not decide - decisions are made by the political sphere.

Moreover, a high number of expert reports or committees can hardly contribute to transparency and clear responsibilities, especially if it is difficult to understand by which modus experts where chosen, and, in case of dissent, which opinion was followed for what reasons<sup>4</sup>.

### **3.3. Waste Management: A Cross-Country Comparison**

*G. Assouline, S. Costa, Zd. Konopásek, M. Matias, J.A. Nunes, T. Stöckelová, T. Vajdová, L. Zamykalová*

Let us begin with a remark which seems relevant for the waste reports and comparison as well as the whole project: we probably differ in our personal and political backgrounds and attitudes as well as methodological/theoretical preferences.

It seems, for instance, that the authors of Portuguese and French waste cases are rather close to the activist groups and their view of the problem, while the Latvian waste case seems to be marked by a distance from activist viewpoint (which is evident, among others, by the fact that no one from activist circles was interviewed). Similarly, one could speculate how much would, say, the case of Taveiro landfill resemble the case of Praha-Malesice incinerator if investigated and narrated by the Czech team.

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<sup>4</sup> see: Renn, Ortwin (2001): The role of science in environmental policy-making: experiences and outlook. In: *Science and Public Policy*, volume 28, number 6, December 2001. 427-437.

It is difficult to carefully make it empirically evident, but the impression simply is that individual case reports are shaped by different theoretical and political backgrounds. The implication of this introductory remark is that any comparative attempt should not avoid coping with this diversity of personal, political and theoretical backgrounds. This discussion paper is a first attempt in that direction.

### **3.3.1. Diversity of issues associated with different procedures for household waste management**

The comparison of the 7 countries reveals a diversity of strategies and of preferred uses of specific procedures for household waste management (landfills, incinerators, recycling). These have different consequences for the types of conflict likely to arise, the forms of citizen mobilization and the formal procedures of public accountability.

Beginning with the procedures, most of the cases deal with one specific procedure, incineration (UK, Germany, France and Czech Republic). In two cases the issues arise over landfills (Portugal and Latvia) and finally in Denmark, a recycling experience. There is a set of comparative issues that should be considered as omnipresent analytical backgrounds or contexts. These involve:

#### The nature of the case

- Controversies over plans to built an incinerator or landfill: activists and local people try to prevent the construction of a waste management facility, i.e., to prevent something to happen (Germany, Portugal, partly UK, Czech, and Latvia).
- Controversies over disastrous past events or malfunctions related to waste management: activists and local people's efforts are driven by what has already happened, by a search for responsibility, by a struggle for compensations, recovery etc. (France).
- Issues related to PA procedures in everyday functioning of the facility (partly UK and Czech).
- Other issues, e.g., comparison of two projects in terms of civic participation (Denmark, partly Latvia).

#### Differences between landfills and incinerators

- While landfills often and by definition struggle with too much waste (Portugal), incinerators tend to struggle with too little waste to be economical (Czech, Germany).

- Incinerators are more expensive, more based on hi-tech machineries and international business relations.
- Incineration is slightly more preferred in the official doctrines.
- Incinerators more obviously produce what is called by Ulrich Beck new types of risks – dioxins that have become a symbol of environmentalist protests against incineration.

The range of procedure is related to different histories of dealing with waste and with different strategies of waste management. Whereas Denmark has reached a stage where strategic preferences seem to focus on preventive and early treatment strategies such as recycling, the other countries are still dealing with the consequences of options for end-of-pipe solutions. Not surprisingly, the potential for conflict is greatest in the latter cases.

The Danish option for other solution has succeeded in fostering processes of composition between all the parties involved, including citizens. Where incinerators are involved, two kinds of issues can arise: First, the question of how the process is regulated and by whom, which is common to all the cases and secondly, the problem of emissions and of their perceived harmful effects on environment and health. Both are a potential source of conflict, which may materialize in different ways, with more or less active involvement of the population. In the case of landfills, the main issues are the location and the problem of the regulation of the use of the landfill.

A common feature of all cases is the central role played by local governments and by local authorities in the implementation and regulation of waste management processes. This may result either in a crucial role for local government as a partner in the process or, when conflict arise, as one of the main targets of protests. A final point which will be dealt separately is the diversity of relationships to European regulations.

DK: The plan also emphasized the importance of involving business enterprises and local citizens in the management solutions. The plan underpins that also in the future, municipal governments will be responsible for the development of new management solutions, in order to make them flexible and appropriate to local and regional conditions. It is crucial that waste management solutions be based on the so-called waste hierarchy, meaning that recycling has a higher priority than incineration and land filling. *Waste 21* identified the following challenges as being the most important:

- to reduce environmental impact from contaminants; and

- to ensure better resource recovery.

PT: A key feature of Government policy in the field of household waste management was the eradication of the dumping sites and its replacement with landfills.

LV: Thus in Latvia, the main problems related to household waste management (HWM) involve the large number of waste sites and their influence on the surrounding environment.

#### The issue of "regime shifts"

The studied events happen always on the background of wider socio-technical changes. One could say that each of the cases is related in some way a "regime shift" (although not always in the sense introduced by the Danish team, i.e., a shift from the "green" to a "cost-effectiveness" regime). This regime shift may represent a shift from a totalitarian regime (at the margins of Europe) to "democratic capitalism" framed by the European Union enlargement process (Portugal, Czech, Latvia). This shift implies a number of partial or specific moves that are, however, more or less shared by other countries as well: for instance, the privatisation of public services, transport or waste, through the public-private partnership pattern.

### **3.3.2. Formal mechanisms of public accountability**

#### The political and epistemic dimensions

In political terms, it would be very interesting to examine what uses are made of the formal mechanisms of public accountability. Besides the political dimension, we should also consider an epistemic dimension. These two dimensions are present in all cases.

In Portugal, the political dimension is strongly dependent on the epistemic dimension — the decisions have to be based on the information provided by "those who know". These two dimensions are also closely related to the tensions between expertise and politics. What are the elements which define who are the experts and who are the "lay" people? What are the criteria for the formalization of expertise? Which kinds of knowledge are considered as relevant?

A common feature of all cases is the central role of local government and local authorities as the public face of waste management, as the most accessible site of formal public accountability. But there are significant differences as well. First, the differences between top-down and bottom-up processes of decision. Secondly, the modalities of inclusion of the public in decision making. Thirdly, the specific mix and, sometimes, the

mutual reinforcement of political and epistemic authority in decision making. These differences generate a diversity of dynamics of formal public accountability, as well as contentious modes of demanding public accountability from “bellow”. This may take place within different formats of formal public accountability.

In France, an agonistic conception of political debate allows conflict to be channelled towards spaces of public discussion, where both the epistemic and the political issues are contested. This is in no way a guarantee that conflicts will not overflow and display more openly conflicting features outside the formal spaces of debate.

In Portugal, the absence of spaces allowing experts, citizens and decision makers to debate the issues at stake is certainly a relevant factor in explaining the contentious character of the claims of the citizens for more public accountability by political authorities and experts.

The German case provides an interesting illustration of how expertise and politics may conflict. This may be due either to an intractable conflict between political strategies and interests, on the one hand, and technical assessment of the desirability or feasibility of a given course of action. But it may also appear as the expression of controversies within the space of expertise. How relevant expertise is defined and who the experts are and who designates them as experts for dealing with waste management may itself be a source of conflict and controversy (as can be seen in the Czech case). These tensions and conflicts may be boosted by the way “lay” citizens are considered as either active participants or, alternatively, as recipients of expert-informed political decision.

#### At stake: The responsibility of decision makers

It is a very present issue in almost all cases (except DK). It refers to the confused and difficult identification of responsibility induced by the concession of the waste public service to private interests: who is responsible for: over-costs, health effects, contamination, data providing? The local authority with clean or dirty, financial, political connections with the private operator? The private operator? State authority knowing but not deciding to intervene in what is considered by all as a scandal?

In some countries, with ‘imperfect’ decentralisation (FR, PT), the lack of clarity and differentiation of the competences of the different levels of public authorities intervening locally is a source of paralysis and inertia : local municipalities, inter-municipality bodies, county Prefecture, representing State in the county, the decentralised administrations, the Region - all those levels with strong political, decisional and financial inter-dependence.

Most of the cases tend to privilege a top-down approach in terms of definition of what is at stake, of who are the legitimate participants, consultations and deliberations and the range of forms of knowledge and expertise relevant for the process. A further feature of most cases is the tangential association of public accountability with processes of information and consultation steered in a top-down fashion. The case of Denmark points towards other possibilities of recognizing the importance and relevance of the involvement of citizens and of "non-formal" actors at all steps of the process of waste management.

UK: A representative of the group [IMG] was invited to attend company board meetings that would give the management of the plant the opportunity to hear at firsthand about local peoples' concerns with SELCHP. IMG is still operational but in recent years has come under criticism from residents of the Pepys and Evelyn Estates who feel that the IMG has been gradually transmuted from a public forum representing local people's interests into a narrow and insular group that sits 'in the pockets of SELCHP'. The group appears to be entirely isolated from the local community. One of the local residents of environmental groups we talked to have ever heard of it. The IMG is solely mentioned in the company's newsletter and web site. Anybody who wants to contact the group cannot do so directly but would have to contact the company in the first place. It is then up to the company to pass requests or contact details to the Chairman of the IMG. . The IMG itself does not advertise itself nor has it tried to get in touch with other local groups that may have concerns about SELCHP. Moreover the contact between the IMG and the Lewisham Council appear to have ceased few years ago.

In this kind of situations, decisions are made by formal actors or, alternatively, action is taken to influence those actors. "Common" citizens or other actors who are not part of formal political institutions or of economic or social organizations tend to be marginalized and/or disqualified. Formal arrangements for citizen involvement may thus appear to the citizens themselves as token gestures of recognition of their existence without any significant impact on the dynamics of the process.

The specificity of the Danish case is linked, of course, to the particular historical development of the state and of citizenship in that country and thus is significantly different from that in other countries, in terms of accessibility to information, access to elective officials and modes of citizen involvement.

### 3.3.3. A conflict of rationality revealed by public accountability

#### The waste facility project building sequences

In the articulation between decision, planning, implementation, there are legally stipulated early or late sequences of consultation. National laws or regulations as well as European directives and regulation make those consultation exercises obligatory, necessary *points de passage* for the decision and project to be legally acceptable. Public access to information on the project or its impacts (environment impact assessment, EIA) is also conditional.

Public consultation and access to information are **functional** in the sense that they need to be assumed, in a way or another (very different ways indeed from country to country), for the project building to go forward till operationalisation. They can be seen as conditions of the efficiency of the decisional and technical building process.

#### Formal instruments of public consultation

Formal procedures of *consultation* of the public meaning the setting up of committees and fora where associations are represented are observable in all countries. Obviously, those procedures can be set up pro-actively, ie quite early in the decisional process (Ger, DK, UK, LV) or quite late as a reaction to *contestation* of the decision (PT, FR, CZ). The lack of *information* and data on emissions or on impacts for environment and health, being a recurrent topic of criticism: UK, CZ, FR, PT, LV.

The very upstream or downstream forms of consultation do not give indication on the more or less accountable decision making style:

- UK: local residents expressed their distrust in relation with the formal monitoring group.
- LV: formal PA pre- requisites were existing, but it has been used as legitimisation instrument, as in CZ.
- PT: accountability procedures were excluding citizens, letting experts, local and national authorities together.
- FR: no clear rules of the game had been defined for NGOs participation in the different committees, letting finally local and national authorities together with experts.

Two exceptions (Ger, DK) correspond to countries with participatory democracy cultures, especially at local level.

### **3.3.4. The Environmental Impact Assessment as a strategic resource and a binding procedure**

EIA can be taken as an exemplary formal PA procedure or mechanism. A wide range of prescriptions, formalized limits, laws and measures, duties involved in the studied cases can be indirectly addressed by discussing this particular procedure. EIA or a lack of EIA has been observed as an issue in Czech, UK, German, French and Portuguese waste cases (and still more observations on this could be added from transport cases). Although it currently is a well-established European-wide procedure, it actually works differently in different cases and it also has different consequences.

What is the significance of EIA as a compulsory element of policy and decision-making?

It defines the situation as such, where the public has the right to know/be informed and to be consulted. As such, it to a large extent confirms, defines and “solves” public participation – it localizes it in terms of time (it lasts a specified number of days), of procedures and in terms of project phase. It is a law, which formally means that the authorities cannot avoid it and therefore it has to be incorporated in the strategy of case management.

But this status is not that clear *in practice*: Authorities sometimes try to avoid EIA and sometimes they even succeed in this. Why? EIA is often required beyond what the law says, or just around its limits. For instance, in the Czech case, the partially built incinerator was declared as illegal construction in 1996 because of procedural flaws. Precisely at that time environmentalists (a member of Green party in the municipality) attempted to push the construction permit procedure back to its very beginning so that it would have to include EIA (as a “newly” proposed building). They were not successful, true, but perhaps not because of a *clear* language of the law, but rather because their opponents managed to mobilize the *very opaque and not-very-clear* language of the law together with certain circumstances hereby preventing the administrative step back to the very beginning. The incinerator was thus defended as “already existing” (partly built) object, origins of which reached to 1987-8 when EIA had not existed, against those who claimed that it should be considered completely anew, by means of up-to-date institute of EIA.

Similarly, in the French case, at the moment when the new regulations for incinerators became valid (also in 1996), a member of municipality asked for EIA of the incinerator

that had been in place for many long years. Again, the request was not successful, EIA had to be applied by law only to new objects, while the incinerator, the opponents claimed, was an old object.

But such a claim is contestable: one may object that the new regulations *made a new object* out of the old incinerator and as such the facility should be submitted to the EIA procedure at this moment. (A similar situation can be found also in the German report).

Unfortunately, there are no examples of opposite results, i.e., of a successful attempt to initialize EIA "above the conditions" given by law, in our waste case studies. Only the UK case speaks about subsequent non-obligatory assessments related to EIA. But, if we look at the Czech transport case, we find EIA procedure initiated (twice) "above" the legal requirements.

What we want to stress by all these examples is that although the EIA procedure *is given*, firmly and unchangeably, in the impartial law as a binding procedure, it is *also used and mobilized and shaped as a strategic resource* by various parties. Indeed, it is mobilized and *performed as something given*. On the other hand, we should not forget that if the formal procedures sometimes seem they are given so "unshakably" it is, among others, *because* they are used as strategic resources. Indeed, different actors *are interested*, in some way, in the universal validity of these procedures and try to impose their visions of them on their opponents.

Various uses of EIA should be understood against this conceptual background. EIA can work either as a "harmonizing" element or as a means of sharp conflict, but in any case its run is dependent upon many local contingencies, upon a specific trajectory of each case (who entered the case when, with what alliances and means, and re-definitions of the situation or questions at stake). Individual actors refer to EIA as an impartial tool defined in the law, but at the same time they actively take part in more or less temporary reshaping and reworking of this procedure.

PT: Access to the information on the project was denied to citizens whenever they requested it, even when it consisted of public documents. An exemplary instance of this denial of access was the following. A citizen requested to the municipality access to a copy of the study of environmental impact assessment of the Taveiro landfill. The municipality denied access to that information, stating that it would be allowed only against the payment of 143,900 escudos (ca. 720 Euros). Faced with this situation, the citizen sued the municipality in a Court of Law, invoking the law on access to documents of the administration (LADA).

CZ: It did not take long to start a new administrative procedure to obtain a new construction permit for the construction as a single project. The procedure had special parameters. The case was treated on the basis of the construction law paragraph on "removal of illegal construction". Whatever the first impression may be, precisely this paragraph gave the best conditions for a positive decision on the incinerator: according to it, we have been told, an illegal construction which was in the public interest could not really be removed, but only retroactively authorised. This also meant that the whole procedure did not start anew from the very beginning. The supporters of the incinerator could not wish better conditions: if the procedure had started anew (and only then), EIA would have to be initiated. If nothing else, this would bring a delay. (Footnote: Actually, a member of local authority and of the Green Party asked precisely that time, by means of a formal letter, for EIA procedure on the incinerator. The Ministry refused the request by saying that the construction and land-use procedures started before EIA entered the legal system).

FR: Since the 1<sup>st</sup> of December 1995, the incinerator was running out of standards concerning combustion conditions and emission purification. In June 1996, a Green elected member of the municipal council of Albertville alerted and asked for an environmental impact assessment study.

GER: Since the county council had reduced the capacity to 140.000 T, another legal procedure for pollution control was necessary. The revised building application was again submitted to the regional commission. Opponents now heavily claimed another round of public consultation in this phase. But the district administrator of the county declared, that he would see no reasons for a second round of public involvement. The provision of and public access to information was intensively discussed. 2500 signatures were collected in favour of public consultation, but without success.

LV: According to law three different sites for landfill construction should be evaluated in public discussions. Often communities are in similar economic situation and competing for or against the same decisions using economic, social and environmental arguments. The potential gains and losses are on the weights. Participants of public hearings do not have sufficient information and competence to formulate their opinion. Although technical studies and environmental impact assessment reports are made available to public, they are written in "expert language" and it might be difficult for population to translate expert assessments into costs and benefits that landfill construction would bring to everyday life of people. The striking thing is that by large the same social, economic and environmental situation in which decisions are to be made might lead to a fully opposite decisions, like it was in Kocēni and Stalbe – one community decided prohibit the

construction of landfill whereas the other voted positively. Several controversies of accountability can be found behind this paradox.

UK: The Council responded by organising several public meetings that were attended by a couple of hundred people. The outcome of these meetings was an agreement that the Council pay £5,000 for an independent evaluation of the Environmental Statement, to be undertaken by an environmental consultancy on the behalf of the local residents. The report would explain the technical aspects of the project in plain English and if necessary, make recommendations about how the design of the plant could be improved to reduce potential environmental and health impacts. The result of the independent evaluation of the EIA did have an impact on the decision-making: it forced the local authorities and the developer to respond to recommendations made in the evaluation report, by making adjustments, estimated to have cost £10 million, to accommodate concerns with emissions, noise and visual intrusion (see section 4, above).

### **3.3.5. The public assessment of decisions and projects**

#### Coalition building and mobilisation

We assist in the building of opposed coalitions which mobilise 'public opinion' as a rhetoric resource. A variable scale coalition connect local citizens, association(s), experts, some opposing local politicians and non local actors (associations, parties and sometimes segments of the public administration) [to claim] for scrutinising or assessing public decisions. On the other side, the dynamic of decision making puts together actors directly and indirectly concerned by the project facility project building: local politicians, public administrations, private waste companies.

Closeness or distancing of organisations with the formal accountability or consultation procedures or with decision making coalition may have different interpretations.

Distancing may be an expression of radicalness and distrust/frustration with the procedures, whatever the NGO being very locally rooted or having national implementation and strategies. It can also result from exclusion by decision makers. Some organisations are in an ambiguous situation, because of their role in the formal consultation procedures. In the UK waste report the Incinerator Monitoring Group is criticized for being *too close* to the management of the incinerator. Its members identify with the facility and its problems, smoothly collaborate with the management, but local people feel that the Group is too distant for them.

UK: Over the last couple of years, residents from housing estates such as Pepys and Evelyn that are not represented in the IMG have complained about the incinerator and

the IMG. They feel that the IMG has too close a relationship with the company and does not represent the interests of the wider local community.

UK: Firstly, the group appears to be quite isolated from the local community. None of the interviewed local residents or environmental activists had ever heard of the monitoring group. The IMG is solely mentioned in SELCHP's newsletter and on their website ([www.selchp.com](http://www.selchp.com)). Anybody wishing to contact the group cannot do so directly, but has to contact the company in the first place. It is then up to the company to pass requests or contact details to the Chairman of the IMG.

#### According to the Czech authors

A civic initiative of a very similar kind in the story of the incinerator in Prague, Czech Republic (actually, in a very similar moment of the story, i.e., at the moment when the construction phase was being replaced by an operational phase), seems to be too (and irreparably) distant from the incinerator management. The two cannot find a common vocabulary, accuse each other, do not cooperate and communicate.

In both cases (UK and CZ), the initiative seems not working properly. Or rather it works suitably only for certain actors: for the management (UK) and for the ecological initiative (CZ), for which the open conflict could be a sign of doing their job well. How these different configurations relate to other aspects of the cases? How can we make sense of them?

There are several other examples of being too close or too distant from each other in the studied cases. Let us take, i.e., the Portuguese case: local activists being too distant from the municipality of Coimbra and the waste company; or, on the other hand, local politicians being too close to the business people; Quercus national environmental association being too distant from local stakeholders, etc.

CZ: The fact that the communication between the principal actors of the controversy was half-blocked and full of accusations was really counterproductive in such a situation. Let us not forget, the troubled communication did not concern only COE and the management of the incinerator and it could not be easily undone: when COE attempted to ease the situation by becoming part of a broader, non-ecological coalition of experts, local politicians and citizens (the Commission for the control of the incinerator), by "de-centring" itself a little bit, the other side immediately complained that the Commission is just another label, a disguise, for COE's activities. COE were "re-centred" and the Commission became similarly unreliable partner for discussions as its initiator.

Actually, the Commission did not stop its activity (by a statement, a closing meeting). It simply ceased to exist – only retrospectively it was possible to say that one of the meetings was the last one. There were many explanations of the end of the Commission. The involvement in the case required a lot of voluntary time and energy. The incinerator management did not take the Commission seriously enough.

PT: The strategy developed by Quercus was that of entering a dialogue with Government as a legitimate representative of “the environment” and environmentally sound options for household waste. They did not seek legitimation “from below”, and their approach to the issues was rooted in technical (counter) expertise.

### **3.3.6. Non governmental organisations or associations**

These organizations were very important in CZ, but also in FR and GER, less important in PT, and probably little important in UK (with growing tendency), LT and Denmark. In general, these actors represent a key force in sustaining and developing the culture of civil society.

#### According to the Czech authors

At the same time, however, certain aspects of their activities may pose problems and challenges: Sometimes they tend to sharpen conflicts and enhance yes-or-no views of the problem, promoting views that are not necessarily in accordance with views of local citizens (CZ). The same thing was evident in other cases as well, though not in the same configuration: in the UK and PT case, the ecological organizations remained aside (the case or the main initiative).

PT: The position of the largest nation-wide environmental association – Quercus – did not coincide with that of the local associations. As the first steps were being taken in the definition and implementation of a household waste management policy in Portugal, Quercus was in favour of resorting to landfills as part of more inclusive strategy, which would privilege reduction, reuse and recycling. In the absence of a clearly defined strategy, the association rejected incineration as an adequate response, since it could jeopardize “upstream strategies” and multiply infrastructures across the country which would appear as “the solution” to the problem of household waste [...].

This lead Quercus to stand for landfills as a sort of “guarantee” that the problem would require other kinds of solutions (unlike incineration, which would tend to appear as a definitive solution to the problem).

Activists sometimes tend to be associated with formal procedures, sometimes not. Formal procedures can sometimes be the only entry point into the case. But it may be that these have to be initiated by an informal pressure. Be it anyway, all this probably relates to the question of where to invest (financial, time and personal resources). And in both cases they often need coalition with local citizens.

NGOs often aspire to represent citizens and public interest in environmental controversies, and to represent them better than elected politicians and official experts. A character and involvement of a NGO in specific campaigns can however differ significantly and the "quality" of representation, as in any other case, cannot be taken for granted.

DK: people running the project in King garden feel more representation legitimacy compared to people from the other place, because they feel elected in a transparent, procedural way.

The representation can be multiple: it can be representation of local people, or some of them, but also of a specific ecosystem or nature in general. Representation is not repetition or replication, but always an articulation, negotiation, which implies emergence of new issues, interest and concerns. An NGO always needs to bring something new to the case, it changes the case, but at the same time it needs to take into account its specificity and locality.

CZ: The environmental NGO *Children of the Earth* in the case of the Malesice incinerator entered the case, translated it into a country-wide dioxin case, made it a big media controversy, played down the NIMBY motives, to leave the case after some years and left a couple of local citizens with the feeling of abandonment, powerlessness. This decisively contributed to the strong de-localisation and expertisation of the case. Whom did they represent in the case? Maybe Czech society as abstract whole rather than local inhabitants of Malesice. And maybe they wanted the inhabitants to not represent themselves but something much more general.

FR: ACALP - One of the most interesting aspects of the situation is the emerging of ACALP, as local association. The Association Citoyenne Active de Lutte contre les Pollutions (ACALP) has been founded in December 2001 by two women working in the health sector. At then end of 2002, it counted 600 members. We could say that a majority of members of ACALP are new comers of that rural area.

Bien Vivre à Grignon - This association had been created to defend the rural vocation of Grignon, while the local municipality wished to transform Grignon into a Albertville (the

large closest town) dormitory. At the beginning of the 90's, thanks to a justice court decision, it succeeded to stop a decision from the municipality to build low rent buildings in the middle of a residential rural area in Grignon. And then, this local association focused its attention on environmental problems. People living for a long time in the area, or born there, are rather members of another, older and smaller association called Bien Vivre a Grignon [to live well in Grignon]. In the 90's, people from this association played a crucial role of whistle blower denouncing lack of information and high risks of environmental contamination. In 2002, this association counted approximately 100 members.

The two associations are more or less competing. ACALP has much more media impact than Bien Vivre a Grignon. Some people have double membership.

#### According to Latvian authors analysing the Latvian waste case study

The striking thing is that by large the same social, economic and environmental situation in which decisions are to be made might lead to a fully opposite decisions, like it was in Kocēni and Stalbe – one community decided prohibit the construction of landfill whereas the other voted positively. Several controversies of accountability can be found behind this paradox:

- 1) In one situation rational choice driven decisions might take over, particularly if involved parties put forward economic benefits (new jobs, improved road infrastructure, tax revenues. etc) that landfill operation would bring to the community, and if parties can achieve common decision. Environmental worries are counter-argued by technological perfection of new landfill. Local society is mobilized with slogan "if not us, then who?" That was the situation in Stalbe.
- 2) In another situation manipulation can win public consultations and influence decision. In Kocēni green activists, some of them were even not community residents, mobilised local public opinion against construction works. This campaign blocked other arguments and groups of population to express their opinions. The local government officials took passive role and there were some hidden of local business leaders to block discussions.

These two situations characterise that public accountability procedures can be applied in a narrow and limited way and become dominated by few actors and their interests.

## Public pressure

In all cases, the pressure of social actors can be observed as: denouncing the decisions (FR, PT, LV, Ger, CZ), criticising the decision making processes (FR, PT, CZ, Ger), pointing out the lack of accountability of the formal procedures (almost all), intervening in the waste policy debate and proposing alternatives to incineration or landfill. These actors are mainly local actors: residents associations (FR, UK, DK, PT, LV, Ger), local parties, opposition politicians, some municipality leaders. In some contexts, there may be articulation between the local problem and wider resonance, through the mediation of national associations, networking of local associations and media. The ability of those local actors to enrol more participants (local or even national) in their network and to translate this enlargement into an acceptable positioning is unequal: FR, Ger, PT (?). This enrolling process can be carried out towards local politicians, experts, other NGOs. It allows to articulate direct action with more elaborated positions or strategies on waste management. In the two post-communist cases, CZ and LV environmental NGOs are seen by the authors as „manipulating“ or „instrumentalizing“ lay people.

Mobilisation is an issue closely related to coalition forming (or making it impossible). It would be interesting to further study in detail different explanations of why mobilisation of the public was big (PT, GER, FR) or small (UK, CZ) – or why it was relatively equal, though not in terms of quality (as in the two seemingly different projects described in the Danish report). These probably cannot be summarised in a simple table, since reasons and forces are always multiple and often quite unique for the case at stake – this is nicely showed, e.g., in the UK report when authors make sense of a relatively low participation and public mobilisation during the construction phase.

UK: The relatively limited scale of these ‘bottom-up’ mobilisation efforts may have several, related contextual reasons, including: a relatively uncontroversial operation of the plant since its opening in 1994, with no severe (environmental) incident reported; the location of the incinerator in a deprived, working-class area with a relatively high level of immigrant population and unemployment, and an absence of strong ‘community discourse’; and the apparent absence of an interest in, or concerns about, the waste incinerator by the wider community (beyond the local residents located immediately around the incinerator).

In a country like France (probably similar in Portugal), the lack of openness of the political system, local or national, and its many concrete consequences put citizens organisations in front of a blocked situation: they are rejected from the procedures, are let without information and their capacity to weight on the decision making process

depends on their enrolling influence: broadening the coalition, finding common grounds among members of this coalition (translation) and creating the conditions for amplifying the resonance of their messages and actions.

### The Nimby issue

We think that this issue is of particular relevance for comparing the waste cases. Although all cases have a local origin, some of the movements emerging from controversies over waste management are, ultimately, of the Nimby type. The movement itself should not be reduced to the space or scale where it originated. Issues of amplification and upscaling are crucial to the success or failure of the movement.

The Nimby argument was used in several of the cases by governments and local authorities and by those who had a stake in the building of the incinerators. This was certainly the case in Portugal. The Czech and German cases, in contrast, did succeed in playing down this motif and both are closer to a Nimby kind of process that is an opposition to the method rather than a local rejection of the incinerator or of the landfill.

CZ: The NIMBY motif was played down as inappropriate, although precisely a kind of NIMBY framing is always a precondition for local political mobilization. Local people were made interested in a rather distant and essential issue of dioxins (in which the PM incinerator was just one of the instances), which implied an overall “no” to incineration as such. And they were made uninterested in the relatively accessible modification of NIMBY, i.e., “not *this* in my backyard”, which would perhaps imply a broader civic engagement in a less-dramatic, but important shaping of particular qualities of the incinerator.

GER: The issue of WM is generally discussed very controversially in the public. The “not in my backyard” (NIMBY) syndrome is an obstacle in the process of finding sites for WM. Other problematic aspects, like uncertainties in waste prognoses, changes in the legal framework, and a range of complex technologies with multi-dimensional consequences for the surrounding area, have to be considered. A range of different interests are presented in society: civil servants of the local administrations favour the use of modern technology in order to meet the regulations of the local authorities concerning the disposal of household waste. Citizens’ initiatives and environmental activists are in general critical towards such technological solutions and promote the avoiding of waste as well as recycling strategies. Such conflicts usually occur when a new site for the technical treatment of waste is looked for. Concerned citizens often react with heavy protest against new plants and express their fears about health and environment

hazards. On the other hand politicians and administrations show irritation and little comprehension for what they consider irrational fears and arguments of the public.

So the strategy was dominated by the discussion about the need for incineration in the county in general – in other words: there was no real NIMBY-effect visible, because the citizens' initiatives did not argue primarily against the location for the site but against the method of and need for incineration in general. Other very important points of discussion were the question of dioxin-emission induced by the new incinerator and the waste of ecological sensitive areas at the chosen location.

Opponents to the siting of waste management units had to rely on local mobilisation to prevent the process from being implemented and to gain time and make room for more public discussion and amplification of the issue beyond the local setting. This was more or less successful in different cases. An interesting feature of the French case is the local opposition was powerful and visible enough to make any further attempt of building an incinerator in the local virtually impossible. The labelling of the opposition movement as Nimby apparently did not undermine its success. A further point which may explain this result is the very successful articulation of the presence of the incinerator and health hazards associated with dioxins. The health motif seems to be a rather powerful argument in this kind of conflict and it moves the demand for public accountability one step further. It should be added that the Nimby theme does not appear as relevant in the Danish case. Again it would be interesting to explore somewhat further whether this is an effect of the specificities of Danish political and social life or whether the issue of siting for recycling units and recycling activities is minor or irrelevant.

#### Locality/localisation – polity/politicisation: a reconsideration of NIMBY

An interesting dimension for comparisons is the way in which a case is treated as a local one, affecting some special group of local citizens and thus provoking a specific local response. This problem usually has two faces:

- Presenting a case as a *local* issue, with directly affected subjects, is crucial for the designers of formal procedures: in most cases, stakeholders in waste management policies and initiatives, are defined geographically, by means of an attachment to a place (region, city, district). It is crucial that a waste facility is built *somewhere*, because it creates a special group of people that are allowed to become participants in formal administrative procedures. At the opposite it may also produce a tension because of the exclusion process generated by the decision making process (UK, FR).

- Presenting a case as a *non-local* issue seems often important for certain actors, typically national NGOs, but also local initiatives: the non-localness means that the waste problem is being framed as an issue that transcends parochial and limited interests; it means a way how to avoid accusation of selfish NIMBY motivations; and it means presenting the case as something really important and principal, because it affects not a particular community, but “all of us”. Shifting the characterisation of a waste problem from local to non local implies a ‘politicization’ of the issue: what is pointed out is the national waste management policy and its priorities: burning or dumping instead of reducing the waster production, according to opponents of most of the case studies. The difficulty for opponents is to preserve the relation between mobilised local people and the bearers of the ‘nationalised’ issue, framed into technical and expert language, as part of the scaling up process etc.

GER: Not quite a NIMBY case, but NIMBY aspects did play some role – similarly as in the Czech case, arguments were framed by general disagreement with incineration and by discourse on alternative waste management strategies (but unlike in the Czech case this discourse was supported by the actual development in the country in the second half of 90s).

PT: Opponents of the landfill were accused for having no alternative solutions (which implicitly includes an accusation of NIMBY). They did not find a common ground with the nation-wide association, very probably because their initiative looked too much as nimby-like action to Quercus. An alternative discourse is present to balance these accusations, that of “environmental justice” (the same could have been applied to the UK case).

FR: The initiative is openly local and taking support of very locally based NGOs; yet, there are nation-wide links and nation-wide relevance (see coverage in nation-wide TV), because the case is just one of many at this moment in the country. It seems it is the liability aspect (the initiative is driven by what has happened) that strengthens the links to concrete places and people.

### Expertise and politics

The problem of “expertization” and of “epistemological meaning of politics” (and vice versa) is strongly implied in the previous paragraphs. In most of the cases, official experts are called by decision makers to be parts of the committees aiming at building the decision or at legitimising it. Simultaneously, those who oppose to public decisions may be in condition to enrol and mobilise scientists who intervene and support them as

counter-experts (FR, for instance). Local or national activists may act also as experts and be called in the consultative committees.

CZ: Academic experts invited by the environmentalist NGO to mediate and enhance contacts with the management of the incinerator – only partly successful, since the conflict was already too sharp; the problem of diverging expert opinions and of hiring experts by various parties; the feeling of epistemological inferiority contributed to a marginal position of local citizens in the initiative in which a strong emphasis on expert articulation of the problem dominated.

UK: Similarly, local inhabitants, activists, felt themselves “being nobody” – both in terms of political influence and epistemic competence. The issue was hardly accessible to local people because of technical language and unavailability of experts – a political action afterwards went in this direction (the preparation of a comprehensible brochure on incineration etc.).

PT: According the authors there was a strong effort to marginalize lay citizens and activists politically and epistemologically. Specialists in politics and waste management were to decide, not ordinary people.

LV: Activists seem to have no political and epistemic legitimacy (for authors?).

FR: After the burst of the controversy, a significant extension of both political and epistemic voices occurred – it may be (after all, together with UK, CZ, and perhaps PT and GER) a nice example of dynamic character of this issue.

D: Public participation in technical and expert decisions displayed as an important value/idea in a green accountability regime.

### **3.3.7. Different arenas of confrontation**

#### Courts as arenas

In three countries, CZ, FR, PT, the court has been an arena: to suspend a decision (CZ, PT), to identify responsibilities and establish the truth on the impacts of the incinerator (FR).

In CZ and PT, it seems that the legal action has failed in interrupting the long term decisional and planning process, as finally after some suspension, the project has been totally carried out. In the French case, the action may work as a judicial precedence for other many similar cases elsewhere and is based on the contaminated blood judicial precedence. In all cases, the action has been under the initiative of local residents

associations. In the three countries, justice as a resource is mobilised in front of a blocked institutional system.

### The media as resonance

The media play a central role in either amplifying the issues, and endowing citizen action and protest with heightened visibility, or confining the issues to a local setting and devaluing claims for public accountability. The already mentioned "demonstration effect" of citizen mobilisation and action and the ensuing pressure for the enactment of formal public accountability procedures tend to be strongly dependent on media coverage and on the features of that coverage.

### How the media frame the process?

For instance, if the Nimby motif is used to frame media coverage, the likelihood of the process being amplified and upscaled to the national level may be compromised. Different media, however, may take different views on the coverage of events. This may appear as contrasting ways of framing the process depending on whether the media are local or national. A second feature is the presence of sympathetic journalists who may ensure continuing, intensive and positive coverage of citizens' initiatives and movements.

The Portuguese case illustrates the costs of the failure of amplification and upscaling beyond the local, largely due to the difficulty in getting sympathetic coverage at the national level. The French and German cases, in contrast, are examples of a fairly successful amplification and reframing of the process with the help of sympathetic journalists or, at least, of journalists committed to a detailed and continuous coverage of the opposition to the siting of the incinerators. Another interesting feature of the French case is the asymmetric relation of the main actors to the media. Whereas citizens and their movements and associations actively sought media exposure and visibility, political officials were reluctant to speak to the media. At the local level, the German case showed the strong impact of the particular type of intervention in the media, the letters to the editor. The media could not avoid, of course, becoming active participant in these processes. In the German and French cases, local authorities charged the media with systematically distorting the "true" unfolding of the process. In the Czech case, the media were indeed a crucial actor in framing the issues at turning them into a public controversy. In fact, opposition to the incinerator lasted as long as the media took it up as their cause, denouncing the way the authorities were dealing with the hazards of dioxins and criticising administrative procedures that fell short of expectations regarding responsible and accountable administration. Media coverage was certainly a relevant factor in uncovering problems that were not fully dealt with by local authorities,

particularly through making information available to the citizens and failing to enact appropriate procedures of formal public accountability.

FR: ACALP leaders say that the media contribute to the resonance of their action, and to continued pressure on public authorities. Public authorities say that ACALP is instrumentalised by media. The contrast is extreme between the easiness of the access to association leaders and the reluctance of officials to talk with journalists.

GER: From the county's point of view, it was not always easy to inform the public about its reasons and arguments because of the media-filter. The county saw its statements and information not transmitted correctly in the media, and accused the editors for distort information in order to amplify the public protest.

#### EU as a multi-dimensional resource

The EU membership or candidate-membership influences significantly the policies in the respective countries, be it explicitly or implicitly.

The major channels are (1) EU legislation in the specific policy field of waste management (setting thresholds, limits, priorities...); (2) EU legislation related more generally to procedural handling of environmental issues (EIA, models of authorisation procedures); and (3) EU money (to support more or less directly specific projects). "The EU" (in any form or channel) has a binding character – and, as it was with the formal procedure of EIA, various actors strategically use it as a binding, external political fact.

#### EU as a policy resource

The studied cases suggest that the European politics seems to be more explicitly relevant in countries at the margin of the EU (recent and new members – CZ, PT, LT). In other reports, EU has been mentioned only occasionally – e.g., when referring to the EU dioxin limit (FR) or to compliance with some EU directives or regulations (UK).

For instance, according to the law, incinerators in the Czech Republic have to be compliant with the EU regulations sooner and more strictly than in France. The Czech policy documents (Waste Management Plan) or public participation rules (EIA) are considered to be rather progressive. But at the same time it is clear that this progressiveness and EU compliance are often "only/mainly on the paper" (which is not to claim that in other countries have all written EU documents their counterparts "in reality"). This relatively very good compliance but only/mainly on the paper may be considered as a side effect or consequence of the "successful" systematic pressure on the candidate countries to meet the requirements of EU.

PT: In fact, since 1993 (Law n.º 65/93, 26 August), the right of citizens to access documents produced by administration which have a public character is inscribed in national law. This does not mean, however, that citizens do have access to these documents. Obstacles of different kinds often emerge to prevent the enactment of this right, such as the charging of fees, which make access too expensive.

In both Portugal and Latvia landfills were constructed allegedly in full compliance with EU regulations and standards. This was seen as a suitable strategy for shutting down dumping sites.

But the strategy failed to materialise into integrated and sustained policies for waste management which would progressively give shape to a hierarchy of procedures favouring prevention and recycling over end of pipe methods. This means that compliance with EU regulations in setting up the given procedure does not necessarily mean that national strategies for waste management will show, as a whole, compliance with EU orientations and regulations. This is particularly clear in the Portuguese case, where EU regulations have been in effect, in principle, for more than 15 years.

For those countries where incineration is a central procedure, what is at stake is, above all, compliance with maximal levels of emission defined by EU regulations (especially dioxin). This may overflow either into debates over how to ensure compliance and who is to regulate it at the local and national level or into overt opposition to incineration as a method or, at least, to the location of incinerators.

On one hand, clearly set standards (limit on dioxin emissions etc.) support and enable demands for more accountability. All parties are expected to know, accept and fulfill related requirements. This is evident, for instance, in the situation when dioxins were introduced in the law – at such a moment they became real, one way or another, for all the actors and implied many practical consequences including measuring rules, elaboration of expertise etc. Before that moment they were recognized only by some, while successfully ignored by the others (France, Czech Rep. and others). On the other hand an explicit standard may “reduce” public accountability in the sense that it becomes *the* (only) task to be fulfilled, while demands for an action above or besides this standard seem to be disqualified. Once the standard is met, it becomes illegitimate or very difficult to sustain pressure for anything above/besides it (this moment is stressed very much in the UK report, although in the same report we read about some partial successes to break through this).

UK: In the planning phase, the local authorities (who acted both as applicant for the project and as the planning permission authority) did not seem keen on *ex-ante*, open

public scrutiny of the proposed incinerator beyond the minimal requirements of information provision and public consultation required by law.

CZ: An interesting paradox related to the role of EU in the process of preparation of the Plan of Waste Management of the Czech Republic. It seemed that the principle of public participation in its assessment was respected mainly because it was coming from the EU. To follow the Europe's model was a strong imperative. And this was what gave some chance for the enhancement the public participation. It was pragmatically taken as a "European trend" and accepted as such without much belief in it on the part of most public servants. But at the same time as the European imperative was enabling the principle of public participation and called for it, it seemed making the principle empty. Why? The Plan was presented as a result of a hierarchical and very technical implementation of indisputable European directives, which rendered – at least in theory – all discussions irrelevant.

#### EU as a political and a rhetoric resource

EU regulations may be used by different actors and stakeholders for different purposes. In some cases, governments refer to them to legitimate their decisions and their actions. Citizens and NGOs may use them to contest government decisions and actions. In fact, EU regulations are a contested resource in conflicts over waste management and an asset for the legitimisation of particular courses of action. The possibility to refer to EU provides a background for NGOs to push through specific agenda and urge for a proper treatment (not so much for other actors, such as local initiatives and general public, who lack the competence to use this strategic resource).

Also, EU (very much by means of the systematic pressure of the accession process CZ or financial support PT) has been pushing the governments of candidate countries "to care" (of environmental issues and democratic procedures). This, of course, concerns especially the new EU countries (PT, CZ, LT), but occasionally it may concern other countries as well (FR, UK – the EU dioxin limit).

DK: The Danish waste model is the result of a close interplay between EU regulation and national regulation. The EU waste regulation policy forms the background for WM in Denmark. In one respect Denmark differs from the other European countries in that incineration is much more predominant than landfill. The fundamental principle of the model is that WM is a public sector task, thus the local authorities or city councils are responsible for the management of all waste in Denmark.

PT: In countries like Portugal, however, where environmental law and environmental policies have been implemented largely as a condition and a consequence of membership in the EU, they provide considerable leverage for citizens, environmental associations and social movements. In fact, being a member country of the European Union did not eradicate some of the most conspicuous features of the discrepancy between law and social, political or administrative practice in Portugal. But it had the effect of opening up a space and new instances of legitimation and appeal for citizen action to make the State, the administration and the political system more accountable (Gonçalves, 2001).

### **3.4. Key Issues Elicited from the Cross-Country Comparisons**

#### **3.4.1. Issue 1: Paradoxical relationship between PubAcc norms and EU norms?**

- Usage of reference to EU norms by various actors (reframing as a PubAcc issue or not)? EU used more as a reference point by some actors than others (depending on national context).
- PubAcc belongs to norms created/formed at EU level (but some aspects of this problematique stronger in some countries than in others)?
- Member countries may see things differently to accession countries.
- Accession countries exposed to more pressure to conform.
- Cases of general rules of EU being supported (harmony) but there is an underlying disquiet by certain actors (NGOs, State Governments etc).
- EU double-edged sword – formal procedures and their practical implementation often two different things.

#### **3.4.2. Issue 2: Paradoxical relationship between transparency and PubAcc, on the one hand, and trust, on the other**

- Co-determinate or not? Not!
- Transparency called for to restore trust or because of a lack of trust.
- Trust exists in some organisations/individual in spite of (due to?) a lack of transparency.

### **3.4.3. Issue 3: Relevance of PubAcc to everyday events vs. large-scale crises**

- PubAcc just as relevant to small, less controversial cases.
- Does this have implications for formal/informal mechanisms? If so, what is their role?
- Consequences for institutionalisation of PubAcc processes?
- Informal procedures require conflict?
- Efficiency (as an everyday issue).
- Need feedback from public to develop various efficiencies.
- Efficiency of PubAcc processes in terms of their outcomes (challenging?):
  - economic considerations;
  - unforeseen legal costs/public debates;
  - time factor, unforeseen delays (judicial reviews/expert reports).
- Ability of PubAcc to moderate conflict, re-open conflicts in danger of petering out/overshadowed by bigger conflicts.

### **3.4.4. Issue 4: (Inter-)Relationship between expertise and politics**

- Emphasis on role of expertise by most actors (taken for granted).
- Yet, political dimension of expertise is often underestimated.

### **3.4.5. Issue 5: Trigger events/crises**

- Crises may be prevented if functioning PubAcc mechanisms.
- Co-opting by key actors to win support.
- PubAcc itself manifested as a crisis of policy-making.
- PubAcc used to manages/open a crisis (intentionally/unintentionally).
- PubAcc used by policy-makers as an early warning device.

#### **3.4.6. Issue 6: NIMBY**

- Means by which local actors can be mobilised.
- A legitimate motive.
- A bond to a particular place that politicises the issue.
- Once taken away from that locality, ceases to be political.

#### **3.4.7. Issue 7: Mobilisation**

- Affected by socio-economic background, cultural predisposition, different means and resources for mobilisation, de-mobilisation.

#### **3.4.8. Issue 8: Tendency to limit PubAcc to an internal (to State) process**

- In some countries, only this PubAcc is seen as true PubAcc.
- Other spaces outside these formal processes not seen as legitimate.
- For example, NGOs only seen as legitimate when represented on formal boards.
- However, affiliation with formal processes may have repercussions.
- Participation in direct action activities may be forbidden if involved in formal mechanisms.
- Formal mechanisms such as advisory boards often restricted by boundary-defining agendas.

#### IV. CONCLUSIONS AND POLICY IMPLICATIONS

The initial (national) profiles and subsequent case studies (thematic, cross-thematic and cross-country) yielded comprehensive information and useful findings. Overall, the following key conclusions can be drawn:

- It should not be assumed as a matter of course that public accountability is a commonly used linguistic term and normative concept across different European national and cultural contexts. On the contrary, this research shows that there are *substantial differences* in the conceptualisation of public accountability in the seven countries analysed. This needs to be borne in mind when considering public accountability at European level (see e.g. the European Commission's White Paper on European Governance) and in relation to new forms of (multi-level) governance.
- The differences in the conceptualisation and use of public accountability can be explained with the *different historical, political and cultural traditions* in the countries analysed. These different traditions are characterised in terms of historical legacies, constitutional framings, the structures and functions of state institutions, policy regimes, and the conceptualisation of civil society and the public sphere. Thus, an in-depth understanding of the political process, policy-making and public sphere activities is essential, in order to be able to gain a more thorough understanding of the role of public accountability in democratic governance and legitimacy.
- There is a significant difference between the provision of formal structures and procedures of public accountability through state systems, on the one hand, and the 'practice' and 'lived' experience of public accountability in policy-making and public sphere discourse, on the other. This difference can be interpreted as a (relative) *dysfunction of formal public accountability provisions*, as they do not manage to provide adequate responses to complex policy issues.
- There has been a growth in '*extra-parliamentary*' public accountability processes and social mobilisation processes initiated by civil society actors within the public sphere in response to the perceived dysfunction of formal public accountability provisions.
- The processes of '*Europeanisation*' – especially in relation to accession countries (Portugal in the 1980s, the Czech Republic and Latvia in the late 1990s/early 200s) – has had a double-sided impact on public accountability procedures and discourses: on the one hand, democratisation and reform processes have fostered

public accountability provisions (e.g. through the ratification of EU law in national legislation); on the other, Europeanisation has often meant that effective accountability processes have been curtailed due to the pressure to adopt EU law and regulation without in-depth debate and scrutiny at national and subnational level.

- Scientific-technological policy issues are differently characterised in the seven national contexts, with Latvia and the Czech Republic having experienced less social and political controversy compared with the other countries, where scientific-technological issues have frequently been high up on the political and public agenda in recent years. In the latter case, the often controversial nature of scientific-technological developments – as exemplified by GM crops, the BSE crisis, environmental pollution – has led to attempts on the part of state institutions, policy-makers as well as civil society actors to innovate in *new forms of governance*, with emphasis on stakeholder and citizen participation. This, in turn, has been shown to challenge more traditional public accountability provisions. With the rising complexity and uncertainty of technological innovation, new mechanisms of public accountability have been explored without, however, fully managing to provide successful alternatives to traditional accountability mechanisms to date.

### **1. Governance Through 'Public Private Partnerships': Gaining Efficiency at the Cost of Public Accountability?**

*Alison Mohr and Simon Joss*

The emergence of public private partnerships (public-private partnerships) heralds a new era of collaboration between public-private actors across different levels of government (local, national, international) and across different policy fields including transport, housing, and healthcare to name a few. PPPs first emerged in the United States (US) in the late 1970s and early 1980s in response to what was seen (mainly by neo-liberal politics) as the poor performance of the public sector, and the view that the State had reached its financial limits as far as the provision of public services were concerned (Carrol and Steanne 2000; Linder and Rosenau-Vaillancourt 2000). PPPs were initially introduced as a more publicly acceptable alternative to privatisation and hence as a tentative first step towards full privatisation agreements.

### **1.1. London Underground Public private partnership (LU-PPP)**

Unlike in the US, United Kingdom (UK) policy-makers were not so tentative in their belief of the primacy of the private sector with the Conservative government of the 1980s eagerly embracing the economic benefits of privatisation (Feigenbaum, Henig & Hamnett 1999; Spackman 2002) through Private Finance Initiatives (PFIs). PFI contracts were 'encouraged' by a 'universal testing rule' that required the consideration of private financing for all public sector projects. Aside from obvious ideological differences the Labour government adopted a more pragmatic approach to privatisation. Following on from the very public failure of the Conservative government's privatisation schemes, most notably that of the national rail network, and after abolishing the universal testing rule, the Labour government opted to embrace the concept of Public Private Partnerships (PPPs) (Spackman 2002). Defined by HM Treasury (2000) policy, PPPs involve complete or partial privatisation, contracting out with 'private finance at risk' (still defined as PFI projects) and selling government services in partnership with private sector companies. PPPs continue to be a clearly stated goal for future infrastructure development of the Labour government, however a Treasury (HM Treasury, 2000) document acknowledges that public private partnerships may not be the preferred financial model for every infrastructure circumstance.

That the Labour Party revealed its intention to implement "a new public/private partnership to improve the London Underground, safeguard its commitment to the public interest and guarantee value for money" in its 1997 general election manifesto, albeit minus any detail of how this was to be achieved, should therefore have come as no surprise given the reorientation of 'New' Labour towards the political centre throughout the 1990s (Labour Party 1997). The plans for a London tube system that is publicly operated and privately maintained involved dividing London Underground Limited (LUL) into a publicly owned operating company and three privately owned infrastructure companies (Infracos). Accordingly, under the proposed PPP, train stations and services would continue to be planned and operated by the publicly owned, publicly accountable LUL, which would also retain responsible for safety on the whole of the Underground. Private companies were invited to bid for the responsibility to maintain and upgrade the track, tunnels, signals, stations, lifts, escalators and trains under 30-year contracts to LUL. At the end of the contracts, the assets would return to the public sector. Thus, under the PPP, the Infracos would not have any operational responsibilities; they would essentially be responsible for maintenance work to the network while operations – including drivers, stations staff and responsibility for safety – would remain in the public sector.

The government's (initial) objective was to deliver £13 billion (later revised to £16 billion) worth of public-private investment in London Underground over the next 15 years, with £8.7 billion spent on enhancements and £4.3 billion on maintenance (Department of the Environment Transport and the Regions 2002). To this end, in 1998 the Labour government announced an additional £365 million for London Transport over and above existing funding. A further £517 million was allocated to London Transport in July 1999 to help deliver initial improvements in the lead up to the PPP. In 2000-01, an extra £65 million was allocated to London Underground. While the extra funding was sorely needed, it did not provide a long-term solution to the Underground's ongoing funding dilemma. Consequently the government's proposed PPP was intended to alleviate an impaired financing regime (operated on a year-to-year basis) that led to inefficient and outdated maintenance practices and prevented infrastructure development brought about by decades of funding indeterminacy.

A vital mechanism which paved the way for the reorganisation of the London Underground was in the form of the Greater London Authority Act 1999 (The United Kingdom Parliament 2000). The Act established and made provision for the Greater London Authority, the Mayor of London and the London Assembly, as well as provision for transport in and around Greater London through the creation of a body corporate known as Transport for London (TfL). Pursuant to the Act, most of the property rights and liabilities of London Transport and its subsidiaries were conveyed to TfL on 3 July 2000, except for the London Underground. The devolution of the Underground to TfL was delayed (due to the Mayor of London's ongoing opposition to the proposed LU-PPP) to allow for full implementation of the PPP scheme by the UK Government. In the meantime, the Mayor of London and his Commissioner for TfL, Robert Kiley, published numerous reports that were highly critical of the proposed PPP and raised concerns about issues such as safety, efficiency, value for money and lines of accountability. As a result of their dogged opposition, several amendments were eventually made to the PPP contracts, including an allowance for the Commissioner for TfL to intervene in and direct maintenance work.

After years of protracted delays, the first PPP contract was signed with Tube Lines on 31 December 2002. Tube Lines, a consortium of private sector firms including Amey, Jarvis and Bechtel, has agreed to spend £16 billion upgrading the ageing Underground's Jubilee, Northern and Piccadilly (JNP) lines over the next 15 years. The public-private partnership of the London Underground was completed on 4 April 2003 when private sector consortium Metronet (made up of shareholders Bombardier, SEEBOARD, Balfour Beatty, Thames Water and Atkins), promising investment of £17 billion, assumed contractual responsibility for the maintenance and upgrade of two major sections of the

Tube; the Bakerloo, Central and Victoria (BCV) lines; and the sub surface lines (SSL) Metropolitan, District, Circle, Hammersmith & City and East London.

Less than a week after the completion of the public-private partnership, lines of accountability were sorely tested when Metronet and Tube Lines blamed each other for a fire alert which temporarily closed a section of the Central line during the morning rush. According to The Guardian transport correspondent, Andrew Clark (2003), the incident highlighted "critics' fears that safety could be at risk due to squabbles over the division of responsibilities". An overnight deep clean of the Central line platform in the Tottenham Court Road station dislodged dust which became stuck to glue on the track left by contractors sticking up posters. The dust heated up when trains began running the next morning, giving off smoke that set off the fire detectors. Just who is responsible for the delay, for which contractual penalties of up to £9 per passenger hour may apply, is not clear. While Tube Lines owns the Tottenham Court Road station as part of its lease over the Jubilee, Northern and Piccadilly (JNP) lines and is responsible for the maintenance of its Central line platform, the Central line tracks running through the station are the responsibility of Metronet as part of its lease over the Bakerloo, Central and Victoria (BCV) lines. Furthermore, the contractors who deposited the glue on the tracks were working on behalf of the third PPP partner, the public LUL. Attribution of responsibility for this incident has not been made public.

## **1.2. Governance Perspectives of PPPs**

One conceptualisation of public private partnerships is as a network of independent public and private actors who come together to form a cooperative interdependent working relationship to provide improved project management and financing solutions. This increasingly popular approach to partnerships presupposes the sharing of responsibilities and risks. This 'governance perspective' of public private partnerships challenges the traditional conception of the state and state autonomy (centrality of state, government/political hierarchies etc.) by advocating the emergence of a new governance model where state actors collaborate with civil society actors (corporate, stakeholders, NGOs). Thus the emphasis is on the creation of heterogeneous networks and the forging of links between interdependent actors within these networks (Pierre and Peters 2000; Kooiman 1993). The governance perspective takes a broader view of the role of non-state actors than other theoretical perspectives on public private partnerships in that it refers not only to new modes of governing but also to heterogeneous networks of interdependent actors involved not only in policy implementation but in decision-making as well. In other words, "government is not just changing its tools, it is changing its meaning" (Stoker, 1998: 38).

Thus it is important to focus on governance processes rather than its institutions and their organisation by exploring how partnership arrangements function and the implications for all partners (and their stakeholders). Governance perspective challenges the traditional notion of state sovereignty. State-centrality is not granted rather the state is "a primus inter pares actor whose capabilities are contingent on its ability to mobilise other societal actors for its purposes" (Pierre and Peters 2000: 82). State powers are being displaced by supranational entities such as the EU, by sub-national authorities such as local governments and most interestingly by institutions and organisations operating at arms-length to the political elite. Thus the governance perspective refers to a complex set of actors (local, regional, national, international, private, NGO), which coexists with the state and participates in service delivery and strategic decision-making (Stoker, 1998).

In the governance perspective, the sharing of decision-making responsibilities also means the sharing of responsibilities in confronting social or economic problems between actors who are power dependent. Thus, public private partnerships supposedly constitute a sharing of responsibilities as well as risks. In recognising this blurring of responsibilities between public and private actors, problems associated with achieving public accountability must also be taken into account. The very nature of interdependency among public and private actors raises questions of the nature of decision-making complexity and ensuing uncertainty in outcomes in public private partnerships.

### **1.3. Challenges to Public Accountability Posed by PPPs**

On the one hand it may be argued that public private partnerships do not strengthen public accountability because the 'private' partner, by definition, is not publicly accountable. The transition from government to governance diffuses responsibility and consequently any recourse to public accountability. A view held by Unions who support the belief that public services should be driven by motives of social concern rather than commercial profit (Prentice 2001; Spackman 2002). On the other hand it may be argued that privatisation may enhance some aspects of public accountability. For example, the privatisation of important public functions may induce development of improved formal regulations in some sectors, such as transport. Moreover, the tendency towards privatisation in large infrastructure projects has lent increasing legitimacy to claims for more accountability from the private sector.

Yet concern exists as to whether PPPs have negative consequences for accountability particularly in terms of the service provided; on the premise that public control over service provision is reduced. A further concern is that the extended period of some PPP

contracts (approximately 30 years for the LU-PPP) weakens the capacity of the electorate and their representatives to influence policy direction; thereby weakening the political linkage. Private sector delivery using public funds to secure delivery of public services also raises concerns with regard to a lack of transparency compared to public sector delivery.

Thus it is pertinent to consider whether a disjuncture exists between economic development (PPPs) and political rule (governance)? If so, what are the implications of multi-level governance for legitimacy and efficiency (public accountability)? Although the state and its institutions remain a focal point for thinking about governance, government at the national level is only one set of agencies that provide the steering mechanisms that make governance possible. The exclusive focus on the state as the site of governance has been challenged by the growth of both subnational and supranational forms of governance, to take account of the global, regional and local organisation of economic space. Significant powers have been transferred from the state downwards to subnational levels and upwards to supranational levels. This shift from a singularly situated mode of government to multi-level governance raises an interesting question in terms of accountability, and to whom. Can governance arrangements in a multi-governance world ensure efficiency and retain legitimacy at the same time?

Conversely, some scholars argue that public private partnerships actually benefit the opening up of new channels for public participation and mobilisation. It is claimed that public private partnerships, by expanding their agendas through the integration of civil society actors, are an innovation in local democracy. As a new form of governance, public private partnerships have required a redefinition of the role and domain of public services and their delivery. This has rendered a shift from a hierarchical approach to public service delivery by the state to the pursuit of a policy of negotiation and cooperation (Pierre and Peters 2000). However, the blurring of the boundary between political jurisdiction and market forces is a cause for real concern. According to Pierre (1998: 189), this governance structure easily "displaces political accountability" and "allows for market-based actors to penetrate the domain of the political". Thus the process of devolution from the state to 'independent' institutions results in a weakening of political, hierarchical steering through the transference of authority. Indeed, the question of power and power relations, when considering PPPs as a form of governance, is an important one. Thus policies of negotiation and cooperation are pursued in preference to formal authoritarian and hierarchical approaches. The effectiveness of public private partnerships is greatly reliant upon the cooperation of civil society actors and the combination of state capacity with civil society resources (Stone 1993). Thus power is primarily generative and pertains to the actors' capacity to build coalitions and thereby

mobilise the resources that are required to handle collective problems in an efficient and appropriate way (Pierre and Peters 2000). The question of accountability, however, is still unclear in such multi-level structures. As in other organisational hybrids, those holding positions in the governance structure of the partnerships are not elected, but selected for their particular skills or qualities. Being formally devolved, such arrangements do not comply with traditional forms of accountability relating to political democratic procedures. More research however is needed on how actors holding formal positions of the partnerships' governance structure conceive their role, their motivations and the prevailing notion of accountability.

Principles such as transparency and fairness, often associated with the state, have been brought into question by the creation of institutional linkages with private sector organisations within which the delivery of public services is now being managed. Indeed, there is growing evidence that the contractual relations of public private partnerships have led to a clear weakening of traditional notions of accountability "reflecting both a shift to new lines of accountability (private sector shareholders) and a vicious circle of monitoring and distrust between partner organisations" (Hebson et al. 2003: 1). A variety of performance-based, legal contracts have replaced long-term service agreements, often running into hundreds of pages, specifying all the relevant contingencies and minutiae of work activities.

While achieving good governance in PPPs is important for economic success and social development it requires obeying certain rules, processes and behaviour that affect the way in which powers are exercised, particularly with regard to: (i) transparency and openness in the PPP process; (ii) public accountability and scrutiny; (iii) achieving effective dispute resolution systems; and (iv) safety and security.

### **Transparency and openness**

A key question to consider is 'do PPPs offer more opportunities for weak transparency?'. Decentralisation, a key characteristic of PPPs, has given power to local authorities and this has improved decision-making and democracy but it has not sometimes been accompanied by the necessary rules and regulations. Given these new vulnerabilities and opportunities, there is an important role to be played by new external actors such as the media and civil society. The media has an important role to play in helping to mobilise public debate. The challenge in many EU countries is to identify and appropriate vehicles by which citizens can be mobilised. It is therefore important that governments and the private sector develop a benchmarking to demonstrate their progress in improving the transparency of public private partnerships.

The LU-PPP is characterised by relatively low levels of transparency and openness. The LU-PPP involves a 'complex web of accountability' characterised by a relative lack of publicly visible, accessible or comprehensible accountability mechanisms. The highly technical and legalistic nature of the LU-PPP contracts and related partnership documentation limited opportunities for publicly engagement and scrutiny of the PPP relationship, its terms and financial viability. It was mainly through the very public intervention of the Mayor of London (and his strategic use of the media) during the PPP negotiation process that brought elements of that process into the public arena for wider public scrutiny and debate. Arguments regarding the safeguarding of the 'public interest', the conditions for public safety, the use of public monies and the future of public transport in London (and elsewhere in Britain) featured in the (protracted) public debate led by the Mayor of London and the media, which acted not only as a vehicle for public debate but as campaigners as well. Furthermore, a lack of direct and clear lines of accountability in the implementation of the LU-PPP was high on the list of public criticism.

Indeed, in relation to public accountability, the media play a key (dual) role. First it serves as a vehicle for information dissemination thus contributing to transparency of the issues under discussion. Second, it contributes to the framing of the issue at hand by reporting on facts, decision-making processes and their outcomes. The media tend to either act as the public voice or side with the PPP implementers, while usually remaining steadfast in its point of view.

### **Public accountability and scrutiny**

Further means to avoid the lack of transparency is to establish more effective mechanisms of public scrutiny. An important mechanism is the conduct of proper cost and benefit analyses whereby facts and figures are made publicly available. While certain cases demonstrate the value of open parliamentary enquiries, at the same time powers should be extended to National Audit bodies to examine specific cases of value for money. Much of the financing of public private partnerships is of a highly technical nature and one argument is that ordinary citizens are not interested in having such information. However, open debate could encourage participation and a better understanding. It is important for all parties, public and private, to make a commitment to disclosure, as without disclosure there is room for manipulation.

In December 2000 the UK National Audit Office (NAO) delivered an independent financial analysis for the LU-PPP on the extent to which LUL's financial analysis resolved the 'value for money' test. According to the Assistant Auditor General of the NAO, Jeremy Colman, the report without a doubt changed the basis on which the decision on how to proceed

with the PPP was put to the London Transport Board.<sup>5</sup> The NAO report criticised the narrow focus of the public sector comparator<sup>6</sup>, that it did not consider the wider costs and benefits, and risks of the agreement. Subsequent to the NAO report, papers sent by LUL to the London Transport Board for its consideration contained a fuller discussion of the wider cost and benefits of the agreement. In contrast, the information initially provided by the Board to the NAO to assist their investigation contained a lengthy analysis of the comparative costs in the absence of any mention of differences in risk or differences in benefits. A year after the NAO report was published, some of the more elaborate contractual calculations had given way to simpler calculations. While the emphasis was still firmly placed on cost, at least the importance of other factors were recognised. The NAO report forced the advisers to the London Transport Board to think more clearly than they might have otherwise done with regard to the contracts.

Other political actors were also instrumental in the framing of public accountability in the political debate and discourse surrounding the LU-PPP. In July 2000, the UK Parliament's Environment, Transport and Regional Affairs (ETRA) Select Committee, chaired by Gwyneth Dunwoody MP, published a report on the funding of the London Underground (The United Kingdom Parliament 2000). The report considered the level of funding required by London Underground, the development of PPPs for the Underground and what alternative proposals there were to meet the Underground's financial needs. A key concern of the ETRA Select Committee, as expressed in its report, was to ensure that the restructuring of the London Underground does not blur the lines of responsibility and reduce safety standards. In response, the government reported that the Health and Safety Executive would demand the provision of a complete and robust set of safety regulations to the Infracos, which detailed clear lines of responsibility for every aspect of running and maintaining the Tube to ensure the safety standards on the London Underground are maintained and, more importantly, improved (The United Kingdom Government 2000).

### **Dispute resolution**

The consequences of a litigation process between partners could involve high legal costs, interruption of progress and development, impairment of important commercial relations

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<sup>5</sup> Interview with Jeremy Colman, Assistant Auditor General, National Audit Office, 27 February 2003.

<sup>6</sup> In the case of the Government's plans for modernising the Tube, the comparators are assessments of how much it would cost London Underground to deliver the planned improvements if it were to remain wholly within the public sector. The comparators can be used to compare against bids on the individual contract for each infrastructure company as well as on all three together.

and the deterioration of governments' and companies' public image. Thus the use of arbitration should be considered.

Judicial reviews are a key mechanism for prompting debate regarding PPPs in the wider public sphere. While judicial reviews of the Copenhagen Metro were absent, in July 2001, a judicial review, prompted by the Mayor and his Commissioner, challenging the legality of the LU-PPP took place. Outside the High Court, a last-minute ad hoc citizens' demonstration organised by TubeSense was staged, attended by Transport 2000, the Capital Transport Campaign, Friends of the Earth, Greenpeace and other citizen campaign bodies. However, in spite of opposition from the Mayor and Londoners, the High Court ruled that the Government has the power to impose its proposed PPP contracts on London. Mr Justice Sullivan's judgement also made clear that the Court was not ruling on whether the Government's PPP scheme is safe or provides value for money. Later that month a second court case was held, this time an injunction hearing to determine whether to publish the redacted version of the Deloitte & Touche report. Mr Justice Sullivan cleared the report for publication, overruling an appeal put forward by London Underground. Mr Justice Sullivan ruled that public interest demands that this information be published, as the issue of whether the Government's PPP meets the value for money test is a matter of vital concern to Londoners. He added the report had been prepared by a highly reputable organisation and was therefore a serious critique by a serious player. The Mayor and the Commissioner of TfL threatened a further court appeal to prevent the government imposing on London a £1.5 billion funding gap arising from the transfer of the Underground to TfL initiated a further judicial review in June 2002. In February 2003, the government reached a negotiated agreement with Robert Kiley and Ken Livingstone to bridge the funding gap.

Indeed the multiplicity of parties in public private partnerships creates special problems for an efficient resolution mechanism. Thus the LU-PPP has initiated a major new form of arbitration that has implications for other projects around the world. The special role of the PPP Arbiter was created by the Greater London Authority Act 1999, which establishes its functions and duties. The Arbiter determines disputes on the key commercial aspects of the PPP agreements, in particular at the 7 year Periodic Reviews, and gives guidance on any aspect of the Agreement when requested by one or both of the parties. The Arbiter is able to require parties to provide information and to carry out inspections, consult appropriate parties and do what he considers appropriate to prepare for giving directions or guidance. The Arbiter has an office comprising a Director, supported by technical, commercial and legal advisers and administrative staff. The essential new aspect is that the Arbiter is 'on call' continuously in order to deal with disputes and to solve them as quickly as possible.

## **Security and safety**

Procedures must be put in place that guarantee the safety and security concerns are met in public private partnerships. It is not sufficient to issue new procedures, there must also be a commitment to their implementation. According to the United Nations Economic Commission for Europe, governments need to establish bodies that can scrutinise the safety aspects of PPPs. They need to be independent and include experts. The companies as well must demonstrate their awareness of the increased importance of safety in PPPs and must show that they are implementing new standards in their current commercial practices. Another key concern is that the private sector while improving efficiency by cutting costs, may in addition seek to cut costs available for maintenance, control etc of important services. Above all else, citizens value the improvement of security and safety of the service over efficiency and better services.

The LU-PPP, the world's largest PPP, is unusually complex in that its structure is a desegregation of integrated networks and bid processes involving multiple parties on three separate deals. Consequently, the London Mayor argued that it would be difficult to enforce maintenance and safety rules on the three Infracos, which operate the underground on a 30-year franchise.

The proposed mechanisms and lines of accountability with regard to safety are clearly discernable from the information provided by both LUL and TfL. That this is the case was borne out in the interviews where the vast majority of those interviewed identified London Underground Limited as responsible for the statutory safety case. Indeed, Martin Callaghan, Director of PPP in LUL confirms that LUL is the duty holder with respect to safety on the London Underground.<sup>7</sup> The Statutory Safety Case<sup>8</sup> for the London Underground employs a hierarchical structure. As a matter of law, only operators of infrastructure can hold a safety case. As well as their contractual obligations to LUL for safety, the Infracos also have a legal obligation in the case of accidents or incidents resulting from infrastructure maintenance. Thus LUL has the absolute right of direction with regard to safety issues on the London Underground and if instructions issued by LUL are not followed by the Infracos, then overall management will be assumed by LUL and contracts with the dissenting body may be terminated.

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<sup>7</sup> Interview with Martin Callaghan, Director of PPP, London Underground Limited, 4 March 2003.

<sup>8</sup> London Underground Limited (LUL) as the Infrastructure Controller is responsible for determining the framework and standards used for risk management by all stakeholders (including the Infracos), for the entire LUL network. The Infracos are responsible for controlling their contribution to LUL's system risk in an acceptable manner, and expressing this in a *contractual* safety case. LUL's *statutory* safety case is required by the *RSC (Railways Safety Cases) Regulations 2000* and is accepted by the HSE (Tube Lines, 2003).

Widespread concern that the London Underground PPP would be a repeat of the failed national rail network is claimed to be alleviated by the fact that the PPP scheme is based on fixed-term contracts rather than a permanent transfer to the private sector. It has been argued that such a contractual arrangement “retains a clear public sector accountability from the outset” thus “statutory safety responsibility for the whole underground remains with public sector London Underground” (The United Kingdom Parliament 2000). This view was also supported by an Industrial Society report commissioned by the Mayor of London and TfL, which recognised “the special effort made by the Government in ensuring that safety is managed centrally and rests ultimately in public sector hands” (The Industrial Society 2000).

However, those critical of the proposed PPP, including the Director of Capital Transport Campaign, Cynthia Hay, share the belief that the division of responsibility between passenger service provision, on the one hand, and maintenance and upgrading of infrastructure, on the other, is detrimental to ensuring safety of passengers and of employees.<sup>9</sup> Her underlying belief is that the new multi-layered management structure surrounding the London Underground will result in delays to repairs and improvements if anything goes wrong.

#### **1.4. Conclusions**

The LU-PPP is characterised by the prevalence of formal public accountability procedures in the administrative domain, whereby decision-making processes are conducted behind closed doors in the absence of any salient public participation. Informal mechanisms involving public engagement through social mobilisation and related bottom-up procedures of accountability were of little or no effect to the outcome in either case. Rather public accountability was formally applied through the top-down approach of representative democracy. Yet the persistence of the Mayor of London was an important trigger for public debate. However, the unavoidable transfer of some risk/responsibility from the public to the private sector in PPP schemes continues to pose a serious challenge to transparency and the wider issue of public accountability whereby access to publicly-relevant information including processes of decision-making was constrained by ‘commercial-in-confidence’ clauses and highly-technical language.

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<sup>9</sup> Interview with Cynthia Hay, Director, Capital Transport Campaign, 19 February 2003.

## **2. Europeanisation**

*Cris Parau and Tereza Vajdova*

### **2.1. Introduction - Theoretical background**

Some countries could be described with respect to Europeanisation in the area of environmental policy as pace-setters (e.g. Denmark, Germany), others as foot-draggers (e.g. Portugal, sometimes UK), and still other as fence-sitters (e.g. France) (Borzel 2003). In other words, some countries shape EU policies/decisions while other countries are rather influenced. When looking at our case studies, this is slightly specific according to the sector studied. While Denmark and Germany are pushers in all respects, France and UK seem to be pushers in GM but not so much clearly in transport or waste; in the other camp Latvia, Portugal and CR seem to be more or less passive and lead/influenced.

There can be other ways to group EU countries/candidates ("worlds of Europeanization") as far as the mutual influence between the EU and a particular country is concerned (Goetz).

### **2.2. Short description of cases**

This should not duplicate something done in the introduction to the book. However, we need to point out that there is a different level of EU involvement and different level of member state interdependence in the sectors we studied. For example the EU level of decision and policy-making is significantly present in the case studies *only* in the GMO sector.

### **2.3. Analysis: "Uses of Europe"**

EU enables and constraints domestic actors – or what is referred to in the Europeanization parlance - EU affects the "domestic opportunity structure". Key argument: EU provides domestic actor with a set/range/menu of tools of accountability that can be used by these actors to pursue their interests and/or to constrain contenders (contenders to whatever /issue/conflict/problem actors interact on).

Two questions are important here. (1) What are these tools? (2) How are they used by domestic actors?

## **Legislation**

The EU is an organization based on treaties and relies on regulation – legislation (directives, regulations, decisions) is therefore naturally by far the most important and most visible tool that “interferes” in the national level of governance. Legislation is particularly relevant for the accession countries, but not only for them.

There are two issues very closely interconnected:

First, EU-prescribed procedures, such as EIA, are a domestic resource, opening up PA spaces in national politics. This is so not only in the latecomers and new candidates, such as Latvia, Portugal or CR (EIA, introduced as a result of EU conditionality, has been used by civil society groups in the transport case in the Czech Republic) but also in the old MS, Germany – transport case, UK – waste case.

Secondly, however, in almost all case studies from Latvia, Portugal and CR we read that there is a difference between rules on paper (taken over from the EU) and their practical implementation and control lagging behind. This discrepancy is not only observed by the researchers, but can be also invoked as a strategic argument by actors in the particular cases. Interestingly, this is illustrated also in cases that belong to the other “camp”, such as France – transport case or Denmark – transport case. The discrepancy can be also illustrated on cases tried in the European Courts: UK, Germany, CR – all transport cases.

The influence of EU legislation in the EU member states and candidates is therefore manifold and complicated. The EU regulations can be used to enhance PA (EIA) or suppress PA, by curtailing public debate about decisions being made, by the declared necessity to adopt *acquis* and fulfill accession criteria (Latvia, CR). Moreover, formal adoption of any legislation is one thing and its practical implementation is another (as has been noted in some of the case studies).

## **Authority**

We can observe in some of the case studies the (in a way paradoxical) expectation that the European Commission should act more but leaves too much space to member states (national governments), domestic initiative and activity. This argument/expectation/issue can, interestingly, be found both in the case of Portugal (waste) and France (GMO). Unclear public perception of the powers of national government vis-à-vis the EU. Who can influence EU-wide decisions and to what extent? Within our case studies explicit only in the GMO sector, e.g. in the UK case study. However, this is a problem in the candidate

countries as well, and in fact a general problem of knowledge about the EU institutions and functioning.

Authority: In the accession countries domestic government actors are accountable to the EU in the accession countries rather than the public; London Underground PPP the ruling of the European Commission that the PPP was not state aid.

This situation has been observed both in CR and Latvia: one important line of accountability in these countries is that to the European Commission. This is something typical for the simplified accession situation, when the EU is represented above all by the European Commission. Once we move away from this simplified setting, "accountability to the EU" becomes increasingly something not easy to fulfill. For example Portugal is also described as a path dependent follower of EU majorities, but on the GM case we can see that to follow the "EU" may not be as simple as it would seem in the pre-accession and accession situation. The question becomes pressing, What is Europe? (EU is no unitary actor), and Portugal in the GM case had to face contradiction between the stance of the Commission (pro-GM) and the majority of EU states, which lead to last minute changes in government decisions (seed authorization in 1999).

### **Funding**

The EU influence/argument can curtail public debate and therefore reduce PA also by the pressure of EU funds (Portugal – waste case). The funding, however, may not always be perceived/used as an argument to limit political debate. For example in the Danish case study the EU funding for the Orrebro bridge (one of EU priority transport projects) is not even mentioned in the case study at all (!) And in Portuguese transport case we can observe how secured EU funding is a weak argument and far from sufficient to push through a particular decision.

### **3. Concepts and Discourses of Public Accountability**

*Talis Tisenkopfs, Valts Kalnins, Jens Schippl, Jorge Correira Jesuino*

When thinking of concepts and discourses of public accountability we think of four things:

- 1) of authors' personal interest in the issues they would like to write about;
- 2) care that these issues / problems are of general level of importance, that they reiterate from case to case, and are important structuring factors of PA in different European contexts;

- 3) use (possibly) one unifying frame, which brings various concepts and themes of the article together;
- 4) benefit from empirical research –theoretical article should link with grounded research; refer to the cases, use evidence and data from empirical studies.

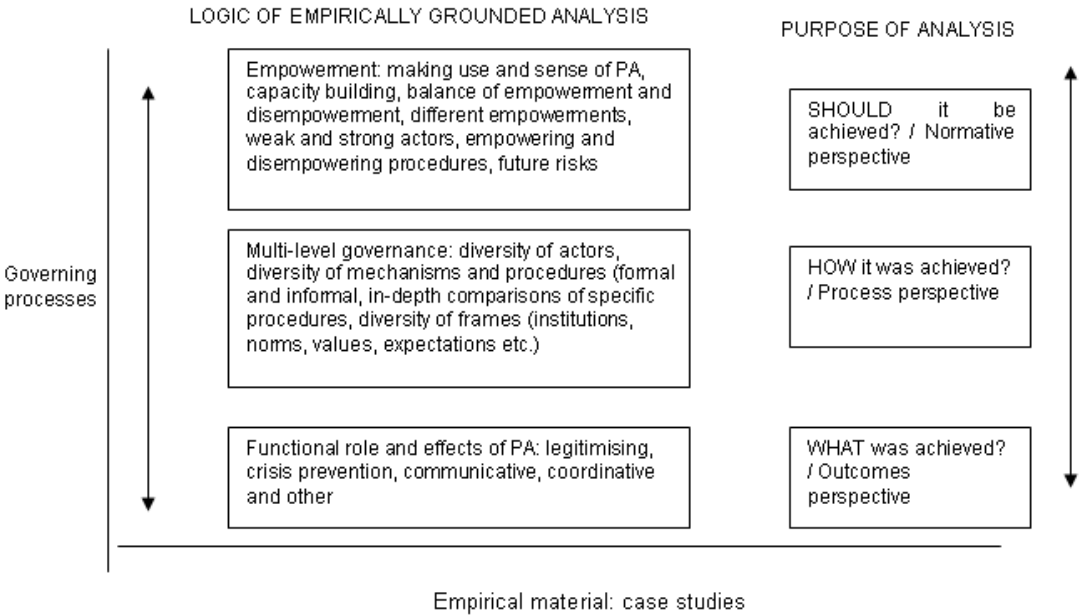
One of the possibilities to build such a conceptually integrated and structured article is to focus on three very important (in our opinion) concepts and discourses of public accountability in Europe:

- Functional role of PA (What is PA judging from outcomes and real effects of many cases? What have we actually learned about functions and roles of PA “at the end of the cases and policies”?).
- Multi-level governance (The focus here is on processes and procedures how these effects were actually achieved, and roles and functions of PA implemented. The core concepts of multi-level, multi-actor governance presumes actors, procedures, and norms and values. On other occasions we have used the term “density of frames”).
- Empowerment (A very topical issue: have citizens and policies benefited from PA?).

Two of these themes (functional role and empowerment) are not or are little covered in any other chapter of the proposed book (see the book outline). The third theme on multilevel governance is included in chapter 5 “Public private relations and multi-level governance”. However this topic is so broad and important that it will be no problem to avoid duplication. In our chapter we can have a closer look at specific actors and/or procedures, write one or two short in-depth comparisons of specific procedures, e.g. planning or environmental impact assessment procedures or scrutinise problematic of multi-level governance from another angle.

Like virtually all models, the one depicted in Figure 3. is a simplification of empirical reality. The case studies have revealed a much greater multiplicity of analytical questions, concepts and discourses than the model suggests. However, to be able to grasp some of the most essential elements and make the analysis practically manageable, one should make decisions about prioritising certain analytical questions at the expense of others.

**Figure 3.** Conceptual outline of article “Concepts and Discourses of Public Accountability”



Subsequently, the issue arises – how we are going to deal in the article with diversity of concepts and discourses – do we highlight them in a singular, sequential way as similarly important concepts or do we bring (at least) some of them into a coherent “ideal type” theoretical model of PA.

Yet one more question before beginning the writing exercise – what is the “backbone in the skeleton”? In other words – how do we presume the concept of “discourse”? According to Foucault discourse is universal, regulative and formative mechanism, which creates and defines objects and subjects. The primacy of discourse over objects and subjects presumes that discourse logic (in Foucault case it is mostly power relations) saturates all social relations and defines the actual shape of social units. With regard to public accountability, this means that actual meanings, interpretations, mechanisms, procedures, applications, etc. of public accountability are dependent on their framing accountability discourse.

Presumably in a situation of multi-levels and multi-actor governance there is a potential for many differentiated discourses, each of which determines social interactions in different specific instances.

One more notion: there could be some “special emphasis” on in how far different actors do interpret the PA-concepts. Such a more actor-orientated aspect might serve as a nice link from empirical research to the theoretical conceptualisations of PA (this could go

through all the three topics mentioned above: empowerment, multi-level-governance, functional role and effects of PA

#### **4. Dynamics of Social Mobilisation in Socio-Technical Controversies**

*GA, TS, MM, JAN*

##### **4.1. Introduction: towards a re-building of democracy?**

Till the anti-nuclear mobilisation in Western Europe, social mobilisation has been mainly focused on social issues: preserving social rights and wage increases; and more recently opposing the privatisation of health care and pension systems in many European countries. Since the antinuclear mobilisation, increasing opposition to technology policies and infrastructure projects has been emerging at local and more global levels.

This new opposition can be driven by risk, cultural, ethical or social concerns, very often in parallel. This multiplicity of framing facilitates heterogeneous coalition formation. An eminent example of the multiple framing is the GMO controversy in many countries, which includes environmental and health concerns, social, cultural and economic debate on future of agriculture and countryside, and questioning of globalisation.

Along these substantial concerns, a critique of decision-making procedures arises in most of the cases. These procedures are judged as unaccountable, excluding citizens and civil associations, limited to top down communication; various advisory commissions are denounced for being restricted to representation of specific actors and interests only. This procedural critique has a strong potential to nourish the mobilisation, enrol more actors and connect different cases.

Legitimacy of different actors is at stake in these controversies:

- Politicians deny the legitimacy of social and associative actors, in name of their lack of competence or lack of representative-ness.
- Social actors attack the legitimacy of politicians and decision makers, in conflict with general interest.
- Procedures and decisions are de-legitimised as undemocratic.

## 4.2. Arenas of social confrontations

It is possible to identify interactions between mobilisation, conflict and public debate as public expression of a controversy. The exchange of viewpoints and/or social confrontations which may include discussions and deliberations in formal processes (committees, commissions) as well as informal ones (protests, demonstrations, direct action, media coverage) produces public debate: more mobilised in exchanging or confronting viewpoints the actors are, more intense the public debate is. This mobilisation takes place in different spaces which structure the public sphere: those spaces can be defined as *arenas*<sup>10</sup>.

### **Arenas**

Inspired by the work of Hilgartner and Bosk, Neveu<sup>11</sup> proposes the following definition of the arena, as an organised system:

*Organised system of institutions, procedures and actors in which social forces may intervene, use their resources to obtain answers - decisions, budgets, laws - to problems and issues they raise. An arena is a space of increased visibility and treatment of a question considered as a social problem.*

This approach of public space structured into arenas and trans-arenas interactions allows to understand the dynamic of mobilisation we could characterise as the identification of a subject and of an adversary of the mobilisation, i.e. as a *renewed frame of injustice*,<sup>12</sup> and as the construction of issues adapted to this new frame and the definition of forms of involvement in this broadened space. The constitution of *a repertoire of collective action* is not only based on converging strategic interests, mutualisation of organisational resources<sup>13</sup>, but requires also the emergence of a shared sense and agreement on the characterisation of the situation produced by (different) coalitions. Actors involved in the mobilisation dynamics may invest resources in different institutional(ised) forums like elections, parliament, local councils, consultative committees and commissions or arenas

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<sup>10</sup> Joly P. B., Assouline G., 2001: Assessing public debate and participation in technology assessment in Europe. Final report of the European Research project ADAPTA (Bio 4 – CT 98 0318). INRA Grenoble / QAP Decision.

<sup>11</sup> Hilgartner S., Bosk C., 1988: The rise and fall of social problems. In *American Journal of Sociology*, vol. 94, p. 53-78. Quoted by Neveu p. 17, in Neveu E., 1996: *Sociologie des mouvements sociaux*. La Découverte, Paris.

<sup>12</sup> Mouchard D., 2003: Les mobilisations contre l'AMI (Accord Multinational sur l'Investissement): Un "moment" fondateur du mouvement altermondialiste? Colloque "les mobilisations altermondialistes". 3-5 Dec. 2003.

<sup>13</sup> According to a mechanical interpretation of resource mobilisation model.

media or court ..., to obtain what they did not have before as: more power as organisation, recognition of their existence, media publicity, relevance of their discourses and visions or influence on a on-going controversial decisional and political processes.

The identification of new adversaries comes from the observation that beyond, over, behind or under traditional adversaries like state or leading economic actors, new spaces of power or domination are emerging, corresponding to different arenas at different spatial levels.

*...The criticism of neo-liberalism as a new oppressive force is very common in the interpretations of the very massive social conflicts of December 1995 in France: strikes and direct actions would aim at protecting state, public services against the threats of a superior power (the global one)...<sup>14</sup>*

Several elements characterise the arena concept:<sup>15</sup>.

There are specific rules of access to an arena and the type of arguments and resources (money for the economic arena, power for the political one, scientific proof, reputation) which can be used. Arenas are structured and run by "dominant actors". For instance, it will be very difficult to argue in the scientific arena for actors who are not scientists. Also, each individual actor may have different identities according to the various arenas: in the economic arena, we expect to observe an identity of consumer, while the identity of citizen will be present in the political arena.

The construction of the cognitive (What is the problem about?), normative (Which general principle conditions the decision?) and pragmatic (How can we decide? Which are the instruments?) dimensions of a given issue are very much related to the type of arena invested by mobilised actors. "Symbolic referentials" determine the conditions and types of confrontation between actors, their interactions with wider audiences, and the way disagreements or conflicts are handled and eventually solved.

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<sup>14</sup> Mouchard, op. cit, p. 5.

<sup>15</sup> This approach of the arena concept presented in ADAPTA final report has to be related to various sources as :  
- Dodier, N. (1999). "L'espace public de la recherche médicale. Autour de l'affaire des ciclosporines". Réseaux 95: 109-154.

- Renn, O. (1992). The social arena concept of risk debates. Social theories of risk. G. S. Krinsky, D., Westport, Praeger.

- Dobry, M. (1992). Sociologie des crises politiques. Paris, Presses de la Fondation Nationale des Sciences Politiques.

This means that the intervention of actors in the different arenas is very unequal, in terms of resources, capital, knowledge or language. Through language and the relation to language (*langage* in French), a whole relation to the world is imposed<sup>16</sup>, a denying relation which puts at distance, neutralizes: language as a form or expression of domination and self-reproduction of domination in different arenas.

When P. Bourdieu<sup>17</sup> uses the term *champ politique*, he refers to a microcosm, i.e. a small world quite autonomous within the big social world (*le grand monde social*, sic). In this *champ*, arena or space, we can identify rules, relations, actions, processes we can also find in the big world, but those processes will have a peculiar form. This is what is contained in the notion of autonomy: a *champ* is an autonomous microcosm within the social macrocosm.

*Autonomous, according to etymology, means what has its own law, its own nomos<sup>18</sup>, which has in itself the principle and the rule of its functioning. It is a universe in which specific assessment criteria are at work and which may not be valid in another microcosm. A universe which respects its own rules, which are different from the ones of the ordinary social world. Somebody getting into politics, like somebody getting into religion, must operate a transformation, a conversion, and even if he is not aware of it, it is tacitly imposed, and the sanction in case of transgression being the failure or the exclusion.<sup>19</sup>*

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<sup>16</sup> Bourdieu P. 1979: *la distinction*. Les Editions de Minuit.

<sup>17</sup> Bourdieu P., 2000: *Propos sur le champ politique*. Presses Universitaires de Lyon, p. 52.

<sup>18</sup> Nomos comes from the verb *nemo*, which means to operate a division, a sharing; usually it is translated as the law (or rule), but it is also more precisely, what I call the fundamental principle of **vision and division, characteristic of all champs** (Bourdieu, op. cit. p. 63).

<sup>19</sup> Bourdieu, op. cit. p. 52.

**The different arenas and their characteristics**

Arenas	Characteristics					
	Setting	Resource	Symbolic referential	Deviation	Dominant actors and specific identities	Production
Economic	Market	Money, Image	Efficiency, transactions	Domination	Producers, Retailers, Consumers	Products, profits
Scientific	Laboratory, Scientific institutions (Expert committees)	Scientific proof, method, reputation	Truth, Rationality, Rigour, Impartiality	Lack of rigour, Conflict of interest	Scientists, Experts, Lay people	Knowledge, Expertise
Regulatory	EU and national agencies, authorities	Rules, codes, procedures, standards, environment impact assessment	Control, independence	Corruption, Lack of respect of norms	Experts, Regulators, Producers, Associations, public authorities	Regulations, Norms
Legal	Courts of Law	Laws, procedures	Justice, Responsibility and guilt	Partiality, Judicial error	Legislator Judges, Lawyers, Activists	Jurisprudence
Political	Parliament, Street, formal public consultation procedures	Power, trust	Democracy	Autism, Private interest, Lack of democracy	Politicians, Citizens	Laws, R&D trajectories

Religious	Church	Religious texts, Traditions	Absolute truth, Ethics	Fanatism	Priests	Advises, moral judgements, ethical statements
Media	Newspapers, TV, radio	Audiences, sources	Information, Truth, Freedom of speech	Simplified "storyline" Scoop, Lies	Journalists, readers, Audiences	Media stories, emotion, awareness, Scandals, resonance
Social conflicts <sup>20</sup>	Trans-arenas (media, political arena), Out of arenas	Direct action: strikes, demonstrations, boycotts, opinion campaign, petitions	Representativeness, Voice of lay people, Expression of citizenship	Disconnection between organisations and lay people	Associations, unions, political parties, activists, Lay people	Modifying relation of strength, imposing negotiation of modification of policy

*Source: adapted from Joly & Assouline, op. cit. p. 24 and Neveu, op. cit.*

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<sup>20</sup> Neveu, op. cit. p. 18.

When observing the columns 'resources' and 'productions' in the table, we can see that there is a kind of redundancy: e.g. power is not only a resource but also a result/production of the political arena functioning. This duality characterises the self-reproductive functioning of arenas in status quo, and it may be a target of trans-arena intrusion and mobilisation to question this self-reproduction and the autonomy of those microcosms. Bourdieu connects this autonomy and self-reproductive capacity of *champs*, to the often invisible frontier between professionals and lay people.

*... More le champ politique becomes autonomous, more it becomes professional, more the professionals tend to look at lay people with commiseration...I will evoke simply the usage by some politicians of the accusation of irresponsibility formulated against lay people who want to deal with politics...When one says to a lay citizen that he is irresponsible politically, this citizen is accused of illegal practice of politics...<sup>21</sup>*

Such a perspective of closed socio-cultural spaces of self-reproduction and confrontation helps to understand the conditions and resources of the mobilisation for social actors. Not any actor can intervene into any arena: collective dynamic, enrolling processes, direct actions, media resonance are used to modify the relation of strength among actors, sometimes intentionally or unintentionally changing rules of the game in a targeted arena.

### **4.3. Dynamics of social mobilisation**

In the previous part, we have proposed to define social mobilisation as intervention and confrontation into different arenas and as trans-arenas interactions. Now we will look empirically at those processes: *intrusion* into arenas, interactions between different arenas, i.e. actor trans-arena trajectories, and multi-spatial articulation of controversies.

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<sup>21</sup> Bourdieu, op; cit. p. 55.

### **4.3.1. Arenas as fields of mobilisation**

#### **Political arena: unaccountable decision making procedures feed the mobilisation**

In most countries, public consultation is an upstream regulatory sequence of the decision-making system, inspired by national and EU regulations:

- Public hearing, public consultation may allow the expression of opposition, of alternative strategies for waste management (PT, GE, FR, LV, UK).
- It excludes citizens and associations and is limited to executive actors (public authorities experts and waste company): PT, FR.
- It is limited to top down communication and information without taking into account opposition to the project: UK, LV.
- Those procedures may generate or feed opposition and mobilisation processes, and contribute to enlarge or diversify the social basis of the opposition, originally focused on the rejection of the waste project. They facilitate actors' enrolment.

The waste situations we have analysed in Europe, especially *in Portugal, France, Latvia and United Kingdom*, show that citizen mobilisation finds its origin in closed decision-making systems, in lack of citizen representation in consultation devices and deficit of information on the project or its impacts. In the Danish specific socio-political culture, there is a strong mobilisation of citizens to participate in the management and success of the selection and recycling Copenhagen waste initiatives.

#### **A symptomatic example: the Portuguese waste landfill project in Taveiro**

##### The protest movement

Focus: Conflict over the siting of a landfill in Taveiro, in central Portugal. The peak of the protest was in 1996. The movement has a past experience of opposition to a former dumping site existing for 16 years. Struggling against the opening and then for its closing. Then, decision to open a landfill site at the same location and receive waste from 20 municipalities. A committee was set up to deal with the landfill, the Representative Committee of the Citizens Involved in protecting the environment. Committee, as voice of the protest. Massive mobilisation of the population, open clash with the municipality of Coimbra.

### Citizens excluded from debate and deliberation

- Lack of dialogue and transparency of those in charge was one of the main lines of attack of the protest movement. Citizens of Taveiro were charged of selfishness and of being unable to value regional interest as opposed to the local interests allegedly conveyed through their protest and claims (also in LV case).
- Denial of access to information: a citizen sued the municipality for not respecting the law on public access to public information. Municipality was condemned.
- Elected bodies close to citizens also excluded from information and consultation. They let the population judging the facts.

This generated a new phase of the mobilisation.

### **Economic arena**

We could observe several types of a conflict intervention in the economic arena.

- Economic counter-expertise challenges an official economic balance sheet of proposed projects.
- Opposing actors denounce the market as a neutral space and politicise it: they point to negative externalities of technological projects and ask for their visibility/inclusion on the market (transport policy converging to public transport).
- Opposition often denounces corruptive relations between economic and political actors on the side of project proponents.
- Social movements may mobilise different market actors (consumers, retailers, producers) in order to influence their decision-making in favour or disfavour of certain products. These politically and/or economically motivated choices have economic consequence with possibly major implications for the contested product or technology. This "political consumerism" plays important role especially in the GMO controversy.

It is interesting to observe a reaction of industry on this opposition and pressure.

- Green accounting and consultations with NGOs in the DK GMO case: willingness to change the technological trajectory to some extends, to avoid social contestation.

- The Europe-wide pressure in GMO case split the economic actors: biotech industry furthering GMOs intensively on political level vs. retailers “following the consumer (non-GMO) preference”.

### **Scientific arena**

We can follow an involvement of scientists (as scientists, not as experts which is much broader category - see the following part on expertise) only in the case of GMO:

In cases with low level of controversy scientists give a public impression of a coherent community in favour of GMO, with some of them actively involved in technological development of the GMO and related public policy.

In cases with high level of controversy (FR, UK) scientists emerge who publicly oppose GMO, point to related risks, criticise a key principle on which development and regulation of GMO are based ('genetic determinism'). This opposition may be also resulting in an explicit critique of practices in the scientific arena which are seen as strongly deviating from the ideal rules of the game.

- Scientists involved in advisory bodies and publicly backing GMO are often directly or indirectly connected to biotech industry, i.e. not unbiased, with a partial interests.
- The review procedures in scientific journals do not guarantee quality of published results. Journals are limited to their paradigmatic vision of the discipline, not opened for alternatively based approaches. They can be also put under external pressure - as in the case of an article of I. Chapella and D. Quist published in Nature in 2001, which reported a presence of GM material in Mexican maize, in spite of the fact that cultivation of GM maize is not authorised in Mexico and pointed to high uncontrollability of gene flow. This article was later withdrawn by the editorial board- as a first article in the history of the journal- with explanation that it was not scientifically rigorous. According to authors and some other observers, it was a result of pressure of the industry for which the findings were unfavourable.<sup>22</sup>

This opposition within scientific arena has different effects on and links with the social mobilisation:

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<sup>22</sup> Corporate Phantoms (Monbiot in The Guardian 29/05/02).

- Scientists get highly publicly mobilised and create their own NGO (UK- Institute for Science in Society) with their own web pages and journal.
- Individual opposing scientists play the role of counter-experts for NGO mobilising against GMO.

Claims formulated by opposition actors as for the functioning of the scientific arena:

- Claims for more transparency in relation between scientists and industry and independence of scientists involved in regulatory and advisory bodies, to avoid potential conflicts of interest;
- More generally, claims for the opening of research in its different phases for wide public debate (financing from public budgets, regulation of research).

### **The regulatory arena**

Conflict intervention in the regulatory arena may have many modalities ranging from a positive attachment with existing regulatory rules as a base of a critique to the negative one (asking new rules):

- Calling for measurements and/or denouncing a technological project with a reference to existing norms or standards. The other side of this course of action is however that once the norms or standards are met- by the incinerator, for example- it may be quite difficult to claim anything beyond these requirements. The met standards can become a solid ground for defenders of the project (UK waste).
- Confronting (missing or existing) official measurements to the alternative ones (UK - measurements of genetic contamination during UK field trials by The Friends of the Earth, FR waste - indirect measurement of dioxin contamination by counting the number of cancer cases in a concerned area).
- Denouncing the regulatory processes as biased (GMO cases, FR waste, CZ waste).
- Campaigning for new legislation or regulation (CZ dioxin law, European GMO legislation).

## **Legal arena**

Court is an important arena of confrontation, especially when the political system remains closed to contest or dissent:

- With an intention to revert the case, citizens and NGOs sue procedural failures of decision-making (CZ waste and transport, GE waste and transport). Citizens sue a local council for blocking the access to public information and the council is condemned for not respecting the law (PT waste).
- A coalition of local associations sue unknown X to establish responsibilities in many poisoning cases around the incinerator (FR waste).

On the other side, public authorities as proponents of a project may try to use the legal arena to criminalize and block a social mobilisation by suing activists for 'illegal acts':

- Destruction of field trials with GMO (FR) or organisation of direct actions (PT).

Legal expertise belongs to equipment of majority of NGOs or local associations. In some countries, we could find a special NGO providing citizens or other NGOs with legal expertise in different cases (CZ - Environmental Law Service).

## **Media arena**

Media are interested in conflicts and risk issues, in a political articulation of an environmental agenda:

- The nationalisation of conflicts and connection with national policy issues finds resonance in media (FR, PT).
- The local-ness of the conflict, its very roots also interest local and national media for its 'exoticism' or relation with other conflicts (FR, PT).

The media arena attracts often a lot of conflict energy in the cases. Most of actors conceive a success in the media as crucially important for the development of the case.<sup>23</sup> We could observe a skilful and proactive communication with media from activists and citizens mobilised against a project. One characteristic of the new social movements is

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<sup>23</sup> *The role of the press is seen as very important by all actors in both cases. Interviewees stated, that the published opinion is much more important factor for the local politicians and the administrations and their decision-making than the public opinion. In other words: A demonstration that is not reported in the media is not taken too serious by local politicians.* (GE national cross case comparison, p.6).

their openness towards media and publicity. As for the other side, i.e. project proponents, they were in some cases intensifying their media communication and allocating more resources to it with an ongoing controversy (CZ waste and transport, GE waste and transport), in other cases they were reluctant to speak to the media (FR waste).

Media are rarely perceived as a neutral actor in the controversy: they are often labelled as biased by one or the other side of the controversy. In the German and French cases, local authorities charged the media with systematically distorting the “true” unfolding of the process. (waste comp. 031215, p.13).

Media arena can create an image of an open, undecided case while the case is being closed irreversibly in other arenas (political, economic or in the terrain). (CZ transport case).

#### **4.3.2. The arena of social conflicts**

Social movements produce a specific arena: the arena of social conflicts through strikes, demonstrations, boycotts, opinion campaign, petitions.

One feature of this arena is to work as a space of appeal:

- Appeal as a claim, as expression of a demand for answer to a problem.
- Appeal as a legal action towards a higher jurisdiction (political for instance) to obtain the modification of an unsatisfactory decision.

This arena is the arena of expression of the claims ruled by social actors. The development of direct actions in this space may vary according to the level of the closure of institutional arenas: when social actors develop trans-arena trajectories, an obligatory point de passage is the arena of social conflicts to facilitate the intervention in the other arenas where social actors may not be in favourable position.

It is also interesting to mention that rules and codes set up in other arenas may impact the development of intra-arena trajectories: what is acceptable or not, reasonable or not, legitimate or not may be defined in the political or legal arenas. Bourdieu<sup>24</sup> identifies three levels of workers’ struggles and contests: the taken for granted (what is not reasonable, not imaginable to contest), the unthinkable (or unacceptable to contest) and the claimable (what can be contested).

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<sup>24</sup> Bourdieu P., 1980: Questions de sociologie. Les Editions de Minuit. p. 257.

*The same analyses work for the definition of legitimate modes of action (strike, sequestration, destructions ...). Unions are responsible for defining the right strategy: does this mean the most effective strategy – all modes being accepted – or the most effective, as the most acceptable, in a social context which implies a specific definition of the legitimate and illegitimate?25*

According to the period and socio-political contexts, what can be accepted or not may vary. In some post-communist countries, those limits are still rather narrow: a picket in a station<sup>26</sup> may be characterised as an extreme mode of action, where elsewhere it can be the most acceptable mode.

#### **4.3.3. The spatiality of arenas**

Various concerns can coexist quite smoothly and reinforce each other:

- Ranging from local to national dimensions, from environment to health like in a dioxin contamination resulting from a waste incinerator in France.
- Articulating in a complex way, environment, health, market and food culture for GMO crises.

One specific characteristic of the GMO controversy is its global dimension:

- Policies and norms are negotiated at supranational level: EU or WTO.
- Industry and retailing system are global, farmers may compete on world markets.
- Social actors think the mobilisation as necessarily international: the most opposing farmers' unions are coordinated into a world federation called Via Campesina, ATTAC is very broadly implemented, Greenpeace or World Wide Fund for Nature (WWF) are international organisations.
- But direct actions can be very local: destruction of GM experimental fields, picket in a supermarket.

It may mean that dominating actors structure international arenas such as the political, economic, scientific, media and social conflicts ones. It means also that not any actor can

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<sup>25</sup> Bourdieu, op. cit., p. 258.

<sup>26</sup> Source: LV transport case.

get involved in the social mobilisation in the GMO controversy. At the same time, the localness and closeness to the population are other important features.

*I think if you ask a London cabbie, they'll have an opinion [about GM food]. Everyone has an opinion now, that's the point (Nov. 1999, Director of an NGO promoting organic food and farming in UK)<sup>27</sup>.*

For urban transport and waste projects conflicts, the controversies are also multi-dimensional in another way:

- Projects are locally implemented and decided most of the time by local authorities.
- The opposition to the project concerns the surrounding population first.
- Social actors try to build coalitions joining local and supra-local organisations.
- The controversial projects are part of policies (waste, transport) defined at national or European levels.
- When the crisis is acute, local and national media report on it.
- The mobilisation and production of knowledge and expertise is based on one way on the local and lasting anchoring of the organisations and on the other way on experiences and references identified out of the region (European experiences on public transport or scientific exchanges on dioxin contamination at European level).

### **Czech controversies**

In the Czech controversy on the project of building by-pass around the town of Pilsen, people from different parts of the republic formed a land trust in the locality initiated by activists. The controversy has been enacted as a local case and at the same time as a general issue connected to the conception of Czech *transport policy* and other transport construction cases.

The Czech controversy on the implementation of a *waste incinerator* near Prague, started as a local controversy over an incinerator having been built in Prague, and then was translated rather than extended into a general dioxin campaign after a nation-wide NGO entered the case. The local character with its special concerns (noise, dustiness) has been disappearing.

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<sup>27</sup> In Joly, Assouline op. cit. p. 27.

And to enrich the picture even more, we should mention the *Czech GMO* case which is an example of a trouble with finding resonating frame in the society for an issue. Most of the dimensions of GMO controversies in Western Europe, like distrust in expertise, questioning globalisation, concerns related to organic farming, are rather weak in CR, and the issue of GMO remains thus in the air, without any strong articulation in the public space or a strong connecting to other public controversies.

### **Variability of social mobilisation**

Based on the intensity of intra and trans-arena interactions, we can distinguish different qualitative degrees of social mobilisation at a specific moment<sup>28</sup>. We should not forget that the intensity of social mobilisation and controversy may vary all along a broad period: triggering events or processes, local or global, fluctuating interest of the media may make evolve mobilisation from one degree to another, in both directions? GMO controversies across European societies show different degrees of social mobilisation.

### **Very weak mobilisation**

This may happen when the intensity of the confrontation within the arenas is weak and when there is almost no observable trans-arena interactions. This configuration is rare. We can mention the total lack of mobilisation and conflict in any arena and by the way at trans-arena interaction level, on GMOs in Latvia for instance.

### **Limited mobilisation**

The controversy is mainly confined within a small number of specialised arenas. Controversies, conflicts and negotiations remain within the limits of some individual arenas, with very few interactions between the arenas. This corresponds to a "business as usual" situation where the problem is dealt in a "normal" way. The network of government bodies in charge of the problem and a few stakeholders involved is stable and the definition of the issue (what is the problem at stake? What are the solutions?) is not controversial. Staying in the GMO domain, we could say that this situation corresponds to the Czech or Portuguese context and to the Danish or German one today for other reasons. It was the case of the French situation at the early 90's.

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<sup>28</sup> Joly, Assouline, op. cit., p. 25. In ADAPTA this kind of distinction had been established for building a typology of public debate.

### **Intense and 'manageable' mobilisation**

A greater number of arenas are invested by a wider range of actors which intensify the interactions between the different arenas. Actors begin to move into arenas in which they are not usually "resident". This corresponds to a "managed tension" situation characterised by intensive controversies on the definition of the problem and solutions. The intensity and 'localisation' of the controversies destabilise the network of government bodies in charge and stakeholders traditionally involved. Actors mobilise and set the issues in various arenas; by the way they open new strategic opportunities for resident actors in the respective arenas. New or unusual types of public expression may arise which do not fall neatly within the space and rules of any one arena, such as direct action, broad demonstrations, field trials destructions, lobby on school canteens, monitoring of the food industry (for instance, publication of the "black list" by Greenpeace<sup>29</sup>). This corresponds to the very current situation in France where we can see coalitions claim for a democratic public debate, while authorities would like to accept the end of the moratorium but can't do it explicitly for political reasons and propose a broad public debate also.

### **Acute and overflowing mobilisation**

Most of the arenas, including the type of actors present and the frames of reference used within each of them, are concerned by the confrontation. The interactions are very intense and the whole society is "shaken" and concerned by the problem. Media coverage is high and the non-organised public becomes involved: everybody has heard about the issue and has something to say about it. This corresponds to a "crisis" situation since the controversy on the specific issue is has reached a generalisation characteristic and may become a serious problem for existing institution. In terms of political process, actors of the social mobilisation may become as influential as the traditional stakeholders. Till recently this configuration corresponds to the British or French context.

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<sup>29</sup> This type of action mixes the identity of consumer associated with the economic arena with the identity of citizen associated with the political arena.

#### **4.3.4. The triggering components of mobilisation**

##### **Risk perception and management by public authorities**

The perception of risk for health and environment and the way public authorities manage the perception and the risk are an important component of the mobilisation processes we could observe.

The *European controversy on GMOs* is a good example of a very broad and persistent perception of risk for environment and health in many categories of the population. The reasons of this perception are very diverse: accumulation of food crises within the last 10 to 15 years, economic and environmental *impasses* of industrial agriculture, diverging interests within agri-industry segments justifying the anti-GMOs strategy of the big retailing companies... The many oppositions and scientific divergences express and nourish the very rooted mobilisation against GMO in agriculture and food in some of the countries we have studied (UK, FR, GE).

The ways public authorities have treated this rejection are diverse:

- organising large scale experiments to test the impacts on environment (UK);
- decentralised and centralised forms of public consultations (UK, FR, GE, DK);
- mobilising ad hoc expert committees to insist on the lack of risk (FR at least, with academies of science and of medicine);
- suspending authorisations at European level till 2003;
- suing activists for experimental field destruction (FR).

The disputes and spaces of conflict can be:

- very local with: field experiment rejections and destructions, local municipalities and regions expressing opposition to GMOs (building GM free zones), local many debates and demonstrations;
- regional with: the mobilisation induced by activists trials in France for instance;
- national with: the strategic positioning of national organisations reacting to contradictions and tensions generated by national governments hesitations and EU pressure against moratorium, and calling for more intense mobilisation;

- European and worldwide.

Most of the conflicts on *household waste projects* we have analysed deal with one specific socio-technical option, incineration (UK, Germany, France and Czech Republic). The perception of a high risk of dioxin contamination is an important ingredient of the contradiction based on real examples of such a contamination in other places. In two cases the issues arise over landfills (Portugal and Latvia), and the rejection of their implementation by the population because of perception of negative effects for environment and for the region.

In Gilly sur Isère (France), the mobilisation around contamination is sequential:

- during some 20 years, the population and environmental activists suspect that the incinerator emits dioxin and nothing is done by authorities to check this suspicion;
- in 2001, analyses of emissions on air and soil are ordered by the site hosting municipality after the inventory of cancer cases in the village done by one of the local elected politicians;
- the incinerator is closed at the end of 2001 but the controversy raises up because of the hesitations and contradictions of public authorities related to risks provoked by dioxin on human health;
- experts are called by authorities to calm the population and declare that the level of risks is usual and counter-experts, mobilised by local associations, justify the acute concern on the dioxin – cancer nexus.

The frustration of local associations and unions generated by the way public authorities have managed the risk dimensions leads to the court case, in which associations sue X (searching for responsible persons and institutions) for poisoning.

#### **4.3.5. The questioning of the legitimacy of involved actors**

The normative assessment of their legitimacy concerns associations as well as decision makers and is part of the political development of the crises.

In France, some associations are considered as representative and able to take part (in commissions and committees) to the public discussions of projects (infrastructure for instance): they should be national organisations and directly concerned by the discussed infrastructure project (National Bird League or France Nature Environnement). They receive an administrative recognition which is a condition to be part of institutionalised fora. If the association is not recognised officially or is not nationally organised, it has to

have a long lasting existence. Their expertise capacity and their anchoring on a territory may bring some inputs to politicians and deciders. At the opposite, local 'defensive' associations are considered as attached to peculiar, local interests and not able to deal with general interest. They are not considered as relevant interlocutors. Decision makers consider them as illegitimate.

This exclusion of associative actors from institutionalised consultative committees push them to develop informal mobilisation forms like the many possibilities of direct action and to engage in an enrolling strategy to get credibility. In the Portuguese waste landfill conflict of Taveiro, this issue of criticised legitimacy of local associations and their marginalisation by authorities have been an important element feeding the social tension.

Interestingly, we have observed that in Eastern countries, like Latvia or Czech republic, the intervention of national organisations in the local conflicts - concerning the Prague waste incinerator or the Latvian local landfill project - have been considered as illegitimate and intrusive by decision makers.

In fact, in the dynamic of the controversies, the legitimacy of politicians and project managers are also questioned: politicians have lost a lot of credibility and are considered as unable to cope with general interest as well as project managers or builders.<sup>30</sup> In name of electoral or private interests, decision makers are often considered as illegitimate.

#### **4.3.6. The ambivalent interactions between formal public accountability instruments and social mobilisation**

Public accountability procedures are most often conceived as formalized mechanisms introduced into the policy-making system to prevent, or envelop and channel conflictive social mobilization; and by policy-makers presented as aiming at making the system more accountable and open for claims of different social actors; as windows to the decision-making process through which social actors can look in, be handed out documents, and input their values, interests and knowledge. The transparency and knowledge exchange should allow for decision-making and decisions of high quality and social legitimacy.

As can be expected, however, the interaction between social mobilization and PA procedures is diverse in different empirical cases - in different political cultures or

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<sup>30</sup> Rui S., 2004: *La démocratie en débat: les citoyens face à l'action publique*. Armand Colin, Paris.

contexts of specifically developing controversies: social mobilization developing along the PA procedures (German transport and waste), mobilization being fed by PA procedures perceived as only legitimizing devices of policy-makers (French GMO and waste) or rather absent mobilization in the context of institutionalized participatory political culture (Danish GMO).

The key for understanding this diversity is the perception of PA procedures by mobilized social actors. In most cases of already developing socio-technical controversy, PA procedures are not perceived as neutral political and cognitive devices or spaces to achieve fair consensus but rather as power instruments. Similarly to expertise, these procedures rather a subject of a conflict than something what could end it up.

### **A Czech example: Greenpeace in the GM controversy**

An example of this tendency may be the administrative procedure of GMO authorization in the Czech Republic. The law on GMO from 2000 declares the possibility for NGO in the field of environmental and consumer protection to participate in the administrative procedure. Greenpeace, which is in fact the only NGO running anti-GMO campaign, participated in several procedures between 2001-2003 related to GMO release into the environment.

The public hearing of the Greenpeace objections in the authorization procedure of field experiments with Bt-corn (Monsanto) can be reconstructed in the following way.

Greenpeace participated in several administrative procedures developing in this manner, with minor influence of the participation on decision-making. Greenpeace then stepped publicly against the Commission pointing to its biased composition in favor of molecular biologists, some of them working on research financed by biotech companies, and they refused to participate in the administrative procedures until the Commission is reformed.

*First, there was only one representative of Greenpeace, but two persons from Monsanto, five persons from Czech Commission of Genetically Modified Organisms and Products (CCGMOP), two of them members of Biotrin,<sup>31</sup> and one of them an expert consultant of Agritec, a Czech biotech firm experimenting with GM flax; moreover, one of the guests was a scientist from the Institute of Entomology Academy of Sciences, the laboratory co-operating on the field experiments with Monsanto. Second, the comments of Greenpeace were nor published on the web of*

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<sup>31</sup> A civil association of scientists for support of biotechnology.

*the ME, nor reproduced in the transcription. Thus, the transcription had a form of a brief correction of erroneous - but for the external reader unknown - arguments of Greenpeace. Last, but not least, the transcription was drawn up by two civil servants from the ME and one member of CCGMOP. And it was the chairman of CCGMOP who approved it. It is 'only' an advisory body of the ME, providing the Ministry with a standpoint. This arrangement gives an impression of an unconcealed power-play. And this is also how the representative of Greenpeace experienced it.*

*Source: CZ GMO case study, p. 14-15.*

In the other direction, leaning to the right expresses PA procedures as a space open for co-construction of knowledge and identities, which can significantly influence the decision-making process.

### **A Danish example**

In the Danish GMO controversy, the social mobilization around the biotechnological issues, which was rather strong in 1980, has diminished gradually as the decision-making system became reactive to the mobilization. The quality of participatory procedures is positively valued as a means of reverting power relations. In the early 1990s, GM foods were almost a non-issue in the public and political arenas. NOAH grew less active, as the institutionalized technology assessors - at the universities and ministries - more or less took over the role that NOAH had had in terms of educating, or informing the public (p. 3).

Perhaps the most innovative Danish initiative from this period, and still one of the main activities of the Board of Technology was, characteristically enough, the arranging of so-called Consensus Conferences. Consensus conferences are a staged assessment activity, where the traditional power relations are turned upside down, and a group of lay people are given the power to set the agenda for the assessment and question selected experts before writing up a consensus document (p. 2). Even though the mobilisation grew later again, in 1996.

The insufficiency of PA procedures and their low influence on the decision-making system could explain this evolution. As the controversy was reopened in 1996, it became clear that the accountability procedures applied in the past - public participation in the shape of e.g. consensus conferences, information activities and TA projects - were not sufficient. A main reason for this, it was now recognised, was the failure to address the concerns of the public. In a way this demonstrated that the participatory procedures -

widely famed outside Denmark - had never really been taken seriously when it came to designing regulation or making decisions of importance for research and the development of GM foods. All in all it became clear that new procedures for ensuring accountable research and technological development were needed (p.3). Source: DK GMO case study, pp. 2-3.

In most of the cases, however, social mobilization and participation in PA procedures develop in parallel. They do not substitute but interact and influence each other. PA procedures are not considered as a mechanic device to open the decision-making process by itself. Rather, social actors opposing the particular project try *to use* those procedures for opening and influencing the decision-making. Social mobilization can pressure on the PA procedures and it can be a means of gathering resources or enrolling new actors for effective participation in formal procedures (hiring lawyers, supporting counter-expertise). Eminent cases of this kind are German waste and transport cases.

### **German examples**

In Germany, on transport and waste policies, the public protest has been long-lasting and quite professional. The public mobilisation focussed along the legal process (transport) or participation in formal procedures (waste). The collective action repertoire (demonstrations, protest, letters to the editor, petitions....) was broad to mobilise the public, to produce public pressure and to collect donations: Intensive financial support was crucial for the success of citizens initiatives in the formal arenas, because they had to pay for *experts and lawyers – a sound financial basis was* even more important in the transport case, because of the long lasting legal proceedings. Other informal procedures were the various discussion events organised by citizens' initiatives in both, the waste and the transport case. In these events, officials and their experts were confronted with experts from the opponents and had to give reason and to justify their planning. In the waste case, the resonance provided by local media nourished public mobilisation and the intensity of the public protest made the government becomes more open to public discourses.

#### **4.3.7. Knowledge, expertise and engagement**

The different episodes of collective mobilisation that have been identified in the case studies display a variety of ways in which citizens engage with the scientific knowledge and with "official" or certified modes of expertise. But they reveal as well the centrality of the claims of different modes of knowledge and of experience to the status of expertise, that is, of being part of a repertoire of knowledge and competences that is relevant to the assessment of and response to the problems citizens are faced with. The definition of

what counts as knowledge and expertise and, in each specific situation of what counts as relevant knowledge and expertise is a very central aspect of most episodes of mobilization. As we shall see, the way this issue is dealt with may take different forms.

There is a growing body of literature, particularly in the field of Science and Technology Studies, on the relationship between expert knowledge and so-called local or "lay" knowledge.<sup>32</sup> The issue of how to recognize situations when "lay" competences can be defined as "lay expertise" and their "bearers" as legitimate participants in public controversies, hybrid fora or collaborative research has recently been the object of heated debate.<sup>33</sup> Rather than rehearsing debates and arguments, we shall offer a tentative characterization of the different modes in which citizens negotiate the definitions of what relevant knowledge/expertise is, and how these definitions are associated with different modes of engaging with scientists and "official" or certified experts. These different modes of engagement, in turn, may feed, prevent or channel in specific directions the dynamics of collective mobilization.

Four main modes of negotiating the boundaries and contents of relevant knowledge and expertise can be identified. These may appear as stages within processes, as we shall see:

### **Exteriority**

The first version of exteriority is reverential exteriority. It involves the unconditional delegation of authority to scientists and certified experts to deal with certain kinds of problems. The second version is critical exteriority, which entails a delegation under critical surveillance, but restricted to ethical or deontological issues. This can be delegated, in turn, either to bodies involved in professional self-regulation or to ad hoc bodies or committees, or to political/administrative entities or officials. In either case, citizens do not engage in collective mobilisation. Delegation means, here, that they rely on experts or officials to deal with problems and to ensure that these problems are dealt with in socially, legally and ethically acceptable ways. This does not necessarily mean that citizens trust experts or officials, but that they may find themselves in a situation of dependency, including cognitive dependency, with no recognizable alternative for getting knowledge or information on potential or present hazards or problems.

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<sup>32</sup> Irwin, Alan and Brian Wynne, 1996, ...; Irwin, 1995, *Citizen Science*. London, Routledge; Irwin, Alan and Mike Michael, 2003, *Science, Social Theory and Public Knowledge*. Maidenhead, Open University Press.; Callon, Michele, Pierre Lascoume and Yanick Barthe, 2001, ...

<sup>33</sup> See Collins and Evans, 2002, 2003, ... ; Jasanoff, 2003, ... ; Wynne, 2003, ... ; Rip, 2003, ...

## **Integration**

Integration may involve either an alignment of citizens or participants in collective mobilization with dominant or “mainstream” scientific-technical positions, or an alignment with minority or peripheral positions or with counter-experts. In either situation, citizens adopt the positions of certified experts and subscribe to the legitimacy of the procedures and substantive outcomes these experts speak for. There is no criticism of commonly accepted epistemological principles or definitions of the boundaries of what counts as knowledge and expertise, but rather a choice of aligning with what is perceived as “good”, as opposed to “bad”, science or technical knowledge.

## **Resistance/opposition**

This refers to a continuum that ranges from resistance to the acceptance of a given type of knowledge or expert decisions, through the denouncing of hazards or threats associated with these decisions to the active participation in the production and promotion of forms of knowledge and technology alternative to those that are dominant. The targets of this resistance/opposition may range from the local to the national or transnational levels, from military/industrial or scientific/industrial complexes to science itself, to specific forms of expertise and associated professions and to the perceived or claimed complicities between experts and business or political interests.

## **Articulation**

The recognition of the heterogeneity of actors involved, of the modes of knowledge and experience they embody and of the potentially contradictory and conflictual character of their relationships may open up spaces for the tentative negotiation and construction of configurations of forms of knowledge and expertise, of aligning actors and competences to deal with specific problems or to provide the cognitive resources necessary to the emergence of collective mobilization. Articulation is often the outcome of long periods of mobilization or struggle involving the alignment with counter-experts. In fact, counter-expertise often relies on different forms of local or “lay” knowledge. But articulation implies that these forms be recognized as forms of expertise in their own right.

These modes of engagement with and definition of the boundaries of knowledge/expertise may be drawn upon as part of the repertoire of resources for collective action.<sup>34</sup> In most of the case studies, at the beginning, citizens seem to engage

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<sup>34</sup> McAdam, Tilly and Tarrow, 2001, ...

with the problem in either the exteriority or the resistance/opposition mode. As the process evolves, engagement often moves towards either integration or articulation. Articulation, in turn, is often the outcome of a sustained experience of alignment with counter-experts (although this outcome should not be taken for granted).

There is no necessary correspondence or "fit" between different modes of engagement and specific formal PA procedures or to the absence of the latter. Exteriority, for instance, may rely on, say professional forms of expert control or on courts of law, or it may simply be associated with a retreat from any kind of claim for expert accountability. Resistance or opposition, in turn, are likely to be associated with collective mobilization. But integration may give rise either to a reliance on formal mechanisms involving no consultation of citizens or stakeholders, or to active participation siding with or delegating on counter-experts.

A closer look at our case studies shows that the dominant modes of engagement and the ways in which participants in collective mobilization moved from one to the other tend to vary both across countries and depending on the type of issue dealt with.

Exteriority may be exemplified by the Latvian and, to some extent, by the Portuguese GMO case. There is no significant mobilization over issues of knowledge/expertise by citizens. It looks as if the debate is "delegated" to certified scientists and experts, who will discuss among themselves and in their own terms the implications of the technology and of its use. There was no significant move towards a broader and more intensive engagement of citizens in any of the other modes.

But the dominant modes found at the start of processes of collective mobilization seem to be resistance/opposition and integration, although displaying variants. Many of the cases start with opposition or resistance to a given technology, the siting of a waste management facility, a road project or the workings of an incinerator. But as mobilization proceeds and builds up or, alternatively, is channelled to formal PA procedures or begins to wind down, opposition may move towards integration or articulation (often following a first passage through integration). In the Portuguese waste case, mobilization started with local opposition to the plan of constructing a landfill. As the process built up, however, and with the increasing role of environmental associations, opponents tended to side with alternative solutions advanced by the counter experts. By the end of the process, opposition had turned into a collective defence of integrated strategies for waste management based on scientifically "sound" solutions as advocated by environmental counter experts and by the European Union itself.

In waste management and GMO cases, it is common to find experts aligned on both sides of the issues under dispute, and the role of counter experts, usually associated with environmental NGOs or with specific coalitions of actors who mobilize collectively, is central in defining the problem, identifying hazards and contesting policies. The channelling of controversies to formal PA settings (as in the Danish and German waste cases) is likely to enforce this tendency to integration which, in turn, may strengthen the trend towards the search for technical “fixes”, even if these continue to be subject to debate and contestation, but within a space of expert discussion.

In some cases, a process of this kind may open up spaces for the articulation of certified expert knowledge – usually associated with counter-expertise – with other forms of locally-based knowledge and experience which end up as crucial elements of new configurations of knowledge.

## **5. The Politics of Expertise in Socio-Technical Controversies**

### **5.1. What are the problems with experts?**

Experts and expertise of all kinds play an important, yet ambivalent role in environmental conflicts such as those studied within the Pub-acc project. First, they act as sources of certainty as well as uncertainty – they not only provide authoritative accounts and explanations, but also very often disagree among each other or change their opinions.<sup>35</sup> It is usual that people expect from experts much more certainty than experts want and are able to provide. Second, contemporary “techno-science” not only produces new and new risks, but also makes us aware of them and is involved in the search for solutions. As noted by Ulrich Beck (1992, 1995) a number of late-modern risks are made visible and, indeed, existing almost exclusively by expert means. Third, expertise seems to have an ambiguous position in democratic politics, for which environmental conflicts represent a challenging and innovative domain (Theys 2002). According to Turner (2001), the phenomenon of expertise as a privileged way of knowing is often associated with the problems of equality and neutrality. “Expertise is a problem because it is a kind of violation of the conditions of rough equality presupposed by democratic accountability,” says Turner (p. 123). It is unclear – at least from the perspective of normative political theory – on what basis opinions of experts should be treated differently than, e.g., religious opinions or opinions of landowners or consumers.

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<sup>35</sup> „Even among experts there is much disagreement about how to technically treat and finally dump waste, regarding ecological, social and financial aspects” (German waste case).

These theoretically articulated ambiguities, interwoven and taken together, imply a number of more practical and particular questions. A lot of attention is paid to differences and similarities between knowledge produced by specialised scientific disciplines and their universalistic discourses on one hand and the contextual knowing of lay people. Some authors stress the increasing importance of local and indigenous knowledge (Scott 1998, Wynne 1996) or of "hybrid fora" in which different modes of knowing can co-exist (Callon et al 2001). It is argued that the cognitive competence of ordinary citizens is often underestimated and that activists, often persistently regarded by their opponents as lacking truly scientific backgrounds, sometimes become, during the course of a controversy, recognised counter-experts. Examples of successful involvement of lay people into the production of expert knowledge have given birth to a nice concept of "researchers in the wild" (Callon in preparation).

The epistemic grounds of privileged expert knowledge are challenged and, in accord with recent STS developments, science is seen as inseparable part of politics. Other authors, however, seek to reaffirm the specific grounds of expertise on some new grounds and insist on the need to disentangle expertise from the political (Collins, Evans 2002). Hand in hand with such arguments, new functions and forms of expertise are envisaged. Ozawa (1996) writes on the accountability function of science in environmental conflicts; Petts (1997: 360) suggests that we should understand expertise anew as a "learning process resulting from interactions between people in a decision making context"; and Collins (1997) explains that people should not expect certainty from experts, but rather take them as advisors. There seems to be a general consensus about a trend toward "a much more *interactive* role between science experts and lay interpretation" (Bertilsson 2002: 14).

In this paper I am going to address only a small fraction of these questions. Instead of going "beyond the surface manifestations to the underlying cognitive dimensions of societal interactions" and further "elucidating the knowledge interests, or cognitive praxis, of environmental politics" as has been suggested by Jamison (2001: 39)<sup>36</sup> and instead of describing different ways of defining what relevant knowledge/expertise is (see the chapter on social mobilization), I will analyse and contribute to better understanding of some more straightforwardly political dimensions of the issue. On the basis of empirical findings of more than 20 case studies on GMO, transport regional projects and regional conflicts on household waste facilities,<sup>37</sup> I will show some practical tensions

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<sup>36</sup> I do not believe we have sufficient data for such kind of analysis.

<sup>37</sup> Attention will primarily be devoted to a smaller amount of case studies, which provide the richest evidence for the analysis. Occasionally, however, references to the rest of case studies will appear too.

between “science” and “politics”. In particular, I will be interested in how strong expert articulation, what I will call *expertisation* of a case, can shape the space for public participation, public accountability and due political process.

## **5.2. The concept of framing and of translation: what “expertisation” means?**

The main assumption of this paper is that controversies are not expert by nature, because of their essence. It only sometimes happens that experts have (necessarily) the strongest or constitutive voice. Experts enter cases in various moments: sometimes very early and other times rather late, sometimes from their own initiative and other times by demand.

Of course, there exist institutionalised “entry points”, positions and roles for experts. And there exist institutionalised perspectives on certain issues too. Such pre-formatting implies taken-for-granted definitions of relevant actors as well as definitions of what we take as the beginning and the end of a case. Thus, if it seems that something is tightly, unavoidably and, indeed, *naturally* tied to the existence and work of experts, it is partly due to these relatively durable institutional frameworks; and, also, due to specific trajectories and contexts that are shaped in more or less local interactions of social actors.

In other words, what I propose as a suitable perspective for my analysis is a dynamic, non-essentialist and interactionist view of the studied cases. The concept of frame and framing activities (Goffman 1974) may be of help here. A frame refers to the way we structure our experience and interpretations. By means of frames we understand “what is it that’s going on here” (p. 8). If there is consensus over rules of conduct and conventions of interpretations, which are “given” prior to an encounter, it is because we share a frame for the situation and develop effort to keep it. Frames organize our lived world by simplifying and condensing its aspects into partial meaningful wholes that are shared by key participants. Benford and Snow (2000), in their review of literature on the use of the concept in relation to collective action, consider framing, together with resource mobilization and creation of political opportunities, as one of the key elements of social movement dynamics.

Thus, to understand experts’ involvement in the cases at hand, it is important to study how different actors of a controversy continuously frame and re-frame what is at stake. As time goes and the controversy develops, several possible frames are likely to be articulated and used. Some of them become stronger and more influential than the others. Even more: some are rendered irrelevant, while others are adopted and shared

by almost all actors. This has real and important consequences for the entire case. The dominant frame defines who is taken as stakeholder and who is excluded, both formally and informally; what sources and allies are available; whose voice is given priority; what kind of contexts is taken into account, or ignored; what scenarios become possible or impossible.

Snow et al (1986) reminds us that social movements not only “frame the world in which they are acting”, but that they also frame social problems themselves. In accordance with such an observation we a single case can, for instance, start as a local rebellion against a planned incinerator and end (at certain point in time) as a rather successful campaign against dioxins – but only from certain point of view: in this case from the perspective of an environmental NGO. The “same” development may mean for other people (local activists and residents) that the rebellion ran out of gas and failed.

To put it short, in the course of time, the case may become de-politicised or more politicised; turned into an expert or technical or moral or legal issue; redefined as a local or global question; redefined as a problem of protection of health and wellbeing (of people), of nature (of frogs and lizards), or of democracy itself. All these framings are not exclusive. Some of the frames complement each other and many of them may co-exist surprisingly well. There are re-framings, nonetheless, that compete and exclude each other. Some say, for instance, that GMOs or a highway by-pass is a purely technical issue that should be under control of experts. But others object that it should be under much broader public control, since it primarily is a public issue. The two sides try to undermine each other’s position, each other’s frame. Actors propose and develop framing favourable to them and suppress, or weaken those that might be favourable to their opponents.

There are two potential shortcomings with the concept of framing though. Frames are often seen as constituted by/through discourse understood in terms of speaking/writing. Framing is thus taken as a matter of rhetoric. No wonder then – but only then – that Rootes (2001, 2002) concludes (in opposition to findings from the U.S. by Walsh et al 1997, 1993) that the way issues are framed by social movements is overestimated and that something like political opportunity structures plays much more important role for results of environmental controversies. But I would like to consider framing broader. Personal networks, political alliances and policy imperatives of local and national governments, so important to Rootes, are actively mobilised and acted upon when shaping cases, identities of actor’s involved and shared expectations. In short, they are part of frames and framing, not a neglected complement to it.

Second, as pointed out by Fisher (1997), frames for collective action and mobilization are sometimes confused with ideology. The sad thing about this is that frames are then understood as coherent and all-encompassing wholes, while the empirical experience shows that they can be partial and contradictory. Thus, in order to prevent these two misunderstandings, one may rather use the concepts of translation or actor-networks as developed in an influential branch of STS.

What does "expertisation" mean then? If it is believed that a case has to be solved primarily not by means of deliberation and open public debate, but rather by means of competent scientific advice, a reliable and exclusive knowledge of objective facts, then we can say that it has been successfully framed as an expert case. This is not to be, of course, a yes-or-no classification. Rather, it is a matter of scale and of variety. And of time as well: the role and nature of experts in a particular case varies over time (such as, e.g., in GMO cases in Germany or Denmark).

### **5.3. Consequences of expertisation for public accountability**

All the cases tend to be "expertised". Biotech, health risks, dioxins:

- expert cultures rely at some moments on elements of transparency and accountability x expertise is often associated with secrecy;
- the problem of accessibility and understand-ability of information: expertise is costly, speaks difficult and specific language (using figures and statistics);
- expertise may result in passivization and de-mobilization; but it can mobilize as well;
- hierarchization (turning other actors into passive witnesses or objects of illumination; hierarchical subordination – "I am not an expert ... I am nobody," a local campaigner from the UK waste case study complains) x it makes opponents equal, it can erase or diminish inequalities of power;
- associated with top-down, instrumental approaches x but the opposite can be true as well;
- expertise often narrows the perspective (e.g. to technicalities or specific disciplinary view, omitting ethical, social aspects...) x interdisciplinarity;
- experts are often accused of having weak contact with local contexts and promote universalizing discourse x but not always;

- expertise tends to radicalised, yes-or-no standpoints (there is no compromise over the truth) x experts are sometimes contacted as potential mediators (e.g., between activists and authorities);
- expertise is associated with a specific time regime (lack of haste – Dick Pels 2003) x other times, however, knowledge is “already given” but it takes a lot of time to reach a political consensus;
- Some areas of expertise are more exclusive than others. – GM and dioxins, eventually health impacts of other pollutants.

#### **5.4. Cases of strong or dominant expertisation**

If there are facts, the situation is clear and no further political negotiations are necessary, some people think. This claim is made (if it is made) typically, although not equally intensely, by both sides of controversies – both by developers or authorities and by activists. Which is why such a presupposition never really works in practice; political struggles cannot be avoided. Strong expertisation can contribute to de-politicisation of a case or public de-mobilization in many other, subtler ways. As was pointed out in the German waste case, it complicates free access to information. Documents can be made available, but experts are necessary to read them with understanding; and experts are not always easily available or cost money. Official experts are sometimes accused of having weak contact with local people and circumstances (French waste case, Czech transport case). But even if activists frame cases in an expert way they seem to have complicated relationships with local initiatives – such as, e.g., the nation-wide (!) environmental NGO in the Portuguese waste case; or, in a less obvious way, the NGO who became a leading actor in the controversy over the incinerator in the Czech Republic. As is obvious from the analysis of this case, local concerns may appear too parochial and limited in scope from an expert view, associated with cheap NIMBY thinking. De-localization, implied in many respects in scientific practice, contributes to de-mobilizing effects of strong expert framing.

Strong expertisation is even stronger in case of “low density” of framing, i.e., when there are only a couple of competing frames. The problem of “frame resonance” – Snow: it is important to appeal to the existing values and interests of potential allies. This is similar to the concept of translation and its phases, including interessement, enrolment (Callon 1986).

However, expertise (unavoidable anyway) is, in a number of ways, also an important means for public mobilisation and politicisation. Often the only way how to get for

activists into the case is to become experts themselves or to establish alliances with some experts. A convincing counter-expertise seems to be a crucial resource for questioning certain decisions and views in public (this is clear from several national GM stories). Experts are sometimes considered/mobilised as mediators between activists and authorities, to de-block communication (Czech waste case study). Moreover, they often disagree with each other or are unable to provide certainty and knowledge that is expected from them, which fuels further political disputes.

### **5.5. Conclusion**

In short, expertise is an important part of political processes we study. But its political meaning is ambivalent. Sometimes, quite often actually, expert framing or articulating of cases seems to inhibit broader public involvement. Thus, the politics of expertise, if it dominates a case (!), tends to be exclusive and limiting in terms of public accountability. At some occasions, in final consequences, it can even be counterproductive from the point of view of all the actors (e.g., the Czech transport case). To prevent such a situation, we should take expertise as but one basis of decision-making among many, but also study in detail, recognize and better understand the many practical tensions between "expertise" and "politics" as they appear in our case studies.

## V. DISSEMINATION AND EXPLOITATION OF RESULTS

Throughout the PubAcc project, the research consortium sought to engage with, and dissemination information to, the wider academic and policy community. This was done at four levels:

- Individual researchers and national teams presented their work in progress and research findings at academic seminars, workshops and international conferences. Presentations at international conferences included the 2003 Sociology of Science annual conference, the 2004 Science and Technology Summer School (Graz), and the 2004 EAST annual conference (Paris). Individual researchers are also planning to present the findings of their empirical research in future summer schools, such as the 2005 International Summer School for Democracy (Belgrade), and the University of Westminster faculty exchange programme with the Johns Hopkins University (Baltimore) in spring 2005.
- Each national team organised, as part of Workpackage 4, a seminar/ workshop at national level, to present their own PubAcc research findings and to discuss the consortium's integrated research framework and outputs. Invitees included relevant academics, policy-makers, representatives of civil society organisations and of public life.
- A cross-thematic workshop on 'governance and citizenship' was hosted by the European Commission in Brussels in July 2002, bringing together researchers from various research projects funded under the EC's Fifth Framework programme relating to citizenship, governance and accountability (GovernParticipatory; Paradys; Europub.com; Europub; STAGE; PubAcc). This aimed to foster stronger cooperation among these research projects. Furthermore, the PubAcc project was represented at the conference *Spanish Presidency Conference on the Social Sciences, Policies, Institutions and Citizens in the Knowledge Society* in May 2002 in Barcelona.
- The PubAcc project culminated in a final transnational dissemination event (Workpackage 4) held at the European Commission in Brussels in April 2004. The purpose of this event was to communicate the results of the project not only to the European Commission, but to invited policy-makers, stakeholders and case study interviewees from each of the participating countries. The event provided an overview of public accountability in contemporary European contexts by way of discussion of each of the policy areas across the national contexts. A particular

focus of the event was the identification of challenges to public accountability through the presentation of five thematic papers: public private partnerships; Europeanization; concepts and discourses, social mobilisation and expertise.

Where appropriate, the work in progress was also disseminated through electronic networks, including posting reports on the website and sending information by email distribution lists, thus contributing to the networking among the research community. Finally, the PubAcc team has begun preparations of a number of publications (scholarly articles, one jointly-authored book).

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## **VII. ANNEXES**

### **1. Annex 1: List of Partners**

#### **1.1. British Partners**

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## **2. Annex 2: List of Deliverables**

Various deliverables were produced in the course of the PubAcc project and are listed below. There were three types of deliverables:

- Internal deliverables. These will be used only within the consortium and as such serve to ensure that progress is made in accordance with the work plan and that findings are pooled and documented.
- Restricted deliverables. These are products that will not only be used internally within the consortium, but will also be made available to the European Commission and other relevant parties (such as the 'resource persons', interested policy specialists, academics etc) on the understanding that these deliverables do not represent final products for wider public consumption.
- Public deliverables. The products resulting from Workpackage 4, together with the dedicated Internet-site (to be established in Workpackage 1 and maintained throughout the project duration) will be made available to a wider public.

## Overview of Deliverables

<b>Title/content</b>	<b>Month</b>	<b>Status</b>	<b>Distribution</b>	<b>Status</b>
1. <u>Review paper</u> . Overview of historical, theoretical and practical perspectives on public accountability.	6	Final	Restricted	Completed
2. <u>National profiles</u> . Initial profiles of public accountability in the seven national contexts.	6	Draft	Restricted	Completed
3. <u>Common analytical framework</u> . Conceptual basis for subsequent empirical and comparative analysis.	6	Final	Restricted	Completed
4. <u>Project Website</u> .	6	Ongoing	General	Completed
5. <u>Workpackage 1 report</u> . Summary of work carried out.	6	Final	Restricted	Completed
6. <u>Draft case studies</u> . GM food policy; (household) waste management; regional/local transport policy.	10, 15	Draft	Internal	Completed
7. <u>Final case studies</u> . (See 6., above).	18	Final	Restricted	Completed
8. <u>Workpackage 2 report</u> . Brief summary of cross-thematic case study work.	20	Final	Restricted	Completed
9. <u>Guidelines to comparative analysis</u> .	21	Draft	Restricted	Completed
10. <u>National reports</u> . National comparative analysis.	23, 26	Draft/final	Restricted	Completed
11. <u>Thematic comparisons</u> . Cross-thematic analysis.	25	Final	Restricted	Completed
12. <u>Special aspect reports</u> . Special aspect analysis.	25	Final	Restricted	Completed
13. <u>Cross-national comparison</u> .	26	Final	Restricted	Completed
14. <u>Integrating analysis</u> .	26	Final	Restricted	Completed
15. <u>Workpackage 3 report</u> . Brief summary of various comparative analyses undertaken.	26	Final	Restricted	Completed
16. <u>National dissemination conference</u> . Presentation of national findings.	28	Final	Public	Partially completed
17. <u>Transnational dissemination</u>	29	Final	Public	Completed

<u>conference</u> . Presentation of findings at European Union level.				
18. <u>Final report</u> . Scientific report to European Commission (including version for public distr.).	30-32	Final	Restricted/public	Completed
19. <u>Publication</u> . Book or journal publication.	N/A	Final	Public	Partially completed

European Commission

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