

## **Citizen participation and Environmental Policy.**

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In the environmental policy, it is not strange nowadays to find very often with the terminology of "participation" to refer to many of its actions. This fashion is not either foreign to the analyses of problems and environmental movements in the social sciences. However, the use reiterated of the word "participation" it does to suspect that it is the evident result of its promotion from the sphere of the conventional policy, through the procedures established by all series of regulations inspired by criteria of "government", as for example in the European Directive of the Water.

In a way that is not so clear, although in an also perceptible way, that influence of the policy is favoring an "inflation of meaning", which grants to the procedures regulated of participation a magnitude and an influence in a certain measure fictitious, appreciably bigger to those that really have (Martínez, et. to the. 2008).

It is convenient to stress that the citizen participation in the political area, even if we limit it to the not conventional forms (different to the vote and to the membership of parties), includes many more elements than its concurrence in procedures established regulations for. The regulated participation to refer on everything to the information, to the consultation and to the possibility to present allegations to plans and projects, like this as, also the exercise of the right of request.

However , exists a wide repertory in ways of action. they go from the use more or less tidy and more or less institutionalized of the freedoms of association, expression and

meeting up to practices of confrontation and protest more problematic and nearer to the boundaries of the legality. All these examples are indisputably modes of citizen participation in the political life and that there must be considered in a study on the subject.

The notion of regulated participation has been studied widely, however, is very important to take into account its strong link to other modalities of participation. For the accomplishment of this document, it has been distinguished among conventional political participation, citizen participation (or political participation not conventional) and regulated participation. The regulated participation it is a part of the citizen participation, and that it takes place through requests and procedures -generally of information, consultation and/or requests- affordable immediately to the citizens or in a more usual way to delegates from intermediate organizations.

#### 1. The participation citizen and its legal-political frame.

In the last decades, the participation has been sued and exposed in the public sphere for the civil society as well as for the politicians as a requirement to improve the governability making possible the integration into the government to the citizenship as one right.

However, this claim of participation as a basic right, has always been tied up with the regulation of the democratic States in those that are considered a series of rights and freedoms -as the suffrage, the right of association, of meeting, of information, of freedom of speech, of vote- in the case of Spanish State the constitutional law distinguishes among political participation and participation citizen.

The political participation recognizes the participation as constitutional law with legal guarantees of basic right, although the place remains diffuse in which the interaction between government and civil society must be carried out, these are linked through the named citizen participation that allows the decision making and the assumption of responsibilities. However, this citizen participation it has not a legal instrumentation as substantive or basic right (Koiiman, 1993; Fishkin, 1996; Pierre, 2000; Dienel y Harms, 2000; Font, 2001; OCDE, 2000).

This scope limited to the proactive attitude of the public powers is extended besides the sentence 119/1995 of the Constitutional Court of the 17th of July of 1995, that in its interpretation of the article 23 it confirms restrictively the identification of the direct political participation with the passive suffrage and the referendum or popular consultation. With that, the remaining possible instruments of participation citizen pass not to be part of the basic body of rights basic. All these instruments have being relegated to the principles of organization of the government and administration. In article 105 C.E. (Spanish Constitution), they remain only legally founded in the article for which the ordinary laws will be the persons in command to regulate the direct public hearing or through organizations and associations recognized by law for the elaboration of the administrative arrangements that affect them, as well as the access to the information.

Consequently, our constitution confirms a reading very administrative and depoliticized of the civic participation, eliminates its potential as a basic constitutional law and reduces it to a question of procedure of government and administration. Besides that, it confers almost entirely the initiative of promoting the participation to the public powers, which they can operate on in this felt without feeling imperatively tied to the constitutional mandate of the article 9 (Bernal, 2006).

In synthesis, more that as form of empowerment or instrument of social transformation (Blanco y Gomà, 2002; Villasante et al, 2000; 2001; Alguacil, 2000; 2005), constricted from that restriction, the citizen participation it charges letter of very mediatised nature as management, as instrument for obtaining legitimacy and administrative-political functionality and as such submitted to a temporary sequence of attainment of goals (that of the one included the own participation). This kind of participation hardly matches with the rhythms and social sequences through that can be articulated some minimums of coherent participation.

The same considerations of participative rhetoric and scarce efficiency legal fits to do extensive to the ordinary legislative developments on citizen in participation environmental subjects. Also, we can do the same considerations, first, to the Community Directives 2003/4 and 2003/35 related to the right of access to the

information and citizen participation in specific plans and related programs with the means environment -developed from the Agreement of Aarhus-. Second, we do the same considerations to what is established in the law 27/2006 of rights of access to the information, of public participation and of access to the justice on the subject of environment, and in the Law 57/2003 of Measures for the Modernization of the Local Government. This Law institutionalizes in the local area the duty to establish regulations and mechanisms of participation citizen and of access and informative transparency as these as the suitable area are considered for their proximity to the needs's citizens.

The new law 27/2006, for the one that is regulated by the rights of access to the information, of public participation and of access to the justice on the subject of means environment, means a certain advance since it fixes duties as for informative transparency even though it establishes reservations for their control and where a management model consolidates. In this sense, the law attends to two modalities or types of performance citizen on the administrative functions of the public powers:

- the type of organic participation, through the incorporation of the citizens to administrative organs of consultative character or through their representative associations.

- the participation of functional type, that means performance citizen from outside of the device administrative and that is directed to collaborating in the decision making. In the law, extends to three areas of public performance: participation and consultation in related decisions with activities or facilities with effects on the means environment (EIA, IPPC, municipal licenses...); participation and consultation in the elaboration, approval and modification of plans and programs with effects significant on the environment; participation and consultation in the elaboration of arrangements of general character of statutory range.

This described frame shows an institutionalization type of the instruments and techniques of participation, as they are: the Citizens' Jury, citizens' forum, panels, thematic focal groups, neighbourhood councils, conferences of consensus, deliberative surveys, circles of study, workshops of consultation, local democracy Tv, etc., although

one may indicate that none of all these modalities has binding character for the administration in any of its levels. Only one a certain advance can be indicated, in so far as the law grants the condition of part interested those legal persons without profit motive that they have the goal of environmental protection credited in its in general or particularly, of one of its elements, always and when they take two years exerting the necessary activities and that its area of territorial activity be affected. However, it does not eliminate that in the environmental questions or of another nature, the administration proceeds reserving its right to formulate the question, and obviates the basic one on the relevance of the project and replaces it for a question of opinion on what is being made.

Beyond the risk of discredit, the citizen participation runs the risk to follow the same path as the sustainability: as concepts that, breaking up instituting positions with regard to the model of development, they finish being assimilated by what has been instituted on the base of the maintenance of the asymmetries of power and, to practical effects, emptied of contents.

2. Movements and collective actions in environmental matter: how people really take part.<sup>1</sup>

To know participation in environmental issues I have considered appropriate to analyze the role of citizens in environmental conflicts, mainly because it was arising from them new environment policies due to interaction among all actors involved in them. From this interaction, we are interested in citizen participation what move away from classic conflicts to be other such as class, ethnicity or ideology, and it is situated clearly by the defense of the environmental protection and of a more respectful habitat with the people. Besides it is relevant to study the environmental conflicts because it is precisely in them where, in practice, is given greater citizen participation, mobilizing not only to the population groups directly or potentially affected, due to that the consequences of

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<sup>1</sup> The following lines are based partially in the results of the project techno-scientific Knowledge and citizen participation in the social innovation (SEJ2005-03119/SOCI), in the one I have taken part and that has been financed by the Ministry of Education and Science in the National Program of Social Sciences, Economic and Legal of the Spanish Government, carried out in charge of the University of Valencia, including researchers of the University of Barcelona and of the Autonomus University of Barcelona.

many of these conflicts have big importance for the people and the environment in and of the one that they live.

Following this analysis we could say that the participation that occurs for part of the actors of the citizenship coincides with what is called unconventional politics participation. The citizen actions adopt different collective forms and structures, agglutinating social movements, neighbourhood associations, environmental associations, associations of users of natural resources, affected, social forums, entities of citizens, platforms, ONGs, among many other possibilities.

The novelty of these social groupings it lies in the paper that they take as political subjects through pathways of political participation different to the traditionally institutionalized ones. The civil society stops being understood as a place exclusively to private interest and far from the State. On the contrary, a space is looked where it takes place the active participation of the citizens and the extension of the democracy, where it can being transformed the reality of the public affairs, an "activist" civil society (Kaldor, 2005:21- 22).

Compared of the rigidity of the political parties in their organizational structures and their no response as its traditional structures of political participation, the citizenship claims greater social, political and legal flexibility, and greater demand protagonism in the political life. The new forms of organization and participation citizen seem more adequate to answer to the fragmentation of the society and of its heterogeneity of interests (Escudero, 2007:259-266).

In the analysis of the citizen participation in the system of environmental management is observed how the paper of the processes of participation is demystified for the resolution of the environmental conflicts. We find a society in which there are numerous mechanisms of participation, although it does not find a correlation with the real participation, as it does not endow them to the matters with decision making of binding character on the people are directly affected. This is often the case of participation organs emerged from the local plans of action for the sustainable development named Agenda 21.

The public policies in environmental matter usually provoke often different mobilizations in the civil society and more precisely, in the context of what has been named "new social movements", we find that the civic society is usually organized in different ways according to the goals that are intended (Rafet, 2007). In this sense, frequently, we find platforms or associations that they do not consider it appropriate to be stuck to the existing public policies, but try to obtain their ideas and goals to be done unavoidable for the actors who take part in the decision making: we can indicate about this the different platforms named "Salvem"(save).

On the other hand, we can find the case also of groups that consider adequate their incorporation into the public policies developing mechanisms of cooperation with the rest of implicated actors or that, at least, they try to make use of systematically the river beds of regulated participation.

The context of analysis of this study is the citizen participation in the Spanish State. However, it is essential to mention the importance that the different applications of the European Union have in the legislation, the management and, the environmental policies. An importance that in the Spanish case it is evident and often omnipresent: in many of the conflicts that there are analyzed the actors have been seen in the need to visit the offices of the European parliament. As significant example, we will describe how the Framework Directive 2000/60/CE by the one that is established a community frame of performance in the area of the policy of waters, has marked the process of participation and regulation of the conflict by the uses of the water of the Ebro river and of the Júcar river.

In a more synthetic way, it can be stated that when it is tried to register the forms of the citizen participation on the subject of environment, is observed a great variety of concretions. In an extreme, there are environment policies for those that practically there are not established any mechanism of participation. We also find cases in that the governments define participative mechanisms limited to the information or the look-up that are very close to an empty formality and that often spark off very few implications on the part of the administered ones (like this, for example, most of the programs of Local agenda 21 have not gotten to promote real processes of participation in the policies, in spite of its explicit formal commitment with them). In the other extreme, it

is also possible to find new platforms of citizens that decide more general and involving goals, that reclaim a management of the public policies that facilitates the mediation and the interaction among all the affected actors, acting following the possibilities offered by the basic democratic rights and eluding consciously the river beds of regulated participation, perceived as too narrow and basically insufficient. Between those two extremes, the empirical analysis reveals the more different configurations.

In general, the civil society is carrying out one important paper of awareness on the subject of environment, looking for ways so that the social organization and the protest can influence the public agenda and in the politicians, not only educating but obtaining political commitments. This game of interests and values is developed in structures of political opportunities in those that the civil society plays an active and propositive role, doing visible some relevant subjects in environmental matter.

The not conventional participation studied in the environmental conflicts takes to reflect on some elements that allow that the goals of the civil society have greater probability of success. In this sense, the awareness has gained a lot of force citizens on the conflict. It is basic that the harmful or dangerous consequences are known of one problem for the population and for the environment, presenting not only the particularistic interests by presenting general interests but for the entire population.

This information will encourage at the time of calling for mobilizations, bigger citizen participation and therefore, bigger political call, and bigger capacity of being introduced in the political agenda. For that, it is basic that the conflict is seen reflected in the media, in a continuous way, updated, true and founded. At the same time, it is important to arrive at the people as near way, through talks or information days. And finally, and not less important, the citizen movements need techno-scientific support that it reinforces and gives support for their positions (Sempere, Martínez and Garcia, 2008).

### 3. The social functions of the organization of regulated citizen participation.

This study formulates an approach about the causes that environmental policy is one of the areas most frequently used the regulation of citizen participation. According to this approach, it states that the relatively high presence of formal procedures of

participation in the environmental policies would be conditioned by three factors:

- a) the institutionalization of the environmental policies in areas prone to the resistances and the protests, like the protection of natural spaces, the waste management and the evaluation of impact (and later the water and certain aspects of the planning and the land planning);
- b) the polarization between technocracy and democracy that has characterized the relationship among the environmental policies and the environmental social movements; and
- c) the historical trajectory of relative normalization of the policy of protest in the industrial democracies and the special paper in the same one on the ecological problems.

The introduction of new regulated procedures of participation would be, then, a significant part in the attempt to introduce capable mediations of managing the appeared voltages in the three mentioned areas.

The participation is also a possibility to produce synthesis among the scientific-technical definition of the problems and the interests and visions of the affected social groups. However it not always causes that result. Many times it is only a legitimating device of previously adopted decisions. On occasions is the channel for which circulate unbalanced dynamics and that express individual interests. But, at least, it delimits spaces and processes in their could be able to have place syntheses productive. The participation is, finally, a device for the integration of the protest in the political process. Frequently, the effects do not go beyond the "taming of the unhappiness". But, on occasions, it offers a way to circulate and consolidate novelties in the criteria and processes of decision making .

Recapitulating, the regulated participation is a lot less of what true high-flown rhetoric presents as a substantial correction to the limitations and insufficiencies of the political

delegation, but neither can be reduced to one pure and unilateral procedure of integration and assimilation of the political initiatives not conventionals.<sup>2</sup>

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