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# THE CULTURE OF PARTICIPATION IN ENVIRONMENTAL DECISIONMAKING

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## INTRODUCTION

The past decade has witnessed dramatic changes in the role that the public may play in decisions relating to environmental management. Whereas only 10 years ago public involvement in planning and policymaking typically amounted to little more than occasional consultation of a few influential groups, often only just prior to a decision being finalized, there are now opportunities for a wider spectrum of the public to participate in many phases of the decision-making process and to offer their views on a broad range of issues. In addition, means are being sought whereby inputs from the public can be *creative and constructive* rather than *negative and obstructionist*. There is no evidence that the public is being asked to help identify a range of options from which it may choose, rather than being requested to indicate what it dislikes about a preselected plan or policy. This has had some important implications both for the *process* of decisionmaking and for its *outcome*. In order to canvass a wider range of viewpoints, for example, the time and often the expense required to reach a given decision have considerably increased. At the same time, however, policymakers have been able to obtain a clearer indication of potential support (or opposition) for proposed programs.

Demands for a more direct role for the public in environmental policy making have been particularly intense in the United States, but they have mounted in other industrialized countries as well. These demands reflect major concerns. The first has to do with ethics. In most democratic societies it is generally assumed that the individual has the right to be informed and consulted, and to express his views on matters which affect him personally. In modern representative government procedures for determining social choice depend upon a constitutional parliamentary mechanism whereby elected representatives provide a channel between the governors and the governed; the identification of public preferences is left to a variety of time honored devices, such as the ballot box, public

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inquiries, spontaneous and planned protests, and letters to officials or to newspapers. This system works well when interests can be identified, when those affected can articulate their views, and when channels of communication are widely known. It works less well when it is difficult to determine whose interests would be affected by any particular proposal and when people do not know how to convey their views to the authorities concerned. In recent years there has been a growing concern that the public or at least significant segments of it, has become increasingly alienated from governmental decisionmaking. Sometimes there are no channels of communication for transmission of information or expression of views, and even when some linkages exist, the public may not know about them, or they may seem ineffectual. In some instances a profound distrust of the entire political system has developed. Criticism has been especially acute in matters that affect minorities,<sup>1</sup> but it has spread to issues that concern much larger groups, notably those relating to the effects of large scale resource development schemes, highway networks, airports, and the effects of education programs.<sup>2</sup> Increasingly there is apprehension when decisions which so intimately affect the lifestyle, social relationships, and aspirations of the individual are made without consultation; hence the mounting demand for a more direct voice in such matters.

A second factor underlying pressures for greater power sharing has been the failure of past plans or policies to identify correctly the desires of the public. Schemes drawn up by planners and promoted by politicians have failed to obtain public support, either at the ballot box or in the Treasury. There are numerous illustrations in urban redevelopment,<sup>3</sup> construction of highway networks,<sup>4</sup> and water management<sup>5</sup> in which policies have either failed to deliver the intended benefits or have caused unpredicted economic, social or environmental consequences. Critics have suggested that at least some of these errors of judgment could have been eliminated by a broader canvassing of technical expertise and of potentially affected interests. A better understanding of the views of local communities in Toronto, for example, might well have avoided the investment of \$64 million in a highway scheme which eventually had to be halted

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1. D. Marshall *et al.*, *Minority Perspectives* (1972).

2. A. Fanning, *Man and His Environment: Citizen Action* (1975).

3. H. Kaplan, *Urban Renewal Politics: Slum Clearance in Newark* (1963); J. Davies III, *Neighborhood Groups and Urban Renewal* (1966).

4. J. Thomson, *Transport: the Motorway Proposals*, in *Planning for London* 86 (J. Hillman ed 1971).

5. *The Careless Technology: Ecology and International Development* (N. Farvor & J. Milton eds. 1972).

because of local opposition and provincial political interests.<sup>6</sup> Canvassing of the opinions of local Indian tribes and of environmentalists could have avoided the costly redesign of the Churchill-Nelson diversion scheme in Manitoba.<sup>7</sup> And the involvement of a wider range of disciplines in the design of the Bennett Dam on the Peace River in British Columbia would surely have anticipated some of the disastrous ecological consequences and social disruption the project caused downstream in the Athabasca Delta.<sup>8</sup>

Indications of the mounting frustration with existing means of consulting the public have taken a variety of forms. Increasing criticism has appeared in letters to officials or to editors of newspapers and in articles in scholarly journals. A politically more significant development, however, has been growth in the membership of pressure groups seeking to influence planning and policymaking.<sup>9</sup> Not only have established groups improved their political stature, but there has also been a large increase in the number of new groups, especially those concerned with urban and environmental problems.<sup>10</sup> This growth has been accompanied by some important changes in the nature and composition of groups, the goals they seek, and the strategies they employ. While the membership core of many groups remains urban, middle class, and professional, the range of socioeconomic status of new subscribers has widened in recent years.<sup>11</sup> Furthermore, while traditional strategies in seeking influence, such as establishing contacts with planners and politicians, preparing briefs for hearings, and writing letters, continue to be used, several new procedures have been added, ranging from holding workshops and public meetings to staging demonstrations and the remarkably successful use of the courts.<sup>12</sup>

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6. A. Gonen, *The Spadina Expressway in Toronto: Decision and Opposition* (1970); D. Nowland & N. Nowland, *The Bad Trip: the Untold Story of the Spadina Expressway* (1970).

7. R. Newbury & G. Malaher, *The Destruction of Manitoba's Last Great River* (1973); M. Dunbar, *Environment and Good Sense: Environmental Damage and Control in Canada 23* (1971).

8. Peace-Athabasca Delta Project Group, *The Peace-Athabasca-Delta* (1972).

9. A. Pross, *Pressure Group Behavior in Canadian Politics* (1975).

10. Bell & Held, *The Community Revolution*, 16 *The Public Interest*, 142 (1969); J. Hendee, *Conservation Politics and Democracy*, 1969 *J. Soil and Water Conservation*, 213.

11. R. Gale, *From Sit-in to Hike-in: a Comparison of the Civil Rights and Environmental Movements in Social Behavior*, *Natural Resources and Environment* 230 (W. Burch, et al. eds. 1972); Dunlap & Gale, *Politics and Ecology: A Political Profile of Student Eco Activists*, 172 *Youth and Society*, 379.

12. Ingram, *Information Channels and Environmental Decision-Making*, 13 *Nat. Res. J.* 150 (1973); Katz, *Citizen Participation in Air Quality Management: Some Strategies for Environmental Groups and Private Citizens Attempting to Influence Highway and Land Use Planning in The Relationship of Land Use and Transportation Planning to Air Quality Management* 15 (1972); A. Fanning, *supra* note 2.

The overall effect of these developments has been to make planners and politicians increasingly aware not only that the public wants to be heard and that it may have valuable contributions to make, but also *that its influence can no longer be ignored*. It has also brought to light many of the deficiencies of existing channels of communication. Responses of governments to the growing pressures for increased public participation have varied in nature and in scope.<sup>13</sup> In some instances they have taken the form of more effective use of existing institutions, such as expanding public hearings to cover a wider range of subjects or a larger number of interests or holding public inquiries into specific situations (such as the location of a proposed airport or pipeline). In other instances responses have involved enacting new legislation, establishing new agencies, or expanding research and experimentation to find more effective ways of involving the public.

In this connection it seems useful to examine recent experiences in a number of countries. Three have been selected here—the United States, Canada, and the United Kingdom—partly because the authors are especially familiar with them, and partly because the articles in this issue focus mainly upon situations in these countries. Although other countries could have been included in this review, those chosen do serve to illustrate responses in differing types of cultural and economic backgrounds and help to postulate hypotheses that may be tested in other situations.

### *The United States*

In the United States pressure for an expanded public role has been particularly intense, and it is probable that institutional responses have gone farthest there too. The contemporary drive began with the Poverty Program in the 1960's, which aimed at improving the economic and environmental circumstances of low income citizens in the U.S. and attempted to involve representatives of underprivileged groups directly in decisions as to how their circumstances could be improved. Moynihan's proposal for "maximum feasible participation" became the controversial watchword of this program.<sup>14</sup> The controversy surrounded the issue of participation, the degree of power sharing and the political implications of egalitarianism.

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13. Riedel, *Citizen Participation: Myths and Realities*, 32 Public Ad. Rev. 211 (1972).

14. D. Moynihan, *Maximum Feasible Misunderstanding: Community Action in the War on Poverty* (1969).

Despite some well-intentioned efforts, neither the Poverty Program nor the Model Cities Program, which followed it, properly came to grips with these issues. In the late sixties and early seventies attention shifted to environmental concerns,<sup>15</sup> which activated the politically more effective middle classes and, perhaps inadvertently, took some of the political heat off the whole question of exploitation and underprivilege.<sup>16</sup>

Three types of responses in the resources and environmental fields can be identified in the United States. The first focused upon the more effective use of existing institutions. Agencies such as the U.S. Army Corps of Engineers, pollution control bodies, and the International Joint Commission began to make more constructive use of public hearings through improved information programs, less restrictive requirements relating to preparation of briefs, and staging meetings at more convenient places and times.<sup>17</sup> In addition, the conventional pattern of benefit-cost accounting was modified to include multiple-objective proposals, multiple discount rates, and the imaginative notion of scenario sketches to help the public understand the complicated implications of different kinds of schemes.<sup>18</sup>

The second response was enactment of new legislation which made it mandatory that the views of the public be actively sought, and in many cases rules and procedures for this purpose were set out. Perhaps the most influential piece of legislation in this connection was the National Environmental Policy Act of 1969 with its statutory requirements for full disclosure of possible environmental impacts of proposed federal policies and projects.<sup>19</sup> Since its enactment several states have either drawn up or are in the process of drafting legislation guaranteeing citizens' rights in environmental matters. The Michigan Environmental Protection Act is an illustration.<sup>20</sup>

A third step has been undertaking research and experiments to discover improved means of obtaining inputs from the public. Several federal agencies, notably the Army Corps of Engineers,<sup>21</sup> the Forest

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15. Morrison, *et al. The Environmental Movement: Some Preliminary Observations and Predictions in Social Behavior, Natural Resources and the Environment* 259 (W. Burch, *et al.* eds. 1972).

16. du Boff, *Economic Ideology and the Environment in Man and Nature*, Ltd. 201 (H. van Razy & A. Lugo, eds. 1974).

17. Willeke, *Theory and Practice of Public Participation in Planning*, J. of the Irrigation and Drainage Division 100, *Proc. Am. Soc. Civil Engineers*, 75 (1974).

18. C. Howe, *Benefit Cost Analysis for Water System Planning* (1971).

19. Sax, *Environmental Law: the U.S. Experience in Canada's Environment: the Law on Trial* 163 (G. Morley, ed., 1973).

20. *Id.* at 178-87.

21. A. Bishop, *Public Participation in Water Resource Planning* (1971).

.Service,<sup>22</sup> the Highway Research Board<sup>23</sup> and the National Water Commission<sup>24</sup> have undertaken major investigations in this connection. The work done in the Susquehanna River Basin,<sup>25</sup> the Chatahoochee River,<sup>26</sup> and the Pacific Northwest region of the United States<sup>27</sup> in particular has shed light upon the deficiencies of existing procedures and has indicated the advantages of other mechanisms, notably the workshop and the task force.

In the United States the federal government has taken the lead in broadening the basis of public involvement in resources and environmental policymaking. Several laws have been passed which either require or encourage public participation. Some agencies now have special divisions in charge of public participation programs. The federal example has been followed in several states, particularly in connection with environmental impact legislation and state land use planning,<sup>28</sup> where much of the new legislation makes greater provision for public consultation.

### *The United Kingdom*

Traditionally in the United Kingdom responsibility for major decisions relating to urban, resource management and environmental matters has been delegated to policymakers, with a considerable amount of discretionary authority given to government agencies. There are some provisions for public consultation, particularly in connection with formulation of structure plans for the major regions of the country and for obtaining redress when citizen's rights have been violated. But both of these apparently participatory devices are subject to interpretation by the local authorities who continue to enjoy a wide scope of discretion as to how they should proceed in environmental policy making. Hence, for the most part, decision-making lies solidly in the hands of politicians, aided by planners. Nevertheless, for reasons cited above, there has been growing criticism in recent years of the limited role of the public in matters

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22. J. Hendee, *et al.*, *Public Involvement and the Forest Service: Experience, Effectiveness and Suggested Direction* (1973).

23. Highway Research Board, *Socio Economic Considerations in Transportation Planning* (1970).

24. K. Warner, *A State of the Arts Study of Public Participation in the Water Resources Planning Process* (1971).

25. T. Borton, *et al.*, *The Susquehanna Communication Participation Study: Selected Approaches to Public Involvement in Water Resources Planning* (1970).

26. Willeke, *supra* note 17.

27. Sargent, *Fishbowl Planning Immerses Pacific Northwest Citizens in Corps Projects*, 1972 *Civil Engineering*, 54.

28. J. Rose, *Legal Foundations of Land Use Planning* (1975).

relating to preparation of plans for cities,<sup>29</sup> highways,<sup>30</sup> airports,<sup>31</sup> water supply reservoirs,<sup>32</sup> and preservation of the countryside.<sup>33</sup>

An initial response to the criticism was establishment in March 1968 of a parliamentary committee on public participation, chaired by Arthur Skeffington, joint Parliamentary Secretary of the then Ministry of Housing and Local Government (now encompassed by the Department of Environment). Its immediate task was to suggest ways in which local planning authorities could obtain useful inputs from the public in drawing up development plans for local areas, but its concerns and its influence went far beyond this. Its final report, which appeared in July 1969,<sup>34</sup> offered a number of recommendations, mostly in the direction of keeping the public continuously informed, providing increased opportunities for expression of views, and furnishing evidence that such inputs are in fact taken into account. The report was intended only to provide broad guidelines for consideration by the local authorities; it did not suggest the enactment of legislation which would ensure that its recommendations would be adopted, nor did it furnish specific evaluations of various mechanisms for obtaining inputs from the public. The Skeffington Report has been criticized on various grounds by planners and academics.<sup>35</sup> Even so, the fact that the committee was established marked an important change in attitudes about the role of the public in decisionmaking in the U.K.

A second response was establishment of a Department of Environment Working Party on the Role of Voluntary Organizations and Youth in the Environment in connection with development of a British position paper on environmental policy for the United Nations Conference on the Human Environment 1973. Its mandate was much wider than that of the Skeffington Committee, being concerned with the management of the environment rather than the structure planning for cities, and with education as well as with information. Its report, "50 Million Volunteers,"<sup>36</sup> offered a number of recommendations for obtaining inputs from the public, particularly through voluntary organizations.

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29. D. Eversley, *The Planner in Society: the Changing Role of a Profession* (1973); N. Dennis, *Public Participation and Planners' Blight* (1972).

30. J. Thomson, *supra* note 4.

31. D. Perman, *Cublington: A Blueprint for Resistance* (1973).

32. R. Gregory, *The Price of Amenity* (1971).

33. R. Arvill, *Man and Environment: Crisis and the Strategy of Choice* (1967).

34. Ministry of Housing and Local Government, *People and Planning* (1969).

35. P. Levin & D. Donnison, *Public Administration* 473-79 (1969); S. Damar & C. Hague, *Public Participation and Planning: A Review*, 42 *Town Planning Review* 217-232 (1971); N. Dennis, *supra* note 29, at 220-33.

36. Department of Environment, *50 Million Volunteers* (1972).



But neither the Skeffington Committee's report nor that of the Department of Environment Working Party resulted in any major alteration in government policy relating to public participation. On the whole, responsibility for innovation in this connection seems to have been left with local government. A few have taken the initiative by setting up working groups, holding public meetings, and conducting public opinion polls as integral parts of their formulation of structure plans. The Department of Environment has been studying these experiments through two research projects, one at the University of Sheffield and the other at the University of Glasgow, and it is anticipated that the findings will lead to development of a set of guidelines for local authorities, who nevertheless will still continue to have the final word.

Meanwhile, there remains much dissatisfaction over existing procedures for canvassing public opinion, particularly where present legislation seems vague or inadequate, or where it is unclear how far such opinion has actually been taken into account. The controversies over the siting of a third London Airport, the extension of the runway at Edinburgh Airport, the proposals for construction of oil platforms at Dunnet Bay and Loch Carron, and recent legislation restricting the traditional review and appeal procedures when land is compulsorily acquired for oil-related installations,<sup>37</sup> for example, have highlighted weaknesses in existing participating mechanisms.<sup>38</sup>

### *Canada*

The Canadian experience in public participation lies somewhere between that of the United States and that of the United Kingdom. Although there have been some important changes in laws and institutions encouraging a higher degree of public participation in resources management policymaking, they do not go as far as their counterparts in the United States, though they potentially provide for more involvement than in the United Kingdom.

As in the United States and the United Kingdom, concern about public participation extends far beyond resource and environmental management. In recent years it has centered particularly on the growing gulf between the governors and the governed. As a federal Task Force on Government Information pointed out in 1969, it is just as

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37. The 1975 Offshore Petroleum Development Act of Scotland allows the Scottish Secretary to acquire by agreement or by compulsion any land in Scotland for any purpose connected with the exploration and exploitation of North Sea Oil, and allows a public inquiry to be dispensed with where acquisition is regarded as a matter of urgency.

38. J. Busby, *The Public Enquiry: An Objector's Handbook* (1975).

important to know what the public feels as to tell it what the government is doing.<sup>39</sup>

There have been a variety of responses to the call for an enlightened approach to involvement of the public in resource management decisions. Some of these have been expressed in new legislation. The provisions for public participation written into the Northern Inland Waters Act (1971), the Amendments to the Territorial Lands Act (1971), and the Canada Water Act (1970) are illustrative. But the extent and effectiveness of these requirements depend upon the judgment of senior advisors and politicians. Although some hearings have been held under the first two cited statutes, there has been some controversy as to how much information was being concealed. The major provisions of the Canada Water Act, for regional water management commissions and extensive public involvement remain to be implemented.

A second response has been establishment of a number of special agencies to deal with public participation. At the federal level the Department of Environment set up a Public Participation Section. It was instrumental in organizing public participation programs in several river basin investigations, notably those in the Okanagan in British Columbia, the Qu'Appelle in Saskatchewan, and the St. John in the Maritime provinces.<sup>40</sup> A number of provincial governments have also established special divisions to deal with public participation.

A third response has been to undertake public inquiries to assess public views. The Berger Royal Commission on the Mackenzie Pipeline is a good illustration. The Canadian Arctic Resources Committee (a quasi-governmental body) established the Commission in 1974 with the object of determining the views of inhabitants in the northern regions through which the proposed pipeline would pass, as well as the opinions of those in the south who would receive the arctic natural gas and of the companies who are promoting the development of the scheme. But in early 1975 the federal government reduced the budget necessary to finance these studies and announced that it would negotiate directly with the native peoples regarding their claims for financial compensation. So the whole pipeline issue will tend to shift from the participatory format to the confrontationist arena of national politics.

Fourthly, there have been a number of participatory experiments at local, regional, and national levels. The Greater Vancouver Re-

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39. Task Force on Government Information, *To Know and to be Known* (1969).

40. Sewell, *Public Involvement in Comprehensive River Basin Planning* (1975).

gional District Livable Region Program was one such effort at the local level,<sup>41</sup> and the Metropolitan Toronto Transportation Plan Review was another.<sup>42</sup> The river basin investigations noted earlier are illustrations of attempts to involve the public at the regional level. Beyond these efforts, there has been an attempt to encourage inputs from the public in the formulation of a national resources policy through a nationwide Man and Resources Program conducted in a series of phases across Canada, culminating in a major national conference in 1972.<sup>43</sup>

All of these experiments highlight the difficulties of adding the participatory dimension to institutional mechanisms and to a decisionmaking culture that is ill-adapted for the purpose. The Vancouver Livable Region Program was curtailed once the views of a narrow cross section of citizens was ascertained; thus the power for determining the future of the area still rests with the planners and the politicians, while a number of public spirited people have become quite disillusioned with the whole participatory process. The success of the proposed Toronto Transportation Plan appears to depend upon the cooperation of local government aldermen, not public opinion; while the Man and Resources Program has long since been disbanded, leaving little political trace of its existence.

#### THE POLITICAL CULTURE

The Canadian experience is not unique. Although many well-intentioned attempts have been made to increase public participation in environmental decisionmaking, the political culture of most western countries has not always been able to accommodate them successfully. Just what is this political culture? How can it respond to the documented pressures for increased participation?

The political culture establishes roles, rules and social norms that frame all policymaking activities and permit peaceful resolution of conflict (Figure 1).<sup>44</sup> Political scientists generally visualize this as a mutually supported balance between the demands of the polity (the general public as it is divided into electorates, social groups, economic organizations and other sectional interests, political lobbies, action groups and the like) and its elites (elected or

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41. O'Riordan, *Citizen Participation in Practice: Some Dilemmas and Some Possible Solutions in Public Participation in Planning* (W. Sewell & J. Coppock, eds. 1976).

42. Toronto Metropolitan Council, *Transportation Alternatives: a Summary* (1975); Metropolitan Toronto Transportation Plan Review, *Choices for the Future: Summary Report* (1975).

43. Canadian Council of Resources and Environment Ministers, *The Man and Resources Conference Programme* (1972).

44. G. Almond & S. Verba, *The Civic Culture* (1963).

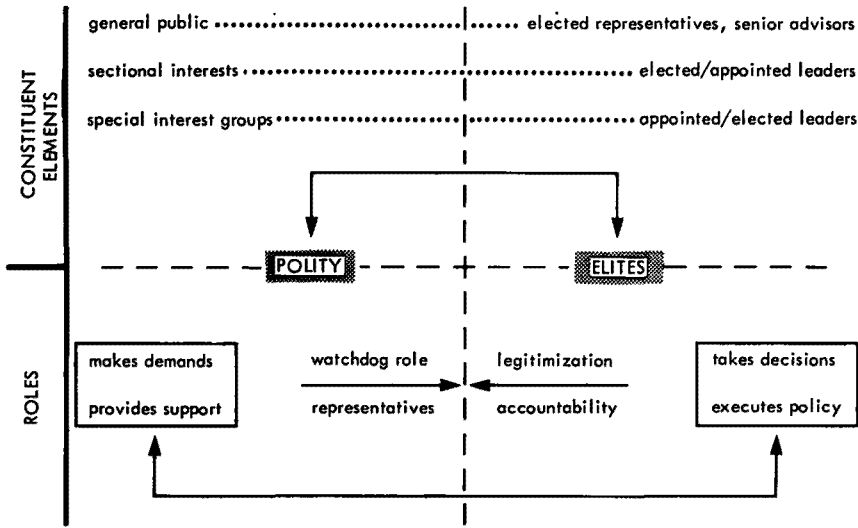


FIGURE 1

appointed community leaders, senior administrators and special advisors, interest group leaders and community opinion influentials). The policymaking environment that is so created is a transactional arrangement in which the polity senses its needs, makes demands and provides the vital support (power base) to enable the elite to decide and act in the polity's interest. It will be obvious that the system is predicated on the balance of potentially disruptive tensions. For in granting power to the elites, the polity, or at least certain members of it, are constantly vigilant that its trust is neither wastefully nor unfairly abused and that resulting policies reasonably reflect its sectional interests. From within the ranks of the polity individuals and groups either appoint themselves or are elected to monitor political posts and seek to ensure that their constituents' views are adequately represented. For their part of this political bargain, the elites endeavor to accommodate their policies to meet the perceived needs of their power base by the use of symbolic legitimizing devices, such as elections, commissions of inquiry, congressional hearings, opinion polls, employment of independent consultants, etc., so as continually to appear accountable.

The political culture influences the nature and effectiveness of participation in four main ways: (a) the relative degree of activity or passivity in the body politic, (b) the amount of legal, administrative and political discretion granted elites in formulation and execution of policy, (c) the relative importance of bargaining and concession

trading vis à vis consultation and compromise as mechanisms for conflict resolution, and (d) the role of the law in guaranteeing access to information, providing safeguards for citizens' rights to amenity and scrutinizing political and administrative procedures. The three political cultures of the United States, the United Kingdom and Canada provide the background for illustrating the importance of these factors.

1. *Passivity-activity in the body politic.* The United States has always been in the vanguard of citizen participation, for as a nation it prides itself on its civic responsibility and political activism. That often quoted observer of American democracy, Alexis Tocqueville,<sup>4 5</sup> noted that the American brand of politics

produced that which the most skillful governments are frequently unable to awaken, namely an all-pervading and restless activity, a superabundant force, and an energy which is inseparable from it, and which may, under favorable circumstances, beget the most amazing benefits.

Grass roots activism is very much a tradition in American politics; it is no accident that the first conservation lobbies were spawned there, nor that, over the course of time, these lobbies sired political and legal action arms, such as Friends of the Earth and the Environmental Defense Fund, some of which have opened up chapters in Canada, ZPG, Sierra Club and FOE, and in Britain, Population Stabilisation and FOE.

Neither the U.K. nor Canada has such a long history of political activism as has the U.S. Indeed it has long been customary in Britain to assume that the elites are responsible custodians of the public interest. A long history of paternalistic administrative practice has tended to subdue political activism. As noted earlier, the Skeffington Report<sup>4 6</sup> urged planners to consult with the public as and after their proposals were formulated and to consider techniques for informing the public. The notion of the public as planner was not really considered.

The Canadian experience leans more toward the American model than the British one, despite its British constitutional heritage. Environmental activism has been imported from its southern neighbor, partly through immigration of American nationals and partly through efforts of a number of dedicated Canadian lawyers to revolutionize citizens' environmental rights.<sup>4 7</sup>

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45. A. de Tocqueville, *Democracy in America* 295 (trans. H. Reeve, 1961).

46. See note 34 *supra*.

47. *Ask the People* (G. Morley ed. 1973); *Canada's Environment: The Law on Trial* (1974).

2. *The Scope of Discretion.* Discretion is the freedom granted to policymakers and administrators to determine their own guidelines and judge the suitability of their actions. The scope of discretion afforded indicates how much faith society places in professional and political competence.

In the United Kingdom and Canada administrative discretion is widespread in all aspects of environmental policymaking. This means that there are statutory instructions that allow administrators to set environmental quality standards, to grant effluent discharge permits, to establish performance standards for everything from building design to the nature of public hearings and even to determine what constitutes the public interest. The right of the public to information in these countries is also severely curtailed by ministerial and parliamentary discretion; for instance, until April 1976 (when the 1974 Control of Pollution Act goes into effect) neither the general public nor adjacent landowners have legal rights to know the details of any polluting discharge (and even after April 1976 these rights will be restricted).

In the U.S., on the other hand, administrative discretion is tempered by the Freedom of Information Act and the National Environmental Policy Act (NEPA). Under the Freedom of Information Act, all information is available to the public unless its confidentiality can be justified. This gives citizens' groups access to all kinds of environmental information, even though there are many loopholes through which governments and private industry scurry to protect their interests.<sup>48</sup> The environmental impact statement required by NEPA and various state versions of NEPA also provide a wide range of information which is available to the public, though again, despite various court rulings which favor widening the perspective of the impact statement, a variety of devices to avoid full disclosure have been successfully employed.<sup>49</sup>

3. *Bargaining versus Consultation.* The standard North American model of environmental decisionmaking is based upon an implicit model of bargaining among contesting groups during which various kinds of political concessions are traded. [The article by Wolpert which follows describes this model more implicitly.] The bargaining orientation is probably a reflection of the role of grass roots interest group lobbies that have long been part of the American political scene. Also it is the result of the influence of the law in resolving

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48. Wade, *Freedom of Information Act: Officials Thwart Public's Right to Know*, 179 Science 498.

49. M. Baldwin, *A Review of Engineers Practices Under Section 102(2)(C) of the National Environmental Policy Act (1972)*.

conflicts, since the law, by definition, is based on adversary relationships. However, it would be misleading to assume that bargaining is the only mechanism by which environmental decisions are made, since most of the less contentious issues are resolved through routine consultation and subtle political pressure in which some of the softer contours of political influence shape the final outcome.

Britain has a tradition of consultation and compromise in policy-making which reflects national reputation for fairness and reasonableness. Environmental managers seek to cooperate, not confront. Bugler<sup>50</sup> quotes the Chief Inspector of Her Majesty's Alkali and Clean Air Inspectorate (the major agency responsible for controlling air pollution in the U.K.) on the matter of coping with violators of pollution permits:

We look on our job as educating industry, persuading it, cajoling it. We achieve far more this way. The Americans take a big stick and threaten "solve your problem." We say to industry, "Look, lads, we've got a problem." In this way we've got industry well and truly trained.

And Allison<sup>51</sup> quotes the Secretary of the Council for the Protection of Rural England (England's premier amenity conservation organization) as saying "fighting cases means publicity. Publicity means conflict and conflict can mean the loss of contacts and credibility." Most British environmental action groups prefer the subtle politics of diplomacy and persuasion to the confrontationist politics of threat and stalemate, largely because, traditionally, (though this is changing),<sup>52</sup> discussion among those of educated public opinion utilizing well-defined political channels is the way in which policy has long been determined.

Lucas' article in this collection shows that the Canadian experience falls between these two poles, though information consultation among various elites tends to predominate. For example, most Canadian environmental quality standards are determined through consultation with interested parties and become government policy before they are made public. Similarly, enforcement of pollution discharge permits is achieved more by persuasion than by browbeating.

4. *The Role of Environmental Law.* The influence of the law on modern environmental politics depends largely upon its constitutional role. Although a great body of the common law is similar in all

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50. J. Bugler, *Polluting Britain: A Report* 11 (1972).

51. L. Allison, *Environmental Planning* 120 (1974).

52. P. Rivers, *Politics by Pressure* (1975).

three countries, the power of the courts in defining and upholding common law depends upon their constitutional relationship with the legislatures and the executive.

In the U.S. the judiciary is constitutionally independent of Congress and its state counterparts. Thus it is capable not only of interpreting statutory legislation but also of pointing out inconsistencies, failings and loopholes in the legislation, thereby prodding the legislature to review its own policies. Likewise, the courts have a considerable body of administrative legislation to draw upon in their scrutiny of administrative performance.

But in Canada and in Britain the courts are constitutionally subservient to Parliament, which controls all delegation of power. Lyon<sup>53</sup> notes that "the courts take no initiatives on important public issues such as those relating to the environment (and) are wary of intruding in areas of responsibility that they regard as belonging properly to the legislative or executive branch." He concludes that it would be misguided to look to the Canadian (and British) courts for the kind of environmental policy innovations recently experienced in the United States, for the courts in both countries tend to be politically more subdued and jurists more conservative in their eagerness to test the authority of either the legislature or the executive.

#### CRITERIA FOR EVALUATING PARTICIPATION

It is obvious from this brief review that the style and effectiveness of citizen participation will vary tremendously from nation to nation, as well as from issue to issue. What is desirable and effective in one country may well prove unsuccessful in another. Thus, the following checklist of criteria for evaluating the responsiveness of the political and institutional culture to more broadly based participation might be of help:

- (i) What is the nature of citizen's rights to environmental quality, to amenity, and to legal standing on environmental matters?
- (ii) What are the statutory rights of access to information before, during, and after environmental policy has been implemented?
- (iii) What is the scope and political effectiveness of environmental assessment reviews for policies, programs and projects at the national, regional and local levels, and for public or private proposals?
- (iv) What is the role of the media in investigating and reporting environmental issues before, during and after the policymaking process? What use is made of the media in facilitating public com-

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53. Lyon, *Some General Observations on the Question of Standing from the Prospective of a Constitutional Lawyer* in *Ask the People* 33, 44 (G. Morley, ed. 1973).



munication and discussion, and to what extent can participatory action groups make use of it in airing their grievances?

(v) What is the nature of formal (statutory) and informal (experimental) mechanisms for inducing participation, and what use is made of them in given case studies?

(vi) What is the role of education (in the schools, colleges and universities, and in adult education programs) in promoting environmental awareness, encouraging active participation, and stimulating exploratory participatory experiments?

(vii) What is the role of key people—politicians, professionals, community leaders, citizen activists—in scrutinizing the policymaking process and in fostering reform?

### THE EVOLUTION OF PARTICIPATION

Participation is basically part of an evolutionary process of social change which aims at political and social egalitarianism. It seeks a greater degree of power sharing through the politization of the citizen's awareness of his or her potential role as a member of the community of interest in shaping the quality of the environment. It is a systems transforming device that is regarded as revolutionary and potentially subversive by the elite. Regarded in this context, it is no wonder that participatory strategies must constantly struggle against the suspicion and anxiety of power holders who fear usurpation of their legitimate authority. So, paradoxically, for participation to succeed it must *reassert* the ultimate authority of the political representative and the particular talents of the trained professional by integrating the latent planning potential of the individual citizen with the specialist qualities of the elite. Thus the ultimate aim of participation is *community participatory design* where citizens, resource professionals and politicians work together to resolve legitimate disagreements and fairly allocate environmental resources. Needless to say, this is most possible (and most likely) at the small scale (housing schemes, neighborhood projects) where community interest is high.<sup>5 4</sup>

From Figure 2 it will be seen that the effectiveness of participation (defined in terms of the degree of *de facto* power sharing between elites and acceptable representatives of the polity) varies, as might be expected, with the scale of the policy issue under review and the degree of meaning for people's lives. Thus, it is difficult to imagine how it could be possible to involve the public meaningfully in global or even multinational environmental issues where the prob-

54. R. Kasperson & M. Brietbart, *Participation, Decentralization and Advocacy Planning* 41-55 (1974).

lems are complex, the geographical horizons wide and the degree of familiarity for any particular individual is very low. This is probably the case for most national questions, where only the most motivated citizens are sufficiently informed and interested to sustain lengthy political commitment. Generally, however, at the regional and community levels there has been some shift towards greater political power sharing in resource policy issues over the past five years (as indicated in the diagram by the length of a line) though the actual path of this shift has usually consisted of a series of reformist pulses, followed by periods of reaction and retrenchment. For example, the U.S. Model Cities Program was originally designed to give a fair amount of self determination to the inner city poor. Fears of the municipal political establishment of some kind of power takeover caused the Administration slowly to dry up life-giving funds for the program. Yet the courts subsequently insisted on adequate citizen representation before revenue sharing funds were allocated, so the whole idea took on a renewed vitality, though in a more subdued form. Slowly but steadily innovative participatory experiments are providing citizens with more and more power and resources (manpower and funds) to enable them to design their own environments in a manner which encourages them to recognize the legitimate aspirations of all the various interests which together make up their true community. In its ultimate form then, participation is a consciousness raising process through which people begin to understand their political roles and the need for legitimate conciliation and contribution.

#### FUTURE DIRECTIONS OF PUBLIC PARTICIPATION

Few, if any, of the current experiments in participation (including those described in this issue) have approached the idealistic end state described above. In all probability this will remain a dream beyond the ambit of human capabilities. But there is also the harsh fact that those in a position to influence the course of human events are loathe to share their power and find it quite disconcerting to contemplate a political culture where mass participation is persuasive and effective. As Burch comments in his essay that follows, and Wood and Wilkinson intimate in their case studies, most of the benefits spilling over from the recent upsurge of interest in participatory politics are accruing to those who already enjoy a certain degree of social and political privilege, the middle income, well educated, politically articulate people who have traditionally formed the core membership of pressure groups. Almost paradoxically it seems, the

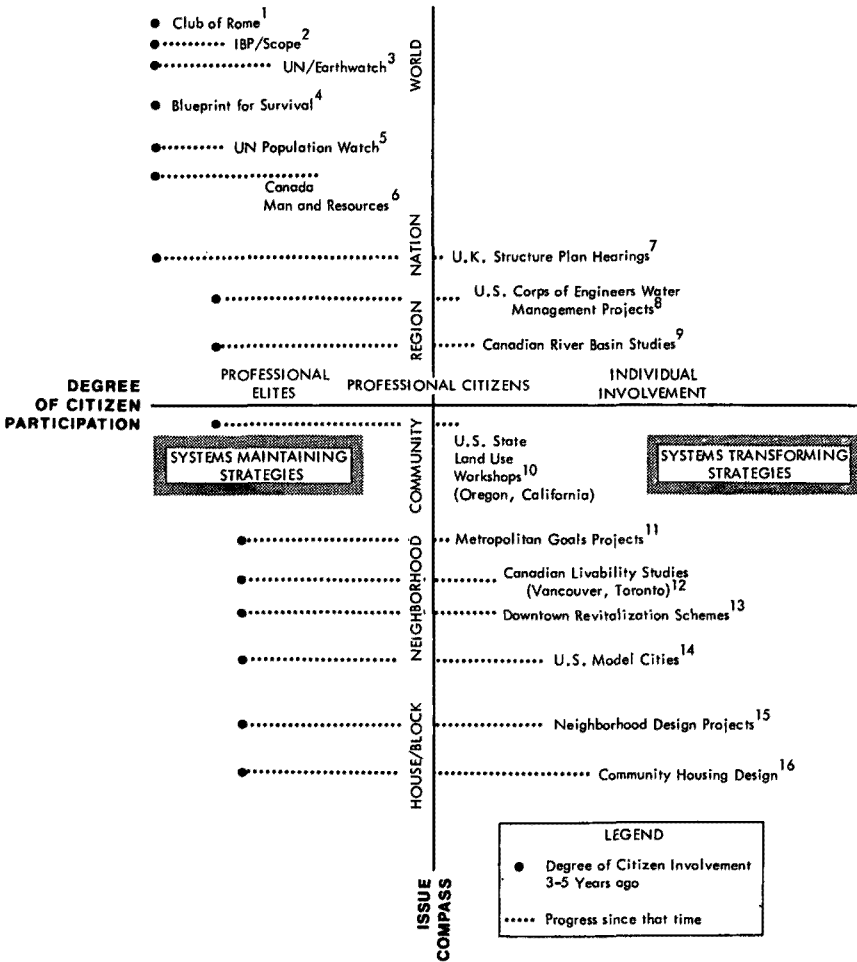


FIGURE 2

A Schema of Degrees of Citizen Involvement at Various Areal Levels of Concern

1. The various reports of the Club of Rome; see particularly D. Meadows & O. Meadows, *The Limits to Growth* (1972); M. Mesarovic & E. Pestel, *Mankind at the Turning Point* (1975).
2. The various reports issued by the U.N. under its International Biological Program and the Scientific Committee on Problems of the Environment.
3. The U.N. Environment Secretariat monitors a program of international surveillance on pollution known as Earthwatch. See A. Hardy, *The United Nation's Environment Programme*, 13 Nat. Res. J. 235 (1972).
4. The British version of *Limits to Growth*. E. Goldsmith, et al., *A Blueprint for Survival*, 2 *The Ecologist* 1 (1972).
5. At its Population Conference in 1974 the U.N. agreed to assist nations to prepare

analyses of the relationship between population growth, resource availability and environmental protection. This program is known as Earthwatch.

6. The Canadian Man and Resources Program was a nationwide attempt to assess public opinion as to priorities for environmental protection. See note 43.

7. Under the Amended Town and Country Planning Act (1972) all local authorities must hold public hearings over their proposed structure plans—"broad brush" scenarios of future development in their area.

8. See notes 17, 18, 24, 25, 27.

9. See note 40.

10. A number of states have embarked on extensive consultation with the public as to future land use planning. See C. Carter, *The Florida Experience* (1975); T. McColl, *The Oregon Land Use Story* (1974); A. Heller, *The Californian Tomorrow Plan* (1971).

11. Various U.S. and Canadian cities have sponsored participatory programs to identify how people feel about the future of their cities. New York, Dallas, Los Angeles, Boulder, Toronto and Vancouver are all good examples.

12. The Vancouver and Toronto Metropolitan Regional Districts have both organized extensive public input into large scale proposals for upgrading environmental amenity throughout their regions. See notes 41 and 42.

13. See Vancouver Planning Department, *A Livability Plan for Downtown Van-* (1975). This involved a year of discussions with a citizens' advisory panel appointed by the City Planning Commission.

14. See notes 10 and 14.

15. See *Christian Science Monitor* Feb. 18-20, 1974; Council on Environmental Quality, *Fourth Annual Report 1-42* (1973).

16. See Council on Environmental Quality, *supra* note 15.

results of participatory innovations in environmental policymaking may not only fail to reduce political inequality, but may actually exacerbate the division between those who can exploit the political culture and those who cannot, thereby increasing the alienation and frustration that the whole participatory idea is designed to eliminate.

True, there was a period of advocacy planning when public spirited professionals purported to speak for the needs of their politically inarticulate clients. But much of this work is now discredited, for it was so tempting for the evangelists inadvertently or deliberately to manipulate the preferences of their clients and enjoy their new-found power.<sup>55</sup> Nevertheless, there remains an important avenue for advocacy, but on the clients' terms.

Maybe on grounds of practicality and political realism it is neither possible nor desirable to raise the level of public involvement much beyond what is found in some of the more advanced participatory programs today. Wengert argues this case in his essay, and Jon O'Riordan hints at the same conclusion from his experience in the Okanagan Valley. Effective participatory experiments are expensive and time consuming, requiring highly trained skills of communication and group problem solving that are not readily found among

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55. *Id.* at 48.

resource managers of today, nor yet widely taught in the professional syllabuses. Hence, in the absence of a tremendous amount of forethought, good faith and patience, most participatory programs will probably fail. Indeed they may even prove to be counterproductive in the sense that sincerely motivated citizens may become deeply frustrated, resentful and cynical about the whole political process and the holders of power.

What is the future for participation? We offer three scenarios listed in order of probable outcome.

*Scenario 1.* In terms of substantial political and social reform, the effectiveness of participation will stabilize on a plateau, from which, if anything, it may regress toward more undemocratic modes of decisionmaking. (Some argue that this regression has already begun and that true democracy is a chimera).<sup>5 6</sup> Power will remain with the politically privileged, and the advantages stemming from public consultation will continue to fall most favorably on the minority who are politically active. Although a number of minority groups will be able to exploit the opportunities offered by the new participatory programs, their gains will be small and sporadic compared with their grievances. Thus the real breakthrough in participation, the politicization of the polity and the strengthening of its citizenship rights, will not be attained in the foreseeable future. The political culture of most nations will remain substantially unaltered.

*Scenario 2.* It is possible, however, that if Scenario 1 is sustained, the growing division between the politically privileged and the politically exploited will result in potentially disruptive social strife. In order to maintain social harmony, there will be radical modification in present participatory strategies. The most likely outcome would be provision of financial and/or technical/professional assistance to a variety of citizens' groups, to enable them to offer constructive counterproposals or amendments to suggested plans and projects. Sax and others<sup>5 7</sup> have recommended that a certain percentage of the proposed construction costs of all major schemes should be made available for such participatory inputs. A related possibility is the mandatory provision of planning aid for all classes of society. A recent British Royal Commission<sup>5 8</sup> has already recommended something along these lines, and the U.K. Town and Country Planning Association offers assistance to politically disadvantaged groups in certain circumstances.

*Scenario 3.* A third possibility is rapid escalation of environmental

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56. P. Rivers, *supra* note 52.

57. Sax, *supra* note 19; N. Dennis, *supra* note 29.

58. G. Dobry, *Review of the Development Control System* (1975).

education curricula in schools, colleges and centers of adult learning which aim to activate the student's political and social consciousness and channel this into constructive participatory enterprise. This is a long term proposition which requires much skill and a friendly educational environment. Should these curriculum changes prove successful, the result could be the execution of community participatory design. But in addition to the need of considerable educational talent, this scenario requires a reformed political culture that is more responsive to the nature of democracy and true fairness than present models. Yet this necessary reform will only occur given an articulate and concerned polity.

Whatever the future for participation in environmental policymaking, its course should prove fascinating to observe and experience. We hope that the essays which follow will help the reader to muse upon this prospect and form his or her own judgments.