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THE ROLE OF THE PUBLIC IN WATER MANAGEMENT DECISIONS IN FRANCE

P. F. TENIERE-BUCHOT*

The view that the public has an important role to play in water management decisionmaking is supported to some extent by the numerous articles and campaigns the press has consecrated to it, and the creation in 1971 of the French Ministry for the Protection of Nature and the Environment. On the other hand, the complexity of legislation, the slowness of administrative procedures, and the technicality of hydraulic, biological and ecological language used make the role of water technicians seem preponderant in relation to the role of the public.

These two views derive their antagonism from inexact definitions of "public" and "participation." Is it, in effect, a question of the public in the broadest sense, that public which pays for the distribution of water, water purification, and sewage treatment, or the public which is represented in votes by its elected officials? Similarly, participation can take diverse forms ranging from a protest demonstration to debate in the House, or from activities of public interest groups to administrative decisions by executive boards.

There is an equally great risk of confusion in appreciation of the role of the public which is tied to the means of information and expression which are offered it. Let a small number of people succeed in a spectacular operation, but one which has no real bearing on the management of the environment, and people will acclaim the public's new consciousness. By contrast, commissions representative of the diverse categories of the public, having worked several years and succeeded in slowing down, then in reversing the development of pollution, will receive only little publicity, because their task requires too much technical knowledge and application to be condensed into an easily understood summary analysis.

Public participation can be divided into two broad types of involvement: passive and active. Passive involvement embraces those situations where the public has no direct influence on decision outcomes. The government, for example, may impose a pollution control regulation with little or no consultation of the public, believing

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either that the public expects it to take such action or that the matter is technically so complex that public consultation would not be helpful in arriving at a decision. Active involvement consists of attempts to bring the public more directly into the decisionmaking arena. The distinction between these two types of involvement is further underlined by differences in ways in which the government goes about making decisions and ways in which the public reacts to information about government plans and policies.

These notions may be more clearly understood through the use of a simple schema which diagrams the behavior of government agencies and the public under passive and active forms of participation. Figure 1 illustrates three different categories of the public:

- (a) the "public at large," or the inhabitants of a given region or country;
- (b) the "paying public," consisting of that segment of the public that pays for water-derived services such as water supply, sewage disposal, or water purification; and
- (c) the "deciding public," which has a policymaking influence, positive or negative, on the management of water resources.

Actions taken by the government are distinguished from reactions of the public by diagonal lines in the column entries. The discussion which follows examines the various cells in this schema.

PARTICIPATION OF THE PUBLIC AT LARGE

Passive Participation

Much public participation in water management tends to be passive, involving little more than transmission of information by a government agency (or other body) about proposed policies or plans. Such information generally arouses little or no public reaction, for most resources problems are routine, carrying no particular threat or obligation to any individual or group. Accordingly, for much of the field of water management there are no formal lines of communication between the decisionmakers and those affected, and no procedures for consultation. In some cases, however, one or more segments of the public may feel that a proposed action is not in the public interest and move to prevent that action, or at least to modify it. The most commonly used means in such situations is distribution of information through the media or mass demonstrations. The tactics most often used are denunciation and alarm: denunciation of critical situations, of lack of restraint, of failure to observe the law, of policies contrary to protection of the environment; alarm over the evolution of certain products, of certain harmful substances, or more

generally, over the consequences of urban and industrial demographical expansion.

Since 1970 the large daily papers have given much coverage to these questions, devoting several paragraphs of each issue to current news on ecology or pollution. Weekly papers and magazines have been born which treat the problems in depth, and technically. Their situation, however, is comparable to production or consumption units in the economics of pure and perfect competition; they are numerous, but none of them is very important. Because their audience is bombarded with requests for attention, the financial difficulties which these publications frequently encounter are readily understandable in spite of a general interest in the news they disseminate. Since they are read by only a relatively modest segment of the public or business community, advertisers shun them; if these publications are to survive, they must raise their rates above the price of those large daily publications which benefit financially from advertising, condemning themselves to a holding action scale of operations. The zero economic growth publication, *la Gueule Ouverte*, provides an illustration in this category. Very specialized and scientific reviews reach an even smaller reading public. Additional limited circulation publications are the bulletins of associations for the protection of nature, or federations of associations, such as *Penn Ar Bed* in Brittany, *SOS, vie et nature* on the Riviera, or *Sud Quest Nature* which is among the most popular of these specialized publications.

Columns on the environment regularly printed in the press that is bought and read primarily for news on other subjects reach a public which, for the most part, misses the preceding types of publications. Studies directly concerning the protection of nature can be found as well in periodicals on the fringe of the specialized press, in large-circulation reviews like *La Vie de Betes—Betes et Nature*, and the bulletin of the Touring Club of France.

On the administrative level, the Ministry for the Protection of Nature and Environment publishes a weekly bulletin, *Presse-Environment*,¹ which synthesizes all the technical, economic, social, and political information concerning the activities of the Ministry, and sponsors a collection called *Environnement*, published by *Documentation Francaise*, the official publication agency of the French government. Finally, five of the six River Basin Agencies have a liaison bulletin, issued trimestrially, which is sent to water users in the regions covered by the agencies.

The audio-visual medium in France is more concentrated because

1. "Presse-Environment" is a weekly bulletin, sold by subscription only. Published at 86 rue de Monceau, 75008 Paris, France.

of the Office of Radio and Television monopoly. Two series of broadcasts, "La France defiguree" (France Disfigured) on television and "Savoir Vivre" (Know How to Live) on radio station France Inter, undoubtedly increase public awareness of environmental problems.

The public can, at least theoretically, be rapidly and precisely informed about questions concerning protection of nature and the environment. Public participation remains, however, very modest, both in quantity and quality; some letters are sent to the newspapers and reviews aforementioned, and some phone calls made to radio and television stations when they broadcast programs specifically relating to environmental issues. Episodic demonstrations showing public concern with environmental problems are also a relatively passive means of public participation in decision making. Frequently ideological, the demonstrations are more adapted to denunciation of situations or projects judged dangerous than to elaboration of specific proposals and alternative solutions to problems. The influence of a passive public on decisions concerning the management of natural resources and, more particularly hydraulic resources, cannot be written off as nil; neither is it decisive. It seems more like a kind of background noise in which each political, administrative or private decisionmaker can recognize the theme he wants to hear.

Local associations for the protection of nature, although their memberships are small, have developed a relatively effective means of participating in environmental decisions; however, their small numbers and relative isolation enormously limit the impact of the questions they raise unless those questions have political ramifications. If the latter is the case, and the issue becomes a burning one, it soon outgrows the influence of the association which was at its origin and becomes a political issue.

It is interesting to note in passing that the conditions which have enabled major movements of opinion to appear in connection with environmental conservation in North America have generally been absent in France. Interest groups of the magnitude of those in North America have not developed, nor has there appeared a French equivalent of Ralph Nader. While sometimes spectacular, public actions and reactions to provision of information are mainly passive. As noted in Section 1.1.2 of Figure 1, such reaction is generally of short duration and often shallow, usually lacking the force to stimulate decisive action.

ACTIVE PARTICIPATION OF THE GENERAL PUBLIC

Instead of providing information and awaiting public reaction,

		PARTICIPATION	
		PASSIVE	ACTIVE
PUBLIC	1 General	1.1.1 Denunciation alarm Short duration spectacular manifestation 1.1.2	1.2.1 Campaign oriented Behavior modification 1.2.2
	2 Paying	2.1.1 State budgetary subsidies Formation of antagonistic pressure groups 2.1.2	2.2.1 Institutions representative of water interests Friendly settlement of conflicts 2.2.2
	3 Deciding	3.1.1 Legal control Calculation of costs and benefits of non-observation of the law 3.1.2	3.2.1 Programming and rationalisation of choices Financial application of social costs 3.2.2

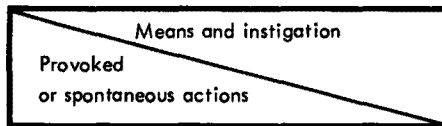


FIGURE 1

A Schema for Public Participation

government agencies and other bodies may try to stimulate active public involvement in planning and policy making by “sensitizing” the public to the problems, explaining potential solutions, and creating a dialogue to identify the public will. As suggested in Section

1.2.1 of Figure 1, participation in this instance may be stimulated through a campaign to attain a given objective. An illustration is the SOS Pollution campaign mounted by the French River Basin Agencies in 1972 and 1973.

Its subject was accidental water pollution during the summer months. During this period many industrial establishments close their plants for simultaneous vacations of their personnel and cleaning of their facilities. This cleaning of the physical plants is responsible for the "accidents" caused by direct dumping of dangerous substances into the rivers. The consequences of this pollution are serious, both for the natural milieu and the impression the public gets of water purification policies of responsible agencies. Summertime corresponds to the period of low water and is not favorable, therefore, to autoperification which, in other times of year, could extinguish the harmful matter. Additionally, the instantaneous and concentrated character of accidental pollution and the frequent presence of toxins leads to the death of many fish on the very sites where the public vacations, resulting in a more obvious disamenity than does the chronic pollution tied to industrial production.

Ten pilot departments were chosen (Figure 2) to effect a campaign oriented toward both the industrial milieu and the general public. In each department (a department in this instance was a political division of the country) an SOS Pollution Action committee was created. The committees included manufacturers, administrative services (Civil protection, agriculture, equipment, public health), elected officials, fishermen, and journalists. Each committee defined the measures the department would take to impart information, prevent accidents, and intervene in emergencies. It administered a fund which was put at its disposal by the General Council of the Department, the Ministry of the Environment, and the River Basin Agency.

Under the committee's authority a technical intervention section functioned in direct contact with the public, giving or receiving information through a switchboard the number of which was widely publicized by the press, radio, and in flyers. Flyers and a small brochure were produced. The brochure, an imitation of a child's picturebook, was entitled "Once upon a time. . ." This means of sensitizing was chosen as much for its graphics as for its slogans, such as "Water is all the more precious in summer," "Saboteurs of drainage, spoilers of rivers," and "When the river burns, we yell 'Fire!'" The public was warned of pollution dangers and asked to report them to SOS Pollution "to keep living water."

A more technical instruction card concerning pollution prevention

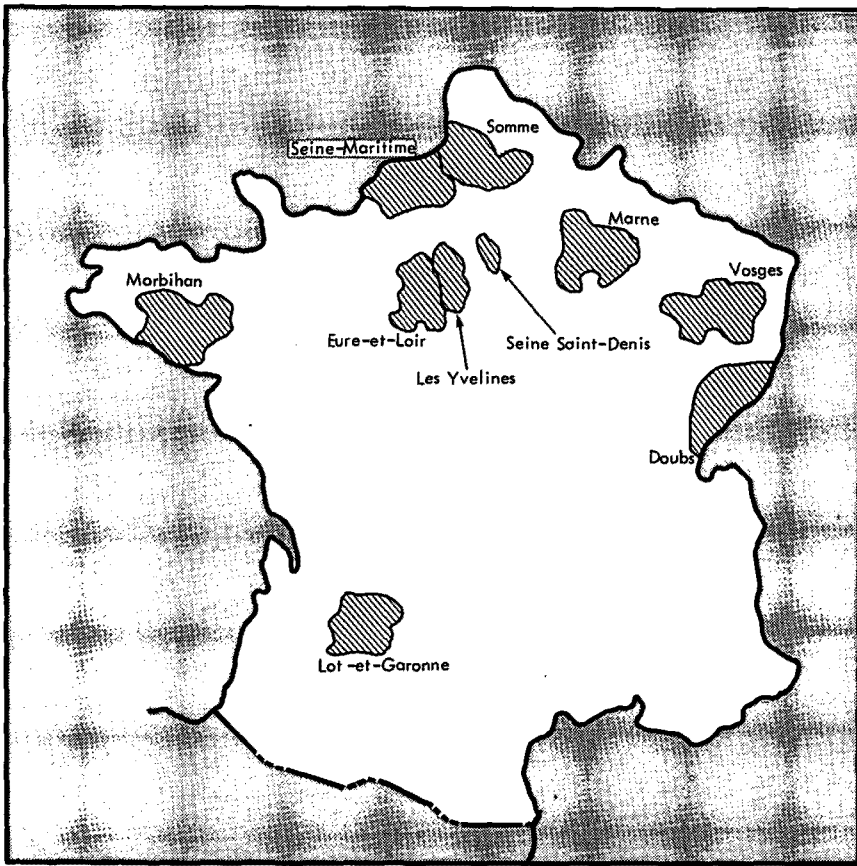


FIGURE 2

Pilot Departments

elaborated on the program. This card, depicted in Figure 3, was directed to industry and the concerned administrative agencies.

A film was made, entitled "Tous les etes, c'est la meme chose" (Every summer, it's the same thing). Its purpose was to summarize in ten minutes the reasons for, and the organization of, the campaign.

Finally, press conferences, presentations of various kinds, discussion sessions in factories, and public meetings were held. They became the object of numerous communiques in the national and regional press.

The novelty of this experiment and its limited character do not permit definitive conclusions. The organizers were able, however, to

THE SEINE-NORMANDIE RIVER BASIN AGENCY
RESIDENTIAL WATER POLLUTION
First Intervention Guide and Practical Advice

INDICATORS AND EFFECTS

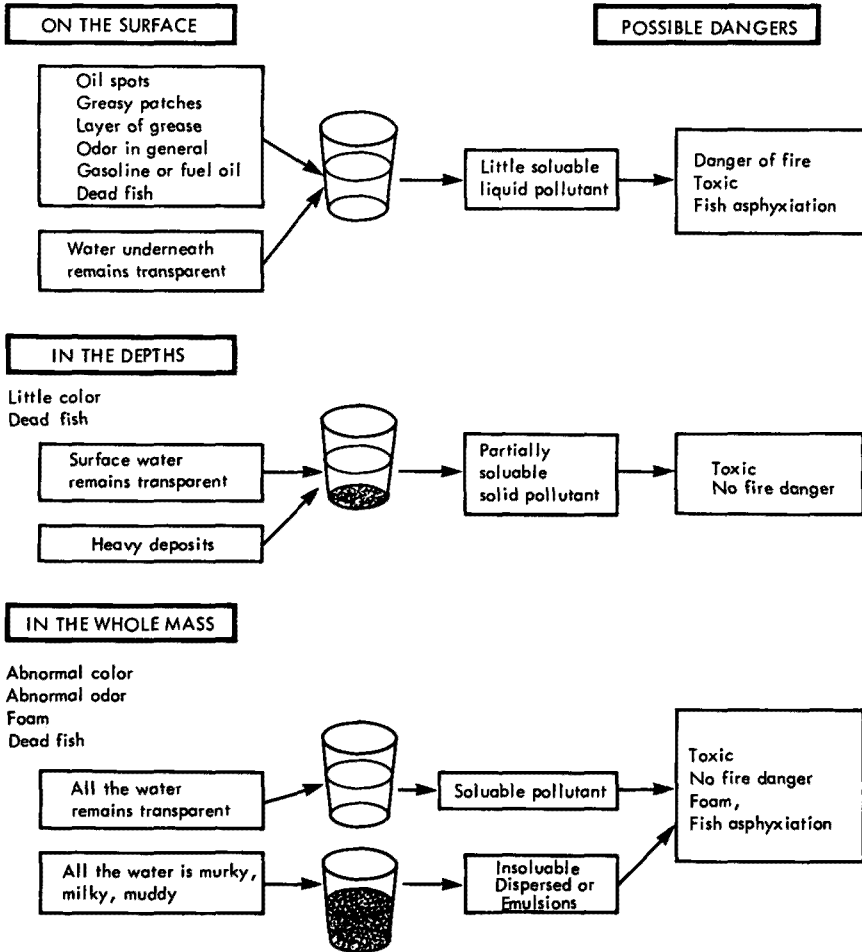


FIGURE 3
Residential Water Pollution

record some behavior modification, notably in certain manufacturers. The easy access of the telephone operation permitted contacts between the manufacturers and the administration which never would have occurred normally. The campaign's orientation toward seeing mutual solutions, rather than regulatory sanctions, favored a transformation in relations. More public debates on the environment, until then reserved for technical and professional persons, created an interest, notably among the young who responded actively to challenges concerning the environment. Some members of the public suggested that the campaign should have covered other dimensions of environmental disruption as well. This public action appears to be more profound and more a portent of future public action than do the mass demonstrations of short duration previously discussed. It necessitates an individual effort which, even if limited, denotes a new consciousness adapted to the means of each person. To be informed, to inform, and to intervene are positive, concrete actions which go in the direction of a greater responsibility, and whose dynamic character allows repetition and ameliorization.

PARTICIPATION OF THE PAYING PUBLIC

An important segment of the public consists of those who pay for water-derived goods and services such as domestic or industrial water supply, sewers and sewage disposal, irrigation systems, water purification, and flood control. By paying for such goods and services, purchasers influence the nature and magnitude of water management. Their actions affect both directly and indirectly the levies that the water agencies impose and the subsidies that the state grants for various purposes.

The paying public is distinguished from other bodies that influence decisionmaking, including various government agencies (central government agencies and regional River Basin Agencies), private water agencies (water companies), and various public/private agencies (certain sanitation organizations) which administer water resources. The paying public participates in decisionmaking partly in a passive role and partly in an active one, as suggested in Figure 1.

Passive Participation of Users

Since water has a variety of alternative uses, it is inevitable that development of this resource leads to conflicts which can result in the formation of antagonistic pressure groups, each seeking to further its own interests. Participation becomes segmented, rather than comprehensive, as when the public at large is involved. A good

illustration is provided by the manner in which subsidies for water management are allocated by the central government (Section 2.1.1 of the diagram).

Three large ministries, the Ministry of the Interior, the Ministry of Agriculture, and the Ministry of Equipment and Territorial Planning, can each pay subsidies for water development, as well as recommend allocations from an interministerial fund managed by the Ministry of the Environment. These subsidies go to projects concerned with water supply, water purification, sewage disposal, and irrigation. The actual amounts allocated for a particular purpose tend to reflect bargaining between agencies of the central government, as well as competition between rural areas and more urbanized ones. They also reflect the tendency of the central government to rely principally upon technical considerations, such as the feasibility of providing a given volume of water, or treating a given amount of sewage, and to place less emphasis upon the broad economic impact of investment in water facilities or in their social or environmental impacts.

While this system does provide for public involvement in the form of payment for the goods and services which are to be produced, participation is limited and passive in nature. The paying public is represented by the presidents of sewerage organizations or water companies, mayors or town councilors, departmental (county) and parliamentary representatives, and members of various chambers of commerce or industrial organizations. The links between these representatives and their constituencies are often remote. In addition, these representatives are usually in the position of reacting to what the government, or a particular government agency, proposes, rather than participating in initial formulation of policy. A further disadvantage of the system is that it takes account only of those who pay for the services, not those who are adversely affected by their provision. Thus it responds to those who wish to dispose of effluents or withdraw water from a stream, but not to those who may suffer losses as a result of provision of services for these purposes.

Active Participation of Users

Cognizant of the deficiencies of this system, the French government attempted to provide a much larger and more direct role for the public in water decisions under the 1964 Water Law.² This law provided for a major reorganization of water management in France by dividing the country into six regions, each based on a major river

2. *Regime et repartition des eaux et lutte contre leur pollution*, law of December 16, 1964. Published in official journal No. 64-489.

basin or combination of several basins. The aim was to give institutional recognition to the interrelation of the various uses of water and the effects of upstream use on downstream use. An Administrative Council composed of representatives of the paying public, as well as appointees of the central government, was established in each region (Figure 4). Six River Basin Agencies (Basin Financial Bureaus) were set up to plan and manage the development of water resources within their respective regions. They were to levy charges for withdrawal of water from streams and for discharge of effluents into such streams. The funds so collected were to be redistributed as financial aids to assist in provision of additional water supplies and improved water quality. Presently some 40 percent of the total cost of water supply or water quality management projects undertaken in the various regions is funded with monies furnished by the River Basin Agencies.

The River Basin Board, composed of about 75 members, provides a major opportunity for expression of views of the paying public and those likely to be affected by water development. One third of its members are appointed by the central government; two thirds are elected by local communities or are designated representatives of the different water interest groups such as industry, agriculture, navigation, tourism, and others.

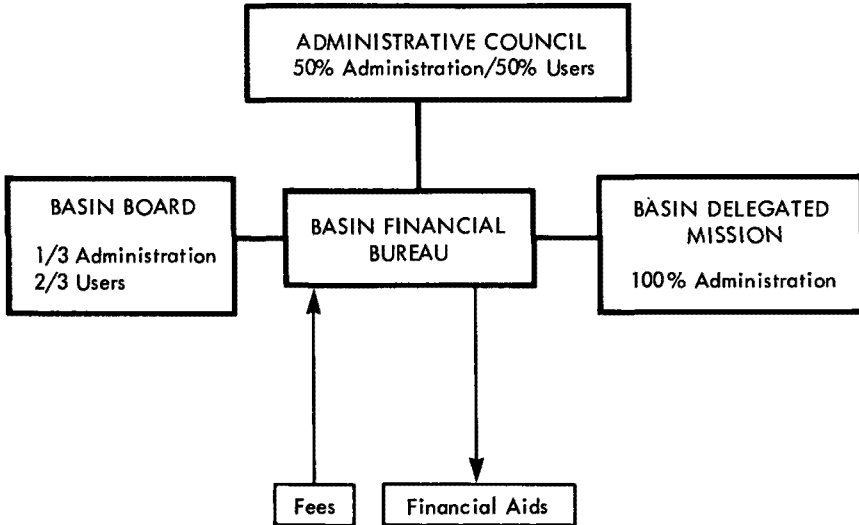


FIGURE 4

Water Administration at the River Basin Agency Level

The role of the River Basin Board requires evaluation of opportunities for development of projects which have broad public interest, assistance in resolving conflicts between various agencies and different interest groups, and help in dealing with the general problem of pollution. The role is given practical expression in the evaluation of proposals of the River Basin Agency for water development or water quality management involving collection of fees or disbursement of funds collected. This provides an opportunity for those who pay for such services (or at least their representatives) to have a direct influence on the decisions that are made regarding the level of fees and the facilities to be provided. This arrangement seems to promote efficiency and equity in water management by promoting careful evaluation of alternative means of dealing with water problems and their potential effects, while giving citizens the satisfaction of being directly involved. Cohesion is further promoted through liaison with various line agencies of the central government via a Basin Delegated Mission (Figure 4).

Results of direct participation in water management by users are dramatic. Purification stations with a total capacity larger than those built previously were put into operation within four years. Many dams, reservoirs, and water conveying systems whose execution had been delayed by lack of project directors with sufficient financial backing were constructed. Additionally, questions regarding the treatment of sediment and solid wastes and recovery and elimination of toxic substances were addressed and moving toward solution.

This system, however, is not exempt from criticism, the principal question being: Are the members of the River Basin Board truly representative of the user groups which designated them, or would it not be better to enlarge the Board, giving it regional extensions and thus ensuring participation of the "basic" user?

Efforts in this direction have been undertaken, beginning with a consultation on a long-term plan project concerning programming decisions, which will be discussed later. Additionally, regional subgroups were created; for example, in the Seine-Normandie basin, three of five subgroups³ meet regularly in the provinces, rather than in Paris, to study local problems in greater depth. The advantage of deconcentration is facilitation of attendance at these meetings by local persons who do not belong to the River Basin Board, as well as increased rapport with local administrators.

All of this organization, however, would constitute only an

3. The five subgroups were: the Oise-Aisne; Marne; Seine-Amont; Seine Aval, and Rivières Normandes. (Comite de bassin Seine-Normandie, 10-12 rue de Capitaine Menard, 75015 Paris.

abstract mechanism if it did not in fact lead to actual policy decisions. The nature of these decisions and the character of the work which produces them will now be examined.

THE ROLE OF PARTICIPATION IN DECISIONMAKING IN WATER MANAGEMENT

While the general public and the paying public influence water management decisions in various ways, decisions are actually made by a much smaller group of people comprised of officials from central government agencies concerned with highways, agriculture, irrigation, and water quality, along with officials from the River Basin Agencies. This decisionmaking group also includes the directors of large water supply and treatment companies and the major interest groups, who influence policy decisions in a variety of ways.

Passive Participation by Water Managers

Implementation of statutes relating to regulation of water use illustrates the passive participation of water managers. In the period since World War II, the number of published texts, circulars, ordinances, decrees, and laws on water use has grown explosively from an average of four yearly between 1946-1960 to more than 40 a year since 1971.⁴ This rapidly mounting volume of legal requirements and interpretations has made water management an exceedingly complex matter, quite beyond the comprehension of a layman, and has elicited a variety of responses from the public, one of which has been to ignore, consciously or unconsciously, those provisions.

For example, certain statutory provisions concerning dumping of toxics into rivers were so restrictive, requiring 100 percent efficient purification apparatus, that it was impossible to conform to them, and with the practical nonexistence of sanctions (certain of which cost less than a restaurant meal for five people) the user had little reason to worry about conforming. Also, a threat to the prefect of his department to close down his factory, if the user were a manufacturer,⁵ or to place the dispute on a political, electoral level, if he were a mayor, carried sufficient weight to prevent the strict enforcement of sanctions against such a user.

Application of the 1964 law, along with the fee system and its corresponding financial aid, has considerably modified this negative aspect of participation. Certain consequences, nevertheless, remain to

4. See Guide de L'Eau, (P. Johanet et fils (eds.) (1974)) 7 avenue Franklin Roosevelt, 75008 Paris.

5. This is what is known as "*chantage au chômage*" (to blackmail by threatening unemployment).

the present time and illustrate the drawbacks in a water policy based solely (as is not the case in France) on regulatory legal texts and lacking any financial incentives. If no constraints are imposed by sensitivity to environmental problems or reluctance to disobey administrative dictum, there is nothing to stop users from taking calculated risks in breaking the law.

This expense/benefit calculation by nonobservance of the regulations is still very frequent among water managers and potential investors in projects for the improvement of the quality of water resources. A notable minority still considers effluent discharge fees the purchase price of the right to pollute. Happily, their influence appears to be declining. The government appears more dedicated to the enforcement of anti-pollution laws, and has provided additional means for pursuing solutions to pollution problems.

Active Participation of Water Managers

Perhaps the most significant development in recent years has been the stimulation of more direct involvement of water managers in policymaking and planning. This has been done by formation of a water group, under the auspices of the national Planning Commission, to prepare five year plans for integration with overall economic plans for the country;⁶ a National Water Committee, an advisory body formed from the six River Basin Boards; and the River Basin Board, which considers projects proposed by the River Basin Agency or the Delegated Missions.

These advisory bodies perform a valuable educative function which helps not only to make clear what the various agencies propose, but also to win long term support for these proposals. At the same time, planning officials become more closely attuned to the wishes of various interests in the community and can thus check the validity of their own perceptions.

The practical value of this approach is illustrated by the preparation and circulation of White Books (Livres Blancs) by the River Basin Agencies. These books outline the problems to be faced in their respective regions in the next 30 years, suggesting alternative plans of action, and soliciting comments. Circulation of these books began in 1970 and, in most cases, has continued. Opinions were sought from a large sector of the public, particularly decisionmakers such as mayors of cities of more than 10,000 inhabitants, members of Boards of Trade and Agriculture, heads of committees on economic expansion, regional development, and others.

6. Commissariat Général au Plan, Rapport de la Commission "Eau," 6ième Plan, 1971-1975, La Documentation Française, Paris, 1970. 29-31 quai Voltaire, 75007 Paris.

The meetings generally took place in the prefectures or in the offices of the consular assemblies. An audio-visual document of about one quarter hour in length initiated the discussion, the background for which had been provided by precirculated documents. To emphasize the importance given the remarks, criticisms and suggestions resulting from these meetings, a collection of the principal reports was added to the modified White Book at the time of final publication. In the case of the Seine-Normandie Basin, almost 2,000 persons were contacted directly in this way, representing a considerable increase in the number who generally participate in water management planning and policymaking in that region.

A variety of public reactions to the various initiatives to stimulate interest in water policies included concern with the cost of improving the quality of the environment. Participation made it inevitable that two questions would be raised: How much would it be necessary to pay?, and for how long? Such questions led to others relating to what form the charges should take, and what their incidence would be.

Recognizing that answers to these questions would be needed, the Seine-Normandie Basin Agency developed a simulation model (POPOLE) using systems analysis to estimate various levels of pollution, their geographical incidence, costs of amelioration, and alternative ways of recovering such costs. This model was developed simultaneously with the White Book. Use of a computer made possible simulation of all water development in the region for the next 30 years.⁷ By varying some of the 92 parameters introduced into the model, it was possible to derive curves of future levels of pollution. Figure 5 shows the evolution of pollution levels in the Seine-Normandie River Basin from 1970 to 2000 in response to differing rates of effluent discharge fees.

Direct manipulation of the model by decisionmakers wanting to learn the consequences of their choices a priori was highly profitable. The model made it possible to see the close interdependence of all environmental parameters, physical, economic, and political.

CONCLUSIONS AND FUTURE PERSPECTIVES

Public participation in management of hydraulic resources in France seems to be working well. The means adopted, a diversified information system, new institutions favoring discussion, and use of

7. The simulation model and results of its application are described in Teniere-Buchot, *La Nodelle POPOLE*, Analyse et Prevision 155 (February-March 1973). *Futuribles* (ed.). 54 boulevard Raspail, 75006 Paris.

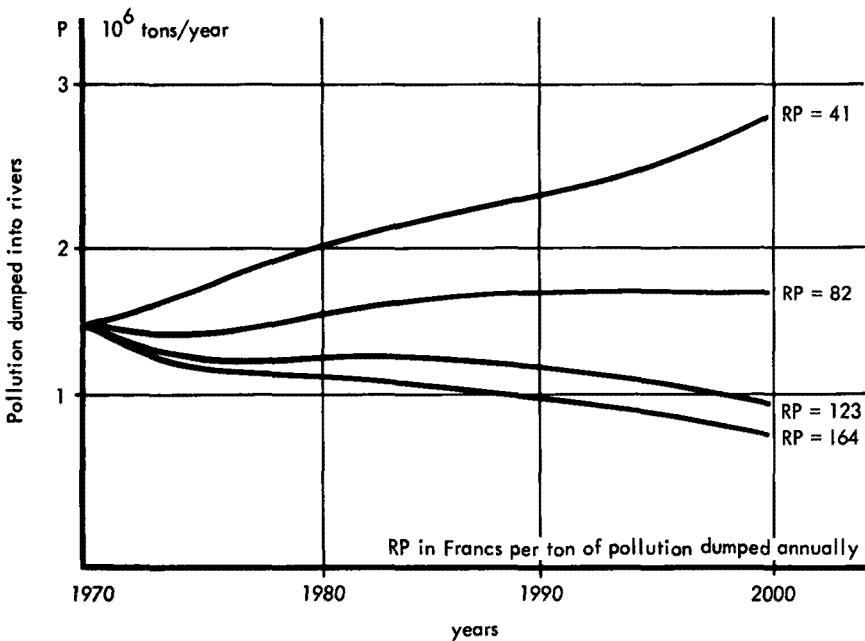


FIGURE 5

Simulated Relationships . . . in a Dynamic Economy

specific techniques for different segments of the public, all seem to be filling expressed needs.

It is true that the methods discussed above are relatively new, and many are experimental; the administration, industry, and the public are still becoming accustomed to them. Further efforts are required if a more expanded role for the public is to remain an integral part of the planning and policymaking processes. Operation SOS POLLUTION is being extended to other departments and also being applied to the sea coasts, in an effort to improve the condition of the beaches and seaboard intensively used by tourists in the summer. In addition, the River Basin Boards and their regional subgroups are to be given an expanded role, particularly in dealing with pollution. Additional parameters will be taken into account in defining pollution, including toxic substances, waste and sediment, and thermal pollution, as well as transfers of pollution between air and water. Previously pollution control projects have dealt only with mineral and organic pollution.

Finally, an extensive sensitizing and consultation campaign was launched following the national water pollution inventory, to define

for each section of each river a level of water quality that would be compatible with population growth and industrial expansion, the natural auto-purification capabilities of the river, and the financial capacities of the communities and industries along the river. River purification can be effectively achieved only with the active participation of the local population. This public participation is being cultivated, preparatory to the French VII Plan (1976-1980) projects.

Modest active participation is the form of involvement it seems wise to encourage. Speaking of those on the playing field and those who watched them from the grandstands, Pierre de Coubertin said "The essential thing is to participate."