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Executive summary

The TRUSTNET Network (1997-2003) was set up as an attempt to bring a fresh and pluralist thinking of the severe difficulties encountered by decisions on risks for public health and environment within the European Union and the observed limits and blockage entailed by current approaches of risk assessment and risk management of hazardous activities as well as of technological development.

TRUSTNET has also gradually enlarged its scope from major hazard activities and technological development to more traditional activities impacting global stakes (such as natural resources for instance). TRUSTNET produced two reports – “TRUSTNET Framework: A New Perspective in Risk Governance” (2000) and “Towards Inclusive Governance” (2003).

TRUSTNET IN ACTION (TIA) continued the TRUSTNET approach of involving experts and stakeholders in the analysis of activities and in the development of thinking. It has been based on the dynamic analysis of 9 Innovative Processes (IPs) of inclusive governance in 7 Member States of the European Union¹. The analysis has been iterative, dynamic and inclusive; there were important contributions from the actors and stakeholders involved in the IPs which have also taken advantage of the thinking and experience drawn out by the TIA work.

A strength of the whole TIA approach is that it is a dynamic rather than static process. It has been ready to change and evolve as the understanding of the 9 IPs developed and as the understanding of actors and stakeholders from the IPs grew. As such therefore, the project has contributed to a better understanding of the evolution of some of the IPs and of why others have evolved to a lesser extent; and it has evolved itself. The whole process is perhaps a parable for how sustainable inclusive governance has to develop at all levels in the European Union. We hope that this report and its distilled experience contribute to those developments.

The European Commission (DG – Research) has funded both TRUSTNET and TIA as Concerted Actions.

The 9 Innovative Processes of TIA

Participatory biomonitoring in Belgian Flanders

Participatory management of industrial pollution in the city of Brescia, Italy

Implementation of Local Committees for Information and Dialogue (CLICs) in the vicinity of industrial Seveso sites, France

Sustainable management of fish stocks in the South West of England : Invest in Fish

Sustainable development including the protection of wild bears in the Haut Béarn, France – the Haut Béarn Heritage Institution (IPHB)

Developing a cooperative framework for occupational health in the United Kingdom – Securing Health Together (SH2)

Further development of societal risk policy in the Netherlands

The Vienna Airport Mediation Process, Austria

Community Cooperation for Industrial Site Zoning, Germany

The main outcomes from the TIA project

- **A Framework for analysing, describing and supporting the evolution of inclusive governance. It arises in particular from the analysis of the 9 IPs and from the evolution of the TIA approach to that analysis and the attendant impact of the evolution of some of the IPs.**
- **A set of extracted Key Findings covering three aspects:**
 - **A new model, in essence a philosophy, of inclusive governance**
 - **Specific patterns for pragmatic processes enabling change towards sustainable inclusive governance: the “Cooperative Inquiries”; a distilled approach from TIA experience, aimed at producing reliable knowledge for action and at creating the conditions for those concerned local actors to become full democratic players in the longer term**
 - **Key factors that support change towards sustainable inclusive governance**

¹ Austria, Belgium, France, Germany, Holland, Italy and United Kingdom

The TIA Framework

- An agreed diagnosis of the challenges facing governance of activities entailing risks for health and environment in the EU.
- Five cross-cutting issues drawn out from the IPs:
 - A. The evolution of the legal and institutional context
 - B. The territorial context and the links between the development of inclusive governance processes and the development of democratic communities based on territoriality.
 - C. The inner structure and processes of the IPs
 - D. The sustainability of change towards inclusive governance of activities or situations entailing risks for people or the environment.
 - E. An emerging philosophy of sustainable inclusive governance.
- The cooperative methodology used in TIA. This not only facilitated the analysis but also challenged concepts and thinking about inclusive governance and strengthened stakeholder involvement.

Key Findings

A. An emerging philosophy of inclusive governance

Embracing experimental democracy and concrete humanity (i.e. focussing on people as multi-dimensional beings in search of meaningful life balance), and has its roots in successive inclusive processes that engage local actors and experts with policy makers at all appropriate levels of government.

B. Patterns of pragmatic processes for change towards sustainable inclusive governance: the “Cooperative Inquiries”

Cooperative Inquiries are postulated as a specific approach that can address complex issues and open the way for sustainable changes towards inclusive governance. In particular such inquiries should:

- Work to make local actors become full democratic players in the process
- Involve a pragmatic methodology that has demonstrable scientific, heuristic and strategic dimensions

They require professional input, especially that of a facilitator who should be skilled in both process and change management

C. Key factors that support the development of Cooperative Inquiries in the perspective of change towards sustainable inclusive governance

Transformation of the institutional context

Cooperative Inquiries should be able to challenge the status quo and transform traditional decision-making processes. To that end they should be able to

- Facilitate setting up new bodies to deal with issues as they arise.
- Foster greater experimentation (including with laws and regulations).
- Change how expertise is elaborated and used.
- Promote standing consultation bodies involving local actors and other stakeholders.

Transformation of the territorial context

Cooperative Inquiries should bring together people searching to improve their life balance within a territorial community. They should therefore

- Help local actors identify common objectives
- Give local actors the opportunity to shape their territorial communities so that those communities can take meaningful action to address common issues
- Provide room for a plurality of views and perspectives
- Help articulate public participation within representative democracy
- Help territorially based communities connect with each other as well as to gain influence on upper national or international levels of decisions

Sustainability of change

There are major obstacles to changes towards sustainable inclusive governance. Cooperative Inquiries can work to conquer those obstacles by:

- Being actor driven, rather than issue or principle driven
- Showing how stakeholders contribute and that their influence is demonstrable (feedback and evaluation)
- Setting out stakeholder roles clearly and allowing for such roles to evolve
- Integrating issues of security, precaution, health, environment and long term considerations with the perspective of individual and community well being, quality of life and economic development
- Promoting research into the skills and know-how needed to support inclusive governance

1 Introduction

The TRUSTNET Network (1997-2003) was set up as an attempt to bring a fresh and pluralist thinking of the severe difficulties encountered by decisions on risks for public health and environment within the European Union and the observed limits and blockage entailed by current approaches of risk assessment and risk management of hazardous activities as well as of technological development. It relied from the very beginning on a co-expertise process involving the various categories of concerned players and stakeholders. Its work focussed on the actual decision-making processes supporting hazardous activities along lifetime, both practical aspects and governance, as well as on the quality and practicability of those decisions in the eyes of the involved actors. The TRUSTNET thinking has evolved from a risk centred perspective to a wider governance vision of the activity including both its justification and its related risks and impacts. TRUSTNET has also gradually enlarged its scope from major hazard activities and technological development to more traditional activities impacting global stakes (such as natural resources for instance). TRUSTNET produced two reports – “TRUSTNET Framework: A New Perspective in Risk Governance”² (2000) and “Towards Inclusive Governance”³ (2003).

In establishing TRUSTNET IN ACTION (TIA), it was recognised that the classical approaches to decision making in European countries had difficulty in providing European citizens (and more specifically those at the local or territorial level who live with the results of decisions on risks) with capacities and means to actually contribute and influence decisions in the context of activities entailing risks straddling areas of serious concern, (such as the environment, human health, economic development). It was also acknowledged that difficulties were in particular lying in the inherent characteristics of classical decisions and regulatory processes; stressing the need for sustainable changes towards inclusive governance involving appropriate institutional and procedural instruments as well as new roles and relations for the various concerned categories of players. It was also acknowledged that current stakeholders’ engagement processes should be valued to the extent they would contribute to produce sustainable changes towards inclusive governance.

TIA therefore examined factors that would enable sustainable progress towards inclusive risk governance in such situations. It focussed particularly on nine innovative processes (IPs) taking place in Europe at the local, regional and national level that were characterised by the implementation of innovative participatory features of governance.

TIA continued the TRUSTNET approach of involving experts and stakeholders in the analysis of activities and in the development of thinking. The analysis has been iterative, dynamic and inclusive; there were important contributions from the actors and stakeholders involved in the IPs which have also taken advantage of the thinking and experience drawn out by the TIA work.

² The TRUSTNET 1 Final Report is available on the TIA website: http://www.trustnetinaction.com/IMG/pdf/Framework_TRUSTNET_ENG.pdf

³ The TRUSTNET 2 Final Report is available on the TIA website: http://www.trustnetinaction.com/IMG/pdf/TRUSTNET2_Report-2.pdf

The TIA Process

TIA relied on the dynamic analysis of 9 Innovative Processes (IPs) of inclusive governance in 7 Member States of the European Union ⁴ (see page 11 for a list of the IPs). Unlike the cases studied in TRUSTNET 1 and TRUSTNET 2, these IPs were not closed cases and continued to evolve to varying degrees throughout the TIA project. The IPs existed before TIA was initiated and are not therefore an artefact of the project. There was no prior assumption that the approaches developed in the various IPs were more or less efficient or 'successful'. The aim of the analysis was to learn from what was recognised as successful by the stakeholders and from what had been tried but found to be less so.

The work carried out in the TIA project has been based on iterative exchanges between three different groups:

- A Methodological Task Force, in charge of leading the transversal analysis of the 9 IPs and sketch out cross-cutting issues
- The IP facilitators (IPFs), who contributed to the analysis of their IP and to the cross-cutting analysis. The IPFs also ensured the connection between TIA and the stakeholders of the IPs between the meetings.
- The stakeholders of the 9 IPs, who took an active part both in the individual analysis of the IPs and in the cross-cutting analysis. The stakeholders were not encompassed in the TIA contract

These exchanges were organised in 3 one-year steps each preceded by a kick-off meeting of the TIA Core Group. Each step included:

- A meeting of the Core Group (MTF and IPFs)
 - An Annual Seminar gathering all TIA participants
 - A meeting of the Steering Committee (composed of members of the Core Group and of stakeholders)
- In addition, ad hoc meetings (or virtual meetings using Internet tools ⁵) of the MTF, the IPFs and of the Steering Committee occurred to deal with specific issues.

The European Commission (DG – Research) has funded both TRUSTNET and TIA as Concerted Actions.

⁴ Austria, Belgium, France, Germany, Holland, Italy and United Kingdom

⁵ i.e. the e2FocusGroup tool developed by the Knowledge Assessment Methodologies Sector (KAM) at the European Commission Joint Research Centre

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The 9 Innovative Processes of TIA

During the three years of TIA, 9 Innovative processes (IPs) were followed up and analysed by the TIA Core Group of experts together with the stakeholders of the IPs. The presentation and update of the IPs combined presentations made by the facilitator of the IP and by stakeholders during the Annual seminars and updates of information made by the IP facilitators during the Core Group meetings.

The 9 innovative processes are the following:

- Participatory biomonitoring in Belgian Flanders
- Participatory management of industrial pollution in the city of Brescia, Italy
- Implementation of Local Committees for Information and Dialogue (CLICs) in the vicinity of industrial Seveso sites, France
- Sustainable management of fish stocks in the South West of England : Invest in Fish
- Sustainable development including the protection of wild bears in the Haut Béarn, France – the Haut Béarn Heritage Institution (IPHB)
- Developing a cooperative framework for occupational health in Great Britain: Securing Health Together (SH2)
- Further development of societal risk policy in the Netherlands
- The Vienna Airport Mediation Process, Austria
- Community Cooperation for Industrial Site Zoning, Germany

A summary presentation of each IP is given in the annexes of the present report (see Annex 1).



The TIA Framework for describing, analysing and facilitating evolutions of risk governance in the EU

Introduction

An important outcome of the three-year TRUSTNET IN ACTION programme of work has been the development of a Framework for describing, analysing and facilitating the evolution in the EU of governance of activities entailing risks. The Framework arises in particular from the transversal (i.e. cross-cutting) analysis of the 9 Innovative Processes (for brief details see Chapter 2: “The 9 Innovative Processes”).

The IPs share a common dimension of innovation, as they constitute a break with the traditional governance methods. They are, in essence, experimental tools developed in order to cope with the complexity of local, national and European situations, which bring together a range of interrelated factors (e.g. health, economic development, environment, preservation of resources ...) which cannot be handled in isolation. The 9 IPs were innovative, not only in how they were organised and taken forward, but also in how they addressed or took into account the broader context (e.g. institutional, territorial, historical, cultural) in which they were set. They were all characterised by their precise (but often limited) objectives, by being time limited (with a clear start point and, usually, end point), by the engagement of stakeholders, by the involvement of facilitators and by the use of other tools to encourage participation. For the purpose of this report they are regarded as inclusive “processes” with a small “p”.

The IPs are not however operating in isolation of other processes in society; in particular, they are set within what for the purpose of this report we call broader “Processes” with a large “P”. These broader Processes arise from the evolution of factors such as social, cultural, political, legal and institutional considerations that make up the broader context within which the activity of the processes (small “p”) takes place. In reality there may well be more than one “Process” influencing a single IP since IPs clearly bring together considerations (e.g. economic, health and environmental) that at higher levels of government are often handled in “silos”. Such broader “Processes” may well have a much longer duration (e.g. 15 years or more) and may influence, and be influenced by (and have impacts on), several specific “processes” initiated by different categories of actors.

The Framework comprises three key elements:

- An agreed diagnosis of the challenges facing risk governance in the EU.
- Five cross-cutting issues that stem from the analysis of the IPs. These are:
 - A. The evolution of the legal and institutional context⁶
 - B. The territorial context and the links between the development of inclusive governance processes and the development of democratic communities based on territoriality.

⁶ There is, in effect, in any situation only a single transformation process. The first and second cross-cutting issues are complementary ways of analysing aspects of those transformations.

- C. The inner structure and evolution of the IPs
 - D. The sustainability of change towards inclusive governance of activities or situations entailing risks for people or the environment.
 - E. Placing the IPs and inclusive risk governance into a broader philosophical, ethical and political context; and, in particular, characterising the philosophy of governance emerging from TIA in order in order to build a robust common culture of risk governance reflecting current academic thinking.
- A cooperative methodology which not only facilitated the analysis but also through dialogue and exchange challenged concepts and thinking about inclusive governance and strengthened stakeholder involvement.

The TIA Framework is scientific, heuristic and strategic. It provides a scientific outcome as the TIA methodology (see last section of this Chapter) represents a double-checking process, including a collective co-examination of data and co-validation of findings by an inter-disciplinary group of scientists together with stakeholders engaged in the process. The TIA Framework constitutes a heuristic tool for guiding self-analysis and diagnosis of inclusive governance processes by the stakeholders engaged. Finally, it also has a strategic dimension, as it constitutes a grid that organises reality in an objective-driven perspective to stimulate change in the governance system.

It is important to note that the Framework is not a description of the reality of each IP. The Framework is however rooted in the reality of the IPs as it is composed of elements extracted from their description and analysis; these elements have been found to be paradigmatic points, be they present in the some IPs or be their absence identified as a problem in other IPs. The Framework is not a predictive tool. Rather it aims to draw out the key dimensions of the development of inclusive governance in Europe and in doing so, to reflect both the commonalities between the IPs and their diversity.

Diagnosis of the challenges to risk governance in the EU

The diagnosis made by the stakeholders and the TIA Core Group reflects the current state of risk governance in the EU (at local, national and European level) and constitutes a preliminary to the TIA framework. The TIA process, especially the annual seminars, gave IP stakeholders together with the TIA Core Group of experts the opportunity to share common concerns and to build a common diagnosis on risk governance in the EU – to which the TIA stakeholders made a significant contribution. These seminars also allowed the stakeholders and the TIA Core Group to formulate explicit common goals:

- To belong to a community of people that operates for human beings and for their life balance (rather than for things or for the economy) and to be at the heart of the debates about these issues;
- To develop a European culture to stimulate people's interest in issues affecting them, thus allowing them to gain influence and to form a critical mass of engaged people throughout Europe that could stimulate actual change.

Numerous territories in the European Union are engaged in activities or situations entailing risks which impact on people or the environment. These activities are regulated by national and international laws and rules. They are affected by constraints that arise from the global competitive environment. According to the subsidiarity principle, complex local situations should be dealt with at local levels as much as possible, or, alternatively, at higher levels if problems can be better dealt with there. Moreover, the traditional administrative approach in dealing with complex

issues is to segment them according to their specialised components and then remit those components for resolution. Higher level policies then fix general standards and procedures that govern the situation at the lower level in the considered dimension of the local issue (cf. fig. 1). Moreover, national or European public institutions seem to be hardly taking advantage of governance innovation; while such innovations are often viewed as useful ways of overcoming crises they are rarely seen as opportunities for questioning existing policies, regulations and institutional settings in the perspective of more permanent change.

The counterbalance to this approach is that local actors perceive the quality of their day-to-day life as being negatively affected or threatened by decisions taken outside their territory. Such decisions are generally aimed at improving only a particular dimension of the problem; they are made in the name of interests and issues that are dealt with at national, European or international levels; and local actors are not directly associated with the decision-making process. Because of their narrow and specialised remit and as a result of strict separation of competences between local, regional, national and European levels, public institutions often fail to grasp the complexity of issues confronting local actors. Higher level objectives are not appropriated by local actors and so suffer lack of legitimacy. Worse, they are rejected by local actors as external. In this context, public decisions taken at higher levels are perceived as built “against” the interests of local actors while they would expect decisions to be taken “with” them.

In the field of knowledge building and expertise, there is a commonly shared feeling that official experts’ views do not cope with local actors’ experience and empirical knowledge. In particular the conflicts between knowledge claims often observed in complex risk issues sometimes constitute a way of concealing the usual differentials in power. Unless differentials in power are confronted, it is not possible to reach a point where knowledge can be co-produced fruitfully.

The situation described above affects the dignity and identity of actors at the territory level and gives rise to citizens’ feelings of frustration and powerlessness about their future. It also contributes to a growing distrust of the European project and of public institutions, as well as spreading scepticism towards the effectiveness of democracy. Rebuilding trust in public institutions cannot rely on risk communication alone, but necessitates rethinking the role(s) of the institutions, their relations with citizens and their ways of operation.

As a consequence, there is an actual and strong appeal for changes in risk governance within the EU, as applied to various situations and activities entailing complex issues, which cannot be handle on a single level, be it local, regional, national or European. Beyond legal and institutional changes, such changes should also encompass the roles and practices of the different categories of actors concerned by risk activities and situations, and should bring about a progressive transformation (which is different from a revolution) towards new ways to address together complex risk issues.

Five key cross-cutting issues for inclusive governance



A From traditional decision-making towards inclusive governance **Legal and institutional issues**

The first cross-cutting issue deals with legal and institutional issues. In effect, many IPs show a transformation from traditional regulatory systems (based on centralisation, prescriptive decision-making, heavily relying on experts) towards a more inclusive system of governance, which involves in most cases legal and institutional changes. This may be observed in processes where the main players in the traditional systems (public authorities and experts, Government and Parliament) were the main drivers of change (e.g. CLIC, SH2, or Bio-monitoring), often as a result of previous crises. Institutional and legal issues also play an important role in IPs triggered by local or regional

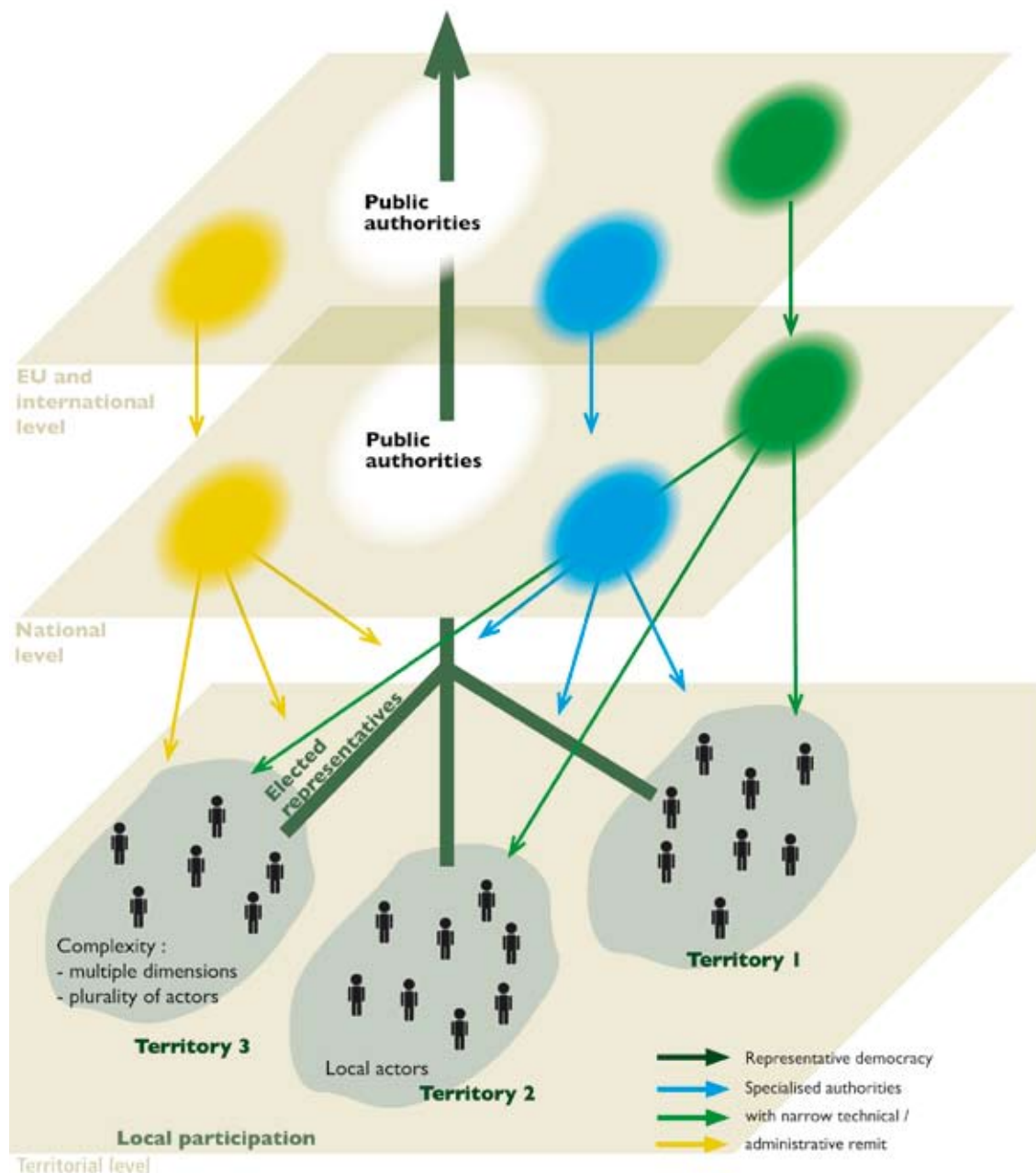


Fig. 1 Traditional governance of activities and situations entailing risks for people and the environment

actors, who may challenge the existing traditional system of regulation and decision-making or whose vulnerability may stem from the rigidity of existing institutional framework (e.g. PHB, Brescia, or Invest in Fish). The institutional and legal context and its evolution thus represent a key dimension for the analysis of inclusive governance processes.

The institutional changes observed in the IPs are in pursuit of different goals:

- Balancing competing dimensions within a complex issue (e.g. risks prevention versus development of economic activities),

- Improving the informational and cognitive basis of the decision-making process;
- Enhancing the quality of public policies and decisions in terms of efficiency, legitimacy, transparency and accountability.

The major contribution of new legal frameworks and institutional settings is to give a statutory position to the contribution of stakeholders in the decision making process, leading to the redefinition of roles of stakeholders and local actors and of their relationship with traditional decision makers. This evolution in law and institutions also represents a resource for autonomous stakeholders (in particular local stakeholders) to stretch public decision-making processes. Ensuring stakeholders taking part in the decision-making processes is a key issue.

The changes observed in the institutional and legal frameworks reveal several underlying trends:

- Moving from prescriptive to procedural regulations
- Local actors and stakeholders becoming more involved in policy and decision framing, including having access to public expert institutions
- Development of multi-level institutional frameworks allowing devolution of decision making to territorial entities

The first trend, the move from prescriptive to procedural regulations (i.e. a move from establishing what is to be done to fixing, in some cases by law, the way the different actors in the various levels will take decisions together) is clearly illustrated in the CLIC IP. This move towards procedural regulation also involves resorting to experimentation in the field of public policies and in the participation of stakeholders; the latter may occur both upstream, during the process of definition of the laws or regulations, and downstream, in the assessment of experience of experimental phases of the decision-making process or in the implementation of the regulations. Such experimental approaches may include the development of “sunset laws” with a restricted time of existence.

The second evolutionary trend is a change in the legal or regulatory provisions that allow a greater role for local actors and stakeholders to engage in policy and decision framing at regional, national and international levels (cf. fig. 2). This evolution of institutional frameworks may include the creation of consultation bodies involving the participation of a diversity of local stakeholders at higher levels of decision-making. In opening of public legal and regulatory frameworks to local stakeholders, the governance system takes into account the needs and perspectives of actual life in the territories. These participation mechanisms thus differ from some form of lobbying, since local actors engaging in decision-framing at upper levels of decision cannot focus only on local or specific interests. They need to be contributing to comprehensive and practicable decisions balancing all dimensions at stake while coping with the actual characteristics of their local context. They appropriate and contribute to framing higher level objectives and perspectives, while keeping proximity with the local level, thus bringing into the decision-framing process an integrated view of the complexity of their context and of the various interrelated dimensions at stake at local level.

A more specific trend is the gradual opening of public expert institutions to societal engagement practices in order to meet societal demands for reliable, unbiased and transparent information and an active role of citizens in the construction of knowledge, in particular in the field of risks and environmental issues. These new practices go from a better access of stakeholders to counter- expertise (cf. CLIC) to joint knowledge building and fact-finding involving experts and stakeholders (cf. Invest in Fish IP).

The third trend is the development of multi-level institutional frameworks involving devolution to territorial entities for taking and adapting elements of decisions in their specific context (cf. fig. 3); this is complementary to the development of mechanisms integrating the participation of local actors into decision making processes belonging

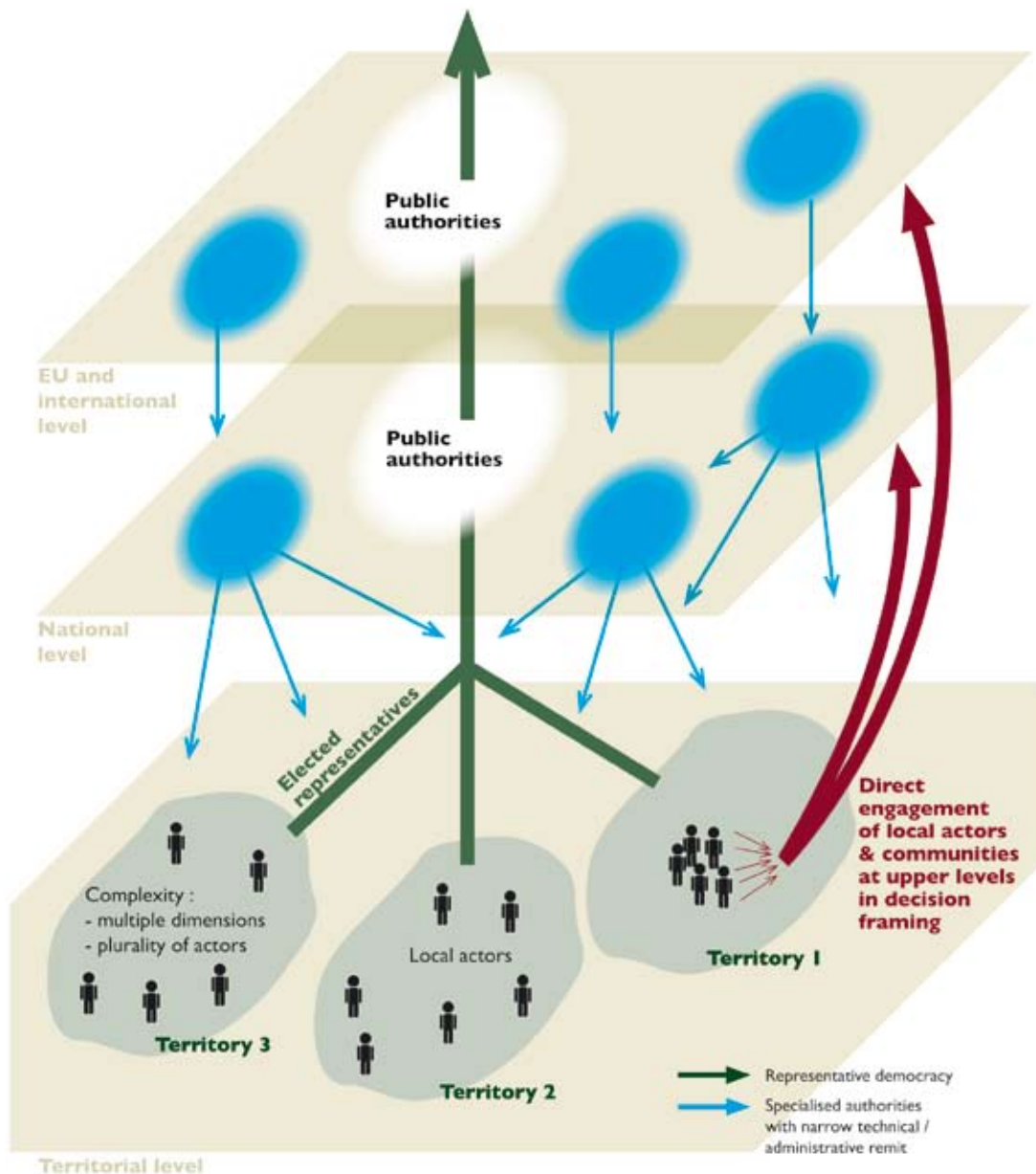


Fig. 2 Development of legal or institutional frameworks allowing the engagement of local stakeholders or communities at upper level in decision or policy framing

to higher levels. In effect, various kinds of issues, notably in the field of risks, cannot be dealt with by dispatching them among different levels of decision-making in a fragmented way. Through such multi-level institutional frameworks, the higher level of regulation retains the capacity to bring global constraints into consideration at local level, but allows those constraints to be adapted by local actors to the specificities of their context. A development of multi-level structures of regulation, or a need for such structures, is thus observed in the IPs. These multi-level structures may rely on ad hoc or permanent bodies and processes. They are either created by local governments to address territorial issues (in particular regarding risks and/or sustainable development), or by law for the overall national territory (as it is the case in the CLIC IP). The mandates of such bodies vary from simple consultation to decision-making with a devolution of responsibilities previously belonging to higher levels of decision-making or a sharing of responsibilities between local level and other levels through a joint body (as it is the case of the IPHB

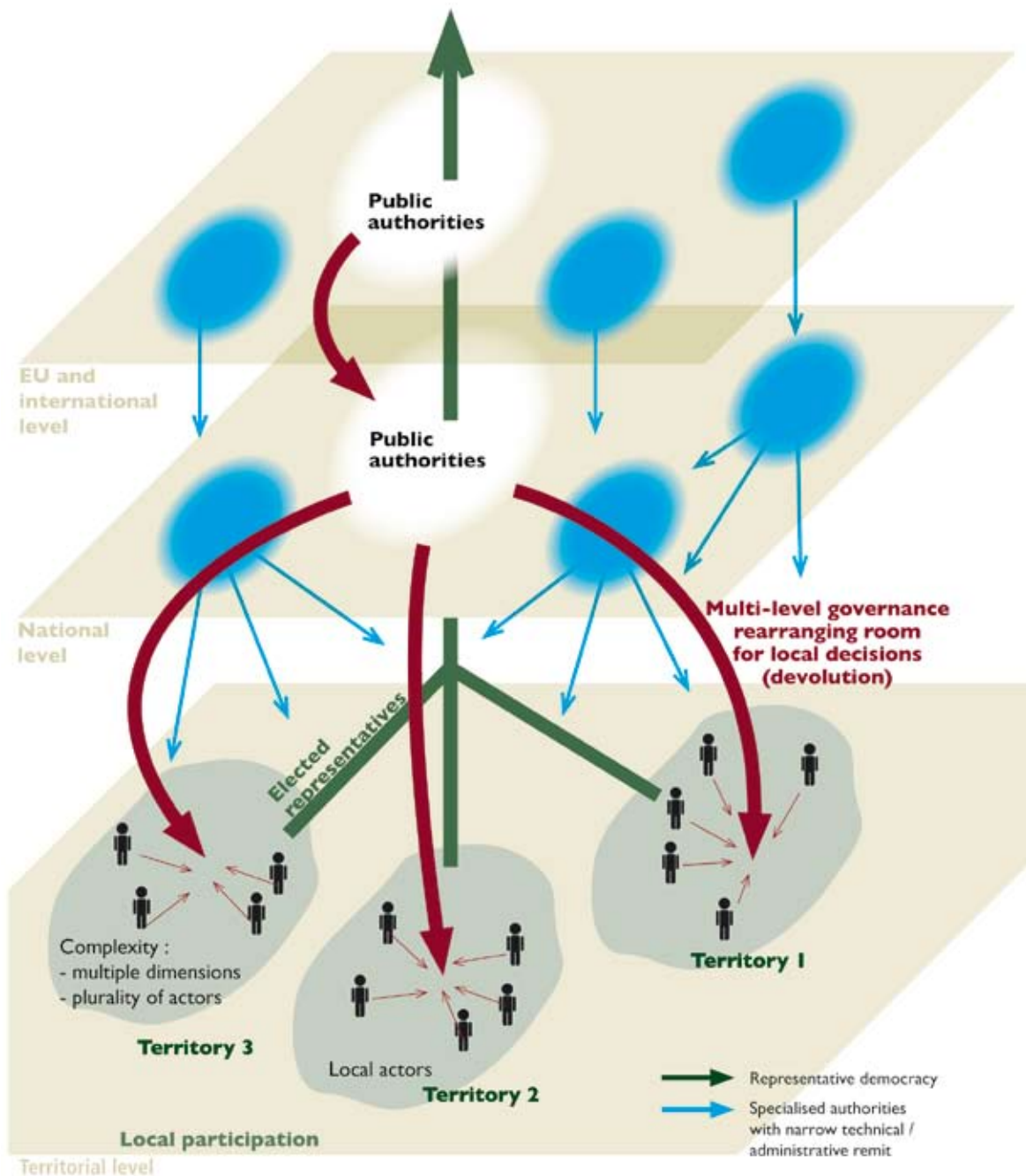


Fig. 3 Multi-level governance frameworks allowing devolution to territorial entities for taking and adapting decisions in their context

in the Haut-Béarn). Beyond the local scope of their mandate, they may also have a mission of advice to national authorities for the elaboration or update of laws or regulations.

These observed evolutions towards stakeholder engagement at upper levels of decision-making and towards multi level governance frameworks go beyond the traditional concept of subsidiarity that is associated with a strict dispatching of issues among levels of decision-making. In effect, they provide room for actors involved at different decision-making levels to address together issues which have impacts at the different levels of decision-making. Such evolutions allow, in particular, the involvement of local actors in the regulation of risk issues (traditionally

addressed at national or international levels) instead of regulating for and without them (where upper levels decisions are often then perceived by local actors as taken against them). Through such multi-level frameworks, the local actors involved not only adopt their own local perspective, but also act as global actors sharing common stakes and concerns with other local actors as well as with the national or international decision makers. Such multi-level frameworks are also characterised by a proper articulation of decision framing by democratic participation with decision taking, by democratic representation or private decision makers, thus reinforcing their legitimacy.

In the longer term, these evolutions of the regulatory and legal frameworks are translated into the development of corporate governance of public institutions, in order to allow different categories of societies to influence public policies.

The opening up of public regulations and institutions to stakeholder engagement also entails the development of adapted public resources to support the participation of stakeholders. These resources also need to include access to expertise capacities of public institutions and access to co-expertise and counter-expertise processes.

B New patterns of democratic action for Territoriality-Based Communities

The second cross-cutting issue, which is complementary to the first one, is the territorial dimension, with the observed emergence and influence of Territoriality Based Communities (TBCs). In effect, in several IPs (e.g. Brescia, Vienna airport mediation, the Haut-Béarn case, Industrial Zoning) the change in the modes of governance is not initiated by public authorities, but by existing or emerging local community groups rooted in territoriality. In these IPs, individuals and their community regain control of their life and future by integrating security, environment and economic issues in the context of a sustainable quality of life on their territory. These communities develop a vision of their territory which integrates an intergenerational perspective, with the preservation and transmission of cultural heritage and which accommodates updating in the light of change and needs.

The notion of territoriality at stake goes beyond local or geographical areas, and beyond administrative entities. It involves a social construction of territoriality which is problem sized or project sized and constitutes a resource for common actions. The concept of territoriality may thus be defined as “a set of relations which allow groups to claim their interest in space”⁷ or as a “continuous or discontinuous space made by an individual or a group for their interactions and fitting a need for its identity and security”⁸. The physical territory involved represents only one dimension of the mobilised resources. In any case, geographic and administrative structures and boundaries do not necessarily correspond to the nature of the problem affecting a group of actors.

The concept of TBCs characterises open modern communities relying on territoriality. The concept of TBC may be opposed to the one of an autarkic (or self-sufficient) community. In effect, the concept of TBC includes a capacity to establish links with higher levels of decision-making and with other communities, thus recognising and valuing existing dimensions of multilevel dependency that are inherent in modern societies. TBCs may also be opposed to feudal (or top-down) political systems, in particular by their capacity to negotiate common goals and actions between various actors outside hierarchical relationships.

One of the key characteristics of the TBCs observed in the IPs is the capacity of the various engaged actors to establish horizontal connections and to cooperate (horizontal connectivity). These horizontal connections involve a plurality of territorial actors (local elected representatives, local NGOs, lay people, professionals, workers, trade unions, local administrations, etc) in a position of steady dialogue and mutual respect. Horizontal connectivity also involves a fruitful articulation of representative democracy and participative democracy. This articulation is

⁷ See cf. A. BAILLY and H. BE GUIN, *Introduction à la géographie humaine*, Paris, Masson, 1990

⁸ See cf. J. EYLES, “Space, territory and conflict”, *Geographic Paper Number One*, Department of Geography, University of Reading, 1971

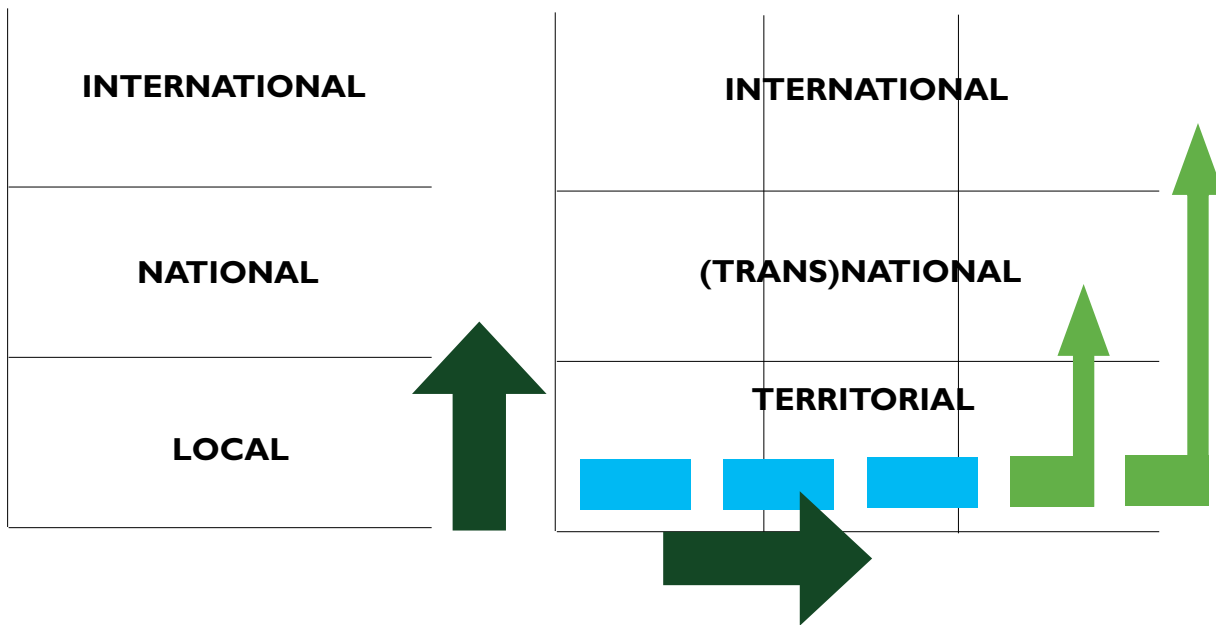


Fig. 4 TBCs for combining inclusive, multilevel and bottom up governance

not a given but results from the experience of local actors (including the experience of conflicts). Conversely a lack of articulation of these two complementary levels of democracy (or the absence or weakness of local debate) may represent a destabilising factor favouring tensions and conflicts at local level. The notion of horizontal connectivity also includes the capacity of the various actors belonging to the community to define agreed goals and strategies to reach a common future.

The territoriality-based communities are also characterised by their capacity to embrace complexity, through a local perspective which avoids fragmentation of the actual issues at stake between specialised administrative sectors (e.g. economy, health, environment, safety, etc), or the reduction of complex issues to one dimension. This local perspective allows a coherent and dynamic understanding of problems, which involves all the interrelated dimensions at stake, and integrates experience from the past with a perspective for the future of the community. Addressing complexity encourages much broader co framing of the decisions with various local stakeholders, through existing or new and ad hoc dialogue tools. Such co-framing processes allow a richer exploration of all the dimensions of the issues at stake, and strengthen a shared common perspective. The decisions that are achieved through such co-framing processes are improved in the sense that they entail a plurality of views and therefore of knowledge, a proximity with actual complex situation, and a capacity for feedback and flexibility. Finally, such co-framing also improves the legitimacy of trade off decisions which balance economy with security, precaution and environment, and the short term and long term perspectives.

A last key characteristic of TBCs is their capacity to develop “vertical connectivity”. This capacity of connection with higher levels is very important, since organising local democratic debates while at the same time depriving local actors of influence on higher levels of decision-making that may severely impact local life would create frustration and scepticism about democracy. Vertical connectivity is about connecting TBCs with issues and actors which belong to higher levels (regional, national, European, international). A condition for local actors to have effective influence on higher levels of decision-making is their capacity to translate local concerns into issues

of common interest at the higher levels and to adopt a global perspective that gives them legitimacy to take part to the co-framing of regulatory frameworks and public policies at those higher levels (cf. fig. 4).

From this perspective, the objective of the participation of local actors in higher levels of decision-making is neither to promote one interest nor to take the power, but to ensure continuous adherence of an emerging multi level governance system with the complex and dynamic aspects of real life of people in the territory. The capacity of TBCs to establish vertical connections also involves their capacity and their will to network at national or inter territorial level or international level to connect and gain influence at higher levels. Such strategies of networking are aimed at modifying the balance of influence between local and higher levels where local actors are not always welcome or recognised as legitimate actors. In effect, the opening of legal and institutional frameworks described in the first cross-cutting issue is not always a natural trend and does not exclude political conflicts.

The process of change towards Inclusive Risk Governance

The third cross-cutting issue deals more specifically with the common characteristics of the TIA IPs with a specific focus on the tools, processes and means that are used or developed for implementing inclusiveness (the “process” with a little p as referred to in the introduction to this Chapter). In effect, the investigated IPs showed that the intrinsic characteristics of inclusive governance processes are also of key importance. All the IPs are thus characterised by the readiness of some actors to make a break with former practices which have proved to be inadequate, and to develop new tools more adapted to the specific issue at stake.

The IPs rely on transversal (or cross-cutting) skills of facilitation or mediation. One of the key features in the IPs is the selection of the facilitator. The choice of the facilitator takes into consideration the need to support a group which brings together actors of various natures and cultures in navigating the different stages of a decision-making process. The trust the engaged stakeholders have in the facilitator depends not only on his specific skills, but also on the values the facilitator may share with the engaged group of actors.

Beyond the choice of the facilitator, the IPs involve a wide range of strategic choices being made in order to adapt the process to the complex issues at stake. These choices include:

- Determining the procedures for inclusion of stakeholders and of issues to be addressed, as well as procedures for non-inclusion or for exclusion, as the resources and time available are limited.
- Choosing the dialogue tools (focus groups, roundtables, workshops ...), deciding the frequency of meetings, etc.

Beyond the nature of the choices made, the way in which the initial choice of tools is made (and the way participating stakeholders are associated with this choice) is a key characteristic of the IPs.

Although the choice of the tools is an important aspect, participatory processes with a variety of stakeholders are also characterised by a high level of flexibility which allows the tools and the objectives to be changed and adapted, if necessary, as the process and its participants evolve. In this perspective, the ability of the facilitator to make strategic choices or to facilitate common decision of the participating stakeholders on the evolution of the process itself is of particular importance.

The management of competing knowledge claims is a key point in several of the IPs (CLIC, Vienna Airport, Invest in Fish and SH2). Complex risk issues are characterised by conflicts between knowledge claims coming from different stakeholders or groups of stakeholders (e.g. fishermen and scientists in the case of Invest in Fish). In situations where no straightforward reliable knowledge (in the eyes of the stakeholders) can be provided, by public experts for instance, processes are developed to integrate different sources of knowledge (e.g. scientific modelling, professional experience, practical knowledge of the local environment ...). Pluralistic and inclusive procedures of joint fact-find-

ing are developed which integrate an active role for citizens and non-scientific stakeholders in the production of a knowledge base which informs the decision-making process. Such pluralistic knowledge building processes favour a common ownership of the knowledge and its consideration as legitimate, meaningful and reliable by the various stakeholders engaged.

An issue of particular importance regarding the inclusive governance of complex risk issues is that of uncertainty management, and the implementation of the precautionary principle. Although the IPs demonstrate a variety of approaches to precaution, the precautionary principle clearly appears to constitute an effective means by which non-expert actors can enter technical fields and can bring their views to bear on how to deal with uncertainty. Once again, in this context, facilitation appears to be a key dimension.

The last issue addressed in the development of inclusive governance processes is the question of the closure of the process. Beyond the choice of procedures leading to the closure of the process, the issue of closure is linked with that of the evaluation of the process. If the considered process is to be inclusive, it would appear necessary that all types of participants would be given the opportunity to take an active part in the final evaluation of the process and of its outputs, both in the setting of the terms of reference and criteria of the evaluation and in the evaluation itself.

Sustaining Inclusive Risk Governance

The sustainability of the change towards inclusive governance has emerged as an important issue from the analysis of the IPs. In effect, various IPs (e.g. IPHB, Brescia), have faced vulnerability, putting into question the sustainability of the process itself and have led the TIA participants to consider the criteria that may favour the sustainability of inclusive governance. Assessing the sustainability of inclusive risk governance processes necessitated a long time path as well as a dynamic and multi-level perspective. The structure of the TIA project allowed the IPs to be followed up over three years. The issue of the sustainability of inclusive governance processes is directly linked with the objectives pursued in the development of such processes: do these processes only constitute a means to solve problems or to overcome crisis – and then return to traditional governance – or does they entail a deeper and more sustainable transformation of risk governance?

The first point to consider while assessing the sustainability of inclusive risk governance is the added value of this sustainability. The cross-cutting analysis of the 9 IPs shows that sustaining inclusive governance approaches through time allows the progressive inclusion of new dimensions in order to embrace complexity. This progressive inclusion may occur stepwise, involving for each step a different process (“process” with a little p). In this perspective, each step contributes to a broader trend of change (“Process” with a big P) towards more satisfactory modes of governance of the issue at stake. Sustainability of inclusive governance also opens room and gives time for experiencing, assessing and appropriating good practices. It further allows the emergence of mutual trust as time goes on; this is not a blind trust but one which relies on a long-lasting experience of interaction and partnership. Sustainable inclusive governance may also constitute a condition for the sustainability of economic development and may support the development of a democratic culture and capacities of resilience of the concerned communities. Eventually, sustained use of inclusive modes of governance will encourage the emergence of pluralistic groups of stakeholders sharing common stakes and concerns (e.g. TBCs), which is in return a condition for the sustainability of inclusive governance processes.

Sustainability of process

The analysis of the variety of IPs represented in TIA allowed several conditions of sustainability of change towards inclusive governance to be drawn out:

- The influence of stakeholders over decision-making?

- How well are issues (both large scale and individual) integrated within the process?
- Maintaining people's interest in the process?
- The facilitator's capacity to manage both process and change.

The first condition is the effectiveness of the process in terms of the influence that participating stakeholders have on the decision-making processes concerned. Conversely, a lack of actual influence triggers serious frustration amongst stakeholders which may result in stakeholder fatigue or even jeopardise the process. Several IPs also show that external events may have a strong impact on inclusive governance processes (e.g. the unilateral decision of the State to reintroduce bears in the Haut Béarn case or the lack of a clear position of national authorities regarding the statute of the polluted area in the Brescia case). Keeping control of, or at least an influence on, external events that are impacting the process therefore represents a key stake for the actors participating to inclusive governance processes. This capacity of influence is notably linked with the capacity of local stakeholders to establish vertical connectivity with higher levels of decision (cf. cross-cutting issue 2).

Another condition of sustainability is the integration of issues like security precaution, health, environment, and long-term considerations, on the one hand, with the perspective of economic development together with more short-term community and individual perspectives, on the other hand. The sustainability of an inclusive governance process is also conditioned by the regular updating of the justification of the activities at stake as well as of the conditions and rationales for the engagement of the participating stakeholders.

Beyond this, the sustainability of inclusive governance processes is conditioned by the sustainability of people's interest in continued engagement on issues affecting them, and by an evolution of their position from consumership to citizenship. Another condition which favours sustainability of inclusive governance is the capacity (and will) of the facilitators to adopt a double perspective and play, at the same time, a role of process manager in the particular process (with a little p) they are engaged in, and a more continuous role of change manager in the longer term (in the "Process" with a big P). In this perspective, their participation may thus be considered not only as a tool in the process in their role as facilitators but they may also represent actual engaged actors (in the "Process" with a big P).

Contribution of a stepwise approach to the sustainability of change towards inclusive governance

The stepwise and iterative character of most IPs, as well as of the "Processes" (with a big P) in which they take place, constitutes a factor of sustainability of inclusive governance practices. The use of stepwise and iterative processes offers opportunities for a progressive enlargement of the range of issues to be considered and of a plurality of stakeholders to engage.

Sustainability of changes towards inclusive governance also requires a regular update of the place and role of the different stakeholders engaged. In particular, the proper articulation through time of the levels of decision-making involved in a multilevel governance framework is a key condition for the sustainability of inclusive governance of a given activity or situation in the longer term.

Sustainability of inclusive governance processes also depends on the capacity of the engaged stakeholders to evaluate regularly the process and its outputs in an inclusive way. Inclusive evaluation provides an opportunity to consider the "process" (with a little p) in the context of the "Process" (with a big P) and to identify to what extent the process has brought about longer term change, what is helping to sustain this change and what tends to make it vulnerable. Dissemination of inclusive risk governance philosophy and practices

Sustainability of change also depends on the development of strategies of diffusion of an inclusive governance culture by the various actors involved and on the development of networks gathering such actors at local, regional,

national and European levels.

Finally, sustainability of change towards inclusive governance in Europe will also greatly benefit from the development of specific research to support stakeholders in developing experimental inclusive governance processes in different fields and contexts.

Philosophy of governance in TIA

Cross-cutting Issue 5 concerns the philosophy of governance emerging from the TIA process and the emergence of a robust intellectual and academic basis for inclusive governance. The goal was not only to assess the innovativeness of specific participatory methodologies implemented in the context of each process but also to evaluate the potential of normative change entailed in the IPs in the perspective of broader political culture. The reflection on the philosophical ground of governance can be divided in four points: Philosophy of Governance, Experimental Democracy, Concrete Humanity, and Pragmatic Methodology.

Governance

Governance is not a substitute for traditional ‘nation-state’ government; rather it is an alternative regime applicable to a wide range of activities and organisations. As Rosenau says, “Governance is a more encompassing phenomenon than government. It embraces governmental institutions, but it also subsumes informal, non-governmental mechanisms whereby those persons and organisations within its purview move ahead, satisfy their needs, and fulfil their wants”⁹.

As for Gerry Stoker¹⁰, he identifies five aspects of governance: (1) Governance concerns a range of organisations and actors, not all of which belong to the government sphere (2) It modifies the respective roles and responsibilities of public and private actors as established in traditional paradigms of policy making (3) It involves interdependence between organisations and actors engaged into collective action in contexts in which none of them has the necessary resources and knowledge to tackle the issue alone (4) It involves autonomous networks of actors (5) A key principle is that actions can be pursued without necessarily having the power or the authority of the State.

The aim of the governance processes in TIA is to restore not a power, but a capacity of influence to the actors that would allow them to change things and to lead an enjoyable life. Through an inclusive participation, to be differentiated from the principle of subsidiarity, actors can participate at the various levels in the structure of power (local, regional, national, international). Inclusive governance empowers micro-actors to become macro-actors; in fact some will become co-actors within the discussions and the decision-making process.

In TIA, hazardous activities may be considered as a paradigm of the public/private conception as set out by Dewey, since these activities have consequences outside their perimeter. The principle of precaution is a means for opening a way into the risk issues monopolised by the experts and for changing technical/economic issues into political issues.

Experimental Democracy

Democracy is a political regime in which the organisation and the exercise of political power within society are an outcome of the will and the control of the people. Democracy can be direct, or indirect (where the ideal of citizens’ participation in public affairs is often limited by a system of representation based on some constraining requirements e.g. competence, reputation, heredity). It appears that “real” democracies are in fact a combination of

⁹ J. N. ROSENAU, “Governance, order, and change in world politics”, in ROSENAU J. N. & CZEMPIEL E.- O., org., *Governance without government: order and change in world politics*, Cambridge University Press, Cambridge, 1992, pp1-29

¹⁰ see G. STOKER, *Governance as a theory: five propositions*, in *International Social Science Journal*, March 1998, n°155, pp17-28

participation, deliberation and representation.

The concept of experimental democracy is not far from the thinking of the American philosopher Dewey, for whom democracy is less the political form of a regime than the method by which the people can deal with the consequences of actions; such consequences can be direct or indirect depending on whether people are associated, or not, with the initiating actions. On this basis, the public consists of “all those who are affected by the indirect consequences of transactions to such an extent that it is deemed necessary to have those consequences cared of”¹¹. The state then is a consequence of the will of the people; through their representatives, it takes care of the negative consequences of the others’ actions. A key tool in such experimental democracies are social inquiries which enable society “to bring conflicts out into the open where their special claims can be seen and appraised, where they can be discussed and judged”¹².

The concept of experimental democracy in TIA means that the requirements of democracy in terms of the deliberation and participation of the citizens apply potentially to any field (science, technologies, morals, law etc) that can be of interest to the public. It involves in particular, as in Latour and Callon’s approach¹³, cooperative mechanisms, gathering citizens and experts, through which citizens can stretch and influence socio-technical decisions. However, experimental democracy is not limited to technical issues, neither is it merely radical as in Habermas’ approach¹⁴, because citizen engagement is not only experienced through social communication, but is also expected to be included within the institutional structure of power.

Concrete humanity

The concept of concrete humanity sees human beings are neither purely rational nor purely irrational. They are multi-dimensional beings whose tendencies and needs cannot be reduced to a single dimension of existence nor to a single form of rationality. This concrete view on humanity suggests that, as natural and social beings, men and women are always in search for a life balance, that is an equilibrium of their experiences, abilities and feelings. However, although risks are inherent in all social and economic structures within which people live, events or situations which critically increase the level or degree of such risks can seriously disrupt people’s life balance. People are essentially vulnerable beings both physically and mentally, and normal development depends on balancing the various aspects of people’s behaviour and personality.

Identity is an important component in that development. Identity however is much more than a nostalgic communitarian claim opposing novelty and calling for a defence of immutable traditions; it is also an imaginative individual and collective structure which enables people to have a continuity of experience and to build a meaningful life. Identity is complex when a men and women must articulate various levels of identity, from the most local ones (family, village, district, region) to the most global ones (country, Europe, mankind).

The pictures of mankind emerging from the TIA process are obviously very diverse; however, all of them merge to the standard picture of a concrete person as opposed to the abstract person of the technocrats, the planners or the utopists. The concrete person is someone who articulates and adapts the multiple dimensions of his/her identity, his/her personality and his/her existence, which are rooted in a territory provided with a peculiar nature and cul-

¹¹ J. DEWEY, *The Public and Its Problems*, New York: H. Holt & Co., 1927

¹² J. DEWEY, *Liberalism and Social Action*, Prometheus Books, New York, 1935

¹³ See B. LATOUR, BRUNO LATOUR, *Politics of Nature: How to Bring the Sciences into Democracy*. Cambridge, Mass: Harvard University Press, 2004 (1999) and M. CALLON, P. LESCOUMES & Y. BARTHES, *Agir dans un monde incertain. Essai sur la démocratie technique*, Paris, Le Seuil, 2001

¹⁴ see J. HABERMAS, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, Cambridge: Polity Press, 1989 (1962) and J. HABERMAS, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, Cambridge, MA: MIT Press, 1996

ture. The existence of a “concrete person” is the outcome of a life rooted in a local community, in close interaction with a natural and cultural environment, and which developed through meaningful experiences, whether constructive or destructive, creating a special relationship to (and vision of) life and the world.

Pragmatic methodology

Experimental democracy engaging concrete persons requires the use of a reflexive pragmatic methodology to address complex issues (in particular risk issues) impacting multiple aspects of people’s actual life. This methodology involves citizens, civil society organisations and other stakeholders (local communities, interest groups etc), working together with an inter-disciplinary group of scientists and experts through processes of cooperative inquiry, to investigate a problem which matters to the public. Such processes (processes “with a little p” as referred previously, notably in cross-cutting issue 4) mingling “experts-scientists” and “experts-citizens” represent a modern version of Dewey’s “social inquiry” which allows the complexity of the issues under investigation to be addressed.

Thus, the relations between the expert and the public must be changed so that the experts are “ordinary servants” of the public; they then become just one set of participants among many, following up a process of governance which has its own dynamic and whose goals are shaped by the actors. Then, the aim of expertise is no longer solely production of valid knowledge, but, if possible by means of a “double culture”, is also to build up with the actors a common understanding. This collective work must be meaningful for both the actors and the experts and must reinforce, through an ethics of research, the link between science and humanity. The aim is then not to produce objectivity, but subjectivation, that is to say the emergence of a subject who can be again an actor of his life and of the life of his territory and can participate in the definition of the common good.

Pragmatic methodology for cooperative inquiries therefore encompasses three dimensions: scientific, heuristic and strategic. Its scientific dimension lies in the collective inter-disciplinary coexamination and co-validation of the knowledge. It is a heuristic framework in that it allows stakeholders and others to build their own evaluation of the issue at stake. And it is strategic in that it drives the subjectivation of both stakeholders (who become more effective actors within their process) and experts (who evolve from a traditional scientific position to one which is both political and scientific).

The TIA methodology: an example of cooperative inquiry

TRUSTNET in Action (TIA) undertook a dynamic analysis of the nine innovative processes which were not closed cases but continued to evolve during the TIA project. A structure for the TIA methodology was established at the start of the project, with some room left for evolution and adaptation during the life of the project. Indeed, a key characteristic of the methodology was that it allowed, and indeed encouraged, an open and on-going questioning of that methodology.

The aim of this structure (cf. fig. 5) has been to encourage extensive interaction and two-way communication between the Core Group of researchers and experts and the stakeholders in the IPs; this encouraged the stakeholders to have a stake in the TIA project as well as in their own IP.

The Core Group (within the broken line in the diagram) comprised the facilitators for each of the IPs, the Methodological Task Force (MTF), whose members led the transversal analysis of the IPs and the Steering Group (which included representatives of the facilitators, of the Methodological Task Force and of the stakeholders). A cycle of annual events over the three years of the project was established to provide a basis for knowledge sharing and review of progress (and of the methodological approach).

In addition to the more set piece meetings, there were also ad-hoc meetings and virtual meetings via the internet.

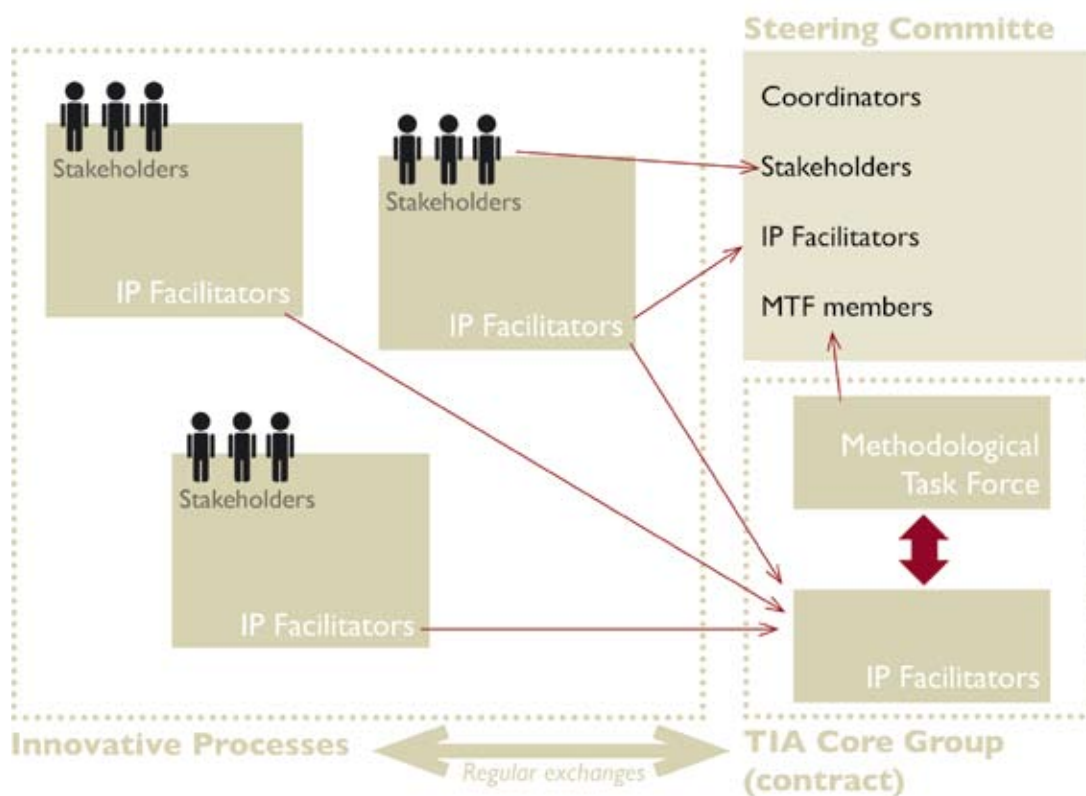


Fig. 5 Structure of the TIA project

The Core Group recognised from the outset that there had to be a flexible and pragmatic approach to the methodology as findings emerged and as participants fed back their experience of the process. This flexibility also allowed the project to take into account unexpected events or situations. In particular this flexibility allowed the project to adapt in the light of stakeholder concerns and allowed the stakeholders to play an active part not just in the analysis but also in the development of the methodology; this meant that at times the Core Group had to reconcile its aspirations with those of the stakeholders.

The methodology allowed a range of approaches to be used to gather and analyse knowledge about the IPs; these approaches included

- involving protagonist groups in the collection of information,
- undertaking site visits so that territorial aspects could be fully explored,
- involving all categories of participants in presentations on the IPs so that views could be questioned and challenged
- feeding back from the analysis of individual IPs via templates to aid gathering complete descriptions of the IPs

This iterative and stakeholder driven approach resulted in the identification of critical pieces of information.

The TIA methodology constitutes an innovative “Actor-Based Methodology” that goes beyond the participatory case-based method used in TRUSTNET 1 and 2 projects. The participatory case-based method has relied on existing documents and on a presentation of closed cases by a panel of stakeholders at a definite moment in time.

Conversely, TIA was looking at living and evolving IPs where the information was not necessarily clear cut; indeed it was often uncertain, fuzzy, noisy and incomplete. The TIA methodology constituted a continuous and in vivo cooperative investigation carried out by the Core Group of experts together with stakeholders engaged in the IPs. It had to involve effort to identify facts, build collective narratives, handle controversial aspects of situations, etc. The active and practical engagement of the stakeholders all along the TIA process made a unique contribution to this and allowed preserving and highlighting the complexity of the IPs.

It has to be recognised that the application (and evolution) of the TIA methodology was not, in practice, necessarily comfortable for the participants; but that constructive discomfort helped significantly, for example, in the progressive elaboration of the five cross-cutting issues, and in an increasingly focussed acquisition of quality information about the IPs.

4 The TRUSTNET IN ACTION

Key Findings

The Key Findings cover three aspects; the characterisation of a new philosophy of inclusive governance that stems from the observed Innovative Processes (IPs) as well as from the TIA project itself (see section A); the observed development of new types of processes, the “Cooperative Inquiries”, that both analyse and assess inclusive features of risk governance (see section B); and specific findings relating to the expected impact of those processes on their wider social and political context – both as to what appears to work well and what does not work so far in encouraging and promoting sustainable inclusive governance (see section C).

A An emerging philosophy of Inclusive Governance

The TIA experience, based on empirical review of nine Innovative Processes in the EU, has enabled a new model of inclusive governance to be constructed that represents an evolution of previous approaches. That new model of governance is now no longer concerned solely with local decision making or the nominal involvement of stakeholders in decision making; rather it addresses the full engagement of local actors as full players in what should be sustainable and inclusive governance.

In particular, this philosophy of inclusive governance¹⁵ has a number of clear features:

- It engages with “*concrete humanity*”. It recognises, and accommodates, the fact that people are multi-dimensional beings experiencing vulnerability, plurality and dependency; they are neither purely rational nor purely irrational (as opposed to the abstract representation of an “average individual” or “rational consumer”, as used in so many analyses of behaviour); they are concrete persons rooted in territoriality with basic needs (well being, love, solidarity, equality); they are essentially searching for a form of life balance in various actual situations that cannot be dealt with according to a single dimension.
- In particular it offers an *approach enabling affected people to deal with disruptions to their life balance*. It also recognises that in order to maintain their life equilibrium in a dynamic context, concrete persons and local communities need to achieve permanent (homeostatic) integration and tuning of the several dimensions of their actual complex situation, balancing short term with long term, use with preservation of resources, economic development with its consequences on health and environment, etc.
- It embraces “*experimental democracy*” as it entails an evolving form of democracy open to change. In particular, it has to be flexible to development in a way that enables local actors to address the consequences of actions that may touch their lives and those of others in their territorial community and to become engaged in the corresponding local, national and international decision-making processes.
- Its roots are in successive (but limited in time) inclusive processes (often initiated by different actors) *engaging*

¹⁵ see section about philosophy of governance (Cross-Cutting Issue 5) in Chapter 3

local actors and experts together with policy makers and other concerned players at local, national and international levels that are at the origin of the progressive transformation of their institutional, legal, territorial and cultural context in the longer term (as described in the TIA Framework).

In this perspective, specific processes creating the conditions for local actors to become mutatis mutandis permanent players in the democracy beyond the window of each specific inclusive process appear to be key drivers for sustainable change towards inclusive governance. They are referred to here as “Cooperative Inquiry” (see below).

3 Patterns of pragmatic processes for change towards sustainable

As a result of the TIA work, it is possible to postulate a model approach to be adopted by processes which aim to address complex issues and to promote active and inclusive governance. We have called these processes “*Cooperative Inquiries*”; in a sense “*Cooperative Inquiries*” are models for the future although we have drawn out the characteristics of such “*Cooperative Inquiries*” both from aspects of the 9 Innovative Processes investigated by TIA and from the TIA methodology itself as it evolved over the life of the project.

The TIA project has enabled the transversal (or cross-cutting) methodological characteristics of processes of a new type *mingling “experts-scientists” and “experts-citizens”* to be drawn out. These provide practical approaches for both analysing processes and then encouraging moves to sustainable change towards inclusive risk governance. Each TIA IP process does not necessarily include all of the characteristics presented below; but they were, however, all relevant for each of the analyses.

We do not suggest that there is a single “*Cooperative Inquiry*”; rather, each inquiry or process has to be designed and then developed according to its context and to the moment (“*kaïros*”¹⁶) when action should be initiated. This requires considerable *methodological skills and experience*. Indeed, the TIA methodology itself has encouraged stakeholders to evaluate their IP and its impact on its broader context, to identify possible new dimensions of their process, to consult and involve others who have been active in other comparable processes, and, by this process, to improve their analysis.

Critical factors in *Cooperative Inquiries* are:

- *Cooperative Inquiries* aim both at *producing reliable knowledge for action and at creating the conditions for those concerned local actors to become full democratic players* in the longer term. An important distinction is therefore to be made between processes that are referred to here as *Cooperative Inquiries* and forms of passive stakeholder participation or involvement that are mainly aimed at improving the knowledge basis of decision makers (who are themselves expected to produce change). In *Cooperative Inquiries* it is rather the *growing influence of concerned local actors* that is gradually expected to create the conditions for change. A new articulation of *distributed knowledge with co-action* is considered here beyond the classical idea that good decisions are to be produced by decision-makers provided with good information.
- *Cooperative Inquiries* involves a demonstrable *pragmatic methodology* that has three separate dimensions:
 - The *scientific dimension* involves the collective inter-disciplinary co-examination and co-validation of the quality and reliability of knowledge. It makes use of “*actor based” methodologies*”¹⁷. It is producing knowledge according to scientific standards while reinforcing the reliability of this knowledge in the eyes of the actors

¹⁶ i.e. the appropriate time for actors to take actions (see TRUSTNET 2 final report p. 24)

¹⁷ see methodological section of Chapter 3

involved. This focuses attention on how actors and stakeholders are involved and how they contribute to the collection of information and data as well as to the decision making process. This also entails a methodological approach to the interpretation of the existing processes of governance.

- The *heuristic dimension* means that the methodology allows those involved to build their approach to evaluating their process and how it does (or does not) contribute to increasing the actual influence of those involved in decisions. The TIA Framework is, in particular, providing a *tool for actors to assess their process in this perspective*.
 - The *strategic dimension* is most important. The methodology produces a subjectivation of those involved; that is *stakeholders and more specifically local players are empowered* so that they become active rather than passive actors in the process and beyond (in the broader context) and more widely in determining aspects of their life.
- Setting up a Cooperative Inquiry seems to require an individual or an institution with *legitimacy and authority* (moral if not legal) to start off the process and to get the engagement of a critical mass of key parties. It is also noted that the facilitators often see themselves as *change managers* beyond their specific role in a particular process.
 - The involvement of *facilitators and methodological experts* (most often the same people) supported by professional standards. Professional inputs in Cooperative Inquiry processes, in terms of effectiveness, efficiency, fairness and competency, appear to be a key factor for enabling the actual influence of local actors on decision-making processes. The facilitators and methodological experts are key players within the Cooperative Inquiries; they will contribute their own critical assessment of the process as such, how it has developed, the challenges it has faced and how far it contributes to sustainable change towards inclusive governance. The bringing together of all these views in an iterative, reflexive and inclusive process should help to bring out the strengths and weaknesses of each process.



Key factors that support change towards Sustainable Inclusive Governance

The TIA experience in engaging with and analysing 9 innovative processes (IPs) over the three years of the programme has identified factors which, it believes, can positively contribute to the quality of an inclusive process as well as to the sustainability of the changes towards inclusive governance that they are inducing. The TIA IPs were very different in terms of the concerns they addressed, how they operated and developed, and in their degree of inclusiveness. Some of them met difficulties and blockages during the course of the project while others developed over the three years. They evolved during the TIA project, not least, for some of them, because of the interaction and iteration with others involved in the TIA work and the learning experience it provided.

The factors set out below are therefore emerging findings. They need to be refined and developed in other (future) Cooperative Inquiries, not least since they have been drawn from a relatively small sample. But it is clear that more inclusive processes of that type based on territorial needs and experiencing inclusive governance are expected to represent an important means of meeting local and territorial challenges in the Europe of the 21st century. Hopefully this report and the work of the TIA project will illuminate their most important characteristics with regards the sustainability of change towards inclusive governance and will, thus, influence the development of inclusive processes in future.

The key factors identified are:

Transformation of the institutional context

A key feature of successful Cooperative Inquiries is that they challenge the status quo – whether in the collection and use of data, in the process of expertise, in the process of decision-making, in the nature of the involvement of stakeholders and local actors, or indeed in other aspects of the process. The aim and ambition of Cooperative Inquiries are to transform traditional decision making systems, which are often highly centralised, prescriptive and heavily reliant on technical and scientific expertise into more inclusive, multilevel and experimental systems of government.

To achieve this, Cooperative Inquiries need to be able to

- Facilitate the creation and testing of ad-hoc bodies and processes to deal with issues and concerns as they arise.
- Encourage the transformation (and application) of laws and regulations to allow greater experimentation.
- Change how expertise is involved in the process, particularly by recognising the contribution of local experience and knowledge, and enabling local actors to challenge the findings of “experts” in order to produce reliable and meaningful knowledge for the different categories of actors involved.

This implies that:

- Legal frameworks and institutional setting need to offer new ways of involving stakeholders and local actors, including involving those groups in the setting up and evolution of such frameworks.
- Notwithstanding the subsidiarity principle, legal and institutional frameworks must offer a proper articulation of multilevel governance that opens the way for local actors to engage and influence at higher level decisions, while public and private policies must include a certain degree of devolution for decisions to be taken “with” those concerned at the local level, according to life equilibrium constraints.
- Experts need to be responsive to, and to recognise, the contribution of local actors. Indeed the frameworks need to move from being expert driven to the experts being one set of contributors amongst many. Experts may contribute by bringing in scientific and technical elements of knowledge as well as by providing tools for deliberations.
- The longer term involvement of stakeholders may need new financial instruments, or means to resource that involvement (including measures that arise from the involvement e.g. access to expertise).

Transformation of the territorial context

The strength of a process of Cooperative Inquiry is that it brings together people searching for life equilibrium within a territorial proximity (Territoriality Based Communities). Cooperative Inquiries are particularly well suited to addressing the need for new patterns of democratic action at the territorial level. In this perspective the methodology of Cooperative Inquiries is expected to:

- Create the conditions for a plurality of local actors to identify common objectives, especially where quality of life and well being issues come into play together with inherent consequences (risks, impacts) of the considered activities in the territory (horizontal connectivity),
- Give the local actors the opportunity to shape their territorial entity (Territoriality Based Communities) so that it is suitable for producing meaningful action according to the nature of the considered issues and problems, in the perspective of a common project. In this perspective, territoriality goes beyond geographical or administrative characteristics. It involves a social construction that is problem or project oriented,

- Provide room for a plurality of views and perspectives, and contribute to bringing them together in a way that makes plurality and differences a strength (the horizontal dimension), and which gives local actors access to public and private expertise and, even more, to the capacity to build their own expertise and to contribute to informed decision-framing,
- Help articulate public participation within representative democracy in mutually beneficial ways, that reinforce the legitimacy of decision-makers while promoting an effective contribution of participatory democracy to the quality of decisions,
- Help Territoriality Based Communities to connect with each other (within and among EU members states) and to influence national, international and supra national decision-making processes that impact them (vertical connectivity). All this however requires those involved to develop good and effective networking skills,
- Take advantage of factors such as common cultural memories and common traditions; the importance of retaining such memories and traditions as a patrimony can be an important driver for the sustainability of the territorial development,
- Contribute to moving away from short term and one-off engagements (which are the frequent response by authorities to problems at the territorial level) to a longer term approach which enables problems to be set within a wider context and in particular offer an effective way of tackling complex issues involving government at multiple levels.

Sustainability of change towards inclusive governance

Lots of difficulties, resistance to change and limits have been identified in the TIA IPs that represent a major obstacle to sustainable change towards inclusive governance. It is essential to note that inclusive processes have mostly in the past been considered by decision makers as a way to solve problems in the perspective of returning to traditional governance as soon as the crisis is over.

Here on the contrary, a deep and sustainable transformation of Risk Governance is foreseen as a result of Cooperative Inquiries. This means that the institutional system needs to welcome and appropriate innovation. Traditional public engagement has often focussed on a particular issue according to the specific remit or interest of the decision taker. A degree of stakeholder fatigue is noted as soon as public engagement becomes an ordinary tool in the hand of decision makers, often applied outside people's day to day concerns.

Cooperative Inquiries are proposed as actor driven rather than issues or principles driven processes. The result is that such processes are people focussed (concentrating on issues such as the quality of life overall rather than the application of principles to just one aspect of life). They adopt an integrated perspective embedding security, precaution, health, environment, long term with economic and development issues. Local actors are searching for life equilibrium and therefore integrating the various dimensions of decisions. In this perspective, they represent in the decision-making process a different position from that of the classical action, interest or lobby groups that are more specifically committed to representing and pursuing one interest or one perspective.

The methodology of Cooperative Inquiry processes needs to show both how stakeholders contribute and that their influence is demonstrable. This implies the existence of feedback & evaluation procedures as well as visible evidence for the influence of stakeholder participation. Beyond the consequence of each specific Cooperative Inquiry process, a major dimension of this impact is, as described above, its contribution to changing the wider institutional and territorial context.

Processes should set out stakeholder roles clearly but should also allow for those roles changing or evolving. Successful inclusive processes allow the role of stakeholders and local actors to develop and evolve in the longer term.

Traditional Parliamentary democracies have not been constructed overnight. It should be noted that the methodological skills and know-how supporting inclusive governance need to be further developed by active research & experimentation; this means continuing to test specific methodologies, grounded, as suggested, in the active participation of the various categories of concerned players. The TIA process has demonstrated a strong need for, and the benefits which flow from, the cooperation at EU level of local and national actors going beyond the traditional boundaries of activities and disciplines in the development of innovative methodologies and skills. This is illustrated in particular by the group (involving stakeholders and experts from several disciplines) that has produced the TIA results.

5 Conclusions

This report brings the formal TRUSTNET work to a conclusion; in its ten years, it has moved from examining the control of risks from major hazards to looking much more broadly at the role, and importance, of inclusive governance in decision-making concerning a much wider range of activities that entail risks for people, their life balance or the environment. Our work demonstrates the imperative for people in the European Union to have an actual and permanent influence not just on the preparations for decision-making that affects their lives or environment but also on the decision-making itself.

The problem is “How?” since our current democratic systems have not been conceived for this. The ambiguity of today’s trend for public participation lies in the fact that, in most cases, it is not associated with actual changes in traditional government behaviour. Not is it strongly connected explicitly with the actual decision-making processes. It is often no more than a crisis management tool that is left aside as soon as the crisis is over while decision-makers restart “business as usual”. Opening the gates to an actual and sustainable influence of people necessitates more than occasional participatory processes. It entails an actual transformation of decision-making and regulatory systems. It also entails the spreading of a democratic culture in the population that can only result from a gradual self-empowerment and cannot be dictated. It entails changing roles and boundaries for both public and private activities and actors.

Parliamentary democracies have not been designed overnight. Inclusive governance will necessitate creativity, invention and most importantly: “experimentation”. This trend is not seen here as a revolution but more as a gradual transformation that will evaluate, adapt or complement the existing organisation of democracy and will fruitfully articulate participation and representation. Such transformation is expected to reconcile science and humanity, putting people at the heart of innovation and change in order to orient it and give it a shared meaning.

There is a clear need to give more space for experimental approaches to inclusive governance, to provide more opportunities for those involved in such approaches to share experience and to develop methodologies which increase the capacity of individual actors to play a full and effective role in such processes. The TIA Framework, including the methodology used, provides a robust platform for such experimentation. The Cooperative Inquiries model offers a template for those participating in experimental approaches, providing practical guidance on key issues to identify and address.

It is worth emphasising again that such experimental inclusive governance approaches should be owned at first by local actors and communities rooted in territoriality; and they should then work together with national, European and international public and private decision-makers and experts in order to assess existing decision-making processes in the context of the relevant specific multilevel regulation framework and to experiment and evaluate new modalities of governance. The TIA outcomes demonstrate the value of processes that mingle citizens and scientist as well as the importance of the considerable methodological skills and experience that are entailed by those processes.

Work to promote inclusive governance needs to be about much more than research; its future development now needs a political imperative from a diversity of actors (public administrators, locally elected representatives, NGOs

etc) at the territorial, national and European level. Such imperatives can take the form of actual initiatives in inclusive governance as well as campaigning.

There is a key European dimension. Europe can clearly support the development of experimental processes through the way it approaches issues and rule making. But a real challenge is having a critical mass of people in Europe who are actively and effectively engaged with such inclusive governance processes. An equally important role for Europe would therefore be to develop and support a pluralistic network of actors engaged in such processes. The 2006 International Conference on “Sustainable Development of territories and risks governance: participatory governance for Europe” held in Dunkirk, France could be seen as the starting point for such a network that is encapsulated in the “Dunkirk Appeal” (6/10/06 – see Annex 6). The European Commission should now actively consider how such networks can be promoted in future and how the dissemination of the Key Findings in this report can be promoted to those participating in inclusive governance initiatives.

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Annexes

Annex 1

Summary presentation of the 9 IPs

This annex presents the key pieces of information about the context, nature and development of the 9 IPs considered in the TIA process. More detailed information about the IPs is available on the TIA website (<http://www.trustnetinaction.com>).

Participatory biomonitoring in Belgian Flanders

Location

The Flanders region in Belgium.

Background

A strategic objective of the Flemish Ministry of Public Health is to evaluate public health in relation to environmental pressures; a biomonitoring programme has been set up focussing on new born babies, adolescent and adults. So far, eight areas in Flanders have been involved.

The Innovative Process

The IP evolved from purely involving experts (where it was believed that analysis of the scientific data would lead to policy options) to one that also involved the relevant actors and other citizens (and which recognised the limitations of scientists' knowledge and the contribution that other actors could bring to discussion and analysis of policy priorities).

Participation

Initially scientists from participating universities or institutions, plus social scientists (to advise on communication with the public) and policy representatives (the Steering Group). The social scientists encouraged the wider participation of relevant actors from the region.

Timescale

The programme was initially set up in 2001 for 5 years. It has now been decided to extend it from 2007 for a further 5 years.

Participatory management of industrial pollution in the city of Brescia, Italy

Location

Brescia is a city in the Lombardy region of northern Italy.

Background

The Brescia area has very significant water and soil pollution (heavy metals, dioxins, PCBs, etc.) as a result of historical industrial activity. A crisis was looming notably because of the decline of these traditional industries, the progressive discovery of soil and water pollution around a chemical plant by local authorities in 1999, the raised awareness of the pollution problems in the public triggered by press articles, and the introduction of a new law setting national soil contamination standards to control activity where there was such pollution.

The Innovative Process

The Brescia municipality, influenced by a local citizens' group, set up this dialogue process to encourage the involvement of all interested stakeholders and citizens. The process was originally conceived in terms of public information and conflict reduction but has evolved into one of participation and integrated governance addressing complex problems involving scientific, economic, environmental, political and ethical issues.

Participation

The Municipality of Brescia was responsible for the management of the pollution issue at the beginning of the crisis in 1999, with the support of the Regional Environment Agency of Lombardy, rejoined later on by public health institutions and universities. Responsibility for the management of the situation was transferred to the Ministry of Environment in 2003 as Brescia was registered on the national list of highly polluted sites. However, the boundaries between the competences of the different local, provincial, regional and national authorities involved are fuzzy. Various stakeholders were involved from 2002 to 2006 in a dialogue process funded by the municipality and managed by TERRA consultancy and the Institute of International Sociology of Gorizia.

Time scale

The pollution was discovered in 1999. The IP started in 2002 with a scoping exercise. In 2003-2004, focus groups met to share information and foster dialogue between experts and stakeholders; this phase closed with an international conference which discussed the Brescia and similar cases. The participative process resumed in January 2005 and, on the basis of new scientific and technical information and identified needs, was enlarged to include new participants, and to re-direct it towards practical action. Some initiatives were undertaken from September 2005, but the process proceeded in a rather discontinuous way, until the IP was put on hold in February 2006.

Implementation of Local Committees for Information and Dialogue (CLICs) in the vicinity of industrial Seveso sites, France

Location

France.

Background

The 2001 Toulouse disaster (a chemical plant explosion) revealed weaknesses in the approach to prevention of risks from major hazard (Seveso) sites. The 2003 law on the Prevention of Natural and Technological Risks provided for new arrangements for town planning (including removal of buildings) in the vicinity of all Seveso sites in France. It also provided for the creation of Local Committees for Information and Dialogue (CLICs) to organise participation of stakeholders in the process of risk assessment and the subsequent reorganisation of town planning. The CLICs have also a mission to inform citizens.

The Innovative Process

A preliminary consultation phase involving regional roundtables was organised before the drafting and vote of the 2003 Law. Between 2003 and 2005, about 80 experimental CLICs were set up to test arrangements for the structure and operation of CLICs. Finally, an implementation decree was taken in 2005 to fix the definitive structure of the CLICs. The IP looks both at the development of the CLICs as a national process and at a particular instance of experimental CLIC in the Berre salt lake (Provence region).

Participation

The Ministry of Environment was responsible for drafting the Law and its implementation decree. The National Institute for the Industrial Environment and Risks (INERIS) provided technical support to the Ministry. Various local participants took part in the preliminary roundtables (local elected representatives, industries, NGOs, trade unions ...). The CLICs gather 5 types of stakeholders: local elected representatives, industry, representatives of the workers in the concerned industrial site, representatives of the neighbouring populations, and local divisions of State administrations.

Timescale

The preliminary consultation phase began in 2001 a few weeks after the Toulouse accident. The rearrangement of town planning around Seveso sites is a long-term process (about 50 years) involving progressive relocation of buildings and de-densification of the urban fabric around the concerned sites. CLICs are permanent forums.

Invest in Fish

Location

The South West of England.

Background

The traditional methods of addressing fish-stock depletion such as quotas are increasingly seen to have failed. These approaches tend to focus on command and control and do not promote a cooperative approach among stakeholders, including environmentalists and fishermen. Invest in Fish aims to provide a long term strategy for managing fishing fleets on a regional basis, taking important local characteristics into account.

The Innovative Process

The aim of the IP is to develop a cooperative management framework which would allow a common strategy to be decided and implemented by the various participating British stakeholders. The project also includes issuing of recommendations to policy makers at the local, national and European level. The project constitutes a response to a widespread perception among stakeholders that traditional policy and regulatory instruments were inadequate to the task of dealing with a complex, multi-dimensional problem. The dialogue process relies on the work of a Steering Group gathering key stakeholders as well as on consultations with a wider range of stakeholders (notably fishing communities) and with the public. It is supported by independent facilitators (IFOK, Opinion Leader Research). Invest in Fish notably involves the cooperative development of a bio-economic model of fish stocks which can be used as a decision-aiding tool to assess the economical consequences of possible strategies of fish management as well as their impact on fish stocks.

Participation

This was worked out on a “bottom-up” process. The fishing industry, retailers, environmentalists, national and regional authorities responsible for fishery, anglers and other relevant stakeholders were involved. Experts have an important input. The project also involves two-ways communication with the broader public, notably through a liaison officer. Extension of the participation to foreign stakeholders (notably fishing industries of neighbouring countries) will be considered in the event that there is a further phase of the project.

Timescale

The project was launched in April 2004 and is constructed in 3 phases – gathering of information and options generation (9 months), option modelling and evaluation (20 months) and deliberation to establish the best way forward (3 months).

Sustainable development including the protection of wild bears in the Haut Béarn, France – the Haut Béarn Heritage Institution (IPHB)

Location

The Haut Béarn is an area of three valleys in the French Pyrenees.

Background

The protection of bears in the Haut Béarn area is seen to be at the expense of other activities which contribute to sustainability. In particular the creation of sanctuaries for bears in an area that included summer pastures was perceived as a major threat by shepherds, foresters and other local actors and provoked local conflict. An innovative and experimental institution, the Haut Béarn Heritage Institution (Institution Patrimoniale du Haut Béarn – IPHB) was set up to reconcile and integrate sustainable development and the protection of wild bears through a cooperative management framework.

The Innovative Process

The IPHB, created by a State agreement, involves three distinct bodies – an advisory council which organises local debate between the local stakeholders (with the technical support of local divisions of State administrations and other experts) and makes proposals for decisions, a decision making body (comprising elected representatives of the three valleys and representatives of the Department and the Regional Council) and a facilitation team to implement decisions. The funding and work programme of the IPHB is defined by five-year program contracts signed between the State, the Region, the Department and the municipalities participating to the IPHB. These contracts represent a devolution of State competences for wild bears protection to the IPHB. However, the sustainability of the IPHB is threatened by several factors. Its innovative approach is hardly integrated into the institutional and legal framework. In particular, the devolution of national competences to territorial actors constitutes a source of uneasiness for national authorities, which try to get their prerogatives back. In addition, local actors have very limited influence on national or European decisions (e.g. Natura 2000 directive or the recent unilateral decision of the national authorities to reintroduce 10 bears) which may have an impact on development in Haut Béarn or on the functioning of the IPHB.

Participation

The IPHB gathers representatives of all types of actors concerned with sustainable development of Haut-Béarn and bear protection. Local and regional participants include elected representatives of the participating municipalities, of the department and of the Region, shepherds, hunters, foresters, local NGOs and local professional organisations. State administrations are represented in the advisory council of the IPHB but do not take part in votes on the advisory council's notices.

Timescale

The IPHB was established in 1994. The first five-year contract covered the period from 1994 to 1999; the second contract covered the period from 2000 to 2006. The IPHB remains in place.

Securing Health Together (SH2)

Location

United Kingdom, except Northern Ireland; that is England, Scotland and Wales.

Background

Heightened awareness of the costs, both human and economic, of work-related ill health and recognition that the traditional regulation and enforcement route for health and safety could have only limited success, led to a new approach by the HSE. This did not start out with preconceived ideas on solutions but aimed to work with a wide range of stakeholders in identifying issues and solutions. Securing Health Together is the outcome of that work; its implementation continues a multi-partite team approach that is part of HSE 2000-2010 occupational health strategy. The initiative, as it developed, had to take into account the Modernising Government agenda of the British Government.

The Innovative Process

SH2 was a new way of working not just for the Health and Safety Executive (HSE) but also for other participants in the UK health and safety system. In order to better address occupational health issues which are important for both the public and private sectors, SH2 aims at developing cooperative approaches to occupational health which differ from traditional regulation and enforcement mechanisms. It was innovative in encompassing outcome targets (part of a wider innovation in governance in the UK) and in recognising that the regulator's role was changing and the need for greater and wider ownership among stakeholders and other key actors. SH2's structure involves 5 Programmes of Work that are to be implemented by 2010. These Programmes of Work were developed by pluralistic Programme Action Groups (about 12 people each) then shared with a wide group of stakeholders during a conference. The 5 themes which underlined the work of the Programme Action Groups resulted from a preliminary consultation.

Participation

A wide range of stakeholders and other interested parties, including representatives of business (including small businesses) and organised labour, professionals, workers, journalists academics and the public have been involved at all stages.

Timescale

The changed approach in Securing Health Together has developed over more than a decade. The first discussions on a new approach took place in 1995. The White Paper "Modernising Government" was issued by the British Government in March 1999. After an initial consultation phase which identified 5 priority themes, the Securing Health Together Strategy was launched in July 2000. From late 2000 to 2003, the 5 Programme Action Groups developed the 5 Programmes of Work. After the conference organised in late 2003 to gain endorsement from a wider group of stakeholders, the Work Programmes entered in their implementation phase which is to last until 2010.

Further development of societal risk policy in the Netherlands

Location

The Netherlands

Background

National policies on the management of risks associated with major industrial hazard sites have placed constraints on the use of land in the vicinity of such sites; but there is considerable pressure in the Netherlands to make land available so that economic growth can be sustained. Public authorities have been looking at the possibility of alternative policies which might be less constraining on land use. One factor is how societal risk is taken into account.

The Innovative Process

This process adopted a different way of looking at societal risk (i.e. risks to have collective damages like multiple casualties) and looked at ways of involving hazardous industries as well as other stakeholders: transporters, populations neighbouring hazardous sites ...

Participation

Traditionally the government has set policies for protection of populations around industrial sites, i.e. top-down. Discussions about societal risk have tended to be confined to ministries with responsibilities such as housing, industry, public safety etc. The general public did not tend to be involved until this IP was set up.

Timescale

The process was set up in the late seventies and the first development project on “How is societal risk developed” was carried out in 1978. In recent years an exploratory study on the area-specific approach to societal risk has been conducted. The study concluded that there are good opportunities for such an area-specific approach of societal risk. Further studies should reveal if a practical and valuable instrument can indeed be developed.

The Vienna Airport Mediation Process

Location

Vienna, Austria.

Background

A history of increasing citizen opposition to the continuous increase in aircraft traffic and associated noise around Vienna Airport came to a head when neither the airport authority nor the local authority consulted local interest groups about plans for a third runway. Eventually the airport operating company, which anticipated escalation of conflicts that could lead to long delays within the process of Environmental Impact Assessment, decided to address public concerns and set up an Environment Mediation Process.

Participation

The process was initiated and co-founded by Viennese Environmental Legal Office. The co-founder of the process was the airport operating company (Flughafen Wien AG). 55 parties took part in the mediation process, including the co-founders of the process, adjacent districts in Vienna and adjoining communities, the Lower Austrian Environmental Legal Office, citizen groups, political parties of Vienna and Lower Austria, aviation organisations, professional associations and the Donau Auen National Park. This process constituted the largest environmental mediation process in Europe.

The Innovative Process

The mediation process was structured so that it could accommodate new emerging issues and new participants. It handled knowledge transparently and citizen groups had a role in the engagement of experts. It benefited from being an institutionalised process and involved an international (Austrian and Swiss) mediation team. The process involved a Preparation Committee, a Mediation Forum, a Working Committee, which was responsible for working out the structures of the process, and thematic working groups. The preparation phase of the process allowed structuring the process, gathering information and working out criteria. This phase was concluded by the signature of a declaration of interest by all engaged parties. The next phase was dedicated to the development of scenarios for the extension of the airport or the use of alternate solutions, the evaluation of the scenarios and the evaluation and selection of possible solutions for specific problems. The process was ended with the signature of an agreement between the engaged parties. Additionally, a permanent forum for dialogue was set up to deal with issues that still remained from the mediation process.

Timescale

The IP including the extensive preparation phase started in 2000 and came to a conclusion in June 2005 with legally binding contracts that were signed by all parties except a couple of political parties involved.

Community Cooperation for Industrial Site Zoning, Germany

Location

The Zollernalbkreis district in Baden-Wurttemberg in Germany.

Background

Intense competition between local communities to attract and keep industries (including industries settled in other municipalities of the district) has led to counterproductive fiscal dumping and to negative ecological impacts in the district of Zollernalbkreis. Moreover, employment has also become a key concern as industries tend to move out of the region to bigger German towns or to Eastern Europe as a result of economic globalisation. In this context, the municipalities of the district have recognised that a more cooperative approach to local development, especially to land-use planning, was needed.

Participation

The process included local municipalities and district councils together with the chambers of trade, tourist boards, scientists, nature conservationists and representatives of ministries of environment and economics.

The Innovative Process

The final objective of the dialogue process is to form a joint venture (legal entity) with a central administration allowing the municipalities to operate in common a pool of industrial zones, to share the costs and risks as well as the tax revenues, and to reduce the ecological impact of the industrial activity. The municipalities may contribute to the pool either by proposing industrial zones or financially. The process, which was facilitated by the University of Stuttgart¹⁸, has gone through three phases, each involving roundtables: a preparation phase, a second phase aiming at refining the concept and a third phase aiming at defining evaluation and pricing procedures for the industrial zones which will be included in the pool. These evaluation procedures involve an integrated model to be developed that incorporates ecological and infrastructure aspects alongside the economic, and which provides a means for handling competing knowledge claims. This model is a core part of the project as it allows the repartition of shares in the joint venture (and of the associated tax revenue) between the municipalities to be determined. At present, 9 municipalities are engaged in the joint venture. Further phases of the project will allow the development, testing and refinement of the integrative model and the foundation of the organisation that will operate the pool.

Timescale

The project was presented to district councils in summer 2004, following round table discussions. Further round tables followed in later in 2004 and in 2005. And in June 2006 there was agreement on evaluation procedures.

¹⁸ The project «Gewerbeflächenpool» was facilitated by the University of Stuttgart, «REGENA» was facilitated by DIALOGIK.

Annex 2: The methodology of TIA

Introduction

The TRUSTNET in Action (TIA) project explores inclusive risk governance and the development of an inclusive risk governance culture in Europe in the context of complex issues involving a variety of circumstances, levels of decision-making, actors and practices across Europe.

In order to address the complexity aspect of a proportion of today's more hazardous situations and activities, the TRUSTNET 1 and TRUSTNET 2 projects developed a methodology based on established case studies. This methodology relied primarily on the presentation of past experiences by a pluralistic panel of stakeholders involved in the governance of those hazardous situation or activities. These were subjected to probing and analysis by a multidisciplinary group of researchers and experts. The findings and observations were published in two reports.

The TIA project goes however beyond the limited objective of producing more and better knowledge. It notably aims at involving a critical group of stakeholders and experts in the creation and diffusion of a shared inclusive governance culture in Europe. An adaptive methodological approach has therefore been adopted

- to enable active engagement of stakeholders in the knowledge-building process (including production as well as evaluation and validation of the knowledge) throughout the 3 years of the TIA project,
- and, more specifically, to study the dynamic aspects of the development of inclusive governance processes.

This methodology incorporates several original characteristics and can be considered per se as a product of the TIA project. The following presentation of the TIA methodology forms a retrospective look at the TIA methodology and process, and was carried out by a sub-group¹⁹ of the TIA Core Group.

An original methodology of co-operative knowledge building based on a collaborative and dynamic analysis of living cases

TIA relied on the dynamic analysis of 9 Innovative Processes (IPs) of inclusive governance in 7 Member States of the European Union²⁰. Unlike the cases studied in the TRUSTNET 1 and 2 projects, these 9 IPs were not closed cases and continued to evolve to varying degrees throughout the TIA project. The IPs existed before TIA was initiated and are not therefore an artefact of the project. It is important to stress that there was no prior assumption that what had developed, or continued to develop, in terms of process and approach in the various IPs was more or less efficient or 'successful'. The aim of the analysis was to learn from what was recognised as successful by the stakeholders and from what had been tried but found to be less so.

The methodology adopted by the TIA group is both empirical and incremental. The main features of this methodology will be drawn out by describing on the one hand the methodological choices that were made at the beginning of the process and, on the other hand, by analysing retrospectively how the process has been driven and how the methodology has been updated and developed during the process. In its final form, this methodology can be considered as original when compared with those methods based on analysis of existing cases. It can be labelled an actor-based method (cf. below).

¹⁹ Danièle Bourcier (CERSA, France), Sylvain Lavelle (ICAM, France), Gilles Hériard Dubreuil (Mutadis, France) and Stéphane Baudé (Mutadis, France)

²⁰ Austria, Belgium, France, Germany, The Netherlands, Italy and United Kingdom

Structure of the TIA project: from stakeholder involvement to a collaboration of researchers and stakeholders in the development of the research process

The TIA project represents an original research framework that allowed alignment of the TIA process with the research objectives of the project and with the concerns of the involved stakeholders as actors within living processes.

A specific structure has therefore been chosen which favours extensive interaction and two-way communication between the Core Group of researchers and experts, and the stakeholders involved in the project. This ensures that the stakeholders are actively engaged in the TIA process while remaining committed to their own IP.

The Core Group of experts was composed of two sub-groups with different characteristics and tasks. The first sub-group was composed of the facilitators of the IPs. The IP facilitators (IPFs), through the duration of the project, have provided the participants in the TIA project with information on their IP, its history, and its latest evolutions. Furthermore, they have contributed, alongside the other participants in the project, to the analysis of the IPs and to the identification and analysis of cross-cutting issues. They have also facilitated the engagement of a group of key stakeholders engaged in the IPs. The IPFs have thus provided a permanent bridge between stakeholders and the TIA project.

The second sub-group of the Core Group of experts is the Methodological Task Force (MTF). The members of the MTF led the transversal analysis of the information gathered about the IPs together with the other TIA participants, and had a key role in the identification and analysis of cross-cutting issues and in the methodological organisation of the TIA meetings together with the IPFs. They also produced specific thematic contributions.

The stakeholders were involved in the production, review and validation of knowledge through annual seminars gathering all the types of participants in the TIA project. Beyond their participation in the Annual seminars, the stakeholders also have contributed to the production of knowledge in the process through

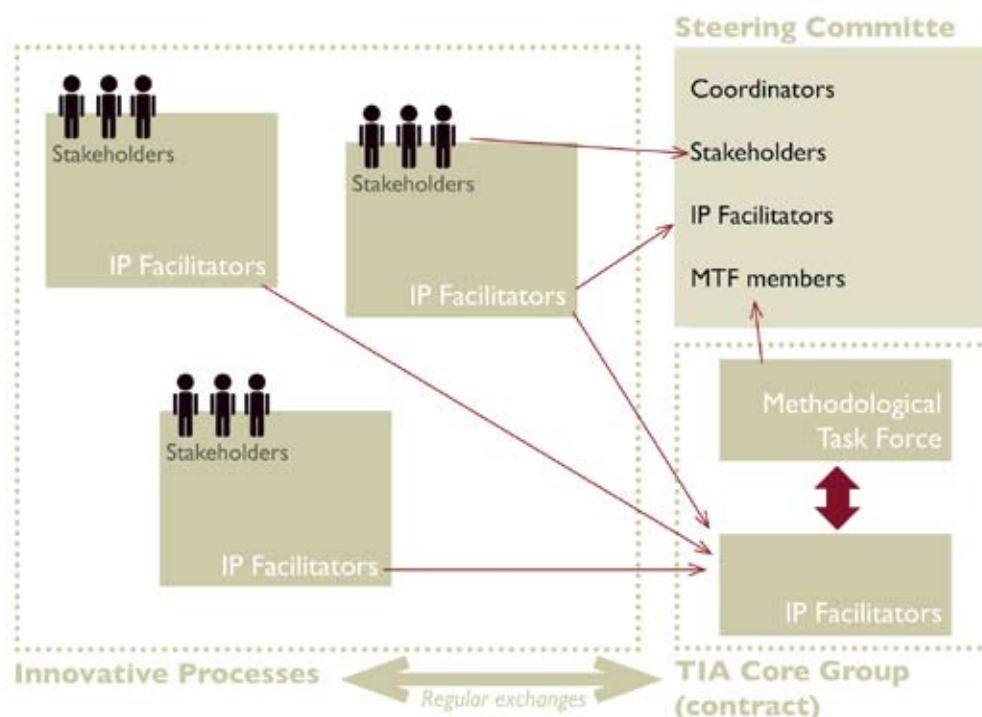


Fig. 1 : Structure of the TIA project

their more steady interaction with the IPFs.

The Steering Committee of the TIA project reflected the plurality of actors and roles inside the TIA project and included IP facilitators, members of the Methodological Task Force and stakeholders engaged in the TIA.

The process of knowledge building was based on iterative exchanges between the 3 groups involved in TIA: the IPF group, the MTF and the stakeholders of the IPs. After an initial kick-off meeting, the exchanges were organised in 3 sets of annual events. Each one-year step included:

- A meeting of the Core Group (MTF and IPFs)
- An Annual Seminar gathering all TIA participants
- A meeting of the Steering Committee

In addition, ad hoc meetings (or virtual meetings using Internet tools²¹) of the MTF, the IPFs and of the Steering Committee occurred to deal with specific issues.

The TIA Core Group adopted a flexible and pragmatic position about the methodology. The work programme for the iteration was set up at the beginning but has evolved as findings emerged and as participants fed back on the methodology in terms of its value and practicability. This flexibility has left room for contingency: it allowed the TIA participants to benefit from unexpected events or situations to enrich the TIA outputs. This adaptive approach also allowed the TIA project to adapt to stakeholders positions and concerns, allowing them to take an active part in the methodological development of the TIA process.

The selection of cases

The original aim was to go further than a retrospective analysis of case studies (as in TRUSTNET 1 and TRUSTNET 2); in particular the aim was to conduct a 'partnership approach' to learning and knowledge building through the study of a selection of live innovative processes (IPs) engaged, to varying degrees and awareness, in experimenting in governance. The basic selection criterion for the IPs was to combine a variety of national contexts associated with hazardous situations or activities. During the three years of analysis, some IPs changed significantly because of unforeseen developments. The TIA core group also had to reconcile its aspirations and objectives with the interests and willingness to participate of all the actors. This last point cannot be overemphasised in terms of its bearing on the conduct and outcome of research. Nine Innovative Processes (IPs) were ultimately selected which broadly speaking satisfied the follow pre-conditions:

1. IPs were living, in progress, (cases-in-action not text book case histories) ;
2. IPs represented problematic or seriously hazardous situations or activities that were having/could have major impact on the cohesion of civil society and involved some experimentation with instruments and institutions of governance;
3. IPs had to be represented both by the actors of the situation and a mediator or facilitator involved in the governance experience;

²¹ i.e. the e2FocusGroup tool developed by the Knowledge Assessment Methodologies Sector (KAM) at the European Commission Joint Research Centre

4. IPs had to demonstrate commitment to being engaged in a 'live research' project over a period of three years and the resource implications that this implied.

The nine IPs were followed up during the three years, with no a priori assumptions about their effectiveness.

The gathering of knowledge

Usually the case-history (or 'case-based') method is used for training and information purposes (medical, managerial, didactic). In the TIA project, this method was used to construct a rich pool of knowledge. It was impossible however to capture in this 'passive way' all the elements given the dynamic nature of IPs and their wider contexts. Thus, several approaches have been followed to enrich the gathering of information and experience:

1. Regular meetings were organised where the facilitators of IPs were accompanied by some of the protagonist groups to represent a pluralistic and not closed view of the 'cases';
2. Some meetings incorporated site visits to ground the explorations in the territory of the stakeholders so as to enlarge the vision ;
3. At all meetings, a summary of each IP with any new developments was made a key agenda item;
4. All the categories of participants (stakeholders, IPFs, Methodological Task Force) were open to attend the same presentations of the cases. Every participant was free to ask spontaneous questions and to constructively challenge the views of others;
5. Cases were co-analysed during parallel sessions by teams of both researchers and members from all the IPs;
6. Transversal issues were extracted in the process by the MTF at the mid-point of the meetings and shared in a final day plenary with all the participants;
7. The information and experience gathered about each of the IPs (in particular the verbatim²² records of the first two annual seminars) were systematically analysed and a template was subsequently made available to the IPs to aid the task of obtaining complete descriptions of the processes.

The iterative and stakeholder-driven nature of the information and experience gathering process resulted in some completely unexpected revelations and the identification of crucial pieces of information. New and evolving relationships between actors emerged as a direct result of the process.

From case-based methodology to actor-based methodology

A wealth of published literature underpins case-based methodology. Moreover, it has a long track record of successful application in the fields of science, law and medicine. Over the years, by way of sociology, case-based reasoning becomes prominent when deductive methods or quantitative instruments are unable to deal with incomplete data or dynamic knowledge ²³

Usually, the case-based method is designed to train participants to analyse concrete situations and to extract

²² In order to avoid deformation of stakeholders' expression and loss of content, the second Annual Seminar of TIA (Brescia, Italy, 6th-8th October 2006) was recorded and transcribed in the original language of the speakers, then translated into English.

²³ See for example: J C Passeron & J. Revel (eds), *Penser par cas, Enquête*, Editions EHESS, Paris, 2005

findings - by co-ordination - in terms of principles, models or characteristics of observed objects or phenomena. In the TIA project, the research needed to be more oriented towards drawing common features from a variety of perpetually changing, participative governance experiments.

This case-based method is generally considered useful when inductive reasoning from singular situations is required. In science for example, when new observations or new problems emerge, it may be impossible to apply an existing theory or explanation. In these cases various hypothesis are developed and tested until a fit is found to the new observation. There are many examples of inductive process in the history of discoveries.

In TIA, the objective was to induce or discover some common features from the comparison of cases. It was desired to be able to test for example whether:

- 1) legal and institutional instruments were readily adaptable to the emerging complexity of observed situations, given that more and more institutions are confronted with multi-actor, multi-dimensional and multi-level problems with little or uncertain knowledge.
- 2) the territories on which communities of interests are first constructed can be redefined dynamically by local actors in the perspective of a sustainable project, given that the territorial boundaries in a case might not be static or may need to be redefined.

This derived TIA methodology thus has to be relevant when new governance phenomena in hazardous situations cannot be observed, explored or simulated using traditional methods and tools.

The TIA methodology has proved a rich means for observing evolutionary and complex situations on the ground and a powerful enabler for collective intelligence processes. Traditionally, criticism of case-based methodology bears on the artificiality and the reduction of the complexity (simplified representation) of real life situations. In the TIA project, the complexity has been preserved and highlighted through the interactive engagement in the process of the different categories of actors.

It can be concluded that the case-based methodology (CBM) has been enriched and transformed into an innovative “Actor-Based Methodology” (ABM) within the TIA project. ABM would then meaningfully used for those instances where a lot of knowledge about a process with significant societal implications is uncertain, noisy, fuzzy and incomplete. Under those sorts of conditions, ABM provides a unique contribution to:

- identifying facts
- recording relevant and peripheral information
- building a collective narrative
- envisioning controversial aspects of a situation
- modelling collective intelligence in a co-ordinated process
- maintaining a dynamic approach
- sharing knowledge
- elaborating common issues

Can ABM be labelled as a new type of collective “Socratic method” which allows coping with “complex problems”²⁴? It would certainly be incorrect to consider it simply as a “psychoanalytical practice” of collective entities. Moreover ABM cannot be compared with research action or with social psychodrama: rather it should be defined as an interactive and dynamic process, particularly relevant for observing complex multi-actor phenomena.

Implementation of the methodology: the TIA process

The framing of the TIA process defined by this iterative and reflexive methodology leaves room for adaptation of the process and mutual learning among the various participants. The TIA process was marked out by open and on-going questioning of the methodology. This allowed qualitative leaps to be made in the analysis of the IPs and a large measure of co-construction of the TIA framework. This was not always a comfortable process however as it provoked temporary and transitional uneasiness among the TIA participants (cf. Fig 3 for a detailed presentation of the TIA process and its various intermediary outcomes). An unanticipated outcome of this “momentum of self-reflexivity” and of the multiple exchanges of information that it created between the MTF, the IPFs and the stakeholders, was the progressive elaboration of the cross-cutting issues constituting the TIA framework (cf. Chapter 4 and 6) and an increasingly focused acquisition of quality information about the IPs. The TIA framework was finally validated at the last Annual seminar of the project (20th to 22nd October, Bled, Slovenia) by:

- Common agreement of the whole TIA group (i.e. stakeholders, IPFs and MTF members)
- Successful practical application of the framework on new cases²⁵ presented for the first time by non-TIA local and national stakeholders.

The first year of the TIA process was mostly dedicated to the gathering of basic factual information about the 9 IPs (nature of the addressed issue, schedule of the process, location and encompassed territory, evolution of the process, participating stakeholders, nature of the initiator and owner of the process). This information was shared among the TIA participants (1st annual seminar). It was subsequently refined through a first questionnaire which mainly focused on the intrinsic characteristics of the IPs (participation tools used, process of inclusion/selection of stakeholders), and a separate, transversal analysis of the verbatim record of the 1st annual seminar.

A first methodological revelation occurred during the 3rd Core group meeting (month 14) and concerned the innovative character of the IPs. In effect, the information gathered about the intrinsic characteristics and developments of the IPs did not allow the core group to reach a consensus on the essential ‘innovativeness’ of all the IPs. It was acknowledged however that some IPs, not considered innovative with reference to the mediation or facilitation techniques being used, did actually constitute a significant break with traditional governance approaches in some way or another. This first insight led the Core Group to re-examine in this light the interactions between each IP and its broader context (institutional framework of the country, territorial, context ...) and to propose an initial version of the first 4 cross-cutting issues of the TIA framework (institutional and legal issues, new patterns of democratic action for Territoriality-Based Communities, the process of change towards inclusive risk governance, and sustainability of inclusive risk governance).

A second methodological revelation occurred during the 2nd Annual Seminar (Brescia, Italy, 6th to 8th

²⁴ J.M. Leclerc et alii, *La méthode des cas*, Guide d'accompagnement, Montreal, EHEC, 1996

²⁵ The two cases were the selection of a site for radioactive waste disposal and the controversial project of windmills in a natural site.

October 2006). During this seminar, some stakeholders explicitly challenged the status and the usefulness of a framework for 'universal' cross-cutting analysis which was based on processes dealing with very dissimilar issues ranging from industrial pollutions to the preservation of bear populations. This challenge led to a significant reframing and re-organisation of the remaining part of the seminar so as to allow free discussion of the issues raised among the participants in open, plenary session. This discussion resulted in;

- Articulation, sharing and widening ownership of a common diagnosis of the strengths and weaknesses, threats and opportunities of risk governance in the EU among the whole TIA group
- Identification of genuine commonalities in challenges and experiences among the IPs, which could be further developed as authentic cross-cutting issues by the Core Group and be recognised by all actors
- Better articulation of the common goals aspired to by both the expert group and the stakeholders

The last methodological revelation occurred during the 4th Core Group meeting in Tübingen triggered by a serious challenge as to the scientific robustness of the TIA framework. The ensuing debate led the TIA Core Group to reflect more deeply on the nature of the methodology and to identify it afresh as an innovative paradigm of research and as an important outcome of TIA in its own right.

A research process and its outcome embedding three dimensions: scientific, heuristic and strategic

The TIA methodology is an evolutionary methodology. Its purpose is to embrace the dynamic complexity of a variety of 'experiments' in Europe, within the context of hazardous activities or situations of risk, relating to the issue of democratic, participative governance. These 'experiments' are reflected upon through a set of collective procedures and events involving the stakeholder actors and experts, to achieve a process of co-construction of knowledge, interpretations and norms.

The TIA methodology is thus more than an ordinary case-based methodology; it appears, in fact, as an Actor-Based Methodology (ABM). Indeed, the participants are required to produce and confront their interpretation of the cases and to recognise in these their own specific perspective, be it an academic discipline, a professional background or a life experience, and also the existence of other possible and equally valid perspectives.

In this sense, the central plank of this inter-disciplinary inquiry is that a reflexive process as a result of a 'collective intelligence-making' can identify the main features of an alternative or complementary methodology of governance in Europe.

Thus, the TIA methodology comprehends three dimensions: scientific, heuristic and strategic.

The scientific dimension

The scientific dimension of the TIA methodology lies in the collective inter-disciplinary co-examination and co-validation of the various cases in terms of quality of the governance process.

The evaluation of the quality of an innovative process means that it is not assessed on the basis of a binary 'value laden' (from a 'good' to a 'bad' process), but rather in the perspective of identifying 'most appropriate practices' or 'most relevant options' as judged by the participants themselves, be they experts or stakeholders. The scientific input concerns the experimental co-construction of a methodological grid (the TIA framework) for the interpretation and the implementation of a process of governance in a given context.

The relevance of the methodological grid is endorsed by the collaboration of participants coming from various backgrounds. In particular, by means of regular contacts and meetings, the grid was designed and assessed collectively; the stakeholders not only provided the experts with information but also challenged their interpretations of each process.

The methodology effects a 'demonstration of possibility' in arguing that what is real (i.e. already existing) in the field of governance is also a proof or, at least, a sign of what is possible (i.e. not unrealistic). The methodology also identifies difficulties that are highly likely to arise when certain key elements are weak or lacking in inclusive governance processes.

The heuristic dimension

The TIA framework is a grid for analysis that the stakeholders and IPFs used to build their own evaluation of the IP and provide insights as to how the IP might evolve or need to evolve in the future. In this perspective, the TIA framework should by no means be considered as predictive. It does however provide meaningful clues to identify the multiple dimensions at stake, as well as the important variables entailed in the situation that are both complex and dynamic.

As a heuristic framework, the TIA framework gives the stakeholders a degree of flexibility in assessing the relevance of 'such or such' criteria derived from the grid for the purpose of judging their own process. The spirit of this framework is encapsulated in questions such as: "A group of experts and stakeholders identified 'such and such' general criteria as relevant to their process. Are those relevant for your process? Can you identify other possible general criteria?"

The relevance of the methodology lies in the flexible analogical structure of the rules to be elaborated, rather than in a universal logical structure requiring these rules to be applied in a non-reflexive and non contextual, 'mechanistic' way.

The strategic dimension

The TIA framework is a grid that organises reality in the perspective of action, while not being a classical research-action process. It does entail a normative perspective.

A major purpose of TIA is to produce an empowerment of the stakeholders so that they can become active rather than passive actors in their process, and more broadly, in determining aspects their life. It also develops experts who, through involvement with the process, evolve from a traditional scientific position towards a position which serves socio-political and scientific expectations.

The process of empowerment of any set of participants involved in the TIA process expresses as an evolution from a purely 'focus group' to a group sharing a desire for common action towards a common goal. In this sense, the dividing line between the experts and the citizens tends to fade and be replaced by an enlarged community of interest and practice articulating a common range of concerns and promoting a common pattern of governance in Europe.

Conclusions

Throughout 3 years, TIA allowed developing, testing and refining an original and pragmatic "actor-based" methodology of co-operative research which may be used to investigate any complex issue entailing risks or impacts on the life of concrete individuals and communities or on their relation to their environment (e.g. health, environment, fisheries, agriculture, sustainable development, regulation of hazardous activities, development of new technologies, climate change ...).

Such co-operative investigation constitutes a process of social inquiry²⁶ of the considered issue, through which a set of actors including directly concerned stakeholders combine complementary skills, knowledge and understanding, and build a collective intelligence of the issue at stake. By doing so, they produce knowledge that is not only scientifically valid (scientific dimension of the TIA methodology) but also meaningful for the various engaged actors (heuristic dimension), thus allowing to reconcile scientific and social perspective on the considered issue. However, such process of social inquiry produces not only knowledge, but also empowerment of the actors engaged in the process, both individually and as a group. Such methodology thus contributes to create the conditions for the engaged actors to take part to the production of concrete solutions and regain influence on decisions affecting them (strategic dimension of the TIA methodology).

26 i.e. an investigation which is carried out with and by (and not for) a pluralistic group of stakeholders willing to investigate an issue which matters for the public. For more details on the concept of social inquiry and on the philosophical underpinning of the TIA methodology, cf. chapter 6 (Philosophy of governance in TIA) for detailed developments about the philosophical underpinning of the TIA methodology.

Annex 3

The 5 Cross-Cutting Issues

This Annex gives a detailed account of the findings developed for each of the Cross Cutting Issues that were derived from the transversal analysis of the 9 Innovative Processes (IPs). These findings were developed and refined during the three years of the TIA project and were extensively discussed at the Annual Seminars.

A. From traditional decision making towards inclusive governance - Legal and Institutional Issues

A first cross-cutting theme extracted from the transversal analysis of the Innovative Processes (IPs) is the transformation of traditional regulatory systems based on rather centralised and prescriptive decision-making, heavily relying on technical or scientific experts, toward a more inclusive, multilevel and experimental system of governance.

This evolution is exemplified in various IPs where public authorities (experts, regulators) and/or the legislature (the main players in the traditional systems) were the main drivers of initiatives towards a more inclusive process of governance²⁷. Such initiatives can be notably observed for CLIC, SH2, Societal Risks, and Bio-monitoring. In these cases, it was the public authorities that developed a range of strategies to involve the civil society in the decision making process (and more specifically upstream, in decision framing) in order to increase the legitimacy of decisions and/or to improve the efficiency and practicability of the decisions. In other IPs (such as IPHB, Brescia and Invest in Fish) the existing traditional system of regulatory decision-making is also challenged and other means of more legitimate and efficient decision-making have been strived for.

The limits of traditional governance systems

In many IPs, one observes a failure of the traditional centralised regulatory tools. Traditional decision-making systems often result into coercive actions imposed in an exogenous and rigid way on territorial actors. In the IPHB case, the creation by national authorities of sanctuaries for bears including summer pastures was perceived as a major threat by shepherds to the sustainable development of their activities and it triggered a violent local conflict. In the context of the SH2 IP, the process resulted from the awareness that top down approaches to regulating health risks were no longer appropriate to the current profile of the UK economy. The Invest in Fish process derives from the same statement: the use of European quotas fails to meet the goal of sustainable fish recovery and a sustainable fishing industry.

In many analysed contexts, the issue at stake is to improve the technical robustness in contexts characterised by either the complexity or the presence of scientific uncertainties or expertise claims. The challenge is not only to improve the information basis or the common cognitive basis but also to improve the political legitimacy of the decisions taken. For instance, in the Biomonitoring IP, the process of biomonitoring in Flanders could not be separated from the dioxin crisis that provoked a political “earthquake” at national level. Similarly, but in a wider perspective, the White Paper on Governance issued in 2001 by the European Commission emerged from a situation of crisis. Transformation should therefore be understood as responses that are triggered by outside events.

A key stake is therefore to improve the political quality of decisions in terms of transparency, accountability and adherence to the concerns of local actors. Balancing risks, prevention and sustainable development of economic activities is also a crucial concern. For example, in the Societal Risks IP, the strong Dutch legal

²⁷ See TRUSTNET 2 Framework, Towards Inclusive Governance, European Commission 21024/1, (2005)

framework for the management of industrial risks based on risk assessment led to a growing conflict between protective measures and the need for industrial and urban growth.

This ongoing process not only concerns the realm of risk management but is also encouraged and triggered by a broader trend of transformation of traditional governance. In different IPs, sectorial innovations derive from general guidelines provided by both national public authorities²⁸ and the European Commission²⁹ or from international treaties allowing a greater role to societal engagement practices in decision making and knowledge building processes. For example, the French law on natural and technological risks integrated the principles of public information and participation entailed in the Aarhus Convention. The SH2 process is a direct implementation of the UK Government agenda for modernising government. The biomonitoring process implemented in the Flanders region (Belgium) is one of the new expertise tools recognised by the European Union in the field of health and environment.

The main trends identified

The IPs illustrate different trends of transformation of legal and institutional frameworks.

One significant trend is the creation of ad-hoc bodies and processes. These bodies and processes may be installed in order to address a given issue or crisis taking place at local level, as it is observed in the Brescia IP. These specific processes may also aim at the framing of new regulatory tools; this is notably the case in the SH2 IP but also in the Invest in Fish project.

This trend is part of a more general process of transformation of the way laws and regulations are being designed and elaborated towards a growing use of experimentation. For example, experimentation is to be observed in the CLIC IP: the 2003 law left room for testing experimental CLICs in 8 areas in France. The implementation decree adopted in 2005, which set out the composition and operation of the CLICs in the whole country, integrated the return of experience of the experimental pilot projects. Another illustration is the Societal Risks IP and the role given to stakeholders in the elaboration and implementation of a new regulation of industrial facilities in the Netherlands. The development of temporary legal framework (“sunset laws”) is also a significant evolution in that perspective.

Another trend is the creation of more permanent consultation bodies involving local stakeholders. These bodies can be initiated by the local government themselves in order to address their own problem regarding territorial sustainable development as it is the case in the Vienna Mediation IP. They can also be created by law for the overall national territory as in the case of the CLIC established in the vicinity of Seveso installations by the 2003 law for the prevention of natural and technological risks. Consultation bodies have often a mission of local dialogue and advice as well as a possible broader mission of contributing to national Government policies concerning risks.

The transformation of traditional governance can also lead to more radical institutional innovation as observed in the IPHB IP. The contract (Charter for the Protection of Bears and Local Development) signed in 1994 between the state and the local elected representatives provisioned the devolution to the local level of national authorities’ responsibilities regarding land planning and nature protection. Beyond a mere devolution of competences, an inclusive and multilevel decision-making process was designed involving three different functions: an advisory council (Patrimonial Management Council) organising a pluralistic³⁰ local

²⁸ See Risk : improving Government’s capacity to handle risk and uncertainty, UK Cabinet Office (2002)

²⁹ See European Commission, White Paper on Governance, COM(2001)

³⁰ Composed of three boards of 11 members representing respectively the elected representatives, the citizens, the Department, the Region, citizens of the valleys and qualified personalities.

dialogue and reflections and making proposals for future decision; a decision-taking body (Syndicat Mixte) bringing together the local governments; a facilitation team implementing the decisions of the Syndicat Mixte.

A specific issue is the development of societal engagement practices in public expertise on risks and environmental issues. Different IPs illustrate the evolution and changing roles of incorporating expertise and expert institutions in decision-making processes, that gradually open up to societal demands for reliable, unbiased and clearly communicated expertise and, more specifically, the development of new processes of expertise involving citizens. Various degrees can be observed within this process of opening up of public expertise on risks: from the development of procedures favouring a better access of stakeholders to counter expertise to the organisation of pluralistic expertise.

Impacts of changes in legal and regulatory frameworks

Changes in legal frameworks can be considered to have two functions. One is to regulate, organise and coordinate. The other one could be described as its “adversarial function” that is when the legal system is used by civil society actors to argue with institutions. New legal frameworks often provide instruments for new actors to go to justice and to take legal action against operators or public authorities.

The emergence of new legal frameworks should therefore not be confused with the creation of new public institutions. In other words, the use of legal means does not equate with a higher role for Government agencies or a greater level of centralisation. Law can also be understood as a way of extending freedom and of opening new capacities of action for civil society actors.

One crucial contribution is to create the conditions for the emergence of empowered stakeholders. The quality of legal frameworks, standards and rules here relies on their “effectivity”, meaning their political and practical impact. The issue at stake is how the stakeholder effectively uses the legal frameworks that allow their participation (to decision making or expertise processes).

The recognition of a greater role of the stakeholders in the decision making and expertise processes

The major contribution of new legal frameworks and institutional settings is to give a statutory position to the contribution of stakeholders in the decision making process. Such transformation of legal frameworks therefore leads to the definition of new roles and relationships for stakeholders and local actors.

The process observed not only concerns the greater role recognised for stakeholders in decision making process but also their influence on the way laws are drafted. This process of law making is more and more dynamic and leaves room for experiment and updating. In this perspective, the development of “sunset laws” with a definite time of existence is another significant trend.

Such change may entail threats for stakeholders. Entering inclusive governance processes introduces deep uncertainties on the boundaries of each actor’s role. These boundaries are becoming flexible and have to be redefined in each context and situation. For instance, within CLICs mayors and local elected representatives are often afraid to give their opinion..

The issue at stake becomes therefore to secure and protect stakeholders participating in decision-making processes. In SH2, stakeholders are provided with commercial incentives.

The impact that an IP may have on the ways of governance and to establish whether there is a move away from traditional structures of decision-making, can (should) be assessed in the light of the question whether any changes can be observed due to the functioning of and/or perceived success of the IP. Hence we are

interested to learn whether the IP has had any external repercussions and whether it has an impact on decision-making. What has the IP meant for the way one looks at and deals with participatory structures? Can any changes in law or institutional settings be observed as regards the participation of citizens and/or stakeholders; and hence does the IP lead to a more inclusive form of governance? In different IPs (e.g. IPHB, Brescia), innovative forms of governance encounter difficulties in coordinating and coexisting with the overall traditional governance systems. Such difficulties strongly challenge the sustainability of the change introduced by these processes.

The limits and ambiguities related to this process of change

The process of transformation of legal framework alone entailed limits and ambiguities.

The creation of a statutory position does not, as such, create the stakeholders and their active participation in the decision-making. The formal embedding of inclusive governance in legal and institutional structures only constitutes one single step in the global process of change. This process takes place at the same time inside and outside legal frameworks. In the Haut Béarn IP, the democratic culture that is shared by local actors does not derive from law. It is a product of identity and culture and is rooted in history. Nevertheless, the reshaping of legal system brings a strong contribution to the emergence of empowered stakeholders. The issue of institutional innovation also concerns the engagement of stakeholders in the assessment and control in legal change and the implementation of new policies. In other words, how are stakeholders involved in the evaluation of public policies?

However, ambiguities can derive from an embedding of inclusive governance in legal and institutional frameworks. Formal recognition of stakeholder involvement can be a factor of devitalisation of inclusive governance. Change and innovativeness can also be triggered within more informal frameworks.

Towards an effective multilevel governance

Regulations, standards and rules (be they regional, national or European) are often drafted “against” rather than “with” the stakeholders and, particularly, territorial entities.

In the traditional framework of governance, health or environment can be used to impose the implementation of standards on local stakeholders. In reality, sanitary concerns as well as biodiversity can be appropriated at all level of action. The drafting of standards at upper level often triggers the opposition of lower level actors.

In this perspective, multilevel governance should be distinguished from the principle of subsidiarity as understood by European law. Multilevel governance aims at leaving room for community and individual initiatives in the very definition of standards.

Such new multilevel governance requires the implementation of specific translation skills. The European Commission needs such skills in order to achieve the appropriate translation of problems so that the concerns and expectations of citizens towards the European Union are met; this should recognise that territories are increasingly the focus of sustainable development and social cohesion.

B. New patterns of democratic action for Territoriality Based Communities

Territory, territoriality and democratic action

The notion of territory is at the heart of daily life. A territory has been defined as “a system characterised by one or several human groups and a delimited geographic location”. It appears however more as a social construct, a human creation, than an administrative entity or a geographic limit. Currently, intense debates about the role of territory reveal several tendencies. On the one hand, public action is territorialised and local deciders ask for more participative procedures implying local actors. On the other hand, with the explosion of the networks, new communities become free from territorial inscription. In TIA, a third role of territory has been observed when facing risky or dangerous events: it becomes essential for a community to rebuild the feeling of belonging to the same space and the same future, notably when the institutional levels fail to regulate the crisis. The concept of Territoriality defined as an “historical form aiming at organising relationships of a human group to space”³¹ interferes with this construct. Territoriality can use territory as a way to build identities. We have thus characterised these communities as territoriality-based communities (TBC).

A major theme raised from observation of IPs is the emergence of new patterns of democratic action for territoriality based communities. Engagement of civil society moves from a prompted, sought and largely one-off involvement of interest groups, to the comprehensive and autonomous engagement of TBCs in the long term (continuity). In some IPs, the change is not driven by public authorities but by emerging (structured or in the process of becoming organised) communities such as those in Brescia, IPHB, Invest in Fish and Zoning.

These typically are territorial communities where various categories of actors, such as local elected representatives, local NGOs, lay people, professionals, workers, trade unions, local administrations, are confronted with complex issues affecting their day-to-day quality of life. Facing complexity, these actors try to articulate common strategies for regaining control over their lives, recovering capacities of action and for building together a sustainable future for their community.

The territoriality: a historical form of belonging to territory

A key dimension here is what we called the territoriality of the community. This territoriality is problem sized or project sized. A group of people that is threatened, affected or concerned by a problem have moved from a situation where they were dependant (on external factors and on each others) to a situation where they have taken action together in order to regain control and improve the situation. The boundaries of the territoriality are determined by the nature of the problem. In this perspective, it is a “set of relations that allow groups to claim their interest in space”.³²

Problems translate to projects that gather people working towards common objectives. Autonomy is increasing as a result. Quality of life is an emerging property of this process. Territory here could also be defined as a “continuous or discontinuous space used by an individual or a group for their interactions and fitting a need for identify and security”³³. “The actors of the territorial community take advantage of material and immaterial resources in order to maintain and develop their identity and autonomy while adapting

³¹ A. MICOUD, “Des patrimoines aux territoires durables”, Ethnologie française, 2004-1MATHIEU, 1990, “Du rural à l’environnement”, Paris, l’Harmattan.

³² A. BAILLY and H. BEGUIN, “Introduction à la géographie humaine”, Paris, Ed. Masson, 1990

³³ J. EYLES, “Space, territory and conflict”, Geographic Paper Number One, Department of Geography, University of Reading, 1971

to a changing world along space and time”³⁴

Territoriality has nothing to do with legal issue except because law is the law of the State territory. Institutions are also organised following a spatial and hierarchical organisation. Geographic and administrative structures and boundaries do not necessarily cope with the nature of the problem affecting a group of actors. “The territory is objectively organised and culturally invented”³⁵. The physical territory is only one dimension of the resources they mobilise. Space is indeed an important dimension since it provides human beings with ontological security that is resulting from the “sense of place”³⁶ or from the “geographical feeling of existence”³⁷

A characteristic of TBCs is therefore the sustainability of the engagement, often translated into a multigenerational as well as intergenerational perspective, allowing the preservation and transmission of cultural memory and traditions. The territory is therefore a place of memory for rites, song, myths, heroes and marking.

Contemporary territories are more like “millefeuilles” than mosaics. This proximity and the millefeuilles interdependency mean that not only territorial space but also public space (communication as action according to Habermas) are concerned. Places remain singular and idiosyncratic. Even if they are more or less connected inside a landscape or a place, proximity introduces the idea of contiguity and concentration in a limited space.

Facing a major threat flaunts dysfunctions within a community and stretches its cohesion. In a territory, resources are scarce by definition. Solutions can be sought outside or inside, or both. Although it can bring resources, extension to external levels of action can increase dependency and weaken local expertise, vigilance and resilience. As a result, negotiations between stakeholders are then often postponed (as in the Brescia case³⁸). On the contrary the emergence of risks creates internal dependency among actors of a community but also opportunities for internal cooperation.

Among the questions to be addressed is the issue of virtual communities i.e. those where the emerging entity of civil society is not necessarily a geographical community but a community linked or bonded by dimensions and means other than location or territory. The development of information technologies such as the Internet with the emergence of cyber communities could be a significant trend in this perspective. In many contexts however, ‘territoriality’ appears to be the basic transversal property for integrating the plurality of actors and issues involved within a geographic, functional, contextual or technological “territory”.

Capacity to embrace complexity

It is not only one single fragmented dimension of the problems that is considered here (risk for instance), but all dimensions impacting the community life. National administrations and institutions are often constrained by their remits and by standards to address single issues. Paradoxically, public institutions run risks to protect health or bears while destroying cultures, economy & quality of life.

³⁴ H. OLLAGNON, “Une approche patrimoniale de la qualité du milieu naturel”, in M. JOLLIVET et N. MATHIEU, 1990, “Du rural à l’environnement”, Paris, l’Harmattan.

³⁵ A. BOURGEOT, 1991

³⁶ A. GIDDENS

³⁷ J. GRACQ

³⁸ In the Brescia case, proximity triggers interventions of several traditional institutions and stakeholders. The municipality was the main institution which tackled the problems, developing shared expertise process and discussion groups. A local decision on how to solve and to stop safety or precautionary measures was however dependent on the answer of the Ministry. Some organisations have been challenged. Unions for example could resolve the issues linked to trade unionists and workers but what about the other workers and their families inside the city? And about other categories of workers such as farmers?

On the contrary, communities need to address all dimensions of the complex issues that confront them. This in turn encourages much broader co-framing of the matters at issue and strengthens the likelihood of a shared common perspective.

It is a significant trend among IP stakeholders that they present their context in a broad and holistic perspective including the historical, geographical, social, economic and political frameworks in which they are living.

Horizontal connectivity, democratic culture

An important dimension here is the horizontal connectivity of the different actors of the TBC and their capacity to build, beyond existing constraints and self-interest, mutual respect and dialogue in order to define a common future and strategies to reach commonly agreed goals (where for instance local authorities or local decision makers alone are very seldom in a position to integrate all the dimensions involved in a complex problem affecting the community life).

Horizontal connectivity means the progressive building of a community spirit among all actors and co-elaboration of shared common good, beyond their differences. Rather than an obstacle or a difficulty, plurality and differences are perceived as a resource. Plurality contributes to vigilance and safety. An important dimension of this is the existence of a democratic culture among the citizens of the TBC.

While TBCs can maintain their internal cohesion and quality of life, they remain open to a changing world while avoiding destruction (“homeostase”, Claude Bernard) and they have the capacity to take advantage of diversity as a resource. A radical distinction should be established between what is seen here as a TBC and traditional autarkic communities where social bonds and political consensus are based on uniformity and cultural similarities and where cohesion is more the result of a defensive attitude towards what is external or foreign. TBCs should also be distinguished from “feudal” type political systems where little room is given to individual influence while power, albeit local, lies in the hand of one or few persons. A mutually beneficial articulation of representative democracy with participative democracy is characteristic of TBCs. A specific contribution of participation to decision framing is identified while a specific role and legitimacy is attributed to elected representative for making decisions (closure) as emphasised by the TRUSTNET 2 framework. The introduction of transparent, open and democratic procedures at the community level is also a key aid for enhancing horizontal connectivity. Whereas for several IPs, citizen action groups play a key role in the initiation of the proposed change process, subsequent integration (or exclusion) of those groups should be considered when assessing the extent of horizontal connectivity.

The development of participatory processes, forums for dialogue and local committees (see the CLIC IP) should be viewed and designed from this perspective. What are the conditions for structural design and change that would enable and empower the participants to develop new sustainable relationships and partnerships among each others and to contribute to the constitution of an influential community? Local committees should be regarded as means for improving horizontal connectivity of a TBC.

The scale of capacity building and the empowerment within communities are further features to be assessed. More specifically, the mobilisation of lay and local expertise by the affected citizens, as well as community resources to support local lay expertise, needs to be addressed.

Vertical connectivity

Community issues and concerns are more than often connected with issues that are also addressed at wider level of action. In effect, the concern of local actors about their territory is not exclusive of the outside world as well as of other actors that are concerned with or interested in the territory while not being a member of the community. Vertical connectivity is the capacity of TBCs to appropriate and connect with national,

supra-national and international processes of decision-making that affect them and to gain influence on them.

Limited vertical connectivity in IPHB calls into question the sustainability of this process. Vertical connectivity also has to do with CCI 1, that is to say with the capacity of traditional governance to welcome, support and integrate those emerging TBCs and to support their empowerment to the point they become co-actors at upper (national or international) levels of decision. A key indicator of change here is the capacity of TBCs to network appropriately at national and European level in order to increase their combined influence on national and European decision-making. However legitimacy remains strongly linked to the representative levels.

Stakeholders often describe globalisation as a process of destroying territorial entities and weakening social bonds. The engagement of TBCs at national and European level is providing civil society with means to regain influence and power based on autonomy and cohesion, and to set up the conditions for sustainable development.

C. The process of change towards inclusive governance

Innovation in the face of complexity

Insofar as the sorts of issue encountered in TIA are characterised by the challenge they offer to traditional administrative or regulatory methods, it is not surprising that the processes now underway in each case are described as innovative. In other words, when the existing tools at the disposal of public actors prove to be inadequate in the face of particularly complex problems – or even in the face of a growing awareness that problems are more complex than had previously been recognised – the response is frequently described as marking a break with past practice and as representing an entirely new way of governing risk issues.

As a consequence, what is of especial interest to policy makers, regulators and other stakeholders confronting similar challenges is precisely what is involved in these innovative processes: what is it about them that renders them particularly fit to respond to complex problems?

This is, of course, only the most basic question. A whole series of related queries flow from this, all designed to elicit greater clarity about how the innovative processes brought together in TIA can help contemporary society to meet the challenge of complex, sometimes seemingly intractable risk problems. This third cross-cutting issue unites many of these queries.

Before looking at these questions in more detail, it is important to stress that there is no presupposition that what is present in the various IPs is actually working. The framework is concerned to discover both what is successful and what has been tried but found to be less so. The value of the framework lies in the opportunity it provides for stakeholders involved in the IPs to reflect upon their experience, comment upon the usefulness of the processes, provide information for stakeholders in similar settings (both in TIA and beyond) and take advantage of the output from similar reflections by stakeholders in other IPs.

In this regard, it is important to bear in mind that the Framework exists on different dimensions – heuristic, strategic and scientific – and that in each case the claims made must be understood to be modest, and subject to review and revision on the basis of emergent information.

Choosing new tools

In looking to see what it is about a process that renders it particularly fit to respond to complex problems, the first and most basic question to ask is: what tools were selected from the toolbox? In other words, what has been chosen to respond to the challenge at hand? Further, how were these tools chosen? What procedures were used to make the selection? This last point may be of particular importance, as it may be that a factor in the success of an IP is the way in which the initial choice of tools is made.

That said, however, it may turn out to be the case in a given IP that even where there has been broad agreement on the choice of tools to respond to a problem, experience over time has led to the realisation that these are not in fact well adapted to the task at hand. Consequently, the next question that arises is: were the chosen tools changed over time? If so, why and in what way?

Looking at the IPs examined in this project, it is clear that the impetus for change, and the key actors involved in the choice of tools, varies from case to case. At one extreme, it may be suggested that there are IPs where this process may be described as top-down and where the shape of the processes has been greatly influenced by higher level actors (Brescia, Biomonitoring, SH2, Industrial Zoning), while, at the other, it is clear that the pressure for change has come from the bottom up and that local stakeholders have been instrumental in shaping the innovative processes (IPHB, Invest in Fish, Societal Risk). In the middle, there are IPs where, while the pressure for change (or even simply the opportunity for change) has come from above, lower level stakeholders have been particularly influential in shaping the processes (CLIC, Vienna Airport).

Competing knowledge claims

It is interesting to note that once tools have been chosen that are considered to be sufficiently sophisticated to respond to the challenge of complex risk problems, a key determinant of their usefulness is their ability to cope with the fact that such problems are often characterised by competing knowledge claims emanating from different sources. In other words, a key feature of such problems is the fact that there is no straightforward answer that could be provided, for example, by technocratic public actors. Instead, there is a growing realisation that the solution to such problems lies in the appropriate integration of different sources of knowledge and the balancing of different interests – scientific, social, economic, and so on. Thus, another important question in the context of the examination of the IPs is: what role is played by the different sources of knowledge in the IP?

Among the IPs studied, there are examples where it appears that there is no strong competition among knowledge claims (Brescia, Industrial Zoning) and cases where this issue is either not visible or not yet clear given the degree of development of the process (Societal Risk, Biomonitoring). In one case it appears that the process does not resolve the tension between competing knowledge claims, but does, perhaps, serve as an outlet and a channel for them (IPHB). In other cases, it appears that the dialogue process is more or less successful in accommodating competing knowledge claims and resolving tensions among them (CLIC, Vienna Airport, Invest in Fish, SH2).

Ownership of knowledge

Related to this question is that of how the various actors involved in the IP organise themselves so that information may be gathered in a way that enjoys the confidence of all. This joint fact finding, as it were, appears to be a vital component in any effort to achieve the sort of inclusive knowledge that is required in responding to a complex risk problem. Consequently, the question of the organisation of joint fact finding is only one part of the overall interest in how inclusive knowledge is achieved – what steps are taken to ensure that the knowledge that is generated by the IP may be said to be knowledge that belongs in a meaningful sense to the whole group of involved actors?

There are examples among the IPs of processes which are apparently effective in achieving a high degree of joint ownership of the knowledge produced, both among those which may be characterised as more top-down and expert-led (Brescia) and among those which may be characterised as more participatory, albeit to varying degrees (Invest in Fish, SH2, CLIC, Vienna Airport, Industrial Zoning). Once again, there is an example of a low degree of joint ownership given the distance between the competing claims (IPHB) while, in other cases, it is not yet possible to reach a conclusion on this issue (Societal Risk, Biomonitoring).

Agreement, acceptance and validity of decisions

Achieving such inclusive knowledge would appear to be a vital step on the road to the achievement of overall agreement on substantive questions in the IP. But what else is necessary for such agreement to be reached? How have the involved actors interacted so as to reach conclusions that enjoy broad acceptance? What is required so as to reassure all that the answers settled upon are valid and sound?

Among the IPs, it appears that trust and confidence in traditional experts are important in some cases (Brescia) and may well be a factor in others, although it is too early to say (Biomonitoring, Societal Risk). In other cases, inclusiveness appears to be a crucial factor in the success of a process in achieving acceptance of decisions (CLIC, Vienna Airport, Industrial Zoning, Invest in Fish, SH2). Where there is particular tension among competing views, inclusiveness goes a long way towards reducing if not entirely resolving this when it comes to the acceptance of decisions (IPHB).

Uncertainty and precaution

An issue of particular importance in the context of decision-making surrounding complex risk problems is that of the precautionary principle. In other words, how does an IP cope with the fact that integrating different sources of knowledge is more likely than traditional technocratic approaches to reveal uncertainty, the extent of what is not known, and thus the extent to which particular courses of action may involve unacceptable harm even if there may as yet not be positive proof one way or the other? The answer to this question is of particular importance as in many respects the whole issue of precaution lies at the heart of many of the most contentious contemporary debates concerning the interaction of science, technology and society. How has uncertainty been dealt with? How have the actors in the IP reassured themselves that decisions are suitably precautionary?

One IP exhibits a very strong precautionary approach, albeit that it is not clear how stakeholders view the resultant balance of risks and benefits (Brescia). Another is focused on 'risk prevention' which raises particularly interesting questions about how precaution is understood (CLIC), while a third seems clearly to leave the question of deciding the balance to traditional authorities (Societal Risk). In other cases, marked by a more inclusive approach, a less precautionary approach is evident but it is again unclear how the balance between risks and benefits is viewed by those who, from an external point of view, appear to suffer the downside (IPHB, Vienna Airport). In other IPs, uncertainty appears to pose particular challenges for inclusive approaches, making their precautionary approach especially important (Biomonitoring, Invest in Fish). Finally, there are cases where there is an apparent commonality of interests among the stakeholders meaning that the decision on precaution may be less contentious: this seems to be most strongly the case where there are common economic interests (Industrial Zoning), and there is at least an argument that traditional antagonisms between labour and employers are increasingly irrelevant in the discussion of health and safety at work where the economic impact of illness and accidents tends to aligns interests (SH2).

Evaluation

This last consideration (precaution) is only one factor in the overall evaluation of the decision making process contained in the IP. There are many other ways in which the actors in the IP may evaluate the process. If an IP is to be truly inclusive, then it would appear that it is necessary that all involved actors have the opportunity to participate in its evaluation, both in terms of setting the terms of the evaluation and of conducting it. What has happened in this regard in the IP? Nor should the evaluation be restricted to the process itself: how have the stakeholders evaluated the output from that process? What opportunity has there been for that evaluation to feed back into any new iteration of the process? These questions are considered further in CCI4.

Conclusion

In sum, then, the aim of the questions set out in this CCI is to provide a view of how an IP has emerged: what has been involved in the process of change from traditional administrative and/or regulatory tools and towards new modes of risk governance?

D. Sustaining inclusive risk governance

Introduction: sustainable development and sustainability of inclusive governance

Following on logically from the concern in the previous cross-cutting issue (what is involved in the process of change from traditional to inclusive governance?) is the question of how it is that new modes of governance are sustained: how is it that these new processes become embedded and ensure their survival against any potential competitor (whether in the form of a more traditional method or another new alternative)? Another way of thinking about this would be to consider what obstacles and constraints might exist to limit a process of inclusive governance.

This issue is of particular interest because if an IP is to have value both in terms of the immediate challenge to which it is responding and in terms of the lessons it can offer to other actors confronted with similar problems, then it must be able to sustain itself by continuing to respond meaningfully to the ongoing challenges it faces and by overcoming or accommodating obstacles and constraints. Nor is this by any means an abstract consideration. Insofar as an IP is successful in achieving its own sustainability, then this will be an indication that it is contributing to the sustainability of the livelihood and quality of life of the concerned stakeholders, that is, to sustainable development.

Conditions of sustainability

Given that sustainable development can be the prize for a successful IP, it becomes a crucial matter for stakeholders to ask themselves what conditions, in their view, would have to be met in order to ensure that a process of inclusive governance may be sustained. The stakeholders in an IP are in a unique position to offer valuable insights into what it is about such a process that allows it to continue functioning when, by its very nature, it represents a break with traditional ways of doing things and thus must be understood as vulnerable to an increased risk of failure when confronted with, for example, unexpected events.

Historical perspective

First of all, historical perspective is a key feature of sustainability considerations. The processes emerge in an historical context and their development reflects this situation. Clearly, this historical context influences the present and the future of the IP, notably regarding the possibility of cooperation between the different stakeholders (cf. IPHB, CLIC, Brescia).

Furthermore, this historical perspective varies according to the level considered: each level (i.e. local, national, international) is associated with a specific historical dynamic even if they share common events and experiences. It should be noticed that these considerations might be understood as a constraint on the development of inclusive governance in some situations, while they may also offer an opportunity for the development of vigilance in certain cases. Thus, the existence of a democratic culture in a local context may favour the development of inclusive governance.

Obstacles to sustainability

During the three years of the TIA project (2004-2006), some IPs have experienced uncertainties, difficulties and even crises. The issue of sustainability is, therefore, not a theoretical one. Among the different IPs, a series of obstacles and difficulties have been pointed out as far as sustainability issues are concerned.

First, in several situations, processes entailing stakeholder involvement and engagement procedures have not always created the conditions for an actual and effective empowerment of the stakeholders. For example, a lack of transparency as regards the influence of the stakeholders on the decision making process creates a frustration and lack of confidence for some participants and leads to a lack of motivation.

It also appears difficult to involve stakeholders extensively over long periods without a clarification of their respective roles or positions as well as without providing the means and resources for efficient participatory processes (SH2).

Even where engagement has been successfully achieved and trust and confidence have been developed among the participants, this cannot be taken for granted. There is a need to revisit regularly both the engagement and the conditions of engagement of the different stakeholders (IPHB).

Over the long-term, each IP is confronted by external decisions or external events that may disturb confidence in the process itself. This is particularly true when a decision concerning the IP is taken without any involvement of, or when the decision does not respect the previous engagement with, the local stakeholder (IPHB with Natura 2000, Brescia).

Another problem may occur when no stakeholder is in a position to take the lead in establishing a dialogue or cooperation process. There is a need for someone with legitimacy to start the process and to make proposals to the other stakeholders. If not, the situation is blocked and no stakeholder is in position to move and consider the interest of the other stakeholders. In that case, it may be necessary to wait for the context to evolve such that a common interest in restarting the process emerges among the different stakeholders (Brescia, IPHB).

The existence of economic competition may threaten the sustainability of a process. In order to overcome this difficulty, there is a need to set up cooperation processes including economic considerations and to build a common project (Industrial Zoning).

Beyond this question of economic competition, the development of adapted financial mechanisms able to cope with long-term cooperation and involvement of the stakeholders has to be considered. In most situations, these mechanisms are rather vulnerable. Their improvement requires the establishment of frameworks involving the different levels (local, national and European) (IPHB and Brescia).

The complexity of the issues to be dealt with may also create reluctance on the part of the stakeholders to be involved, notably if they feel that there is a lack of transparency as to how the complexity will be tackled (Societal Risk).

Several approaches, relying as they do on experimental processes, face an uncertain future. In such a context, the confidence of those involved is vital for the continuation of the process. It is equally important to facilitate the emergence of stakeholders who are in a position to elaborate a common project beyond the experimentation and to contribute to institutional changes (Biomonitoring).

Benefits of sustainability

At the opposite extreme, it is possible to identify a range of benefits perceived to flow from the continuity of inclusive governance processes.

First of all, inclusive governance provides stakeholders with the capacity to address questions of complexity and of sustainable development that might otherwise prove to be intractable. The duration of the processes allows new issues to be considered as they emerge. In this context, the introduction of an iterative process (see next section) can be particularly valuable. Such processes help stakeholders to establish their cooperation and to progressively define a common project (Industrial Zoning). In this respect, it is important to set up clear rules and to delineate the scope of cooperation (Industrial Zoning).

Understanding cooperation in a long-term perspective allows the establishment of a dialogue on the question of sustainability and thus the progressive building of confidence and trust (Invest in Fish, Vienna Air-

port). This reflects the development of a common democratic culture and the willingness of the participants to be involved in the forum. Nevertheless, there is a need to be aware of the possibility of “stakeholder fatigue” and to ensure that there is a genuine capacity to influence the decision making processes regarding new issues. Facilitation skills also play a key role in ensuring the sustainability of the process (SH2). In this framework, the facilitator can be described as a “change manager”, personally committed to the sustainability of the process, rather than as a mere “keeper” of the rules of the dialogue process.

Inclusive governance is able to provide transparency and openness within the decision-making processes. This will notably push the authorities to provide the justification of their decisions (Societal Risks, Vienna Airport).

Finally, a key driver of the sustainability of the process will be the attitude of the stakeholders with regard to sustainable development itself. Insofar as this is perceived to be achievable and being achieved, then the process that contributes to it will enjoy support and itself be sustained (IPHB).

An iterative process

An iterative process characterised by varying degrees of involvement: the time consideration

The ability to consider the different IPs through time highlights the desirability of an iterative process. The inclusive process has to develop in accordance with a whole range of different considerations: evolution of the context; resolution of some initial problems; emergence of new issues; evolution of the partnership; and so on.

Institutionalisation of processes may be considered as a new step that can favour sustainability (Biomonitoring). Similarly, the provision of a legal framework may avoid political pressures to stop the process, notably after power changes hands. It can also guarantee the autonomy of the partners and the recognition of a network for the coordination of their actions (CLIC).

In other situations, institutionalisation may be counterproductive insofar as it introduces rigidity into the process. It is accordingly necessary to find a good equilibrium and to preserve the flexibility of the process in order to cope with complexity. With these potential difficulties in mind, it may be the case that institutionalisation is appropriate when there is agreement among the stakeholders as to its objective and conditions of implementation.

The introduction of an iterative process offers the opportunity for a progressive enlargement of the range of issues to be considered after cooperation has been established (Industrial Zoning). That said, however, it is also appropriate at the end of a specific step to consider whether there may be a need to postpone the cooperation (Brescia). It is also important to recognise that the occurrence of a crisis may actually serve to reinforce the sustainability of a process in general or to reinforce/reorient the cooperation, but without ensuring indefinitely the sustainability of the structure in place (IPHB).

Insofar as some of the IPs are experimental in nature, iterative processes provide the framework for setting up the conditions of cooperation in the first step (as experimental process) and then define a larger strategy for the following steps after negotiations (Biomonitoring, CLIC, Societal Risk, SH2, Industrial Zoning). It is also crucial to create the conditions to go beyond a single decision. Therefore, it is important to identify, and give visibility to, the next steps. Although a process may be delineated in time, there is no end in itself for the issues at stake even if there is a decision at one specific step. After a first stage, the conditions for continuation will have to be reorganised to deal with the next steps (Vienna Airport, Invest in Fish).

Multi-level governance

In addition to the iterative process, consideration of the place and role of the different stakeholders is important for the sustainability of the process: there is a need to identify and articulate regularly the different levels of governance so as to favour sustainability (Invest in Fish, CLIC, IPHB).

Evaluation procedures

The sustainability of the process clearly relies on the ability of the stakeholders involved to evaluate it regularly and in an inclusive way. This evaluation should encompass the results of the process, the value of stakeholder participation and the influence of stakeholders on decision-making. Meaningful evaluation depends upon the results being fed back and informing the next step in the iterative process (SH2, IPHB, Vienna Airport).

Understanding evaluation inclusively in this way also ensures that the process as a whole remains well oriented towards the situation or problem as it evolves (Biomonitoring). The governance process must not be seen only as a dialogue between different stakeholders but rather as a means of promoting action and evaluating the outcome. Sometimes this outcome may not be a decision but rather the development of a culture, the evolution of the institutions themselves, or simply the capacity to have dialogue and cooperation in the future (Brescia).

A key issue in this regard is the identification of the criteria that stakeholders would utilise to judge the usefulness of the IP. Unless an IP responds to the needs and expectations of those it exists to serve, it is unlikely that it will survive. Similarly, if it is unable to overcome obstacles or accommodate constraints, then such a process is likely to struggle to become established. The very fact of inclusive evaluation may contribute to sustainability of a process, but it will need itself to be understood as meaningful by all the stakeholders.

In short, inclusive evaluation provides an opportunity to identify the extent to which the IP has brought about change. This allows one to see both what has evolved or developed that is helping to sustain the process and what may be emerging that engenders vulnerability. Several IPs manifest such an approach to evaluation (for example, SH2, Biomonitoring, Invest in Fish, IPHB).

Lessons learnt and diffusion

Moving beyond the confines of the individual IP, stakeholders who have experience of such a process are in a privileged position to offer their views on the lessons that may be drawn more generally for inclusive governance if other such initiatives are to be sustainable. What lessons with regard to sustainability may be drawn from experience with the IP that could be of more general application?

Thinking about those more general lessons and also thinking about the experience that has been gained within TIA, there is also an interest in knowing how stakeholders see their IP in the context of the broader movement towards inclusive governance. Does the IP represent a genuine move towards inclusive governance? Or is it the case, when compared with other IPs, that it should best be seen as a more modest advance over traditional methods of regulation and administration? This question is important in understanding the extent to which what is being sustained (or indeed struggling to sustain itself) is properly described as innovative and inclusive.

Finally, and insofar as there is agreement that inclusive governance is valuable and meaningful as a response to contemporary challenges, the question then is: what must be done in order to ensure that processes such as the IPs become the rule rather than the exception? In other words, what is needed if inclusive governance is to become the automatic response to complex problems rather than, for example, a last resort when a crisis is reached? Once again, stakeholders with experience of the sorts of IPs brought together in TIA are in a privileged position to offer insights in this regard. Having taken part in inclusive governance, they are

better able than most to comment on the sorts of constraints that may limit the further development of this approach and the sorts of opportunities that should be grasped if it is to prosper.

Diffusion of model of governance – sustainability of the approach

In different IPs, skills (such as facilitation) and procedures (such as forums) have been developed which may provide models to be applied in other contexts (Such procedures appear notably in Invest in Fish, Industrial Zoning, IPHB).

Promotion of inclusive governance can be achieved through institutional means (for example, Industrial Zoning) or through a cultural change on the part of the administration (for example, SH2).

It is also noticeable that, in some cases, the processes put in place for one specific topic are also able to deal with new emergent issues (for example, Vienna Airport and IPHB).

More generally, the diffusion of best practice is favoured by the existence of networks and forums for the exchange of ideas at the national or European level. In this sense, TIA itself plays a key role in promoting the exchange of experience and a framework for inclusive governance.

E. Philosophy of governance in TIA

Cross-cutting Issue 5 is concerned with the philosophy of governance emerging from the TIA process and with the emergence of a robust intellectual and academic basis for inclusive governance. The first objective in looking at this Cross-cutting Issue is to identify the normative assumptions of the various stakeholders (experts and actors) in order to re-construct an emerging view on governance in TIA. A further objective is then to locate this specific view on governance by putting it into a broader context; this involves taking a comparative overview on the basis of several criteria and perspectives.

A critical comparative view, taken from different perspectives (ethical, epistemic and political), is expected to contribute to building a robust common culture among the participants of the TIA network and beyond. The goal is not only to assess the innovativeness of specific participatory methodologies implemented in the context of each process, but also to evaluate the potential of the normative change entailed in the innovative processes (IP) in the perspective of the broader political culture.

This reflection on the philosophical grounding of governance can be divided into four components:

- I. Governance
- II. Experimental Democracy
- III. Concrete Humanity
- IV. Pragmatic Methodology.

I. Governance

The TRUSTNET projects (TRUSTNET, TRUSTNET 2 and TIA) spreading from 1998 up to 2006 have gathered a great variety of actors who have faced evolution and sometimes disruption in their lives and work situations. The aim of TRUSTNET as a project as well as a network has been to investigate some European cases in which the participants could experience the limits of classical processes of government or management. The latter often provided some types of explanation in terms of cognitive deficit, and has referred to some strategies developed through risk communication, or the internalising of externalities. TRUSTNET 1 and 2 started from case-based methodology and have evolved through TRUSTNET 3 (TIA) into a dynamic approach for looking at Innovative Processes (IPs). Nevertheless, the common ground of all TRUSTNET projects has been to elaborate and to promote a set of European processes of cooperative inquiry between experts and stakeholders in the field of the “governance of hazardous activities”.

Governance appears as an alternative regime rather than a substitute to the traditional “state-nation” government. As Rosenau says, “Governance is not synonymous with government. Both refer to purposive behaviour, to goal-oriented activities, to systems of rule; but government suggests activities that are backed by formal authority, by police powers to ensure the implementation of duly constituted policies, whereas governance refers to activities backed by shared goals that may or may not derive from legal and formally prescribed responsibilities and that do not necessarily rely on police powers to overcome defiance and attain compliance. Governance, in other words, is a more encompassing phenomenon than government. It embraces governmental institutions, but it also subsumes informal, non-governmental mechanisms whereby those persons and organisations within its purview move ahead, satisfy their needs, and fulfil their wants”³⁹.

As for Gerry Stoker⁴⁰, he identifies five aspects of governance: (1) Governance concerns a range of organisations and actors, not all of which belong to the government sphere (2) It modifies the respective roles and

³⁹J. N. ROSENAU, “Governance, order, and change in world politics”, in ROSENAU J. N. & CZEMPIEL E.-O., org., *Governance without government: order and change in world politics*, Cambridge University Press, Cambridge, 1992, pp1-29

⁴⁰ See G. STOKER, *Governance as a theory: five propositions*, in *International Social Science Journal*, March 1998, n°155, pp17-28

responsibilities of public and private actors as established in traditional paradigms of policy making (3) It involves interdependence between organisations and actors engaged into collective action in contexts in which none of them has the necessary resources and knowledge to tackle the issue alone (4) It involves autonomous networks of actors (5) A key principle is that actions can be pursued without necessarily having the power or the authority of the State.

The aim of the governance processes in TIA is not to take power, but to restore a capacity of influence for the actors that would allow them to really change things and to lead a meaningful and enjoyable life. The method used for this aim is not the principle of subsidiarity as an a priori condition, since the process of governance in TIA implies not governing on the basis of substantial principles. In fact, the distribution of power among the authorities and the actors, as well as the levels of intervention of the local actors within the power structure is also in itself an object of discussion and negotiation. The TIA method of governance is rather an inclusive participation of the actors at the various levels of the structure of power (local, regional, national and international levels) which allows the micro-actors to become macro-actors. They are in fact some of the co-actors in the discussions and the decisions, according to the following principle: building with the actors and not against them.

The processes of governance in TIA are concerned with hazardous activities as a paradigm of the public/private conception as set out by Dewey⁴¹, since these activities have consequences outside their perimeter. In this respect, the principle of precaution is a means for opening a way into the risk issues usually monopolised by the experts, and for changing technical / economic issues into political issues.

II. Experimental democracy

Democracy is a political regime in which the organisation and the exercise of the political power within the society are an outcome of the will and the control of the people. Democracy can be direct, or indirect if the ideal of a participation of the citizens in public affairs is limited by a system of representation based on some constraining requirements e.g. competence, wisdom, reputation, heredity, wealth of the elected representatives. It appears that “real” democracies are in fact a combination of participation, deliberation and representation.

Technocracy (techne, kratos, Comte, 19th century) is power based on knowledge, and, by extension, administrative power based on scientific and technical expertise. Ethocracy (ethos, kratos, D’Holbach, 18th century) is power based on the virtue of the rulers, which can lead to a kind of “moral expertise”, as for instance, in a Commission of Ethics. These two types imply a delegation of power to some experts, whether in the field of science or in that of morals. Such a delegation can appear contradictory with the requirements of a participative and deliberative democracy.

The German philosopher Habermas⁴² supports the ideal of a radical democracy in which, through procedures of deliberation, a collective framing of the political will can be implemented in order to change things. The public sphere is the place where a society becomes reflective and frames a substantive will, where the problems of separate social systems (market, research, creation, policy...) are reflected upon, and where these problems are put to the attention of institutions which would otherwise not be able to grasp them. As for the French philosophers and sociologists, Latour and Callon⁴³, they support the ideal of a technical de-

⁴¹ See J. DEWEY, *The Public and Its Problems*, New York: H. Holt & Co., 1927

⁴² See J. HABERMAS, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, Cambridge: Polity Press, 1989 (1962) and J. HABERMAS, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, Cambridge, MA: MIT Press, 1996

⁴³ See B. LATOUR, BRUNO LATOUR, *Politics of Nature: How to Bring the Sciences into Democracy*. Cambridge, Mass: Harvard University Press, 2004 (1999) and M. CALLON, P. LESCOUMES & Y. BARTHES, *Agir dans un monde incertain. Essai sur la démocratie technique*, Paris, Le Seuil, 2001

mocracy opposing technocracy in which the people through ‘hybrid forums’ gathering experts and citizens can appropriate and influence the framing of socio-technical decisions. They distinguish between a delegative democracy (scientific delegation to experts and political delegation to representatives) and a dialogical democracy (dialogue between experts and citizens).

The concept of an experimental democracy in TIA is inspired by the work of Dewey, for whom democracy is less the political form of a regime than the method by which the people can deal with the consequences of actions: 1. Private consequences: those that affect people immediately involved in an action. 2. Public consequences: those that affect others, not immediately involved in an action. On this basis, the public consists of “all those who are affected by the indirect consequences of transactions to such an extent that it is deemed necessary to have those consequences cared of”⁴⁴. Then, the state is a consequence of the will of the people, who, through their representatives, take care of the negative consequences of the others’ actions. The method of democracy is the social inquiry which enables those involved “to bring conflicts out into the open where their special claims can be seen and appraised, where they can be discussed and judged”⁴⁵.

Experimental democracy in TIA implies that the requirements of democracy in terms of citizens deliberating and participating apply potentially to any field (science, morals, law etc.) that can have implications for the public. In that sense, democracy is not merely technical, as in Latour’s and Callon’s approach, because its application is wider than the sole domain of technology. Nor is it merely radical as in Habermas’, because participation is not experienced through social communication, but is expected to be included within the institutional structure of power. Indeed, the concept of democracy in Habermas is derived from the paradigm of social discourse and can hardly go beyond the model of a deliberative democracy. Then, the concept of an experimental democracy in TIA covers three domains and is not limited to the one of technology: a technical democracy, an ethical democracy, and an epistemic democracy.

III. Concrete humanity

The notion of concrete humanity sees human beings as neither purely rational nor purely irrational, but, is in fact, as a combination of ‘homo sapiens’ and ‘homo demens’ (‘homo sapiens-demens’) as suggested by Morin⁴⁶. Human beings are multi-dimensional beings (as opposed to the “one-dimension man”, Marcuse⁴⁷) whose tendencies and needs cannot be reduced to a single dimension of existence nor to a single form of rationality. This reduction to a unique pattern is all the more illegitimate since it happens quite frequently that irrationality pops up in the very heart of rationality. For instance, the fact that some researchers are investigating the process of cell senescence can appear as a rational scientific project, unless the motivation of their research is a quest for immortality which appears as a form of irrationality.

The concrete view on humanity suggests that, as natural and social beings, men and women are always in search for a life balance, an equilibrium of their experiences, abilities and feelings. However, although risks are inherent in all social and economic structures within which people live, people’s life balance can be seriously disrupted by events or situations which increase critically the level or degree of such risks, even to the point where their way of life, if not their lives themselves, can be threatened. The picture of man which pops up in TIA is the one of a vulnerable being from both a body and mind point of view; it is also the picture of a normal development depending on a process of balancing the various aspects of behaviour and personality. Consequently, the idea of a total transformation of mankind as called for by old or current ideologies of the

⁴⁴ See J. DEWEY, *The Public and Its Problems*, New York: H. Holt & Co., 1927

⁴⁵ See J. DEWEY, *Liberalism and Social Action*, Prometheus Books, New York, 1935

⁴⁶ See E. MORIN, *Le paradigme perdu: la nature humaine*, Paris, Le Seuil, 1979

⁴⁷ See H. MARCUSE, *One-Dimensional Man*, Boston: Beacon Press, 1964

“new man” appears dangerously unrealistic. Those ideologies focus on the positive aspects of life (happiness, success, performance etc.) and they simply deny the negative ones (absurdity, failure, despair, illness, old age, death etc.).

As for identity, it appears as much more than a nostalgic communitarian claim opposing novelty and calling for a defence of immutable traditions. Such a claim constitutes, in fact, more a symptom than a remedy to a denial of identity. Honneth proposes three principles of recognition as a basis for identity: (1) Love for the sphere of intimacy (2) Solidarity for the sphere of collectivity (3) Equality for the sphere of law⁴⁸. Identity is also an imaginative individual and collective structure which enables people to have a continuity of experience and to build a meaningful life. These are the pre-requisite conditions for a community which wants to be willingly faithful to its traditions while being open to the outside world. Identity is complex when a man must articulate various levels of identity, from the most local ones (family, village, district, region) to the most global ones (country, Europe, mankind – see the notion of “world citizen”).

Finally, the pictures of man emerging from the TIA process are obviously very diverse; however, all of them merge to the standard picture of a concrete man as opposed to the abstract man of the technocrats, the planners or the utopists. The concrete man is someone who articulates and adapts the multiple dimensions of his identity, his personality and his existence, which are rooted in a territory provided with a peculiar nature and culture. The existence of a “concrete man” is the outcome of a life rooted in a local community, in close interaction with a natural and cultural environment, and which developed through meaningful experiences, whether constructive or destructive, creating a special relationship to (and vision of) life and the world.

IV. Pragmatic methodology

The TIA methodology is a reflexive pragmatic methodology whose purpose is to embrace the dynamic complexity of a variety of cases in Europe, all located in the field of hazardous activities and relating to the issue of democratic governance. These cases are reflected upon, through a set of collective procedures and events, both by the actors and the experts, who are thus involved in a process of co-construction of interpretations, knowledge and norms.

The TIA methodology is then more than an ordinary case-based methodology; it appears, in fact, as an actor-based methodology. Indeed, the participants are required to produce and confront their interpretation of the cases by grounding it in a specific perspective, be it an academic discipline, a professional background or a life experience. In that sense, the main postulate of this inter-disciplinary inquiry is that a reflexive process, as a result of a “collective intelligence”, can identify the main features of a methodology of governance in Europe. This outcome is made possible if one consider that the loss of information in the analysis of each case, which might lead to a possible reduction of complexity, is widely counterbalanced by an emerging overview on the common features of all these innovative processes.

Scientific rationality produces a supposedly universal and objective knowledge by “purifying” phenomena and creating models (which are, of course, always more simple than the reality itself). Thus, the scientific work tends to monopolize the definition of reality and to operate a reduction of reality when facing its complexity. But scientific complexity regarded as an absolute limit of research differs from the social complexity which must be investigated without a priori limits. The scientific constructs and outcomes carry normative, and sometimes exclusive, views on a problem and, for this reason, are often not relevant for a public which is looking for meaningful practical knowledge. Here lies the difference postulated by Habermas⁴⁹ between three interests in knowledge: technique, practice and emancipation.

⁴⁸ See A. HONNETH, *The Struggle for Recognition. The Moral Grammar of Social Conflicts*, Polity Press, 1995

⁴⁹ See J. HABERMAS, *Knowledge and Human Interest*, Heinemann, London, 1972

The inquiry as defined by Dewey designates a research in general that can be scientific or ordinary; it functions as a response of any alive being to a disruption of its relation to its environment. The disruption changes a determined situation into an undetermined situation that can be determined again through the inquiry. The “social inquiry” (Dewey) concerns the people willing to investigate a problem which matters for the public; but it can be considered nowadays as a cooperative inquiry which mingles “experts-scientists” and “experts-citizens”. Indeed, TIA has revealed to its participants that anyone involved in a social activity can develop a kind of “ordinary” expertise, which, in its own field, is in no way less valuable than the classical scientific and technical expertise.

Thus, the relations between the expert and the public must be changed in order that the experts become some form of “ordinary servants” of the public. Moreover, they must consider themselves as mere participants, following up a process of governance which has its own dynamic and whose goals are shaped by the actors. Then, the aim of expertise is no longer the sole production of valid knowledge, but, if possible by means of a “double culture”, to build up with the actors a common path. This collective work must be meaningful for both the actors and the experts and must reinforce through an ethics of research the link between science and humanity. The aim is not to produce objectivity, but subjectivation, that is to say the emergence of a subject who can be again an actor of his life and of the life of his territory and can participate in the definition of the common good.

The methodological framework in TIA and its various criteria are elaborated on the basis of descriptions and evaluations and validated by both the IP actors and the MTF members.

The outcome of this pragmatic methodology has three dimensions: scientific, heuristic and strategic:

The scientific dimension

The scientific dimension of the TIA methodology lies in the collective inter-disciplinary co-examination and co-validation of the various cases in terms of quality of the governance process. The evaluation of the quality of an innovative process means that it is not assessed on the basis of a binary laden approach (successful/unsuccessful), but rather in the perspective of identifying “good practices” or “relevant options” as qualified by the participants themselves, be they experts or stakeholders. The scientific input concerns the experimental co-construction of a methodological grid for the implementation and interpretation of a process of governance in a given context. The relevance of the methodological grid is warranted by the collaborative work of participants coming from various backgrounds. In particular, by means of a regular interface, the design and assessment of the grid was assisted by the stakeholders who provided the experts not just with information but also with criticism of their interpretations of each process. The methodology effects a “demonstration of possibility” in arguing that what is real (i.e. already existing) in the field of governance is also a proof or, at least, a sign of what is possible (i.e. not unrealistic). The methodology also identified difficulties which would probably occur when some key elements are lacking in such inclusive governance processes.

The heuristic dimension

The framework is a grid of analysis that the stakeholders and the Innovative Process Facilitators (IPFs) use to build their own evaluation of the IP and its possible evolutions in the future. The methodology of governance in TIA identifies the necessary but non sufficient conditions for a process to be identified as a ‘good practice’. It is then a heuristic framework which leaves the stakeholders a degree of flexibility in assessing the relevance of such or such criteria issued from the grid for their own process. The spirit of this framework is the following: “a group of experts and stakeholders identified as relevant such and such general criteria: what about for your process?” The relevance of the methodology lies in the flexible analogical structure of the rules to be elaborated, rather than in a universal logical structure implying these rules should be applied in a non reflexive and non contextual “mechanical” way.

The strategic dimension

The TIA framework is a grid which allows stakeholders organising their understanding of reality in the perspective of action, while not being a classical research-action process. The purpose of TIA is to produce a subjectivation of the stakeholders so that they can become effective actors within their process, and more broadly, in their lives. It is also to create subjectivation of the experts who evolve from a traditional scientific position towards a position which is both political and scientific. The process of subjectivation of the set of participants involved in the TIA process demonstrates an evolution from a 'think group' to a group sharing a desire for common action. In that sense, the dividing line between the experts and the citizens tends to be replaced by an enlarged community of stakeholders supporting a common range of concerns and a common pattern of governance in Europe.

Conclusion

In conclusion, the TIA process is neither basic, nor applied research, but is close to research-in-action using an actor-based methodology which is, strictly speaking, more explorative than confirmative. However, the main difference with research-in-action is that TIA methodology is elaborated during the process itself through the cooperative inquiry of experts and actors, with an undeniable part of contingency. Its major contribution as a pragmatic methodology is to create the durable institutional conditions for a process of governance which will place the actors in a position of influence. For that, it is necessary to conceive a new role for the experts whose science must be dedicated to an ethical objective of helping the actors to be subjects of their own life on a territory.

Annex 4 Dunkirk Appeal

Issued by the TRUSTNET Network, "Vraiment Durable" NGO, the Urban Community of Dunkirk and the Town of Dunkirk on 6th October 2006

The International Colloquium Sustainable Development of Territories and Governance of Risks: Inclusive governance for Europe was held on 5 and 6 October 2006 in Dunkerque, France. Some 200 European participants attended, as actors in European territories (citizens, local authority elected members, associations and trade unions), representatives of the networks and associations of local actors, representatives of national public authorities and of the European Union, representatives of expert institutions, industrial and economic operators. Participants were drawn from 9 states, members of or applying for membership of the European Union or candidate members (Germany, Austria, Belgium, Spain, France, Italy, Romania, United Kingdom, Slovenia).

The colloquium ended with the submission of conclusions by those on whose initiative the event took place (Dunkerque, Vraiment Durable, TRUSTNET European Programme). These conclusions are presented below, for reflection. They call on actors within the European Union, both at the local level (citizens, local authority elected members, associations and trade unions), and in the national and European networks, along with the national and European authorities, research and expert institutions and industrial and economic operators, to show their interest and to take part in the consultation process that will now begin on the proposals formulated, and in particular on the proposal for the foundation of a "European Laboratory of Sustainable Territories".

1. Numerous territories in the European Union are engaged in sustainable development, including undertakings and situations affected by risks and impacts for mankind and the environment. These activities are so many challenges, to which the response is given at the local, national and international levels. These activities are subject to national and international regulations. They are affected by constraints that arise from the global competitive environment.

2. Actors at the local or 'territorial' level have rendered an account of a regulatory system which, in the final analysis, operates "against them", whereas they expect regulation to operate "with them". Their daily lives are often profoundly affected by decisions taken outside their territory, in the name of interests and issues both national and international, in the definition of which they have not been directly associated.

3. Elected members describe a context of concern as to the quality of democratic life (individuals feeling at a loss, too few bearings and an inadequate sense of identity), the critical features of which are disaffection and scepticism about matters political. This situation gives rise to citizens feeling frustration and powerlessness about their future and about democracy more generally. These feelings, as reported, go hand in hand with a growing distrust of economic globalisation, of European construction, and of public institutions more generally.

4. On the other hand, in the European Union, at the local level in the 'territories', there are observable initiatives by local actors and their elected members, sometimes in partnership with economic operators, working for the development of innovative practices, such as the inclusive governance that enables people to gradually return to ways of active citizenship at the local level. In complement to this, citizens and their local 'territories' are organising so as to express their points of view and to affirm the legitimacy of their participation in decision-making processes at the national and European levels. These approaches are a source of new forms of social cohesion and of reconstruction of identity, for local actors. They make a strong contribution

to the quality of the decision-making process by mobilising the vigilance and the sense of responsibility that is the hallmark of a commitment to active citizenship.

5. This construction of inclusive governance based on local initiative is however hampered, whenever it comes against the institutional mechanisms of national and international decision-making, both public and private. The tradition of piecemeal public policy-making and regulations (in the fields of health, security, environment, heritage, economics and competition, energy, transportation, agriculture ...) stand in the way of progress. Alternatively, they call any progress made into question, once crises have been overcome. It appears that any progress made is difficult to sustain over time, due to lack of proper reflection on the need to develop inclusive governance, and on the conditions required to sustain it, and due finally perhaps to a lack of adhesion by politicians.

6. These observations show the need for the development and the recognition within the European Union of inclusive governance at the local, national and European levels. Such governance should first be focused on the needs of 'real' persons and communities, who live in the European territories. In so doing, the European Union will be standing by the thinking of the founding fathers of Europe, who were attentive to ensuring that European construction was grounded in civil society.

7. The challenge is to build local, national and European decisions "with" such actors and not "against" them. Central objectives (among them scientific and technological development, the introduction of a competitive market place, competitiveness, environmental protection and health protection) should first and foremost serve persons and communities in their living environments, when pursued by the Member States and by the European Union.

8. The need is to make a central issue of the actual conditions of life of people and to enable them to participate in decision-making processes, rather than to build actions around general principles and sectorial policies, whose impacts on real life and in the territories are not mastered. Any intent to impose objectives on a unilateral basis without setting goals locally with the actors in the territories is liable durably to compromise European construction.

9. Legislation and national European policy in regard to information and citizen participation (Aarhus Convention, European directives, decisions of the European Court of Justice) are a major step towards inclusive governance. However such governance cannot, it would appear, arise solely from legal measures. Change requires the combined action of all the classes of actor concerned: local actors (citizens, associations, elected members, trade unions), public authorities, experts, industrialists and economic operators. European research (undertaken by TRUSTNET) on the evolution of the governance of activities and situations involving risk, shows the need for a profound cultural change in these various categories of actor. Furthermore, the effective inclusion of citizens as sketched out in the Aarhus Convention, has not been truly organised in Europe. The current situation is most characterised by "informational" democracy than by genuine change towards inclusive and participatory democracy.

10. Active commitment by national and European authorities is necessary at present to open up to civil society access to the decision-making processes, to regulatory systems, and to the expert and investigative approaches that can be adopted for local, national and European decision-making. This implies the need to update the mechanisms of governance, when it comes to the allocation of competencies at the local, national and European levels of decision-making, and in particular the need to revisit the principles of subsidiarity. Too narrow an interpretation of subsidiarity tends to exclude local actors from national and international decision-making processes.

11. The development of local democracy and pluralism in local processes paving the way for decision-mak-

ing is also an essential dimension of these developments. What is required is the support for and extension of NGOs integrated in those processes and the promotion of voluntary commitment by citizens. Such a development should be accompanied by the ever-greater involvement of local actors and territorial communities in the national and European decision-making processes of concern to them, and in which they should be included.

12. The conditions of equitable partnership should be sought after, among the actors in the territories, who seek sustainable quality — in their lives, in the environment, and of economic actors—, and who are themselves subject to the constraints of the international competitive environment. Activities should thereby take place within a real “territorial project”, and be part of a rationale of sustainable development.

Conclusion and proposal

13. The construction of inclusive governance for activities exposed to risks within the European Union is an innovative approach to experimental democracy, from which teachings may be drawn in a more general approach to the solution of a number of European problems.

14. The emergence of a new territorial model for sustainable development based on inclusive governance is a basic challenge, on which the future of European construction depends. European construction cannot be imposed on a “top down” basis only, but must be built up from experimental approaches out in the field, in a response to the expectations of citizens as they are engaged in each territory in the construction at the local level of their own quality of life and future.

15. The Dunkerque Colloquium represents an outstanding moment of pluralist dialogue involving European citizens and local, national and European actors. This colloquium has given visibility to a large number of approaches and experiments which are currently coming to light in the European Union, in a response to the challenges of sustainable development in the territories.

16. It is proposed to create a “European Laboratory of Sustainable Territories” engaged in experimental approaches towards the inclusive governance of activities and situations exposed to risks, in partnership with national and European public institutions, non-governmental organisations, experts and researchers, economic operators, in order to support and stimulate such developments.

17. The goal is to demonstrate the existence of a European space for democratic innovation, whose construction should go forward in close connection with real life, at the local level, in the territories. The goal is also to support the development of such European space by promoting the exchange of experience and facilitating pluralist building of projects based on partnerships between local, national and international actors.

18. The organisers of the Colloquium have given themselves a period of nine months in which to undertake consultations with the various local, national and European institutions that have expressed an interest in this approach. On completion of this period, they will formulate the proposals for and the modalities of an active partnership around the objectives adopted by local, national and European actors. A forthcoming meeting has already been envisaged within two years, planned to be held in, and in the context of, a new member state of the European Union (Slovenia).

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