

THE LIMITATIONS OF COMMUNITY ENGAGEMENT

By Dr. Ann E Murphy

Problems with the Public

How do you 'let people have their say', and end up with something better than if they had just stayed out of it? The value of anyone's contributions to a decision-making process, from elected decision makers to members of neighbourhood associations, can be hindered by apathy and selfishness and deficiencies in knowledge and abilities. However, these potential 'pitfalls of public engagement' tend to be associated with the 'general public' and exasperated by the public being denied meaningful ways to participate in decision-making processes. Therefore, these 'problems' should not be viewed as reasons to exclude the public for influencing decision-making processes; rather they should be viewed as key elements that must be effectively managed as part of any holistic engagement process.

Apathy

If you hold a public meeting to discuss a proposal that the public has little hope of influencing and hardly anyone shows up is that a sign of public apathy or intelligence? People need to believe that their participation will make a difference.¹ Apathy towards voting and poor attendance at local meetings can be viewed as signs that the public's interest and competence in participating in democratic processes is in decline. Low participation levels have been attributed to increasing demands on the public's time and resources combined with growing frustration with commonly

¹ Karen Bickerstaff and Gordon Walker, 'Participatory Local Governance and Transport Planning' (2001) 33 *Environment and Planning A* 431, 434. For more on members of the public not being interested in participating because they believe they will not have an impact on state agencies' decisions, see Stacey Swearingen White, 'Public Participation and Organizational Change in Wisconsin Land Use Management', (2001) 18 *Land Use Policy*, 341, 344–5, 344–6.

used participation options, such as public meetings.² Another contributing factor to non-participation is a general culture of exclusion that keeps certain groups and individuals from participating. Older, wealthy and well educated citizens dominate participation processes around the world.³ Therefore, forums for public involvement are often dominated by the same people who claim to represent ‘the people’ while in fact they represent a privileged minority group of the general population. A compelling argument against public apathy is that public involvement is contingent upon having meaningful and rewarding ways to participate, and make reference to the popularity of joining NGOs to support this assertion.⁴

Selfish Motivations

People are predisposed to pursue their own interests, even if they hold noble intentions to further the public good. The term *Not in My Backyard* (‘NIMBY’) is commonly used to describe how people who live close to a proposed development site try to block a development with community benefits as a means of furthering their own interests. If people value their NIMBY position more than the common good, NIMBYism can become the focus of participation processes, wasting time and resources that could be used to develop viable alternatives. However, there can be viable reasons for NIMBY concerns if proposed projects have the potential to ‘significantly harm individuals, communities or the natural environment’.⁵

² Nancy L Rosenblum, ‘Navigating Pluralism: The Democracy of Everyday Life (and Where it is Learned)’ in Stephen L Elkin and Karol Edward Soltan (eds), *Citizen Competence and Democratic Institutions* (1999) 67.

³ David Robinson, ‘Public Participation in Environmental Decision-Making’ (1993) 5 *Environmental and Planning Law Journal* 320, 324; Adam N. Bram, ‘Public Participation Provisions Need Not Contribute to Environmental Injustice’ (1996) 5 *Temple Political and Civil Rights Law Review* 145, 167.

⁴ Errol Meidinger, ‘The “Public Law” of Global Civil Society: Some Preliminary Observations’ (Paper presented at Melbourne University Law School, Discussion Series, Melbourne, 6 May 2003) 5; ‘Power to the People: A Survey of the Internet Society’, *The Economist*, 25 August 2003, 13.

⁵For an overview of NIMBY, within the context of NIMBY being a logical reaction to threats to local health, safety and wellbeing, see Paul Strangio, *No Toxic Dump! A Triumph for Grassroots Democracy and Environmental Justice* (2001) 73.

Deficiencies in the Public's Knowledge and Abilities

The public is criticized for having a limited knowledge of its elected representatives and government functions,⁶ and limited abilities to participate.⁷ However, the public tends to incorporate a number of 'information short-cuts', such as relying on past experiences as well as political and media messages, to enable them to keep up with and when it is possible to have a role in public affairs.⁸ The argument that '[l]ike any other competence, the habits of democracy in everyday life are learned',⁹ holds promise in developing effective community engagement over time.

Problems with the Processes

Common criticisms of community engagement processes include that they are not representative, cost too much and take too long; and do not adequately address power imbalances and political considerations. In turn these process failings are seen to undermine the value of community engagement, to the extent that resulting decisions can be worse due to the public's involvement.

⁶ Studies suggest a wide-spread interest in politics but at a low level. See Samuel L Popkin and Michael A. Dimock, 'Political Knowledge and Citizen Competence' in Stephen L Elkin and Karol Edward Soltan (eds), *Citizen Competence and Democratic Institutions* (1999) 117, 123.

⁷ Environmental decision-makers have been described as seeing the public as 'emotional and ill-equipped to deal with technical matters', see Nancy Perkins Spyke, 'Community engagement in Environmental Decisionmaking at the New Millennium: Structuring New Spheres of Public Influence' (1999) 26 *Boston College Environmental Affairs Law Review* 263, 292. See also, Ian Thomas and Mandy Elliott, *Environmental Impact Assessment in Australia: Theory and Practice* (4th ed, 2005) 21.

⁸ See Samuel L Popkin and Michael A. Dimock, 'Political Knowledge and Citizen Competence' in Stephen L Elkin and Karol Edward Soltan (eds), *Citizen Competence and Democratic Institutions* (1999) 117-8.

⁹ Nancy L Rosenblum, 'Navigating Pluralism: The Democracy of Everyday Life (and Where it is Learned)' in Stephen L Elkin and Karol Edward Soltan (eds), *Citizen Competence and Democratic Institutions* (1999) 82.

Not Representative

Some say that it does not matter if a broad cross section of the public participates in community engagement processes as the public is represented by its elected leaders. Leaders of large groups, whether their leadership is formal (i.e. elected) or informal, are almost always exceptional members of their group, in terms of material, professional and social status, which creates a gap between them and the larger group that they 'represent'. Leaders' abilities to stay in touch with the people they represent are a measure of their personal commitment and the effectiveness of process requirements designed to keep them accessible and accountable to their members. Furthermore there can a propensity for the more vocal members of society to draw undue attention to their views, at the expense of the more moderate minded members public who are often referred to as 'the silent majority'.¹⁰

Disadvantaged and minority people are less likely to participate in their governance. Those individuals who are most likely to participate in major land use planning processes tend to be wealthier, more educated, from an Anglo-Saxon background and older than the general population.¹¹ Another challenge with representation is ensuring that minority members of society have their views considered, even though they might not have the numbers to generate wide-spread support.¹² Finally there is

¹⁰ The day to concerns of the 'average Australian' have been tracked for a quarter of a century by the Clemenger Group, and can serve as a starting point for understanding the views of the 'silent majority'. Their most recent report found the top ten concerns of the average Australian related to personal safety and that of children, hospital closures, and drugs, Clemenger Communications Ltd. *The Silent Majority IV: The Everyday Concerns of the Average Australian* (Nov 2002), 21.

¹¹ For example, staunch opposition from elite groups of Victorians to State Government proposals to build a high density development in Camberwell, and to sell off parts of Point Nepean, resulted in the government withdrawing these proposals. See James Button, 'Off The Rails?' *A3 Cover Story, The Age* (Melbourne), 28 April, 2004, 4. For information on Point Nepean, see Melissa Fyfe, 'Parkland Victory for Point Nepean Campaigners,' *The Age* (Melbourne), 13 March 2003, 3.

¹² See Adam N. Bram, 'Community engagement Provisions Need Not Contribute to Environmental Injustice' (1996) 5 *Temple Political and Civil Rights Law Review* 145, 167.

the problem with options being chosen because they are the least objectionable to the largest group, rather than being the best options. Avoidance of challenging issues can result in project innovation being lost, leaving lacklustre community engagement processes and mediocre legacies. Therefore, public representation needs to strike the right balance between ‘the rule of virtue and the rule of the virtuous’.¹³

Excessive Costs and Time

A common complaint about community engagement processes is that they take too long and cost too much; however it has also been suggested that:

Moving to a process that is more holistic and allows for meaningful participation from the outset of project or program planning through the preplanning assessment phase, construction, operation and decommissioning would address timing issues, opportunities for exchange and could even deal with issues of power balance.¹⁴

It has been noted that, ‘[a]lthough it is unfair to characterize all time consumed in community engagement as ‘delay,’ community engagement undeniably slows down the government wheels’.¹⁵ Supporting community engagement processes can drain government resources, while pressures to deliver in the short term can overshadow concerns and responsibilities for proposals’ impacts over the long term. Furthermore, the overall-savings that can be produced if community engagement enables governments to make the ‘right decisions’ are substantial.

¹³ Karol Edward Soltan, ‘Introduction: Civic Competence, Democracy, and the Good Society’ in Stephen L Elkin and Karol Edward Soltan (eds), *Citizen Competence and Democratic Institutions* (1999) 1, 5.

¹⁴ John Sinclair and Meinhard Doelle ‘Using Law as a Tool to Ensure Meaningful Community engagement in Environmental Assessment’ (2003) 12 *Journal of Environmental Law and Practice* 27, 49.

¹⁵ Thomas O McGarity, *Community engagement in Risk Management* (1990) Franklin Pierce Law Centre [5] <<http://www.fplc.edu/risk/vol1/spring/McGarity.htm>> at 31 May 2002; David E Booher and Judith E Innes, ‘Network Power in Collaborative Planning’ (2002) 21 *Journal of Planning Education and Research* 221, 221–2.

Power and Politics Dominate

Community engagement processes are renowned for being fraught by political and power struggles.¹⁶ Research suggests that those with the most influence in community engagement processes are the most satisfied with these processes, with influence being a dimension of both power and politics.¹⁷ Politics can be seen as, ‘the result of contests which occur whenever attempts are made to secure authority over others’, while power ‘is commonly understood as the ability to produce intended effects’.¹⁸ Even if an appeal to the relevant tribunal (generally merits review), or judicial review is available, there is still the critique that the judicial process remains ‘deeply and thoroughly political’.¹⁹ Town planning and environmental decisions are inherently political as they define values, establish priorities and allocate benefits, all in an effort to further the common good.²⁰

¹⁶ It has been argued that:

‘[m]ore ‘power to the people’, as a criterion for evaluating participation is both ill-informed and unrealistic. Unrealistic, because governments believe they have been elected to govern, and not to give away power. Ill-informed, because more power to the people can mean less justice and equality if the participants use that power to deprive others (blacks, the poor, mental patients, retarded kids, etc.) of their rights and opportunities.

Leonie Sandercock, *Community engagement in Planning: A Report Prepared for the Monarto Development Commission* (1975), 14.

¹⁷ Ian Thomas and Mandy Elliott, *Environmental Impact Assessment in Australia: Theory and Practice* (4th ed, 2005) 69 Ian Thomas and Mandy Elliott, *Environmental Impact Assessment in Australia: Theory and Practice* (4th ed, 2005), 20, 76; Anna R Davies, ‘Power, Politics and Networks: Shaping Partnerships for Sustainable Communities’ (2002) 34 *Area* 190, 198.

¹⁸ Martin Loughlin, *Sword and Scales: An Examination of the Relationship Between Law and Politics* (2000) 6.

¹⁹ Ronald Dworkin, *A Matter of Principle* (1985) 140.

²⁰ It has been said that ‘[n]owhere has dealing with the concept of power been more challenging than in the field of planning.’ David E Booher and Judith E Innes, ‘Network Power in Collaborative Planning’ (2002) 21 *Journal of Planning Education and Research* 221, 221–2.

Conclusions

Many of the noted limitations of the public can be addressed by ensuring community engagement processes mitigate these limitations. The potential of community engagement needs to be realistically assessed with a view to both its strengths and weaknesses. Its negative aspects should not be misinterpreted as absolute constraints; but as potential limitations that need to be properly managed. The positive and negative aspects of community engagement need to be considered when deciding to what extent the public could be involved in decision-making processes. Then the hard work of providing practical and appealing ways for the public to participate in these processes begins.

Note from the desk of Carla Rogers, Principal, Evolve.

I hope you have enjoyed Dr Murphy's paper. Ann and I have worked together closely to develop practical community engagement training and approaches that accounts for and addresses these potential limitations and pitfalls.

Please return to www.evolve.com.au if you would like to know more!