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Title: DELIBERATIVE DEMOCRACY AND WATER POLICY: PUBLIC PARTICIPATION IN WATER RESOURCES PLANNING IN SPAIN.

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1. Theoretical foundations of social participation in public decision processes.

Attention paid nowadays to public participation in the context of decision-making has its roots in the conclusions of a long debate on science theory transferred to the analysis of decision processes. Nowadays it is a widely shared opinion that under conditions of complexity, uncertainty and difficulty of evaluation -common to many environmental problems-, public participation has an important role in decision-making (Morin 1990, Beck 1996, Swyngedouw 1999, Funtowicz & Ravetz 2000, among others).

The abovementioned features together with the urgency in making a decision, and the existence of important interests at stake, require the quality of the process of making such a decision to be assured, as far as the result of any decision taken involves high levels of uncertainty and even ignorance, which cannot be reduced by additional scientific knowledge. The role of public participation in this post-normal context (Funtowicz & Ravetz 1993) is to contribute to assure the procedural quality of decision-making. That is to say, the justification of public participation in decision-making is rooted in the nature of the issues object of decision, and goes deeper than a political style.

In complex environmental issues, characterized by uncertainty and a plurality of legitimate perspectives, which have no clear solutions and require the support of all stakeholders, the quality of decision-making processes is of particular importance. In the words of Funtowicz and Ravetz (2000), the quality of the process, becomes a primary objective, even more than the product. A high quality process should combine the intervention of different voices and conflicting points of views, get a sufficient diversity and encourage interdisciplinary and systematic alternatives. Science needs to broaden its scope to the civic sphere, through open dialogue between all stakeholders involved with willingness to participate in solving problems (Lee 1993, Del Moral & Pedregal 2002:129). The participation of social actors is not simply a question of better democratic organization: decisions “becomes a matter of public negotiation, of quasi-formal arrangements between honest ‘best guess’ predictions and social weightings of agreed criteria, according to the

preferences of representative interest groups intent on reaching consensus” (O’Riordan & Jordan 1995:10).

Along with the evaluation of possible alternatives, stakeholders’ involvement in the definition of problems, identifying alternatives and evaluation criteria, as well as formulating proposals is becoming more relevant for decision making: Local actors can conceive solutions and reformulate problems with approaches that experts may not consider orthodox in their own professional paradigm. The widening of the peer community to laypeople in the evaluation process is a characteristic feature of the so-called integrated evaluation of plans and projects.

Integrated evaluation has been defined (ADVISOR¹ - Integrated Evaluation for Sustainable River Basin Governance, 2001-2004) as an approach capable of dealing with uncertainty and complexity associated with issues such as sustainable use of water resources, climate change, etc. It is a reflective and iterative assessment process that takes into account the social environment in which scientific and political activities are developed and that involves not only experts or interest groups, but also lay people in the field. In order to address the inherent complexity of social and environmental systems, integrated evaluation aims to bring together different disciplines and sources, while framing the problems in the proper spatial and political scale, recognizing the many connections between them. This approach also ensures that evaluation activities are not separated from the process of political developments, social and institutional context in which they occur.

2. Public Participation under the European Water Framework Directive

The institutionalization of public participation in decision-making processes received a significant boost in the Aarhus Convention 1998 (Articles 7 and 8). Public participation was included as a relevant instrument for the European governance in the White Paper on European Governance [COM (2001) 428 final]. It has been developed into Community law through the Public Participation Directive (Directive 2003/35), whose adaptation was made in the Spanish law through the Environmental Public Participation Act (Law 27/2006). At the same time it is applied through the Strategic Environmental Assessment (Directive 2001/42 and Law 9 / 2006) and other environmental policy instruments, like the IPPC Directive (Directive 2008/1/EC concerning integrated pollution prevention and control), among others.

With this theoretical and legal framework as a background one of the three pillars of the Water Framework Directive (WFD) is the active involvement of stakeholders and the general public in decision-making through participation. Specifically, the Water Framework Directive calls for the ‘active involvement’ of all interested parties in the implementation process and particularly in the production, revision, and updating of River Basin Management Plans (Article 14; Council of the European Communities 2000).

This novelty calls for a thorough rethinking of the previous practices based mainly on technocratic decision-making. Participation processes designed in the context of the WFD play the role of building bridges among heterogeneous agents, with different views and knowledge in order to ensure quality and robustness of decisions. Besides, public participation is also a collective learning process and, as such, demands a change of attitudes for promoting both the exchange of knowledge among agents and the

¹ For further information refer to Kallis G., et al. 2006; Kallis, G.; Videira, N.; Antunes, P. y Santos, R. ed. 2007; and Videira, N.; Kallis, G.; Antunes, P. y Santos, R. ed., 2007.

development of consensus building capabilities to assure acceptability and implementation of agreements reached.

3. Deliberative Democracy and Water Policy: The PART-DMA Project

This paper's authors, coordinated by Quim Brugué from the Autonomous University of Barcelona, are currently working in the Project entitled: "Deliberative Democracy and Water Policy: Experiences of Public Participation under the Water Framework Directive" (acronym: PART-DMA²).

The overall objective of the project is to contribute to the debate on the modernization of public administration and democratic innovation while transferring the generated knowledge to water policy and its ability to meet the multiple and often contradictory demands.

The study covers all the Spanish River basins in a first explorative approach. A second phase regards an in-depth analysis of six selected cases: Catalanian Internal Basins; Duero; Ebro; Andalusian Mediterranean Basins; Guadalquivir and Júcar. Public participation processes, accomplished by the Spanish River Basin Authorities in the last River Basin Planning process, are investigated first by means of the analysis of documentation generated during the processes, and secondly, by in-depth interviews with selected stakeholders and administrators.

The concept of "deliberative democracy" (Fishkin 1991, 1995, Pettit 1997, Habermas 1999, Gutman & Thomson 2004, Brugué 2009) is used to analyze the participatory processes in developing the Spanish river basin plans. This is a theoretical concept that can help to evaluate both the process and outcome, through the identification of the characteristics of a true deliberative process, contrasting these ideal features with what has been achieved in the real case studies.

Specifically, the deliberative theory considers that any deliberative process would have to meet four characteristics:

- First, it must lead to a decision reached from the exchange of arguments and the will of inclusiveness, i.e. ensuring that all voices are present.
- Second, the exchange of arguments must be understandable and accessible, that is, the discussion has to be oriented to the public (who has to know and understand) and in a public space (open to everyone).
- Third, the decisions that result from a deliberative process have to be effective. Deliberation is not a casual conversation, but a process that is to culminate in specific decisions, but always subject to revision in subsequent discussions.
- Finally, deliberation is governed by what the theorists call 'moral economy of disagreement'. According to this principle, in a deliberative process maximum mutual respect should be accomplished as well as minimizing differences. In other words, the disagreement is accepted but the willingness to work together to find areas of collaboration is highlighted.

² PART stands for "Participación" which means "Participation" and DMA stands for "Directiva Marco del Agua" which means Water Framework Directive. The English acronym then would be PART-WFD.

It is, therefore, a useful theoretical framework to evaluate participatory processes in the context of the implementation of the WFD, a process that should facilitate the exchange of arguments between various actors, organizing a discussion from the clarity, publicity, respect and the minimization of the disagreement. Otherwise it would be impossible to move forward on an issue where the differences and tensions among actors are so intense.

Although the substantive part of a participatory process is important, from our perspective the procedural features also matter, because the quality of the results depends largely on the process to achieve them. Therefore, when defining the ideal traits of a deliberative process, the literature tends to distinguish between the formal characteristics of the process and the attitudes or values that pervade. In this sense, when evaluating participatory processes we will distinguish between patterns of functioning and patterns of behavior. At the same time, we will distinguish between tangible and intangible results. The following sections detail the research questions and methodology used to answer them.

4. The analysis of the deliberative process in the PART-DMA Project: the implementation of the process

The analysis of the deliberative process itself is the focus of this research. We are interested in knowing the deliberative process associated to the WFD's planning implementation in detail, in order to analyze it and assess it. However, the delimitation of the deliberative process it is not clear and measurements are not straightforward. This is a complex process that takes place over a relatively long period of time, with different territorial particularities and where various actors are involved and multiple and diverse activities occur.

In order to organize and structure the information gathering in a consistent manner, we were inspired by the *deliberative democracy* and the *democratic innovation* theoretical frameworks (Guttman & Thompson 2004). The following table details the research questions and the methodology to be applied for gathering the information on the implementation of the participatory process.

Table 1. The analysis of the implementation of the participatory process

1. Process features	Research questions	Methodology
Argumentative Public	Has there been an exchange of reasons and arguments? Was it accessible and understandable enough to citizens and their representatives?	Interviews with stakeholders (institutional and social) Interviews with stakeholders (institutional and social). Documentary analysis of the materials produced for the development of the process (internal and external)
Constructive	Have practical decisions that allow seeing the results of the process been generated?	Interviews with stakeholders (institutional and social) Documentary analysis of both the conclusions of the process and the decision made.

Cooperative	Have there been sought and achieved a participation based on mutual respect and willingness to cooperate?	Interviews with stakeholders (institutional and social) Deliberative discourse analysis (of the contents and forms).
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2. Patterns of functioning	Research questions	Methodology
Information and communication	Have the content and objectives of deliberation been clear enough? Have they been properly disseminated? In other words, whom have both the conclusion of the process and its contents reached? Has there been any bias? Have all potential parties/agents understood them?	Interviews with stakeholders (institutional and social). Documentary analysis of the materials produced for the development of the process (internal and external).
Who has been involved?	Regarding the participants: How many have there been? To what extent were they involved? Were they representative? Did they represent adequately the diversity of voices and existing positions?	Interviews with stakeholders (institutional and social). Process indicators (to quantify the deliberative process).
How was participation?	Regarding the rules and forms governing the development process, are they sufficiently clear and known? Have they been previously agreed? Have they been developed following the criteria of professionalism and quality?	Interviews with stakeholders (institutional and social). Documentary analysis of the materials produced for the development of the process (internal and external). Deliberative discourse analysis (of the contents and forms). Process indicators (to quantify the deliberative process).

3. Patterns of behavior	Research questions	Methodology
Participants' behavior	What are the attitudes and values shown by the participants during the deliberative process? How have they developed and to which extent have they been guided by the principles of accommodation and mutual respect? More specifically, have participants heard the others and tried to put in their place? Have they been expressed in an appropriate tone? Have they been willing to modify their positions? Have they shown willingness to cooperate and agree?	Interviews with stakeholders (institutional and social). Deliberative discourse analysis (of the contents and forms).
Of the institutions that promote	Have the design and dynamism of the participation process contributed to a climate of cooperation and trust suitable for a deliberative process? Have the promoting institutions, through the	Interviews with stakeholders (institutional and social).

	personification of certain attitudes and values, contributed to promote the internal characteristics of a deliberative process?	
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Source: Brugué 2008.

5. The analysis of the deliberative process in the PART-DMA Project: results and effects

With regards to the results of the process, the project is not so interested in analyzing the technical content of the river basin plans as the characteristics of the complex decision at hand. Our focus is on assessing the increase in the ‘quality’ of this decision in relation to another decision that would have been taken in the absence of a participatory process and /or deliberation.

It is clear that only one decision is generated and, therefore, it is not possible to compare it with that which would have occurred under other circumstances. It is necessary, therefore, an alternative strategy that allows us to make an assessment of the decision. To do this, we propose to analyze the *tangible* and *intangible results* of the decision as shown in table 2.

Table 2. The analysis of the results of the participatory process

1. Tangible Results	Research questions	Methodology
Conclusions of the process	Are the conclusions adequately gathered, in terms of agreements and disagreements of the participatory process?	Interviews with stakeholders (institutional and social). Documentary analysis of the materials produced at the conclusion of the participatory process.
Effects/impacts of the process	What has been the ability to influence of the participatory process’ outcome on the decision that has been finally taken by the authorities?	Interviews with stakeholders (institutional and social). Documentary analysis of both the conclusions of the process and the decisions made.
2. Intangible Results	Research questions	Methodology
Legitimacy	Have it be reached a decision more legitimate and, therefore, more acceptable to the various parties affected by water policy?	Interviews with stakeholders (institutional and social).
Balance of interests	Has it been possible to transform private interests (legitimate, of course) in a public position that incorporates a collective perspective?	Interviews with stakeholders (institutional and social).
Mutual recognition	Have the participation process succeeded in stimulating a procedure that has allowed the parties to know and recognize each other from the respect and willingness to cooperate?	Interviews with stakeholders (institutional and social).
Learning and knowledge generation	Has it been generated an improvement in knowledge about water management and its various and complex implications?	Interviews with stakeholders (institutional and social).

Source: Brugué 2008.

6. Preliminary results and final remarks

The PART-DMA project is currently running, but research work and elaboration of results have been affected by the delay accumulated in the water planning process by almost all Spanish River Basin Authorities.

The expected project results can be classified in three main groups:

- **From the procedural point of view** we expect to be able to answer the following research questions: How has the WFD's requirement for active involvement been implemented in this first cycle of water planning in Spain? Which are the participation differences among Spanish River Basin Districts and why do they exist? Is it possible to identify different models of participation?
- **From the substantive point of view:** Which are the results achieved by this diversity of experiences? How can we classify and evaluate such results? Which are the relationships among different participatory "models" and the results achieved?
- **From a practical point of view:** Which changes should be operated at procedural and at organic levels in water authorities to incorporate the deliberative logic promoted by WFD? Which changes in water related management should follow the changes in decision-making? What happens if there is a mismatch between the two dimensions?

Some preliminary analysis of the participatory processes implemented in the Catalanian Internal Basins District (Espluga et al. 2011) and the Júcar River Basins District (Ferrer & La Roca 2011) suggests that the WFD's public participation requirements have forced some advance towards greater transparency and public access to information compared to the traditional (technocratic) practice in water policy. However, the results and instruments are still insufficient to achieve the standards of public participation required for the effective implementation of the Directive.

In most cases, the accumulated delays as regarding the WFD implementation schedule together with the rigid and unidirectional approach applied to public participation have reduced its potential for improving the quality of water policy decisions.

In the case of the Catalanian Internal Basins District, the participation process has had a limited but not negligible impact on the final draft of the river basin management plan. Besides, this process has given rise to the creation of actor networks as well as to a remarkable debate within the competent authority (the Catalan Water Agency). Finally, participatory processes carried out have confirmed the coordination difficulties among competent authorities involved at different scales and/or with diverse sectoral approach in water management issues.

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