

**Regulation of local public participation:
A review of recent studies in EU-member states**

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Abstract:

Regulating participatory processes at the local level sets could facilitate as well as limit public participation at the local level. Such regulation becomes increasingly important in the EU as citizen participation in local matters is perceived to be an important issue. The Council of Europe officially published its *Recommendation to member states on the participation of citizens in local public life*. The aim of this recommendation was “to achieve greater unity among its members for the purpose of safeguarding and realizing the ideals and principles which are their common heritage and to foster their economic and social progress” (Recommendation CM/Rec(2018)4). This paper addresses the question whether it makes sense from a theoretical perspective and from the outcomes of multiple case-studies to have participation at the local level regulated from above, or whether such rulemaking should be left to the local level itself.

Based on previously published empirical studies on public participation at the local level within EU member states in the period between 2005 and 2020 and comparing the outcomes thereof, this paper identifies the dilemmas involved in participatory processes at the local level.

Two tendencies are visible. The first is based on case studies advocating for favorable contextual regulations of public participation visible in decentralization processes. The second advocates for balancing representative and direct participative democracy through restricting public participation to deliberation, leaving the decision to the politicians and improving the design of participative processes through including professionals and more extensive use of ICT.

Key words: direct democracy, deliberative democracy, local governance, public participation

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1. Introduction

In the EU, interest in citizen participation is growing since the Lisbon Treaty of 2009 expressed the promotion of three fundamental principles, i.e., democratic equality, representative democracy, and participatory democracy. Two years later, in Resolution 326, the Council of Europe (2011a) underscored the importance of citizen participation in local public life, decision-making and development. More recently, in 2018, the Committee of Ministers prepared EU Treaties (Recommendation CM/Rec(2018)4) obliging EU member states to have direct citizens participation at the local level. The underlying premise being that citizen participation “is at the very heart of the idea of democracy and citizens who are committed to democratic values, mindful of their civic duties and active in public life, are the lifeblood of any democratic system” (p. 1). The developments show that local participatory democracy is perceived to be a vital part of the European Citizens’ Initiative (ECI).

Notwithstanding the ideal, promoting direct democracy at the local level involves well-known and serious dilemmas. How does such democracy compare to representative democracy? How to ensure that the participants are as representative for the local population as the elected politicians claim to be? How to ensure open and rational deliberation and to avoid the capture of such processes by powerful parties and organizations?

This paper addresses these issues - not just from a theoretical perspective - but also based on empirical evidence. The aim is to identify the dilemmas in participatory processes at the local level by comparing those found in recent theoretical studies with those visible in empirical case studies in the EU countries during the period of 2005-2020. The concept “dilemma” is understood as a situation, in which a choice is to be made between different options, but all bring about negative side-effects next to the desired effect.

The main question to be answered is whether it makes sense from a theoretical perspective and from the outcomes of multiple case-studies to have participation at the local level regulated from above, or whether such rulemaking should be left to the local level itself.

In order to answer that question, this paper is structured as follows: Section 2 presents the theoretical frame. In Section 3, the method used is described, including the selection of the empirical studies, and principles that steered the review. Section 4 presents the identified dilemmas in promoting public participation at local level. Section 5 compares these dilemmas with dilemmas visible in previous empirical research and draws conclusions.

2. Dilemmas in regulating public participation at local level

That local direct democracy is desirable, is undisputed. According to Article 15b of Statute of the Council of Europe, dated May 5,1949 (updated in Jun 16, 2015), the Committee of Ministers (CM) “may take the form of recommendations to the governments of members, and the Committee may request the governments of members to inform it of the action taken by them with regard to such

recommendations” (p. 3). Therefore, the Recommendation of CM is legitimate. It advocates for “Recalling the practices of direct democracy” because direct democracy complements representative democracy and contributes to “rendering democratic institutions more responsive, hence contributing to inclusive and stable societies” (Recommendation CM/Rec(2018)4, p. 3). It adds, “dialogue between citizens and local authorities and elected representatives is essential for local democracy, as it strengthens the legitimacy of local democratic institutions and the effectiveness of their action” (ibid.). Taking such remarks seriously, local authorities “have, and must assume, a leading role in promoting the participation of citizens” (ibid) in local public life, decision-making and development.

The document presents fourteen basic principles of local democratic participation policy, including: the need for municipalities to be transparent and exchange information; to encourage citizens to take responsibility for their life and communities and to encourage local authorities to give emphasis to the citizens’ participation and be responsive to their expectations and demands; to make such approaches comprehensive; to experiment with citizens’ empowerment; to establish benchmarks, monitoring systems and best practices; to identify the causes of any positive or negative trends in the participation of citizens and gauge the impact of the mechanisms adopted; and, to include also the marginalized citizens, ensuring the inclusion of everyone irrespective of gender and age, preferably together with the authorities and local associations (Recommendation CM/Rec(2018)4, p. 3-4).

Scholars mostly agree on the desirability of citizens’ direct participation in local public life, decision-making and development. Such participation is understood as “a procedure which allows citizens to participate directly in decision-making on policy issues in a ballot vote on propositions initiated by citizens or by a governmental authority” (Schiller, 2011a, p. 10). Scholars underscore the importance of public involvement in local communities. Schiller perceives direct democracy at the local level as “increased influence of citizens by way of direct elections of mayors, and of direct democracy in the form of initiatives and referendums” (p. 9). Like the EU, scholars emphasize local authorities’ need to share information with citizens about plans and alternative policies on local development. Transparency is the main condition for meaningful participation, the legitimacy of local authorities, and the needed trust of citizens in decision-making processes by the political elite. Local governmental authority also needs to promote direct democracy by “giving citizens the opportunity to a ballot vote on the authorities’ proposal or draft decision” (p. 15). Public involvement starts with a proposition, which is later on adopted by the local authority in charge organizing a ballot vote. The most far-reaching form of citizen participation is a referendum conducted in order to accept or reject a new political decision. According to Schiller (2011c) direct democracy operates through:

(...) an assembly of citizens or by means of referenda and initiatives in which citizens vote on issues instead of for candidates or parties. The term is also sometimes used for the practice of electing representatives in a direct vote rather than indirectly through an electing body, such as the electoral college, and for the recall of elected officeholders. Direct democracy may be understood as a full-scale system of political

institutions, but in modern times it most often consists of specific decision-making institutions within a broader system of representative democracy (Schiller, 2011c).

In itself, the promotion of direct democracy is nothing new. Already in 1984, Barber advocated for strong democracy and universal forms of power based on citizens' direct political participation in local decision-making. The consensus on the desirability of direct democracy at the local level is fueled by a growing cynicism towards representative democracy, especially regarding the way elected representatives exercise power in practice, and how they (fail to) represent citizens' interests. The effect being disappointed citizens, who distrust politicians, dispute their legitimacy, and at the extreme abstain from participating, even in local elections, i.e., the lowest level of public participation. Therefore, scholars promote direct democracy, deliberative democracy, and participatory local governance to reverse this process. For instance, Bovaird (2007) advocates for local governance in which co-production as a political phenomenon *par excellence* contributes in keeping a balance between representative-, participative democracy, and professional expertise. Although Bovaird admits that co-production is unable to solve all public problems as co-producers have different values, incitements to disposition, and often diffuse roles, the boundaries between the public-, private-, and voluntary sector can be blurring, the issue of accountability can be blurred, co-production depends on the kind of actors participating in co-production, and professional groups often dominate in co-production, he nevertheless concludes that independent of such limitations, it is: "an important integrating mechanism, bringing together a wide variety of stakeholders in the public domain, although it is often hidden, frequently ignored, and usually underestimated in its potential to raise the effectiveness of public policy" (Bovaird, 2007, p. 858).

Bovaird perceives co-production as a democratic innovation deserving further experimentation to increase public involvement in local matters. Nonetheless, the dilemmas remain. Lowndes & Sullivan (2004) point to such dilemmas, especially: (1) the bias, and lacking representativeness of actual participants in public participation, and the absence of those for whom such participation would be most needed in terms of the democratic ideal, (2) the extent to which the decision-making should remain prerogative of elected officials, versus the ideal of having the participants making decisions, (3) the need to regulate participation processes, versus the preferred informality by the participants, (4) the needed skills of participants' to contribute meaningfully to the decision-making process, and the observed controversy over such processes, in which those with knowledge and skills become easily dominated by minority groups, who do not understand the highly technical and legal "jargon" used by the former ones. Brown adds that the local administration often also does not believe that public consultation can substantively improve decision-making (Brown, 2012, p.15).

The issues mentioned made some scholars to take a minimalist point of view on public participation. The minimalists say: individual citizens are not to be trusted and their direct participation is dangerous, costly, disruptive, and slowing down decision-making without adding anything relevant. Moreover, it can result in risks, exclusion of non-included, oppressed groups, and although perhaps good for the

advancement of democracy, public involvement is certainly detrimental for stability of decision-making (Fishkin, 1991, 1995). According to Stivers (1990) public direct involvement should be avoided because “People are either too passionate and selfish or too passive and apathetic” (p. 87).

Montin & Hedlund (2009, p. 27ff) claim that although government through representative democracy, and governance through deliberations complement each other, the role of citizens participating in local decision-making should be limited to *public dialog*, but the decision-making should remain in the hands of the elected politicians. Participatory governance has to be seen as a renewal of democracy neither threatening nor challenging representative democracy, but in practice often does threaten and challenge representative democracy. Therefore, “additional” forms of control on how the practical politics is exercised, and how to demand authorities’ practical accountability are needed).

The issues are not new because cooperation between public, private, and civil society has always existed (Pierre, 2009). Networks understood as informal, continuous relations, and cooperation among various representatives of important institutions have always been of pivotal importance for a well-functioning system. Although opponents claim that governance would weaken the state, the truth is that good governance has always been and has to be based on a strong center to make good procurements, to steer the production of public services, and to control their delivery. According to Pierre, such networks operate *in the shadow of hierarchy*. Networks may have more or less autonomy and control, but the scope of action is defined by the hierarchies and their activities take place within hierarchy’s silent consent” (p. 49).

The above suggests that one should not ask whether or not to promote governance, as this is always in play to some extent, but rather how to design and regulate such processes, and what factors should be taken into account when designing public participation processes. This requires to see government and governance not as alternatives – “either government or governance”, but rather as a continuum with isolated dictatorship at the one extreme and extensive public participation in local decision-making, including deliberation and voting on all possible issues at the other extreme.

This makes the design of such processes crucial (cf. Geissel, 2009). She tells us that such designs are most democratic innovations in terms of direct democracy, consultative-discursive procedures, co- or network governance are legislated either at the federal or state level. These authorities usually regulate the application of petitions, referenda and even consultations down to the smallest detail. What is needed instead, according to her, is that public involvement, understood as co-management or network-management, requires more informal cooperation between local groups and politicians. She points to the fear that an emphasis on procedural issues fails to capture the complexity of citizen participation at the local level and that it fails to induce the needed deliberation essential in direct democracy. Public participation is not only about actually changing the decision-making process, but also that “People need to *feel* that they have impact on the decisions made, and this requires a certain level of empowerment:

having the chances to influence the nature, quality and quantity of the services they produce together with professionals” (Verschuere et al., 2018, p. 245).

Summarizing, nearly all scholars agree to the need of public participation at the local level, and many are skeptical about the current practices of local politicians with all their detrimental consequences. However, the proposed solutions vary. Some plead for more regulation in the spirit of the EU. Others make the plea for more informal processes and reject extensive regulations, especially when these are imposed by higher levels of government. Below, we will investigate what empirical case-studies add to this controversy.

3. Methods

We did a qualitative text-analysis of empirical case studies on citizen participation in local public life, decision-making, and development in the EU during the period of 2005-2020. The aim being to identify dilemmas in participatory processes at the local level by comparing dilemmas found in theoretical literature with those dilemmas encountered in empirical research, and to identify the arguments behind proposed solutions for these dilemmas.

In order to collect the relevant empirical studies, we used the Library of Gothenburg University, Google Scholar, Google Chrome and the various combinations of words derived from the theories on direct democracy, deliberative democracy, and governance but also from Recommendation CM/Rec(2018)4 e.g., “local participatory democracy”, “citizen participation + local”, “public involvement + decision-making + local”, “direct democracy + local”, “deliberative democracy + local”, “citizen participation + governance* + local”, ‘participatory process + local’, ‘participatory instruments + local + democracy’, and, ‘empowerment of citizens + local’, ‘CLEAR + participation + local’.

For the selection of articles, we used several principles: (1) The selected studies had to be from the EU member states without pointing at any specific country. We did try to keep a balance between the number of studies from the EU older-, and the EU younger democracies, that joined the EU after the enlargement of 2004; (2) The studies should be written in the English language, published online as the full texts; (3) The selected studies were expected to contain relevant empirical information about citizen participation in local public life, decision-making and development during the period of 2005 – 2020. This resulted in 30 empirical studies fulfilling these criteria. Appendix 1 gives the full list of collected articles.

Table 1: Characteristics of the empirical studies (See: Annex 1)

A type of empirical study	Number of studies
Single case study	12
National comparative	12
International comparative: Western Europe	4
International comparative: CEE-region	1
International comparative: Western Europe and CEE-region	1
Total:	30

An open coding started already at the first reading of every selected empirical study. The collected material allowed us to identify five dilemmas of citizen participation in local life, decision-making and development. Various matrixes, graphic outlines proved helpful to organize the presentation of empirical results that are presented below.

4. Dilemma's arising from empirical studies

The collected studies provided empirical support for the claim that dilemmas' solving is context dependent. We observed significant differences between empirical outcomes from the EU's Western- and CEE countries. Furthermore, the results made it clear that the first two issues involved in participation in local decision-making (1) multi-governance and (2) decentralization, seem to be of specific concern to CEE-countries, while (3) elected politicians' attitudes towards public participation in local decision-making, (4) the needed balance between representative and participative democracy, and (5) the design of public involvement present the main concerns in EU's Western countries.

4.1. Multi-level governance's effects on public participation at local level

Public participation is not only a local issue, but a question of multi-level governance in which local, regional, and state's authorities, as well as the EU have a lot to say. Multi-level governance, raises important issues: to what extent can the supranational level influence the legal regulations for public participation in local decision-making, in order to avoid the emergence of feelings of limitation to state sovereignty or local autonomy at the federal, national, regional and local level of each EU Member State?; and, if so, what kind of legal regulations for local participative process are needed to avoid citizens' self-organization and political activism?

According to scholars in CEE-countries, public participation is a costly process in need of support from EU funds in order to become effective. Pascaru & Buțiu (2010) show that in the Romanian rural areas of Western Carpathians and Transylvania the strategic, structural, cultural, psychological, and behavioral customs creating opportunities for public involvement in local problem-solving are lacking (p. 498). Improvement is possible, but it demands the EU's financial support and promotion of citizen participation, collaboration with local authorities, formation of partnerships to work out local strategies for public involvement at local level.

Turska-Kawa & Wojtasik (2018) compare the level of application of direct democracy mechanisms at the national and local level in Poland. The classical mechanisms that make direct democracy effective or ineffective prove to be similar to those described by Schiller (2011a; 2011b). Recently, a recall procedure from public offices by voting, and – legally required - participatory budgeting has become the new mechanism. Moreover, public consultations required by the Polish law are perceived as a much better mechanism to increase citizen participation in local decision-making than the situations, in which people organize themselves. Their main conclusion is that local politicians aiming to act in community's favor should create a common history, local identity, and clear regulations to motivate citizens, if they

want to increase citizen participation in local matters. According to the authors, other case studies about public participation in CEE-countries also point out that (inter)national regulation works seemingly better to initiate public participation than waiting for citizens' self-organization.

Kocowska-Siekierka (2016, p. 233f) investigate local revitalization programs, partly financed by the EU. This study recommends introducing participatory budgeting processes in Polish municipalities. The revitalization programs force local authorities to make a shift in their approach to social dialogue and local development. According to the Act on Spatial Planning from 2003, public involvement is possible. Thus, associations, foundations, non-governmental organizations, and individuals are welcomed to utter their viewpoints regarding local investment projects. The revitalization programs conducted in cities like Plock, Poznan, Kraków, and Wrocław have contributed to "the improvement of living conditions, increased attractiveness of the land, peoples' flow and interest in social responsibility" (p. 235). Moreover, approximately 80 participatory budgets were established in Poland during the period of 2011 – 2015, in which approximately 10.6% of population participated. Some negative consequences are also observed: not substantial arguments, but the power of participants often determined the outcomes, fraud was detected as double voting of the same person could not always be prevented, and there seems to be insufficient social awareness about local needs among the participants.

Dvořák's (2018) in the Czech Republic investigates the rise of local direct democracy caused by inadequate local regulations of land and development projects that resulted in political activism (p. 330). According to this study, local regulations should avoid creating favorable circumstances to political activism, conflict strategies, and not-in-my-backyard responses. If citizens need to organize themselves because of inadequate local regulations, then a compromise is more difficult to reach. According to Dvořák, similar research outcomes were observed in Germany, France, and Sweden (2018, p. 345f). This study recommends working actively with regulations for planned development projects.

In Spain, Font & Galais (2011) observes that every participatory process is anchored in "a complex system of multilevel governance, from larger supra-local institutions like e.g., the World Bank, Habitat and the UNDP and national governments, but "participatory processes can hardly be successful without decisive support from local institutions" (p. 934). The authors mapped citizens' participation in 103 local decision-making processes in the Catalonian municipalities. They discussed the role of (1) the political parties' ideology, (2) the external support from supra-local institutions, and (3) the views of civil society on the procedural qualities important for public involvement (p. 939). Taking a combination of these factors into account has positive effects on participatory process. Local participatory experiences show that the rate of citizen participation was rather low, although factors could be mentioned that support public participation. For instance, size matters. Smaller communities are more friendly towards citizen participation than large municipalities. A participatory budgeting process, perceived internationally as a 'good practice', reached a relatively high rate of citizens' participation of over 4% of the total population in the Catalonian municipalities (p. 945).

Hovik et al (2010) write in a similar spirit and investigated public participation in nature conservation understood as a common pool resource (CPR) in Norway and Sweden. Both countries signed international agreements, Agenda 21 and the Convention on Biological Diversity. The aim of this participatory process was to increase efficiency, effectiveness, and equity, but also to show citizens' growing participation, their greater responsibility, and accountability for decision-making on local development. When managing the nature conservation in both countries, the authors observed lacking guidelines for the performance of co-management projects in terms of the areas' boundaries, a lacking framework for public participation, and lacking mechanisms for conflict resolution. The lack of regulations not only undermined public involvement, but also resulted in the emergence of unnecessary conflicts among those involved in co-management. No one expected such outcomes. Hovik et al., identified two tendencies: (1) local actors and governments prioritize their own interests above national and global interests, and (2) they prioritize the majority group's interest at the expense of the interests of minorities. The authors conclude that the promotion of local participation "requires careful, sustainable balancing of the representation of local and global values and interests" (2010, p. 161). Moreover, the vertical distribution of power among representatives of local communities, national and international policymakers should be appropriate and transparent for all involved in co-management.

We conclude that when multi-level governance issues arise, participation at the local level becomes complicated. In CEE-countries such multi-level governance is perceived as support for the development of cooperation between authorities and citizens in the decision making on important local issues. In western EU countries, supra-local institutions are rather perceived as a threat for local autonomy combined with the expectation that it does not bring about an increase of public involvement in local decision-making.

4.2. Decentralization's effects on public participation at local level

A certain extent of decentralization - understood in terms of legislation in favor of local self-government, and local financial autonomy - is generally seen as beneficial for the economic effectiveness and meaningfulness of public participation.

Pascaru & Buțiu (2010) in Romania state that the weak decentralization in this country, with lacking individual incentives and understanding for the objectives of public involvement, caused inhabitants to prefer "stand-by" behaviors rather than participation in local matters (p. 498). In a similar vein Levitas (2015) argues for Poland that public participation in local decision-making cannot be successful because of weak decentralization and local government finances completely funded by the state government. Moreover, the tasks and responsibilities of local self-government are poorly defined in Poland. Thus, new regulations on decentralization to support local autonomy are necessary.

Interesting is the comparative research done by Alibegović & Slijepčević (2018) among 16 European countries (not all belonging EU). They show that, notwithstanding some differences, local autonomy has a positive impact on increased interaction between local authorities and citizens.

Councilors in Anglo- and CEE countries, perceive decentralization as more important for public participation at the local level than councilors in Franco, Northern and Middle European countries (p. 167f). The authors conclude that only strong decentralization can make citizen participation meaningful. Moreover, decentralization “empowers local representatives and increases their role in local governance” (p. 170).

The empirical studies give the impression that in order to make local participation meaningful, some degree of decentralization with accompanying legislation and autonomous financing is needed. The dilemma remains, however. On the one hand participation only is meaningful when the locality has some say in the matter, on the other hand, decentralization does also make the effectiveness of such participation more dependent on the goodwill of the local politicians. The question is whether these politicians are inclined to start up such participatory processes and to make them effective.

4.3. Elected politicians towards public participation in local public life, decision-making, and development

The elected politicians’ positive inclination towards public participation is deemed crucial for making public participatory processes effective. The empirical case studies show, however, that local politicians have varying opinions and show varying behaviors in this regard.

Alibegović & Slijepčević (2018) in their already mentioned comparative research on local councilors’ attitudes towards citizen participation in local decision-making process among 16 European countries, shows that in CEE-countries, public involvement is less troublesome in comparison to countries representing the Franco, the Anglo-, the Northern and Middle European’s model of local governance (p. 162). Most local councilors from the CEE-region are positive towards public involvement and judge that “residents should participate actively and directly in making important local decisions” (p.163). However, the national regulations and institutional framework of CEE’s countries fail in creating the needed opportunities for such involvement. The study thus shows readiness rather than daily practice. Local councilors from the Anglo-, Franco-, Northern and Middle Europa advocate for citizens’ participation through political parties. A high number of these councilors asserts that “elected representatives should conduct policy according to their own opinion and independent of the current views of local people” (p. 169). The councilors from all the EU’s member countries underscore that further decentralization is necessary to involve citizens in public affairs.

The study conducted by Oross (2016) also deserves attention because it shows that youth councils within the EU became a driving force behind promoting of innovative solutions for youth participation in local decision-making. In Hungary, “Young people reported higher levels of interest both in politics and local politics where there were active in youth NGOs compared to settlements where such structures were absent” (p. 169).

Several case studies from the Nordic countries claim that local politicians are not really interested in citizens’ participation. Tahvilzadeh (2015) argues that the major motive behind the empowerment of

the citizens in Sweden is to give the impression that citizens' voices, needs, and ideas are heard. Politicians just want to increase the legitimacy of the current political system. Local politicians use "citizen dialog" to share responsibility with citizens, when demographic dilemmas impact on welfare, service delivery and future development. Public involvement is expected to increase efficiency of service production during the economic crisis for the weak welfare. Tahvilzadeh perceives such public involvement as a façade (p. 250). Eriksson (2010) arrives at the same conclusion, after conducting interviews with local politicians. Politicians underlined their traditional role as the representatives having a mandate to represent voters' interest. A Swedish politician said: "Users' influence is important, but it is not really what democracy is about" (p. 44). The politicians are in favor of the traditional form of decision-making by the political party, but they are also aware that it is almost passé. Soneryd & Lindh (2019) go even further, arguing that local politicians might officially perceive citizens' participation as very important for building trust in the representative system (p. 11), but in fact, they are against a dialog with citizens. The Swedish politicians simply don't believe that public participation can solve any problems because of the existing social exclusion and segregation (p. 14). Hence, it becomes apparent that they don't pay attention to citizens' opinions, especially, in case of difficult and complex issues. Citizens are invited "only to discuss 'minor' issues about which no one of local politicians really cares" (p. 15). This research shows that elected politicians are skeptical whether the "aims or goals can be accomplished through citizen dialogue" (ibid.). Their official rhetoric has instrumental value, serving politicians but not citizens. Such an approach could very easily jeopardize peoples' trust in participative democracy.

In Denmark, Agger & Norvig Larsen (2009) explore social exclusion when implementing the Danish Kvarterloft Urban Regeneration Program aimed at increasing citizen participation in local decision-making. Exclusion worked beneficial or provided detrimental effects. Three types of exclusion were observed: (1) the structural exclusion of actors, in which the elite participants were advantaged, (2) the discursive exclusion, in which the disadvantaged can only rarely influence an agenda on special issue, (3) the deliberative exclusion, in which participants can influence the process but not the goals, budget, allocation resources, plans or activities. The major conclusion from this research is that: "exclusion in some cases may be a factor that contributes positively to the processes of a project by reducing the influence of destructive forces" (p. 1097). Structural, discursive, and deliberative exclusion reduce uncertainty and make the process run more smoothly. The authors, nonetheless, also conclude that practitioners and politicians should reflect critically on different types of exclusion in order to create transparent democratic processes.

The general conclusion cannot but be that elected politicians in the old democracies see participatory processes as threatening to their prerogative to make decisions, while the legal instruments are in place to foster such participation, while local politicians in the CEE countries favor public participation but lack the legal instruments to make it happen.

4.4. Balancing representative and participative democracy

For local participatory processes to be effective, it is crucial to balance representative and direct democracy. Therefore, the question is: how to create such a balance that will allow for broad social involvement in local decision-making without endangering representative democracy? How to achieve a form of citizens' participation that supports elected politicians and gives them legitimacy to act on behalf of their electorate. It concerns the role politicians and citizens play in participative processes. Empirical research shows that most of the EU's Western countries are looking for solutions limiting the processes of citizens' participation to deliberation, while the decision-making itself remains in the hands of elected politicians.

Regarding the CEE countries, Nežmah (2011) investigate Slovenia and Smith (2011) focuses on the Czech Republic. Both researchers admit that the only citizens' involvement possible in local decision-making occurs through referenda that a local authority initiates. Ruus (2011) investigates local direct democracy in Estonia, Latvia, and Lithuania. He concludes that elements of representative and participatory democracy should be combined in those countries. Local authorities should be much more open to dialogue with local people in case of decision-making on important local matters.

In the EU's old democracies, John (2009) conducted a survey about citizen governance in central and local government in England and Wales in 2005. The respondents were asked: "In the last twelve months... have you done any of the things listed?" (p. 496). The list of various forms of decision-making was long and respondents could mark several items. John observed a co-variation between civic participation and citizen governance but not across all dimensions of respondents' socio-economic status. Young people and ethnic minority communities experienced most benefits from citizen governance. John concludes that local governance could "redress some of the long-running biases in political participation" (p. 501).

In the Netherlands, Geurtz & van de Wijdeven (2010) investigate the balance between local representative and direct democracy in the city of Hoogeveen – a medium sized municipality (ca. 55 000 residents). Residents could decide on yearly budgets for their neighborhood and local people were involved in the long-term planning of development. The Dutch model tried to balance representative- and direct democracy. Citizens' voices were heard and acted upon. Moreover, the shift from local government into local governance doesn't signal the end of government when representative and direct democracy are balanced (p. 531f). According to the authors, this balance is due to: (1) connecting arrangements among the steering committee, the consultative group, and the harmonization team, (2) professional connectors, and (3) steady political support (p. 541ff).

Michels & de Graaf (2010; 2017) show that citizens' inclusion in formal decision-making is of pivotal importance because public deliberation contributes to better decisions on public matters and increases the legitimacy of decision-making process and its outcomes. Local authorities, across the world, use diverse forms of "interactive policymaking, deliberative forms and e-governance" (p. 876). However, in comparison to the first decade of 2000s the authors observe a new tendency; citizens

organize themselves and create informal bottom-up initiatives to solve local problems. Their role has changed. They act more responsible and are engaged in local matters. Not only the high educated people are involved in local decision-making but also otherwise marginalized people. The authors conclude that the success of public involvement is due to “the specifics of the design of the participatory process” (p. 877). They study the relations between citizens and local government from a citizens’ perspective and argue that citizens can only provide information, but that “the development of civic skills, the increase of public engagement, and the opportunity to meet and discuss neighborhood issues and problems” (p. 489) is not so visible. A year later Michels (2011) investigated positive effects of citizen participation on the quality of local democracy and democratic decision-making. This study is based on empirical evidence from 120 cases in Western countries and focuses on public involvement as promoted by government. Michels evaluates four types of democratic innovation: (1) referendums, (2) deliberative surveys, (3) interactive governance, and (4) deliberative forums having positive effects on local democracy. Public involvement contributes to the increase of citizens’ knowledge, skills, virtues, and engagement, independently of the design of the participation, and that supports local decision-making (p. 290). The study also shows that citizens influence on local democracy differed due to democratic innovations; deliberative forums and surveys work better to exchange arguments; referendums and participatory policymaking projects are superior in making citizens exert influence on policymaking and in involving more people. De Graaf et al., (2015) study the approach of practitioners towards disadvantaged neighborhoods in Dutch cities in enhancing public participation. The research shows that citizens are empowered through initiating projects that connect them with policymakers. The front workers were legal experts knowing the laws, regulations, and policies, but also knew how to bypass regulations in order to connect citizens with formal organizations. They provide support and create opportunity for citizens to become active participants in their local communities (p. 56f). The authors showed that the CLEAR model – in which people ‘Can’, ‘Like’, and are ‘Enabled’, if they are ‘Asked’ and if they want to influence a system as ‘Responsive’ citizens (p. 49) - was an applicable and relevant theoretical tool to explain citizen participation in local decision-making. Bovaird et al., (2016, p. 63) add that public participation should be restricted to issues for which a strong belief exists that *people can make a difference* in e.g., local environmental improvement, community safety, social well-being, and health.

Kopciński (2019) investigates the coordination mechanism used in the City Lab in Graz and Leoben in Austria, and Maastricht in the Netherlands. Users could propose solutions to long-term problems, while the city authorities watched “over their feasibility and legitimacy” (p. 1). In the studied municipalities, the local authorities made efforts to involve users and citizens in local problems’ solving and long-term development by the means of a “City Lab”. It is a “platform for implementing a specific type of social innovation – urban innovation” (p. 12) to meet city users’ needs. This study shows an imbalance between the local authorities and citizens’ participation in local decision-making, but the local authorities proposed legal and feasible solutions. They initiated, financed, and coordinated all

occurring activities in the City Labs. The authorities created favorable circumstances for deliberative democracy. The participation of city residents and other stakeholders was perceived as a major condition for the existence of City Labs. Public participation in local problem solving was not a façade. Opposite, the City Lab was perceived as a pure deliberative democracy organized by the representative democracy. The effect on local decision-making was judged to be positive.

Balancing representative- and direct democracy is a typical issue for the EU's old democracies being the resultant of long traditions in representative democracy, while direct democracy is still rare. In CEE-countries the representative model is as new as the trend toward direct democracy. In those countries direct democracy is less seen as threatening. Nonetheless, in all countries the dilemma results in specific designs of public participation in order to deal with this dilemma. The next section addresses these designs.

4.5. Design of public participation

The design of public participation is understood as the plan or specification for creating favorable circumstances for citizens' participation to make decisions on important local matters jointly with local authority, public officials, and/or professional groups. In the case-studies, we found two sub-dilemmas related to the design of public participation: how to make participatory processes inclusive and simultaneously to keep out destructive elements, and whether or not to make extensive use of professional support and novel Information and Communication Technology (ICT) possibilities. The latter poses a dilemma as it might support participants in formulating their preferences and plans, while at the same time this might result in transforming the participative process in a negative way by adapting it to the possibilities and limitations of such professional support and ICT.

Geurtz & van de Wijdeven (2010) point to a crucial role of professional mediators. Agger & Norvig Larsen (2009) dispute another important issue i.e., the capabilities of laymen and ordinary citizens to utter their preferences and to argue their proposals in a way understandable for administrators and well-educated elected officials. According to them, but also to other scholars like de Graaf et al., (2015), and Kocowska-Siekierka, (2016), doubts arise whether public participation in local decision-making, is deemed to become captured and dominated by powerful organizations and local politicians. A way out is to have participants supported by professionals, who are able to often translate the ill-formulated preferences and proposals into formulations feasible to work with for administrative and political officials.

In Poland, Piasecki (2011, p. 136) claims that the use of the Internet and e-democracy are very important as ICT enables broad participation in referenda, consultations, and other modes of civic involvement. However, it should be noted that nowadays' technological revolution is addressed mainly to young people, who have the capacity to participate in local decision-making by using ICT. The use of ICT is widely discussed as a potential but not as the everyday practice for everyone.

Bartoletti & Faccioli (2016) investigate the role of ICT in promoting participation in the municipality of Bologna, exemplary for collaborative governance in Italy, and investing huge sums of money in digitalization. The local authority implemented the Italian Digital Agenda launched nationally in January 2012, in the context of the European Digital Agenda. They focused on a relationship between representative- and deliberative democracy, and how digitalization empowers citizens' participation in local policymaking. This research shows that citizens' participation increases in quantity and in quality due to ICT. Public involvement was inclusive, uncontroversial, and more individualized in local decision-making, but it demanded new skills from participants, i.e., communicative competencies, and accountability for local development. Those who do not possess a computer were "deprived of the engagement and civic interactions occurring in Comunità" (p. 9). The Bologna case confirms the existence of a 'democracy of expression', 'democracy of involvement', and a "democracy of intervention" thanks to digitalization. After the Bologna experimentation of collaborative governance, 68 other Italian municipalities adopted similar regulations and a further 82 Italian municipalities are in the process of completing its adoption (p. 2).

In general, scholars support the use of CityLabs or internet democracy through Facebook, blogs, municipal webpages, posts etc. ICT is welcomed because of its clear advantages, but as Eriksson (2010, p. 46-58) shows, in Sweden, local politicians are skeptical about exchanging politicians' *face-to-face* interactions with local inhabitants via Facebook, blogs, and posts because it is time-consuming to give feedback on citizens' posts or questions. Moreover, municipal homepages demand a continuous updating and development. No one has the time to do this. Horsbøl (2018) points to the need of clarity of the participative process. Transparency about what the municipality does is one thing, while clarity and specified regulations regarding the process of public participation is quite a different issue for participants. The latter have to know what decisions on local development they can or cannot influence. It seems that it is easy to talk about planning, implementation, communication, knowledge sharing and evaluation. Such concepts only start to impact the participation process when they are specified as the rules of participation. Then, it becomes clear for all participants what is happening, when, and how, who is involved, what responsibilities citizens have vi-a-vis the public administration, and who will in the end make the decisions. Only then participants understand their role, how they will be involved, and listened too.

If public participation at the local level is to be regulated, the studies point out that attention for the positive as well as negative effects of including professional mediation in the process as well as using ICT has to be thought through. A professional mediator can easily be perceived as biased in favor of the local politicians or powerful corporate interests. ICT can be used to include, but also to exclude certain groups. It can promote deliberation, but also hinder it as it sometimes only lets participants fill in a survey or prioritize criteria for the decision without any deliberation.

5. Conclusions

The purpose of this paper was to identify which dilemmas in participatory processes at the local level dominate the theoretical debate. It seems that four dilemmas do this: (1) the bias, and lacking representativeness of actual participants in public participation, and the absence of those for whom such participation would be most needed in terms of the democratic ideal, (2) the extent to which the decision-making should remain the prerogative of elected officials, versus the ideal of having the actual decisions made through the participatory process (3) the need to regulate participation processes, versus the preferred informality thereof as perceived by the participants, (4) the needed capabilities of participants and the problem that these are too often lacking.

We identified five dilemmas of public participation within the EU member states partly similar and partly different from the theoretical dilemmas i.e., (1) the issues surrounding multi governance, (2) the nature of decentralization, (3) local politicians' inclinations towards public participation, (4) the imbalance between representative and participative democracy, and (5) the design of public involvement.

Empirical studies show that public participation at the local level is not just a local but rather a multi-level governance affair. This is seen in the importance of (inter)national regulations, and the funding of such processes by (inter)national governments. The dilemma is seen in the compatibility between supra-local policies and regulations and participatory processes based on local self-organization. From a theoretical perspective (Barber, 1984 and Schiller, 2011a; 2011c), the existence and specifics of a national common history, culture, language, national identity, political system, and constitution, and the legislation of local self-government seem of utmost importance to solve the dilemma involved. The empirical case studies show that similar factors are important at the local level and even more so than at higher levels. The existence and specifics of a common local history, local identity, the ideology of the local steering party, local regulations, and local laws regulating public consultation is determinative for the success of local participatory processes.

Second, the meaningfulness of public participation at the local level depends on the extent to which the policy at stake and the financing thereof are decentralized. Such decentralization seems beneficial for the effectiveness of participatory processes at the local level. However, such decentralization often goes hand in hand with enlargement of municipalities through the amalgamation thereof. Such amalgamations enhance the municipality's capacity but seems to be detrimental for local public participation as the distance between the public officials and the residents increases. Reading the case-studies, it appears that the degree of decentralization, and the legislation at the local level seems to be more important than higher level legislation concerning the public participation in local decision making.

Third, scholars deem a positive inclination towards public participation by the elected politicians and the population to be crucial for the effectiveness of such processes. Balancing representative and

direct democracy results, however, in the dilemma concerning the role both groups should take in such processes. Whether and in which formal role elected politicians are to be involved or should remain passive during the process and are to become only involved afterwards is the first dilemma in this regard. Whether public participation processes should focus on deliberation, on voting, or on both presents the second dilemma.

The previous points result also in dilemmas concerning the design of participatory processes. Specific dilemmas point to the desirable inclusiveness of such processes while simultaneously keeping out destructive elements; the limitations to put on such processes, while simultaneously facilitating such processes as much as possible; the topics and aspects of such topics open for deliberation and/or voting and those preserved for the elected politicians; and finally, the merits of professional support and ICT support in such processes that on the one hand might result in wider participation, but at the other hand at less meaningful participation. Case-studies point to the importance of professional support in order to create opportunities for citizen participation through creating an organizational culture conducive for effective deliberation.

The dilemmas are not the of equal importance in different countries. Case-studies from CEE-countries emphasize the first two mentioned dilemmas, while case studies conducted in the EU's old democracies emphasize the latter three. Scholars from Western European countries see a need for contextualization of participatory processes, while scholars from CEE-countries see a need for more attention for the content of participatory processes.

Nonetheless, some general remarks are useful about making participatory processes more effective. In general, the regulation of participatory processes seems important, while the implementation and clarity thereof is of utmost importance. A decentralized system is important as the effectiveness of participatory processes at the local level depends on the local autonomy in that area. Especially, Western studies add that – in order to avoid the classic dilemmas in such processes, it might be considered to limit the topics addressed in participatory processes to those influenceable through such processes. These studies also point to the disputable attitudes of local elected politicians toward public involvement. They point to the skepticism of many a Western politician about such processes and see this as a principal factor for the failure of such processes. The solutions offered in such studies are, however, as disputable as the aforementioned skepticism of the local politicians. The solutions mention restricting participatory processes, limiting them to deliberation, with the actual voting remaining the prerogative of the politicians, as the impact of deliberation on decision-making is big enough to leave the latter to the representatives.

Many a case-study also make a plea for the involvement of professionals in the process and the use of ICT. The professionals can assist citizens in formulating their preferences and proposals in such a way that the gap between their language and that of the local administration and the elected officials diminishes and to increase the opportunity of residents to have a meaningful participation.

Citizens are too often excluded from decision-making. Frequently, one observes cynicism, hypocrisy, and instrumentality among elected politicians, public officials, and professional groups. The nature of political systems, political traditions in representative democracy, and lacking regulations seem to be basic factors limiting citizens' participation in local decision-making processes. The case-studies point out that changes in contextual conditions as well as properly regulated designs for participatory processes at the local level, can make them more meaningful for the participants, even though many a dilemma will persist.

This brings us to the answer to the research question posed in the introduction of this paper. It does make sense from a theoretical perspective and from the outcomes of multiple case-studies to have participation at the local level regulated. However, the way in which it should be regulated and whether it should be regulated at the local level itself or from above, depends on characteristics of the country. In CEE-countries, the local politicians and administrators are already inclined to have more public involvement in their decision-making processes. This implies that regulation in those countries could focus on facilitating such processes, by giving municipalities more say about the financing of service delivery and the policy areas they are responsible for. Given the positive inclination to involve the residents in decision-making such decentralization of authority resulting in local autonomy could do the trick.

In the old-democratic countries in the EU, the focus of regulating local public participatory processes needs to be on the minimum-requirements, perhaps to compel local politicians to be as transparent as needed, to accept outcomes of public participation and have them implemented; to ensure that such processes are deliberative as well as decisive, to ensure that the most important policy areas cannot be decided upon without such public involvement, to have them support societal groups in such participatory processes through the financing of professionals and the extensive use of ICT, to protect participants with views contrary to vested interests, and regulations to avoid such processes to become purely bureaucratic exercises. In these countries, regulation could be an incentive to induce local politicians to transform their continuous meaningless experiments in public participation into a meaningful structural part of everyday decision-making.

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Annex 1: Classification of collected empirical studies on public participation in local life, decision-making and development

A type of empirical study	The list of empirical studies
Single case study (12 articles)	<p>Agger, Annika and Larsen, Jacob Norving (2009). Exclusion in Area-Based Urban Policy Programmes. <i>European Planning Studies</i>, (17, 7), 1085–1099. doi:10.1080/096543 10902949646.</p> <p>Bartoletti, Roberta and Faccioli, Franca. (2016). Public Engagement, Local Policies, and Citizens’ Participation: An Italian Case Study of Civic Collaboration. <i>Media, Participation and Social Change</i>. DOI: 10.1177/2056305116662187.</p> <p>Dvořák, Tomáš. (2018). The use of local direct democracy in the Czech Republic: how NIMBY disputes drive protest behaviour. <i>Local Government Studies</i>, 44:3, 329-349, DOI: 10.1080/03003930.2018.1433661.</p> <p>Eriksson, Markus (2010). <i>The Road to Internet Democracy Concerning the potential of Webb 2.0 in deepening participation in local governance</i>. Department of Applied Information Technology, Report nr. 2010:015. University of Gothenburg.</p> <p>Geurtz, Casper and Van de Wijdeven, Ted. (2010). Making Citizen Participation Work: The Challenging Search for New Forms of Local Democracy in The Netherlands, <i>Local Government Studies</i>, 36:4, 531-549, doi: 10.1080/03003930.2010.494110.</p> <p>Jakobsen, Morten. (2012). Can Government Initiatives Increase Citizen Co-production? Results of a Randomized Field Experiment. <i>Journal of Public Administration Research and Theory</i>, (23, 1), 27–54. doi:10.1093/jopart/mus036</p> <p>Jakobsen, Morten and Andersen, Simon Calmar. (2013). Coproduction and Equity in Public Service Delivery. <i>Public Administration Review</i>, (73, 5), 704–713. doi:10.1111/puar. 12094.</p> <p>Levitas, Anthony (2017). Local Government Reform as State Building: What the Polish Case Says About ‘Decentralization’. <i>St Comp Int Dev</i> 52, p. 3–44. DOI 10.1007/s12116-015-9203-5.</p> <p>Nežmah, Bernard (2011). Direct democracy in Slovenia – poor practice at the local level. In: Theo Schiller (ed.). (2011). <i>Local Direct Democracy in Europe</i>. Wiesbaden: Verlag für Sozialwissenschaften Springer Fachmedien, pp. 245-253.</p> <p>Smith, Michael L. (2011). The uneasy balance between participation and representation: local direct democracy in the Czech Republic. In: Theo Schiller (ed.). (2011). <i>Local Direct Democracy in Europe</i>. Wiesbaden: Verlag für Sozialwissenschaften Springer Fachmedien, pp. 33-53.</p> <p>Soneryd, Linda and Lindh, Elisabeth (2019). Citizen dialogue for whom? Competing rationalities in urban planning, the case of Gothenburg, Sweden, <i>Urban Research & Practice</i>, 12:3, 230-246, DOI: 10.1080/17535069.2018.1436721.</p> <p>Tahvilzadeh, Nazem (2015). Understanding participatory governance arrangements in urban politics: idealist and cynical perspectives on the politics of citizen dialogues in Göteborg, Sweden, <i>Urban Research & Practice</i>, Vol. 8, No. 2, pp. 238-254, doi: 10.1080/17535069.2015.1050210.</p>
National comparative (12 articles)	<p>Bovaird Tony, Stoker Gerry, Jones Tricia, Loeffler Elke and Roncacio Monica Pinilla (2016). Activating collective co-production of public services: influencing citizens to participate in complex governance mechanisms in the UK. <i>International Review of Administrative Sciences</i>, Vol. 82(1) 47–68.</p> <p>de Graaf, Laurens, van Hulst, Merlijn, and Michels, Ank. (2015) Enhancing Participation in Disadvantaged Urban Neighbourhoods, <i>Local Government Studies</i>, 41:1, 44-62, DOI: 10.1080/03003930.2014.908771</p> <p>Font, Joan and Galais, Carolina (2011). The Qualities of Local Participation: The Explanatory Role of Ideology, External Support and Civil Society as Organizer. <i>International Journal of Urban and Regional Research</i>. Volume 35.5, p. 932–48. DOI:10.1111/j.1468-2427.2011.01018.x</p> <p>John, Peter. (2009). Can Citizen Governance Redress the Representative Bias of Political Participation? <i>Public Administration Review</i>, (69, 3), 494–503. doi: 10.1111/j.1540-6210.2009.01995.x</p> <p>Kocowska-Siekierka, Elżbieta. (2016). Shaping Public Space by the Local Community: Development of Legal Mechanisms. <i>Polish Political Science Yearbook</i> Vol. 45, pp. 231–241. DOI: 10.15804/ppsy2016018 PL ISSN 0208-7375</p> <p>Michels, Ank and de Graaf, Laurens (2010). Examining Citizen Participation: Local Participatory Policy Making and Democracy, <i>Local Government Studies</i>, 36:4, 477-491, DOI: 10.1080/03003930.2010.494101</p> <p>Michels, Ank & Laurens De Graaf (2017) Examining citizen participation: local participatory policymaking and democracy revisited. <i>Local Government Studies</i>, 43:6, 875-881, DOI: 10.1080/03003930.2017.1365712.</p> <p>Oross, Daniel. (2016). How do Participatory Models Influence Youth Participation? A Case Study from Hungary. <i>Romanian Journal of Political Science</i>. Vol. 16, Iss. 2, pp. 154-175.</p> <p>Pascaru, Mihai and Buțiu, Călina Ana (2010). Psycho-Sociological Barriers to Citizen Participation in Local Governance. The Case of Some Rural Communities in Romania, <i>Local Government Studies</i>, 36:4, 493-509, DOI: 10.1080/03003930.2010.494102.</p>

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International comparative: Western Europe (4 articles)	<p>Hovik, Sissel, Sandström, Camilla and Zachrisson, Anna (2010). Management of Protected Areas in Norway and Sweden: Challenges in Combining Central Governance and Local Participation, <i>Journal of Environmental Policy & Planning</i>, 12:2, 159-177, DOI: 10.1080/15239081003719219.</p> <p>Horsbøl, Anders (2018). Co-Creating Green Transition: How Municipality Employees Negotiate their Professional Identities as Agents of Citizen Involvement in a Cross-Local Setting. <i>Environmental Communication</i>, 12:5, 701-714, DOI: 10.1080/17524032.2018.1436580.</p> <p>Kopyciński Piotr (2019). City Lab: Limiting Local Democracy or Emphasizing the Importance of Representative Democracy? Paper for: the 27th NISPAcee Annual Conference, Working Group 1: Local Government. May 24-26, 2019. Prague, Czech Republic.</p> <p>Michels, Ank. (2011). Innovations in Democratic Governance: How Does Citizen Participation Contribute to a Better Democracy? <i>International Review of Administrative Sciences</i>, (77, 2), 275–293. doi:10.1177/0020852311399851.</p>
International comparative: CEE-region (1 article)	<p>Ruus, Jüri (2011). Democratic participation at the local level in post-communist states: Estonia, Latvia, Lithuania In: Theo Schiller (ed.). (2011). <i>Local Direct Democracy in Europe</i>. Wiesbaden: Verlag für Sozialwissenschaften Springer Fachmedien. pp. 268-290.</p>
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