

# Public Participation in the Debate on Industrial Risk in France: A Success Story?



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**Abstract** This chapter addresses the participation of civil society in the debate on industrial risk in France. The body of research regarding citizen participation, notably in environmental issues, is substantial, as is the literature on industrial risk perception. However, given the multitude of participatory systems and experiments, the dialogue between hazardous companies and their local host communities merits further analysis. The findings summarized here are mainly based on French case studies in the major industrial zones of the Rhône Valley, Dunkirk, Le Havre and Marseille. [In addition, FonCSI supported international works, notably a study in Norway and the US by M. Baram and P. Lindøe (Cf. Chapter “[Risk Communication Between Companies and Local Stakeholders for Improving Accident Prevention and Emergency Response](#)”, *this volume*).] These studies focused on the topic of ‘living together with hazardous industry’, examined the Technological Risk Prevention Plan (PPRT), the functioning of institutional communication/consultation bodies and local initiatives to encourage participation in industrial risk. The results showed that the opportunity not only to be informed on industrial risk but also to participate in the debate was sometimes underused by the public. These studies help us understand the factors that can undermine communication and participation processes with respect to industrial risk in France.

**Keywords** Public participation • Industrial risk • Decision-making Territory

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## Introduction: The Growth of Public Participation

In many domains, and particularly in the field of environment and sustainable development, decision-making practices are moving towards greater public participation (Brodie et al. 2009). This change finds its origins in the civic action and urban struggles observed around the world notably since the last third of the twentieth century (Bernfeld 1983; Bresson 2014). As early as the 1950s, citizen participation programmes were launched, based on the assumption that an engaged citizenry was better than a passive citizenry, and that the involvement of citizens would lead to more democratic and effective governance (Irvin and Stansbury 2004). Another driver was increasing mistrust and questioning of the links between political powers and scientific experts, who played a central role in several controversies (Nelkin 2016). While citizens demanded greater involvement in decision-making processes, participation also became an object for researchers working in many of the social sciences (Blondiaux and Sintomer 2009). The theoretical foundations of participatory democracy were established (Pateman 1970). The literature on participation integrates the significant contribution of studies on deliberation, particularly rich in the Anglophone world (Sintomer 2011). While public deliberation theorists have diverse backgrounds, they all consider it as a cornerstone of participatory democracy (Dewey 1954; Fishkin 1991; Habermas 1996). Despite their criticism of existing representative institutions, they acknowledge that deliberative democracy is an expansion of, rather than an alternative to, representative democracy, and highlight the benefits of the public discourse on citizen engagement (Delli Carpini et al. 2004). Scholars not only study the concepts and theories of participation, they also are very active in designing operational participatory devices and working to define criteria for their evaluation (Blondiaux and Fourniau 2011; Piriou and Lénél 2010a).

Although the term ‘participation’ has multiple interpretations, it is typically used in the scientific and legal literature to refer to a kind of democratic ideal based on the ‘empowerment’ of ‘ordinary people’ (Glucker et al. 2013; Bresson 2014). Arnstein (1969) proposed a typology of participation ranging from ‘manipulation’ to ‘citizen control’ as a function of the extent of citizen power. Based on this framework, we assume that between ‘informing’ the public (where citizens simply receive data), and ‘co-decision’ (where decision-making is shared), there are multiple modes of citizen involvement, notably ‘consultation’, which consists in obtaining the public’s feedback on different alternatives (Brodie et al. 2009; Kamaté 2016).

The ‘participatory market’ has given rise to many deliberative models, methods and tools: the twenty-first-century town meeting, the consensus conference, the citizen advisory board, the citizen panel, deliberative polling, the Charrette procedure, participatory budgeting, the Delphi method, etc. (FRB 2006). And while the participatory movement is global, citizen participation is perceived, understood and therefore ‘practiced’ differently depending on the historical, institutional, social and political context (IDLC 2016). The public debate *à la française* can be contrasted

with Switzerland's tradition of semi-direct democracy (Bevort 2011; ALNabhani et al. 2016), or a post-Apartheid democracy such as South Africa (Leonard 2014), reflecting the diversity of the participatory landscape (although a comparative study is beyond the scope of this chapter). Clearly, the level of deliberative and participatory democracy is closely linked to the so-called culture of participation of a country or even an area, and the modalities of participation will vary with its goals. By 'participation', we mean all of the ways of contributing to the preparation of a project, by offering opinions and viewpoints that will be taken into account at different levels in a decision-making process.

By highlighting the difficulties in the dialogue between hazardous companies and residents, whether they be related to participation in general, or more specifically to the topic of industrial risk or the French context, we aim to identify some of the levers that can improve public participation and the organization of the debate on industrial risks.

## **Public Participation on Industrial Risk: The French Context**

French participatory democracy originates in decentralization and regionalization policies that were initiated in the mid-twentieth century. Growing interest is also linked to a 'crisis' in the representative democracy model that has manifested, beginning in the 1960s, in falling voter turnout (Rosanvallon 2006; Piriou and Lénel 2012b). Traditionally, the French have a high degree of trust in their governmental institutions and the scientific elite (ALNabhani et al. 2016). This partly explains why the large, centrally managed nuclear programme that started in the 70s after the oil shock and aimed to achieve energy independence, was largely accepted. However, this great confidence in technocratic elites has been shaken by major industrial accidents and a series of health scandals. As early as the 1970s, new mechanisms that involved a plurality of actors began to emerge.

Citizen participation is regulated by law. The Bouchardau law of 12 July 1983 relates to the democratization of the public inquiry, while the Barnier law of 2 February 1995 created the National Public Debate Commission (CNDP<sup>1</sup>). At the international level, the Earth Summit in Rio in 1992 reinforced the concept of sustainable development and put citizen participation in its core. At the European level, the Aarhus Convention, signed by the European Community and its Member States in 1998, made public participation a fundamental principle of environmental law. It ensures the integration of civil society in decision-making related to environmental policy. Similarly, in France, the Environmental Pact<sup>2</sup> (2007–2012) provides for environmental governance measures that involve all stakeholders in a

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<sup>1</sup>Commission nationale du débat public in French.

<sup>2</sup>The Grenelle de l'environnement in French.

consultation process in order to arrive at decisions that are more democratic and better understood (Décider Ensemble 2011; FNE 2009).

On the specific topic of industrial risks, the 1982 Seveso I Directive and the European Council Directive of 7 June 1990 introduced European regulations related to the public's right to information. In France, the 2003 Bachelot-Narquin law was promulgated following the accident at the AZF factory in 2001 (Bonnaud and Martinais 2007). It implemented Technological Risk Prevention Plans (PPRT)<sup>3</sup> and created mandatory consultation bodies known as Site Monitoring Committees (CSS<sup>4</sup>) at high-threshold Seveso sites. The CSS explicitly solicited citizen participation and marked a turning point in the communication of industrial risk to the public (Suraud et al. 2009). Furthermore, operators and project leaders started to become willing to go beyond their legal obligations, and voluntary participation systems and experiments emerged.

## Clear Progress and Significant Benefits

In practice, whatever form it takes, public participation is seen as leading to better decisions and greater benefits for all stakeholders (Beierle 1999).

The public has a growing need for better knowledge and control of their environment (Orée 2004), and is increasingly willing to become involved in the development of their local area. The CSS that was implemented in 2003 has the great merit of bringing all stakeholders to the table and, to some extent, opening industrial facilities to the public, which represents considerable democratic progress (Suraud 2012; Grembo et al. 2013). While pollution and chronic risks have been long-standing subjects and remain on the agenda in many consultation bodies like the SPPPI<sup>5</sup>, the CSS is a body dedicated to the topic of the hazard posed by a major accident. If these official structures do not meet all of the public's expectations, notably in terms of the weight given to their views, developments linked to the emergence of new external actors have disrupted the technocratic model of industrial risk management that has historically prevailed. It is interesting, therefore, to examine their scope, in terms of their positive or negative effects on negotiations between decision-makers (Bonnaud and Martinais 2010; Suraud 2012).

Moreover, participatory processes help to increase the confidence of the public in the political–industrial sphere and thus reinforce the legitimacy of the latter (FRB 2006). On the one hand, it is in a company's interests to supplement mandatory

<sup>3</sup>*Plan de prévention des risques technologiques* in French, that regulates urban planning around Seveso high-threshold industrial sites.

<sup>4</sup>*Commission de suivi de site* in French, formerly named the *Comité local d'information et de concertation* (CLIC, the Local Committee for Information and Consultation).

<sup>5</sup>Permanent Secretariat for Industrial Pollution Prevention (*Secrétariat permanent pour la prévention des pollutions industrielles* in French). The first SPPPI was created in the 1970s in the area of Marseille.

consultation processes with voluntary actions that aim to take better account of the expectations of residents. It can become a lever to improve relations between industrial facilities and local residents. On the other hand, a lack of trust and suspicion make local communities less inclined to accept, or—even more so—to support, an industrial project. In the case of an unwanted event, such as a near miss or an accident, an upstream participatory approach can mean the continuation of a dialogue that has already begun, rather than a knee-jerk response in the form of litigation.

Finally, ‘alternative’ local consultative bodies appear to be better suited to handling local problems related to the presence of the hazardous industry and could serve as a counterpoint to the extension of centralized, mandatory standards and regulations. For local governments, citizen participation at the municipal level offers a way to reappropriate the issue of industrial risk. It places the region at the heart of the tensions that exist between hazardous industry, residents and the French administration (Suraud 2012, 2013).

## **Why Is the Public Unenthusiastic?**

Despite the benefits, the lack of citizen participation in public inquiries or other consultation initiatives is regularly deplored. Residents continue to suffer from a lack of information; notably, they are sometimes poorly informed about PPRT and mandatory consultation bodies (Zwarterook 2010; Martinais 2015). Why, despite the efforts of industrial operators and authorities, are communication campaigns, official bodies and outreach initiatives failing to reach their intended public?

### ***Just the Latest Hot Topic?***

The cohabitation of local communities and hazardous industry is a very sensitive topic as it impacts society at different levels. Industrial risk, whether or not it is linked to a major accident, is characterized by its complexity. Therefore, the debate must take into account the many dimensions of a region, including urban planning, human health, economy and biodiversity (FNE 2009). In addition, despite the constant extension of regulations (e.g. the ‘duty to inform’ that applies to industrial facilities falling under the Seveso Directive) issues of industrial confidentiality have regularly clashed with the requirement for transparency and the involvement of civil society (Suraud et al. 2009). The public’s legal right of inspection distinguishes industrial risk from other types of risks, rendering the issue even more sensitive, as questioning an industry’s choices can impact its internal operations (Suraud 2012).

## ***Industrial Risk: A Motivating Theme?***

There is no way around it: despite the high stakes, major accident risk is just not that ‘interesting’. This can be partly explained by actors’ perceptions. Until there is an accident, the danger remains abstract (Zwarterook 2010). Furthermore, the naturalization and euphemization of risk, which are both likely to be linked to psychological protection mechanisms, have important consequences for the public’s relationship to risk (Zonabend 1989; Coanus et al. 2007; Peretti-Watel 2010). The naturalization of risk is consistent with the naturalization of the plant (i.e. its integration into the landscape): risk becomes a familiar element, just another part of daily life (Leborgne 2014). Euphemization can be defined as the tendency to mitigate risk the closer you are to it; residents who are ‘objectively’ more exposed to industrial hazards feel less exposed than those who are in the second line (Zwarterook 2010). Moreover, industrial risk is usually assessed in relation to other issues, including economics, and consequently may not carry much weight. The Dunkirk case study clearly showed that despite differences of opinion, local actors agreed on one point: the need to defend socio-economic interests, which may compete with industrial safety issues (Grembo et al. 2013).

The studies also highlight that a useful entry point for involving the public in the debate is to link it to daily activities and quality of life: chronic risks, nuisance, etc. Unlike the risk of a major accident—an explosion, for example—these risks are much more palpable as they take the form of smoke, noise, smells, etc. Residents are also quick to become involved when they are aware of a potential impact on their property as observed with implementation of the PPRT.

“I remember my parents saying: the property will be condemned, what are we going to bequeath to our children? (...). Then I said: we’ll create an association. The Conference,<sup>6</sup> for me, is a result of this association” *a resident*. (Piriou and Lénél 2012a)

Thus, getting people interested in industrial risk necessarily requires broadening the discussion. Notably, it implies a move away from the conventional definition of risk as something that is determined by industrial experts, towards an examination of how risk is understood by residents (Castel et al. 2010) and the local media (Auboussier et al. 2015).

## ***A Potentially Brutal Introduction***

The risk of an industrial accident does not inspire the public to take action unless and until it affects their daily life. Regarding the tensions related to the PPRT in France, even in the absence of an accident, the public’s first encounter with the

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<sup>6</sup>The *Conférence riveraine*, which can be translated as the Residents’ Conference, is a dialogue structure set up in Feyzin (close to Lyon, France) on the initiative of its refinery and its Mayor.

topic can be very sudden and painful. For example, some residents learned from one day to the next that their home was located in a hazardous area, only then to quickly mobilize themselves around a confrontation (Martinais 2015). Notwithstanding the lack of public participation, this latter example again highlights that basic information does not always reach its intended audience. How can the public become involved when they may not even be aware that they live in a hazardous area?

### ***An Expensive Process***

Participation is not free. Residents and non-governmental organizations (NGOs) in particular must voluntarily invest their time and energy, and can incur the financial expense. As the number of consultation structures multiplies, resources become increasingly limited (GEc CSN 2011). Two factors that work against participation are the fear of redundancy and the weariness effect (Gibout 2006), although it should be noted that both of these factors affect public participation in general and are not specific to industrial risks (Grembo et al. 2013). For their part, industrial and political decision-makers are legally bound to involve the public in industrial risk consultation processes. Beyond their legal obligations, the decision to voluntarily adopt a participative approach represents an additional investment that varies as a function of the project's characteristics and, notably, its timescale.

## **Organizing the Debate: What Is at Stake**

### ***Trust and Transparency***

While there may be a certain level of trust between some industrial risk stakeholders, the picture is more mixed for others. The survey in Dunkirk shows that the public has a high level of trust in firefighters, the police and mayors (Zwarerook 2010). The latter are seen as particularly close to the local community. These key players form the interface between national authorities, industry and citizens, and they have seen a dramatic improvement in their risk management skills following the changes introduced by the Bachelot-Narquin law (Martinais 2014). They have the difficult task of reconciling the protection of populations with, on the one hand, urban development and, on the other hand, economic activities.

Zwarerook's (2010) study reveals a lack of confidence in industrial actors' ability to prevent industrial risks: 68% of residents said they did not trust them, while 54% considered that preventive measures were insufficient. Paradoxically, in another study, respondents expressed confidence in industrial operators, who were

seen as professionals that knew their process and its risks, and had a direct interest in protecting their employees and production facilities (Pirou and Lénel 2010b).

Trust, understood as ‘to rely on someone’, is not a prerequisite for a successful participatory process. It could even appear contradictory, as participative democracy is born, in part, from a lack of confidence in policymakers to defend the public interest (ALNabhani et al. 2016), and from the will of the public to reappropriate decisions that affect their lives. But the more convinced they are of decision-makers’ commitment to make the process as transparent as possible, the more they may be willing to participate.

We now turn to the issue of whether the way the debate on public risk is organized strengthens or weakens its credibility. The public has been known to denounce official bodies as simply offering a ‘mock’ debate. In France, decisions can appear to be made upstream—suggesting collusion between hazardous industries and a state administration that has a long tradition of co-management (Suraud et al. 2009; Bonnaud and Martinais 2010; Le Blanc and Zwarteroosk 2012). This lack of transparency, together with poor communication, does not help to build confidence (Grembo et al. 2013). Credibility can be dramatically weakened, or even destroyed, if decision-makers abandon the process, while the public expects their opinions to be taken into account. They can feel that they have been misled and become reluctant to participate in future debates, creating a serious deadlock.

Moreover, mistrust extends to both sides. Politico-industrial actors can be suspicious of the newcomers: residents and employees’ representatives. It appears that it remains difficult for industrial risk managers to open the door to civil society, given their long history of relative isolation and co-management. The difficulty of implementing a (mandatory or voluntary) public participation process should therefore not be underestimated. Institutional mistrust often translates into strategies that attempt to maintain control over risk management (Grembo et al. 2013).

On the other hand, voluntary initiatives are both appreciated and seen as a token of mutual understanding. For example, the experimental participatory device implemented in Feyzin known as the *Conférence riveraine* (see footnote 6) is the result of a clear political and industrial will, and is a practical demonstration of how the process can be made to work (Pirou and Lénel 2012a).

## ***Asymmetry Between Participants***

Members of the residents’ panel frequently criticize official bodies for limiting themselves to their primary role of informing the public:

If, as time goes on, the culture of a ‘debate for the public’ develops, the development of a genuine ‘debate with the public’ is less obvious. (Grembo et al. 2013)

In some sense, this reflects the influence of the public education model on the public debate model (Callon 1998).

Differences between actors in participatory bodies may also hinder understanding. The complexity of scientific and technical data makes it difficult for non-expert actors to accurately assess the situation (Frère et al. 2012). Moreover, differences in education and experience mean that some actors are better at the game than others; it is easier for them to be heard and listened to. These verbal skills generally go hand in hand with technical and scientific skills. This creates an asymmetry between those that are in some sense doubly skilled and others who lack the necessary technical and verbal competences. In order to overcome the gap, some actors undertake training or on-the-job learning; others prefer to use their lack of knowledge as a lever to exert pressure on the opposing party (Grembo et al. 2013).

Furthermore, value systems, potentially due to cultural differences, vary from one group of actors to another. This reality is reflected in the widespread finding that the actors involved do not speak the same language, and that there is a juxtaposition of viewpoints, rather than a genuine democratic debate (Zwarterook 2010).

## ***Legitimacy of Participants***

Participatory bodies often include the same ‘regulars’, such as retirees, and lack young people and representatives of the working population. The legal composition of the residents’ panel of the CSS is vague; consequently, it varies from one region to another. ‘Residents’ can be extended to include NGOs, the so-called ‘lambda individuals’ or even, in certain cases, local officials (Nonjon et al. 2007). In practice, the panel is often composed of environmental protection associations with extensive experience of both industrial risks and participation, and whose interests do not necessarily coincide with those of residents.

“Between environmental associations and local residents, let’s say that the issues are not the same. (...) Residents associations think of their walls and property, and they stop there”, *a local official*. (Surraud 2013)

## ***Formal and Informal Discussion Spaces***

The CSS has been particularly criticized for its rigidity (Surraud 2012). Meetings are usually chaired by the government’s representative,<sup>7</sup> formal communications are presented in sequence and not all participants are given the same opportunity to contribute. Nevertheless, this rigid format can be overcome, and the procedure

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<sup>7</sup>The prefect (*préfet* in French) or their representative.

adapted to better suit the local context (Grembo et al. 2013). The importance of informal discussions and negotiations that take place outside the formal structure, often in smaller committees, is also highlighted, reflecting a culture of negotiation that remains very present between traditional risk managers. Although these practices can lead to criticism from other participants, if these parallel discussions end in consensus, they can eventually be accepted (Grembo et al. 2013). Finally, the concept of participation integrates many dynamics and interactions that are implemented in the debate and confrontation spaces, and negotiations also need to be taken into account.

The binding framework of legal devices is often contrasted with more flexible, open structures such as the SPPPI. The CLIé<sup>8</sup> or the *Conférence riveraine* are popular precisely because of their informality (Espina 2012). The processes of dialogue and mediation that they can provide in the event of a crisis greatly improve the relationship between hazardous industry, local residents and environmental NGOs. It is nevertheless important to highlight that they are not a substitute for official bodies, as they have different roles and powers—notably administrative authority is absent from informal bodies—and must rather be seen as complementary.

### ***Who Makes the Decisions?***

As Ballard (2008) asks, where do the scales of participation and decision-making intersect? The first point to note is that the decisions of politico-industrial actors predominate in mandatory participation devices. It is clear that participation and decision-making are two different things. Participation relates to making a contribution to the development of a project, by putting forward a viewpoint that is taken into account at different levels, during a more or less collective decision process. The weight of public opinion is closely related to the selected approach and, crucially, when citizens are invited to intervene. This varies and, in any case, must be clarified and formalized upstream.

### **Conclusion: A Passing Trend? Be Aware of Limitations and Avoid Pitfalls**

There is increasing interest in placing citizens at the heart of the debate in many domains. This leads to the following injunction:

Nothing is decided without citizens being consulted. (Castel et al. 2010)

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<sup>8</sup>An informal body created at the initiative of industrial operators.

However, public participation follows trends: it is therefore of overriding importance to pay attention to the pitfalls. On the one hand, participation must not be an end in itself, an empty shell or an illusory debate to rubber-stamp a project that has already been decided. The risk of the instrumentalization of citizen participation, or the ‘domestication’ of civil society groups for political purposes, is real (Ballard 2008). On the other hand, too much credit should not be given to opposing arguments, which claim that participation is useless as citizens do not, ultimately, take decisions. Involving more stakeholders, sharing multiple viewpoints—whether mandated by law or stemming from a voluntary initiative—lead to collective decisions that are more inclusive, fairer and better reflect the common good (Lukensmeyer 2014). Such efforts contribute to achieving the same aim: to make decision-making more democratic. Logically, these issues raise the complex question of the evaluation of participatory approaches. How do we measure, beyond the ‘democratic demonstration’, the impact of the introduction of citizens’ expertise on the quality of public action (Lacroix 2008)? Nevertheless, in addition to this inherent goal, each project has specific objectives that must be formalized upstream and whose achievement might be assessed. Furthermore, the participation process is at least as important as its result and may generate numerous by-products: it can counterbalance stereotypes and preconceived ideas about others; rather than denying them, it can help to make conflicts explicit; it can be educational for all stakeholders making them less prone to amplifying and distorting risk evaluations; and it can foster mutual understanding, social learning and cooperation (Kasperson and Kasperson 1996; Di Mauro et al. 2012; Kamaté 2016). Such benefits can be assessed using indicators, which can help to (at least partially) solve the problem of evaluation. The issue of participation is challenging, but also rewarding, as much for civil society as for policymakers and project leaders (Brodie et al. 2009).

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