

## What is left of consultation?

### Civil society and the consultation industry

Much has been written about the rationale for, operation of, and benefits from public participation in decision making and the role that consultation plays in this process. The concept of public participation and consultation is not new. Over three thousand years ago the ancient Greeks developed and documented social experiments to “let the people have a say”.

Since the 1960's there has been increasing awareness of the limitations of representative democratic processes to be agile and profound enough to meet the expectations of citizens. In response consultation has emerged as a specific discipline and, after more than fifty years, is now a huge industry.

This paper looks at some issues that need to be considered by individuals and civil society when interacting with the contemporary consultation industry and responding to requests to “consult” about issues.

### Types of Consultation

Barnes et al<sup>1</sup> identify four public discourses that operate under the frame of consultation.

*Empowered public discourse* - is a “site of struggle between different views of power, inequality and political agency and facilitating communities to become empowered ... and challenge the state to operate in a different way”<sup>2</sup>.

*Responsible public discourse* – sees the role of public participation to build a strong and resilient civil society as an antidote to the declining support and effectiveness of existing representative democratic structures<sup>3</sup>.

*Consuming public discourse* – assumes that the public as consumers of services has the best understanding of its own needs and, as such, is a useful resource for an organisation “seeking to fine tune their offering based on feedback”<sup>4</sup>.

*Stakeholder public discourse* – is based on the “assumption that individuals or groups have a stake in the good governance of the public realm”. While there is considerable discussion about who has a stake and what constitutes a “stake” the intention is to bring decision making closer to, and even by, the public<sup>5</sup>.

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<sup>1</sup> Barnes, M., Newman, J., & Sullivan, H. (2007). *Power, participation and political renewal: Case studies in public participation*. Bristol: Bristol University Press. doi:10.2307/j.ctt9qgrqs

<sup>2</sup> Ibid pg 9

<sup>3</sup> Ibid pg 20

<sup>4</sup> Ibid pg 13

<sup>5</sup> Ibid pg 16

The above can be considered as two spectrums. The *Empowered* and *Responsible* spectrum speaks more about civil society’s relationship to the state<sup>6</sup> and how each responds to the other. The *Consuming* and *Stakeholder* spectrum speak more about refining a product or service delivery without seeking to alter power relationships, community resilience or ongoing political/civil engagement.

Given this, it is obvious consultation processes are not coming from the same place, and generally, civil society will encounter consultation on the *Consuming – Stakeholder* spectrum. If the expectation of civil society is that such processes will sit on the *Empowered – Responsible* spectrum significant disaffection with the process is a predictable result.

### Consultation and the IAP2 Spectrum

Over the past thirty years the various consultation approaches and theory has been synthesised by the International Association of Public Participation into matrix of consultation contracts, each with a goal and promise to the public, see Figure 1<sup>7</sup>. While the IAP2 spectrum has significant currency, it is not by any means the only spectrum that attempts to capture the range and nature of consultation processes<sup>8</sup>  
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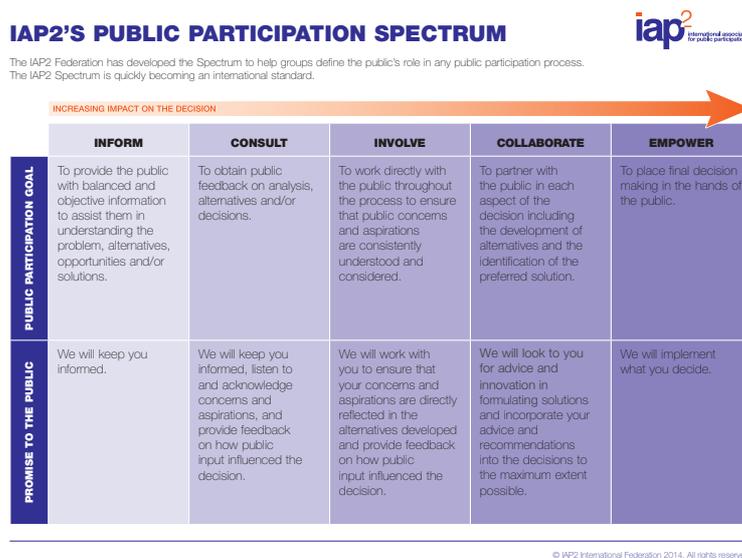


FIGURE 1 IAP2 Public Participation Spectrum

<sup>6</sup> For this paper the “state” can be considered as an organised and institutional structure. It may be local or state government but can also be a large corporate.

<sup>7</sup> International Association for Public Participation [www.iap2.org](http://www.iap2.org), used with permission 2020

<sup>8</sup> The variety of consultation spectrum are discussed by Davis, A., Andrew, J., *From Rationalism to Critical Pragmatism: Revisiting Arnstein’s Ladder of Public Participation in Co-Creation and Consultation*, SOAC Conference 2017, The University of South Australia, 2017

<sup>9</sup> Shipley, R., Utz, S., *Making it Count: A Review of the Value and Techniques for Public Consultation*, Journal of Planning Literature, published online 17 January 2012 DOI: 10.1177/0885412211413133

Based on a review of the literature <sup>10 11 12</sup> and extensive personal experience with consultation, two significant limitations can be found with the IAP2 approach. These can be broadly summarised as *systemic* and *structural*. Each of these areas reference Barnse's public discourses.

### **Systemic Limitations**

Systemic limitations grow out of consultation being inserted into operating complex "systems" such as a local community, an industry sector or an issue such as climate change. Such systems can be characterised as organic, with many interlocking sub-systems; multiple tenures, varying environments, multiple ownerships and cultures; dynamic flows of information and energy; and multiple policy frameworks<sup>13</sup>.

By its nature consultation tends to be orientated towards addressing specific questions that only relate to a few components of a particular system. Consequently it is inevitable that during the consultation issues will emerge that sit outside the objectives of the consultation process and beyond capacity of the institution undertaking the consultation to respond. These situations can be considered as systemic limitations.

This is particularly evident when the consultation is being undertaken within stakeholder - consumption discourses, but this is not clearly articulated in the process. When this occurs participants can feel that their issues have not been addressed resulting in them becoming disengaged with the future, pessimistic about their ability to influence their world, disempowered and disillusioned with the consultation process.

Consultation professionals respond to this with different strategies, including firstly, installing strong boundary conditions through terms of reference and limiting discourse to within these boundaries. Secondly, using techniques such as "parking lots" to quarantine the non-core issues outside the process. Thirdly, having available clear and accountable paths for responses by other agencies to issues that sit outside the boundary. Fourthly, limiting the consultation to higher level policy questions where vagary in outcomes is expected, rather than operational activities where tangible outcomes can be assessed.

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<sup>10</sup> Shipley, R., Utz, S. op cit

<sup>11</sup> Fishkin, J., *When the People Speak: Deliberative Democracy and Public Consultation*, 2011, Published to Oxford Scholarship Online: February 2015, DOI:10.1093/acprof:osobl/9780199604432.001.0001

<sup>12</sup> Norton, P., Hughes, M., *Public Consultation and Community Involvement in Planning: A twenty-first century guide*, 2017, Routledge, DOI <https://doi.org/10.4324/9781315563664>

<sup>13</sup> Costanza, Robert, et al. *Modelling complex ecological economic systems: toward an evolutionary, dynamic understanding of people and nature*. Ecosystem management. Springer, New York, NY, 1993. 148-163.

## Structural Limitations

While systemic issues are a function of living in the real world, structural limitations are associated with the holding of power. Consultation will potentially destabilise existing organisational power structures, operating paradigms and *raison d'être*<sup>14</sup>. It is a very brave organisation that will accept such destabilisation when it emerges and, more often than not, organisations demonstrate an unwillingness to engage with destabilisation because of a lack of awareness or acknowledgment, either wilfully or naively, that power relationships are in play.

Three structural limitations can be identified - *weaponization*, *silos* and *category shuffling*<sup>15</sup>.

*Weaponization* - the IAP2 spectrum presents “Inform” as a minimum objective of consultation, however based on extensive observations three additional categories can be added to the left of “Inform” which then become weapons by which to maintain power, see Figure 2.

“Absorb” where consultations create the feeling that people are being heard, however the end result has no impact on the predetermined outcome.

“Exploit” where a particularly poor project or policy is presented for review, often because of statutory obligations, in the hope that the consultation box has been ticked and it will slide past the decision makers. Any citizen action to review or respond is used by the proponents as demonstration that the consultation process has worked, and the proponents have a check list of issues to structure responses as to why no change to the project is necessary.

Finally, “Blackmail” when citizens feel like they have to approve certain elements of a design or engage with a flawed process, otherwise a totally bad project in which they have had no say will result. In this case the consultation process presents a choice between several bad options, the trade-off being “accept this or you’ll get worse”.

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<sup>14</sup> See Kuhn, T.S., *The Structure of Scientific Revolutions: 50th Anniversary Edition*, University of Chicago Press, 2012 ISBN 0226458148, 9780226458144

<sup>15</sup> Recognition of this is not new, see Arnstein, S., 1969. “A Ladder of Citizen Participation.” *Journal of the American Institute of Planners* 35:216–24.

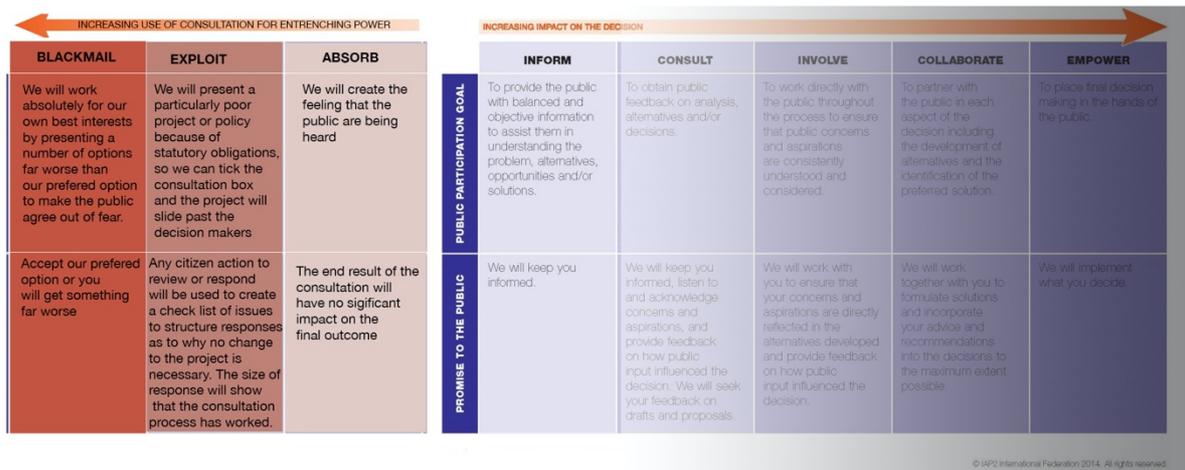


Figure 2 – Left of consultation and the use of power

*Silo-isation* – takes advantage of the systemic challenges of consulting within complex systems described above, but rather than acknowledging and trying to work with such limitations, specifically uses them to constrain the consultation outcomes to those that support the particular professional/organisational silo in which the project is developed.

As an example, road construction agencies often use the argument “*people have to move around*” > “*cars are the dominant means of transport*” > “*therefore we need more roads*” > “*so we will consult about roads and nothing else*”. However, what is not stated, is that this silo-isation is driven by those who are benefitting from building roads and any investigation into changing transport modalities will result in an unacceptable change in power dynamics from which they are currently benefitting.

*Category shuffling* – occurs when the rhetoric of the consultation process sits to the right of the IAP2 spectrum, but the actual operationalisation of the consultation contract sits to the left. The contract breaking nature of this arrangement may not be immediately apparent to the participants in the consultation process.

### Where to for civil society?

The question arises – given the sophistication of the consultation industry what should civil society do when confronted with a barrage of consultation professionals wanting to consult? Five principles can be developed.

Firstly - be discriminating about what is on offer, the two spectrums of Barnes’ analysis are useful to help understand this question.

Secondly - look at the power relationships - who is holding the power, who wants to change this dynamic and by how much? What is the likelihood / possibility / strategy / pathway for change?

Thirdly - look at the practice of the consultation professionals and evaluate if they are using weaponization, silo-isation or category shuffling to achieve their

objectives. If these techniques are being used it is important to call-out this behaviour and seek to improve the process. In the extreme, when there is no possibility of any improvement, walking away may be the best option.

Fourthly - accept that there are systemic limitations to consultation but still take advantage of consultation opportunities when they emerge. While consultation within consumer and stakeholder discourses may not be intended to bring structural change, benefits can be brought to communities by being engaged in these processes.

Fifthly – recognise that most consultation is about improving products and services and is not seeking to empower or create a responsible community. Consequently, civil society has to develop its own detailed and specific plans about what sort of place they are wanting to create. This is a lot more than a wish list of aspirational statements and starts from questions such as *what?*, *why?*, *how?*, *who?*, and *when?*. With a strong concept of what they want to create in place it is easier for local communities to speak with authority and use the available consultation processes to progress their agenda instead of accepting what is on offer when being asked to be involved in a consultation process.

## **Summary**

Consultation, and the various methodologies that travel under that heading, emerged as a dynamic and evolving process to respond to the limitations of representative democracy.

For civil society, differentiating how much the consultation is designed for improving a product and process or how much it is about structural transformation, is an important first step in deciding how to engage.

Similarly, just because consultation is occurring it does not mean that it is good. Power relationships are in play in consultation processes and consultation techniques can be used for both positive and negative outcomes for civil society. The challenge for consultation professionals is to maintain high professional standards and not just take the job because it pays.

The most important thing that civil society can do is to organise itself and, collectively, do the necessary long term, hard thinking to decide what type of place it wants to create. With this awareness in place it will be able take advantage of the opportunities available in consultation process as they occur.

Consultation and public participation are important tools to help us all live better in a complex system. At their worst they are sophisticated tools for entrenching power, maintaining the status quo, disenfranchising civil society, while seeking to make people feel good about change. Which of these is the outcome for civil society is up to the willingness of citizens to be self-determining and the integrity of the consultation professionals in running the processes.