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## Forming perceptions and the limits to public participation on ocean commons: evidence from a citizens jury workshop

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**Abstract:** This article presents data from a citizens jury-inspired deliberative workshop held to tease out stakeholder views of management priorities for a section of the North Sea: the Dogger Bank. As this article reveals, the lessons learned from the Dogger Bank workshop advocate not simply what is required for managing one particular ocean commons, but also highlight some of the public participation research design failings, taking public participation in resource management further by adding to the literature and theoretical discussions on the public sphere. Analysis of the citizens jury-inspired deliberative workshop also highlights the critical issue of power inherent, yet often unacknowledged, in public participation in environmental management. Stakeholder opinions uncovered through workshop discussions also show how commons are viewed today – as an economic resource – highlighting the trend of the mainstreaming of the commodification of the commons.

**Keywords:** Citizens jury, commodification, common heritage of mankind, North Sea, ocean commons, public participation

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## 1. Introduction

Public views of, and public participation in, the management of commons are increasingly being recommended and sought after in environmental management processes. Such inclusion of public views is considered a requirement in contemporary environmental governance (Fischer 1993; Newig 2007; Epstein et al. 2014; Drazkiewicz et al. 2015) and the form it takes varies from on-line consultations (Schulz and Newig 2015) to open hearings (Irvin and Stansbury 2004) to including stakeholders on advisory committees (Griffin 2007). This article presents data from a research-led citizens jury-inspired deliberative workshop held to tease out stakeholder views of management priorities for a section of the North Sea: the Dogger Bank. As this article reveals, the lessons learned from the Dogger Bank workshop advocate not simply what is required for managing one particular ocean commons, but also highlight some of the public participation research design failings, taking public participation in resource management further by adding to the literature and theoretical discussions on the public sphere (Habermas 1989). Analysis of the citizens jury-inspired deliberative workshop also highlights the critical issue of power inherent, yet often unacknowledged, in public participation in environmental management. Stakeholder opinions uncovered through an analysis of workshop discussions also show how commons are viewed today – as an economic resource.

The Dogger Bank is a major sand bank below sea level rising off the sea bottom in the middle of the North Sea. The bank stretches through the Exclusive Economic Zones<sup>1</sup> (EEZs) of four EU member states: Denmark, Germany, the Netherlands and the UK. A number of important economic activities are currently taking place in the Dogger Bank such as fishing, sand and gravel extraction, whilst due to the shallowness of the bank, it has been proposed by the UK as a wind farm development site. Under the EU Habitats Directive (HD) for the conservation of biodiversity, all EU member states were to designate sites for the protection of the habitat types and species occurring in their territories and offshore waters by 2012. The Dogger Bank falls under one of the habitat types to be protected (as habitat type 1110) ‘sandbanks slightly covered by seawater all the time.’ Designated sites for protection under the HD are known as Special Areas of Conservation (SACs). The Dogger Bank is a candidate SAC and Site of Community Importance (SCI) site as the UK, the Netherlands and Germany have designated their parts of the Dogger Bank as SAC as part of their implementation of the EU Habitats Directive for the conservation of biological diversity. SACs are protected areas that are managed to maintain or restore habitats or species by regulating human activities.

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<sup>1</sup> EEZs are the zone from the boundary of territorial waters 12 nautical miles off the coast to 200 nautical miles off the coast to which member states enjoy exclusive rights to resource exploitation.

As noted above, the Dogger Bank is a part of the North Sea. Such seas and oceans, as commons, hold common pool resources (CPRs) within their bounds. Common pool resources are resources, which, by virtue of their nature, are particularly difficult to divide, contain, or to exclude others from accessing (Young 2001; Griffin 2013). Governing such commons and CPRs, such as oceanic fisheries, is especially challenging given the complexities of managing mobile CPRs across international boundaries (Berkes et al. 2006; Epstein et al. 2014). Furthermore, as laid out in Ostrom's design principles (1990), and supported by later study (e.g. Cox et al. 2010), user participation, particularly at the lower levels, is important for successful environmental governance (Epstein et al. 2014).

In contemporary society, seas, such as the North Sea – and with it, the Dogger Bank – are also considered public goods in the sense that they do not belong to someone specifically but rather fall under the jurisdiction of certain nations to manage on behalf of the public. Since they are public goods, there is an accepted view that everyday citizens have an interest and stake in the goods and resources, as stakeholders (Webler et al. 2001). Additionally, there is a view that ocean commons should be considered common heritage of mankind (CHM); some areas, “localities,” are advocated as belonging to all humanity and the resources of such areas should be available for the benefit of all (Taylor 2014). The concept of CHM includes “natural and cultural heritage”, and both tangible and intangible elements, and has become relevant to the wider debate of transforming the role of the state from focusing on the protection of national (economic) interests, to include responsibility to protect ecological systems for the benefit of all (Taylor 2014). It is argued that the commons and “common-ing” is really about people (Meretz 2014); the whole conception of the commons is a social practice that generates, uses and preserves these resources, and how such utilisation is structured. The human element is what makes commons, commons.

The rise of environmentalism has also seen citizens increasingly interested and invested in nature and the environment. Views on the importance of protecting the environment have been stable over the last several decades (Lowe and Rüdig 1986). In recent years in the fisheries in particular, environmentalist and conservation stakeholders increased their presence on advisory bodies (e.g. the North Sea Advisory Council for fisheries) as well as their influence on decision-making compared to traditional stakeholders (e.g. fishermen) due to greater budgets and staffing (Ounanian et al. 2012). Despite this increased presence and influence, one study into the governance of the North Sea Advisory Council (Griffin 2007) suggests that though the process is considered to be pluralistic and deliberative, governance arrangements tend to isolate the more ‘radical voices’ and give power to dominating discourses of rationality, such as the structural domination of a growth and jobs discourse. Such forums can be described as Habermas’ idea of public sphere “as that of a body of ‘private persons’ assembled to discuss matters of ‘public concern’ or ‘common interest’” (Fraser 1990).

Parallel with the rise of citizens invested in the environment, is the rise of citizens invested in the governing process. In contemporary society, good governance

takes into account the opinions of citizens (Magnette 2003). Thus, stakeholders are provided with opportunities to give their voice in the process of environmental governance. Arguments for increased citizen participation often stem from the belief that engaged citizens participating in the process are better than passive citizens (King et al. 1998; Irvin and Stansbury 2004). “With citizen participation, formulated policies might be more realistically grounded in citizen preferences, the public might become more sympathetic evaluators of the tough decisions that government administrators have to make, and the improved support from the public might create a less divisive, combative populace to govern and regulate” (Irvin and Stansbury 2004, 55).

Though there has been a rise in such demand for public participation in environmental decision-making, decision-making has not shifted from a centralized authority. Consequently, different methods are being used to ensure a pluralistic consultation process. Both the method and the extent of the consultation vary between countries; from public hearings to web-based consultations, to meetings with selected interest group representatives (Newig and Fritsch 2009). As these methods became well established and part of public policy-making, studies assessed the efficacy of different forms of participatory governance from online consultation (Schulz and Newig 2015) to public participation in local environmental planning (Drazkiewicz et al. 2015). Key messages from the literature suggest that whilst deciding on participatory methods it is important to have a clear understanding about why you should consult stakeholders, with whom you should consult, and about what aspect. Deliberative approaches offer promise for achieving the goals of more effective, informed and meaningful participation, as they have the potential to foster a more engaged, public spirited citizenry (Abelson et al. 2003). To further understand and develop on a framework that allows a better understanding of environmental perceptions, we deconstruct discussions that took place during a citizens jury-inspired deliberative workshop on the Dogger Bank, North Sea.

Analysis of the deliberative workshop discussions uncover two main findings: first, the issue of power inherent in public participation in environmental management is critical, yet often unacknowledged; and second, commons are viewed as an economic resource.

To explore these findings, the article presents background to theory behind public participation; it next presents the Dogger Bank case study, explaining for whom and for what, the Dogger Bank is being managed. The article then presents our research methodology, explaining how we conducted our deliberative workshop as an adaptation of a citizens jury. After presenting our analysis of the workshop, we conclude with our view on limits to public participation in management of ocean commons.

## 2. Deliberative democracy

A public participation process in which “interactions are egalitarian, un-coerced, competent, and free from delusion, deception, power and strategy” (Smith and

Wales 2000, 53) though ideal, it has little to do with the actual practices which takes place at such events (Joss and Brownlea 1999; Mouffe 1999; Jensen 2005; Horst and Irwin 2010). Deliberative democracy is embodied in the assumption that individuals can be transformed in the course of deliberative processes that bolster communicative rationality (Dryzek 2000). In deliberation, citizens exchange arguments and consider different claims that are designed to secure the public good. Through this conversation, citizens can come to an agreement about what procedure, action, or policy will best produce the public good. One of the early influences of deliberative democratic theory was the philosopher Jürgen Habermas. Habermas (1989) explored the concept of the public sphere, as a product of democracy, and described it as a realm within social life in which public opinion can be formed and which is accessible to all. Habermas (1984) later criticized his theory on the public sphere, and suggested that the contemporary public sphere, as a product of liberal democracy is characterised by an erosion of its critical roles and capacities, recruited for the use of hidden policies by interest groups; where the public is no longer made out of masses of individuals but of organized people that institutionally exerting their influence on the public sphere and debate.

When talking about deliberative democracy, it is important however to highlight the dimension of power and antagonism and the way such dimensions inhibit having an effective and legitimate type of deliberation (Mouffe 1999; Dryzek 2000). As Mouffe (2005, 3) points out: “there is much talk today of ‘dialogue’ and ‘deliberation’ but what is the meaning of such words in the political field, if no real choice is at hand and if the participants in the discussion are not able to decide between clearly differentiated alternatives”?

Deliberation can refer to two kind of discussions; one that involves the careful and serious weighing of reasons for and against some proposition, and another of an interior process by which an individual weighs reasons for and against courses of action (Fearon 1998). The importance for deliberative methods is emphasized in the democratic discourse, suggesting that policies should be justified through the exchange of reasons and arguments relevant to all, rather than being the result of competition between private or personal interests where the most powerful lobby wins out (Weinstock and Kahane 2010). Formal deliberative processes have been successful in aiding understanding and meeting consensus in complex and difficult decision problems which involve more than one decision-maker (Proctor and Drechsler 2006). In the United Kingdom, there has been experimentation with deliberative methods to increase public participation within the National Health System (NHS) governance (Myant and Urquhart 2009). Unlike conventional non-market valuation techniques such as contingent valuation, deliberative group methods are based on the assumption that the values people hold regarding matters of collective choice can be constructed through the process of reasoned discourse with other members of society (Howarth and Wilson 2006).

Renn (2006) argues that deliberative processes are, according to Habermasian principles, better suited for dealing with environmental challenges than expert judgment as they can produce a common understanding among different parties,

new options for actions and solutions to the problem. Concepts, such as sustainable development are continuously contested in a struggle about their meaning, interpretation and implementation (Hajer and Versteeg 2005). What is expressed during a consultation (whatever its form), is something beyond the beliefs and ideas of an individual or a group. In his paper on 'Gramsci and the Theory of Hegemony,' Bates stated that "the basic premise of the theory of hegemony is one with which few would disagree: that man is not ruled by force alone, but also by ideas" (1975, 351). People's attitudes and perceptions towards the environment tend to be constructed and reproduced at various levels throughout society and by a variety of social groups, and are dependent on the dominant ideologies (Kilbourne et al. 2002). Through the deconstruction of the structures that we take for granted, discourse analysis tries to show that the given organization of the world is a result of political processes with social consequences (Jørgensen and Phillips 2002).

Perceptions in society are formed and are dependent on factors such as the hegemonic ideas of the times, legitimacy and benefits to an individual or the society as a whole. According to Laclau and Mouffe's discourse theory, different discourses represent different ways of talking about and understanding the social world, and are engaged with one another to achieve hegemony, meaning to fix the meaning of language in their own way (Jørgensen and Phillips 2002). Institutions also form and determine perceptions and choices (Vatn 2005). There tends to be one dominant ideology, which denotes the values, beliefs, and morals shared by the majority of the people in a given society and frames how the majority of the population think about the nature of their society (Abercrombie and Turner 1978).

There is a constant power struggle between different discourses going on, regarding the domination or hegemony of defining the identity of 'objects' (Howarth 2000). Within each discourse for example, the Dogger Bank has its own meaning: within the energy discourse, the importance of wind farms is highlighted, whilst fisheries is highlighted within both the consumption and cultural discourses. Conservation is also highlighted within the ecological importance discourse. At the same time, both wind farms and fisheries fall within the need for economic growth discourse, whereas conserving the Dogger Bank ecosystem is regarded as important and with its own inherent value.

Power is found in all discourses since "communication is at all times already penetrated by power: "power is always present" (Foucault 1988, 11, 18 in Flyvbjerg 1998). Which begs the question: can workshops ever provide an equal footing for participants? Public participation has been advocated to legitimize management decision-making, yet participants in the public sphere do not leave their status and interests behind when they deliberate.

In order to explore public attitudes on direct and non-direct uses of the Dogger Bank, a citizens-jury inspired deliberative workshop was held. As a method, the citizens jury was developed in a number of countries as a means to improve public involvement in policy decision-making, with many examples in the UK coming from the area of health policy (Glasner 2001; Kashefi and Mort 2004). Citizens juries involve witnesses who are people knowledgeable of the issue in



question or strong advocates of particular positions in the debate and jurors, citizens selected according to particular criteria (Huitema et al. 2007). Citizens juries and consensus conferences tend to rest on the Habermasian assumption that the deliberative process leads the participants to arrive at common and more rational conclusions (Habermas 1984). Consensus-oriented participatory processes have received much criticism, particularly from feminist theory and the field of Science and Technology Studies (STS) (Fraser 1985). The main criticism is that consensus-seeking processes will likely have the effect that minority perspectives are silenced while other perspectives which either have strong advocates or simply are defended by the majority will dominate the process. The reduction of reason for example in Habermas' Theory of Communicative Action (1984), excludes women and other marginalized groups by universally, rather than socially and historically defining rationality and subjectivity, in this way representing the specific interests of dominant power configurations (Travers 1987).

### 3. Methodology

As part of an EU funded project, VECTORS, a workshop was held in the form of a mixed citizens jury/deliberative workshop to explore what both traditional stakeholders (e.g. fishers, environmental NGOs, wind farm developers) and more 'ordinary' citizens (those without a specific "stake" other than being "simply" citizens) think about what should be prioritised on the Dogger Bank, and why they think so. By organizing the workshop such that people had to deliberate together on these issues, our goal was not to have members arrive at consensus, but rather to have citizens elaborate on their positions and arguments and to bring out some of the nuances and dilemmas in the debate which had been presented by expert witnesses. Our primary interest was in uncovering these nuances and understanding how choices in the face of dilemmas are weighed. Complementing the deliberations was the citizens jury set-up for the workshop. Citizens juries are believed to be a solution to the representation problem found in community participation efforts whereby small, nonelected elite were dominating the participatory process, not "truly" representative locals (Abel and Stephan 2000; Irvin and Stansbury 2004). This format provided expert "witnesses" whose testimony was then discussed and deliberated by the participants.

Twenty participants were invited to the workshop. Additionally, three experts presented their cases in person and one via Skype, and seven researchers from the VECTORS project both observed and served as facilitators. Participants were chosen as representing a cross-section of the UK population: equal numbers of men and women, varying in ages from young 20s to 70s, with occupations varying from students to pensioners to the un-employed to housewives to professionals.

The deliberative workshop consisted of four parts: a brief introduction; an icebreaker exercise; the citizens jury, a two-part process including both witnessing and the deliberation; and, the monetary valuation/choice experiments. The researchers each took different tasks and roles: two took turns serving as facilita-



tors and workshop organizers; four ran the small, break-out groups; one served as “floater” taking notes and observing all groups; one presented the NGO view (an ecologist); and each administered a quantitative survey to workshop members and interviewed them about the rationale behind their choices on the survey.

The goal of the workshop in this study was not to get the participants to arrive at a common conclusion on how the Dogger Bank should be managed, but rather to understand all the diverging perspectives and positions, arguments, nuances and stakes which are represented among the participants. Likewise, the ontological status of the outcome of the workshops is not a more rational or in other ways more correct perspective on ecosystem goods and services on the Dogger Bank. Rather, the workshop was expected to shed light on the conflicts, stakes and dilemmas involved in prioritizing between different uses of the Dogger Bank.

The aim of the deliberative approach was twofold: (i) to facilitate a process in which the different perspectives and nuances are voiced in order to shed light on different positions in the debate; and (ii) to facilitate a process in which the participant can develop their views in dialogue with others. This might lead to consensus, but it might also lead to drawing sharper boundaries between particular positions. This article focuses exclusively on the witnessing and deliberative aspect of the workshop.

### **3.1. Witnessing**

The issues related to developing management plans on the Dogger Bank are complex, particularly for people who do not have any prior knowledge about the Bank. In order to allow for the participants to be informed and be able to deliberate on the issue, four witnesses were invited to provide the participants with information. Given that the issues are controversial we wanted that the participants received balanced information and therefore this part of the workshop was organised to include both presentations and a question and answer session. Four different expert and stakeholder witnesses were given ten minutes each to provide the participants with information about different issues and present different arguments/perspectives in the debate.

The four witnesses included:

- A marine biologist from the Joint Nature Conservation Committee (JNCC), the advising body to the United Kingdom Government on nature conservation issues;
- A fisheries representative (representing fishers who operate trawlers within the Dogger Bank area);
- A wind farm developer representative; and
- A person putting forward the positions of the environmental NGOs.

All witnesses were physically present for their presentations except the marine biologist who conducted the presentation via Skype. At the end of the presentations, the participants had the opportunity to ask questions.

### 3.2. Deliberation

The participants were split at random into four groups and they were kept in the same group throughout the discussions. A facilitator was assigned for each group who steered the agenda and made sure that all participants had the opportunity to take part in the discussions. The discussions in all four groups were recorded. The discussions were divided in two parts, with two issues up for discussion in each part. The activities up for discussion were the following:

1. First Session: Values and Uses of the Dogger Bank
  - a. What does the ocean mean to you? What should we use the ocean for? (it was clarified that by ‘uses’ we mean all things we value or find meaningful that are provided by the Dogger Bank, therefore direct uses (e.g. resource extraction), indirect use (e.g. contribution to climate regulation) and other valuable things (e.g. biodiversity). For this session, the participants were urged to get talking about the ocean and thinking about it in depth.
  - b. Uses of the Dogger Bank and the impacts/consequences of each use. Given the information the participants heard from the witnesses, they were asked to identify the uses of the Dogger Bank, their importance – to whom and why – and what might be the impact of those uses.
2. Second Session: Conflicts and competing uses of the Dogger Bank
  - a. Conflicts and dilemmas in the management of the Dogger Bank. The facilitator briefly recapped the issues that came up in the previous session, including the environmental impacts of each use and allowed the participants to discuss their views in order to allow the exploration of the disagreements around the management of the Dogger Bank. Additional questions were put by the facilitator for each of the uses in order to identify the opinions of the participants such as which are the most important issues and which impacts are acceptable.
  - b. Ranking of competing uses. In this final part, participants were asked to rank the uses and conflicts identified in the previous activities according to which should be given priority to Dogger Bank. Each participant was asked to first, privately rank the uses before taking turns showing their preferences and explaining their reasoning behind the ranking. Subsequently, the group was asked to try and reach consensus on a group ranking.

### 3.3. Data analysis

All transcripts from the deliberation discussions in the focus groups were inputted in the NVIVO 10 software to facilitate the discourse analysis (DA) of the text.

NVIVO 10 supports qualitative methods research by allowing the researchers to organize and analyze the content of the interviews. The DA of the transcribed interviews is based in Grounded Theory (Glaser and Strauss 1967), an analytic approach specifically designed to develop new hypotheses and theoretical propositions. The particular method was used in the current study to identify the main issues/controversies that arose from the discussions within the focus among the participants. This approach begins with no a priori hypotheses and involves the inductive generation of categories and associations as the analysis proceeds. It is important that the researcher has no pre-set or valued hypotheses during this initial stage of ‘open coding’ which involves inductively generating categories from transcribed text. From the data collected, the key points are marked with a series of codes, which are extracted from the text. The codes are grouped into similar concepts in order to make the data more workable. From these concepts, categories are formed, which are the basis for the creation of a theory, or a reverse engineered hypothesis.

#### 4. Dominant discourses from the workshop

The analysis of the discussions during the citizens jury workshop revealed an interesting complexity to citizens’ perceptions on ocean commons. During the first session, the conversation in the four groups began with a more philosophical narrative within which the participants highlighted issues such as ‘the beauty of the ocean’, ‘the importance of ecosystems’, ‘sustaining the natural habitats’, and the ‘uncertainty of the (hu)man-made impacts’. However, when the discussion began being about the uses of the ocean and more specifically of the Dogger Bank, the uses became an undisputable reality, and the conversations evolved around which use is best and which is worst.

In deciding which ecosystem goods and services to prioritize, one group opted for a ‘no vote’ in their collective ranking as the group did not feel that the information given in the limited time was enough to make an informed choice. Another group felt there was a need for balance/coexistence in the first place and believed that everything had a place in the Dogger Bank. The final two groups pointed out that conservation and sustaining the natural environment should be the priority when making decisions. Overall, there was a feeling of not having enough information provided in order to make an informed decision.

The juries found the tasks of ranking sectors to be difficult, especially ranking the two choices of wind farm development and fishing. One participant stated:

*“The fishing and the energy impact has to be balanced with the impact on the environment and if the fish are there for hundreds [of years] and we still have a fishing resource it must be able to be sustained. ... It is the same with the wind energy: research has proven that [the Dogger Bank is] one of the best places to [fish] and we have said we will go to the most impact areas so they are considering the impact on the environment and ... eventually the wind*

*energy should become cheaper, so I suppose you have got to consider ... the long term as well. And with the ocean, it's having a balance between the two. They [fishing and windfarms] are both justifiable."*

Two main themes emerged in the analysis of the discourses from the focus groups surrounding potential uses of the Dogger Bank: prioritizing conservation and prioritizing fishing over other activities. The discourse analysis, conducted in the same manner for all data, provided for the emergence of these two themes. Within theme two, "Prioritizing Fishing," two strong subthemes emerged (discussed below). These subthemes emerged from the amount of data rather than a difference in method. Space limitations prevent discussions into a deeper analysis of the underlying reasons as to why each of these themes exists.

"Prioritizing Conservation" is a nuanced view in that though conservation is deemed to be most important in two groups of the four, this was tempered overall with the acknowledgement that other activities are legitimate; the view was of "conservation is important, but with caveats." Thus balance and accommodation were also important and in fact "sustainability" is the concept which subsumes the various ways participants attempted to put their thoughts and views on the subject into words.

The second theme, "Prioritising Fishing" is one which placed fishing as the most important/legitimate activity on the Dogger Bank. Under "Prioritising Fishing," the issues that seem to have shaped the participants' opinions include the lack of evidence to argue that the competing developments (such as windfarms) can be 'safe for the environment', historical legitimacy and witness or participant-derived biases, where a witness is more persuasive than another, and some participants have more knowledge in some of the issues discussed than others, shifting the conversation towards a certain line of thought.

#### **4.1. Theme 1: Conservation should be a priority, with caveats**

The intrinsic value of the Dogger Bank and the ocean in general came up throughout the discussions in the focus groups. A conversation in one of the focus groups shows the worries of the participants in balancing the uses of the ocean and the Dogger Bank in particular with ensuring its protection:

"Participant1: "I was thinking about the beauty of the natural environment, its God's creation, the beauty of the different colours and the birds, just the beauty of that creation. But then I was also thinking about it as a human resource; it is there for energy, so we have got to make decisions about the next generation. We don't know how in doing some things that it's going to be sustainable into the future."

Participant 2: "My main thing is the disturbance to the nature, not necessarily essential to us but essential to their lives as well. We are thinking about our future, but we are not thinking about other creatures."

Participant 3: “You feel torn because other creatures have been here for hundreds of years.”

Participant 4: “We have got a right to live and eat, etc. but we have also got a responsibility to take into consideration other things.”

Moreover, another workshop participant from a different group drew attention to the fact that economics are very important in decision-making:

“Participant: “All this about getting the resource, but to get the resource, you have to protect it. You will end up in a financial world and it’s not about the sea.”

Participants in general understood the intrinsic value of the Dogger Bank but also its value in terms of its economic potential (mainly regarding food/fishing and energy). In understanding the way participants ranked the different uses/services of the bank, the word balance kept coming up and the need to protect it for future generations as the following quote from one of the focus groups shows:

Participant 1:

“Economically we need to utilize it but with a balance. I don’t see it as prioritizing it in that sense, but I am concerned about taking away from it as in taking away something that... will that lower the depth at which the bank stays or will that be replenished by green energy? If it is continuing being replenished that’s fair enough, but it has to be done in a way where it has the least impact in the natural sense.”

Participant 2:

“First of all I wrote down that it needs to be sustainable and I just that word in the sense of thinking about the future generations and not destroying things that have been replenished. It has to be a solution that can go on and on and on and then I think if you are asking about who takes priority, I just think it is balance, we need some economics and a bit of conservation.”

The above quotes are an indication of both the understanding of the intrinsic value of the ocean by the participants but also the acceptance of the prominence of economics in decision-making. It is also possible that one or more of the participants held back in expressing their complete views. In one of the focus groups for example, one researcher observed that one participant appeared very sceptical during discussions on conservation versus other more economic uses of the Dogger Bank. When urged by the facilitator for his/her opinion, it appeared that the participant was leaning towards a more extensive conservation approach than the rest of the participants in that small group, but did not speak up (could have been conflict-averse).

#### **4.2. Theme 2: Fishing should be prioritized over the wind farm development**

During the focus group discussions and the ranking exercise, of the non-conservation activities presented, only fishing and renewable energy generation were presented as activities. In discussions, the majority of the participants favored fishing in the Dogger Bank over the construction of wind farms. In this discursive theme, we will go beyond simply presenting the arguments put for and against the two activities. Rather, taking it a step further, this section will present two underlying themes which provide reasons (formed before or during the workshop), which informed the preference of fishing over the wind farm development. Understanding the reasoning for the preferences is more important than simply knowing how the participants rank the different uses, especially since they were only given two non-conservation options. Participants expressed support for different uses depending how much they felt that use was sustainable and how that sustainability has been defended by (mainly) the witnesses. The participants also found that it was important to know who profits from the uses (family business versus big companies) and how they would be economically affected by any changes or decisions.

##### **4.2.1. Presented evidence**

Uncertainties as to whether the wind-farm would generate enough and cheaper energy, what the effect will be on the marine environment and whether that impact would be short or long-term or even irreversible. The participants did not feel they received enough information to make a decision. Additionally, evidence presented with data, as opposed to hypotheticals also made a difference. Specifically, the fishing industry was able to provide evidence from their activities, while the wind farm development witness could only present a hypothetical situation since their activities are only proposed and not yet up-and-running.

Participant 1:

“At the moment I am all for the fisheries because we haven’t got any evidence about what affect the wind farms are going to have, we don’t know the long term affects. Whereas fisheries as shown on the graphs, the fishing is populating and it sound more sustainable and they are using specialist nets to make sure they are not catching other species.”

Participant 2:

“It’s just the wind farms that sits a bit heavy with me because of the fact that we don’t know what implications it’s going to have on the environment and I think if I had a bit more information about that then I would look at it in a different light if the facts were there, whereas it was just a proposal, there wasn’t

any scientific implications, so obviously we need a bit more information on that before you could look at it.”

Despite the evidence for the sustainability of fishing within the Dogger Bank, participants expressed their worries about the impacts of trawling on the sea bed and acknowledged that even though it has been suggested that fishing is monitored and is sustainable one cannot be absolutely certain. Nevertheless, there is more evidence for the sustainability of fishing than for the wind farm development and this shifted the preference of the participants.

#### **4.2.2. Historical legitimacy**

An important factor for the preference of fishing over the development of wind farms was that of the historical legitimacy of fishing activities. As shown in the two following quotes from participants who were in different focus groups, it is argued that if we are to have to choose between uses, the one which is already happening and can prove that it can be done sustainably should be given priority.

##### **Participant 1**

“The biggest issue of worry is them producing wind farms. Fishing and conservation is already in place at the area, it’s the introduction of these wind farms that is more worrying with how it is going to have a knock on effect with everything else in the Dogger Bank.”

##### **Participant 2:**

“Fishing has been in place for years, so any changes to the environment will already been affected and it’s not something that we would notice in our lifetimes. I don’t feel that they are going to impact now because they have been there for so long.”

## **5. Conclusion**

In looking at a specific geographical part of an ocean commons such as the Dogger Bank in the North Sea, it is the human element which makes such an ecosystem a commons. With the sustainability view and the views that such commons should be considered common heritage of mankind (CHM), how do we manage it for the benefit of all? How do we structure the utilization, or argue for the preservation, of the resources found therein? Contemporary thought advocates for public participation. With the deconstruction of discussions held during the Dogger Bank citizens jury workshop, this paper presents some limits to public participation. There seemed to be a number of reasons behind the choices made by the participants on the different uses and services of the Dogger Bank. Conserving the natural environment and biodiversity of the Bank was generally ranked as the top priority, but with caveats. Given these caveats, what participants actually argued



for could be said to be sustainable development – balancing the need for primary activities with nature – as opposed to outright conservation, which is the dominant ideology framing how the majority of the population think. Within this frame of thought, the Dogger Bank, as a marine commons is conceptualized as an economic resource. Many of the participants were in agreement in allowing multiple activities by zoning the Dogger Bank, but a lack of information made it difficult to discuss these activities in further detail. Would these responses be valid and possibly taken on-board if our workshop was an actual public consultation for the future of the Dogger Bank? We suggest that they may well could have been, and the reason for this, we argue, is that the views of the workshop are in agreement with the dominant ideas of today's growth-driven economy. And this, we hope, is one of the main contributions of this paper; as Fraser (1990) argues, another example of *"the limits of the specific form of democracy we enjoy in contemporary capitalist societies."*

What this workshop advocates is that preferences are not necessarily 'revealed' as much as they are 'constructed' during elicitation, and therefore constructed preferences are particularly 'context dependent' (Slovic 1995). Supported by the literature referenced in the introduction, the jury has been influenced/transformed in the course of the deliberative process, though at the same time some of the jury also influenced others. Consequently, the workshop elicited the issues of power inherent in such events. Issues of power identified relate to how the workshop is organized (who is supporting an issue, how skilled the presenter is and whether the person is physically present or not); certainty of information presented; and the historical legitimacy of the various activities. Thus, jury members' perceptions will be affected depending on the choice of information the organizers of the workshop make available. From the analysis of the workshop for example, we can see that the fact that not all of the witnesses were physically present may have had an impact on the formation of the participants' opinions. This may be due to the fact that face-to-face presentations are stronger than ones made through a computer, or perhaps also more importantly, for the witnesses being present to satisfactorily answer participants' questions during the focus groups. This was particularly the case with the representative of the fishing industry. The representative made a very strong case for fisheries in his presentation and he was able to clarify and expand when answering questions of the jury members during the break out groups. Furthermore, some participants felt that they were not given adequate facts by all witnesses to make an informed decision. Additionally, the offshore wind-farm industry representative was unable to give a scientific response on the potential impacts of the industry due to lack of data, partly because of this being a new industry, potentially shaped the participants' views. Taking the case of fishing, for example, it was not clear how fishers would be impacted if fishing was banned from the Dogger Bank; where, for example, would fishing vessels conduct their fishing activities if kept away from the Bank? Consequently, participants' views and opinions were impacted by what they felt to be missing explanations and information.

Participating individuals can also influence the process as happened in our case as a citizen participant present at the workshop worked in the energy management sector and thus had a privilege in having background knowledge in the specifics of energy management and suggested that offshore wind-farms could lead to a change in the biodiversity without actually reducing electricity bills influenced other participants' views.

Efforts for increasing public participation in environmental decision-making are important as positive attempts to encourage more people to become involved in decision-making processes and could therefore be described as 'bottom-up' to some degree (Tewdwr-Jones and Allmendinger 1998). However, it is important to appreciate that they are nevertheless undertaken within an institutional, political, and legal framework that remains 'top-down' and it therefore remains inflexible to potentially important socio-ecological change. As people apply different behaviors in different institutional settings, this neatly fits the cognitive model where these issues are two sides of the same coin. Choosing policy instruments is thus not simply about changing incentives. First of all it is about instituting certain logics, about understanding which institutional frames people apply, and about influencing these frames.

These observations raise a set of issues relevant for the analysis of environmental questions. The most basic challenge is to choose which institutional frame best fits the issues at hand. This second order question must be evaluated both in the short and long run. There are two arguments for supporting a more citizens oriented focus. First, environmental issues are basically about the common good, about how we interact in each other's lives. Second, constructing institutions that emphasize a citizen's perspective and the common responsibilities involved supports the strengthening of trust and engagement in forming the common good that environmental policy in the end so crucially depends upon.

In focusing on citizen engagement, this article presented the advantages of particular methods for stakeholder involvement in environmental decision-making with the example of a citizens jury-inspired deliberative workshop on the Dogger Bank. Our case study showed both advantages – through witness presentations and citizen discussions and discourse – and disadvantages – through members feeling unequal to speaking up and the importance of the carefully choosing witnesses and facilitators. Understanding the limitations of such methods as citizens juries will improve decision-making processes by enabling reflexive choice of stakeholder participatory methods. Without knowing the strengths and weaknesses of such methods, managers are unable to receive the appropriate and desired stakeholder feedback. Acknowledging the limits to public participation does not suggest its abandonment but rather rethinking public participation towards going beyond the mere 'inclusion' of voices to full, well-supported participation. But the assertion of a common good can only be achieved if we step away from the current policy focus on economic growth. In order to successfully strive towards the protection of common heritage, society

first needs to first envision it as such in order to allow for the creation of new institutional arrangements which will be just for the society as a whole and for future generations.

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