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THE CITIZENS' PARTICIPATION IN THE DEVELOPMENT OF PUBLIC POLICIES AS A WAY OF CONTINUOUS ADAPTATION OF THE ADMINISTRATIVE ACTION TO SOCIETAL CHANGES AND THE CHALLENGES OF ITS IMPLEMENTATION

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Abstract

The object of the study is to analyze the importance of the development of participatory mechanisms for a better adaptation of the administrative action to the citizens' needs and expectations. The author examines the legal framework of several countries in order to assess the level of compliance with European standards, to identify the difficulties they are facing to and to propose possible solutions.

Key words: *Administrative action, consultation, decision-making process, local democracy, participatory culture, participatory mechanisms, public policy, referendum.*

INTRODUCTION

Since the beginning of the 20th century, the role of public policy and administration has undergone significant evolution. The administration no longer aims to dominate but to serve by satisfying individual and collective needs. Its legitimacy does not depend anymore on the mythical State power, but on the degree of satisfaction of the citizens, who are “users” of public services. Jacques Chevallier, the major French specialist in Administrative Science, called this

change “the evolution from power administration to service administration” (*Chevalier, 1985, p. 35*). He explains that there is a big difference between the two concepts. “Power administration” only knows subjugated, passive and docile people, who are placed in a situation of inferiority compared to an institution benefiting from incontestable legitimacy. That is why they are dedicated to obedience and become passive and malleable objects. On the contrary, “service administration” is required to satisfy the needs of the users of public services (*Chevalier, 1985, p. 36*). Following this logic, administrative authorities must maintain permanent contact with the citizens, especially by involving them in public policies. The use of participatory mechanisms can facilitate the establishment of their necessary dialogue.

Over the past three decades, the reconfiguration of the relationship between administration and the citizens has mainly taken place on the local level. Public decision-makers can no longer work “in the room”. They must inform and consult beneficiaries of the local policies in order to adopt measures responding to their real needs. This evolution represents a real opportunity to revisit the role of each actor, by focusing on the meaning of the public policy actions: a shared and co-constructed meaning as widely as possible. In this approach, the users of public services are the starting points, because the decisions concerning the changes which must be adopted will be preceded by analyzing their needs, their habits, their will to participate or not in the elaboration of the project in question.

The strengthening of the citizen participation in the decision-making process is constantly encouraged by the Council of Europe, especially on the local level, within the framework of the European Charter of Local Self-Government, adopted on the 15th of October 1985. The Congress of Local and Regional Authorities¹, which was established on the 14th of January 1994 to replace the Conference of Local and Regional Authorities, is in charge of promoting local democracy, improving governance at the sub-State level and ensuring compliance with the Charter by member States (*Delcamp, 1999, p. 139-174*). This is the reason similar debates and experiences in this field are present in a great majority of member States of the Council of Europe.

In fact, the forty-six member States of the Council of Europe ratified the European Charter of Local Self-Government, which is composed of a Preamble and eighteen articles. It is a relatively short document, but it is marked by a concern for pragmatism. It defines the implementation of the different elements of local autonomy (art. 3, 4, 5), freedom of management (art. 6-1, 7, 8, 10 and 11) and the ways this one must be practiced (art. 6-2 and 9). The Charter also contains several principles for which member States cannot invoke reservations. They concern the main rights of local entities to autonomy, to election of local authorities, to have their own powers, administrative structures, and financial

¹ Resolution 307(2010) REV2, 30th of October 2013.

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resources, but also the citizens' right to participate to the management of public affairs, which is provided for in the Preamble of the Charter.

Two other texts were adopted later to complete the Charter and bring within its goal the right of every person to participate to the development of local policies. The first one was the European Charter on the Participation of Young People in Local and Regional Life from the 19th of March 1992. Despite its potential, this document has not been sufficiently disseminated and used by the member States (*Doorley, 2006, p. 6*). Ten years later, in the Final Declaration of the Conference on Young People, Actors in their Towns and Regions, organized on the 7th and 8th of March 2002 in Krakow, a request was made for its revision in order to bring it into line with the challenges and developments of contemporary societies. In response to this request, the Congress of Local and Regional Authorities adopted, on May 21, 2003, the Revised European Charter on the Participation of Young People in Local and Regional Life. In the three parts that compose the new document are provided for the areas, the instruments of youth participation and the types of bodies that can be put in place to allow the association of young people in decision-making process. The text defends the need to allow young people to exercise their rights to democratic citizenship and to fully play their role as active citizens within society.

The second text was the Additional Protocol on the right to participate in the affairs of local authorities, adopted on the 16th of November 2009. Like the Preamble to the European Charter of Local Self-Government, the Preamble to the Additional Protocol stipulates that "the right to participate in the affairs of local authorities' management of public affairs is one of the democratic principles common to all member States of the Council of Europe". The Additional Protocol establishes a real individual right to determine or influence the manner local authorities exercise their powers. In order to ensure the effective implementation of this right, member States must adopt the necessary normative framework (art. 1) and provide for concrete measures to encourage the participation (art. 2).

European texts have therefore established the foundations for the development of participatory democracy at the local level, which seems to become the new global framework within which local public action now takes place. Indeed, participatory democracy which, according to the definition given by Professor Loïc Blondiaux, "designates all the approaches aiming to involve citizens in the political decision-making process", is assigned three types of objectives to support it (*M.-H. Bacqué, H. Rey et Y. Sintomer, 2005, p. 25-26*). Firstly, it is seen as a tool serving the improvement and accountability of public action. The association of citizens in decision-making processes makes it possible, on the one hand, to integrate the expertise of a new category of actors, and on the other hand, to increase the transparency of these processes and the strengthening

of the responsibility of public authorities through the obligation to account for their actions. Secondly, participatory democracy is assigned a social objective based on its capacity to strengthen the social bond between citizens. Exchanges within the framework of various meetings can lead to mutual understanding and awareness of the difficulties faced by certain persons (*S. Depaquit, 2005, p. 28*). Thirdly, participatory democracy is given an educational dimension (*M.-H. Bacqué, H. Rey et Y. Sintomer, 2005, p. 7*). The association of residents in the decision-making process contributes to the formation of a participatory culture and the restoration of civic responsibility.

The texts adopted by the Congress of Local and Regional Authorities therefore aim to encourage member States to open the decision-making process in order to promote greater participation on local level and to reduce the opposition between citizens and political and administrative authorities. The analysis of the national reports communicated to the European institution shows that the local level is beginning to become the favorite field for participatory practices (I). At the same time, the member States are reluctant regarding the legal framework of these practices, a position which raises numerous questions regarding their sustainability and the risks of political instrumentation (II). Number of extra-legal factors must also be taken into account in order to ensure an effective implementation of participatory tools and, consequently, to respond to citizens' demand to be more present in the decision-making process and to influence the public authorities' action according to their needs and expectations (III).

I. THE CONFIRMATION OF A PROGRESSIVE ANCHORING OF PARTICIPATORY MECHANISMS IN LOCAL PUBLIC ACTION

There are numerous variations and participatory practices. Some of them aim to involve citizens very early in the decision-making process, by allowing to contest the desirability of a project, or even to participate in defining the problem. As such, three main areas of intervention can roughly be distinguished. The practice of participatory budgets, which allow citizens to influence or fully control the budgetary process, can be taken as a first example. In France, such experiences began to be implemented in 2000. For example, in 2005, the region Poitou-Charente granted a global sum of money, part of the annual budget, for all educational institutions in its charge in order to identify, within the framework of a general deliberation, the main projects to be supported. After the deliberation, the participants met and voted on each project to establish a hierarchy which gave the order of financing by the region within the limit of the overall envelope initially set. Since 2009, the city of Nancy has developed an initiative presented as a participatory budget, integrating an axis based on "listening to the territories". Under the name of "proximity living environment envelopes", local authorities propose each year to reserve a part of public funds for the realization of projects identified following consultation with residents. The city of Paris carried out its

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first participatory budgeting exercise in 2014. The process developed and diversified each year thereafter, in terms of allocated amounts, number of financed projects and number of participants². This proves that Parisians are interested in local affairs and want to participate to public policies decision, including budgetary questions.

The same remark can be made in the case of the experiences of the so called “open decision-making process”. As an example, can be cited the *Decide Madrid digital platform*, which was open by Madrid City Council. One of the four main functions of this platform is to create a space where any resident can propose a new local law. The proposals which receive the votes of one percent of the population are subject to a binding public vote. The Council has one month to write technical reports on the legality, feasibility, and cost of the selected proposals. They are then published on the platform for ensuring the respect of the principle of transparency³.

The opening of the procedure for local policies development represents another way to allow citizens to be informed about the planned projects and to participate to their development. Public participation in policy development can occur at any stage of the procedure through citizen panels, deliberative forums, focus groups, etc. The system is regularly applied in Germany, under the name of *planungszelle*, and has different variations in Spain (*I. Blacon, 2005, p. 161-178*). The principle consists in recruiting between ten and several hundred citizens chosen at random in order to nourish collective reflection concerning questions of public policy. Meeting for several days (four days in the German model), the jurors receive multiple information and listen to different witnesses (experts, representatives of interest groups) whom they can request to be heard themselves. A citizen report is written in the form of an opinion or recommendation.

In Italy, this system is present at regional level. In Tuscany, it was introduced in 2007 under the name of “regional participation policy” and reinforced by Law No. 46/2013, which provided for the creation of an independent institution, called the Authority for Participation. Its mission is to ensure the creation of a more participatory culture throughout the region and to distribute funding to support innovative methodological approaches to participation (including the use of new information and communication

² In 2014, the 40,745 participating voters allocated 17,7 million euros to 9 projects; in 2015, the 70,000 participating voters allocated 75 million euros to 188 projects; in 2016, the 92,809 participating voters allocated 100 million euros to 219 projects.

³ The first vote on citizen proposals was held in February 2017. Madrid residents were asked to vote on the proposals “100% sustainable Madrid” and “Single ticket for public transport”. The two proposals were voted on respectively with 94% (198,905 votes) and 89% (188,665 votes) of the votes. The town Council had to publish technical reports on each of them.

technologies) to enable the advent of new forms of exchange between public institutions and citizens.

The success of these mechanisms depends on many parameters. The systematic search for inclusion constitutes one of them. On the one hand, to prevent participatory policies from only being aimed at certain categories of the population, thereby reinforcing already existing unequal mechanisms. On the other hand, in order to ensure the effectiveness of the participatory tools put in place: the most appropriate responses to the existent problems are generally given by the people who are directly confronted with them. In the *Manual on the Revised European Charter on the Participation of Young People in Local and Regional Life*, this idea is expressed in a more graphic way with a quote from the African proverb “the person who wears the shoes knows where they hurt”⁴. The creation of youth congresses or parliaments – a practice which has become widespread in recent years in the member States of the Congress of Local and Regional Authorities – is part of this logic of seeking sectoral participatory mechanisms.

In France, after a slow start, the participation of young people at the local and regional levels has experienced significant development over the last five years: the Youth Parliament of the region Provence-Alpes-Côte d’Azur was created on the 1st of January 2017; the Youth Council of the region Île-de-France was reformed in 2017; the Regional Youth Council of Occitanie leads its activity since the 9th of June 2018; the Regional Youth Council of Bretagne was reformed in 2016; the Regional Youth Council of Normandie was created in 2020, the Regional Youth Council of the region Grand Est was established on the 19th of March 2022. They are considered as real democratic laboratories.

If these initiatives represent a significant step forward allowing young people to be direct actors in the decision-making process relating to issues that concern their lives and activities, the small number of applications presented by young people to participate to such institutions shows that this mechanism is not fully used, and that participative culture must continue to be developed. This situation highlights the problem of the feverishness of citizenship education in France. But reading the presentation of the different regional youth councils also allows us to identify discrepancies at the level of participatory engineering, in its general aspect. In particular, can be noted differences concerning the age, the duration of the mandate, the method of designating the members of these councils, the areas of intervention, the granting of a specific budget to their actions. They represent a plurality of experiences which, for the moment, cannot be defined as institutionalized participatory actions. Local and regional authorities are free to decide on the creation of these councils, sometimes even to choose candidates on

⁴ Council of Europe, « *Parole aux jeunes !* ». *Manuel sur la Charte européenne révisée de la participation des jeunes à la vie locale et régionale*, Strasbourg, 2015, p. 12.

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the basis of their cover letter. These practices present a problem in terms of transparency of the procedure and, consequently, of legitimacy of the institution. Local political authorities can also establish by themselves the limits of the action to be granted to these councils and the importance that must be given to the decisions taken at the end of the deliberations. Such a situation is explained by the absence of the legal framework required at the national level. Consequently, the local political leaders are free to use or not such mechanisms, to establish the rules to be respected, according to their electoral goals.

II. THE PERSISTENCE OF NATIONAL RELUCTANCE WITH REGARD TO A LEGAL FRAMEWORK FOR PARTICIPATORY PRACTICES

Even if the right of citizens to participate in local affairs is considered as a “structural condition” of local self-government, which is provided for in Articles 3, 4 and 5 of the European Charter of Local Self-Government, in the majority of the member States, the Constitution only refers to local referendums as a way to exercise the local direct democracy. The other participatory mechanisms are generally absent, or their implantation is quite limited. For example, the Constitution of Slovakia provides for participation through “assemblies of residents of cities and towns” only⁵. In Slovenia, according to article 145 of the Constitution, “citizens, in order to assert their interests, may create local self-governing bodies”. In France, by the constitutional revision of 2003⁶, was introduced, in addition to the local decision-making referendum, the right of petition reserved “for voters of each local authority” which allows them to request inclusion on the agenda of the local deliberative assembly of a question falling within its competences⁷. The French Environmental Charter of 2004, which is part of the constitutional block, establishes in article 7 that “every person has the right, under the conditions and limits defined by law, [...] to participate in the development of public decisions having an environmental impact”.

Constitutional progress in the field of participation in the decision-making process in France was preceded by a certain number of legislative reforms. First, the law No. 92-125 of the 6th of February 1992, relating to the territorial administration of the Republic, established on local level the right of the inhabitants to be consulted “on decisions that concern them” and provided for the possibility to organize consultative referendums for all types of decisions taken by the local authorities. The law No. 95-115 of the 4th of February 1995 for development and regional planning extended the inhabitants’ right to ask the organization of a consultation. Also, 20% of the inhabitants who are registered on

⁵ Art.67.

⁶ Constitutional Law No. 2003-276, March 28, 2003.

⁷ Art. 72-1 § 1 of the Constitution.

the electoral lists of a municipality can contact the municipal council for a request to organize a referendum on a development project. By law No. 2002-276 on local democracy of the 27th of February 2002, the local entities with a population exceeding 80,000 inhabitants were obliged to create “neighborhood councils” with an advisory and proposal role.

Despite the late ratification by France of the European Charter of Local Self-Government and its Protocol⁸, the national normative framework in the field of citizen participation in the decision-making procedure seems to be quite developed. In the same time, a more careful analysis of the legislation makes it possible to note that these participatory mechanisms are regulated quite strictly, and the conditions of their implementation are more favorable to political authorities. For example, article L. 1112-15 of the General Code of Local Entities (*Code général des collectivités territoriales*) provides for that local authorities can organize a consultation before adopting a decision only “if they consider it necessary”. Also, according to article L. 1112-16 of the same Code, if a consultation is requested by the inhabitants, the deliberative assembly of the local entity “decides if the request is accepted or not”. In the case of the neighborhood councils, which role is to work closely with the local authorities in order to inform them about the concrete problems the inhabitants are faced to and to find solutions by working together, their composition and missions are established by the deliberative assembly of the local entity⁹. Such a practice can be used by local authorities for controlling the action of the neighborhood councils in accordance with their political objectives but against the real interest of the inhabitants.

Except the field of town planning, which is formally concerned by real consultation¹⁰, participatory procedures in France are completely controlled by local political authorities. The examples cited above show that the legal framework presents the characteristics of a flexible and relatively non-binding law, leaving great freedom to local authorities in the implementation of the participatory mechanisms. In practice, local officials engage in original and varied experiments which are developed outside of any legal obligation. This situation doubly strengthens their position. On the one hand, it offers them an opportunity to control the whole procedure, by determining their operating principles. On the other hand, it represents a good way of communication, by showing their “participatory goodwill”. In the context of incomplete participatory engineering, it seems difficult to prospect the effectiveness of the normative framework in force,

⁸ France ratified the Charter on January 17, 2007, twenty-one years after signing it; the 2009 Additional Protocol was ratified by Law No. 2020-43 of January 27, 2020.

⁹ Art. L. 2143-1 of the General Code of Local Entities (*Code général des collectivités territoriales*).

¹⁰ Art. L. 103-2, Town Planning Code (*Code de l'urbanisme*).

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which may even experience setbacks. According to some observers¹¹, the law No. 2020-1525 of the 7th of December 2020, relating to the acceleration and simplification of public action, and its implementing decrees risk leading to a “significant regression” of the right to participation. The reduction of delays, the measures of simplification of some procedures to ensure more efficiency in the public action are incompatible with deadlines necessary to initiate a consultation or a referendum. This is a concrete example showing the inconsistencies between the political discourse which supports the development of participatory mechanisms to better respond to citizens' expectations and the real actions which, in practice, make their implementation impossible.

France is not an exception in this regard. The annual reports of the European Local Democracy Week¹² reveal the existence of similar difficulties in other member States¹³, but also some progress demonstrating that a better legal framework remains possible. In Poland, for example, the legislator provided for in 2018 the obligation to establish a citizens' budget in all towns having the status of *powiat*. The amount allocated must be at least 0.5% of the local entity's expenditure and citizens decide annually on the allocation of these funds. The executive body of Polish local authorities is obliged to draw up an annual report on this question. The report is made public and is subject of a discussion in which all willing residents can participate. By the adoption of this law, other participatory forms have not been excluded, but it has the merit of making a certain number of participatory tools obligatory, thus ensuring their effective implementation. Such measures have also the advantage to guarantee uniform implementation and, consequently, to respect the principle of equality between citizens and their right to participate in decision-making policies in their municipality. The introduction of mandatory procedures reduces the risks of manipulations by political leaders.

If the Congress of Local and Regional Authorities carries out numerous actions to remedy these problems, its mainly object is to support local governance actors and encourage cooperation activities¹⁴. Its power of constraint remains *de*

¹¹ See the opinion of the National Commission for Public Debate from the 3rd of March 2021: https://www.archives.debatpublic.fr/sites/cndp.portail/files/documents/avis_2021_decretasap.pdf.

¹² The European Local Democracy Week (ELDW) is an annual European event in the framework of which local authorities and associations from the 46 Council of Europe member States organize public initiatives to meet and engage with their citizens on issues of local interest. The aim is to promote and foster democratic participation at local level and strengthen the trust that citizens have in local authorities. For more information, see: <https://www.coe.int/en/web/congress/european-local-democracy-week>.

¹³ See the annual report of evaluation: <http://www.congress-eldw.eu/fr/page/141-previous-editions-of-eldw.html>.

¹⁴ For a presentation of the different actions, see: <https://www.coe.int/fr/web/congress/beopen>.

facto quite weak. The Revised European Charter on the Participation of Young People in Local and Regional Life is not a conventional instrument. Recommendation Rec(2004)13 of the Committee of Ministers supporting its implementation has been adopted by all member States of the Council of Europe but, from a legal point of view, it is a moral responsibility of implementation. The principles, good practices and guidelines contained in the Charter are therefore not legally binding. That is why their impact on national policies remains limited. As for the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority, which entered into force on the 1st of June 2012, after the eight required ratifications, and has legal value, it has been signed by twenty-four¹⁵ member States of the Council of Europe and ratified by only twenty of them¹⁶. This situation proves that, behind the voluntarist speeches, States are hesitant to make a legal commitment, knowing that such an approach will force them to be more rigorous, both in terms of adoption of texts and guarantee of effectiveness of participatory policies.

Defending the need for the development of participatory tools, Giovanni Di Stasi, former President of the Congress of Local and Regional Authorities, emphasized that “there can be no democracy without local democracy”¹⁷. As the “historic cradle of democracy” (*Ph. Chanial, 2003, p. 269*), the local level represents a real laboratory of alternative forms of government which can be implemented to remedy the dysfunctions of representative democracies. However, as Professor Loïc Blondiaux notes, “participatory democracy cannot be improvised, nor does support amateurism”. The success of its implementation depends on the degree of involvement of each political authority, at local, national and European levels. The difficulty is not only of a legal nature. There are many extra-legal factors which must be considered and involve specific work.

III. THE EXTRA-LEGAL REASONS FOR NATIONAL RESISTANCE AND THE NEED TO DEVELOP A PARTICIPATORY CULTURE

The French National Commission for Public Debate carried out several studies to identify the reasons constituting a barrier to the implementation of the

¹⁵ Albania, Armenia, Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Georgia, Hungary, Iceland, Lithuania, North Macedonia, Malta, Montenegro, Norway, Netherlands, Portugal, United Kingdom, Serbia, Slovenia, Sweden, Switzerland, Ukraine: <https://www.coe.int/fr/web/conventions/full-list?module=signatures-by-treaty&treatynum=207>.

¹⁶ Armenia, Bulgaria, Cyprus, Estonia, Finland, France, Georgia, Hungary, Iceland, Lithuania, North Macedonia, Malta, Montenegro, Norway, Netherlands, Serbia, Slovenia, Sweden, Switzerland, Ukraine: <https://www.coe.int/fr/web/conventions/full-list?module=signatures-by-treaty&treatynum=207>.

¹⁷ Council of Europe, « *Parole aux jeunes !* », *op. cit.*, p. 30.

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participatory mechanisms by local authorities¹⁸. One of them is financial. More ambitious projects aimed at building a stronger dialogue with citizens cost from 100,000 to 200,000 euros for a municipality. These costs explain the difficulty of carrying out such projects, particular in small and medium-sized local entities. In the same way, the results of satisfaction barometers are very important for the evaluation of public policies and their adaptation to the citizens' needs. Considering the price for the realization of a satisfaction barometer for one service, which varies between 5,000 and 7,000 euros, its generalization for all public services, every year or at least every two years, is impossible from the financial point of view.

The human cost is another determining factor. The implementation of participatory mechanisms requires the mobilization of a quite important number of public agents (*T. André, S. Bennasr, A. Danon, V. Garnoix, O. Laigneau, 2017, p. 5*), generally for long periods of time. As these additional activities cannot be carried out by agents exercising their usual missions, additional recruitment is necessary, which is costly. The pressures placed on local authorities to reduce expenditure and, more particularly, salary expenditure, go against political projects aimed at opening citizen participation. This cannot be done without ensuring necessary human resources.

The question of culture to be anchored in political action is also major and requires targeted measures. Despite the undeniable evolution of behaviors, certain public agents remain culturally attached to the image of domination in the relationship with users, even unconsciously. This approach, which does not allow to bring citizens into administrative logic, is incompatible with the principles of participatory policies. With a view to an expanded implementation of participatory mechanisms, public agents must be trained in this method of government (*D. Gerbeau, B. Erbeau, 2017, p. 25*). A high level of training is also necessary to guarantee good results in the implementation of these policies. When the different experiments fail, the risk is then to lead to the disappointment of the teams involved in the project. The innovation processes are then perceived as an element of communication more than a factor in improving public service or strengthening the sense of agents' action. Another point to be taken into account is the duration of the participatory practices and its impact on the public agents' motivation. Experiments aimed to rethinking public policies based on users have an overall positive effect on public agents who implement them, because they bring meaning to their action and are vectors of mobilization. The sustainability of

¹⁸ See, for example, the report *Démocratie participative et quartiers prioritaires : réinvestir l'ambition politique des conseils citoyens*, Paris, 2018 : https://www.debatpublic.fr/sites/default/files/2021-04/rapport_conseils_citoyens.pdf.

these positive effects requires strong political and administrative support. If this one is absent, public agents will not see the need to improve their skills in this field. The area of expertise will therefore remain insufficiently developed. In the long term, this will pose a problem for the success of the project to strengthen the participatory process.

For an effective implementation of the participatory policies, there is a new triptych relationship (users – public agents – decision makers) to be created and developed. That is why, the large diffusion of these approaches is also fundamental. Sporadic and scattered experiences lead to the creation of simple “participatory islands” on local level. They are not sufficient for a real change in political practices and to create the citizen participatory culture. The success of the project requires a generalization of practices, awareness of citizens of the interest of participation and minimum preparation. For this last point, prior preparation of information materials, explanation of the technical language used, which is not known by all citizens due to its technical nature, is essential for not to discourage participation from the start.

The mobilization of the communication is therefore necessary both on internal and external levels for a need of information, but also to guarantee the respect of the principle of transparency and to propose a continuous evaluation. If the evaluation ensures that the objective set initially is achieved, it is also part of an improvement process of public policies. The scientific aspect of indicators and the evaluation of public policies provides a guarantee of seriousness to procedures. Listen and involve agents and users in the construction of public policies deliver better results, improve the quality of public services, and strengthens the legitimacy of the public action.

CONCLUSION

This study highlights the ambivalence of the current situation in almost all European countries in the field of the decision-making process and the involvement of citizens in this process in order to adapt public policies to their interests and expectations. Ambivalence is present at all levels. First, at the political level, we note that despite strong statements defending the need to proceed with inclusive decision-making processes, political leaders refuse to adopt binding legal texts that could force them to respect the commitments made. Second, on the legal side, if certain developments exist, they remain mainly characteristic of certain areas. A global approach in the legal construction of participatory mechanisms does not exist either at the national or at the local level.

This global approach does not seem to be desired by political leaders in view of the reluctance they show with regard to the ratification of the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority which has a binding legal value. Third, the same observation can be made at the level of extra-legal measures that

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must be taken to ensure the successful implementation of participatory mechanisms, such as the creation of specific jobs for this purpose, the granting of the required financial allocation and even the training of staff already in post.

This context is not conducive to the development of participatory democracy, which constitutes one of the main causes of the gap that continues to exist between the public policies implemented and the real expectations of citizens.

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