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Reputational risks and participation in flood risk management and the public debate about the 2013 flood in Germany

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ABSTRACT

Stakeholder participation is seen to be integral for the improvement of flood risk management. In many cases, however, participation in flood risk management practice has also become a space of conflict and debate. In order to better understand these conflicts, this paper focuses on the interplay between the practices of participation which seek to improve the management of first order risks such as floods and second order reputational risks which arise as a consequence of arguments about participation in political and publicised discourses.

Our analysis draws on empirical data related to the experience of the 2013 flood, which affected large parts of eastern and south-western Germany. The empirical data was gathered in Saxony and includes interviews conducted with citizens and experts involved in participatory processes in flood risk management as well as analysis of newspaper articles published during and directly after the 2013 flood.

The analysis found that practices of participation in flood risk management are highly politicised in Saxony and Germany in general. The basic argument that surfaced in the aftermath of the 2013 flood was that because some groups were very powerful and active in pursuing their individual interests during participatory processes, the planning and construction of technical measures took too long to provide some communities with protection against the flood and hence increased their overall susceptibility. As a consequence of this public blaming of participation for the damages that occurred in 2013, the very structure of participatory processes as well as the right of actors to participate in flood risk management were questioned. The paper concludes that the interplay of institutionalised practices of participation and public and media-related discourses about participation stand in close connection in Saxony. The institutional setting only allows for very limited participation in decision-making processes and, at the same time, provides the possibility for responsible administrations to delegate responsibility and blame to those stakeholders participating in risk management in case "something goes wrong".

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1. Introduction

Eleven years after the devastating flood of 2002, large parts of Germany experienced severe floods again in 2013 resulting not only in billions of Euros in financial damages (€6.7 billion); it also stimulated a public and media-driven debate about the role of participation in flood risk management. Before the flood water had time to recede, political and public debates about the role of participation in flood risk management were initiated. The general argument was that because some groups were very

http://dx.doi.org/10.1016/j.envsci.2015.06.011 1462-9011/© 2015 Elsevier Ltd. All rights reserved. powerful and active in pursuing their individual interests in participatory processes, the planning and construction of technical measures slowed down, which resulted in an increased vulnerability of the larger community. In fact, the public and media blamed participatory processes for being at least co-responsible for the extent of the 2013 flood. As a result, the very structure of participatory processes as well as the right of actors to participate in flood risk management was questioned.

This public debate stands in sharp contrast to the policy and scientific discussions about the benefits of participation. These discussions highlight that the legitimacy and the outcome of environmental decision-making processes is enhanced through participation (for more details see Section 3). However, the flood of 2013 in Saxony produced a more critical view of participatory

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processes. Instead of improving flood risk management, it was argued that because of participation the quality and legitimacy of decision-making processes in flood management decreased and communities became more vulnerable.

In order to gain a better understanding of the argument and its possible implications for public participation in environmental risk management, this paper engages with how the practice of participation interacts with arguments and discourses about participation. In order to understand this interaction, this paper unravels how second order reputational risks, such as loss of credibility, reputation and legitimacy are systematically connected with participatory processes in risk management and their associated demands for a more inclusive decision making process (Rothstein, 2006; Rothstein and Downer, 2012; Power, 2007).

The paper is structured as follows: in Section 2, the reader is introduced to the case study and to general information about the 2013 flood as well as to the methodological approach employed in this study. In Section 3, our understanding of the interplay of participation, risk governance and the emergence of reputational risks is outlined informing our analysis of the empirical material presented in the subsequent chapters. In Section 4 we describe the media and political narratives publicised during and shortly after the 2013 flood, which are then contrasted in Section 5 with the views of experts and citizens involved in participatory processes in flood risk management. The analysis will show how the public framing of participatory processes is reflected upon by interviewees and how interviewees frame and manage the reputational risks associated with participatory processes. The concluding Section 6 summarises and discusses the main findings and provides recommendations about how to more systematically engage with the question of how the practices of participation and arguments about participation in public and political discourses interact and the implications that this might have for flood risk management.

2. Case study and methods

The case study examined in this paper is based in the federal state of Saxony, Germany. Saxony has been affected by a number of severe flood events during the last decades. In 2002 an unprecedented flood devastated the state. In addition, a number of smaller but nevertheless destructive floods occurred in 2006 and 2010 before another record breaking flood event, similar in magnitude to that of 2002, occurred again in June 2013. While the estimated costs related to damages recorded in the 2013 flood (€1.9 billion) were lower than the estimated damages recorded in 2002 (€8.7 billion) (DKKV, 2015), the flood triggered an enormous public and political debate about the appropriate strategy of flood management.

Generally, the responsibility of flood management is that of the federal states (Bundesländer). After the experience of the 2002 flood, the management strategy in Saxony was completely overhauled. Saxony considerably improved its warning system through the establishment of the Saxon Flood Centre (Landeshochwasserzentrum Sachsen), which is responsible for providing various stakeholders with information. Saxony also developed so-called flood protection concepts which specify the concrete measures that are to be implemented along the large rivers in Saxony. The development of flood protection concepts is based on an expert-driven, risk-based management approach. Participation in Saxony, as in most other Bundesländer, formally takes place only when specific measures are planned to be implemented and is usually organised within a so-called Planfeststellungsverfahren (a public approval process; PFV). This applies not only to flood protection measures, but to all larger planning processes (e.g. highway construction). In Germany, the PFV is the most common and at the same time most comprehensive approval procedure. It is embedded in the Verwaltungsverfahrensgesetz, a law regulating how public administrations should interact with the public. The aim of the PFV is to develop a legally binding plan (rechtssicher). Within this highly formalised process, development plans have to be made publicly accessible to various stakeholder groups including affected municipalities, exposed citizens, environmental associations and other stakeholder groups. This process provides stakeholders with the opportunity to communicate their interests and concerns in written form. These submissions must be considered and evaluated by responsible authorities. In general, this mode of consultation leaves very little room to influence the overall development of a flood protection scheme as well as its implementation. Instead, it seems to legitimise decisions ex-post rather than providing a real choice of different alternatives ex-ante (Wiechmann and Terfrüchte, 2013). In some cases, authorities are even allowed to replace the Planfeststellungsverfahren by a Plangenehmigungsverfahren. The latter approval process aims at accelerating the planning process. It does so by excluding participation from the planning process. This means that public participation is neither foreseen in the decision-making process or in the assessment of environmental effects.

In sum, although the European Floods Directive, encourages the active involvement of interested parties in the development of flood risk management plans (due to be submitted end of 2015), the right to participate is likely to be restricted in Saxony. Instead of the types of inclusive participation that are suggested in the literature, participation is likely to remain at the level of consultation through processes such as the *Planfeststellungsverfahren* (Newig et al., 2014).

While the scope of participation in flood management is rather narrow, the controversies surrounding the management of floods were quite widespread in 2013. Stakeholders either objected to the planning and implementation of technical flood protection measures (retention basins) or publicly pleaded for an acceleration of planning and implementation processes (see Otto et al., 2014). What these objections have in common, as the following analysis will show, is that representatives of the public generally see their right to participate as being restricted, while representatives of responsible organisations and some politicians argue that certain stakeholder groups used their right to participate excessively.

Empirically, the analysis is based on a newspaper archive collected during and after the 2013 flood. In addition, and to provide contrast to the debates which took place in the media, interviews were conducted with citizens engaged in participatory processes in flood management and representing local citizens' initiatives as well as with politicians and administrators.

The media archive is primarily based on the two most read regional newspapers in the study area; that is the *Sächsische Zeitung* and the *Leipziger Volkszeitung*, and further substantiated with online articles and extended by selected nationwide newspapers. Newspapers were collected and analysed over a period of 4 weeks starting on June 1st 2013 and ending on July 2nd 2013. This review process resulted in the selection of 360 articles relating to the 2013 flood. Table 1 provides an overview. Articles of particular interest for this analysis engaged more thoroughly with the wider context of the flood event. Criticism of public engagement in participatory processes was one of the dominant and also defining narratives presented in the media during the 2013 flood.

In addition to the analysis of the newspaper articles, 12 interviews were conducted between January and May 2014 (see Table 2). All interviews were transcribed verbatim.

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