

Full Length Research

Public Participation in Public Policy: Case Studies on Egypt's Right to Information Draft Law and National Plan

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In multiple international conventions, such as the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, public participation was emphasized as a genuine and inseparable human right. However, public participation should not be only perceived as a human right, but also as a precondition and a necessity for an all-inclusive, informed and sustainable development. This research reviewed two public participation processes that were carried out in Egypt post to the 25th of January Revolution. While utilizing participant observation as one of the most important research methods, this research described and assessed the strengths and weaknesses in two public participation processes in Egypt using a model for public participation in public policy inspired by Arnstein's ascending ladder of participation. The two public participation processes were carried out over the Right to Information (RTI) Draft Law and social justice in the National Plan of Egypt. The research concluded with offering lessons learnt for civil society, facilitators and decision makers in an attempt to improve future public participation processes in public policy.

Keywords: public policy, public participation, community dialogue, public participation in public policy model, right to information, participatory planning

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INTRODUCTION

Over years, public participation became an important issue in human rights discourses and on policy makers' agendas. Whether because it is simply a human right or because it improves policy-making processes and outcomes, the importance of public participation, in general, and in policy-making, in particular, has become widely acknowledged. In a sense, Article 25 of the International Covenant on Civil and Political

Rights/ICCPR (1966) presents a classic definition of political participation that includes taking part in public affairs, universal franchise and running for office or elections or public services (The United Nations General Assembly, 1966). Realizing the concept is broad, the Human Rights Committee attempted to interpret public participation in a more detailed and comprehensive manner in its General Comment no. 25 on the First

Optional Protocol of the ICCPR. The General Comment no. 25 classified public participation into direct participation (through equally and freely participating in referendums, choosing directly, joining assemblies, running for elections, etc...) and indirect participation (through representation or exercising influence over power holders in public debates). In addition, General Comment no. 25 emphasized that public participation in public affairs involves participating in legislative, executive and administrative affairs (Human Rights Committee, 1996). Relying on those two definitions, public participation can be described as the series of processes, activities and actions, in which individuals, groups and organizations engage and their input is well taken into consideration. They engage in public affairs that can either affect them or they have an envisaged interest in. Such public affairs can be related to legislative, executive or administrative affairs.

With such broad definitions of public participation, the purpose, nature and scope of public participation have grown to be marked with some differences (Cooke and Kothari, 2001; Hickey and Mohan, 2004). Arnstein (1969) framed public participation levels in the form of an ascending ladder starting from the lower levels and stepping up to more citizen power. The ladder is composed of 8 steps starting with manipulation, therapy, informing, consultation, placation, and ending up with partnership, delegated power and citizen control. Greenberg and Mathoho (2010) points out that through the ladder of participation, three dichotomies can be identified. The first dichotomy is the state actors versus the non-state actors which shapes dialectics in the first two steps of the ladder or manipulation and therapy. The second dichotomy is the formal norm versus the normal form dichotomy which is emphasized in the informing, consultation and placation steps of the ladder. The last dichotomy is the invited spaces versus invented spaces partnership, which shapes dialectics in the last three steps of the ladder including partnership, delegated power and citizen control. According to Greenberg and Mathoho (2010), "the range of literature building on Arnstein's seminal work (1969) points to different levels of participation or a participation continuum from passive, consultative, instrumentalist participation at the lower end to empowerment, collective action and transformation at the higher end" (p.3).

This research sheds light over two examples of public participation processes, which were carried out in Egypt post to the 25th of January Revolution over the Right to Information (RTI) Draft Law and the National Plan of Egypt. The two public participation processes show different degrees of informing, consultation and partnership. The research sets and explains the context for each public participation process, which is essential to understand the rationale and the different surroundings of each process, as well as the steps and details of the

process. In addition, through using participant observation as the main research method, the research discusses and assesses the strengths and weaknesses of the two public participation processes. Finally, the research concludes with a set of lessons learnt that can improve future attempts for public participation in public policy, which is the key contribution of this research.

Public Participation in Public Policy

In overall, literature over public participation in public policy tends to approach it from three main perspectives. The first perspective approaches public participation from a human rights-based lens, thus, perceiving it as a human right that has been further emphasized in multiple international conventions. The second perspective, on the other hand, examines the benefits and practical usability of public participation and its tendency to enrich and inform public policy. The third perspective shares the views of the first two perspectives in the sense that it perceives public participation not only as a human right that should be respected but also as an approach that improved public policy processes and outcomes.

As for the first trend, public participation is emphasized from a human rights-based approach. While embarking heavily on a human rights based approach, Jacobsen (2013) emphasizes that public participation is strongly attached to several human freedoms and rights, including the freedom of expression, the freedom of assembly and the freedom of association. According to Jacobson, the three freedoms are basic and key requirements for a meaningful public participation. However, public participation is not only related to several human rights and freedoms, but it is, in itself, a genuine and inseparable human right emphasized in international conventions. For example, the ICCPR (1966) stresses on citizens' right to "take part in the conduct of public affairs, directly or through freely chosen representatives; to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; to have access, on general terms of equality, to public service in his country" (The United Nations General Assembly, 1966, Article 25). In addition, the International Covenant on the Economic, Social and Cultural Rights (1966) adds in article 12 that education shall enable effective participation in a free society and promote understanding (The United Nations General Assembly, 1966, Article 12).

Moreover, other conventions emphasize the right of participation to specific groups, such as women, children or persons with disability (Jacobsen, 2013). In article 7, the Convention on the Elimination of All Forms of Discrimination against Women (1979) emphasizes women's right to vote in elections and public referendums, to be eligible for election to all publicly

elected bodies, participate in the formulation and implementation of government policy, hold public office and perform public functions and participate in non-governmental organizations and associations concerned with the public and political life (The United Nations General Assembly, 1979, Article 7). In addition, article 13 of the Convention in the Right of Child (1989) emphasizes the right of the children - who are capable of forming their own views - to express those views freely in all matters that affect them and in any judicial and administrative proceedings affecting the child, either directly, or through a representative (The United Nations General Assembly, 1989, Article 13). Finally, in articles 4 and 29, the Convention on the Rights of Persons with Disabilities (2006) draws attention to the rights of persons with disabilities to participate and the importance of removing every barrier and discrimination or against their participation as equal members of the society (The United Nations General Assembly, 2006, Articles 4 and 29). After all, it is the participation of all these groups that will lead to society social, human and economic development of and poverty alleviation.

In addition to approaching public participation from a human rights perspective, some researchers were more concerned about the benefits and practical usability of public participation and its tendency to enrich and inform public policy. According to Chambers R. (1997), public participation reflects the people's or the community's different points of views and provides more rich and agreed upon outcomes. Unlike non-participatory approaches of decision-making, Mansuri, G. and Rao, V. (2013) believes that participatory decision-making gives voice to a wider range of stakeholders, reflects the diverse views of stakeholders, thus, providing more informed, representative, responsive outcome. In addition, public participation in public policy contributes chiefly in achieving sustainable development since it answers some of the dimensions of sustainable development (the economic, political and socio-cultural dimensions) especially the socio-cultural one (Petts and Leach, 2000). As Khan (2003) puts it, effective participation in governance and public policy leads to more sustainable and pro-poor change, which supports the livelihood strategies of the poor (Khan, 2003).

Commins (2007) adds that "community participation is increasingly endorsed as a means of strengthening state-community synergies. This can be seen in the decentralization cases from Rwanda and Kerala, as well as the local participation law in Bolivia. Emerging demand-driven approaches theoretically 'empower' communities to command services and provide a mechanism for (re)building trust and accountability and re-establishing the 'social contract' between communities and government." (p.4). According to Bastidas (2004), public participation ensures that governments are held accountable for their actions and are responsive to

citizens. By linking the public with decision-makers, citizen confidence in and support of trade process is strengthened and trade officials are held responsible for their actions. Ultimately, public participation assists in rebuilding mutual trust among stakeholders.

Study Approach and Methodology

As mentioned earlier, public participation can be endorsed for human rights purposes or for reasons related to its benefits and practical usability. However, public participation levels and scope vary significantly in accordance with the degree of required collaboration between decision makers and the public. According to General Comment no. 25 on the First Optional Protocol of the ICCPR, public participation "covers all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels. The allocation of powers and the means by which individual citizens exercise the right to participate in the conduct of public affairs protected by article 25 should be established by the constitution and other laws." (Human Rights Committee, 1996). Guided by General Comment no. 25, one may conclude that public participation can be found in some or all phases of public policy-making including, as appears in Figure 1, the identification of a problem or an issue; planning (defining and assessing options, setting steps of implementation, etc...); implementation; monitoring and follow-up, which is followed by holding decision-makers accountable; and assessment and evaluation.

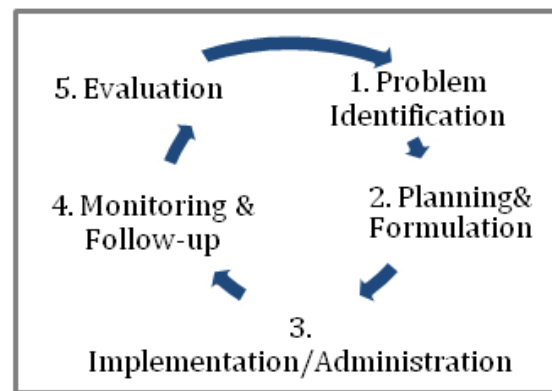


Figure 1: Public Policy Cycle

The first contribution of this research lies in suggesting a model for public participation in Egyptian public policy that approaches public participation as a human right and, at the same time, a means to achieve informed and agreed-upon public policy. In that sense, the suggested model invests in the public participation process in an attempt to reach the best conceived public policy through four optimal steps. According to that model and as appears in figure 2, participation starts with availing information and informing the public about the situation,

consulting with them over different options and possibilities, deciding together, enacting decisions together and this ends up with supporting that decision. Apparently, the model is guided particularly by General Comment no. 25, which emphasizes participation in public affairs and different phases of public policy-making, specially the problem identification and planning phases. In addition, this model goes along with the United States Environmental Protection Agency conception that public participation in public policy can involve levels of participation such as informing, consulting, involving, collaborating and empowerment (United States Environmental Protection Agency, 2015).

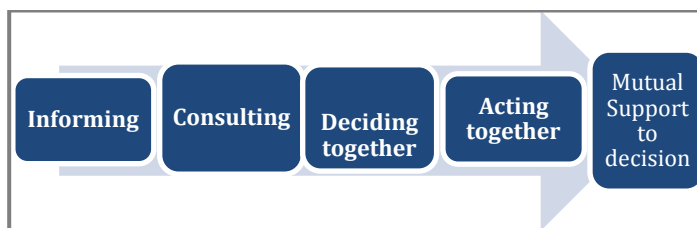


Figure 2: Optimal Steps for Public participation in Public Policy

In addition, it builds on Arnstein's ascending ladder of participation. As Arnstein's frames it, "informing citizens of their rights, responsibilities, and options can be the most important first step toward legitimate citizen participation. However, too frequently the emphasis is placed on a one-way flow of information - from officials to citizens - with no channel provided for feedback and no power for negotiation [...] The most frequent tools used for such one-way communication are the news media, pamphlets, posters, and responses to inquiries" (Arnstein, 1969, p.220). The second step according to Arnstein is consulting which should reflect real, meaningful and open discussions rather than being a window-dressing ritual. Another step on Arnstein's ladder is partnership, which refers to planning and "taking decisions together" or deciding together. A successful partnership should involve delegating power to citizens and negotiating solutions and actions together (Arnstein, 1969). This should lead to acting together upon the approved solutions and actions. A successful public participation process in the sense of a transparent and accurate informing, inclusive and open consultations and reaching consensus or deciding together will involve actual delegation of some powers and will lead to mutual acceptance and support to the final agreed upon decision.

This research uses the above mentioned model of public participation in public policies and to assess the degree to which the designated case studies conform to the step of the model. It assesses the weaknesses and strengths in two public participation processes carried out

over Egypt's Right to Information Draft Law and National Plan to reveal what went right and what went wrong in informing, consulting, deciding or acting together steps. Finally, the research suggests a set of lessons learnt, which is the second main contribution of this research.

For data collection and analysis, the research utilizes a qualitative methodology that builds on international conventions such as the ICCPR and ICCPR, which emphasize the right to participation. In addition, the research refers to the Egyptian official documents, including the Right to Information draft laws and the National Plans of Egypt. The research also builds on the available reports concerning the practice of the right to information in Egypt after the 25th of January revolution.

Most importantly, the research relies on the participant observation method to describe and analyze the processes of public consultations which were carried out to improve the participation of various stakeholders in the Right to Information draft law and the National Plan of Egypt. To anthropologists and other social scientists, participant observation, which involves participating in designated activities, careful observation, notes taking and informal interviews, is a principal method used in fieldwork (Demunck and Sobo, 1998). According to Marshall and Rossman (1989), participant observation is "systematic description of events, behaviors, and artifacts in the social setting chose for study" (Marshall and Rossman, 1989, p.79). Kawulich (2005) emphasizes that participant observation enables the observer to understand the studied actions and activities in their natural settings, identify how participants interact with one another and assess the time spent and effort put in each activity. Participant observation reduces the possibility of people acting differently when they realize they are being observed and allows for a better understanding of culture and cultures' changes while relying on one's interpretations of observations (Bernard, 1994). Similarly, in this research, public participation processes and participants were observed in their natural setting. The researcher observed the public participation processes and the free-flowing discussions as a participant who quietly attended all public participation process activities and events. Based on the participant observation, the researcher recorded and analyzed the dynamics, time and efforts invested in each activity or event in addition to participants' attitudes and responses regarding the public participation processes. The participant observation method used in the research is complemented, validated and triangulated with other methods including documents analysis, as explained earlier, and informal interviews with key figures, such as Toby Mendel. This ensures validation of key observations and provision of any required further analysis. The participant observation and the informal interviews are particularly used to inform the discussions sections in this paper.

Part I/ Public Participation in the RTI Draft Law

The Context of public participation in the RTI draft Law

Freedom and access to information are very important to ensure accountability and enhance the fight against corruption (Freedom House, 2014). With information becoming more available, citizens become more informed about their rights and the channels and procedures they can use in order to, fully and equally, attain their rights. In addition, citizens become more aware of the incidences when their rights are violated and who to go to when this happens and what to do in order to hold officials accountable. In addition, freedom and access to information are, in themselves, essential requirements for stronger, transparent and more informed public participation (Dayanandan, 2013). A 'Right to Information' (RTI) act or legislation that reflects high degree of freedom and accessibility to information, in that sense, would be expected to improve the good governance of all public affairs through achieving more transparency, greater participation, better accountability and less corruption. As a result, it would enhance democracy, development and economic, political and administrative reform. As the United Nations General Assembly (1946) concluded, "Freedom of Information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated". Ninety three countries worldwide - including three Arab countries, which are Jordan, Tunisia and Yemen - have passed RTI laws (Freedom of Information Advocates, 2013). However, for the last three years, Egypt has been struggling with its RTI draft law. After the 25th of January Revolution, the Egyptian government has shown an interest in drafting a RTI law in consultation with civil society organizations (CSOs). At the same time, some CSOs were devoted to producing their own RTI drafts, such as the United Group Law firm and National Coalition for Media Freedom. During 2011, Egyptian CSOs worked alongside with the Cabinet of Minister's Information and Decision Support Center on a draft law that was submitted later to the parliament. However, with the dissolution of the parliament in 2012, the work on that draft law was frozen.

Public Participation Process in the RTI draft Law

With the formation of a new cabinet in 2012, the Ministry of Justice (MOJ) assumed responsibility for drafting a RTI law. The Social Contract Center (SCC) - a former think tank and joint initiative between the UNDP and the Cabinet of Ministers- was in charge of facilitating a public participation process over the RTI between MOJ and relevant stakeholders from media, NGOs, trade unions, syndicates, academia, statistics and research centers,

private sector and relevant ministries (e.g. Ministry of Communication and Information Technology).

In the first step of the public participation process "informing or availing information", SCC informed CSOs about the current situation with regards to the RTI draft law. In an attempt to do this, the SCC distributed prints of the most recent version of the RTI draft law indicating the comments and remarks made earlier by CSOs and tracking changes and modifications made to the draft law in response to such comments. The prints demonstrated some good intentions from the side of the government in the form of accepting some of the demands of the CSOs.

In the second step of the public participation process "consulting", SCC attempted to stimulate an open and free flowing discussion among all parties through dividing the dialogue into a set of sessions tackling a cluster of articles from the draft law at a time. One cluster addressed the articles pertaining the roles and formation of the National Council for Information, which is the institutional body managing the RTI law enforcement. The other cluster addressed access to information procedures, exceptions and penalties. SCC organized the two clusters in that manner to address orderly the earlier comments and remarks made by CSOs over RTI draft law (Ministry of Justice, 2012). Consultations with the representatives from media, NGOs, syndicates, academia and research centers were very rich and reflected diversified and sometimes contradicting views, which nevertheless had some merit.

Debates broke out over some of the prominent issues that usually surface whenever a RTI draft law is being discussed. First is the list of exceptions from the law which some CSOs argued is long and contains vague and broadly defined terms excluding information that might endanger "national security", economy, international relations, commercial relations or military affairs. Debate also broke out over the formation and memberships of the National Council for Information, which some CSOs argued most of its suggested members represent governmental or semi-governmental institutions, which can threaten its independence and efficiency. In addition, for them, the draft law emphasized penalties if unpermitted information were availed but provided no incentives or protection to whistle-blowers, which will ultimately discourage reporting acts of corruption (Egyptian Initiative For Personal Rights, 2013).

On the other hand, some NGOs disagreed with the above mentioned comments. For example, the Egyptian Association for Scientific and Technological Development, disagreed with the above mentioned comments and argued there is a merit in defending national security and called for approving the law as a first step to transparency in Egypt. Similarly, in a personal communication with the World Bank expert Toby Mendel, who was invited to the public participation process, argued CSOs should not seek complete perfection, but

rather take advantage of the momentum and push for the law as a first and primary step to Egypt's transparency (Toby Mendel, Cairo, Personal Communication, 2012). Despite that Mendel admitted the law has some defects with regards to the appeals system and provision of clear definition to national security or protection of whistle-blowers, he emphasized the "progressive nature" of the law, which according to his global assessment RTI rating would rank Egypt the 8th globally among the 93 countries who passed RTI laws.

In the second step or 'Deciding together', as a sign of positive engagement and good intentions from the side of the government, which was unexpected even by civil society, MOJ asked for a smaller but an expert civil society group meeting in the MOJ premises, in order to take discussions and analysis into a more advanced and in-depth level and decide together on how to improve the draft. The two parties discussed a long list of comments and suggestions and many of them were accepted by the MOJ. However, the same issues remained problematic: exceptions, definition of national security, emphasis of penalties over incentives and the formation of the National Council for Information. At the end of the discussions, it was not clear at all what is the final content of the draft law or what are the next steps. In that sense, the process ended without fully deciding together or finalizing the RTI draft law (Khodary, 2015).

DISCUSSIONS

In the first step of public participation process, which is 'informing or availing information', there were no clear ground rules about how the consultation process will move ahead, what is the role of each party in the process, his commitments, responsibilities and subsequently lines of accountability, the next steps and how a decision is going to be reached and how the outcomes/conclusions of the process are going to be disseminated. According to the United States Environmental Protection Agency (2015), "in order to have clear and meaningful public participation, it is important for all stakeholders to fully understand the decision process being used [...] Both internal and external stakeholders must have the same understanding and expectations regarding the decision process and how and when public input will be obtained". The deficiency in setting ground rules or the 'informing' step had many consequences. For example, the role of the facilitator was misinterpreted to involve a commitment for a change in the draft law while his real responsibility was bringing partners together and ensuring free-flowing discussions. The MOJ's responsibility, on the other hand, was to revisit the draft law and make amendments based on the consultation with CSOs and the study of the CSOs' suggestions.

On the other hand, the second step or the 'consulting' step, one should note that, as appears in Figure 3, inviting a wide array of stakeholders in a topic, like the right to information, that affects and interests everyone was very tricky. Some stakeholders are always going to be missed out. However, dividing the dialogue by the facilitator into a set of sessions tackling a cluster of articles/issues at a time was helpful because it created a framework for the discussions, allowed both government and CSOs to rationalize the debate and address all issues that were relevant together at the same time.

It was clear in the consultations that participation meant different things to different parties and was sometimes misinterpreted. To CSOs, participating in the consultations meant changing the draft law to match their full expectations. On the other hand, to MOJ, involving CSOs in the consultations/discussions meant hearing them but without a clear commitment to act upon the outcomes of consultations/discussions.

In the 'deciding together' step, despite the fact that the MOJ's initiative to meet again with the CSOs in an expert group meeting was unprecedented, this move by MOJ did not end up in 'fully deciding together' with civil society because both sides were reluctant to make concessions or find middle grounds. As a result and as appears in Figure 3, the public participation process stopped at that point and did not progress to the acting together or the mutual support to the decision. MOJ did not share the results of the consultations or the expert group meeting. Lack of transparency and limited sharing of results and of what inputs were incorporated or reflected in the final decisions and of what have not been incorporated and why can jeopardize the whole process despite that some real input and compromises from public participation (consultations) might have been adopted but nobody knew about them (Khodary, 2015).

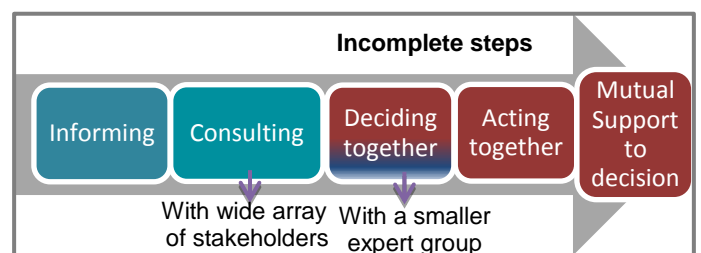


Figure 3: Steps of Public participation the RTI draft Law

However, what is noticeable is that allowing the public to engage in decision making inevitably transfers some powers back to the people, who were initially the source of power. However, not all decision makers -especially at MOJ - are at ease with giving up some of what they perceive as their powers and authorities to the people. Therefore and due to the absence of the 'power-sharing' culture in Egypt, some processes that attempt to be

'participatory' can still be dominated, in the heart, by elites and top-down methods where opinions have been shared but power and decisions are minimally shared if ever.

Part II/ Public Participation in the National Plan

The Context of public participation in Egypt's National Plan

Two of the three concepts mentioned in the slogan "Bread, Freedom and Social Justice" held by Egyptians during the 25th of January Revolution correlated directly or indirectly to social justice, which emphasizes the degree of injustice they suffered on many levels (health, education, job opportunities, housing, etc...). Feeling under pressure, the Ministry of Planning (MOP) decided to address social justice in the Economic and Social National Plan, which it is mandated to prepare annually.

Egypt's Economic and Social National Plan is designed to outline or plan the projects and steps needed in order to achieve economic and social development through specifying a set of guidelines within every sector (i.e. education, health, agriculture, housing, etc...). Over the years, national planning in Egypt has been conducted, in the first place, in a centralized, monolithic and top/down manner. Despite that MOP calls local districts -affiliated to the Ministries- to submit their needs every year, MOP gets to decide which needs shall or shall not be fulfilled.

In addition, it does not take into consideration the perspectives of different non-state actors including civil society and private sector.

By time, MOP became increasingly aware of three facts. First, there is a massive need for social justice. Second, social justice is a heavy burden and a crosscutting issue that cannot be achieved solely by the government. Third, social justice is not a clear or homogeneous concept but rather means different things to different groups. As a result, in late 2012, MOP decided to start public consultations over "Social Justice in the National Plan" in an attempt to understand the stakeholders' perceptions on what social justice is, how to implement that social justice, and also to incorporate the outcomes of the consultations in the 2013/2014 National Plan, which would grant it more public legitimacy and support.

Public Participation Process in the National Plan

As MOP decided to undertake participatory planning and open consultations for the first time in Egypt, it called upon SCC to start up and facilitate the consultation process, which SCC decided to implement over 8 sectors: education, health, water and sanitation, agriculture, environment, transportation, housing and employment. In return, SCC agreed with MOP on three terms. First, products and outcomes of discussions –

which are agreed upon or have obtained consensus – will be collected by SCC. Second, they agreed with MOP that they should be responsible for transforming the outcomes and products of consultations into a substance that can be easily integrated into the national plan. At last, they agreed the final product should be published and made available to the media and the public.

Subsequently, SCC decided to carry out consultations on two sequences. First, SCC carried out wide-range public participation process in the MOP premises between the relevant stakeholders including relevant civil society (representatives from academia, research centers, trade unions, syndicates, and NGOs relevant to the sector in discussion) in addition to the private sector and all relevant ministries crosscutting with the designated sectors. Second, SCC held much smaller expert and specialized group meetings (following the public participation process) designed to consult over the outcomes of the earlier public participation process and come up with concrete issues and projects to be included in the National Plan (Khodary, 2015).

In the second stage or "informing or availing information" stage, SCC undertook 3 steps to inform stakeholders. SCC held a conference with the presence of the Prime Minister and Minister of MOP in the Cabinet of Minister to declare to the masses through media the beginning of the consultation process over the National Plan and the objective behind it. In addition, it devoted a slot at the beginning of each sectoral consultation to introduce the rationale behind the process, the steps of the process, the objectives, stakeholder's mission, and the expected outcome of the process or where it is going to lead. Finally, it prepared and distributed prints of sectoral background papers describing the legislative framework, current situation/ problems with regards to the sector in hand and some proposed solutions and policies (Social Contract Center, 2013).

In the stage of "consulting", public figures affiliated to civil society (academia and NGOs) were asked to moderate the sectoral (sector-based) discussions over how to integrate social justice in the 8 sectors in a manner that can be reflected in the national plan. Stakeholders agreed social justice in that phase of Egypt's history where the country suffers deficits and forced to deploy austerity measures should aim to improve the quality of services while targeting the poorest groups, which they agreed can be best done through targeting the marginalized and poorest governorates and through targeting middle classes as well so that they do not deteriorate because of inflation or austerity (Khodary, 2015).

In the third step of public participation or the "deciding together" step, the smaller expert and specialized group meetings went in depth into the policies, initiatives and criterions suggested in the public participation process and ended up confirming most of them. However, in the

“acting together” step, MOP never declared how it is going to integrate the suggestions into the National Plan and when!

DISCUSSIONS

In the first step of the public participation process, which is ‘informing or availing information’, it was very clear that introducing the ground rules, the objective of the consultations, how the process will move on, what is expected from the participants or the stakeholders and the anticipated results/ outcomes of the process was very useful in bringing the participants on the same ground and shaping their roles and expectations.

In addition, in the ‘consulting’ step, the excellent choice of stakeholders or participants based on their backgrounds or relevance to the discussed sector, their geographical representation or their affiliation to civil society, private sector or one of the related ministries produced fruitful discussions and rich suggestions which were re-emphasized in the small expert groups or the ‘deciding together’ step.

Clearly, as appears in Figure 4, in the case of public participation over the National Plan, the size and level of participation varied at each step. While the ‘informing’ step addressed the masses and later the stakeholders, the ‘consulting’ step addressed only the wide array of stakeholder and the ‘deciding together’ step addressed the smaller expert group where more analysis and investigation is possible. In addition, by all means, carrying out the public participation processes in the premises of MOP created a sense of trust among civil society, who had the opportunity to enter MOP and discuss the National Plan for the first time, and stressed the commitment of the MOP to the outcomes and results of the discussions (Khodary, 2015).

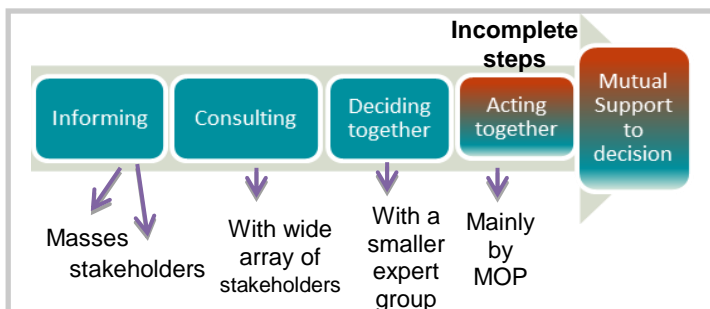


Figure 4: Steps of Public participation in the National Plan

In the ‘acting together’ step, similar to the public participation process over the RTI draft law, time constraints led into rushing the process. MOP did not have enough time to reshape the outcomes of the consultations in a format that better matches the structure

of the National Plan. Therefore, the 2013/2014 National Plan came with limited reference to the consultations over social justice (Ministry of Planning, 2013).

Despite that the 2013/2014 National Plan came with limited reference to the consultations over social justice and their impact, the 2014/2015 National Plan was far different. The 2014/2015 National Plan came with strong reference to the consultation process over social justice and included multiple suggestions proposed earlier by the stakeholders in the consultations (Ministry of Planning, 2014). Still, there were very little knowledge of this since MOP never communicated back with the facilitator or the participants and did not publicly explain or declare the suggestions that were integrated to the Plan. Again, like the RTI consultations, lack of transparency and limited sharing of results can threaten the trust in the whole process despite some real input might have been adopted but nobody knew about it. Yet, it cannot be denied that consultations over integrating social justice in the National Plan were extremely significant because they changed the norms and rules of planning in Egypt. They connoted the start participatory planning for the first time in Egypt though institutional channels.

Lessons Learnt and Conclusions

Lessons Learnt For Civil Society

Being part of a public participation process does not necessarily mean all civil society’s input will be adopted. Civil society is not one homogenous group. Civil society includes different NGOs, academia, trade unions, syndicates, media, etc... In addition, civil society is not the sole stakeholder. Relevant ministries and the private sector are also essential and complementing stakeholders. Therefore, civil society’s perspectives, though enriching, might sometime be contradictory with one self or with another stakeholder. Thus, it is very important for civil society to be open-minded and flexible and seek middle grounds and consensus building or find acceptable compromises.

In addition, CSOs should be more understanding that the power-sharing culture in Egypt is rare or uncommon.

Hence, this requires delicacy from the side of CSOs in assuring that they are not competitors with the government but rather partners and their role is to collaborate with and assist the government in responding to the different needs of the people. True CSOs have suffered multiple disappointments with the government, but this should not mean withdrawing all kinds of trust in all governments or all decision makers, especially when decision makers take initiatives or call for public participation which remarks a change in mindsets, behaviors and culture of decision-making. It is important to allow a space for trust, share fears and earlier disappointments and ask for guarantees or commitments

to road maps. It is good to denote that it is the civil society's mission, to follow up on the outcomes and the results of the consultations and the progress made to the roadmap or other commitments.

Lessons Learnt For Facilitators

According to the United States Environmental Protection Agency (2015), in a public participation process, some of the important issues that needs to be availed and explained are the key steps and timing in the process, the specific areas that requires public input, the methods of communication with the participants, the criteria for reaching the final decision. Thus, it sounds useful for facilitators to disseminate information about: i) the objectives of the consultations, the expected outcomes and the criterion for participants' selection; ii) the road-map for the entire public participation process including a timetable; iii) the type/mode of participation required at each step of the road map (e.g. in reaching the final decision); iv) the topic in discussion; v) the roles of the participating parties; vi) how the final outcomes will be publicly communicated. Most importantly, it is crucial that the facilitator clarify to the participants his own roles and responsibilities which should revolve around facilitating the participation process and providing a safe space for communication and free flow of ideas. It should be clear a facilitator's role is not to guarantee adopting the outcomes of the process, which is the decision makers' role.

Lessons Learnt For Decision-makers

Decision-makers should understand that Public participation is an ongoing process, not a single event, meaning that it should consist of a series of activities and actions before, during and after the participation. Also, it should be undertaken on different levels (identification, planning, implementation and administration, etc...). Furthermore, it could be carried out in different sizes of participation or intensity at every point/level.

In addition, decision-makers should perceive public participation mechanisms as chances to both inform and explain (to) the public and obtain input from them. It is a two-way channel that should end again with explaining to the public how the final decision was taken and why. Decision-makers should not be worried that seeking public input would necessarily mean doing 'what the public wants' because there is no single public and there are spectrum of stakeholders holding an array of views and concerns over every issue. Thus, input should be gathered and a balance among views and concerns needs to be reached and reflected in the final decision. It is also worth noting that if public participation is being applied only as a right and not a method for better decisions, it is decision-makers' privilege to reach final

decisions.

At last, in public participation processes, the value that is cherished the most is 'transparency'. Therefore, information about the following issues need to be communicated directly or through the facilitator to the people or stakeholders: the objectives and steps of the public participation process (road map and time-table); the issue in discussion; the outcome of the process and how it will be reached or disseminated, etc... In doing this, it is important to remain honest and realistic, discuss limitations along with opportunities and not to raise public expectations, intentionally or unintentionally.

List of Abbreviations:

Right to Information (RTI)

International Covenant on Civil and Political Rights (ICCPR)

International Covenant on Economic, Social and Cultural Rights (ICESCR)

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