

Stakeholder participation in the context of science-based consumer protection

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BfR Responsibilities in the Area of Risk Assessment

- Biological Safety
- Food and feed safety
- Chemical safety
- Product safety

**Health-related
consumer
protection**

From “Health Office” to Research Institute

- Imperial Health Office (1876-1919)
- Reich Health Office (1919-1945)
- Federal Health Office (BGA) (1952-1994)
- Federal Institute for Consumer Health Protection and Veterinary Medicine (BgVV) (1994-2002)



Law on the reorganisation of consumer health protection and food safety, 08/2002



Risk Assessment



Risk Management



Regulatory Base for Independence

“In order for there to be confidence in the scientific basis for food law, **risk assessments should be undertaken in an independent, objective and transparent manner**, on the basis of the available scientific information and data” (Regulation No 178/2002 on the general principles and requirements of food law, art. 18).

„Die Wissenschaftliche Stelle sollte [...] **frei von äußerer Einflussnahme** und unabhängig sein. Ihre Unabhängigkeit sollte im Errichtungsstatut ausdrücklich normiert und durch eine klare organisatorische Trennung von den politisch geprägten Strukturen des Risikomanagements abgesichert werden“ (von Wedel, 2001).

„Bei seinen wissenschaftlichen Bewertungen und Forschungen ist das Bundesinstitut vorbehaltlich des § 8 Abs. 1 **weisungsunabhängig**“ (Gesetz zur Neuorganisation des gesundheitlichen Verbraucherschutzes und der Lebensmittelsicherheit, 2002).

Regulatory Base for Participatory Risk Communication

„‘Risk communication’ means the **interactive exchange** of information and opinions **throughout the risk analysis process** as regards hazards and risks, risk-related factors and risk perceptions, among **risk assessors, risk managers, consumers, feed and food businesses, the academic community and other interested parties**, including the explanation of risk assessment findings and the basis of risk management“ (Regulation No 178/2002 on the general principles and requirements of food law Art. 14).

...through one-way communication

- BfR-Opinion
- Press releases
- Scientific publications
- Leaflets
- RSS Feed, Newsletter
- FAQ
- Explanatory videos
- Twitter
- Mobile website
- Apps

...through two-way communication

- Scientific and public events

(e. g. symposia, stakeholder conferences)

- Information events

(e. g. international green week, open house day)

- Training courses

(e. g. BfR Summer School, advanced public health service training)

- Advisory dialogues

(e. g. scientific advisory board, science commissions, individual meetings with business and civil societal associations)

...through research on risk perception

Delphi Study	Consumer Conference	Population Survey
Focus Group	Media Analysis	Social Media Analysis

... through new initiatives

- Research proposal for the implementation and evaluation of an internet based communication platform for citizen risk science (submitted to BMBF)
- 3 year research project on “Public Participation and Stakeholder Management in the context of Science based Consumer Protection”

Research Question

- What criteria need to be met in practice in order to successfully manage and engage stakeholders?

Method

- Structured literature review of academic articles published between 2010-2015 within Scopus.
- Review of core theoretical text.
- Ca. 35 semi-structured interviews with stakeholders from NGO, corporate, media, academic and political realm.

Preliminary Results

- Planning related criteria
- Process related criteria
- Outcome related criteria

Main planning related criteria

- Define clear goals (collectively)
 - “You should not distribute participation processes with a watering can but **really think as an organisation: where do I want participation?**“ (Academic, translated).
- Consider external and internal conditions
 - “Practitioners should conduct an **institutional analysis**” (Schouten & Glasbergen 2012: 75).
 - “[The] concept depends on individual characteristics such as **previous experience** with participation, attitude towards participation” (Neef & Neubert 2011: 186).
 - “Without a **company culture** of innovation allowing me to invest in the idea of developing multi-stakeholder platforms, I could not have achieved what I did” (Dr. Jan Kees Vis, Unilever, in Dentoni & Veldhuizen 2012: 100).

Main planning related criteria

- Identify stakeholders
 - A stakeholder is "any group or individual who can affect or is affected by the achievement of a corporation's purpose" (Freeman 2007: 6)
 - Need to find a **compromise** between a **too broad definition** that includes everyone and a **too narrow definition** that excludes stakeholders of potential great moral or strategic relevance.
- Assess stakeholders especially in terms of interests, motivation, previous experience, potential influence (power/capacity)
 - „We have to manage our **resources** very carefully“ (NGO, translated).
 - „It has to be a topic where we as an association have a **mandate** and are able to speak“ (NGO, translated)

Main planning related criteria

- Select stakeholders
 - **Mappings** along different normative (e.g. principles of deliberation, fairness) and strategic dimensions (e.g. power/legitimacy/urgency).
 - **Focused versus wide selection**
 - “Everything that is not **representative** is going according to political will. I find that horrible” (NGO, translated).
 - “It depends on whether the stakeholder can **contribute something** (business association, translated).
- Decide and formalize an engagement method
 - It **depends** a bit [...] on whether it is an acute **topic?**“ (business association, translated) .
 - “It has to have very **clear structures**” (business association, translated) .

Main process related criteria

- Create a deliberative environment
 - “**Continuity** and building a **trust** base so that you can have an **open exchange** where you do not necessarily always have **consensus**” (business association, translated).
 - “Of course also **transparency**. But you need to also have the possibility to exchange **confidentially** (vertraulich)“ (business association, translated) ↔ “I find it absurd that these meetings are confidential” (NGO, translated).
- Facilitated by
 - Effective communication
 - “It should **not** be a **one sided exchange**“ (NGO, translated).
 - “It is important to [...] **explain in simple words**“ (NGO, translated).
 - Management of stakeholder relationships / mediation.
 - “One of course has to demand from all sides to **engage with the reality of the other**” (business association, translated).

Main process related criteria

- Reduction of power asymmetries/capacity building.
 - “You need to read documents and get **information beforehand**” (academic, translated).
 - “I know from others that say they can’t afford to send employees 2-3 days to a different European city, pay for hotel and flights – that takes the **budget** of a whole month“ (NGO, translated).
- Motivation through allocation of responsibility, recognition of stakeholder needs and “hand-holding” (Waligo et al. 2013).
- (Independent) leadership that maintains control, structure, flexibility.
- Continuous and participatory monitoring, evaluation and readjustment.
- Regular engagement.
- Efficiency
 - “And **time resources**: we always have to decide here: can we pay attention to this topic? Because it means that we are not able to pay attention to another one“ (NGO, translated).

Main outcome related criteria

■ Effectiveness

- “It needs to be clear **what is achieved** through the interaction“
(business association, translated).

■ Relevance

- “It has to be a **win-win situation** for both sides“ (NGO, translated).
- “Stakeholder engagement must **outcomes** that are **distributed fairly** (Dawkins 2014; Harrison et al. 2010).
- “Although a stakeholder may not believe that its portion of the value distributed to it is precisely fair, it may still believe that **processes** are **fair** and that it has been treated with **respect**“ (Harrison et al. 2010).
- „[it is important] how you deal with the results, how you **balance**“ (NGO, translated).

➤ Output vs. input and throughput legitimacy / consequential vs. procedural legitimacy!

Main outcome related criteria

■ Impact

- „There is the danger that I say: I had an idea [...] Then we put it up for discussion where everyone can engage. [...] And now we have a result and everything is great. That **can become a farce**, because [...] afterwards you can actually do what you want because no one can trace what impact the various inputs had, how intense the deliberation was“ (business association, translated).
- „This also relates to **transparency**: are the things that have been discussed actually implemented? Or at least, if they are not implemented, is it explained why they have not been implemented“ (NGO, translated).
- Input vs. throughput legitimacy!

■ Ownership?

- “It has to be somehow relevantly **embedded in the decision making process**” (NGO, translated).
- “At BfR, which is supposed to put scientific expertise on paper, you can look for information but in the end the **BfR has to decide** what to do“ (business association, translated).

Main points of discussion

- What is the „right“ identification and selection of stakeholders (normative vs. strategic vs. empirical)?
 - “It is of course **difficult to always engage everyone**. Probably does not make sense either. On the other hand, **if you forget someone, it is also difficult for your organisation**“ (NGO, translated).
- How to engage heterogeneous stakeholders with limited capacities and/or no interest in consensus?
 - „Some NGOs have very **extreme opinions**. Even if it is not possible to implement those they have to advocate for them to maintain their base and ensure their **own survival and credibility**“ (NGO, translated).
 - “In line with our conception we would not take part especially in paid but also institutionalised **participation** because that **would question our own independence**” (NGO, translated).
- How to avoid stakeholder fatigue?
 - “With the little people here we could never [participate in] these institutionalised stakeholder processes you have everywhere [...] If we only did that we could not get to our actual work“ (NGO, translated).
 - „There are **too many consultations** that are in the end usually served by the same circle of people. And that of course takes a lot of capacity” (business association, translated).

Main points of discussion

- How much decision making power should be attributed, especially in the scientific context?
 - “Finding someone from a university that has never received external funding from somewhere and answers questions **purely academically** and, in inverted comma, neutral is in my opinion **not completely possible**. [...] And then I have the opinion that it is better to make explicit those positions so that it can be evaluated from outside. And not to exclude everything under the **cover of science**” (NGO, translated).



- „You always have the accusation that there is **corporate influence** on the different boards.“ (business association, translated).
- “In **science** one also **needs** some **continuity**” (NGO, translated).
- “Sometimes they decide threshold values that are **analytically impossible** to implement” (media actor, translated).

Link to ontological and epistemological questions

Stakeholders tend to follow their own interest. They **do not seek to find the truth**. So too much stakeholder engagement **could detriment scientific quality and independence**.

(informal conversation with employee, freely translated).

Link to critical questions

- “So I think we deliberately said: we have risk assessment, risk management and risk communication. **Industry has always strongly supported** that“ (business association, translated).
- “The clou would be **if BfR could reach a status in all scientific communities that is non objectable** [...] if the BfR talks, then is is essentially a law, **then it is a function that is very useful for our work** [...] that is nearly more important than being in close dialogue with BfR” (business association, translated).
- „We believe, if the societal development is **modern governance** in the widest sense as in we get everyone around the table so we get all the opinions and have the best outcome – **we do not believe that** based on our experience. **Because** we have this **inequality** of weapons. And because logically in the comissions and advisory boards you likely have in every meeting representatives from industry that have the ability to take the and prepare with own studies and research. **NGOs** will not be able to do that“ (NGO, translated).

Link to regulatory and discursive questions

“In order for there to be confidence in the scientific basis for food law, **risk assessments should be undertaken in an independent, objective and transparent manner**, on the basis of the available scientific information and data” (Regulation No 178/2002 on the general principles and requirements of food law, art. 18).

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Link to regulatory and discursive questions

„In order to increase the trust we need to increase transparency and **independence** of scientific advice. [...] And this means **open** science is one of my main priorities as European commissioner of science and innovation” (European Commissioner for Research, Science and Innovation 29-30 September 2016).

"With the aim of deepening the relationship between science and society and reinforcing public confidence in science, **Horizon 2020** should foster the **informed engagement of citizens and civil society in research and innovation matters** [...] by developing responsible research and innovation agendas that meet citizens' and civil society's concerns and expectations and by facilitating their participation in Horizon 2020 activities" (The European Parliament 20.12.2013)

Conclusion

- Large number of shared success criteria around planning, processes and outcomes.
- Controversies around the “right” selection of stakeholders, the engagement of highly heterogonous stakeholders, potential stakeholder fatigue and the distribution of decision power, especially in science.
- Controversies are shaped by the topic, the stakeholders and the framework adopted (strategic vs. normative vs. empirical) but also core epistemological, critical, regulatory and discursive questions.

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