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Abstract

At the start of the twentieth century, citizens began organizing protests for taking power out of the hands of state and city authorities (or the experts) and granting all citizens participation rights in urban development. These demands transformed urban development into an area open not only for citizen participation, but also an area which recognizes the importance of diversity, pluralism, and political participation of minorities, immigrants, and non-nationals. This master thesis analyzes participation rights for nationals and non-nationals within urban development projects and, for this purpose, pursues three research questions. The first question refers to the characteristics of the participation policies in the urban development projects in Vienna and Berlin, while the second aims to compare Vienna and Berlin in order to see whether their participation policies in urban development projects differ - and if they do, how. In addition, the thesis poses a third research question as to in what possible terms the urban development could be an area for the political participation of non-nationals. To answer the research questions, the thesis deals with the participation policies in the area of urban development for both of the above-mentioned cities. Methods applied are document analysis and the comparative method. The material used for the analyses stems from the several relevant documents concerned with the political participation in urban development in Vienna and Berlin such as Federal Building Code for Berlin and Vienna, respectively, as well as legally non-binding documents, issued by the official authorities in both cities. Given the fact that urban development is a broad area, the analysis will be constrained to the two types of projects: land-use and development plans. The comparison of participation policies in Vienna and Berlin provides no substantial differences between the cities. Participation achieves a rather low level of influence on a decision-making process, with the final decision still in the hands of the city authorities. Organizational characteristics differ in some respects, however: both in Vienna and Berlin, everyone interested, regardless of their citizenship, is allowed to participate. Furthermore, the participation process is open over longer periods of time and allows citizens to participate on different days, at different times, in various locations and (principally) via various participation methods.

Abstrakt

Zu Beginn des zwanzigsten Jahrhunderts begannen Bürger Proteste zu organisieren, um die staatlichen und städtischen Behörden (oder die Experten) zu entmachten und allen Bürgern Mitwirkungsrechte im Bereich der Stadtentwicklung einzuräumen. Diese Forderungen verwandelten die Stadtentwicklung in ein Gebiet, welches nicht nur für die Bürgerbeteiligung geöffnet ist, sondern in dem auch die Bedeutung von Vielfalt, Pluralismus und politischer Partizipation von Minderheiten, Einwanderern, und Nichtstaatsangehörigen anerkannt wird. Diese Masterarbeit analysiert die Partizipationsrechte von Staatsangehörigen und Nichtstaatsangehörigen in Stadtentwicklungsprojekten und behandelt hierzu drei Forschungsfragen. Die erste Frage bezieht sich auf die Charakteristika der Partizipationspolitik in Stadtentwicklungsprojekten in Wien und Berlin, während die zweite Frage darauf abzielt diese Städte zu vergleichen, um herauszuarbeiten, ob und wie sich die Partizipationspolitik an Stadtentwicklungsprojekten unterscheidet. Die dritte Forschungsfrage behandelt inwiefern Stadtentwicklung ein Gebiet für politische Beteiligung von Nichtstaatsangehörigen sein kann. Zur Beantwortung dieser Forschungsfragen befasst sich diese Masterarbeit mit der Partizipationspolitik im Bereich der Stadtentwicklung für die oben genannten Städte. Die angewandten Methoden sind die Dokumentenanalyse und die Vergleichsmethode. Das Material der Analysen stammt aus Dokumenten, welche sich mit politischer Beteiligung an der Stadtentwicklung in Wien und Berlin befassen, unter anderem mit dem Baugesetzbuch für Berlin und der Bauordnung für Wien sowie rechtlich unverbindlichen Dokumenten, die von den Behörden beider Städten ausgestellt wurden. Angesichts der Tatsache, dass die Stadtentwicklung ein weites Gebiet ist, beschränkt sich die Analyse auf zwei Typen von Projekten beschränkt sein: Flächennutzungs- und Bebauungsplänen. Der Vergleich der Partizipationspolitik weist keine starken Unterschiede zwischen den Städten auf. Die Beteiligung hat einen eher geringen Einfluss auf den Entscheidungsprozess, und die endgültige Entscheidung liegt immer noch in den Händen der Stadtverwaltung. Die organisatorischen Merkmale unterscheiden sich in einigen Punkten, aber sowohl in Wien als auch in Berlin können alle Interessierten unabhängig von ihrer Staatsbürgerschaft teilnehmen. Auch ist der Beteiligungsprozess über längere Zeiträume offen und ermöglicht es BürgerInnen, an verschiedenen Tagen, zu verschiedenen Zeiten, an verschiedenen Orten und (hauptsächlich) durch verschiedene Beteiligungsmethoden teilzunehmen.

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1. Introduction

Urban development is an area with a long-standing tradition of citizens' inclusion in a decision-making process. While before the twentieth century the decision-making was exclusively in the hands of rulers – be it kings or state officials of any kind (and later the city planners and planning experts) – the beginning of the twentieth century was marked by the urban planning movements, seeking for more citizen involvement in the urban planning processes.¹ After a tumbling twentieth century, urban planning is now considered as an area where the citizens are treated as co-creators and co-decision-makers, capable of making a decision about their immediate surroundings, instead of being mere observers.²

Besides being a courtyard for citizen inclusion in the decision-making process, the urban planning projects stand out as one of the rare areas (of German and Austrian legal system) where political participation is not tied to legal citizenship status. All residents, nationals and non-nationals residing within one country can be included in the decision-making process in urban development – and not because of their legal status, but due to the social and areal framework they are embedded in.³ This notion of the sensitivity of urban planning towards minorities, and immigrants, diversity and pluralism, has been present in the United States since the 1990s, with the emergence of a significant number of immigrants and their native-born second generation⁴ having developed from the advocacy of minority rights and the criticism of the urban planning approach and methods, through the sensitivity to cultural differences and empowerment of “ethnoracial” minorities, and finally to the accommodation and incorporation of diversity into the mainstream in the 2000s.⁵ The urban planning participation nowadays is based on the idea that it must be conducted in such a way that the interests of all citizens residing within one country are considered, which further contributes to the better identification of the residents within the cities.⁶

¹ See: Augur 1945: 101.

² See: Kaczmarek/Wojcicki 2016: 71; Augur 1945: 101.

³ See: Dröge/Magnin 2010: 106, 119.

⁴ In terms of the United States, the sensitivity was first pointed towards the African Americans, but later included also Latinos, Chinese, Russians, Caribbean natives. Although here the emphasis was laid on the minorities, not differentiating nationals and non-nationals, the point is very well applicable to one of the aspects discussed here, namely urban development participation of non-nationals.

⁵ See: Qadeer 2015: 61.

⁶ See: Dröge/Magnin 2010: 106.

While the literature about urban development does not lack in volume, it does seem that not enough has been explicitly said about citizen participation in urban development. Especially little attention has been given to urban development as an area accessible for political participation of non-nationals. Therefore, the master thesis will take this issue, and analyze and compare participation policies in the area of urban development. Due to a rather high volume of urban development projects, the analysis will be conducted on the examples of the two of them – land-use and development plans for the cities of Vienna and Berlin.

This thesis developed from the author's primary interest in finding out how and where non-nationals can express their political will. These questions seemed relevant especially in the cities which hold a high number of non-nationals residing in them and which would, hence, constitute a significant portion of the election body. After quite intensive research, it has become clear that urban development has been promoted as an area of socio-political life, open for participation of all the residents in one country. Urban development has been promoted not only as inclusive of citizens in general but especially of the excluded social groups, such as immigrants (regardless of their citizenship status) or non-nationals.⁷ Having this as a compass, the author's focus has shifted to the participation policy in the area of the urban development, which has been scrutinized via the examination of characteristics of citizen participation in urban development projects. Furthermore, the contrast will be made of the urban development participation policies between Vienna and Berlin. Moreover, the thesis will shed some light on one aspect of urban development often disregarded – the potential to be a niche for the political participation of non-nationals in a decision-making process.

This thesis will encompass the two types of urban development projects, where citizen participation is an integral part of their realization. The projects in question are land use plans and urban development plans. These are part of urban development policy in Vienna as well as in Berlin, which makes them fit for the juxtaposition. All projects analyzed are initiated, organized, and conducted by the city authorities. Only these projects are analyzed in the manner where they can be used as the examples of the cities' and therefore the states' efforts to systematically integrate citizens in urban planning. In the context of the above written, research questions have been set as follows:

⁷ See: Dröge/Magnin 2010: 106; Qadeer 2015: 61.

- Which are the characteristics of the participation policies in the urban development projects in Vienna and Berlin?
- What are the differences and/or similarities in the participation policies in the urban development projects between Vienna and Berlin?
- Can urban development be a niche for the political participation of non-nationals?

The thesis will be structured in the following way: the first chapter includes the introduction, where the basic ideas of the master thesis are represented, including the research questions. The second chapter concerns the material and methodology applied. In the third chapter, the reason is provided to the reader as to why the cities Vienna and Berlin have been chosen for this master thesis. The detailed insight is given into the cities' citizen structure, as well as into the legal framework for political participation of non-nationals. The fourth chapter is a theoretical domain and consists of three subchapters, each of them referring to different theoretical aspects, each of them crucial for the deeper understanding of the thesis. The first subchapter termed "Participation" is particularly important, as it puts forward a theoretical basis upon which evaluation is to be conducted. In the fifth chapter, land use and development plans, being the objects of analysis, are presented for both of the cities. The following, sixth chapter provides evaluation of land use and development plans according to the aforementioned theoretical basis, as well as a comparison between the cities. Finally, the seventh chapter deals with the discussion of results and perspectives for further research. The last chapters include list of graphics, list of tables, abbreviations, and bibliography.

2. Material and methodology

In order to provide answers to the research questions, a two-folded analysis has been applied. Given that the participation in land use and development plans is defined in Building Codes (as well as in the textual representation of urban planning projects at the official web-sites of both cities and in the other official publications issued by cities authorities), a document analysis seemed the appropriate method.

In detail, the objects of the analysis are: Federal Building Code for Berlin and Building Code for Vienna; Masterplan for participation for Berlin and Vienna; lists of urban development projects published on the official website of each city, and other official documentations available at the official web sites for the cities of Vienna and Berlin. While Building Codes define general and legally binding framework of participation, other, non-legally binding documents contain more exact information on methods of participation, ways of informing citizens about participation process, levels of influence on a decision-making process and the like. The lists of urban development projects in both cities include several types of projects, even though, for the purpose of this thesis, only two types of them were selected for the analysis, namely the ones that have already been mentioned: land use and development plans for Vienna and Berlin. The lists are regularly updated by the city authorities, and they include all urban development projects planned for the upcoming period, but also, to some extent, already finished projects. Every project contains information about the type of project, its location, time, date, location and the method of citizen participation. However, as these projects are not the sole objects of our scrutiny, and as the data deductible from them are standardized and do not differ substantially, they were not each analyzed to the tiniest bits, and only the general data relevant for the analysis were inferred.

The identification of the analytical dimension is based on the Sherry Arnstein's article "Ladder of Citizen Participation."⁸ In her well-known work, Arnstein differentiates between eight levels of participation, starting with manipulation and therapy, which are defined as nonparticipation and ending with citizen control and delegated power, which are defined as citizen power.⁹ Moreover, it will be referred to the criteria utilized for the systematization of the traits of

⁸ Arnstein 1969.

⁹ Ibid., 283.

participation methods, as developed by Archon Fung and adjusted by Nanz and Fritzsche. These traits refer to: a) organizational details such as: how long is a participation process open, or how many participants are allowed to participate; b) how do individuals become participants; c) how do participants interact during a public discussion or decision-making process; d) the effects of participation on decisions.¹⁰ Authors developed these criteria to inspect and systematize participation methods in urban development.¹¹ However, as the criteria are also useful and convenient for the determination of the characteristics of citizen participation, for the purpose of this thesis, they will be used as a tool to assess the citizen participation in urban development projects. The document analysis having been conducted, a comparative method will be employed to extract any differences or similarities in participation policies for Vienna and Berlin. In order to ensure that cases are suitable for a comparison, the care has been taken to involve the cities which share similar characteristics, such as that both are the capital cities of their respective federal states as well as state provinces (*ger. Länder*), and which mark the highest percentage of non-national residents within their respective federal states.

2.1. Document analysis

One of the basic works introducing and elaborating document analysis was published by Glenn Bowen. In his work “Document Analysis as a Qualitative Research Method” he examines roles and functions, and strengths and weaknesses of documents in qualitative research, and encourages its use among scholars.¹² “Document analysis is a systematic procedure for reviewing or evaluating documents – both printed and electronic (computer-based and Internet transmitted) material.”¹³ The term document refers to different forms, including books, brochures, background papers, letters, memoranda, diaries, journals, newspapers, press releases, survey data, different public records, and the like.¹⁴ The document analysis can be applied as a sole method and in combination with other qualitative research methods, such as interviews or questionnaires.¹⁵ In the latter case, when the document analysis is combined with

¹⁰ Nanz/Fritzsche 2012.

¹¹ Ibid., 14.

¹² Bowen 2009: 27.

¹³ Ibid.

¹⁴ Ibid., 28.

¹⁵ Ibid.

other methodologies, a researcher is applying a triangulation, defined by Denzin as “the combination of methodologies in the study of the same phenomenon.”¹⁶

Bowen names five functions of documentary material, of the document analysis that is. Firstly, a document puts the research process in perspective, as it includes data which allow a researcher to identify history of an issue, or to indicate the conditions that influence the analyzed phenomenon.¹⁷ Secondly, the data from documents can generate new questions for the phenomenon which could be included in the research.¹⁸ Thirdly, documents often improve the existing knowledge, which is why researchers should include document analysis as a part of their research process.¹⁹ The fourth reason for the utilization of the document analysis is a possibility to track the development of a certain phenomenon throughout a certain time period.²⁰ When it comes to cases where several drafts of a document or periodic and final reports are available, by means of their comparison the researcher can sometimes discern the essential developments in the object of analysis.²¹ The fifth and the last function of document analysis (as named by Bowen) refers to the document analysis as a method of verification and corroboration of the existing evidence.²² It is not rare that documents offer rather contradictory than corroboratory findings, which serves henceforward as an input for the researcher to extend the investigation.²³

Similar to other qualitative methods, document analysis does not seek to discover a mere quantity or the numerical relation between variables, but it is rather descriptive, and explores the underlying patterns and meanings of a phenomenon.²⁴ However, Bowen claims that document analysis has both advantages and limitations.²⁵ One of its first advantages is the efficiency.²⁶ Compared to other research methods it is less time-consuming, as it does not require data collection, but rather data collection.²⁷ This also makes document analysis cost-

¹⁶ Denzin 1970: 291.

¹⁷ See: Bowen 2009: 29-30.

¹⁸ Ibid., 30.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

²³ Ibid.

²⁴ See: Altheide 2000: 290.

²⁵ See: Bowen 2009: 31.

²⁶ Ibid.

²⁷ Ibid.

effective, since it is more convenient for the researcher to evaluate the already collected data.²⁸ Documents are easily accessible, especially since the expansion of the internet which allowed researcher to utilize documents without the author's permission.²⁹ In addition, documents include the exact details about certain event, and they are continuously available for a repeated review.³⁰ Despite the advantages, document analysis is not always the best methodological choice, and it suffers from several flaws. One of the limitations burdening document analysis is a danger of insufficient details in documents, as they are often developed for the purpose different than the researcher's aim.³¹ Besides, as the choice of the analyzed documents depends on a researcher, according to Robert Yin there is a possibility of a biased selectivity.³² Third limitation, although previously named as the advantage of document analysis, refers to the accessibility of data. Robert Yin claims that documents are not always easily retrievable and may be even intentionally enabled for the access.³³

2.2. Comparative method

The comparative method is one of the oldest and one of the most important tools in the development of knowledge about society and politics.³⁴ Besides the reproduction of knowledge on individual objects, via the systematical comparison, it also allows for the recognition of differences and similarities between several objects of comparison, as well as for the testing of a hypothesis.³⁵ However, the sole method is characterized by several ambiguities. The first of them refers to the very definition of the comparative method because there are two basic definitions developed by the two opposing groups of scholars. According to the first group, the comparative method is defined on the level of political and social system, while the other group of scholars claims for it to be defined by means of the descriptive features that enhance the knowledge about politics and society as a process.³⁶ Another gulf related to comparative method and comparative social science is between the scholars who, on one side, consider the comparative method as a specific kind of comparison, and claim that the comparative method

²⁸ Bowen 2009: 31.

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid., 32.

³² See: Yin 1994: 80.

³³ Ibid.

³⁴ See: Pennings et. al: 2006: 4.

³⁵ See: Pickel et. al: 2009: 9.

³⁶ See: Pennings et. al: 2006: 20.

is at the core of comparative social science and, on the other side, the scientists who object to distinctiveness of the comparative social science in general and the comparative method in particular.³⁷ The third gulf concerns the relationship between the qualitative and quantitative traditions. The gulf is here wider than in any other social science subdisciplines, partly because, unlike in most other areas, a qualitative tradition is dominant.³⁸

Although the comparison is present in our everyday life, it cannot be called a comparative method. The comparative method ensures the systematization of a phenomenon, the explanation of the unknown phenomenon through the existing knowledge, and it allows for the objects of empirical analysis to be related to analytical concepts.³⁹ On top of that, the application of the comparative method induces a general knowledge, as it empirically tests the raised hypothesis.⁴⁰ To avoid the comparison of the cases which are not convenient for comparing, there are two important elements which have to be looked at. Firstly, cases need to be characterized by the same criteria, and secondly, these criteria need to have a certain degree of variance.⁴¹

An important aspect of the comparative method is certainly a case selection, and, according to the popular classification as developed by Guy Peters (referring firstly to country comparison), there are seven possibilities – one case, two cases, small N research, “natural” country groups, the comparison of basic similarities, global comparison and the comparison of world society.⁴² Regarding the two-case comparison, especially relevant for this thesis, Peters claims that the two-case comparison comes down to the identification of the similarities between the cases, which are then used to assess their commonalities instead of focusing on their differences.⁴³ One of the dangers related to the binary comparison is a selection of cases resting on the dependent variable, which in the analysis of extremely different cases results in a situation where every difference appears invalid as an explanation.⁴⁴ As a possible solution, Peters claims that the cases with a more variance when it comes to the dependent variable should be chosen.⁴⁵

³⁷ See: Ragin 1987: 1-2.

³⁸ Ibid., 2.

³⁹ See: Nohlen 1994: 507-509; Almond et al. 2004: 31-34.

⁴⁰ See: Jahn 2013: 163.

⁴¹ Ibid., 167.

⁴² See: Peters 1998: 61-79; Jahn 2013: 247-253.

⁴³ See: Peters 1998: 66.

⁴⁴ Ibid., 67.

⁴⁵ Ibid.

A similar problematic has been elaborated in the work of Arend Lijphart, who defines the comparative method as the analysis of a small number of cases, and “one of the basic methods of establishing general empirical propositions.”⁴⁶ However, at the same time, he identifies a small number of cases and a large number of variables as one of the problems of the comparative method.⁴⁷ As an attempt to minimize this issue, he argues for four solutions – the increase of the number of cases, the reduction of the quantity of variables by combination of two or more variables that depict in essence the similar underlying characteristic into one variable, the focusing of the analysis on the comparable cases, or the cases similar in a large number of relevant characteristics, but dissimilar when it comes to which one wants to relate to each one, and finally, the last proposal: focus on the key variables.⁴⁸

After the introduction and presentation of material and methodology, a third chapter concerns the aspect especially relevant for the third research question of this master thesis — the question of whether urban development can be a niche for the political participation of non-nationals. By offering a close insight into the demographic structure of the both cities, the chapter elaborates why the cities of Vienna and Berlin were taken for the analysis. Aside from this, it presents the cities’ legal frameworks for political participation of the non-nationals and further raises the question why political participation of the non-nationals should be examined.

⁴⁶ See: Lijphart 1971: 682.

⁴⁷ Ibid., 685.

⁴⁸ Ibid., 686-690.

3. Non-nationals in Vienna and Berlin

An important concern of this thesis is the political participation of non-nationals in urban development projects. For the purpose of justifying why this very aspect is dragged under the scope, as well as why the cities Vienna and Berlin were favored, the third chapter deals with the two following topics. Firstly, it offers a peek into the cities' demographics in order to illustrate a migrant background both cities have. (For the purpose of this thesis, a term "migrant" refers to the people residing in the country whose legal citizenship they do not possess, and it will be used interchangeably with the term non-nationals.) Secondly, a legal framework for political involvement of non-nationals in both cities is posited. As Vienna and Berlin both hold a high percentage of non-national residents, it seems relevant to elaborate on how constrained their political participation rights are.

3.1. Non-national residents in Vienna and Berlin

Immigration and emigration flowing in and out of European Union never stops; it only varies in its intensity. The causes of migration are to be found both in origin and destination countries, and they are mostly a combination of economic, environmental, political and social factors which urge people to move from one country to another.⁴⁹ During 2017 a total of 4.4 million people immigrated in one of the EU Member States, including EU citizens, non-EU citizens, and stateless people.⁵⁰ At the beginning of 2018, the number of non-EU citizens residing in the European Union reached 22.3 million, or 4.4% of the total EU population, while an additional 17.6 million of EU-citizens were residents of the European country different than the one they were born in.⁵¹

Migration is not only important per se, but its implications and consequences lead us to attention and closer look. More than one scholar considers migrants as a social group generally excluded from political life.⁵² In countries which do not record a high level of migrants, the question of their political participation might not be the salient one. On the other hand, when it comes to

⁴⁹ See: Eurostat. Migration and migrant population statistics: 1.

⁵⁰ Ibid.

⁵¹ Ibid., 9.

⁵² See: Bauböck 2006: 24.

the countries with a high number of migrants, this question must be addressed. Both Austria and Germany are falling within a group of these countries, always attractive for migrants. For instance, in Germany, out of 1.551.000 people who migrated to the country in 2017, 1.384.000 have a non-German passport.⁵³ In one city district in Vienna, the Rudolfsheim-Fünfhaus district, people with a foreign background are making up to 53.1 % of the residents.⁵⁴

Vienna is the largest city, capital city, and a state (ger. *Bundesland*) in Austria, with a total population of 1.867.582 people.⁵⁵ Vienna is a residence for 182 different nationalities, the highest percentage being Austrians, 71.4%, followed by Serbia with 4.1% and Turkey with 2.5%.⁵⁶ It has been one of the main European destinations for migrants throughout the years, which is confirmed by the fact that 50% of Viennese have a migration background.⁵⁷ The term migration background refers to persons who were either born abroad or have at least one parent who was born abroad. A large percentage of the Viennese population, even 39 %, i.e., 734.709 persons have a foreign background which here means that these persons were either born abroad and/ or have a foreign nationality.⁵⁸ A figure of 230.605 people living in Vienna hold nationality of an EU or EFTA member states, and another 303.927 are owners of some third-world country citizenship.⁵⁹ Berlin tells a similar story in regard to migration. It is the largest city, capital city and a state (ger. *Bundesland*) in Germany and in 2018 it had a population of 3.644.998 people.⁶⁰ It is a home to 795.390 or 21.8% foreign residents, which makes it the German state with the highest percentage of foreigners.⁶¹ (Term foreigner resembles a person who does not have German citizenship.)

Bearing in mind such population structure, it becomes clear that both cities need to develop mechanisms to integrate all these people into political life and to give them the means to participate in the decision-making process. In the upcoming chapter, a legal framework for non-nationals' participation rights will be displayed.

⁵³ See: Das Statistische Bundesamt. Migration 2017: 416 000 Personen mehr nach Deutschland zugezogen als abgewandert.

⁵⁴ See: Stadt Wien. Facts and figures on Migration 2017 - Viennese population.

⁵⁵ Ibid.

⁵⁶ See: Vienna in Figures 2017:4.

⁵⁷ See: Stadt Wien. Facts and figures on Migration 2017- Viennese population.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ See: Das Statistische Bundesamt. Ausländische Bevölkerung nach Bundesländern.

⁶¹ Ibid.

3.2. Legal framework for non-nationals participation

The idea of limited non-nationals' political rights within one country is well known in European literature.⁶² Throughout the history of non-nationals' political rights, such citizens could not stand as candidates for elections, could not cast their votes, and were not represented (in any form), within political institutions.⁶³ Migrants' political participation has not been unified throughout countries, either in Europe or outside of Europe. Forms of migrant's political participation depend largely on the "structure of political opportunities present at a given time and in a given society, which is the result of inclusion-exclusion mechanisms developed by the states (of residence and origin) and their political systems."⁶⁴ One of the mechanisms affecting political participation rights is certainly the one referring to conditions for earning a citizenship. When access to citizenship is not burdened by many requirements, it grants the opportunity for easier access and involvement into formal political life.⁶⁵ On the other hand, by imposing higher demands and a complicated bureaucracy, it leaves citizens only with non-conventional forms of political participation,⁶⁶ and even these forms are highly restricted in most of the countries. There are two main systems for acquiring a citizenship upon birth – *ius sanguinis* and *ius soli* system. According to *ius sanguinis*, or right of blood principle, parents' citizenship is inherited by their children, whilst *ius soli* or right of soil system guarantees an individual a citizenship of the country of birth.⁶⁷ Both Germany and Austria are applying a *ius sanguinis* system, with Germany being one of the most vocal examples of this system in Europe.⁶⁸

Political participation of non-nationals, the people living in a country different from one whose citizenship they are in possession of, has been widely discussed topic among the scholars. While everyone agrees that non-nationals must participate in and be able to influence the decision-making process, the opinions differentiate in terms of how and to which extent they should be included. As political participation rights are tied to citizenship, it follows that conditions for acquiring a citizenship are directly influencing the inclusion in decision-making process. In the view of this, it can be said that there are two possible solutions for the inclusion of non-nationals

⁶² See: Martiniello 2006: 85.

⁶³ Ibid., 85-86.

⁶⁴ Ibid., 88.

⁶⁵ Ibid., 102.

⁶⁶ Ibid., 103.

⁶⁷ See: Entzinger 1999: 15.

⁶⁸ Ibid.

into political life. The first one is the extension of voting rights for non-nationals; in other words, giving them a direct possibility to represent theirs and the interests of those alike to them.⁶⁹ Speaking within the frame of the European Union, it is important to mention a differentiation between the two types of non-nationals, and consequently, between different possibilities of political participation. These two groups are the nationals of EU countries and the third-country nationals. While the third-country nationals are often completely excluded from political participation, the nationals of EU member states usually have voting rights in municipal and European elections. When it comes to the voting rights of third-country nationals, a majority of 15 of the 28 EU member states guarantee some kind of political participation on municipal level, while 13 member states do not guarantee those rights within their legislations.⁷⁰ Out of 15, in only 11 EU countries — Belgium, Denmark, Finland, Ireland, Luxembourg, the Netherlands, Portugal, Slovakia, Spain, Sweden, and the United Kingdom — all foreign residents have active and passive at the local level.⁷¹ Austria and Germany are among the countries which deprive third-country nationals of voting rights. The second option granting non-nationals political participation rights is naturalization — either by lowering legal requirements or by granting them dual citizenship.⁷² Throughout this thesis, the term *an EU national* is used to characterize the citizens owning the citizenship of one of the countries of the European Union while residing in some other EU country. The term *third country nationals* refers to the citizens owning the citizenship of some non-EU country and at the same time residing within the European Union.

Both cities should have certain mechanisms to embrace all their residents, the nationals and non-nationals, into political life; to accord them with a means to participate in decisions relating to all residents. Austria and Germany regulate the political participation of non-nationals in a very similar way. The voting rights in both countries are strictly tied to citizenship, and its earning is regulated through their citizenship bills.⁷³ When it comes to the voting rights, they are also defined in a similar manner. The active voting rights (e.g. in federal elections) are guaranteed to all the men and women who are in the possession of an Austrian citizenship, at the election day are at least 16 years old, and are not denied access to vote.⁷⁴ Passive voting

⁶⁹ See: Entzinger 1999: 15.

⁷⁰ See: Groenendijk, 2014: 4.

⁷¹ Ibid.

⁷² See: Entzinger 1999: 16.

⁷³ Staatsbürgerschaftsgesetz 1985 § 6; Staatsangehörigkeitsgesetz § 3.

⁷⁴ See: Nationalrats-Wahlordnung 1992 § 21.

rights are guaranteed to everyone who, on the qualifying date, hold an Austrian citizenship and on the election day are 18 years old.⁷⁵ German Election Law (*ger. Bundeswahlgesetz*) prescribes that active voting right (e.g. in federal elections) is granted to everyone who is considered German, who is, on the election day, 18 years old, who has an apartment in Germany for at least three months (or is otherwise living in Germany), and who is not prohibited from voting rights.⁷⁶ The same law code determines that to have a passive voting right, one has to be German and has to be 18 years old.⁷⁷ Also, the instruments of direct democracy, such as plebiscite and referendum, cannot be implemented by non-nationals.⁷⁸ As has already been mentioned, it should be differentiated between the EU and non-EU citizens, because of the fact that their voting rights differ. If residents in Austria or Germany, EU-citizens have active voting rights at the communal level; however, the same rights are not available for non-EU citizens.⁷⁹ The active and passive voting rights for European Parliament elections are also secured to EU-citizens, no matter in which European country they reside.⁸⁰ Non-nationals are allowed to establish organizations, to be members of political parties or unions, but they can neither form political parties nor organize demonstrations.⁸¹ The German bill on political parties goes so far as to proclaim that political party loses its qualification as a party if the majority of its members or the members of the Board are non-nationals.⁸² According to *Staatsgrundgesetz* in Austria and *Grundgesetz* in Germany, the only right guaranteed to everyone is the right of petition.⁸³ It is a right for citizens to make a request or a complaint, which is further submitted to the parliament.⁸⁴

Apart from the illustration of the highly migrant-characterized structure of population in both cities, the third chapter pointed out a narrowly defined political participation of non-nationals in Vienna and Berlin. The possibility of formal political participation is wholly non-existent for the holders of a third-country citizenship, while the European Union citizens are only entitled

⁷⁵ See: Nationalrats-Wahlordnung 1992 § 41.

⁷⁶ See: Bundeswahlgesetz § 12.

⁷⁷ Ibid., §15.

⁷⁸ See: Volkabstimmungsgesetz 1972 §5 (2); Grundgesetz für die Bundesrepublik Deutschland Art 29 (4).

⁷⁹ See: Bundes-Verfassungsgesetz Art.117 (2); Grundgesetz für die Bundesrepublik Deutschland Art 28

⁸⁰ See: Richtlinie 93/109/EG des Rates vom 6. Dezember 1993 über die Einzelheiten der Ausübung des aktiven und passiven Wahlrechts bei den Wahlen zum Europäischen Parlament für Unionsbürger mit Wohnsitz in einem Mitgliedstaat, dessen Staatsangehörigkeit sie nicht besitzen.

⁸¹ See: Versammlungsgesetz 1953 § 8.

⁸² See: Parteiengesetz § 2.

⁸³ See: Staatsgrundgesetz Art. 11; Grundgesetz für die Bundesrepublik Deutschland Art 17.

⁸⁴ See: Grundgesetz für die Bundesrepublik Deutschland Art 17.

to limited political rights. They have the active and passive voting rights for the European Parliament elections and the active voting rights at the communal level. It was crucial to comprise this chapter, as it justifies the necessity to take a closer look at the areas where non-nationals (either the third country citizens or those of the EU) are allowed to participate as well as to depict urban development as one such area. More on political participation in general, as well as political participation in urban development projects, follows in the next chapter.

4. Participation: Theoretical background

Before we commence with the analysis of the participation policies in the area of urban development, the heart of our thesis, we need to delve into what the theoretical basis of this thesis is. The fourth chapter provides the theoretical and analytical thoughts on the issue of participation. The chapter includes three sub-chapters, each one tackling different theoretical and analytical points vital for the further course of thesis. It will cover a sub-chapter on political participation in general, and its various definitions and forms; a sub-chapter on deliberative political participation, where this form of participation will be considered in more detail; and, lastly, the sub-chapter comprising political participation and urban development. Highly relevant is the first sub-chapter which, besides the theoretical, also deals with the analytical basis for the thesis, namely with the criteria for the assessment of political participation defined by Professor Nanz and political scientist Fritzsche, as well as by Sherry Arnstein.

4.1. Participation

4.1.1. Defining political participation

The literature on political participation varies in size by different approaches when it comes to how to interpret it or the forms it can take, but the scholars agree at least on one thing, and this goes hand in hand with the point of this master thesis too – political participation is an inevitable element for an equal society and human development.⁸⁵

The term participation derives from the Latin word *pars*, meaning *part* and *capere*, meaning *to take it*, and therefore it symbolizes the act of taking part in and engaging.⁸⁶ Norbert Kersting distinguishes between the participation in decision-implementation and decision-finding process as two types of social participation. While the first one is referred to as a *Selfhelp* or citizens engagement, the later one is classified as political participation, and it refers exclusively to participation in the decision-finding process.⁸⁷ This can be further applied through different

⁸⁵ See: Kersting 2008 (b): 14-15.

⁸⁶ Ibid., 20.

⁸⁷ Ibid.

sorts of participation – direct democracy, citizens’ initiative, the involvement in political party or voting.⁸⁸

By boldly defining political participation, certain activities can easily get erased from its scope. Wishing to evade that, this master thesis opts for an inclusive definition, like the one developed by Goel and Milbrath. According to their work, the political participation “...includes not only active roles that people pursue in order to influence political outcomes but also ceremonial and support activities.”⁸⁹ A similar viewpoint is taken by Berrie Axford who emphasizes the voluntary character of political participation, thereby describing it as voluntary actions taken by people who want to influence the making of public policy.⁹⁰ For Parry, Moyser and Day political participation presupposes the involvement “in the processes of formulation, passage, and implementation of public policies,” although they consider this definition burdened by many ambiguities.⁹¹

Other authors insist that participation must entail an act. One of the definitions clarifies that it can be defined as “individual or collective action at the national or local level that supports or opposes state structures, authorities, and/or decisions regarding allocation of public goods.”⁹² So, the actions made can be verbal or written, the acts can be violent or nonviolent, and they can be of a different intensity.⁹³ Participation must presume some kind of act, while the “support participation,”⁹⁴ interest in politics or allegiance to a political party does not constitute participation.⁹⁵ These acts are in no way identical, but rather differ in what they can get the citizens, what they get the citizens into and what it takes to get into them.⁹⁶ Heike Walk speaks about three roles of the participation – the democratic, economic and emancipatory role. The democratic function emphasizes the role of civil society and interest of different social groups.⁹⁷ The participation gives a civil society a seat at the table in the processes of discussing political decisions, while giving those processes and decisions a legitimacy.⁹⁸ The economic function of

⁸⁸ See: Kersting 2008 (b): 20.

⁸⁹ Goel/Milbrath 1977: 2.

⁹⁰ See: Axford 2002: 121.

⁹¹ See: Parry/Moyser/Day 1992: 16-19.

⁹² Conge 1988: 247.

⁹³ Ibid.

⁹⁴ See: Verba/Nie/Kim 1978: 47.

⁹⁵ See: Fagence 1977: 129.

⁹⁶ See: Verba/Nie 1972: 45.

⁹⁷ See: Walk 2011: 63.

⁹⁸ Ibid.

participation accentuates the efficiency of the decision-making process.⁹⁹ The third, emancipatory function is reflected in the inclusion of the previously excluded social groups into the political life of a certain society.¹⁰⁰

4.1.2. Forms

As evident from the previous sub-chapter, different authors stress different aspects of political participation and consequently develop their definitions. To descend deeper into the political participation, this chapter will offer an overview of the forms the political participation which can be applied.

One differentiation is between the conventional (institutionalized) and non-conventional (non-institutionalized) participation forms. The institutionalized participation is, in essence, voting in elections and related activities (such as campaign activities), and for a long time, the political participation has been seen primarily in this context.¹⁰¹ The non-institutionalized, or also called non-electoral participation, found its swing in the 1960's across the US and the Western democracies.¹⁰² Street demonstrations, sit-ins or the blocking of traffic during the Vietnam War emerged as a new mode of not only political participation *per se*, but as a wake-up call to a new understanding of the citizens of their political role.¹⁰³ These new forms of participation have been additionally enhanced, given that the voters felt alienated from formal government and that the election turnout has declined.¹⁰⁴ The possibilities to contact the elected representatives or the government officials, to work with the informal groups in the community or to participate using the internet are only some of the forms of political participation available to the citizens today.¹⁰⁵ However, although the citizen participation should be enhanced, it must in no way lead to a decrease in party membership or to a devaluation of the parliamentary procedures.¹⁰⁶ The non-institutionalized forms of participation should go hand in hand with the forms of representative and direct democracy, and they should keep each other in balance.¹⁰⁷

⁹⁹ See: Walk 2011: 64.

¹⁰⁰ Ibid.

¹⁰¹ See: Verba/Nie 1972: 44; Kaase 1999: 15.

¹⁰² See: Kaase 1999: 14.

¹⁰³ Ibid.

¹⁰⁴ See: Dalton 2008: 85; Innes/Booher 2004: 420.

¹⁰⁵ See: Dalton 2008: 85.

¹⁰⁶ See: Kumpf 2011:18.

¹⁰⁷ See: Kumpf 2011:18-19; Roth 2011: 51.

The efforts to increase the citizens' inclination to participation have been previously directed toward the non-institutionalized forms, such as protests, citizen initiatives, and the like.¹⁰⁸ It seems now that this approach needs to be redirected, and that the energy needs to be poured into developing of some other forms of participation. Today there is a widespread view that democracy could be strengthened from the "inside," by creating new forms of participation, but the institutionalized ones.¹⁰⁹ Various forms of deliberative, associative or direct democracy are occurring at the communal level mostly (for now), while the European or state level still stays out of reach for this kind of participation.¹¹⁰ More reasoning on the deliberative type of participation will be done in one of the next chapters.

Verba and Nie define four types of political participation, depending on whether they include electoral or non-electoral activities. The two main and the most dominant ones are the voting and campaign activities, which are both electoral activities.¹¹¹ The third type is a so-called citizen-initiated contact, and it is conducted through the citizens' direct contact with their government officials.¹¹² The fourth type, as well as the third, is the form of participation outside the electoral process.¹¹³ Different than the citizen-initiated type, it is not conducted by one citizen, but in a group, in co-operation with others.¹¹⁴ It is a typical activity for dealing with common social and political problems on a communal level.¹¹⁵ Goel and Milbrath suggested a hierarchical model of political participation, which was considered unidimensional for a long time, as it had earlier been aimed almost exclusively at the electoral activities.¹¹⁶ They claimed that political participation is multidimensional and that political acts should be hierarchically organized, from the least difficult to the most difficult ones.¹¹⁷ Besides the differentiation in the level of difficulty, it should be noted that each level is also the expression of different styles with which citizens try to relate to government and politics.¹¹⁸ Goel and Milbrath conducted the analysis across several countries and developed a classification with the rather specialized types of participation. These meant seven different types of actors, each being specialized in a

¹⁰⁸ See: Roth 2011: 48.

¹⁰⁹ Ibid.

¹¹⁰ Ibid., 48-50.

¹¹¹ See: Verba/Nie 1972: 46.

¹¹² Ibid., 47.

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ See: Goel/Milbrath 1977: 11.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

certain mode of participation.¹¹⁹ They found that participation in most democratic political systems is conducted through voting, party and campaign workers, community activists, contacts with officials, protestors, or communicators.¹²⁰

Another typology covers the levels of participation. One which is certainly most often cited is the Arnstein's "Ladder of citizen participation." To describe citizen involvement in planning processes, she created an eight-rung ladder, explaining the potential effect of each level of participation and whether some of them can even be considered participation.¹²¹ Schäfer makes a similar distinction when differentiating between informing the citizens, hearing and consultation, and factual cooperation, which is often limited to the middle class and educated citizens.¹²²

4.1.3. Systematization per Nanz and Fritsche

Nanz Patrizia, a professor of a Political Theory, and Fritsche Miriam, a political scientist, are the authors of the book "Handbuch Bürgerbeteiligung. Verfahren und Akteure, Chancen und Grenzen."¹²³ Relying on Fung Archon, they have brought about the criteria for the classification of exclusively deliberative participation methods, used mostly in urban development projects.¹²⁴ Their classification has been indeed used to categorize different methods. However, for the purpose of this work, the criteria will be utilized to evaluate participation policies in urban development. On the account of the analysis, it has been unveiled that the participation in urban development projects in Vienna and Berlin had been conducted through two methods of participation, that is, information events and public presentations, and so, as a result, the utilization of the criteria seemed even more adequate.

The criteria have been summarized as following:

- a) the organizational characteristics such as the length of participation process and the number of participants;
- b) the selection of participants;
- c) the dominant communication forms in participation process;

¹¹⁹ See: Goel/Milbrath 1977: 11

¹²⁰ Ibid.

¹²¹ See: Arnstein 1969: 217.

¹²² See: Schäfers 2003: 267, 268.

¹²³ See: Nanz/Fritsche 2015.

¹²⁴ Ibid., 8.

d) the functions of participation process.¹²⁵

The first set of criteria points to the length of a participation process, and the number of participants included. When it comes to the length of participation, it should be taken into consideration whether participation is organized as a one-time event or it is open for participation over a longer period of time, as well as whether a participation process must be open over a certain time period.¹²⁶ When assessing the number of participants, some of the following questions should be considered: does the participation process have a restricted number of participants; is the participation process eligible for small/large groups; are the same participants obliged to participate throughout the whole process, or can some of them leave the process so that some new actors can join.¹²⁷ Additionally, in this first set of characteristics, Nanz and Fritsche include costs of participation, as they can strongly vary due to different requirements related to participants' selection or the organization of the whole participation process.¹²⁸

The second set criteria deals with the selection of participants and presents several types of selections, as well as several types of participants. On the one hand, participation can be open to anyone interested in a specific topic from the individuals whose interests are especially affected by a certain topic, to experts (be it additional or exclusive participants), or, on the other hand, participation can aim at the integration of "normal" citizens, so that through discussion their different experiences and expectations can emerge.¹²⁹ Due to very different kinds of participants, the inference can be drawn that through the choice of participants, the initiators of the participation processes for a certain project (in urban development those are city authorities) can influence the outcome of these participation process.¹³⁰ Furthermore, the most important implication of participant selection is that it reflects a social representation, which above all makes these criteria extremely relevant.¹³¹ There are three forms of participants' selection, namely: self-selection, random selections and targeted selection. Through the self-selection process, which is open to anyone interested, participants decide with their own free will to

¹²⁵ See: Nanz/Fritsche 2015: 25.

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Ibid.

¹²⁹ Ibid., 26.

¹³⁰ Ibid.

¹³¹ Ibid.

participate in a certain decision-making process.¹³² However, although this type of participant selection allows anyone to participate, it is packed with several problems. In cases when participants are allowed to choose whether to partake in a decision-making process of a certain project it can come to an uneven representation of the educated/uneducated or the individuals with different amount of leisure time, and there is also a possibility of the domination of only one, self-selected social group, whilst the individuals whose interests are awakened are not always the ones who participate the most.¹³³ The random selection remedies this hypothetical undermining of the representation and domination of particular interests which can ensue through a self-selection process.¹³⁴ However, given that the assumption of the participation of the more educated and people with more free time is applicable here too, a possible solution would be to consider the combination of random and targeted selection of participants.¹³⁵ After the random selection is done, via the additional application of targeted selection method the problem of underrepresentation of certain social groups would be successfully avoided.¹³⁶ The method of targeted selection is aimed at the incorporation of the representatives of certain social groups because the reason for the participation process is related most closely to their interests.¹³⁷ Excluding the regular targeted selection of participants, there is also its special form called “advocate planning,” where participants act on behalf of the underrepresented or excluded groups and therefore are provided with an opportunity to indirectly express their interests.¹³⁸

Before the question of participant selection is even evoked, it is advisable to reconsider how to inform participants about the participation process in the first place, as the channels of communication and the intensity of their use are the first step towards the incorporation of citizens.¹³⁹ Whether they are informed through advertisements, announcements, postings or publications, or whether the information is acquired through a “mouth to mouth propaganda” can play a great role when it comes to the time of the familiarization with the participation process — in other words, whether the familiarization happens in the early stage or immediately

¹³² See: Nanz/Fritzsche 2015: 26-27.

¹³³ Ibid., 27.

¹³⁴ Ibid.

¹³⁵ Ibid.

¹³⁶ Ibid.

¹³⁷ Ibid., 28.

¹³⁸ Ibid.

¹³⁹ Ibid., 29.

before the beginning of the process.¹⁴⁰ A practice has shown that the previous efforts, appraised as appropriate by the state, have resulted as insufficient.¹⁴¹

The third set of characteristics refers to the communication between participants during the participation process. Different participation processes require different communication forms, which further reflect on decision-making process.¹⁴² Similar to Arnstein's gradation, which is given the outlay of in the following sub-chapter, there persist different levels of communication intensity. The lowest level of communication is the one where participants are mere listeners and observers and where information events impose on them a passive role reduced to listening to a discussion between interest representatives.¹⁴³ The communication realized on this level is not regarded as an actual communication.¹⁴⁴ A real communication begins when the transfer of information is not in the center of the process, and when participants' input becomes an important element of the process (which can, by the way, take several forms).¹⁴⁵ The first one is *articulation of interests*, where participants have the opportunity to express their opinions, interests, and ideas, as well as to compare their perspectives and the perspectives of other participants.¹⁴⁶ In the second form *negotiation*, different opinions/ideas are brought together, by following the principle "give and take" leading to a compromise.¹⁴⁷ The third form dwells on the *exchange of arguments and deliberation*.¹⁴⁸ The goal of this form of communication is in building a collective opinion, reached through the exchange of perspectives, interests, and requests.¹⁴⁹ Deliberation, in general, rests on the two assumptions. The first one is that all participants must navigate to a common solution and the second one is that a common solution is achieved through the process of exchange and learning.¹⁵⁰ An ideal deliberation is achieved through the empathy when the opinion of the other is accepted, and persuasion, when the opinion of the other is adopted.¹⁵¹

¹⁴⁰ See: Nanz/Fritsche 2015: 29.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid., 30.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ Ibid., 31.

¹⁵¹ Ibid.

The fourth and the last set of characteristics, according to Nanz and Fritsche, pertains to the functions of participation process. The question of the functions of one participation process hovers about the question of the role that one participation process has in a political decision-making process and in public opinion.¹⁵² It is not rare that official authorities refer to information events where citizens can only acquire information about a certain issue, as, for instance, citizen participation.¹⁵³ According to Nanz and Fritsche, the mere information transfer cannot be labeled as a form of participation able to create an influence on the decision-making process.¹⁵⁴ Participation produces an influence only when through it an input is created for participants, public debate or official authorities.¹⁵⁵ To differ between levels of influence, Nanz and Fritsche invented a scheme, which extends from individual use and personal competences to co-governance and co-deciding. On the first level of participation, the authors place the individual use and personal competences where participants do not realize an influence on the decision-making process but nevertheless use the participation to enrich their knowledge, their “democratic skills” or to make contacts with the like-minded.¹⁵⁶ On the second level of the participation, participants do not exercise the influence on the political decision-making process, but it, however, triggers a public debate about an issue or a specific aspect of an issue.¹⁵⁷ The participation process has potential to mediate between extremely opposite opinions and to contribute to finding a common ground.¹⁵⁸ Also, through the voicing of an issue in media, the decision makers could be pressured.¹⁵⁹

The third level of participation is performed through consultation with citizens, and the expression of citizens’ opinions in form of recommendations.¹⁶⁰ Participation is realized so that citizens make the recommendations which decision-makers have to take into consideration when making a decision about a certain project.¹⁶¹ Ideally, the decision-makers are obliged to give feedback to citizens about the further application of participation results, as well as to make known the reasoning behind their decisions.¹⁶² The last and highest level of influence is

¹⁵² See: Nanz/Fritsche 2015: 31

¹⁵³ Ibid.

¹⁵⁴ Ibid., 32.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid., 33.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

¹⁶⁰ Ibid., 34.

¹⁶¹ Ibid.,

¹⁶² Ibid.

achieved through co-deciding and co-governance.¹⁶³ It basically means that the state leaves a whole decision-making process in the hands of participants and that the citizens are guaranteed that their recommendations are included in the further course of decision-making process.¹⁶⁴ To raise the chances of a successful participation process, it should be defined clearly, for both decision-makers and participants, which level of influence on the decision-making process can be achieved through the participation.¹⁶⁵

4.1.4. Arnstein's ladder of participation

Sherry Arnstein is the author of the article "A ladder of citizen participation," which became increasingly prominent, as it sheds new light on citizens' power in a decision-making process. Arnstein summarizes citizen participation as a "categorical term for citizen power," and uses three social programs – antipoverty, Model Cities, and urban renewal as the examples in order to critically assess the levels of citizen participation and therefore the levels of citizen power in influencing the decision-making process.¹⁶⁶ She focuses first of all on the have-nots – the parts of the society which are estranged from the economic and political processes and considers the participation in decision-making processes as a power toll for their future inclusion.¹⁶⁷ According to Arnstein, it can be differentiated between eight levels of participation which can be summarized into the three further levels, *nonparticipation*, *degrees of tokenism* and *degrees of citizen power*.

Nonparticipation includes two levels: manipulation, and therapy. Manipulation is depicted in citizen participation in advisory boards or the committees for the purpose of their education or acquiring their support, while falsely presenting it as a genuine citizen participation.¹⁶⁸ Oftentimes terms such as "information-gathering," "public-relations" and "support" are made use of to describe the functions of such committees.¹⁶⁹ On the level of therapy mental and health experts base their actions on the assumptions that powerlessness is the same as mental illness.¹⁷⁰ To falsely depict it as a participation, the administrators include the citizens into clinical group

¹⁶³ See: Nanz/Fritzsche 2015: 34.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid., 35.

¹⁶⁶ See: Arnstein 1969: 216.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid., 218.

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

therapies, in order to cure their “pathology.”¹⁷¹ Both levels, the manipulation, and the therapy, although often termed as participation, do not enable people to participate, but only allow powerholders to educate and cure the participants.¹⁷²

The second level is referred to as *degree of tokenism*, and it encompasses informing, consultation and placation. Although informing citizens is the first step toward the further levels of participation, it does not have the strength to empower citizens.¹⁷³ It is mostly administered through the news media, pamphlets, posters, and the response to inquiries, and hence as such provides merely a one-way communication.¹⁷⁴ A level on which citizens are consulted and asked for their opinion does not reach its full potential if it is not merged with the other methods of participation.¹⁷⁵ That which counts for the powerholders is how many brochures were taken, or how many people came or answered the questionnaire for that matter, and not the substance of participation.¹⁷⁶ There is no assurance that the citizens’ input will be registered during the decision-making process.¹⁷⁷ Placation belongs to the same group as informing and consulting, but it has been positioned at the highest ladder in the tokenism subgroup. Participants have influence to a certain degree, because of the fact that few of them are chosen for the boards of some public bodies, such as board of education, police commission or housing authority.¹⁷⁸ However, the degree of influence they can win is strongly dependent upon the powerholders as the participants can easily be outvoted, if the traditional decision-makers hold the majority of seats or their influence can be weakened if the elite holds no accountability toward the community.¹⁷⁹ There are two factors having an effect on the degree to which citizens are placated: “the quality of technical assistance they have in articulating their priorities; and the extent to which the community has been organized to press for those priorities.”¹⁸⁰

The last subgroup Arnstein labels *degrees of citizen power*, and it involves partnership, delegated power, and citizen control. When the participation reaches a form of partnership, the

¹⁷¹ See: Arnstein 1969: 218.

¹⁷² Ibid., 217.

¹⁷³ Ibid., 219.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid., 220.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

power of deciding is divided between participants and stakeholders by means of negotiation, and decision-making and planning activities are organized through joint policy boards, planning committees or the mechanisms for resolving impasses.¹⁸¹ For partnership to be effective and for citizens to have a genuine influence over the outcome of planning, several conditions, such as accountability towards community, financial resources for the citizens' group leaders and resources for services, (e.g. lawyers, technicians, community organizers) have to be fulfilled.¹⁸² The seventh rang on the Arnstein's ladder is dubbed as a delegated power. At this level, citizens have a prevalent decision-making authority over a certain project, which is reflected in the fact that in case of disputes, these are being resolved through negotiations and bargaining.¹⁸³ The examples of delegated power are the foundations of a neighborhood corporation with the insurance that citizens would have a majority vote or the parallel groups of citizens and powerholders with a guarantee of citizens' right to veto in case a dispute cannot be resolved through negotiation.¹⁸⁴ The last and the highest level of citizen participation is attained through citizen control. This degree of citizen power makes it possible for citizens to completely navigate a certain program or an institution, to decide on the entire policy and managerial aspects, as well as to negotiate the conditions under which the "outsiders" may participate and eventually change these aspects.¹⁸⁵ This form of participation developed a new discussion, as some were of an opinion that it gives too much power to one side and causes various negative consequences, some of them being separatism, the fragmentation of public service, higher costs or lesser efficiency.¹⁸⁶ As the author has noted too, these arguments are not out of relevance and should be taken into consideration, but in any event, the situation which gave rise to the discussion about the necessity of citizen participation must be pondered on as well.¹⁸⁷

4.2. Deliberative participation

4.2.1. Definition

¹⁸¹ See: Arnstein 1969: 221

¹⁸² Ibid., 221.

¹⁸³ Ibid., 222.

¹⁸⁴ Ibid.

¹⁸⁵ Ibid., 223.

¹⁸⁶ Ibid., 224.

¹⁸⁷ Ibid.

A conceptual turn to deliberation came as a critique of the previous model of democracy.¹⁸⁸ The previously dominant liberal paradigm which presupposed strategic bargaining between self-interested actors at the market and the use of economic patterns and economic markets model to shape the political processes resulted in unjustified decisions brought by powerful rulers.¹⁸⁹

Norbert Kersting considers participation through dialog-based instruments as an important form of participation in the decision-finding process.¹⁹⁰ The main *operandus modi* of deliberative democracy is to use arguments and public discussions to transform different preferences of participants, instead of merely aggregating them, as it is the case with voting.¹⁹¹ It is not expected from deliberation to generate the consensus in every single case, but some sort of agreement or common good must be reached and agreed upon.¹⁹² Although the deliberation itself is not a new concept, disagreements about its definition still linger. There is certainly not only one strict definition, but rather more of them, developed by different authors.

Before discussing different understandings of the term, it is important to emphasize its distinctness from social participation. As maintained by Vetter and Remer-Bollow, social participation represents a form of citizen participation on the matters not strictly related to politics, while deliberative participation allows citizens to participate in the processes of planning, ahead of the decision- making processes.¹⁹³ Relying on the definition developed by Vetter and Remer-Bollow, this thesis adopts the understanding of the deliberative participation as a cooperative and dialog-oriented form of participation.¹⁹⁴ James Bohman defines public deliberation as “a dialogical process of exchanging reasons for the purpose of resolving problematic situations that cannot be settled without interpersonal coordination and cooperation.”¹⁹⁵ Besides Bohman, several other authors’ definitions also deem dialogue as the main instrument for problem resolution, for deciding and planning through a joint and cooperative activity.¹⁹⁶ Dryzek uses an inclusive definition and defines deliberation as a

¹⁸⁸ See: Fishkin/Luskin 2000: 17-20; Saretzki 2014: 27-28.

¹⁸⁹ See: Saretzki 2014: 27-28; Eckersley 2000: 120.

¹⁹⁰ See: Kersting 2008 (b): 20.

¹⁹¹ See: Mills/Fraiser 2000: 139.

¹⁹² See: Mills/Fraiser 2000: 139; Eckersley 2000: 125.

¹⁹³ See: Vetter/Remer-Bollow 2017: 103.

¹⁹⁴ Ibid.

¹⁹⁵ Bohman 2000: 27.

¹⁹⁶ See: Bohman 2000: 27; Gutmann/Thompson 2009: 3; Warren 1995: 181; Eckersley 2000: 120.

communication which “induces reflection on preferences in a non-coercive fashion.”¹⁹⁷ This definition does not attempt to define every type of communication as a deliberation, but it surely loosens the criteria for something to be seen as a political communication.¹⁹⁸ Having in mind this broader definition, it can be said that deliberation serves as a framework for resolving disagreements and differences and that it can differ from case to case.¹⁹⁹

The quality of reasons given by citizens and their representatives through dialogue is one of and the most important features of deliberative democracy.²⁰⁰ These reasons should be accessible and comprehensible to all the citizens participating, as they are justified only through the acceptance of all people involved.²⁰¹ The processes of discussions and dialogues preceding the decision are aimed at delivering the decision which will be justified and binding for at least certain time period.²⁰² Without a dispute, possibility of further discussions should and must exist, as it is almost certain that in the future the changes or adjustments of decisions will be needed.²⁰³

4.2.2. Methods of deliberative participation

One of the attributes of deliberative participation is that it can be performed not only through one strictly defined method or form but through many different ones. These are not prescribed by law, and the decision when and how they are to be carried out is left for the organizers to decide.²⁰⁴ As the extent of deliberative methods and forms surpasses the limits of this thesis, I will introduce the readers with only some of them.²⁰⁵ As this master thesis focuses on the participation at urban planning, I will make the following distinction. The first two methods presented are some of the most known deliberative methods used in general, while the last two are attributable to urban planning especially. The first two methods are widely resorted to in Germany and Austria. Therefore, their introduction seems even more appropriate.

¹⁹⁷ Dryzek 2000: 85.

¹⁹⁸ See: Dryzek 2000: 85; Eckersley 2000: 124.

¹⁹⁹ See: Eckersley 2000: 125.

²⁰⁰ See: Gutmann/Thompson 2009: 3; Bohman 2000: 25.

²⁰¹ See: Gutmann/Thompson 2009: 4.

²⁰² Ibid., 5.

²⁰³ Ibid., 6.

²⁰⁴ See: Vetter/Remer-Bollow 2017: 104.

²⁰⁵ For an extensive overview of deliberative methods, see: Bartelsmann Stiftung (ed.) (2012). Politik beleben, Bürger beteiligen. Charakteristika neuer Beteiligungsmodelle.

The first method discussed is called participatory budgeting and it was firstly applied in Brazil in the late 1980s.²⁰⁶ It remained a typical participation method for Latin America, although in 2001 its implementation started spreading throughout Europe.²⁰⁷ Although it is hard to give a universal definition, participatory budgeting can be defined as a method which guarantees non-elected citizens to participate in managing – the conception and/or allocation of public finances.²⁰⁸ The additional criteria surrounding this deliberative method are: the discussion of financial/budgetary dimensions as participatory budgeting confronts the issue of limited resources; the engagement of city level or a (decentralized) district with an elected body and some power over administration; the repetition of process, since one meeting or one referendum on financial issues is not an example of participatory budgeting; specific meeting/forum needs to include some form of public deliberation, for the reason that the opening of administrative meetings or classical representative instances to ‘normal’ citizens is not participatory budgeting; and some accountability on the output towards participants is mandatory.”²⁰⁹

According to Lars Holtkamp, a German political scientist, participatory budgeting could be structured into three phases. As soon as the participatory budget has been introduced into the City Council, citizen needs to be informed about the overall, as well as about the specific, parts of budget, whether by way of brochures, internet, newspapers, or similar convenient media channels.²¹⁰ Afterwards, in the second phase, the citizens are given an opportunity to express their opinions and debate generally over the budget, as well as about the specific decisions, such as saving measures or planned investments.²¹¹ The third and final phase stands for the City Council’s accountability. At this stage, the Council is compelled to inform and to elaborate citizens, through brochures or internet their decisions, such as, for instance, which inputs they have accepted, which they have rejected, and why.²¹² Another participatory method, relatively common in Austria, is a Wisdom Council (*ger. Bürgerrat*). The Councils are organized as a group of eight to twelve participants engaged in finding solutions for a certain urgent social problem.²¹³ The group is moderated by a facilitator who applies the method of “dynamic

²⁰⁶ See: Sintomer et al. 2013: 11.

²⁰⁷ Ibid., 11-12.

²⁰⁸ See: Sintomer et al. 2013: 10.

²⁰⁹ Ibid., 10-11.

²¹⁰ See: Holtkamp 2008: 223.

²¹¹ Ibid.

²¹² Ibid., 33,34.

²¹³ See: Bartelsmann Stiftung 2012. Politik beleben, Bürger beteiligen. Charakteristika neuer Beteiligungsmodelle: 22.

facilitation,” classifies participants’ inputs in the categories, and finally presents them all as a one joint problem solution.²¹⁴ After a solution proposal has been achieved, the Council is dismissed, and the proposal is laid out to the city, municipality or a district which can then discuss it further.²¹⁵ This method involves indeed a smaller number of participants, but due to the constant modification of the group members as well as the possibility of a public discussion, the decisions are being accepted by the whole community.²¹⁶

With regard to the methods characteristic of urban planning, this thesis will introduce hearing process and dialogue meetings. The hearing processes are highly formalized participation methods, and they stand out since they are legally mandatory and initialized by the municipalities.²¹⁷ After a certain municipality drafts a new urban plan, it is legally obligated to organize a hearing process, where citizens, NGOs, and interest groups would have a chance to comment on it.²¹⁸ These comments, suggestions or critics would then, in a written form, go back to the municipal authorities, who would have to issue justifications and explanations for their decisions.²¹⁹ It should be noted that the final decision about the future urban plans is entirely in the hands of municipal authority, which makes citizens’ participation limited in its effect.²²⁰ The second method typical for urban planning is workshops. These are aimed at producing new ideas through the involvement of everyone in creative and short, network-building projects.²²¹ The typical process of an urban planning citizen workshop is outlined by the following features: “first, a user-centered and participatory mapping of personal habits, functions, and areas frequented in the city; second, a collective categorization and prioritization of these different functions and areas (in the choosing of a concrete problem related to the mapping); third, an idea-generating phase focused on concrete solutions; and fourth, a presentation and communication of the different solutions and ideas.”²²² The advantage of citizens workshops is a capability to translate individual needs and everyday life into a more

²¹⁴ See: Bartelsmann Stiftung 2012. Politik beleben, Bürger beteiligen. Charakteristika neuer Beteiligungsmodelle: 22.

²¹⁵ Ibid., 23.

²¹⁶ See: Bartelsmann Stiftung 2012. Politik beleben, Bürger beteiligen. Charakteristika neuer Beteiligungsmodelle: 23.

²¹⁷ See: Meilvang et al. 2018: 24.

²¹⁸ Ibid.

²¹⁹ Ibid.

²²⁰ Ibid., 25.

²²¹ Ibid., 29.

²²² Ibid., 28.

collective and common good category, which further leads to an easier path of making joint decisions.²²³

4.2.3. Why deliberative participation?

One of the most salient critiques of citizen participation is that, despite its efforts to include all groups of the population in a decision-making process, it only maintains or even produces new inequalities.²²⁴ However, deliberative and direct forms of participation might be a way for inclusion of a broader spectrum of one society into the decision-making process.²²⁵

Deliberation emerged as a form of political participation which gave citizens an opportunity to get involved in the processes such as administrative planning, or to enhance or prepare some new ideas and projects.²²⁶ It has been mostly applied at the communal level, while it still only tries to reach the state level, the level of the European Union or that of international organizations.²²⁷ Through this type of participation the scope of participants quantitatively and qualitatively expanded, the mutual trust and respect among them have been strengthened, and the overall performance has been enhanced.²²⁸ The coordination and cooperation among participants ensures peaceful conflict resolutions which come about as result of different opinions and interests.²²⁹ Not only do deliberative instruments strengthen a better understanding between private citizens, but they also have great potential to connect them with NGOs, or the interest groups which can result in symbiotic strategies for the development of new ideas.²³⁰ This assures a higher legitimacy and quality of decisions, which are now based on the mutual justification and not only on the majority decisions.²³¹ It is also important to accentuate that deliberative democracy goes hand in hand with other forms of political participation. It does not claim its exclusiveness but rather calls for a combination and the mutual empowerment with representative and direct democracy.²³²

²²³ See: Meilvang et al. 2018: 29.

²²⁴ See: Roth 2011: 51.

²²⁵ Ibid.

²²⁶ See: Vetter/Remer-Bollow 2017: 103; Kersting 2008 (a): 283.

²²⁷ See: Vetter/Remer-Bollow 2017: 103; Roth 2011: 50.

²²⁸ See: Vetter/Remer-Bollow 2017: 103; Gutmann/Thompson 2009: 4; Kersting 2008 (a): 283.

²²⁹ See: Kersting 2008 (a): 283.

²³⁰ Ibid.

²³¹ See: Landwehr 2011: 1.

²³² See: Roth 2011: 51.

One of the most important features of deliberation is that it occurs in the public forum, which has positive implications, as confirmed by several scholars. One of them, James Bohman, asserts that it enables the formulation of the public opinion based on all relevant opinions, interests, and perspectives.²³³ Eckersley is also of the opinion that the deliberative participation creates an unconstrained and free dialogue, which directly indicates the publicity and creation of better arguments.²³⁴ Other characteristics refer to its potential to construct an inclusive society. As the essential requirements of the deliberative participation are impartiality and inclusiveness, it hence insists on the adjoining of the minorities in the process.²³⁵ In different societies, the explicit minority groups are different, but these in its generality include migrants, women, seniors or children.²³⁶ Closely related to these characteristics is a social learning dimension. It allows and, at the same time, asks from participants to be open to different opinions and reasoned arguments, which are exchanged through the public dialogue.²³⁷

Although deliberative participation can take divergent forms and have different goals, there are several common ideas behind deliberative participation, regardless of a concrete situation. As stated by Vetter and Remer-Bollow, there are three of them, and they are conceptualized in the following manner: deliberative participation should ensure the exchange of information among participants; new ideas or solutions can be worked out through joint work, and deliberative participation has the capacity to resolve conflicts through a joint search for problem solutions.²³⁸ Innes and Booher also proclaim the superiority of deliberation, indicating that other forms of political participation are flawed in many aspects and that they, therefore, cannot achieve their presupposed goals and purposes.²³⁹ They point out at least five reasons as to why and how deliberative forms of participation are better suited.

“One is for decision makers to find out what the public’s preferences are so these can play a part in their decisions. A second is to improve decisions by incorporating citizens’ local knowledge into the calculus. Both purposes are increasingly important as government gets larger and more distant from its constituencies. Public participation

²³³ See: Bohman 2000: 27.

²³⁴ See: Eckersley 2000: 121.

²³⁵ See: Kersting 2008 (a): 275; Eckersley 2000: 121.

²³⁶ See: Kersting 2008 (a): 275, Kumpf 2011: 16,17.

²³⁷ See: Eckersley 2000: 121-122.

²³⁸ See: Vetter/Remer-Bollow 2017: 104.

²³⁹ See: Innes/Booher 2004: 423.

has a third purpose of advancing fairness and justice. There are systematic reasons why the needs and preferences of many groups, particularly the least advantaged, are not recognized through the normal information sources and analytic procedures. These needs may only come onto the radar screen during an open participation process. A fourth purpose is that public participation is about getting legitimacy for public decisions. (...) Last, but not least, participation is something planners and public officials do because the law requires it.”²⁴⁰

As the additional two reasons for prioritizing deliberative over other forms of political participation, they list the development of civil society and the creation of self-organizing polity capable of addressing the problems as suggested earlier by Rittel and Webber.²⁴¹

4.2.4. The critics of deliberative participation

Even though deliberation occurred at first as a critique of the existing representative democracy model, it eventually became an object of the criticism itself.²⁴² The wave of criticism towards the consultative forms of participation started after the establishment of the institutions and mechanisms for immigrant consultation in the 1960s and 1970s.²⁴³ This transpired as an incentive to increase the involvement of immigrants in a decision-making process and to pave the way for the extension of universal suffrage in the local elections for immigrants.²⁴⁴ In view of the fact that these two goals were not achieved, the result was an avalanche of criticism and skepticism toward the deliberation.²⁴⁵ It has been deemed that consultation, in the societies where it is the only form of participation at disposal, is only reproducing the political exclusion, powerlessness, and marginalization of social groups who already suffer from all these shortages.²⁴⁶ It could further result in the origination of an illusion of openness and inclusiveness of the society, while in reality, this would not be the case.²⁴⁷ Critics of deliberation hold that it suffers from several additional downfalls. The first one is that the term itself is still not clearly and sharply defined and that, therefore, it could result in becoming just

²⁴⁰ Innes/Booher 2004: 422.

²⁴¹ See: Innes/Booher 2004: 423.

²⁴² See: Saretzki 2014: 31.

²⁴³ See: Martiniello 1999: 79.

²⁴⁴ Ibid.

²⁴⁵ Ibid.

²⁴⁶ Ibid., 82.

²⁴⁷ Ibid.

a catchphrase or an association, used for labeling different things.²⁴⁸ Because of how unspecific the term is, there is a possibility that it becomes a synonym for many different, desirable expectations while neglecting its primary function as a normative critic.²⁴⁹ Other critics state that participants in dialogue-oriented processes lack political knowledge and experience, which further results in a lack of responsibilities and joint interests.²⁵⁰ There is also a question of “Empowerment for what?”, implying a danger of Eurocentrism, meaning, the consideration of the western societies interests only.²⁵¹ Another potential risk of deliberative participation and group participation, in general, is a birth of high-risk decisions. There are always participants who are willing to take a higher risk, whose opinions tend to be dominant and, therefore, have more influence over others.²⁵² Due to the split responsibilities and joint burden of positive and negative consequences of the decision made, these participants can behave in this manner without significant repercussions.²⁵³ This is one reason more why communication, coordination, the solid knowledge of the discussed issue and the removal of any kind of group pressure are of the utmost importance when making a decision.²⁵⁴ In addition to these general remarks on deliberative participation, other criticism is directed towards the forms of deliberative participation. One such critique comes from Vetter and Remer-Bollow, who claim that the loose legal regulations of the forms lead to the lack of confidence in them, which further brings participants in the position where they do not know when to apply which form and to question whether the results of participation are even relevant.²⁵⁵

Having discussed political participation and, particularly, deliberative participation in the two previous sub-chapters, the upcoming sub-chapter is the next step in setting a theoretical background, and a step closer to the core of the thesis. Throughout the following sub-chapter, the thesis finally comes to the point where political participation and urban planning are overlapping, and it presents one of the most vital parts for grasping the very idea behind this thesis. The subchapter will cover several aspects of urban planning – from the history of citizen inclusion in urban planning to the legal framework for citizen participation, its relevance, but also its limitations and critiques.

²⁴⁸ See: Zdarsky 2014: 10.

²⁴⁹ Ibid.

²⁵⁰ See: Kersting 2008 (b): 17.

²⁵¹ Ibid.

²⁵² Ibid., 18.

²⁵³ Ibid.

²⁵⁴ Ibid., 19.

²⁵⁵ See: Vetter/Remer-Bollow 2017: 104.

4.3. Urban planning participation

4.3.1. The history of urban planning participation

Historically, city planning was exclusively reserved for patriarchs, kings and colonizers, the captains of industry, etc.²⁵⁶ Then, in recent history, it was in the hands of planning experts, city planners, or government officials in general.²⁵⁷ Only at the beginning of the twentieth century, an idea of citizens' involvement in the planning processes emerged as a possibility, and it was expressed through the city planning movement.²⁵⁸ The movement started in the form of "programs of physical improvement called city plans."²⁵⁹ The second phase of the city planning movement was aimed at the establishment of planning boards as advisory organs to the local government, but as they were only loosely attached to them, they were not as effective as planned.²⁶⁰ The third, and the most important phase, which emerged only in the middle of the twentieth century, was a creation of the awareness and recognition that city planning is not to be an assignment of the understaffed board, but that it is at the very base of the city government's job.²⁶¹

A wave of changes continued throughout the whole twentieth century. Still, a dominant top-down approach from the early twentieth century throughout the 1950s was coming to an end by way of the upheavals, grassroots, anti-poverty, and other movements which were happening in the United States in the 1960s.²⁶² Henri Lefebvre's essay "Right to the City," in which he claimed that citizens need to participate in a distribution of urban space and to be part of the decision-making process was a cornerstone for the further development of urban planning participation.²⁶³ In the 1970s city planning was governed by the idea of a possibility to plan everything ("to plan a whole world").²⁶⁴ As it soon became clear that it is impossible to develop solutions for every specific problem and to plan our whole world, this idea was rejected.²⁶⁵ After this, a path toward urban planning as we know it now had started, and it was based on

²⁵⁶ See: Augur 1945: 101.

²⁵⁷ See: Ertiö/Bhagwatwar 2017:111.

²⁵⁸ See: Augur 1945: 101.

²⁵⁹ Ibid.

²⁶⁰ Ibid.

²⁶¹ Ibid.

²⁶² See: Busch 2016: 87.

²⁶³ Ibid.

²⁶⁴ See: Benighaus et al. 2005: 700.

²⁶⁵ Ibid.

citizen participation in urban planning, and on more transparency regarding participation goals and means.²⁶⁶

The events in the 1990s, such as a decline in voter turnout, political scandals, and catastrophes (e.g. Chernobyl), started a wave of citizen initiatives which questioned the legitimation of urban plans.²⁶⁷ The citizens were indeed participants in the processes of city planning, but it was all still far from the original idea of their involvement. The “legitimation crisis” which transpired was justified by the absence of the fairness principle since the risks, and the advantages of the city plans were not equally distributed between the anonymous producers and citizens.²⁶⁸ There were also discrepancies between the calculated risks and how the risks are perceived by the citizens, which could further influence the citizens’ trust and support for projects.²⁶⁹ Another reason for the crisis was the expert dilemma. Owing to a rather large number of different experts, every stance could be somehow justified, which resulted in an abundance of otherwise unjustified and unacceptable expectations.²⁷⁰ The citizens started feeling more and more controlled by the central government decisions, and as a counter act, they wanted to be in charge of , at least, the issues in their surroundings, their municipalities.²⁷¹ The last reason for citizen initiatives is a will to change the very procedure of how the decisions are made. The citizens wanted to be a portion of the decision-making process, especially when decisions concern their everyday life.²⁷²

After a very intense period of changes in the perception of urban planning, today it is considered to be every citizen’s right. It is their right, and not the prerogative of exclusively public authority, to decide on such matters, for the reason that citizens are no longer seen as the mere consumers of public services, but as co-decision-makers and co-creators of the common welfare.²⁷³ It is, thus, important for the city administration to understand and acknowledge that they are not a political decision-making center anymore and that in the future decisions are to be made through consensus with the citizens and at the local level.²⁷⁴ A city is where people

²⁶⁶ See: Benighaus et al. 2005: 701.

²⁶⁷ Ibid., 698.

²⁶⁸ Ibid.

²⁶⁹ Ibid., 699.

²⁷⁰ Ibid.

²⁷¹ Ibid.

²⁷² Ibid.

²⁷³ See: Kaczmarek/Wojcicki 2016: 71; Augur 1945: 101.

²⁷⁴ See: Dröge/Magnin 2010: 110.

spend the most of their lifetime, and it is, therefore, natural that the urban planning and organization are in their hands.²⁷⁵

4.3.2. The functions of urban planning participation

It is to be noted that in this thesis, the concepts of city planning, urban planning, and urban development are used alternately to describe the same phenomenon. The city planning process is considered a political process, colored by the question of control at the local level.²⁷⁶ The terms citizen participation, urban participation, and public participation have also been used alternately with the same meaning. The term citizen participation does have several dimensions, and not only in the context of this thesis, but in general its political dimension might be the most important one, and it may come closest to what the phenomenon of citizen participation is.²⁷⁷ Drawing upon this, in this thesis citizen participation is viewed as a political process, as it includes “identification and articulation of needs, goals, and claims in a proper manner within the framework of societal rules, the competition with others within this framework for more power, more rights, more influences on the affairs of the public and the definition of a strategy to achieve the articulated goals.”²⁷⁸

In this chapter, I will try to portray the values, and advantages urban planning participation brings (or could bring), while in one of the following ones, disadvantages and limitations will be presented.

According to Henri Sanoff, a central characteristic of participatory democracy is that “collective decision-making is highly decentralized throughout all sectors of society so that all individuals learn participatory skills and can effectively participate in various ways in the making of all decisions that affect them.”²⁷⁹ The essence of this type of democracy is the democratization of the decision-making process at the local level and within private organizations, and hence, the public participation in urban planning is of the utmost importance for the further democratization at the national level as well as for the development and transformation of the

²⁷⁵ See: Augur 1945: 101.

²⁷⁶ See: Dröge/Magnin 2010: 106.

²⁷⁷ See: Hempel 1972: Chapter 2.

²⁷⁸ Ibid., 12.

²⁷⁹ Sanoff 2005: 62.

cities in the future.²⁸⁰ Two conditions must be fulfilled in order for citizens to participate in urban planning processes. The first one is a legitimate decision-making process which would include all relevant interests and values.²⁸¹ The other one is an open dialogue between (in)directly influenced citizens and the city administration or government.²⁸² As regards the functions of citizen participation, the literature calls for differentiation between normative and instrumental functions. The legitimacy of decisions and the necessity of citizens being part of the decision-making process are some of the normative arguments.²⁸³ Another one is that participation is seen as a political goal itself, as it empowers citizens and increases social capital.²⁸⁴ At the core of all these arguments is a quest for more direct or indirect democracy.²⁸⁵ The instrumental function, as the name says, considers participation as an instrument, a tool, to produce influential, effective and efficient results.²⁸⁶ One of its instrumental functions is enabling inclusion of lay knowledge in the decision-making process and, therefore, allowing citizens to influence it.²⁸⁷ As processes, interests, and positions must remain transparent, it is also seen as a method to gain control.²⁸⁸

Aside from the values which must be depicted in participatory urban planning, there are also values which derive directly from its implementation. The capacity and value of citizen participation are not resembled in enhancing urban planning *per se* only. Its positive influence reaches much further, and it is visible in different spheres. It engages public in a problem-solving process, builds trust among citizens and between citizens and the administration, and above all contributes to making better decisions.²⁸⁹ The joint participation of experts and public allows for the inclusion of different knowledge and experiences and, often, the conflicting opinions in the process of seeking the solution.²⁹⁰

Inherent to the participatory planning is its integration role, which should be applied not only structurally, but also normatively.²⁹¹ The best way to achieve this is to involve citizens in the

²⁸⁰ See: Sanoff 2005: 62.

²⁸¹ See: Benighaus et al. 2005: 700.

²⁸² See: Benighaus et al. 2005: 700; Hassan et al. 2011: 205.

²⁸³ See: Mohammadi 2010: 3.

²⁸⁴ Ibid.

²⁸⁵ Ibid.

²⁸⁶ Ibid.

²⁸⁷ Ibid.

²⁸⁸ Ibid.

²⁸⁹ See: Sanoff 2005: 62-63.

²⁹⁰ See: Mansourian/Fasihi 2011: 269.

²⁹¹ See: Dröge/Magnin 2010: 106.

arrangement of local social plans, which is where the participatory planning is heading to.²⁹² Through the participation, all citizens' interests should be considered, so that their living conditions and a whole social system could advance.²⁹³ This is the reason why urban planning is of importance for the immigrants too. Aspects such as urban and housing policies, access to urban facilities, and public transportation systems influences their everyday life and shape their residential and work locations, but also their socio-economic and professional structural integration, as claimed by numerous authors.²⁹⁴

Table 1. The Advantages of Citizen Participation in Government Decision²⁹⁵

	Advantages to citizen participants	Advantages to government
Decision process	Education (learn from and inform government representatives)	Education (learn from and inform citizens)
	Persuade and enlighten government	Persuade citizens; build trust and allay anxiety or hostility
	Gain skills for activist citizenship	Build strategic alliances Gain legitimacy of decisions
Outcomes	Break gridlock; achieve outcomes	Break gridlock; achieve outcomes
	Gain some control over policy process	Avoid litigation costs
	Better policy and implementation decisions	Better policy and implementation decisions

From the summary of the advantages of citizen participation made by Irvin and Stansbury (presented in the Table 1.), it can be concluded that the main advantages refer to learning and education, gaining skills, acquiring decision legitimation and achieving better policy and

²⁹² See: Dröge/Magnin 2010: 106.

²⁹³ Ibid., 105.

²⁹⁴ See: Amado 2014: 54.

²⁹⁵ See: Irvin/Stansbury 2004: 56.

implementation decisions. These advantages pertain not only to citizens but also to the government profits that come out of it.

There are also other reasons which confirm the necessity of participation in urban planning processes. Through the citizens' involvement and their inputs, decision-making actors can acquire a better understanding of problems (their roots), as well as the consequences of the proposed actions.²⁹⁶ As the result of participation, citizens do not feel as mere passive actors any longer and are now ready to accept the proposed solutions. They are aware that they too can have an impact on decisions, and so there is a lesser probability that they will reject the decision-maker's ideas, which further leads to the reduction of possible conflicts.²⁹⁷ Citizens are the ones affected by every decision regarding the city, so it is more than necessary that they give their insights based on their personal knowledge and experience when making any decision.²⁹⁸ Moreover, through the participation citizens help decision-makers to create solutions acceptable for a wider community and improve decisions.²⁹⁹ The participation offers a broader and more comprehensive framework for the scrutiny and evaluation of decisions in the relation to the urban planning, and it gives a novel sense to the whole process by making the participants owners of both problems and solutions, at the same time.³⁰⁰ Nancy Roberts also summarized the basic arguments from the literature supporting citizen participation. On the authority of these, direct citizen participation is educational, it is therapeutic and integrative, it is legitimizing, protective of freedom, instrumental and realistic.³⁰¹

The last group of arguments laid out here refers to the advantages that urban participation has directly for citizens' personality. First advantage is termed self-efficacy, and it is manifested through the feeling of and the confidence in the ability to be effective in the community.³⁰² Furthermore, citizens become empowered due to the skills and knowledge they gain through participation.³⁰³ The main knowledge they attain includes an understanding of a policy-making process, social and political power systems, etc., while the skills include decision-making,

²⁹⁶ See: Hassan et al. 2011: 204.

²⁹⁷ Ibid., 205.

²⁹⁸ Ibid.

²⁹⁹ Ibid.

³⁰⁰ Ibid.

³⁰¹ See: Roberts 2004: 322-324.

³⁰² See: Hassan et al. 2011: 205.

³⁰³ Ibid.

communication, lobbying, etc.³⁰⁴ The sole awareness of an opportunity to make decisions, or to provide input and take actions, encourages citizens and gives them a feeling that they can also make an impact in the decision-making process.³⁰⁵ However, to be able to participate in the decision-making process it is often necessary to invest additional resources. These could be time, additional education, training, or whatever a certain situation would demand.³⁰⁶

4.3.3. The legal framework for urban participation

An intertwining relation between urban planning and law is strongly recognized today, as they are both committed to the achievement of social justice, although this was not always the case.³⁰⁷ Compared to its early years, today's urban participation looks much different regarding its legal framework. The laws were historically made to protect the interests of the property owners and not the property-users.³⁰⁸ Nowadays, their emphasis is on the equal protection and social justice, and the new laws are centered around human rights and the legal needs of women, children and other minorities.³⁰⁹ Another important intersection between the law and the urban participation is the decision-making process.³¹⁰ The sole form of the process is crucial for the success of one decision, and over the years, there has been a call for the law to regulate it newly, since they failed to do so before.³¹¹ According to Patrick McAuslan, there are three ideologies of planning law. Private property is the first one, and it sees the protection of private property as the primary purpose of the planning law.³¹² The ideology of public interest prioritizes public interest and public officials' decisions on land use, over the private property rights.³¹³ The third ideology argues that the law should assure public participation, e.g. the involvement of relevant actors in the issue resolution, such as urban renewal or road building.³¹⁴ While only the third ideology guaranteed legal requirements for public participation, McAuslan noted that it is the one that is the least present in the law.³¹⁵

³⁰⁴ See: Hassan et al. 2011: 205.

³⁰⁵ Ibid.

³⁰⁶ Ibid.

³⁰⁷ See: Simpson 1997: 912.

³⁰⁸ Ibid.

³⁰⁹ Ibid.

³¹⁰ Ibid.

³¹¹ Ibid.

³¹² See: McAuslan 1979: 3.

³¹³ Ibid.

³¹⁴ Ibid.

³¹⁵ See: McAuslan 1979: 3-4.

There are similar proposals for the institutionalization of citizen participation within the existing political-societal system. One suggestion is the introduction of a smaller, additional subsystem, beside the existing ones – state, federal and local levels.³¹⁶ This proposal is based on the idea that not everybody could directly participate, but rather it would be a form of a representative democracy which would create a greater number of elected and politically responsive representatives.³¹⁷ Another proposal is a call for citizen's integration into the administrative planning.³¹⁸ It is striving to change the relationship between the administration, e.g. the powerful and the citizens, e.g. the powerless, while at the same time leaving the decision-making process intact, which is in the end in the hands of political institutions.³¹⁹

Citizen participation in urban planning in Germany was first institutionalized and legally secured in 1976 through a Federal Building Code.³²⁰ It prescribed direct participation through its different forms and methods and became a rare place where non-nationals also can exercise their political rights.³²¹ Nowadays, the sections 3, 4 and 4a in the first part of Federal Building Code (*ger.* Baugesetzbuch) are dedicated to public participation, and they depict the legislative efforts to institutionalize citizen participation in urban planning. According to the Code, citizens must be informed about new urban plans, and they can discuss and give their opinions on them.³²² In addition, a draft version of urban plans including submitted opinions is further exposed for public insight, where citizens once again have the opportunity to inform themselves and express their opinions.³²³ All submitted opinions need to be assessed, and the results have to be publicly declared.³²⁴ Similar legal regulations are visible in Vienna, although their volume is apparently smaller. It is also noticeable that, while the Federal Building Code in Germany is a national level regulation, in Austria every state province regulates its area of the urban planning separately. In Vienna, land use and urban development plans (*ger.* Flächenwidmungspläne und Bebauungspläne), and the citizen participation in urban planning have been regulated within the Viennese Building Code (*ger.* Bauordnung). According to the Code, when deciding about the new, or about the amendments of existing urban plan, District

³¹⁶ See: Hempel 1972: 35.

³¹⁷ Ibid.

³¹⁸ Ibid.

³¹⁹ Ibid: 36.

³²⁰ See: Dröge/Magnin 2010: 106.

³²¹ Ibid.

³²² See: Baugesetzbuch § 3 (1).

³²³ Ibid., § 3 (2).

³²⁴ Ibid.

Authorities need to organize a public insight in a draft version of urban plans, and the citizens living in the affected areas must be informed about it in an appropriate manner.³²⁵ Within the exposition deadline, citizens have a right to submit written opinions to District Authorities, which are further obliged to assess them and publicly announce the results.³²⁶

4.3.4. The critiques and limitations of citizen participation in urban planning

Citizen involvement in the urban planning process is limited by various factors. On the one hand, there are reasons related to administrative and government support while, on the other hand, there are problems pertaining to participants themselves. For the reason that it would be too extensive to list all of them, I will summarize the main issues only. A major limiting factor is a lack of financial resources and staff needed to conduct the planning or decision-making process.³²⁷ Another close-knit reason is bad communication between national government and participants.³²⁸ The participants do not receive enough guidance from the national government about the relationship or the possible positive or negative influence of the citizen participation with the other areas of activity of local government.³²⁹ There is also criticism regarding the level of influence made through participation. Fahui Wang puts forward that citizens rarely reach the level of participation where they can significantly influence the decision-making process.³³⁰ When it comes to criticism referring to participants, some arguments involve the types of citizens involved in the urban planning process. Most of the participants are middle class or well-educated citizens, while the citizens from the lower middle-income class are hard to include.³³¹

Admitting the importance of citizen participation in urban planning process, Irvin and Stansbury also assert that the idea itself is burdened by various drawbacks.³³² They categorize the disadvantages of citizen participation according to actors (government and citizens), as well as decision process and outcomes. Their main arguments are that the process is time-

³²⁵ See: Bauordnung für Wien § 2. (6).

³²⁶ Ibid., § 2. (6), (7).

³²⁷ See: Mohammadi 2010: 4.

³²⁸ Ibid.

³²⁹ Ibid.

³³⁰ See: Wang 1998: 447.

³³¹ See: Bedford et al. 2002: 323.

³³² See: Irvin/Stansbury 2004: 58.

consuming, that it is intertwined with high costs, that it lacks control and can result in the bad decisions which would have political consequences.

Table 2. The Disadvantages of Citizen Participation in Government Decision³³³

	Disadvantages to citizen participants	Disadvantages to government
Decision process	Time consuming (even dull)	Time consuming
Outcomes	Pointless if decision is ignored	Costly May backfire, creating more hostility toward government
	Worse policy decision if heavily influenced by opposing interest groups	Loss of decision-making control Possibility of bad decision that is politically impossible to ignore Less budget for the implementation of actual projects

Roberts also summarizes the flows of citizen participation. She holds that direct citizen participation is based on a false notion, is inefficient, politically naive, unrealistic, disruptive and dangerous.³³⁴ Following this summary, she also stresses the possible dilemmas related to citizen participation if it is going to be considered as a part of a modern and complex society.

³³³ See: Irvin/Stansbury 2004: 58.

³³⁴ See: Roberts 2004: 324-326.

She names:

- a) the dilemma of size,
- b) the dilemma of excluded or oppressed groups,
- c) the dilemma of risk,
- e) the dilemma of technology and expertise,
- f) the dilemma of time and crisis and,
- g) the dilemma of the common good.³³⁵

The presented fourth chapter is the groundwork for the analysis of urban development projects. It is a key chapter for the elaboration on theoretical and analytical perspectives, required for the continuing course of the thesis. It includes the theoretical ideas on political participation, the deliberative form of political participation and participation in urban development projects, as well as the analytical ideas on the evaluation of urban development projects, which will be applied in the upcoming chapter. It offers different definitions and forms of political participation and presents deliberative participation as a form of political participation through which participation in urban development is conducted. Analytical ideas encompass the evaluation criteria which will be used for the evaluation of urban development projects. However, before starting with the evaluation phase, the chapter which follows will present the two types of urban development projects taken for the analysis in this thesis. The projects in question are land use and development plans in Vienna and Berlin.

³³⁵ See: Roberts 2004: 326-327.

5. Citizen participation in urban planning in Vienna and Berlin

The chapter *Citizen participation in urban planning in Vienna and Berlin* is concerned with the presentation of citizen participation in urban planning projects, making use of the examples of land use and development plans in Vienna and Berlin. Both types of projects will be presented following the aforementioned theoretical background. Therefore, it deals with questions such as: which level of participation do citizens achieve, through which forms of participation do they participate, or how can we characterize participation with reference to Nanz and Fritzsche criteria?

While in the first part of the chapter a short history of the development of participation policies in the area of the urban planning in Vienna and Berlin is presented, a focus will then be further shifted towards the urban planning participation policies in land use and development plans, specifically. In order to successively depict citizen participation in the projects of land use and development plans in Vienna and Berlin, a document analysis will be applied. The basic materials used were Building Codes for Vienna and Berlin, Master plans for participation issued by city officials in Vienna and Berlin, the projects of land use and development plans from year 2018 in both cities, available at the cities' official websites, as well as other online publications from the cities' official websites. (More on materials and methodology in the second chapter).

In order to become familiarized with land use and development plans, both chapters will first present the general information about plans and then proceed with the marrowbone of the chapter—citizen participation. The goal of this chapter is to introduce the citizen participation in the urban planning in both cities, as well as to set a background for their evaluation, which will follow in the next chapter.

5.1. Short history of urban planning policies in Vienna and Berlin

The urban planning regulations for Vienna are contained in the Building Code of the city of Vienna (*ger. Bauordnung*).³³⁶ The first edition of Vienna Building Code was published in the year 1725, and in the year 1829, it further developed in its first modern form.³³⁷ A modern

³³⁶ Terms Building Code of the City of Vienna and Vienna Building Code will be used interchangeably.

³³⁷ See: Stadt Wien. Wien Geschichte Wiki. Bauordnung.

edition of the Code is based on the State Law from the years 1883, 1890, 1920 and 1927.³³⁸ It is a rather voluminous Code, consisting of 140 articles regulating the entirety of building issues. It has been divided into 12 parts, with the first part regulating all aspects of land use and development plans. Among several other aspects, it defines land use and development plans, defines their content, as well as procedures for their creation and amendment.

Apart from the Building Code, the city of Vienna published several publications concerning urban planning. These publications were products of city authorities, and they were created with goals to promote the urban planning, as well as the citizen participation in urban planning. One of the most important steps in Viennese urban planning politics was, certainly, the publishing of the first-ever “STEP 2025-Urban Development Plan Vienna” (*ger. STEP 2025-Stadtentwicklungsplan Wien*) by Vienna City Council in 2014. Comprising one hundred and fifty-five pages, it represented a strategic guideline, and a role model for future Viennese urban planning policy.³³⁹ In its three chapters, centered around the vision of new urbanism, the steps toward Vienna as a city of business and research, and a vision of future mobility, green and social networks, it paints a picture of the challenges and aims awaiting the city in future.³⁴⁰ Although largely dedicated to the urban development, the plan singles out citizen participation as one of the principles of the future urban planning and foresees the binding guidelines for participatory procedures, as well as a need for the development of new instruments of participation.³⁴¹

In order to delve deeper into the matter of the participation in urban planning, in 2017 the city authorities created a new publication called “Master Plan for Participatory Development” (*ger. Masterplan Partizipative Stadtentwicklung*) which especially addresses early citizen participation in city planning processes.³⁴² The idea behind the plan was to bring into existence a publication which would contain all the necessary information concerning the participation in the urban planning, and which would ensure better communication between citizens, the applicants for development and implementation of urban planning projects, city administration,

³³⁸ See: Bauordnung für Wien, Article 1.

³³⁹ STEP 2025 Urban Development Plan Vienna. 2014: 26.

³⁴⁰ Ibid., Chapter 2, 3, 4.

³⁴¹ Ibid., 25.

³⁴² Masterplan Partizipative Stadtentwicklung. Frühzeitiges Beteiligen der Bevölkerung an städtebaulichen Planungs- und Widmungsprozessen. 2017.

and politics.³⁴³ The Plan outlines several aspects of the participation process – who can participate, how and on which level, through which methods, how a decision-making process is enacted, etc.³⁴⁴ The notion of inclusion of the whole society is noticeable throughout the whole Master Plan.

Unlike in Austria, where every state decides upon the individual Building Code, the building regulations for Germany are prescribed in one common Federal Building Code (*ger. Baugesetzbuch*).³⁴⁵ In 250 paragraphs, Federal Building Code encompasses, among the norms regarding other building issues, the norms necessary for planning and implementation of urban planning projects. Aside from the Building Code, each state government is empowered to decide upon the bylaws which would regulate urban planning issues specifically for a certain state. This is also a case with Berlin, where the state Berlin has enacted a bylaw for implementation of Building Code (however, for the purpose of this thesis it will be referred to as Federal Building Code).

When it comes to the other state activities in regard to the promotion of urban planning, it is worth mentioning that in 2015 the Berlin Senate Department for Urban Development and Environment published a guideline called “Berlin Strategy, Urban Development Concept Berlin 2030” or “Berlin Strategy 2030” (*ger. Berlin Strategie, Stadtentwicklungskonzept 2030*). It was aimed at providing the approaches to different challenges the city meets in the area of urban planning.³⁴⁶ Beside the presentation of city qualities and visions for the future, the publication entails a strategy to ensure and realize those visions. In eight strategies, the city was hoping to set out the achievements in urban planning (which it is obliged to make by the year 2030), as well as a route it must follow to realize them.³⁴⁷ Seven strategies are focused on the seven different fields of action, and those are: strengthening the economy, encouraging creativity, safeguarding employment, reinforcing neighborhood diversity, ensuring green and climate-friendly city, and improving accessibility.³⁴⁸ The eighth strategy, called “Shaping the future together,” exists as a value *per se*, but it is at the same time an integral and vital part of all other

³⁴³ Masterplan Partizipative Stadtentwicklung. Frühzeitiges Beteiligen der Bevölkerung an städtebaulichen Planungs- und Widmungsprozessen. 2017: 18.

³⁴⁴ Ibid., Chapter 4.

³⁴⁵ Baugesetzbuch.

³⁴⁶ See: Berlin Strategy. Urban Development Concept Berlin 2030. 2015: 5.

³⁴⁷ Ibid., 24.

³⁴⁸ Ibid., 25.

areas. The last strategy aims at establishing the urban development as an inclusive area, open for inputs from all city actors – local government and civil society.³⁴⁹ Transparent planning culture should allow open and strategic debates where everyone would be able to give their contribution to a certain issue at stake.³⁵⁰ It could be generally said, that “Berlin Strategy 2030” follows, on the one hand, the idea of Berlin as a cosmopolitan city which can serve as an example and role model for the international community, and, on other hand, the idea of the city open to new ideas, ready to learn from other cities and apply ideas from people with the most dissimilar backgrounds living and working in this city.³⁵¹

Picture 1. Berlin strategies.



Source: Berlin Strategy. Urban Development Concept Berlin 2030

The other publication released by the city authorities in 2012 is a “Guideline for Participation” (*ger. Handbuch zur Partizipation*), made especially for Berlin civil servants to help them understand what citizen participation in urban planning means, as well as to show them how to actively apply and conduct various possibilities of participation.³⁵² Apart from this, the guideline is useful for everybody willing to learn about participation in the urban planning, as

³⁴⁹ See: Berlin Strategy. Urban Development Concept Berlin 2030. 2015: 54.

³⁵⁰ Ibid.

³⁵¹ Ibid.

³⁵² See: Handbuch zur Partizipation. 2012: 9.

well as to use the right to participate in shaping of the city.³⁵³ “Guideline for Participation” focuses on the six areas – urban planning, participatory budgeting, the participatory budgeting on district level, children and youth participation, the support for networks and civil engagement and e-participation.³⁵⁴

As regards to this thesis, the first part of publication is an essential one, since it grapples with the questions such as: how to define participation, which level of influence on the decision-making process can be achieved, who can participate and who is excluded from participation, why it comes to an exclusion and how can the exclusion be overcome. As this guideline was issued in 2012, Berlin city authorities in collaboration with citizens are currently working on a novel one called “Guidelines process for citizen participation in urban planning.” Although it is still in progress, the whole process is transparently documented on the website created specifically for this project, and one of its most impressive characteristics is citizen inclusion throughout the whole process – from the moment of the guideline creation up to the citizen participation in urban development projects.

5.2. The citizen participation in land use and development plans Vienna

Land use and development plans for Vienna are defined in Viennese Building Code (*ger. Bauordnung*), and according to it, they are the tools which secure an organized and sustainable city arrangement and development.³⁵⁵ They are the legal regulation, and a District Council is competent for their enactment, change, or any other act.³⁵⁶

In the guide for the interpretation of land use and development plans called “*Plan Zeigen, Plan Verstehen*,” Vienna city authorities give the detailed instructions to citizens on how to interpret the plans in order to successfully participate in their creation. The land use plans are made up of the essential, legally binding decisions about the future use of a certain plot of land – whether it is going to be, for instance, a green or construction area, or it is going to be used for the purpose of public transportation.³⁵⁷ The development plans are defined as a sort of an extension

³⁵³ See: Handbuch zur Partizipation 2012: 9.

³⁵⁴ Ibid., Chapter 4.

³⁵⁵ See: Bauordnung für Wien §1 (1).

³⁵⁶ Ibid.

³⁵⁷ See: Plan Zeigen, Plan Verstehen 2000: 5.

of land use plans, as they demonstrate how a certain plot of land, decided upon earlier in the land use plan, will be constructed/modified.³⁵⁸ The development plans bring about the rules concerning building height, a construction method, or a necessary distance between buildings.³⁵⁹ Only through and according to the building specifications in a development plan, a land owner attains a right to construct his plot of land.³⁶⁰

As regards citizen participation in land use and development plans in Vienna, it has been differentiated between formal and informal participation. Exclusively informal participation (which is not covered by the Vienna Building Code) refers to participation before the presentation of the draft version of land use and development plans (formal participation) and offers the participants the opportunity to acquire information and to express the opinions about the early phase of planning.³⁶¹ This initial phase has been divided into three sub-phases where all interested participants can first express their opinion on the planned city projects, second propose the ideas about further city development and third participate in a public discussion about the particular urban planning project.³⁶² Participation can be implemented through the questionnaires, one or more small discussion events with 7-10 participants, or public discussions including the experts.³⁶³ Especially in the second sub-phase, during the discussion events, participants have the opportunity to engage in discussion with the city representatives and project operators.³⁶⁴ After the informal participation, a draft-version of land use and development plan is publicly represented, what symbolizes a beginning of formal participation.

However, according to Vienna Building Code, when deciding about a new development or land use plan (and before citizens formal inclusion in a decision-making process, that is), the plans have to undergo several controls. After the City Administration creates a draft version of a new or amended land use and/or development plan, they are subjected to an environmental test, in cases prescribed by the Building Code.³⁶⁵ In view of the test results, City Administration has to accordingly create an environmental report, containing the information about the possible

³⁵⁸ See: Plan Zeigen, Plan Verstehen 2000: 5.

³⁵⁹ Ibid.

³⁶⁰ Ibid., 12.

³⁶¹ See: Masterplan Partizipative Stadtentwicklung. Frühzeitiges Beteiligen der Bevölkerung an städtebaulichen Planungs- und Widmungsprozessen. 2017: 60-62.

³⁶² Ibid.

³⁶³ Ibid.

³⁶⁴ Ibid. 61.

³⁶⁵ See: Bauordnung für Wien § 2 (1).

negative environmental consequences the plans could cause, as well as a testing result of reasonable alternative solutions.³⁶⁶ What's more, in the case of a declaration of respective municipality's ground areas as a land for public purposes, the respective municipality (and a direct neighboring municipality) has the opportunity to submit its opinion regarding this decision in a limited timeframe, which cannot span more than four weeks.³⁶⁷ Before handing over the claim to the City Council, the City Administration sets forth a draft version of the new or the amended land use and development plan to the City Advisory Board for City Planning and Design for the purpose of their assessment.³⁶⁸ Including City Advisory Board for City Planning and Design's opinion and the environmental report, the City Administration opens, in a timeframe of six weeks, a public presentation of the draft version of land use and development plans.³⁶⁹ This is the point when citizens become involved in the decision-making process of land use and development plan, through the means of formal participation.

The citizen participation has been described as a three-stage process. The first one is the invitation given to citizens for participation, the second is the process of participation itself, and the last one is the feedback to citizens about the result of participation and the effects it has on the further planning process.³⁷⁰ Participation is generally opened for everyone interested, however during the selection of participants, heed must be given to the insertion of different society actors and groups, and the balance between the quantity of male and female participants must be maintained.³⁷¹ Special attention must be given to the residents living in the surrounding neighborhood, local actors, be it individuals or organizations, as well as to the newly arrived residents who are planning their residency in a distinct apartment/building.³⁷² All the households in the neighborhood are presented with the invitation by virtue of mailing or personally addressed mails.³⁷³ The time and date of public presentation of the plan's draft version are made explicit through the one-time publishing in the official gazette of the city of

³⁶⁶ See: Bauordnung für Wien § 2 (1).

³⁶⁷ Ibid., § 2 (2).

³⁶⁸ Ibid., § 2 (4).

³⁶⁹ Ibid., § 2 (5).

³⁷⁰ See: Masterplan Partizipative Stadtentwicklung. Frühzeitiges Beteiligen der Bevölkerung an städtebaulichen Planungs- und Widmungsprozessen. 2017: 42-43.

³⁷¹ Ibid., 52-54.

³⁷² Ibid.

³⁷³ Ibid., 72.

Vienna, as well as via the notice on the news boards in the City Hall and in the referring district.³⁷⁴

Within a six-week deadline, people can convey their opinion regarding the draft version of the land use plan and development plan, and this can be done in several manners.³⁷⁵ One of the prospective forms for participants is submitting written opinions to the City Administration.³⁷⁶ Apart from citizens as participants, the several chambers (e.g. Economic Chamber Vienna, Chamber of Labour, Chamber of Architects and Consulting Engineer) and the Viennese Environmental Advocacy are also entitled to offer their written opinions to the City Administration.³⁷⁷ Additionally, the citizens can come personally to the Service Point at the Urban Development Department, located at the address *Rathausstrasse 14-16, 1010 Vienna*, during the opening hours (which is usually from Monday to Friday, from 8.00 to 12.30h, and from Tuesday to Thursday from 8.00 to 17.30h).³⁷⁸ At this address, they can gather the additional information needed, as well as submit their opinion.³⁷⁹ The insight into the draft version of land use and development plan, but also into the relevant information can be collected at the several other offices, such as the Office of Vienna City Planning and the Municipal Department for Urban Development and Land Use 21A or 21B.³⁸⁰ Generally speaking regardless the location of the public presentation of the draft version of land use and development plans, citizens can at the same time submit their respective opinions but also partake at the information events and receive additional information about the project.³⁸¹ Within the scope of the general timeframe for public insight, participation can also be conducted through a web platform. At the city's official website, all the interested can get the information about the draft version of plans, get an insight into a draft version of the land use and development plan, a report about the new plan, and they can furthermore submit their opinions on the respective draft plan.³⁸² The city's official website gives an overview of all the land use

³⁷⁴ See: Bauordnung für Wien §2 (6).

³⁷⁵ See: Bauordnung für Wien §2 (5).

³⁷⁶ Ibid., §2 (6).

³⁷⁷ Ibid.

³⁷⁸ See: Stadt Wien. Servicestelle Stadtentwicklung, Stadt Wien. Flächenwidmung: Öffentliche Auflage des Planentwurfs 8272 im 21. Bezirk mit Einsichtnahme.

³⁷⁹ Ibid.

³⁸⁰ Ibid.

³⁸¹ See: Masterplan Partizipative Stadtentwicklung. Frühzeitiges Beteiligen der Bevölkerung an städtebaulichen Planungs- und Widmungsprozessen. 2017: 63.

³⁸² See: Stadt Wien. Flächenwidmung: Öffentliche Auflage des Planentwurfs 8272 im 21. Bezirk mit Einsichtnahme.

and development plan projects the city is conducting, plus the phase which they are currently in.³⁸³

When it comes to informal citizens participation, it is differentiated between standard and additional methods of participation. Information events and discussions with experts are accounted as the standard methods of participation, together with a qualitative questionnaire.³⁸⁴ In addition (depending on a project and funds), the other methods such as informative texts, InfoPoint, public relations, short questionnaires, info boxes, city walks, activating questioning, “future workshops”, “future conferences” or “open spaces”, open workshops”, as well as ideas and feedback post boxes can be implemented.³⁸⁵ Regarding the formal participation, it is being conducted through the public presentation of a draft version of land use and development plan where participants have the opportunity to submit their opinions.³⁸⁶ After receiving citizen opinions, the City Administration has to issue a report.³⁸⁷ Furthermore, they have to give an account of the draft version of the plan in regard to the environmental report, as well as of the perceptions of the draft presented in District Council conclusions.³⁸⁸ The District Council brings the final decision surrounding the new or amended land use and development plan, which are further published as a legally binding regulation open for the every persons’ insight.³⁸⁹

It is to be differentiated between the situations when the participation is always to be conducted, and the situations when it has to be examined whether the participation is necessary.³⁹⁰ A citizen will participate in land use and development plans always, when one of the following situations ensue: a) if there is more than 300 residential units planned, or 30.000 m² *brutto* floor area, b) if the project in question goes hand in hand with the Viennese high-rise building concept, c) if it is an urban development project in the core zone of the world culture heritage, d) if a green area or the area used for this purpose has been converted to a construction land, e) if it is an urban development project which has to undergo a “strategic environmental control”

³⁸³ See: Stadt Wien. Vorhaben and Projekte der Wiener Stadtentwicklung.

³⁸⁴ See: Masterplan Partizipative Stadtentwicklung. Frühzeitiges Beteiligen der Bevölkerung an städtebaulichen Planungs- und Widmungsprozessen. 2017: 54-55.

³⁸⁵ Ibid., 56-57.

³⁸⁶ Ibid., 63.

³⁸⁷ See: Bauordnung für Wien §2 (7).

³⁸⁸ Ibid.

³⁸⁹ See: Plan Zeigen, Plan Verstehen 2000: 14; Bauordnung für Wien §1 (1).

³⁹⁰ See: Masterplan Partizipative Stadtentwicklung. Frühzeitiges Beteiligen der Bevölkerung an städtebaulichen Planungs- und Widmungsprozessen. 2017: 44.

(“SUP”).³⁹¹ On the contrary, it will be taken under the loop whether participation is needed in the cases when a) in the contrast to the existing one, a higher building is planned to be constructed, b) the purpose of earlier publicly used free space has been changed and c) urban development projects are planned in a historical town center or protected zone.³⁹²

5.3. The citizen participation in land use and development plans in Berlin

Not only a capital city and a state, but with a land size of around 892 km², Berlin is the largest city in Germany too.³⁹³ Over 40 percent of the city areas are open-air spaces, such as green areas, water, and agriculture areas or forests.³⁹⁴ Due to a long-term collaboration between Berlin and Brandenburg, Berlin’s land use plans include spatial planning for the whole capital region, covering the territory of both cities.³⁹⁵ The main ideas and goals of their collaboration are to ensure development, especially in the areas with good preconditions related to transportation, economy and population density.³⁹⁶

Land use plan is a legitimate and integral planning instrument which ensures spatial requirements for a long-term general interest in Berlin.³⁹⁷ Land use plans serve as a basis for further steps in urban development, and only after a land use plan for a certain area has been made, it can be shifted to the creation of a development plan.³⁹⁸ The land use plan for a certain municipality must contain a type of land use (its main features), resulting from the intended urban development and according to the foreseeable needs of the municipality.³⁹⁹ The land use plan includes presentations of building areas, public purpose land, supply and disposal facilities, transportation, open-air and water areas, and environmental protection.⁴⁰⁰ Moreover, the information concerning legal regulations and the identification of polluted areas are to be found

³⁹¹ See: Masterplan Partizipative Stadtentwicklung. Frühzeitiges Beteiligen der Bevölkerung an städtebaulichen Planungs- und Widmungsprozessen. 2017: 45.

³⁹² Ibid., 50.

³⁹³ See: Berlin.de. Strategische Grundlagen-Einbindung der Flächennutzungsplanung in die gesamtstädtische räumliche Planung.

³⁹⁴ Ibid.

³⁹⁵ Ibid.

³⁹⁶ Ibid.

³⁹⁷ See: Berlin.de. Erläuterungen zum FNP.

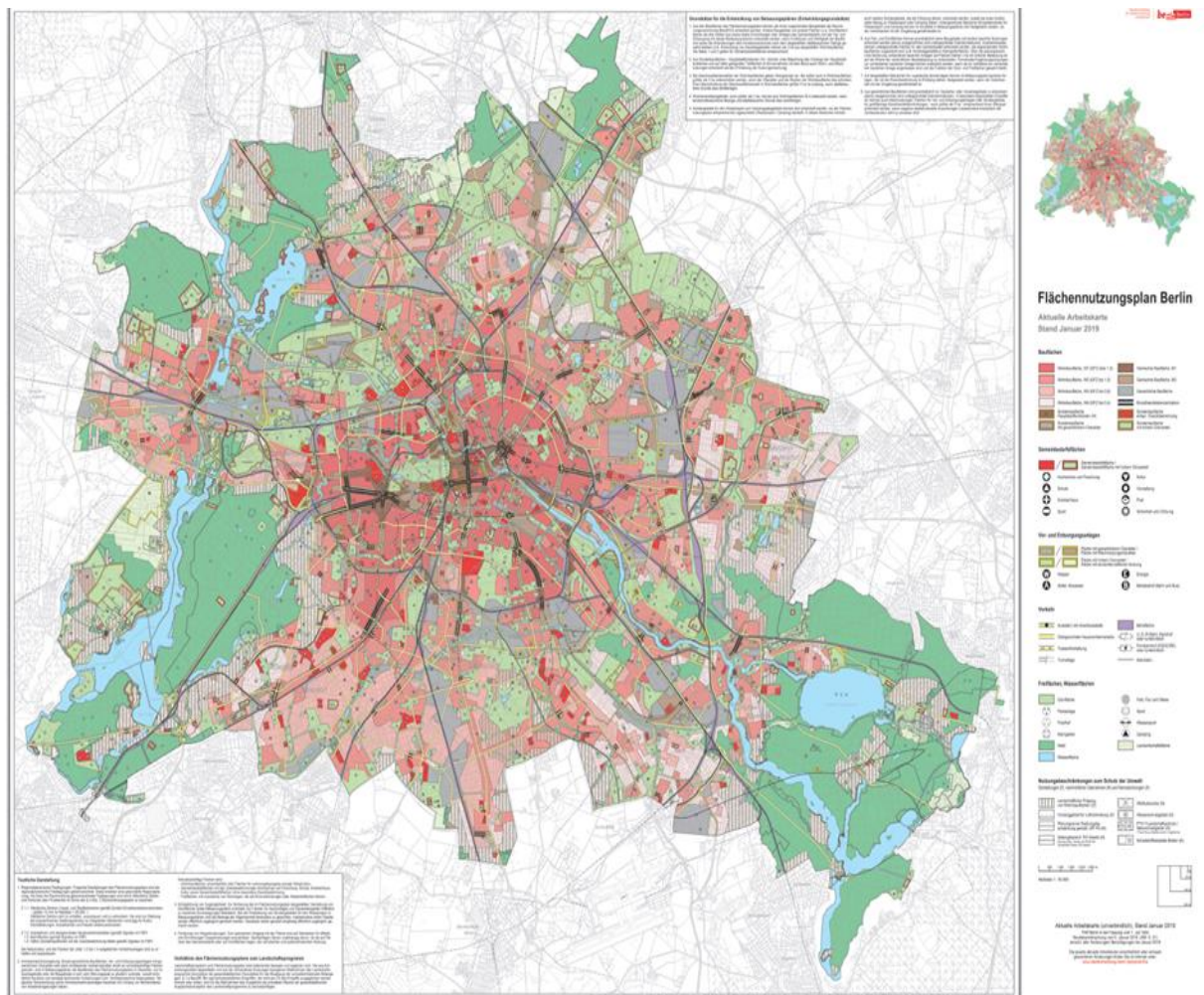
³⁹⁸ See: Berlin.de. Strategische Grundlagen-Einbindung der Flächennutzungsplanung in die gesamtstädtische räumliche Planung.

³⁹⁹ See: Baugesetzbuch § 5 (1).

⁴⁰⁰ See: Berlin.de. Flächennutzungsplan Planzeichnung.

in the land use plan.⁴⁰¹ Characteristic of the territory of Berlin area is a so called, “settlement star” stretching along suburban traffic area.⁴⁰² The city structure picture contains not only features of the inner city but also depicts the transition area between city’s inner and outlying parts, the transition areas between city and landscape areas, the interdependencies between forest areas as well as settlement and agricultural axis.⁴⁰³

Picture 2. Land use plan Berlin, Interactive map



Source: Berlin.de. Flächennutzungsplan Planzeichnung

One part of land use plans contains pictures/maps, while the rest pertains to its textual explanation. Textual representation includes four types of information, and the first type, referring to regional-planning decisions, encompasses the information about city centers,

⁴⁰¹ See: Berlin.de. Flächennutzungsplan Planzeichnung.

⁴⁰² See: Berlin.de. Strategische Grundlagen-Einbindung der Flächennutzungsplanung in die gesamtstädtische räumliche Planung.

⁴⁰³ Ibid.

railway areas, highways, and main roads and harbors.⁴⁰⁴ The second one includes the regulations of emission protection. If commercial building areas, commercial supply, and disposal facilities, or the traffic routes with strong emissions, are positioned nearby sensitive areas, several elements must be established within development plan: the construction areas in land use plans must be divided in respect to industrial and commercial areas, construction sites must be divided according to disturbance level and/or, if it is required, construction and other technical precautions for emission protection have to be established.⁴⁰⁵ The third part refers to the facilitation of accessibility. In order to establish the connection between, in the land use plan presented green areas, the development plan must include publicly accessible paths inside sport areas and permanent, small gardens.⁴⁰⁶ This pertains especially to the water sports areas, which have to be accessible to everyone.⁴⁰⁷ The fourth and the last part of textual presentation includes the encouragement of the double purpose of public areas. Sport facilities are used regardless of their location (green area or the area of common interest) or purpose (curricular or extracurricular activities).⁴⁰⁸

Development plans are one of the most important instruments for urban development, and it is generated from the land use plan. It has been regulated through Federal Building Code (*germ. Baugesetzbuch*) which prescribes its purpose, content, and processes of its establishment, approval and coming into effect.⁴⁰⁹ As the development plan evolves from the land use plan, Building Code prescribes a possibility of parallel processes for setting, changing, amending or repealing of both plans.⁴¹⁰ The development plan can even be published prior to the land use plan if, according to the status of planning work, it can be inferred that this development plan will evolve from the future presentation of the land use plan.⁴¹¹ It is considered to be a historical achievement, as it guarantees, through legally established procedures, the consideration of all relevant interests.⁴¹² The development plans, as well as land use plans, are needed for the construction and/or modification of residential buildings (or any other type of buildings), but

⁴⁰⁴ See: Berlin.de. Flächennutzungsplan-Textliche Darstellung.

⁴⁰⁵ Ibid.

⁴⁰⁶ Ibid.

⁴⁰⁷ Ibid.

⁴⁰⁸ Ibid.

⁴⁰⁹ See: Baugesetzbuch §8, §9, §10.

⁴¹⁰ Ibid., §8 (3).

⁴¹¹ Ibid., §8 (4).

⁴¹² See: Berlin.de. Allgemeine Informationen zu Bebauungsplanverfahren.

also for any kind of construction and/or modification of parks, streets or playgrounds.⁴¹³ And, as Berlin is a city in constant change, the existence of development plans and the citizen participation they guarantee, is of the utmost importance.⁴¹⁴

As regards to the land use plans and their coherence with citizen participation, the city of Berlin announces several strategic goals which would contribute to the better utilization of the city, as well as to a sustainable and climate-friendly urban development.⁴¹⁵ The goals are listed as following: 1) strengthening city development, urban mixture, and the qualification of inventory; 2) balanced utilization structures in all city sub-areas; 3) the securing and careful completion of the existing residential uses in developed urban area; 4) the promotion of jobs, especially in areas with good public transport accessibility; 5) the strengthening of polycentric city structure through the integrated development of existing centers; 6) clearance protection, the protection of green areas and the functioning of the ecosystem; 7) securing common interest sites; 8) the city of short distances: strengthening public transport, city-compatible integration of commercial transport.⁴¹⁶

The citizen participation in land use and development plans jointly called urban development plans (*germ. Bauleitplane*), is regulated in Federal Building Code. The first part, sections 3 and 4 are concerned with participation, including public participation and the participation of city officials, while the section 4a refers to the general regulation of participation. Other than these, the section 6 in the second part of the Code regulates the approval of land use plans, with citizen participation directly related to the process of approval. Same applies to the part three, section 10, making a reference to the approval of development plans.

Participation in land use plans is a two-phase participation. According to Federal Building Code, citizens must be informed as soon as possible about the goals and purpose of planning, about the essentially different solutions in planning for certain area, as well as about the prospective consequences of intended planning.⁴¹⁷ At this early stage of participation, also called the first phase of participation, the public, including children and youth, can express their

⁴¹³ See: Berlin.de. Allgemeine Informationen zu Bebauungsplanverfahren.

⁴¹⁴ Ibid.

⁴¹⁵ See: Berlin.de. Erläuterung zum FNP und zur Öffentlichkeitsbeteiligung-Strategische Planungsziele.

⁴¹⁶ Ibid.

⁴¹⁷ See: Baugesetzbuch §3 (1).

opinion and join in the discussion.⁴¹⁸ Aside from mere information gathering, participants can bring their own proposals and opinions, which will be considered in the further phases of planning.⁴¹⁹ In case of more complexed decisions, already in the early phase of participation the methods such as talk series, site conferences, workshops, and informative meetings can be taken advantage of.⁴²⁰ Substantial environmental proposals can be presented in the later stage of participation, during the public presentation of a project.⁴²¹ Citizens can express their opinions through an online form, via E-mail, directly at the Senate Administration for Urban Development or Municipal Urban Planning Department through a paper form or by sending it via post.⁴²² All details about participation, time and location, are published online on the city's official website, as well as in the official gazette.⁴²³

The second phase of participation is a public presentation of land use plan's draft version, including the plan's rationale and the most important citizen's environmental opinions submitted in the earlier phase.⁴²⁴ During the period of public presentation, the citizen's opinion regarding the project can be submitted again.⁴²⁵ They will be assessed, and the results must be publicly announced.⁴²⁶ The draft version of a land use plan is publicly available for one month, or due to a justified reason, for an appropriately longer time period.⁴²⁷ The date and time of public presentation, as well as the available environment related information, have to be announced at least one week in advance through the channels customary for a city.⁴²⁸ In Berlin, these channels include the announcement through the ad in Berlin Daily news and in the official gazette in a timely manner as well as via online channels.⁴²⁹ Besides, information about the possibility of citizen participation as well as project related information are available through presentation and info-station at the Senate Office for Urban Development and Environment, an extensive portfolio with participation documents, the possibility of personal consultation with

⁴¹⁸ See: Baugesetzbuch §3 (1).

⁴¹⁹ See: Berlin.de. Erläuterungen zur Beteiligung.

⁴²⁰ See: Flächennutzungsplan für Berlin, FNP-Bericht 2015: 1723-174.

⁴²¹ See: Berlin.de. Erläuterungen zur Beteiligung.

⁴²² Ibid..

⁴²³ See: Flächennutzungsplan für Berlin, FNP-Bericht 2015: 171.

⁴²⁴ See: Berlin.de. Erläuterungen zur Beteiligung.

⁴²⁵ See: Baugesetzbuch §3 (2).

⁴²⁶ Ibid.

⁴²⁷ Ibid.

⁴²⁸ Ibid.

⁴²⁹ See: Flächennutzungsplan für Berlin, FNP- Bericht 2015: 174.

the experts and the Municipal Office.⁴³⁰ In case participants require it, a personal meeting can be scheduled too.⁴³¹

If more than fifty persons submit the opinions with similar content, the results of the assessment do not have to be publicly disclosed, but the group of persons who submitted them is granted a personal insight in the decision.⁴³² The insight is conducted on the location in accordance with local customs, during the working hours of the respected office.⁴³³ Citizens' opinions must be submitted within a deadline; otherwise they will not be considered.⁴³⁴ Finally, all amendments that exist or all new land use plans have to be approved by the Senate, and a decision needs to be reached within three months.⁴³⁵ After a Senate has made a decision, House of Representatives needs to approve it.⁴³⁶ The last phase is publishing of the decision through the official gazette after which every person has a right to demand its reasoning as well as the information about the content of the decision.⁴³⁷

If one person wants to submit several opinions/proposals, he/she must use a different paper form for each opinion/proposal.⁴³⁸ Every paper form contains a field with basic personal information, such as name, address, and signature, which are mandatory only if a person wants to have a feedback about the results of the assessment.⁴³⁹ Otherwise, the person can submit it anonymously.⁴⁴⁰ The form also contains fields referring to the essence of the opinion/proposal, where the person making the opinion/proposal must insert the information about the district where a land use plan project is undertaken, project's number, the type of land use project and finally the opinion/proposal itself.⁴⁴¹

The citizen participation in development plans is described through a graphic, depicting every step of participation process, as well as the whole decision-making process. The graphic lays

⁴³⁰ See: Flächennutzungsplan für Berlin, FNP- Bericht 2015: 174.

⁴³¹ See: Berlin.de. Erläuterungen zur Beteiligung.

⁴³² See: Baugesetzbuch §3 (2).

⁴³³ Ibid.

⁴³⁴ Ibid.

⁴³⁵ See: Flächennutzungsplan für Berlin, FNP- Bericht 2015: 171; Baugesetzbuch §6 (4).

⁴³⁶ See: Flächennutzungsplan für Berlin, FNP- Bericht 2015: 171.

⁴³⁷ See: Flächennutzungsplan für Berlin, FNP- Bericht 2015: 171; Baugesetzbuch §6 (5).

⁴³⁸ See: Berlin.de. Erläuterungen zur Beteiligung. Formblatt für Stellungnahme.

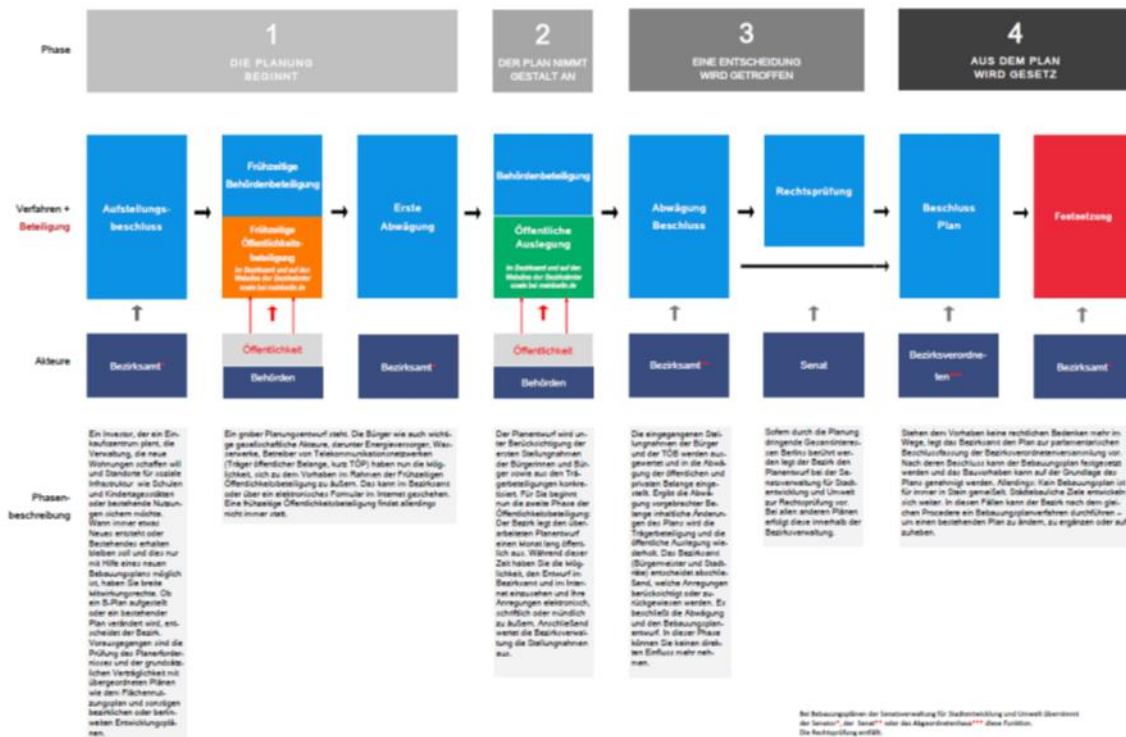
⁴³⁹ Ibid.

⁴⁴⁰ Ibid.

⁴⁴¹ Ibid.

out a four-phased decision-making process for the development plan. Those phases are: 1) the beginning of planning; 2) the shaping of the plan; 3) making the decision and 4) from plan to Law, and these will be presented below.⁴⁴²

Picture 3. Graphical overview of the individual phases of a development plan



Source: Berlin.de. Allgemeine Informationen zu Bebauungsplanverfahren

Beside the presentation of the overall decision-making process, the graphic also shows citizen participation being conducted in two phases. In the phase of early citizen participation or the phase of the beginning of the planning, citizens can participate for the first time in the early stage of development plan creation.⁴⁴³ After a District Office makes a formal decision about the opening of the planning process, it has the duty to inform citizens about their right to participation.⁴⁴⁴ To do so, they use different means of communication – daily news and internet (but information is also partly distributed by means of the posters on building entrances), and

⁴⁴² See: Berlin.de. Allgemeine Informationen zu Bebauungsplanverfahren.

⁴⁴³ See: Berlin.de. Bebauungsplanverfahren in Berlin. Häufig gestellte Frage.

⁴⁴⁴ Ibid.

the handouts in the mailboxes or similar channels.⁴⁴⁵ During the early phase of participation, informative meetings, presentations, hearings and similar methods of participation can be conducted in order to offer participants the opportunity to express their opinions about the planning.⁴⁴⁶ All citizens, but also other social actors, such as energy providers, have the opportunity to give their opinions on the draft version of the development plan.⁴⁴⁷ They can do it personally at the District Office, or using their official internet page, as well as another, city made, internet page, *meinberlin.de*.⁴⁴⁸ After this stage, the plan is being continually developed with the consideration of given private and public inputs.⁴⁴⁹

In the second phase of the decision-making process (shaping the plan), the draft version of the development plan is being presented publicly, calling for the second phase of citizen participation.⁴⁵⁰ Citizens must be informed about the public presentation at least one week ahead, mostly through official gazette, daily news, and internet.⁴⁵¹ The public presentation lasts for one month and, in this period, everybody can submit opinions, by way of the abovementioned electronic or written channels, or personally at the District Office.⁴⁵² These will be assessed by the District Administration.⁴⁵³ In the third phase, that is, the phase of decision-making, the assessment of private and public inputs is again due. If the assessment results in the modification of the plan, public presentation and the citizen's participation will be repeated.⁴⁵⁴ District Office is empowered to ultimately decide which proposals will be considered or dismissed, as well as to conduct the assessment of private and public proposals and to decide the draft of development plan.⁴⁵⁵ This is the phase where citizens cannot participate anymore. The last step of the decision-making phase is the legal examination at the Senate Administration for Urban Development and Environment.⁴⁵⁶ This is unique to the development plans, for all the other plans are examined through District Administration.⁴⁵⁷ If there are no legal impediments, the development plan is further forwarded to the District

⁴⁴⁵ Ibid.

⁴⁴⁶ See: Berlin.de. Bebauungsplanverfahren in Berlin. Häufig gestellte Frage.

⁴⁴⁷ See: Berlin.de. Allgemeine Informationen zu Bebauungsplanverfahren.

⁴⁴⁸ Ibid.

⁴⁴⁹ Ibid.

⁴⁵⁰ Ibid.

⁴⁵¹ See: Berlin.de. Bebauungsplanverfahren in Berlin. Häufig gestellte Frage.

⁴⁵² See: Berlin.de. Allgemeine Informationen zu Bebauungsplanverfahren.

⁴⁵³ Ibid.

⁴⁵⁴ Ibid.

⁴⁵⁵ Ibid.

⁴⁵⁶ Ibid.

⁴⁵⁷ Ibid.

Parliament, which comes up with the final decision on the development plan, and then, based solely on this decision, a project can be further implemented.⁴⁵⁸

Through the legal requirements founded in the Federal Building Code, it has been ensured that in the decision-making process for development plans, wholesome public opinion is heard and considered. However, there are occasions where neither a new development plan nor citizen participation is needed. If a new construction, construction modification or the change in use do not oppose the already existing development plan, or if there is no development plan, but there is a similar building (or the one with a similar use), neither a development plan nor citizen participation is needed.⁴⁵⁹

⁴⁵⁸ See: Berlin.de. Allgemeine Informationen zu Bebauungsplanverfahren.

⁴⁵⁹ Ibid.

6. The evaluation and comparison of citizen participation in land use and development plans. Vienna and Berlin.

After a detailed presentation of citizen participation in land use and development plans in Vienna and Berlin, the duty of the following chapter is the final step towards the answer to the research question, namely the evaluation and comparison of participation policies in land use and development plans. The evaluation of citizen participation in land use and development plans is based on the theoretical background following the work of Arnstein and Nanze and Fritsche. While Arnstein's ladder of participation ensures the assessment of levels of participation, Nanz and Fritsche's systematization provides the answer to the other questions related to the characteristics of citizen participation in the land use and development plans. Although in the previous chapter, the land use and development plans in Vienna have been presented as being together, and the ones in Berlin were presented separately, for the reason that their traits in terms of citizen participation resulted in being the same, in this upcoming chapter, their evaluation and comparison will be conducted simultaneously. The evaluation of citizen participation in the development and land use plans will be done simultaneously with the comparison between Vienna and Berlin.

6.1. The levels of participation in land use and development plans. Vienna and Berlin.

After analysing the characteristics of the citizen participation in regard to Arnstein's ladder of participation for Vienna, it has been shown that the citizen participation in urban development and land use plans reflects mostly the first (*nonparticipation*) and second (*tokenism*) ladder of participation. The participation transpires by means of information sharing/gathering, which belongs to the first level of participation, that is *nonparticipation*, or, more precisely, *manipulation*, and by means of the submission of the opinions on the draft version of the plans during the public presentation, which belongs to the second level, that is, *tokenism*, or more precisely, its sublevel *consultation*.⁴⁶⁰ Unlike in Berlin, it has not yet been emphasized that the participation is divided into two phases, but it can nevertheless be concluded that the participation process has been similarly conducted. The first phase includes the informal type of participation, where participants are informed about the new urban planning project, and

⁴⁶⁰ See: In text Footnotes 168-169, 175-177.

where they can further acquire the necessary information but also express their opinions in regard to the early stage of land-use and development plan.⁴⁶¹ In addition, they can also propose new ideas about the planned city projects and engage in public discussion.⁴⁶² Following the Arnstein's theoretical background, it can be concluded that in this phase participation firstly reaches the first level of participation — *nonparticipation*, or more precisely its sub-level, *manipulation*, due to participation being conducted in form of information events.⁴⁶³ At the same time, due to Arnstein's classification, participation reaches a first sub-level of the second level of participation, *tokenism*, which is called *informing* and encompasses mere information sharing through the news media, posters and similar channels of communication.⁴⁶⁴ The same pertains on the second phase of participation. However, owing to the possibility for participants to submit their opinions at the very same moment, participation also reaches a second level of Arnstein's ladder, namely *degree of tokenism*.⁴⁶⁵ More precisely, it is a sub-level, *consultation*, as participants are consulted and asked for their respective opinions.⁴⁶⁶

Second phase of participation depicts a combination of formal and informal types of participation, but in terms of level of influence on the decision-making process, is no different than the first phase. The citizens, having been notified about a new urban development project and the possibility to partake in the decision-making process for the new/amended land use and development plan⁴⁶⁷, actually reach the first level of participation — *nonparticipation*. More precisely, they can attend the information events, which Arnstein categorizes as one kind of the sublevels (of the first level) of participation, *manipulation*.⁴⁶⁸ In addition, they can also demand all information they need, necessary for them to further participate in the process.⁴⁶⁹ At the same time, participants are able to submit opinions on a draft version of land use and development plan,⁴⁷⁰ and therefore, reach the second level of participation, *tokenism*, in the form of *consultation*. However, there is one important attribute of citizen participation in the land use and development plans which distinguishes it from the second level and places it

⁴⁶¹ See: In text Footnote 361.

⁴⁶² See: In text Footnote 362.

⁴⁶³ See: In text Footnotes 168-169.

⁴⁶⁴ See: In text Footnotes 173-174.

⁴⁶⁵ See: In text Footnotes 175-177.

⁴⁶⁶ Ibid.

⁴⁶⁷ See: In text Footnotes 373-374.

⁴⁶⁸ See: In text Footnotes 168-169.

⁴⁶⁹ See: In text Footnote 381.

⁴⁷⁰ Ibid.

between the second and third level of participation. Namely, while Arnstein claims for *tokenism* to include citizen consultation, it does not include the accountability of powerholders for decisions they make, as there is no assurance that citizens' opinions will be included in the final decision.⁴⁷¹ As regards to participation in the land use and development plans in Vienna, although the city authorities make the final decision, they must nonetheless consider and evaluate citizens' input and provide a feedback on the results of participation and the effects it has on the planning process.⁴⁷² The city authorities (City Administration) issue a report about the received citizen opinions.⁴⁷³ Therefore, a moment of accountability places participation in the land-use and development plans in between the second and third level of participation.

Following Arnstein's criteriums for the levels of participation in decision-making, citizen participation in the land use and development plans in Berlin indicates the same level of participation as in Vienna. The participation is performed chiefly in the form of *nonparticipation* or *tokenism*, and it does not reach the third level, *citizen power*. Before laying out the levels of participation reached, it should be noted that the participation is cut in two phases. The first one, an early stage of participation, is the phase where citizens are informed about the intended amendments in the land use plans, their goals and purpose, as well as about possible consequences of the plans; however, on their request, they can also get any other information related to projects.⁴⁷⁴ In this phase, participation incorporates the citizens' rights to access all the necessary information about the future project and the right to submitting their opinion on it.⁴⁷⁵ The second phase incorporates the presentation of a draft version of land use and development plan, now including the inputs from the previously submitted participants' opinions, and it is then once again open to further participation.⁴⁷⁶ Most importantly, at this stage, their participation includes a right to submit their opinions on the project but also a right to require all necessary information.⁴⁷⁷ So, essentially, although it has been emphasised that the participation is implemented in two phases, in terms of the levels of participation in the decision-making itself, they do not differ. In the first as well as in the second phase of participation, participants reach both, the first and the second level of participation. In the first

⁴⁷¹ See: In text Footnotes 175-177.

⁴⁷² See: In text Footnote 370, 389.

⁴⁷³ See: In text Footnote 387.

⁴⁷⁴ See: In text Footnote 417.

⁴⁷⁵ See: In text Footnote 419.

⁴⁷⁶ See: In text Footnotes 424-425.

⁴⁷⁷ See: In text Footnotes 425, 430.

phase of participation through the notice about participation and information-events they reach the first level *non-participation*, more precisely *manipulation*, and through the opportunity to submit the opinion in regard the future planning, they reach the second level of Arnstein's ladder, *tokenism*, or more precisely *consultation*.⁴⁷⁸ The situation is the same when it comes to the participation in the second phase, where citizens can participate through the submission of their opinions after a public presentation of the updated draft version of the development or land use plan and, therefore reach the level of *tokenism*, or *consultation*.⁴⁷⁹ In addition, they can access all necessary information through different channels, which constitutes a first level of participation, *non-participation*, or *manipulation*.⁴⁸⁰ Same as in Vienna, when participation pertains to mere information gathering, it can be concluded that participation depicts a first sub-level of the second level of participation, *tokenism*, which is called *informing* and encompasses mere information sharing through the news media, posters and similar channels of communication.⁴⁸¹ Another similarity to Vienna refers to the existence of one important attribute of citizen participation in the land use and development plans which distinguishes it from the second level and places it between the second and third level of participation. Namely, while Arnstein claims for tokenism to include citizen consultation, it does not include the accountability of powerholders for decisions they make.⁴⁸² As regards to participation in the land use and development plans in Berlin, although the city authorities make the final decision, they must nonetheless consider and evaluate citizen input as well as publicly declare the results of the decision-making process and provide participants with the reasoning and insight in them.⁴⁸³ This is that which places the citizen participation in land use and development plans in-between the second and third level of Arnsteins' ladder of participation.

6.2. The characteristics of the citizen participation according to Nanz and Fritsche. Vienna and Berlin.

In the case of Vienna, participation is not a one-time event. After the draft version of the new/amended land use or development plan is created, the citizens can, within a deadline of six

⁴⁷⁸ See: In text Footnotes 417, 419, 168-169, 175-177.

⁴⁷⁹ See: In text Footnotes 425, 175-177.

⁴⁸⁰ See: In text Footnotes 430, 168-169.

⁴⁸¹ See: In text Footnotes 173-174.

⁴⁸² See: In text Footnotes 175-177.

⁴⁸³ See: In text Footnotes 426, 437.

weeks, extract their opinion on them.⁴⁸⁴ The citizens' opinion can be dispatched through different communication means. This is possible on every day of the week (except on the weekends) during the working hours of the Service Point at the Urban Development Department, from Monday to Friday 8-12.30h and on Tuesdays and Thursdays 8.00-17.30h.⁴⁸⁵ Moreover, written opinions can be sent or submitted personally to the address of a Municipal Department for Urban Development and Land Use 21A or 21B.⁴⁸⁶ The additional option is the online platform, city's official website, where opinions can be submitted through an online form.⁴⁸⁷

Not even a single document defines the number of participants allowed to participate in the projects of land use and development plans. However, the analyzed documents claim that the participation is open to anyone interested, which overlaps with one of the next characteristics by Nanz and Fritsche about the selection of participants. The selection of participants in the decision-making process for the land use and development plans in Vienna is conducted in the following manner. The participation is primarily open to everyone interested, which does constitute a self-selection form.⁴⁸⁸ It is, nonetheless, emphasized as well (throughout the analyzed documents) that the participation of residents and especially directly affected residents is encouraged.⁴⁸⁹ Those are residents living in the surrounding areas, or local actors.⁴⁹⁰ This criterion is specifically important in view of the aspect of this thesis — concerned with non-nationals participation. By stating that the participation is open to anyone interested, or to the residents, it clearly paves an open way for non-nationals to become included in the participation process. The most important implication of the selection process is the social representation of participants, and it is noticeable that the urban development policy in Vienna considers this as its important characteristic. During the selection of participants in the projects of land use and development plans, it has to be considered whether the actors from different society groups are included.⁴⁹¹ Also, a balance between male and female actors has to be maintained.⁴⁹² However, the analyzed data do not comprise the information on how exactly this can be realized given

⁴⁸⁴ See: In text Footnote 375.

⁴⁸⁵ See: In text Footnote 378.

⁴⁸⁶ See: In text Footnote 380.

⁴⁸⁷ See: In text Footnote 382.

⁴⁸⁸ See: In text Footnotes 371, 375, 132.

⁴⁸⁹ See: In text Footnote 372.

⁴⁹⁰ See: In text Footnote 372.

⁴⁹¹ See: In text Footnote 371.

⁴⁹² Ibid.

that the participation is open to everyone. The costs of participation, as one of the characteristics from the first set of characteristics by Fritsche and Nanz, have not been outlined anywhere in the documents, and thus are not included in the analysis.

Beside the aforementioned characteristics (which are important for the purpose of depicting the participation), special attention needs to be paid to the first step towards citizen participation. It is a question of channels of communication, or how citizens acquire information about the participation process. The pieces of information are distributed through several channels. They include the information about the time and date of the public presentation of the draft version of the plans and are to be had in the official gazette of the city of Vienna, as well as by way of the notice on the news boards in the City Hall and a certain district.⁴⁹³ The district in question is that which is affected by the development or land use plan. Besides, all the households in the neighbourhood receive a planned project, as well as the invitation for the participation via mailing or by means of personally addressed mails.⁴⁹⁴ The further set of characteristics refers to the communication between the participants. The participation in the land use and development plans in Vienna depicts real communication between participants as they are not mere observers and listeners, but they have the means to articulate their inputs. According to the available data, participation, in this case, depicts the first level of real communication — articulation of interests — where the participants can express their ideas, opinions, and where they can compare their perspectives with other participants' perspectives.⁴⁹⁵ These can be done in the informal phase through discussions or information events but also in the formal part of participation process when they express their ideas during the public presentation of the draft version of land use and development plan, through the submission of their opinions.

The fourth and the last set of characteristics relates to the functions of the participation process. This question reflects somehow Arnstein's levels of participation but also integrates the analyses of personal perspectives about the participation, which makes it troublesome to answer this question within this master thesis. We cannot deduce — based on this type of analysis of participation urban planning — whether the participation is useful for personal competences, for enriching the participants' knowledge, and the like. We also cannot know whether the

⁴⁹³ See: In text Footnote 374.

⁴⁹⁴ See: In text Footnote 373.

⁴⁹⁵ See: In text Footnote 146.

participation is striving to trigger a public debate about an issue. However, we can place the participation in the development and urban plans on the third level of this scale. On this level, the citizens express their opinions, which have to be taken into consideration by the decision-makers when they make decisions.⁴⁹⁶ Even an ideal version of participation on this level is achieved, as decision-makers are obliged to give feedback on participants' inputs and to justify their decisions.⁴⁹⁷ In regard to the participation methods, Vienna differentiates between standard and additional methods, with the standard ones being information events, the discussions with experts, and qualitative questionnaire.⁴⁹⁸ As additional methods and depending on projects and available funds for that matter, the city can also utilize the informative texts, InfoPoint, public relations, short questionnaires, infoboxes, city walks, activating questioning, "future workshops", "future conferences" or "open spaces", open workshops", as well as ideas and feedback post boxes as participation methods.⁴⁹⁹ These are all used as a part of informal participation. In the second phase of participation process, a combination of informal — (information events) and formal methods of participation (public presentation of the draft version of land use and development plans with the possibility of opinion submission) are being conducted.⁵⁰⁰

The participation process in the land use and development plan in Berlin is not a one-time event, but rather it lasts for a certain period of time. The Building Code has prescribed that after the public presentation of the land use and development plans, the participation process has to last for the time period of one month.⁵⁰¹ The participation can be conducted during the opening hours of different city authority's offices.⁵⁰² Beside the regular working days and opening hours, the interested participants can also arrange a personal meeting.⁵⁰³ While it is not stated in which time period they can be scheduled, it seems fairly obvious that that is possible during the working hours of the city representatives. When it comes to a location where the participation can be conducted, there is more than one possibility. The citizens can pay a visit to the Senate Administration for Urban Development or District Office and participate directly through the paper form (or by sending it via post), or they can utilize the city's online platform,

⁴⁹⁶ See: In text Footnotes 160-161.

⁴⁹⁷ See: In text Footnote 162.

⁴⁹⁸ See: In text Footnote 384.

⁴⁹⁹ See: In text Footnote 385.

⁵⁰⁰ See: In text Footnote 381.

⁵⁰¹ See: In text Footnote 427.

⁵⁰² See: In text Footnote 433.

⁵⁰³ See: In text Footnote 431.

additional platform *meinberlin.de*, or E-mail.⁵⁰⁴ The minimum, maximum or preferred number of participants has not been mentioned. Regarding participants' selection, the Federal Building Code for Berlin uses the term "public" to indicate the participants.⁵⁰⁵ Although it does not state clearly that citizenship is not a condition for the participation, it has been indicative throughout all documents that participation is rather open for all residents. Not a single analysed data indicates any restrictions of participants. In addition, literature confirms Germany as a state where participation in urban development projects is not tied to a citizenship status.⁵⁰⁶ The costs of participation, as one of the characteristics from the first set of characteristics by Fritzsche and Nanz, have not been outlined anywhere in the documents, and thus are not included in the analysis. The earlier mentioned number of participants overlaps with the second characteristic formulated by Fritzsche and Nanz about the selection of participants. They state three different forms of participants selection, namely, self-selection, random and targeted selection.⁵⁰⁷ The participation in land use and development plans in Berlin is primarily open to "public", which does constitute a self-selection form. It is up to each individual to decide whether to engage in decision-making process or not.⁵⁰⁸ As Fritzsche and Nanz mentioned, a downside of the self-selection process is an uneven representation of participants with different levels of education, as well as with different amount of leisure time.⁵⁰⁹

An important element of the characteristics related to the selection of participants is the one which precedes the selection process itself. One of the most vital steps towards the realization of the citizen participation is certainly the strategy of informing the citizens about the possibility of participation in the first place. Given that the participation in the land use and development plans in Berlin is normally conducted in two phases, the citizens have to acquire information about both of them. In the first phase of participation, the citizens are informed about the planned project of the new/amended land use and/or development plan by way of the official gazette, daily news, posters on building entrances, the handouts in the mailboxes and online through the city's official website.⁵¹⁰ For the reason that in the second phase of participation, a draft version of a land use or development plan is publicly laid out, the information about the

⁵⁰⁴ See: In text Footnotes 422, 448.

⁵⁰⁵ See: Baugesetzbuch §3 (1).

⁵⁰⁶ See: In text Footnotes 3, 6.

⁵⁰⁷ See: In text Footnotes 132-138.

⁵⁰⁸ See: In text Footnote 132.

⁵⁰⁹ See: In text Footnote 133.

⁵¹⁰ See: In text Footnotes 423, 445.

date and time of presentation has to be announced at least one week ahead via common city official press, daily press, and internet – in case of Berlin, these are Berlin Daily news, official gazette, and the city's official website.⁵¹¹ It is known that the city authorities use several communication channels in order to reach the citizens. The question remains, how acquainted are the citizens with these channels, are they accessible to all of them, or is it a part of their daily, weekly or monthly routine to check them in order to see whether a new project in urban development has been planned. This is out of the scope of this master thesis, and the answer requires different approach to the topic. The third set of characteristics per Fritzsche and Nanz refers to the communication between participants. These characteristics reflect somewhat Arnstein's ladder of participation, although Fritzsche and Nanz emphasize the communication among participants, which can further reflect on the level of influence on the decision-making process.⁵¹² The communication between participants can be assessed as a *real communication*, since participants can express their interests and ideas and eventually compare their perspectives with other participants' perspectives, in cases when they attend information meetings or public presentations. This type of *real communication* is further termed as *articulation of interests*.⁵¹³ It cannot be inferred that they realize the other forms of communication (such as negotiation, the exchange of arguments or deliberation, which are all higher levels of communication among the participants), as the participation is neither focused on reaching a compromise between participants, nor is there an exchange of interests, perspectives, and requests.

The last set of characteristics refers to the functions and roles of the participation process for the decision-making process and public opinion. Basically, it comes down to the effect of citizen participation on the decision-making process. This has been already evaluated through Arnstein's ladder of participation, and same as there, the level of influence achieved through the participation is the level of consultation through the expression of the opinions on the land use and development plans. The best version of this level means that decision-makers are obliged to give feedback to participants, which is also guaranteed as they need to evaluate and include the appropriate citizens' opinion in the final decision but also to publicly declare the results of participation process.⁵¹⁴ As regards to the participation methods, data referring to

⁵¹¹ See: In text Footnotes 428-429.

⁵¹² See: In text Footnote 142.

⁵¹³ See: In text Footnote 146.

⁵¹⁴ See: In text Footnotes 420, 424, 426, 437.

Berlin show several methods which can be employed in the participation process. In the early phase of participation, methods such as informative events/meetings but also hearings, presentations, talk series, site conferences, workshops and alike can be implemented, while in the second phase, formal participation is conducted through the public exhibitions/presentations.⁵¹⁵ Besides, in the second phase, as the addition to formal participation, informal participation is performed through informative events/meetings.⁵¹⁶

⁵¹⁵ See: In text Footnotes 446, 450.

⁵¹⁶ See: In text Footnote 430.

7. Conclusion and the perspectives for further research

7.1. Conclusion

This master thesis has aimed to evaluate and compare the characteristics of the participation policies in the urban development projects in Vienna and Berlin as well as to inquire whether urban development projects could be a niche for political participation of the non-nationals. The first research question followed through the thesis was *Which are the characteristics of participation policies in urban development projects in Vienna and Berlin?* and through the evaluation in the last chapter, it has been answered. Other than that, one of the additional questions referred to the differences or similarities between the participation policies in urban development projects in Vienna and Berlin – the question of what these are, if there are differences in the first place. After the assessment, it has been concluded that participation policies in urban development in the two cities do not differ much, if they differ at all in their essence. Third and the last research question referred to a possibility of political participation of the non-nationals in urban development projects, and it has shown that urban development projects stand out as one of the rare areas where political participation is not bound by legal citizenship.

Regarding the characteristics of participation policies, the analysis brought about the following findings. The highest level of the participation in urban development projects realized in both cities is the level somewhat between the second and the third ladder of participation, as defined by Arnstein (2015). The participation in both cities comes down to the submission of opinions through participation in information events/meetings and public exhibition/presentation. What is important and makes the citizen participation in the land use and development plans relevant, is the fact that decision-makers, the city officials, are accountable in their relation to participants. After the process of participation, they have to evaluate and include participants' input in their decision as well as publicly declare the results of participation.⁵¹⁷ The participation indeed does not reach the third level, the *degrees of citizen power* where citizens are the key actors in a deciding process.⁵¹⁸ The decision-making process is neither divided between the participants and city officials nor is the decision power delegated to the participants in certain

⁵¹⁷ See: In text Footnotes 370, 426, 437.

⁵¹⁸ See: In text Footnotes 181-186.

projects.⁵¹⁹ The highest level of citizen participation would assume that decision-making is solely in the citizens' hands,⁵²⁰ which is not the case in participation in urban development projects neither in Vienna nor in Berlin. Although there are no differences in terms of levels of participation citizens can reach in a decision-making process, it is noticeable that variations occur in the manner in which city authorities present the whole participation process. One of the most notable examples is that Berlin defines participation as a two-phase process, while Vienna instead differentiates between formal and informal "phase" of participation. However, difference is only in the manner they define them, while essentially participation in both cities is divided into two phases, where the first phase applies methods of informal participation, while the second one is primarily relevant to the formal participation, but it also allows the possibility of informal participation (e.g. information events/meetings).

Regarding the other features of participation, Vienna and Berlin demonstrate the same output. In view of the characteristics such as selection of participants, the length of participation, the channels of communication between decision-makers and participants, and the communication forms in a participation process, the city officials organize the participation in the same manner. In regard to participants' selection, they are selected through a self-selection.⁵²¹ This feature means that the participation process is open to anyone interested, although in Vienna the emphasis is often set on the residents of the affected area.⁵²² At the same time, this is a prelude to the third research question, namely, whether urban development could be a niche for the political participation of non-nationals, and it is discussed later in this chapter. Concerning the other characteristics, Vienna and Berlin organize participation in the same manner. Participation is not a one-time event, but it can be conducted over a longer period of time, allowing the citizens to participate in the decision-making process of the new/amended land-use and development plan on more than one occasion. This also allows people with different lifestyles and daily obligations to find the appropriate time for participation. There is a difference in the length of a deadline for participation, and in Berlin, it is one month, while in Vienna it is up to six weeks.⁵²³ Additionally, the participation can be organized not only at a certain time, but, when it comes to personally conducted participation, the participants have the

⁵¹⁹ See: In text Footnotes 181, 183.

⁵²⁰ See: In text Footnote 185.

⁵²¹ See: In text Footnotes 488, 508.

⁵²² See: In text Footnote 489.

⁵²³ See: In text Footnotes 484, 501.

eight-hours working day at their disposal as well as various public offices.⁵²⁴ On the other hand, an online participation can be conducted at any given time and through different online communication means.⁵²⁵ As an integral step of the participation process is a notice to citizens about the participation process, and the choice of channels of communication is another relevant characteristic. In both cities, city authorities utilize almost the same variety of channels of communication, with some minor differences existing. In Berlin, the citizens are notified through the daily news, official gazette, the posters, the handouts in the mailboxes and the city's official website, while, in contrast, the daily news in Vienna are not used, but, beside the official gazette and the city's website, the citizens are informed through the notice in the City Hall and the referring district's Hall.⁵²⁶ When it comes to the third set of characteristics, the communication between the participants during the participation, in both cities the citizens perform real communication expressed through the articulation of their interests.⁵²⁷ They can express their opinions, as well as contrast their perspectives with other participants' perspectives. The fourth and the last set of the characteristics refers to the role of the participation process in the political decision-making process and public opinion. Although this question cannot be answered with satisfaction in this thesis and through the methodology applied, it can be justifiably inferred that the participation in land use and development plans in both Vienna and Berlin reached the third level of participation, because it is performed through the consultation and expression of citizens' opinions.⁵²⁸ Having a close look at all the characteristics of the citizen participation in the projects of land-use and development plans, it can be concluded that Vienna and Berlin share the same characteristics of citizen participation, with only minor differences.

When it comes to the methods of participation applied, both cities show a diversity of the participation methods used for citizen participation in the projects of land use and development plans. While both cities list variety of possible methods, the information events/meetings and public exhibition/presentation (of a draft version of urban development and land-use plan) have arisen as the most prominent ones. While the public presentation/exhibition of land use and/or development plan is characteristic exclusively for the formal participation, information

⁵²⁴ See: In text Footnotes 485-486, 502-504.

⁵²⁵ See: In text Footnotes 487, 504.

⁵²⁶ See: In text Footnotes 493, 495, 510, 511.

⁵²⁷ See: In text Footnotes 495, 513.

⁵²⁸ See: In text Footnotes 420, 424, 426, 437, 496, 514.

events/meeting are utilized in informal as well as a part of formal participation.⁵²⁹ Also, informal participation (during the early phase of participation process) is conducted through the methods such as talk series, site conferences, and workshops (Berlin) and qualitative questionnaires and discussions with experts.⁵³⁰ As additional methods and depending on projects and available funds for that matter, for Vienna are also characteristic the informative texts, InfoPoint, public relations, short questionnaires, infoboxes, city walks, activating questioning, “future workshops”, “future conferences” or “open spaces”, open workshops”, as well as ideas and feedback post boxes as participation methods.⁵³¹ However, as it is not legally binding to implement the methods which depict informal participation, it cannot be confidently revealed in which cases or how often they must be utilized.

The thesis had aimed at selecting two similar cases, and as Vienna and Berlin share similarities in several aspects, it made them convenient for the comparison. The similarities are visible in their population structure (which is especially relevant for third research question), but more importantly in their regulation of urban development. As mentioned, both cities regulate citizen participation policies in urban development, as well as the whole body of urban development, through a combination of legally binding and legally non/binding documentation. The legally binding regulations of citizen participation in urban development are contained within the Building Code for Vienna and Federal Building Code for Berlin, while other regulations, portraying the deliberative and informal character of the citizen participation in the urban development, are to be decided upon on case-to-case basis. These documents, existing in form of the official but not legally binding documents, also have the same structure, and resemble the same stance towards the participation policies in the urban development in both cities. Both cities have a segment on the city’s official website dedicated to the urban development and citizen participation in urban development projects, including the city’s *Master plan for participation*, as well as a list of the upcoming and closed urban development projects. Based on this, it can be claimed that the similarities in the characteristics of the participation policies for Vienna and Berlin originate from the selection of similar cases, or that similar cases apply similar tools.

⁵²⁹ See: In text Footnotes 498-500, 515-516.

⁵³⁰ See: In text Footnotes 498, 515.

⁵³¹ See: In text Footnote 499.

The third research question pursued was whether the participation policies in urban development are invented to allow for the political participation of not only nationals but also non-nationals. As one of the characteristics of participation policy refers to the actors allowed to participate in the urban development projects, this ensured the answer to the third research question. Unlike for formal participation, e.g. voting on almost all state levels, as well as for the participation in referendums, for participating in urban development projects, a participants' citizenship is not relevant. The participation in urban development projects is in no terms conditioned by the citizenship, be it the Austrian, German, or citizenship of any other EU country. It is open to any person interested in a planned urban development project, especially if it occurs in one's neighborhood.⁵³² In the view of this, urban development can be considered as a niche for the inclusion of non-nationals in the decision-making process. It can serve as the first step where non-nationals are not the mere observers of the political life, but the active participants. This aspect of the thesis sheds a new light on the urban development projects, since it presents a promising area for the political participation of non-nationals, but also as an opportunity for their social and political inclusiveness and integration, as asserted by certain scholars.⁵³³

7.2. The opportunities for further research

Apart from answering the question about the characteristics of participation policies in urban development projects, this thesis aimed at starting a discussion about two other issues. One of them is certainly a question of political participation of non-nationals. As already seen in the introductory part, the formal and informal political participation of the people without citizenship residing in Austria and Germany is very limited. It is conducted solely on the municipal level, and not in every province for that matter, but rather as the exception in few of them. Due to such regulation of political rights, and since there is an outlook for change, the non-nationals need to have more channels at their disposal to express their political will. One of the possibilities for their inclusion is a deliberative democracy or deliberative political participation. The deliberative democracy is based on the exchange of the individual perspectives and ideas aimed at the creation of collective, common opinion.⁵³⁴ It does not

⁵³² See: In text Footnotes 362, 371, 382, 375, 505, 508.

⁵³³ See: In text Footnote 7.

⁵³⁴ See: Nanz/Fritzsche 2012: 30.

recognize participation as based on citizenship, which makes it a favorable type of political participation not only for the nationals but also for non-nationals. Defining political participation in the urban development through a combination of formal regulation and informal, or deliberative methods, the urban development was designated as a niche for a possible participation of all the citizens residing in Vienna and Berlin.

Another question raised by our thesis makes a reference to the aforementioned deliberative methods employed in the participation in the urban development. The paper tried to give an analysis of the participation policies in the area of urban development. However, while the adherence to legal framework is secured by the Building Codes, it is not certain how the adherence to the non-binding framework for the participation is secured. This is something that this thesis, due to its data sources and methodology, could not assess. What is important is that the future research could go in this direction. According to the results of this thesis, the legal framework guarantees participation in urban development to all the citizens interested, it provides a certain timeframe to conduct the participation and maybe one of the most important features – it establishes accountability of decision-makers towards the participants. However, it could not be assessed how many participants take part in one urban development project, what is the demographic structure of the participants, whether they are satisfied with the characteristics of urban planning participation, or whether they use the participation as a toll for enriching their democratic knowledge and skills. Moreover, the (legal) consequences for the decision-makers in case of violation of their accountability towards participants could not be assessed. Answers to these questions are greatly important, as they would produce certain feedback to policy makers, as well as create a certain pressure in order to make the amendments in the existing regulations if needed.

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9. List of abbreviations:

- BauGB-Baugesetzbuch
- e.g.-for example
- EFTA-European Free Trade Association
- EU-European Union
- MA-Magistratsabteilung
- SUP-Richtlinie für die strategische Umweltprüfung

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