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OPEN

DOI: 10.2478/rjes-2014-0024

CITIZENS' CONSULTATIONS – PUBLIC SPACES OF ARGUMENT EVALUATION? A VIEW FROM CRITICAL DISCOURSE ANALYSIS

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Abstract: *The article applies a recently developed framework for the reconstruction and evaluation of arguments based on practical reasoning (Fairclough and Fairclough 2012) to the analysis of a public consultation session organised by the Romanian Ministry of Environment and Forests in 2011, which made partial use of digital media. The session is concerned with the Environmental Impact Assessment report in a case of public notoriety in post-communist Romania: the gold-mining project at Roșia Montană. The findings indicate that the critical questioning by the public is aimed at rebutting the corporation's main claim and proposed course of action, but its final outcome is conditioned by the institutional context and the steps that follow the consultation session.*

Keywords: *argument evaluation, critical discourse analysis, practical reasoning, public consultation, Roșia Montană*

1. Introduction

Premised on the use of the internet to boost citizen engagement in public debate and open up the government to the forces of civil society, e-democracy has by now attained a well-established place in deliberative democracies worldwide. It has attracted special attention from policy-makers as well as from scholars, generating a flourishing field of studies (Coleman and Götze 2001; Dalghren 2005; Macnamara 2010; Wright 2009). The perspectives that frame various analyses of the phenomenon, though numerous, may be divided into two widely acknowledged “camps”: the enthusiasts and the sceptics of public deliberation supported by information technology tools. The former applaud the potential of the virtual medium for increasing active citizenry participation across geographical and social boundaries, under conditions of freedom of speech, equality of status in communication and advanced technological support. The latter point to the persisting “digital divide”, reflected in differentiated access due to inequalities based on age, education, computer literacy, income, ethnicity and gender. They further raise the issue of the control exerted by discussion hosts in such matters as web design and regulation of interaction (on both aspects, see Albrecht 2006; Janssen and Kies 2004; Jensen 2003, among others). A growing number of studies, however, agree on the possibility of e-democracy producing effects that can be either beneficial or detrimental to the political process, depending on a range of institutional and sociopolitical factors. Macnamara (2010) groups them

broadly under policy, culture, resources and technology. They include the planning of consultation sessions, the timeframe necessary for feedback, design, moderation, bureaucratic culture, linguistic register, the institutional provenance of discussion hosts, and the tools used for mapping out and processing data (see also Albrecht 2006; Coleman and Gøtze 2001; Janssen and Kjes 2004; Tomkova 2009). The outcome of public deliberation hosted online is shaped, to a large extent, by the influence of such factors: they may constrain or, on the contrary, foster critical discussion in view of decision-making.

In contrast with the free-floating type of debate encountered in forums set up by citizens, e-consultation is a channelled and more strictly regulated form of online deliberation, entailing “asymmetric relations” between representatives of political institutions and experts and the general public (Tomkova 2009:2). This may well impinge upon transparency and equality in participation, but has the great merit of guaranteeing focused input, and, at least on the surface level, of empowering citizens to set the political agenda. The distinction between the discussion spaces oriented towards opinion formation, i.e. without immediate or decisive effect on policy (but still crucial for shaping public opinion in the long term), and those specifically targeted at decision-making is framed in literature as “minor” vs. “major” (Janssen and Kjes 2004; for a different understanding of “minor” and “major” applied to the same distinction, see Hendriks 2006). If scholars stress the importance of both “the anarchic case” (citizen forums) and “the government-sponsored case” for a well-functioning deliberative democracy (Jensen 2003), the stakes involved in the formal, structured type of interaction are generally higher and the intended citizen engagement in deliberation is expected to be more meaningful and effective. Fears run deep, nonetheless, that e-consultations, the main genre associated with e-government, only pay lip service to the democratic exercise and fulfil the mere role of tick-boxes for the authorities (Tomkova 2009; see also Quittkat 2011). The jury is still out on whether e-democracy lives up to the ideals it espouses or is severely limited in its capacity to effectively integrate the feedback from the public. The outcome varies from case to case, with respect to both the critical assessment undertaken by the public and the institutional frame wherein discussions take place.

The present study, which is exploratory, looks at the evaluation of arguments facilitated by a public consultation session on a gold-mining project with a long and controversial history in post-communist Romania (introduced in Section 3). Throughout the transition years, Romania has made efforts to fall in line with the EU and international trends in “good governance” and participatory democracy (for example, it is currently a member of the Open Government Partnership scheme, officially launched in September 2011). Between March 1 and May 5, 2011, the Ministry of Environment and Forests (MEF, at the time) invited concerned citizens to send in by email or snail mail their objections to and comments on the Environmental Impact Assessment (EIA) report resubmitted at the end of 2010 by the Roşia Montana Gold Corporation (RMGC) and made available online. The report was prepared in compliance with the requirements of Romanian legislation on the environment, aligned to the Environmental Assessment Council Directive 85/337/EEC (1985), in particular with the Governmental Decision No. 445/2009 on the assessment of the impact of private and public projects on the environment; the consultation of citizens is a mandatory stage stipulated therein. The 2011 session, occasioned by additions/modifications to the initial gold-mining project, was a follow-up to a much ampler one, including face-to-face debates, conducted in 2006 (according to the information available on the Ministry’s site in the section dedicated to Environmental Protection).

The Ministry made use of digital media to provide access to documents and of the e-mail as one of the communication tools, but the session cannot be considered an instance of fully-fledged e-consultation. The set-up did not include forum interaction proper, being thus closer to

traditional, standard public consultation, but was based on asynchronous exchanges with feedback time included (Macnamara 2010; Tomkova 2009) and did allow for the critical questioning of the project by the general public with the help of information technology. It therefore illustrates an early phase of e-democracy in Romania, which has, however, moved beyond the passive, one-way relationship with the public towards more active forms of citizen involvement. The public's comments to the report were collected and processed by MEF, and then forwarded to RMCG as proponents of the project. The corporation's answers, also posted online, were inserted in the report, to be assessed by a Technical Analysis Committee together with the entire documentation. Further specifications from RMCG were deemed necessary and another session of public consultation was organised in 2013, with the final assessment still pending at the beginning of 2014. The Ministry acted as a mediator between the public, the corporation and the technical board whose official role is to evaluate the EIA report.

From an argumentation viewpoint, the deliberation stage of the public consultation session discussed in this article is that of *consideration* of the protagonists' arguments (Fairclough and Fairclough 2012, based on van Eemeren 2010). It engages Romanian citizens in a debate aimed at normative decision-making, with significant consequences for the future of Romanian society. Specifically, it offers citizens and other representatives of the civil society the opportunity to formulate questions and counter-arguments which shift the burden of proof back to the corporation and may, in the long run, rebut its principal claim. The study carries out an exploratory survey of the arguments put forward by members of the public and discusses them from the perspective of their dialectical force, but also, to a smaller extent, in light of the institutional context and the specificities of the public consultation in question.

2. Theoretical and Methodological Considerations

Broadly speaking, deliberative democracy situates political practices within the scope of public deliberation, of weighing reasons with a view to taking informed, reasonable and legitimate decisions, or reaching agreement or compromise on a course of action (Fairclough and Fairclough 2012; Hendriks 2006). The analytical framework I employ in this study has been recently developed in Critical Discourse Analysis by Isabela and Norman Fairclough (2012). In an Aristotelian vein, it regards political discourse as a form of "*practical* argumentation, argumentation for or against particular ways of acting" in relation to goals (Fairclough and Fairclough 2012:1, original emphasis), a view shared with other proponents of the argumentative turn in policy analysis (Fischer 2007). It incorporates concepts from pragma-dialectics and informal logic, abiding by specific standards of critical discussion, reasonableness and premise acceptability (see also Garssen and van Laar 2010). Practical reasoning arguments are considered "plausible arguments" (Walton 2007:29-30; Fairclough and Fairclough 2012:38-39), i.e. the claim is reasonably acceptable on the basis of existing evidence, after undergoing thorough, systematic critical questioning. If new knowledge emerges in relation to the premises, the argument needs to be re-evaluated.

Starting from the basic practical reasoning scheme, the scheme proposed by Fairclough and Fairclough (2012:40ff.) integrates more closely normative and instrumental considerations by introducing a circumstantial and a values premise which, together with the goal premise, ground the social actors' claims for action:

Goal premise (specifies an "imaginary" or a "future state of affairs" the agents want to achieve; it is a normative premise, rooted in a set of values);

Circumstances premise (introduces the current state of affairs, considered problematic in some way; “natural, social and institutional facts”);
Values premise (specifies the values and concerns that inform the agents’ goals);
Means-Goal premise (proposes a means of action leading from circumstances to the desired goal);
Conclusion (claim for action).
(after Fairclough and Fairclough 2012:45ff.)

This approach to argumentation gives equal weight to the logical, rhetorical and dialectical dimensions woven into the reconstruction and evaluation of arguments. The dialectical framework, however, holds centrality in the process of verifying if the argument stands up to critical scrutiny. Three different types of questions may be asked: “[c]ritical questions that challenge the rational acceptability of the premises (or their truth),” which may prove that the argument is unsound; “[c]ritical questions that defeat the argument,” aimed at checking the validity of the argument; “[c]ritical questions that rebut the claim,” which focus on negative consequences that “undermine the goal or other goals” that agents have (Fairclough and Fairclough 2012:66-67). It is only questions in the last category that may result in the rejection of the claim, whereas the first two types simply demonstrate that the premises do not support the claim. Distinct sets of questions have been devised for testing the rational acceptability of each of the premises and of the conclusion of a practical reasoning scheme (see Walton 2007:32-33; see also discussion in Fairclough and Fairclough 2012:61-62).

The main objective of my analysis is to apply this analytical framework to the contributions of the participants in the public consultation session hosted by the Ministry of Environment and Forests in 2011. Is the citizens’ evaluation concerned with defeating the argument or with rebutting the corporation’s claim (and thus proposal for action)? Do the institutional context and the frame of discussion enable or disable the critical questioning of the RMGC argument?

3. General Background

The Roșia Montană case is well-known in the Romanian public sphere, having been on the agenda, on and off, since 1995, and, more visibly, since 1997, when the joint venture Euro Gold Resources S.A. was created (it changed its name to Roșia Montană Gold Corporation in 2000). Through it, the Romanian state entered a public-private partnership with Gabriel Resources Ltd., in which Romania, represented by Minvest Deva S.A., has a stake of 19.31%, while the Canadian corporation owns the rest of 80.69%. In 1999, the Romanian Agency for Mineral Resources transferred the mining licence from Minvest to Gabriel Resources, Minvest remaining affiliated to the licence (“the concession licence for exploitation no. 47/1999 for the exploitation of gold and silver ores in the Roșia Montană area,” according to the RMGC website). The document has been contested as illegal by many NGOs and other representatives of the civil society (a public bid should have been organised), while the terms of the agreement are protected by a confidentiality clause (see discussion in Goțiu 2013:61ff., among others). The licence gave the corporation a legal basis to begin exploring the gold and silver reserves in the area and to pursue the project that would turn Roșia Montană into the biggest open pit gold mine in Europe, where cyanide-leaching technological procedures would be employed on a large scale. Long before obtaining the environmental permit (the final hurdle to pass), the corporation proceeded with the plan for the relocation and resettlement of the Roșia Montană commune,

dividing the community and putting the inhabitants under constant pressure. (In Romania, a commune is an administrative unit that comprises several villages.) If the project is carried through, the estimated quantities to be extracted from four mines over approximately 16 years are 314 tons of gold and 1,480 tons of silver (according to RMGC). The average concentration is 1.46g/t Au and 6.9g/t Ag.

In the time that has elapsed since the project was first submitted for analysis and public scrutiny, a strong anti-Roșia Montană opposition has been formed: NGOs, the best-known being Alburnus Maior with its “Save Roșia Montană” Campaign; a group of representatives of the Romanian Academy of Economic Studies; the Romanian Academy; the Ad Astra Association of Romanian Scientists (see their “Public Statement” 2010) and many other Romanian and international researchers (archaeologists, engineers, etc.). In 2006, when the first public debates were organised, a large number of comments and protests exposed the many controversies and drawbacks of the mining project. In the autumn of 2007, the Ministry of the Environment and Sustainable Development suspended the technical review of the corporation’s Environmental Impact Assessment report, after the General Urbanism Plan no. 105/2007 was cancelled *de jure* by the Alba County Court (see the history of the EIA for Roșia Montană on the Ministry’s website). The technical review was resumed in 2010 and is still underway at the beginning of 2014.

Due to heavy publicity campaigns led by RMGC in favour of the project, a discourse pro-Roșia Montană has also taken shape, highlighting the benefits to the Romanian economy, the opportunities for local development and the company’s commitment to environmental safety and sustainability. The discourses for and against the project have gained increasing strength over the years and the Romanian public appears to be familiar with their themes and claims. In the opinion of many activists and NGOs, the corporation’s chief argument and proposed course of action have been successfully and quantifiably defeated in the debates with representatives of the civil society.

In 2011, the Roșia Montană case entered a new stage, which started taking contour in 2008 and was brought about by the economic recession and financial crisis. Institutionally, it was marked by “the Alba County Directorate for Culture issu[ing] the archaeological discharge certificate for one side of the Carnic massif,” as stated on the RMGC website. At discursive level, a shift of focus occurred from the emphasis on the environmental and cultural heritage aspects (which remained in place, but took a step back) to an emphasis on the contribution of the project to the Romanian economy and to the development of the Roșia Montană community. This framing was echoed by the Romanian President Traian Băsescu when he publicly declared himself in favour of the project and pointed to the national interest Romania has in exploring gold and creating employment opportunities as a measure of overcoming the recession. He also suggested the renegotiation of the agreement, so that the Romanian state might receive a bigger stake in the overall profit (Vintilă 2011). A 2010 survey by Greenpeace and the Sociological Research and Branding Company (qtd. in Albișteanu 2011) shows that only 9% of Romanians declared themselves for the project, while 38% were against. Subsequent to a new General Urbanism Plan, an updated Environmental Impact Assessment report was submitted for technical evaluation and the public was consulted in March-May 2011. The company seemed to display openness to dialogue with the civil society, but at the same time it started an aggressive advertising campaign, entitled “Scrisoare către România” (“Letter to Romania”). The campaign played upon the drama of the local community, underdeveloped and deprived of work opportunities. The slogan of the campaign was “The people in Roșia Montană only ask to work.” According to media watch organisations (Toma, qtd. in Bunea 2012; cf. Naumovici, *ibidem*) and

civic journalists and activists (Goțiu 2013), the corporation grossly manipulated public opinion through publicity, disproportionate presence and biased coverage in the mainstream media.

4. Argument Reconstruction

The reconstruction of the RMGC argument presented below draws upon the information made available on their website (presentation of the project, press releases, News Feed, accessed in March-June 2012). There are four different premises brought together in support of the corporation's principal claim, namely that the implementation of the RMGC project is the right course of action for Romania: the project is beneficial from an economic, environmental, cultural and local development point of view. Each of the four premises is identifiable as the conclusion of a separate (though interrelated) argument, but the overarching claim in favour of the project derives its strength from all four of them. As noted earlier, since 2011, the local community development and the economic growth related claims have acquired prominence in the Romanian public sphere. In the RMGC framing, the preservation of cultural heritage and the development of tourism in the area are themselves conditioned by the implementation of the project. I have reconstructed the argument as follows:

Goal Premise: RMGC intends to bring significant economic and financial benefits to the Romanian state at a time of crisis (approx. 4 billion US dollars, including investments and “indirect benefits”; in 2014, the figure has increased to 5.3 billion US dollars), to contribute to the sustainable growth of the local community and to the preservation of its mining tradition (the area was declared a mono-industrial area), to protect and promote the cultural heritage at Roșia Montană, and to clean and safeguard the environment (the area is described as heavily polluted by previous mining activities).

Circumstances Premise: national—the economic recession; local—unemployment in Roșia Montana; lack of infrastructure; poverty (underdeveloped area); pollution of the soil and surface waters from previous mining; lack of investment in cultural heritage; lack of facilities for tourism.

Values/ Concerns/ Commitments Premise: RMGC is concerned with the well-being of the Romanian state (exploitation of raw resources) and with the well-being of the local community, in particular the right to work, tradition and sustainable development; it is committed to norms of environmental protection and rehabilitation, and to the preservation of Romania's archaeological and cultural heritage in the area; it is committed to respecting the Roșia Montană's inhabitants' right to property.

Means-Goal Premise: The proposed project is necessary and sufficient to achieve the intended goals.

Claim: The implementation of the project is the right course of action.

Due to changes in legislation between 2006 and 2010, as well as ongoing debates and renegotiations, the RMGC had to revise and introduce changes to its initial project (many of a technical nature), which is why a new session of public consultation was deemed necessary in March-May 2011.

5. The Corpus

The centralised list provided by the Ministry of Environment and Forests, available online (“Formular pentru consemnarea observațiilor publicului privind completările la documentația inițială de evaluare asupra mediului depuse de RMGC S.A. la sfârșitul anului 2010 pentru ‘Obiectivul minier Roșia Montană’”), registered and processed 392 questions and comments from Romanian citizens, even though the total number mentioned on the MEF site is 517. A number of contributions (not clear how many) were left out on grounds of anonymity, illegibility, offensive language or declared refusal to enter a dialogue with the corporation. The Ministry thus exerted its function of host and moderator of the consultation session. It further restricted the availability of the comments to the general public by presenting only excerpts, many of which verbatim quotes, from the citizens’ queries and objections (but RMGC received the full texts and attachments). The Ministry’s centralised list constitutes my corpus, but, for the purposes of this study, I have only looked at the first 100 entries, of which 98 are against the implementation of the project. I have excluded from the final analysis those emails that simply endorse or reference other documents, without dwelling upon the arguments: 24 emails have been excluded, leaving a total of 76 entries. I have considered that the complexity of such documents, highly relevant otherwise, often makes them worth being examined independently—for example, the Romanian Academy of Economic Studies report (Bran et al. 2003), cited by several participants, is a scientific study that brings detailed evidence against the RMGC project and claim for action.

6. Findings and Discussion

Participants identify themselves mostly by name and, occasionally, by institutional affiliation, making it hard, if not impossible, to draw any definite conclusions about the sociological profile of the group. When mentioned, the professions and occupations encompass architects, engineers, lawyers, academics, researchers, PhD students, members of the Romanian diaspora abroad or pensioners. This indicates a mixed composition of the group as well as the existence of expert input (possibly predominant). Representatives of NGOs and other associations that argue against the implementation of the project also sent in their input.

In their evaluation of the argument, 51 of the 76 entries analysed raise questions or provide counter-arguments targeted at rebutting the claim for action made by RMGC. This can be achieved by demonstrating that the negative consequences of implementing the project clash either with its declared goals or other, at least equally significant or “non-overridable,” goals (Fairclough and Fairclough 2012:155). What citizens uphold in their critical assessment of the RMGC project is that the permanent destruction of the environment, the risks of heavy pollution and ecological disaster, the erasure of unique cultural heritage, the desecration of cemeteries and churches, and the costs of environmental rehabilitation (once the corporation leaves) outweigh by far the benefits of a relatively small number of medium-term jobs for the local community and of insignificant profit for the Romanian state. Particularly compelling are the citizens’ claims that the development of agriculture or tourism, which the company ranks at the top of their objectives list, is impossible in an area threatened by environmental accidents and pollution:

... The opening of the exploitation site at Roșia Montana would be a disaster, even in conditions of 100% safety. Not only tourism, but all the sectors that rely on local resources would be affected, with a direct impact on the development of the entire Apuseni region. [...] Whoever would choose to take their family on

vacation to an area they know is contaminated with toxic substances? (Q12, Dr. Mircea Rastei; my translation)

My reasons [against] are:

The local environment would be irreversibly polluted with cyanide.

A mountain together with archaeological remains valuable for both Romania and the international heritage would be lost forever.

All the economic benefits envisaged by RMGC for Romania do not outweigh the disadvantages above. (Q16, Delia Mihalache from București; my translation)

The critical questions and counter-arguments formulated by the public have a twofold purpose. Firstly, they show that, inasmuch as RMGC cherishes the same values as Romanian citizens (i.e. sustainable development, protection of the environment, preservation of cultural and architectural legacy, well-being of the local community), the implementation of the project in the manner suggested by the corporation would seriously compromise them. Secondly, a number of contributions attach significance either to other goals or to the same goals, but reinterpreted from distinct perspectives, linked with radically distinct visions of the future. While supporters of the project are motivated by the (alleged) need to survive the economic recession and rescue the Roșia Montană area from social and economic decline, its opponents advance the goal of saving up Romania's resources for future generations (as part of the sustainable development plan). This goal is bound up with the value of responsibility towards the next generations, responsibility not only for passing on a green country, but also for the inheritance they are entitled to:

I think this PROJECT should be rejected. Why? Because the technology is highly polluting.

We don't have to exploit these ores. Are there no proper conditions? Fine. We'll have to wait for future generations of ROMANIANS, who will be equipped with superior technology, to exploit them. THIS IS OUR LEGACY TO OUR SUCCESSORS!!! (Q 25, Domnica Ghiuta; my translation, original emphasis)

A discourse of national identity and patriotism takes shape in many entries, pitted against the global capitalism embodied by RMGC. It is a discourse that does not envisage deriving immediate profit from massive gold mining:

A certain amount of patriotism and a long-term vision are necessary when it comes to using up Romania's riches. (Q30, Dr. Gheorghe Ionascu; my translation)

In keeping with the alternative set of goals and values, RMGC opponents offer solutions that discard from the very beginning the thought of cyanide-based gold processing. They range from developing tourism and agriculture in the region with the help of EU funds to having it declared UNESCO-protected patrimony. Such objectives, however, are incompatible with the present mono-industrial orientation of the area and are feared to downgrade the centuries-old mining tradition cherished in Roșia Montană. RMGC has adapted very well to the expectations of an audience that sees mining as the only viable solution for itself, both in developmental terms and in the light of tradition. The alternative solutions are therefore not particularly appealing or feasible in the eyes of many members of the local community. The miners' families and the unions often point an accusatory finger at the lack of involvement on the part of the Romanian authorities and the clash between what comes to be defined as "the public interest" in this matter and "the interest of the community". Whenever other options are considered, a controversy arises surrounding the right of the general public to decide over the fate of the local community of miners. Alternative means for alternative goals or alternative means for the same goals (continue

to mine, but with non-polluting tools) or even a proposal of the type “wait until cutting-edge technology for gold processing is developed” fail to solve the urgent problems the Roșia Montană community is faced with. This is one of the major weaknesses of the counter-argument.

Nine comments underscore that the course of action proposed by RMGC is insufficient in view of meeting at least two of the corporation’s alleged goals: the economic prosperity of the Romanian state and the development of the local community:

This project seems to me all the more absurd as the benefits of the Romanian state from this deal are minimal (the Romanian state has a low stake in the RMGC shares, its only benefits being taxes and royalties, which cannot exceed a MAXIMUM of 2%). (Q71, Alexandru Popa, PhD student; my translation, original emphasis)

Several participants do not claim that the RMGC proposal for action should be outright rejected but that the terms of the agreement have to be renegotiated to the advantage of the Romanian state and made public (the renegotiations that followed in 2013 did raise the value of royalties to 6% and the overall profit for the Romanian state to 5.3 billion US dollars). They similarly criticise as insufficient the technical and legal conditions that RMGC purports to have fulfilled. Eighteen entries highlight the fact that not enough environmental and financial guarantees are being offered and bring to the public attention potential flaws in the technical structure of the project. When they are not correlated with the negative consequences of opening the mine, such contributions are better attuned to the general frame of the public consultation session, which is focused on allowing the corporation to revise its project.

Several citizens voice their suspicions that the corporation and the Romanian authorities do not sincerely hold the values they declare themselves committed to. This means that their arguments are rationalisations (Fairclough and Fairclough 2012:96). Even though evidence in this respect is hard to produce, contributors to the discussion refer to the corporation’s past record of destruction in other countries and its attempts to manipulate public opinion in Romania, as well as to the Romanian post-communist authorities’ corruption (18 entries reveal mistrust in RMGC’s promises):

The Environmental Impact Assessment is not complete or *sincere*! (Q30, Dr. Gheorghe Ionascu; my translation, my emphasis)

...you only have to look at what this firm has done in all the other countries and at its total contempt for the state authorities [there] ... you should be aware that all those involved are no better than CRIMINALS and everything has a price sooner or later... (Q65, Iuli Tacu; original emphasis, my translation)

The pursuit of self-interested objectives by the corporation and the authorities is linked with accusations of false estimates of the Roșia Montană situation in entries that question the acceptability of the circumstantial premises.

Overall, the critical evaluation of the RMGC argument is geared towards rebutting its principal claim and changing the terms set by the authorities for the public consultation. Whereas the official expectations of the citizens’ feedback are concerned mostly with the means to the proposed goals (e.g. suggestions for improvements of the project), participants are not in agreement upon the goals of the action undertaken by RMGC. Five entries require the organisation of a national referendum to sort out the matter (but, as RMGC representatives indicate in their responses, it is not for the corporation to decide upon that), two entries express their distrust in the public consultation session (efficiency, representativeness), and one

participant, in a well-documented counter-argument, pins down the chief institutional constraints on the process of deliberation for the whole duration of the controversy:

In 2006, [RMGC] submitted the 33 volumes of its Environmental Impact Assessment. Thousands of negative comments poured in, from various specialists, NGOs, etc. Instead of having the project rejected, for non-compliance with environmental legislation, RMGC was asked to revise it by taking the feedback into account. Now we're discussing the improvements that were made and, probably, following criticism, they will be allowed to revise it yet again, and so on, until they get the green light? [...] We consider this procedure of the Ministry of Environment to be unacceptable and inconsistent with existing norms, and biased towards the foreign corporation. (Q86, Mircea Medrea; my translation)

Some of the contributors thus openly associate the public consultation in the Roşia Montană case more with a box-ticking exercise than with deliberation, given that the goals and even the principal means of action seem to have already been established without due public participation. While public consultation sessions facilitated by information technology tools create considerable opportunities for citizen participation in decision-making (and the citizens' contributions regarding the RMGC project are critical and highly relevant), how much this weighs in the final outcome is ultimately decided in the realm of institutional constraints.

7. Conclusions

The study has demonstrated the applicability of the framework for the reconstruction and evaluation of arguments based on practical reasoning (Fairclough and Fairclough 2012) to the activity type of public consultation, starting from a session organised by the Romanian Ministry of Environment and Forests in 2011. The critical questioning of the corporation's arguments by concerned citizens and other representatives of the civil society has disclosed the orientation of the public towards rebutting the RMGC claim and rejecting their proposal for action. Less clear in the Roşia Montană EIA public consultation is what happens in the following stages, how the input from citizens is incorporated in the decisional process within an institutional frame. The counter-arguments advanced by the participants in the 2011 session restate viewpoints and scientific objections already expressed in public contexts. The 2006 public consultation eventually resulted in 91 volumes and annexes with answers from RMGC. The reiteration in 2011 of similar questions and comments points to the participants' dissatisfaction with or sustained disagreement to the solutions envisaged by RMGC.

Another weakness of the 2011 public consultation session (and of the other sessions) is its format, in spite of its openness to a wide public via the online medium. The corporation has to respond to the participants' queries, but in fact addresses the Technical Assessment Committee in charge of the final decision. The ways of re-entering the debate for the public, if they consider the RMGC's response unsatisfactory, are not specified, and, for the time being, neither are the grounds on which RMGC has been asked to supply additional information in some respects (see the Chapters on Water and Biodiversity) but not others. As the process of evaluation is ongoing, it remains to be seen if the exercise of consulting the public is a mere formality (see, for example, discussion in Goşiu 2013:151ff.) or the critical questioning by the public could successfully rebut the corporation's claim for action. It is, however, incontestable that the Roşia Montană case has awakened the civic spirit in Romanian society, helped to build resistance and sparked off the strongest (peaceful) civic protests in post-communist Romania, staged in the autumn of 2013.

Acknowledgement

A draft of this article was presented at the Interpretive Policy Analysis Conference, *Understanding the Drama of Democracy*, in 2012. I am grateful for feedback to Norman Fairclough, Isabela Fairclough and Brian Coffey.

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