

POLITICAL POWER, transparency, and the acceptability of major projects

Interview with Melchior Wathelet

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Trained as a lawyer, Melchior Wathelet is a Belgian politician. Elected in 2003 as member of the Chamber of Representatives, he became Secretary of State in charge of Budget and then Secretary of State in charge of Energy and Mobility. In July 2014, he became Deputy Prime Minister and Minister of the Interior in the Di Rupo I Government. In April 2015, he left politics to take office as the CEO of Xperthis Group S.A. and Xperthis S.A., a company specializing in IT solutions for hospitals.

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Participatory democracy, changing methods of communication, and political transparency are all factors explaining the growing interest among citizens and civil society organizations in the implementation of major projects. In this interview, Melchior Wathelet explains why political representatives and companies have to rethink their notions of participation and consultation in order to achieve a balance between protecting individual interests and defending the public interest.

David Menascé: We are seeing a steady increase in the media coverage of projects — such as the airport at Notre-Dame-des-Landes in France, or new wind farm projects in the North Sea — some of which are hotly contested. Do you think civil society is doing more to protest major projects, or is it simply that the media are paying more attention to them?

Melchior Wathelet: Indeed, major projects, and infrastructure projects in particular, are coming under increasing media scrutiny. This is mainly due, in my view, to the emergence of the notions of transparency and openness, which are beginning to permeate our societies. Citizens now insist on having their say about major projects, which can no longer be imposed on them by the political authorities and the private sector. There is an underlying trend at work here, which means that these topics hit the headlines more often, and a debate — sometimes a very heated debate — sets in.

Let's be clear, this is generally a very positive development. It forces policy-makers and businesses to ask themselves the right questions and learn how to build compromises. This demand for transparency also implies greater accountability for all of the players, public or private. And what makes the trend even more legitimate is that this type of project often involves large sums of public money, which is ultimately the taxpayer's money.

D.M.: Alongside this aspiration for transparency and openness, are there other factors that account for the growing place now occupied by major projects in public debate?

M.W.: I believe there are several factors that might explain this greater social involvement in major projects. Once again, these underlying trends are positive developments that make our democracies stronger.

Firstly, the growth in means of communication, with the development of digital and the Internet, has shifted our societies into a new world of ultra-availability and instantaneous information. The social networks are a prime example: not only can everyone react in real time: every internet-user can now make his or her mark as a new opinion leader. In this respect, the social networks play a double role: they enable citizens to organize new forms of mobilization (online petitions, calling people to get together, spreading key messages, etc.) and at the same time they enable project advocates to sound out public opinion and to pick up on the low-level signals that will shape opinion going forward.

In parallel to that, the concept and practice of participatory democracy, which aims to increase citizen involvement in debate and decision-making, have emerged in recent years as essential complements to representative democracy. Because it fills certain gaps in representative democracy, participatory democracy gives fresh impetus to public debate and reinforces people's interest in the public sphere.

I say again, these developments are legitimate and desirable. However, the question facing us now is one that goes to the root of political action: should we place limits on these demands for transparency? What is the right balance between individual interests and the public interest? Our societies, after all, are becoming increasingly individualistic: individual

interests sometimes win out over the wider public interest. Consensus and unanimity are therefore, by definition, harder to reach.

D.M.: Do you think we have currently gone too far in this demand for transparency and participation?

M.W.: On paper, the promise of a more participatory, more inclusive, society is, as I said, honorable and desirable. Unfortunately, the notion of participation is becoming increasingly overused. On some projects, people talk of participation without the processes actually being in place, as though it were just a "box to be ticked" in order to implement the project. Participation is fine, so long as it comes with the resources and procedures to guarantee its effectiveness and really give citizens a voice.

Finally — and this is a very personal feeling — it seems to me that individuals often have a greater capacity to mobilize against a project than for it. Opponents of a project often employ more mobilization resources than those who are in favor, and who don't have a sense of having something to demand.

This fits into a much wider context that goes beyond the scope of major projects: the notion of progress is no longer a source of social consensus. It used to be that infrastructure projects, such as roads, were unanimously perceived as forward-looking projects. "Progress" was both accepted and valued by everyone. Nowadays, we increasingly find deep divisions around the notion of progress, which often explains why citizens are split into irreconcilable camps. The "RER" urban rail project in Brussels provides a very concrete example. The idea is not a new one, but the project is making little headway because there is so much opposition and obstruction, and no real consensus about what the future RER should be, about the financial resources available, the opposition of certain local residents to the proposed route, etc.

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D.M.: Do you think this greater capacity for mobilization against projects might also be due to a certain sense of distrust among citizens towards their political representatives?

M.W.: It is true that there is greater detachment nowadays between citizens and their political representatives. This detachment — rather than distrust — should once again be seen as a positive development, since it means that the citizens' critical and analytical spirit is growing stronger.

As far as distrust is concerned, it perhaps isn't so marked in Belgium when it comes to major projects. There are not many cases of conflicts of interest involving politicians and the world of business, for example.

I think, moreover, that distrust about politics tends to diminish as you get closer to the local level, which is such an important element in Belgium. The bourgmestre, or mayor, is in direct contact with the inhabitants of the municipality. This face-to-face contact generates trust. On that point, I have in mind some cable laying projects carried out in several Belgian municipalities where the local residents really took ownership of the project. So currently, perhaps, representative democracy is less concerned by this issue at the local level.

D.M.: While these developments are generally positive and reflect, as you suggest, a strengthening of our democracies, they are currently contributing to the blockage of a growing number of projects. How can we strike the right balance to avoid major projects being rejected too frequently?

M.W.: It's all about not going from one extreme to the other: from the absence of consultation to consultations that are loosely managed and liable to lead to the blockage of certain projects for reasons that are intangible and/or insufficient.

For a long time the State imposed major projects on citizens, in the name of its vision of the public interest, without any form of consultation. And for a long time, again, we "did" consultations without really taking citizens' opinions into consideration. The risk, in our participatory societies, is that the principles of citizen consultation and participation allow individual interests to take precedence over the public interest. A balance needs to be struck between protecting individual interests and defending the public interest, which is what drives our political systems. The cursor

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needs to be moved along the scale so that everybody's interests are heard, while avoiding situations where the individual interests of one or two people can block a project from being implemented in the name of the wider public interest.

D.M.: In concrete terms, what principles could be put in place to ensure a balance between protecting individual interests and defending the public interest during the consultation process?

M.W.: It seems to me that we can identify three principles — three golden rules — for taking individual interests into account without it necessarily allowing them to take precedence over the public interest. Indeed, these rules are often applied to major projects... but the rules of the game have to be accepted by everyone.

The first rule is that of open and systematic dialogue. Yes, every major project must give rise to genuine consultation of local players and populations affected by the project. This consultation must be open, it must be representative, and it must ensure that everyone has room for expression. The people being consulted must also bear in mind that their individual interests will lead to the project being modified in the way they would like. Consulting doesn't mean agreeing all the time. This form of education in participatory democracy is essential.

Secondly, projects must be presented transparently to the population: any decision that is not clearly explained will, in general, not be understood. Transparency inevitably involves an element of pedagogy. You have to make citizens understand not just the technical dimensions of the project but also — perhaps above all — how it contributes to the public interest.

Finally, appropriate legislation and procedures must be applied to the sphere of major projects. This is a key element, and perhaps the one where Belgium has the greatest room for improvement. We often find a lack of proportionality in our laws. For example, when an appeal is lodged against a public contract, we often have to start the whole procedure over from the beginning, even if the real impact of the appeal on the project was actually minimal. Lawmakers need to anticipate the effects and consequences of laws and procedures. I often wonder about this question of the proportionality of the laws and procedures applied to major projects. Do we not have the means available to us, nowadays, to simplify them for the sake of the public interest? Creating a single permit for projects that can be replicated and controlled, like the RER for example, could help simplify procedures and add greater proportionality.

D.M.: Is there a point, during the course of a project, which is particularly suitable for consulting citizens?

M.W.: There is no one answer to that question: the consultation calendar depends so much on the project.

Generally speaking, the consultation should be done as soon as possible in order to adjust the project and find compromises with the populations concerned. With wind farm projects, for example, which take a fair amount of time and for which there is some room for maneuver, the consultation can be done very quickly, at the start of the project. On some projects, by contrast, such as cable networks, there is very little room for maneuver in adjusting the project. Before the consultation process starts, you evidently need to have all the key information required to provide the best possible answers to citizens' concerns.

D.M.: Do you think some citizens and voters are now expressing discontent about the blockage of certain projects? Aren't some people worried that the principle of consultation is encouraging inertia?

M.W.: Yes, I think a certain number of citizens now have the feeling that it is no longer possible to carry out projects without protests springing up. But in reality, there is a distinction to be made between private interest and public interest, between the micro scale and the macro scale. From a macro viewpoint, there may be a consensus about the public interest in implementing a project. But from a micro viewpoint, opposition can quickly arise once it threatens your private interest. You may understand the added value offered by a new stretch of motorway

for the population as a whole, but if it runs in front of your window, that's another matter. This tension between private interest and public interest is perfectly natural. It has to do with human nature. Which is why an educational effort — to explain the public interest of such and such a project — is an essential key to gaining acceptability.

Finally, it may be a question of democratic maturity. Take the example of Switzerland, where the people recently voted against a tax cut... in the name of the public interest!

D.M.: What role do you think businesses should play in the acceptability of major projects and in the consultation process? Do you think private players have made any progress in the way they consult citizens in recent years?

M.W.: My feeling is that businesses today have grasped the issues of local acceptability, and are integrating them into their commercial strategies. They are aware of the risks they run if they fail to conduct the processes of participation and consultation with the local population correctly. Delayed works, legal objections, and the risks relating to demonstrations all have a cost that can no longer be ignored.

I also find that private players have become much more professional in the way they conduct projects. Once again, it is a positive development. The planning applications — at least the ones I had to deal with during my political career — have always been solidly prepared. Nothing is left to chance: with the pressure from the competition, and the demands of laws and procedures, no private player is now in a position to say "we'll get the project whatever happens".

This growing professionalization also means that in most projects, the likely areas of tension and opposition are generally well identified in advance. We can anticipate the reactions — good or bad — that a project will generate. In fact, I was only really surprised just once by the reception given to a project during my career: the design of the air routes for Brussels, where there was a sudden coming-together of negative and unforeseen elements. There is sometimes a kind of alchemy, positive or negative, with a project, and it can't be foreseen.

D.M. : Sometimes businesses accuse those in authority of shirking their responsibility as soon as a project, despite being democratically supported by an elected assembly, suddenly comes up against some kind of social opposition. What's your take on that?

M.W.: I don't think the question should really be phrased in those terms. Admittedly, the authorities may go back on a decision because of overly strong opposition. That strikes me as normal; it corresponds to what we expect from our representatives. When strong opposition arises, the authorities have a duty to re-examine the legitimacy of a project. Then again, it also happens occasionally that certain businesses fail to comply with the agreements made with the government about a project.

Once again, dialogue, transparency and appropriate, proportional legislation emerge as the necessary ingredients to ensure that projects are rolled out under optimal conditions and can be understood and accepted by local populations in the name of the public interest.

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