



The conception of public interest in Dutch flood risk management: Untouchable or transforming?



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ABSTRACT

The governance of flood risks varies considerably in different parts of the world. Obviously this is due to the nature and characteristics of flood risks, but in part governance approaches vary because of political differences in the nature of governance itself. What is 'appropriate' in this respect depends partly on the prevailing conceptions of the public interest in a country. By applying Alexander's (2002) categorization of public interest to flood risk management practices in The Netherlands, we show that the strongly unitary conception of the public interest (a historic 'flood risk safety for all'), is intertwined with a state-based, sector-based, hydro-technical governance and expertise system. Although this conception is very strong it is no longer self-evident. Because of changing conceptions of governance in general and because of the felt necessity to adapt to climate change, Dutch flood risk management is gradually changing. Increasingly, the Dutch government has to deal with more dialogical and utilitarian approaches to public interest in the governance of flood risks. The Dutch approach is rooted in community-based interests in flood protection and was centralized and rationalized during the 19th and 20th century. The current flood risk standards are based upon a coarse utilitarian benefit-cost analysis, but evolved into mostly a unitary idea of national safety materialized in law by statutory flood risk standards. The findings show that this unitary concept and status of the public interest of flood risk safety has not diminished; it must, however, increasingly take into account the importance of both processes of decision making (dialogues, deliberations) and neighboring public interests. We conclude that the Dutch conception of the public interest on flood safety is still strong but nevertheless gradually changing, not the least because of a general availability of the information and technology to calculate and differentiate risks.

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1. Introduction

The Netherlands is one of the most vulnerable countries in Europe in view of possible impacts of climate change. It consists of a low lying and densely populated coastal delta where three major European rivers discharge into the North Sea (Van Heezik, 2007; Van de Ven, 2004). Although the Dutch are highly vulnerable in geophysical terms, from a governance perspective the Netherlands appears less susceptible, given its long and eventful history of dealing with and recovering from changing physical circumstances, especially regarding floods (Van de Ven, 1995; Tol and Langen, 2000; Van Steen and Pellenbarg, 2004; Wiering and Crabbé, 2006; Correljé and Broekmans, 2015). In adapting to new

climatic circumstances, new institutions are established, including the Delta program which prepares the Dutch for (mainly) water-related problems (Crabbé et al., 2015; Wiering et al., 2015; Boezeman, 2015; Delta Programma, 2011). In the light of updating flood risk management policy and regulations, new risk approaches are discussed and implemented. As such, climate change forced the Dutch government to rearticulate the important role of flood risk management and the status quo of its governance. In the Netherlands flood risk management is and remains predominantly a state responsibility. Government institutions, both on the national (*Rijkswaterstaat*) and regional level (regional water authorities or boards), are responsible for a collective system of the protection of citizens against flooding. Dutch flood risk management is a national priority and a core governmental task. In other words, protection against flood risks is considered an important overarching public interest.

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In contrast, in many states of the USA natural hazards, including flood risks, are seen as an individual and private concern, for which you either can seek insurance or community help (Kraft, 2015). Also in England, governmental responsibility for flood risk protection is not formalized on a legal basis (Wiering et al., 2015; Johnson and Priest, 2008). Very often flood risk management is a responsibility shared by state, (insurance) market and community and governance is indeed shifting towards a citizens' responsibility (Nye et al., 2011). Public response can then be limited to protecting the societal order. Thus, the answer to the question 'what to do in the public interest?' differs per country. These differences are actually rooted in political theory (for an elaboration, see Keessen et al., 2013). Flood risk governance is therefore in part dependent on the physical-geographical nature of the risks, and other country characteristics, and in part on how flood risks are conceptualized. Are risks seen as an individual (private), a community or a collective (national) concern? Who bears core responsibility for flood risk measures? The importance of the conception of what is considered in the public interest, and what the social and political foundations of this conception of the public interest are, is often underestimated in debates on environmental management in general, and flood risk management in particular. This conception of public interest deserves attention as it defines how (flood risk) interests are prioritized, positioned and negotiated, and therefore, what the room is for public participation and co-management and eventually how governance is organized.

In this paper, we focus on the conception of the public interest in the Netherlands and investigate whether there are possible shifts in this conception in Dutch flood risk governance. Our thesis is that recent discussions related to adaptation to climate change as well as the recently changing approaches to risks show that the concept of flood risk safety as a traditionally overarching and general collective interest is transforming rather than being untouchable. Therefore, the following research questions are central: To what extent are specific conceptions of the public interest reflected in Dutch flood risk management practices and are these conceptions changing? In answering these questions, we first introduce a typology of these conceptions by Alexander (2002), and explain our methodological approach. We then briefly describe the Dutch historical basis of flood risk policy. Thereafter, we analyze three empirical cases as illustrations of Dutch flood risk practices to show how the conception of the public interest in Dutch flood risk management relate to other collective (national) interests, e.g. spatial planning and environment. In the analytical

part we discuss possible shifts in conceptions of public interest and we end with our conclusions and reflections.

2. Conceptions of the public interest

Military defense, nature conservation, saving banks from bankruptcy or protecting people from flood risks: at some point these issues need governmental action (in most countries) and any action has to be justified as being 'in the public interest' (Alexander, 2002; Bengs, 2005). However, *what* exactly is included as public interest and *how* it is weighted are fundamental political decisions and related demarcations vary strongly in different countries (Keessen et al., 2013). Alexander (2002, 228–234) distinguishes between four conceptions: the utilitarian, the unitarian, the deontic (rights-based) and the dialogical. These reflect a variety of political theories, e.g. libertarian, liberal, communitarian, social-democratic or socialist theory.

First, the utilitarian conception is a public interest that is a sum – or aggregation – of individual, private interests (based on hedonic values) in a certain field. These are aggregated, calculated and objectified to decide upon the public interest in a specific case. Very common applications are economic investment analysis methods, like cost-benefit analysis (Alexander, 2002, 230). Well-known classical scholars are Bentham and John Stuart Mill. Utilitarianism starts from the bottom, weights the interests on a certain aggregation level, to finally decide that total benefits outweigh total costs or the other way around. This is the way that flood risk management essentially is practiced in England (Alexander et al., 2016).

Second, the unitary concept of the public interest is based on "some collective moral imperative that transcends particular or private interests" (Alexander, 2002, 230), such as societal stability, public order or social justice, all secured by a sovereign core institution, mostly the state. The public interest, in a unitary concept, may refer to a common universal value, a common principle or a collective concern that can override private interests and individual or group values.

Third, the deontic view can be best explained by citing Alexander itself (2002, 232):

"Deontic means rule- or norm-based, i.e. judging actions by their ethical content – 'is this action right?' – rather than (as utilitarianism does) by their consequences: 'will it do good?.'

Alexander further refers to "individuals" as well as affected groups' rights, based on principles ranging from liberal democracy to ultra-liberal individualism and libertarianism. Consequently,

Table 1
Four conceptions of Public Interest (PI) (elaborated upon the scheme of Alexander, 2002).

Conception of Public Interest	Process of defining PI	Substantial outcome PI
Unitary	The PI has evolved over longer time periods (in the case of flood safety, over many centuries) and is now <i>a priori</i> fixed in decision making processes through laws, standards, norms or legal principles.	Refers to a situation where there is a strong public moral imperative to (collectively) act and a broad political and societal discourse supporting the interest. This interest- discourse has been substantiated in core national laws or even constitutional law; it is supported by a set of organizations protecting and securing the interest/value.
Utilitarian	PI is based on an aggregation of bottom up interests that are calculated by benefit-costs analysis; this means the PI is defined <i>ex post facto</i> , in a recursive process of calculations of benefits and costs. Not fixed (risk) standards, but calculation procedures and conditions are key.	Refers to a situation where there is an conclusion on the highest utility/satisfaction by aggregation of individual values/preferences; which means that the outcome can differ in time and space (in different situations).
Deontic	Individual rights or group rights that are very often legally protected and therefore adjudication processes might follow. This is another form of <i>a priori</i> fixed interests in decision making.	Refers to claims stemming from individual substantial rights or group rights of participants that are considered in a specific situation
Dialogical	The (democratic) process of reaching <i>ex post facto</i> determined conclusions, in events of bargaining, conflict, dialogues and deliberations – time and time again – with contemporary stakeholders.	The PI is the conclusion of a pluralist negotiation, conflict situation or deliberation, leading ideally to the best inter-subjective temporary outcome with the stakeholders involved.

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