

Executive summary

Taking into account societal risks has now become part of the unavoidable aspects of any public or private action.

Societal risks can be defined as “risks related to the development of a human activity that can affect the functioning of society, and cause reactions of fear in people, rejection phenomena or loss of confidence in the public or private authorities that authorized this activity”⁵.

Thus societal risks have a dual dimension. On the one hand, they are the threats that some human activities, scientific or technical progress or innovations pose to society. But, on the other hand they also refer to the risk that may represent society’s reactions themselves when public and private organizations want to implement projects or enforce decisions. These two dimensions of societal risks raise issues both about the social responsibility of public and private actors, and also about the acceptability of their projects by society.

Citizens certainly wish that development of human activities (whether economic, technological...) be respectful of their fears, concerns, and aspirations. But as seen in our definition of societal risks, organizations and public and private decision-makers also have an interest in taking into account citizens’ expectations and possible reactions when building their projects or preparing their decisions. This might be where novelty lies: by overlooking society’s expectations, companies increasingly expose themselves to delays in development of activities, to failures of projects or investments, or even to the risk of calling into question their business sustainability itself. On policy-makers’ side, they expose themselves to the risk of having to drop interesting or required public utility projects, and to the risk of loss of credibility of elected officials and of public action. The performance of public and private action cannot be obtained any more without a real listening to society’s expectations, and their being taken into account.

Cases abound, in France and abroad, of projects or activities that have been undermined due to insufficient attention paid to society’s concerns. In this respect, the issue of energy transition in Germany appears emblematic. The main players of the nuclear industry do not seem to have sufficiently anticipated the potential impact to their business model of a possible choice of phasing out completely nuclear power. In 1998 was passed the first major law engaging the energy transition in Germany. Back then, the vast majority of nuclear industry

⁵ Definition proposed by the Prefect Philippe Deslandes at the launch seminar of this 2013 Mission.

players still considered that providing a larger share of renewable energy to the people would be enough to maintain the legitimacy of their industry. The risk of a complete rejection of nuclear power was apparently not really taken into account. Yet the choice to no longer resort to nuclear power was confirmed by Germany after the Fukushima accident in 2011. This reflects, in retrospect, a poor understanding of the change of German society's viewpoint on the nuclear energy. This poor consideration of societal expectations by nuclear manufacturers has led them today to a situation where the very heart of their activity is questioned in Germany, affecting their sustainability for many of them.

This example clearly shows, as recalled by Françoise Roure, Section President of Conseil Général de l'Economie, de l'Industrie, de l'Energie et des Technologies, that « there cannot be today economic performance without taking into account the social dimension. »⁶

A paradigm shift: from “consent-based development” (or “engineering of consent”) to «trust-based development” (or engineering of confidence”)

This finding is not entirely new, even though its importance is growing. As a matter of fact, some institutions, and tools, have emerged over the past twenty years to allow for a better integration of social aspects into projects and decisions. They help in the implementation of information and participation processes aimed at encouraging the expression of citizens' concerns with respect to a decision, an activity or a project.

In France, the public inquiry procedure (Procédure d'enquête publique) has long been the main tool available for involving citizens in the decision process. Then from the 1990s, public participation has gradually been institutionalized. The National Commission for Public Debate (CNDP: Commission Nationale pour le Débat Public), a body guarantor of public participation was established in 1995. Its missions and prerogatives have since been expanded. In the culmination of this process, the principle of participation was inserted in the constitution in 2005, as well as the precautionary principle. France follows, in that respect, in the footsteps of some precursors, particularly Quebec, which established in 1978 a Bureau of Public Hearings about Environment (BAPE: Bureau d'Audiences Publiques sur l'Environnement).

Although now institutionalized, public participation does not guarantee, in its current form, that society's expectations are effectively taken into account, for harmonious development of human activities. Notwithstanding the application

⁶ Interview with Françoise Roure, « Présidente de section du Conseil général de l'économie, de l'industrie, de l'énergie et des technologies », September 4, 2013.

of regulatory processes of public information and consultation, many projects are blocked or delayed. See for instance in France the project of construction of an airport in Notre-Dame-des-Landes. Several years after holding a public debate and the publication of the decree of public interest, it remains controversial and unresolved. It is the same in Germany for the Stuttgart 21 project, to rebuild Stuttgart's railway station in order to accompany the increase of rail traffic in the heart of Europe. This project has raised an intense protest, resulting in significant delays in its implementation, although all regulatory milestones of public consultation have been followed. Furthermore examples of public debates with mixed assessment abound. In France, public debates held about the development of nanotechnology or about the project of burial of nuclear waste (CIGEO: Centre Industriel de Stockage Géologique) are emblematic of the difficulties that remain to organize dispassionate and productive public debate.

Existing mechanisms for participation seem, at best, only partially efficient to support harmonious development of activities in an appeased society. These tools appear to us today partly inadequate or insufficient. Because stakeholders⁷ often see them, as falling within what can be called "engineering of consent"⁸. That is to say the use of techniques aimed at imposing a message, and not at laying down the foundations for lasting confidence. As noted by the famous French adage «Qui ne dit mot, consent»⁹, this is not a very dynamic approach, and this is now outdated.

For society is changing. Citizens henceforth want to be involved in projects and decisions. The notion of general interest is weakening, as well as confidence in institutions which are supposed to be its guarantors. The legitimacy of a decision is no longer based solely on the authority of the decision maker. Organizations and institutions can thus no longer just obtain passive consent to a decision. They must endeavor to encourage active commitment of citizens to projects, based on the establishment of true «confidence engineering.»

In other words, citizens' participation has so far partly been seen as a mechanism of risk mitigation. Beyond the expression of opinions and fears, it was intended primarily to channel stakeholders' reactions. This regulatory function does not necessarily have to disappear. But we must now fully consider participation as an opportunity. An opportunity to improve decisions and projects; an opportunity to restore its value to citizens' expression; an opportunity to strengthen the social pact.

⁷ We retain as a definition of the concept of Stakeholders, the one adopted by ISO 26000: "individual or group having an interest in the decisions and activities of an organization".

⁸ The notion of "engineering of consent" has been theorized by Edward Bernays between 1917 and 1940 in his book «Engineering of Consent».

⁹ "Who says nothing, consents".

This change in approach does not require however turning everything upside down. But rather to deepen actions already taken, while clarifying the goal. In our view, there is only one: to rebuild confidence.

Ten levers to restore confidence

Confidence, the word is said! This word that refers both to the idea of believing in something or someone, but also of federating and uniting individuals. Throughout the 18 months of our study mission, we have built up a conviction: without confidence, no performance. We also believe that this applies regardless of the type of performance considered (economic, social, environmental), the sector (public or private) and the geographic scope (local or national).

Our recommendations are therefore addressed to all economic and social actors, whether institutional, corporate or from civil society. They are a «toolbox», with the ambition to help restore confidence. They do not however represent a guarantee for success in any event.

Their implementation must be based on a strong foundation consisting of four guiding principles :

- **Temporality**, which helps build and reinforce confidence; this principle covers both projects' duration and timing of actions and decisions.
- **Adaptability**, which recognizes the evolving nature of any project, and therefore its required continuous adaptation to external contingencies.
- **Transversality**, which aims to breaking down barriers between actors' practices as well as between their mentalities, in order to make them more open to mutual interests.
- **Sincerity**, which relies on the notions of mutual information sharing, and of transparency.

... that structure ... ten levers for action in three key actions:

Professionalize organizations, their leaders and their employees. This essential phase of acquiring a culture of debate relies on the following levers:

- Lever 1: Project owners and decision makers' training to consultation;
- Lever 2: Implementation within organizations of teams qualified in managing interactions with society;
- Lever 3: the affirmation that the concept of «social operating license» be a guiding principle of any project development.

Involve, at all levels of society or within the company, all those who may be affected by a project development or a decision through:

- Lever 4: building a close and long term relationship with stakeholders;

- Lever 5: restoring a trusting relationship between experts and society, and fostering the emergence of constructive controversies;
- Lever 6: enlarging the participation of citizens.

Debate in a systematic, structured and sincere manner, by making use of new tools to increase public awareness and participation, yet after having trained pupils, students and citizens, that we all are alternately. This requires:

- Lever 7: citizens' training in debating;
- Lever 8: developing a national program of public debate;
- Lever 9: adapting the length and form of the debate to the topic and its environment;
- Lever 10: taking into account the outcomes of participation processes in the decisions made.

Through all of these recommendations, we are calling for a new governance of the decision, which gives its full role to participation, while betting on positive outcomes of co-construction. We believe it is not a waste of time, but rather a vector of performance.