DEMOCRATIC ACCOUNTABILITY IN PUBLIC–PRIVATE PARTNERSHIPS: THE CURIOUS CASE OF FLEMISH SCHOOL INFRASTRUCTURE

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This article questions the negative outlook on the democratic accountability in public–private partnerships (PPPs). It challenges this widely held perception in the literature with the empirical findings of a case study of Flemish school infrastructure (Belgium). A large design, build, finance, and maintenance (DBFM) programme is compared with the regular subsidizing system through the public agency AGION (Agency for School Infrastructure). This case study demonstrates that more accountability forums and actors can be active in the PPP, that they can behave more actively in the PPP, and that they get results in terms of accountability. It provides a critical example of having more accountability in the PPP variant of school infrastructure than in direct public provision, and there are reasons to argue that this also means improved accountability, because internal and latent processes of accountability become external and actual ones.

INTRODUCTION

Guaranteeing accountability in modern public governance is quite a challenge. ‘Accountability easily gets lost in the cracks of horizontal and hybrid governance’, as formulated by Bovens et al. (2008). Public–private partnerships (PPPs) are emblematic for this kind of governance. A dominant account in the literature on PPPs points exactly to this assumed lack of accountability. Skelcher (2010), for instance, states that ‘PPPs raise important issues of democratic governance due to the changed nature of the state when it engages in cooperative activities with private actors’. He warns of a democratic deficit due to a shortfall in accountability arrangements.

New forms of governance are thought to erode the principle of ministerial responsibility, which is thought essential in ensuring democratic accountability (Flinders 2001; Hodge 2009). The direct control capacity of ministers seems challenged by them. As tasks and responsibilities are placed at arm’s length from ministers, the lines of accountability become blurred. PPPs stretch this principle even further through the close involvement of private actors. The tension between the public demands for openness and the private desire for commercial confidentiality of information illustrates this (Siemiatycki 2007).

Although one of the new elements of PPPs is the altered accountability assumptions (Hodge et al. 2010), this article questions the almost ‘self-evident truth’ of a negative conclusion. This is necessary for two reasons. First, most studies on PPPs have stressed legal, managerial, financial, and technical dimensions. Only a few have addressed ‘political issues’. Second, if they do so, they address them from a theoretical point of view, not based on empirical research. This article fills this gap by presenting the empirical findings of a critical case study. Variation is brought into the case by looking at a PPP and at more direct public provision in the same public policy context. School infrastructure in Flanders (the northern region of Belgium) offers an example. The Flemish government follows here a two-track policy which is compared in terms of democratic accountability: (1) a design,
build, finance, and maintenance (DBFM) project called ‘Schools of Tomorrow’ with a total value of 1.5 billion Euro; and (2) regular subsidies through the public agency AGION (Agency for School Infrastructure).

Although one must be careful of drawing general conclusions from a single case study, it is worthy of attention because it gives counterweight to a paramount tendency in the literature. The article nuances and counters the widely held perception that PPPs automatically lead to an accountability problem. It demonstrates that more accountability forums and actors are active in this PPP, that those forums and actors behave more actively, and even that they get results in terms of accountability. There is more accountability in Flemish PPP school infrastructure than in the regular subsidizing system, but does this also mean improved accountability? The article contributes to the challenge of interpreting multiple empirical dimensions of accountability, not only by pointing to a counterexample, but also by asking: How can we turn more accountability into improved accountability? And how can redundancy as a strategy be of any help?

**TURN MAGICAL CONCEPTS INTO MANAGEABLE ONES**

**PPPs and their political consequences**

PPPs can be seen as exemplary for public governance nowadays. The tension between efficiency and (democratic) accountability manifests itself strongly in them. Yet, the same kind of questions are also relevant in diverse (sub)disciplines like local government studies, EU studies, international relations, and development studies. They are all facing the challenging task of democratic horizontal or network governance by both public and private actors in a complex multi-level and/or multi-actor context (see also Klijn and Skelcher 2007; Sörensen and Torfing 2008).

Although PPPs are fashionable concepts in both public governance literature and practice, a clear definition is missing (Hodge et al. 2010). An OECD (2008) report indicates the richness in defining PPP arrangements; every international organization has its definition and emphases. A broad spectrum of arrangements between traditionally procured government projects and full privatization exists, as many different ways of collaboration/partnership between public and private partners try to fill this space, differing from country to country due to different government traditions and political preferences (Grimsey and Lewis 2007). Some features are common, but the list is not fixed: long-term cooperation, private sector financing, risk sharing and allocation, delivering services (instead of buying assets), complex contracts and projects, output specifications and performance incentives, life cycle approach, innovation, and experience and knowledge sharing (Steijn et al. 2011).

Hodge et al. (2010) identify different types of PPPs: (1) institutional cooperation for joint production and risk sharing; (2) long-term infrastructure contracts which emphasize tight specification of outputs in long-term legal contracts; (3) public policy networks in which loose stakeholder relationships are emphasized; (4) civil society and community development; and (5) urban renewal and downtown economic development. This article focuses on the first two types: the participative and contractual model of PPP (see below) (Edelenbos and Klijn 2009).

Most studies on PPPs are conducted from a rather ‘technical’ point of view and evaluate whether they deliver value for money (VfM). PPPs, however, also raise a raft of ‘political’ questions which have received less attention, at least in terms of
sophisticated analytical approaches rather than ideological commentaries. This article looks at these changed assumptions concerning governance and accountability of PPPs (Hodge et al. 2010). Most authors are rather concerned about their political consequences (e.g. Flinders 2010; Skelcher 2010). ‘The shift towards greater private sector involvement in public service delivery weakens the thread of accountability between citizens, parliament and those responsible for service delivery (the executive),’ says Reeves (2013). Because public tasks and responsibilities are shared with private partners, the minister loses direct control and parliament (and thus the people) loses oversight and influence.

It is, however, sometimes suggested that PPPs could improve accountability for performance (Flyvbjerg et al. 2003; Grimsey and Lewis 2007; Forrer et al. 2010). First, conducting VfM analyses prior to moving on with a project can be helpful in that regard. Second, detailed contract documents and performance indicators simplify the process of ex post auditing and accountability. Third, private financial participation could result in a more realistic risk assessment, risk reduction and a shift away from government and tax payers (see also Reeves 2013). It will be interesting to see if this enlarged ‘accountability potential’ of PPPs will be confirmed in the empirical section, and if it will compensate for the suggested loss in direct political control.

Accountability forums and functions
Despite its status as a cornerstone of modern democratic governance, accountability remains difficult to define precisely. Yet, it does have a core meaning which can be demarcated from other related concepts (Mulgan 2003). Reformulating Bovens et al.’s (2008) definition, accountability can be described as follows: ‘a relationship between an accountor and an account-holder in a forum, in which the accountor has an obligation to explain and to justify his or her conduct, the account-holder can pose questions and pass judgement, and the accountor may face consequences.’ While in the American discourse accountability is seen as a virtue, it is seen as a social mechanism in the British, Australian, or continental European debates. This article follows the latter interpretation and builds further on existing conceptual work, because it is the only way towards empirical progress in the broad field of accountability studies (see Bovens 2010).

Although Bovens’ definition gives a good insight into its basic functioning, accountability in practice is of course more complex and ‘messy’ than the definition suggests. Many different processes of accountability are all taking place at the same time, involving a vast array of actors. In each process, different kinds of information will be demanded, different kinds of discussions will happen, and different kinds of consequences will apply. Governments are continuously being called to account by several account-holders for their actions and decisions, within different forums at the same time. Many scholars have tried to capture the diversity of accountability by formulating rich classifications (e.g. Mulgan 2003; Hodge and Coghill 2007; Bovens et al. 2008). The main processes of accountability take place in five accountability forums: the political, judicial, administrative, public, and market forums (Willems and Van Dooren 2012).

The influential article of Romzek and Dubnick (1987) on the Challenger tragedy defines accountability as ‘the means by which public agencies and their workers manage the diverse expectations generated within and outside the organization’. Accountability viewed as a strategy for managing different expectations emphasizes the need to understand why governments are being called to account. Accountability has three distinct
(meta-)functions (Aucoin and Heintzman 2000; Behn 2001; Bovens et al. 2008). First, governments are held accountable for rules and procedures to prevent unfairness or abuse of power – ‘constitutional function’. Second, citizens (or elected representatives) want to have the final say because the ultimate authority and ownership of the state rests with the citizens – ‘democratic function’. These two dimensions are concerned with how government functions. Third, citizens also care about what government actually accomplishes. They want to hold governments accountable for their results – ‘performance function’.

Although each accountability function is straightforward, the interaction between them is rather puzzling. Poulsen (2009) described the coexistence of competing traditions with often contradictory interpretations of accountability as discovering different ‘archaeological layers’; a sort of historical sedimentation process in which new accountability mechanisms and functions are introduced while the older ones remain in operation (see also Schillemans 2010). The three functions may converge and reinforce each other, but they may also collide, which means that satisfying one will negatively affect the others (see Koppell 2005). In recent times due to several public sector reforms (Pollitt and Bouckaert 2011), accountability for performance seems to take the lead. This shift from procedure to performance accountability (Poulsen 2009) appears so powerful that some authors seem to forget that there is more to accountability than performance alone (e.g. Forrer et al. 2010). This article joins the debate on the (re)balancing act of performance and procedural accountability and adds some arguments (see also Lodge 2004; Fimreite and Laegreid 2009; Koliba et al. 2011).

HYPOTHESES AND METHODOLOGY

Hypotheses about redundancy

Although most scholars regard the multiplicity and redundancy of current accountability regimes as problematic (see Koppell 2005), Schillemans (2010) points to its promising nature in a complex public governance context. He lists a number of potential advantages of multiple and redundant accountability (see also Scott 2000, 2006; Braithwaite 2008). First, it increases the reliability of oversight. Second, it might be cheaper and easier (and therefore more pragmatic) than real coordination between different actors. Third, it mitigates the inherent information-asymmetry between agents and principals by offering extra inputs. Fourth, it provides the opportunity to incorporate different values into accountability processes.

In order to examine what the concept of redundancy can actually contribute to the understanding of multiple accountability, the following four interrelated hypotheses may be useful.

Hypothesis 1: The more account-holders are involved in diverse accountability forums, the higher the chance that an actor is being called to account to some authority for their actions (multiplicity).

Although this may seem simple, it is crucial to verify whether many different accountability actors and forums are actually present and actively working. Many different accountability processes which theoretically could take place are not enough. The assumed multiplicity has to manifest itself in practice.

Hypothesis 2: Accountability overlaps between account-holders and forums increase the chance of being called to account to some authority for one’s actions (compared to a clear division of tasks amongst them) (redundancy).
Schillemans’ (2010) view on redundancy as something positive (and not by definition as wasteful and expensive) is somewhat counterintuitive and therefore innovative. Redundancy has of course some significant costs, but coordination of multiplicity also has (it is doubtful whether coordination is even a realistic option due to reasons of complexity). Many public officials complain about existing accountability overloads (Bovens et al. 2008). Flinders (2011) claims that too much accountability can be as problematic as too little and points to the link between increasing levels of accountability and the falling levels of public confidence in politics. Part of the puzzle will be determining which strategy will be most (cost) effective, which strategy is most likely to improve accountability.

**Hypothesis 3**: The identified theoretical advantages of redundancy are more manifest as public governance becomes more complex and dispersed, and the overall costs of redundancy become lower than the overall costs of coordination (beneficial redundancy).

It must be acknowledged that it will be very difficult to assess in a direct and certain manner the overall costs of multiple and redundant (and of the counterexample coordination). Redundancy seems to have the upper hand from the start, because many opportunities to hold power to account are as such a valuable thing. Although there is the risk of conflicting demands and expectations, it still seems preferable just because of the inherent importance of accountability in liberal democracies (Mulgan 2003). Analysing the various functions of accountability could provide us with some useful but indirect insights to try to solve this puzzle.

**Hypothesis 4**: A multidimensional approach to accountability, which clearly separates the various forums and functions of accountability, leads to a more nuanced assessment of the general state of accountability (multidimensional accountability).

This article assumes that many accountability problems have to do with misinterpretations about the diverse functions accountability has. Accountability forums have three distinct functions: the democratic, constitutional, and performance functions. It is crucial to keep that in mind and to keep them separated in the analysis. All too often ambitious claims are made about accountability in general, when only considering the democratic perspective. Not all accountability needs to be democratic accountability (Steets 2010). The same goes for accountability and performance. There is also more to accountability than just accountability for performance.

**Method: a critical case study**

The complexity of accountability in a multifaceted governance setting requires an interpretative in-depth method with attention to nuances, contradictions, and ambiguities. This article tells the story of the many accountability processes that take place in a particular case, with full respect for its context (Flyvbjerg 2001; Bevir and Rhodes 2006). Although many case studies are actor based, this article follows an approach that is more process based: mapping over time a specific public policy which involves all relevant actors and forums. The ambition is to reconstruct the complete accountability processes and to identify the chain of (re)action, the moment of ignition, the actor(s) responsible, etc. This detailed analysis of ‘accountability-in-action’ has the possible advantage of exposing the dynamics between account-holders and forums. The case selection was information based: a case was needed where infrastructure projects in a PPP form and a direct public form take place next to each other in the same public policy content. Maximum variation...
is sought on one specific criterion: being a PPP or not. School infrastructure in Flanders (Belgium) provides such a case.

The data gathering happened in two phases. First, an extensive document analysis was conducted in order to reconstruct the formal processes of accountability. Documents for analysis are all relevant laws, parliamentary documents, press releases and reports, annual reports, management agreements, reports of company boards, court rulings, contracts, and evaluation studies. The period of analysis goes from July 2009 to October 2012. The emphasis in the document analysis was on obtaining the following elements: date, type of document, type of forum(s), accountor(s), account-holder(s), references to other actor(s) and forum(s), its function(s), and consequence(s). By identifying the explicit cross-references in the documents it became possible to uncover the many linkages between accountability forums, actors, and acts. The end result was a large timeframe subdivided into five different forums, in which every accountability process and actor are points with many connections both within and across the forum(s).

Second, semi-structured elite-interviews were used to check this formal (re)construction and add relevant informal elements. The document analysis functioned as a foundation, then the interviews followed. The guarantee of anonymity was crucial to engage the respondents in cooperating, because the DBFM project is still in process. All respondents are key players who are strongly involved in the project (see Appendix). Although their number \( n = 13 \) is relatively small, all points of view are covered (with the exception of AGION which was not willing to cooperate). Given the technical nature and high profile of this project in a small-scale region like Flanders (6 million inhabitants), the number of people involved is limited. The respondents referred to the same list of persons who could be relevant.

**Context: school infrastructure in Flanders**

Decades of structural underinvestment due to public savings since the late 1970s resulted in an old and outdated school infrastructure in Flanders. Recently, additional school infrastructure is demanded in many cities due to demographic evolution. So Flanders urgently needs new school infrastructure, with almost 2,650 subsidy applications on the waiting list of AGION with a total value of 2.65 billion Euro in September 2012. The investment need of the community education is estimated at 1.9 billion Euro. This leads to a total investment need of more than 4.5 billion Euro. Waiting time for applications of new school infrastructure projects is over ten years. In 2004 the Flemish government therefore decided to follow a two-track policy to address this high demand.

A first track was a large catch-up PPP programme with a total investment value of 1.5 billion Euro. The new schools are being designed, built, financed, and maintained by a private partner. This DBFM company makes the school buildings (currently 167 projects) available to the organizing authorities and school boards and takes care of the maintenance for 30 years. In turn, school boards pay a performance-related availability fee for the contract period and afterwards the buildings’ ownership is transferred to them free of charge. In 2009 AGION and PMV (investment company of Flemish government) founded ‘School Invest’. They each have a 50 per cent stake in its capital. In June 2010 the DBFM company ‘Schools of Tomorrow’, which is responsible for the execution of the programme, was established. AG Real Estate and BNP Paribas Fortis make up the private partners who hold a majority share of 75% − 1, while the public partner ‘School Invest’ has a 25% + 1 share, as shown in Figure 1.
A second track is the regular subsidy system through the public agency AGION, which is responsible for subsidizing the purchase, construction, and renovation of school buildings with an annual budget of c. 200 million Euro. AGION is a public agency under ministerial control, with some operational decision-making authority delegated to the agency head. This direct ministerial control is crucial for the research design in order to compare it with the PPP programme.

The DBFM programme ‘Schools of Tomorrow’ has relevance beyond Flanders for the following reasons: (1) it is one of the largest social PPPs in Europe to date with a total value of 1.5 billion Euro; (2) it is a complex PPP in which 167 individual DBFM contracts are bundled together within an overarching DBFM framework contract; (3) it has a particular hybrid structure by combining contractual and participative forms of PPP; (4) it is atypical for another reason: the contract was exclusively aimed at consortia with a financial partner included, which complicated the project in turbulent financial times (with Fortis first being nationalized and sold to BNP Paribas in October 2008); and (5) Flanders committed itself late to PPPs, assuming that learning effects from international experiences led to adapting best practices.

In the literature two main types of PPPs are distinguished (Edelenbos and Klijn 2009). In the contractual model (inspired by the Private Finance Initiative (PFI) in the UK) PPP takes the form of a turnkey project in which a private actor contracts to design, finance, and construct a public sector project. Private maintenance and exploitation may also be part of the contract. The second one is the participative model in which public and private actors establish a joint company to develop, maintain, and operate projects. The Flemish hybrid model combines elements of both (Van Gestel et al. 2011). It has a double structure with a special purpose vehicle (SPV) and a strict contractual framework. This sui generis hybrid model has no similar examples in other countries, which makes it an interesting test case for an international audience.
EMPIRICAL FINDINGS
More accountability forums and actors active in DBFM

More forums?
All five forums identified in the conceptual framework are active with regard to the DBFM project; however, with varying degrees of intensity. The political, public, and administrative forums are clearly active. First, two Flemish parliamentary commissions deal with its functioning. The education commission addresses the issue of school infrastructure. It is interested in the operational performance of the DBFM programme. The general policy, finance, budget commission deals with its budgetary consequences. Due to its budgetary magnitude the project is repeatedly in the picture. Second, the media are active in the sense that they occasionally report on the DBFM project. Third, within the administrative forum the entities directly involved are AGION and PMV. Both are subjected to control by the Court of Audit, Inspectorate of Finance, and internal audit systems. In the decentralized Flemish educational landscape the three main educational networks play a pivotal role. In terms of accountability they hold an ambiguous position between the administrative and public forums: as accountor because they implement public policy, as account-holder by sometimes criticizing public policy.

In addition, a distinct market-based accountability manifests itself in several ways. The DBFM company can be held to account by its shareholders and is subjected to private auditing control. Market actors such as rating agencies do review the PPP financing schemes when evaluating Flanders’ financial status. Market procedures such as extensive competitive tenders do matter in terms of accountability. The judicial forum is also present, but plays a less visible role. The DBFM contract leads to a stringent juridical framework. It steers the process and enforces accountability between the partners in a compelling (but latent) way. The judicial forum is not really active in the sense that no legal cases are pending before judicial courts or administrative tribunals.

More account-holders?
First, at the request of some members of the Flemish Parliament (MPs) the Court of Audit plays an active role in calling the Flemish government to account with regard to PPP projects. Although the respondents acknowledge that its control is generalist, they all agree that its recommendations are taken seriously. The same reasoning applies to the Inspectorate of Finance which conducts its accountability task ex ante, whereas the Court does this ex post. Given the importance of this project, all relevant political and administrative account-holders checked every step in the process closely, each with its distinct task and scope (Respondent K).

Second, another frequently mentioned account-holder is Eurostat, the statistical office of the EU. In its preliminary advice Eurostat had serious doubts about the ESA/budget neutrality, due to a high government guarantee. Respondent E described Eurostat as the main watchdog on this DBFM project because of its financial impact. Other respondents nuanced the role of Eurostat by pointing to its limited scope of research. It has to decide whether an investment should be on the balance sheet of the government or not. It does not have to evaluate the project itself, or its value for money. Yet, given the importance of ESA neutrality as the driving force for PPP projects in Flanders (Willems and Van Dooren 2011), the verdict of Eurostat is crucial and gives it serious status as account-holder.

Third, the Flemish ‘hybrid’ PPP type leads to some specific account-holders. Due to public financial participation in the SPV, the public partners remain partly in control.
'School Invest' has a 25% + 1 share, which means a minority protection according to company law (a veto power in crucial decision-making). The composition of the Boards of Directors is also interesting. The Flemish government has appointed directors with links to the political parties of the ruling majority to gain extra political oversight. The interviews confirmed that watching over the continuity and realization of the project and guarding the public interest is an important reason for choosing the atypical hybrid PPP type. Although most respondents were sceptical or negative about public participation in PPPs as such, they acknowledged that given the magnitude of the project, the political salience of education as policy domain and the lack of public experience/expertise in DBFM, it was probably a justifiable choice in this case. Two respondents (H, L) pointed towards the conflict of interests which was created by this structure. Public participation leads to an uncomfortable and schizophrenic position for the government which resembles the case of public ownership; government being supplier, manager, and regulator of public services all at the same time (see also Hodge 2000).

Fourth, a specific supervisor was commissioned by the Flemish government to follow up the project. As a non-voting member of the Board of Directors he has full access to all documents and attends every meeting. His reports are directed to the Flemish government and not made public. Although his powers and tasks resemble those of a Government Commissioner, he is officially called a ‘supervisor’ to avoid the impression that the government directly controls this private company (and to avoid ESA consolidation). Respondent M emphasizes the importance of this ‘watchdog’, because his understanding of all contractual details offers some comfort. Respondent I, however, describes him as ‘superfluous because in a way one admits that it is not a real PPP: either you steer through the Board of Directors, or through the contract. You do not need an extra supervisor. It is a needless cost.’

More tools?
Flemish DBFM projects also have some extra accountability tools. First, there is a required extended reporting in the Flemish Parliament concerning large infrastructure projects financed alternatively (which include PPPs). Second, each large PPP project is authorized by the Flemish Parliament by means of a formal law, which is not the case in more direct public provision. Third, information and discussion meetings in the preparatory stage are more frequent in PPP projects.

Flemish PPP projects offer an important democratic advantage. The Flemish Parliament knew exactly what was going to happen and has fully supported this. It is fully informed. The democratic deficit in more traditional public projects is much larger. Those PPP projects are closely monitored, there are specific regulations, there is thorough annual reporting. Other projects worth millions of euros are not followed in the same rigorous manner. Yet, those PPP projects are more visible, more vulnerable, the start-up phase takes longer, there is more consultancy, etc. They are more high profile. A traditional public project takes place in silence, often with the same financial size, but nobody will ever notice it. Their follow-up is less systematic. (Respondent H)

Even respondents (B, C, J, M), who are more critical towards the DBFM project recognize the benefits of this systematic progress reporting. Nobody can claim that MPs are insufficiently informed about those PPP projects. This is confirmed by the Court of Audit. They concluded that the fourth report on PPPs is solid and contains critical information on the projects (Court of Audit 2011, p. 20).

Some respondents refer to the enlarged accountability for performance of PPPs as such. Respondent F claims that ‘the government in a traditional public tender assumes that it
controls everything, but in reality it bears all the risks resulting usually in cost overruns and time delays. PPPs on the other hand lead to a stronger responsibility of the private partners: fixed price, fixed timing, risk sharing and lifecycle approach. ‘Competitive processes at all levels in the programme and the lifecycle thinking meant an innovative approach to school infrastructure, which increased the accountability for performance’, explains Respondent K.

Yet, respondents B, C, J, and M claim that the facts contradict this: the price has risen from 1 billion to 1.5 billion Euro, the original timing has been delayed from 2012 to 2016, and the number of projects has declined from 211 to 167. Although they recognize the theoretical benefits of PPPs, they do not seem to materialize in this case. In addition, due to a high government guarantee for the financing of the DBFM programme, the argument for risk sharing and shifting seems to lose much of its strength (see also Flyvbjerg et al. 2003). Nevertheless, they admit that because of the DBFM programme there has been significant progress in terms of thinking and learning about risks, output specifications, and performance reporting/benchmarking.

What about the regular subsidy system through AGION?

The same forums are active in holding AGION to account, with the exception of the market forum. An important difference is that the largest educational network, the Subsidized Private Education (75 per cent of all pupils), currently does not fall under public procurement legislation (it will change in July 2013, see figure 2). The introduction of competitive tendering at all levels in the DBFM programme is therefore a massive change in terms of accountability of performance, says Respondent K. The judicial forum is even less visible than in the DBFM project, because a similar overall contractual framework is lacking.

In the political forum the education commission checks on how AGION functions. School infrastructure in general is not a highly politically salient topic; most MPs are interested in education, not in infrastructure. The monitoring of the general policy, finance, and budget commission is restricted to the yearly budgetary control. As long as the general budgetary indicators are not out of line, the focus stays on the surface. The media do report on it, but the attention is very limited and focused. The role
of administrative account-holders such as the Court of Audit and the Inspectorate of
Finance is generalist, with its budget and performance being scanned only in general
terms. The Internal Audit conducts performance audits, but those reports are only for
internal use.

AGIOn as public agency falls under the control of the minister of education, so it is
fully accountable to the minister. This is of course an internal administrative process of
accountability. When an MP or a journalist asks a question about AGIOn (then it becomes
external), the minister should be able to get all information and answer the question.
Some instruments clarify the distribution of tasks and responsibilities. First, AGIOn
has a management agreement with the Flemish government for a fixed period of time.
Although respondents confirm that it is a much used document for internal purposes,
it is not discussed in the political and public forums. Second, reporting on AGIOn has
two main forms: an annual report and a final report at the end of the management
agreement addressed to the minister. Again, those reports are not debated in the political
and public forums. Evaluation and auditing happens in mutual consent between the
agency and the minister. The main channels of information and evaluation are thus of an
internal nature.

Although public agencies like AGIOn face some relevant political and administrative
account-holders in principle, they are generally left to themselves (both at project and
policy level) because those accountability tools are ‘on standby’. It is a latent form of
accountability. They are supposed to be working well until the opposite is proven to be
true, until something goes badly wrong and draws attention to them. There is no political
or public pressure which triggers the actual processes of accountability. Questions which
turn the internal processes of accountability into external ones are not posed.

More active accountability forums and actors in DBFM

As mentioned above, two parliamentary commissions deal with the functioning of the
DBFM programme. In both are found MPs who follow up this dossier very closely
and keep it on the political agenda. They are limited in number, but their focus and
engagement are crucial. These MPs are very active in questioning the minister(s).

In the DBFM project you have in the facts an outspoken parliamentary control on the basics or fundamentals,
because this dossier was considered to be important in the education commission; ‘education’ in general is a
political and publicly salient issue in Flanders, so consequently you had some MPs who continuously asked
questions about it. . . . The whole PPP thing gets a high political profile, there is a lot of attention, ministers
identify themselves with those large PPP projects, the accountability of the traditional public system through
AGIOn is not that well developed. You will not find some of the procedural and performance requirements
of the PPP in the traditional system. If we were to scrutinize that in the same way, we would become a lot
more critical towards it. (Respondent K)

The MPs play an essential role in bringing to bear different kinds of accountability
processes. Next to calling the minister(s) to account in Parliament, they also inform
the media. The MPs usually lead the way and the media follow. The media take a reactive
stance towards technical and complex topics like DBFM and need to be fed by informed
observers. Although the media describe the determining phases of the project (tendering,
awarding, financial close, etc.), their coverage is rather generalist. The total number of
articles is considerable, but there are few extended and evaluative ones. MPs also actively
invoke the Court of Audit to scrutinize large PPPs. The audit report in 2009 on Flemish
PPP projects and the follow-up audit report in 2011 on the quality of the reporting are the
result of parliamentary initiatives.
When compared with the regular subsidy system through AGION some things stand out

In general the MPs in both commissions show only a very limited and focused interest in school infrastructure and AGION. The same goes for media attention. The actual operational performance of AGION as a public agency is not an item in the political and public forums. Moreover, administrative account-holders like the Court of Audit or Inspectorate of Finance control AGION in general budgetary terms. There is no profound and active inspection into the functioning of the agency as such, which is remarkable given the problematic situation of Flemish school infrastructure.

Two reasons may explain this lack of political and public attention. First, Respondent B stated that ‘the problem of AGION is a problem of an insufficient budget. How much discussion can there be?’ Second, the autonomous status of the educational networks has an important downside in terms of accountability. Neither AGION nor the minister can develop real policy on school infrastructure; AGION is a subsidizing vehicle which executes the agreements between the educational networks (Respondent A).

The autonomy in the policy field of education is absolute in Flanders; this means placing it at arm’s length from the minister. This also means no real policy on school infrastructure because it is largely outsourced to the educational networks. This leads to a contradiction: the Flemish Parliament does not worry about the regular subsidy system because it is autonomous. When you introduce a PPP into this field, then suddenly some people are going to control this more intensely. Through PPP the minister develops a more central policy, whereupon the educational networks have less impact; this leads to some discomfort, and you notice this in the parliamentary treatment. If you evaluate this from a democratic point of view, well then the accountability definitely increases with the PPP, because the democratic control in the traditional process was missing. (Respondent K)

Another respondent (Respondent E) notices the same contradiction, but reaches a different conclusion. He describes the policy domain as ‘politically sensitive with a very strong tradition of informal consultation with the educational networks’. Yet, he claims that this is as democratic as any other policy domain, but the checks and balances do not happen through the Flemish Parliament but through civil society (i.e. educational networks).

Actual processes of accountability have an impact

It remains to be seen whether all those accountability processes matter at all. In the previous legislature MPs succeeded in enforcing the Flemish government to regular extensive parliamentary reporting on PPPs. Audits from the Court of Audit were demanded and made visible to a wider audience. Almost all questions on school infrastructure were matched with a satisfactory response from the minister(s), sometimes after pressure or repetition, most of the times directly. There were even some policy changes after accountability processes in the political and public forums, such as for instance the settlement regarding the inspection of the DBFM framework contract.

After the financial close between the private and public partners several MPs and the educational networks demanded repeatedly closer inspection into the framework contract. The media also picked up on this incident. The Minister and the private partners were at first reluctant to meet this demand, because it clashes with a clause in the contract about confidentiality. After a series of consultations it was decided that MPs during a period of five days could look into the contract. The MPs had to accept a confidentiality obligation and could not take notes or copies or consult anyone else. Accountability thus led to some results. Yet, it needs to be said that this ad hoc settlement falls short of the norm of information release on PPPs in other countries (see Siemiatycki 2007).
The respondents evaluate this episode quite differently. Respondent E states that: ‘There is no parliamentary control on the details of the contract, meanwhile on the general structure of the programme there is sufficient parliamentary control.’ Respondent A admits that the settlement was not ideal, but it was the only possible compromise given the contractual obligations. Some respondents minimize the impact of this ‘symbolic victory’ for the MPs, given their lack of specialized expertise and experience with such complex legal documents. Two respondents (F, H) explicitly argue that this does not belong to their core business.

It is not the task of MPs to follow up the technical, juridical and financial details. This is the operational part. The Flemish Parliament must follow up the general implementation of public policy. . . . The information on key issues of the programme is good and sufficient. (Respondent H)

Respondent I claims that the expectations regarding transparency are seriously raised in DBFMs (compared to traditional public tenders). Respondent L is more critical about these clauses on commercial confidentiality. Although most respondents say that it was a reasonable and standard demand from the financial partner, he argues that the government is practically forced to accept them, because specialized law firms almost automatically include them without checking if they are really necessary (see also Siemiatycki 2007).

Maybe this increased attention to PPPs is not that surprising after all. By being itself an innovative and promising political item, PPP attracts some political and public suspicion which may be good in terms of accountability. Because many account-holders are cautious about PPPs, they (pro)actively follow them and raise implicitly the levels of expectation while ignoring the more regular public systems (which are themselves anything but perfect). One could argue that this increased attention is all about novelty and not about PPP itself. There are, however, some reasons to assume that it is (at least) a combination of both. Some inherent characteristics of PPPs—LT contracts, very large ‘aggregated’ projects and sums, private finance and delivery of public services/products, focus on project delivery, etc.—are definitely political strengths which raise their profile and thereby create an enlarged political and public interest (see also Greve and Hodge 2013). Accountability may just be the flip side of the coin here; after it has been raised to the political agenda, it thus attracts a heightened interest and more political/public accountability compared to the more traditional ‘trusted’ (and less visible) system. Table 1 summarizes the comparison in terms of accountability between the DBFM project and AGION.

More accountability, less democracy?
The sections above demonstrate first that there are more accountability actors and forums active in this Flemish DBFM project than in the regular subsidy system. Second, the accountability actors and forums behave more actively and dynamically in the DBFM. Third, they even get some results in terms of accountability. It is important to note that this multiplicity is actually working in the DBFM variant, whereas many account-holders in the regular case are rather generalist and latent ones. As a consequence, the empirical findings support Hypothesis 1. In the DBFM project real redundancy takes place: different actors in different forums are dealing with the same issues, isolated questions and pressures intermingle, they gain momentum when combined, a chain of (re)actions is started which turns internal processes into external ones, and actual accountability that matters is the end result (Hypothesis 2). Multiplicity and redundancy can in fact be observed in both the DBFM and the regular case, but their form and appearance are different: in the DBFM accountability is more diffuse, active, and visible.
Hypothesis 3 suggested that the theoretical benefits of redundancy identified will be more pronounced in a more complex context such as a PPP. The empirical findings indicate that there is definitely more information on the project, and consequently that the oversight is more reliable due to both its actual and external nature. The analysis becomes more ambiguous when dealing with the issue of incorporating different values into the accountability processes. In the document analysis every accountability act (parliamentary question, report, news article, etc.) was given a score on a scale from 1 to 5 on the weight of the three accountability functions. Focus was on explicit references to the accountability functions, because implicit references are too difficult to pin down in a structural manner. This revealed two remarkable findings.
First, a large majority of the accountability processes are about operational performance and results. The main concerns in the questions are the progress of the project, its further planning, specific realizations, reasons for delay, evolution of cost price and so on. Although the democratic and constitutional functions of accountability are outnumbered by accountability for performance, there were some clear examples of questions with a focus on the procedural dimension. This means that they scored at least as high (or even higher) on the democratic or constitutional dimension than on the performance one. Despite their minority status it is relevant that these kinds of questions were also asked and answered. The overemphasis on accountability for performance was also confirmed in the interviews.

Second, some respondents had a tendency to interpret accountability very broadly, and almost equate it with democracy in general. This linkage of accountability and democracy puts some statements of the more critical respondents (B, C, J, M) on accountability in the DBFM project in a better perspective. Respondent C underlines the lack of consultation with the ‘field’ in the DBFM project. Respondent B supports this claim by saying that all reporting and information happened post factum. There was little to no room for input, according to him. Other researchers have reached similar conclusions (see Siemiatycki 2007; Demirag and Khadaroo 2008; Reeves 2008). Although these respondents acknowledge that there is a lot of ex post information and reporting in the DBFM, they regret that the ‘education field’ is not able to participate in the decision-making process (as it used to do in the regular system). Besides interpreting all of the accountability processes from a rather exclusively democratic perspective, they also tend to ‘over-stretch’ the concept of accountability by including democratic input. Although both are of course related, it is important for analytical purposes to keep them separate.

These two findings indicate how important it is to analyse complex accountability processes in a flexible and multidimensional manner (Hypothesis 4). It is crucial to keep the distinctiveness of the various functions of accountability in mind when making claims about the state of accountability. Assessing accountability should be done according to different standards or principles, not all of them performance related, not all of them democratically inspired (Papadopoulos 2010; Steets 2010). Although there is a dominance of accountability for performance in general, and a more specific and delineated democratic concern for some, the empirical findings show that there is some room for all kinds of accountability values (not always equally divided, however).

CONCLUSION
The ambition of this article was to question the almost self-evident truth of a negative view of democratic accountability in PPPs. The empirical findings of this critical case nuances and counters this widely held perception. As is true for any single case study, the empirical findings are not just generalizable to other examples, contexts, and countries. This article tells the story of a case in which multiple accountability processes indeed lead to some beneficial redundancy and improved accountability, because it increases the chances for actual processes of accountability. Mulgan (2003) stated that ‘a circle of spotlights uncovers more than is revealed by a single spotlight, however strong that single light may be’. Yet, even more important is that the spotlights are effectively switched on. Although AGION faces some relevant account-holders in principle, accountability processes are latent and remain internal. The spotlights are switched off. The PPP project is immediately suspicious and gets the necessary political and public attention to
TABLE 2  Action scheme to put redundancy as strategy into practice (based on recommendations made by Siemiatycki, 2007; Reeves, 2013)

<table>
<thead>
<tr>
<th>Action Scheme</th>
<th>Description</th>
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<tbody>
<tr>
<td>A1</td>
<td>Involve many different accountability forums, actors, and tools</td>
</tr>
<tr>
<td>A2</td>
<td>Exploit maximally the potentials of new accountability forums, actors, and tools</td>
</tr>
<tr>
<td></td>
<td>• Example: Innovative elements used in PPP projects like ex ante VfM testing, full-scale competition for (sub)contracts, performance measurement and reporting and contract management should be extended to the public sector in general.</td>
</tr>
<tr>
<td>A3</td>
<td>Support cross-fertilization and exchange between accountability forums, actors, and tools. Support especially actors and tools who are able to cross-over different forums</td>
</tr>
<tr>
<td></td>
<td>• Example: The Court of Audit is an accountability actor who connects and travels through different forums. Oversight responsibilities of auditors and comptrollers should be expanded in a structural manner in dealing with large PPP projects.</td>
</tr>
<tr>
<td>A4</td>
<td>Provide proactively as much information and data material as possible</td>
</tr>
<tr>
<td></td>
<td>• Example: To increase transparency and to remedy the issue of commercial confidentiality in PPPs, one could demand that the burden of proof shifts from the public to the private side. Then private partners should be required to demonstrate why certain information should be withheld from the public (and not the public demonstrating why certain information should be made public). A clear standard should be used for what information should be kept confidential and an independent information commissioner should be appointed to decide on that matter.</td>
</tr>
<tr>
<td>A5</td>
<td>Recognize and stimulate privileged status of political and public forums and actors in generating democratic legitimacy</td>
</tr>
<tr>
<td></td>
<td>• Example: Given their specific position, members of parliament (MPs) with responsibility for PPP project decisions and monitoring should always have full access to all relevant project information, including that not made public. Required frequent progress reporting on PPP projects in Parliament and separate authorization of large PPP projects by means of a formal law in Parliament are recommendable.</td>
</tr>
</tbody>
</table>

trigger actual processes of accountability. They are external from the start. The spotlights are switched on proactively. This emphasis on the actual and external nature of these accountability processes is crucial in assessing PPPs from a democratic point of view. It is mainly through opening up to the political and public forums, and involving these two forums actively, that they gain democratic legitimacy in the eyes of the citizens and those who represent them (see also Papadopoulos 2010). Therefore, the empirical findings of this case study suggest that there is some beneficial redundancy and lend support to Hypothesis 3. Yet, it must be acknowledged that the overall costs and benefits of redundancy and accountability are not assessed in a direct and certain manner; there are merely indirect results which tip the balance towards the more ‘positive side’. Herein lies an important challenge for further research.

The final step is identifying how redundancy as a strategy can be put into practice: how to make sure that the necessary political and public attention is attracted, that the different spotlights are switched on. It is not enough to wait and see if redundancy happens, or to count on ‘ad random lotteries’ as a way to organize redundancy. Deliberately sought-after redundancy increases the chances of actual and external accountability processes, and consequently of more improved accountability. Table 2 illustrates how redundancy as a strategy can be put into practice regarding large PPP projects. Flyvbjerg et al. (2003) argue that a government has to organize its own opposition against mega infrastructure projects. Scott (2000) states that ‘we should not iron out conflict, but exploit it in order to hold regimes in appropriate tension’. Organizing some redundancy as a strategy attempts to incorporate some of the supposed advantages of coordination between accountability
actors and forums, while holding on to the central idea of redundancy as offering more certainty that nothing will stay under the radar of the account-holders.

NOTE

1 Flanders has a particular educational landscape characterized by three main educational networks who have high autonomy to organize education themselves. The Community Education (16.5 per cent of pupils) is organized on behalf of the Flemish community and is fully financed by the Flemish government. It has its own system of providing school infrastructure, separate from AGION. The Subsidized Public Education (8 per cent of pupils) comprises municipal education organized by local and provincial governments. School infrastructure is subsidized by AGION: ratio 60 per cent for secondary schools and 70 per cent for primary schools. The Subsidized Private Education (75.5 per cent of pupils) is organized by private initiatives, mostly Catholic ones. Their school infrastructure is also subsidized by AGION in the same ratios. AGION is a public agency which merely gives subsidies to school projects identified and prioritized by the educational networks. It is important to note that the largest educational network, the subsidized private education, currently does not fall under public procurement legislation. In July 2013 this will change due to the enactment of a new Law on Public Procurement (15 June 2006). This will force non-profit organizations such as Catholic schools, which offer a public service and receive more than 50 per cent of their finance from the government, to comply with the rules of competition under public procurement.

REFERENCES


APPENDIX: LIST OF INTERVIEWS

Due to an anonymity guarantee, the author was forced to process the interview data anonymously. Because the DBFM project is still in full progress and given the relatively small scale of Flanders as a policy community and the financial impact of this DBFM project for the region, most respondents would only cooperate if full anonymity was assured. The list below, however, gives some indication of the profile of the respondents.

1. RESPONDENT A = Member of Staff of Flemish Minister
2. RESPONDENT B = Director of Infrastructure (educational network)
3. RESPONDENT C = Director of Infrastructure (educational network)
4. RESPONDENT D = High-level Public Official
5. RESPONDENT E = Chief of Staff of Flemish Minister
6. RESPONDENT F = Private Managing Director
7. RESPONDENT G = Member of the Flemish Parliament
8. RESPONDENT H = High-level Public Official
9. RESPONDENT I = Chief of Staff of Flemish Minister
10. RESPONDENT J = Member of the Flemish Parliament
11. RESPONDENT K = Former Flemish Minister
12. RESPONDENT L = High-level Public Official
13. RESPONDENT M = Director of Infrastructure (educational network)