Appendix 8

Mechanisms for Local Influence on National Decision Making Processes in Radioactive Waste Management

Working Document for WP2[1]

31st January 2005

Introduction

This document develops further the questions offered to stakeholders in the Berlin Meeting (see Appendix). It describes mechanisms that local stakeholders can use to influence national decision-making processes in radioactive waste management. It deals first with the boundaries of the policy issue; second, with the definitions of "local" in the framework of radioactive waste management (RWM), thenit addresses the characterisation of local engagement and communication issues relevant to local-national interactions, and finally, offers an introduction to some of the mechanisms relevant to these interactions.

About the issue in focus

COWAM 2 is addressing the issue of the quality of the decision making process for RWM. The issue in focus is to improve the political process of decision making in order to reach practicable strategies and options for RWM within a democratic process that is perceived as fair, equitable and based on sound available science by the concerned local and national stakeholders as well as by citizens as a whole.

Our purpose is not to gain local acceptance on already decided strategies and options for RWM but to enable the appropriation of e.g. policy makers, local, regional and national stakeholders, the RWM operators, waste producers and the public in general of the RWM issue, in order to produce and adopt practicable, reliable and sound strategies and options.

The need to find effective means to manage radioactive waste has triggered national policy processes in European countries that most likely will have local impacts. In this perspective, the local engagement from the early stage of the decision framing process has been identified as a key necessity for improving governance of RWM (see the COWAM 1 final report).

However the framing and management of these policies will remain with National authorities and are unlikely to be devolved to regional and local authorities. Final decisions on radioactive waste remain and are expected to remain in the hands of national politicians, supported by experts and officers. In this perspective, they may need to take into account a local (territorial) perspective to frame their decisions, even

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[1] Raul Espejo and Gilles Heriard-Dubreuil wrote this document to support debates within WP2 and also as a step to formulate conclusions.

if for the initial steps of the decision processes they are unclear about which local communities may host radioactive waste.

What is "local"? Who is influencing policy and for what purpose?

Implementing local participation in a decision making process necessitates to better define what is local. At first glance, local seems very much depending on the stage and purpose of the policy process, for instance:

1) In the context of RWM facility siting, "local" means potential sites and corresponding communities. In this context, local is inevitably linked with the purpose of siting. Should a community be willing to engage in the process, it is perceived as the signal of a potential candidature. Should a community refuse to engage, it is sending a signal that it is not a candidate. Addressing local engagement from the siting perspective has been a common feature of RWM policies in the past and is associated with considerable difficulties. Local engagement should therefore be considered beyond the restricted perspective of siting. However, providing local candidate sites with effective channels to influence the national decision making processes remains a key challenge (as it is illustrated by the case of Bure in France, where a lack of local influence on the national decision process is observed).

2) In the wider context of RWM policy making, 'local' is not necessarily linked with siting. It is linked with the existence of risks for a local community that are associated with RWM policy-making. In the COWAM project for instance, several local communities involved in nuclear activities producing, processing or storing RW are engaged since they consider they are stakeholders in a national RWM policy making process. For instance, in the context of decommissioning nuclear installations, 'local' means territories and communities hosting existing nuclear facilities that are to be decommissioned. These are 'nuclear local communities' (in the perspective of governance of RWM) since a RWM policy is also linked with the nature and volume of waste that is to be produced during the decommissioning.

3) Since RWM is already happening in all countries with nuclear installations, it is also desirable that 'non-nuclear local communities' affected by RWM influence the national process through institutions doing this management today locally and for these institutions to influence local views through their performance (e.g. relationship between Highlands and Islands communities and UKAEA- Dounraey in decommissioning the local plant).

4) Finally, local may mean the larger regions involved in RWM, which include more than the communities possibly directly affected by RWM, as described above, but encompass the wider geographic area in which particular communities may be selected (e.g. the Haute Marne and Meuse departments in east France in which Bure is located).

Characterisation of the nature of the local "engagement"

Coming back to the WP2 perspective of local influence on national decision making process, a question is now to better define the kind of local engagement that is required for achieving an actual influence on the national decision making process. The first outcomes of the WP2 case studies are providing a better understanding of the nature of the required engagement. If it is to be effective, this engagement requires sustainable well-organised and proactive local or regional communities. It should take

place on a continuous basis rather than sporadically. This implies at local level the existence of various kinds of social engagement (a democratic culture in the local community), the existence of inclusive means of local democracy giving room to a pluralistic range of public participation. This also implies the local community's will to handle its future or at least to have influence on it.

In this perspective, top-down consultations of local actors by national institutions, if it is not taking place in the context of a partnership with sustainable local communities, cannot be regarded as an effective mean to produce local influence on national decision-making process. In the same perspective, the use of local opinion polls or surveys in the framing of national policies, although useful to some extent, should not be considered as a kind of true and effective mechanism for the purpose of claiming local influence on the governance of RWM.

It is only the engagement of local communities having (actual or potential, direct or indirect) stakes in RWM that should be considered in the context of policy making whatever is its stage of implementation. Communities neighbouring nuclear activities are engaged in the COWAM 2 project. The corresponding stakes are associated with the duty of caring territorial quality and identity and providing a sustainable development associated with the protection and enhancement of a patrimony of local resources for the future, on the short, medium and long term. Whereas most national public and private institutions as well as NGOs have a specific interest in one particular dimension (safety, productivity, environment, health,…), the local people have specific views based on an integrated view of the corresponding complex risks and impacts of policy making at the local level and therefore have a specific role to play in the framing of national policies and corresponding trade offs.

Assessing the need for concerned actors' connectivity

A clear understanding of who are the participants in the policy process, and the nature of their relationships, should help establishing those points where local stakeholders can leverage their interests. Clarifying leverage points offers a first step to work out possible *mechanisms* to exercise influence. By understanding how the system works it should be possible for policy-makers to put in place mechanisms that avoid the fragmentation of the policy issue (e.g. into a technical/scientific issue at the cost of excluding wider social and economic considerations). For instance by connecting the current de facto management of radioactive waste with the proposals for its long-term management it should be possible to offer a more realistic view of options. Equally by understanding how the system works it should be possible for local players to use regional and industrial participants to influence national policy-makers. Indeed, local stakeholders can use local and regional authorities as well as the management of local enterprises to influence national authorities. It is by *seeing the need* for participants' connectivity that non-obvious leverage mechanisms may be made apparent. These are relations that may not be in place now but most likely will emerge, often late and after a costly learning process, from the systemic nature of the policy issue. People concerned with its viability will make visible, one way or the other, the advantage of particular forms of connectivity in order to increase the cohesion of the organisational system underpinning the policy issue.

Local stakeholders can be among others ordinary citizens as well as representatives of local enterprises, professionals, civil organisations (e.g. local NGOs) and local government (e.g. municipalities). National stakeholders may include politicians,

experts, administrators and officers from a wide range of institutions, representatives of organised civil society and the public in general. Indeed stakeholders could be citizens and experts representing national and even global interests. Also, depending on the political structure of different countries we may find that in between national and local stakeholders different levels of regional stakeholders need to be considered in processes building up local influence on national policies.

Policy in Focus

When considering local influence on national decision processes it helps:

1) To have clarity about the decision steps that are required to converge into a consensual decision. For instance, the next step after reaching national consensus about a particular option (storage, geological disposal,…) might be site selection with the full cooperation of local communities. Should these communities perceive, as an outcome of already made technical decisions, that the national authorities are focused on *particular* communities, the chances are that they will question the authenticity of the process and possibly reject any form of engagement. A misjudgement of *policy boundaries* may jeopardise the whole process[2]. The long-term nature of radioactive policy suggests that it is necessary developing competencies for successful local development before focusing on technical/scientific issues. It is only when local communities are empowered to direct their long-term development that they will be in a position to take decisions affecting future generations. Once the decision is focused on a set of localities the siting selection may require particular emphasis on technical/scientific concerns, suggesting a different level of debate and forms of influence, and,.

2) To have a general appreciation of the stage of development of the policy issue in the country of concern. *What is the stage of development of this policy in different countries?* If the policy issue at hand is finding out socially acceptable forms for the safe disposal/storage of RW, it can be argued that in the UK its current stage is the narrowing down of the options for radioactive waste management. In Sweden is selecting a site for a deep repository. In France is selecting a long-term solution for RWM based on studies along the three research axes defined by the 1991 Law. In Spain is articulating a debate about RWM that still may not be perceived as necessary.

The above are some of the considerations to keep in mind while developing guidelines to make effective local influence on particular situations.

About Influence Mechanisms

Local communities can influence RWM policy through:

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[2] Geographically the boundaries of the policy can be generic or specific. Bataille's selection approach of a clay site in France -dominated by economic and social consideration rather than by scientific/technical considerations- had the benefit of maintaining the location generic. On the contrary once the 'granite mission' allowed the scientific/technical considerations emerge first the localities felt that they were already targeted and that had an effect on people's attitudes towards the decision process.

1) Direct communications between them and national players. Since RWM is a national policy with a likely local impact, it is not only legitimate but also desirable for local stakeholders to engage in communications with national players. However, there is a risk of overloading national players and therefore not achieving effective communications. This suggests the advantage to do it through ad-hoc institutions representing the wide range of local interests in RWM (e.g. AMAC in Spain can be seen as a local institution federating the action of municipalities towards national players). The challenge for national players is triggering local interest in the issue without converging into the siting perspective before it is appropriate (e.g. this is the challenge for CoRWM in the UK).

2) Indirect communications with national players through local and regional associations and organisations. The expectation is that these local and regional institutions will be conduits of local views and knowledge to their national institutions.

Based on the above considerations and the issues in focus in WP2, a number of different *mechanisms* can be envisaged for the local level to *influence* policy processes. The challenge is reviewing all these forms of influence from the perspective of communications and agreeing upon criteria of effectiveness. The purpose of the following list is starting the process of clarifying influence mechanisms. The *case studies* should give us empirical support for their discussion.

1) *Participative democracy* as a means for local influence on *national policy processes* (e.g. lobbying national politicians). Influence on the political process can be focused on nuclear and/or non-nuclear related politicians (i.e. politicians in the system-in-focus and/or the environment of the policy issue respectively), expecting that the latter will have an influence on the former. What can be considered a legitimate form of lobbying? Are *regional roundtables* as developed in France a good example of how to structure participative democracy in the debate of a policy issue? Is this a form of structured lobbying? Which are other forms? How do local participants gain legitimacy in the national policy process? To what extent should local participants attempt to influence national legislation? For instance, when is the option of *local veto* acceptable? This requires understanding under which conditions different structural levels (e.g. local, regional, national) should/ought to have more of a 'say' in the situation. How do we know when one player is over-influencing a situation to the detriment of others?

2) *Participatory democracy focused on civil society.* Local influence on national organisations representing specific interests *of the civil society* (e.g. for instance local influence upon a chapter of Friends of the Earth or any other similar NGO). This implies finding means to break the silence of the 'silent majority' e.g. may require people with high standing in the community to influence and be influenced by lay people.

3) Local influence on national policy processes through *representative democracy*, e.g. local communities electing their local representatives and these exercising influences on national processes through a mechanism such as AMAC in Spain, which allows municipalities to have one association representing their interests. There is a big difference between municipalities and NGOs as influence mechanisms in policy processes. The representative

nature of municipalities makes them more accountable to the people but not necessarily more focused on the issues of concern.

4) *Organisation of local deliberations* through, for instance, *local committees or partnerships* focused on the policy issue. What is their remit? Are they entrusted with powers to participate in deliberations of national significance? Which kind of organisation of local committees is likely to be more effective?

5) *Local membership in national policy committees*. The issue is finding a mechanism for effective local influence on national committees e.g. how was the membership of CoRWM decided in the UK and how is the local viewpoint expressed in its operations.

6) *Local influence on local decision-making processes* that are embedded in a national decision-making process, e.g. local authority's influence on local decommissioning decisions, which are embedded in the wider debate about radioactive waste management. (e.g. UKAEA- Dounraey). The local level may find it helpful to influence both levels, the local and national, something that is legitimate (cf. 1 above). If local influence fails at the local level, it is necessary to have mechanisms to *push up local issues into the national arena*. The issue could be how to empower a local community to achieve/use new/exiting legislation (or other legitimate mechanisms to push local issues to more global consideration) when it considers that local decisions are inadequate e.g. national public inquiry when local enterprise, or local community, disagrees with a LA's planning decision.

7) Local authority's *countering* locally national decisions with *general impact* in the local community (e.g. Cumbria County Council response to Nirex's planning application for a RCF in Sellafield). This also works when national body does not agree with local decision (e.g. Nirex's appeal to Secretary of State after LA's rejection of planning application in Sellafield).

8) Local influence upon national decision processes with a *local environmental impact*: use of SEA and EIA in the local interest. This kind of influence can take place when a possible decision has generic local environmental impacts, (SEA) or a specific local impact (EIA). At the strategic level SEA is focussed on framing local decisions, which themselves may be the concern of EIAs. How effective are these instruments? How can they be made more effective? What is their national impact?

9) Local influence on the *expert processes* of national institutions with a local remit (e.g. Bure's CLIS use of counter- expertise vis-à-vis ANDRA's URL activities in Bure). How is the need for counter-expertise triggered?

10) Local influence on operational issues that are responsibility of *'local' institution embedded in national institution*. For instance local influence on the operational, day-to-day, decommissioning of a nuclear site or the on-going practices for temporary storage of NW. The emphasis is on local implementation and practices rather than on policies, however the quality of this relationship is likely to influence the local perception of related national policies.

11) *Local influence through instruments* used by national organisations to appreciate their views e.g. CoRWM's *intensive* instruments for engagement. Often the application of these instruments depends on people's willingness to be engaged rather than on their 'representation' of the local interest. The

effectiveness of the local influence when using this kind of instruments is also depending on the sustainability of the engaged local communities (see above the Characterisation of the nature of the local "engagement")

Appendix
WP2- 2nd Stakeholders Reference Group Meeting
Berlin, 7 July 2004
Questions to Stakeholders
WP2 Questions

In WP2 we want to learn how to make more effective the influence of local stakeholders over RWM decision-making processes.

For each country:

- ➢ Which is the decision-making process in focus?
- ➢ Who are the relevant policy-makers?
- ➢ Who are the local stakeholders? Who are their legitimate representatives?
- ➢ How good is local stakeholders' appreciation of these decision-making processes?
- ➢ How effective are consultation instruments such as dialogues, focus groups, referenda, public inquiries and others, to engage local stakeholders in related decisions and assert their influence?
- ➢ How can these participatory instruments be made more than just *occasional, often non-influential,* contributions to the decision-process?
- ➢ How can local stakeholders be kept in touch with the policy process beyond the occasional workshops/ dialogues?
- ➢ How can local stakeholders monitor the relevant activities of national actors to confirm their authenticity, legitimacy and veracity in participatory exercises? What are the 'capacity' implications of this monitoring?
- ➢ Which are the relevant institutions that should be stretched (i.e. made more responsive and organisationally more effective) by local stakeholders?
- ➢ How can RWM institutions increase local stakeholders appreciation of the RWM issue?
- ➢ How can RWM institutions make more appealing a national policy process to often highly sceptical local people?
- ➢ How do we know which are required levels of dialogue, from the more global to the more local, in between RWM institutions and 'external stakeholders' in order to make their communications more effective?

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➢ When is it legitimate for those representing the national interests to overrule the views of the local people, and for the local people to block what is considered to be in the national interest?

➢ How do we know that the influence of local stakeholders on a national decision process is becoming more effective?

➢ Which are key issues that need attention now in order to improve communications between local and national stakeholders?