Appendix 9

Principles and Good Practices for Local Actors to Influence National Decision-Making Processes[1]

DRAFT v2[2]

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Introduction

The outcomes of policy-making in radioactive waste management (RWM) should be driven by the will of the people through democratic processes. Achieving this inclusiveness requires good practices to increase local influence on what is essentially a national policy process. However inclusiveness poses significant practical problems; can society afford lengthy and costly consultation processes, often perceived as inefficient and ineffective? Local stakeholders and national actors need to learn how to achieve this inclusiveness so that both groups feel committed to the outcomes of the policy process. In this document I offer a list of *principles and good practices* for local stakeholders to influence RWM policy-making. Overall for an effective local influence it is necessary to achieve policy processes that *engage* stakeholders at each stage. There are a variety of possible communication channels linking actors and stakeholders. Good practices emerge from the need and desire to make these channels effective. In this context, anything that improves their performance and quality for the purpose of an inclusive RWM policy process is considered a good practice.

Principles And Good Practices For Local Influence On National Decisions

Managing the complexity of the interactions between local stakeholders and national actors requires stable structures, ingenious institutional procedures and effective

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[1] This is a short version of a longer paper that grounds good practices in a discussion of governance, democratic deficit, different types of influence mechanisms and possible communication channels between institutional actors and stakeholders.

[2] This second draft of the paper has had the benefit of comments and revisions from Mike Marshall of the Harwell Local Community, Nirex and Samantha Watson from the UK Health Protection Agency.

communications. The following list of *principles and good practices* has been constructed by thinking about the communication channels between them; it is not exhaustive and it is offered only as a first step for further work within WP2.

Local communities and NGOs[3]

1) It is necessary to empower local communities (e.g. through capacity building and building capability on the issues being discussed) to increase people's participation and make more effective local dialogues and deliberations.

2) For RWM issues, it is necessary *to consult and engage the* affected local communities even if, in general, they will not be the decision makers. Radioactive waste management decisions need to take into account the issues and concerns of local stakeholders but are the responsibility of the industry and government. Therefore, the local stakeholders may not have responsibility for making the decisions, but should be able to influence them and make inputs into them. For this purpose communications should be developed with site operators, contractors and other organisations involved in these issues.

3) An exception is for issues of great long-term significance, when the community should have the right to express its will. This could be achieved in different ways, such as local referenda, but the exact nature of the mechanism used will depend on the democratic processes and laws in each country. This consultation should include under restricted circumstances the possibility to veto a national decision. These circumstances need to be worked out in detail in individual countries and incorporated into the legislation surrounding radioactive waste management.

4) The local stakeholders that are relevant at different stages of the national decision-making process will vary. This suggests the need for different local representatives as the debate of the policy unfolds over time. The stages of policy framing and options selection may involve all the communities in the country, on the other hand, the stage of siting selection local may only involve potential 'siting' communities. However, it may be sensible during the national debate when potential sites have not been identified to engage the communities who already host the waste and ensure that their issues and concerns are taken into account.

5) The local Member of Parliament offers a natural communication channel for local people to influence the national decision-making processes. Good practice implies structuring this communication taking into account the short and long-term concerns of the community. Their influence should be the outcome of local deliberations that avoid the unchallenged dominance of one viewpoint over the others. The dominance of strongly minded local pressure groups or the excessive influence of particular individuals may distort the politician's appreciation of local issues. The balanced selection of participants for Local Stakeholder Committees (LCs), working groups, round tables or

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[3] The 'local community' related to a site with RWM activities is constituted by local citizens acting independently and not through an elected, local government, body (such as a parish council, district council etc. in the UK). The latter, their elected representatives, come under the definition of 'local authorities', which together with other local economic and administrative bodies may constitute the 'local stakeholders'. Who the stakeholders are may vary according to the issue (see 15 below). Some of the members of a community may organise themselves for particular issues in local non-governmental organisations (NGOs) to articulate their interest and concerns.

other forums of collective participation could be an effective form to articulate this *lobbying*. It makes sense to extend this form of involvement to other politicians and national decision-makers in general.

6) Active citizenship is enhanced by the organisation of citizens' activities in different forms of non-governmental organisations (NGOs). For a particular policy issue it is good practice for local and national authorities to enable the emergence of NGOs. Effective engagement of NGOs in RWM policy processes requires not only that they are well informed about the situation but also that they develop the ability to challenge (e.g. by using counter-expertise studies) the industry and relevant government agencies. This is necessary for the transparency of the policy process. Effective NGOs is a means to stretch the industry. The definition of NGO's should be interpreted widely to include Trade Unions and Civil Society groups.

7) It is good practice to enable the local civil society to develop communications with relevant national NGOs and vice versa; this channel may be a means to give voice to the silent majority. National NGOs may have different views to the people at the local level and therefore enabling discussions between them may be beneficial to identify common ground.

8) It is good practice to strengthen the independence of NGOs, thus avoiding bringing their representatives too close to national policy bodies. The closer they are to these bodies the more likely it is that they will become more detached from their own constituencies. Corollary: It is good practice to inform and support NGOs in ways that strengthen their organisation.

Local Authorities (LAs)

9) The deliberations of a local authority about RWM issues need to be public; the local community should be kept *informed* and *engaged* in the related local political processes through e.g. use of media and participative methods.

10) Decision-making processes of a LA that *affect* the community's future need to be the outcome of debates that balance the community's current concerns of what is happening within it now with its long-term concerns about external influences. This is particularly significant for communities with problems of a sustainable long-term development that host nuclear plants. Good practice requires avoiding fragmentation in deliberations about policy, which may happen when different levels of local and regional government are involved in and have an influence on decisions, especially if they have different views on the issues.

11) LAs can increase their capacity to influence national decision-making processes by coordinating their views in those procedures related to their statutory planning responsibilities (e.g. local taxes, structural planning, EIA). This coordination may be achieved through representative associations such as AMAC in Spain or the Local Government Association's Special Interest Group on Nuclear Decommissioning and Radioactive Waste Management in the UK called the Nuclear Legacy Advisory Forum (NuLeAF).

12) It is good practice to form different associations of local authorities at different stages of the policy-process. These associations may become more restricted as the policy process reduces the siting options. This is a means to maintain relevant local input at different stages of the policy-process.

Local Committees (LCs)

13) It is necessary to distinguish between LCs whose deliberations are about the 'management of radioactive waste at particular nuclear sites' from those whose deliberations are about the local impact of the 'long-term management of radioactive waste in the country'[4]. This distinction may suggest that it is good practice to structure the different types of committees according to their purpose (e.g. LCs in the UK appear to be focused on current activities of existing nuclear plants, while the Bure CLIS in France is an instrument of participative democracy vis-à-vis the development of a RWM national policy).

14) The purposes of local committees (LCs) should be clearly defined at the time of their constitution. For instance LCs may be established to articulate and promote local interests about the *development* of a RWM policy (i.e. The purpose of these '*development*' LCs is stretching related national bodies). Or, they may be established to articulate the local interests and concerns about the *implementation* of a national policy (i.e The purpose of these '*implementation*' LCs is solving local problems).

15) LCs are mechanisms for local participation and their legitimacy derives from achieving the balanced participation of all relevant stakeholders. For instance, if the purpose of a LC is *implementation*, it can be argued that it should include a balanced representation of local stakeholders from the affected industry, local government and civil society. On the other hand, if its purpose is *development* it can be argued that stakeholders should only be representatives of the local communities.

16) LCs need to make all necessary efforts *to engage* silent stakeholders in their deliberations. This may be done through people of standing in the community (opinion formers) and the provision of resources to enable participation.

17) *Development* LCs need to have independent financial resources and, in some cases, access to technical resources (e.g. for counter-expertise studies), in order to make their responsibility of stretching the industry and government bodies more effective.

18) *Development* LCs need to be independent from the interests of the nuclear industry. Resources for their operation need to come from an independent source. They should be accountable to a body that protects this independence. Corollary: the chair of this type of LC should be an independent member of the community and in no case a manager of the affected industry.

19) LCs should have resources to maintain over time their engagement in the local and /or national decision-making processes and means to assess the outcomes of their participation.

20) LCs need to have the right and capacity to audit sporadically the activities of the nuclear industry and government bodies that are relevant to their local concerns, in order to validate the information they receive from them in their deliberations and thus develop mutual trust. Equally a mechanism should be set up for an independent and public audit of a LC's activities. This is necessary to confirm that the LC is operating to the best of its abilities.

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[4] Long-term national issues may become more significant for a local community as their members and representatives develop an appreciation of the implications of these issues for their long-term viability. This is an important aspect to take into account to define stakeholders; who has their long-term interest at heart?

Policy and decision processes

21) It is good practice to have a body independent of the government and nuclear industry as '*guardian*' of the policy process

22) In setting up a forum about RWM it is necessary to consider the current stage of the 'stepwise' decision-making process in order to work out who are relevant participants, thus avoiding conflating stages of the process. Corollary: Each stage of the decision-making process may require the constitution and operation of different participatory and deliberative mechanisms. We may expect different stakeholders at different stages and therefore different needs of local consultation and local committees.

23) National consultation processes should recognise that some communities may have more 'stakes' than others in particular aspects of the consultation. For these aspects the views of the more affected communities should have more weight than those of the less affected communities. Corollary: at each stage in the decision-making process the local representation in national committees needs to be sensitive to the differences between local communities.

24) In policy consultations, if national actors do not give due regard to the expressed local views, LAs and LCs should have the right and capacity to complain to the *guardian* of the policy-process in order that their contributions are assessed fairly.

25) Before a minister calls-in for further inquiries a decision of a LA e.g. a rejected planning application, this authority should have the opportunity to defend its autonomy by requesting the *guardian's* independent review of its decision. This is necessary to confirm whether or not the decision was made within the framework of an already accepted local policy, and therefore whether or not there are grounds for the decision's referral.

Local Participation In National Dialogues And Consultations

26) As the RWM policy unfolds from the global to the local it is necessary to articulate different levels of dialogue. It is good practice to give appropriate resources to citizens and stakeholders at each stage of the policy process to support the development of their contributions.

27) The design of dialogues needs to pay attention to both context and process (i.e. methodology). Dialogues need to take place in contexts where local stakeholders trust experts and politicians (cf. good practice 20). If the perception of local stakeholders is that nuclear operators are not transparent (e.g. through their exchanges in implementation local committees) this fact is likely to have a much stronger impact on their views about the industry, and more specifically about the RWM policy process, than well-designed occasional dialogues.

28) It is counterproductive to invite local stakeholders to a dialogue if afterwards they have no influence on the unfolding of events. Dialogues need to be part of a decision-making process in which stakeholders are fully engaged (even if they are not responsible for making the ultimate decisions). Equally, it may be counterproductive for national institutions to take premature decisions once they have started a consultation process.

29) Local representatives in dialogues should have the resources and mechanisms to inform, and possibly engage, the local silent majority.

30) Local representatives in on-going dialogues, particularly if they are not members of local committees and/or local authorities, should have mechanisms to influence the deliberations of these committees and authorities in order to strengthen local processes that may help to stretch national institutions.

31) In dialogues about long-term RWM policies, it is good practice that the participation of national bodies reflects the diversity of expert viewpoints relevant to the policy-issue. This is necessary to increase the local influence over the spectrum of viewpoints that eventually will influence the policy outcomes.

32) National bodies as well as local authorities should disseminate information about national consultations in progress, such as surveys, in order to increase local participation and influence in the policy process.

33) There should be an independent assessment of every consultation process, and the *guardian* of the policy-process should enable appeal channels for local stakeholders to complain whenever they think that their views have not been properly considered.

Conclusion

The above principles and good practices can be further discussed with the benefit of the French, Spanish and UK case studies. No doubt they should be revised and further developed. Indeed, other principles and good practices beyond the ones offered in this document are most likely to emerge in discussions. But, whatever the final list is, it should be a list of *heuristics for change* and not of *good wishes*. This is in line with WP2 success criteria, which suggested that stakeholders wanted to influence real world policy processes rather than to write procedural manuals.

Different countries have different democratic systems, some of them centralised, relying on a prefectural system, others decentralised, relying to a larger degree on representative local democracy. Participatory and deliberative communication mechanisms may compensate for the lack of representative democracy in centralised systems, thus suggesting that there are alternative forms to reduce the democratic deficit in different countries. Therefore, each country may require *different influence mechanisms* to increase the effectiveness of their unique balance of representative, participatory and deliberative democracy and therefore may need to recognise their own good practices. This contingent nature of practices anticipates that not all of them will be relevant to all countries at this point in time. Not only are the countries being studied at different stages of the RWM policy-process, but also they have different cultural, organisational and political traditions. Indeed, it will be necessary to take into account that the democratic deficit is different in each of them. Recognising the relevant practices underpinning today's efforts towards inclusiveness in each country is something that hopefully will emerge from our collaborative work.