

# Final Report

## WP2

Influence of Local Actors on National  
Decision-Making Processes

Antwerpen  
2006

Berlin  
2004

Ljubljana  
2005

## TABLE OF CONTENTS

---

Chapter 1	<i>p. 5</i>
	<b>INTRODUCTION</b>
1.1. Aims and objectives of Work Package 2	<i>p. 5</i>
1.2. Principles	<i>p. 6</i>
1.3. What have we done?	<i>p. 7</i>
1.4. Main outcomes of this WP: Good practices for local stakeholders in influencing the RWM policy process	<i>p. 8</i>
Chapter 2	<i>p. 9</i>
	<b>CASE STUDIES</b>
2.1. French Case Studies	<i>p. 9</i>
2.1.1 Case Study 1	<i>p. 9</i>
2.1.2 Case Study 2	<i>p. 12</i>
2.2. Spanish Case Studies	<i>p. 15</i>
2.2.1 Case Study 3	<i>p. 15</i>
2.2.2 Case Study 4	<i>p. 18</i>
2.3 UK Case Studies	<i>p. 21</i>
2.3.1 Case Study 5	<i>p. 21</i>
2.3.2 Case Study 6	<i>p. 25</i>
Chapter 3	<i>p. 32</i>
	<b>EMPIRICAL REVIEW OF THE CASE STUDIES</b>
3.1. Introduction and methodology.	<i>p. 32</i>
3.2. The development of inclusive decision-making processes by national authorities	<i>p. 33</i>
3.2.1. Consultation and engagement of the local communities and stakeholders holding stakes in the policy process, beyond the potential sites for a RW facility.	<i>p. 33</i>
3.2.2. Development of formal mechanisms for a structured and continuous participation of local communities and stakeholders in the policy process	<i>p. 34</i>
3.2.3. Recognition of the special importance of the most affected communities in the decision-making process	<i>p. 36</i>
3.2.4. Transparency of the policy process	<i>p. 37</i>
3.2.5. Diversity of the sources of expertise	<i>p. 37</i>
3.3. The structuring of sustainable, democratic local communities	<i>p. 38</i>

3.3.1. The tools for local dialogue: local committees, capacity building, access to knowledge, communication and participation tools	p. 38
3.3.2. The articulation of the debate on RWM issues with a sustainable development project for the future of the territory	p. 41
3.3.3. Putting the RWM issue in perspective at the community level: defragmentation, recognition of complexity and multi-risk perspectives	p. 42
3.4. The strategies of local actors to increase their influence at national level	p. 42
3.4.1. Local strategies: emergence of local entities as independent political actors	p. 42
3.4.2. National strategies: inter-community networking and support to national entities representing local interests at the national (and European) level	p. 43

## Chapter 4 p. 45

### PRINCIPLES AND GOOD PRACTICES

4.1. Introduction	p. 45
4.2. The Meaning of 'Local Actors'	p. 45
4.3. Key Principles	p. 46
4.3.1 Principle 1 <i>The existence of an inclusive national framework for decision making</i>	p. 46
4.3.2 Principle 2 <i>Participation of local communities</i>	p. 47
4.3.3 Principle 3 <i>A co-operative approach to decision making</i>	p. 48
4.3.4 Principle 4 <i>Respect for environmental justice and human rights</i>	p. 48
4.3.5 Principle 5 <i>Rights of a community in the siting phase of RWM programmes</i>	p. 49
4.3.6 Principle 6 <i>Long-term community sustainability</i>	p. 50
4.3.7 Principle 7 <i>Recognition of the need for transparency and good communication</i>	p. 50
4.4. Good Practices	p. 51
4.4.1 Methodology	p. 51
4.4.2. Policy and decision processes	p. 52
4.4.3. Local communities and NGOs	p. 53
4.4.4. Local Authorities (LAs)	p. 54
4.4.5. Local Committees (LCs)	p. 55
4.4.6. Local participation in national dialogues and consultations	p. 56

## Chapter 5 p. 57

### CONCLUSIONS

5.1. Introduction	p. 57
5.2. Themes and Key Findings	p. 57
5.3. Participant Evaluation of COWAM 2 WP2	p. 60
5.4. Links to other work packages	p. 61

## Glossary p. 63

## Appendices

### Appendix 1

#### WP2 Stakeholders

### Appendix 2

Case Study 1: The influence of the local community of Dunkirk on the process of elaboration of the 30th July 2003 Law for the prevention of natural and technological risks

#### [Appendix 3](#)

Case Study 2: Local independent expertise as a mechanism of influence on national policy processes: the independent assessment of ANDRA's research programme led by the IEER on request of the CLIS of Bure

#### [Appendix 4](#)

Case Study 3: Estudio Sociológico Sobre La A.M.A.C. Y El Hecho Nuclear En España

#### [Appendix 5](#)

Case Study 4: Participación Institucional De Los Municipios En El Proceso De Toma De Decisiones Para El Emplazamiento De Un Almacenamiento De Residuos Radiactivos

#### [Appendix 6](#)

Case Study 5: Public and Stakeholders Engagement in the Decision-processes of the Committee on Radioactive Waste Management (CoRWM)

#### [Appendix 7](#)

Case Study 6: Influence of Local Communities on Decision Processes: Experience of Copeland and Shetland Islands

#### [Appendix 8](#)

Mechanisms for Local Influence On National Decision-making Processes In Radioactive Waste Management, 6th Draft, January, 2005

#### [Appendix 9](#)

Principles and Good Practices for Local Actors to Influence National Decision-Making Processes, v2, September 2005

#### [Appendix 10](#)

Balance of Power: Principles And Good Practices For Local Stakeholders To Influence National Decision-Making Processes, January 2006

---

December 2006

This report has been produced on behalf of the work package stakeholders by Raul Espejo, WP2 Leader. A full list of these stakeholders is in Appendix 1. The report includes contributions by Elizabeth Atherton, Stéphane Baudé, Raul Espejo, Mike Egan, Anna Garcia, Alastair Hamilton, Gilles Hériard Dubreuil, Fergus McMorrow and Mariano Vila D'Abadal.

# Chapter 1

## INTRODUCTION

### 1.1. Aims and objectives of Work Package 2

Work Package 2 (WP2) focused on the ways in which local stakeholders can influence national decision-making processes on radioactive waste management (RWM). The participants in WP2 were particularly interested in examining how local stakeholders could contribute to national debates. Their interest stemmed from the fact that participants from France, Spain and the United Kingdom – who made up the majority of the WP2 group<sup>2</sup> – were engaged, as stakeholders, in the decision-making processes that were under way in each of those countries. These processes were all due reach key decision points during 2006 and WP2 participants wanted to ensure that outputs from COWAM II would be available to feed into those national discussions. For France, 2006 was the deadline for the revision of the research programmes set by the 1991 Act. For the UK, July 2006 was the deadline for the Committee on Radioactive Waste Management<sup>3</sup> to recommend to the government an option or combination of options for the long-term management of higher activity waste. For Spain, COWAM-Spain set up with the participation of key local stakeholders and national actors by the Association of Municipalities in Areas with Nuclear Plants<sup>4</sup>, had defined early 2006 as a deadline to report the outcomes of their deliberations. WP2 participants have had these deadlines in mind since COWAM II began in 2004.

WP2 stakeholders selected six cases to help in the study of policy processes in France, Spain and the UK, two in each country. They looked for answers to a number of key questions, in particular:

- What is the reality of local influence? What is the experience of this influence in other industry-based policy processes? What is the reality of the national policy process? Is it well defined? How transparent is it? Do stakeholders have opportunities to influence the framing of policies? What specific influence mechanisms do they use? What relationships are appropriate between local actors and national players and how should power be distributed between them at different stages of the decision-making processes?
- What are the main characteristics of local stakeholders? Do they enjoy autonomy? What is their

---

2. List of WP2 stakeholders is included in Appendix 1.

3. The Committee on Radioactive Waste Management (CoRWM) was set up in 2003 as an advisory body to UK ministers

4. AMAC is 'la Asociación de Municipios en Áreas con Centrales Nucleares' or the Association of Municipalities in Areas with Nuclear Plants'

capacity for action? To what extent are local stakeholders able to present a cohesive local position in a national debate? Have all key stakeholders been represented and taken into account in the decision-making process? If the solutions preferred by local people are not implemented, are the reasons properly explained? Are there any changes that can be attributed to local influence?

- How easily can successful examples of local influence be transferred to other countries? How do different forms of devolution within nations – for example, federal or regional government – influence the ease of transfer?

The relevance and significance of these questions varied from country to country, but all were of interest to the stakeholders.

The challenge lay, firstly, in identifying and understanding the mechanisms that enable influence in different settings. WP2 participants then considered the principles that should guide the taking of decisions on radioactive waste and reflected on how well existing mechanisms took these principles into account. This raised a number of questions. For example, if local stakeholders are to have the capacity to put forward a case or present criticism of a policy, how can they be provided with the resources they need in order to do that? In what circumstances, if any, should local stakeholders be able to exercise a veto over proposed developments? How can affected communities achieve economic and social compensation to guarantee their long-term viability? Should communities with nuclear installations be the main focus of siting decisions or should all communities be regarded as potential sites?

To tackle these questions, WP2 participants needed to clarify the meaning of the terms used. For example, they needed to define 'local' and 'local stakeholders'

Participants were anxious to identify key principles that should underpin local influences on national decision-making processes across Europe. They thought that the very act of documenting principles would stimulate debate about local practices. Beyond that, they wanted to use the principles to frame recommendations on good practice.

## 1.2. Principles

Participants in WP2 recognised that the context of their work must include contemporary issues of human rights, justice, inclusion and governance. The right of local stakeholders to participate in, and influence, policy debates affecting them and future generations has been the subject of international agreements (e.g. the Aarhus Convention<sup>5</sup>). WP2 members considered these issues to be fundamental and decided to set out certain key principles, which are elaborated in Chapter 4 of this report. These key principles are:

- The existence of an inclusive national framework for decision-making;
- A co-operative approach to decision-making;
- Respect for environmental justice and human rights;
- Participation of local communities;
- Rights of a community in the siting phase of a RWM programmes;

---

<sup>5</sup> *Economic Commission for Europe, Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters: The Aarhus Convention, 1998.*

- Long-term community sustainability;
- Recognition of the need for transparency and good communication.

## 1.3. What have we done?

WP2 has used a participatory approach. A Stakeholder Reference Group (SRG) constituted early in 2004 has driven the process throughout. The SRG agreed to support 6 case studies, two in each country; France, Spain and the UK. These cases were used to build up a picture of the ways in which decision-making is influenced by different practices in each country. From this, WP2 participants were able to draw conclusions about good practice. This work has had the support of an Expert Resource Group (ERG), which established the boundaries of the case studies and identified the mechanisms that influenced the way decisions were made in each national setting.

The French case studies were constructed from the conclusions of two national stakeholders' meetings, which were organised by the ERG. These meetings helped not only to understand influence mechanisms on the ground but, more significantly, they were catalysts for other activities related to the development of policy in France. The first French case study, spearheaded by a meeting in Dunkirk on 24 November 2004, examined how 'Regional Roundtables' had influenced the development of the 30 July Law 2003 for the prevention of technological and natural risks. In France, local actors (CLIs) have developed a national structure (ANCLI) to influence national processes related to the law on nuclear transparency and the anticipated 2006 law on nuclear waste. The result of the work facilitated by Mutadis was a 'white paper' on local governance, prepared by ANCLI<sup>6</sup>, which was released in a national seminar early in June 2005. This was a very new initiative in France. The second case study followed a meeting with the Bure CLIS in the Préfecture de la Meuse (Bar le Duc) on 14 April 2005. This meeting helped to assess the CLIS' use of counter expertise to examine and challenge ANDRA's research.

The Spanish case studies were produced in the context of COWAM-Spain, with the active participation of key stakeholders, such as ENRESA and the municipalities. AMAC, the Association of Municipalities in Areas of Nuclear Plants, wants to play a significant catalytic role in the national debate about the selection of a centralised temporary storage facility in Spain. The first case was a study of AMAC itself and examined the perceptions of AMAC's influence on the national arena on the part of local stakeholders and national actors. The report of this study had, and hopefully will continue to have, an influence on AMAC's participation in this arena. At the same time, COWAM-Spain has produced, as a second case study, a mapping of institutions and institutional procedures related to RWM decision processes in Spain. This study has recommended the formation of a National Commission to steer the decision-making process; this is now under consideration at national level.

The two UK case studies were focused on policy processes that have been in progress. The first was focused on the way in which the public and local stakeholders have engaged in the activities of the Committee on Radioactive Waste Management (CoRWM). The second considered the influence of the local communities in Copeland and the Shetland Islands on the nuclear decommissioning processes at Sellafield and Dounreay respectively. Some of the UK stakeholders of WP2 were actively involved in these processes. They made presentations to, and wrote vignettes for, SRG meetings. The focus of the local vignettes was on participatory mechanisms and good practices for local stakeholders to influence national decision-making processes. Participation in this work has assisted these local stakeholders in maintaining and developing their critical but constructive perspective on nuclear developments and in testing the proposals put forward by the nuclear industry.

Chapter 2 provides brief reports of the six case studies. Full reports are included in appendices 2, 3, 4, 5, 6 and 7.

---

6. *The French national association of local information committees attached to nuclear sites*

Parallel to the case studies, the ERG has provided methodological support and produced discussion papers on 'influence mechanisms', 'good practices', 'balance of power' and an 'empirical review of practices' emerging from the case studies and other European experience. The first three of these papers are offered as appendices to this report<sup>7</sup>. The third, the empirical review of practices, is included as Chapter 3 of this report.

## 1.4. Main outcomes of this WP: Good practices for local stakeholders in influencing the RWM policy process

One outcome of this work package has been the influence that case studies have had on policy processes as they evolved. However, WP2 participants hope that the lasting legacy of their efforts over the last two years will be their recommended set of principles and good practices, which have been formulated in the light of the participants' experience as stakeholders and the evidence provided by the case studies. Some of the practices illustrated in the case studies were felt to be good, whilst others were not; however, it is important to learn lessons from both the successful and the unsatisfactory processes. Chapter 4 of this report presents these principles and practices. ■

---

<sup>7</sup>. See Appendices 8, 9 and 10

# Chapter 2

## CASE STUDIES

As explained in Chapter 1, the WP2 Stakeholder Reference Group (SRG), in its first meeting of April 2004, agreed to carry out six case studies to shadow the on going policy processes for radioactive waste management in France, Spain and the United Kingdom. This Chapter includes short versions of these case studies. The full versions are included as appendices.

### 2.1. French Case Studies<sup>8</sup>

#### 2.1.1. Case Study 1: The influence of the local community of Dunkirk on the process of elaboration of the 30th July 2003 Law for the prevention of natural and technological risks<sup>9</sup>

**Dunkirk: a sustainable and structured local community experienced in the management of the quality of its territory**

The Community of Towns of Dunkirk includes 18 towns and about 200 000 inhabitants. It encompasses an autonomous seaport, a nuclear power plant and 14 industrial SEVESO sites<sup>10</sup>. The development strategy of Dunkirk is based on the development of a major energy hub and the arrival of polluting or hazardous industrial facilities, attracted by the seaport infrastructure and large reserves of free land. Since the beginning of the 90's, this development strategy led the Community of Towns of Dunkirk to design and implement consultation and dialogue tools for settling the growing conflicts between local NGOs and industries. This has enabled the management of local development through institutionalised participatory procedures. The process has enabled the often conflicting objectives of industrial development, safety of the population and environmental quality to be addressed in an integrated way.

---

<sup>8</sup>. *The French case studies were prepared by Stéphane Baudé – Gilles Hériard Dubreuil*

<sup>9</sup>. *See full case study in Appendix 2*

<sup>10</sup>. *i.e. hazardous industrial sites concerned by the SEVESO European directive*

Local roundtables gathering the industries, the local representatives of the State, the local communities and the associations led to the elaboration and implementation of a Charter for the Quality of the Environment in 1990. The objective was to initiate and foster a dynamics of dialogue and partnership between the various local stakeholders. This partnership was consolidated the same year by the creation of a Permanent Secretariat for Prevention of Industrial Pollutions (SPPPI). The SPPPI notably gave an institutional and permanent form to the local dialogue about the control of the impact of industrial activities on the environment. A specific commission for an early discussion of new industrial projects was added to the SPPPI in 1993.

With the participation of various local stakeholders, the dynamics of partnership developed further with the elaboration of two framework documents: the Contract of Agglomeration signed in 1991, and the Industrial Development Scheme adopted in 1993. These documents plan the respective growth of urban and industrial areas. They also ban the transport of hazardous materials from urban agglomerations.

More recently, the 30th July 2003 Law for the prevention of natural and technological risks set up new institutions of local dialogue: the Local Committees of Information and Dialogue (CLIC) linked to industrial areas containing one or several sites classified SEVESO, which has a more restricted territory scope than that of SPPPI (which has a regional scope).

Finally, an institution for dialogue specific to nuclear facilities – a Local Commission of Information (CLI) – has been associated with the Gravelines nuclear power plant since 1987.

### The influence of Dunkirk on the preparation of the 30th July 2003 Law for the prevention of natural and technological and risks

The elaboration of the 2003 Law for the prevention of natural and technological risks and its implementation decrees was perceived by the local actors of Dunkirk as an opportunity to improve the local situation through an evolution of the national regulatory framework. However, there was also a perceived risk of interference with the existing local tools, which could jeopardize local good practices resulting from the experience of the community. These stakes encouraged the Dunkirk actors to pursue a structured programme of actions in order to influence the national decision-making process and keep the local scope of the dialogue tools.

The parliamentary investigation committee appointed following the AZF catastrophe in Toulouse<sup>11</sup> organised local hearings. As part of its strategy, the Dunkirk community used these hearings as a way of expressing local positions regarding the future law. Following this consultation, several points expressed by the local stakeholders were integrated into the new law: the obligation for industries to inform elected representatives and in case of incidents, the implementation of the CLICs to complement (and not to replace) the SPPPI, the definition of larger protection zones around industrial facilities and the possibility for the communities to give a right of abandonment for house owners in delimited zones.

The actions taken by local actors also included lobbying at national level by the Community of Towns and the local NGOs: early lobbying action by the Community of Towns to inform the Ministry of Ecology and Sustainable Development of the structure of the local dialogue tools in order to allow the Government to take inspiration from them, and letters and e-mails sent by local NGOs to Members of the Parliament and to the Ministry of Ecology and Sustainable Development. However, the lobbying actions taken by local NGOs had a very limited impact on the Parliamentary debates.

During the process of elaboration of the law and its implementation decree, the various local actors (NGOs and citizen groups, local elected representatives, industries ...) had frequent exchanges of information through the existing local forums of dialogue (notably the SPPPI and an ad hoc dialogue

---

<sup>11</sup>. On 21st September 2001, the AZF fertilizer plant of Toulouse exploded, causing 30 casualties, 2 500 severe wounds, and incurring important destructions in the South-West part of the towns. The AZF catastrophe triggered a revision of the national framework for the prevention of industrial risks.

process at regional level organised by local NGOs) about the ongoing decision-making process and the actions taken to influence it. This exchange of information notably allowed the local actors to be aware of the intention of the Government to give a regional scope to the SPPPI, which was perceived as a threat to the local good practices.

Finally, relying on the information shared among the local actors, a local representative of local standing, Michel Delebarre, President of the Community of Towns, MP and former Minister, contacted with the Director of the Regional Directorate for Industry, Research and Environment (a local division of State administration) to express the desire of the local community to keep the current format of the SPPPI. Michel Delebarre also sent letters to the Minister of Ecology and Sustainable Development to express his concern about the possible local impact of the transformation of the SPPPI. As a consequence of this action, the project of regionalisation of the SPPPI has been frozen.

### The structured and democratic character of the local community and the existence of communication channels with the upper levels: two key elements in local strategies of influence

The example of Dunkirk shows that the well-structured and democratic character of local communities and the elaboration of a common position and strategy of the local actors is an essential resource for influencing national decision-making processes.

The first key feature of the structured character of a local community which can be observed in the case of Dunkirk is the tools for dialogue. These tools enable all types of local actors to take part to the debate on local issues (which does not imply that a consensus is always reached) or on national issues with a strong local impact. The exchange of information through a network of local actors allows the different components of the local community to increase their level of awareness regarding the strategic opportunities for influencing the national decision-making processes and to build a structured action concerning common stakes.

The second key structuring element observed is a shared vision of community issues and stakes, based on the joint addressing of the various dimensions of complex local issues (e.g. the quality of local development with its economic, environmental and safety dimensions). Building such shared vision notably requires expertise capacities from local authorities and industries in the field of local development and management of hazardous activities, as well as specific technical knowledge and capacities of expertise from environmental NGOs. The experience of Dunkirk in the field of local development and risk management was key to the articulation of local concerns.

Finally, the third key structuring element is the existence of an integrated project for the sustainable development of the local community, built in partnership with its various components. The case of Dunkirk shows integration of participative democracy (i.e. local debate between the local actors) and representative democracy (i.e. decisions taken by the local authorities on the basis of the integrated information and common positions emerging from the local debates) in the decisions concerning local development. It also shows a cooperative work of the local actors to ensure the quality of local development. The concerns expressed by the local community could be perceived as legitimate by national actors as they were based on the defence of key tools for the sustainable development project of the territory.

The success of the strategy of influence of the local community of Dunkirk also relied on the existing vertical connections between the local and national level. The first one was an instrument used by the national level to appreciate local views: the local hearings organised by the parliamentary investigation committee. The second one was the communication with a local division of a State administration: the Regional Directorate for Industry, Research and Environment. The last one was a local elected representative of national standing, Michel Delebarre, who was a powerful link to national decision makers; inputting local concerns of general interest resulting from discussions involving the whole local community.

However, local NGOs expressed some disappointment regarding their capacity to establish an influential connection with the national level and to be recognised as actual actors in the national decision-making process. They also pointed out a lack of feedback on the way the concerns and proposals of the

local NGOs were taken into account in the Law and its implementation decrees.

## Evaluation of influence of local actors on a national decision-making process

The case of Dunkirk demonstrates several success criteria for the influence of local actors on a national decision-making process.

The structured character of the local community appears as a key asset for enabling local actors to influence decision-making processes. The following characteristics of the local community appear to have been important: the existence of a project of sustainable development for the local community elaborated and implemented in partnership with the various local actors, the existence of tools for local dialogue allowing an integrated vision of the issues at stake at the local level, the level of legitimacy and credibility of these tools among local actors, and the capacity of local actors to act as a network on issues of common interest.

A second set of characteristics can be identified concerning the connection and integration of local, regional (if need be) and national levels: the existence of efficient communication channels between the local (or regional) level and the national level, notably formal mechanisms for the integration of the local communities in the decision-making process. Beyond communication, it is necessary to assess the actual capacity of negotiation of the local actors: are there formal or informal negotiation arenas between the local (eventually regional) and the national level? Have the local communities an actual power of negotiation (e.g. through a local veto on some national decisions, the existence of a political balance of power between the local community and the national decision makers or the mobilisation of other local communities...)? What is the degree of transparency of the negotiation?

Finally, the level of awareness of local actors also appear as an important element for the success of their action; it includes in particular the awareness of the local actors about the national decision-making process, relying, among others, on an institutional and juridical capacity of expertise, their visibility on the different steps of the national decision-making process and on the consequences of local action, and exchange of information through a network of local actors on issues concerning common stakes.

## 2.1.2. Case Study 2: Local independent expertise as a mechanism of influence on national policy processes; the independent assessment of ANDRA's research programme led by the IEER at the request of the CLIS of Bure<sup>12</sup>

### The process of independent assessment of ANDRA's research programme

The current policy process on radioactive waste management in France is grounded on the 30<sup>th</sup> December 1991 Law about research on radioactive waste management. This Law defines three research fields, including deep geological repositories – notably through the setting up of underground research laboratories (URL). It specifies that, on the basis of the available results of the research, a new law on radioactive waste management has to be voted by the Parliament. Bure, in the department of Meuse, hosts the only URL in France.

According to the 1991 Law, a Local Committee of Information and Monitoring (CLIS) was created in Bure in 1999, when the operator, ANDRA, set up the underground research laboratory. The CLIS is chaired by the Prefect of Meuse and is funded through a public interest group, created to lead accompanying actions in the neighbouring departments. The CLIS includes local MPs, local elected representatives,

---

<sup>12</sup> See full case study in Appendix 3

professional organisations and trade unions, NGOs, the operator, the Prefects of the two neighbouring departments and the local divisions of State administrations. According to the 1991 Law, the CLIS "must be consulted on all matters related to the operation of the laboratory affecting the environment and the neighbourhood and can commission audits or counter-expertises to registered laboratories". The CLIS adopted inner rules and procedures in February 2000, which defined more precisely the missions of information and monitoring (notably the mission to "look after transparency regarding the respect of the objectives set in the framework of the research programme").

The question of an independent assessment of ANDRA's research programme was raised by members of the CLIS in September 2001. On the request of the CLIS, ANDRA sent its research programme to the CLIS in November 2001. The Bureau of the CLIS then set up a working group (which notably included the scientific secretary of the CLIS) to look at this specific issue. After a lethal work accident on the site of the future laboratory in May 2002, which led to the suspension of the works for 9 months, ANDRA modified its work programme in order to meet the deadline for the delivery of the final research report (i.e. the end of 2005). In December 2002, the CLIS asked for the modified programme.

In February 2003, the CLIS opened a call for tenders, which was cancelled in August 2003 following administrative difficulties linked to the financial rules of the public interest group which managed the funds dedicated to the CLIS. This led to some tension between members of the CLIS and the Prefect of Meuse. A new call for tenders was opened in September 2003. Both calls for tenders received only one answer, from the IEER, as the eligibility criteria included the availability of a wide range of scientific competences and a complete independence from the French nuclear operators. In November 2003, the selection committee agreed on the proposal of IEER. ANDRA previously declared its readiness to cooperate with the IEER in May 2003 and sent its updated work programme in September 2003.

After the issuing of a draft report and exchanges of information and documents between the IEER and ANDRA, the preliminary report of the IEER was sent to the CLIS in September 2004. It was then reviewed by the CLIS, with the support of the Regional Directorate for Industry, Research and Environment (DRIRE) and the Radiation Protection and Nuclear Safety Institute (IRSN). The preliminary report was forwarded to ANDRA for comments, and reviewed by two experts jointly named by the CLIS and IEER. Finally, the IEER presented its final report to the CLIS gathered in a plenary meeting on 13th January 2005.

The main conclusion of the final report was that, according to the IEER, it was not possible to assess the feasibility of a deep geological repository in Bure, considering the progress of the research programme of ANDRA. After the delivery of the final report, the CLIS prepared a communication leaflet and an information letter intended for the general public which presented a synthesis of the conclusions of the IEER and the reaction of various members of the CLIS, which were widely sent to the population of the departments of Meuse and Haute-Marne in summer 2005. In parallel, the CLIS adopted a motion in December 2005, stating that the CLIS, on the basis of the IEER study, considers that a decision on the feasibility of a deep geological repository on the site of Bure would be untimely. The motion asked the Parliament not to take the decision to authorise a deep geological repository in 2006.

### The main elements of the process of influence of local actors on the national decision making process

The French decision-making process regarding radioactive waste management gives a central position to expertise. In this context, the independent evaluation of ANDRA's research programme constituted a strategic resource for the CLIS to influence the national policy process. This decision-making process was perceived by some members of the CLIS as biased and actually aiming to authorise a pre-decided building of a deep geological repository on the site of Bure. The action of the CLIS was thus structured around one essential common stake: the respect of the 1991 Law, in particular the existence of several potential host sites for a geological repository.

The construction of an autonomous comprehension and assessment of the research process by the CLIS of Bure was made possible by several conditions. The first one was the institutional capacity for the CLIS to commission counter-expertises, provided for by the 1991 Law and the inner rules and

procedures adopted by the CLIS. The second one was the existence and mobilisation of the CLIS' own expertise (in particular its scientific secretary), used to work out the specifications of the calls for tenders and to follow-up the work of the IEER. The CLIS also mobilised external expertise: the IEER and the public expertise of the IRSN and the DRIRE, which reviewed the preliminary report of the IEER. Two external experts, jointly chosen by the CLIS and the IEER also reviewed the preliminary report. Another condition was the existence of the necessary resources, made available by the State through the public interest group "Objectif Meuse", in a way that allowed the CLIS to have some autonomy on the use of the funds. Finally, the cooperation of ANDRA, which was not contractually committed in the process, was also an important condition. Beyond making available the necessary documents, ANDRA also contributed to the process through commentaries on IEER's preliminary report.

The report of the IEER constituted an instrument of influence on the national policy process for the CLIS. First of all, the process had a direct influence on ANDRA, which integrated the recommendations of the IEER in its work programme. The report of the IEER also had an impact on the national public debates on RWM, in particular the public debate organised at the end of 2005 by the National Commission of Public Debate and the local and national hearings organised at the end of 2005 by the Parliamentary Office for the Evaluation of Scientific and Technological Choices (OPECST). During these public events, the report of the IEER was used by several actors (local elected representatives, NGOs and members of the CLIS speaking on their own behalf) to put into question some conclusions of organisations taking part in the research programme on radioactive waste management or its assessment. Furthermore, the conclusions of the OPECST concerning the progress of the work of ANDRA in its final report of March 2005 are consistent with the conclusions of the IEER, which are quoted by the OPECST. However, this comes along with a speech of the OPECST that tends to question the validity of the IEER and the impartiality of the CLIS, as well as its legitimacy to exercise an action that goes beyond the strict limits of a mission of local debate and information.

The IEER report also had an impact through the mobilisation of the local and national media: its publication and its use in the national public debate were the subject of several articles in local and national newspapers.

Finally, the IEER gave arguments to the CLIS for a direct call to the Parliament, through the motion adopted by the CLIS adopted in December 2005, in which the CLIS recalls the conclusions of the IEER and officially asks the Parliament "not to take, in 2006, any decision authorising a repository, but to decide the continuation of the research in the three fields defined by the 1991 Law".

### Characterisation of the action of the CLIS of Bure

The initiative of commissioning an independent assessment of ANDRA's research programme is part of a process of building the expertise of the CLIS to develop a shared and autonomous understanding of the issues related to the site of Bure and to the work of ANDRA. Indeed, from the end of 2001, the CLIS was equipped with a scientific secretariat and implemented a programme of targeted training for the members of the CLIS. The CLIS continues to increase its knowledge and understanding and a detailed evaluation on geothermal aspects has also been initiated.

This process of empowerment accompanies the search for recognition as an actual actor at the local level in Meuse and Haute-Marne and for ownership of its action by the various local actors and by the "silent majority". As well as providing information to the general public about topics related to the laboratory or to radioactive waste management, the CLIS also led a campaign of communication to increase its local awareness. The independent assessment of ANDRA's research programme, completed by the wide diffusion of a leaflet synthesising the conclusions of the IEER under a format accessible to the general public, constituted a turning point in the mode of action of the CLIS, which plans to carry out similar actions in the future.

The lack of connection with the local political officials was identified, by interviewed members of the CLIS, as one of the main constraints on the functioning of the CLIS. Four factors were identified as possible reasons for this lack of engagement: the funding of both the CLIS and the actions to support local development by the same public interest group, which may give the impression that the funding

of the CLIS represents a limitation to the actions of local development; a lack of interest among the general public about the questions related to the laboratory; the conflicting character of the debates; and the fact that the chairman of the CLIS is a representative of the State, and not to a local elected representative. The connections between the local actors and the structuring of the local community thus appear as a prerequisite for a stronger influence of the local actors on the national decision-making process.

The action of the CLIS of Bure represents an evolution of a structure dedicated to local debate and information towards being an actual actor in the national debate and reflects the clear will of the CLIS to be an actor recognized by the national level. The main common stake of the members of the CLIS is the enforcement of the "deal" made between the territory of Meuse and Haute-Marne and the State, notably the existence of several potential host sites for a geological repository. The sustainable development of the territory is also an important common stake. However, the absence of an operational link between the work of the CLIS (whose mandate do not explicitly include the debate on local development) and the reflections led on the contribution of the laboratory to the development of the territory (within the framework of the public interest group and the Department Council) seems to make it difficult to express a coherent local position on this issue at the national level.

The examination of the action of the CLIS questions the integration of the local level in the national decision-making process. Indeed, the action of the CLIS of Bure was made particularly difficult by the fact that it has no institutionalised role at the national level. The presence of the CLIS as an actor at the national level remains fragile, as it has no mandate to represent the local interests at the national level. Furthermore, the reaction of the institutional actors towards the unforeseen action of the CLIS remains quite ambiguous.

## 2.2. Spanish Case Studies<sup>13</sup>

### 2.2.1. Case Study 3: AMAC's Role in the National Decision-Making Process<sup>14</sup>

#### Objective of the Study

An important challenge for European countries is setting decision-making processes (DMPs) in which political decisions are supported by good science and an inclusive democratic process. This is particularly important for controversial DMPs such as the implementation of a radioactive waste management policy.

The objective of this study is to describe AMAC - The Association of Municipalities in Areas of Nuclear Power Plants - and to reflect upon its relations with national institutions concerned with radioactive waste management. This study illustrates how a common voice –AMAC- for local actors increases their influence in national decision-making processes. It illustrates the mechanisms used by local stakeholders (in this case, local authorities members of AMAC) to influence the national level and to take part in relevant decision-making processes. It also outlines ways how to increase the quality of AMAC's influence.

The study, fully developed in Appendix 4 considers the following aspects:

- Historical description; AMAC's creation; main goals and first results.
- Internal and external perceptions about AMAC; Results of individual /group interviews.
- AMAC's future objectives.

---

13. *The Spanish case studies were prepared by Mariano Vila D'Abadal and Anna Garcia*

14. *Full case study in Spanish is in Appendix 4*

## Content and Outcomes of the Study

AMAC is a not-for-profit association formed by the mayors of Spanish municipalities that are host to, or whose boundaries lie within a distance of ten kilometres from, a nuclear power plant or related facility. The main initial aims of AMAC were to provide a collective voice and represent the interests of its members at the national level, in order to strengthen their influence in decision-making-processes related to the operations of nuclear facilities situated in their vicinity.

AMAC has worked to guarantee the safety of local communities situated near nuclear plants, in particular it has overseen the development of emergency plans. AMAC also works to ensure the economic and social development of the communities it represents. After fifteen years' existence, AMAC has developed numerous relationships with different actors and local agents linked to the world of nuclear energy. However, these relationships still need to be further developed, in particular with actors at the national level. This need is shared by all other actors of the Spanish nuclear world, as is illustrated by the full case study. However, more often than not, this need for effective relationships seems to be a mere declaration of principles rather than a concrete reality. Nonetheless, all the agents interviewed (Ministry, Nuclear Forum, ENRESA, CSN and UNESA) consider AMAC as their link with local actors, as it represents the vast majority of the municipalities in nuclear areas, and has a clear and legitimate voice.

In the current national context AMAC's role is seen as necessary for the future of Spain's nuclear industry. It should enable actors to reach a consensus on the location and construction of a centralized storage facility for high level radioactive waste. For this purpose AMAC promoted the COWAM Spain program, which concluded its activities in December 2005. The main aim of COWAM Spain was to propose a methodology for a democratic, multistakeholder, participative decision-making-process. COWAM Spain offered a methodological guide to establish the relevant steps necessary for a political decision making with sound scientific support. It is hoped that national bodies will take this methodology into account when they start their debates. This methodology includes aspects related to local democracy (the role of local actors); institutional steps for the decision-making process (what are the main obstacles to the relationships between different territorial levels; ways to increase legitimacy and trust and avoid conflicts of interest); and long-term governance (that is, how to avoid acting prejudicially to future generations and also how to ensure sustainable development for the nuclear communities in Spain<sup>15</sup>).

In Spain at present there are no specific mechanisms for the implementation of local democracy or for citizens' participation at either the local or national levels. AMAC is proposing the creation of Local Committees of Information with the participation of a wide range of local stakeholders. These Committees would be forums to enable the participation of the civil society in decision-making processes and guarantee information provision and transparency so that decisions can be made with full knowledge of the facts. Likewise, they would ensure the participation of all stakeholders in the process. These Committees should be good instruments for achieving transparency throughout the decision-making process. They need an appropriate legal structure to allow them to work and carry out their functions in a legitimate institutional framework. These local committees need to be seen as effective participants in the dialogue by national decision makers and actors. Much work needs to be done on this aspect.

Up to now, the lack of local and legitimate structures for citizens' participation and the lack of information provision has led to an implementation policy built on a 'decide, announce and defend' approach. The mayors want to change it, but, the reality is that they feel and perceive that the national level is ignorant of the approach.

---

15. *La Gestión Democrática de los Residuos Radiactivos. Programa COWAM ESPAÑA. Dirigido por Mariano Vila D'Abadal. Ediciones Calamar. 2005.*

Indeed, AMAC municipalities demand to be listened to; participation alone is not enough. To enable this the AMAC's mayors want to have the role and status of a legally recognised association. Although AMAC receives some economic compensation it is not sufficient and there are other areas where gaps need to be filled in. AMAC is requesting actual representation and effective participation in the decision-making process. Likewise, it is apparent that, though there are relationships between AMAC and national actors, these relationships are not institutionalized. This means that national actors know about AMAC and its functions, but are unclear about its statutory role. AMAC is perceived as the only negotiator representing the local level. However, the relationship between AMAC and key actors in the Spanish nuclear world is characterised by consultation and negotiation, but not by statutory requirements. For this reason, COWAM Spain outlined in its final report AMAC's position regarding institutional matters.

The challenge is achieving an agreement on the role of local actors in the national decisionmaking processes. If national bodies fail to take them into account, it would prove very difficult to reach a consensus to enable the implementation of nuclear related decisions. In that sense, the recognition of AMAC as a statutory actor in the Spanish nuclear world is the first step towards showing the support of national bodies for more transparent decisionmaking processes. (After that, transparency should become a way of working and not something to aim for).

The future of AMAC depends on a clear definition of the nuclear issue, and the recognition of its status as a true participant in the decision-making process. In that sense, an option proposed by COWAM Spain was the creation of a Commission at the National Level focused on nuclear issues. The different agents involved in nuclear issues would be represented and AMAC should be recognized as an equal partner in the process and have a voice and vote as well as real participation.

Spain has a brief history of participatory decision-making. The nuclear energy issue could be a good way to start to change this situation. AMAC should be a fundamental and necessary actor within the current Spanish nuclear map. The lack of recognition of AMAC is not only a clear manifestation of Spain's democratic deficit, but is also symptomatic of a process that has not improved over time. Transparency, communications and information provision have not improved. There is no political will to promote people's right to know about the decisions that could affect them let alone to participate in the related processes. Spain has suffered from a lack of participative decision-making for decades. AMAC is only another victim of a political process that must be changed to enable better stakeholder involvement.

## Conclusion: Good Practices

First of all, an association of members with similar concerns (common problems and objectives) is a good way to empower their voice. Direct democracy gives municipalities the right to represent local communities. This fact makes AMAC as legitimate representative of the local level in national debates. In this sense, we believe that the association is a good practice.

AMAC is now working for the interests of its members. AMAC allows the mayors to be suitably represented; and also allows some members of AMAC to participate regularly in national and international conferences in order to receive the most up to date international information and to exchange experiences. Furthermore, its involvement in daily work has generated recognition for AMAC. Thanks to this daily work, the particular problems of each member are considered carefully. For instance AMAC is putting pressure on the responsible institutions to have adequate emergency plans for all municipalities.

Another good practice is AMAC's ability to communicate a consistent political message in decision-making processes. AMAC is a lobbying institution which aims to solve its members' shared problems such as the site selection for the construction of a waste storage facility, or to achieve political agreements to improve the economic situation of the members (economic development programmes), and even to influence the decision makers to focus on local issues.

When AMAC was created, the involvement of local stakeholders was weak. Democracy was too

young. However, thanks to the daily efforts of the association, their involvement has been greatly improved, and considering the forthcoming decision-making process to select a radioactive waste storage site, this involvement should be further enhanced. AMAC has promoted and developed a national project to find a solution to this most important problem. AMAC members want to be sure that this problem does not affect their well being and political climate. Moreover, they want to solve the problem democratically, taking part from the beginning in a robust and transparent multi-stakeholder participative decision-making process. For that reason, AMAC asked the different concerned agents (local and national politicians, experts from different disciplines and universities, regional governments' officers, operators, waste producers, regulatory body...) for their involvement in the Cowam Spain project. Because of this project, decision makers are now more aware of the radioactive waste management issue. AMAC's participation in the European project Cowam 2 was also important for achieving this.

Finally, the Spanish government has realised, through Cowam Spain, that Spain needs a solution for the country's radioactive waste before the deadline of 2010.

## 2.2.2. Case Study 4: Institutional Mapping of Decision-Making Processes for Locating a Storage Facility for Radioactive Waste in Spain

### Study of Shortcomings in Local Participation

This mapping of the institutional structures related to the decision-making process for the management of radioactive wastes in Spain begins by introducing of issues affecting the decision process for the location of nuclear facilities; how it functions and responsibilities in this process. Then it analyzes the procedure to authorize a location, as regulated by the nuclear legislation and then by the environmental impact legislation. Special mention is made of the involvement of municipalities in this process. Lastly it analyzes the specific competence of municipalities in the authorization of radioactive waste storage facilities.

The full case study is attached as Appendix 5 to the WP2 Final Report. This study defines the roles of the different entities of the State, by identifying clearly their competencies and their intervention in the decision-making process. It highlights the roles of the Ministry of Industry and Energy, the Department of Environment and other government departments and their hierarchical relations with other State entities, as well as the necessary interventions of other public bodies. In particular it emphasizes the interventions of regulatory bodies such as the Council of Nuclear Security and the National Company for Radioactive Wastes (ENRESA).

In the full case study there is a chapter that analyses the role of State bodies. Juridical norms are clearly described for each step of the process. The competencies of each institution are clarified; what is their authority and their rights to intervene, distinguishing between reporting and decision capacity.

The case study analyses the participation of municipalities and autonomous communities (regions). It explains that though autonomic communities intervene they do not have competence regarding authorizations for nuclear facilities. As for municipalities it makes clear that municipal authorizations are necessarily independent of those of the State, as established by the State nuclear laws.

The full case study also explains the role of environmental impact assessments in these decisions. It clarifies the current relationship between nuclear and environmental legislations. Its conclusion is that environmental concerns will prevail in authorizations for the construction of a radioactive waste storage facility.

Regarding the role of the municipalities, their participation is defined as stated below:

1. The 1964 Nuclear Energy Law, consistent with its historical context, doesn't contain any reference to

municipal intervention in the authorization of nuclear installations. It is not until the 1972 Regulation for Nuclear and Radioactive Facilities that municipal participation is established; it states that authorizations of the Ministry of Industry will have to take into account the reports of the affected municipal corporations. As a consequence of the 1980 Law, which created the Nuclear Security Council, it became necessary for municipalities to issue a mandatory report in the processes authorizing the location of nuclear facilities. The foundation for this municipal role is in the Spanish Constitution that consecrates the principle of municipal autonomy (art. 137 CE), and consequently, the right of municipalities to take part in all matters that affect their interests.

*2. Municipalities should produce a report as part of the procedure to authorize the location of a waste disposal facility. This is a mandatory but not a binding report that has the purpose of asserting the municipalities' competence in territorial and environmental matters.*

3. In this sense, it is highlighted that Spanish legislation recognizes the municipalities' competencies in relation to local development and the environment. The Law 7/1985 ascribes to municipalities the competencies for the protection of the environment and considers it to be their public obligatory service to protect the environment in municipalities with more than 50.000 inhabitants. The same law attributes to municipalities competencies for local development; in particular they are responsible for the organization, management and execution of urban development issues.

4. It is necessary to keep in mind that the nuclear facilities as well as waste disposal facilities are subjected, *prima facie*, to municipal licenses. The urban development legislation states this in the territorial legislation of the respective Autonomous Communities, as well as in the 1992 national Law for Territorial Organization.

5. Also nuclear facilities are subjected to activity licensing according to the regulations for Annoyance, Unhealthy, Harmful and Dangerous Activities (cf. Ordinance 2414/1961, of November 30).

6. Therefore, in addition to the report that the City council has to produce during the authorization procedure, once this procedure is concluded and the location authorization is given, the municipality will have to grant the activity license and the urban development license. The grant of these municipal permits first takes place for the activity and then for the urban development, according to regulations of Services for local corporations that was approved by the Decree of June 17 1955.

7. The report that has to be produced during the procedure of authorization of the installation relates to the identification of the municipalities that are affected by the location of the nuclear installation. Therefore, it is evident that the territorial bodies competent to grant the corresponding activity and urban development licenses are the municipalities where the installation will be located.

In this case study it is necessary to clarify which are the municipalities affected by radioactive waste disposal facilities. This point is not usually clarified in the nuclear legislation. Only the Order of the Ministry of Industry and Energy July 13 1998 – which modifies the Order of December 20 1994, about the Royal Decree 1522/1984, of July 14, which authorises the constitution of the "National Company for Radio-active Waste" (ENRESA), establishes ways to identify the affected municipalities and the distribution of revenues. This Order is exclusively about those municipalities that are affected by waste disposal facilities, that is, by facilities that are specifically built up for that purpose as well as those that store the radioactive wastes generated at their own sites.

8. According to this Order, depending on the installation type, the affected municipalities, with right of assignment, are the following ones:

- categories 1 and 2 (nuclear power plants storing spent fuel generated by themselves on their own site, and temporary centralized facilities that store the spent fuel from several power plants and allow the storage of high activity or long lived radioactive waste).
- categories 3 and 4 (power plants that store spent fuel generated by others, that are being decommissioned, and centralized stores of medium and low activity waste).

Categories 1 and 2 deal with municipalities that have their territory, or part of it, in an area of 10 kilometres radius from the installation and also those being beyond the 10 kilometres radius that have some kind of centre of population within a range of 20 kilometres from the installation. With regard to the categories 3 and 4 a radius of 8 kilometres is used, or the distance between a population centre and the installation does not exceed 16 kilometres.

It is clear that this Order, *doesn't allow us to extract a general definition for 'affected municipalities'*, although it is true that these can and should be determined in accordance with this Order, that is to say, by taking into account their distance from the installation.

It is also possible to extract a definition of the municipalities affected by a nuclear installation from what is stated in the Basic Plan for Nuclear Energy. Until recently this Plan was approved by the Ministerial Order of May 29 1989, issued by the Ministry of the Interior. It was recently modified by the Royal Ordinance 1546/2004, of June 25, of the Ministry of the Interior that revises the Basic Plan for Nuclear Emergency. According to this Ordinance the municipalities to which the protection measures are applied are those that are located in a circle of 30 kilometres radius around the power plant. Therefore, this is an extension of the affected municipal territory. This has a clear explanation. While the aforementioned Order of 1998 established some economic compensation for activities related to radioactive waste disposal of nuclear power plants, the aforementioned Plan regulates preventive measures for the protection of people and goods that can be affected by discharges of radioactive material.

The general conclusion of this case study is that the Spanish legislation does not provide adequate procedures for the participation of both the citizens and the municipalities affected by radioactive waste management. This applies to the authorization of stores for radioactive waste. It is apparent that participation would increase the chances of an acceptance of such projects. That means that additional approaches for participation should be looked for, and enacted in Law. These approaches should guarantee that the selection of a location for high activity radioactive waste is carried out taking into account the will of both the municipalities and the affected citizens.

From this premise the COWAM Spain programme proposed a specific procedure and basic principles to organize a decision-making process that would take account of present and future concerns. The methodology carried out in the COWAM Spain programme contributed to agreeing a working guide to improve real participation of local communities in making national decisions. This guide clearly defines the general principles that should inspire the performance of related institutions and the different steps to take into account in the selection of a location.

COWAM Spain proposed setting up a specific procedure, prior to the legal procedure of authorization, the aim of which is to guarantee that the State authorization of a radioactive waste management installation (in this case by the Ministry of Industry) takes into account the environmental impact assessment of the Ministry of the Environment and the planning permission for the installation of e.g. a centralised storage facility in a previously chosen location. This procedure will be established from the basic principles of transparency, participation, voluntarism, responsibility and ethical respect. It will also include all the information related to any type of environmental decisions.

All this is intended to convey a sense of the work carried out by COWAM Spain and to underline its benefits, in particular its importance in the establishment of a concrete system to solve the problem of radioactive waste management in Spain. The work has also been of great value in relation to the search, currently under way, for a location for a centralized high activity radioactive waste storage facility

## 2.3. UK Case Studies<sup>16</sup>

### 2.3.1. Case Study 5: Public and Stakeholders Engagement in the Decision Processes of the Committee on Radioactive Waste Management (CoRWM)<sup>17</sup>

#### Introduction

WP2 stakeholders identified the activities of the UK Committee on Radioactive Waste Management (CoRWM) as of particular interest in the context of exploring the scope for local actors' influence on a major national decision-making process. Thus, they agreed to focus on this Committee as one case study.

The final rejection of a planning application by Nirex to develop a rock characterization facility at Sellafield in 1997 signalled the requirement for a comprehensive review of national policy relating to the management of long-lived and high-activity radioactive wastes in the United Kingdom. In 2001 the UK Government started the Managing Radioactive Waste Safely Programme (MRWS) to develop UK policy. This ultimately led to the appointment in 2003, by the national Government and the devolved administrations of Wales, Scotland and Northern Ireland of the Committee on Radioactive Waste Management (CoRWM). The role of CoRWM was to provide an independent review of strategic options for the long-term management of such wastes and to recommend an option, or combination of options, that would satisfy requirements for protection of people and the environment and which had public confidence. The deadline set for CoRWM to submit its recommendations was July 2006.

A member of CoRWM, Dr Mark Dutton, was invited to participate in WP2's stakeholder reference group (SRG)<sup>18</sup>. At the 2nd SRG meeting in Berlin in July 2004 he made an introductory presentation of the committee's terms of reference, its principles and work progress. This was followed by a second presentation to the Madrid meeting in February 2005 (3rd SRG meeting), where he explored CoRWM's design for public and stakeholder engagement (PSE). Finally for its 5th SRG meeting in February 2006 he made available CoRWM's draft proposals for policy implementation<sup>19</sup>. During these meetings stakeholders had the opportunity to exchange views, keep in touch with CoRWM's on-going activities and to some degree influence the views of Dr Dutton who was actively participating in the policy process. Added to these interactions, members of WP2 had access to CoRWM's website<sup>20</sup>, where they could find information about the process and get access to a wide range of reports.

This case study reports the stakeholders' deliberations and also discusses CoRWM's final report<sup>21</sup> in the light of the issues that emerged in the SRG meetings and in the independent evaluation of its work<sup>22</sup>. To a large degree this was not a retrospective case study but one that was developed as events

---

**16.** *The United Kingdom case studies were prepared by Raul Espejo*

**17.** *Full case study is in Appendix 6*

**18.** *List of WP2 SRG is included in Appendix 1*

**19.** *Committee on Radioactive Waste Management, Moving Forward Corwm's Proposals for Implementation, Doc 1703, Nov 2006 20 <http://www.corwm.org.uk>*

**21.** *Committee on Radioactive Waste Management, "Managing Our Radioactive Waste Safely; CoRWM's Recommendations to Government", Doc 700 July 2006»*

**22.** *Faulkland-associates, "CoRWM Final Evaluation Statement" C2022 08-03d, Nov 2006 in [www.corwm.org.uk](http://www.corwm.org.uk)*

unfolded. Stakeholders were able to influence, through their discussions and reflections, CoRWM's policy process.

## CoRWM's set up and aims

The Committee on Radioactive Waste Management (CoRWM) was the second stage of the UK Government's on-going Managing Radioactive Waste Safely programme. This committee was set up as an independent body appointed by UK Government Ministers, concerned with the review of options for managing solid, high activity radioactive waste in the UK. Its main task was to recommend the option, or combination of options, that could provide long-term management for the UK's wastes, providing protection for people and the environment and that had public support. Their priority task was to recommend what should be done with the wastes for which no long term management strategy currently exists. Additionally, the Government, in setting the Committee's terms of reference required it to engage stakeholders in its work and build confidence in its proposals. The Committee delivered its recommendations to Government in July 2006. As well as recommending a waste management strategy, it included in its report a package of recommendations relating to the implementation of the strategy and the bodies that would be involved in delivering it.

As CoRWM's programme progressed, the Committee concluded that implementing waste management recommendations required consideration of issues such as siting and also future institutional arrangements to manage related processes. The Committee recognised that these were not a secondary consideration, but were in fact central to the successful delivery of any technical strategy and to achieving consensus within it. CoRWM did not see its task as just choosing the best long term option but also constructing a wider package that included implementation issues<sup>23</sup>.

The Terms of Reference made it clear that the Committee should include members with a range of expertise, able to offer scientific, social, economic, environmental and public perspectives on the issue of radioactive wastes. They were not there to 'represent' a constituency, but members were chosen for their spread of backgrounds and perspectives, for (in some cases) their previous involvement in this area, and for their good contacts with a wide range of organisations. Equally, they were not there to represent particular governmental or nuclear related institutions, and therefore they were independent of nuclear related Research and Development (R&D) institutions, previous implementers such as Nirex, regulators such as the Environment Agency or the Nuclear Industry Inspectorate.

The emphasis on options rather than sites was consistent with the fact that ministers did not see the need to appoint a representative of communities in the vicinity of Sellafield, which is where the majority of the UK's high activity waste is in storage and which was previously considered a candidate disposal site by Nirex. This lack of specific local membership as well as members of governmental and nuclear related institutions and civil society was consistent with CoRWM's terms of reference. In practice this meant that ministers felt the need to set up a committee to uncover the values of the public, stakeholders and experts about radioactive waste management rather than set in motion a political process to resolve through its outcomes the political, institutional and social interests and concerns in this topic.

## CoRWM's Process

WP2 stakeholders wanted to understand CoRWM's decision-making process. They received a detailed overview of the process as designed by CoRWM to produce its recommendations for ministers. In summary its programme was divided into three phases. The first phase – Framing – ran from March to September 2004 and was primarily focussed on information gathering, testing methods, drawing up the long list of potential options for managing radioactive waste, and deciding how to undertake a Shortlisting process. The second phase – Shortlisting – ran from September 2004 to July 2005 and included the shortlisting process and deciding how to assess that shortlist. Plans for the Assessment

---

23. *Faulkland-associates p. 23*

phase were developed and consulted on. The third and final phase – Assessment – lasted a year from August 2005 until July 2006 and included the assessment of the shortlisted options, the formulation of recommendations, and drafting the report to Government

CoRWM's process was focused on a decision-making process of its own (i.e. recommending an option or combination of options for radioactive waste management) and not on the UK decision-making process for the management of radioactive waste. This process was discussed at the 3rd SRG meeting, where stakeholders mooted that CoRWM's process, as presented, appeared as a cognitive process, with very limited intertwining with real political processes. The phases of CoRWM's work did not appear to need political processes at the affected territorial levels. That would have been necessary if their deliberations had implied committing resources and reducing options for the future.

### CoRWM's Approach to Public and Stakeholders Engagement

It is apparent that CoRWM's recommendations were reached after extensive consultations and engagement of members of the public and local stakeholders. CoRWM implemented processes of Public and Stakeholders Engagement (PSE) for all the phases of their work. These processes were considered necessary to create trust in their recommendations.

The initiative to define, develop and implement national policy stemmed from central government, and opportunities for public and local engagement in the process were largely defined by CoRWM, rather than from grass-roots initiatives. CoRWM was clear that a top down approach, based on studying-deciding -consulting was not going to work. From the outset of its work, the committee was sensitive to the fact that previous initiatives in this arena had been driven largely by technical evaluation, rather than by securing effective public engagement from the outset. CoRWM took the view that this engagement was necessary throughout their deliberations to align values and obtain public and stakeholders' support for their recommendations. The public response on CoRWM's programme and proposals was sought through four stages of public and stakeholder engagement<sup>24</sup>. The four phases of engagement were:

- PSE 1 (November 2004 – January 2005): To seek views on the inventory of radioactive wastes and materials and the long list of potential options
- PSE 2 (April 2005 – June 2005): To seek views on the proposed shortlist of management options.
- PSE 3 (October 2005 – February 2006): To enable participation in the assessment of shortlisted options.
- PSE4 (May 2006): To seek comments on CoRWM's draft recommendations, including proposals on how they should be implemented, and ways of increasing public confidence.

The Committee identified stakeholders and opened channels to allow the public's influence on the process. Identified stakeholders included groups such as regulators, environmental groups, the nuclear industry, local government and the broader scientific community. CoRWM also involved communities (such as those of and in the vicinity of existing nuclear sites) that had a close interest in the implications of future policy for wastes currently held in storage.

WP2's SRG were particularly interested in these strategies to engage with local stakeholders. Since CoRWM was not in a siting process but in an option definition process, no specific communities were involved in its work. This posed the questions: What is local? Who are local stakeholders for a process like CoRWM's? CoRWM's answers were that all communities in the UK had the right to influence its processes. However, CoRWM's longterm concerns suggested that they had to be particularly sensitive to the risks of radioactive waste for individuals and communities:

---

24. CoRWM's Final Report p48

"The Committee decided to focus on communities near nuclear sites, as being more likely to want to be involved and more likely to be involved in implementation. Each round of PSE therefore included facilitated Round Tables for local stakeholders e.g. representatives of the local authorities, NGOs and nuclear sites. The Round Tables met locally in PSE1, 2 and 3 but in plenary for PSE4."<sup>25</sup>

Also CoRWM set up a National Stakeholder Forum, involving representatives from around 20 national organizations and representatives from local government. CoRWM sought to engage a wider cross section of the general public through a programme that was composed of 'intensive' and 'extensive' strands. In support of the intensive strand, four Citizen Panels, each involving 12 to 16 people, were recruited as demographic representatives of the 'general public' not previously involved in questions of radioactive waste management.

CoRWM talked to stakeholders and the public (not experts) to identify relevant issues to managing radioactive waste (i.e. criteria to use). But their recommendations had to embrace sound science. Experts carried out assessments of options against criteria. For the assessment to be legitimate it had to use 'experts' trusted by the different stakeholder groups and also acknowledge that in aspects such as local sustainability the experts were local stakeholders.

The difficulty lay in combining the assessments of options against specific criteria into an overall assessment. This involved bringing in the values of a wide range of stakeholders about the importance of the different criteria. CoRWM talked to a wide range of stakeholders to identify the assessment criteria and their weight.

To direct its strategy for public and stakeholder engagement the Committee used the Renn model for cooperative discourse<sup>26</sup>. It does not make sense to replace technical expertise with vague public perceptions nor is it justified to have the experts insert their own value judgments into what ought to be a democratic process. The CoRWM process tried to avoid this problem by using Multi Criteria Decision Analysis (MCDA) coupled with a holistic assessment of options. The final recommendations are based on a holistic judgment by stakeholders and experts.

In summary CoRWM's PSE programme gave the public and local stakeholders opportunities to influence the Committee's final recommendations. However, this process did not entail experts and institutional players' debates aimed at reaching strategic recommendations for RWM decisions nor did it involve local stakeholders in a siting process with the participation of national stakeholders, implementers, experts and policy-makers. This latter aspect led the Committee to the inclusion of implementation recommendations in its final report.

## Emphasis on Implementation

To develop implementation principles the Committee had its guiding principles, the public and stakeholders' inputs, and the benchmarking and ethical work that supported the MCDA and Holistic Analysis.

As for WP2, the issue of implementation was discussed at length in its 3rd SRG meeting, where WP2 stakeholders' comments mostly emphasised implementation issues. One way or the other, apparently, these debates in WP2 had an influence on CoRWM's process as is recognised by Faulkland-associates' Final Evaluation Statement: "Participation in EU-sponsored COWAM workshops seems to have been a valuable input to consideration of implementation issues."<sup>27</sup>

As part of their process CoRWM set up an Implementation Group. A draft of their report was tabled

---

25. *Faulkland-associates*, p 31

26. *Renn, O. (1999) A Model for an Analytic-Deliberative Process in Risk Management. Environmental Science and Technology, 33(18), pp 3049-3055.*

27. *Faulkland-associates* p. 43

at the 5th SRG meeting. This report recommended considering all local communities as stakeholders and enabling the involvement of the affected communities, beyond potential host communities, in the next steps of the decision-making process. Furthermore, in a step by step decision-making process, the report suggested one way of enhancing the influence of local actors on the decision-making process was enabling their participation in the design of each successive step. CoRWM's final report makes recommendations about further steps of the decision-making process and the mechanisms for stakeholder participation. It recommends using volunteerism, relying on an open and equal partnership between the potential host community and the implementing body, allowing the local actors to take an active part in the definition of both the generic technical aspects of the proposed facility and the socioeconomic provisions. It also recommends enhancing the transparency of the decision-making process, setting up an independent national organisation responsible for overseeing the decision-making process and ensuring that proper consultation and monitoring of stakeholders' engagement at the different stages of the decision-making process takes place. They also recommend setting up as soon as possible an implementing organisation that among other aspects should include the mechanisms to set up partnerships with local communities.

## Conclusions

It was particularly valuable for WP2 to shadow CoRWM's process with its own deliberations. The key issue for WP2 stakeholders was to ensure more effective local influence on national decision-making processes. Though CoRWM were responsible for recommendations to ministers they understood that without local stakeholders' commitment the chances for longterm successful implementation were significantly reduced. However, CoRWM's Final Evaluation Statement backs the position that overall they succeeded in achieving this engagement, however:

"Participation from NGO representatives and the specialists they recommended was less that might have been hoped and questions of balance and bias are relevant. There are several reasons why the balance between alternative perspectives, and between high-calibre academics with a broad perspective and industry practitioners, was not what Members might have wished. In some areas there were simply no (or very few) established counter-experts. Some counter-experts did not want to participate, perhaps because they saw the process as too narrow or open to misrepresentation. For academics especially, an earlier start in recruiting experts might have alleviated the situation somewhat."<sup>28</sup>

As for local influence, this case study has helped us to reflect upon CoRWM's process in the wider national decision-making perspective. It would appear that CoRWM was mostly a cognitive process that helped Members, stakeholders and experts to clarify and align their values. In that sense the process did not allow the public and stakeholders to stretch politicians, civil servants and nuclear experts in the quest of siting options for the long-term management of radioactive waste. This political process most likely will take place in the near future once the government decides how to proceed with managing radioactive waste safely. At that point CoRWM's implementation recommendations will be of particular significance and it is only then that local stakeholders will be engaged in political interactions.

## 2.3.2. Case Study 6. Influence of Local Communities on Decision Processes: Experience of Copeland and Shetland Islands<sup>29</sup>

### Introduction

The focus of this case study is the concerns of two communities affected, albeit in different ways, by radioactive waste management and the decommissioning of nuclear installations. These are

---

<sup>28</sup>. *Faulkland-associates p. 37*

<sup>29</sup>. *Full case study is in Appendix 7*

communities affected by the decisions of nuclear operators, regulators and national policy makers. As such they interact with these organisations and quite naturally they are concerned about their long-term sustainability. Thus they want to influence decisions that affect both the long-term management of radioactive waste and current management decisions that may foreclose their options and opportunities. One of these communities, Copeland, has large nuclear installations in its territory and stores about 60% of the UK radioactive waste. The other, the Shetland Islands, has no nuclear installations or waste in its territory, but its environment is affected by, and may be damaged by decisions at the Dounreay's nuclear site, 160 kms away from them. In particular, both communities are affected by current policy implementation.

The core of this case is written contributions (vignettes) by Fergus McMorrow of Copeland Borough Council and Alastair Hamilton of the Shetland Islands Council. The vignettes were originally prepared for the 3rd SRG meeting in Madrid, February 2005 and later revised. They illustrate participatory mechanisms and good practices for local stakeholders to influence national decision-making processes and take particular meaning in the context of on-going decommissioning activities, responsible for an accelerated clean-up programme of legacy radioactive waste. Discharging these activities requires significant interactions between the authorities responsible for the decommissioning and the communities affected by them. In practice this has implied setting up mechanisms to support these interactions. These are influence mechanisms that are currently either operating or are in the process of being implemented and that the vignettes help to illustrate.

Richard Griffin of the Nuclear Decommissioning Authority (NDA) was invited to the 4th SRG Meeting (Ljubljana, July 2005). He sent a written contribution to this meeting which was discussed at the meeting by John Hetherington of Cumbria County Council. A significant part of this discussion was focused on influence mechanisms such as local committees, national associations of local authorities and coordination agreements between local, regional and national bodies.

The case study is structured using the above contributions. First it will offer a very general introduction to the NDA and other bodies that emerged in the process of implementing the decommissioning policies, second it includes the summaries prepared by the authors of the local vignettes and finally it highlights as conclusions the good practices that UK stakeholders recognised from their discussion of the vignettes.

## The Nuclear Decommissioning Authority

The Nuclear Decommissioning Authority (NDA) was established by an Act of Parliament in 2004 to oversee and manage the decommissioning and clean-up of the UK's civil nuclear legacy. This involves coordination of the existing assets, decommissioning and restoration of sites and facilities formerly operated by UKAEA, BNFL and Magnox Electric. As the actual work of site management and decommissioning will be carried out by contractors, the NDA's role is to define best practice, and to develop a world-class centre of expertise to deliver the best solutions 'for local communities, for the taxpayer and for the environment'<sup>30</sup>. In seeking to be a world leader in safe, secure and environmentally sound nuclear clean-up, the NDA has identified effective and open engagement with its stakeholders as being critical to its success. It started operations in April 2005. Particular sites, such as Sellafield in West Cumbria and Dounreay in the north of Scotland, are being affected by its activities, with significant environmental and also long-term waste management implications.

Whereas long-term waste management policy for more highly-active wastes is the concern of the MRWS process<sup>31</sup>, wastes are likely to be held in storage on existing sites for a considerable period, and there are significant volumes of low activity waste arising from decommissioning, for which questions of transport to centralized facilities, or disposal in situ on the sites of arising, represent important concerns for local communities.

---

30. <http://www.nda.gov.uk>

31. cf. *CoRWM Case Study*

One key development in terms of the relationship between the NDA and its stakeholders has been a review of the previous arrangements of local liaison committees and local community liaison councils at each site. Following a period of national consultation prior to the establishment of the NDA, a new system of NDA Site Stakeholder Groups (SSGs) was established<sup>32</sup>. The new arrangements recognize that each site is uniquely situated, has its own priorities and different stakeholder interests. Hence a degree of flexibility in the detailed arrangements for SSGs has been retained, while defining minimum standards that the NDA requires each SSG to achieve, for example on issues such as capacity building and conduct of business, and cost reimbursement. Objectives set for the SSGs include: providing an active, two-way channel of communication between the site operator, the NDA and local stakeholders; providing opportunities for questioning the operator, the NDA and regulators; and enabling stakeholders the opportunity to comment on and influence strategies and plans. These arrangements are still at an early phase.

It is clear that the NDA's activities do not simply relate to what is done at the individual sites. There are broader national strategic planning issues, such as the question of waste transport and the use of centralized facilities that need to be taken into account. Local actors clearly have an interest in influencing decision making in this area, beyond specific decisions taken at the individual sites. As part of its new arrangements, determined via a national consultative process prior to formal start-up of the NDA, it was decided that each SSG should nominate two members to formally represent their group at the NDA's National Stakeholder Group (NSG).

In addition to representatives from SSGs the national stakeholder group also incorporate other stakeholders that have a legitimate interest in the work of the NDA (including foreign governments). The intention is that the NSG should be independently convened and facilitated, meeting on an annual basis, with clear links to the site groups to ensure two-way flow of information. Its terms of reference are intended to reflect the national responsibilities of the NDA but also take into account the interests of the local representative bodies.

At the time of these debates (July 2005) WP2 SRG recognised two relevant interrelated themes: NDA's responsibilities fall in between two types of organisations:

The first one being the usual situation where the authorities are in the centre of the process and carry out consultations.

The second one being a situation where the authorities delegate the decision to an agency gathering public authorities, operators and local actors.

NDA appears to be neither of these two types. It gathers different kinds of actors in the NSG, prepares a strategic programme and reports to the authorities (Department of Trade and Industry and the Scottish Executive), but is not an autonomous institution with powers for policy-making. Neither is NDA directly connected to the process of issuing a strategic programme for RWM, which is responsibility of the Department for the Environment Food and Rural Affairs (Defra) and the Devolved Administrations. This situation can lead to conflicts or fragmentation in the process.

However, it was too early to conclude how things were working in practice; NDA had been operating only since April 2005, however, from the perspective of local actors, even though there had been a restructuring of liaison arrangements between sites and stakeholders, things appeared to 'feel' much the same. The Nuclear Legacy Advisory Forum (NuLeAF), a federation of local authorities with interests in nuclear decommissioning and long-term waste management had raised particular concerns that the levels of resource to support commitments made in the Energy Act 2004 were perhaps not as great as they ought to be, and seemed in practice to be no different from those under previous arrangements.

---

**32.** *Site Stakeholder Groups (SSGs) is the generic name given by NDA to these groups, however they have particular names in different communities. For instance in Harwell the name is Local Stakeholder Group and in Dounreay is Dounreay Stakeholder Group.*

The Copeland vignette illustrates the difficulties and progress that the local council had experienced trying to influence decisions of the local industry and the national bodies. The Shetland Islands vignette illustrates the attempts of a non-nuclear community to influence local and national radioactive waste management decisions that may affect its environment. Summaries of these two vignettes are offered below. They were revised in August 2006.

### Copeland Vignette: Paper's Summary<sup>33</sup>

By Fergus McMorrow

1. This Vignette reviews of the experience of Copeland Borough Council in influencing decisions taken by national bodies in relation to radioactive waste. Two thirds of the UK's radioactive waste liability is currently located in the Copeland area. The local Borough Council has very limited resources to influence national processes and decisions.
2. The Borough council takes very seriously its role as community leader looking after the interests of local people. It has particular concerns about the decline in nuclear activity in the area and the major job losses that will result. The community are also concerned that they may be left with the waste legacy from the industry without economic benefits as nuclear activity ceases.
3. The Vignette covers a period of great change in both the way the industry in the UK is organised and the development of policy for the long-term management of radioactive waste. The former includes the formation of the Nuclear Decommissioning Authority (NDA) and the contractorisation of the industry. The latter is driven by the Managing Radioactive Waste Safely (MRWS) policy review of the long-term management of higher activity wastes, including the evaluation of waste management options carried out by the Committee on Radioactive Waste Management (CoRWM) and the Government's review of Low Level Waste Policy.
4. Over the period of the study Copeland's own perception of its influence moved from one of having very little, to one of having a stronger influence over events but at the end of the day, no control. The key actions which Copeland have identified that have assisted in that process were:
  - a) The generation of high stakeholder and political awareness of the issues at a local level.
  - b) More local recognition of the importance of the 'service' Copeland provides to the country as a whole and the expectations government may have of the community in the future. This allowed better identification of the strengths and limitations of the community's bargaining power
  - c) Increased direct staff resources within the Borough Council to improve expertise and engagement levels in the issues.
  - d) Better joint working across local and regional partners which created a stronger platform for Copeland to act as Community Leader.
  - e) Closer working with Members of Parliament and direct political lobbying activity when legislation was progressing.
  - f) Securing financial resources to commission expert studies to allow stronger input to negotiations within policy processes.
  - g) Development of a national Local Government network of interested communities (NuLeAF) to create a new national policy voice articulating the local communities' views. Allied to this was the provision of resources to this body to itself become an expert voice in the subject matter.

---

<sup>33</sup>. See full 'vignette' in Appendix 7

- h) Active examination of world wide best practice and engagement in research networks, such as COWAM 2 and CARL, and using the knowledge to develop local policies meeting local needs.
- i) Stronger personal relationships with other key players and influencers allowing a greater understanding of the local community's perspectives. Opportunities to develop these relationships were facilitated by the decision to site the NDA Headquarters in Copeland, allowing relatively easy access to decision makers for the most affected community, and increased engagement in other stakeholder processes alongside key people from other organisations (for example through COWAM 2 and CARL).
- j) Influencing the political agenda by making and communicating clear local policy statements before national views developed.
- k) Where necessary demonstrating the community's strength to bring negotiations to the table. For example resisting planning applications for developments until local issues and concerns were addressed.

## The Shetland's Vignette: Summary<sup>34</sup>

By Alastair Hamilton

### 1. Background

Shetland Islands Council (SIC) provides local government services to the 22,000 inhabitants of Shetland and represents their views. Its experience of dealing with nuclear matters has been gained over more than 20 years, mostly in relation to the Dounreay nuclear site<sup>35</sup>, about 160km away from Shetland on the coast of northern Scotland. However, the SIC has also been involved in discussions about nuclear matters at national and international levels, for example in CoRWM<sup>36</sup>, NFLA<sup>37</sup>, COWAM and KIMO<sup>38</sup>.

The Council's established position is that it will resist any proposals for nuclear developments, in Shetland or elsewhere, which threaten Shetland's people, environment and economy; the islands are heavily dependent on fishing. Past practices at Dounreay resulted in unacceptable releases of radioactivity to the environment and caused great concern. The Council considers that continued vigilance is necessary during the lengthy decommissioning phase. The Council is a member of the Dounreay Stakeholder Group, the formal, non-executive mechanism for communicating information to the local community and other stakeholders.

### 2. Shetland's Experience of Consultation

Shetland's experience of two recent consultations issued by Dounreay in relation to decommissioning projects is outlined below.

#### *Consultation on the treatment of radioactive solvents and oils*

During 2003, Dounreay stakeholders were asked to consider proposals concerning the treatment of fairly small quantities of oils and solvents. The consultation was a 'pilot' for Dounreay's new policy of stakeholder involvement and public consultation. The SIC put forward the most thorough submission the United Kingdom Atomic Energy Authority (UKAEA) received. It ran to more than eight pages of detailed comments and was supported by the Nuclear Free Local Authorities. There were only 17 other consultation responses; several were very brief e-mails.

The only mention of the SIC's submission in the final report on the consultation was in a list of those

---

34. See full vignette in Appendix 7

35. [http://www.ukaea.org.uk/sites/dounreay\\_site.htm](http://www.ukaea.org.uk/sites/dounreay_site.htm)

36. <http://www.corwm.org.uk/>

37. <http://www.nuclearpolicy.info/>

38. <http://www.kimointernational.org/Default.aspx?tabid=1>

who had made comments. The UKAEA commented on all the other submissions and forms completed on the Internet but no reference at all was made to any of the SIC's comments.

The SIC wrote to the UKAEA Chief Executive, raising major questions about the consultation, the value placed on participation and the whole stakeholder process. He and senior colleagues visited Shetland to apologise for what they called 'an oversight' and they subsequently revised and re-issued the consultation report.

### *Consultation on the future of PFR raffinates*

A consultation during 2004 was concerned with the treatment of raffinates from the Dounreay Prototype Fast Reactor. Soon after the consultation started, the UKAEA announced a chosen list of consortia of international engineering firms to build the necessary treatment plant. It was clear that the intention was to build a cementation plant; the UKAEA had already decided that they would use cementation (or possibly vitrification), regardless of the outcome of the consultation process. The SIC's concern here was not about the cementation proposal but about the way in which consultation was managed and, particularly, that a decision had been taken whilst the consultation process was still in progress.

Experiences of this kind do not help to build any faith or trust in consultation arrangements. The SIC recognises that Dounreay is now a more transparent site than it was two decades ago but believes that a better-planned approach to consultation is essential. Some of SIC's concerns were echoed in a report on the Dounreay Consultation Programme by Faulkland Associates, commissioned by the UKAEA<sup>39</sup>. They emphasised the need for consultation arrangements to be reliable and stressed the value of adequate feedback.

### Conclusions: Good Practices

The above vignettes were originally prepared for the 3rd SRG meeting in Madrid, February 2005. They were discussed by stakeholders during that meeting and the UK group saw the need to distil from them good practices to feed into the final report. From their discussions the following nine issues emerged as instances of good practice and they are offered here as conclusions emerging from the vignettes:

1. There must be a proper response to submissions that are made as part of a consultation i.e. it must be clear to the consultee which points have been accepted and which have not and why. An example is the way UKAEA ignored the submission made by the Shetland Islands Council during the BPEO consultation on the management of oils and solvents at Dounreay.

Actions of the proposer must not prejudge the outcome of the consultation. An example is the way UKAEA issued invitations to tender for the cementation or vitrification of PFR raffinates before the BPEO consultation was complete.

2. In cases where there are opposing views, the way in which the inputs from different communities are weighted must be transparent. There may be a good case for giving a greater weight to those communities that are most affected.

3. Consultations must include all the issues that are relevant to local stakeholders. An example is the SEPA consultation on sending LLW to Drigg, which did not include issues such as the socio economic effect of the proposal on the inhabitants of Copeland.

4. There should be an independent assessment of every consultation process and there should be an appeal process. Examples are the independent evaluation of the UKAEA and CoRWM consultation processes (done by Faulkland Associates) However, there is no formal appeal process in the case of UKAEA consultations.

---

39. [http://www.ukaea.org.uk/downloads/dounreay/Dounreay\\_stakeholder\\_programme\\_evaluation\\_summary.pdf](http://www.ukaea.org.uk/downloads/dounreay/Dounreay_stakeholder_programme_evaluation_summary.pdf)

5. The proposer should fund local communities so that they can engage in an informed manner. The level of funding is a matter for discussion between the parties. For example, Copeland Borough Council has no funding for nuclear matters.

Where appropriate, ongoing committees, such as local liaison committees, should receive funding from the proposer for independent input. The funding should be managed by an independent body to prevent the withdrawal of funds at times of disagreement. Again, the process should be subject to assessment. For example, the CLIS at Bure receives such funding. In contrast, LLCs in the UK do not. Implementation programmes should include realistic periods for consultations. For example, it is not evident that this is the case for the near-term work plans of the NDA.

In general, local communities should be empowered to reject proposals or to negotiate appropriate community benefits by having the right of veto in cases where a proposal is perceived to have a potentially major affect on the community. However, the veto should not be valid in areas that are within the national regulatory process and there must be an independent oversight of the application of the veto process to ensure that it is applied in an appropriate fashion. For example, without the power of veto, Copeland Borough Council is powerless to have a major influence on decisions that affect their electorate. ■

# Chapter 3

## EMPIRICAL REVIEW OF THE CASE STUDIES

### 3.1. Introduction and methodology

This chapter reviews the material gathered in the case studies and identifies the key elements and good practices emerging from the case studies for local actors to influence national policy processes. In order to achieve this, an empirical methodology has been used. First of all, all available documents related to the case studies were carefully reviewed, and the practices concerning the influence of local actors on national (or international) decision-making processes were extracted. The following case studies were examined:

- In the UK:
  - Public and stakeholders engagement in the decision-making processes of the Committee on Radioactive Waste Management (CoRWM).
  - Influence of local communities on decision processes: experience of Copeland and Shetland islands.
  
- In France:
  - The influence of Dunkirk on the preparation of the 30th July 2003 Law for the prevention of natural and technological risks.
  - The independent evaluation of ANDRA's research programme initiated by the Local Committee of Information and Monitoring (CLIS) of Bure.
  
- In Spain:
  - AMAC's role in the national decision-making process
  - Institutional mapping of decision-making processes for locating a storage facility for radioactive waste in SpainAfter this preliminary work of extraction, the key elements and practices in the case studies have been organised according to the following underlying themes:

The first theme is the opening up of traditional policy processes to stakeholder participation, in particular local stakeholders and local communities.

The second theme is horizontal connections between the various actors at the local level and the structuring of sustainable democratic local communities, which had been identified by WP2 members as a key element for the success of the influence of local communities on national decision-making processes.

The third theme is the strategies of local actors to increase their influence at national level.

This framework has then been enriched with elements coming from complementary presentations made during WP2 meetings in addition to the case studies, and with additional illustrative elements coming from other national contexts.

## 3.2. The development of inclusive decision-making processes by national authorities<sup>40</sup>

As shown in the WP2 case studies, a range of practices in national decision-making processes have been developed by national authorities with the aim of enabling the inclusion of local communities and stakeholders in various steps of the decision-making process, including the elaboration, assessment and selection of general options for RWM, the selection of sites, or the design of a local project of radioactive waste facility. These instruments favoured sustainable engagement of local communities and stakeholders in the decision-making process. In particular, the case studies show various examples of institutional mechanisms for the participation of local communities at the national and local level, and mechanisms of transparency and trust building.

### 3.2.1. Consultation and engagement of the local communities and stakeholders holding stakes in the policy process, beyond the potential sites for a RW facility.

The case studies show the setting up of institutional mechanisms for the engagement of local stakeholders on a broader basis than the consultation of local communities on potential sites for a RW facility. The scope of the notion of "local" is extended from the narrow meaning of potential host communities to a much broader meaning of local communities and actors having stakes in the policy process<sup>41</sup>.

In the UK, the local communities are participating through the NDA's stakeholder engagement process in a policy process which is not centred on a particular site for RWM but is looking at the UK decommissioning strategy. Moreover, some non-nuclear local communities are participating in the process through the NFLA (Nuclear Free Local Authorities), which is a member of the NDA's National Stakeholder Group.

In France, the public debate organised in 2005, in the context of the development of a new law concerning RWM in 2006, also had local sessions, which were organised not only in the territory of Meuse – Haute Marne (which is at present the only potential site for an underground repository), but also in other territories concerned by RWM issues. Local influence in the debate comes both from the territory of Meuse – Haute Marne, which hosts the only existing underground research laboratory, and from other territories, notably local communities hosting nuclear plants (e.g. the Community of Dunkirk). These local communities have taken part in the debate individually and as a structured interest group through the ANCLI (National Association of Local Commissions of Information)<sup>42</sup>.

In Spain, currently all local communities are considered relevant to the decision-making process. When as a result of parliamentary debates one Member of Parliament suggested that only the communities with nuclear installations were key participants in the RWM process, the municipalities' members of AMAC felt that politicians were pointing at them. AMAC and its members rejected this statement; their position was that all communities had to be considered.

---

<sup>40</sup> The findings in this section reflect those in work package 3 which looked at good decision-making processes.

<sup>41</sup> This understanding of the notion of "local" is consistent with the provisions of the Aarhus convention which states that "The public concerned" means the public affected or likely to be affected by, or having an interest in, the environmental decision-making."

<sup>42</sup> The ANCLI notably had a key contribution regarding the issue of the access of NGOs to classified information

- The CoRWM process examined long-term options for RWM, notably through open meetings and public consultations. CoRWM considered all local communities as stakeholders and was not focused on a particular site. In its final report, CoRWM recommended the involvement of the affected communities, beyond the host community, in the next steps of the decision-making process<sup>43</sup>.

### 3.2.2. Development of formal mechanisms for a structured and continuous participation of local communities and stakeholders in the policy<sup>44</sup> process

The case studies demonstrate a trend of national authorities creating mechanisms for the continued and institutionalised engagement of local communities and stakeholders in the decision-making process. Such mechanisms are developed both at local and national level.

#### 3.2.2.1. Institutional tools for stakeholder participation at the local level

Several case studies show examples of statutory bodies creating tools for local dialogue (for instance, Local Committees) or improving existing ones, in order to facilitate the continuous and sustainable engagement of the local actors in the decision-making process.

In the UK, the engagement of local actors at the territory level has been formalised through the Site Stakeholder Groups set up by the NDA. The extension of the notion of "local" is also visible at territory level: the Shetland Islands Council, which was initially an observer, has gained the status of full member of the Dounreay Site Stakeholder Group.

In Belgium, specific partnerships (MONA, STOLA and PaLoFF) have been set up between the candidate communities and the radioactive waste operator (ONDRAF). These partnerships represent a tool for dialogue (with meetings and working groups) between local stakeholders as well as between local stakeholders and ONDRAF.

For the implementing phase of a RWM policy, CoRWM recommends developing a partnership approach between the local communities taking part in a siting process and the implementing body, which would constitute a tool for dialogue between the local community and the implementing body<sup>45</sup>.

In France, several local forums have been set up by the State in the field of industrial risks: the SPPPI (Permanent Secretariat for the Prevention of Industrial Pollutions) and the CLICs (Local Commission of Information and Concertation, created by the July 2003 Law for the prevention of technological and industrial risks). In addition, for nuclear activities, a CLI (Local Commission of Information) is associated with each nuclear installation.

Regarding the current RWM policy process in France, according to the December 1991 law on RWM, each site hosting an underground research laboratory has the obligation to set up a CLIS (Local Committee of Information and Monitoring). The CLIS must have a broad membership (local State administrations, representatives of the laboratory, local elected representatives, trade unions, NGOs – including opponents ...). However, the members of the CLIS of Bure expressed concerns that they are not connected to the national decision-making process.

#### 3.2.2.2. Formalised dialogue forums at national level

The case studies also show examples of institutional participation mechanisms at the national level, or the desire of local stakeholders for such mechanisms to be developed.

The CoRWM process in the United Kingdom gathered all types of concerned actors (notably through citizen panels and wider consultation of the public) in a comprehensive, continuous and participative

---

<sup>43</sup> See point 24 in Chapter 17 of CoRWM's final report (available on CoRWM's website: <http://www.corwm.org.uk/pdf/FullReport.pdf>).

<sup>44</sup> The findings in this section reflect those in work package 1 which looked at a toolbox for enabling local community involvement

<sup>45</sup> See paragraph 5 of the Summary Recommendations in the CoRWM Implementation Report

process of exploring and developing options for RWM. The CoRWM process also included a National Stakeholder Forum that included local government representatives and other stakeholders.

In the United Kingdom, the NDA has designed and implemented a process for the development of a national decommissioning strategy. The participation of local and national stakeholders at national level is organised through a National Stakeholder Group and its working groups on specific topics.

In Spain, there is the participation of local communities in the national policy process through AMAC, but only by means of informal consultations of the State authorities and Parliament. AMAC wants this participation formally recognised by law. In particular, AMAC recommended to the Spanish Government that they form a National Commission, composed of social representatives of the territory, politicians and experts. This Commission would develop a public procedure with the purpose of inviting the interested municipalities to participate and recommending methods to develop information processes and public participation at the local level in the host areas.

However, in order to sustain the trust of local stakeholders in the policy process, institutional mechanisms of participation should give actual means to influence decisions to the local communities and stakeholders.

In France, during the preparation of the July 2003 Law on natural and technological risks, local roundtables were organised in several local communities. Their aims were to gather the views and experience of local stakeholders and communities and to inform the parliamentary debate. However, at the time, this ad hoc consultation process, with a limited duration, did not allow by itself sustainable engagement of the local communities. Some local actors expressed dissatisfaction due to a lack of feedback and the limited visibility of the influence of the roundtables on the decision-making process.

In the UK, Copeland Borough Council stressed that the old Local Liaison Committee did not allow the local community to influence the policy process in a significant way (this committee was later on reorganised by the NDA as a Site Stakeholder Group to increase local influence and input; for more details, cf. p. 28).

In the case of a step by step decision-making process, one way of enhancing the influence of local actors on the decision-making process is enabling the participation of local actors in the design of each successive step of the decision-making process.

- In the UK, CoRWM, beyond recommendations on general RWM options, also issued recommendations on the further steps of the decision-making process to be implemented and the mechanisms for stakeholder participation<sup>46</sup>.

### **3.2.2.3. Institutional tools for a structured articulation of local and national dialogue processes**

The case studies show the development of institutional tools that enables a structured integration of local and national dialogue and allows the local communities to express their views in the decision-making process in a structured way:

- In the UK, the NDA's National Stakeholder Group includes not only national organisations but also representatives of each Site Stakeholder Group, representatives of the UK government and of the regulators, some national (including CoRWM and Nirex) and regional bodies, NGOs, national associations of local authorities (including NuLeAF and NFLA) and international stakeholders.

---

<sup>46</sup> See CoRWM's final report, Chapter 17 ("Implementing a management strategy") and CoRWM's implementation report: "Moving forward – CorWM's proposals for implementation" (available on CoRWM's website: <http://www.corwm.org.uk/pdf/ImplementationReport.pdf>)

### 3.2.3. Recognition of the special importance of the most affected communities in the decision-making process<sup>47</sup>

Among local communities having stakes in the decision-making process, some may be more directly and strongly affected by the possible outcomes (e.g. potential sites for a sub-surface facility or an underground repository). The lack of recognition of a particular status for these local communities may lead to a loss of the trust of these communities in the legitimacy of the decision-making process. The case studies show examples of practical provisions developed to give a special weight to the most affected communities in the decision-making process. These examples include giving local communities the right to withdraw from the site selection process or to veto a national decision in defined circumstances, giving a local community a special role in the review of RWM options through the signing of a Memorandum of Agreement, or setting up partnerships in which candidate sites have an actual role in the development of the local project, for both the technical and socio-economic aspects.

In the UK, all the NDA's Site Stakeholder Groups (SSG) had the same weight and status in 2005 after the transformation of the Local Liaison Committees into SSGs. Copeland Borough Council expressed concerns that they did not have a special status in the decision-making process, although West Cumbria has several nuclear sites in their area and a large proportion of the national waste. Following lobbying from Copeland, the representation of the West Cumbria SSG in the National Stakeholder Group has been adjusted to 6 people instead of the normal two for each other SSG, to reflect the different needs of the sites in its area.

Regarding the socio-economic aspects of decommissioning in West Cumbria, a Memorandum of Agreement<sup>48</sup> (MoA) was signed in November 2004 between the NDA, the North West Development Agency (NWDA), the Local Authorities of West Cumbria<sup>49</sup> and the Government Office for the North West. The MoA sets out the role of each signatory in managing the socio-economic transition linked to <http://www.cumbria.gov.uk/elibrary/Content/Internet/534/576/38293142543.pdf>

In France, after an ad hoc consultation by Parliament in 1992 (mainly focused on departmental elected representatives) the Department Council of Meuse and Haute-Marne offered their territory as a candidate for the installation of an underground research laboratory. As the 30th December 1991 Law does not have provisions for consultation with the local communities after the initial agreement, the territory of Meuse and Haute Marne is bound by its initial agreement and has no statutory way to step back from it. In the summer of 2005, opponents to the underground research laboratory of Bure gathered more than 40,000 signatures to petition a local referendum for the continuation of the laboratory's activities. The organisation of a local referendum has not been allowed for legal reasons.

In the UK, CoRWM's recommendations on implementation notably include the recommendation to use volunteer approaches relying on an open and equal partnership between the potential host community and the implementing body. The aim is to allow the local actors to take an active part in the definition of both the generic technical aspects of the proposed facility and the socio-economic provisions<sup>51</sup>. CoRWM also recommended giving the local communities engaged in the site selection process the right to withdraw up to a predefined stage in the implementation process<sup>52</sup>.

---

<sup>47</sup> This has been a key theme of the whole COWAM 2 work and has influenced all the work packages.

<sup>48</sup> The text of the Memorandum of Agreement is available on the website of Cumbria County Council: <http://www.cumbria.gov.uk/elibrary/Content/Internet/534/576/38293142543.pdf>

<sup>49</sup> Cumbria County Council, Allerdale Borough Council and Copeland Borough Council

<sup>50</sup> See principle 5, page 9 of the Memorandum of Agreement

<sup>51</sup> See CoRWM's final report, Chapter 17, paragraphs 8 to 11.

<sup>52</sup> See CoRWM's final report, Chapter 17, paragraph 23.

In Sweden, the local communities engaged in a process of examining a possible RW facility on their territory have the right of veto in the process. In Sweden, local communities can also attach conditions to their support to the process, which the WMO has to meet.

In the framework of the Belgian partnerships local stakeholders play an active role in the design of both the technical aspects of the facility and the socio-economic provisions. The local communities involved in a partnership have the right to withdraw and refuse the installation of a radioactive waste facility in their territory. This right was actually used in February 2006 by the communities of Fleurus and Farciennes, which withdrew from the PaLoFF partnership by a decision of their Town Councils.

### 3.2.4. Transparency of the policy process<sup>53</sup>

As shown in several of the case studies, some public authorities have developed practices aimed at enhancing trust and transparency in the process, making information on the ongoing consultation processes available and giving reliable feedback to the participating stakeholders.

In the UK, CoRWM and the NDA give a particular importance to the transparency of the process (information, agenda easily accessible on website), which is explicitly part of the mission of these two national bodies.

In France, in the case of the regional roundtables, local stakeholders of Dunkirk expressed dissatisfaction due to a lack of feedback. There was notably a lack of clarity about the ways in which the outcomes of the roundtables would have influenced the decision-making process.

In France, local actors have expressed strong concerns about the transparency of the decision-making process for the preparation of the future 2006 law on RWM, as it is managed by the Government, the national administration and the Parliament. In this context, the National Commission of Public Debate organised public meetings at the end of 2005 and the beginning of 2006, which allowed local actors to express their views in public. The final report of this public debate is publicly available and easily accessible, but will only represent one information source for the Government and the Parliament. Moreover, the Parliament has no clear obligation to take into account the outcomes of the public debate in their decisions.

One means to enhance the transparency of the decision-making process is to form (or mandate) an independent national organisation responsible for overseeing the decision-making process. One of the objectives of such an organisation would be to ensure that proper consultation and stakeholder engagement is done at the different stages of the decision-making process. The draft recommendations of CoRWM on implementation include the setting up of such an independent organisation to monitor the process.<sup>54</sup>

In Spain, AMAC recommends setting up a National Commission to ensure that the general criteria of transparency, information provision and participation are met in the decision-making process.

### 3.2.5. Diversity of the sources of expertise

Several case studies show that the use of many sources of knowledge and expertise (public experts, NGOs, international experts ...) in the policy process is a key element for its legitimacy and for developing stakeholders' support for the process.

In the UK, CoRWM mobilised various sources of expertise in order to represent the diversity of experts'

---

<sup>53</sup> *Transparency has emerged as an essential principle in all the COWAM work packages, it is key to finding a way forward with long-term radioactive waste management*

<sup>54</sup> *See CoRWM's final report, Chapter 17, paragraphs 17 and 28.*

views regarding RWM issues. The choice of experts was made through a mutually agreed procedure with the stakeholders. Local communities are also recognised as a source of expertise.

In France, for the preparation of the 2006 Law on RWM, the main source of expertise was the State administration and public expert institutes. Local actors in Meuse and Haute Marne and NGOs at the national level have voiced strong concerns regarding the independence and objectivity of the State experts. These concerns led the CLIS of Bure to organise a review by an independent institute (the IEER) of ANDRA's research programme. The final report of the IEER concluded that the information currently available would not allow a decision to be taken in 2006. This report had an influence on the public debate and allowed some local and national actors to stretch ANDRA and the public administration. The 28 June 2006 Law on the management of radioactive waste and materials provided for a continuation of research on the three management options considered by the 1991 Law (sub-surface storage, transmutation and deep geological repository) as complementary options. However, the law stated that only one underground laboratory (in Bure) would be needed, thus de facto choosing Bure as the site for a geological repository. Moreover, the schedule for the construction of a geological repository was set to 2015 for the beginning of the authorisation procedure and to 2025 for the beginning of operation of the repository.

### 3.3. The structuring of sustainable, democratic local communities<sup>55</sup>

The case studies offer multiple examples of the importance of well-structured sustainable democratic local communities in influencing national decision-making processes. The observed structure of effective local communities relies on different features:

- a sustainable dialogue between the different components of the local community, notably relying on tools for dialogue (local committees, roundtables, charters ...);
- the democratic elaboration of a sustainable project for the future development of the territory which allows the local actors to align their actions at the national level according to a strategy based on common stakes;
- and an integrated view of community issues and stakes, based on multi-risk perspectives and the addressing of local complexity issues in common.

Favouring the emergence of sustainable democratic communities and providing the means and resources for local dialogue is then a way to enhance the quality of local participation in national policy processes.

#### 3.3.1. The tools for local dialogue: local committees, capacity building, access to knowledge, communication and participation tools<sup>56</sup>

##### 3.3.1.1. Local Committees

The British and French case studies show different types of local committees, which are important communication channels for local influence on national policy processes. The level of independence of local committees is a key dimension for the effectiveness of this communication channel and was identified as a key element by the stakeholders of WP2.

The issue of independence of local committees concern both their statutory autonomy of action (chair, missions and objective, status ...) and their financial autonomy (independence from the operator and the nuclear industry, and freedom of choice for the use of funds).

The case studies on the NDA, AMAC, Dunkirk and the CLIS of Bure illustrate this point:

---

<sup>55</sup> The findings in the following sections reflect those in Work Package 4 on Governance and those in Work Package 1 which looked at a toolbox to enable communities to engage in the radioactive waste management debate.

<sup>56</sup> Work Package 1 looked at tools to enable local participation and has advocated similar mechanisms to those evaluated below.

In the UK, The NDA conducted a review of the operation of the existing Local Liaison Committees (LLC). Following the conclusions of this review, the NDA decided to set up Site Stakeholder Groups (SSG), based on the old LLCs, with modified structure and rules of operation aimed at enhancing the participation and engagement of the local stakeholders (broader membership, much wider remit, ability to set up focused sub-groups, NDA representation inside the SSG, reimbursement of stakeholder expenses ...). The chairman of each SSG is elected by its members, and must be independent from both the nuclear site operator and the NDA.

In France, a key element in the success of the influence of Dunkirk on the preparation of the July 2003 law on technological and natural risks was the sharing of information and the regular dialogue between the different local actors to build a common position. This local dialogue was facilitated by the existence of several forums for dialogue such as the SPPPI (Permanent Secretariat for the Prevention of Industrial Pollutions dealing with the entire industrial basin), the CLIC (Local Commission of Information and Dialogue linked with SEVESO sites) and the CLI (Local Commission of Information linked to the nuclear power plant).

In France, the CLIS of Bure is chaired by the Prefect (representative of the State at the territory level). However, the CLIS is able to operate autonomously. It is funded by the State through a Group of Particular Interest. Though the CLIS is not a judicial entity, it can decide how and when to spend its funds. This de facto autonomy allowed the CLIS to lead a process of independent evaluation of the research programme of ANDRA.

In Spain, AMAC is pushing for Local Committees to be set up in order to facilitate the structuring of local dialogue.

The legitimacy of Local Committees at territory and national level relies on the balanced participation of all relevant stakeholders regarding the issue at stake. The design of local committees in France and the UK shows a concern to adapt their composition, organisation and status in such a way as to allow the balanced participation of stakeholders.

In France, the CLIS of Bure aims to achieve representation from the different types of local stakeholders. It includes local elected representatives, local Members of the Parliament, trade unions, chambers of trade, NGOs, representatives of local divisions of State administrations and the Prefect.

In France, the ANCLI, in its White Book on governance of nuclear activities, asks for the recognition of a legal status for the CLI. It also requests flexibility regarding the nature of this status in order to allow each CLI to choose a status that is adapted to its missions and ways of operation.

In the UK, the NDA points out in its "guidance note for LLC transition to NDA Site Stakeholder Groups" that the composition of the SSGs "should reflect the representational structure of the local community and its interests"<sup>57</sup>.

In particular, this balance requires a significant contribution from actors (lay citizens, members of NGOs ...) who do not have internal resources to support their participation. Their contribution to the local debate may then be fostered by giving them appropriate resources to support the development of their contributions (e.g. reimbursement of some expenses), in a way which does not jeopardize their independence. The case studies show different examples of such support.

In the UK, SSGs now invite representatives of NGOs to be members and funds are available to cover their expenses to a limited extent.

In France, the GIP Meuse similarly provides funds to cover some expenses (e.g. travel expenses for

---

<sup>57</sup> See NDA's guidance note for LLC transition to NDA Site Stakeholder Groups, section "membership", page 2 (document available on the website of NDA : [http://www.nda.gov.uk/documents/guidance\\_note\\_for\\_llc\\_transition.pdf](http://www.nda.gov.uk/documents/guidance_note_for_llc_transition.pdf))

outside meetings) incurred by the participants in their activity as members of the CLIS. This funding through the GIP Meuse ensures independence from ANDRA.

The objective, mission and rules of operation of a Local Committee must be clearly defined from the beginning of its operation. However, the ownership of the Local Committee by the different sectors of the local community may be enhanced by giving their members the right to define and adapt objectives, missions and rules of functioning, complying to general provisions.

- In France, beyond the general provisions given by the December 1991 law, the CLIS of Bure was able to define more precisely its objective and mission, in particular the possibility to carry out counter-expertise studies.

The access of Local Committees to independent expertise allows the different sectors of the local communities to build a common and independent understanding of issues and to challenge the information given by the State bodies or the industry. Facilitating this access to expertise by giving local organisations statutory powers (e.g. the right to commission independent expert studies) and financial means is identified as a need by WP2 stakeholders.

In France, the CLIS of Bure was provided with sufficient means to carry out an independent evaluation of the research programme of ANDRA. This allowed the CLIS to challenge the views of the State. Beyond this, the CLIS has set up a scientific secretariat in order to have a permanent scientific capacity.

CoRWM recommends that the setting-up of Partnerships in candidate local communities would include the provision of an Involvement Package to the candidate community, in order to support the involvement of the local stakeholders. In particular, CoRWM recommends that the Involvement Package would include the ability of the Partnership to organise an independent evaluation of the proposals made by the implementing body.<sup>58</sup>

### **3.3.1.2. Training and capacity building**

As well as access to specific expertise, the access of members of local committees to knowledge in the nuclear field is an important element for the development of a shared understanding of the issues at stake. The French, British and Spanish case studies show different provisions and practices aimed at empowering local communities in order to increase people's participation and make local dialogue and deliberations more effective. This includes providing resources to enable members of the committee to obtain training on important issues.

In its Guidance note for LLC transition to NDA Site Stakeholder Groups, the NDA's guidelines for stakeholder involvement, recommends organising site visits and training programmes for members of SSGs<sup>59</sup>.

In France, the CLIS of Bure has organised a training programme for its members, including visits to several European sites and adapted scientific training carried out by a university. In Spain, AMAC has set up a programme of training for the mayors of nuclear communities.

### **3.3.1.3. Communication and tools for broader participation**

The case studies demonstrated the particular attention given by local committees to their communication and connection with the broader public. Several cases show how local committees have made provisions to provide information to and engage with the initially silent stakeholders and the broader local community.

---

<sup>58</sup> See CoRWM's final report, Chapter 17, paragraph 14.

<sup>59</sup> See NDA's guidance note for LLC transition to NDA Site Stakeholder Groups, section "capacity building" page 4 (document available on the website of NDA : [http://www.nda.gov.uk/documents/guidance\\_note\\_for\\_llc\\_transition.pdf](http://www.nda.gov.uk/documents/guidance_note_for_llc_transition.pdf))

In France, the CLIS of Bure uses different media for informing and mobilising the population: mailings, local radio, an information centre etc. The CLIS is now implementing a new communication strategy with focused communication through leaflets based on the outcomes of independent expert studies (IEER report, and an ongoing expertise on geothermic issues).

The NDA's site stakeholder groups have developed special "inclusion packs" to facilitate the participation of new stakeholders in the SSG.

Similarly, local authorities have identified that it is important to keep local stakeholders informed (notably about the national and local consultations in progress) and to engage the "silent majority".

- In Spain, one of the conclusions of the study of AMAC is the need to promote active transparency by disseminating and promoting thematic studies on nuclear topics. The AMAC study also recommends developing participation tools in order to engage stakeholders who are not members of the Local Committees.

### 3.3.2. The articulation of the debate on RWM issues with a sustainable development project for the future of the territory<sup>60</sup>

Dialogue between local stakeholders and local authorities notably allows the local community to elaborate, autonomously, a project for the sustainable, long-term development of the territory that is supported by the local actors. The existence or development of such a local project makes it easier to identify common stakes, encourages the mobilisation of territory actors, and enhances the legitimacy of local claims at the national level. From this perspective, the case studies show a need to connect the debates on risks and the debates on territory development at the local level.

In France, Dunkirk's development of hazardous industries brought together the issue of industrial risks and the issue of sustainable development and quality of the environment. The dialogue and interaction between the different kinds of local actors (beyond local authorities and industries) and the tools of local dialogue (especially the SPPPI) were a key element for the building of a sustainable project for local development. During the preparation of the July 2003 Law for the prevention of technological and natural risks, Dunkirk voiced its concerns and expectation about keeping a local scope for the dialogue tools by arguing that this local scope was necessary for the sustainable development of the territory.

In the case of Bure, the position of the local actors is weakened by the absence of a sustainable development project for the region, shared by a majority of local actors. In fact, some of the local elected representatives expect development projects to be brought into the territory by the operator or other external actors.

In Spain, one of the final recommendations of the AMAC study is the need to promote economic and social development projects with a balance between nuclear and non-nuclear activities thus decreasing the dependency of local communities on nuclear activities.

Similarly, the case studies show the need to connect the debates of local committees (which are more focused on risks and safety) with the debates of local authorities and development agencies (which are more focused on local development).

In the NDA case, the decommissioning issue in Sellafield is connected to the sustainable development of the area through a Memorandum of Agreement (MoA). The MoA is between the NDA, the regional development agency (North West Development Agency), the local authorities relevant to West Cumbria

---

<sup>60</sup> The findings in this section are linked to those in Work Package 4 which looked at long-term governance and how to enable communities to engage in the radioactive waste management issue over time.

(Cumbria County Council, Allerdale Borough Council and Copeland Borough Council), the British Government (Government Office for the North West) and the West Cumbria Strategic Forum, which brings together local and regional representatives<sup>61</sup>.

In the case of the CLIS of Bure, the lack of connection between the debates on risk and safety among the CLIS and the departments' local elected representatives is identified by several members of the CLIS as an element which weakens the local community's capacity to voice concerns and stakes on the national arena. From this point of view the Prefect's chairing of the CLIS (and not a local elected representative) is seen by some members of the CLIS as an element which makes this connection more difficult.

### 3.3.3. Putting the RWM issue in perspective at the community level: defragmentation, recognition of complexity and multi-risk perspectives

As the local stakeholders are confronted with the numerous and interrelated aspects of RWM issues at territory level, the fragmentation of deliberation is an obstacle to local engagement. In particular, as RWM issues are not the only risks existing in a territory, linking the RWM issues to a multi-risk perspective may increase the quality and sustainability of local participation. The case studies show practices aimed at avoiding fragmentation and trying to build an integrated vision of local issues.

- In the case of Dunkirk, nuclear risks (e.g. the Gravelines power plant) coexist with other types of risks (industrial risks). The SPPPI allows debate on all risks in the industrial basin, and the building of an integrated vision of risks at the local level.

Local committees may need to have specific skills and structures to address the complexity of local issues, and avoid fragmentation of the debates. Similarly, adapting the scope of the different local committees to the nature and geographical scope of risks is a way to enable the development of an integrated understanding of the issues at stake.

- In the case of Dunkirk, beyond the SPPPI which has a wide remit and is a forum for global discussion, the Local Commission of Information linked to the nuclear power plant of Gravelines allows more focused discussion about nuclear issues and the CLICs linked to the SEVESO sites also allow debate on specific industrial risks.

## 3.4. The strategies of local actors to increase their influence at national level<sup>62</sup>

The case studies show that local actors develop independent strategies, both at local and national levels, to raise their influence in decision-making processes. These strategies are framed by the aim to achieve local empowerment and autonomy in decision-making processes, taking proactive positions rather than reactive ones, avoiding isolation and balancing the powers of State institutions and the operator. The characteristic elements of these strategies shown in the case studies are detailed below.

### 3.4.1. Local strategies: emergence of local entities as independent political actors.

Beyond the development of local views, the structuring of local debates and the democratic elaboration of long term development projects (cf. previous section: "The structuring of sustainable, democratic local communities"), the local actors develop individual or joint actions to exert pressure on the national decision makers. These actions can take various forms: lobbying, use of the media, demonstrations, communicating local issues at national level through national NGOs, legal actions based on national, European or international

---

<sup>61</sup> See text of the Memorandum of Agreement (available on the website of Cumbria County Council: <http://www.cumbria.gov.uk/eLibrary/Content/Internet/534/576/38293142543.pdf>)

<sup>62</sup> The findings in the following sections relate to the toolbox developed in Work Package 1 to enable local participation.

legislation like (e.g. the Aarhus convention, EIA and SEA European directives etc).

In France, local demonstrations organised in 2000 on pre-selected sites impeded the choice of a site for a second underground research laboratory in granite.

In France, the joint lobbying of Dunkirk's local actors allowed the local community to exert an effective influence on the elaboration of the July 2003 Law.

The CLIS of Bure makes extensive use of the media at the local level. Beyond the use of the local media, some members of the CLIS managed, in 2005, to mobilise a national satirical newspaper to publicise the IEER report. This triggered a series of articles on this subject in the national press.

The claims of the local actors of Meuse and Haute-Marne concerning the laboratory of Bure are fed into the national level by national environmental (e.g. Greenpeace) or anti-nuclear (e.g. "Réseau Sortir du Nucléaire") NGOs.

Local Members of Parliament offer a natural channel of communication between local communities and national actors. They represent an opportunity for the local communities to lobby at the national level.

- In the case of Dunkirk, Michel Delebarre, MP, mayor of Dunkirk and President of the Community of towns of Dunkirk had a key role in transmitting the local views to the Minister of Environment, Ecology and Sustainable Development in the preparation of the July 2003 Law .

To avoid isolation, it is necessary for local actors to broaden the scope of their interests from specific local stakes to general ones. For example, the fairness and democratic character of decision-making processes, inter-generational equity, environmental justice and so on, in order to gain the support of the public and other stakeholders outside the community and at the national level.

In France, in the case of Bure, the positions voiced by the CLIS both at local and national level (i.e. that the 2006 Law should not decide the establishment of a deep geological repository in Bure) were grounded on respecting the provisions of the 1991 Law and the so far unsolved scientific uncertainties about Bure's suitability as a repository.

In Spain, the recommendations of AMAC for the organisation of the decision-making process on RWM are grounded on the need to find a democratic and socially acceptable solution for the management of radioactive waste.

### 3.4.2. National strategies: inter-community networking and support to national entities representing local interests at the national (and European) level.

Broadening the scope of local interests allows local communities to coordinate their views and form independent organisations, or take part in existing ones, with an actual political strength able to defend their stakes at a national level and to lobby national actors. In particular, the case studies show that forming associations of local authorities or of local committees (or empowering existing ones) is a powerful way for local communities to increase their influence on national decision-making processes.

In France, the CLIS of Bure joined the ANCLI (National Association of Local Commissions of Information) in 2006. It allowed the CLIS to participate in the debates organised by the ANCLI about RWM and had an influence on its positions. It also allowed the CLIS to take joint positions with the ANCLI about the Bill issued by the Government in March 2006. In a joint press release on 6th April 2006, the CLIS and the ANCLI demanded that the outcomes of the public debate, which took place at the end of 2005 and beginning of 2006, should be considered in the new 2006 Law. They also announced their intention of resorting to judicial action should this not be the case (French Charter of Environment and the Aarhus convention).

In Spain, the mayors of nuclear local communities formed the AMAC, which allows them to coordinate

their views and have an actual political strength at the national level. AMAC has regular informal meetings (particularly with the Spanish radioactive waste manager, ENRESA, and the regulator, CSN) and has a strong influence in the RWM field.

In the UK, the Shetland Islands and Cumbria's participation in existing interest groups (Nuclear Free Local Authorities and the Special Interest Group of the Local Government Association on RWM and decommissioning issues called the Nuclear Legacy Advisory Forum (NuLeAF), have provided forums to develop a shared local government view and provided more opportunity to influence national processes.

The case studies also showed that these independent organisations may organise debates between local communities, take initiatives in the national arena and promote structured proposals in a proactive way.

- In Spain, AMAC organised, in 2004, a structured process of reflection on radioactive waste management at the national level, COWAM Spain, inspired by COWAM 2. This reflection engaged local stakeholders, representatives of regional governments, the nuclear sector, the Spanish radioactive waste operator (ENRESA), the regulator (CSN), trade unions and experts from different Spanish universities. The outcomes of COWAM Spain are recommendations for the organisation of the national decision-making process on RWM. AMAC is now actively lobbying the Government and the Parliament to implement these recommendations.

In France, the ANCLI issued a White Paper on governance of nuclear activities in 2005, voicing expectations and concerns about the status and organisation of the CLI and about dialogue on nuclear issues. The ANCLI is now preparing another White Paper, on RWM with the participation of representatives of the CLI and of the CLIS of Bure. The aim of this white Paper is to make concrete and structured proposals for the 2006 Law on RWM, possibly including direct proposals for sections of this Law.

A final strategic objective of local actors observed in the case studies was to get formal and legal safeguards guaranteeing and securing their participation and that of representatives of the civil society in the future steps of the decision-making process.

In Spain, the National Commission as proposed by COWAM Spain should formally give a key role to local actors in the decision-making process. Another legal guarantee demanded by COWAM Spain is the principle of a voluntary engagement of local communities in the decision-making process.

In its White Paper on governance of nuclear activities, the ANCLI, as a representative of the CLIS, claims a statutory role in the decision-making processes on nuclear issues.

Beyond the national level, the case studies also show examples of empowerment of local authorities through networking at European and international level. These networks allow local authorities to influence decision-making processes at these levels and enhance their strength at the national level.

In Europe, nuclear communities have formed the Group of European Municipalities with Nuclear Facilities (GMF) to increase their influence at the European level

In the UK, the Shetland Island Council is a member of KIMO (Local Authorities international environmental organisation) and NENIG (Northern European Nuclear Information Group)

In France, the Community of Dunkirk is developing European partnerships on risk and development issues.

Finally, the participation in European research processes like COWAM also allows local stakeholders to participate in the development of European standards. ■

# Chapter 4

## PRINCIPLES AND GOOD PRACTICES

### 4.1. Introduction

In this chapter, we set out:

The essential principles that we believe should influence the engagement of local actors in national decision-making processes in relation to the management of radioactive waste.

Practices which we believe can be used to achieve the principles and enable local communities to influence national decision making.

The principles and practices have been developed from considering changes in the need for stakeholder involvement in national decision-making processes; analysing the case studies outlined in the previous sections; a review of legislation and conventions; and the discussions that have taken place as part of COWAM 2. In proposing these principles and practices, we are conscious of those aspects that distinguish decision making in this particular field from that in other aspects of land-use planning. Decisions about radioactive waste differ particularly because:

- A decision to locate a radioactive waste management facility in a particular region is likely to have consequences for that region for many thousands of years;
- The issues involved in radioactive waste management are of unusual technical complexity and therefore present substantial challenges in terms of communication between experts and lay people;
- The decision will, in all likelihood, be taken at the level of national government, in contrast to many land use planning decisions which are taken at local or regional level.

The following section outlines an important definition that frames the principles and good practices outlined in this chapter.

### 4.2. The Meaning of 'Local Actors'

For present purposes, the term 'local actors' is taken to mean stakeholders who wish to influence national policy in order to ensure that the needs of their locality are recognised in the preparation and implementation of that policy.

Our definition takes account of the guidance contained in the Aarhus Convention<sup>63</sup>, which describes the public concerned in an environmental decision as including: '...the public affected or likely to be affected by, or having an interest in, environmental decision making.'<sup>64</sup>

However, local actors include not only the general public but also local organisations, whether governmental or non-governmental. Thus, local actors are likely to include, but are not limited to:

- statutory organisations with a local remit, for example local government or government agencies;
- local members of the national or regional parliament;
- local community groups and non-governmental organisations;
- businesses and organisations representing local business interests;
- local individuals with an interest in the relevant matters, whether formally representative of the community or not.

It is not possible to define the term 'local' with precision. We consider that it must be taken to represent a locality which has meaning and relevance for those who wish to engage in any debate about the implications of any project concerned with managing radioactive waste. 'Local' therefore means any locality that sees its interests as being potentially affected in some way by any proposed facility.

An important issue is the relationship between the local stakeholders and the elected representatives and those responsible for making local decisions. The elected representatives may be the formal route for local people to influence the decision-making process and mechanisms must be put in place to enable the decision makers to understand local concerns and take them into account in their decisions. Whether the elected representatives are the formal route or not will depend on the democratic traditions of each country. Therefore, mechanisms will need to be developed to work within the particular decision-making framework of each country.

## 4.3. Key Principles

The following sections outline the key principles that we believe must be adopted if local actors are to exercise influence in a meaningful way. These principles are identified as:

- 1 The existence of an inclusive national framework for decision making;
- 2 A co-operative approach to decision making;
- 3 Respect for environmental justice and human rights;
- 4 Participation of local communities;
- 5 Rights of a community in the siting phase of RWM programmes;
- 6 Long-term community sustainability;
- 7 Recognition of the need for transparency and good communication.

Some of these have been enshrined in international conventions or agreements and we refer to these where appropriate.

### 4.3.1. Principle 1 *The existence of an inclusive national framework for decision making*

In order that local actors can exercise influence in a meaningful and constructive way, it is important that a national policy is either:

in existence, embodying a coherent set of principles and objectives that are clearly expressed and

---

<sup>63</sup> UN Economic Commission for Europe, *Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters: The Aarhus Convention, 1998.*

<sup>64</sup> Aarhus Convention, Article 2, paragraph 5

readily accessible; or being developed by the national government, with clear terms of reference to enable stakeholder involvement from the start of the process.<sup>65</sup>

If neither of these conditions applies, it can be difficult for local actors to focus their attention and structure their contribution. It follows that national government has a responsibility to ensure that these requirements are satisfied.

The decision-making process should not be a "fait accompli". It should be based on a political and institutional decision that is the result of a balanced decision-making procedure which includes democratic representation and societal participation at national and local levels. A range of citizens from several generations and different backgrounds should be involved.

The decision-making process must enable all issues and concerns to be raised and discussed in an open forum and any conflicts of interest or synergies between issues and impacts to be identified and addressed.

A stepwise decision-making process should be used with clear decision points and clarity about who is responsible for making the decisions and how stakeholders can influence the decisions.

The framework must also provide clear opportunities for local communities, including individual stakeholders, to influence decisions. The framework will need to develop over time as the focus of the decision making changes (from options, to potential sites etc). However, stakeholder involvement should remain at the heart of the framework and the process must be inclusive and enable all those who want to participate to do so. In the early stages of the decision-making process, when potential sites for hosting a facility have not been identified, local communities who currently host the radioactive wastes or the activities producing them should be engaged in the debate.

There must be clear roles and responsibilities for all the stakeholders involved in the decision-making process, especially local elected representatives in the local community. If there are several tiers of Local Authority in an area then their respective roles should also be clearly defined.

#### 4.3.2. Principle 2 *Participation of local communities*

The management of a nation's radioactive waste is a national issue for which the national government<sup>66</sup> has ultimate responsibility. However, for RWM issues, it is essential to engage the local communities and include them in the decision-making process even if, in general, they will not be the final decision makers. Therefore, the local stakeholders may not have responsibility for making the decisions, but should be able to influence them and make inputs into them.

If a stakeholders' group or panel is to be established to advise on and monitor any radioactive waste management project, certain criteria must be met. Such a group must:

- Be properly constituted in order that it can enjoy the respect of government, regulators, operators, NGOs, the general public and indeed the group's own participants;
- Be made up of members whose presence is based either on appointment (if representing an existing organisation) or on democratic election (if representative of the public at large);
- Operate transparently, with meetings open to the public;
- Be chaired by an individual whose independence and integrity is accepted by stakeholders;
- Be funded in ways that guarantee independence from the influence of any particular interest group and enables them to fully engage in the decision-making process.

---

<sup>65</sup> *The trigger for this national policy can be the Government or, as in the Spanish case, local actors creating the momentum for a national debate.*

<sup>66</sup> *Or regional government, if decisions on radioactive waste management are devolved.*

The relationship between any panel and the decision makers must be clearly set out to ensure the roles of all parties are clearly understood.

Dialogues need to be well articulated with stepwise and transparent decision-making processes including statutory checkpoints in which local and national stakeholders are fully engaged.

Due to the complexity of RWM policy issues, it is necessary to provide stakeholders with opportunities to develop their competencies and strategic capabilities in order to create the conditions that enable their meaningful engagement in a policy process.

The fact that some local communities will be more directly impacted by the decision process must however be acknowledged and duly considered (e.g. candidate sites for a radioactive waste management facility in later stages of the policy process). These communities must have clear opportunities to influence the decisions.

The networking of local communities at regional, national or international levels is a key tool for raising the level of influence of local actors in RWM policies and increasing their autonomy vis-à-vis the others players in this field. RWM policies should support networks and provide them with appropriate means and resources, including access to expertise in order to build their capacity to engage in the decision-making processes.

#### 4.3.3. Principle 3 *A co-operative approach to decision making*

In general, co-operation between all those engaged within the policy process is better than confrontation, but each party should be empowered to participate and must reserve the right to challenge the process or its outcomes at any time.

Participation of local actors in radioactive waste management decision-making processes should, as much as possible, rely on mechanisms based on mediation, co-operation and volunteerism. As far as practicable the process should be developed on the basis of partnership between the local communities, the implementer and the Government. This approach promotes positive engagement, rather than relying on rigid procedural mechanisms which often end in confrontation, judicial review and formal inquiries. However, these more formal, adversarial mechanisms should be available to local actors, in case they are needed.

The co-operative approach should include the ability to influence the structure of the decision-making process and the issues that are going to be discussed and addressed, as well as making inputs on the issues being considered.

#### 4.3.4. Principle 4 *Respect for environmental justice and human rights*

The Aarhus Convention emphasises the need for justice in environmental matters. The European Convention on Human Rights<sup>67</sup> sets out the basic rights to which all citizens are entitled. Any decision-making framework must take account of these requirements.

The taking of decisions on matters to do with radioactive waste may impinge on human rights in a number of ways. The Aarhus Convention sets out that people should have:

'The right to participate from an early stage in environmental decision making! This has been incorporated into the European Directives on environmental assessment<sup>68 69</sup> which advocate involving

---

<sup>67</sup> Council of Europe, *The European Convention on Human Rights*, Rome 4 November 1950.

<sup>68</sup> Directive 2001/42/EC, *On the Assessment of the Effects of Certain Plans and Programmes on the Environment*, 2001.

<sup>69</sup> Directive 85/337/EEC, *On the Assessment of the Effects of Certain Public and Private Projects on the Environment*, 1985, amended by Council Directive 97/11/EC, 1997.

stakeholders when the scope of the decision-making process is being discussed and the criteria against which potential options are going to be assessed are being developed.

The concept of a 'fair trial' is, within the European Convention on Human Rights, set in the context of criminal proceedings. However, the central requirement for fairness in process is also relevant to any judicial or quasi-judicial process that may be involved in the making of decisions about radioactive waste. It is certainly central to any effort to ensure environmental justice. This means, for example, that technical assessments must be properly scrutinised, e.g. by peer review and that any person charged with chairing any form of public inquiry or court process must be, and must be seen to be, wholly independent of any interests involved in either side of the debate. It is also essential to ensure that there is no blurring of the distinction between the technical side of the debate and the political judgements that are likely to be involved in the final decision.

In this connection, the provisions of Article 9 of the Aarhus Convention should be borne in mind. That Article states that signatory governments:

'...shall ensure that information is provided to the public on access to administrative and judicial review procedures and shall consider the establishment of appropriate assistance mechanisms to remove or reduce financial and other barriers to access to justice.'

This is linked to the issue of community benefits, see principle 5.

Environmental justice encompasses intergenerational justice and the preservation of the rights of the next (future) generations. RWM policies should provide future generations with appropriate means, procedures and know-how to enable their effective participation in the long-term management of the facility (for example, the application of the precautionary principle, introduction of regular check points involving stakeholder participation, continued access to resources and expertise to sustain effective participation).

#### 4.3.5. Principle 5 *Rights of a community in the siting phase of RWM programmes*

Siting processes should seek agreement between national implementers and local communities based on the needs of both being met. Reaching such agreement will need equal negotiating power. The agreement must provide for the right of the community to withdraw from the process and must identify the points or stages at which that right to withdraw may be exercised. It should also outline the point beyond which the right to withdraw could not be exercised unless certain conditions occurred.

All territories should be a priori considered as potential candidates for hosting a radioactive waste management facility. Local communities should be invited to participate in investigation of potential sites in their area, rather than having site investigations imposed upon them. However, communities must also be given the ability to withdraw from the process for justified reasons (veto). True equality of engagement must provide communities with the ability to say yes and no.

A community volunteering to have their area investigated as a potential host site should not be viewed as the community agreeing to site the facility. A staged approach to consent should be adopted which provides the community with opportunities to express their support to proceed to the next stage of the site selection process and ultimately agree to host the facility itself or to withdraw from the process at designated points in time.

However, it is possible that the position might be reached where no local community within the national territory is willing to host a radioactive waste management facility. There is no straightforward solution to this problem. It would then fall to the national government to determine a means by which a decision could be taken. Should such a position ever be reached, it would be essential for that national responsibility to be exercised in the light of the fullest possible understanding of the issues involved and of the views of all stakeholders and all potential host communities. We believe that the taking of decisions in this field must be done in a transparent manner, subject to national security issues (see principle 7), and that adequate reasons must be given for every decision.

### 4.3.6 Long-term community sustainability

RWM is a national issue that requires local solutions. Siting a RWM facility in a local community does not mean that the national community gets rid of its long-term responsibility for the waste. A principle of national solidarity with the local hosting community should be established over the long term. Community benefits should be viewed as a way of recognising the role that the local community is playing on behalf of the rest of the country. This is necessary because although the presence of the facility may be a potential source of employment and workforce income, the community will be affected by actual or potential detriment associated with the local presence of the facility (potential long-lived risks now and in the long term, potential degradation of the image of the territory and its activities or its products, possible decrease in house prices). The siting of the facility may also make the community dependent on RWM if other sustainable activities are not developed in the area. In this perspective, the development of the facility should be used as a mechanism to enhance the sustainability and the autonomy of the community and provide opportunities to invest in its long-term development.

Accordingly, the issue of community benefits must be discussed in parallel with the development of any proposal to locate a radioactive waste management facility in any particular area. The project should bring an overall benefit to the local community and mechanisms should be put in place to offset any negative impacts that might be caused by the facility. Initiatives should be put in place to build on the skills base and knowledge that will develop around the facility to encourage local development. Any community benefits should not be regarded as a kind of bribe, but rather as a means of enabling the locality to:

- Fully engage in the dialogue and decision-making process;
- Develop their local skills and long-term sustainability;
- Overcome the tangible economic and social disadvantages that it might otherwise experience;
- Support local capacity building and the local vigilance of citizens in the long term.

A further key requirement of any decision-making process that aspires to deliver environmental justice is that of 'equality of arms'. This means that all parties involved in the process should have resources available to them to analyse the issues and present their case. In order for equality of arms to exist, it will be necessary to ensure that local actors have effective access to:

- The decision-making process and dialogues related to it;
- Technical expertise;
- Legal advice and assistance;
- Resources to scrutinise and test information;
- Adequate time to prepare and present their arguments;
- The opportunity to challenge decisions through court procedures;
- Practical support, including for example fully funded child-care.

These issues should also be addressed as part of the community benefits package. The prescription of detailed management arrangements for any community benefits offered is beyond the scope of this paper, but we believe that any community benefits arrangement must be:

- Wholly transparent;
- Within a framework agreed at the national level;
- Locally accountable;
- Guaranteed in the very long term.

It is also important that the use of the funds in a community is open, transparent and accountable. Mechanisms should be put in place to audit the use of the funds to check they are being spent appropriately.

### 4.3.7. Principle 7 Recognition of the need for transparency and good communication

The Aarhus Convention and the European Convention on Human Rights include the right to freedom

of expression and the right to receive information freely. This has particular implications for the transparency of the decision-making process; thus, any attempt to restrict or distort the flow of information to the public may be challengeable on human rights grounds.

All the information upon which any decisions regarding the management of radioactive waste are based must be publicly available. Decisions must be made transparently and baseline information that provides the foundation for the analysis leading to a siting decision must be made available. However, the record of decisions made is also part of the body of information that accumulates as the project develops. It is vital, therefore, that a full and accurate record of all decisions and the reasons for them is kept and that it is shared between stakeholders. This amounts to a requirement for complete transparency in the creation and management of data. This will best be achieved through arrangements that promote joint working between stakeholders. Openness and transparency enable stakeholders to scrutinise decisions and those in authority to check that they are doing what they say and are acting legitimately.

However, these issues must be balanced against a need to maintain safety and security. Therefore, there may be limits on the amount of information that can be made publicly available. The release of sensitive information is regulated in each country to ensure that information that could affect national security is not released into the public domain and dialogue and decision-making processes must work within these regulations.

The management of radioactive waste is a complex subject and it is essential for technical issues to be presented in ways which members of the public can understand. It is important to recognise that special skills are required if these issues are to be explained in a way which is comprehensible to members of the public. It is also essential that adequate checks and balances are in place to ensure that communications are objective and the channels of communication used do not introduce distortion, deliberately or unwittingly. From the outset, all projects that may lead to the location of a radioactive waste management facility should be supported by satisfactory expertise in communication.

Communications between relevant participants will evolve over time and the communication tools should be designed to fit the purposes of the current issue. Clear, transparent and effective communication is essential at all stages.

## 4.4. Good Practices

### 4.4.1. Methodology

Practical measures need to be put in place to enable the decision-making process relating to long-term radioactive waste management facilities to adhere to the principles outlined in the previous section. The methodology used for this work included analysing case studies from France, Spain and the UK from which we have identified examples of mechanisms that have been used and recommended in different settings to enable local communities to be involved in decision-making processes. The discussions have also identified bad practices that should be avoided in the future (see Chapter 3). The WP2 expert resource group (ERG) also contributed reflections on possible mechanisms and good practices for local influence on national decision-making processes (see appendices). Together the analyses of the case studies and these reflections supported the deliberations of stakeholders in two of its meetings (4th and 5th SRG meetings).

The deliberations were focused on both the formal decision-making processes and the more informal mechanisms that enable local communities to influence decisions. The following sections contain recommendations on good practices which we believe will provide local communities with greater power and influence on decisions. To make the recommendations accessible the practices are grouped to reflect the different local and national stakeholders they relate to, rather than as in Chapter 3 where the findings were grouped under key themes.

The focus of the decision-making process will change over time as the issues being discussed change, for example the process will move from considering long-term radioactive waste management options (at a national level) to considering potential sites for implementing those options (at a local and national level) to considering details of implementation (local level). Therefore, it must be recognised that the stakeholders who want to be involved in the process may change over time and different engagement mechanisms may need to be used to enable this to happen. A key issue is to ensure that the process is inclusive and enables all those who want to participate to do so.

## **Stakeholders**

The different stakeholders and their perceived roles are outlined below to set the context for the practices.

### **Local Communities**

The "local community" is made up of local citizens acting independently or through the channel of elected, local government bodies (such as a parish council or district council in the UK) in the area near a potential site. The latter, their elected representatives, come under the definition of "Local Authorities". 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. Local Authorities, together with other local economic and administrative bodies, local NGOs and lay active citizens may constitute the 'local stakeholders'. The exact definition of the 'local community' and 'local stakeholders' will depend on the particular circumstances in an area.

### **Local Authorities (LAs)**

These are the elected representatives of a local community. They have the local decision-making power for the area and are the people responsible for formally representing the interests of the local community in national processes, for example parliament. To enable them to fulfil this role the LA often has access to resources to evaluate whether proposals will benefit their local community and to access local opinions on proposals.

### **Local Committees (LCs)**

Local committees are groups of local stakeholders who are brought together to consider the implications of building a long-term radioactive waste management facility in their area and advise the Local Authorities. They are usually made up of a range of local stakeholders and operate so as to advise and influence both the Local Authorities and the implementer.

The practices outlined in this report focus on Local Committees set up to focus on the potential implementation on a long-term radioactive waste management facility in an area. We recognise that current nuclear sites often have a 'local liaison committee' of some sort to enable local communities to influence plant management. Lessons learned from these committees have been included in the analysis, however, we recognise that the focus of the two committees could be quite different and could therefore require different membership and management. Where development of the long-term radioactive waste management facility is being considered near an existing nuclear plant it will be important to co-ordinate the activities of any committees which are established with those that already exist to ensure that common areas of interest can be addressed together.

## **NGOs**

NGO refers to Non-Government Organisations; these could be local or national. The term includes the traditional environmental groups who raise concerns about environmental issues. However, the term also includes civil society groups, employee groups and trade unions who aim to articulate the concerns and interests of their members in decision-making processes.

### **4.4.2. Policy and decision processes**

This section contains recommendations on good practices relating to the policy and decision processes.

1) There should be early and continuing engagement of the regulatory bodies in the policy and

implementation processes.

2) It is good practice for state bodies to create a national forum for debate on radioactive waste management that involves concerned stakeholders from affected local and regional communities. Making the involvement of these stakeholders a statutory requirement would help to ensure their influence on the decisions.

- a. This National Forum should empower local citizens to scrutinise the radioactive waste management institutions over the long term.
- b. The National Forum should complement existing democratic structures.
- c. The National Forum should be flexible and its membership should adapt to the stage in the decision-making process.

3) It is good practice to have a body independent of the government and nuclear industry as 'guardian' of the policy and implementation processes. The role of this body would be to oversee the processes to ensure that they are legitimate. This role is seen to be needed in addition to regulatory scrutiny and should look across the management of all radioactive wastes and materials to ensure there is an integrated approach.

4) The decision-making process must enable participation and allow sufficient time and resources for this. There should be regular checkpoints and particular steps where local stakeholders express their views about proceeding in the process<sup>70</sup>.

5) In setting up dialogues 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. Each stage of the decision-making process may require the constitution and operation of different participatory and deliberative mechanisms.

6) National consultation processes should recognise that some communities may have more 'stakes' than others in particular aspects of the consultation (e.g. candidate communities for hosting a RWM facility, neighbouring communities, people on transport routes etc.). The weight given to a community's views should recognise the potential impact of the decision on it.

7) Radioactive waste management should be the subject of regular political debate to keep it in the public eye and develop buy in from the various political levels.

8) 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.

9) Before a national decision is made on any proposal, the decision makers should seek the guardian's independent opinion on the process and the LA's opinion on the proposals.

#### 4.4.3. Local communities and NGOs

This section contains recommendations on good practices relating to local communities and NGOs.

10) It is necessary to empower members of local communities including the members of the Local Authority and local interest groups (e.g. through capacity building) to increase their opportunities for participation, to make local dialogues and deliberations more effective and to enable local communities to make inputs into the national debates. Empowering local stakeholders will increase their autonomy and enable them to make inputs to their LC and LA.

11) It is necessary to consult and engage the potentially affected local communities even if, in general,

---

<sup>70</sup> 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. These checkpoints

they will not be the decision makers. Radioactive waste management decisions need to take into account the issues and concerns of local stakeholders and be influenced by them, even though they are the responsibility of the industry and/or government. Engagement mechanisms including good communication should be developed by policy makers, site operators, contractors and other organisations involved in these issues.

12) Active citizenship is enhanced by the organisation of citizens' activities into relevant local community groupings (e.g. NGOs, civil society groups, employees' groups, trade unions). Such groups should be in close communication with Local Authorities to enable joint fact-finding and stretching of national actors within an overall co-operative approach. The existence of effective local community groups is a means to stretch the industry.

13) Because of the long-term significance of long-term radioactive waste management facilities local communities should have the right to say yes or no to the facility. Various mechanisms could be used to enable this: council vote, referenda etc. The exact nature of the mechanism used will depend on the democratic processes and laws in each country.

14) The structure of the democratic process in the local community and its engagement with local stakeholders plays a key role in its success in influencing national decision-making processes. Good practice includes:

- a. A sustainable dialogue between the different components of the local community using a variety of engagement tools (Local Committees, mediation, capacity building ...);
- b. Development of a local view of the issues and stakes that are important through a wide ranging dialogue;
- c. Development of a sustainable development project for the community which enhances its autonomy and addresses local issues.

15) The debates on risks and RWM should be articulated (but not merged) with the debates on regional development at the local level. The debates of Local Authorities and local development agencies should take inputs from the Local Committees. To enable this Local Authorities should be involved in the work of the Local Committees.

#### 4.4.4. Local Authorities (LAs)

This section contains recommendations on good practices relating to Local Authorities.

16) The Local Authority should be regarded as a leading player in the decision-making process and must therefore be sufficiently resourced to be able to participate fully in the process, for example to appoint its own dedicated staff or engage its own independent expertise.

17) In areas where there is more than one tier of local government, there should be structured joint working between the tiers to avoid fragmentation of the local deliberations. In order to facilitate this the roles and responsibilities of the different tiers and any local community groups must be clearly defined.

18) The discussions the LA has on 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. Resources need to be made available for this.

19) 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 about what is happening within it now, with its long-term concerns. This is particularly significant for communities with problems relating to their sustainable, long-term development. The deliberations must enable all stakeholders to discuss both short and long-term issues, so that synergies can be maximised and conflicts of interest can be addressed.

20) LAs can increase their capacity to influence national decision-making processes by co-ordinating their views and forming national or European associations or networks<sup>71</sup>. It is good practice for such

associations to be recognised by National Authorities as reference or statutory stakeholders in the national decisions on RWM.

21) Regional governments should participate in the design and execution of the decision-making process if they have competences in RWM in the political and administrative organisation of the State.

22) It is essential to maintain relevant local input as the decision-making process progresses. This may mean that the mechanisms used to enable local input have to change over time to reflect the changing process.

#### 4.4.5. Local Committees (LCs)

This section contains recommendations on good practices relating to Local Committees.

23) It is good practice for State bodies to favour local dialogue and the participation of local stakeholders in the policy process by creating Local Committees (LCs) or facilitating the operation of existing ones.

24) Where there are several LCs already engaged in examining different aspects of the nuclear industry, they should co-ordinate their activities.

25) The purpose, remit and role of LCs should be clearly defined at the time of their constitution. Members of the LC should be able to define their objectives, mission, chairmanship and rules of functioning, complying to a general framework. The responsibility of members must be clearly defined, including their responsibility to the stakeholder group they represent on the LC.

26) It is good practice for the chair of this type of LC to be independent of the nuclear industry or any related governing bodies or agencies.

27) LCs need to make all necessary efforts to achieve balanced participation and engage silent stakeholders in their deliberations. This may be done through the provision of resources to enable participation. LCs should also use mechanisms to ensure that they understand the issues of the local community they are representing and are taking them into account in their work.

28) LCs should have financial autonomy in order to make their responsibility for stretching the industry and government bodies more effective. Resources for their operation need to come from independent sources (in particular, independent from the public decision makers or from the nuclear industry). If they do derive from the nuclear industry or any related governing bodies or agencies, mechanisms should be put in place in order to protect the LCs autonomy.

29) It is a good practice to facilitate the access of LCs to technical resources and expertise (e.g. counter-expertise studies, training for the members of the LCs, agreements with public institutes of expertise, undertaking site visits etc.)

30) LC members should receive appropriate resources (e.g. reimbursement of childcare costs and lost wages) to support the development of their contributions and maintain their engagement over time in the local and /or national decision-making processes (including assessment of the outcomes of their participation).

31) 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. This is necessary to confirm whether

---

**71** 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).

or not decisions are made within the framework of an already accepted local policy, and therefore whether or not there are grounds for the decision's referral.

32) 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 within the framework that has been developed and is spending its money appropriately.

#### 4.4.6. Local participation in national dialogues and consultations

This section contains recommendations on good practices relating to local participation in national dialogues and consultations.

33) Dialogues need to take place in ways that build stakeholder confidence in the decision-making process and those responsible for making decisions. This requires decision makers to be open and transparent in their dealings and to listen and respond to stakeholders' inputs.

34) 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 is counterproductive for national institutions to take premature decisions once they have started a consultation process.

35) Local representatives in dialogues should have the resources and mechanisms to inform, and possibly engage, the local silent majority. National dialogues should be open to contributions from all individuals, whether or not they are involved in Local Committees and mechanisms need to be put in place to enable this to happen.

37) Local-national dialogues about long-term RWM policies should involve the full range of local and national stakeholders to enable their different areas of expertise to be included in the process. This is necessary to increase local influence over the spectrum of viewpoints that will eventually influence the policy outcomes.

38) National bodies as well as Local Authorities should disseminate all information and documentation about national consultations in progress.

39) There should be an independent assessment of every consultation process, to identify lessons to apply to ongoing and future processes. ■

# Chapter 5

## CONCLUSIONS

### 5.1. Introduction

The aim of this final chapter is to outline a number of over-arching themes that have emerged from the research and discussions that took place within COWAM 2 WP2. Participants in the work package consider that these conclusions capture important findings that will support implementation of the principles and practices that were identified in the project (see previous chapter). As such, the conclusions presented here represent reflections on the general theme of enabling the effective involvement of local actors in the governance of radioactive waste management.

A reflection is then provided on the extent to which COWAM2 WP2 was judged by participants to have succeeded in fulfilling the objectives for the work that were established at the outset of the project. Finally, the chapter considers how the findings in WP2 relate to the other COWAM 2 work packages.

### 5.2. Themes and Key Findings

#### The National and Local Context

No 'one-for-all' solutions have been proposed as an outcome from the studies and discussions that took place in WP2. The Case Studies that were explored by participants in the work package clearly demonstrate that situations – and, inevitably, solutions to questions of local influence on the national process – are framed by local and national factors, including the historical context, legislation, political structures and stakeholder groups, as well as the current status of waste management programmes in different countries, or at particular sites and facilities.

Such unique factors mean that what works well in one country, or in one local situation, may not be so effective elsewhere. The mechanisms for local influence that are adopted, the levels of dialogue and engagement that are undertaken, and the issues discussed, will all be conditioned by local and national factors. To illustrate this, it can be noted that the 'Oskarshamn Model' for local partnership in the context of the Swedish HLW disposal programme, which was discussed extensively in the original COWAM network, was not adopted at Östhammar, the other municipality that has been engaged with SKB in its detailed site investigation programme, even though the model has evidently been successful in relation to the local situation at Oskarshamn.

This recognition underlies the approach taken by participants in WP2 to identify and describe overall principles and good practices (Chapter 4), rather than to attempt to develop definitive recommendations. Nevertheless, these outcomes from the work should be considered as providing a benchmark against which to judge the adequacy and effectiveness of arrangements in any given local situation. In the same way, they can also be used to provide suggestions for possible routes to improvement in situations where local engagement processes may not be working effectively.

## The Principle of Partnership

Radioactive waste management involves the development and operation of facilities that must be socially, technically, environmentally and economically sound, for hazardous substances that have a strong resonance in terms of public interest and concern. This necessitates a collaborative approach between authorities, experts, those with accountability for the wastes, and local stakeholders if public confidence in decision making is to be secured. In the view of COWAM2 WP2 participants<sup>72</sup>, successful and effective governance therefore embodies processes based on the principle of partnership between Government, implementer and (potential) host communities.

Transparency of the decision-making process and effective, meaningful access to relevant information and people are prerequisites for successful stakeholder involvement in radioactive waste management. Stakeholders recognise that security and safety issues always have to be taken into account, but within these constraints communication channels need to be developed and as much information as possible should be made available to provide the widest possible basis for engagement on issues of concern.

## The Importance of Clear Policy and Process

A central finding from the Work Package is that the governance of radioactive waste management programmes benefits from the existence of a clear overall policy and national strategy. This should include well-defined stages in the decision-making process, and properly understood conditions for both participation and withdrawal, appropriate to the particular situation.

Although situations may differ, it is possible to identify the need for clear 'rules of engagement' associated with different stages in the implementation process. These should be linked to defined responsibilities for decision making, as well as the development of a common understanding of appropriate and acceptable forms of behaviour that respect legitimate interests.

Where a clear strategy did not exist, as was the case in the Spanish case study, local communities found it was necessary to develop their own ways of influencing the national process and even put forward proposals for the Government to take forward. In the UK, following a hiatus in policy on long-term waste management, the Government set up a clear programme for developing and implementing policy on long-term radioactive waste management, including extensive consultation with stakeholders. This has enabled a wide range of stakeholders to engage in the process and to influence the development of policy and strategy for implementation.

## The Role of Local Initiatives

All the countries involved in this COWAM 2 work package have reported on collective actions taken at the local or regional level that helped to empower individuals and groups and to increase their influence on national programmes. These include the establishment of NuLeAF in the UK, the role of AMAC in Spain and the establishment of the 'COWAM Spain' project, and the National Association of Local Information Committees (ANCLI) in France. In addition, initiatives such as the GMF network and COWAM itself have sought to influence policy at the European level, as well as providing a forum for informing and empowering local actors in their own local and national situations. Both national and international forums have assisted communities and stakeholder groups to develop their views and approaches and to learn from other people's experience.

---

<sup>72</sup>cf. *CoRWM case study*

## The Need for Resources to Empower Engagement

In the UK, both Copeland Borough Council and Cumbria County Council consider themselves under-resourced to make inputs into the UK debate to the extent they feel is appropriate given the historical importance of the region to national arrangements for waste management. CoRWM's recommendations on involvement and community packages are intended to address this issue in relation to the implementation of a new UK national policy. Community representatives from both Spain and France outlined how the financial resources they receive through access to centralised funds have been of key importance to their ability to make appropriate inputs to the national debates in their countries.

Linked to the issue of resources is the desire by local communities to ensure their long-term sustainability and their long-term involvement in the discussions. Resources are seen to be key to meeting these desires and ensuring community involvement in the debates over the long-term.

## The Need to Address Potential Conflicts in the Implementation of Local Partnerships

There is sometimes a tension between the desire for involvement of local stakeholders and the danger of overburdening them with initiatives on issues that are not their primary area of work or interest. One consequence of this is that 'local citizen' engagement may be dominated by those with more free time, and that such individuals may not necessarily be representative of the interests of the population as a whole. A key finding from the work is that resourcing and empowerment should be targeted at enabling interested parties to make effective inputs into the debate while still carrying out their other roles in society.

Nevertheless, dialogue mechanisms, however well they may be structured, should not substitute for the democratic process, and the roles and responsibilities of relevant decision makers needs to be acknowledged within governance arrangements and implementation programmes. The discussions within COWAM2 WP2 have shown that it is essential for such arrangements to link into the existing democratic structures (both local and national) and relevant planning and regulatory processes. Local elected representatives and officials play an important role in the debates and need to be informed by the issues and concerns raised by citizens within local communities.

An important area of potential tension relates to the balance between the interests of a host community, in which a facility may be located, and those of the neighbouring communities that also have an entirely legitimate interest. Arrangements and resources for engagement, as well as democratic decision-making, therefore need to respect the interests and influence of 'local' stakeholders that may be affected, whether or not a waste management facility is located within their community.

## The Evolution of Local Influence on National Decision Making

What is relevant and appropriate will change over time as programmes progress. For example, the UK has been engaging in national debates around the Managing Radioactive Waste Safely programme (MRWS) and the Nuclear Decommissioning Authority's (NDA) national strategy. At the same time, local inputs have also been sought in relation to decommissioning activities at specific nuclear sites. Similarly in France there has been a national debate on the law and local debates around the Bure site. Indeed, as the programmes progress from policy development to the localisation of facilities, local debates inevitably become a more significant component of implementation of a national process. Processes need to be flexible to accommodate changes in the stakeholders involved and the issues that need to be addressed.

Each country will need to take the recommendations from COWAM2 WP2, as outlines in Chapter 4, and adjust them to their particular situation in order to enhance the involvement in and influence of local communities on decisions relating to radioactive waste management. Each implementation will be unique, but we hope that the principles and good practices outlined in this report will serve to influence programmes going forward and to enable local communities to have a greater say in decisions that will affect them.

It is planned that the "COWAM in Practice" project will investigate how radioactive waste management programmes will move forward in each of the countries. This will provide an opportunity to review the implementation of the recommendations from this work package.

Although COWAM has focused on radioactive waste management it is recognised that the findings of this work package could be relevant to other policy areas. Many of the participants in COWAM have roles in other areas of policy within their country and hope to apply the findings from COWAM in these areas.

### 5.3. Participant Evaluation of COWAM 2 WP2

The overall aims of the work package were discussed and developed at the beginning of COWAM 2. These can be summarised as:

- Understanding mechanisms to ensure more relevant and significant local stakeholder engagement in national decision-making processes;
- Ensuring that outputs from COWAM 2 in general, and WP2 in particular, are available to support the engagement of French, Spanish and UK stakeholders in their national processes due to conclude during 2006.

In evaluating the success of the work package the participants made the following comments:

- The case studies were not just deskwork; they had some influence on the national processes underway in the three countries.
- As far as the UK participants were concerned, CoRWM's involvement in WP2 was very positive; the committee provided a source of information but they also took something from the process in return. Unfortunately the same was not the case with the NDA.
- French and Spanish stakeholders agreed that it would be an overstatement to suggest that WP2 had had a direct influence on national processes; however it was considered that the work had provided stakeholders with tools to operate more effectively at the national level. For example:
  - French stakeholders were able to have more influence on the preparation of the ANCLI Livre Blanc through their involvement in COWAM 2.
  - Spanish stakeholders thought that their participation in WP2 had been a positive experience. It had given them an increased capacity to influence national processes in Spain.
  - The AMAC case study gave the Spanish stakeholders the opportunity to reflect on AMAC's role.
  - UK stakeholders suggested that they could envisage the influence of WP2's Final Report in future consultation processes in the UK. Some Spanish stakeholders did not see an immediate influence of this report in Spain but were interested in following progress in the UK.
  - The opportunities for political influence are different in different countries. The specific characteristics of situations within each country became manifest in these reflections about WP2 results.
  - COWAM 2 has helped to connect local stakeholders with national institutions.
  - At the European level GMF has enabled the dissemination of the results of this work to other countries.
  - WP2 stakeholders have experienced mutual learning from their participation in the work package.
  - One stakeholder recognised an improvement in her communication abilities as a result of this work.
  - It was recognised that the stakeholders had been in charge of the work package: WP2 had been a small organization with capacity to link multiple viewpoints, allowing the intersection of multiple cultures and participants.

## 5.4. Links to other work packages

Finally, the deliberations of this work package happened in the context of the other thematic work packages in COWAM 2. Beyond the natural communications between the work package leaders throughout this programme, there were several other opportunities for integration and exchanges; in particular the annual COWAM 2 seminars were important for this purpose. The participants in WP 2 benefited from these discussions and this helped them to refine their own thoughts and ideas. The following are recognised as key links with the other work packages:

### WP 1 – local democracy and participatory tools?

WP 2 and WP 1 held joint discussions in Madrid, February 2005, as it was recognised early in the project that their themes overlapped. WP 1 has developed a toolkit to help local communities to set up local committees this will help communities trying to adopt the good practices outlined in WP2. There were also common themes in the conclusions of the two work packages:

- There needs to be a link between dialogue processes and the democratically elected bodies and their decision-making role.
- Different engagement mechanisms need to be put in place for different stakeholders.
- A key challenge in the process is the engagement or representation of silent stakeholders.
- Sustained involvement of local communities needs resources to be put in place and institutional representation of the community over time.

### WP3 – the decision-making process

WP 3 looked at the decision-making process around long-term radioactive waste management. There were overlapping conclusions between this WP and WP 2:

- Staged decision making is seen to be important with clear decision points and roles and responsibilities.
- The decision-making process changes over time and so do the stakeholders (national to local) that need to be recognised in the process.
- Different countries are at different points in their decision-making process and the issues they are addressing are therefore different and require different engagement and dialogue mechanisms.
- There needs to be a continuity of stakeholder involvement over time, which requires sustained resources.
- Current decision makers are not the future decision makers, therefore it is important to involve the next generation.

### WP 4 – Long term governance

WP 4 looked at the long-term governance of radioactive waste management facilities. Issues raised in this work package which were common with WP 2 include:

- The current decision makers are not the future decision makers therefore it is important to engage young people in the debate.
- Provisions should be put in place to enable the long-term engagement of communities in the project. In particular it is necessary to enable the development of sustainable autonomous local communities aware of their long-term needs to enhance their participation in policy debates.
- There should be ongoing community involvement in the facility development once the site is selected and the facility starts to be implemented and then monitored. Mechanisms need to be developed to enable this. ■

# Glossary

## General

<b>CARL</b>	Collaborative research project involving Belgium, Slovenia, Sweden and the UK
<b>COWAM 2</b>	Community Waste Management 2
<b>ERG</b>	Expert Resource Group
<b>NGO</b>	Non-government organization
<b>R&amp;D</b>	Research and Development
<b>RWM</b>	Radioactive Waste Management
<b>SRG</b>	Stakeholder Reference Group
<b>WMO</b>	Waste Management Organisation
<b>WP2</b>	Work Package 2

## France

<b>ADELFA:</b>	Assembly for the Defence of Flandre Artois Coast
<b>ANCLI</b>	National Association of Local Information Committees
<b>ANDRA:</b>	National Radioactive Waste Management Agency
<b>CLI:</b>	Local commission of Information (linked to a nuclear facility).
<b>CLIC:</b>	Local Committees of Information and Concertation (linked to an industrial facility classified SEVESO).
<b>CLIS:</b>	Local Committee of Information and Monitoring.
<b>CNE:</b>	National Assessment Commission.
<b>CREID:</b>	Centre of Resources for Industrial Environment of Dunkirk.
<b>DPPR:</b>	Directorate for Prevention of Pollutions and Risks.
<b>DRIRE:</b>	Regional Directorate for Industry, Research and Environment.
<b>GIP:</b>	Public Interest Group.
<b>IEER:</b>	Institute for Energy and Environmental Research.
<b>ILCI:</b>	Local Instances of Concertation and Information.
<b>IRSN:</b>	Radioprotection and Nuclear Safety Institute.
<b>MNLE:</b>	Movement to Fight for the Environment.
<b>OPECST:</b>	Parliamentary Office for the Evaluation of Scientific and Technological Choices.
<b>SPPI:</b>	Permanent Secretariat for Prevention of Industrial Pollutions

## Spain

<b>AMAC</b>	Association of Municipalities in Areas of Nuclear Power Plants
<b>COWAM Spain</b>	Community Waste Management in Spain
<b>CSN</b>	Council of Nuclear Security in Spain
<b>ENRESA</b>	National Company for Radioactive Waste Management
<b>UNESA</b>	Unión Eléctrica, S.A

## UK

<b>BNFL</b>	British Nuclear Fuels Ltd.
<b>BPEO</b>	Best Practicable Environmental Option
<b>CoRWM</b>	Committee on Radioactive Waste Management
<b>Defra</b>	Department for Environment, Food and Rural Affairs
<b>KIMO</b>	Local Authorities International Environmental Organisation
<b>LLC</b>	Local Liaison Committee
<b>MCDA</b>	Multi Criteria Decision Analysis
<b>MRWS</b>	Managing Radioactive Waste Safely Programme
<b>NDA</b>	Nuclear Decommissioning Authority
<b>NFLA</b>	Nuclear Free Local Authorities Nirex UK agency formed to provide long-term radioactive waste management services
<b>NSG</b>	NDA's National Stakeholders Group
<b>NuLeAF</b>	The Nuclear Legacy Advisory Forum PSE Public and Stakeholders Engagement
<b>SEPA</b>	Scottish Environment Protection Agency
<b>SIC</b>	Shetland Islands Council
<b>SSG</b>	Site Stakeholder Group
<b>UKAEA</b>	United Kingdom Atomic Energy Authority

# Appendices

## Appendix 1

WP2 Stakeholders

## Appendix 2

Case Study 1: The influence of the local community of Dunkirk on the process of elaboration of the 30th July 2003 Law for the prevention of natural and technological risks

## Appendix 3

Case Study 2: Local independent expertise as a mechanism of influence on national policy processes: the independent assessment of ANDRA's research programme led by the IEER on request of the CLIS of Bure

## Appendix 4

Case Study 3: Estudio Sociológico Sobre La A.M.A.C. Y El Hecho Nuclear En España

## Appendix 5

Case Study 4: Participación Institucional De Los Municipios En El Proceso De Toma De Decisiones Para El Emplazamiento De Un Almacenamiento De Residuos Radiactivos

## Appendix 6

Case Study 5: Public and Stakeholders Engagement in the Decision-processes of the Committee on Radioactive Waste Management (CoRWM)

## Appendix 7

Case Study 6: Influence of Local Communities on Decision Processes: Experience of Copeland and Shetland Islands

## Appendix 8

Mechanisms for Local Influence On National Decision-making Processes In Radioactive Waste Management, 6th Draft, January, 2005

## Appendix 9

Principles and Good Practices for Local Actors to Influence National Decision-Making Processes, v2, September 2005

## Appendix 10

Balance of Power: Principles And Good Practices For Local Stakeholders To Influence National Decision-Making Processes, January 2006

