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Organisation de Coopération et de Développement Économiques
Organisation for Economic Co-operation and Development

29-May-2009

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NUCLEAR ENERGY AGENCY
RADIOACTIVE WASTE MANAGEMENT COMMITTEE

Cancels & replaces the same document of 28 May 2009

Forum on Stakeholder Confidence (FSC)

Tools to Help Society in Decision Making: Legal and Policy Trends

Proceedings of a Topical Session

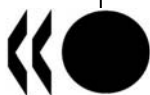
Issy-les-Moulineaux, France, 5 June 2008

Tools and Processes to Help Society Prepare and Manage Decisions through Stakeholder Involvement is one item in the FSC Programme of Work. On June 5, 2008 the Forum on Stakeholder Confidence held a Topical Session related to this theme and focusing on Legal and Policy Issues. The Session started with a presentation summarising country experiences in this field, drawn from 12 country updates provided before the meeting by FSC members. This was followed by four presentations focusing on innovative approaches to developing and applying formal and informal tools for stakeholder involvement in a number of countries and at the international level. Discussions took place after the presentations in small groups and plenary sessions. This document contains a summary of the most important elements of the country updates and the discussions, as well as the presentational materials used by the invited speakers.

Please address any queries regarding this document to claudio.pescatore@oecd.org

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FOREWORD

As part of its programme of work the OECD/NEA Forum on Stakeholder Confidence continues to investigate the theme of “Tools and Processes to Help Society in Decision Making”.

Following a presentation in June 2007 of environmental law and its implications for stakeholder involvement in decision making, the FSC decided to take a look at a variety of legal and policy issues. In particular, interest was expressed in seeing how law and policy may define which stakeholders must be consulted or engaged, and to consider when and whether that is helpful.

A topical session was held on June 5, 2008 during the FSC's ninth regular meeting. The session was chaired by Mariano Molina of ENRESA. Case studies were presented from the US (by a regulator), the UK (by a jurist), and France (by a parliamentarian). An international survey of means for open and inclusive policy making was presented by the OECD Government directorate. The results of a questionnaire filled by FSC members served as the basis of the introductory presentation. Two sub-groups retired to discuss the material and a rapporteur from each delivered feedback in plenary.

These proceedings include a summary by Dr. Anna Vári of the findings and discussions, and the slides (some with accompanying text) provided for each case study.

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TOOLS TO HELP SOCIETY IN DECISION MAKING: LEGAL AND POLICY ISSUES

Summary of country updates and discussions

Anna Vári

Hungarian Academy of Sciences

Tools and Processes to Help Society Prepare and Manage Decisions through Stakeholder Involvement is one item in the FSC Programme of Work. On June 5, 2008 the Forum on Stakeholder Confidence held a Topical Session related to this theme and focusing on Legal and Policy Issues. The Session started with a presentation summarising country experiences in this field, drawn from 12 country updates provided before the meeting by FSC members. This was followed by four presentations focusing on innovative approaches to developing and applying formal and informal tools for stakeholder involvement in a number of countries and at the international level. Discussions took place after the presentations in small groups and plenary sessions. This report summarises the most important elements of the country updates and the discussions.

Country updates

In order to collect information on recent developments in national radioactive waste management (RWM) programs, questions associated with each PoW theme were prepared and sent to FSC delegates¹. Questions relevant to our theme included the following: (i) Has there been any relevant lawmaking [in the area of radioactive waste management] in the past year? (ii) Has there been communication with stakeholders to improve their understanding of law? (iii) Has there been any focus on defining which stakeholders are affected, or are legitimate stakeholders in some process? (iv) Has there been anything in the area of mediation or making processes less adversarial?

Stakeholder involvement in policy making and lawmaking

Of the 12 countries submitting updates, the vast majority reported *policy-making processes* that involved stakeholders, including the general public. Such policy processes included the elaboration of authorisation processes or regulatory requirements, the development of site selection plans, EIA, and the licensing of RWM facilities, among others. A variety of stakeholder involvement tools were applied, for example: written and audio-visual communication materials, websites, presentations, open houses, public hearings and meetings, stakeholder workshops, and public opinion surveys. In the following we focus on results related to the legal and policy aspects of stakeholder involvement.

Stakeholder involvement in *current lawmaking* was reported by two countries. The recent case of the UK Environment Agency is an especially interesting example of the birth of proposals for the modification of an existing law with the active participation of a civil society organisation².

New laws and policies concerning stakeholder involvement

Two countries reported on passing new laws (decrees, orders) which will have effects on stakeholder involvement. Several new laws have been passed to adopt international conventions (e.g. the Aarhus Convention) or EU regulations (e.g. SEA and EIA Directives)³. Other pieces of legislation have been prepared to increase the responsibilities of the regulator in establishing transparency, openness and

¹ Country updates structured according to these questions were received from Canada, the Czech Republic, Denmark, Finland, France, Germany, Japan, Spain, Sweden, Switzerland, the United Kingdom and the United States.

² The UK Environment Agency has worked with NuLeAF (a Local Government Association for England and Wales Special Interest Group) and the Nuclear Decommissioning Authority (NDA) in developing a proposal for a staged approach to regulatory authorisation of deep geological disposal facilities. The government has accepted the proposal and is currently investigating the possibilities for implementing legislative change.

³ For example, Act 27/2006 (Aarhus Act), Act 9/2006 (SEA Directive) and Royal Decree Law (1/2008) of Spain belong to this group of recent regulations.

inclusiveness⁴. Finally, new laws, decrees and orders have been issued to define new stakeholder organisations⁵ or to enlarge the membership of existing ones⁶.

Three countries gave account of launching plans (protocols, frameworks) for stakeholder involvement. Such plans typically define the roles of stakeholders in site selection processes and include related policy elements (e.g. benefit package frameworks)⁷. The case of Canada is a remarkable example of developing plans to inform and consult with socially disadvantaged groups on an ongoing basis⁸.

Improving stakeholders' understanding of laws

In the majority of countries under survey the RWM institutions make efforts to explain the legal background of ongoing RWM programs as well as stakeholders' rights and obligations to the public. The forms of information are highly varied; the most frequent ones are the face-to-face interactions (workshops, meetings) and the publication of written documents (brochures, concept papers, reports). Various media, including the Internet, play important roles as well.

For example, in Japan, provisions of the Specified Radioactive Waste Final Disposal Act regarding stakeholder involvement have been explained to the public in pamphlets and websites. During 2007/8 this piece of legislation was also communicated through newspaper advertisements and round table discussions organised for local residents, experts, and opinion leaders. In addition, it was discussed at meetings held with a press club including major newspapers and broadcasting companies.

In some cases it happens that stakeholders themselves ask to be informed about their rights. For example, in 2007/8 the U.S. NRC held workshops for local and tribal governments affected by the Yucca Mountain facility. The purpose of the workshops was to explain, in detail, the NRC's licensing and hearing process, and to outline the options for participation by affected county and tribal governments. The workshops were held at the request of the counties and the tribe (see Kotra, these proceedings).

⁴ An example is Act 33/2007 of Spain, which amends Act 15/1980 establishing the Nuclear Safety Council (CSN). Provisions of the new Act increase the responsibilities of this institution in establishing transparency, openness and inclusiveness

⁵ For example, in Spain the Nuclear Energy Act 25/1964 has been amended to integrate and regulate the participation of Autonomous Communities (Regional Governments) in the authorisation process of nuclear and radioactive facilities.

⁶ In France, a number of new decrees and orders have been issued recently to implement the 2006 Planning Act. Provisions concerning stakeholder involvement prescribe (i) the enlargement of the membership of the Local Information and Oversight Committee organised in association with the underground research laboratory at Bure, (ii) the enlargement of the membership of two Public Interest Groups in the Meuse and the Haute-Marne districts along with the modification of their funding, (iii) the inclusion of new members in the National Review Board (CNE) and the expansion of their mission.

⁷ In Switzerland the sectoral plan for geological disposal has been prepared by the federal authorities and has been the subject of a broad consultation process during the last two years. The plan defines the site selection process for a repository, as well as the roles of the various stakeholders in the site selection process. In the UK, the government has worked with NuLeAf on the development of a White Paper concerning the disposal of radioactive waste. Arrangements for voluntary site selection processes, the right of withdrawal, and the benefits package framework have been proposed as policy elements.

⁸ For example, in 2007 the Government of Canada launched an action plan to address the legal duty of federal departments and agencies to properly consult with First Nation, Métis and Inuit groups when their activities may adversely impact established or potential Aboriginal and Treaty rights. In 2007, the NWMO began drafting a cooperation protocol with the Assembly of First Nations.

Defining affected stakeholders and other legitimate participants

Defining the circle of affected stakeholders and other legitimate participants has recently been an issue in several of the reporting countries. Typically, the number of involved stakeholders has become greater over the course of the decision processes. In most cases, this has taken place in a way regulated by law.

For example, in France, the 2006 Planning Act defining the area within which the geological disposal facility may be located stipulates that all municipalities within this area be represented in the Local Information and Oversight Committee (CLIS) and the Public Interest Groups (GIPs) established to manage the outreach and development funds. As a result, the CLIS of Bure and the existing GIPs – representing stakeholders associated with the Bure URL–will be enlarged. Another example is Spain, where recent Amendments to the Nuclear Energy Act 25/1964 recognise Regional Governments (Autonomous Communities) as new stakeholders, who must be informed on and be involved in decision-making processes concerning nuclear facilities.

Legal regulation, however, does not always offer a clear-cut basis for the selection of stakeholders. In the U.S. the 1982 Nuclear Waste Policy Act defined what kind of organisations can be recognised as Affected Units of Government concerning the Yucca Mountain site. Until recently nine Nevada Counties and one California County have been recognised as Affected Units of Local Government. However, after lengthy debates, the set of affected government units was enlarged in 2007: the U.S. Department of Interior designated the Timbisha Shoshone Tribe living in Death Valley, California as an Affected Tribe, as well.

Where no relevant regulation exists, a non-regulated group of stakeholders may decide to co-opt further actors. For example, in 2007 the Scottish Government initiated bi-annual meetings with operators and stakeholder representatives of civil nuclear sites and with the Scottish Environment Protection Agency to provide information and solicit views related to various policy issues. It has been agreed recently that these meetings will be expanded to include additional stakeholders.

Making processes less adversarial

One country reported efforts aimed specifically at making decision processes less adversarial. In Spain, a series of stakeholder meetings have been scheduled within the framework of a new EU-funded project entitled COWAM in Practice. One of the main aims of the meetings is to scrutinise and clarify the legislation applicable to the Centralised Storage Facility for HLW and SF, and the potential role of the different actors involved according to the compiled legislation. An important step in the process is to explore the meaning of the legislation and to understand the rights and obligations of the stakeholders. More generally, it can be said that other initiatives by other countries as reported earlier also contribute to make decision making processes less adversarial.

Discussions

At the FSC meeting, the four plenary presentations (Caddy; Kotra; Tromans; Pancher; all, these proceedings) were accompanied by two types of discussion. First, brief discussions evolved after each presentation around issues raised by each speaker. Then participants were divided into two groups, whose discussion was to focus on the following questions: How are stakeholders identified by legal provisions? To what extent is that helpful or unhelpful? What should be the role of formal and informal processes? The following outlines views that were expressed in these various discussions.

Are legal provisions defining stakeholders helpful?

The overwhelming majority of participants were of the view that **legal provisions defining stakeholders are helpful** for a number of reasons. First of all, they provide a formal framework for stakeholder involvement and provide opportunities for participation. In addition, for the recognised stakeholders the possibility of appealing against decisions that do not comply with the legal provisions is also guaranteed (see Tromans, these proceedings). Obviously, in order to secure the effectiveness of such legal tools, the persons eligible to appeal must be clearly identified by the law.

A second reason why legal provisions are helpful is that they give arguments in favour of stakeholder involvement (provide precedents) when decision makers resist involving certain groups or organisations in the decision making process.

At the same time several contributors also expressed their view that **following the legal rules needs to be complemented** by further efforts for stakeholder involvement. The need for involving stakeholders might be generated by a variety of motivations, for example, increasing confidence in the institutions, social support for decisions, integration of local knowledge, etc. The legal identification of stakeholders does not necessarily correspond to all of these motivations.

It was also recognised that as circumstances may change with time, in a long-term process like the RWM programmes the circle of stakeholders may also change. The country updates (e. g. Spain, France, USA) illustrate that *new stakeholders continue to emerge over the course of the programmes*.

A number of participants shared the view that in general, legal rules define only the minimum requirements for stakeholder involvement. It was suggested that in addition to meeting legal requirements, **best practice for stakeholder involvement should be adopted**.

Should the number of stakeholders be constrained?

A group of participants were of the view that any rule that restricts the participation of citizens is counterproductive, because in principle, **in a complex world everybody can be a stakeholder**, at least in an indirect way (e.g. as a taxpayer). Also, society is evolving, impacts are changing; new configurations of interests are emerging. This group of participants felt that people or organisations should be entitled to decide if they want to participate, or to select their own representatives.

The International Hearing on the Repository Enlargement in Finland can be mentioned as an interesting example. Early in 2008, Posiva launched an EIA procedure related to the extension of the planned HLW repository of Eurajoki. In May 2008, a 60-day notice and comment period started, in which any Finnish individual or organisation could participate. About the same time, an international hearing process was also initiated. Although according to the safety analysis no transboundary impacts are expected, the Finnish Ministry of Environment decided to invite potential participants from the Baltic States and Norway. Invitees have been left to decide themselves whether they wish to be involved in the project (whether they are stakeholders) or not.

Some viewed that the number of stakeholders should be limited, otherwise debates may become unmanageable. There was also an opinion according to which the number of stakeholders should be limited only if participation was supported by financial resources. In this case, specific resources (e.g. funding for public information activities) should be tailored to the decision making process and should be allocated only for stakeholders that have well-defined roles in this process.

Some felt that participation in the decision making processes should be linked to certain conditions. It was suggested that **transparency** should be a precondition for participation; only those organisations should be allowed to participate that are officially recognised, and make it clear who they represent.

In some cases stakeholder organisations themselves recognise the need for some limiting rules. This is exemplified by the activities of the working party "Building an ecological democracy" in France, which includes representatives of government, business and civil society organisations. As a follow-up to the "Grenelle" national environmental consultation, the working party has proposed ways of involving NGOs and CSOs in various national, regional or local governance structures. Members of the working party developed themselves criteria to judge whether Non-governmental organisations (NGOs) and Civil society organisations (CSOs) are representative so as to giving them a legitimate standing (see Pancher, this volume).

The question was also raised as to what should be done in case some organisations (e.g. some environmental NGOs) do not wish to participate in the decision making processes, in spite of the fact that their involvement is prescribed by the law. It was felt important that it should be clarified with them whether they had any objections against the rules of the process or its fairness. If yes, such problems should be addressed. But if they do not wish to participate due to other reasons (e.g. they prefer using other tools, like demonstrating, lobbying, etc.) this also **should be made transparent**.

What should be the role of formal and informal processes?

The participants agreed in that a proper combination of formal and informal elements is needed in the field of stakeholder involvement. The question is in what situations and how it is expedient to combine these elements.

Small group participants pointed out that the nature of stakeholder involvement and the weight of formal and informal elements **should reflect the phase attained by the decision making process**. In phases when many issues are open, everybody can be recognised as a legitimate stakeholder. In such phases it is desirable that new perspectives, options, and evaluation criteria should be added, and involving additional stakeholders should be managed in a flexible and informal way. However, in later phases when decisions are to be made, questions emerge as for instance, "how should the views of different stakeholders be weighed? Who should have a right to veto?" In such phases well defined rules are needed for integrating divergent views.

Participants observed that in most debates **it is impossible to reach a complete consensus** because conflicting interests and values may be represented (e.g. hunters and fishers vs. farmers and animal rights activists), and there are often disagreements between technical specialists, as well. In such debates the **transparency of roles, views, and clear rules of the game** are of key importance.

It was pointed out that rules for structuring the dialogue and integrating divergent views do not necessarily have to be legal rules; they can be applied on a consensual basis, as well. For example, local partnerships in Belgium and Canada (Port Hope) have been operating in an informal manner. Naturally it is **easier to make informal agreements at the local level** than in the case of higher-level decisions.

Two Topical Session presentations, however, indicate that circumstances rapidly change (Caddy; Pancher; both, these proceedings). The rapid growth of people's skills and interest, and the development of the technical means of participation force decision makers to involve the public in regional or national decisions, even in countries where earlier it was centralised, top-down decision-making that dominated. All this fundamentally modifies governmental work: the elected officials do not have to make their decisions

any more "on behalf of the citizens" but "with the citizens". Since it is hard to follow these rapid changes with legal regulations, informal processes are needed to provide flexibility.

Participants agreed that **formal and informal processes should be used in a complementary way**. As pointed out earlier in the FSC, "competing requirements of participation, flexibility and accountability can be reconciled by using a mix of informal and formal procedures structured within clearly defined frameworks"⁹. The preferred combination of formal and informal may depend on a number of factors, for example, the phase and level of decisions, the nature of the problem (e.g. the degree of controversy), and the political culture, among others.

References

Caddy, J. (these proceedings), Open and Inclusive Policy Making: Emerging Practice in OECD Countries.

Kotra, J.P. (these proceedings), Deciding Whether to Authorize Construction in Yucca Mountain: Explaining NRC's Process.

NEA (2004), Learning and Adapting to Societal Requirements for Radioactive Waste Management—Key Findings and Experience of the Forum of Stakeholder Confidence, OECD NEA, Paris.

Pancher, B. (these proceedings), Setting Criteria for the Representativeness of NGO/CSOs: Hearings at the Request of France's Prime Minister.


Tromans, S. (these proceedings), Rights and Obligations to Stakeholders under International Agreements and Conventions.

⁹ NEA (2004), p.6.

OPEN AND INCLUSIVE POLICY MAKING: EMERGING PRACTICE IN OECD COUNTRIES

Joanne Caddy

OECD/GOV




ORGANISATION FOR ECONOMIC
CO-OPERATION AND DEVELOPMENT





Open and inclusive policy making: emerging practice in OECD countries

Joanne Caddy, OECD/GOV

Forum on Stakeholder Confidence (FSC) - NEA
Paris, 5 June 2008




Who are we engaging?

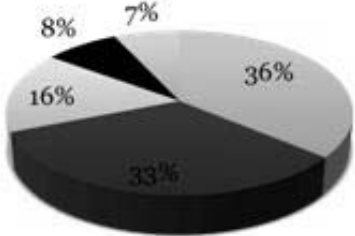


Ratio of population
over 65 in Canada

2000 = 11.9
2005 = 12.5
2030 = 23.3




Profiling engagement in UK



Profile	Percentage
Community bystanders	36%
Passive participators	33%
Community conscious	16%
Politically engaged	8%
Active protestors	7%

Harrison M. and M. Singer (2007)

 What is the experience of public participation?

Today	Tomorrow
Consultation at the end of policy development	Engagement at the beginning, informing not undermining leadership
Generic communication of issues	Targeted, personalized communication channels, combining online and off line experience
Emphasis on the quantity of participation, not the quality	Quality participation: Involve people in problem definition. What matters most? What do we care about?

State Services Commission
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 Finland

Civic Participation Programme (2003-7)

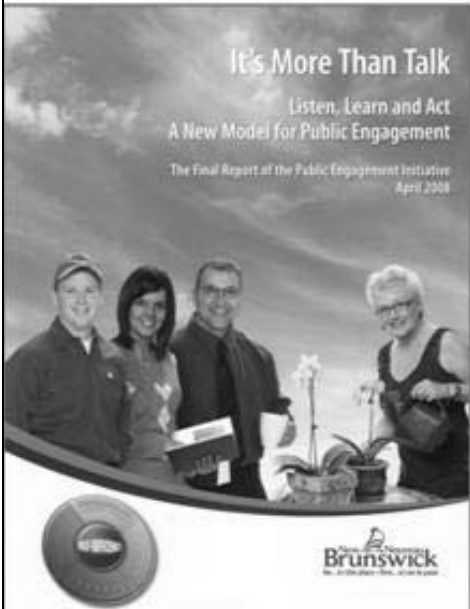



HAVU project


Vision for 2012

In 2012 the interplay between citizens and political and administrative actors consists of **a continuous, natural and valued interaction to discuss societal issues and make decisions.**


The tools, means and methods for interaction, communication and contacts are **a natural part of everyday life.**



The cover of the report features the OECD logo and the word 'Canada' at the top. The title 'It's More Than Talk' is prominently displayed, followed by the subtitle 'Listen, Learn and Act: A New Model for Public Engagement'. Below this, it states 'The Final Report of the Public Engagement Initiative' and 'April 2008'. The central image shows four diverse individuals in a meeting setting. At the bottom, there is a circular seal and the 'New Brunswick' logo.



A black and white photograph of a lighthouse perched on a rocky cliff overlooking the ocean under a cloudy sky. The text 'photo by Product of Newfoundland' is visible at the bottom of the image.



The logo for New Brunswick, Canada, featuring a stylized ship icon and the text 'New Brunswick CANADA'.

Public engagement is a condition of effective governance



OECD

New Brunswick's public engagement initiative



New Brunswick CANADA

Views → Deliberation → Action



Don Lenihan
Advisor to the Government of New Brunswick on Public Engagement

"Most governments don't get beyond the first stage. Our past practice is consultation. We are stuck at stage one."




Refining our practice

- **When to use public engagement?**
 - **To align activities** (e.g. regional development)
 - **To change public attitudes and behaviour** (eg obesity, climate change)
 - **To make choices about the future**
- **What kind of dialogue?**
 - **Vision dialogue with citizens** (values, goals & priorities)
 - **Means-ends dialogue with stakeholders**
 - **Action dialogue with citizens**





The cover features the State Services Commission logo in the top right corner, which includes the text 'STATE SERVICES COMMISSION' and 'Te Kaitiaki Take Kōwhiri'. Below the logo is the New Zealand coat of arms. The main title 'When government engages' is centered in a large, light grey font, with the subtitle 'Online participation - an introduction' below it. A horizontal band contains six circular icons representing various digital services: a person at a computer, a person on a mobile phone, a road, a person at a desk, a circular arrow, and two people talking. At the bottom left is the 'e-government' logo with the URL 'www.e.govt.nz', and at the bottom right is the 'newzealand.govt.nz' URL.



The slide features the OECD logo in the top left corner. The title 'Benefits of online participation' is prominently displayed. Below the title is a bulleted list of seven benefits. At the bottom left, there is a small text block with the State Services Commission logo, the text 'State Services Commission', 'Crown Copyright, 2008', and the URL 'www.ssc.govt.nz'.

- Undermines information asymmetries
- Allows personalised info and interaction
- Support communities of interest
- Oral cultures are catered for (beyond text to audio & video)
- Better services
- Allows citizens to shape change
- Allows government to gain richer understanding



Challenges of online participation

- Loss of context & interpersonal contact
- Ensuring appropriate to issue & target group
- Managing volume, making sense of input
- Ensuring access for all
- Meeting raised expectations
- Taking criticism
- New role for public servants
- Building capacity
- Lack of role models & mentors

State Services Commission
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www.ssc.govt.nz



A journey in 4 stages



hearing voices



building community



drafting naked



test driving



hearing voices

Why participate?

- "I'm a bit of a joiner junkie..." (gemma)
- "How would they ever know if you didn't tell them?" (harold)
- "I'm not as active as I want to be, but I'm interested." (rangji)



What makes participation satisfying?

- "I want feedback" (dick)
- "Success breeds momentum" (anne)
- "I gained new skills" (yan)





building community



drafting naked

Welcome to the ParticipaNZ wiki! This site is a beta that is being tested by the Participation Community of Practice. To join the Community, or invite a friend, click here. First time users take a tour.

Updates

The State Services Commission has developed a **Guide to Online Participation** for the New Zealand State Services with important input from the Participation community of practice and international validation.

This site is about getting **your input** as we test and refine the guide and update resources. You can also share ideas and knowledge with the Community of Practice.

Thanks to everyone who has contributed comments and suggestions on earlier drafts - see our response on your feedback. The Guide is now publicly available at the following links:

Read:

- "When Government Engages, Online Participation - an Introduction"
- the Guide to Online Participation
- Great Feedback! Online Engagement in New Zealand

Add comments, ideas, resources:

Community knowledge pool

This site is also a place to **share** information relating to participation. Seen a great model? Found a useful web site? Read a good paper? Got an idea? Share it here!

Add a page

Share ideas & resources. Create a new page. *Remember to log!*

Type your new page name here

Topics

Read all contributions, organised by topic:

Accountability **Articles** Australia Canada Charities
 Consultation Countries Deliberation EU Economic
 development Elected representatives Events Evaluation
 Events Feedback Finland France Gaming Guidelines Guide
 to online participation Guides Ideas information say NZ
 2.0 Websites

What's a wiki? <http://www.youtube.com/watch?v=-dnL00TdmlY>

test driving policy

Who Gets Born? Pre-birth Testing Choicebook

EOT TE TĀHĀO OIA BIRTHS COUNCIL

Police Act Review

Wiki Home

Wiki Policing Act 2008
 Resources
 About

Police Act Home

Background
 What others say
 Media resources
 Consultation
 Youth release
 PACV
 Contacts

Home Page

A wiki Act was launched in September 2007, as an innovative way to capture public views on what a new Policing Act might look like.

We got an overwhelming response, especially after news of the wiki spread internationally.

The cyber conversation stretched far and wide. Contributors came up with ideas for a new Act which covered a broad range of topics, from high-level governance to day-to-day administration.

After the huge amount of interest generated, the fully-open wiki has now run its course. The logical next step was to consolidate everyone's suggestions, drawing on the final version of the wiki Act, and back capturing ideas from the wiki's history.

The resulting wiki Act, as at 1 October 2007, is accessible from this site as a document of record. Along with other inputs from traditional consultation channels, it's a resource that can feed into the upcoming parliamentary law-making process.

While a great deal has been gained from this initial use of wiki technology as part of the Police Act Review, it doesn't have to end there. If you'd like to keep adding ideas, please email on policeact@police.govt.nz with your suggestions.

So, thanks for your interest, and get in touch if you've still got thoughts to add to the mix!



insights from the edge

- Innovation/leadership 
 - New ideas/wider source
 - Agency capacity/implementation
 - Living document/permanent beta
 - Testing/learning/sharing
-
- wiki platform daunting for some 
 - failure to reach out to Māori, Pasifika and other ethnic groups



enabling transformation

“Transformed government will call for a different way of working – one where networks, not hierarchy, are the focus. This raises fundamental questions about the future. Does the ‘new system’ threaten the integrity of the existing one? More specifically, what are the implications for personal privacy or parliamentary accountability? Are there other ways of meeting these accountabilities? If so, what are they and how do they work? What is the balance of cost and benefit?

These questions arise from e-government, but their answers require discourse and a work programme that go beyond e-government.”

Who will drive this transformation?

OECD

STATE SERVICES COMMISSION
Te Kaitiaki o Ngā Tahi Kāwanatanga

Office of the Premier

Public administration

Politicians

Civil society

Patient Opinion

this is our NHS... let's make it better

mysociety.org

Business

EveryTrail

FixMyStreet

Report, view, or discuss local problems
(like graffiti, fly tipping, broken paving slabs, or street lighting)

Enter a nearby postcode, or street name and area:

How to report a problem

1. Enter a nearby postcode, or street name and area
2. Locate the problem on a map of the area
3. Enter details of the problem
4. We send it to the council on your behalf

Photos of recent reports


FixMyStreet updates

OECD


Our common challenges


- Understanding people and preferences
- Adapting to change
- Mainstreaming public engagement
- Ensuring coherence across government
- Integrating user-generated content
- Leveraging co-production


Photo by Grades


 **Our assets**

The power of (government held) information


 1997 Policy framework for New Zealand Government-held information

 STATE SERVICES COMMISSION
Te Kaitiaki a Murihiko o Te Kaitiaki


 TheyWorkForYou.com

 MAPLight.org MONEY AND POLITICS | COLLABORATING FOR CONNECTION


The Government's Response to
The Power of Information:



The power of us

 Linux Online!
<http://www.linux.org>

 theSTARtracker
global portuguese talent



 **Our options**

- Go where the action is
- Support innovation inside/out
- Build safe space for pilots but avoid paralysis
- Plan to mainstream/upscale/disseminate
- Harness leading edge users
- Build collaborative platforms and culture
- Use stories, foster networks and mentors
- Do sound risk assessment
- Prepare to manage success!





ORGANISATION FOR ECONOMIC
CO-OPERATION AND DEVELOPMENT



**For further information,
please contact:**

joanne.caddy@oecd.org

**DECIDING WHETHER TO AUTHORIZE CONSTRUCTION AT YUCCA MOUNTAIN:
EXPLAINING NRC'S PROCESS**

Janet P. Kotra

United States Nuclear Regulatory Commission



Deciding Whether To Authorize Construction At Yucca Mountain: Explaining NRC's Process

9th Meeting of the RWMC
Forum on Stakeholder Confidence
Topical Session 9.c.

Janet P. Kotra
Division of HLW Repository Safety
U.S. Nuclear Regulatory Commission
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Explaining a Complex, Formal Process

- What Do Stakeholders Want To Know?
- What Does NRC Want Stakeholders To Know?
- Which Stakeholders Need Special Attention?
- What Format Does NRC Use To Explain Its Licensing Process?
- How Has NRC Adapted To Participant Feedback?
- How Will NRC Keep Stakeholders Informed During NRC's Review Of A License Application?

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What Stakeholders Want To Know About NRC's Licensing Process For Yucca Mountain

- How can I or my group participate?
- When, and in what form, do we have to raise our issues?
- Can we contest the Department of Energy's Environmental Impact Statement?
- Do we need a lawyer?
- Why is the NRC staff a party to the proceeding?
- Can we appeal the licensing decision, and to whom?
- Will the hearings be webstreamed?

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What NRC Wants Stakeholders To Know About Its Licensing Process for Yucca Mountain

- NRC is committed to protecting the public and the environment
- NRC's role is defined (and limited) by law
- NRC's formal process is designed to be fair and open and to conform to time constraints imposed by law
- To ensure the process remains fair and open, participants have obligations and responsibilities
- The public's varied interests will be represented by NRC, the State, Local and Tribal Governments, and by other admitted parties (e.g. NGOs)

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Distinct Groups of Stakeholders With Specific Information Needs

- Public
- State of Nevada
- Affected Units of Local Government
- Affected Tribe (Timbisha Shoshone)
- Other Tribes
- Congressional Staff (Nevada delegation, others)


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Meetings and Workshops On NRC's Licensing And Hearing Process For Yucca Mountain


- Meetings for the general public
 - 2000 (2), 2002 (2)
- Workshops for Native American Tribes
 - 2001, 2003
- Full-day, Public Workshops for Local Governments
 - 2004, 2007(2-day)
 - 2008 (included Timbisha Shoshone as Affected Tribe)
- Focused Workshop for Timbisha Tribal Council
 - 2008
- Multiple Briefings for Congressional Staff Members
 - As requested

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 **U.S. NRC**
UNITED STATES NUCLEAR REGULATORY COMMISSION
Protecting People and the Environment

Communities affected by the proposed U.S. repository extend over a large area

As defined under U.S. Law, units of local government affected by the proposed repository at Yucca Mountain cover an area more than 1/3 the size of France



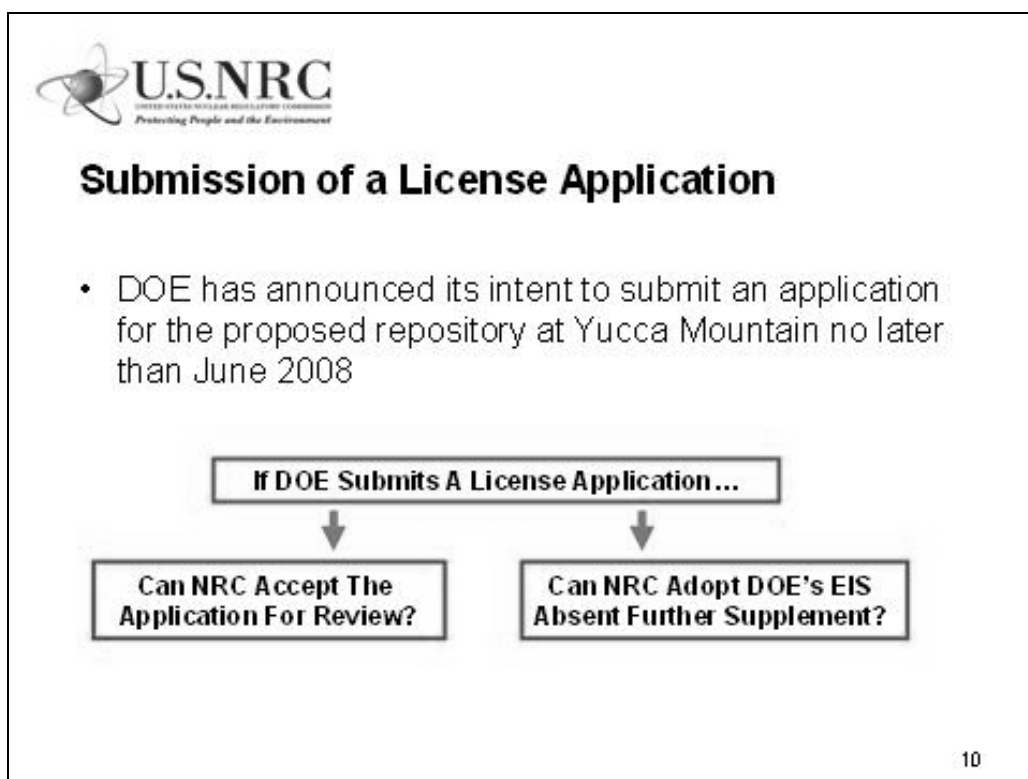
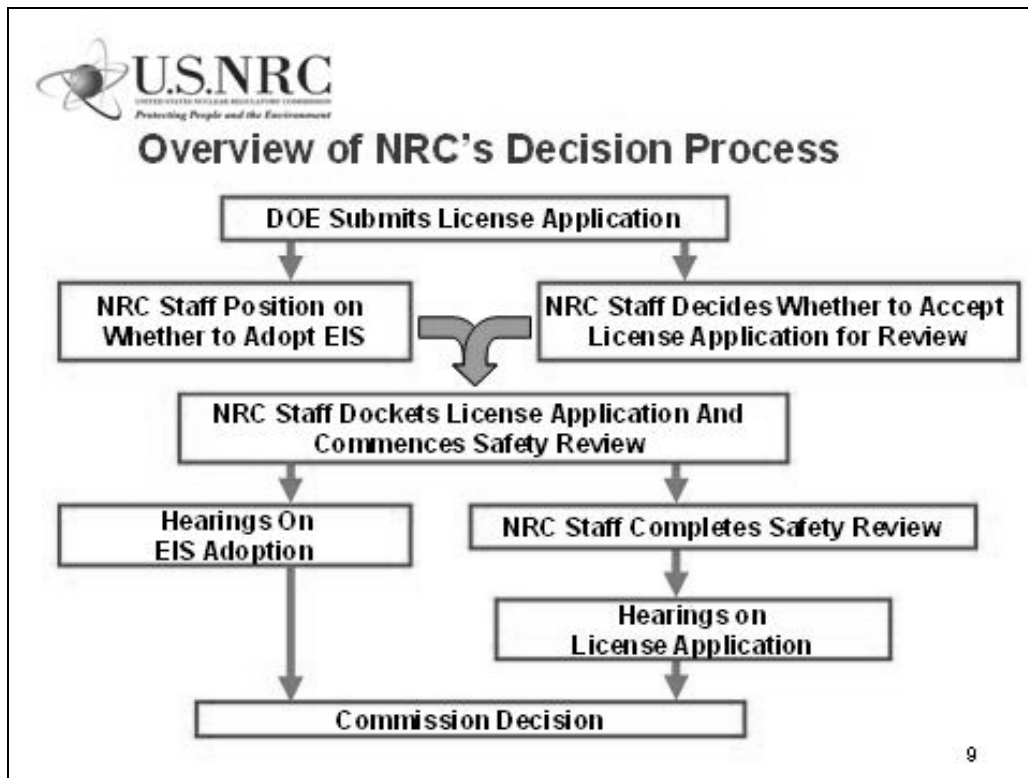
Map Created in NRC CRADAL by James B. Johns and Allen J. Gross (Mandev, Inc.)


 **U.S. NRC**
UNITED STATES NUCLEAR REGULATORY COMMISSION
Protecting People and the Environment

Formats For Explaining NRC's Licensing Process


- Facilitated town-hall meetings (2000-2003)
 - Multiple presentations
 - Qs and As
- Facilitated workshops (2004-2007)
 - Multiple presentations
 - Qs and As
- Interactive workshops (2008)
 - Facilitated Discussion built around licensing timeline
 - Questions directed to expert panel

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- Information Sheet developed to respond to concerns raised at 2007 workshop
- Anticipated an issue of significant concern to local governments at 2008 workshop



How will NRC decide whether to adopt DOE's Environmental Impact Statement for a proposed repository at Yucca Mountain?

NRC MUST REVIEW AND DECIDE WHETHER TO ADOPT A YUCCA MOUNTAIN EIS
 To accompany its license application for a proposed geologic repository, the U.S. Department of Energy (DOE) must prepare an Environmental Impact Statement (EIS) that considers the environmental effects of building and operating a repository at Yucca Mountain. U.S. law directs NRC to adopt, to the extent practicable, the EIS prepared for a proposed repository.

WHAT CRITERIA WILL NRC USE TO DECIDE WHETHER IT IS "PRACTICABLE" TO ADOPT DOE'S EIS? The NRC staff will review the EIS (including any supplements) to determine if it meets NRC's regulatory requirements. NRC will adopt DOE's EIS unless: (1) actions described in the EIS and those proposed in DOE's license application differ in an environmentally significant way, or (2) significant and substantial new information or new considerations show the EIS is inadequate.

IF DOE FAILS TO ADDRESS COMMENTS ON THE EIS, WILL NRC CONSIDER THEM AS "NEW INFORMATION OR NEW CONSIDERATIONS"? Yes. During its adoption review, NRC staff will consider such comments as new information or considerations, and will decide whether they show the EIS is inadequate and cannot be adopted without further supplement.

WHY DID NRC DENY NEVADA'S REQUEST TO CHANGE ITS EIS ADOPTION CRITERIA IN LIGHT OF THE 2004 RULING OF THE U.S. COURT OF APPEALS? The Court did not invalidate NRC's EIS adoption regulations. In fact, the Court expressed its satisfaction that the wording of NRC's existing criteria allows for NRC consideration of Nevada's (or other) substantive claims against DOE's EIS as new considerations. As a result, NRC found no basis for revising its criteria.

IF NRC DECIDES THE EIS IS INCOMPLETE, AND NEEDS TO BE SUPPLEMENTED, WHY WOULD NRC "ADOPT" A PARTIAL OR INCOMPLETE EIS? U.S. law requires NRC adoption of DOE's EIS, to the extent practicable. NRC's regulations require a staff determination at the time NRC decides to accept a repository application for review. If parts of the EIS are adequate, there would be no need for NRC to duplicate DOE's efforts. To the extent that other parts are inadequate, incomplete, or missing, NRC will direct DOE to supplement the EIS or the NRC will choose to prepare the necessary supplement itself. The final decision about whether NRC can adopt DOE's EIS will be made by the Commission.

Additional information on the NRC review of the DOE EIS can be viewed on the NRC web site at [http://www.nrc.gov/reactors/ris/shipositing/infobase/eis-adopt.html](http://www.nrc.gov/reactors/ris/shipositing/infobase/eis/eis-adopt.html)

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Factors Contributing to Workshop Success

- Agenda developed in advance with County and Tribal representatives—"How can we structure this workshop to meet your needs, needs of your constituents?"
- Advance preparation and dry-runs
- Right mix of technical, legal and adjudicatory Staff
- Responsive and reflective facilitation
- Workshops held in NRC's Hearing Facility
- Timely followup

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Adapting to Stakeholder Feedback

- Workshop timing and agenda
- Identifying participants goals at outset
- Adjusting format to stakeholder needs
- Developing communication materials tailored to stakeholder's information needs
- Webstreaming pilot project

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Keeping Stakeholders Informed During NRC's Review

- NRC interactions with DOE and stakeholders will change after an application is received
- Interactions with DOE
 - focus on NRC's review process
 - obtain information NRC needs to make regulatory decisions
 - open to public observation
- NRC will continue to provide stakeholders with information about NRC activities

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Constraints On Communication With Stakeholders

- NRC cannot provide legal advice to potential parties in a hearing; NRC can only encourage potential parties and interested participants to consult with counsel
- Once an application is filed, detailed technical matters under review by NRC staff will be discussed only after reviews are complete. Findings will be presented in a publicly-available Safety Evaluation Report

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Greater Reliance On Public Website For Communicating Once Application Is Received

- NRC will soon launch a major upgrade of its HLW Repository Safety website to include:
 - NRC documents, letters, meeting notices, and summaries
 - Up-to-date information and news about the status of safety review and hearing process
 - Information about meetings, teleconferences, and other NRC interactions with DOE
 - Electronic version of Application
 - Links to information about NRC's decision process for Yucca Mountain

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NRC Remains Committed To Openness

- NRC continues to provide accurate and timely information to stakeholders about its role and licensing process as it prepares to review a repository license application

RIGHTS AND OBLIGATIONS UNDER INTERNATIONAL CONVENTIONS

Stephan Tromans

Barrister (United Kingdom)

**Forum on Stakeholder Confidence
9th Session
RIGHTS AND OBLIGATIONS UNDER
INTERNATIONAL CONVENTIONS**



**Stephen Tromans
Barrister
London**



Participative rights generally

- Environmental protection and sustainable development require and benefit from civic participation
- Application to environmental matters of notions of democratic governance
- Linkage to human rights and civil and political rights
- Improvement in quality of decisions – integration of environmental considerations and balancing of competing needs more likely if decisions made in open and participatory manner



Importance of transparency in nuclear field

- “Secrecy – particularly the half kept secret – fuels fear” Royal Commission on Environmental Pollution, 10th Report, 1984



Rio Declaration



- Principle 10
- Environmental issues best handled with the participation of all concerned citizens
- Appropriate access to information, including on hazardous materials and activities
- Opportunity to participate in decision-making
- Effective access to judicial and administrative proceedings

Other examples

- UN 1966 International Covenant on Civil and Political Rights
- Directive 85/337/EEC on EIA
- Directive 90/313/EEC on freedom of access to environmental information
- UNECE 1991 Convention on EIA in a transboundary context (Espoo Convention)
- UNECE 1992 Convention on transboundary effects of industrial accidents (Helsinki)
- Council of Europe 1993 Convention on Civil Liability (Lugano)
- 1993 North American Agreement on International Co-operation
- Human rights case-law: LCB v. UK, Guerra v. Italy

The Aarhus Convention



- UNECE Convention on Access to Information, Public Participation in Decision Making and Access to Justice on Environmental Matters
- Adopted 25 June 1998 at Aarhus
- Entered into force 30 October 2001
- Parties now include majority of states in Europe and Central Asia

Aarhus Convention

- New kind of agreement linking environmental rights and human rights
- Establishes that sustainable development can only be achieved through involvement of all stakeholders
- Not just environmental, but about governmental accountability, transparency and responsiveness
- “The most ambitious venture in environmental democracy so far undertaken under the auspices of the UN”

The three pillars

- Article 1: Each party shall guarantee the rights of:
 - Access to information
 - Public participation in decision-making
 - Access to justice in environmental matters



General provisions

- Article 3
- Necessary legislative, regulatory or other measures, including enforcement measures, to establish and maintain a clear, transparent and consistent framework
- Promote environmental education and awareness
- Provide appropriate recognition and support to groups promoting environmental protection

Access to information

- Article 4
- Response to requests for environmental information
- Article 5
- Public authorities to make information available in a transparent way which is effectively accessible, and progressively in electronic form
- Publication of facts and analyses of facts which the Party considers relevant and important in framing major environmental proposals

GUESS WHO'S BUILDING NUCLEAR POWER PLANTS.



The Shah of Iran is sitting on top of one of the largest reserves of oil in the world. Yet he's building two nuclear plants and planning two more to provide electricity for his country. He knows the oil is running out – and lives with it.

But he wouldn't build the plants now if he doubted their safety. He'd wait. As many Americans want to do.

The Shah knows that nuclear energy is not only economical, it has enjoyed a remarkable 30-year safety record. A record that was good enough for the citizens of Plymouth, Massachusetts, too. They've approved their second nuclear plant by a vote of almost 4 to 1. Which shows you don't have to go as far as Iran for an endorsement of nuclear power.

NUCLEAR ENERGY TODAY'S ANSWER.

Participation in decisions on specific activities

- Article 6
- Provisions to be applied to decisions on whether to permit proposed activities listed in Annex I
- Annex I includes –
 - Nuclear power stations and other reactors
 - Installations for reprocessing irradiated fuel
 - Installations for final disposal of irradiated fuel or radioactive waste
 - Installations for the offsite storage of irradiated fuel or radioactive waste, planned for more than 10 years

Article 6 requirements: I

- Inform the public concerned early in the decision-making process
- “The public concerned” are those affected or likely to be affected, or having an interest in the decision
- NGOs promoting environmental protection are deemed to have an interest
- Reasonable time frames to be adopted to give sufficient time for information and effective participation

Article 6 requirements: 2

- Early participation, while all options are open
- Applicants to be encouraged to enter into discussions and provide information to public
- Public to be given access to relevant information
- Public to be allowed to submit comments and information in writing or, as appropriate, at a public hearing or inquiry
- Public to be promptly informed of decision and reasons and considerations on which it was based


Plans and rules

- Article 7
- Public to participate in preparation of plans and programmes within a transparent and fair framework
- Article 8
- Parties to strive to promote participation during preparation of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment

39 ESSEX STREET

Access to justice

- Article 9
- Ensure access to review procedure for refusal of information or to challenge procedural and substantive legality of decisions subject to Article 6, or acts or omissions which contravene provisions of national law relating to the environment
- Access to justice should be wide, provide effective remedies, and be fair, equitable, timely and not prohibitively expensive



39 ESSEX STREET

Links with EIA



- EIA relates to "projects" at the stage of development consent
- As the Implementation Guide points out, the Aarhus Article 6 obligation relates to decisions to "permit" relevant activities and is not specifically linked or limited to EIA processes
- The decision to permit may vary between administrative systems and may include spatial planning, development consents, operating permits and discharge consents
- EIA generally concerned more with effects and mitigation than with strategic choices

SEA

- Directive 2001/42/EC
- Plans and programmes
- Prepared for specified purposes (e.g. energy, waste management) and which set the framework for future development consents
- Assessment during preparation and before adoption or submission to legislative procedure
- Environmental report: objectives, environmental baseline, significant effects, outline of reasons for selecting alternatives, preventive and offsetting measures
- Consultations with specific environmental authorities and public
- Protocol on SEA to the Espoo Convention 2003 (Kiev Protocol)

SEA: case-law



- Application by Seaport Investments Limited (Northern Ireland High Court, 2007)
- Failure to establish separate designated consultation authorities
- Necessity for consultation contributes to more transparent decision-making and to more comprehensive and reliable information being available
- Necessity for specific and appropriate timeframes to be set for consultation, in order to achieve legal certainty
- Parallel consultation on plan and environmental report required so that the developing environmental report is able to influence the developing plan

Links with SEA

- Article 7 obligations less clearly-defined than Article 6 and leave more flexibility for finding appropriate solutions for public participation
- Article 7 distinguishes between “plans and programmes” and “policies”: interpretative guide says policies are less concrete and are more dependent on political context, history and culture
- Article 7 does not require SEA but there must be some mechanism for obtaining and evaluating comments, which may be satisfied through SEA
- Reference to “transparent and fair framework” in Article 7 must imply clear and consistent rules which guarantee participative rights

UK case study – new nuclear capacity



- R (Greenpeace Limited) v. Secretary of State for Trade and Industry (2007)
- Judicial review challenge to decision to support nuclear new build in “Energy Challenge Review Report”
- Basis of claim that consultation process flawed and decision unlawful

Greenpeace 2



- Energy White Paper 2003 stated that before any decision to build new nuclear PS there would need to be “fullest possible public consultation”
- Sullivan J held that in any event in the environmental field, consultation is no longer a privilege to be granted or withheld at will by the executive
- Express reference to Aarhus Convention
- No defence that there may be further debate at inquiry, or that this is a matter of “high policy”

Consultation in English law

- Proper consultation requires:
 - To be undertaken at a time when proposals still at formative stage
 - To include sufficient reasons to allow intelligent consideration and response
 - Adequate time for this purpose
 - Product to be conscientiously taken into consideration
 - R v. NE Devon Health Authority, ex parte Coughlan (2001)
 - Overriding requirement of fairness

What went wrong in Greenpeace?

- Content of consultation was consistent with being an “issues paper” only
- Time allowed was bare minimum under Cabinet Office Code of 12 weeks
- No firm proposals were advanced
- The amount of information was low, especially on critical issues of economics and waste – “jejune” and “little more than an empty husk”
- The purpose was unclear, with no distinction between a proposal and a conclusion
- Much information was published after the consultation period, e.g. report of CoRWM

The waste issue

- CoRWM had said “yes there is a solution to new nuclear waste, but ...”
- It could not possibly be fair to tell consultees that the waste issue was simply being considered by another body
- No proper opportunity given to comment on CoRWM recommendations
- No opportunity, for example, to question implications of CoRWM’s principle of “volunteerism” and its application to “new” waste

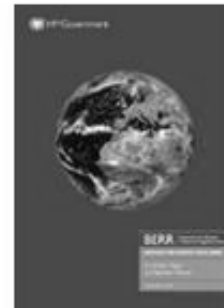


Summary

- “Something has gone clearly and radically wrong”
- Purpose unclear: adequate as an issues paper but “manifestly inadequate” as full consultation
- No proposals as such
- Key information emerged later
- Declaration that process unfair and unlawful

Further developments

- New consultation, May 2007
- White Paper on Nuclear Power (January 2008)
- States belief in and support for new build
- Further decisions needed on:
 - Generic design
 - Justification
 - Strategic siting assessment
 - Planning and licensing



Waste

- 2008 White Paper gives preliminary conclusion that new waste could technically be disposed of in a geological repository and would be best to use same repository as for “legacy” waste
- Conclusion not affected by fact that will be “many years” before repository completed
- General support for CoRWM 2007 consultation on geological disposal, voluntarism and partnership arrangements
- Government published consultation on Framework for Implementing Geological Disposal (June 2007)

Public engagement on waste

- Through CoRWM programme of public engagement and scrutiny of other organisations’ public engagement plans
- White Paper due 2008 followed by call for communities to express interest in hosting facility
- Public workshops in Cardiff, Reading, Leeds (September and October 2007)
- Role of local government

Strategic Siting Assessment

- SSA to identify criteria to be used to assess strategic suitability of sites and high level impacts
- Criteria to be published in draft and consulted on
- Assessment of nominated sites against criteria and further consultation
- Will feed in to National Policy Statement
- SEA to be conducted as part of SSA


The planning system



- Planning consent traditionally the way to provide public participation
- Major inquiries (e.g. Sizewell B)
- Proposals in the Planning Bill for Infrastructure Planning Commission for nationally significant infrastructure projects
- Importance of national policy statements and general attempts to narrow down relevant considerations
- Query whether fairness satisfied in absence of ability to test evidence and challenge accuracy of evidence and would comply with Aarhus Article 6(7) rights

39 ESSEX STREET

Nuclear energy not the only issue ...




- Government Sustainable Development Commission and Institute for Public Policy Research have concluded Government not in a position to make decisions on airport expansion because underpinning data is so widely disputed on economics, noise, climate change
- Call for a Commission tasked with compiling an evidence base for 3 years, with moratorium on further policy until such evidence can be reviewed

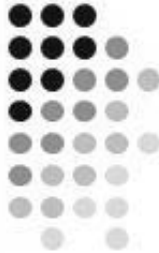
**SETTING CRITERIA FOR THE REPRESENTATIVENESS OF NGO/CSOS: REPORT ON
HEARINGS AT THE REQUEST OF FRANCE'S PRIME MINISTER**

Bertrand Pancher, M.P.


Décider Ensemble (France)



FSC – Item 10.e:
**Setting criteria for the representativeness of
NGO/CSOs:**
Hearings at the request of France's Prime
Minister
Bertrand Pancher, M.P.
NEA FSC
Thursday 5 June 2008



Summary



- Presentation of the Association « Décider Ensemble »
- Context of the hearings on representativeness as part of the national consultation on the environment (*Grenelle de l'environnement*)
- Objectives & method set by the Grenelle working party on «Building an Ecological Democracy »
- Proposals found in the report of hearings by the subcommittee «Institutions and representativeness of actors»
 1. Ecological democracy at every territorial level of decision
 2. Criteria of representativeness

Association « Décider Ensemble »

Date of creation: November 2005



Objective:

Promote the culture of shared decision making in France

Board:

3 collegia : Business, Local Authorities, Civil Society Organizations (CSOs)

Ongoing projects:

1. Monitoring literature and sharing experience
2. Training
3. The « Encounters of Décider Ensemble »
4. Monitoring legislation

3

Context of the hearings on «Institutions and Representativeness of Actors» - a follow-up to the Grenelle national environmental consultation



- **6 July 2007** : At the request of the French President, Ecology Minister Jean-Louis Borloo inaugurates a **broad environmental consultation**, the « *Grenelle de l'environnement* »
- **July-Sept. 2007** : Meetings of 6 **working parties** including «**Building an Ecological Democracy**»
- **23 Oct 2007** : President Sarkozy closes the working parties
- **Décember 2007** : Working party results taken up in 33 **subcommittees** including «**Institutions and representativeness of actors**» presided by Bertrand Pancher.
- **27 Feb 2008** : Bertrand Pancher is named by the Prime Minister to perform a **consultative parliamentary mission** for the Ecology Minister
- **30 April 2008**: First draft law on applying the conclusions of «Grenelle Environnement ».
- **May 2008** : Bertrand Pancher hands his Mid-term Report of hearings to Ecology Minister Jean Louis Borloo.

4

Objectives set by the Grenelle working party « Building an ecological democracy »



- Overall objective as proposed during the Grenelle of the Environment: Propose representation criteria and ways of involving Civil Society Organisations in governance groupings
 - > Define representation criteria for environmental actors
 - > Propose a new « Economic and Social Council » format including new membership profile, expanded influence on decision-making and an environmental pillar
 - > Integrate environmental actors into relevant institutions of governance
 - > Possibly create a « Local Authorities' Conference » to be held regionally once a year
- Chosen method:
 - subcommittee « Institutions & representativeness of stakeholders »
 - Composed of representatives of 5 collegia (State, local governments, CSOs, enterprise, unions)
 - To conduct hearings of qualified speakers

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Proposals from the subcommittee report (1)



1. Ecological democracy at every territorial level of decision

Goal and principle :

- Propose a manner to enlarge governance groups to new stakeholders.

Who are these new stakeholders ?

- Category 1 : Environmental protection NGOs (FNE, FoE, etc.)
- Category 2 : Nature users' associations (Hunters and Fishermen federations)
- Category 3 : Public interest foundations for the environment (Fondation Nicolas Hulot, etc.)

Which governance institutions are concerned?

- Economic and Social Council
- LE CNDD (National Council of Sustainable Development)
- Le CNE (National Executive Council)
- La CNDP (National Commission of Public Debate)
- Grenelle de l'environnement Follow Up Committee

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Proposals from the subcommittee report (2)



2. Criteria of representativeness

Objective and principle:

- Define criteria for representativeness of new stakeholders so as to integrate them into governance structures giving them a legitimate standing that is not vulnerable to objections
- Actors' representativity corresponds to their capacity to « speak or act in the name of the interest of the environment »

3 types of criteria :

- Participation criteria for the three stakeholder categories
- Specific eligibility criteria
- Criteria to evaluate representativeness

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Participation Criteria common to all stakeholder categories



Criteria to grant participation status to (legally established) NGOs, civil society organisations and foundations

1. Statutory activity in the area of the protection of nature and management of wildlife
2. Active for the past 3 years
3. Operation in conformity with own legal statutes
4. Sufficient guarantee of operating resources
5. Independent and disinterested activities
6. Minimal number of dues-paying members

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Eligibility criteria



Criteria to evaluate the specific character of NGOs, CSOs or Foundations under consideration

1. NGOs and CSOs: Liberty of association, participative values and « only » an environmental agenda
2. Foundations: Formed around an environmental objective
3. Recognized activity and presence in the field
4. Democratic operation and internal governance
5. Transparency and independence

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Representativeness evaluation criteria for NGOs and CSOs



Quantitative, mathematic and weighted approach to result in the most objective evaluation possible

- ✓ Size and coverage (number of members, national territorial representation, European and international networking)
- ✓ Effective activity (presence in organised public debates and public inquiries, participation in consultative committees, education and training activities)
- ✓ Actions taken in favor of the respect of the law (number of suits won in court)
- ✓ Management of vulnerable environmental spaces

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Representativeness evaluation criteria for Foundations



Quantitative, mathematic and weighted approach to result in the most objective evaluation possible

- ✓ Representativeness and operations (local and national implantation, projects supported in several regions)
- ✓ Transparency and independence (democratic internal procedures, several sources of financing)
- ✓ Effective activity (participation in national actions, number of paid personnel)
- ✓ Technical competence and specialised expertise
- ✓ Reach and notoriety (number of events and publications, number of donors, international reputation)

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