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RADIOACTIVE WASTE MANAGEMENT COMMITTEE**

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Topical Session on Trust in Organisations

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INTRODUCTION

Building and maintaining trust in organisations is a common concern among institutions with activities that involve the management of hazardous materials or contaminated sites, or have the potential for exposure both to workers and members of the public. Commonly asked questions in regard to trust and confidence toward organisations involved in activities presenting some kind of risk for the public and the workers include:

- What are confidence and trust?
- How is confidence built and trust given to and received by organisations?
- How may interactions with stakeholders influence organisations and also help generate confidence and mutual trust?

This subject was identified and discussed at the 1st Workshop of the RWMC Forum on Stakeholder Confidence, and highlighted by the CRPPH Villigen workshops, but then it was judged to deserve further elucidation. To carry discussions about this important topic forward, the RWMC and the CRPPH agreed to hold a joint topical session on the subject. The session was designed to enrich the reflection that is being made in the stakeholder area within the two committees, and to stimulate the open exchange of views to provide additional bases for further analysis.

This document comprises the papers presented at the meeting. One of the papers was presented in French and has been translated for inclusion in the main section of the document; however the original version has been included in Appendix I.

SUMMARY OF THE TOPICAL SESSION

Papers and discussions at the joint RWMC/CRPPH Topical Session indicated that there is a consensus among practitioners and theorists that trust is an essential factor to the success of organisations responsible for the management of hazardous materials or contaminated sites. Discussions also reflected the recognition that in order to earn and maintain trust, focus should be on organisational processes, rather than people or outcomes. Namely, if focus is on people, there is no guarantee that trust can be maintained in case of changes in personnel, while institutionalised processes guarantee a higher degree of stability. On the other hand, high-quality processes are likely to produce high-quality outcomes. By listing a number of expectancies regarding organisational processes, outcomes, and related managerial competencies, participants acknowledged the multi-dimensional character of trust.

Caddy (this volume) pointed out that high standards of public governance are key factors of trust in the integrity of public institutions. Generally agreed principles for good governance include process transparency, openness, and accountability. She emphasised the importance of building robust legal, policy and institutional frameworks, developing tailor-made tools for public involvement, as well as leadership and commitment on the part of policy makers.

By analysing the difficulty of reconciling the idea of democratic action with effective risk management, Hatchuel (this volume) concluded that in the field of “bio-social” hazards a shift is needed from collective decisions to the collective design of decision making processes. He proposed bottom-up approaches, the main components of which include collective value formulation, participative project organisation, and focusing research on socially defined problems.

The need for bottom-up approaches was also emphasised by practitioners from the nuclear energy community. An example for such approach was the case of the Nord-Cotentin Radioecological Group (Lochard, this volume), in which an expert group representing a variety of stakeholders was set up to work on a highly controversial issue defined by a local community. By facilitating a dialogue between various stakeholders and reaching a consensus, the expert group succeeded to improve mutual trust.

Another example for a shift toward bottom-up approaches was the Nirex Reorganisation case (Hooper, this volume). As a response to the failure to obtain permission to build an underground laboratory, Nirex decided to change its overall policy, to increase transparency, corporate responsibility, and environmental awareness. Based on discussions with various stakeholders, important lessons were learnt about deficiencies concerning decision processes, company structure and personnel behaviour, and new policies were developed.

Participants of the Joint Session also pointed out the significance of stepwise approaches to radioactive waste management from the perspective of trust building. It was claimed that decomposing complex decision-making processes into discrete, easily overviewed steps facilitates the traceability of decisions, allows feedback from stakeholders, and provides for adaptation to contextual changes. Participants pointed

out that stepwise, iterative processes have been followed in Finland and Sweden, and are planned to be implemented in the U.S.

OPENING ADDRESS

L. Echávarri

NEA Director General

Ladies and Gentlemen,

It is my pleasure to welcome you, on behalf of the Nuclear Energy Agency of the OECD, to this Topical Session of the Committees on Radiation Protection and Public Health and Radioactive Waste Management.

The *Concise Oxford Dictionary* defines trust as a “firm belief in reliability, honesty, veracity, justice, strength, etc., of person or thing”. Having trust implies that an individual is willing to give up a certain measure of control to another individual, an institution, or a set of institutions (a system).

Trust can be given, but it cannot be taken – it must be earned, typically by verification through actions and meeting commitments. Trust is easier to win if there are shared understanding, interest and responsibilities between the parties involved. There is also an asymmetry inherent in trust: it is much easier to lose trust than to earn it.

This has important implications at the level of organisations and implies adequate provisions in terms of

- **Organisational features** [such as to include independence, clarity of role position, structural learning capacity, high levels of skill and competence in relevant areas, including stakeholder interface, strong internal relations and cohesion, an ethical chart or code of conduct, and a general “quality consciousness”].
- **Mission features** [such as a clear mandate and goals, a specified management plan, a well-founded and articulated identity, a good operating record].
- **Behavioural features** [including openness, transparency, honesty, consistency, willingness to be tested, freedom from arrogance, recognition of limits, commitment to a highly devoted and motivated staff, coherence with organisational goals, an active search for dialogue, an alert listening stance and caring attitude, proactive practices, emphasis on stakeholder interface, a policy of continuous improvement].

These are all aspects that benefit from the widest possible discussions, as trust in organisations and, in particular, trust from, and partnership with, stakeholders is paramount in the correct functioning of present

society. To this effect, the OECD has been engaged in supporting governments in their dialogue with civil society for some time now and, most prominently, since 1999, when Ministers asked the OECD to assist governments in improving communications and consultation with civil society or civil society organisations (CSOs). In 2000, the OECD established its very wide and successful Forum 2000 to invite CSOs views on the agenda of the Ministerial meeting and held one again in 2001.

The Public Management Service (PUMA) of OECD has played a particularly important role in the area. PUMA, with which the RWMC Forum on Stakeholder has strong ties, is looking specifically at how to strengthen the relationship between governments and their citizens, especially in terms of treating citizens more like partners to consult and learn from in decision-making. PUMA is also focusing attention on the critical role governments have in promoting social and political cohesion through enhancing this relationship with citizens. Finally, PUMA is reinforcing the importance for OECD governments to provide for transparency and objectivity in information and decision-making to enhance public trust. [“People will accept the outcome of a process that they perceive as fair, even if the solution is not one they would have chosen.”]

The NEA has also been engaged in supporting governments in their dialogue with civil society through the help of the two committees involved in this session, for example:

- the former Villigen workshops of the CRPPH and the 3rd Villigen workshop planned to take place in early 2003, which will continue to investigate stakeholder involvement aspects of radiological protection decision making.
- The RWMC Forum on Stakeholder Confidence for decision making in the management of long-lived radioactive waste that is providing a platform for all stakeholders to meet, also at national level, (in Finland last year, and in Canada this year) and will provide feedback on organisational improvements, amongst other lessons.

In addition, our Committee on Nuclear Regulatory Activities (CNRA) held a workshop in November 2000 addressing the specific issue of the relation between “Nuclear Regulators and the Public”. A Working Group on Public Communications of Nuclear Regulatory Organisations is now carrying this work forward.

A project on “Society and Nuclear Energy” is being started by the Nuclear Development Committee. The focus will be to analyse the sociological and political factors influencing public perception of nuclear energy.

Finally, at the most recent meeting of the Steering Committee we held a special policy debate on the value of NEA’s work in this nuclear energy and civil society. The position of the Steering Committee is that this has been a fruitful area for NEA work.

In closing, I would like to emphasise the importance that NEA places on its role in assisting governments in understanding what gives confidence to various stakeholders in a decision-making process and thus help governments work more effectively and efficiently. The objective that we all share is to develop more successful policies and decision-making processes in the nuclear energy field.

**REGULATING HIGH LEVEL WASTE DISPOSAL IN THE U.S.:
WORKING TO EARN PUBLIC TRUST**

Margaret V. Federline and Janet P. Kotra

Office of Nuclear Materials Safety and Safeguards
U. S. Nuclear Regulatory Commission
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In the United States, trust in a balance of power within the government is an important concept. Integral to our political culture in the U.S. is reliance on a system of checks and balances among our branches of government. The authority, roles and responsibilities of various branches of government are deliberately and carefully balanced to curb excesses of power from any one. This “separation of powers philosophy” is reproduced, in many variations, down through to the state and local level. We take considerable comfort in the knowledge that our trust need not be absolute, or betrayal of that trust catastrophic. Americans count on a system of oversight that holds decision-makers accountable for their governance. We put a great deal of stock in this self-correcting mechanism, and it continues to serve us well.

It is against this backdrop that the U.S. program for siting, characterizing and eventually deciding whether to build a repository at Yucca Mountain is being conducted. It is no secret that the some citizens from Nevada are vigorously opposing the Secretary of Energy’s recent recommendation, affirmed by President Bush, to develop Yucca Mountain as a geologic repository. The Governor of Nevada is expected to file a notice of disapproval—as is his prerogative—within a month. A majority of the U.S. Congress must then decide whether to approve the President’s recommendation or let stand the State’s disapproval. If the U.S. Congress votes to approve the President’s designation of the Yucca Mountain site, the U.S. Department of Energy will then proceed to seek authorization to construct a repository from the U.S. Nuclear Regulatory Commission.

As the regulatory authority, the U.S. Nuclear Regulatory Commission, then plays a significant role. If the U.S. public as a whole, and the Nevada public, in particular, are to accept a regulatory decision, they must have some measure of confidence in the independence and competence of the agency responsible for protecting public health and safety. For several years now NRC has included the building and enhancing of public trust as an explicit performance goal for the agency. To be fully effective in carrying out our mission to protect public health and safety and the environment, we believe that the public must view the NRC as a reliable, objective, open and efficient regulator. We have always sought to afford the public access to our decision making process. More recently, however, we have come to better appreciate the value of dialogue with stakeholders and the importance of expanding the opportunities for public interaction and participation in our regulatory process. Because of this understanding we are attempting to restructure how we do our job and how we prepare to conduct our review of a potential license application for Yucca Mountain. In particular, in developing new, site-specific regulations for a proposed geologic repository at Yucca Mountain, Nevada, and in explaining our regulatory role and responsibilities, we have

found the need to adapt and expand our efforts to inform and to involve the public in our decision-making process.

Over the past three years we have sought to identify where we might improve our interactions with the public we serve. We now provide expert training in risk communication and have increased the number of our staff receiving training in conducting public meetings. We review all presentations to the public for clarity and plain language. Working closely with a trained facilitator, we have dramatically restructured the format of our meetings such that formal presentations, if used at all, are much shorter, and are punctuated with multiple opportunities for questions and dialog. Other formats, such as public round table discussions, poster sessions and open houses are also used to advantage. These are but a few examples. The details of these and other actions taken by NRC to inspire trust in its ability as an independent regulator have been discussed by our representative at the Forum on Stakeholder Confidence.

These institutional changes have been received positively over the past three years. Management commitment and intensive preparation by the staff; training and rehearsal by all speakers, anticipating questions and discussing appropriate answers in advance have all contributed to more constructive interactions with the public in Nevada. By engaging the public earlier in the regulatory process and listening to their issues and concerns, and by providing clear and honest responses, we are earnestly working to build public confidence and trust – trust that can enhance our ability to protect public safety. It is our actions as a independent regulator, conducted with intellectual honesty and integrity that, in the end, will determine whether the public will trust that the agency charged with their safety and the safety of their environment, and therefore will find acceptable any future decisions we make on a repository at Yucca Mountain. These changes to improve our interactions with the public comprise many small, rather basic improvements. Taken together, however, I am convinced that they represent the beginning of a major change in the institutional culture of NRC as an agency. Among the issues we continue to grapple with, as we attempt to adapt, as an institution, in order to fulfil our mission to protect the public and earn the trust of that public are the following:

- 1) How can government (and other) institutions carry out their assigned roles in a manner that inspires trust?
- 2) Is it important that we distinguish between “acceptance” and “agreement?”
- 3) Given the large amount of time it takes to carry out a deliberate, step-wise process of national decision-making with regard to the siting and construction of a waste disposal facility, how can institutions remain accountable?
- 4) How can institutions keep the broader community informed and aware of the bases for prior decisions, of the roles and responsibilities of various governmental decision makers, of the opportunities for checks and balances and for public involvement?
- 5) How important is it for responsible institutions (developers, regulators, government and community leaders) to highlight the importance of serving the needs of the many (*e.g.* greater protection through central location and deep geologic disposal) while at the same time assuring that local health, safety and environment will continue to be protected?

- 6) How do the “trust needs” differ for communities and individuals near transportation corridors, near nuclear generating stations and near potential repository sites. If differences exist, how can responsible institutions effectively accommodate these differences?

PUBLIC ACTION AND COLLECTIVE DESIGN: EXPERTISE AS A DEMOCRATIC PROCESS

A. Hatchuel^{1,2}

Ecole des Mines de Paris

The democratic ideal now extends beyond the traditional boundaries of politics into areas such as the utilisation of *scientific expertise*. This development reflects both the growing use of “biosocial³” technologies (food, health, reproduction, the environment, etc.) and the scale of the attendant risks to society (nuclear contamination, “mad cow” disease, genetic manipulation, catastrophic or worldwide pollution, etc.). As a result, governments and social actors find themselves facing a constant series of technological, political and media crises prompting repeated calls from the public for greater democratic control.

The mythology of action to counter collective risks

But what exactly does more democracy in such areas mean? Surely expertise is a necessary boundary to democracy, as it once was for the monarchies? Despite the problems involved, despite innovative work, the response of politicians, intellectuals and the media in many cases amounts to little more than:

- describing a “metaphysics of precaution”, instead of conducting a *proper exegesis of precautionary practices*;
- calling for a “great national debate”, rather than developing a capacity for innovative and collective action that is better suited to such issues.

Creating such a myth of public action and the democratic process can have perverse effects. Far from shedding light on the necessary learning processes, the demands associated with expert second opinions and the continuity required for research and the democratic process, such mythologising merely endorses a disjointed, media and lobby-driven model of collective action ultimately rejected by public opinion.

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1. This text is a condensed version of a paper entitled "Public action and collective design" published in *Expertise, débat public: vers une intelligence collective* edited by E. Heurgon and J. Landrieu, Colloque de Cerisy, Editions de l'Aube, Paris 2001. See in particular the bibliography on which the paper draws.
 2. Paper given at the *Entretiens du Gref* (12 February 2002), revised for the present Topical Session and presented in French (see Annex 1 to this document).
 3. This term has echoes of the concept of "biopolitics" proposed by Foucault; however, preference is given to the term "biosocial" which emphasises the major phenomenon of the current era, namely the interference of "biopolicies" with all social and economic policies.

A point of view on models of public action

What we should be doing is thinking more deeply about the mechanisms and instruments of action, or what I would call models of collective action that are commensurate with the boundaries to technical expertise, public action and democratic debate with regard to biosocial risks. The reason for this is that action by government cannot be divorced from a model of collective action, from a way of perceiving the pursuit of such action or its instruments. Many public initiatives have been taken in recent years (creation of Committee Agencies, citizens conferences, etc.) without undertaking a comprehensive overview of the contemporary model of public action. This is what the proposals⁴ set out here attempt to do. The starting point for these proposals, however, consist in a review of the role played by expert second opinions and research policy in combating collective risks.

Expert second opinion and public participation

Many observers consider that the response to collective risks must assume the particular form of democratic debate that consists in the expert second opinion of the type enshrined in the legal system. Such a process is also capable of meeting the public's desire to be involved, as shown over the past two centuries by the existence of juries capable of following the proceedings of lengthy and complex trials and then deciding on the fate of defendants.

But we are poles apart here from the "great national debate" or the usual consultations of public opinion (citizens conferences). *The rationale of expert second opinion is a necessary ideal that is both demanding and attractive; it also tends, however, to radicalise the debate and restrict the number of available options.* At the same time, the problems themselves defy ready formulation, generate conflict and evolve as further knowledge is acquired. In a courtroom, expert testimony helps the judge and jurors make up their minds and reach a final verdict. Addressing collective risks calls for far more than a ruling in law or a political decision that has no firm foundation, that is taken under pressure and that doubtless will subsequently evolve. Experts are not expected to secure a consensus, but to provide the knowledge that is best suited to reducing those risks.

Joint management of research

Moving beyond a rationale of proper decision-making or good law-making, we need to build a system that permits the *cogeneration of knowledge and social choices*. We must accept the redefining of both the public good and those skills that will secure this cogeneration. The challenge of democracy also presupposes an adequate polarisation of research and the production of expertise. Likewise, the learning ability of government, public opinion and the various actors involved also needs to be strengthened. Until recently, the *Colbertian model* of the production of expertise provided a form of democracy founded on major national objectives and research policies selected by the State. However, this model is an inappropriate means of addressing issues in which the public good cannot readily be formulated and about which there are gaps in our knowledge.

4. These proposals draw on three sources: work carried out in collaboration with Franck Aggeri on risk management, environmental policy, and research and innovation policies; work carried out further to a series of symposia at Cerisy on new prospects; recent literature, and more particularly the Kourilsky-Viney report on the precautionary principle or the Chevassus-au-Louis report on GMOs.

As a result, the number of causative factors in the polarisation of research has risen (firms, associations, administrations, etc.). This "*dispersed polarisation*" is also a form of democratisation, but may be "short-sighted" in cases where the risks have impacts well beyond local spheres of influence. In view of this fact, how can we move beyond the excessively decision-based model of expert second opinion and the dispersed polarisation of research without regressing to the Colbertian model? What is the most appropriate form of democracy?

What is a democratic process? Reversing classical forms of reasoning.

Expert second opinion, academic freedoms, the Colbertian model, the dispersed polarisation of research and media debate are all different forms of democracy that are differentiated by the type of collective action concerned in that it is not sufficient to define democracy as the power of the people. The notion of "power" is meaningless unless we define the conditions under which it is exercised, that is to say the rules and procedures applicable to action and knowledge. In extending democracy to new domains, we must review our initial definition, particularly if use is made of different models of action.

In this way the legal procedure lends tangible form to the principle of equality before the law, but it does so by submitting the verdict to universal suffrage! It constructs an examination, hearings and debates before asking a jury, appointed in accordance with its rules, to make a decision (in the case of trial by jury). It is therefore solely by discussing the forms of collective action (decision, judgement, solidarity, creation, etc.) that are an appropriate response to a given problem that we can understand how to make such forms of action "democratic". But none of the known models of public action has been designed to deal with the problems arising from biosocial collective risks. *By developing a new model of action tailored to meet such risks, we will be better placed to discuss its democratic dimension.*

Towards "public collective action": A rationale of collective design

To restore confidence and enshrine emancipatory values in response to collective risks, public action must go beyond the "*decision and negotiation-based*" perception of public intervention. The aim is to inform public action with a rationale of collective design that better meets the expectations of actors, modes of knowledge production, and the time frame applicable to a process of collective learning. To do this requires moving from a representation in terms of "public policy" to the construction of "*public collective action*". What form might these missions take and what would be its institutional mode of constitution?

a) What missions? A mission which we would describe as one of "collective design" must at once drive a process informed by three different rationales:

- that of the *acceptability or the construction of social value* (expert second opinion, debates);
- that of a *public collective project* (mode of government, specification of milestones and stages, participants, rules)(*cf the concept of "public project" in the report on GMOs presented to the Commissariat au Plan in 2001 by B. Chevassus-au-Louis*);
- that of *associated research* (investigations, experiments, prototypes, laboratory work, etc.).

This model, which draws its inspiration from certain environmental policies⁵, lays emphasis on the need to introduce rules for continuous and joint management of public interventions and research policies.

b) What institutions? A mutation in the public action model

A rationale of collective design does not readily lend itself to the restrictive concept of “public policy”. It calls for the adoption of the more original concept of public collective action in response to problems whose difficulty may simultaneously drag government, experts and citizens' associations into a destructive downwards spiral (we are not far from such an outcome with the GMO issue). By introducing public collective action the State would ensure not only public debate but also a process capable of completing this mission. This idea can be illustrated by the following proposals:

- The State remains the guarantor of the process of collective design. However, the State is not at present capable of acting as the sole channel for expressing the general interest; it must therefore eschew its decision-making rationale.
- The State regulates procedures guaranteeing provision of the processes of investigation, debate and knowledge-sharing.
- The State guarantees that each individual is entitled to take part in the collective process, in the same way that the process of law requires an individual citizen to take part in a hearing, reply to questions, provide testimony, etc.
- The State enacts legislation solely as a last resort and uses its capacity to act as a threat or an incentive to actors to follow the design process⁶.
- The decision to enact legislation does not halt the process of collective design, instead it supports it, which means that the overall approach must be *transparent*.
- Decisions regarding research are essential parts of the process. Research must be polarised by the issues at stake but must also help to steer the design process. *The rationale behind choices made and the rationale of investigation can no longer be kept apart.*

Conclusions

Yesterday the legal system and tomorrow the autonomy of “public collective action” in response to collective risks

5. Aggeri, F., "*Les politiques d'environnement comme politiques de l'innovation*", *Annales des Mines, Gérer et comprendre*, June 2000.

6. This principle of action is already at work in certain European countries and may be seen in the rationale behind voluntary agreements and (Aggeri 2000) a number of environmental policies.

The rationale of collective design that is needed to respond to collective risks calls for a new model of State action. *The State as guarantor of a public collective action delegates the task of collective design, for which it provides the requisite spatial autonomy and lays down rules that define its democratic nature.*

All things being equal, the concept of public collective action is analogous to the historical formulation of legal procedure as an autonomous process of investigation and judgement with its own intrinsic parameters and limits. This was needed to avoid public condemnation, *lettre de cachet* and immunity granted to the powerful. It was necessary to organise a meticulous investigation, protect witnesses, ensure that all parties in the discussions are treated on an equal footing, and check that procedure is properly applied. In response to new forms of collective risk, the effort that must be made is of the same nature but of a different order in that we must organise the conditions of collective design without the procedural closure afforded by the trial process and without magistrates appointed for life. *This is precisely the issue at stake in public action conceived as a guarantee of collective design.*

The aim is not to introduce expertise into democratic process, which would clearly be a contradiction. Democracy is not a recipe for reducing risks. Faced with *biosocial collective risks*, democracy may well restrict itself to media crises and lobbying. The true democratic approach lies in inventing a new model of public collective action that can lead to the joint creation of public values, a long-term endeavour, and the joint management of research and the investigations needed to deal with collective risks. *Once this model has been clarified and explained, democratic intervention will be able to assume its rightful place without difficulty.*

TRUST IN ORGANISATIONS: THE NIREX REORGANISATION

A. Hooper

United Kingdom Limited

Abstract

The presentation describes how Nirex has changed its working processes and behaviours in response to the lessons learned from the failure of the United Kingdom's deep disposal programme in 1997. In particular, it describes how a policy of transparency can be implemented to give stakeholders and the public access to, and influence upon, a waste management organisation's work programme. A range of consultation methods have been used by Nirex in order to better understand the issues and concerns of stakeholders on subjects such as monitoring and retrievability, partitioning and transmutation.

Social research shows that an extremely important issue for many stakeholders and the public is the organisational structure, in particular the independence of the long-term waste management organisation from the waste producers.

Introduction

Alan Hooper started by clarifying how Nirex has come to view the issue of trust. Public research has led to the conclusion that it is not reasonable for an organisation to ask for trust. Therefore, Nirex has set itself the objective of being viewed as a responsible and accountable organisation.

The reorganisation which was the subject of the presentation followed the refusal of planning permission for an underground research facility at a location near Sellafield being upheld in 1997 by the relevant Government Minister, after a public inquiry. As observed by the UK House of Lords Select Committee on Science and Technology, the UK disposal programme was stopped dead in its tracks (after an expenditure of mainly public money in the sum of £450 million - 700 million equivalent).

Initially, the Nirex response was to undertake staff and budget cuts to a level where shareholders were able to support the continued operation of the Company. This defensive response was followed by an evaluation, with the involvement of other people and groups from outside the Company, of the reasons for failure. From that process, Nirex developed policies that required radically different processes and behaviour: it was important that implementation of these policies could be monitored. More generally, the analysis led Nirex to conclude that within an overall framework of transparency, the implementation of a successful long-term waste management policy requires consideration of the three themes:

- Structure - the organisational arrangements to define and implement the policy;
- Process - the way the policy is developed and implemented;
- Behaviour - how the different organisations involved interact with each other and stakeholders.

The method for practical implementation of the lessons learned from this strategic analysis could be exemplified in three key policies published by the Company, the Transparency Policy, the Corporate Responsibility Policy, and the Environmental Policy.

Transparency Policy

The Transparency Policy commits the Company to:

- fostering openness as a core value;
- listening as well as talking to people;
- making information readily available;
- making key decisions in a way that allows them to be traced so that people can see and understand how they were arrived at;
- enabling people to have access to and influence on our future programme.

In direct support of these commitments, Nirex took a number of key initiatives including:

- publishing the results of an investigation into all know allegations concerning the past operation and work of the Company, and in particular documenting lessons learned;
- developing greater clarity on publications, including their classification and production for specific audiences and the publication of a bibliography of categorised publications;
- publishing a code on access to information whereby the default is to making all information available.

Importantly, Nirex has set up an Independent Transparency Review Panel with a published remit to: review Nirex performance; recommend improvements; act as an appeal body (typically concerning any refusal to disclose information); and publish an annual report.

Corporate Responsibility Policy

The main thrust of this policy has been to provide practical access to and influence on the work programme. At the time of the presentation more than 70% of the Company's scientific programme had been subject to stakeholder preview. Also, a new publication "The Proposed Nirex Forward Programme" had been issued with a specific request for feedback.

Environmental Policy

The key elements of this policy are as follows:

- an explanation of the contribution Nirex makes to environmental protection;
- definition of measurable commitments to sustain or improve performance;
- commitment to an objective description of uncertainties.

A significant change in Nirex processes and behaviours has been in the level and nature of stakeholder involvement, achieved through a range of methods. Most notably this had led to the development of the approach to retrievability in what has become the Nirex Phased Disposal Concept. This approach, involving extended underground storage of waste packages in a controlled environment until such time as a future society wished to backfill and subsequently seal the repository, or alternatively retrieve the wastes to pursue a different management option, is in direct response to stakeholder views.

Similarly, a range of methods has been used to promote public involvement with the Company's work, leading to a number of key outcomes for the development of national policy. There is a broad consensus that there is a need to compare options for the long-term management of radioactive wastes, using a framework of Strategic Environmental Assessment or Environmental Impact Assessment. Nirex is promoting review of the concept of phased deep disposal as part of the current Government consultation on solid waste management policy. To support such a review it has published its view on the scientific and technical foundations of the concept and the important outstanding issues.

Nirex now sees certain societal requirements as a signpost for its future operations and behaviour. Society wants science to address its issues and concerns; contrary to the suspicions of some scientists, it does not want to "take over" science. Society certainly wants an appropriate accountability on the part of the waste management organisation in the form of genuine visibility of the issues. In this climate, the waste management organisation can then play a full role as a provider of valued information, ideas and involvement in future decisions. Part of this role is to offer acceptable strategies to deal with unknowns that society identifies; the new approach to retrievability is a good example.

Nirex's social research shows that an extremely important issue for many stakeholders and the public is the organisational structure, in particular the independence of the long-term waste management organisation from the waste producers. In the context of a number of Government reviews or consultations on relevant subjects, viz: solid radioactive waste management policy; nuclear liabilities; energy policy, and changes to the planning process for major infrastructure projects, Nirex has proposed a future structure of the nuclear industry divided into three sectors. These are commercial operations; decommissioning and site clean-up; and long-term management. Furthermore, there are two distinct roles in the long-term management sector.

One concerns policy development and overseeing its implementation; the other is the role of the organisation responsible for developing and sustaining long-term management concepts, conducting the supporting social and technical research, and developing standards, specifications and advice in relation to waste packaging.

Perhaps the best indicator of the view currently held of Nirex, following its reorganisation over the past five years, is that many stakeholders who were opposed to Nirex in the past have advocated that it should be made independent of other branches of the nuclear industry and given the second of these roles.

**TRUST AND GOOD GOVERNANCE:
APPLYING PRINCIPLES OF TRANSPARENCY, ACCOUNTABILITY AND OPENNESS IN
PRACTICE**

J. Caddy,

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High standards of public governance are seen by all OECD Member countries as the essential foundation for achieving sustainable economic growth, social cohesion and a healthy environment. Without high standards, there can be no trust or confidence in the integrity of public institutions or indeed of the value of democratic processes in promoting and protecting the interests and well-being of citizens. The result is instability and unpredictability and under such conditions neither business nor citizens can prosper.

“Governance” is the term used to describe how authority is distributed in the governmental system and how those who hold such authority are held to account. When it comes to the notion of good governance, a number of generally agreed principles hold, including:

- **Accountability**, meaning that it is possible to identify and hold public officials to account for their actions.
- **Transparency**, meaning that reliable, relevant and timely information about the activities of government is available to the public.
- **Openness**, meaning governments that listen to citizens and businesses, and take their suggestions into account when designing and implementing public policies.

While challenges are similar across countries, and the principles of good governance are widely accepted, there is considerable scope for different approaches, national priorities and institutional solutions to achieve transparent, accountable and open government.

Accountability through Sound Ethics Management

Putting it bluntly, good governance means above all, clean government. There are other important aspects, respect for laws, responsiveness to citizens and sound budgetary management, for example. But probity and integrity in the public service and in public life generally are central to the proper functioning of public administration. It is not just a matter of fraud or financial misappropriation. Essentially, it is a question of applying the principle of honesty in all areas where governments, whether national or municipal, act. This

includes their dealings with citizens and their elected representatives as well as the conduct of governments' internal affairs.

Achieving high standards involves reviewing systems for public appointments, recruitment, and promotion within the public service to ensure that these processes are open and fair. It means establishing clear lines of accountability and reporting supported by transparent and auditable financial management procedures. It means open procurement processes and much more. And, not least, it means dealing with citizens in an open, fair and objective way.

Comparative reviews of all OECD Member countries enabled the Public Management Service (PUMA) to draw up a checklist and set of principles against which administrations can review their systems. This was reflected in the *Recommendation on Improving Ethical Conduct in the Public Service* adopted by the OECD Council by which the Member countries have committed themselves to review regularly their policies, procedures and practices.

Enhancing Transparency and Openness through Information and Participation

Access to information and public participation are central to good governance and contribute to better policy-making. Investing in transparency and openness allows governments to tap new sources of policy-relevant ideas, information and resources when making decisions. Equally important, it contributes to building public trust in government, raising the quality of democracy and strengthening civic capacity.

In strengthening public access to information and participation:

- Governments must ensure that **information** is complete, objective, reliable, relevant, easy to find and to understand;
- They should see to it that **consultation** has clear goals and rules defining the limits of the exercise and the government's obligation to account for its use of public input; and
- Governments must ensure that **participation** processes provide sufficient time and flexibility to allow for the emergence of new ideas and proposals by citizens, businesses and NGOs, as well as means by which they may be integrated into government policy-making processes.

A recent OECD report entitled *Citizens as Partners: Information, Consultation and Public Participation in Policy-making* suggests ten guiding principles and delivers a clear message for governments everywhere. To engage people effectively in policymaking, governments must invest adequate time and resources in building robust legal, policy and institutional frameworks. They must develop and use appropriate tools. But without leadership at the highest levels and commitment throughout the public administration, even the best policies will do little to ensure that citizens can have voice and their views are heard.

The use of new Information and Communication Technologies (ICTs) are transforming relations between governments and citizens in many fields. With the introduction of 'e-government', there is no longer any excuse for not publishing the rules and criteria governing decisions and entitlements. Those responsible for particular decisions or activities can be readily identified. And by providing enhanced accounting, monitoring and auditing systems, they ensure that public finances are fully open to senior managerial and

external scrutiny. More generally, the power of ICTs as a vehicle for information and consultation means that citizens can be more fully involved in all aspects of government including policy-making, thus reinforcing a culture of trust and mutual interest.

Fostering Dialogue to Strengthen Trust

Promoting open, accountable and transparent government, while guaranteeing security, privacy and civil liberties, remains a major challenge. Achieving and maintaining the high levels of public trust which are essential for effective policy-making in the context of globalisation will require governments to explore new forms of dialogue with a wider range of stakeholders than ever before.

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For more information on PUMA's work see: <http://www.oecd.org/puma>

**TRUST IN ORGANISATIONS:
A KEY ISSUE IN RADIOACTIVE WASTE MANAGEMENT**

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The significance of trust in risk perception and risk management has been confirmed by a number of research studies (Kasperson, 1986; English, 1992; Rosa and Clark, 1999). The concept of trust has also been increasingly addressed by international organisations as a major factor to successful risk governance. For example, the TRUSTNET programme found that confidence and trust are key factors of the social management of risk (European Commission, 2000). The OECD NEA RWMC has established the Forum of Stakeholder Confidence to focus on trust building in radioactive waste management activities (NEA, 2000; NEA, 2002). The Joint RWMC/CRPPH Topical Session on “Trust in Organisations” was organised to carry such discussions forward. The paper first provides information on the concept of trust, and the theoretical foundations of trust building in organisations. Based on organisational theories, it suggests that a framework developed for managerial leadership be used to analyse the processes that form the basis of trust. Finally, discussions at the Joint RWMC/CRPPH Topical Session are summarised from the perspective of the proposed framework.

What is Trust?

In the literature a large number of definitions of trust exist. To provide a comprehensive definition, Golembiewski and McConkie (1975) summarised the various ideas on the concept as follows (Baird and St-Amand, 1995):

- implies reliance on, or confidence in some event, process, or person
- reflects an expectation of positive outcomes
- implies that something is being risked in expectation of gain
- implies some degree of uncertainty as to outcome

The TRUSTNET programme distinguished the concept of ‘confidence’ from that of ‘social trust’ on the basis of the risk involved (European Commission, 2000, p. 27): “Confidence is the everyday relation between a person and an organisation or a system. It is the usual attitude that we adopt for instance when we take a plane or when we put a letter in the post, or when we go to a restaurant. Confidence is a rather

passive situation where one individual is familiar enough with a system not to have to worry about it. Confidence characterises a situation where we are not involved in the problem of risk. On the other hand, social trust is a relationship between individuals within an existing or emerging group. It takes place in situations where individuals depend on people they trust to achieve important projects entailing significant risks for them.”

Another important distinction is to be made between ‘faith’ and ‘trust’. Faith is a blind trust given to an entity that is beyond our understanding or control. For example, we may trust in the power of nature, or in the power of divine, or even in the power of a person, without fully understanding our role in the relationship that develops (Baird and St-Amand, 1995). However, people cannot demand the blind trust of another, therefore non-blind trust must be built and maintained.

Trust in Organisational Context

Within any organisation different types of trusting relationships exist. Fox (1974) emphasises that a successful organisation is built on a foundation that includes lateral trust, vertical trust and external trust (Baird and St-Amand, 1995):

- **Lateral:** trust relations among peers or equals
- **Vertical:** trust relations between a supervisor and subordinate
- **External:** trust relations between an organisation and its clients

According to Fairholm (1994), building trust in organisations is a slow, stepwise process, which includes the following steps (Baird and St-Amand, 1995):

- Culture creation,
- Leadership, and
- Building relationship.

The first step is the creation of a culture, which is based on shared values. Mutual trust can develop in this environment, as shared values, honesty and integrity serve as the foundation for trust between managers, employees, and (external) stakeholders.

If a culture based on shared values has been established, employees/stakeholders will be more committed to the organisation. In order to maintain this commitment, a management strategy is needed which recognises the importance of empowering employees/stakeholders. Allowing increased participation in the decision-making processes and sharing information help in improving commitment and morale on the part of employees or stakeholders. At the same time, effective leadership, providing guidance, support and direction are key elements in this process.

In conjunction with creating a culture based on shared values and empowering employees/stakeholders, all actors must commit to building open relationships based on honesty, integrity, and concern for others (Baird and St-Amand, 1995).

Trust and Organisational Theories

Organisational theorists have been writing about the importance of trust for organisational success for decades. The development of various organisational management models reflects the emerging concept of trust. In the following, the four major models developed during the 20th century are reviewed (Quinn et al., 1990).

The first, so called **rational goal** model was based on Taylor's theory on scientific management (Taylor, 1911), which defined productivity and profit as the main indicators of organisational effectiveness. This model is based on the assumption that clear direction leads to productive outcomes. Hence, there is an emphasis on the process of goal clarification, rational analysis, and action taking. The climate of organisations following the rational goal model is rational economic and decisions are driven by "the bottom line" (Quinn *et al.*, 1990).

The second, so called **internal process** model is based on the assumption that the main criteria of effectiveness are stability and continuity (Fayol, 1949). The emphasis is on processes aimed at the definition of responsibilities, measurement, documentation, and record keeping. Organisations corresponding to the internal process model are hierarchical, and decisions are mostly based on rules, structures, and traditions (Quinn *et al.*, 1990).

The next model was the **human relations** model, in which commitment, cohesion, and morale are the most important criteria of effectiveness. In this model participation, conflict management and consensus building are emphasised. The significance of – lateral and vertical - trust as an essential factor of organisational success was first expressed by the proponents of this model (McGregor, 1967; Likert, 1967). Organisational climate associated with the human relations model can be characterised as team oriented (Quinn *et al.*, 1990).

Finally, the **open systems** model (Mintzberg, 1975) is based on the recognition that organisations need to operate in ambiguous and changing environments. Therefore, this model emphasises adaptability and external support as the most important criteria of organisational effectiveness. Key processes are political adaptation, creative problem solving, innovation, and the management of change. Such organisations have an innovative and flexible climate.

Table 1 describes the four major organisational management models in terms of the preferred criteria of effectiveness, the underlying means-ends theories, the most emphasised activities, and the corresponding organisational climates.

Table 1. Characteristics of the Four Models of Organisational Management

	<i>Rational Goal</i>	<i>Internal Process</i>	<i>Human Relations</i>	<i>Open Systems</i>
Criteria of effectiveness	Productivity, profit	Stability, continuity	Commitment, cohesion, morale	Adaptability, external support
Means-ends theory	Clear direction leads to productive outcomes	Belief that routinization leads to stability	Belief that involvement results in commitment	Continual adaptation and innovation lead to acquiring and maintaining external resources
Emphasis	Goal clarification, rational analysis, and action taking	Defining responsibility, measurement, documentation	Participation, conflict resolution, and consensus building	Political adaptation, creative problem innovation, change management
Climate	Rational economic: “the bottom line”	Hierarchical	Team oriented	Innovative, flexible

Source: Quinn *et al.*, 1990

By the 1990s, it turned out that in a world of intense change simple solutions do not work. It was recognised that none of the above models is sufficient by itself, but their elements need to be combined. Structure and change, control and flexibility, rules and responsiveness are needed simultaneously, and have to be integrated in a larger model of management. An integrative model, the so called *Competing Values Framework* was proposed by Quinn and Rohrbaugh (1983).

Similarly, we argue that simple solutions for building and maintaining trust do not work. The first methods aimed at trust building were based on the human relations model, as they emphasised participation, conflict management, and consensus building. However, trust building cannot be limited to these activities, since trust is a multi-dimensional concept. For example, in her field research Petts (1997) identified six dimensions of trust: perceived competence, objectivity, fairness of distribution, procedural equity in decision-making, consistency, and a perception of goodwill in composing information. It can be recognised that these dimensions are related to competencies corresponding to multiple models of management, i.e., competence and objectivity are related to the internal process model, procedural equity in decision-making and goodwill in composing information are central concepts of the human relations model, fair distribution is key to the open system model, while consistency relates to the rational goal model.

In order to earn trust, organisational processes and their outcomes must meet high standards in terms of a variety of criteria, e.g., transparency, openness, accountability, and commitment. Such criteria can be structured in terms of the *Competing Values Framework*: direction, goal clarity and commitment relate to the rational goal model, documentation, information management and transparency relate to the internal process model, participation and openness relate to the human relations model, while innovation, adaptation and flexibility relate to the open system model. Criteria defined for the outcomes of such processes are efficiency, accountability, supportability, and legitimacy, respectively.

The Joint RWMC/CRPPH Topical Session

Papers and discussions at the joint RWMC/CRPPH Topical Session indicated that there is a consensus among practitioners and theorists that trust is an essential factor to the success of organisations responsible for the management of hazardous materials or contaminated sites. Discussions also reflected the recognition that in order to earn and maintain trust, focus should be on organisational processes, rather than people or outcomes. Namely, if focus is on people, there is no guarantee that trust can be maintained in case of changes in personnel, while institutionalised processes guarantee a higher degree of stability. On the other hand, high-quality processes are likely to produce high-quality outcomes. By listing a number of expectancies regarding organisational processes, outcomes, and related managerial competencies, participants acknowledged the multi-dimensional character of trust.

Caddy (this volume) pointed out that high standards of public governance are key factors of trust in the integrity of public institutions. Generally agreed principles for good governance include process transparency, openness, and accountability. She emphasised the importance of building robust legal, policy and institutional frameworks, developing tailor-made tools for public involvement, as well as leadership and commitment on the part of policy makers.

By analysing the difficulty of reconciling the idea of democratic action with effective risk management, Hatchuel (this volume) concluded that in the field of “bio-social” hazards a shift is needed from collective decisions to the collective design of decision making processes. He proposed bottom-up approaches, the main components of which include collective value formulation, participative project organisation, and focusing research on socially defined problems.

The need for bottom-up approaches was also emphasised by practitioners from the nuclear energy community. An example for such approach was the case of the Nord-Cotentin Radioecological Group (Lochard, this volume), in which an expert group representing a variety of stakeholders was set up to work on a highly controversial issue defined by a local community. By facilitating a dialogue between various stakeholders and reaching a consensus, the expert group succeeded to improve mutual trust.

Another example for a shift toward bottom-up approaches was the Nirex Reorganisation case (Hooper, this volume). As a response to the failure to obtain permission to build an underground laboratory, Nirex decided to change its overall policy, to increase transparency, corporate responsibility, and environmental awareness. Based on discussions with various stakeholders, important lessons were learnt about deficiencies concerning decision processes, company structure and personnel behaviour, and new policies were developed.

Participants of the Joint Session also pointed out the significance of stepwise approaches to radioactive waste management from the perspective of trust building. It was claimed that decomposing complex decision-making processes into discrete, easily overviewed steps facilitates the traceability of decisions, allows feedback from stakeholders, and provides for adaptation to contextual changes. Participants pointed out that stepwise, iterative processes have been followed in Finland and Sweden, and are planned to be implemented in the U.S (Vira, 2001; Pescatore, 2002).

Conclusions

The contradiction between the high level of confidence in the safety of certain waste management methods (e.g., geological disposal) on the part of technical experts and the lack of their acceptance by the broader public has created a tension in the technical community and stimulated a number of social science research studies. Research suggests that lack of public trust is one of the major factors that lie at the heart of this contradiction, therefore, the concept of trust and methods of trust building have gained increasing attention recently.

From the above contradiction, innovative decision-making approaches, which are likely to create more trust and social acceptance, have emerged and are tested in a variety of contexts. Such approaches include bottom-up and iterative, stepwise decision-making processes. However, there is a number of methodological problems with such approaches which remain to be solved. As far as stepwise processes are concerned, the management of hazardous materials or contaminated sites can take place over decades, and awareness of scope and direction need to be recalled and reinforced with a combination of stakeholders that will be changing with time (Pescatore, 2002). On the other hand, while bottom-up approaches seem to work effectively in case of decisions taken at local levels where the discourse can be matched to the knowledge and the information processing capabilities of the stakeholders, to implement such approaches for decisions made at national or international levels remains a major challenge.

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**THE NORD-COTENTIN RADIOECOLOGICAL GROUP:
AN ORIGINAL EXPERIENCE OF PLURALISTIC EXPERTISE**

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The publication of epidemiological studies in 1995 & 1997, suggested that the excess of leukæmia around La Hague reprocessing plant could have been caused by radioactive emissions from the nuclear industry. This resulted in strong reactions among the local population, eventually provoking a broad national debate on the subject of reprocessing and its public health and environmental impacts. In response to this the Ministries of Health and the Environment established the *Nord-Cotentin Radioecological Group - GRNC* to investigate the situation.

In order to address the concerns of all stakeholders, the Group was established with very broad representation, including experts from the authorities (IPSN, OPRI), the operators (COGEMA, EDF, ANDRA, GEA), local and national NGOs (ACRO, CRII-RAD, GSIEN), and foreign countries (UK, Switzerland, Germany). The objective that was established for this group was to reconstruct the doses received by the local population in the Nord-Cotentin area for the period from 1966 to 1996, and to estimate the risk of leukaemia associated with these exposures resulting from industrial sources, medical practices and natural sources.

An important aspect of this work was the fact that a series of rules was established to guide co-operation within the group. These included the following:

- No necessity to reach a consensus.
- Recording of debates.
- Sharing of information among the Group.
- No confidentiality for the members of the Group.
- Regular contacts with local stakeholders (lay people).

Addressing the objectives of the group, and following the established ground rules, the GRNC came to a series of conclusions:

- "A calculated number of 0.0009 cases of radiation-induced leukaemia during the 1978-1996 period associated with discharges from nuclear installations."
- "This result is an average estimate and margins of uncertainty have not been quantified."
- "However, members of the Group maintain the hypothesis that the nuclear installations might be at the origin of the observed excess of leukaemia."

In addition to these conclusions, experts from the NGOs who were involved identified, and the Group agreed with, the following questions and issues:

- The results still include large uncertainties;
- Chemical discharges also need to be investigated;
- In any subsequent studies, the specificity of local habits needs to be better taken into account, particularly in models for dose assessment;
- A debate on the quality of the environment, now and in the long term, should be introduced; and
- The involvement of NGOs should not be restricted to the assessment of the past, but also of the future.

The results of this exercise in stakeholder participation went beyond these technical assessments of the situation, touching the very fundamental issue of social trust. This can be seen in the assessment of the NGOs that were involved, who felt that:

- Participation in the Group provided an opportunity to get information on the models and assumptions.
- The widened composition of the GRNC increased the range of debates and should be extended to other situations.
- The co-operation rules allowed participation while respecting the participants positions.
- The participation of the "independent" experts should be funded.

One particularly important group of local stakeholders was the Angry Mothers {"Mères en Colère"}. Their importance, in this context, stemmed from the fact that they truly represented the local, affected population, and their views were important to the inhabitants of the area. Their viewpoint on the process was that:

- GRNC was an important step to obtain information about nuclear installations;
- The GRNC's conclusion was a first step in regaining confidence;

- The participation of local NGOs experts was a key factor in the acceptance of the study's results;
- Their concerns have been taken into account;
- They have obtained an understandable information; and
- They decided to continue "in their own way" to monitor the situation.

From these assessments, it is clear that the involvement of local stakeholders improves the quality and the credibility of the assessment. More broadly, a pluralistic expertise contributes to the improvement of public confidence in the regulation and control system. As such, the GRNC has contributed to a mutual understanding of the participants, has clearly delineated, for all participants, "recognised scientific facts", "uncertainties" and "implicit values". This process, and the common understanding of issues, has created a common set of assessment tools that has allowed this broad group of stakeholders to reach common conclusions. This has contributed greatly to the building of mutual and institutional trust.

ANNEX I
ORIGINAL TEXT SUBMITTED (IN FRENCH)

AGIR PUBLIC ET CONCEPTION COLLECTIVE: L'EXPERTISE COMME PROCESSUS DEMOCRATIQUE

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L'idéal démocratique s'étend désormais au-delà du champ politique traditionnel et notamment au traitement de *l'expertise scientifique*. Cette quête est liée à l'expansion des techniques "bio-sociales"⁹ (alimentation, santé, reproduction, environnement...) et à l'ampleur des risques collectifs associés (contamination nucléaire, "vache folle", manipulations génétiques, pollutions catastrophiques ou planétaires...). Ils placent les gouvernements et les acteurs sociaux devant des crises techniques, politiques et médiatiques récurrentes qui suscitent des appels insistants à l'instauration d'un plus grand contrôle démocratique par les citoyens.

I. Les mythologies de l'action face au risque collectif

Mais que signifie plus de démocratie dans ces domaines? L'expertise n'est-elle pas une limite nécessaire de la démocratie comme elle le fut naguère pour les monarchies? Malgré la difficulté du sujet, malgré des travaux novateurs, ce que proposent politiques, intellectuels et médias se limite trop souvent:

- à énoncer une "métaphysique de la précaution" au lieu de conduire *une véritable exégèse des pratiques de précaution*,
- à en appeler au "grand débat national" plutôt qu'à l'élaboration d'une capacité d'action collective novatrice mieux adaptée à ces questions.

Une telle mythologisation de l'action publique et du démocratique n'est pas sans dérives. Loin de clarifier les apprentissages nécessaires, les exigences de la contre-expertise, la continuité nécessaire à la recherche et au processus démocratique, elle conforte *un modèle spasmodique, médiatique et lobbyiste* de l'action collective finalement rejeté par l'opinion.

⁷. Ce texte reprend sous une forme condensée notre article *Agir public et conception collective* publié dans l'ouvrage *Expertise, débat public: vers une intelligence collective* ss. la dir. de E. heurgon et J. Landrieu, Colloque de Cerisy Editions de L'Aube Paris 2001. On pourra s'y reporter notamment pour les références bibliographiques mobilisées dans ce travail.

⁸. Intervention aux Entretiens du GREF (12 février 2002) reprise pour le CRPPH/RWMC Joint Topical session du 13 mars 2002

⁹. On pense ici à la notion de "biopolitique" proposée par Foucault; mais on lui préférera le terme de "biosociale" qui insiste sur le phénomène majeur de notre temps à savoir l'interférence des "biopolitiques" avec toutes les politiques socio-économiques.

II. Un point de vue sur les modèles de l'action publique

Nous devons plutôt nous attacher à une réflexion sur les dispositifs, sur les instruments d'action, ce que j'appelle les modèles d'action collective adaptés aux limites de l'expertise, de l'action publique et du débat démocratique face aux risques bio-sociaux. Car l'action de l'Etat est inséparable d'un modèle d'action collective, d'une manière de voir la conduite de l'action ou ses instruments. Or de nombreuses initiatives publiques ont été prises ces dernières années, (création d'Agences Comités, conférence des citoyens...) sans réflexion d'ensemble sur le modèle d'action publique contemporain. Nos propositions¹⁰ ont cette visée, mais elle partent d'abord d'un réexamen de la place de la contre-expertise et des politiques de la recherche face aux risques collectifs.

III. Retour sur la contre-expertise et la participation citoyenne

Pour beaucoup d'observateurs, le traitement des risques collectifs exige cette forme particulière de débat démocratique qu'est la contre-expertise de type judiciaire. Celle-ci peut en effet répondre aussi au souci d'implication du public, comme le montre depuis deux siècles l'existence de jurys populaires capables de suivre des procès longs et complexes et de décider du destin des accusés.

Mais nous sommes alors aux antipodes du "grand débat national" ou des consultations publiques habituelles (Conférences des citoyens). *La logique de la contre-expertise est un idéal nécessaire, exigeant et séduisant mais elle tend à radicaliser le débat à réduire les options en présence.* Alors que ces problèmes sont eux-mêmes difficiles à formuler, conflictuels et évoluent avec les connaissances acquises. Dans un tribunal, l'expertise contribue à l'intime conviction des juges et des jurys pour l'établissement du verdict. Le traitement des risques collectifs demande beaucoup plus qu'une décision de justice ou une décision politique sans fondement véritable, prise sous la pression et appelée à évoluer. On attend des experts non pas un consensus, mais les connaissances les plus adaptées à la réduction de ces dangers.

IV. Un pilotage conjoint de la recherche

Au-delà d'une logique de la bonne décision ou de la bonne "loi", il faut construire *la co-génération des connaissances et des choix sociaux*. Il faut accepter les re-définitions tant du bien public que des compétences qui permettent de le produire. L'enjeu démocratique suppose aussi une "polarisation" adéquate de la recherche et de la production de l'expertise. De même, faut-il renforcer la capacité d'apprentissage des pouvoirs publics, de l'opinion et des différents intervenants. Jusqu'à une époque récente, *le modèle Colbertien* de la production de l'expertise a constitué une forme démocratique construite autour de grands objectifs nationaux, des politiques de recherche finalisées par l'Etat. mais, ce modèle n'est pas adaptée à des questions où le bien public est difficile à formuler et les connaissances trop lacunaires.

On a donc vu se multiplier les sources de polarisation de la recherche (entreprises, associations, administrations...). Cette "*polarisation éclatée*" constitue aussi une forme de démocratisation, mais elle peut-être "myope" lorsque les risques ont des effets bien au delà des sphères d'influence locales. Dès lors:

¹⁰. Elles puisent à trois sources : les travaux que nous avons pu mener avec Franck Aggeri, sur la gestion des risques, sur les politiques environnementales, et sur les politiques de recherche et d'innovation ; les réflexions issues d'une série de colloques de Cerisy sur les nouvelles prospectives ; La littérature récente et plus particulièrement au rapports Kourilsky-Viney sur le principe de précaution, ou au rapport Chevassus-au-Louis sur les OGM.

comment dépasser le modèle trop décisionnel de la contre-expertise et celui d'une polarisation éclatée de la recherche, sans revenir au modèle Colbertien? Quelle est la forme du démocratique la plus adaptée?

V. Qu'est-ce qu'un processus démocratique? Inverser le raisonnement classique.

La contre-expertise, les libertés académiques, le modèle Colbertien, la polarisation éclatée de la recherche, le débat médiatique sont autant de formes du démocratique. Elles diffèrent les unes des autres par le type d'action collective concerné. Car, il ne suffit pas de définir la démocratie par le pouvoir des citoyens. La notion de "pouvoir" n'a de sens que si nous en précisons les conditions d'exercice, c'est à dire le régime des actions, des savoirs, des procédures concernées. En étendant la démocratie à des domaines nouveaux, on doit revoir sa définition initiale surtout s'il s'agit de modèles d'action différents.

Ainsi, la procédure judiciaire réalise le principe de l'égalité devant la loi, mais elle ne le fait pas en mettant au suffrage universel le verdict! Elle construit une instruction, des audiences, des débats contradictoires avant de demander à un jury, qu'elle désigne elle-même, de trancher (s'il s'agit d'assises). Ce n'est donc qu'en discutant de formes d'action collectives (décision, jugement, solidarités, création,...) adaptées à un problème que nous pouvons comprendre comment les rendre "démocratiques". Or, aucun des modèles de l'action publique connus n'a été conçu pour traiter des problèmes de risques collectifs bio-sociaux. En *dégageant un nouveau modèle d'action adapté à ces risques, nous pourrions mieux discuter de sa dimension démocratique.*

VI. Pour une "Action collective publique": Une logique de conception collective

Pour restaurer la confiance et porter des valeurs émancipatrices face aux risques collectifs, un agir public doit dépasser la vision "*décisionnelle*" et "*négociatrice*" de l'intervention publique. Il s'agit de donner à l'action publique une *logique de conception collective*, plus conforme à l'attente des acteurs, aux modes de production des connaissances, aux temporalités d'un processus d'apprentissage collectif. Pour cela, on doit passer d'une représentation en terme de "politique publique" à la construction d'une "*action collective publique*". Quelles seraient ces missions et son mode de constitution institutionnel?

a) Quelles missions? Une mission que nous appellons de "conception collective" doit conduire simultanément un processus fondé sur trois logiques:

- une logique de l'acceptabilité ou de la construction de la valeur sociale (contre-expertises, débats);
- une logique de projet collectif public (mode de gouvernement, fixation d'horizons, d'étapes, participants, règles) (cf. notion de "projet public" dans le rapport au commissariat au plan de M. Chevassus sur les OGM 2001);
- une logique de *recherche associée* (explorations, expérimentations, prototypes, travaux de laboratoire...).

Ce modèle inspirée de certaines politiques environnementales¹¹ conduit à insister notamment sur la nécessité d'instaurer les règles d'un pilotage continu et conjoint des interventions publiques et des politiques de recherche.

¹¹. Aggeri F. 2000, " Les politiques d'environnement comme politiques de l'innovation". Annales des mines. Gérer et comprendre, juin 2000.

b) Quelles institutions? Une mutation du modèle d'agir public:

La logique de conception collective se prête mal à la l'idée trop limitative de "politique publique". Elle invite à instaurer une notion plus originale celle d'action collective publique face à des problèmes dont la difficulté risque d'emporter simultanément les pouvoirs, les experts et les associations de citoyens dans des spirales destructrices (nous n'en sommes pas loin dans l'affaire des OGM). En instaurant cette "action collective publique" l'Etat garantirait non pas seulement un débat public, mais un processus capable de mener cette mission. Quelques propositions pour illustrer cette idée:

- L'Etat, reste garant du processus de conception collective. Mais, l'Etat n'est pas, momentanément, capable d'exprimer seul l'intérêt général; il doit suspendre sa logique décisionnelle.
- Il réglemente des procédures garantissant que des processus d'investigation, de débat, et de partage des connaissances sont assurées.
- Il garantit à chacun un pouvoir d'intervention dans le processus collectif., à l'instar de la procédure judiciaire qui impose de participer à l'audience, de répondre, de témoigner.
- L'Etat ne légifère qu'en dernier recours et utilise sa capacité d'action comme une menace ou une incitation pour les acteurs à suivre le processus de conception.¹²
- La décision de légiférer n'arrête pas le processus de conception collective, elle le soutient : ce qui impose la *lisibilité* de la démarche d'ensemble.
- Les décisions en matière de recherche sont des choix essentiels du processus : La recherche doit être polarisée par les questions en cause mais elle doit aussi contribuer à guider le processus de conception. *La logique des choix et la logique de l'investigation ne sont plus séparables.*

VII. Conclusion: hier, le dispositif judiciaire...demain l'autonomie de "l'action collective publique" face aux risques collectifs.

La logique de la conception collective, requise par les risques collectifs, conduit à un nouveau modèle d'action de l'Etat. L'Etat garant d'une action collective publique, déléguant une mission de conception collective, auquel il laisse un espace d'autonomie nécessaire et dont il définit par des règles la nature démocratique.

Mutatis mutandis, l'idée d'action collective publique renvoie à ce que fut historiquement l'élaboration de la procédure judiciaire, comme processus autonome d'investigation et de jugement, avec ses grandeurs et ses limites. Il fallait éviter la vindicte populaire, la lettre de cachet, l'immunité des plus forts. Il fallait organiser l'enquête minutieuse, la protection des témoins, l'égalité des parties dans la discussion, le contrôle de la procédure. Face aux nouveaux risques collectifs l'effort à conduire est de même nature mais d'une autre ampleur : nous devons organiser les conditions de la conception collective sans la clôture procédurale du procès et sans la magistrature à vie. *C'est tout l'enjeu d'un agir public pensé comme un garant de la conception collective.*

¹². Ce principe d'action est déjà à l'œuvre dans dans certains pays européens ou dans la logique des "accords volontaires" ou (Aggeri 2000) qui prévaut dans plusieurs politiques environnementales.

Car, il ne s'agit pas de faire entrer l'expertise en démocratie ce qui est proprement contradictoire. La démocratie n'est pas non plus une recette pour la réduction des risques. Confrontée aux *risques collectifs bio-sociaux*, elle menace de se réduire à la crise médiatique et au lobbyisme. Une démarche démocratique véritable réside dans l'invention d'un nouveau modèle d'action collective publique qui puisse conduire la création conjointe des valeurs publiques, un projet dans la durée, et piloter conjointement la recherche et les investigations nécessaires au traitement des risques collectifs. *Une fois ce modèle clarifié et expliqué, l'intervention démocratique pourra y trouver sans difficultés sa véritable place.*