



Stakeholder confidence and transparency in radioactive waste management

The **Forum on Stakeholder Confidence (FSC)** of the OECD Nuclear Energy Agency (NEA) emphasises the importance of transparency in decision-making in the field of radioactive waste management (RWM). **Transparency** is achieved within an ongoing process if stakeholders are given access to information about the process and the opportunity to provide their input. Transparency as a practice is fostered by implementing clear and observable institutional frameworks and ensuring openness and authenticity in behaviour.

Transparency is a core value that has been acknowledged in all areas of governance both at the national and international levels. It is seen as an important goal and practice in the field of radioactive waste management. Voluntary efforts to apply the principle of transparency have been reported in the context of many national

radioactive waste management programmes. Legal provisions that favour transparency have been or are being introduced as well, in response to international guidance such as the **Council of the European Union Directive 2011/70/Euratom**.

Legal instruments that favour transparency

In Europe:

- **The Council of The European Union Directive 2011/70/Euratom** establishes a community framework for the responsible and safe management of spent fuel and radioactive waste. It requires member states to establish national programmes that provide workers and the general public with access to information, as well as opportunities for the public to participate effectively in the decision-making process, in accordance with national legislation and international obligations, and without jeopardising security and other interests.
- The United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (**Aarhus Convention**) establishes the right of access to environmental information, to participation in decision-making and to justice in environmental matters.

In Europe and elsewhere:

- The mandates of national waste management institutions typically include transparency provisions.
- National laws related to **freedom of information** ensure the public the right of access to all types of recorded information produced by a public body.
- Some countries have introduced transparency legislation, with specific provisions applying to the field of radioactive waste management.

Transparency and the Forum on Stakeholder Confidence (FSC)

The FSC has long recognised the importance of transparency. At its inauguration workshop in the year 2000, different interpretations of transparency were discussed, and various ways to achieve transparency in the decision-making process on radioactive waste management were suggested. These included: *institutional openness* regarding the provision of information; *fostering and maintaining dialogues* among experts, decision-

makers and stakeholders; and “*stretching*” (i.e. accepting to be challenged from different angles by addressing critical questions). Transparency is now seen as a transversal theme in all of the activities included in the FSC programme of work.

The relationship between transparency, confidence in decision-making processes and trust in institutions and their representatives is especially relevant.

Transparency in decision-making

Multiple opportunities exist to demonstrate and achieve transparency in decision-making. These could include

introducing transparency in the process, in the institutional framework and in behaviour.

Process	The procedures and plans for making decisions can be devised to be both clear and observable, for example in terms of the <i>design</i> of the process, its different <i>stages</i> and its <i>implementation</i> .
Institutional framework	Roles and responsibilities assigned to the different actors involved should be well-defined and their interdependencies should be made visible and observable.
Behaviour/values	Individuals and institutions that implement transparency can demonstrate core values such as <i>openness</i> to other views and inputs; personal and organisational <i>legitimacy</i> throughout the process, and <i>authenticity</i> in their willingness to convey information and to involve others.

Transparency's multiple meanings

In recent years, FSC members have further discussed the purpose, definition and use of the term transparency,

which has given rise to a diversity of meanings and approaches.

Transparency may mean...

- easy access to information;
- detailed technical publications;
- clarity of language;
- authenticity (words and deeds correspond);
- a well-defined and open process with clear roles and responsibilities;
- opportunities for all interested parties to participate in the decision-making process.

Approaches for achieving transparency

Organisations tend to employ one of two main approaches, both of which are useful to achieve transparency and are encouraged in accordance with applicable national legislation and international obligations:

- A *public communication-oriented approach*, which aims at improving public confidence in the decision-making process by making it clear and observable.

The organisations using this approach highlight the need to make their actions more amenable to scrutiny, and therefore endeavour to provide the public with information that is accessible and understandable. For these organisations “transparency” and “openness” are interchangeable concepts.

- A *governance-oriented approach*, which aims at gaining public confidence through a deeper involvement of stakeholders in shaping the decision-making process.

Organisations in this group highlight the need to listen, to change and to adapt.

The FSC has underlined the importance of each organisation defining the meaning of transparency in relation to its own activities – clarifying roles and responsibilities and the purpose of the work – and presenting the methods used to promote transparency.

Transparency is a core value that has been acknowledged in all areas of governance both at the national and international levels. It is seen as an important goal and practice in the field of radioactive waste management. Transparency should be embedded in the three main elements that contribute to sustainable decision-making: *process*, *institutional framework* and *behaviour*. Transparency is achieved within an ongoing process if stakeholders are given access to information about the process and the opportunity to provide their input. Transparency as a practice is fostered by implementing clear and observable institutional frameworks and ensuring openness and authenticity in behaviour.