

**HLW Management and Public debate through the CNDP in France  
: Why Deliberative Democracy Has Failed Social Consensus Building**

**HLW管理政策とフランスのCNDPの国民的討論：  
熟議民主主義はなぜ社会的合意に「失敗」したのか**

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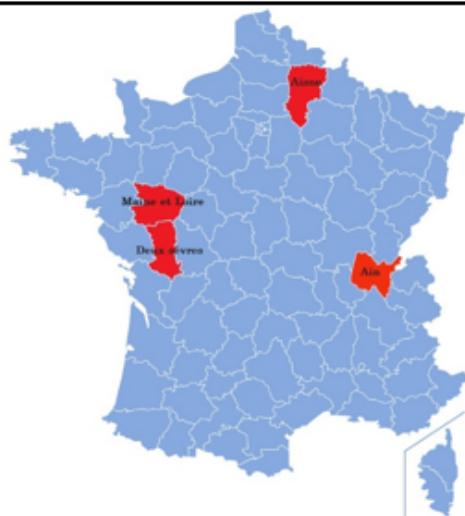
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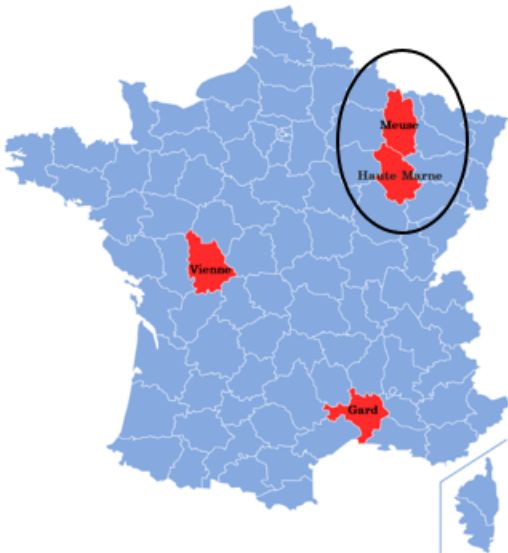
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# OVERVIEW OF THE FRENCH CASE: Before 1991

1987	▶ Based on scientific criteria(科学的基準), selects 4 municipalities (地方自治体) for geological investigation of the URL (地下研究所) aiming at irreversible deep geological disposal	
	・ Montrevel and Saint-Trivier, Ain (Salt: 塩堆積層)	
	・ Montcornet-Sissonne, Aisne (Clays: 粘土)	
	・ Combrée, Maine-et-Loire (Shale: 泥板岩/シェール)	
	・ Neuvy-Bouin, Deux-sèvres (Granite: 花崗岩)	
	▶ Strong local opposition (強い地域反対) against Andra	
February 1990	▶ The Rocard Government (Rocard 政権) declares moratorium on the plan	
May 1991	▶ MP Christian Bataille (国会議員) publishes a report on the HLW management	
Dec. 30, 1991	▶ Enacts Bataille Act (Dec. 30, 1991) defining 15 years of researches on 3 axes (軸): 1) partitioning and transmutation (分離変換) 2) reversible or irreversible disposal in the deep geological formation (可逆的・不可逆的な地層処分) 3) processes for long-term packaging and surface storage (地上での長期管理)	

# OVERVIEW OF THE FRENCH CASE: After Bataille Law in 1991

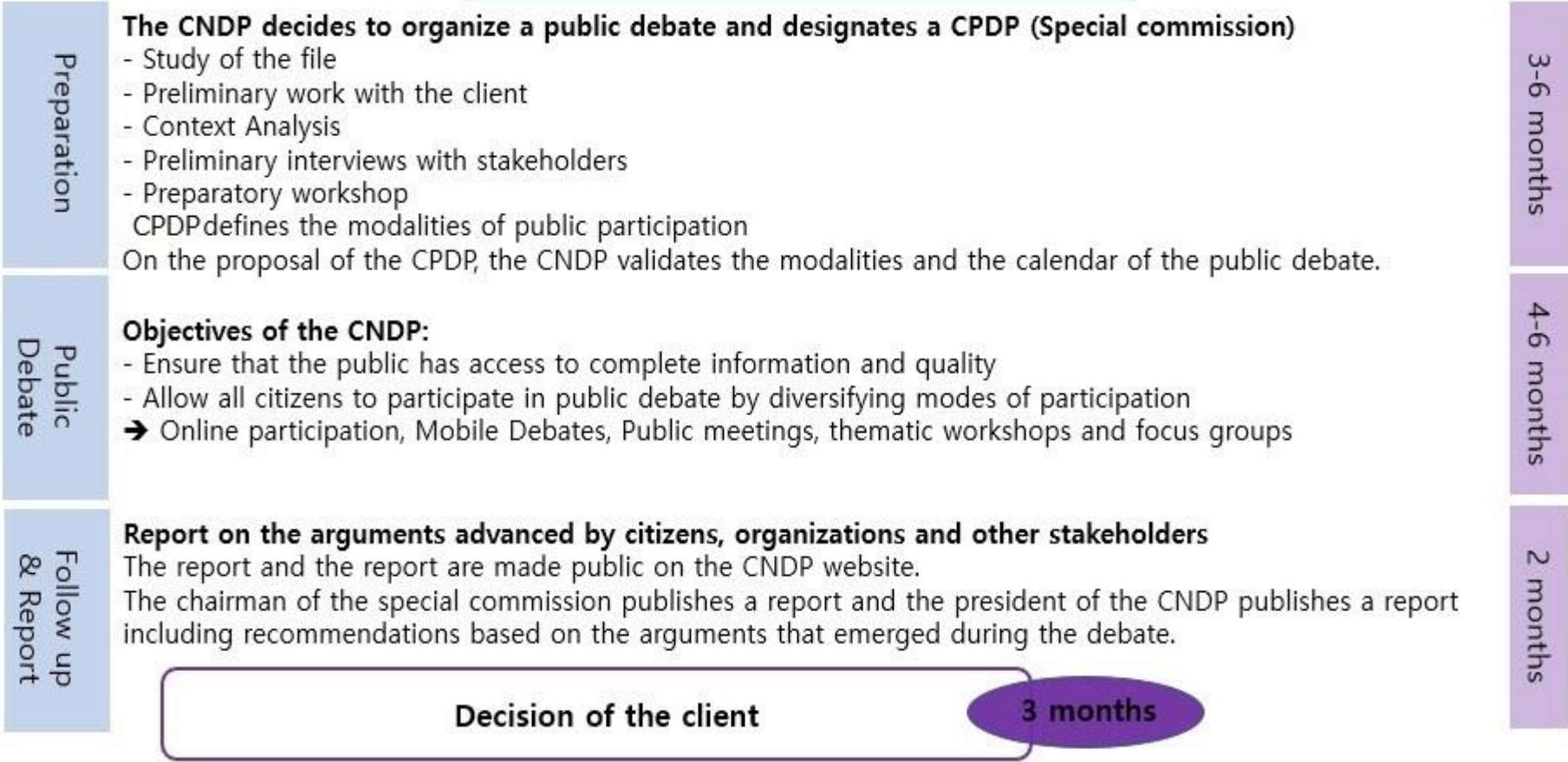
1993	▶ MP Christian Bataille carried out public consultation (協議)	
	▶ New 4 municipalities were selected for geological investigation: Gard, Haute-Marne, Meuse, and Vienne	
1998	▶ Bure at the border of Meuse & Haute-Marne was selected for a site of URL	
1991-2005	▶ Researches on 3 axes were carried out by: <ul style="list-style-type: none"><li>• The French Alternative Energies and Atomic Energy Commission (CEA) for 1) partitioning and transmutation &amp; 3) Long-term storage</li><li>• The French national radioactive waste management agency (Andra) for 2) deep geological disposal</li></ul>	
September 2005 ~ January 2006	1st Public debate (公開討論) on General options on the management of high-level and long-lived intermediate level radioactive waste	
May ~December 2013	2nd Pulic debate on CIGEO project - creation of a deep reversible repository of radioactive waste in Meuse / Haute-Marne	
April ~October 2019	3rd Public debate on National Plan for the Management of Radioactive Materials and Waste (PNGMDR)	

- Commission Nationale du Debat Publique (CNDP) : A legalized institution to carry out deliberative participation (熟議的参加) for all infrastructure projects of more than 300 million (3億) euros since 1997.

# PROCEDURE OF PUBLIC DEBATE

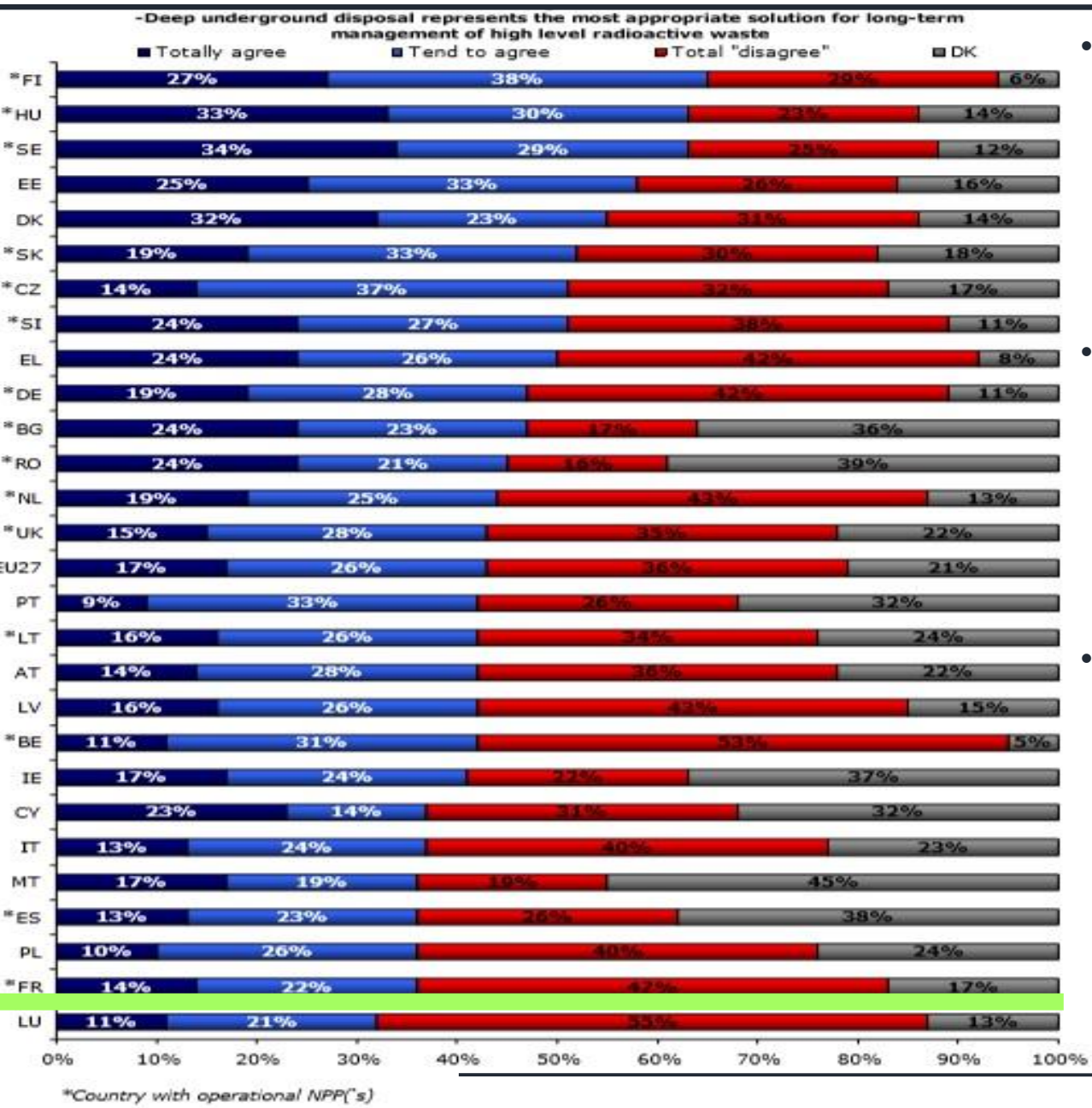
Projects over 300M € MUST be submitted to CNDP  
After studying the request, the CNDP decides whether to organize a public debate

## Procedure of public debate



- After the 1<sup>st</sup> public debate, the French government chose deep geological disposal as an option to manage HLW.

# DIFFICULTIES IN CONSENSUS BUILDING



- Lowest level of agreement in deep geological disposal as an appropriate solution for HLW management in 2008
  - It implies that the 1<sup>st</sup> public debate on the national option for HLW management policy between 2005-2006 failed to build consensus.
  - Consensus requires  
➔ Trust + identification of common interest among stakeholders, agencies, and mediators (Susskind et al 1999)
- Escalation of conflict at Bure since 2016 (Subra 2018)



# HOW SHOULD WE UNDERSTAND THE FRENCH CASE? (1)

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## Importance of trust

- Well-established social trust (信頼) in the system increases public support to the policy (Earle 2010, Lurian 2009, Siegrist and Cvetkovich 2000, Putnam 1993): 信頼 → 政策支持
- Trust plays a vital role to accept technology for the issues that people feel less knowledgeable (Bronfman et al. 2009, Siegrist and Cvetkovich 2000): 専門的な知識が必要とされる分野での信頼の重要性
- People tend to forego their opportunity in decision-making process when there is TRUST (Laurian 2009): 信頼があれば、市民は政策決定に参加する機会を放棄する傾向がある
  - When people trust, they support policy despite the policy does not meet their expectations.
- Well-implemented deliberation mechanism is expected to create trust & policy support (Pellizzoni 2010, Beck 1999): 熟議的メカニズムを通じて、信頼形成と、これに基づいた政策支持が可能
  - If trust was built throughout the CNDP's deliberation process, consensus building should be available over the policy.

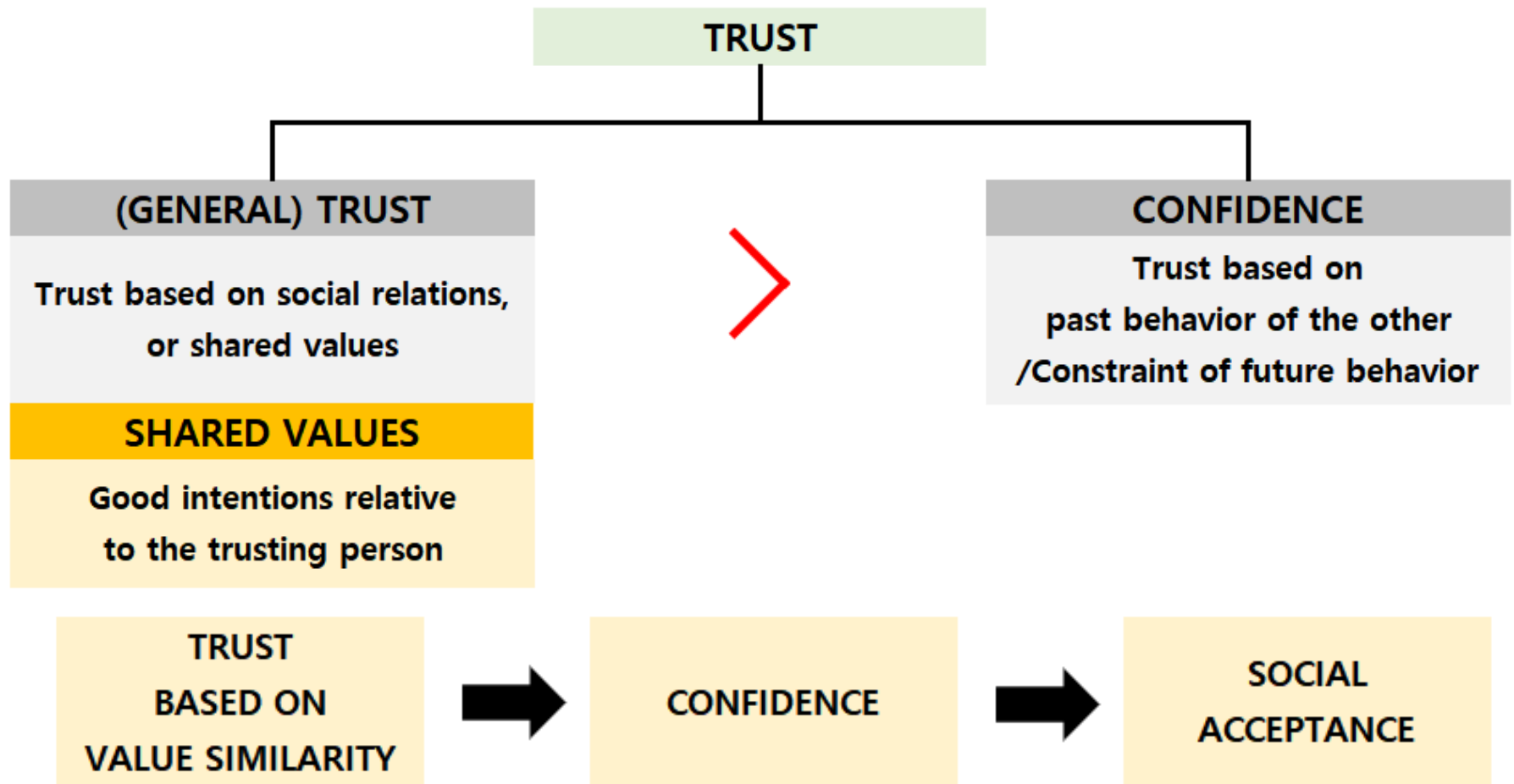
## ◆ *Why did the French public debate fail to build trust?*

## HOW SHOULD WE UNDERSTAND THE FRENCH CASE? (2)

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- Ensuring procedural justice (手続き的公平性) itself does not affect judgments of fairness, trust, and cooperation when the issue is controversial (論争的) (Earle 2010).
- ➔ Having a process to hold public debate through the CNDP itself may be limited to increase trust **unless the quality of deliberation thoroughly designed for trust-building.**
- How can TRUST be achieved?
  - ➔ Importance of shared value similarity (公有される価値類似性) (Earle 2010, Chung et al. 2008, Earle, Siegrist and Gutscher 2007, Poortinga and Pidgeon 2006)
  - ➔ Shared value is seen as a determinant of trust in institutions and people concerning technology (Siegrist, Cvetkivich, Roth 2000, Earle and Cvetkovitch 1995).
  - ➔ General trust based on shared values similarity ultimately leads to confidence, such as trust in risk regulation (Poortinga and Pidgeon 2005).

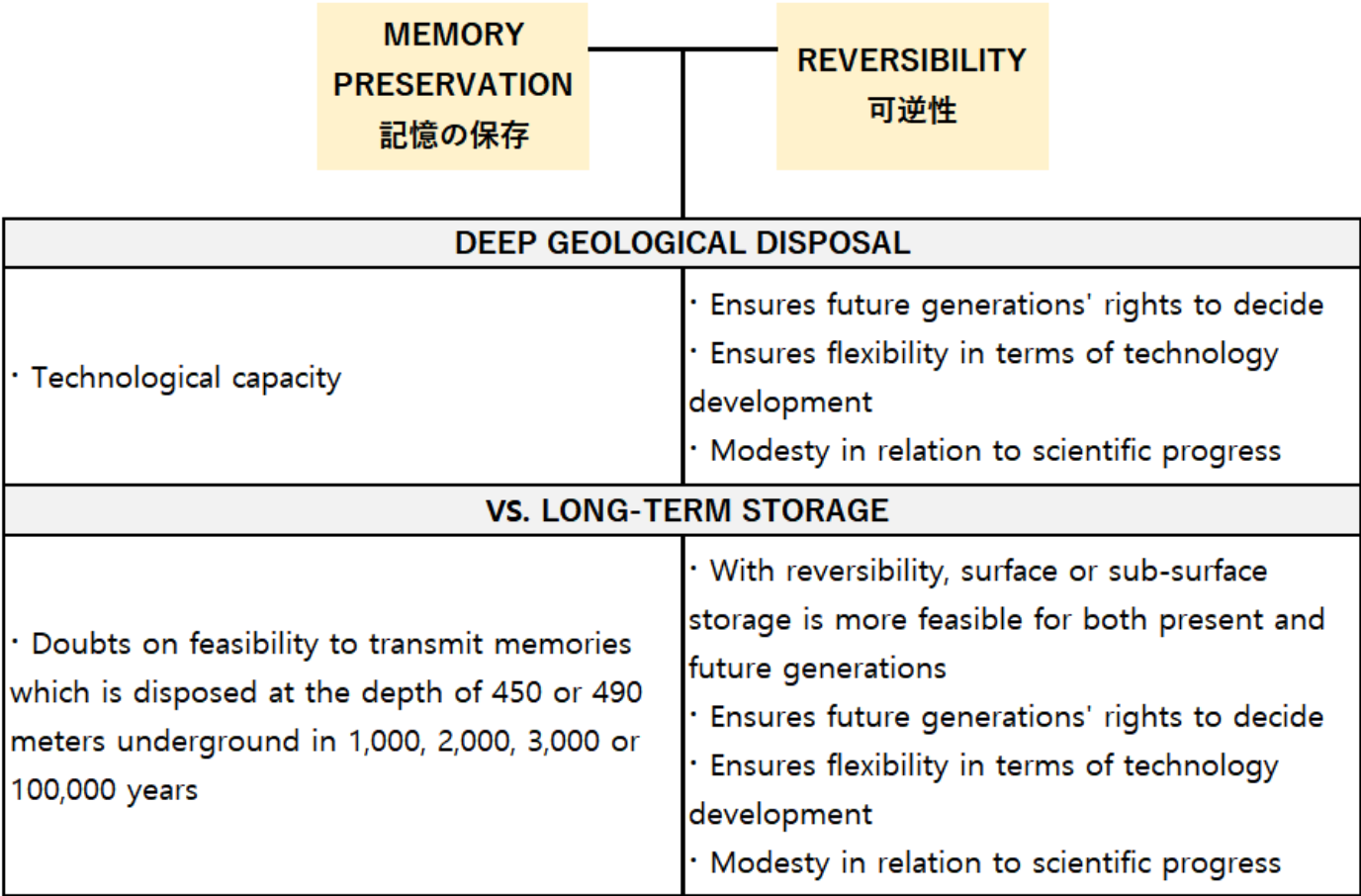
# TRUST & SHARED VALUE SIMILARITY & SOCIAL ACCEPTANCE



The current study hypothesizes that the French debate on HLW management rather focused on 'confidence-building' relying on technology than 'trust-building' which is based on sharing values over intragenerational and intergenerational fairness.



# CONTROVERSIES OVER INTERGENERATIONAL FAIRNESS ASPECT



- Scientists and experts from ANDRA, CNE also seemed to share ideas to ensure future generations' rights to the decision.
- However, the explanation was insufficient to the questions why it should be stored at a depth of 400-600 meters when considering long-term storage is more plausible for both memory preservation and reversibility.

# CONTROVERSIES OVER INTRAGENERATIONAL FAIRNESS ISSUES (1)

Intragenerational issues raised by local people	
Problem of having ONLY 1 URL	<ul style="list-style-type: none"> <li>• The local: Bataille law defined to have two URLs to carry out research on 2 axis (deep geological disposal), yet there is only one URL in France.</li> <li>• The result of research is insufficient to decide at this time so the decision-making process should be postponed.</li> </ul> <p><i>"I think a law should be applied in full and not in part./I think we need other sites to experiment."</i> Mr. BERTRAND (French Democratic Confederation of Labor, CFDT)</p> <ul style="list-style-type: none"> <li>• vs. Government: The policy should be decided because of the Bataille law</li> </ul>
Request for local referendum	<ul style="list-style-type: none"> <li>• The local: Needs local referendum over the issue</li> </ul> <p><i>"It seems to me, therefore, that this first meeting is a failure[...] because they (the Meusians) are not here[...]The debate is National, but this debate will find its answer in a local solution and it is with us. be able to hear the Meusians and the Haut-Marnais is to consult them in a referendum."</i> Mr. Jean-Marc FLEURY (Association of Meusian and High-Marnais Elected Officials Against Burial)</p> <ul style="list-style-type: none"> <li>• vs. Government: It is impossible to have local referendum because of law</li> </ul>
Legitimacy	<ul style="list-style-type: none"> <li>• The local: In 1998, the URL accepted only for research because the government said it would not become a deep geological disposal facility. ANDRA, however, has identified transposition area for DGD facility.</li> </ul> <p><i>"When the laboratory project was put in place, some people said there would be a landfill on site. I thought not because it was just a laboratory and we are for science[...] I hear that the project of the possibility of burying is studied, not in absolute terms, but in an area of transposition which in any case is very close." "I have been deceived. Because there are MPs, general councils who said that there would never be storage in the Meuse. So understand that I feel cheated."</i> Mr. LEGAY</p> <ul style="list-style-type: none"> <li>• vs. ANDRA: URL would not become a DGD facility. The transposition area is 100-200km away from the URL.</li> </ul>

# CONTROVERSIES OVER INTRAGENERATIONAL FAIRNESS ISSUES (2)

<b>Strong feeling of territorial unfairness</b>	<p><i>"[...]because we lose 1000 inhabitants per year, we are just good to have a nuclear trash?"</i></p> <p>Mr. Jean-Luc BOUZON (Association of elected representatives of Meuse and Haut-Marne against landfill)</p> <p><i>"Thank you Mr. Bouzon. The applause that greeted you expressed enough the attitude of the room vis-à-vis your subject."</i> Mr. Georges MERCADAL (CPDP)</p>
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- Among many topics discussed during the debate, technology-related topics were well reflected in the law of 2006.
- Nevertheless, either a final report of Ministries to the CNDP after public debate and the law of 2006 did not address the ethical and fairness issues, particularly criticized by the local.

# TRUST-BUILDING VS CONFIDENCE-BUILDING

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- Experts' approach can be said confidence-based approach focusing on the feasibility and validity of the researches.
- ➔ Public debate on HLW management was focused on the dissemination of technology and science information about the 15 years research result over the three options.
- ➔ A good platform to discuss and confirm scientific facts among scientists and experts.
- Citizens paid more attention to ethical issues such as territorial fairness as well as reversibility and memory preservation concerning future generations.
- ➔ Lack of thorough consideration to discuss these issues
- ➔ In particular, with citizens' feeling that what the government and nuclear industry doing is unfair, there was no confidence built even after receiving information.
- Trust-building requires a thorough discussion to enable sharing values and ideas throughout repeated interaction about ethical issues, particularly for HLW management issues. However, a public debate was a rather one-time gathering with citizens.

# LIMITATION OF CNDP' S PUBLIC DEBATE TO BUILD TRUST

## Lack of variety of CPDP members and panels to pay more attention to trust-building

### Member of the CPDP

Georges Mercadal	President of the CPDP and Vice-President of the CNDP, General engineer
Dominique Boullier	Professor of Universities, specialist in sociology of techniques and innovation
Paula Ceccaldi	Journalist specializing in health, life sciences, environment
Jean-Claude Darras	Honorary President of the Marseille Administrative Court
Robert Guillaumont	Honorary Professor of the Universities, specialist in chemistry and radiochemistry
Jean-Paul Schapira	Honorary Research Director at the CNRS, specialist in nuclear physics
Catherine Vourc'h	Honorary Research Director at the CNRS, specialist in nuclear physics
François Bertault	the Secretary General of the Commission

### Composition of Panels (During the 1st four meeting near Bure)

CEA (French Alternative Energy and Atomic Energy Commission)

ANDRA (National Agency for Radioactive Waste Management)

CNE (The National Evaluation Commission )

ASN (The French Nuclear Safety Authority)

Mrs Rivasi	Professor of biology, founder of CRIIRAD, former member of OPECST
Mr. Arjun Makhijani	President of an American consulting firm (IEER), which had been mandated by CLIS to make a second opinion of the work of ANDRA
Mr. Ghislain de Marsily	Professor of applied geology at the University of Paris 6/ member of the National Evaluation Commission
Mr. Yves Marignac	Wise-Paris (Non-institutionalized independent expert)
Mr. Benjamin Dessus	Global Chance (Non-institutionalized independent expert)

# CONCLUSION

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- Enhancing democratic governance through deliberative participation is essential to address highly risky, uncertain, and complex issues concerning HLW management.
- In France, deliberation carried out through the CNDP aimed at confidence-building than trust-building considering values and interests of the various actors.
- This implies that **more attention should be paid to designing and managing conversation among participants during the debate than having debate itself so that it could have enough room to address the issues concerning the values and interests of the general public** (or actors besides concerned authorities and scientists).
- **When deliberation focuses on the distribution of scientific and technological information aiming at confidence-building, ultimate trust-building is unlikely to be achieved.**
- Values and interests may vary depending on the social context. Thus, pre-survey can be an excellent approach to figure out important values and interests of the general public before preparing for the debate.



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