NUCLEAR TRANSPARENCY WATCH

Prevent and anticipate through transparency and participation

Can civil society directly influence decision making and policy?

–

Citizen control over nuclear safety and policy

jan.haverkamp@greenpeace.org

Belene, Bulgaria

NTW
NUCLEAR TRANSPARENCY WATCH

Issues brought into the debate:

- Seismic risk
- Real costs and economics
- Corruption
- The existence of alternatives

Programme cancelled in 2012

Direct influence difficult

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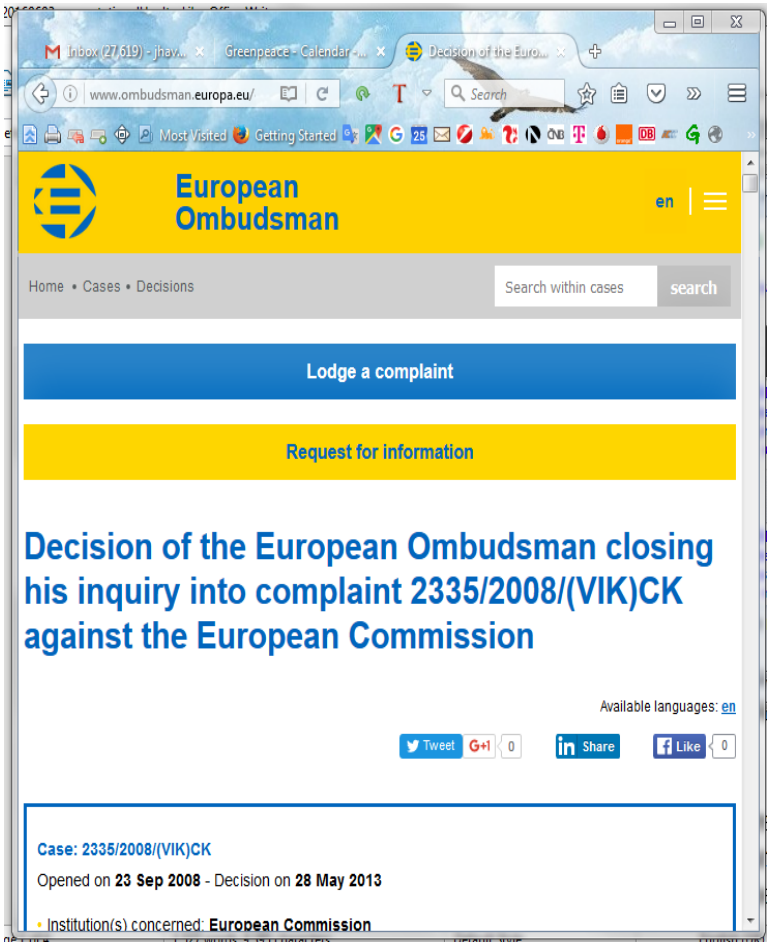
The cards are not divided equally

Example: Ombudsman vs European Commission on Euratom art. 44 abuse

- Commission slowing down
- Commission not willing to find solution
- Citizens lack capacity for European Court



Aarhus Convention
Espoo Convention

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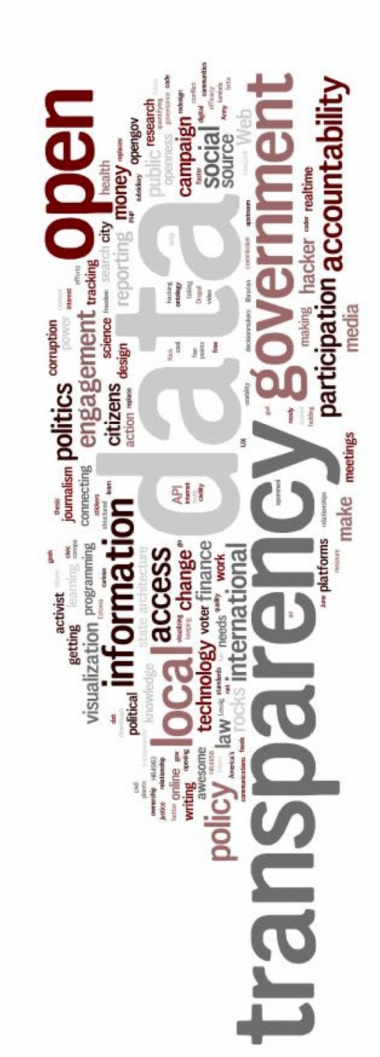
Access to Information

Public Participation

Access to Justice



Nuclear Transparency Watch

- European Parliament
- NGOs
- academia
- local information committees

Nuclear Transparency Watch

- Emergency Preparedness and Response
- Nuclear waste
- Ageing reactors

Support in

- Access to info requests
- Public participation complaints

- Alerting EC, national govts, regulators

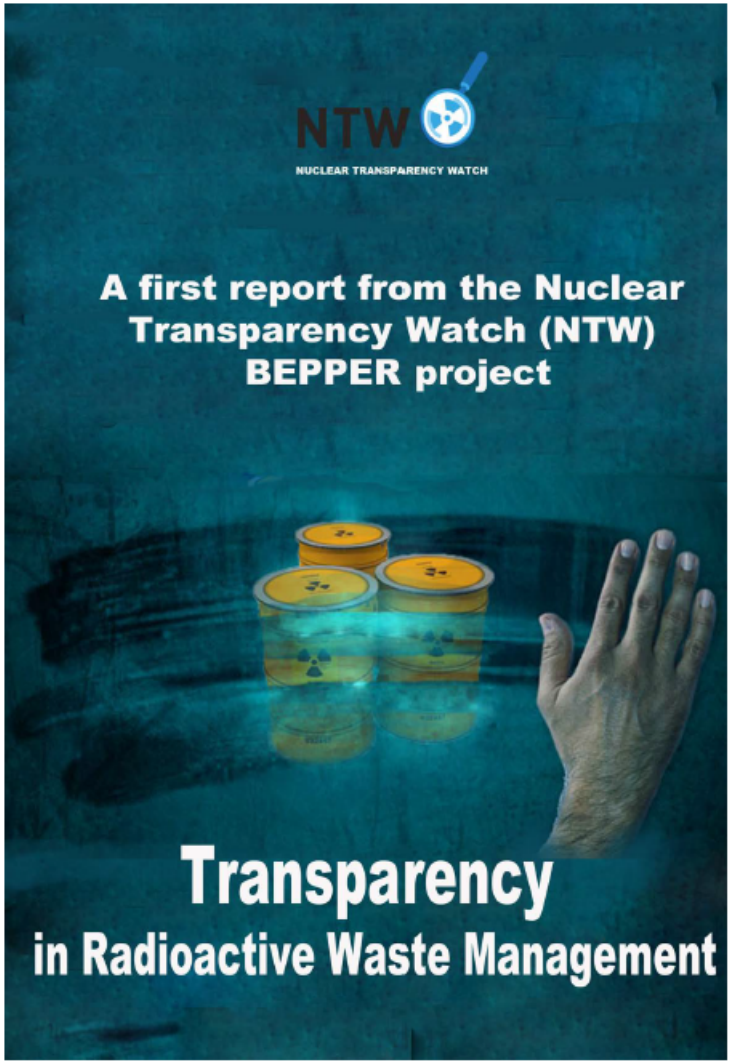
More control by citizens? JEIN!

EURATOM Directive 2011/70/EURATOM art. 11 to 14

NTW information request to European Commission:

- Access to all MS radioactive waste plans and programmes
- Aggregated overview stockpiles of radioactive waste

ROMANIA refused table of amounts of radioactive waste



Other examples

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- HUNGARY not granting public participation to all citizens in Paks II
- The UNITED KINGDOM not notifying potentially affected countries for Hinkley Point C
- UKRAINE, NETHERLANDS, BELGIUM, CZECHIA (and Sweden? Spain?) not organising public participation for life-time extension of nuclear plants
- The European Commission not giving access to information under Euratom art. 44

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RICOMET 2016

Can civil society directly influence decision making and policy?
Citizen control over nuclear safety and policy

Jan Haverkamp
Nuclear Transparency Watch

On 19 December 2005, a group of citizens and NGOs took the Bulgarian government and the energy company NEK to court for not carrying out a proper environmental impact assessment in the Belene nuclear power project.
We spent 4,5 years in court – that meant 4,5 years suspension of the environmental impact assessment. 4,5 years delay – in which we, these groups and citizens, communicated with investors, banks, EU institutions and politicians. 4,5 years to let the facts slowly come to the surface.
2012 saw the plug pulled on Belene, because the numbers presented in the start were not right, seismic risk had not been taken into account properly and Rosatom / Atomstroyexport and their friends in WorleyParsonsBG, NEK and BEH and political circles had proven not to play fairly. A nuclear and economic risk of huge proportions was averted for the EU's poorest country.

Citizen awareness and engagement can most certainly influence decision making and policy.
But directly? Not really – for that the cards are not divided equally.

One example: Under art. 41 Euratom, the European Commission has to be notified of new nuclear projects, has to investigate them whether they are in line with Euratom and under art. 43 has to give a viewpoint, which is sold by most countries and industries that want to do these projects as "the green light from the EU". It is no such thing, but it plays an important role in policy making.
The European Commission bases its viewpoint on the notification and deliberations with the project developers and the Member State involved. It is not foreseen that it gets wider information. I have sought in several cases to provide the Commission with information from more sides than only the promoters of such projects. It would have helped enormously if we would get for that access to the notification documentation – so that we would not have to double information to the Commission and could focus our input on what really matters. The Commission, based on art. 44 Euratom, blocks access to that information… always with the argument that either the Member State or some involved party does not allow access. We challenged that over the European Ombudsman who agreed that the Commission should be guided by EU law and the Aarhus Convention on access to such information. But the Commission simply waived away the Ombudsman's friendly proposal and says openly to me: "go to the European Court". Knowing well that I do not have the capacity and finance for that. End story.

Since the 1990s, we have international conventions that create more openness in decision-making processes that concern the environment: the Espoo and Aarhus Conventions. The idea behind them is that public involvement in decision-making improves the quality of those decisions. The Aarhus Convention defines for that three pillars: Access to Information, Public Participation and Access to Justice. People have a right on information relating to their living environment and health – if they have wide access to information, they turn from consumers to participative actors, an extra source of so-far not tapped information. If they can share their information, questions, concerns and viewpoints as part of the decision procedure, and those views are taken into due account, the quality of decisions will be higher. And if anyone tries to undermine it, the public has now the right to challenge that in court in order to guarantee that deals cannot be made any longer against the common good behind closed doors.
That is the law. In reality we are only in the implementation phase of these conventions.

Five years ago, several dozen people from the European parliament, NGOs, academia and local information committees joined together to make sure that the public becomes a real partner in decisions concerning the use of nuclear energy – in the hope that this will lead to a lowering of risk, better consideration of sincere concerns, better information among the public about involved risks, participation on local, national and international level of people directly from the field. After half a decade of trying to do that within the existing structures, it became clear that we need a vehicle for this – someone in Brussels to coordinate such work, working groups that can compete with similar groups from the industry lobby, a clearing house for all stakeholders to help them find interested and informed people. A group that is independent from political, industrial and commercial agendas. We set up Nuclear Transparency Watch.

Within Nuclear Transparency Watch, people with a very diverse background exchange their experiences and help one another as well as many others in civil society to use their rights in order to reduce nuclear risk and increase transparency. With an active working group we have pulled the issue of Emergency Preparedness and Response on the table – an issue that was "forgotten" in the post-Fukushima nuclear stress tests. Another working group is following the developments of nuclear waste management and takes care that experiences from one country are not forgotten in another. People with experience in getting access to information help others that have never done so before. If certain groups of the public are kept out of decision procedures, like non-British citizens in the decisions around Hinkley Point C or most Hungarians in the EIA for Paks II, NTW links them with people with experience in how to correct that. And if necessary, NTW will support them over access to justice.

Are citizens then finally getting more in control? Away from the expertocracies that caused disasters like Fukushima or the Asse II radioactive waste scandal or the Hinkley Point C cost saga? Can civil society directly influence decision making and policy? The answer can only be found in Germany – in the German language. The answer is JEIN – yes and no at the same time.

When the European Commission after many years of preparation and a lot of pushing from active citizens finally comes with a Directive that obliges Euratom Member States to make a reasonable programme for the management of their radioactive waste and spent nuclear fuel, that is partly a success of these active citizens. But then you need to ask the Commission – as NTW has done recently – to publish all these programmes and plans. We received them last week and because the Commission seems to have a lack of people with internet skills, NTW will publish them in the coming weeks. But NTW also needed to file a confirmatory application to prevent that Romania would keep the amounts of existing and expected radioactive waste and spent nuclear fuel secret. That can never be commercial confidential information – what kind of commercial secrets would such information reveal? It can also not be related to security: not the information about amounts forms the threat, but insufficient protection of their storage. If we know the amounts, we can better judge if protection is adequate or not and help authorities spot flaws.

Oh yes, and we will take care that also individual Hungarians living further away than 500 meters from Paks will be able to participate at some point in the assessments of potential impacts of the Paks II project on the environment – just like Czech and Austrians, Germans and Swiss could. And that people who might suffer from a large beyond design accident in Hinkley Point C can let their views be taken into account also if they do not happen to live in the UK but in Ireland, Norway, Germany, Belgium, or France – and not only when they live in Austria, where at least the government represented the interests of its population and demanded participation in the EIA procedure. And we will get the European Commission to the European Court to get it step down from the position that environmental transparency is valid for the entire EU except for when nuclear information and decisions are concerned, hiding behind Euratom.

The nuclear industry was build up in a shroud of secrecy. Its stubbornly guarding that shroud has already cost it its credibility. That shroud of secrecy is now slowly taken away by active citizens – citizens that are well informed, well educated, have access to independent expertise. And when that shroud is completely removed, it will be possible to judge whether the many dreams and claims from the powerful nuclear industry show a hopeful future or an emperor without clothes.

ABSTRACT

Access to information, public participation and access to justice – the three pillars of the Aarhus Convention – are increasingly securing transparency in the nuclear sector. Members of the European Parliament, NGOs, academia and local information committees three years ago founded Nuclear Transparency Watch – an organisation that seeks to implement those three pillars of the Aarhus Convention in the nuclear sector. In that way, it already ensured more openness in areas like emergency preparedness and response and radioactive waste management. It supports citizens to implement their rights in access to information and public participation around nuclear decisions. This is still an ongoing process, but the contours of what the nuclear industry really stands for are slowly becoming more clear.

Ir. Jan Haverkamp was born in the Netherlands and studied biochemistry, nuclear energy, environmental sciences and environmental psychology. He worked since 1985 in the development of environmental groups and organisations in Central and Eastern Europe and since his emigration 1997 to the Czech Republic he is consultant on nuclear energy issues and energy policy in Central Europe for organisations like Greenpeace and the World Information Service on Energy (WISE). He represented the Greenpeace EU Unit for four years in Brussels. He is also a professional group facilitator and introduced modern facilitation into Central Europe in the lage 1980s and 1990s. Since 2002, he teaches “facilitation of environmental communication processes”, “the role of environmental NGOs in society” and “energy policy in Central Europe” at the Masaryk University in Brno at the department of environmental social studies. He lives since 2013 in Gdansk in Poland.