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Energy Policy

journal homepage: www.elsevier.com/locate/enpol

Participatory governance for energy policy-making: A case study of the UK nuclear consultation in 2007

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HIGHLIGHTS

- A three dimensional content–process–outcome evaluative model is developed.
- We examine the limitations of the 2007 consultation.
- Public distrust and three trust destroying process were found to be critical.
- Complex interactions between different rationales affected participatory processes.

ARTICLE INFO

Article history:

Received 13 January 2014

Received in revised form

9 June 2014

Accepted 7 August 2014

Available online 18 September 2014

Keywords:

Nuclear policy-making

Public participation

UK

ABSTRACT

The policy challenges associated with climate impacts, nuclear risks and an emergence of public preferences for fuel mixes have prompted many contemporary societies to adopt participatory approaches for managing energy matters. The extent to which and just how participatory approaches can work has however remained under-researched. This paper develops a normative framework for participatory governance to examine, analyse, and understand nuclear policy making processes and outcomes, with a particular reference to a case study of the UK nuclear consultation exercise in 2007. By comparing the actual consultation practice in the UK and our normative content–process–outcome framework, we found that the government approach paid insufficient attention to trust and some other normative values underpinning participatory governance, contributing to undesirable outcomes relating to policy legitimacy and public distrust. Our findings suggest that the UK government needs to pay more attention to the interaction that can occur between different rationales for participation and the processes and consequences of participatory exercises.

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1. Introduction

Managing the transition of energy systems toward sustainability presents profound challenges to policy-makers all over the world. Together with technological and economic challenges, policy-makers have been confronted with NIMBYism and public distrust relating to a wide range of energy matters that extend from natural gas projects, to new wind farms, and to smart meter and smart grid deployment (Devine-Wright, 2004; Hunt et al., 1999; Mah et al., 2012).

Nuclear energy as a potential energy option has remained a highly controversial area in many countries and cities over the past several

decades (Martin, 2007). These controversies can be traced back to the major nuclear opposition in Europe and the US which resulted in postponement or cancellation of nuclear plans in the 1970s (Martin, 2007). Public concerns were relatively less discernable in the 2000s in the context of heightened awareness about global warming. Major public opposition against nuclear re-emerged after the Fukushima accident in 2011. Renewed concerns about nuclear risks, long-term disposal of radioactive waste, and public distrust in the nuclear sector has impacted on nuclear development plans in some countries such as China and Japan, and has even led to nuclear bans in Germany and Belgium (Yang and Xu, 2013).

It is in this context that the policy challenges associated with nuclear policies have prompted governments around the world to adopt participatory practices in nuclear policy-making as a means to enhance policy legitimacy, restore public trust, and improve policy decisions (see for example Aegerter and Bucher, 1993; Hunt et al., 1999; Ioannides et al., 2005). Countries vary remarkably in their public engagement approaches to nuclear policy-making. For

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instance, in the UK public consultation on major policies including nuclear policies are commonly convened and guided by the *Code of Practice on Consultation* (Her Majesty's Government, 2008). The 2007 nuclear consultation (the focus of this paper) is an example of such a consultation (DTI, 2007). In Sweden, a national referendum resulted in a decision to phase out nuclear back in the 1990s (Wünsche, 1993). Following the Fukushima accident, the Japanese government conducted the first deliberative polling on the national energy plan, resulting in a government proposal to phase out nuclear (CDD, 2012). In Germany, the government appointed the Ethics Commission of a Safe Energy Supply to review the nation's energy strategy (including the role of nuclear energy) with an emphasis on the social and ethical considerations, and this in part resulted in the abrupt nuclear ban by 2020 (Rosnagel and Hentschel, 2012).

However, in practice, public participation cannot guarantee positive outcomes (Petts, 2008; Renn et al., 2014). Engaging the public may be time-consuming and costly, and whether consensus can be achieved within the complex political and social context of contemporary societies is often questioned (Irwin, 2006). Involving the public may give rise to skepticism rather than enhancing trust when the public express doubts or even challenge the equity of the participatory processes and outcomes in terms of policy impacts (Irwin, 2006). In particular, frustration can arise when participants perceive that participatory approaches are used as a means of deflecting protest, inhibiting actions or “rubber-stamping” a pre-determined decision (Adams et al., 2011).

These developments concerning public participation give rise to some important questions: How would contemporary societies facing fundamental issues concerning energy futures design, conduct, and manage participatory exercises that need to be set within the broader societal context in which public values and preferences relating to fuel mix choices as well as public distrust are critical to the formulation and implementation of energy policies?

It is in this context that this paper aims to examine the introduction of a participatory governance approach to energy policy making, with a particular reference to a case study of the UK nuclear consultation exercise in 2007. We aim to develop a normative framework for participatory governance to examine, analyse, and understand nuclear policy-making. This framework is intended to illuminate pertinent principles, dimensions, and elements of participatory governance. By comparing the actual case with the normative framework, we will try to identify if there are gaps in the 2007 consultation, and reflect on the broader policy implications.

The UK merits study for a number of reasons. This country has a long tradition of participatory practices in energy policy-making (Scheer and Höppner, 2010a, 2010b), many of which were related to nuclear projects, including the Windscale Inquiry in the 1970s (Patterson, 1978) and the Sizewell B inquiry in the 1980s (Purdue et al., 1984). It is therefore important to understand and examine the extent to which the participatory approaches have evolved in the UK.

The 2007 nuclear consultation is a significant case because of its contentious context. In this consultation, the government presented a pro-nuclear view in its consultation paper entitled *The Future of Nuclear Power—The Role of Nuclear Power in a Low Carbon UK Economy* (hereafter the 2007 nuclear consultation paper) (DTI, 2007), and invited the public to provide feedback on the “preliminary” view presented. This consultation was conducted following a High Court ruling on a judicial review filed by Greenpeace, which concluded that a preceding nuclear-related energy consultation in 2006, i.e. the Energy Review consultation (DTI, 2006), was procedurally “misleading”, “seriously flawed”, and “manifestly inadequate and unfair” (Warburton, 2009). The 2007 consultation, seen by many stakeholders as a second chance offered to the Government to conduct a proper consultation, was then subject to intense scrutiny by two evaluative reports: one

was conducted by a government-commissioned NGO ‘Shared Practice’ (Warburton, 2009) (hereafter the Warburton Report; published by the Department of Energy and Climate Change) and the other by a group of leading experts (Dorfman, 2008) (hereafter the Dorfman Report; published by the Nuclear Consultation Working Group). The contentious context of this consultation provides an opportunity for a detailed case study because the High Court Judgement and the two evaluative reports provide a wealth of detailed and credible data for this type of case analysis. This is particularly important because although engaging the public has been increasingly regarded as an important element in policy-making, evaluative cases of the processes involved in public engagement have been few in number, in part because of a lack of empirical data (Rowe et al., 2008).

This paper is organised into four sections. This introduction discussion has contextualised the 2007 nuclear consultation by drawing out its linkages to participatory governance as an approach to manage energy problems. The second section develops a theoretical framework for participation that will be applied in the UK case study. We also outline our research approach. In the third section, we compare the actual practices of the consultation and our normative framework. The final section reflects on the broader policy implications of our findings.

2. Methodology

2.1. The theoretical perspectives

Participatory approaches have attracted growing policy and academic interests across all major energy policy areas extending from nuclear energy, to renewable energy, energy efficiency, and smart grid deployment (Aegerter and Bucher, 1993; Gangale et al., 2013). The term “public participation” refers to a diverse set of practices which engage the public. These practices can take on a variety of forms that include more traditional mechanisms of participation such as information dissemination, public meetings and consultation, as well as more novel methods of participation such as mediations, dialogue, consensus-based advisory committees, and deliberation (Beierle and Cayford, 2004; NRC, 2008; Pieczka and Escobar, 2013).

Participatory practices have their root in the concept of governance. The notion of participatory governance emphasises that there are limits of the power and influence of government. Hierarchical steering characterised by a government-led, expert-centered approach is not sufficient for policy-making or problem-solving (Stirling, 2005). The governance perspective therefore argues that the government needs to reach out to involve non-state stakeholders including the public, the business sector and civil society in order to enhance its governing capacities to achieve societal goals and solve problems (Wesselink et al., 2011).

In general, governments are motivated to adopt more participatory approaches as important ways to respond to calls for representative democracy, greater transparency and accountability, and to restore public trust and enhance policy legitimacy (Bäckstrand, 2003; OECD, 2001; Pretre, 2004). Public participation is also seen as a means to improve policy quality through harnessing collective intelligence for problem solving (Renn et al., 2014). The literature also sheds light on the normative drivers and supportive mechanisms for participation. These include timeliness, information disclosure, feedback processes, empowering the public, inclusiveness, responsiveness, deliberation, and accountability (Beierle and Cayford, 2002; Conger and Kanungo, 1988; Irwin, 2006; OECD, 2001; Renn et al., 2014; Stirling, 2005; Thomas, 1995).

Another theme in the literature sheds light on the variations in the forms of participation referred to above. Participatory forms can vary remarkably in terms of who is involved, how early and

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