THE SWEDISH EIA PROCESS
- THE SITING OF THE SPENT NUCLEAR FUEL

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The Swedish EIA system

- The Environmental Code (1999)
  - The operator has to apply for starting their operation or build their facility
  - The decision about the operation is made by the government, Environmental Court, the county administration board or the municipality
  - The operator has to carry a public consultation process as a part of the EIA process
  - The documentation of the public consultation process is a part of the operator’s application
Regulation of the public consultation process

• The operator has to consult with
  - the county administration board
  - the authority in charge of the area affected, in this case the Swedish Radiation Safety Authority
  - the municipality where the operation/facility is planned to be located
  - parts of the public that is particularly concerned by the operation/facility
  - organisations that are particularly concerned by the operation/facility, i.e. environmental organisations

• The public consultation should be carried out at an early stage in the EIA process
• No regulation of how the public consultation should be carried out

But…

How early is early?

How should a public consultation process be arranged in order to be democratic?

What is typical for a democratic decision making process?

What is a democratic dialogue?
What is democratic decision-making?

• The EIA, and especially the public consultations are meant to guarantee a democratic process and public influence

• **Representative democracy**
  - Political decisions are made by elected representatives (politicians)
  - The public elects the representatives – the right to vote
  - Public participation in public policies and public discussions

• **Discursive democracy**
  - Public participation in public dialogues
  - Rational arguments are favoured in the dialogues = favourism of academics and experts
  - Arenas where the participants can meet and discuss

• **Technocracy**
  - Decisions are made by experts and scientists
  - Politicians should make decisions based on expert argument
  - Minimal participation by the public
Democratic implications of public consultation meetings

Representative democracy
• Few, if any, elected representatives participated. Few local pol. No national politicians.
  → weak connection between the meetings and elected representatives

Discoursive democracy
• The public, ppl. living nearby the proposed site for the storage, was invited – mainly laymen
• Environmental organisations were invited – but many of their members are experts and academics
  → risk: experts and academics from the organisations and SKB are discussing using rational arguments
difficult to understand for the public
• SKB decide the arena and time for the public consultation
  → how to find a suitable place and time for the public consultation?

Technocracy
• Tendency towards that the discussions were based on scientific arguments
  regarding different methods how to handle the spent nuclear fuel rather than
  questions raised by the public
  → risk: public consultations can be turned into arenas for expert discourse rather than a democratic,
  participatory dialogue
Democratic implications of written public consultation

Representative democracy
No politicians participate in the written communication between the environmental organisations and SKB
→ no connection between the written public consultations and the elected representatives

Discoursive democracy
How can a dialogue between all stakeholders, i.e. the public, the organisations, politicians, authorities and SKB occur when it is a one-way communication? The organisations are mailing their opinion to SKB and SKB reply.

Technocracy
Tendency towards that mainly experts from the environmental organisations are mailing in their opinions – few laymen participate in the written public consultation
→ risk: one-way-elitist communication
Democratic implications of study trips as public consultation

Representative democracy

No politicians participated on the vast majority of the study trips arranged by SKB
→ no, or a weak, connection between the study trips and the elected representatives

Discoursive democracy

Only a limited number of stakeholders participated, i.e. people living nearby already existing nuclear waste facilities and SKB
→ discussions between a few stakeholders on closed arenas

Technocracy

SKB presented technical data regarding technologically advanced facilities – expert language

General

• How can SKB document all questions and answers fairly raised by the public during a two day study trip in their documentation of the public consultations?
Features of democratic, participatory public consultation meetings

**Representative democracy**
- Local and national representatives have to participate – answering questions raised towards politicians

**Discoursive democracy**
- SKB sends out the agenda in good time – so that the participants can prepare comments and questions

*Inspiration from the Religious Society of Friends and the Plowshare Movement*
- SKB/a neutral facilitator makes sure that no one is talking "too much"
- makes sure that everyone who wants to say something feels safe to do so – a friendly atmosphere
- makes sure that all comments and questions are treated equally, no preferences for expert comments
- makes sure that the meeting ends in time so that no one has to leave before the discussion is over

**Technocracy**
- Different kinds of expertise is acknowledge
  - Local expertise
  - Academic expertise – experts with a relevant academic degree
  - Core expertise
  - Laymen expertise

**Conclusion**
*It is not enough to create arenas and invite the public and environmental organisations to participate in the public consultation process. The process/meetings also have to be organised in democratic ways*
THANKS FOR LISTENING!

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Title of the book: 
Delegated Democracy – 
The Siting of the Swedish Nuclear Waste

https://gupea.ub.gu.se/bitstream/2077/18689/1/gupea_2077_18689_1.pdf

(English summary)