



*Supplement of*

## **Does gentle regulation have a chance?**

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# Is there a chance for gentle regulation?

## Ressources of Conflict-Resolution in the Procedure of Siting a Repository for High-Level Radioactive Waste

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- Only if embedded in a comprehensive context of gentle regulation the Repository Siting Act can be implemented successfully.

# What is gentle regulation?

- formats for reducing conflict
- **the opposite of top-down regulation**  
(issue and enforcement of law which is authority-driven and rigorous)
- “gentle” self- and social technologies, characterized by voluntary participation, personal bonds, the unforced force of rational argument or economic incentives (Ulrich Bröckling)
- **“Nonetheless, state has to be gentle and open, because it does not exist for its own sake. It is only (...) a means to an end (...), to the development of the single human beings it consists of”**  
(Martin Hochhuth)
- emphasis on communication and discourse

# **Forms of gentle regulation in the procedure of siting a repository for high-level radioactive waste**

## **within the Repository Siting Act:**

- national advisory board
- participation representative
- development of public participation, esp. informal public participation
- compensation and socio-economic development

## **unrelated to the Repository Siting Act:**

- political communication and storytelling
- restorative justice, historical analyses, storytelling circle, etc.

# Factors of success

- enlargement of public participation and reduction of rules providing for the filing of lawsuits within the Repository Siting Act
- invitation to informal activities of public participation which are not legally required  
(§ 5 par. 3 s. 2: The participants can resort to further forms of participation that reach beyond the minimum standard demanded by law.)
- attendance and organization of events involving the public
- **more debate and explanation!**

# Thank you!

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- **Form further reading:**  
Smeddinck, Ulrich,  
Sanfte Regulierung: Ressourcen der Konfliktlösung im  
Standortauswahlverfahren für ein Endlager,  
Deutsches Verwaltungsblatt (DVBl) 2019, 744-751

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## 2. Theoretischer Hintergrund

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# Literatur

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