THE ROLE OF CAPACITY BUILDING IN THE PUBLIC PARTICIPATION PROCESS: THE CASE OF LANDFILL SITING IN THE NORTH OF THE DURBAN METROPOLITAN AREA

by

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DECLARATION

The work described in this thesis was carried out in Durban during the period October 1998 to October 2000, under the supervision of Dr Dianne Scott of the School of Life and Environmental Sciences, University of Natal, Durban campus.

The thesis represents original work by the author and has not been submitted in any form, in part or in whole, to any other University. Where use has been made of the work of others, it has been duly acknowledged in the text.

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ABSTRACT

Since 1994, South African governance has been in transition from bureaucracy to democracy. In terms of democracy, local government is specifically tasked with providing goods and services equitably and sustainably not only to it's citizens, but along with them.

In South Africa, the provision of refuse removal services and landfill sites for waste disposal are under local government control. Recently, Durban Solid Waste, a municipal waste management contractor in the Durban Metropolitan Area, KwaZulu-Natal, South Africa embarked on a comprehensive exercise, the first of it's kind in the country, to locate, plan, develop and operate new generation landfill sites with the aid of a public participation process involving capacity building which is a requirement of legislation. It is in the North Zone of this area that the existing landfill is to close by December 2000, and so there is an urgent need to locate and develop a new landfill site for the region. It is the capacity building and public participation process of the North Zone landfill site selection process which is the subject of this study.

A case study format provides an intensive examination of the public participation and capacity building process. Qualitative research methodology was employed to compliment the interpretive approach undertaken in the research process, which used conceptual frameworks drawn from literature for the data interpretation. Data were collected via participant observation at meetings and workshops, and semi-structured interviews with stakeholders of the North Zone process.

The research findings revealed that while a variety of capacity building and public participation means suggested by government policy have been utilised, none of the statutory principles of public participation for landfill siting have been implemented satisfactorily by participants in the North Zone public participation process. The findings also indicate that the predominant type of public participation being followed in the North Zone is instrumental in nature, and thus in the main does not exhibit outcome measures of empowerment which are associated with transformative participation. Furthermore, the findings demonstrate that while capacity building made the North Zone public participation process more democratic than previous landfill site selection exercises, principles of equity were only satisfied to the extent that the statutory requirements, the will of the developer, a shortage of time and adequate funding permitted.

The recommendations suggest: lobbying for changes to the statutory requirements, ways of building trust between stakeholders, activities to promote equity and democracy, and the use of more suitable means of capacity building and public participation for landfill site selection public participation processes in South Africa.

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ABBREVIATIONS

ANC - African National Congress
CBOs - Community Based Organisations
DAEA - Department of Agriculture and Environmental Affairs
DEAT - Department of Environmental Affairs and Tourism
DMA - Durban Metropolitan Area
DMC - Durban Metropolitan Council
DSW - Durban Solid Waste
DWAF - Department of Water Affairs and Forestry
EAU - Environmental Advisory Unit
ECA - Environment Conservation Act
EIA - Environmental Impact Assessment
EIR/s - Environmental Impact Report/s
EMPR - Environmental Management Programme Report
FCA - Frankdale Civic Association
I&APs - Interested and Affected Parties
IEM - Integrated Environmental Management
IRC - Ilembe Regional Council
KZN - KwaZulu-Natal
MC - Monitoring Committee
NEMA - National Environmental Management Act
NGO/s - Non-governmental Organisation/s
NLC - North Local Council
NZLC - North Zone Landfill Committee
OHP - Overhead Projector
SEC - Site Evaluation Committee
SIA - Social Impact Assessment
TOR - Terms of Reference
TWC - Technical Working Committee
TWG - Technical Working Group
3-D - Three-dimensional
UNCED - United Nations Council for Environment and Development
UND - University of Natal-Durban
WCED - World Commission on Environment and Development

CHAPTER 1

INTRODUCTION

'Capacity building provides people with choices, and gives them the ability to choose and gain control over resources to improve their condition' (Schuftan, 1996: 260)

1.1 From bureaucracy to democracy

Governance in South Africa is in transition from bureaucracy to democracy, with the country's citizens attempting to forge a unique form of democratic society. The people of South Africa are seeking to gain a voice in governance by 'combining: the best of informal participatory democracy', which was popularised by the civic organisational movement initiated in opposition to the Nationalist pro-apartheid government of pre-1994 South Africa; 'with globally favoured principles of formal representative and elected democracy', in government at all levels (Pillay, 1996: 327).

In order to achieve this more democratic, participatory, and by extension equitable society, government and especially local government, is attempting with limited resources to urgently address the huge disparities and backlogs in service provision among the majority of it's citizens and communities. It is quickly becoming evident, however, that in terms of the demands for public participation in governance for the newly democratic South African society, it is 'only through effective capacity building, and sensitive consultation and negotiation' undertaken with these affected communities, that 'authorities will be able to ascertain and respond to the real needs and justified expectations of the country's previously disadvantaged inhabitants' (Hilliard, 1996: 3).

1.2 The provision of landfill sites in South Africa with public participation

A democratic local government is tasked with 'providing goods and services not to, but *along with* its citizenry' (Stewart, 1988 in Clapper, 1996: 53). One area of governance specifically under local government control in South Africa is the provision of services at local level such as 'refuse removal, refuse dumps (landfill sites) and solid waste disposal', accompanied by public participation and input (*Constitution*, 1996: 48).

The process of developing landfill sites is acknowledged worldwide as highly political, time consuming, costly and difficult as 'conflict is endemic to the process of landfill siting' because firstly, no one wants to live near such sites, and secondly, people as well as the environment must be protected (Lober, 1993: 345). Added to this there is often 'a gap between the demands of those affected by the proposed site', who want their concerns to be heard and fully considered, and 'the expectations of the developer for a cost and time effective process which could exclude the non-mainstream values and views of indigenous peoples and other vulnerable groups whose lifestyles are potentially at risk' (Fell and Sadler, 1999: 36 - 37). In the South African context, the landfill siting process is proving to be particularly conflictual as past sites were established under apartheid-influenced planning with no citizen consultation, and mostly next to marginalised and poor communities.

The statutory requirements (DWAF, 1998) governing landfill siting in South Africa have undergone a significant transformation from bureaucratic decision-making to attempting to involve interested and affected parties (I&APs) in a more democratic public participation process, which allows input into decisions made in the landfill site selection and development process by the developer, authorities and the public. This change in policy has not however been wholly transformative as the I&APs, in terms of their legislated participation, are limited to playing an advisory role only in the overall decision-making process associated with landfill siting.

Further, when attempts are made to build capacity among I&APs to involve them in a landfill siting public participation process, the developer is not obliged to provide education and capacity building activities which will necessarily "empower" the citizens to the point where they 'actively make final decisions and undertake collective action to fight any perceived injustices' in the process (White, 1996: 8). Instead, the type of capacity building offered is merely the supply of facts and information which often only exposes the I&APs to the positive aspects of landfill siting, and so little resistance is offered by I&APs to achieving the ultimate goal of the developer which is developing a landfill site at all costs.

In reality what the law (*Minimum Requirements*, DWAF, 1998) has done is to add on a long, complex and at times expensive social public participation process which is frequently at odds and

often in conflict with what remains an urgent, technocentric, instrumental and generalised process to locate and develop landfill sites in South Africa.

The need for the provision of landfill sites is particularly urgent in Durban, South Africa, and especially the North Zone of the city, where the nearest existing landfill site is to close by December 2000. Hence, the selection of this North Zone process in landfill siting as the subject of this thesis. It specifically seeks to understand and improve on the 'Role of Capacity Building in the Public Participation Process' by way of a case study of landfill siting in the North of the Durban Metropolitan Area (DMA).

The aim and objectives of the study are presented in the next section of this chapter, together with an outline of the structure followed for this thesis.

1.3 Aim and Objectives

The broad aim of this study is to assess the role of capacity building in the public participation process which is taking place as part of landfill site selection in the North of the DMA.

In order to satisfy this aim, the following objectives were identified for the study:

a. Identify the type of public participation and associated capacity building process that has already taken place in the North Zone of the DMA.
b. Investigate the means by which capacity building was achieved in the North Zone process.
c. Analyse the extent to which capacity building made the North Zone public participation process democratic and equitable.
d. Make recommendations to improve and strengthen capacity building within the North Zone, and the DMA public participation processes to locate, site and develop landfill sites in the area.

In order to achieve the above aim and objectives, the thesis is organised as follows:
Chapter 2 presents the background to the current landfill site selection process being undertaken by Durban Solid Waste (DSW) in the DMA. The chapter provides a brief introduction to the pre-

1994 history of landfill site development in the region, which was underscored by lack of consultation with the public, and especially the fact that sites were often situated next to marginalised communities. An overview of current statutory requirements as they relate to the landfill siting process is then presented, followed by a survey of landfill development initiatives currently underway in the DMA. This provides a backdrop against which the public participation and capacity building process undertaken to facilitate stakeholder input, specifically in the landfill site selection for the North Zone, can be examined and analysed in Chapters 5 and 6.

Chapter 3, which forms the literature review, provides a conceptual framework for research into the role of capacity building in the public participation process for landfill site selection in the North of the DMA. Firstly, the global and local shift in favour of sustainable development is examined as a foundation for discussion around different modes of environmental education, and specifically education for sustainability with its basic tenets of empowerment and active participation.

This is followed by a brief discussion around the importance of social and environmental justice, and equity in relation to their centrality to education and the achievement of sustainable development in a newly democratic South Africa. Within this context, democracy and trust in South Africa is discussed and analysed in relation to the current move away from participative towards more representative democracy, at all levels of government and in civil society. The basic assumptions around democracy are examined at length in this section, and barriers to ensuring democratic local government are also presented and discussed here.

Thereafter, various types of public participation are presented and examined, along with their impediments. Further, specific outcome indicators or measures of empowerment are presented, and their link to different forms of participation explained.

Lastly in Chapter 3, a selection of different tools and techniques of public participation in environmental decision-making are listed and explained, and their use demonstrated in the presentation of some local case studies on public participation in development which are germane to this study.

In Chapter 4, concerning the methodology used for the study, sources utilised to obtain data for the study are outlined (primary and secondary), and the nature of the qualitative research methodology chosen for this study is described and justified.

The next part of the chapter introduces the concept of intensive research and the methods which form an integral part of the case study approach chosen for this study. The case study approach is then discussed at length with its links to interpretive techniques associated with humanism and post-modernism, and focus on specific individuals rather than general groups.

Purposive or non-probability sampling, which was chosen for the study, is then defined, followed by a description of the qualitative research tools used for the data collection.

An outline and description of the data interpretation methods follow which were used to reveal the underlying themes in the data. This included the construction of a legal framework, several conceptual frameworks, and a typology from Chapters 2 and 3, which were used to categorise and interpret the data gathered from the research exercise.

The final section of Chapter 4 deals with and discusses issues around limitations to qualitative research and methodology, and several questions around ethics, bias and proving validity and replicability of the study.

For the data interpretation in Chapters 5 and 6, a legal framework was constructed from the statutory requirements listed in Chapter 2, and conceptual frameworks and a typology constructed from theory presented in the literature review in Chapter 3. These constructions are used to categorise and interpret the data collected, in order to answer the research questions listed in Chapter 1.

Chapter 5 is specifically concerned with satisfying a study objective to identify the type of public participation and associated capacity building process that took place by presenting and analysing the various primary data gathered in the research process using frameworks constructed from Chapters 2 and 3.

Firstly the study data presented in Chapter 5 is compared to a legal framework of statutory requirements for public participation in landfill siting, and then to a typology of public participation types. The data is also in turn analysed in terms of a conceptual framework of outcome measures of empowerment.

In Chapter 6, in order to satisfy the study objective to investigate the means by which capacity building was achieved in the North Zone public participation process, the actual means undertaken for capacity building are listed. They are then compared to means suggested in the statutory requirements listed in Chapter 2, and to the range of tools and techniques for public participation in environmental decision-making suggested in Chapter 3. The compatibility of a selection of the actual activities undertaken is also examined with reference to the outcome measures of empowerment, discussed in Chapter 3.

In the second part of Chapter 6, evidence is presented via the data interpretation, in order to evaluate the extent to which capacity building made the North Zone public participation process democratic, in terms of demonstrating the inclusion of local government principles laid down for democracy in Chapter 3.

In final section of Chapter 6, principles of procedural equity along with dimensions of sustainable development and facets of education for sustainability as outlined in Chapter 3, are used as conceptual frameworks to evaluate if capacity building in the North Zone made the public participation process equitable. Elements of all three are deemed necessary to be in evidence if the public participation process is to be judged equitable.

Chapter 7 concludes the thesis with a summary of the conclusions from the study, and makes recommendations to improve and strengthen capacity building within the public participation process for the DMA.

CHAPTER 2

BACKGROUND

2.1 Introduction

The existing landfill sites located in the DMA which extends from Cato Ridge in the west, to Tongaat in the north and Lovu in the south (see Figure 2.1), have life spans estimated by the government to range from nil to 30 years (DSW, 1997). The region is thus currently in need of a number of new solid waste landfill sites to dispose of the waste that will be generated in the area over the next century (Scott and Oelofse, 1998).

Durban Solid Waste (DSW), a municipal waste management contractor in the region, has embarked on an exercise to locate, plan, develop and operate such facilities with the aid of a public participation process involving capacity building which is a requirement of government policy in terms of the *Minimum Requirements for Waste Disposal by Landfill* (DWAF, 1998). This chapter seeks to contextualise the efforts of DSW in contemporary South African environmental management practices through: a brief introduction to the history of landfill site development in the region, an overview of current law and policy as it relates to the process, and current landfill development initiatives being undertaken in the DMA. This chapter will assist in setting the scene against which the study aim and objectives recorded in Chapter 1 can be achieved.

It is in the North Zone where the next of the existing landfills (Tongaat - see Figure 2.1) is to close by December 2000. There is therefore an urgent need to locate and develop new landfill sites both for and in the area. As such, this area has been selected for the location of the first of the new generation landfill sites for the DMA. This is being undertaken in consultation with all the stakeholders or interested and affected parties (I&APs) as they are commonly known, through an extensive public participation and capacity building process. Two proposed locations have been identified, near Verulam (Buffelsdraai) and Tongaat (Summerpride) (see Figure 2.2). Diverting the area's waste to the next nearest landfill site some 30 km away (Bisasar Road, Springfield) (see Figure 2.1) will double the cost of collection for ratepayers in the North Central, North Local and Ilembe Regional Council areas (*Minutes of the Fourth Meeting of the Northern Landfill Committee*, February 13, 1999). It is the capacity building and public participation

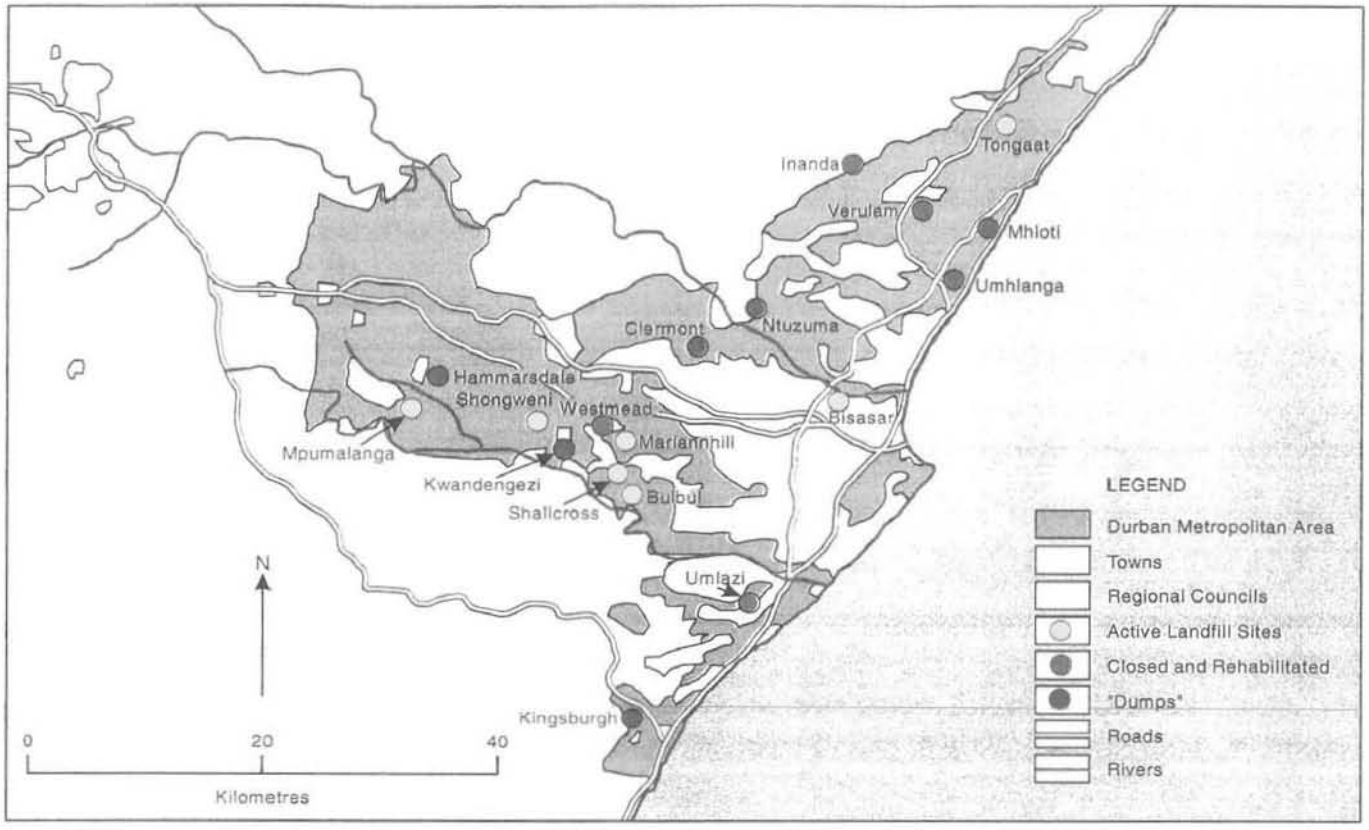

Figure 2.1 : Landfill Sites in the Durban Metropolitan Area (Source : DSW Landfill Site Division, May 2000)

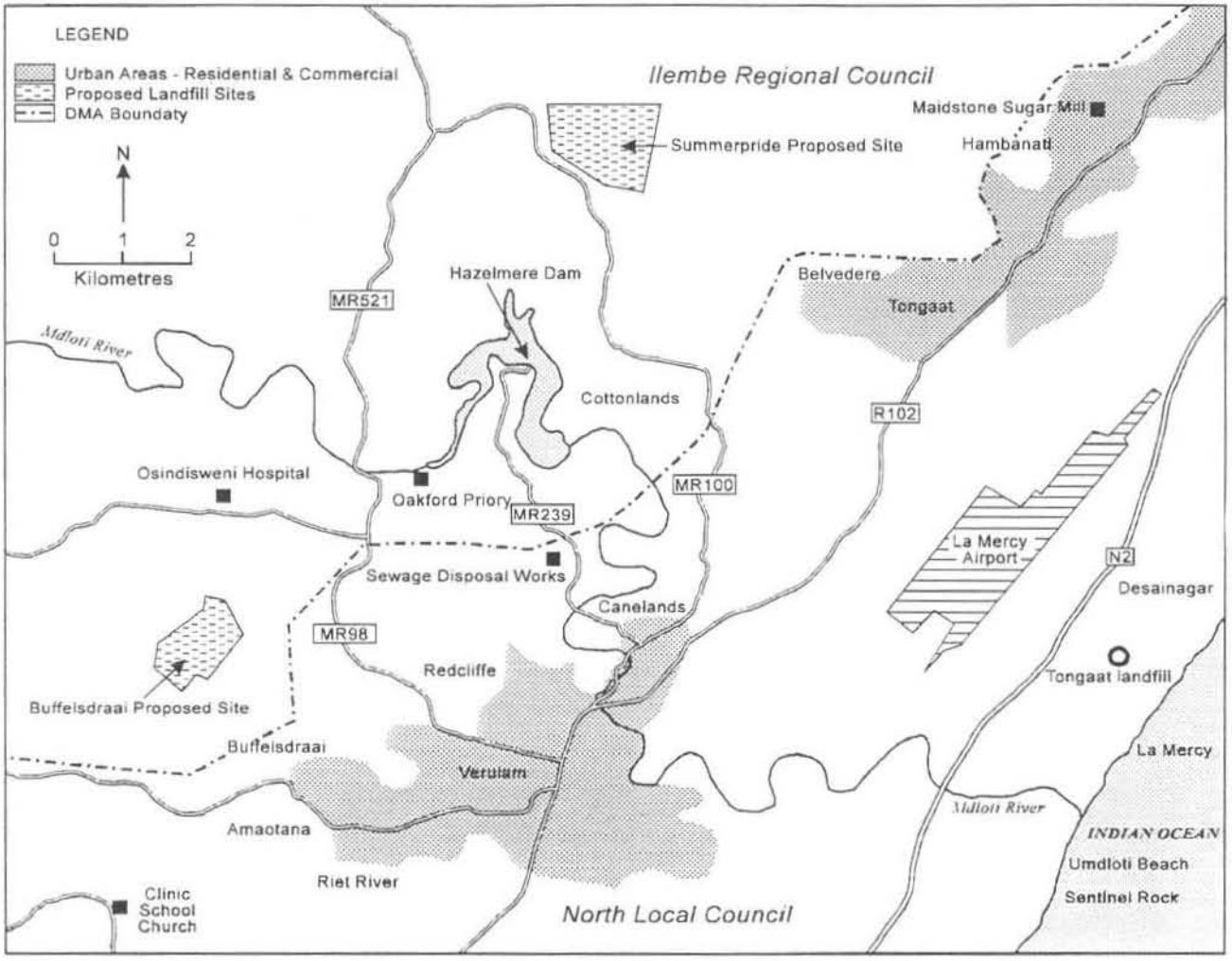

Figure 2.2: Sketch Map Showing Location of Proposed Landfill Sites (After: Icando, 2000): *Proposed Landfill Windows in the North: Buffelsdraai and Summerpride: Important Notice to Interested and Affected Parties: Social Impact Assessment*, unpublished pamphlet)

process of the North Zone landfill site selection process taking place in the DMA which is the subject of this study.

Further, it should be noted that although both sites are located in the Ilembe Regional Council area at present outside of the DMA boundaries, the situation will change with the redrawing of the municipal boundaries by the Municipal Demarcation Board under section 21 of the *Local Government: Demarcation Act* of 1999 (Urban Management, January/February -2000).

Central however to this study is the fact that when the developer embarked on the DMA landfill site selection process as mandated by DWAF in 1994, few of the guidelines on the running of the public participation process were available at the time, and indeed did not appear until the revised version of the *Minimum Requirements* (DWAF, 1998). This complication, along with an ongoing struggle to reform undemocratic local government structures and procedures, has meant that the landfill site selection process has not been smooth. The transformation of local government to provide suitable services in the newly democratic climate of South Africa, underpinned by a global shift in favour of development that is sustainable, is discussed at length in the next chapter.

2.2 History

Under the former Nationalist government, solid or hazardous waste landfill sites in South Africa as a whole were established after insufficient consultation with the public. Further, due to apartheid influenced planning during this era, all landfill sites were developed with 'limited co-operation among neighbouring local and provincial authorities', and other such I&APs or stakeholders, and land was generally expropriated to accommodate the sites (DSW, 1997:1).

In addition, landfill sites were generally located in close proximity to surrounding poor communities like those of Bisasar Road, Springfield in Durban and Umlazi in the south of Durban, without their consent (see Figure 2.1). These were also frequently disadvantaged communities without a voice, and who could be termed vulnerable due to their lack of capacity to anticipate, cope with, resist and recover from the impacts of natural and other hazards generated by solid waste landfill sites (Marsh and Oelofse, 1997).

This former scenario is now changing with growing public awareness of the environmental impacts of landfill sites, which is coupled with recently mandated stringent requirements for incorporating public input into decision-making for the selection and establishment of sites following the election of a democratically orientated ANC-led government in 1994 and again in 1999. However, these new developments now make this process of locating solid waste landfill sites difficult, costly and time consuming (Lombard *et al*, 1996).

2.3 Policy, Law and Responsibility

DSW has been assigned devolved responsibility from the provincial KwaZulu-Natal (KZN) government for establishing and monitoring landfill sites in the Durban region for the disposal of solid and other waste, and has duly embarked on a process to identify future sites for landfills (DSW, 1997). It is important to note that all DSW actions in the process to develop landfill sites are predicated on what is stipulated by the law and policy. Discussion of these follows.

2.3.1 Landfill Policy and Law

The devolved line of responsibility to establish landfill sites stems directly from the *Constitution* (RSA, 1996), the supreme law of the country, which in Section 156 (1) states that: 'A municipality has executive authority in respect of, and has the right to administer - (a) the local government matters listed...(which includes) Refuse removal, refuse dumps and solid waste disposal' (under Part B, Schedule 5:82).

This responsibility is reiterated in the *National Environmental Management Act (NEMA)* No. 107 of 1998 whereby: the Minister (of Environmental Affairs and Tourism) may delegate a power, function or duty vested in him/her to a provincial administrator or municipality. This is further supported via a proclamation made by the provincial Minister of Local Government and Housing on May 31, 1995, in that DSW is deemed responsible 'for the planning, provision and operation of waste disposal facilities in the DMA' (DSW, 1997: 1).

The *Minimum Requirements for Waste Disposal by Landfill* (DWAF:1998) is the government guideline which establishes a reference framework of standards, and facilitates the enforcement

of the landfill permitting system provided for in terms of the *Environment Conservation Act (ECA)* (No. 73 of 1989). In section 20.1, it states that 'no person shall establish, provide or operate any disposal site without a permit issued by the Department of Water Affairs and Forestry (DWAF) and subject to the conditions in such a permit' (*ibid*: v). The specific procedures, actions and information which may be required from an applicant when permitting a landfill or may be written into a permit as conditions are set out in this document. These include actions necessary to facilitate public participation and capacity building in the process.

The requirements for public participation are also in turn integrated into the landfill development process, with the public scoping requirement of the Department of Environmental Affairs and Tourism's (DEAT) *Environmental Impact Assessment Regulations* (EIAR). Under the *ECA* the disposal of waste is identified as an activity which may have a substantial detrimental effect on the environment, and therefore must be subject to an Environmental Impact Assessment (EIA) which together with other necessary stages in the landfill development process as already alluded to, forms part of the Landfill Permit System, and has to be approved by DEAT at a national level (DWAF, 1998).

2.3.2 Legislation for Public Participation and Capacity Building in relation to Landfills

'Conflict is endemic to the process of landfill siting', as no one wants to live near such sites, and the environment too must also be protected (Lober, 1993: 345). Further, the participation and acceptance of a landfill by I&APs is a factor which contributes to the success of the development and operation of a landfill site, as public resistances can become a 'Fatal Flaw'. This is a factor or situation which prevents the development of an environmentally acceptable waste disposal facility, except at prohibitive cost (DWAF, 1998: G-4). By involving the public and obtaining their approval, it is suggested that the public take some degree of responsibility for a development. This will ensure its sustainability which is crucial due to the large amount of money and resources invested in public developments such as landfills.

As already mentioned, specific site selection criteria are laid down by the *Minimum Requirements* (DWAF:1998) which have brought in a series of strict controls and regulations governing the

siting of landfill sites. These include large sections devoted to the subject of 'public participation', 'capacity building' and 'consultation' with stakeholders (DSW, 1997: i). These are well supported by a plethora of similar national, provincial and local government public participation policy and law as contained in for example: the *Constitution* (1996); the EIA procedure, and *Environmental Programme Management Report* (EMPR) as laid down by the *ECA* (No. 78 of 1989) and *Guideline Document, EIA Regulations* (DEAT, 1998: Sections 21, 22, 26); *NEMA* (No. 107 of 1998); and the *White Paper for Local Government* (1998).

The principle of public participation with capacity building which is a feature of democratic government again has its roots in the *Constitution* (RSA,1996) which requires that 'the public be consulted and informed of any development that may have an effect on their quality of life' (DWAF, 1998: v - vi).

Specifically, in relation to public participation and capacity building, the *Constitution* (RSA, 1996) mandates democratic local government to:

- provide democratic and accountable government for local communities.
- ensure the provision of services to communities in a sustainable manner.
- promote social and economic development.
- promote a safe and healthy environment.
- encourage the involvement of communities and community organisations in matters of local government (47 - 51).

This is supported by the *Minimum Requirements* (DWAF,1998), whose basic principles of public participation for landfill site development are summarised in Table 2.1.

Table 2.1: Principles of public participation (after DWAF, 1998: Appendix 4.1.4.)

• I&APs must be consulted, and have the opportunity to participate in projects at the earliest planning stages.
• To ensure I&APs are informed and empowered to contribute effectively to the decision making process, information on which decisions are taken must be sufficient.
• There must be consideration of alternative options with a fair and just adjudication process.

In terms of the *EIA Regulations* (DEAT, 1998: 6 - 7), applicants or developers are 'responsible for the public participation process to ensure that all interested parties, including government departments that may have jurisdiction over any aspect of the activity, are given the opportunity to participate in all the relevant procedures contemplated in these regulations', and they must ensure that any consultant appointed has 'the ability to manage the public participation process...(and) timeously produce thorough, readable and informative documents'.

Specific reference to public participation, capacity building and empowerment is also made in *NEMA* (RSA, 1998), whose preamble reiterates a principle from the Bill of Rights of the *Constitution* (RSA, 1996) which states that not only does everyone has the right to an environment that is not harmful to their health or well-being, but also that the law should establish procedures and institutions to facilitate and promote public participation in environmental governance.

Various principles are laid down in *NEMA* (RSA, 1998), those of which dealing with public participation advise:

(f) the participation of all I&APs in environmental governance must be promoted, and all people must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured.

(g) decisions must take into account the interests, needs and values of all I&APs, including recognising all forms of knowledge (traditional and ordinary).

(h) community well-being and empowerment must be promoted through environmental education, the raising of environmental awareness, the sharing of knowledge and experience, and other appropriate means.

(k) decisions must be taken in an open and transparent manner, and access to information must be provided in accordance with the law.

(q) the vital role of women and youth in environmental management and development must be recognised and their full participation therein must be promoted (7 - 8).

Within the framework of the *Constitution* (RSA, 1996), the *White Paper for Local Government* (1998: 15), established the new democratic and developmental nature of local government in terms of I&AP consultation by committing them not only to 'working with citizens...to create sustainable human settlements which provide for a decent quality of life and meet the social, economic and material needs of communities in an holistic way'; but also by 'ensuring growth and development of communities in a manner that enhances community participation and

accountability' (*ibid*: 11). This is a shift from the bureaucratic decision-making processes of previous local governments to a more participatory form of governance.

In the South African context, due to past histories of unequal development and exclusion under apartheid, not all stakeholders have equal understanding, skills, power or resources to engage as equal partners in the participatory process as laid down by DWAF (1998), RSA (1997, 1998) and other policy and law as it relates to the development of landfill sites. All of these principles listed involve the issue of capacity building which needs to take place if the basic principles of public participation as laid down by the law are to be satisfied, and procedural equity is to be guaranteed to ensure a fair process for landfill siting and development (Scott and Oelofse, 1998).

2.4 The DMA Landfill Siting Process

The process to locate and develop new solid waste landfill sites for the DMA was set in motion on November 21, 1996 with the establishment of a governmental (provincial and local) steering committee, renamed the Technical Working Committee (TWC) (*Minutes of the Sixth Meeting of the Technical Working Committee*, May 7, 1998). The TWC was tasked with overseeing the process with DSW to 'establish general waste sites to serve the area' (DSW, 1997: 16).

2.4.1 Initial Technical Studies

DSW appointed Lombard and Associates in 1996 to carry out a desk top study to identify 'windows'. These can be defined as 'broad areas identified by a coarse screening process which show good potential for further site specific investigations', and which might be 'suitable for the development of the sites' (Lombard, *et al*, 1996: 1). Primary screening criteria by DWAF (1994) included: proximity of the area to the DMA, density of development or residential area, suitability of underlying geology, and risk of contamination of ground and surface water resources.

Nine windows were identified: Lovu in the south; Cato Manor/Westville, Shongweni, Ferralloys/Radnor, Doornrug/Bonnie Brae, Lion Park/Thorndale in the west; and Coronation/Effingham, Buffelsdraai/Inanda, and Frosterly (Summerpride) in the north (Lombard,

et al, 1996) (see map in Figure 2.1) . However, after closer investigation and input from various stakeholders during 1997 and 1998, several were discarded, and the investigation continued to find further suitable windows where necessary (*Minutes of the Metro Landfill Steering Committee*, November 14, 1997; *Minutes of the Eighth Meeting of the Technical Working Committee*, August 3, 1998).

2.4.2 Initial Public Participation in the Overall Process

The initial public participation and capacity building process in the DMA consisted of an information sharing and awareness building programme described below. This led to the initiation of a Site Evaluation Committee (SEC) in the North Zone of the DMA whose public participation and capacity building process will be analysed in Chapters 5 and 6. When the process began, there were no clear guidelines on public participation in the *Minimum Requirements* (DWAF, 1994) nor did the EIA Regulations exist. DSW could only consult *The Constitution* (1996) and chose to follow the precautionary principle in terms of public participation and capacity building, in the knowledge that the new legislation was pending (Lombard, pers. comm., 6/12/99).

Most of the capacity building was focussed at the SEC level where it was most needed, although there was a fair degree of capacity building taking place within the expanded TWC for those not familiar with landfill site selection and the EIA process. There was a degree of overlap between the two committees in terms of the people involved (*ibid*).

The public participation exercise for the DMA process was implemented from December 1996, with open house display days for the general public held at venues in the area during September and October 1997. Educative and informative media developed included: 3-D models to illustrate the process of site selection and landfill development (*Minutes of Project Meeting*, July 19, 1997); a general information colour cartoon-illustrated booklet for dissemination to the public named *20 Questions about waste in the DMA* (DSW, 1997) accompanied by a comment form; posters and pamphlets outlining the process; advertisements and media releases which were placed in the local publications; and banners erected in public areas to attract stakeholders to the open house displays. These were attended by a total number of 264 people (*Minutes of the Metro Landfill*

Steering Committee, September 17 and November 14,1997). Issues and concerns identified by the public after viewing the location of the proposed windows were listed (*ibid)*.

By November 1997, further open house displays were rejected in favour of capacity building workshops and individual group presentations to I&APs. It was thus that the Ilembe Regional Council (the regulatory authority outside of the DMA boundary) was invited to join the Steering Committee. Capacity building workshops as well as a visit to the Bisasar Landfill Site to explain the process to date were organised for February 17 and March 17, 1998 for the Ilembe councillors so they could participate fully in the public participation and site evaluation process (*ibid*).

A meeting in March 1998 focussed on the integration of the EIA regulations and rezoning requirements for developing waste facilities with the site selection and establishment process of the *Minimum Requirements* (1994). It was agreed there would be one streamlined environmental impact multi-stage assessment process to satisfy all regulations, with a single public participation exercise (made up of a proposal for the initiation of a site evaluation committee for each zone, open house displays, workshops, landfill site visits, desk top social probe, and social impact assessment). In addition a critical path for decision-making was developed where once a milestone decision was reached, the process would move forward without delay or a need to revisit ground already adequately covered (*Minutes of a Meeting on the Planning Requirements for New Large Landfills*, March 4, 1998). The SEC in each zone (North, South and West) was to be representative of the stakeholders in each region and through which they could contribute to the landfill site selection process.

In May 1998 a Zulu/English medium newsletter was sent out to update I&APs on the process and invite comment and participation in the process via a mail return form. At the May meeting of the TWC, the implications of establishing a multi/broader-stakeholder steering committee were discussed and a possible Terms of Reference drawn up by Dr D. Scott (University of Natal) were tabled (*Minutes of the Sixth Meeting of the Technical Working Committee,* May 7, 1998).

In June 1998, a second media release was distributed advertising 'windows' abandoned for technical reasons plus those being investigated further, and giving opportunity for public

comment. A letter to invite stakeholder groups to send representatives to serve on the proposed SECs was tabled and posted (*Feedback at the 7th Meeting of the Technical Working Committee*, June 17, 1998).

During August and September 1998, open house display days were held in the DMA, followed by public meetings on the same days with information sharing and discussion, and the decision was taken in each zone to form the SECs in each area, with agreement on dates for inaugural meetings. It was announced at the TWC that preliminary work on a desk top social probe for the three zones had been completed by the University of Natal (Scott and Oelofse, 1998), with air movement and microclimate studies to be completed by the end of August (*Minutes of the Eighth Meeting of the Technical Working Committee,* August 3, 1998).

Thus from December 1996 to September 1998 an ongoing process of information sharing and the soliciting of public opinion was undertaken.

2.4.3 The Social Probe

The Social Probe mentioned in the previous section is of particular importance to the public participation and capacity building process associated with landfill site selection and development, and thus will be discussed at some length at this juncture.

During 1998, separate social probes were completed for each of the zones - North, South and West (Oelofse, 9/2/2000). Once the 'window' areas had been identified in terms of the initial technical studies, social probes of the areas surrounding them were undertaken to find out the possible social impacts of landfill sites on the residents, businesses and other stakeholders in the vicinity (Icando, 2000).

These probes are the first phase of a Social Impact Assessment (SIA), in that they are limited to a desk top study providing an initial examination of the social environment where broad issues are identified, rather than a detailed analysis which is completed later with the SIA (Scott, 1999). They are necessary in terms of landfill site selection policy and law, in that DWAF (1998)

guidelines recommend certain conditions upon which locational decisions are based, aimed at reducing impacts of landfills on the social environment:

- Roads serving the site should not pass through a residential area.
- Local communities should gain some benefits from a landfill site in their area.
- Landfill sites are to avoid being in close proximity to residential area and densely settled.
- If possible no people should be relocated to accommodate the siting of a landfill site.
- Landfill sites are to be located so as not to be a visual blight to surrounding communities.
- Landfill sites need to be adequately managed so that they do not threaten the safety of communities.
- Buffer strips are necessary but there is a need to ensure that these are not settled by informal settlers via a land invasion process (Scott, 1999).

In terms of the different stakeholders studied for the probes, two groups of people were considered: the primary stakeholders living adjacent to the window who would be directly effected by the landfill development; and the secondary stakeholders who are a broad group of people and organisations who have an interest in the location of the landfills (*ibid*).

The social probe is based explicitly on the principle of social justice as one of the principles of sustainable development, and provides a conceptual framework for a sustainable landfill siting process to ensure a fair decision-making process. It is undertaken specifically to establish the presence of vulnerable communities in the window areas, as well as the impact of future developments on those communities (Scott and Oelofse, 1998). The study thus provides background for the spatial location of landfill sites to ensure: their distributional equity in terms of fairness regarding the spatial location and distribution of impacts and benefits of the landfill sites; their procedural equity in terms of identifying and including relevant communities in adequate participation in the landfill site selection process; and their intergenerational equity (futurity) in terms of the landfill sites to be developed not having detrimental effects on future generations to the benefit of present generations (Scott, 1999).

Being a desk top study, information for the probe was drawn from the national census and various recent municipal and private sector social policy reports, as well as the various DMA and other regional council Integrated Development Plans (Oelofse, 9/2/2000).

The social probe proved important for the landfill site selection process overall, and specifically for the public participation and capacity building process. All of the 'windows' were located on

the periphery of the DMA, and the probe revealed that these area are characterised by the presence of poor, vulnerable and marginalised communities with low incomes, poor education levels, and few employment opportunities due to past apartheid planning. This indicated that the siting of a landfill needs to be undertaken with sensitivity so as to: 'prevent further loading of these communities with negative externalities' which could be bought on by the siting, operation and management of the landfill sites. It was further recommended that the developer 'proactively create employment opportunities for adjacent communities' to ensure social justice (Scott and Oelofse, 1998).

2.4.4 Window Rankings

The next step in the process was to rank the proposed sites to determine which the communities found most acceptable. In terms of the *Minimum Requirements* (DWAF, 1998) this involvement is not expected and it is only required that the I&APs be informed and reach 'reasonable consensus' on the coarse rankings as done by landfill specialists (pers. comm.: Lombard, 6/12/99). The purpose of the ranking process which was undertaken after the initial studies and social probes already discussed, was to compare each of the windows identified in all three zones. The ranking was done in terms of each of the main site selection criteria which fall into three broad categories: economic, environmental and social. The following aspects should be addressed and represented in a ranking matrix: 'environmental impact (mostly technical and physical aspects), safety risk (public safety, occupation health), social impact, and costs (acquisition, construction, operation and closure)' (DWAF, 1998: 4 - 8).

Both the TWC and SECs decided to use the method of ranking by means of the symbols: +(plus = good) and - (minus = bad). The technical experts on the TWC ranked the windows in terms of technical, physical and engineering criteria which included: transport factors (access and distance), size, stability/steepness, cover material available, construction material available, stormwater, geohydrological factors (proximity to water bodies, fault zones, catchment areas, shallow water table, steep ground water gradient, important aquifer, recharge area, ground water quality, groundwater sole supply, barrier/vadose zone, pollution potential), geology, airspace/volume, open space areas, town planning, microclimate, leachate, operation, buffer zone, physical obstructions, subsoils and purchase price (*Minutes of the Workshop for the Northern*

Zone Landfill Committee, July 10, 1999). This ranking was then presented to the stakeholders on the SECs in the various zones for comment.

Concurrently with the technical ranking, the stakeholders on the SEC in the North Zone were the first to rank the identified 'window' sites in their area, Buffelsdraai and Summerpride, in terms of public acceptance and social criteria which included: distance, visibility, air movement patterns (odour), social stability, social cost benefit, present and future land use, political stability, number of people, people to be removed, aesthetics, buffer zone, impact on tourism and development plans, and land claims (*Minutes of the Landfill Committee Meeting for the Northern Zone Selection of Large General Landfill Sites*, March 27, 1999). It is in Chapters 5 and 6 that the input of the North Zone SEC on the social ranking, in terms of their level of capacity and public participation to do so, will be examined at length.

It should be noted that the social criteria proposed for the ranking process stem from the three principles of procedural, distributional and futurity equity as discussed in the previous section. In the overall ranking procedure a number of issues had to be taken into account in order to ensure fairness and justice in the process, to protect those most likely to be most impacted, and to consider future impacts (Scott, 1999).

2.4.5 The Environmental Impact and Social Assessments

Once the ranking had been completed, presented to the I&APs for input and comment, and forwarded to DWAF for approval, further investigations were necessary in deciding on the location of the landfill which include the EIA. An EIA is 'an investigation to determine the potential detrimental or beneficial impact on the surrounding communities, *fauna*, *flora*, water, soil and air, arising from the development or presence of a landfill' (DWAF, 1998: G - 4). In other words, according to DWAF (1998) and DEAT (1997, 1998, 1999) regulations, this in-depth study has to be completed to ensure that any decisions taken in the landfill site selection process do not have unacceptable impacts on the natural environment in the areas, the living environments of stakeholders, and the economic activities surrounding the potential landfill sites (Icando, 2000).

The various specialist studies were then commissioned to provide input into the EIA, one of which was the SIA.

The SIA, which forms part of the EIA (and which has for the first time been undertaken for landfill sites), is used as part of the public participation process to illicit comment from most importantly primary, but also secondary stakeholders as to their opinions about the specific windows chosen for further investigation for the development of general solid waste landfill sites. As part of the SIA, the responses requested from primary stakeholders are to issues such as: perceived opportunities and benefits, problems and constraints, suggested mitigatory measures, specific concerns and interests, options or alternatives to the proposed site, request for information relating to the landfill siting process, and details for future representation at stakeholder meetings (*ibid)*. In addition to questionnaires which were posted out to stakeholders (secondary), personal interviews are also conducted by the researchers with sample groups of primary stakeholders (10% of households) to find out their views in the so called 'zone of impact', which includes a radius of up to two kilometres around each potential site (Oelofse, 9/2/2000). These interviews were also to be used to ascertain the degree to which the community has sufficient capacity to input in the process to establish landfill sites in their area. At the time of writing, this process is realising a conclusion.

For the full EIA, feasibility studies of candidate sites which include a preliminary environmental impact investigation are carried to be out on the most promising sites, and then Environmental Impact Reports (EIRs) on the selected sites, including the public scoping comments from the SIA, are to be submitted to DWAF for consideration. An EIR must contain: 'a description of feasible alternatives, assessment of impacts, determination of significance, mitigation, addressing of key issues, and a comparative assessment of the feasible alternatives' (DEAT, 1998: 27 - 28).

Once written confirmation of the most suitable sites' feasibility for waste disposal has been gained from the authorities, the developer and consultants then undertake detailed site investigations and permitting procedures then follow. A public participation and input process is thus included at every stage with 'ongoing comment solicited', 'further ranking of the sites' requested, 'full access

given to all information on potential sites', and the inclusion of 'comment from I&APs on EIA reports' submitted to DWAF (DSW, 1997:18 - 19).

2.5 Conclusion

This chapter has served to set the scene in terms of past history, current landfill legislation and policy, and gives an outline of the overall landfill site selection process being followed in the DMA to date. This provides a backdrop against which the ambitious public participation and capacity building process undertaken to facilitate stakeholder input, specifically in the landfill site selection process in the North Zone, can be examined, analysed and evaluated in Chapter 5 and 6.

The history of past landfill siting processes is outlined in Section 2.2, while legislation for landfill siting as well as public participation and capacity building in relation to landfill is covered in Section 2.3. In this section, Table 2.1 summarised the statutory requirements for public participation in landfill site development. This will be used as a legal framework in Chapter 5 to determine whether these principles have been implemented in the SEC process for landfill site selection in the North Zone of the DMA. In Section 2.4 the overall DMA landfill siting process is outlined including: the initial technical studies, initial public participation in the overall process, the Social Probe, the Window rankings, and the EIA and SIA.

It should be remembered at this point that when the consultants and developer embarked on the landfill site selection process in the DMA as mandated by DWAF in 1994, few of the guidelines on the running of the public participation process were available at the time, and indeed did not appear until the revised 1998 version of the *Minimum Requirements*. This complication, coupled with an ongoing struggle to reform undemocratic local government structures and procedures, has meant that the landfill site selection process has not been smooth. The transformation of local government to provide suitable and sustainable services in the newly democratic climate of South Africa, underpinned by a global shift and influence in favour of development that is also sustainable, will be discussed at length in the next chapter.

CHAPTER 3

LITERATURE REVIEW

3.1 Introduction

The public participation and associated capacity building process in which stakeholders are involved in landfill site selection for the north of the DMA, has evolved in tandem with attempts to transform local government to provide suitable services in the present democratic political climate of South Africa. This process is in turn bound up with and influenced by a global shift in favour of development which is sustainable. In addition it is widely acknowledged that sustainable development needs to be accompanied by public participation and a capacity building process which is assisted by education for sustainability.

This study aims to assess the role of capacity building in the public participation process for the north of the DMA, and as such several bodies of literature have been consulted which provide a framework of theory for the research. The literature review begins by examining "development" and latterly "sustainable development" in South Africa. This serves as a foundation for the presentation of different modes of environmental education which have emerged in support of development which is sustainable. More specifically "education for sustainability" is elaborated upon, which in turn has evolved from environmental education. This more recent approach is currently posited as essential to ensure adequate capacity building in any public participation process associated with sustainable development, in a democratic environment.

The topics of "social and environmental justice" and "equity", and their link to sustainable development are then explored to provide the context within which issues such as democracy and trust in South Africa, between a government in transformation and its citizens, can be discussed and analysed. Different forms of public participation operating prior to and within the present democracy are then presented, and interrogated in terms of their relevance to sustainable development within the capacity building process. The issue of "empowerment" as it relates to capacity building in transformative public participation is examined in some detail. This provides a further discussion on impediments to this form of stakeholder input in the development process. Popular tools and techniques of public participation in environmental decision-making are then presented in the context of South Africa.

The chapter concludes with the presentation of several South African case studies which are investigations germane to this study. These show case the public participation and capacity building process in several development projects, which fall both outside and inside of landfill site selection processes in South Africa.

3.2 Development in South Africa

South Africa is striving to reconstruct a new nation through people-driven development programmes that create and use structures, mechanisms and approaches based on the tenets of democracy and sustainable development. While the greater part of the population are struggling to emerge from a heritage of autocracy, oppression and provision of unequal services which was driven by apartheid policy, developers today are seeking a 'bottom-up' approach more suitable to a democracy. This requires 'strong local leadership and public participation in decision-making processes', common needs and purposes, and the 'skills of all stakeholders to access resources' (Ferguson-Brown, 1996: 187).

This development differs from both that practised in post-colonial Africa and specifically apartheid South Africa. Post-colonial development with its 'top-down' approach has achieved relatively little, with a catalogue of failures that has intensified poverty in the South promoting deteriorating living conditions, housing, health and environment; and in so doing creating a 'global underclass of desperately poor people which makes up one fifth of the human race' (Kirby, *et al*, 1995: 2 - 3). Above all, a new type of development is needed that is not only ecologically sustainable, but at the same time socially just. In other words, development needs to move towards operations which provide: 'opportunities for participation, recognition of social justice, education in the broadest sense of the word, and the abolition of poverty and inequality' (Coetzee, 1996: 142).

Development which is now sought not only locally but increasingly globally, is that which is sustainable. The popular notion of sustainability in development as a different kind of development has suffused development discourse in the 1980s and 1990s, following the report titled *Our Common Future* from the World Commission on Environment and Development (1987).

While there are many definitions of sustainable development, a widely accepted one comes from this report (WCED, 1987): 'sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own basic needs' (in Pezzoli, 1997: 549). This is a development strategy that 'cuts across disciplines by seeking to manage all assets, natural, human, and finite resources, as well as financial and physical assets for increasing long-term wealth and well-being' (Repetto, 1986 in Hope, 1996: 194).

In being all encompassing, it is worth noting that sustainable development has a post-modern perspective which succeeds in uniting widely divergent theoretical and ideological perspectives into a single conceptual framework (Estes, 1993 in Hope, 1996). It also has application in both national and international policy frameworks 'for improving the well-being of present and future generations by making sure the voice of the people is heard' (*ibid*:193).

3.3 Education for Sustainable Development

There is wide agreement among development practitioners that education has an important role to play in transforming values so as to lead to development that is sustainable. This entails empowering individuals and groups to participate in environmental improvement, and to speak up for the protection of their own and future generations' well-being. This form of education is known as education for sustainability (Fien, 1996).

Agenda 21, the internationally agreed on report of the Earth Summit held in Rio in 1992, devoted a whole chapter to education for sustainability:

> Education is critical... for promoting sustainable development and improving the capacity of the people to address environment and development issues... for achieving environmental and ethical awareness, values and attitudes, skills and behaviour consistent with sustainable development and for effective public participation in decision-making (UNCED, 1992 in Fien, 1996: 2.27 - 2.28).

In other words education for sustainability is 'a process which is relevant to all people, and that, like sustainable development itself, it is a process rather than a fixed goal which may precede, but will always accompany the building of relationships between individuals, groups and their environment' (Sterling/EDET Group, 1992 in Fien, 1996: 2.29).

However, before a more in-depth discussion is presented on education for sustainability, it is necessary to briefly outline other forms of environmental education which preceded it and have proved inadequate when adopted in isolation to each other to halt inappropriate development and degradation of the environment. These are defined by Huckle (1983 in Fien, 1996: 2.21) as: 'education in the environment, education about the environment, and education for the environment'. Known as traditional conceptions of environmental education, they are still dominant in the education system and broader community in South Africa (Oelofse and Scott, 1999). Early education tended to focus only on education about the environment (knowledge and facts), and education in the environment (experiences). A move was made in the 1980s to include an orientation towards 'action - education for the environment' (Freeman, 1997: 56). Huckle (1983 in Fien, 1993: 5) summarises the differences between the three approaches:

> Education *for* the environment seeks to engage learners in the active resolution of environmental questions, issues and problems...(involving) a wide range of knowledge, skills, values and participation objectives which are not addressed by teaching environmental facts and concepts (education *about* the environment), or by experiential learning in the environment (education *in* the environment).

As can be observed, the description of education for the environment is very close to that contained in the UNCED 1992 definition given for education for sustainable development. Education for sustainability 'does not sweep away the characteristics of the previous approaches, but builds on their issue based, participative, action orientated principles' (Freeman, 1997: 56).

Specifically, it is a process which:

- promotes understanding of the interdependence of life, and repercussions decisions and actions have on present and future resources globally and locally.
- increases awareness of the economic, political, social, cultural, technological and environmental forces which foster or impede sustainable development.
- develops awareness, competence, attitudes and values, enabling effective involvement in sustainable development, and work towards a more equitable and sustainable future.
- affirms the validity of the different approaches to education, and the need for further integration of the concepts of sustainability in these and other related development approaches and disciplines associated with development (Sterling/EDET Group, 1992 in Fien, 1996: 2.29).

Tillbury (1995: 210) sums up participatory education for sustainability by stating:

> It focuses more sharply on...the creation of a more holistic outlook on problems, requiring a deeper integration between the study of environment and development problems...(by adopting) a three-fold approach (about/in/for), and includes a future dimension to the study of environment and development concerns.

3.4 Social and Environmental Justice and Equity

Education for sustainability is in turn central to notions of social and environmental justice, equity and sustainable development. Social justice is achieved when fairness and equality are evident in developmental decision-making and practice taking place. Indications of social justice and equity are where the public participate in and make decisions for development to ensure the well-being of both the individual and vulnerable groups, as well as for the general common good of present and future generations.

Environmental justice, linked to social justice, relates specifically to the distribution of risks and hazards associated with development (as in the case of landfill siting), in a fair or equitable way. Both are integral elements of community action and public participation in decisions for development which is sustainable. So essentially:

> public participation in environmental decision-making is a process aimed at reducing the power differentials, and so ensuring social and environmental equity, among groups in society who have an interest in, and may be at risk or suffer from, the potential impacts of proposed or existing development (Scott and Oelofse, 1998).

Three principles are proposed that create a framework for achieving social and environmental justice in environmental decision-making in order to ensure equity and provide protection for vulnerable communities and environments from the potentially harmful effects of development. These were mentioned briefly in Chapter 2, where they were used as a conceptual framework for the social probe for the landfill site selection process. They are procedural equity, distributional equity, and intergenerational equity (Scott and Oelofse, 1999).

To summarise, distributional equity linked to environmental justice, ensures there is fairness regarding the spatial location of impacts and benefits of proposed developments. It is achieved through social analysis (via social probes and impact assessments) of communities in the area under development, and identifies vulnerable groups through public participation that could be affected by the development such as the poor, unemployed, women or elderly. Intergenerational equity is related directly to sustainable development, in that it ensures that development does not have detrimental effects on future generations to the benefit of the present generation (*ibid*).

Procedural equity or fairness is important to this study, as it directly relates to public participation, the associated capacity building process and education. Several principles need to be upheld if procedural equity as defined by Cock (1995 in Scott and Oelofse, 1999) is to be deemed to have been applied in a public participation process. These are summarised in Table 3.1:

Table 3.1: Principles of Procedural Equity (after Cock, 1995 in Scott and Oelofse, 1999)

•	All individuals have a constitutional right to participate in the decision-making process.
•	Recognises social differentiation and respects diversity.
•	All are accountable to constituencies for decisions and feedback.
•	Education and information sharing is part of the process.
•	Capacity building informs decision-making.
•	Recognition of validity and integration of indigenous and scientific knowledge.
•	Facilitator present together with a neutral venue and translators available.
•	The building of consensus around process outcomes.
•	Process open to public scrutiny.
•	Free and open access to information in all languages.
•	Active engagement of all participants.

Although these sustainability principles for the achievement of social and environmental justice and equity are praiseworthy, the reality however remains that 'the purposes of a transformative government and its citizens cannot be attained unless effective and efficient management is practised by ensuring that all stakeholders participate on an equitable basis' (Hilliard, 1996: 2). This presupposes the existence of a democracy and some level of trust between the developer and community. In addition 'citizen participation is in turn an end in itself that needs to be promoted and encouraged in order to preserve democracy' (Clapper, 1996: 52). This issue of trust is now examined.

3.5 Trust and Democracy

The transition to democracy in South Africa has been characterised by the 'simultaneity of two democratic traditions, namely that of traditional parliamentary or representative democracy, and that of grass roots participatory democracy' (Pillay, 1996: 325). The vision for democratising

power is intimately linked to reconstruction and development (from the ANC's Reconstruction and Development Programme, 1994), and 'requires a population that is empowered through expanded rights, meaningful information and education, and an institutional network fostering representative, participatory and direct democracy' (*ibid:* 325).

The word democracy stems from two Greek words: *demos*, meaning 'the people', and *kratein*, meaning 'ruling power' (Rjai, 1991 in Clapper, 1996: 52). It originally referred to the type of government in which the 'power to rule resided directly in the people of the former ancient Greek city states' (Lacqueur, 1973 in Geldenhuys, 1996: 12). Under this system all important decisions were made directly by the people in a face-to-face assembly of all citizens. This was possible as the Greek city states were small, homogeneous, and therefore accommodated this 'day-to-day form of popular direct participatory government' (Clapper, 1996: 52).

Today, the term democracy categorises political systems that acknowledge certain basic assumptions often written into a constitution or the result of custom or tradition. Participatory or direct democracy still exists in small communities, but one is usually faced with 'indirect or representative democracy in which citizens elect representatives to govern on their behalf and, importantly, to be answerable to them' (Geldenhuys, 1996: 13).

Pillay (1996: 327) posits that 'South Africa is attempting to forge a unique democracy that combines the best of both formal, representative democracy and the less formal, participatory democracy'; and the extent to which this will be possible 'will depend largely on the manner in which the radical democrats are able to contend with a global order that does not include social and economic justice, and may predetermine the outcome of national struggles' (*ibid:* 327).

In light of this, it is interesting to note that the introduction of public participation techniques into the development and planning process in South Africa, implies a movement 'along the (democratic) continuum from representative to participatory democracy' (Sewell and Coppock, 1977 in Clapper, 1996: 53) - and so hence 'a movement away from government institutions that provide goods and services to the citizenry, and a movement towards government institutions that provide goods and services for and along with the citizenry' (Stewart, 1988 in Clapper, 1996: 53).

Ranney (1971 in Clapper, 1996: 54 - 55) defines democracy as 'a form of government organised in accordance with several principles' which are listed and explained:

- Popular sovereignty is when governmental decisions are made by the general public, who may delegate decision-making power to legislators, executive bodies and judges but decide the delegated period and how accountability is enforced.
- Political equality requires that all community members have equal opportunity to participate in the political process.
- Popular consultation demands the public ultimately decide which policies serve to advance the common welfare. Institutional machinery must be provided to inform the authorities involved of the decisions and policies the public wants adopted and enforced, and ensure officials make them happen. What determines whether a policy is democratic is not content, but how it is chosen.
- Majority rule requires fifty one percent or more of the people to determine, approve or revise the procedures taken to arrive at government decisions. Consensus agreement differs in that everyone must agree before a decision is carried.

Geldenhuys (1996:13) agrees with these democratic principles, but adds that 'a true democracy only exists when minority rights and views are recognised and protected, and the concepts of equality, basic rights, individual dignity and the existence of an acceptable constitution are basic conditions'.

So how then does this apply to local government, and specifically local government in the DMA? Heymans and Totemeyer (1988 in Hilliard, 1996: 6) define democratic local government as 'a decentralised representative institution with general and specific power devolved on it in respect of an identified restricted geographical area within a state, to provide several local goods and services'.

Local government in South Africa was formerly a mechanism used to separate cultural and racial groups, managing its diverse population under apartheid in a divisive manner with towns and cities racially segregated. The purposes of a current democratic local government cannot be pursued effectively if this history is not managed sensitively - 'both by permitting all relevant role-players to participate through the levelling of playing fields, and by allowing those parts of civil society which have not hitherto been involved in South African local government to make an input' (Hilliard, 1996: 1 - 2).

Further, 'it cannot now automatically be assumed that with the amalgamation of the racially fragmented local authorities, the needs of all the inhabitants will be uniform in a single area'

(Cloete, 1989 in Hilliard, 1996: 3). There will continue to be disparities and backlogs for some time, and it is only 'through consultation and negotiation with the affected communities that the authorities will be able to ascertain the real needs and justified expectations of the inhabitants' (Hilliard, 1996: 3).

Further, Heymans and Totemeyer (1988 in Hilliard, 1996: 6) warn that 'where the community suspects that by-laws and regulations have been unilaterally thrust upon it without prior consultation, it will be impossible for the local authority to gain the trust and confidence of the community'.

The decentralisation of power to locally elected and thus accountable representatives, is usually seen as the essence of democracy by the community, as local government are 'close' to the local community geographically. As such a high level of responsiveness is expected. Local government is 'a political institution by which people share in government and resolve their differences themselves, providing an essential instrument to allow the individual to voice his or her needs' (Geldenhuys, 1996: 17 - 18). This is a strong argument for 'the decision-making process' to be always 'kept as close as possible to the people' (Kendall, 1991 in Hilliard, 1996: 6). Local government, with all its intricacies thus 'devolves democracy to the lowest level in the government hierarchy' (Hilliard, 1996: 7).

On an educative note, 'engaging in the public sphere...provides a basis for citizen identification with the larger political world, for increased confidence in one's own ability to cope, and for heightened identification with and support for government in general' (Atkinson, 1996: 296). People become 'exposed to the technicalities and trade-offs associated with policy-making and implementation', with the 'local tier of government serving as a suitable training ground to empower ordinary people with political, negotiating and interactive or interpersonal skills which they may be unlikely to gain elsewhere' (Cloete, 1989 in Hilliard, 1996: 7).

The indicators of democracy in local government suggested by Craythorne (1990 in Clapper, 1996: 55 - 56) are valuable here. They are summarised in Table 3.2:

Table 3.2: Indicators of Democracy in Local Government (after Craythorne, 1990 in Clapper, 1996: 55 - 56)

•	Elected representation.
•	Caring/working for prosperity and development of all citizens.
•	Right to appeal against decisions and actions.
•	Right to submit requests, complaints, and suggestions to governing bodies.
•	Right to expect some form of employment.
•	General public welfare over special group interests.
•	Awareness and acceptance of right to appeal with consideration and arbitration in terms of common well-being and available resources.
•	Criticism that is informed and objective.

Thus 'no government system can lay claim to the designation democracy where citizen participation is non-existent and not positively encouraged' (Verba and Nie, 1972 in Clapper, 1996: 56).

Before moving on from democracy, the importance of trust in both democracy and the public participation process is discussed. The benefits of this new approach to public participation are obvious, but are frequently accompanied by difficulties due to past histories which include notably 'a lack of trust between authorities and the people' (Taylor, *et al*, 1995: 185).

Slovic (1998: 189) states that recent studies on trust between authorities and the public indicate that 'if trust is lacking, no form or process of communication will be satisfactory', and thus trust is more fundamental to conflict resolution than is communication. He warns that restoration of trust requires a degree of openness and involvement with the public that goes far beyond public relations and 'two-way communication' to 'encompass levels of power sharing and public participation in decision-making' that have rarely been attempted - but even this is no guarantee of success (*ibid*: 189).

Thus in the context of development programmes and projects both internationally and locally, it is posited that 'as communities develop trust, leadership, negotiative and group decision-making skills, and accountability processes in public participation in local government - they will not only be providing a framework for community development, but also for the development of democracy for the nation' (Ferguson-Brown, 1996: 189).

3.6 Public participation in a democracy

Community or public participation has been discussed and promoted as an element of development and sustainability for over 30 years (de Kadt, 1982). However, the important questions that remain to be asked are: do different forms of public participation exist, how can they be identified, and what are their salient characteristics or elements?

Participation is popularly defined as 'the action or fact of partaking, having or forming part of', which means it could be either transitive/intransitive; moral/amoral/immoral; forced/free; or indeed manipulative/spontaneous (Sachs, 1992 in Roodt, 1996: 312).

The World Bank has a wide-ranging view of participation in development projects, as 'an interactive planning and decision-making process through which stakeholders influence and share control over development initiatives' (Emmett, *et al*, 1997: 28). Paulo Freire's (1967 in Roodt, 1996: 315) understanding of the concept is more radical in that he views 'the very fact of participation (coupled with political education)' as transforming 'people's consciousness' and leading to 'a process of self-actualisation, which enables oppressed people to take control of their lives, simultaneously challenging the dominating classes and their political regime'.

Participation is thus 'a jargon word often separated from any context', and it continues to be 'manipulated by vastly different groups of people to mean entirely different things' (Roodt, 1996: 313). Participation then, and specifically public or community participation has the potential to challenge patterns of dominance as posited by Freire, but White (1996: 6) sounds the warning that it may also be 'the means through which existing power relations are entrenched and reproduced'.

A benchmark in development used since 1969 to identify the type of public participation achieved in the development process is *The Ladder of Participation In Health Services* (International Save the Children Alliance, 1997: see Appendix 1), originally known as Arnstein's Ladder. The bottom three rungs of the ladder (0 to 2) are classed as forms of non-participation and include from the lowest rung upwards the following categories: No consideration (given to public participation), Service providers rule, and Service providers rule kindly (benevolent autocracy by service providers). The next three rungs (3 to 5) form part of a pre-participation stage, and consist of the following categories: Manipulation (letting people have a say but manipulating them into doing what the developer wants), Decoration (a form of 'window dressing' where the community

participates but no issues or recommendations are taken into account), and Tokenism (where minor concessions are made by the developer to accommodate the public's wishes). The last five rungs of the ladder (6 to 10) form the participation phase, and consist in ascending order of: Invitation (a 'genuine and transparent' invitation to participate), Consultation, Joint decisions (taken between developer and the public), Community leads with service providers help, and finally, Community in charge.

Bar-on (1997) is critical of Arnstein's Ladder. Firstly, he argues that although most writers note that the lower rungs are supposed to exemplify states of non-participation, 'the mere fact of their inclusion on the scale implies that they are examples of some form of participation' (*ibid*: 19). Secondly, he posits that while the ladder analogy 'suggests an ultimate apex to public participation', identified as 'community control', this is in fact not a state of participation, but its very negation (*ibid*: 33). Not only could it enable developers to shirk their responsibilities, but also it is difficult to get consensus among all parties and this might lead to inertia and no action.

White (1996) presents a less rigid model for public participation. She identifies four types of participation and their characteristics, which are related to rungs of Arnstein's Ladder. She posits that any project could 'typically involve a mix of the four, and adds that the recipe is inclined to change many times during the project process' (*ibid*: 8). The groupings are ranged in Table 3.3.

Table 3.3: Types of Participation (after White, 1996: 8)

CATEGORY	DESCRIPTION
Nominal	Legitimation and inclusion, with the main function of display.
Instrumental	Government funding for infrastructure and services reduced leading to public involvement for efficiency and cost sake, in order to instrumentally achieve a local facility or service.
Representative	Public ensured a voice to provide project sustainability and support, and where people are able to express their own interests.
Transformative	Empowerment takes place, where the public have the practical experience of being involved in considering options, making decisions and taking collective action to fight injustice.

Thus, the type of participation that is nominal and somewhat uni-dimensional in character is a form of 'window dressing', and is vastly different from that which is transformative with its elements of empowerment of the public and capacity building to ensure equity and social justice,

with action to fight inequality and strive for participative democracy. Participation that is representative and gives people a voice, may not be transformative if the public are not involved in the actual decision-making process. Instrumental participation is not transformative, for although people are acting to provide services, they are not necessarily being given a voice or making decisions about the options or action to be taken.

Turning attention to public participation specifically in local government and its projects, and referring back to the Chapter 2 discussion on democracy and local government responsibility in the realm of *The White Paper for Local Government* (Department of Constitutional Development, 1998: 33), four levels of active citizen or public participation in local government are identified in the document. The public are active participants in local government:

- As voters who have the right and obligation to ensure democratic accountability of political leadership for the policies they are empowered to promote.
- As participants in policy formulation, monitoring and evaluation via stakeholder associations.
- As consumers and end-users of services.
- As partners in resource mobilisation via for-profit business, non-governmental organisations and community based institutions.

Considering White's (1996) groupings above, it is posited that the type of public participation being referred to here is of the transformative category. Main (1999: 33) suggests several useful mechanisms for the implementation of this form of participation which include: 'the initiation of fora, stakeholder involvement in certain Council committees, training and capacity building projects, focus groups, participatory action research, development of civic associations, public and private partnerships, community contracting and participatory budgeting initiatives'.

The principles reflected in the discussion on the application of procedural equity in this chapter, also have direct reference to the issue of type of public participation posited for the landfill site selection process. These reflect elements of: 'participative decision-making, feedback by the public to their constituencies and accountability for decisions made, education and information sharing to inform decision-making, the building of consensus around process outcomes, transparency, and active engagement for all participants' (Cock, 1995 in Scott and Oelofse, 1999: Appendix 3). All of these principles fit in within the category of transformative participation as described by White (1996).

3.7 Empowerment and capacity building in transformative public participation

So, 'public participation, in a certain form, can provide a mechanism through which citizens can influence policy and the services they directly or indirectly use' (Main, 1999: 1). Added to this,

empowerment in this form of transformative participation, is thus a 'group process where people who lack an equal share of valued resources gain greater access to, and control over, those resources' (Shaeffer, 1992 in Haricharan, 1995: 15).

Many definitions of empowerment exist. One such general definition is that to empower is 'to give someone the ability or the right to do something' (Jacana, 1998:15). Schuftan (1996: 260) takes this concept further by providing a concrete link between transformative public participation, empowerment and capacity building, by stating that empowerment 'is not an outcome of a single event; but a continuous process that enables people to understand, upgrade and use their capacity to better control and gain power over their own lives'. She adds that empowerment and capacity building also provide people with choices, and the ability to choose, as well as to gain more control over resources they need to improve their condition.

Therefore it follows from this discussion, that it is now possible to list indicators of empowerment and capacity building, or rather what Barr (1995: 131) terms 'outcome measures of empowerment'. These, which are summarised in Table 3.4, might be adopted to measure the performance of empowerment strategies that would lead to transformative public participation, or forms of capacity building that are empowering:

Table 3.4: Outcome Measures of Empowerment and Capacity Building (after Schuftan 1996: 262; Barr, 1995:131)

1	Community controlled institutions with people's rights based strategies who have influence over policy, and effective citizen lobbying and action with power structures open to influence.
2	Increased decentralised and democratised direct public control of local resources, affairs, services to enable citizens ability to know/analyse/understand, and forge new realities and legitimise claims.
3	Strong/accountable/representative local leadership with training for new leaders.
4	Equal opportunity citizen development for social mobilisation and skill provision resulting in increased levels of participation/achievement/self-esteem and community ownership of interventions.
5	Exposure to information that changes perceptions, promotes awareness of what is permissible/fair, avoids misinformation, and enables the collection/interpretation and use of information for action.
6	Acceptance of shared conceptual framework for problem solving and evaluation of professionals performance by users.
7	Equity as the central principle of policy process with material gains from disadvantaged groups (income, support systems, negotiating skills, confidence, literacy).

These outcome measures show that capacity building and empowerment are part of a transformative public participation approach to community development which 'raises people's knowledge, awareness and skills to use their own capacity, and that from available support systems, to resolve the more underlying causes of inappropriate development in the world' (Schuftan, 1996: 261).

3.8 Impediments to transformative public participation

From the outset Brynard (1996: 44) warns that 'citizen participation is a delicate and spontaneous process, and it cannot be planned by a large bureaucracy'. This in turn raises questions around the 'importance of the attitudes and skills of the service providers in government bureaucracies, who might be authoritarian, and so resist initiatives to transform their practice through participation' (Main, 1999: 28).

The central issue is around power and the need to level the playing fields of power between stakeholders if transformative public participation is to take place. Right from the start of any public participation process, unequal skills distribution prevents the formation of equitable partnerships and transformative participation. Michaels (1911 in Barr, 1996: 128) hypothesises that 'the primary use of power is the maintenance of power...(and so access to it is) carefully circumscribed'.

Developers who do not value transformative participation or have inadequate skills and knowledge in its delivery, are likely to say:' it increases workload, they already know what the public needs so don't have to consult, it is time-consuming as well as expensive and divisive, the public is not qualified to decide, and it challenges the mandated representatives of democratically elected politicians' (Main, 1999: 28; Clapper, 1996: 71). They thus tend to initiate mechanisms as discussed in the previous section, inappropriate to transformative participation.

Developers in this camp might also favour public participation activities that support existing goals and projects. This would 'reflect self interest', on the part of the developer, who would be seeking to 'foster capacity building and involvement that controls dissident opinion by creating an illusion of influence or using it to incorporate and redirect radical ideas' (Clapper, 1996: 71; Barr, 1996: 128).

Transformative participation can also be 'frustrated and complicated by a lack of inter-government level and departmental co-operation' (Main, 1999: 29). Firstly, the achievement of redistribution via empowerment is 'substantially restricted by the lack of capacity of local authorities to empower the public in relation to their control of distributional policy which usually is a central state function' (Barr, 1996: 127). Secondly, there could be 'competition for budget

allocations, leading to a fragmented, non-holistic, and unintegrated approach which is not harmonious with transformative participation practices' (Main, 1999: 29). Foremost for transformative public participation to take place, there is a need for local authorities which adopt empowerment strategies 'to be realistic and honest with their citizens about the limitations of their powers and resources' (Barr, 1996: 127).

Slow service delivery by government bureaucracies can also discourage transformative participation, where the public are inclined to discontinue their involvement in the process (*ibid:* 127). This is aggravated by the possible 'disjuncture between developers and public, the latter who are motivated to act out of felt direct need borne out of experience and become disillusioned when the process does not produce immediate results' (Barr, 1996: 128). This can be counteracted with updates and the offer of further skills training to the public (Main, 1999).

High participant turnover is also a common factor in many public participation exercises. Participation is often driven by a core group of volunteers who have few resources to continue for a long time (Emmett, *et al*, 1997). This has been termed a form of 'taxation of the poor' in its most extreme form (Salole, 1991 in Bar-On, 1997: 33). The truth is that 'unless people have the necessary motivation and resources to use them, participation will remain low' and generally confined to a core group (Clapper, 1996: 71).

Participation can also be cyclical, not only due to the short-lived and often dynamic nature of community leadership, but also 'because with the increased skills learned in the process, participants sometimes gain greater access to and secure or even create employment opportunities' (Main, 1999: 27- 28). Hence, 'by the creation of individual opportunity, empowerment processes will potentially change the composition of communities, thus creating a constant need to re-empower in a cyclical process' (Barr, 1996: 126 - 127).

Inadequate empowerment and participation will always limit the participants understanding of technical, theoretical or management issues, and allow for only short term crisis management solutions. This limited understanding 'can create unrealistic expectations which can never be filled by the developers', with long delays and the marginalised continuing to remain so in the development process (Main, 1999: 27). It should be recognised from the outset that the 'marginalised live in poverty and disadvantage, and it is not surprising that the concept of empowerment can be contradictory and difficult for the powerless to trust', as they lack buying power as well as organisational and social status, because they are 'the victims of predominant power distribution' (Barr, 1996: 128).

Specific disadvantages experienced by marginalised stakeholders, can be 'multiple in character in terms of gender, race and age'. 'Empowerment needs to address them all', and the inevitable

interaction that takes place between them (Barr, 1996: 125). Coupled with this, community groups are not homogeneous in the participation process, and so the 'empowerment task for different groups presents different challenges experienced in different locations with the need for effective action which must engage with the real experiences of people' (*ibid:* 125).

It is important that the impact of oppression and inequality in people's lives must be fully considered as according to Runciman (1966 in Barr, 1996: 126) the 'belief in the potential for improvement is lowest for the most disadvantaged'. This is because surviving poverty and disadvantage, and its impact, saps personal energy and self-belief, which needs to be counteracted with personal empowerment as the basis of transformative participation (*ibid*). Further, due to this belief, there might be a lack of representativeness in the participation process from 'disadvantaged and vulnerable groups and officials may not have the knowledge or insight to ensure or assess the representativeness of a group' (Main, 1999: 30). What is needed is an 'analysis of the nature of community and community power itself', which actually lies in the hands of a very small number of people who often form an unrepresentative sector of the community (Barr, 1996: 127).

3.9 Tools and Techniques for Transformative public participation

A selection of appropriate tools and techniques or mechanisms needs to be employed to involve participants in order to satisfy the principles of procedural equity (section 3.4), and facilitate effective or transformative public participation in environmental and development decision-making, as has been defined and examined in sections 3.6, 3.7 and 3.8. While often public participation mechanisms 'more suited to a first world approach are applied indiscriminately' (Khan, 1998: 73), Fell and Sadler (1999:39) recommend that it is 'often appropriate to use more than one technique in order to achieve different objectives or to target different audiences...(and provide) a more robust approach'.

It is pertinent at this juncture to list the mechanisms laid down by the *Minimum Requirements* (DWAF, 1998) for I&AP involvement in landfill siting and development. Similar mechanisms are also suggested by the *ECA* (RSA, 1997) for liaison with I&APs in developments. An important point is that a principle tool for identifying I&APs is the identification of legitimate community representatives. It is deemed 'unnecessary to involve those who are only marginally affected by or who have only a tenuous interest in a decision' - but little guidance is given as to who these parties could be (DWAF, 1998: A4 - 3; 6 - 7).

Mechanisms listed for contacting I&APs are: adverts in the local or regional press (a minimum requirement), using democratically elected representatives of the public (eg. Local councillors), publications, television, radio, pamphlets, exhibitions, newsletter, direct mail, telephone and public

notices. Issues noted for special concern are: literacy levels, language barriers, levels of community structures and social and cultural biases. In terms of disadvantaged communities, stakeholders need to be notified using traditional methods of community participation: appointing locally based organisations to hold meetings, workshops and interviews; using illustrated posters and loudhailers; or by identifying key players and traditional leaders (*ibid).*

Mechanisms for involving the I&APs are: registration, public meetings, workshops, open houses, telephone canvassing, newspaper advertisements, survey and questionnaires, and advisory groups. A tiered approach is also suggested as it is felt not all will want to be involved to the same extent. The registration and formation of a Representative I&AP Liaison Committee is advised which would act as a representative body of local residents by helping transfer information back to the community, resolving issues relating to landfill development, and providing a stable body with whom the developer and DWAF communicate (*ibid*).

Fell and Sadler (1999) have summarised and described the advantages and disadvantages of different tools and techniques, some of which are listed above, for public participation in environmental decision-making, as presented in Table 3.2 (over page).

These mechanisms for public involvement however need to be set in context by the listing of broad principles suggested by Khan (1998: 74) which are perhaps peculiar to South African society (but not exclusive) for transformative public participation locally, to facilitate the successful involvement of marginalised communities in development:

- Sensitivity to the legacy of apartheid and its continuing impact.
- Recognition that communities are not homogenous so there is no single blueprint or correct technique.
- Participation techniques aimed at ensuring the broadly representative involvement of the local populace, appropriate and responsive to local conditions.
- Sufficient time to carry out what is often a lengthy programme.

Khan (1998: 73) categorises the following tools and techniques of public participation as being more conducive to a first world approach: 'knock and drop' or lengthy questionnaires, public documents either written in academic or scientific jargon or in a language not commonly understood by the stakeholders, public meetings held in inaccessible venues or at inconvenient times or conducted in a language not commonly understood by local communities, and which are dominated by academic or scientific jargon so not easily understood by the general public.

She adds that elements important to the process such as the differing social classes of the I&APs, as well as issues of ethnicity need to be accommodated, as well as gender makeup where the representatives are largely male in what is still a patriarchal society in many cultures (*ibid*).

Table 3.5: Examples of Tools and Techniques for Public Participation in Environmental Decision-making (after Fell and Sadler, 1999: 38)

Technique	Description and use	Advantages	Disadvantages
Leaflets/Brochures	Used to convey information. Take care in distribution. May involve a series of publications	Reaches a wide audience, or be targeted. Ongoing contact, flexible format.	Information not understood or misinterpreted. Not everyone will read.
Newsletters	Care should be taken in distribution.	Addresses changing needs and audiences.	Multi-lingual needed.
Unstaffed Exhibits/ Displays	Set up in public areas to convey information.	Viewed at a convenient time, at leisure. Graphics help visualise proposals.	Information may not be understood or be misinterpreted.
Local Newspaper Article	Conveys information about a proposed activity.	Potentially cheap publicity. Reaching local audience.	Circulation may be limited.
National Newspaper Article	Conveys information about a proposed activity.	Potential to reach a very large audience.	Activity needs national profile, or will be of limited interest.
Site Visits	Provides first hand experience of an activity and related issues.	Issues brought to life through real examples.	Difficult to identify a site which replicates all issues.
Staffed Exhibits/ Displays	Set up in public areas to convey information. Staff available.	Viewed at a convenient time, at leisure. Graphics help visualise proposals. Groups targeted.	Requires a major commitment of staff time.
Staffed telephone lines	Can phone to obtain information/ask questions/make comments re. proposals/ issues.	Easy for people to participate and provide comments. Promotes a feeling of accessibility.	Not as good as face-to-face discussions. Staff not able to respond to all questions.
Internet	Provides information or invites feedback. On-line forums and discussion groups can be set up.	Potential global audience. Convenient method for those with access.	Not all parties will have access to the Internet.
Public Meetings	Used to exchange information and views.	Can meet with other stakeholders. Demonstrates proponent willing to meet with other interested parties.	Can be complex, unpredictable and intimidating. May be hijacked by interest groups.
Surveys, Interviews and Questionnaires	Used to get information and opinions. May be self-administered/conducted face-to-face/by post/telephone.	Confidential surveys may result in more candid responses. Can identify existing knowledge and concerns.	Response rate can be poor. Responses may not be representative and opinions change.
Workshops	Used to provide background information, discuss issues in detail and solve problems.	Provides an open exchange of ideas. Can deal with complex issues and consider issues in-depth. Can be targeted.	Only a small number of individuals can participate. Full range of interests not represented.
Focus Groups/ Forums	Gauge response to proposed actions/understand people's perspectives, values and concerns.	Provides a quick means of gauging public reaction.	Some sectors of the community may be excluded, groups require facilitation, time-consuming.
Open-House	Location provided for people to visit, learn about a proposal and provide feedback.	Can be visited at a convenient time and at leisure.	Preparation for and staffing of the open house may require considerable time and money.
Community Advisory/Liaison Groups	People representing particular interests or areas of expertise meet to discuss issues.	Consider issues in detail/highlight the decision-making process/complexities involved.	Not all interests may be represented. Requires on-going commitment from participants.
Citizen Juries	Citizens brought together to consider an issue. Evidence received from expert witnesses. Report produced, setting out the views of the jury.	Can consider issues in detail and in a relatively short period of time.	Not all interests may be represented. Limited time may be available for participants to fully consider information received.
Visioning	Used to develop a shared vision of the future.	Develops a common view of future needs.	Lack of control over outcome. Use early in the decision-making.

It can be generally observed that while there is frequently genuine effort by the facilitators of the process to accommodate the indigenous peoples of the area - it is often still painfully evident that consultants and representatives of the developer lack real understanding as they generally come from privileged groups of society.

3.10 Local Case Studies on Public Participation in Development and Environmental Decision-making

3.10.1 Introduction

By way of illustration to supplement the preceding discussion on the satisfaction of the principles of procedural equity which facilitates transformative public participation and empowerment with the appropriate tools and techniques, a presentation of several case studies involving public participation and capacity building in development and environmental decision-making processes in South Africa follows.

The first case study based on the development of a quarry outside Johannesburg, illustrates how important it is to identify and involve all relevant I&APs right from the start of a project. The study also shows how a community with resources can make their voices heard and so influence the procedure and outcomes of a decision-making process (Fowkes and Goudie, 1995).

The second case study which outlines the process to site an electricity transmission line in the Western Cape, reveals the lengths to which the developer and consultants went to accommodate different I&APs in terms of providing information in an appropriate format and language. This led to a successful process with good I&AP response (Fowkes and Goudie, 1995).

The third case study details the formation of a coalition in a informal community in the Western Cape which sought through education to address the health implications of residents waste picking for survival (Khan, 1998). Appropriate mechanisms and techniques for involving the residents of this marginalised community are explained.

The fourth case study presents the process by which two different landfill monitoring committees were set up in Durban, in vastly differing contexts. The importance of consulting I&APs from the outset of a process and in order to monitor a landfill site, is illustrated (Strydom, *et al*, 1998).

3.10.2 Honeydew Quarry

In March 1990, construction company sought to develop a quarry outside Johannesburg. Public participation was recognised as a cornerstone for their Integrated Environmental Management procedure to be successful, and in order to avoid delays, extra costs and unwelcome negative publicity. It was also viewed by the company as being 'vital if an accountable and representative decision- making process was to be established with all relevant issues identified' (Fowkes and Goudie, 1995: Appendix D1). This type of public participation could be viewed as being a mixture of nominal, instrumental and representative, but also verging on transformative in that it was expected that the public issues would actually influence the decision making process (White, 1996).

In June 1990, their appointed consultants hosted a scoping meeting in the area, sending invitations to residents whose properties abutted the quarry site. This angered the 'general public excluded from the proceedings' as it was realised the development was going to affect a large area, and a more representative public meeting was called after written protests and petitions (Fowkes and Goudie, 1995: Appendix D1).

The base of discussion was broadened, and meetings were held with the local town council in August 1990, and with the ratepayers' association in September 1990 to discuss future involvement in the EIA procedure. An Environmental Committee was convened in January 1991, followed by a second meeting in February 1992 where representatives from local organisations and the public could voice grievances and input into project negotiations. Outside opinions of the assessments were also gained from an external review consultant (*ibid*).

A Conceptual Rehabilitation Programme was instigated to identify potential ecological impacts and mitigatory measures. The draft EIA was released for public comment in May 1992, and a final report issued in October 1992 (*ibid*).

In terms of whether the exercise was a success or failure regarding public participation, the comment is made by Fowkes and Goudie (1995) that although the community was faced with constraints of time and money, it displayed considerable effort, solidarity and resourcefulness by organising petition campaigns, press releases and public demonstrations - thereby influencing the actions of the developer in the process in terms of greater I&AP inclusion (*ibid*). It is important to state however that not all communities have the resources to gain greater representation in the process by this kind of action.

The process could be termed as transformative participation as the community banded together to take collective action to fight injustice, but there is some doubt as to whether they were mobilised through capacity building undertaken in the public participation process as it seems as if they were relatively well resourced from the outset and were aware of their rights to participate in the decision-making process, and have free and open access to all information be it available in the form of documents or in a presentation at meetings (White, 1996).

Tools and techniques used in above process included public meetings, invitations, forums and reports, together with an external review of the process by an independent consultant (Fell and Sadler, 1999).

3.10.3 Palmiet-Stikland

In 1994 an electricity transmission line was to be sited in the Western Cape. The existing servitudes identified in the feasibility study enabled the project team to start identifying their I&APs which consisted of registered landowners, local authorities, government departments, parastatal organisations, NGOs, private individuals and the media. The public participation exercise involved I&APs being invited to an open house to ask questions and offer their ideas,

concerns and opinions. These were summarised in the Scoping report 'giving focus to aspects on which the EIA could concentrate' (Fowkes and Goudie, 1995: Appendix D4).

The first contact with I&APs was via a briefing document and questionnaire. An employee of the developer was then appointed to the team who had experience in education and communication, and who ensured the documents went out in several languages. Invitations to input also went into the media, with advertisements placed in three daily newspapers and on the radio, followed a week later with a loose insert inviting attendance at the open house, and written comment (*ibid*).

The open house was held at an accessible central location over five days, and was open until 7.00 pm in the evening, as well as on Saturday morning. Display boards were prepared giving information on the need for the line, the options available, the likely impacts and how they could be mitigated or enhanced. Developer staff and consultants were also present for questions (*ibid*).

Of the 450 I&APs who were sent the briefing document, 45 responded. The developer also personally replied to every letter received with some 70 responses to the newspaper adverts via letters, faxes and phone calls. Over 50 of the responses were from representatives of organisations. The success of the approach, can be gauged from a comment made by an elderly representative from a local informal settlement, "Did you actually go to the trouble to translate this for me? It is so nice to have things explained in my own language" (*ibid:* Appendix D4) .

This process could be viewed as both representative and transformative (White, 1996). I&APs were given opportunities at centrally located open house days to gain information from staffed displays after which they were asked to submit ideas, concerns and opinions which were included in the scoping report. The open days were suitable for this process in that the developer had sufficient funding to underwrite the expenses for the days and the translated materials used in the entire process. The project satisfies the principles of procedural equity in that information was available in several languages (Cock, 1995 in Scott and Oelofse, 1999). The advertisements placed in local media (radio and newspaper) were suitable for the local nature of the project, although the questionnaire and briefing document sent out for initial contact with I&APs might have been intimidating to some groupings. The request for written comment might have put some

I&APs at a disadvantage if they were not literate, but this could have been overcome by their attendance at the open house days.

It is commendable that the developer replied to every comment and question received, although it must be stated that they had the resources to do this.

3.10.4 Frankdale Environmental Health Project

Residents of Frankdale in the Western Cape are largely dependent on waste picking for survival. Recognising the health implications of this practice, the Environmental Advisory Unit (EAU) of the University of Cape Town which had completed an environmental health assessment in the area in 1993, decided for research purposes to focus specifically on environmental health issues in the area in 1994. It was thus that an environmental health coalition was formed of representatives from the health and development sectors, with the specific aim of holding a workshop in Frankdale in which residents could take part and influence future community educational initiatives to limit hazards when waste picking (Khan, 1998).

A uniform procedure was adopted in setting up meetings and workshops. Contact was first made with the chairperson of the Frankdale Civic Association (FCA), and then dates set for proposed meetings were agreed upon. A visit to the settlement was made a few days before each meeting to remind residents, and on the day of the meeting EAU staff would walk through the settlement using a megaphone to call residents to the meeting. Meetings were held on Saturday mornings so workers could attend, and took place in a clearing where community meetings were already held. All meetings were opened by the FCA chairperson, and conducted in Xhosa and Afrikaans, with English contributions translated into those languages (*ibid*).

After preparatory meetings, a workshop was held to promote safer waste picking techniques and distribute pairs of protective gloves. Health and safety reasons for adopting these precautions were clearly explained and at a subsequent meeting the idea of developing a pamphlet on safer waste picking methods, based on the experiences of the Frankdale community, was accepted by the community who saw it as a method of publicising their condition. It was also felt that despite the low level of education in the community, the pamphlet would also serve as a reinforcement to the environmental health messages promoted at meetings and workshops. The idea of

producing a video to document the participation of the community in the project was positively received by the community as an effective addition to the pamphlet in raising public awareness of the community and its problems (*ibid*).

Feedback meetings and additional workshops were held at which residents gave direct input into the text for the pamphlet. Through group discussion, the issues of major concern were identified and recorded on poster paper and this information formed the basis of the pamphlet. The final production of the pamphlet, available in three languages, was guided by the coalition members and an expert, with simple illustrations. The pamphlet was disseminated to environmental, development, labour, as well as community organisations, while the video was sold at cost through the EAU (*ibid*).

Several factors have been identified as contributing to the success of this public participation and capacity building process. Firstly, the community was defined, small, peaceful, stable and cohesive. Secondly, all meetings and workshops, which were well attended by the community, dealt with issues of immediate relevance to the community. Thirdly, the venue was familiar and convenient, as was the time. Fourthly, those present were enabled by being able to express their thoughts in their mother tongue. Fifthly, all materials produced were supplementary to this main verbal method of communication, and directly based on community experience. Finally, ample time was able to be allocated to proceed at the pace dictated by the community (*ibid*).

This process can be viewed of as being transformative public participation (White, 1996), as the marginalised community gained practical experience by being involved in the decisions around the workshops and educational media developed by themselves and the coalition to facilitate healthier practices for waste picking. The process satisfies principles of procedural equity, especially with the recognition of the validity and integration of indigenous knowledge into the education/publicity programme for the community (Cock, 1995 in Scott and Oelofse, 1999). There was also the building of consensus around the process outcomes and active engagement of the participants.

Appropriate tools and techniques (Fell and Sadler, 1999) were used to involve the stakeholders in the process including the use of existing community structures and meetings to engage the

community in the process. Workshops enabled the exchange of ideas and the explanation of complex issues to all in attendance. The pamphlet and video were constructed after workshopping the principles and issues with the community so were appropriate to their circumstances and education levels.

3.10.5 DMA Landfill Site Monitoring

The *Minimum Requirements* (DWAF, 1998) in terms of current landfill siting permitting, require that a site operator must establish a site Monitoring Committee (MC) which comprises of all I&APs. The prime responsibility of the MC is to include ongoing public participation in the monitoring of the day-to-day site operations with regard to nuisances, and also to review the site audits which are regularly conducted.

A case study of the Bisasar Road and Mariannhill Landfill Site Monitoring Committees (see Figure 2.1 for location of sites) in the DMA (operated by DSW) has formulated this list of considerations for public participation in MCs:

- participation should commence at site selection stage, following a public decision that the area or region requests such a disposal facility;
- MCs should be fully established prior to the construction stage of the project;
- the representative parties on the MC must be fully aware of and have the capacity (to be built if necessary) to carry out the tasks and prime function of the committee;
- full transparency of all parties is essential to maintain a trustful and developing relationship;
- site operators should be responsible for providing a suitable meeting venue, secretariat for minutes, an interpreter, and must bear all costs for the independent facilitator/chairperson, and general operating of the committee;
- on site closure, the MC should be tasked with the identification of alternative or future sites, as well as to assist with the integration of the new MC of the said site for a suitable time period. The site MC should however never be dissolved as the aftercare and continual monitoring of the decommissioned landfill is important (Strydom et al, 1998: 147).

The public participation process thus evolves from site identification through to alternate site identification, and continues until after site closure. This process begins with selected public consultation by an established steering committee, usually comprised of professionals, scientists and senior officials, tasked with general site identification or site evaluation. A steering committee often involves several communities from different areas. Once a site has been selected and agreed to by the community, a site MC is established tasked with the activities and operations relating to that specific site - prior to the construction of the site.

The Bisasar Road site was located in 1980, amidst previously disadvantaged formal and informal communities under apartheid planning, and much political "baggage" was brought on board at the MC formation. At MC meetings, the formal residents were persuaded by DSW that this forum was not the appropriate vehicle to use for lobbying for site closure. The facilitator/chairperson of the MC further stressed that they should remain to play an active role in the daily operations of the site, but added they were 'at liberty to continue their campaign for closure against the Durban Metropolitan City Council and DWAF outside of the MC' (Strydom *et al*, 1998: 147).

Thereafter, the formal residents decided to relinquish their representation on the MC, and continue to protest against the presence and ongoing operation of the site in the local media from time to time. They are however still furnished with the minutes of the meetings and site audit reports. The MC itself continues to function, with issues relevant to the site operations discussed, appropriate solutions offered, and progress taking place (*ibid*).

The form of participation can be termed representative, but also transformative (White, 1996) to the degree that the I&APs on the MC gain practical experience of the day-to-day operations on the landfill site and can input in decision-making that influences how the site is operated. However it is not transformative in that parties can not take collective action to fight what they perceive as injustice from within the MC, but have to make their protests outside of the structure to have the site closed.

The principles of procedural equity are satisfied in terms of education and information sharing being part of the process with some form of capacity building informing decision-making (Cock, 1995 in Scott and Oelofse, 1999).

The process to establish the MC at Mariannhill differs in that prior to the commissioning and construction of the site in 1997, DSW commenced with the establishment of the MC. This process was well received and resulted in the establishment of a fully representative MC inclusive of all I&APs (Strydom et al, 1998).

The establishment of the site began with an intensive public participation process prior to the initial selection of the site. Comprehensive EIAs were carried out by consultants, and during the public participation process it was resolved that the site would have a separate access road with

acoustic barriers and screening vegetation to minimise the traffic impacts on the residents. Prior to the construction of the site an MC was established by DSW including all I&APs. Meetings were conducted monthly to ensure everyone was kept informed on site progress (*ibid*).

During the construction stages of the site the MC meetings began with site inspections so as to inspect and observe the construction of the site. These inspections served the important purpose of educating the committee on landfill design and construction and also "greatly assisted the mind-set swing from 'dump' to engineered landfill". This MC has assumed ownership of the site and 'works diligently to ensure that the operating standard of the site is maintained' (*ibid:* 147 - 148). It sets a firm example of success to a public participatory process which involved the public from the early stages of site planning and development.

This MC can be viewed as being transformative (White, 1996) as the public input has meant that different decisions have be taken by the developer on the construction and operation of the site. This MC satisfies the principles of procedural equity as it includes an education and information sharing process with the active participant engagement (Cock, 1995 in Scott and Oelofse, 1999).

The MCs could be considered community advisory/liaison groups (Fell and Sadler, 1999), which in respect of the Bisasar Road group has failed as not all I&AP groupings have remained committed and involved in the monitoring process.

It is suggested that this is a factor of the history of the development of the two different sites which were constructed under vastly different legislative requirements. It underlines the importance of involving all I&APs in the decision-making process from inception of the planning process to the final decommissioning of the site (Fell and Sadler, 1999: 39).

3. 11 Conclusion

The literature review, using secondary data sources, has provided a conceptual framework for research into the role of capacity building in the public participation process for landfill site selection in the north of the DMA.

In Section 3.2, the path of development and latterly sustainable development in the South and specifically South Africa was examined. It was concluded that South Africa is striving to

reconstruct a new nation through people-driven sustainable development programmes which differ greatly from those practised in the country before 1994.

This section served as a foundation for the presentation of different modes of environmental education in Section 3.3, which have emerged in support of development, one of which specifically relates to development which is sustainable. Development practitioners agree that education has a key role to play in transforming values that will ultimately lead to sustainable development.

The type of education that is posited to perform this function, empowers both individuals and groups to actively participate in environmental improvement and development. This is education for sustainability. Education for sustainability is in turn central to achieving adequate capacity building in any public participation process associated with development in a democratic environment.

Section 3.4 elaborated on the notions of social and environmental justice and equity, and the centrality of education for sustainability and sustainable development in order to achieve these goals in development in a newly democratic South Africa. It was concluded that if people are empowered through education to participate in environmental decision-making, social and environmental justice, and equity, can be achieved. This is due to the fact that the public are then able to make decisions for development that ensures the well-being of both the individual and vulnerable groups as well as the common good of present and future generations.

Furthermore, a government and citizenry which have transformed values is evident when effective and efficient management is practised by ensuring that all stakeholders participate with equal power and skills.

The importance of procedural equity to the study was emphasised as it relates directly to public participation, the associated capacity building process and education as a whole. A conceptual framework of procedural equity principles presented in Section 3.4 will be used in Chapter 6 to

interpret if procedural equity is evident in the North Zone public participation and capacity building process.

This discussion provided the context in which democracy and trust in South Africa could be discussed and reviewed in Section 3.5, and the platform laid for the presentation of various possible forms of public participation in operation in a democracy in Section 3.6. It was posited that the level of citizen participation in environmental decision-making indicates the existence of a form of democracy, and implies a move from bureaucratic governments which provide services to the citizenry to more democratic governmental institutions (fora - consisting of government officials, leaders, and community members) that provide services for and along with a country's citizens.

Further, it was concluded that in democratic local government which is democracy devolved to the lowest level of governance, people share in governing and resolve their differences, while also being exposed to the technicalities and trade-offs associated with policy making and implementation.

Democracy and trust in turn are linked. Through participating in the process of democratic decision-making, citizens develop trust in local government.

Further, in this section indicators of democracy in local government were summarised to provide a conceptual framework to be used in Chapter 6 to examine the extent to which capacity building made the North Zone public participation process democratic.

A form of public participation known as *transformative participation* is posited in Section 3.6 as the most suitable medium through which adequate capacity building and empowerment of the public can be enabled and promoted. This form of participation is where people have the practical experience of being involved in considering options, making decisions and taking collection action to fight injustice. Different types of public participation, in addition to *transformative participation*, were presented in this section via a typology. This will be used in Chapter 5 to

identify the type of public participation process that took place in the North Zone public participation and capacity building process.

A conceptual framework of indicators or outcomes of empowerment is presented in Section 3.7, which posits that in the public participation process for environmental decision-making there needs to be evidence of several of these indicators or outcomes if the process can be termed *transformative*. These include: institutions controlled by the community, a degree of decentralisation and democratisation, strong local leadership and training, citizen development and mobilisation, freely available and accessible information, action, acceptance of a shared conceptual framework, and equity with material gains for marginalised and directly-affected groups.

This framework will be applied in Chapter 5 to evaluate if the public participation and capacity building process being undertaken by DSW in the landfill site selection process in the north of the DMA was in any sense *transformative*.

In Section 3.8, literature relating to impediments to transformative participation and stakeholder involvement in the process is reviewed, which will in turn be referred to in Chapters 5 and 6 which present and interpret data collected for the study of the public participation and associated capacity building process in the north of the DMA.

Possible impediments range from: unhelpful attitudes toward and a lack of skills associated with public participation and capacity building among service providers in government spheres; to the fact that poverty and disadvantage tend to sap self-belief among vulnerable stakeholders, and this therefore needs to be counteracted with personal empowerment as the basis for a *transformative* form of public participation.

In Section 3.9 mechanisms for public participation in environmental decision-making which promote equitable and *transformative participation* are presented and discussed in the context of South Africa. These range from written tools like brochures and newsletters which are suitable

for the literate, to workshops where face-to-face capacity building and discussion can be undertaken with people of varying literacy levels, languages and education backgrounds.

Most importantly a selection of appropriate tools and techniques need to be applied which effectively reach different types of audiences in order to stimulate active public participation in environmental decision-making. The use of these mechanisms in the North Zone public participation process will be examined in Chapter 6.

By way of illustration to supplement the literature review discussion, in Section 3.10 local case studies on public participation in development are presented and briefly analysed in terms of these concepts. The case studies illustrate a number of important points.

In summary, they show that: it is important to identify and involve all relevant I&APs from the start of a project; communities with resources are able to influence the procedure and outcomes of decision-making processes; if the developer accommodates different language groups by providing appropriate forms of information, I&APs respond positively to the process; and if appropriate mechanisms and techniques for involving marginalised communities are used then active public participation is almost guaranteed.

In brief, it is posited that transformative public participation is needed to sufficiently promote and enable capacity building and empowerment in the participation and capacity building process if the quest for sustainable development, democracy and equity are to be advanced and satisfied.

The study now moves on in Chapter 4 to describe the qualitative methodology used to analyse public participation and capacity building in the landfill site selection process in the north of the DMA.

CHAPTER 4

METHODOLOGY

4.1 Introduction

This chapter explains the research process engaged in, in order to demonstrate the appropriateness of the methods used in obtaining and interpreting the data, and to indicate the reliability and validity of the results. A description of the process undertaken is also provided to facilitate the replication of the study by others. The qualitative methodology used to analyse public participation and capacity building in the landfill site selection process in the north of the DMA is described.

The first part of the chapter outlines the sources utilised to obtain data for the study - both primary and secondary data. The second part of the chapter describes the qualitative research methodology which was chosen for the study and provides reasons for its choice above quantitative research methodology.

The third part of the chapter introduces the concept of intensive research and the methods which form an integral part of the case study approach which was chosen for this study. The case study approach is then discussed at length in the fourth part of the chapter, with its links to interpretive techniques associated with humanism and post-modernism, and focus on specific individuals rather than general groups.

The fifth part of the chapter describes and defines purposive/non-probability sampling, which was the type of sample used for this case study, due to its suitability to qualitative research and analysis. The sixth part of the chapter describes the qualitative research tools used for data collection which include: semi-structured interviews, participant observation with field notes, and the interpretation of support documents such as minutes, texts and reports.

The seventh part of the chapter describes the methods used to interpret the information collected in the study. Firstly, the section outlines the methods used to uncover themes emerging from the literature review, analysis and interpretation of various documents, and field notes from

attendance as a participant observer at meetings, site visits and workshops. This information was used to produce the interview schedule. The data from the interviews and documentary evidence gathered in the entire research process were then interpreted with the aid of a legal framework, several conceptual frameworks, a typology, and a set of tools and techniques for public participation in environmental decision-making - all constructed from literature presented in Chapters 2 and 3 of the study.

The final two sections of the methodology chapter deal with and discuss issues around boundaries and limitations to qualitative research and methodology, and several thorny questions around ethics, bias and the proving of the validity and replicability of the study.

4.2 Data Sources

4.2.1 Primary data

Both primary and secondary data were used to achieve the aim of this research project. Qualitative primary oral data was obtained from observation and attendance at meetings, workshops and site visits held by DSW and their consultants, to facilitate the public participation and associated capacity building process in the selection of sites for the location and development of waste disposal landfills in the north of the DMA. Further such data was obtained from interviews held with key stakeholders in the process who were identified from the meetings.

Demographic primary data will provide a description of the demographic profile of respondents interviewed. An analysis of this information, and attendance records at the meetings and workshops will illuminate and form a background for the interpretation of the oral and documentary data.

Information used in this thesis has also been obtained directly from primary documentary sources such as minutes and field notes from the TWC meetings, SEC meetings and workshops for the North Zone, and from newspaper cuttings.

Information has also been sourced from a variety of other sources such as personal communication with key people identified by document analysis and attendance at meetings and workshops, as well as from developer and consultant reports. These documents will be analysed and cross-referenced with regard to the research outcomes, in order to triangulate the data and validate the research in Chapters 5 and 6 which present the results of the study and their analysis (Brown, *et al*, 1998; Flowerdew and Martin, 1997).

4.2.2 Secondary data

Secondary data in the form of studies, papers, journals and analyses was reviewed on: the statutory requirements around landfill siting, sustainable development, education for sustainability, social and environmental justice, equity, democracy and trust, public participation with capacity building for transformative participation in local government, and tool and techniques of public participation. This formed the basis for the background in Chapter 2, and the literature review which was covered in Chapter 3 of the study, to act as frameworks of theory for the research.

4.3 Qualitative Research Methodology

Generally the data for the case study and the size of the sample of respondents were not found to be amenable to quantification, which involves decisions made with 'the coldness of a steel rule' and positivistic physical science (Leedy, 1993: 142). Since the study is about capacity building in public participation, and as 'intentionality, rationality and reflexivity' are fundamental characteristics of human action, the physical sciences with their search for laws, generality and objectivity, and with 'emphasis on uncovering the causes, that produce effects' are not a relevant model. Phillips (1987 in Graham, 1997: 15 - 16) adds: 'people act because they are swayed by reasons, or because they decide to follow rules, *not* because their actions are causally determined by forces'. In other words, 'qualitative techniques involve descriptions of people's representations and constructions of what is occurring in their world' (Eyles, 1998 in Robinson, 1998: 409).

A presentation of quantitative versus qualitative research characteristics follows, with notes at each juncture as to why a qualitative approach was selected for the study:

a. In quantification, an 'outsider perspective is maintained' to arrive at an understanding of the facts by 'remaining detached, objective and hypothetically free from bias' (Leedy, 1993: 144). This was not possible to achieve in the study as the researcher was an employee of the developer, DSW at the time of the study, and thus has to be acknowledged as having the perspective of an insider. Though not directly employed by DSW in the unit devoted to the establishment of landfill sites, but rather in the waste minimisation and recycling office, the researcher had regular exposure to and experience of landfill site operation, and was in turn talking to other insiders as well as outsiders to gain their points of view, and investigating documentation for the study. (A discussion on the ethics and bias that could be an obstacle to this thesis are presented in section 4.10 of this chapter.) Above all, 'there is a need for reflexivity where the researcher is aware of the juxtaposition to the subject of enquiry with continual interrogation of self and subject' (Robinson, 1998: 409).

b. In a quantitative study, focus is on the 'accumulation of facts and causes of behaviour, believing that the facts do not change' (Leedy, 1993: 144). Qualitative research on the other hand, 'emphasises time and process' which assumes that 'social reality is in a state of flux as people modify their opinions and are swayed by circumstances during social interactions' such as the capacity building and public participation process (Hakim, 1987 in Robinson, 1998: 409).

c. To 'gain control' of the events under study in quantitative research, 'the researcher structures the situation by identifying and isolating specific variables for the study, and by employing specific measurement devices to collect information on these variables' (Leedy, 1993: 142). Qualitative research however, 'strives to maintain an holistic view of what is being studied' and so 'emphasises the importance of understanding actions and meanings in their entire social context' (Hakim, 1987 in Robinson, 1998: 409). It is therefore synthetic rather than analytical.

d. Procedures in a quantitative study are 'highly structured and designed to verify or disprove predetermined hypotheses with flexibility kept to a minimum to avoid bias'

(Leedy, 1993: 144). Qualitative research follows an open and relatively unstructured research design where 'the formulation and testing of concepts and theories proceeds in conjunction with data collection' (Hakim, 1987 in Robinson, 1998: 409).

e. The focus in quantitative research is on 'objective data that exist apart from the feelings and thoughts of individuals' and is typically expressed in numbers (Leedy, 1993: 144). Qualitative research ' involves the subject's perspective, and the description of details of the setting from this perspective' (Hakim, 1987 in Robinson, 1998: 409). There is therefore 'a preference for meanings and the individual's own interpretation of events' (Robinson, 1998: 409).

f. In quantitative studies, 'data are collected under controlled conditions in order to rule out the possibility that variables other than the ones under study could account for the relationships among the variables' (Leedy, 1993: 144). The preference in qualitative research is for 'naturally occurring data and field research which is non-experimental' (Hakim, 1987 in Robinson, 1998: 409). The data for this thesis were collected within the context of their natural occurrence.

g. The quantitative researcher concentrates heavily on reliability, in other words 'data that are consistent or stable as indicated by the researcher's ability to replicate and generalise the findings' (Leedy, 1993: 144). Qualitative research is intensive rather than generalistic and replicable, in that it 'looks for underlying causal reasons in a study of a large number of properties of a small number of individuals' (Cloke, *et al*, 1991: 135).

This final point leads onto a discussion about intensive research, and its relevance to this thesis.

4.4 Intensive Research

Sayer (1984 in Cloke, *et al*, 1991: 155) uses this term for research which looks for 'underlying causal reasons in the study of a large number of properties of a small number of individuals', and which in the process 'may ignore many significant parts of the system as well as many significant individuals'.

Intensive research is usually local in character and therefore suitable for case studies. It examines how causal processes work out in a limited number of cases, and permits detailed study of individuals in their own causal context, in order to establish connections between the necessary and contingent variables. Groups are researched with this method, and hence in this study, where members relate to each other structurally or causally, to permit examination of causality through examination of actual connections.

This type of research employed in the case study, favours informality of research techniques which are qualitative in nature such as participant observation and interviewing of subjects, as they stand a better chance of 'getting through' to particular circumstances significant to individuals. It permits corroboration of evidence to ensure findings really do apply to those actually studied, and is sensitive to details. It also permits identification of causal mechanisms.

It has several weaknesses, one of which is a lack of representativeness which makes it susceptible to problems of over extension of concrete research, but on the other hand care is needed not to under extend. It should be noted that 'more research and further case studies of other similar groups needs to be undertaken in order to determine if the findings can be more generally applied' (Cloke *et al*, 1991: 154 - 157). The next section deals with the use of the case study for this research.

4.5 Case Studies

A case study format was chosen for this thesis as it is 'an intensive or complete examination of a facet, an issue, or perhaps the events of a geographic setting over time' (Guba and Lincoln, 1988: 370) - in this instance the study of public participation and capacity building in the landfill site selection process for the north of the DMA from October 1998 through to December 1999.

The case study uses intensive methods, as already discussed in section 4.4, 'based on interactive interviews and various qualitative methods such as participant observation as a means to produce causal explanations' (McDowell, 1988 in Robinson, 1998: 455). In other words, the researcher tries to understand the meaning of a process and its outcomes from the participants' perspectives

(via interviews, reports, minutes, field notes of meetings and workshops, and personal communications) with the emphasis being on detailed description and an in-depth understanding as it 'emerges from direct contact and experience with the events and participants' (Herman *et al*, 1987: 21).

It is also a useful approach in that it is closely linked to historical research which deals with the meaning of events that:

> look intently at the currents and countercurrents of present and past events and at human thoughts and acts (agency), and seek to trace them through the tangled web of life, with the hope of unravelling some of its knots, of discerning dynamics that add rationality and meaning to the whole (Leedy, 1993: 223).

The case study approach is also associated with 'interpretive techniques in humanism and post modernism which focus on individuals rather than taxonomic groups' (Robinson, 1998: 408). Leedy (1993: 223) adds that at the heart of this approach is 'not the accumulation of the facts, but the interpretation of the facts'.

4.6 Type of Sampling

This brings the discussion to the type of sample used for the case study approach, which is in this instance a purposive sample, which represents the selection of 'typical individuals' in a 'typical' place chosen for study because it is 'believed to possess particular characteristics' (Robinson, 1998: 29).

Purposive, non-random or non-probability sampling which is 'dependent on human judgement for selection of the sample' was used for the case study interviews (Parfitt, 1997: 97).

From the SEC for the North which comprises of some 58 permanent members as representatives of stakeholder groups, a small group of 18 specific persons were purposively selected, after investigation by the researcher, for the in-depth interview process. Following Bryman and Cramer (1990), this selection was made after the researcher had attended meetings and workshops of the SEC, examined minutes and transcripts of the meetings, monitored workshops and landfill site tours, and consulted key stakeholders involved in the process.

This group of individuals can be divided generally into two basic interest groups: primary stakeholders who have a direct interest in the landfill site selection process for the North of the DMA; and secondary stakeholders who have a special interest and concern in the process, but are not directly affected by it. Specifically, the secondary stakeholder group can be further divided into three groups, namely: members of the TWC who worked on and produced the specialist reports for the landfill site selection process in the DMA; the regulators who are responsible for making the final decision as to the sites to be chosen for development; and the community who are mostly primary stakeholders, but some of whom are secondary stakeholders in the process.

It should be noted that due to being a purposive sample, the group is not representative in terms of positivistic science (both in terms of numbers and selection method of sample), and so the ability to generalise findings is sharply curtailed (Bryman and Cramer, 1990).

4.7 Data Collection using Qualitative Research Tools

4.7.1 Introduction

Four broad techniques or tools of primary qualitative research are generally identified:

- Questionnaire survey methods or formal interviews.
- Non-directional interviews or informal surveys.
- Participant observation including the keeping of field notes.
- Interpretation of 'supporting' documentation and 'texts' such as minutes, reports, tapes, newspaper cuttings, television clips and advertising (Robinson, 1998: 411).

To gather data in this study and assist with interpretation of that data in a qualitative manner, interviews of a type lying between formal interviews and informal surveys, were conducted (semi-structured interviews). In addition a form of 'participant observation which allowed individuals to speak for themselves' (Robinson, 1998: 431) was undertaken within the SEC. Here the researcher had observer status with no voting rights. Lastly, supporting documents and texts were interpreted which included minutes of meetings and workshops, reports from the Durban Metropolitan Council and specialists on the TWC. Cook (1997: 144 - 145) labels this as a 'multi-method approach' as it involves surveys, field notes and interviews, plus minutes and records.

4.7.2 Semi-structured Interviews

Interviews have been described as 'a conversation with a purpose' (Eyles, 1988 in Valentine, 1997: 111). An interview schedule was drawn up for the study, based on issues and themes raised in the literature. This was used for each face-to-face interview, which varied to some extent in content and style. The schedule of questions contained a mixture of closed and open-ended questions, which 'on the one hand demanded some very specific short responses, and on the other extended informal conversations' (Robinson, 1998: 384 - 385). Respondents were frequently asked 'probing questions' not included on the formal schedule which were 'directed towards particular aspects of their responses to a particular question' (*ibid*: 413).

The presence of power relations have to be acknowledged in South African society due to its history of apartheid and oppression, e.g. developer versus community, formal education versus informal education, Zulu versus English culture, male versus female. The researcher endeavoured to 'counteract these relations' between the researcher and each subject with introductions and outlines forwarded before each interview to each interviewee of this research project (Valentine, 1997: 114). This documentation outlined the work covered by the thesis which differed in intention from that of the main aim of the developer (DSW) in the process. The idea behind this action was to enlist the co-operation of the respondents by establishing some rapport with them. This had also been attempted beforehand with the researcher attending meetings, workshops and site visits as an observer member of the North Zone SEC (Robinson, 1998). During this process relationships were established with some of the SEC members.

The length of the interviews varied from one and a half to two hours each. Two Zulu speaking research assistants were engaged to perform interviews in Zulu where respondents felt unable to converse freely in English which was the language chosen by the researcher for the study. The assistants translated the interview schedule from English to Zulu for the interviews, and the Zulu interview responses back to English after each interview. Confidentiality of identity of each respondent was guaranteed at each interview, and in the process of the results being recorded, interpreted and presented for the study. It is felt that this facilitated the willingness of the respondents to offer their opinions openly and freely about the public participation and capacity building in the landfill siting process (Valentine, 1997).

Further, the interview schedule also included both factual and opinion questions, with some involving interrogation of the subject with statement questions involving the ranking of statements as listed as a prescribed list of options (Robinson, 1998: 386).

Closed ended questions involving categories were used to solicit demographics at the end of each interview with 'no name recorded to preserve anonymity' (Bless and Higson-Smith, 1995). This primary demographic data was used to provide a description of the demographic characteristics of interview respondents. An analysis of this information, and attendance records at the meetings and workshops will illuminate and form a background for the interpretation of the qualitative data. A copy of the interview schedule is included in Appendix 2.

4.7.3 Participant Observation

Participant observation has been undertaken at the meetings, workshops and landfill site visits attended by the researcher for the period November 1998 to December 1999. The basis of this form of research entails working within particular communities in order to understand how they work 'from the inside'. It is about developing relationships with people who can show and tell the researcher what is 'going on'. It involves 'writing accounts of how these relationships developed' (recorded in the field notes) and 'what was learned from them' (Cook, 1997: 127).

Above all, participant observation is about looking, listening, experiencing and recording the observations of daily life. This relates back directly to intensive research as discussed in section 4.4. Here the participant observer has 'the role of both researcher and participant' as he/she 'researches both inside and outside the group', as a critical commentor to distinguish underlying patterns and processes (Robinson, 1998: 422).

Participant observation involves a three stage process:

- Gain access.
- Work among the people under study and take on a role in the process.
- Make sense of the data gathered from the study (Cook, 1997: 128).

Access to the North Zone SEC was obtained through the gatekeepers of the process, i.e. DSW, which is also employer of the researcher. Access was also obtained through acceptance by the

SEC members once it had been formed in November 1998. It can be said that the researcher throughout the process 'sought to identify individuals and establish relationships for the purpose of gaining access to information' (Cook, 1997: 138). The study itself commenced with access being given to the researcher to TWC reports and meeting minutes for the whole DMA process.

From the first North Zone SEC meeting, the role of the researcher and the purpose of the study being undertaken was explained to those present in an attempt to ensure transparency. The observer status of the researcher on the SEC was duly requested and established, and it was further stated that the researcher was also an employee of the developer, DSW. There are both advantages and disadvantages to doing research in the researcher's place of work, as has been done in this study (Cook, 1997).

The observer status of the researcher on the SEC had to be reinforced several times during the period of the study as DSW attempted to use the researcher as an alternative representative for the developer at several meetings when there were landfill staff shortages. The researcher requested the intervention of the facilitator of the North Zone SEC meetings, verbally and in writing, to reiterate the formal recording of the observer status of the researcher on the committee to those present, and request alternative representatives from the developer.

The role chosen for the researcher in participant observation can thus be classified as 'overt, in that a full explanation of the role was provided from the outset and reiterated' (Cook, 1997: 133). It was also participatory, both living and observational, in that the role involved engaging in frequent discussion at North SEC meetings on waste minimisation and recycling plans for the area. The researcher is the waste minimisation officer for DSW.

In the case study, 'field notes which are part of participant observation', were kept from meetings, workshops, site visits and informal conversations (Cook, 1997: 141) 'which recorded first impressions' (Robinson, 1998: 424). The subjects did not contest the written recording of notes by the researcher as these were done in meeting contexts.

Above all, the 'two-way flow of information between researcher and subjects' was recognised, with 'all parties learning during the process' (Robinson, 1998: 424).

4.8 Data Interpretation

This section involves a description of the methods used in interpretation of 'supporting' documentation and 'texts' such as minutes, reports, tapes, newspaper cuttings, television clips and advertising; as well as data gathered in the interviews and by participant observation.

Robinson (1998) supplies a useful overall guide to the interpretation of qualitative data, which he maintains requires: reading; creating categories or themes; and then interpreting information with regard to a framework or typology, so that there is greater understanding of events and actions.

For this study, all the data is interpreted qualitatively to answer the research questions, in that:

a. The demographic data is interpreted to provide a description of the demographic characteristics of the interviewees who make up the North Zone SEC.
b. The qualitative data or responses from interviews, participant observation and document analysis is interpreted qualitatively.

In terms of the qualitative data, initially recurrent themes on public participation and capacity building in environmental decision-making were uncovered from background research, the literature review and participant observation at meetings, site visits and workshops. These themes were then used to construct an interview schedule for the respondent interviews.

For the data interpretation which followed the interviews, firstly, a legal framework consisting of the statutory requirements for public participation in landfill siting (DWAF, 1998) explored in the background, was constructed in Chapter 2. This is used in Chapter 5 as a framework against which to interpret the responses from interviews and the various documents accessed as data for the study, with regard to the issue of determining whether these legal principles have been implemented in the SEC process for landfill site selection in the North Zone of the DMA.

Secondly, a typology of public participation constructed from the literature review, is used to identify the type of public participation process that took place in the North Zone public participation and capacity building process in Chapter 5. In the same chapter, a framework of

indicators of empowerment and capacity building, also constructed from literature in Chapter 3, is applied to the data to evaluate if the North Zone process was transformative.

Thirdly, in Chapter 6 a range of tools and techniques of public participation in environmental decision-making, also presented in the literature review, is compared to the means by which capacity building was achieved in the North Zone process.

Lastly, conceptual frameworks of procedural equity principles and democracy indicators in local government, constructed in the literature review, are used in Chapter 6 to examine the extent to which capacity building made the North Zone public participation process democratic and equitable.

An example of a theoretical framework constructed for types of public participation from the literature review (Section 3.6) is given below in Table 4.1.

Table 4.1: Public Participation Types (after: White, 1996)

•	Nominal - legitimation and inclusion for display.
•	Instrumental - public involvement to cut costs and for efficiency to achieve a local facility or service.
•	Representative - public voice and express own interest to provide project sustainability and support.
•	Transformative (empowerment) - public have practical experience involved in considering options/making decisions/taking collection action to fight injustice.

So, initially themes were developed in this process of constantly moving from the theory, to the 'data', and back to the theory (Robinson, 1998). This is a form of interpretive induction where the researcher begins with a general theory from which research questions and data needs are identified. As the information is assembled, 'a more grounded theory is developed that arises out of and is directly relevant to the particular setting for the case study' (*ibid*: 425). When this theory has been built up, the frameworks can be constructed which are used to categorise and re-interpret responses from the data collected in the research process.

The information was actually interpreted against the frameworks in order 'to discern and explore interesting relationships' (Crang, 1997: 188). The process is described as iterative in initially 'developing and redefining categories or themes, and then re-categorising so the final categories are coherent and supportable, and develop along axes of interpretation with different dimensions' (*ibid*:190).

Quotations from the interviews and thus narrative analysis, was also an important dimension of this study. This involves the interpretation of competing versions different groups have of events (Miles and Crush, 1993 and Geiger, 1986 in Crang, 1997). With its interpretive approach, this theory is specifically used to portray relationships between people and places, and chronologize accounts of different people's experience of an event in a form of developmental interviewing (Robinson, 1998: 426 - 427). One of the ways in which qualitative analysis allows individuals to 'speak for themselves' is by incorporating their words in the research report or published paper (*ibid*: 431). This has been done for this case study.

4.9 Boundaries of Qualitative Research and Methodology

Several aspects are worth noting at this point about the boundaries associated with using the case study method with its emphasis on qualitative research and methodology. The obvious question arises as to how the adequacy, rigour and reliability of a qualitatively based case study can be examined and determined.

In terms of rigour, Eisner (1991) as cited by Leedy (1993: 141) maintains that 'qualitative research becomes believable because of its coherence, insight and instrumental utility', and is aided by a narrative which is characterised by an articulate writing style.

A suggestion made by Guba and Lincoln (1988) is that the adequacy of a study is dependent on that of its components which are the processes and procedures. In other words, in order to cross-check, one should examine where possible if the interviews were reliably and validly conducted, if the content of the documents were properly analysed, and if the conclusions of the study rest on the data used.

Cross-checking suggests triangulation of data sources and their analysis. Triangulation can be attempted with the employment of multiple methods/sources in order to try and maximise understanding (Valentine,1997). It can expose a proposition which could be the existence of an issue or concern, the validity of some alleged fact, or the assertion of an informant, to possibly countervailing facts and assertions or verifying propositions - with data drawn from other sources or developed using different methodologies (Guba and Lincoln, 1988: 106 - 107). Thus triangulation has been attempted in the data interpretation in Chapters 5 and 6 of this study with the initial indexing and categorisation of the data by means of themes uncovered by reading and annotation of the data, and latterly by legal and theoretical frameworks constructed from the theory and used for interpretation as discussed in Chapter 2 and 3.

Other forms of triangulation include: methodological triangulation where two or more methods of data collection procedures are used for a study (interviews, participant observation, document analysis); where several frames of reference or perspectives are used in the analysis of the same set of data (interviews); where there is the gathering of observations through the use of a variety of sampling strategies to ensure that a theory is tested in more than one way (interviews, participant observation); and with multiple observers (18 interviews) (Leedy, 1993).

The question of internal and external validity also needs to be raised in this section. Creswell (1994 in Main, 1999) states that 'internal validity addresses the accuracy of the information and whether it matches reality'. The themes uncovered in field notes and initial document analysis, were used to check the accuracy of those found through the semi-structured interviews. In terms of external validity which is the generalisability of findings from the study (*ibid*), this did not apply to this qualitative research as it is in the form of an in-depth case study which is concerned with the examination of a large number of characteristics amongst a small group of people (see section 4.5).

4.10 Study Limitations

It has to be acknowledged that the case study presented, due to the subjective nature of the process, is susceptible to manipulation by the researcher.

In assessing bias with regard to a study, Guba and Lincoln (1988) stress that the reputation and integrity of the writer needs to be considered. This subject has already been raised by the author of this thesis in the discussion around the status of the researcher as an observer on the SEC for the north of the DMA (see section 4.7.3), while also being an employee of the developer, DSW.

Guba and Lincoln (1988) suggest that the researcher needs to guard against such bias by getting others who are familiar with the subject or process understudy to check the development and results. The study and recommendations, on completion, will be used as a means by the developer, their consultants and stakeholders of the north of the DMA, to improve the public participation and capacity building process with other like site selection committees undergoing similar processes in the DMA.

In terms of the participants, the researcher ensured that all gave their informed consent to observation (see section 4.7.3) and the semi-structured interviews (see section 4.7.2). The 'anonymity and confidentiality of their responses was also maintained and where direct quotes were used, the participants were not identified by name' (Miles and Huberman, 1994 in Main, 1999: 61).

4.11 Conclusion

In summary, a case study format was chosen for this thesis as an intensive and complete examination of the public participation and capacity building process for landfill site selection in the North Zone of the DMA, and the events associated with that process over a certain time period in a specific geographical setting.

Both primary and secondary qualitative data were gathered and interpreted for this case study. Qualitative primary oral data was gained through observation and attendance at meetings, workshops and site visits for the North Zone SEC process, as well as interviews with key stakeholders. Information was also gained from primary documentary sources like minutes, field notes, newspaper cuttings, reports and personal communications with key stakeholders. Secondary data in the form of studies, papers, journals and analyses were reviewed and formed the basis of constructed frameworks of theory for the research and data analysis.

Qualitative research methodology was selected over quantitative methodology as the data for the case study with its emphasis on intentionality, rationality and reflexivity as the characteristics of human action and the small purposive sample of respondents chosen for study, were not found to be amendable to quantification and the generalising rules of positivistic physical science. The type of research was in fact intensive as it was searching for underlying causal reasons in the study of a large number of properties of a small number of individuals, and in the process may have ignored many significant parts of the system as well as many significant individuals.

In terms of the case study approach, the researcher endeavoured to understand the meaning of the process and its outcomes from the participants' perspectives, with the heart of the approach being not the mere accumulation of facts, but also their interpretation.

In terms of data collection using qualitative research tools, semi-structured face-to-face interviews were undertaken with a specific group of respondents, with a mixture of closed and open-ended questions, the latter which probed particular aspects of interviewee responses to particular questions. An insider perspective was also gained by the researcher through overt participant observation with observer-status attendance at meetings, workshops and landfill site visits held for members of the North Zone SEC public participation and capacity building process.

For the data interpretation, initially recurrent themes on public participation and capacity building in environmental decision-making were uncovered from background research, the literature review and participant observations at meetings, site visits and workshops. These themes were in turn utilised to construct the semi-structured interview schedule. For the data interpretation which followed the interview process, several frameworks and a typology were constructed from literature and law reviewed, and these were used to interpret the responses from the interviews and the various documents accessed as data for the study. Thus, ultimately the information was categorised in an iterative manner and interpreted via the frameworks and typology in order to discern and explore interesting relationships along axes of interpretation, with different dimensions.

Boundaries to the qualitative research method chosen were discussed in terms of the ability of the researcher to replicate or generalise the results of the research and study. Most importantly the need to triangulate data sources and their analysis was emphasised and various methods discussed, in order to maximise understanding and cross check if the research was reliably and validly conducted.

Finally, the limitations to the study were acknowledged, which related to the subjective nature of the process making it potentially susceptible to manipulation by the researcher. Methods used by the researcher to counteract this were discussed, chief being that the study on completion is to be used as a means by the developer and consultants to improve future public participation and capacity building process in landfill site selection in the DMA.

The study now turns to the presentation and analysis of the data in Chapters 5 and 6, with conclusions and recommendations to follow in Chapter 7.

CHAPTER 5

PUBLIC PARTICIPATION AND CAPACITY BUILDING IN THE LANDFILL SITING PROCESS

5.1 Introduction

The aim of this study is to assess the role of capacity building in the public participation process as part of the landfill site selection process in the North Zone of the DMA.

In order to achieve this aim, this chapter is concerned with satisfying an objective of the study which is to identify the type of public participation and associated capacity building process that took place, by presenting and interpreting the primary data gathered in the research process. To assist with the interpretation, two frameworks and a typology were constructed which are applied to the data in the case study. One framework is legal, while the other is theoretical in nature.

The legal framework is specifically based on the statutory public participation requirements as stated in DWAF's *Minimum Requirements* (1998), and presented in Table 2.1. The typology relates to types of public participation (White, 1996) and is presented in Table 3.3. The theoretical framework consists of different dimensions from the discussion on outcome measures of empowerment and capacity building (Schuftan, 1996; Barr, 1995) and is presented in Table 3.4.

In each instance, the data from the study is presented in the form of extensive direct and paraphrased quotations from the different stakeholders, groupings or I&APs. The terms stakeholders, groupings and I&APs are used inter-changeably.

5.2 Statutory Public Participation Requirements

The legal framework used for the data interpretation in this section is a summary of public participation principles as laid down in the *Minimum Requirements* for the landfill siting process (DWAF, 1998). In the following section, the SEC process for landfill site selection in the North Zone is interrogated to determine whether these principles have been implemented.

5.2.1 Early Consultation

To examine if the first principle has been satisfied in the North Zone process, i.e. whether I&APs have been consulted, and have the opportunity to participate in projects at the earliest planning stages (DWAF, 1998), it is necessary to determine the attendance and participation of stakeholders in the various stages of the process.

Table 5.1 was constructed which indicates the fluctuation in attendance of different I&AP groupings at the various meetings, site visits and capacity building workshops held for the North Zone. These events were organised to build capacity among the stakeholders, and ensure they gave input into the decision making process for the site selection and evaluation.

For Table 5.1, the I&APs have been grouped into five stakeholder groupings. The first grouping is the TWC (paid consultants and the developer). The second grouping is made up of the authorities (DWAF, DEAT, DAEA, Ilembe Regional Council, North Local Council, Durban Metropolitan Council).

The last three groupings consist of different community members. The third and fourth groupings are of primary stakeholders whose livelihoods will be directly affected by the landfill site development and who live within an approximately 2km radius of the proposed sites (Cottonlands Development Committee, Buffelsdraai Development Committee, Osindisweni Development Forum, and the Landowners). Figure 2.2 shows the location of the primary stakeholder groupings. The fifth grouping consists of Secondary stakeholders who have an interest in the process but who live beyond the 2km radius around the sites and whose livelihoods will not necessarily be affected by the site development (Amaotana Civic, Verulam Civics, Verulam NGOs and CBOs, Tongaat Civics, Business - Verulam, Residents - Verulam, Environmental Organisations, Conservancies, Recyclers, Business - General, Residents - General, Academics/Educational Institutions). Some of the parties already named in the first and second groupings could also be classified as Secondary stakeholders, but for the purposes of this study have been allocated into separate groupings. An extended table showing attendance of I&AP groupings at meetings, workshops and site visits from October 3, 1998 to December 11, 1999 is included as Appendix 4.

Table 5.1: Attendance numbers of representatives at 15 North Zone SEC Meetings, Workshops and Site Visits by Grouping - October 3, 1998 to December 11, 1999

	Inaugural and Terms of Reference Meetings	Site Visits	Capacity Building Workshops	Joint SECs Workshop	Special Meeting	North Zone SEC Meetings	TOTAL
No. of Meetings, Site Visits, Workshops	4	2	5	1	1	2	15
Technical Working Committee	20	7	28	7	4	7	73
Authorities	16	9	15	8	7	6	61
Community - Primary Stakeholders	4	5	7	2	6	9	33
Landowners	9	6	15	2	2	3	37
Community - Secondary Stakeholders	63	32	52	10	5	14	176
TOTAL	112	59	117	29	24	39	380

Table 5.1 indicates that the community primary stakeholders were poorly represented in terms of numbers when compared to other groups present at the Inaugural Meeting (3/10/98) for the North Zone SEC and several other vital early meetings of the total of 15 meetings, to construct a Terms of Reference for the Committee (see Appendix 4). Four community primary stakeholders were present in total at the Inaugural meeting and the three meetings held to form the Terms of Reference (see Table 5.1).

Attendance of stakeholders from this grouping remained poor throughout the public participation and capacity building process for the North Zone, with a total of only five persons attending the two site visits, and seven persons attending the five capacity building workshops (see Table 5.1).

In contrast, a total number of 63 community secondary stakeholders were present at these four early meetings (see Table 5.1). This stakeholder grouping was also well represented at the two site visits (32 persons) and the five capacity building workshops (52 persons) (see Table 5.1). Specifically, the poorly represented groupings were: authorities, IRC, Cottonlands Development

Committee, Buffelsdraai Development Committee, Osindisweni Development Forum, Verulam NGOs and CBOs, Residents - Verulam and General, Academics/Educational Institutions, and Tongaat Civics (see Appendix 4).

Concerns were raised by those stakeholders present at the meetings, and DSW was requested by them to approach the absent and poorly represented stakeholder groups to ensure future and adequate representation at the meetings. These attempts to broaden representation achieved limited success and were ongoing throughout the study period.

The Inaugural meeting (3/10/98) was however well attended by the: NLC, Consultants/TWC/Facilitator, the Verulam Civics and the Landowner groupings. Other groupings present were: DMC, Environmental Organisations, Conservancies, Recyclers, Amaotana Civic, Business - Verulam and General, and DSW (see Appendix 4).

This absence and poor attendance of some primary stakeholders at the beginning of the public participation process, has created difficulties throughout the landfill site selection process as it meant that not all people were present when the stakeholders were briefed on the overall process and the Terms of Reference which was formed along with the North Zone SEC.

In terms of interpretation of the fulfilment of the first statutory public participation requirement (DWAF, 1998), the issues of: who exactly constitutes an I&AP; which groups should be involved from the beginning of the process; and at what stage they should be approached for involvement - were debated at length during the interviews with the stakeholders. A selection of the widely divergent views is recorded below.

A Conservancy representative (8/12/99) was of the opinion that as 'the windows had already been identified before the inception of the North Zone SEC', the public were not involved from the earliest planning stages. He added that 'the windows had already been selected and it felt as if the consultants had got to the line on their tick list that said *involve the public*'. A TWC member (22/11/99) disagreed stating that he felt the public had in fact been involved too early in the public participation/SEC process as a concrete plan was not yet on the table. He stated that the insufficient information available at that time on the 'windows' that had been identified, and a lack of information about who would be affected by the possible siting of landfills in the area, 'made people nervous and distrustful of the SEC process'.

Some stakeholders interviewed felt that primary stakeholders warranted early inclusion: 'There should be the early participation of people directly affected in the vicinity of the sites. There was often not tangible representation of the Buffelsdraai community and therefore consultation with this group was belated' (NLC Councillor, 1/12/99); 'I have only joined this process in September of this year (1999). We were not informed until we met accidentally about it, and we started asking questions, and they started incorporating us into it' (Osindisweni Development Forum Representative, 3/12/99); 'We were not informed from the initial stages leading up to the selection of sites. DSW should have come over to address the community. Even we, as Councillors, were not consulted on the issue' (IRC Councillor representing the Buffelsdraai community, 7/12/99).

The Buffelsdraai and Osindisweni communities are the two main affected settlements lying adjacent the proposed Buffelsdraai site (see Figure 2.2).

Others made comment about the need for consistency of attendance at and engagement with the process to facilitate participation and capacity building: 'Councillors came and went which did not make the process smooth' (Representative of Environmental NGO, 22/11/99); 'Councillors often do not attend so local people end up not knowing what is happening' (IRC Official, 10/12/99); 'IRC Councillors did not represent the people by reporting back, and were not accountable with the result that there were objections to already-made decisions late in the process that stalled progress' (Developer, 25/11/99); 'Very early workshops were held for the IRC in order to enable them to decide whether to participate in the process or not. It was intended that in the ongoing capacity building process for the North Zone SEC, the Metro and Ilembe Councillors would be accommodated by their participation in the SEC. However, this proved a weak link because they did not all remain involved' (Lombard, pers. comm., 6/12/99).

The issue of availability of resources enabling I&APs to attend was also mentioned: 'People do not attend because they want money for anything they do. They quit the process but later expect to get the benefits from the meetings' (Amaotana Civic B, 10/12/99); 'A problem was the constant arrival of newcomers. People who have adequate representation are generally those with resources' (Oelofse, 9/2/00).

The non-attendance, inconsistent or delayed attendance of some groups has thus ultimately resulted in costly delays in the landfill site selection process for the North Zone. Various stakeholders continue to raise objections that they had not been consulted from the start of the

process or involved in the formation of the vital Terms of Reference which governed procedure for the North Zone SEC, in spite of persistent attempts on the part of the consultant and developer to ensure that all I&AP groupings were present (*Minutes of a Workshop on EIA and Minimum Requirements for Landfill Sites*, August 21, 1999; pers. comm.: Lombard, 6/12/99).

From the above, it can be confirmed that although some I&APs were consulted, and had the opportunity to participate in the North Zone SEC process for the selection of landfill sites at the earliest planning stages, others were not. Notably these were the primary stakeholders living adjacent to the sites who were excluded from the process because their elected representatives (IRC Councillors) neglected to report back to and include them in the process. They were only included at a later stage once they protested against their exclusion after hearing about the process from a North Zone SEC member.

5.2.2 Information and Empowerment

Everyone interviewed noted the difficulty of achieving the second principle of statutory public participation (DWAF, 1998). This principle states that: in order to ensure that I&APs are informed and empowered to contribute effectively to the decision making process, information on which decisions are taken must be sufficient (*ibid*).

Two site visits and four capacity building workshops were undertaken for information sharing and empowerment purposes, together with nine meetings in the North Zone (see Appendix 4). In spite of this, the developer queried whether 'uninformed people' with 'inadequate education' could be trained in what is essentially 'a technical process' (Developer, 25/11/99).

An NLC Official added that while I&APs had been 'substantially informed', 'technical information was difficult to absorb' with some groupings like Ilembe Regional Council representatives needing to be treated 'as special cases' (NLC Official A, 1/12/99). Additional capacity building sessions were duly held from October to December 1999 to satisfy this need (pers. comm.: Lombard, 6/12/99). It is noteworthy that it was an NLC Councillor who pointed out the distinction between being informed as opposed to empowered. He stated that empowerment is a process which facilitates citizens to act on the information that they receive in order to change the status quo, and it is thus accompanied by an element of action. (This subject will be expanded on in Sections 5.3 and 5.4, and in Chapter 6).

Information sharing is not necessarily a neutral activity, as was noted in the observations made about one of the visits to the Mariannhill and La Mercy Landfill sites organised by DSW especially for the IRC Councillors, officials and community members (November 3, 1999 - *Minutes of a Meeting of the North Site Evaluation Committee*, December 11, 1999). A member of the Osindisweni community described this visit as 'strategic' on the part of DSW. This was because firstly, the 'landfill sites (viewed) were too small to compare' to the proposed sites for the North Zone. The supposition being that larger landfill sites are more difficult to manage to such a high standard as was demonstrated at the visit. Secondly, the impression was gained by the community that the developer was trying to prevent dissatisfied community members from taking further action to stop the process. This was done by relating at the site visit of how 'a(nother) group' had tried to 'oppose' a landfill (even lodging a case in court), but ultimately lost the case and had to 'pay the court expenses'. The community member added that based on the above experience, she therefore now 'wanted a very detailed report' from which she and the group that she represents can work things out for themselves' (Osindisweni Development Forum, 3/12/99). This incident demonstrates that all developers need to ensure that the information shared and manner and method in which it is related in capacity building fora and meetings should be open and transparent at all times.

From the discussion above it is debatable whether information shared in the North Zone SEC process was sufficient in order for every stakeholder to contribute effectively to the decision-making process. At times it was too technical for some groups, and at other times it was partisan, e.g. it was alleged that people were only shown positive aspects of currently operating landfill sites that would assist the developer in achieving their objective without opposition.

5.2.3. Options and Adjudication

To examine the satisfaction of the third principle, which is that there must be consideration of alternative options, with a fair and just adjudication process (DWAF, 1998), interviewee responses are quoted.

Overall it was felt by stakeholders interviewed that too few options were presented by the developer and consultants for the TWC and SECs to evaluate by ranking. As outlined and discussed in a description of the Window Ranking process (see Section 2.4.4), there were two sites identified by specialists for ranking by stakeholders in the North Zone, one at Buffelsdraai

and the other Summerpride near Tongaat (see Figure 2.2). While the TWC ranked the sites technically, the SEC ranked them according to their potential social impacts (*Minutes of the Workshop for the Northern Zone Landfill Committee*, July 10, 1999).

Later in the public participation process, representatives of the KZN Department of Agriculture and Environmental Affairs (DAEA) reminded stakeholders at a workshop (21/8/99) that this ranking and choice between options could also include a 'no-go' decision where a site was rejected due to a 'Fatal Flaw'. This lack of options presented difficulties with ensuring a fair and just adjudication process, but different reasons were given for the criticism of the limited number of options.

Some felt the lack of options were due to unavoidable technical and practical limitations: 'Too few window options were presented as there were constraints on the use of many areas introduced in terms of the proposed size of the sites planned by the developer' (Consultant, 22/11/99). The developer commented that the *Minimum Requirements* (DWAF, 1998) does not take into account the size of landfill sites needed to service large municipalities. Viewed collectively for the DMA, the number of windows initially put forward for consideration was nine (Lombard, *et al*, 1996:15). When it was decided to split the process into three separate zones by the North, South and West SECs, this reduced the options to be considered by each committee (Developer, 25/11/99).

Stakeholders, other than the developer or consultants, ascribed more sinister motives for the lack of options presented: 'They are going to engineer around a fault in Buffelsdraai regardless. They are not really looking at alternatives' (NLC Official, 1/12/99); 'An option of Summerpride against Buffelsdraai has always been there, but I sometimes wonder if this was only included because of this minimum requirement' (Conservancy Representative, 8/12/99).

Some stakeholders were sceptical of the information presented to them on the options before ranking: 'The problems involved in each window were presented to us. We then saw Summerpride as being the best (in terms of social criteria). We were told that Buffelsdraai is better because it is deeper (in terms of technical criteria as ranked by the TWC) but we still refused because we know at Summerpride there will be machines to dig and make it deep.' (Amaotana Civic B: 10/12/99); 'It had always been agreed that both sites should be investigated. When the developer decided to investigate Buffelsdraai first only due to the high cost implications

for detailed testing, tensions were created.'(Representative of an Environmental NGO, 22/11/99); 'We were not presented with options to choose from in a proper manner. We never received any full explanations on the chosen options other than that the costs of implementation and operation would be less in Buffelsdraai compared to Summerpride' (IRC Councillor, 7/12/99).

Several interviewees mentioned the importance of giving some selection criteria more weight than others in terms of choosing certain options over others. It was generally perceived in the ranking process by the community primary and secondary stakeholders, and some of the authorities that technical issues received preference over social issues.

However, many felt that social and technical issues should either receive equal weighting, or the social should receive heavier weighting :'I feel that the issue of protecting water should receive greater weighting, especially if rural people are depending on it as a natural source' (NLC Official B, 24/11/99); 'Indications were that Buffelsdraai was preferred over Summerpride (by the TWC) in terms of capacity and other physical factors. Social (factors) were not an issue. Social should be given more or equal weight' (NLC Official A, 1/12/99); 'We have been fighting against the choice of Buffelsdraai because it is near people' (Amaotana Civic A, 10/12/99); 'People's well-being has to be looked at as well' (Amaotana Civic B, 10/12/99).

A DWAF representative had an interesting perspective on the balance between technical versus social criteria in the ranking. It was commented that although Buffelsdraai was favoured due to the huge air space that would be afforded if developed, the authorities needed to show that there was minimal risk to the environment with concern about polluting underground water sources. In the representative's words, 'if this happens then an injustice will have been done to the environment and by extension to people' (6/12/99).

An attempt at a balanced perspective is also offered by a community representative: 'I believe the professionals are doing their best to obtain the correct solution while taking into account the layman's opinions. It was difficult to weight technical aspects against social ones' (Conservancy Representative, 8/12/99).

The developer had a somewhat different viewpoint as to what was important in terms of weighting:'Unanimous decisions should be given more weight. Those that are split you need to look at the reasons and decide whether they are vested or in the interest of the landfill. You need to use risk assessment and to then design for that' (Developer, 25/11/99).

The overall value of adjudication process was questioned by one of the interviewees who was vehemently objecting to the development of a site at Buffelsdraai: 'As experts they (DSW and authorities) should inform us as to whether they would accept it if we objected to their proposal to such an extent that the plans are abandoned. What are the chances for that to happen, for our objections to be heeded?' (IRC Councillor, 7/12/99).

A partial reply to this question can perhaps be gained through reading the *Minutes of a Workshop on EIA and Minimum Requirements for Landfill Sites*, on August 21, 1999 where a DAEA representative stated that although unpopular decisions had to be made at times, all decisions would essentially be made for the common good. It was added at a later meeting, again by a DAEA representative, that opposition to the sites must be accompanied with substantive reasons, and it is only if it is found that the technical consultants have not taken these reasons and concerns into account, that the application for permitting will not be approved (*Minutes of a Meeting of the North Site Evaluation Committee*, December 11, 1999).

In terms of a fair process, the Facilitator was of the opinion that overall: 'All factors have been considered fairly and people were permitted to take away the information and were not rushed' (14/12/99).

In summary, while all North Zone stakeholders agreed that too few options were presented for consideration, various groups differed greatly in their reasons for stating this. The TWC and authorities attributed the lack of options presented to technical limitations, and also favoured the outcomes of the technical ranking process for the sites; while community groups generally ascribed more sinister motives to the developer, questioning what they viewed as the favouring of technical criteria over social ranking criteria. It was felt that the latter were used by the SEC to rank the sites, but were largely ignored by the developer, authorities and TWC.

5.3 Type of Public Participation

The type of public participation process being undertaken in the North Zone is now identified and interpreted according to White's typology of public participation (1996) presented in Table 3.3. Briefly, she identifies four possible types of public participation, but it should be reiterated here that any project could typically involve a mix of the four, and the mixture can change many times during the project process (*ibid*). This typology is used in the following sections to identify the type of public participation taking place in the North Zone public participation process.

From the outset it must be stated that the type of public participation process undertaken is greatly dependent on the role of the SEC as prescribed by law, and the interpretation of that law by the developer, authorities and consultants involved in the public participation process.

In terms of the *Minimum Requirements* (DWAF, 1998), public resistance to a landfill can become a 'Fatal Flaw', and so by involving the public and obtaining their approval and acceptance, it is assumed that they take some degree of responsibility for a development, and insure its continuance and sustainability. A further advantage stated is the additional input obtained from the public often in the form of specific, local knowledge.

Throughout the North Zone SEC process, it was regularly stated by the Facilitator at meetings that the limited role of the SEC was to provide input into the site evaluation process in an advisory capacity, and that the final decision on the site to be selected for landfill development would be taken by the authorities. There was much disagreement and confusion about this prescribed advisory role among members of the North Zone SEC, many of whom felt the SEC should have decision-making powers. Therefore the law prescribed to a degree the type of public participation that could potentially take place. Comments from interviews have been included below to determine the type of public participation.

5.3.1 Nominal and Representative Participation

The North Zone public participation process can in part be termed nominal (White, 1996) which involves public inclusion for legitimation and display. To some extent the public were included by the developer to legitimise the process in terms of satisfying the requirements of the law (*Minimum Requirements*, etc.). It can also be classified as representative (*ibid*) or inclusive in that the public were invited to voice their interests in order to provide support for the project, and hence ensure its sustainability.

This is reflected in comments made by the interviewees: 'I don't believe that capacity building has been satisfactorily addressed. I feel this is more a rubber stamping process. Continual reference is made to reports which are difficult to understand. There is no debate around these' (NLC Official A, 11/12/99); 'The community are important. If you don't get broad representation you have problems' (DWAF, 6/12/99); 'It is my feeling that public participation (as undertaken here) is a requirement to get approval for a site rather than a good way to achieve selection of the best site' (Conservancy Representative, 8/12/99).

5.3.2 Instrumental Participation

The public participation process could also be termed instrumental (White, 1996) as the developer sought for the sake of efficiency to encourage public participation and input in providing an approved local facility at reduced costs. For the North Zone public participation process, stakeholders were invited to form an SEC in order to ensure that a landfill site is developed with a degree of general public approval, and which would save money in the long term due to its proposed size and projected life span. The important point for the developer however, is that DSW develop a series of landfill sites for the DMA after what is viewed by many as a costly public participation exercise - R1.2 million up to December 1999: 'The money spent is worthwhile if you obtain landfill sites. As it is, the cost of building them is astronomical so they have to be big to make it worth the investment. If at the end of the process we don't have a landfill site, it is a huge disaster' (Developer, 25/11/99). Therefore it is clear that the developer adopts an instrumentalist view in general which means that public participation must take place to legitimise the process and get the landfill established.

Interviewees had a range of opinions about the money spent on the public participation process. Some thought it worthwhile in the context of the DMA: 'This is a lot of money, but Metro wide it is not bad. The planning is for 100 years and the amount needs to be put into perspective. If the landfills are sited well, the money will have been well spent' (NLC Official A, 1/12/99).

Others felt the money could be better spent by involving less people in the process: 'At the outset just get the immediately affected people in, (and) when you embark on a more detailed investigation then get everyone involved' (DWAF, 6/12/99); 'I think it is a waste of the taxpayers money. There are really areas that do not have to be involved in negotiating that are far away from the proposed sites' (Osindisweni Development Forum, 3/12/99).

One person wanted the money spent on what they view as more urgent development needs in the area: 'The funds have been misused. Our areas need development, yet there are funds to be used for this process. I feel that maybe if the appropriate means and negotiations were employed from the start, the process could have been completed earlier' (IRC Councillor, 7/12/99).

A consultant was concerned that the process followed by DSW had been very demanding on the resources both in terms of personal time and finances. 'My concern is how sustainable this is, particularly where smaller impecunious local authorities are involved' (pers. comm.: Lombard: 6/12/99). Another felt that 'As this is money from rates, you need to give people a physical cost

of the process. This is the responsible thing to do. It would be interesting to see a breakdown of the R1.2 million!' (Oelofse, 9/2/2000);

A further interesting perspective was that DSW and the authorities needed to reassess their priorities: 'I believe the capacity building aspect is more important than making sure the right landfill is selected' (Conservancy Representative, 8/12/99).

From the above discussion, it can be assumed that the public participation approach being followed by DSW in the North Zone in terms of the law is largely instrumental in nature, seeking to achieve a set objective which is to establish a landfill site in the area with the legitimation of demonstrated stakeholder participation in the process.

5.3.3 Transformative Participation

This section presents the degree to which the type of participation could be classified as transformative (White, 1996). The process of ranking the sites is used to illustrate the degree of transformative participation that was engaged in.

The fourth type of public participation proposed by White (1996) is transformative and empowering, where the public gain practical experience being involved in considering options, making decisions and taking collective action to fight injustice. This form of participation has an active element in it, rather than just being an information sharing exercise among participants. In terms of action and practical experience, the I&APs in the North Zone SEC were called on to rank the windows using a list of social criteria and it is posited this could be viewed as partially transformative taking into account the SEC's advisory role.

This move can be viewed as being a departure from the legal requirements (DWAF, 1998) whereby the developer is only required to present the technical ranking by specialists (including economic, environmental and public acceptance criteria) to the I&APs on completion, for their input and final ranking. The I&APs are then required to confirm that ranking (*ibid*). DSW consultants viewed I&AP input as such: 'Ranking by the TWC and SEC is not expected. It is only required that the I&APs be informed and reach "reasonable consensus" on the coarse ranking as done by landfill specialists' (pers. comm.: Lombard, 6/12/99).

For the process in the North Zone, the TWC completed the technical ranking and then the SEC was requested to rank the sites according to social criteria that had been suggested by the authors of the Social Probe together with criteria suggested by the SEC (*Minutes of the Landfill*

Committee Meetings for the Northern Zone and *Second and Third Capacity Building Workshops*, March 27, 1999; April 17, 1999). This proved not an altogether successful exercise as there was much ongoing disagreement about the final ranking achieved using both technical and social criteria. Relatively few groupings participated in the social ranking exercise for the North Zone, which rated both sites of Buffelsdraai and Summerpride as being equally impacted and acceptable according to social criteria. The groups who voted were the Conservancy Representative, two Landowners, the Amaotana Civics and a Recycler (*Minutes of the Landfill Committee Meeting for the Northern Zone and Third Capacity Building Workshop*, April 17, 1999). A selection of views of the ranking process is reflected in the statements below from the interviews.

Some viewed the process as being worthwhile: 'I think this was very fair as everyone had a chance to input' (NLC Official B, 24/11/99); 'We changed the ranking system from the *Minimum Requirements* - we made it better' (Developer, 25/11/99); 'We need a process to eliminate sites - whether this is correct or not, I am not sure'(DWAF, 6/12/99); 'Due to pressure from the SEC, the developer has stated that they will investigate both sites further in spite of the technical ranking which rated Buffelsdraai superior to Summerpride - so the public participation and ranking has not been a waste' (NLC Official A, 1/12/99). In particular, one of the community secondary stakeholders made the following observation based on what had been learnt through the capacity building and public participation process: 'I now know that the technical people are liable professionally for any mistakes they make' (Verulam Civic, 7/12/99). This positive experience is evidence of a degree of transformative participation having had occurred.

Others were unhappy with the ranking process: 'I feel that more information should have been available in order to make decisions' (Consultant, 22/11/99); 'More thought should have gone into ranking from the social side. A landowner who is a farmer was present but no workers were represented' (Representative of Environmental NGO, 22/11/99); 'I think the technical ranking by the TWC was unfair - the people's opinions were not included in this' (Landowner, 3/12/99); 'The ranking process is problematic as it says that the social impact will be the same on the communities around both sites. How can this be when there are no nearby communities at Summerpride?' (IRC Councillor, 7/12/99); 'The social ranking was done in a rush. The technical people (TWC) wanted a social decision from us as the consultants undertaking the Social Probe. We could not give this as it was up to the people of the North Zone SEC to make that decision. It is about their lives. The social factors do not stay the same like physical factors such as geology. People change their views and it is their decision. There are social trade-offs' (Oelofse, 9/2/2000); 'The TWC looked at the convenience of working at a bigger and deeper site such as

Buffelsdraai. The SEC does not see it that way. We need neutral people to assist us with understanding the technical and social ranking system' (Amaotana Civic A, 10/12/99).

Some were dissatisfied with the ranking outcomes: 'The ranking did not reveal the different reasons why groups chose the options. The ranking was fair technically, but unfair socially. I felt the technical ranking that favoured Buffelsdraai over Summerpride, and recommended the former for initial further investigation was a pre-empted decision which SEC members were not happy about' (NLC Official A, 1/12/99); 'The sites can not be equal (socially). I think Summerpride does not have as many people living around it, as Buffelsdraai does' (IRC Official, 10/12/99).

A concern was raised about the location of the meeting venue (Verulam) and how it affected the ranking:

> I do not agree with the social ranking that Buffelsdraai and Summerpride are equal. Due to the meetings being held in Verulam there was a bias towards choosing Summerpride (nearer Tongaat). If the ranking had been done in Tongaat the result would have been somewhat different. It should also be noted that the very willing seller of the Summerpride site is an active member of the committee (North Zone SEC) (Conservancy Representative, 8/12/99).

There is some evidence that the public participation has been transformative in terms of certain groups taking collective action to fight what they perceive to be injustice: 'I was not involved in the ranking of the sites as I arrived late in the process. We are not happy. I have heard the community organised a march against Buffelsdraai' (17/8/99 - KZN Tonight, SABC TV 2; Osindisweni Development Forum, 3/12/99).

The debate however ultimately returns to the degree of authority of the SEC to make decisions around the sites, as this serves to determine whether the type of public participation is in reality transformative. The Facilitator of the North Zone process reiterated that the SEC cannot make a decision. He views the public participation process as consistent with the current democratic paradigm whereby it is 'a consultation process from the by laws where no one is allowed to make decisions and take over *de jure*'. He views the SEC as a '*de facto* consultative forum where I&APs can articulate their views and the authorities can be guided by these in their decision making' (Facilitator, 14/12/99).

In summary, the type of public participation process being undertaken in the North Zone is largely instrumental due to the dictates of present statutory requirements, but is exhibiting the seeds of transformation in that the community are using the information acquired during the process to actively fight the injustice of fulfilling an advisory role only as part of the SEC. The social ranking

of the landfill sites has provided an illustration of the degree of transformative participation evident in the process.

5.4 Outcome Measures of Empowerment and Capacity Building

The previous section identified the type of public participation being followed in the North Zone SEC process as a mixture of nominal, representative and instrumental types of public participation, with a move towards transformative participation (White, 1996). However, transformative public participation is being thwarted by the prescribed function of the SEC as laid down by DWAF (1998) and interpreted by DSW/consultants and authorities.

This section sets out to evaluate the public participation process by applying a framework (see Table 3.4) of outcome measures of empowerment and capacity building (Barr, 1995; Schuftan, 1996) to assist with the examination and classification process. This is posited as the 'acid test' in terms of determining whether the type of public participation process followed is transformative or in the process of striving for such a form.

5.4.1 Community Controlled Institutions

The first outcome measure of empowerment is that the existence of community controlled institutions with people's rights based strategies who have influence over policy, and effective citizen lobbying and action with power structures open to influence, must be in evidence (Barr, 1995; Schuftan, 1996).

It is posited from interviewee comments presented below and the analysis of documentation and data that the North Zone SEC could to a certain extent be termed a community controlled institution with people's rights based strategies, which also has a degree of influence over policy. Further, there is also evidence demonstrating the initial signs of effective citizen lobbying and action, with power structures open to influence, albeit partly. Evidence of this is provided below.

The North Zone SEC was formed under law (DWAF, 1998) to ensure that the people's rights as espoused in the Bill of Rights of *The Constitution* (RSA, 1996) are protected. This includes: the Environmental Right which states that everyone has the right to an environment that is not harmful to their health or well-being, and which is protected for the benefit of present and future generations through reasonable and other legislative measures (section 24, a and b); and the Right of the public to be consulted and informed of any development that may have an affect on their quality of life.

The SEC's role in the process is to constitute a public institution which can input into the development of landfill sites on behalf of the I&APs. The institution is instructed by DWAF (as the power structure) to form a Representative I&AP Liaison Committee (here an SEC or the North Zone Landfill Committee as it is called) to represent local residents. Thus institutions are also to transfer information back to the community, help resolve issues relating to landfill development, and provide a stable body of I&APs with whom the developer and authorities can communicate (DWAF, 1998). Although the SEC does not have final decision-making powers as these are vested in the authorities, it has a degree of influence over and can lobby for or against decisions made by consensus or majority vote among all stakeholders within the SEC, as well as policy in the whole process.

Specifically, the North Zone SEC was formed during the period October 1998 and February 1999 (see Appendix 4), with initial meetings held under the guidance of a nominated Facilitator and devoted to involving all stakeholders present in drawing up the Terms of Reference for the SEC (see Appendix 3 for Terms of Reference). The Terms of Reference is a list of agreed upon principles and guidelines put forward by stakeholders in the public participation process, which governs the procedural aspects of the SEC, and includes guidelines for the formation of the body, SEC composition and functioning. Constructed via consensus among stakeholders, the Terms of Reference formally institutionalises and legitimises the SEC as an institution.

The degree of influence that the North Zone SEC has had over the public participation process is evidenced in these statements from interviews: 'In the latest meeting (30/9/99) we asked them (DSW) to stop with the works (drilling, investigations) until we had visited the landfill site. And they did just that. So in that short period of time, at least they respected me' (Osindisweni Development Forum, 3/12/99); 'Yes, everyone can talk at the meetings. For example, I asked for an interpreter and this was taken seriously' (Amaotana Civic A, 10/12/99).

It is suggested that the SEC could also be viewed as being partly community controlled in that the Terms of Reference which governs the procedural aspects of the SEC, was formed and approved by I&APs after input solicited from all groupings invited to take part in the North Zone process (*Minutes of the Second, Third and Fourth SEC Meetings for the Northern Zone*, November 7, 1998; January 23, 1999; February 13, 1999). However, as has already been noted in Section 5.2.2, a number of vital community and other groupings were not present at these meetings (see Table 5.1 and Appendix 4). The objections of these groupings over agreements already reached through the process and other procedural matters before they joined, brings into question whether the SEC could be said to be 'community controlled'.

Community control was however evident in the objections to the process raised outside of the North Zone SEC which presented a dilemma for the developer and consultants who in turn sought ways to respond to several events. These processes were viewed by the North Zone SEC as having taken place in 'an unprocedural manner outside of the agreed North Zone SEC Terms of Reference' (pers. comm.: Lombard, 6/12/99). These included: a march to the Durban City Hall (21/8/99) by Osindisweni and Cottonlands communities objecting to the development of a site at Buffelsdraai for health reasons; and a television interview which featured more than one viewpoint being presented. These events were evidence of polarization occurring around the process with new groups working against the process set up in the North Zone SEC Terms of Reference. This led to an SEC member who initially joined the Committee as a recycler (3/10/98) being questioned about his affiliation (30/10/99) as a representative of the Cottonlands Development Committee, an organisation representing an area in which he does not reside. A consultant elaborates:

> These events support the importance of all SEC members adhering to the Terms of Reference agreed to by the committee. In doing so they ensure that the requirements of procedural equity are met and that, where people bring vested interests into the process, they are unable to dominate or manipulate the participation process (pers. comm.: Lombard, 6/12/99).

An examination of the Terms of Reference as a mechanism to institutionalise community controlled institutions reveals further insight into the degree of community control in the process. A number of differing responses were offered about the formation of the Terms of Reference.

Some stakeholders were in favour of the Terms of Reference: 'It defines the roles and mandates of those on the committee. These must be clearly defined from the beginning' (NLC Official B, 24/11/99); 'We must have a system of how to run our meetings and we must stick to them. They are useful guidelines. They are binding' (IRC Official, 10/12/99); 'These are extremely important because they are law, so that if there is anything that is not done according to plan it will be reflected in the minutes. The meetings generally ran well because of them' (Amaotana Civic B, 10/12/99); 'The Terms of Reference were good for capacity building about procedural issues, and the fact that once agreed on they are binding' (Oelofse, 9/2/2000).

The Facilitator commented as follows:

> I insist that this comes out first. It is a document for reinforcement. It reduces the need for facilitation. It becomes the basis for networking. It formalises the procedural and we need to spend time on this and be able to refer back to it. It is both a forerunner of the process and closes the process in terms of organisation (14/12/99).

Some stakeholders didn't know about the Terms of Reference process: 'I do not understand what the Terms of Reference is' (Amaotana Civic A, 10/12/99). Others were doubtful whether it was taken seriously enough: 'Unfortunately once they are written they are forgotten by most members' (Conservancy Representative, 8/12/99).

Again the absence of a certain grouping at the formation of the Terms of Reference has proved problematic: 'I was not there (at the formation)...they said do we agree to the Terms of Reference...I said what Terms of Reference' (Osindisweni Development Forum, 3/12/99); 'I get the feeling that we seem like people who are taking the process backwards, our views seem to be backward, even though we make legitimate protests about what has been agreed to. It reads (in the minutes) as if we have dragged our feet late into the process' (IRC Councillor, 7/12/99).

From the above discussion, it is evident that the North Zone SEC could partly be termed a community controlled institution with people's rights based strategies, which has some influence over policy, and evidences a degree of effective citizen lobbying and action (with power structures open to influence). However the influence of the North Zone SEC has been subverted to a degree by the exclusion of certain groupings in the initial stages in the formation of the SEC and Terms of Reference. These stakeholders are now objecting to decisions taken in the process and as a community controlled interest group of primary stakeholders are lobbying vociferously for change outside of the procedural process.

5.4.2 The Degree of Decentralisation and Democratisation

The degree of decentralisation and democratisation achieved in the North Zone public participation process is used here to assess the level of public participation.

Specifically, an outcome measure of empowerment is the evidence of decentralised and democratised direct public control of local resources, affairs and services; to enable citizens' ability to know, analyse and understand so they could forge new realities and legitimise claims (Barr, 1995; Schuftan, 1996). It is suggested that the control of resources, affairs and services in the North Zone SEC process is still firmly in the hands of the authorities and the developer, as is demonstrated by these statements: 'A lot of decisions cannot be made by community because they are not technicians. You need a power who makes final decisions. Decisions are more to do with authorities' (DWAF, 6/12/99); 'The downfall of the process is that the final decision is still left to government to make. It feels as if the community can be overruled on technical grounds'(Representative of Environmental NGO, 22/11/99). The process is also funded by the developer, as well as the Facilitator, and specialists are all selected by DSW.

Another of the indicators of limited decentralisation and democratisation is in the insistence by DSW and consultants that landfill sites need to be developed for the North Zone as a safety net to dispose of waste, in spite of their cost and unsustainability. This instrumentalist view privileges

landfills before any consideration is made of alternative waste management strategies such as minimisation, recycling and composting which have been suggested by SEC members to ensure that the landfill space lasts longer.

Frustration with this viewpoint which has been supported by the authorities is expressed in this statement from an interview:

> There is an assumption that there is a need for a landfill. There has been an attempt to question this generally and suggest recycling as an option, but the questions have been ignored. We should be looking at a combined solution, not just an end-of-pipe one. This represents a gap in the process. There is the assumption that disposal is the priority and then the other issues will be addressed. This was a denial by all the authorities responsible for waste disposal. There is no integrated planning for waste (NLC Official A, 1/12/99).

Thus the view being promoted by the developer and technical consultants that landfills are the priority in waste management, together with the fact that other waste management and disposal methods suggested as alternatives were not pursued or requested as topics by the majority of affected stakeholders for the capacity building workshops or meetings, means that the process can have said to have limited citizens' ability to fight for and forge new realities (e.g. smaller landfills with recycling).

Having stated this however, evidence suggests that there is the start of a discernable shift towards democracy and decentralisation in the undertaking of a degree of capacity building of I&APs in the public participation process, albeit only to meet legal requirements. This is to assist all stakeholders to input into the landfill development process - with educative sessions which enable citizen ability to know/analyse and understand the issue. However the instrumental goal remains; which is to ultimately support the landfill disposal option. Interestingly, one person questioned if DSW would disseminate information which would be detrimental to establishing a landfill. He added: 'The consultants are in a dilemma as they need to meet their brief. I don't know whether they transmit the views of the people that challenge their brief?' (NLC Councillor, 1/12/99).

Whether the different groupings of I&APs both within and outside of the North Zone SEC are able to legitimise their claims, remains to be seen. However the ultimate decision regarding which of the sites will be developed is to be taken by the authorities. The process has built perseverance in those present to be part of the process as is evidenced in this statement: 'Even if we fail to stop the landfill at Buffelsdraai, I will not leave the Committee because we still have to monitor how things are to be run, and continue to let them know that this was not our agreement'(Osindisweni Development Forum, 3/12/99).

In summary, an outcome measure of empowerment which states that decentralised and democratised direct public control of local resources, affairs and services needs to be demonstrated, which enables citizens' to understand relevant issues so they could forge new realities and legitimise claims, is not evident in the North Zone SEC process. Although a degree of capacity building has been undertaken by the developer, this is essentially been done to satisfy the law. Furthermore, the control of resources, affairs and services regarding landfill selection and establishment is still firmly in control of DSW and the authorities.

5.4.3 Strong Local Leadership and Training

A further measure of empowerment and capacity building is the existence of strong, accountable and representative local leadership, with training for new leaders (Barr, 1995; Schuftan, 1996). This is another hotly contested subject among those interviewed.

Looking at the initial part of the measure first, i.e. the existence of accountable and representative local leadership, a specific question was asked during the interviews on the accountability of Local Government Councillors as the constitutionally elected representatives of the people, versus local civics and CBOs. The latter groups played a significant leadership role in opposition to the apartheid government, and in the present South African context are continuing to lead locally where political leadership is absent or deemed not to fully represent specific community interests or views. There therefore exists a continuation of participatory and representative democracy.

Responses were predominately negative, as to the question of Councillor attendance at the SEC meetings, and their accountability to constituencies. Negative views of Councillor involvement were: the 'Metro Councillors initially tried to score points politically with their constituents against DSW, especially those from Verulam' (Consultant, 22/11/99); 'Only when the national elections were on the go did the politicians start attending. Information was mainly fed back to the people and other Councillors by the officials present' (Developer, 25/11/99); 'On this Committee most Councillors were noticeable by their absence, and those who did attend usually came late and departed early' (Conservancy Representative, 8/12/99); 'Councillors do not attend. Local people end up not knowing what is happening. The problem of non-attendance is perhaps due to lack of transport or communication for those living in rural areas' (IRC Official, 10/12/99).

The Facilitator offered this view, also negative:

> Councillors are not accountable and do not report back to each other or the community as their understanding is that officials must attend the meetings and then report back to them. Councillors don't know how *The Constitution* works in terms of representative democracy and its link to consultation. They are often dictated to by officials. Their understanding of democracy is flawed (14/12/99).

The Osindisweni Development Forum (a CBO) noted that:

> Whether the Councillors are accountable is difficult to answer. The fact that the community has nominated two people in addition to them to sit on the Committee means that there is something wrong somewhere. Here we don't have CBOs and Civics - we are still going to work on those organisations, and have launched a branch recently. We are still one big happy family in the community (3/12/99).

Positive views included: 'The Councillors from Verulam were very concerned. They were the ones who contacted the Buffelsdraai community (IRC)' (NLC Councillor, 1/12/99); 'Councillors (IRC) have managed to present the views of the communities they represent in the short period they have been part of the Committee. As they joined the process on the way, they failed to make an impact earlier on in the process' (IRC Councillor, 7/12/99).

In short, interviewees did not generally view the elected Councillors as being accountable and representative of the local community. This problem of adequate representation can probably be attributed to the transitional nature of local government moving from a pre-1994 bureaucracy to a more democratic form.

Civics and CBOs were gauged as being more representative in the opinion of the interviewees: 'The Civics and CBO representatives were particularly accountable to their constituencies. They really asked searching questions on site visits' (Representative of Environmental NGO, 22/11/99); 'There are many civic association members at the meetings. They really work. They are accountable' (Amaotana Civic A, 10/12/99); 'Civics and CBOs attend and are accountable because if anything wrong happens, they will be blamed. We must therefore be careful because we are not doing this for ourselves' (Amaotana Civic B, 10/12/99).

A consultant shed some light on why some of the IRC Councillors and the community who were objecting to the North Zone SEC public process appeared to have been excluded from the SEC:

> There were two specific Ilembe Regional Councillors who had not kept abreast of the process who raised objections (along with their constituencies of Osindisweni and Cottonlands communities) to the process. This happened, in spite of the IRC having given permission for the investigation to proceed in the windows in their area of jurisdiction, and the fact that the minutes of every meeting, and any recommendations that emanated from the process, had been forwarded to the IRC' (pers. comm.: Lombard, 6/12/99).

The second issue relating to accountability, relates to training provided for new leaders (Barr, 1995; Schuftan, 1996). Leadership could perhaps emerge among the representatives serving on the North Zone SEC who have been through a range of capacity building activities in order to input into the public participation process. The activities are:

- gaining technical information about the development of landfills and their operation;
- understanding procedural issues associated with the formation of a Committee and workings of the Terms of Reference;

- learning about social issues associated with environmental and social justice in terms of disadvantaged groups who might be adversely affected by a landfill in their vicinity; and
- participating democratically within the SEC process.

In the words of a consultant: 'It is important to build capacity for people to understand the procedures around the SEC. The SEC process is perhaps as fair as we can make it within the present regulations' (DWAF, 1998).

In summary, it is suggested that there was a degree of training provided that could eventually evidence the emergence of new leadership through capacity building measures undertaken as part of the North Zone SEC public participation process.

5.4.4 Citizen Development and Mobilisation

A further measure of empowerment and capacity building is equal opportunity citizen development for social mobilisation and skill provision resulting in increased levels of participation, achievement and self-esteem, accompanied by community ownership of interventions (Barr, 1995; Schuftan, 1996). Outcomes confirming that this had taken place are evident in views of some of those interviewed.

In terms of intervention ownership:"We will not achieve much unless we deal with our waste. Landfills are not a luxury. We must have sites' (NLC Councillor, 1/12/99); 'Landfill sites are a necessary evil, but the new generation, well-run landfill sites have changed a lot of people's perspectives about waste and landfill sites' (NLC Official B, 24/11/99); 'Now I can look at a landfill site as a clean and hygienic' (Landowner, 3/12/99); 'We need a place to dispose of waste. We went to see how well other landfills are now managed. In the past landfills used to smell, and children would buy food reclaimed from landfills while we were at work. People also used to die. I know now landfills can be well managed so there is no smell' (Amaotana Civic A, 10/12/99). These outcomes as evidenced in participant's responses are shared by a range of stakeholders, ranging from officials to civics, landowners and councillors.

The outcome of social mobilisation and skill provision with increased participation, achievement and self-esteem (Barr, 1995; Schuftan, 1996), although not an explicit goal of the instrumental approach adopted by the developer and technical consultants, was in evidence.

In terms of social mobilisation and increased participation, the comment was made:

> Through the process we have been able to come back with clear answers to the community's concerns to such an extent that we organised marches to object to the establishment of a landfill site in this area and the community saw this as appropriate. If I had not been to the meetings that

> I have been able to attend, I wouldn't have had the capability to make such decisions (IRC Councillor, 7/12/99).

Although the marches were viewed by the North Zone SEC members, the developer and consultants to have taken place outside of the statutory public participation process, they are an indication of social mobilisation and increased participation.

In terms of skills provision, a respondent stated: 'I have learned that it is very important to have a landfill site. I can advise people in terms of reducing waste. I used to throw waste anywhere, but today I am careful about where I throw my waste. I have learned that facilitators are using new ways of doing things' (IRC Official, 10/12/99). The phrases: 'I have learned...' and 'I used to...', indicate self-esteem gained through participation and skill acquisition.

Regarding the acquisition of specific skills, a politician and two community secondary stakeholders commented: 'It is good when development fora and civics get together. Perceptions have grown and landfill sites are now viewed as positive. I have learnt that we need to be tolerant and have sympathy for other views. Sometimes we are on a collision course. We need to try and make sense of it' (NLC Councillor, 1/12/99); 'Before I knew landfill sites I didn't want to consider them. I have learnt about landfills and where waste can be disposed of legally in certain areas. Now I go up to people who I see dumping and inform them of the right place to go. I am now environmentally conscious. Transparency is good. It opens your eyes. I never knew of how much work was involved prior to taking decisions for the future' (Verulam Civic, 7/12/99); 'Personally, I have honed my inter-personal skills'(Conservancy Representative, 8/12/99).

Other stakeholders, through their participation, gained knowledge and skills for anticipated future action and community development: 'The knowledge we gained at the site visits when we went to see the boreholes could be used with kids who are still coming up, to encourage them to do engineering. You can actually use this process to channel them in other directions. Sort of career guidance in a way' (Osindisweni Development Forum, 3/12/99); 'The SEC process is important because it informs us about landfills and the selection process, which we knew nothing about in the past. From what I have seen and heard, I have started to believe it is possible to operate a clean landfill site. I have gained knowledge of proper waste management, which is unlike the past where people would throw waste around at random' (Amaotana Civic B, 10/12/99).

These statements reveal a range of skills acquired by stakeholders, from gaining the knowledge in order to advise people directly on waste management, to learning to respect and listen to the views of other participants in the process. Further, they reveal the unintended outcomes as perceived by both developer and authorities and affected parties.

In terms of other unintended outcomes, the developer even went so far as to acknowledge that the process of building capacity was taking place not only amongst the public, but also amongst themselves and the consultants:

> We have a better understanding of the public participation process which was not written down when we started (1996). We had to guess the process. I feel we have been too lenient and this has lengthened the process. We have gone overboard and it has wasted time. The process needs to be streamlined. We were too accommodating at times, but we had to be in terms of South Africa's growth (25/11/99).

One of the consultants summarised the process as follows:

> This in my opinion been one of the most comprehensive public participation and capacity building landfill siting processes ever carried out in this country. The positive outcomes include - reducing the level of conflict around a very sensitive development, building relationships and improving communications amongst the SEC and TWC members, significant softening of attitudes of different and disparate groupings of people to one another, increased I&AP awareness of the real issues relating to waste management, I&APs understanding the roles and responsibilities of the members of the public in managing waste correctly, I&APs understanding what landfill is and what the standard of operation should be, I&APs knowing how the public can have a say in where and how a landfill site is operated in their area (pers. comm.: Lombard, 6/12/99).

From the discussion above, it is evident that there has been citizen development and skill provision through capacity building in the North Zone SEC public participation process, and this has led to increased stakeholder participation in and ownership of the process. The question however remains of whether this was an 'equal opportunity citizen development' due to the technical nature of the information presented at times, and the fact that the SEC role was advisory only. This is examined in the section that follows.

There were some unintended outcomes from the capacity building process, on the part of the developer, which led to citizen social mobilisation and development which the developer and consultants had not anticipated.

5.4.5 Information and Action

From the above comments it can be observed that the empowerment outcome measure of: 'exposure to information that changes perceptions, promotes awareness of what is permissible or fair, avoids misinformation, and enables the collection, interpretation and use of information for action' (Barr, 1995: 131; Schuftan, 1996: 262) is partly satisfied. This type of information in terms of empowerment, is information that leads to action. However there are still some problems with the level of information being shared, and its translation into Zulu - and this links to the discussion above about whether equal opportunity for citizen development and mobilisation exists in the North Zone SEC public participation process.

As it is there were problems in explaining technical terms using English: 'Some of the terms probably are not understandable because they involve technical issues. Some terms you are not able to simplify. I find it difficult enough to train communities who have a decent formal education at university level on technical issues. I feel that people want so much information so that decisions are automatically made for them' (Developer, 25/11/99); 'Not all the terms were understandable, but if you read the whole thing you understand' (IRC Official, 10/12/99); 'I think some of the information was over the heads of the rural people. But where do you aim? I think DSW and the consultants went about it in a sensitive manner' (Authority, 6/12/99); 'There has been a huge effort to consult and people are trying to respond. I feel that the workshops did not build capacity though, capacity building is a slow process. Separate meetings are needed for groups of different capacity so questions can be asked at a different pace' (NLC Official A, 1/12/99); 'The engineering terms that are being used are not familiar to us. If you are not particularly trained in that specific field, sometimes it is difficult. At least at the meetings you can follow and make fast mental calculations. We need more time and more information in order to protect our rights' (Osindisweni Development Forum, 3/12/99); 'We couldn't understand some of the terminology used. Some of the terms are not even in the dictionary. I understand only some of the words but have managed to get my own information on how landfill sites have to be run' (Amaotana Civic A, 10/12/99). These comments reveal the difficulty of translating accurately scientific and technical language to local everyday language.

There were difficulties presented with a total absence of translation at some meetings: 'There isn't interpretation at some of the meetings and this presents disadvantages. It would have been nice to have translation of all text into Zulu. Terms are very difficult and technical. I understand the dilemma of interpretation.' (NLC Councillor, 1/12/99); 'The translation has come in very late. I think (however) it is better to use English because of some of the terms that are not there in Zulu. It is an invented word in Zulu and it doesn't mean a thing to you. You have to understand the word in its own context' (Osindisweni Development Forum, 3/12/99); 'At times the information has been over the heads of a lot of the people. Translation is needed at all times' (Representative of Environmental NGO, 22/11/99); 'Most of the reports are in English and I have complained about this. There is no translation at the meetings. The problem is that you do not understand English and when you go to the meetings you start discussing things in the reports. The Zulu translation is also very poor' (Amaotana Civic A, 10/12/99); 'There should have been a full translation service due to technical terms. You need a qualified person to do this' (Facilitator, 14/12/99).

There were further problems with technical terms when they had to be translated into another language: 'There were problems with interpretation in terms of what was said in English, how it was translated, and then how the answer given in Zulu was translated into English. A lot was lost with this, and the meanings were not clear. The problem was one of two-way communication'

(Consultant, 22/11/99); 'Something is always lost in translation, however I feel that an easy-to-read version or translation is needed of technical documents. There should be meetings around the reports to explain them, lasting say two hours per report, and to give people an opportunity to respond verbally or in writing' (NLC Official A, 1/12/99); 'It seems like the translator was not performing satisfactorily. Some issues in the minutes were incorrect, probably from incorrect translation. We were misquoted as being in agreement with certain issues that we are not. The information I have learned is difficult to convey back to the community' (IRC Councillor, 7/12/99); 'English is a problem because it is not our language. We try to make sure there is translation but this is not always so. We do understand some of the terminology as we can figure out what some words mean in Zulu' (Amaotana Civic B, 10/12/99).

A consultant explained what form of translation had been available for the meetings, workshops and site visits, and suggested possible improvements:

> The early workshops for the Ilembe Councillors (February, March 1998) were fully translated or in parts conducted in isiZulu alone. At most SEC meetings there was a person available to translate if needed. The SEC decided that to translate everything for everyone would be too time consuming. Thus it was done with the translator sitting next to people needing it and translating as the meeting progressed. It remains a concern that translation of the technical jargon may give the wrong impression because of the literal translation of some terms. This may be avoided by drawing up a glossary of terms in isiZulu and teaching accurate isiZulu terminology for the commonly used technical terms. The isiZulu speaking community members did not always speak out easily and it was a concern that their voices were not being heard' (pers. comm.: Lombard, 6/12/99).

In summary, although stakeholders of the North Zone SEC were exposed to information that changed perceptions, promoted awareness of what is permissible or fair, avoided misinformation, and enabled the collection, interpretation and use of information for a degree of action - distinct problems were encountered with a lack of adequate translation of the technical information into terms that could be understood by the local people.

At this point, the importance of the link between trust and information supplied in the North Zone public participation process should be discussed, as it is crucial to achieving genuine empowerment through adequate capacity building. The importance of trust between parties is evidenced these views: 'We can never feel that we have covered everything. You trust other people to cover the bases (in terms of translation) but you can't take it for granted. You have to double check. With the community the process must be very transparent' (Facilitator, 14/12/99); 'I feel that the sessions have provided us more or less with enough information. We kind of get information, unless they are hiding something from us?'(Amaotana Civic B, 10/12/99); 'There has been a lot of confusion over "Fatal Flaws" - situations have changed from "fatal" to "can be engineered around" to suit the opinions of the experts. This leaves doubt as to whether the information is adequate and clear enough for even the professionals to make correct decisions' (Conservancy Representative, 8/12/99).

The importance of trust was also acknowledged by a consultant:

> It is important that the capacity building process also builds trust. It appeared as if this was progressing positively until one committee member, who did not represent any grouping to begin with but only his own interests in gaining recycling business opportunities, chose to operate outside the Terms of Reference of the SEC. He called into question the impartiality of the Facilitator and the project team, and attempted to alienate local Ilembe Councillors and members of the local community around the Buffelsdraai site (pers. comm.: Lombard, 6/12/99).

This represents a hijacking of the public participation process for a hidden agenda, which is destructive and stresses the need for transparency and trust. Trust is thus crucial to achieving genuine empowerment through information supplied via adequate capacity building.

In summary, although it is evident that stakeholders in the North Zone SEC public participation process were empowered to a certain degree through exposure to information that changed perceptions, promoted awareness of what is permissible or fair, and enabled the collection, interpretation and use of information for a degree of action; this was hampered by the lack of trust between the community stakeholders and the developer/technical consultants.

5.4.6 Acceptance of a Shared Conceptual Framework

A measure of capacity building and empowerment is the acceptance of a shared conceptual framework (Barr, 1995; Schuftan, 1996) for problem solving and evaluation of professionals performance by users. This outcome is examined in this section in two parts.

Firstly, it is suggested that the creation and use of a shared conceptual framework for problem solving was attempted through the formation of a Committee (SEC) which would set up a Terms of Reference for the North Zone (see Appendix 3). However ultimately, as not all groupings were present during its formation and acceptance, not only did they have problems in accepting ownership of the Terms of Reference, but they also did not share the conceptual framework, and thus chose to work outside the Committee.

The Terms of Reference set in place a set of procedures for equitable public participation which would be equally adopted by the developer, authorities and the broader public. The Guiding Principles for the North Zone SEC Terms of Reference were based on a document titled: 'Guidelines for Procedural Equity in a Participatory Process' (after Cock 1995 in Scott and Oelofse, 1999), which was included as an annexure to the Terms of Reference (see Appendix 3). The principles that ensure procedural equity in any public participation process have already been presented in Section 3.4 of this study. It is thus posited that these equity principles formed part of the conceptual framework underpinning the Terms of Reference, and by extension the public participation process undergone by the North

Zone SEC. (Procedural equity in the capacity building and associated public participation process of the North Zone SEC will be analysed in detail in Chapter 6.)

The second part of this outcome is the evaluation of professionals' performance by users, again through a shared conceptual framework. It is suggested that this is taking place on an ongoing basis and is explicit in the information already presented. It is evidenced in the open debate during North Zone SEC meetings amongst the SEC members, and the responses of these members indicate that formally through this study, most SEC members are critical of the process in some way or another. Rather, however, than being a conceptual framework for evaluation of professionals, this is political in nature.

Formally, there is also provision for peer review by the authorities and I&APs review at the EIA stage of the process whereby a period of time is given to the public to comment on the assessment process after which all feedback is included in the Permit Application to DWAF. Here the authorities consider all comments and impacts before permitting a site, and if necessary reapproach the developer for clarification of certain points as is necessary (*Minutes of the Workshop for the Northern Zone Landfill Committee*, July 10, 1999). This is an environmental management conceptual framework.

It is interesting to note that a request was made by I&APs for independent reviews of the studies undertaken as far back as the Inaugural Meeting of North Zone SEC (*Minutes of the Northern Zone Inaugural Site Evaluation Committee Meeting*, October 3, 1998). The issue was not raised again until the Workshop on the EIA and *Minimum Requirements* where it was reiterated that all reports had to be accessible to the public for review in terms of Section 4.1 of the *Minimum Requirements* (DWAF, 1998) (*Minutes of the Workshop of EIA and Minimum Requirements for Landfill Sites*, August 21, 1999).

In summary, it is suggested there was an attempt at the adoption of a shared conceptual framework through the construction of a committee with a Terms of Reference, and that the entire process to select and establish landfill sites includes evaluation of professionals' performance by the potential users of the facility. However, it was not entirely successful as certain vital stakeholder groups were inadvertently excluded from the initial process. Further, it is posited that the adoption of a shared conceptual framework proved problematic due to the often incompatible types of knowledge offered by different stakeholders, which ranged from scientific or technical knowledge to that which is local.

5.4.7 Equity and Material Gains

The final outcome measure of empowerment deals with the subject of equity as the central principle of policy process, with material gains for disadvantaged groups (including income and opportunities, support systems, negotiating skills, confidence, and literacy) (Barr, 1995; Schuftan, 1996).

As discussed in Chapter 3, three forms of equity were proposed as a conceptual framework by the authors of the Social Probe for the DMA process, including the Probe for the North Zone (Scott and Oelofse, 1999: Appendix 3). These are:

- distributional equity in terms of fairness regarding the spatial location and distribution of impacts and benefits of the landfill sites;
- procedural equity in terms of identifying and including relevant communities in adequate participation in the landfill site selection process; and
- intergenerational equity in terms of the landfill sites developed having detrimental effects on future generations to the benefit of present generations (*ibid*).

While equity was thus proposed as the conceptual framework for the Social Probe, it was not however cited explicitly by the developer or any of the other specialists as a central policy principle for the DMA landfill site selection and public participation process.

The concept of equity was thus introduced into the public participation and capacity building process specifically for the North Zone via the Social Probe, which formed the basis for the social ranking system used by the North Zone SEC to rank the proposed windows, and ensure social justice is achieved where fairness and equality are evident in decision-making regarding the development taking place (see Section 3.4, and Oelofse, 9/2/2000). In addition, the principles of procedural equity, as defined above, explicitly formed part of the Guiding Principles for the North Zone SEC Terms of Reference (see Appendix 3). It can thus be said that equity, was an explicit principal of and evident in the policy process for public participation, specifically in the North Zone SEC.

Even though it is a principle and framework of the Social Probe, the SIA and the public participation process of the North Zone SEC, equity will however only be measurable at the end of the landfill site selection process once the final decision is made and the Environmental Management Plan put in place.

In terms of material gains which would refer specifically to distributional equity of benefits to be gained from the development of landfill sites in the area, these are still to be negotiated by the developer and the affected community and include compensation and income opportunities.

These are some of the divergent views on the subject of potential material benefits of the process: 'People always talk about the creation of jobs when they want to get permission to do something that is harmful or unpleasant. They justify it with job creation' (NLC Councillor, 1/12/99); 'If a landfill has to be done, it should create a reasonable amount of jobs. There should also be some sort of agreement that if the landfill is in our area, what percentage will we benefit from it. What is going to help the community develop?' (Osindisweni Development Forum, 3/12/99); 'We would ask how the community will benefit in the development of a landfill site, would there be any way through which the community could be met half-way in a trade-off like scenario? We are impoverished, lacking basic community services. If there is a way in which the development needs of the community can be met, I think that could lead to a point where the community changes it stance from one of opposition to the Buffelsdraai site' (IRC Councillor, 7/12/99); 'On the day that people came to donate clothes at one of the venues where the Committee meetings were being held, many people came to the meeting' (Amaotana Civic A: 10/12/99); 'Landfills create jobs for some people' (Amaotana Civic B, 10/12/99).

These various responses indicate the expectation of material benefits primarily in the form of jobs, infrastructure and services.

In terms of specifically gaining negotiating skills through the SEC process, an interviewee had this to say:

> As well as learning much about landfills, I have learnt from DSW about negotiation. Their Facilitator is very intelligent. You have to watch carefully for him. There is openness at the meetings in a way and there is no impression that you are being suppressed, everyone is free to ask questions. However, time always seems to be short in terms of their management of the process. The Facilitator rushes us. I would have liked time for more discussion, and would have also used that time to negotiate and for my own research (Osindisweni Development Forum, 3/12/99).

In summary, equity has not been stated as a central principle of policy process for landfill siting in the DMA. However, it is explicit specifically in the North Zone public participation process through being part of the SEC Terms of Reference, and implicit as the basis for the Social Probe out of which criteria were drawn for the site ranking process undertaken by North Zone SEC members in terms of social criteria. It must be added that most stakeholders will be sceptical that capacity building and empowerment has taken place, until there is evidence which indicates the provision of significant material gains for disadvantaged groups.

5.5 Conclusion

From the above analysis, a number of conclusions can be drawn.

In the case of the legal framework which presents the principles of public participation as laid down by the *Minimum Requirements* (DWAF, 1998), three statements can be made. Firstly, the primary stakeholders living immediately around the proposed landfill sites, in an approximate 2km radius, were inadvertently excluded from the early planning stages of the North Zone SEC public participation and capacity building process as their democratically elected representatives in local government neglected to report back to them on and include them in the said process. Thus this principle of early inclusion of all stakeholders in the public participation process has not been satisfied.

Secondly, it is debatable whether information shared in the North Zone SEC process was sufficient in order for every stakeholder to contribute effectively to the decision-making process. Information supplied was often highly technical in nature and therefore not understood by some groups, and on the balance stakeholders were only exposed to the more positive aspects relating to currently operating landfill sites that would ultimately assist the developer in achieving their objective without ongoing opposition.

Thirdly, too few landfill site options were presented for consideration by stakeholders, with technical issues privileged over social issues in the ranking of the sites by all I&APs. This meant that the third principle stating that alternative options must be presented with a fair and just adjudication process, has not been entirely satisfied.

In terms of identifying the type of public participation (White, 1996) undertaken in the North Zone SEC process, it is suggested that the process is a mixture of nominal, instrumental and representative participation, with seeds sown for a move into attempting transformative participation within the limits of public participation principles as laid down by statutory requirements (*Minimum Requirements*, DWAF, 1998). These requirements support an advisory role only for stakeholder bodies like the North Zone SEC.

The public participation process is nominal in that the public were included to legitimise the process in terms of the said statutory requirements. It is representative as the public were invited to voice their interests in order to ensure support for the landfill siting project. The process is instrumental as through it, the developer is seeking to achieve a set objective (establish a landfill

site in the area), with the legitimation of demonstrated stakeholder participation in the process. Lastly, seeds of transformative participation are exhibited as the community are using the information gained in the North Zone SEC public participation process to fight for greater decision-making power, albeit at times from outside the procedural process as laid down by the statutory requirements (DWAF, 1998).

With reference to the seven outcome measures of empowerment and capacity building which are associated with transformative public participation (Barr, 1995; Schuftan, 1996), several observations can be recorded. Firstly, the North Zone SEC is not entirely a community controlled institution with people's rights based strategies as it is also made up of TWC members and the authorities. Being an advisory body only, it also has only limited influence over policy, but effective citizen lobbying and action to influence existing power structures is in evidence from both within and outside of the procedural North Zone SEC process.

Secondly, a degree of decentralised and democratised direct public control of local resources, affairs and services is taking place with capacity building in the North Zone SEC public participation process, to enable stakeholders' ability to know, analyse and understand the process, and so forge new realities and legitimise claims. However, the capacity building being undertaken is to satisfy statutory requirements which state clearly that the control of resources, affairs and services regarding landfill site selection and establishment still remain under the ultimate control of the developer and authorities.

Thirdly, the degree to which the training provided through capacity building in the North Zone SEC public participation process will stimulate the emergence of new leadership among stakeholders will only be evidenced in time. It is posited however, that it is likely as evidenced in the comments and observations made by the interviewees, some of whom sought to fill the gaps left on the North Zone SEC when elected leadership was absent from the meetings, site visits and workshops and did not report back information to their communities.

Fourthly, although citizen development and skill provision has been facilitated through capacity building and the North Zone SEC public participation process, leading to increased stakeholder participation in and ownership of the process; equal opportunity development is not in evidence as the information shared was often highly technical, and presented in one language only. There was evidence of citizen mobilisation and development due to the inadvertent exclusion of some

primary stakeholder groups, outside of and in opposition to the procedural process - an outcome which was not anticipated by the developer and consultants.

Fifthly, although it is evident that stakeholders in the North Zone SEC public participation process were exposed to information that changed perceptions, promoted awareness of what is permissible or fair, and enabled the collection, interpretation and use of information for a degree of action; problems were encountered with the lack of trust between the community stakeholders and the developer/technical consultants, and lack of adequate translation of technical information into terms that could be understood by people.

Sixthly, the adoption of a shared conceptual framework through the construction of a Committee and a Terms of Reference by the North Zone SEC was attempted with varying degrees of success, as certain vital stakeholder groups were inadvertently excluded from the initial process. It is also posited that the adoption of a shared conceptual framework proved problematic due to the often incompatible types of knowledge offered by different stakeholders, which ranged from scientific or technical knowledge to that which is local. It can however be stated with confidence that the overall statutory process to establish landfill sites includes evaluation of professionals's performance by a range of I&APs.

Lastly, while it was demonstrated that equity was an explicit principle of the policy process for the North Zone SEC public participation process as part of the Terms of Reference and an implicit principle in the ranking of 'windows' via social criteria, it remains to be seen whether practical out workings of the policy will be demonstrated in terms of the eventual provision of material gains for disadvantaged groups.

Thus it can be stated that although there is evidence of a limited degree of satisfaction of the outcome measures of empowerment in the North Zone SEC capacity building and public participation process, these can only be fully satisfied if the public participation process was to be genuinely transformative in nature.

It is therefore posited that in light of the limited time available for the capacity building and associated public participation process in the North Zone, as well as the limited role of the SEC in terms of the statutory requirements; it is evident that the type of participation in the North Zone is on balance instrumental (with signs of representative and seeds of transformative participation). It will be difficult to fully attain transformative public participation under these

conditions, and therefore to achieve the accompanying outcome measures of empowerment and capacity building.

In Chapter 6 which is to follow, the study analysis turns to the examination of capacity building measures used in the public participation process for the North Zone, and the extent to which capacity building made the public participation process democratic and equitable.

CHAPTER 6

MEANS OF CAPACITY BUILDING AND LEVELS OF DEMOCRACY AND EQUITY IN THE PUBLIC PARTICIPATION PROCESS FOR THE NORTH ZONE

6.1 Introduction

This chapter focuses on investigating the means by which capacity building was achieved in the North Zone process; and analysing the extent to which capacity building made the public participation process democratic and equitable, i.e. followed the principles of procedural equity. Primary data gathered during the research process has been interpreted via a range of tools and techniques used for capacity building and two conceptual frameworks, in order to answer these objectives. In each instance, the study data is presented in the form of extensive direct and paraphrased quotations from the different stakeholders, groupings or I&APs. The terms stakeholders, groupings and I&APs are used inter-changeably.

This chapter builds on the discussion in Chapter 5 which identified that the type of public participation and associated capacity building process which took place as part of the landfill site selection process in the North Zone was largely instrumentalist.

6.2 The means by which capacity building was achieved in the North Zone Process

To investigate the means by which capacity building was achieved in the public participation process, it is necessary to refer to the means suggested by the *Minimum Requirements* (DWAF, 1998) for both contacting and involving I&APs (see Section 3.9), and compare the actual methods used in the North Zone process. Where appropriate, comment will also be made on their compatibility with the outcome measures of empowerment and capacity building as discussed in Section 5.4. The different tools and techniques for public participation in environmental decision-making as discussed in Section 3.9 (Fell and Sadler, 1999; Table 3.5) will also be referred to. The section that follows will focus on a discussion of the most important techniques used in the public participation process of the North Zone. Thus both the statutory guidelines of DWAF (1998) and theoretical concepts will be employed to analyse the capacity building process.

6.2.1 Techniques used for contacting I&APs to involve them in the North Zone public participation and capacity building process

A range of different techniques were used for inviting the public to attend the open house display days and public meetings, as well as the North Zone SEC meetings, site visits and capacity building workshops - all of which were used for capacity building purposes. This is important as no single technique can be relied on to facilitate participation, and thus it is 'often appropriate to use more than one technique in order to...target different audiences' (Fell and Sadler, 1999: 39). Fell and Sadler also propose that every situation should be viewed in its context to avoid a 'cut and paste approach', and thus be customised in order to 'take into account the participation issues and characters involved' (*ibid*).

To advertise each of the five open house display days which were held for the general public in September 1997, and three in August and September 1998, six paid advertisements were placed in a selection of local and regional newspapers, namely: *The Mercury, Daily News*, and *Sunday Tribune* (pers. comm.: Lombard, 17/10/2000). Media releases were also sent to: *Ilanga, Umafrika, Highway Mail, Northglen News, Southcoast Sun and Ezamatekisi*. In total, seven articles were published in the local and regional press (*ibid*). In addition, at a later stage, advertisements were also placed in the main local publications: inviting comment on the scoping report, giving notice of the commencement of the SIA, and inviting comment on the EIA (*ibid*).

Fell and Sadler (1999) comment that articles and advertisements in local media are useful for conveying information about a proposed activity, and providing potentially cheap publicity which reaches the local audience. However, being local publications only, the circulation area will be limited, and it should also be remembered that not all audiences are literate and have access to print media due to financial constraints.

Large banners were erected outside each of the venues where the open house display days were held. A total of 50 A3-size posters were printed and erected in public places to advertise the first open house display days in 1997, and 40 to advertise the second set of open house display days in 1998 (pers. comm.: Lombard, 17/10/2000).

Fell and Sadler (1999) comment that banners and posters can be useful for conveying information to stakeholders and reaching a wide and targeted audience, but care needs to be taken in the way the information will be interpreted by stakeholders with different languages and literacy levels.

A total of 1000 newsletters with reply forms in English and Zulu, advertising the public participation process for landfill site selection in the DMA and inviting comment and participation, were posted out in May 1998. Of this total, 89 replies were received by the developer and consultants (pers. comm.: Lombard, 17/10/2000). It should be noted that as the newsletters provided information about the process, they were also building capacity among the public to participate in the landfill site selection process.

With newsletters, Fell and Sadler (1999) comment that care needs to be taken in their distribution and to accommodate different languages and literacy levels, but they can be used to address the changing needs of a project and it's audience.

In addition to the newsletters, 410 mailshots and 468 comment forms printed in English and Zulu were either posted out or distributed at the open house display days in 1998, and at the SEC meetings which followed (pers. comm.: Lombard, 17/10/2000). In reply to these mailshots and forms which invited stakeholders to participate in the process, only 20 replies were received to the mailshot and 54 completed comment forms (*ibid*). Specifically, for the North Zone public participation process, while a total of 468 people were informed of the public participation process for the North and the SEC via newsletters, mailshots, and telephone calls, only 58 persons became actively involved in the process (*ibid*).

The posted and hand distributed mailshots and comment forms were not only used to contact I&APs, but also as a means for involving them in the public participation process and soliciting comment and opinion from them. While they were useful for identifying existing knowledge, issues and concerns, as can be seen from the low return figures, the warning issued by Fell and Sadler (1999) needs to be heeded that response rates are usually poor in terms of total numbers of forms sent out.

Regarding outcome measures of empowerment and capacity building (Barr, 1995; Schuftan, 1996), it is posited that the newsletters with their comment form and the return mailshot inviting comment and future participation in the process, promoted a degree of direct public control of local affairs. This enabled citizens to legitimise claims that they had on the proposed development and project.

Numerous telephone calls, the number of which were not recorded, were made by the consultants on an ongoing basis throughout the process. These were made to contact special interest groups known to the developer, and suggested by other I&APs already involved in the process, in order to invite their involvement in the public participation process.

Fell and Sadler (1999) comment that telephone calls, while providing an easy means for people to ask questions and provide comments, are not as good as face-to-face discussions, and thus should only be used as a means of encouraging people to attend capacity building sessions.

In summary, in order to invite the public to participate in the landfill site selection process for the DMA, a 'suite' of different techniques were used by the developer and consultants. These techniques are in line with the means of contact suggested by DWAF (1998), and attempts were made to ensure different languages were accommodated with the advertisements, posters, newsletters and mailshots printed in English and Zulu. It is posited, however, that as these media were still largely written in technical jargon, they were not easily understood by I&APs with poor literacy and low education levels. The overall response rate to the mailshots in particular was low when compared to the total number of articles distributed.

6.2.2 Open House Display Days for capacity building

For the DMA public participation process which was started in December 1996, leading to the formation of the SECs in October 1998, public participation was sought by inviting I&APs to staffed open house display days and public meetings. There were five open house display days held in September and October 1997 in the DMA, one each in Umhlanga (north), Verulam (north), Cato Ridge (west), Durban Central Business District (central), and Amanzimtoti (south)

(pers. comm.: Lombard, 6/12/99). There were three held in August and September 1998, two inside of the DMA at Verulam and Cato Ridge, and one south of the area in Illovo Village (*ibid*).

The open house display days were used for capacity building purposes, to provide locations in different areas which stakeholders could visit to learn about the proposed landfill site selection process for the DMA. They were also used as a means of providing instant feedback, enabling the developer to gauge public reaction to the project immediately (Fell and Sadler, 1999).

The public received printed information before, during and after the open house display days in the form of newsletters, mailshots, and a specially prepared general information colour cartoon-illustrated booklet titled *20 Questions about waste in the DMA* (DSW, 1997; see Appendix 5) (*Minutes of the Metro Landfill Steering Committee*, September 17 and November 14, 1997).

At the open house display days the public were also exposed to different information media. These included: maps, 3-D models of landfill sites, technical drawings, posters and graphs; all of which were used to convey information to stakeholders, and in so doing build capacity among I&APs attending the events. Translators were available at the open house display days to translate English media into Zulu, and Zulu responses from I&APs into English.

According to Fell and Sadler (1999), the advantage of open house display days which are staffed, is that they can be viewed at a convenient time and at leisure by stakeholders who can ask specific questions of those staffing the displays, in their own language. The graphics, information media and display items also assisted I&APs to visualise the proposals.

Fell and Sadler (*ibid*) add that a disadvantage of the open house display days is that they require 'manning' (sic) and therefore a major commitment for the developer of staff time and money. Specifically, the costs of the open house display days have contributed to the overall cost of the public participation exercise for landfill siting and development in the DMA, which is stated by the developer to have reached R 1.2 million by December 1999 (25/11/99). The view of whether this cost is worthwhile was debated at length in Section 5.3.3, with some of the stakeholders of the North Zone process interviewed commenting that the money could have been better spent

in providing much needed infrastructure for marginalised communities in Durban. The developer commented that: 'The money spent is worthwhile if you obtain landfill sites...(but) If at the end of the process we don't have a landfill site, it is a huge disaster' (25/11/99).

In terms of employing information media such as posters, pamphlets, booklets, models, maps, drawings and graphs to convey information and build capacity among stakeholders, Fell and Sadler (1999) comment on the advantages and disadvantages. While these media can reach a wide and targeted audience and provide ongoing feedback if the format is flexible, care needs to be taken in the way the information will be interpreted by stakeholders with different language competencies and literacy levels.

Regarding outcome measures of empowerment and capacity building (Barr, 1995 and Schuftan, 1996), firstly, it is posited that the exposure of I&APs at the open house display days to different information media sought to change perceptions and promote awareness. This activity was also aimed at motivating citizens to use the information for action via direct input into the public participation process, in order to lodge issues and concerns relating to the 'windows' being presented for consideration. Secondly, it is suggested that the translation of some media into Zulu and the translation service provided at the open house display days, assisted with ensuring a degree of equity in the policy process. In other words, stakeholders who were unable to speak or understand English were able to gain some knowledge of the proposed landfill site selection and evaluation process. However, distinct problems were encountered with a lack of adequate translation of the technical information into terms that could be understood by the local people, in their own specific language.

In summary, the open house display days, were useful for not only providing a venue where the public could give instant feedback to the developers on the landfill site proposals, but also for supplying a location for capacity building where stakeholders could learn about the landfill site selection process. In addition, the open days featured a range of information media prepared for I&APs, all of which are recommended by DWAF (1998) as suitable mechanisms for both involving and building capacity among stakeholders in a landfill site selection and public participation process. The information presented however, was largely still technical in nature.

It is posited that as many of the local people attending the open days had limited education in technical matters around landfills and waste, they were unable to adequately access or understand the information presented.

6.2.3 Public meetings as a means for capacity building

Public meetings were held on the same day after each of the open house display days in 1998. These were called in order to clarify issues and concerns among I&APs around the landfill site selection process for the DMA, and discuss dates for the Inaugural meetings (also public meetings) to set up SECs in the various zones.

The Inaugural meeting for the North Zone public participation process was held on October 3, 1998 in Verulam and attended by 32 people (see Appendix 4). At this meeting a Committee was formed for the public participation and capacity building process in the North Zone, known as a Site Evaluation Committee (SEC). Further, a data base was established to record and stabilise membership, and ensure continuity of representation at each meeting (*Minutes of the Northern Zone Inaugural Site Evaluation Committee*, October 3, 1998). Thereafter, the process remained open to new groups of stakeholders, by written application only in terms of the formal Terms of Reference which was compiled by the SEC, and adopted by those members present (*Minutes of the Fourth Landfill Committee Meeting for the Northern Zone*, February 13, 1999).

The Inaugural meeting of the North Zone SEC was also used for capacity building purposes. Consultants explained the identification process for the landfill 'windows'; outlined the public participation process required by the *Minimum Requirements* (DWAF, 1998); presented an evaluation matrix which was to be used to evaluate the sites; and proposed an outline for the drafting of the SEC's Terms of Reference (*Minutes of the Fourth Landfill Committee Meeting for the Northern Zone*, February 13, 1999).

Another set of meetings which falls under this section are the public meetings held in order to promote liaison with specific community structures. The importance of these is stressed by the guideline recommendations (DWAF, 1998) which underline the need to adopt appropriate

traditional methods of community participation. These may include the appointment of local organisations to hold community meetings, workshops and interviews, as well as the identification of key players who can assist with community liaison.

From the beginning of the public participation process for landfill siting in the DMA, the developer and consultants decided to invite the democratically elected local leaders (Councillors) to represent the community on the SEC. This was to ensure representative democracy (Geldenhuys, 1996). This however proved problematic in the North Zone when it was established that generally the Councillors from the Ilembe Regional Council were not attending meetings, or feeding back information to communities in their areas adjacent to the proposed sites (IRC Official, 10/12/99).

This break in communication led to objections being raised by the Osindisweni and Cottonlands Communities and IRC Councillors not involved in the process, about input and agreements already reached in the North Zone SEC process. In order to address their concerns, 'additional community meetings were held with the Osindisweni Development Forum and the Ilembe Councillors (September, November 1999) in order to resolve any issues around the investigations on the potential sites' (pers. comm.: Lombard, 6/12/99). In this way, key players in the community were identified, in addition to the elected representatives.

In terms of outcomes of empowerment and capacity building (Barr, 1995; Schuftan, 1996), this involvement of the community and elected leadership in the North Zone public participation process is a recognition that strong, accountable and representative local leadership exists and should be included in the public participation process to select landfill sites for the DMA.

In summary, according to Fell and Sadler (1999), public meetings can be used for the exchange of information and views. Their advantage is that the developer can meet in a public forum with stakeholders, the stakeholders can converse with each other, and they demonstrate that the proponent is willing to meet with other interested parties. They have disadvantages in that they can be complex, unpredictable and intimidate those who are not used to public speaking, and they may be hijacked by vociferous, powerful and well resourced interest groups. For these latter

reasons, it was decided that SECs would be formed, which would construct specific Terms of Reference, in order to form a procedurally equitable public participation process in which all interest groups could be involved, be formally registered, and have input into the process according to instructions in the *Minimum Requirements* (DWAF, 1998).

It is posited, that the 'additional community meetings' mentioned above, held for the Osindisweni community and Ilembe Regional Councillors, in addition to their capacity building goal, could be deemed a focus group or forum (Fell and Sadler, 1999). The community meetings held in the North Zone were a means of quickly gauging a specific group's reaction to the project proposals, while also striving to understand their perspectives, values and concerns on the issue. They involved some skilled facilitation on behalf of the consultants and North Zone Facilitator, in order to get these stakeholder groups 'on board' the SEC process (pers. comm.: Lombard, 6/12/99).

To sum up, public meetings are identified by DWAF (1998) as being a useful mechanism for notifying and involving communities in any public participation process for landfill selection. Most importantly they demonstrate that the developer is willing to meet with different stakeholder groups to discuss issues specific to the group or area. Public meetings need skilled facilitation as the can be hijacked by vociferous individuals or groups, and it was for this reason that the North Zone SEC was formed with a specific Terms of Reference. The SECs strive for a procedurally equitable public participation process where everyone can gain access to and input in the process on an equal basis.

6.2.4 North Zone SEC Meetings and the institution of a Terms of Reference for capacity building

The formation of the North Zone SEC, and the compilation of it's Terms of Reference by the members as laid down by the guideline recommendations (DWAF, 1998) were specific mechanisms for involving I&APs in the landfill site selection process. They also aimed to strengthen the level of participation in and commitment of I&APs to the public participation process. Further, they were significant attempts at capacity building in themselves.

It is posited that the North Zone SEC is a community advisory or liaison group (Fell and Sadler, 1999). The advisory group is where I&APs representing particular interests and areas of expertise, meet to discuss issues. The North Zone SEC has considered issues in detail, highlighting the decision-making process and the complexities involved in the public participation process. It was noticeable that not all interest groups were represented which has created problems. The SEC requires extended commitment from all participants in order to be successful.

It is suggested that the North Zone SEC was also involved in visioning in the initial meetings, in order to draw up the Terms of Reference (October 1998 - February 1999) as described by Fell and Sadler (1999). This is used early in the public participation process to develop a joint shared vision of the future and it can develop a common view of future needs. A disadvantage for a developer which takes an instrumentalist approach, is that they sometimes have a lack of control over the outcome of this exercise.

In summary, the North Zone SEC was a mechanism used to strengthen the involvement and commitment of stakeholders to participating in the landfill site selection process. It was fairly successful at forming a stable representative body, in terms of the DWAF (1998) regulations, not only transferring information back to the community from the process, but also as a committee through whom the developer and consultants could communicate. The North Zone SEC and its Terms of Reference were not wholly successful, however, as some groups of primary stakeholders either remained out of the process or only became involved at a later stage. This meant that they constantly rejected the decisions taken by this body and so delayed the process.

6.2.5 Capacity Building Workshops and Landfill Site Visits as means for capacity building

The capacity building workshops and landfill site visits were explicit means of capacity building in the North Zone public participation process.

After the initial meetings of the North Zone SEC to form a Terms of Reference, it was decided that future meetings would take the form of capacity building workshops at which topics would be discussed and illuminated, as requested by SEC members (pers. comm.: Lombard, 6/12/99).

Site visits (to both existing landfill sites and proposed windows) were also undertaken for capacity building purposes on November 14, 1998, June 26, 1999, and November 3, 1999 (*ibid*; *Minutes of a Meeting of the North Site Evaluation Committee*, December 11, 1999). At the workshops: lectures, overhead projector slides, pamphlets, booklets, newsletters, posters, maps, 3-D models, graphs, reports, minutes and videos were used for capacity building purposes (*ibid*). Many of these media were also lodged in local libraries for reference by the public.

Topics covered at the workshops and in various reports published by consultants included:

- Window Identification and Selection.
- The Public Participation Process Required.
- Site Evaluation and Window Ranking.
- Matters of Procedure.
- Drafting the Terms of Reference.
- The Facilitation Process.
- TWC Report-backs.
- Landfill Siting Procedure and Management Principles.
- The Legislative Framework.
- IDPs for Local Councils.
- The Social Probe.
- The Social Suitability of Candidate Sites.
- Evaluations of Buffelsdraai and Summerpride Sites.
- The Site Investigation Agreement.
- EIA and Minimum Requirements.
- Report back on Technical Site Investigations (pers. comm.: Lombard, 6/12/99).

Fell and Sadler (1999) state that workshops are used to provide background information as well as discuss issues in detail and solve problems. While they provide an open exchange of ideas, and can deal with complex issues and consider them in-depth with the targeting of a specific audience, only a relatively small number of individuals can participate and therefore the full range of interests of all possible stakeholders is not presented. Problems were experienced in the North Zone SEC public participation process with primary stakeholders living within a 2km radius of the proposed landfill sites being inadvertently excluded from the process. This was due to political representatives neglecting to attend workshops and report back to them. Therefore their interests were not adequately represented at the workshops until much later in the process (September 1999 - see Table 5.1 and Appendix 4).

In terms of site visits, Fell and Sadler (1999) comment that they provide first hand experience of an activity or related issues, with these brought to life through real examples. A disadvantage is

that it is difficult to identify a site which replicates all the current issues. This was evident in the North Zone SEC public participation process with the visits organised to the existing Mariannhill and La Mercy landfill sites. These are only a fraction of the size that the proposed sites will be. Stakeholders found it difficult to compare sites, and were suspicious of the motives of the developer (see Section 5.2.3.).

In summary, the workshops and site visits were explicit means of capacity building in the public participation process for the North Zone, as suggested by DWAF (1998) for landfill site selection. Although they provided an open exchange of ideas and information for some groups, and in terms of the site visits first hand experience of operational landfill sites, several groups of primary stakeholders living adjacent to the proposed sites were inadvertently excluded from the process. This meant that their interests and requests for knowledge were not adequately catered for, until much later in the process.

6.2.6 Implicit means of capacity building in the North Zone public participation process

The Social Ranking Process undertaken by the North Zone SEC and the Social Impact Assessment (SIA) which is a specialist study performed as part of the EIA, provided further opportunities for capacity building, although not explicitly designed for that purpose.

The Social Ranking process, was a mechanism used by DSW and the consultants to involve SEC members in the public participation process. The social ranking of the proposed windows for the North Zone, allowed for participative action in the process. While the TWC ranked the sites using technical criteria (e.g. soil type, potential size of site), the North Zone SEC members were called on to rank the proposed 'windows' using social criteria (e.g. relative proximity to settlements, odour, etc.).

Specifically, it is suggested that the site ranking process, was flawed with not all North Zone SEC members agreeing with the results (discussed in Chapters 2 and 5). In terms of outcome measures of empowerment and capacity building (Barr, 1995; Schuftan, 1996), this process:

- provided a platform for the SEC as a community controlled institution to debate their

divergent views on the Buffelsdraai and Summerpride sites;

- gave some citizen control over local resources with its access to information on the sites provided by the capacity building process which enabled SEC members to legitimise their claims;
- offered development for local leadership in giving SEC members exposure to the technical as well as social aspects of site ranking;
- enabled a degree of social mobilisation and skill provision by promoting participation in the public participation process (via ranking);
- exposed citizens to information which they could act on via the social ranking process;
- provided a conceptual framework (although contested and not wholly accepted) for the evaluation of the sites; and
- provided an opportunity for equity in all groups in the SEC having an equal say over the social ranking, with materials gains in the form of analytical and negotiating skills learned in the process.

It is posited that the ranking process was a form of citizen jury as described by Fell and Sadler (1999). This is where stakeholders are brought together to consider an issue with evidence received from experts. Eventually a report is produced which sets out the views of the jury. It is advantageous in public participation for environmental decision-making (albeit here in an advisory capacity only), in that stakeholders can consider issues in detail and over a relatively short period of time. It has disadvantages in that not all interests may be represented, and there is limited time available for participants to fully consider the information received.

The SIA, which also provided a further opportunity for capacity building was undertaken in March and April 2000, as a specialist study forming part of the EIA. This involved the techniques of: postal questionnaires, personal interviews, focus groups, and a series of stakeholder workshops held to contact I&APs and solicit comment from primary and secondary stakeholders in the North Zone. The SIA also sought to identify specific interests and concerns about the developing of optimal solid waste landfill sites (Oelofse, 9/2/2000).

Most importantly, the SIA is viewed as accommodating 'the invisible stakeholders around the candidate sites' (pers. comm.: Lombard, 6/12/99) who have not been represented adequately at the SEC meetings, and are predominantly female-headed households in the tribal authority areas adjacent to the site. It is envisaged that 'their degree of awareness of the process will also

indicate how effective the capacity building has been to enable community representatives to get the messages out, and what additional capacity building needs there might be' (*ibid*).

The SIA, in terms of outcome measures of empowerment and capacity building (Barr, 1995; Schuftan, 1996) firstly, could assist with identifying and training local leadership among the unrepresented stakeholders. Secondly, it is proposed that it will promote increased levels of participation in the SEC process. Thirdly, the SIA is to provide unrepresented stakeholder exposure to information that could be used for action by primary stakeholders, and also could possibly provide material gains for these stakeholders as disadvantaged groups via the recommendations.

Fell and Sadler (1999) comment that generally surveys, interviews and questionnaires generally are used to get information and opinions from stakeholders in a public participation process. They can identify existing knowledge and concerns, and solicit candid responses if confidential. Disadvantages are that responses may not be representative and people's opinions change.

In summary, the Social Ranking process and SIA provided opportunities for capacity building, although not explicitly designed for that purpose. Although not specifically recommended by DWAF (1998), the North Zone SEC ranked the suggested landfill sites using social criteria. While not wholly successful as few stakeholder groups participated, perhaps due to what they perceived as its inaccessible academic basis, it did give an opportunity for the SEC to give social input into what was a largely technical exercise for site ranking.

The SIA, which solicited comment from stakeholders in the North Zone on the landfill site selection process, allowed for the discovery and accommodation of the views of previously unrepresented stakeholders adjacent to the proposed sites, albeit at a late stage in the process. It is important to note that extensive and additional capacity building of stakeholders around landfill siting issues had to be undertaken by consultants, for the SIA process, in order to gain knowledge of their views.

6.2.7 Evaluation by Participants of the means used for capacity building in the North Zone public participation process

Interviewees had a range of opinions about the success or failure of the means and mechanisms used to involve I&APs in the public participation process for the North Zone, and to promote capacity building. The developer had a definite view of the value of open days in spite of their

cost in terms of staffing, time and money spent on the displays: 'The open days were a good way of talking to people one-on-one' (25/11/99).

There appeared to be mixed opinions among I&APs as to the benefits of the materials used for capacity building: 'Capacity building is critically needed if you are going to use maps. We needed more models and photographs as people didn't have a sense of distance from the maps ' (NLC Official A, 1/12/99); 'It is good to use maps and overheads because we can see and learn what is being discussed. Maps are important as they describe the areas you are talking about. However, I prefer sites visits as some people cannot read maps' (Amaotana Civic B, 10/12/99). The issue of needing to assess both functional and technical literacy of stakeholders taking part in a public participation process is prominent here.

Interviewees had a range of opinions about the success or failure of the North Zone SEC, the formation of it's Terms of Reference, the operation of the meetings, and the compilation of the minutes. Specifically problems were mentioned with the minutes of the meetings and capacity building workshops which interviewees saw as vital to the smooth running of the process: 'The paper work (minutes) formed a vital record of the process' (Representative of Environmental NGO, 22/11/99); 'Accuracy of the minutes was an issue, especially when there was dissension. They were sometimes not a true reflection' (Developer, 25/11/99); 'Many a time the meetings were not comprehensively minuted. It depends on the skill of the person doing them' (NLC Official A, 1/12/99); 'There was disagreement whether the minutes were being recorded in the correct way, but the meetings are difficult to document' (NLC Councillor, 01/12/99).

A couple of stakeholders recognised the value of the minutes and reported putting them to good use: 'Minutes explained matters discussed at the meetings and some of the things we couldn't understand about landfills'(Amaotana Civic A, 10/12/99);'The minutes of the meetings gave the lay explanations of the reports and recorded significant milestones in the process' (pers. comm.: Lombard, 6/12/99).

Overall, site visits were the most popular capacity building exercise with those interviewed, albeit for different reasons, whether they were community representatives, consultants, or officials. Some saw their value in terms of not only supplying information and practical examples, but in promoting interaction among members of the North Zone SEC: 'Site visits were very interesting, enabling interaction with more people' (Representative of an Environmental NGO, 22/11/99); 'Site visits were excellent as they enabled people to talk amongst themselves informally' (NLC Official B, 24/11/99).

This was particularly emphasised by a consultant:

> Site visits were most valuable to show the level of operation, enable the stakeholders to picture what the specialist consultants were talking about and experience first hand the environmental impacts (or lack thereof) on an actual landfill site. The socialising during the site visits also contributed significantly towards team building within the committee, allowed them to get to know the consultants as real people and chat informally about how they felt about the issues around the development (pers. comm.: Lombard, 6/12/99).

Significantly, one of the technical consultants even went so far as to link the importance of the site visits to gaining the trust of the stakeholders on the SEC: 'Most useful were site visits as they showed what was happening. People were more inclined to talk about anything on the bus trips - it created an informal atmosphere. You could make people trust you at the sites visits' (Consultant, 22/11/99).

Other stakeholders emphasised the importance of the site visits in building capacity: 'Enough time is not spent on site visits for knowledge creation' (Landowner, 3/12/99); 'My knowledge improved vastly from the site visits' (Osindisweni Development Forum; 3/12/99); 'It is the site visits which are most important. It is nice to look at what we are talking about and also see the way things are done. Sometimes illustrations were given of what options to look at' (Amaotana Civic A, 10/12/99).

One of the interviewees however saw a different role for the site visits, in terms of forcing the developer to run their landfill sites to high standards:'I felt that more workshops and site visits would be good for the ongoing improvement in landfill management, apart from improving the public's understanding' (Conservancy Representative, 8/12/99).

One of the stakeholders made a specific comment about the value of the workshops:'The workshops helped with my understanding of the process and technical terms' (Representative of Environmental NGO, 22/11/99). However, the importance of engaging competent speakers who are able to communicate with all groups of stakeholders present was underlined by the following I&AP comment: 'The workshop at the City Hall in Durban was dreadful with all the interruptions (21/8/99). The speaker on the *Minimum Requirements* was good and clear, but the presentation on EIAs was a waste of time with the issues not addressed' (NLC Official A, 1/12/99).

There were other more general comments about the meetings, presentations, and drawings used to explain technical details: 'Meetings are generally informative but disappointing regarding genuine capacity building. Some presentations might have confused people as they don't understand the terminology that was used' (NLC Official A, 1/12/99); 'The information is

generally clear. There are drawings, accompanied by site visits so that people can understand' (IRC Official, 10/12/99); 'We understood fast because at the meetings everything was explained thoroughly'(Amaotana Civic A, 10/12/99).

The difficulty of accessing technical reports was mentioned specifically by some of those interviewed. The following comments emphasise the importance of ensuring reports are freely available in the languages of choice, and at a variety of venues especially accessible to primary stakeholders and disadvantaged groups : 'The reports in the library are difficult to access. Only one copy' (NLC Official A, 1/12/99); 'Some technical reports are not in the Verulam library' (Landowner, 3/12/99); 'I am aware of the technical reports in the library but have not gone to check them yet'' (IRC Official, 10/12/99); 'I do not know about the technical reports in the library'(Amaotana Civic A, 10/12/99); 'I know the technical reports are in the library but I have not looked at these yet' (Amaotana Civic B, 10/12/99).

Finally, differing opinions were offered by stakeholders on whether the social ranking exercise was successful. Overall, it was felt that the ranking of the 'windows' by the North Zone SEC using social criteria, was based on criteria and information from what was largely considered an 'inaccurate', 'limited' and 'too general' (desk top only) Social Probe of the area (Consultant, 22/11/99; Environmentalist, 22/11/99; NLC Official, 1/12/99; Landowner, 3/12/99; Verulam Civic, 7/12/99; Conservancy Representative, 8/12/99). Quite a few significant groupings also missed the capacity building session given on the Social Probe (March 27, 1999 - see Table 5.1; Appendix 4), and thus denied all knowledge of the Social Probe document, and stated they did not agree with or understand the final social ranking, or technical ranking performed by the TWC.

Generally, the open house displays and information media, meetings, site visits and workshops were well received by the public as DSW staff and consultants were available to explain the technical information being presented in formats which I&APs often found difficult to access in terms of their differing literacy and education levels. When I&APs were left on their own to access this information housed in local public libraries, in either printed or graphic form, many did not bother due to time and/or transport constraints, and education limitations.

The study now considers the extent to which capacity building has made the public participation process for the North Zone of the DMA, democratic and equitable.

6.3 Capacity Building for a Democratic and Equitable Public Participation Process in the North Zone

6.3.1 Introduction

One of the study objectives is to analyse the extent to which capacity building made the public participation process democratic and equitable. This objective will be examined in two phases with the assistance of two conceptual frameworks created from the Literature Review.

The first framework will focus on democracy at local government level (Craythorne, 1990 in Clapper, 1996; see Table 3.2), and the second framework will concentrate on the principles of procedural equity (Cock, 1995 in Scott and Oelofse, 1999; see Table 3.1) with reference being made to the concept of sustainable development (WCED, 1987 in Pezzoli, 1997) and education for sustainability (Sterling/EDET Group, 1992 in Fien, 1996). The outcomes of the capacity building process that accompanied the public participation exercise in the North Zone of the DMA, will be interpreted in relation to these frameworks.

6.3.2 Democracy in Local Government

This section sets out to establish if the capacity building actions associated with the public participation process in the North Zone of the DMA made the process democratic in the broadest sense of the word. Democracy is generally viewed as 'the decentralisation of power to locally elected and accountable representatives' (Geldenhuys, 1996: 17).

Specifically, as the public participation process for the North Zone is located at a local government level, a conceptual framework for democracy in local government is suggested for the data analysis. Further, it is posited firstly, that the issue of democracy is central to the functioning of all levels of government in South Africa, and secondly, that as the location of landfill sites in the DMA is deemed a devolved local government responsibility (and as DSW as developer of the sites is a local government department in the Durban Metropolitan Council), democracy must be important to the landfill site selection and evaluation process.

In support of democracy, local government elections in the DMA are held regularly in terms of *The Constitution* (RSA, 1996), with the next election due in December 2000. Since the first local

government elections of 1996 under a post-apartheid central government, democracy has been deemed a central issue in that all citizens over the age of 18 and recorded on the voter's role are permitted to vote. Furthermore, this first election was accepted as 'free and fair'.

The conceptual framework presented in Table 3.2 presents the indicators of democracy in local government. Each of these elements of democracy will be discussed in turn in the section that follows, and used to analyse the extent to which capacity building made the public participation process undertaken by a local government department (DSW, the developer) in the North Zone of the DMA, democratic.

6.3.3 Democracy in the North Zone SEC Public Participation and associated Capacity Building Process

Elected Representation

The democratic principle of elected representation (Craythorne, 1990 in Clapper, 1996) was key in the North Zone SEC process for public participation. Members of the Committee either had to be elected by groups of I&APs to represent them in the process and state clearly who they were representing at the meeting, or they were permitted to take part as individuals providing their position on the SEC was clearly and transparently stated - especially if it changed during the process (see Appendix 3 for the Terms of Reference). After the formation of the Terms of Reference by the initial group of stakeholders, I&APs wishing to join the SEC had to apply in writing to do so. One individual received censure during the SEC process for breaching the group representation principle (*Minutes of a Meeting of the North Site Evaluation Committee*, October 30, 1999).

The issue of elected representation was summarised by a consultant:

> Great effort was made to reach as many representative groupings as possible. The process moved forward well under the guidance of the neutral Facilitator. The capacity building needs of the North Zone SEC were met whenever they were required. At all times it was made clear that the process was an open one and that anyone wanting to participate could engage at any time by following the agreed procedure as laid out in the Terms of Reference (pers. comm.: Lombard, 6/12/99).

Several other comments on elected representation were made by interviewees: 'People who don't represent a particular constituency have tried to dominate with their own agendas, but it is healthier to have debate and dissension going on in the meeting rather than outside of it'

(Representative of Environmental NGO, 22/11/99); 'We have a formalised committee. The process is very open, but I insist on knowing people's credentials upfront' (Facilitator, 14/12/99); 'I do not believe you should allow individuals on the committee. They are inclined to have hidden agendas and vested interests' (NLC Official B, 24/11/99); 'Representation is effective if you have the right person' (Developer, 25/11/99), 'It is necessary to get each person's involvement established to find out if there are personal agendas'(Verulam Civic, 7/12/99).

By having the opportunity of forming an SEC, with the majority of members compiling and agreeing jointly to a formal Terms of Reference, capacity was built among the I&APs of the North Zone public participation process to understand and partake in the democratic process in local government in terms of developing a landfill site. It is therefore suggested that the SEC and Terms of Reference made the public participation process more democratic.

Caring and Working for Prosperity and Development of all

The fact that capacity building measures in the public participation process for the North Zone contributed to the democratic principle of caring and working for the prosperity and development of most citizens (Craythorne, 1990 in Clapper, 1996), is evident from the previous chapter.

In summary, an attempt to develop citizens is demonstrated in the North Zone SEC which as an advisory body, manifested some influence over policy and effective citizen lobbying and action from both within and outside of the SEC. Further, the capacity building actions undertaken in the North Zone process are promoting a degree of public control over local affairs with the request for input from the public into the landfill site selection process. Citizen development and skill provision has also been facilitated through capacity building activities in the North Zone SEC, leading to increased participation in and ownership of the process by stakeholders, although this has been hampered as the information shared was often highly technical and therefore inaccessible to those I&APs with low education levels. Stakeholders were also exposed to information that promoted awareness of what is fair and permissible, and further had the potential to use this information for a degree of action. Lastly, although the principle of procedural equity was adopted by the North Zone SEC in their Terms of Reference, it however remains to be seen if material gains will be achieved for previously disadvantaged groups.

It is thus suggested that the demonstration of caring and working for prosperity and development of all in the public participation process as above, means that capacity building in the process has

led to a more democratic process. This evidence of care is supported by two statements from the interview process, albeit from local government representatives: 'We need to ensure there is a means of safe disposal. That it doesn't adversely affect the communities' health' (Developer, 25/11/99); 'While I support the site, I am also concerned about the negative impacts on the community. We can't wash our hands of this or just dump our rubbish' (NLC Councillor, 1/12/99).

Right to Appeal

The clear demonstration of the democratic principle of the right to appeal in the North Zone public participation process against decisions and actions taken by the developer and authorities (Craythorne, 1990 in Clapper, 1996) has already been discussed at length in Section 5.4. This is perhaps most clearly evidenced in this warning to the developer from one of the authorities: 'If there is a strong enough lobby from the I&APs, we won't issue a permit' (Authority, 6/12/99). Capacity building in the North Zone process meant that people were aware of their right to appeal, and this means that it made the process more democratic and devolved a degree of power to the people.

Right to Submit Requests, Complaints and Suggestions

The democratic principle of the right to submit requests, complaints and suggestions to the governing bodies (Craythorne, 1990 in Clapper, 1996) has been emphasised throughout the North Zone SEC process by the Facilitator, developer and authorities, as evidenced in the capacity building undertaken at meetings and workshops, and the notes taken of issues and concerns raised by I&APs, as recorded in the minutes of the meetings. This right was underlined at the joint workshop for capacity building on the EIA Regulations and 1998 *Minimum Requirements* (*Minutes of a Workshop on EIA and Minimum Requirements for Landfill Sites,* August 21, 1999).

Interviewee opinions, however, differ on whether the developer has responded sufficiently to the requests, complaints and suggestions put forward by the I&APs in the North Zone process. One stakeholder feels that the problem lies in the SECs being advisory only: 'The downfall is that the decision is still left to the government to make. It feels as if the community can be overruled on technical grounds' (Representative of Environmental NGO, 22/11/99). The developer, however argues that the public's suggestions have been taken into account: 'We weren't asking the public

to make the decision. The authorities are responsible for this. We took what was said into account and tried to mitigate' (25/11/99).

One interviewee commented that suggestions and requests were only selectively accommodated by the Facilitator and developer: 'There was an attempt to present recycling as an option but this never happened. A transfer station was also an issue bought up but not debated. I feel the facilitation doesn't permit you to raise some of the issues' (NLC Official A, 1/12/99).

Others however were of the opinion that stakeholder issues were addressed in the North Zone process: 'We asked the authorities to stop with the works until we had visited the landfill site, and they did just that' (Osindisweni Development Forum, 3/12/99); 'In order to address the concerns of the Osindisweni community, additional community meetings were held with the Osindisweni Development Forum and Ilembe Councillors' (pers. comm.: Lombard, 6/12/99).

One interviewee in particular posited that this was done by the developer purely to statutory requirements: 'I think that the authorities and developer are trying to take into consideration the requests and opinions of the public. They definitely want to be able to say in the end that the public had ample opportunity to be informed and inform' (Conservancy Representative, 8/12/99).

Thus on the balance it can be concluded that this principle of democracy was supported through capacity building in the public participation process for the North Zone, albeit at times selectively by the consultants and developer, as perceived by some of the stakeholders.

Right to Employment

The right to expect some form of employment (Craythorne, 1990 in Clapper, 1996) is a democratic principle which was raised in the discussions around material gains for disadvantaged groups in the previous chapter. It strongly suggests a developmental role for local government in the landfill site selection process, although this is not confined to the provision solely of the site. Employment possibilities were specifically mentioned by representatives of the Osindisweni and Cottonlands Communities as being a possible mitigating factor in persuading them to change their opposition to developing the Buffelsdraai window into a landfill site (Osindisweni Development Forum, 3/12/99; IRC Councillor, 7/12/99). It is however debatable as to whether these communities learnt about this principle through capacity building in the North Zone public participation process, as they joined the SEC at such a late stage (30/9/99). Rather, it is posited

that these communities were conscious of this option before joining the process, and it was raised because of the dire need for employment in the area. Whether material gains such as employment will emerge for these communities through the public participation process remains to be seen.

Public Welfare over Group Interests

The promotion of general public welfare over special group interests (Craythorne, 1990 in Clapper, 1996) as a democratic principle was reiterated many times at the SEC meetings and capacity building workshops, but also specifically by a DAEA representative at the joint workshop on the EIA Regulations and 1998 *Minimum Requirements* (*Minutes of a Workshop on EIA and Minimum Requirements for Landfill Sites,* August 21, 1999). The representative intimated that some unpopular decisions would have to be made by their department, but all would be for the common good (*ibid*).

Awareness and Acceptance of Right to Appeal

The democratic principle of awareness and acceptance of right to appeal by the public, with consideration and arbitration in terms of common well-being and available resources (Craythorne, 1990 in Clapper, 1996), is supported by the law as stated in the *Minimum Requirements* (DWAF, 1998) and *EIA Regulations* (DEAT, 1998). This was also reiterated at several SEC meetings and capacity building workshops, most notably at the joint workshop on the EIA Regulations and 1998 *Minimum Requirements* (*Minutes of a Workshop on EIA and Minimum Requirements for Landfill Sites,* August 21, 1999).

Informed and Objective Criticism

Criticism which is informed and objective (Craythorne, 1990 in Clapper, 1996), another democratic principle, was also welcomed for the SEC process. A DAEA representative stated during the capacity building process that any opposition to the sites must be accompanied by substantive reasons (*Minutes of a Meeting of the North Site Evaluation Committee,* December 11, 1999).

The objective of this section was to analyse the extent to which capacity building made the North Zone public participation process democratic. This was accomplished by comparing the study data to a conceptual framework constructed of principles of democratic local government (Craythorne, 1990 in Clapper, 1996).

On the evidence of each democratic principle presented above, it is proposed that capacity building made the North Zone public participation process democratic, albeit within the confines of the statutory boundaries laid down by DWAF (1998) .

The next section sets out to examine if the capacity building in the public participation process for the North Zone of the DMA made it procedurally equitable.

6.3.4 Procedural Equity in the North Zone Public Participation Process

This section sets out to establish if the capacity building actions associated with the public participation process in the North Zone of the DMA made the process equitable. Equity is defined as the reasonable, fair and impartial sharing of either the burdens or benefits resulting from the use of society's resources (DEAT, 1996).

The conceptual framework used to interpret the data, will concentrate specifically on the principles of procedural equity (after Cock, 1995 in Scott and Oelofse, 1999), with discussion on their link to and compatibility with the concepts of sustainable development (WCED, 1987 in Pezzoli, 1997), and thus by association also to education for sustainability (Sterling/EDET Group, 1992 in Fien, 1996). Briefly, the principles of procedural equity (Cock, 1995 in Scott and Oelofse, 1999) are: the right of everyone to participation in the decision-making process; respect for social differentiation and diversity; the accountability of all to constituencies for decisions and feedback; education and information sharing; capacity building informing decision-making; the recognition of the validity and the integration of indigenous and scientific knowledge; the presence of a facilitator, neutral venue and translators; consensus building around process outcomes, free and open access to information in all languages; and the active engagement of all participants.

It worth noting from the outset of the examination to establish if the capacity building actions associated with the North Zone made the public participation process procedurally equitable, that the principles of procedural equity were used, and included as part of the 'Guiding Principles' for the Terms of Reference of the North Zone SEC (see Appendix 3).

Equity and the Constitutional Right to Participate

The first principle of procedural equity is that all individuals have a constitutional right to participate in decision-making (Cock, 1995 in Scott and Oelofse, 1999). This was a moot point

throughout the North Zone SEC public participation process. Firstly, in terms of the role of the Committee prescribed by law (DWAF, 1998), and the way this role was interpreted by the developer and consultants. Secondly, with reference to the degree to which I&APs were in fact able to participate in the actual decision-making process after capacity building, in terms of evaluating (ranking) the windows for further investigation and development. The extent to which the I&APs are involved in decision-making is best summed up in this statement from a consultant responsible for the public participation process:

> Decision making is a multilevel process with each grouping making inputs from a local level through to a metro and even regional level. The interests of the primary stakeholders who are most affected by the potential development have to be weighed up against the interests of the broader society. The multilevel process informs the Metro Council as to the most desirable site both from a social and technical/financial perspective. A political element influences this decision and this is exercised by the Councillors both at a local and metro level who can either endorse or veto a site before it is even submitted to the national and provincial authorities for the permission required. The ultimate decision is made by the permitting authorities - DAEA, DWAF and the Department of Local Government and Housing, once the reports and applications have been submitted during the multistage process (pers. comm.: Lombard, 6/12/99).

The constitutional right to participate in decision-making (Cock, 1995 in Scott and Oelofse, 1999), also suggests that the capacity building and public participation approach used needs to be bottom-up and not technocratic (Coetzee, 1996), which is in lines with principles of sustainable development. In light of the above, it is questioned whether this took place in the North Zone public participation process as although the SEC members inputted into decisions, they really were only playing an advisory role in the process. It is thus also in turn questioned whether the North Zone process could be deemed to be socially just and therefore sustainable (Coetzee, 1996). To reiterate, for a public participation process to be socially just, fairness and equality must be demonstrated in the decision-making process (*ibid*). It must be questioned, in the light of the limited decision-making powers of all SEC stakeholders, whether fairness and equity is at all possible in the North Zone public participation process. The final onus will rest on the authorities to ensure that final decisions taken are in fact socially just.

Thus it is suggested that the constitutional right of all individuals to participate in decision-making using a bottom-up and socially just approach is partially satisfied, but only to the extent that they give input and play an advisory role, but do not make any final decisions.

Equity and the link to Social Differentiation and Diversity

The second principle states that procedural equity recognises the need for social differentiation and respect for diversity (Cock, 1995 in Scott and Oelofse, 1999). While a total of 58 stakeholders (pers. comm., Lombard, 17/10/2000) became active on the North Zone SEC public participation process, only eight of these were women. In terms of this group of eight, only one was a primary stakeholder (*ibid*). The remainder of the group consisted of secondary stakeholders, with two also being consultants and part of the TWC (*ibid*). Five members of the group of eight were interviewed for the study. The Committee was generally dominated by men and secondary stakeholders, so therefore it can not be claimed that the social differentiation and diversity was achieved in the process in terms of gender or social group representation.

It is posited however, that the organisers of capacity building undertaken in the North Zone SEC public participation process attempted to ensure social differentiation and respect of diversity by: providing translation at capacity building events where possible; publishing some of the educational media in more than one language; holding additional 'catch-up' capacity building meetings for groups who came late into the process, or who were unable to understand the proceedings which were largely in English due to their technical nature; varying the meeting venues on occasion to include more members of a particular community; seeking to include socially diverse and different groups (including disadvantaged and vulnerable groups like women). This last task was only attempted with a small degree of success late in the process via the SIA (see Section 6.2.3).

A consultant comments: 'In some cases when groupings expressed the need, special capacity building meetings were held in order to bring the new groupings up to speed or to address their particular need, for example, the IRC Councillors and Osindisweni Development Forum (30/9/99, 3/11/99) and the Verulam Combined Civics (5/99)' (pers. comm.: Lombard, 6/12/99).

There were however pitfalls to the way these meetings were handled and the way this was perceived by the community at one particular meeting:

> It was as if everyone at the meeting wanted to hear what we were saying in order to challenge us as the stumbling blocks or people who want to derail the process. Every time one of us put forward an opinion or question there would be four of so people flocking and ready to answer. We felt like outsiders, marginalised. If members of the community had been present representing themselves, and not us councillors, they would have felt intimidated by this behaviour and unable to voice their views. But we have been able to withstand this kind of pressure and threat (IRC Councillor, 7/12/99).

Further, it is posited that the procedural equity principle of recognition of social differentiation and the need for diversity (Cock, 1995 in Scott and Oelofse, 1999), is supportive of sustainable development (Coetzee, 1996) which seeks to manage assets more holistically. By seeking to include a cross-section of stakeholder groups for participation in the SEC in terms of procedural equity, it is suggested that the consultants and developer are attempting to manage the assets in the area by seeking a more holistic opinion from I&APs with local as well as technical interests.

In addition, education for sustainability (Sterling/EDET Group, 1992 in Fien, 1996) is also in tandem with these principles of procedural equity and sustainable development, in that it seeks an holistic outlook on problems and solutions.

It is also suggested that the North Zone public participation process, by seeking to establish new generation/well engineered landfill sites to last at least 100 years (DSW, 1997), is endeavouring to satisfy these sustainable development and education principles of holistic solutions. It is however argued that in neglecting to consider holistic options for waste management (e.g. recycling and composting) other than landfill development upfront, commitment by the developer to these principles must be questioned (NLC Official A, 1/12/99).

In light of the above, it is suggested that although the specific capacity building measures undertaken as part of the North Zone public participation process have attempted to ensure the procedural equity principle of the need for social differentiation and respect for diversity is fulfilled, a limited number of women and some disadvantaged groups (e.g. women-headed households adjacent to the proposed sites) have only been included late in the process via the SIA, and there has been some resistance by the developer to consider I&AP suggestions of more holistic ways of managing waste other than landfill sites which are end-of-pipe solutions.

Equity and Accountability

Implementing the principle that all stakeholders should be accountable to their constituencies for decisions and feedback (Cock, 1995 in Scott and Oelofse, 1999), proved a constant problem to the smooth running of the North Zone SEC public participation process. Evidence of this can be seen in: the failure of some groupings like the Osindisweni Development Forum to be drawn into

the process both initially, and even later on; prolonged absenteeism generally among the IRC councillors as elected representatives; inconsistency of attendance in terms of representatives of several groupings namely IRC Councillors, Osindisweni Development Forum, Buffelsdraai Development Committee, Cottonlands Development Committee; and the failure of many elected representatives (notably IRC Councillors) to report back to their colleagues or community and gain a mandate for progress.

The importance of being accountable to one's constituency whether one is a politician or represents a civic body is underlined in this statement from a community member: 'We have met as a committee and discussed our findings and points of view. Now we have to call a general community meeting, and tell them exactly what we found out, where they stand, and advise what they should actually do now. It is only then that they will give us a mandate to continue, whether we will negotiate or not'(Osindisweni Development Forum, 3/12/99).

In light of the above, it is posited that this principle of accountability has not been fulfilled in terms of the role played specifically by IRC Councillors, some of whom participated in the public participation process, but neglected to report back to the community. It has however been fulfilled in respect of NLC Councillors and other Civic and most CBO groups.

Equity with Education and Information Sharing

Education and information sharing (Cock, 1995 in Scott and Oelofse, 1999) as part of the process to obtain procedural equity, has been evident throughout the public participation process for the North Zone SEC via capacity building. This principle is supported by both sustainable development (Coetzee, 1996) which mandates education in the broadest sense of the word as one of its own stated principles, and education for sustainability (Sterling/EDET Group, 1992 in Fien, 1996) whose principles affirm the validity of different education approaches. It is pertinent at this juncture to focus on the type of education undertaken specifically as part of capacity building in the public participation process in the North Zone SEC.

It is posited that the form of education offered was undertaken through a variety of means as outlined in Section 6.2 - this being a characteristic of education for sustainability (Tillbury, 1995).

Through the functioning of the SEC, and indeed even before its formation, there was evidence of education *about* the environment in terms of facts and concepts taught (facts about waste management and technical methods for handling waste); education *in* the environment in terms of experiential learning (at site visits); and education *for* the environment in terms of the attempts to involve the public in actively engaging with environmental problems using a wide range of knowledge skills and values (e.g. learn how to participate in a committee, the value of social and environmental assessments, the ranking process, etc.) (Fien, 1993).

The Facilitator expressed an opinion on the value of different types of education being undertaken:

> The site visits were excellent because they are experiential. They are less formal, on site and people pick up more. You have to take I&APs onsite visits, continually revisit the terms, problems, issues and information. This is not a straight linear process. Community experiential learning is slow but it is the best way. Once they manage to pick up the information, it will last longer as they remember it (14/12/99).

One interviewee made comment on the type of education received, and the difficulties of passing this on which is not only a mark of empowerment through capacity building, but also relates to issues around representative versus participative democracy:

> 'Through the site visits I have learnt a lot. I can now make appropriate decisions. But the information will not be enough for me to represent the community. A proportion of them will have to undergo a similar process for them to understand what I know and constitute proper representation of the community. The activities that I have gone through are difficult to convey back to the community. In that way if there are changes made down in line, I will not be blamed for agreeing to certain things on behalf of the community' (IRC Councillor, 7/12/99).

It is therefore posited that the type of education offered was, on the balance, sustainable (Sterling/EDET Group, 1992 in Fien, 1996), as it :

- Transformed some values. For example, some people changed their minds about landfill sites when they saw how well they could be managed on the site visits (NLC Official B, 24/11/99; Landowner, 3/12/99; Amaotana Civic A, 10/12/99) (see Section 5.4.5).
- Empowered individuals to participate in environmental improvement. A specific example is the Verulam Civic representative who became active against illegal dumping in the area (7/12/99) (see Section 5.4.5.).
- Spoke up for present and future generations well-being. This is evidenced in the argument by the developer that large sites were needed to ensure waste disposal was accommodated for the next 100 years (*Minutes of the Northern Zone Inaugural Site Evaluation*

Committee, October 3, 1999).

- Promoted a degree of effective public participation in decision-making. As discussed in several sections of the study, there was a great deal of public participation, but the decision-making power was limited due to statutory definition of community involvement (DWAF, 1998).
- Recognised education as a process. This is supported by comments from the Facilitator (14/12/99) - 'People need to be taken on site visits, and constantly revisit technical terms, problems and information in the capacity building process. This is not a straight linear process. Community involves experiential learning and this is slow'.
- Accompanied the building of relationships. Comments were made by all those interviewed that this had occurred, but specifically by Lombard (pers. comm.: 6/12/99), Verulam Civic (7/12/99), Conservancy Representative (8/12/99), IRC Official (10/12/99), and Amaotana Civic A (10/12/99).
- Partially followed an holistic outlook on problems and solutions. This is debatable due to what appears to be the largely single-minded focus of the SEC on landfill as a solution for all waste disposal problems, rather than alternatives such as recycling, composting and waste minimisation suggested by some SEC members - 'We should have looked at a combined solution, not just an end-of-pipe one' (NLC Official A, 1/12/99), (and also notably the Representative of Environmental NGO, 22/11/99).
- Recognised the interdependence of life. This is evident in the fact that social as well as technical/financial/environmental criteria were considered in the ranking process for the windows (as laid down by DWAF, 1998). It must be noted however that the social aspects were perceived by some interviewees as to have ended in up second place behind technical/financial/environmental criteria in terms of priorities - 'Social (criteria and issues) were not an issue in comparison to the emphasis placed on technical (criteria and issues). Social should be given more or equal weight (with technical)' (NLC Official A, 1/12/99).
- Has a local and global outreach. The outreach is local in terms of the demonstrated involvement of I&APs in the immediate SEC process. In terms of possible future global outreach, the North Zone public participation process could be used as example or case study that can be publicised to encourage capacity building in other like public

participation processes involving development, worldwide. This was accomplished recently at a national waste management congress at which international delegates were present, with a paper presented on the North Zone public participation process (Freeman, 2000).

- Is working towards equity. The fact that such an ambitious capacity building and associated public participation process has been attempted in a now democratic South Africa is evidence that the developer is working towards the achievement of equity. This is evidenced from a comment made by the developer - 'The (statutory) process (for public participation around landfill siting) was not written down when we started (in 1996). We have tried to undertake an extensive, equitable and fully comprehensive public participation process that has never been done in South Africa before. We have tried to be a leader' (25/11/99).

Equity and Capacity Building for Informed Decisions

In terms of the procedural equity principle of capacity building informing decision-making (Cock, 1995 in Scott and Oelofse, 1999), this is vital as it supports the education for sustainability (Sterling/EDET Group, 1992 in Fien, 1996) principle of affording effective participation in the aforementioned decision-making process. Capacity building having informed decision-making in the North Zone public participation process is evidenced by the formation of the SEC and its Terms of Reference, and the capacity building sessions undertaken at open days, meetings, workshops and site visits as already discussed. In light of this, it is proposed here that capacity building did inform decision-making.

Equity as part of Indigenous and Scientific Knowledge

The procedural equity principle of recognising the validity and ensuring the integration of indigenous and scientific knowledge (Cock, 1995 in Scott and Oelofse, 1999) has not been satisfied in the North Zone SEC capacity building and associated public process. It is posited that local or indigenous knowledge was not accepted by the developer and consultants as being equal to and as valid as scientific or technical knowledge.

The evidence that technical knowledge has markedly been privileged over local knowledge, is perhaps no more clearly demonstrated than in the choice of site for development in the North Zone made by the developer, technical consultants and authorities. It is mooted that the Buffelsdraai site was chosen for immediate development, over the Summerpride site, by using on the balance largely technical criteria for the ranking process. Many SEC members from the community had the perception that Buffelsdraai was favoured over Summerpride due to these technical criteria, without due consideration and accommodation being given to social issues and criteria as identified by members of the SEC and used by them to rank the sites. Many of the community stakeholders supplied information for the social ranking process from their local knowledge bases.

This is also evident in terms of the initial decision taken as to which site to investigate first intensively (Buffelsdraai) for possible development - but which was later reversed after a North Zone SEC protest so that both sites were investigated concurrently (NLC Official A, 1/12/99).

Equity and the Provision of Facilitators, Neutral Venues and Translation

It is posited that the procedural equity principle of providing a Facilitator, neutral meeting venue and translators to ensure equal access to information (Cock, 1995 in Scott and Oelofse, 1999) has been partially satisfied by the developer. The issue of translation has been discussed in Section 5.4.6, with the conclusion that distinct problems were encountered with a lack of adequate translation of the technical information into terms that could be understood by the local people. In terms of meetings, most were held in Verulam which led to a perceived Verulam bias towards the favouring of the Summerpride site by some SEC members who disagreed with the official social ranking which rated the sites of Buffelsdraai and Summerpride as socially equal (see Section 5.3.4). The venues however were not DSW venues, and in that sense were neutral.

A neutral Facilitator was engaged. Interviewees perceptions of the neutrality of the Facilitator follow. Some comments regarding the Facilitator were favourable: 'The Facilitator helped to calm the waters' (NLC Official B, 24/11/99); 'The Facilitator managed the conflict' (Amaotana Civic A, 10/12/99); 'The facilitator and procedure followed were very good, but sometimes over the heads of some of the people. I feel in some instances the Facilitator gave people more than

enough chance to speak and be heard. Strict control of the meetings is needed' (Conservancy Representative, 8/12/99).

This last comment leads onto some interviewee opinions on the specific role of the Facilitator: 'The Facilitator was working in terms of the legal requirements. The role of the SEC was to put up recommendations and not make overall decisions' (Oelofse, 9/2/2000); 'The Terms of Reference gave the Facilitator total control over procedural matters, it made control easier' (Developer, 25/11/99).

Some were critical of the Facilitator: 'The Facilitator sometimes did not permit you to raise some of the issues or give you opportunity to ask questions. The point of discussion gets lost and this is irritating and frustrating. Everyone has the opportunity to speak, but I don't think everyone is heard ' (NLC Official A, 1/12/99); 'The Facilitator had the tendency to rush a bit and cut people short' (Authority, 6/12/99); 'The Facilitator does give us a chance to speak but he is very overbearing. He drives you into a certain direction. He says, alright, alright, this is what we agree on. But we didn't agree upon that, we are still talking. He is too fast and he rushes through too quick' (Osindisweni Development Forum, 3/12/99); 'The facilitation does not work. If we come up with a difficult opinion or disagree with what has been agreed on, we are accused of dragging out the process. It seems that the time is short and there is no time for us' (IRC Councillor, 7/12/99).

One stakeholder implied that the Facilitator was not neutral, but rather 'in league' with the developer and consultants: 'The Facilitator, developer and consultants dominated the meetings' (Landowner, 3/12/99).

In summary, this data suggests that not all stakeholders were of the view that the Facilitator was neutral, and this underlines the importance of establishing trust between the developer, consultants and the I&APs in any public participation process around landfill siting.

During the interview process, the Facilitator was confronted with a selection of these perspectives, and asked to comment. He made this statement which goes some way to explaining the perceptions that were created by his actions during the SEC process:

> 'My job is to force consensus as this is a voluntary process. To sustain a voluntary process you can not afford to go over time. People then lose respect for the Facilitator and the process. If there are new people, you allow them to take some time. If someone is difficult or long-winded you cut them down. My job is to dominate as the chair. Consultants have to do a lot of talking as it is their job. It is the job of the Facilitator to screen out those with hidden or personal agendas. The process must be loyal to the Terms of Reference, and if I feel uncomfortable with the process then I turn down the job of facilitation. The Terms of Reference are geared to resist domination, have consensus, regulate demand, and ensure every I&AP is included. My job is to be transparent and build trust with the community. This is about participative governance. I use my influence as the chair to force people into a decision rather than for them to remain in deadlock. You give them options and then say, think about it. I stress that they must make the decision now otherwise someone else will make the decision. When people make decisions and are not being informed it is the Facilitator's job to know the legislative framework, appreciate the technical details, and then be able to advise the people as a neutral person. My main job was to get stakeholders on board. I have informed people, but not said, go for this or that decision' (Facilitator, 14/12/99).

Equity and the Degree of Consensus Built

A question based on the procedural equity principle of building consensus around process outcomes (Cock, 1995 in Scott and Oelofse, 1999) was asked in the interview process. The Facilitator's view (14/12/99) has supported that notion that his goal was to build consensus. The procedure of each SEC meeting, as set down by the Terms of Reference, was to note agreements where there was consensus, but also where there was not. Based on this, the authorities would be called on to make the final decision on the matter (see Appendix 3 for Terms of Reference).

The interviewees had their own opinions about consensus, and whether this was evident in the process, or indeed whether most decisions were made by majority (or 'dominant' view): 'There was consensus in some instances but others were majority decisions' (Consultant, 22/11/99); 'Most decisions were made by consensus after a lot of debate' (Representative of Environmental NGO, 22/11/99); 'Mostly consensus, otherwise viewpoints would be jotted down' (Developer, 25/11/99); 'I preferred consensus decisions'(NLC Official A, 1/12/99); 'What is consensus? This is tricky' (NLC Councillor, 1/12/99); 'You have to be quite authoritative and at the same time attain a degree of consensus' (Authority, 6/12/99); 'There was a mix of consensus and majority' (Verulam Civic, 7/12/99); 'Agreements arrived at during the meetings were by consensus, and the inclusion of these in the Summary of Agreements in each copy of the minutes gave clarity to the process' (Conservancy Representative, 8/12/99).

From the above evidence, it is therefore suggested that although the goal of the process was to strive for consensus, this was difficult around such a contentious issue such as the siting of a landfill site. In certain instances, thus the decision was one of majority rather than consensus. Whatever the SEC consensus over an issue, however, the final decision will be made by the authorities, and could be unpopular.

Equity and Public Scrutiny

It is posited the North Zone SEC public participation process has been open to public scrutiny (being a public participation process) since its inception (Cock, 1995 in Scott and Oelofse, 1999), so this principle of procedural equity is satisfied.

Public scrutiny was initially invited through invitations to the public (via advertisements, banners, mailshots and telephone calls) to participate in the open house displays days of 1997 and 1998 (*Minutes of the Metro Landfill Steering Committee*, September 17 and November 14, 1997; *Minutes of the Northern Zone Inaugural Site Evaluation Committee*, October 3, 1998).

Input and public scrutiny were further solicited throughout the formation of the North Zone SEC and construction of its Terms of Reference (*Minutes of the Fourth Landfill Committee Meeting for the Northern Zone*, February 13, 1999), and further at every workshop and meeting held during the process, spanning October 1998 to the present day. The information and technical reports were also lodged in local libraries for public scrutiny.

Further, in terms of the statutory requirements (DWAF, 1998), public scrutiny of the process will be a goal of the process throughout the application process for the proposed landfill permit, including the monitoring process while the sites operates, and running right on through to final closure and rehabilitation of the said sites.

Equity and Open Access to Multi-lingual Information

The issue procedural equity principle of free and open access to information in all languages (Cock, 1995 in Scott and Oelofse, 1999) has been discussed at length in Section 5.4.6. In summary, it was concluded that as: there were problems in explaining technical terms in English;

there was at times a total absence of translation of the proceedings into Zulu at some meetings; there were constant difficulties with translating technical terms correctly into Zulu - it is therefore posited that this principal of procedural equity has not been satisfied which demands that all information (although free and open to access with some effort on the part of the I&APs), be available in all the languages of the stakeholders.

Equity and Active Engagement

The final principal of procedural equity is the active engagement of all participants (Cock, 1995 in Scott and Oelofse, 1999). Difficulties are however presented with defining what exactly constitutes active participation of the public - whether this be attendance at meetings and/or participation, or input into decisions made at the North Zone SEC. The question also arises as to whether active engagement means that all voices are heard in the process, and whether participants are striving actively to abolish poverty and inequality - both principles of sustainable development linked to active engagement (Coetzee, 1996).

It is mooted that the entire data analysis as presented in Chapter 5 and 6 supports the supposition that this was attempted, but was not entirely successful in the North Zone SEC capacity building and associated public participation process undertaken by DSW as developer. This is evidenced, for example, in the fluctuating attendances at meetings (see Table 5.1, Appendix 4), and the limited number of groups that inputted on the formation of the North Zone SEC and its Terms of Reference (*Minutes of the Fourth Landfill Committee Meeting for the Northern Zone*, February 13, 1999). It is also evidenced in the limited number of I&AP groups who participated in the social ranking of the sites, perhaps due to disinterest or misunderstanding of the information presented (*Minutes of the Workshop for the Northern Zone Landfill Committee*, July 10. 1999).

The main form of active engagement was interestingly outside of the North Zone SEC public participation process. This is where certain primary stakeholder groups who were inadvertently left out of the North Zone process initially, decided to take collective action to fight what they perceived to be the injustice of being excluded from the process (see Section 5.3.4). The community organised a march to protest their exclusion (August 1999) and were promptly

included in special capacity building sessions in September, October and November 1999 to bring them into the process.

It can thus be stated that the procedural equity principal of the active engagement of participants was not wholly satisfied via capacity building in the North Zone public participation process.

6.4 Conclusion

From the above analysis, it is suggested that the following conclusions can be drawn:

The first part of the chapter investigated the means by which capacity building was achieved in the North Zone public participation process. A diverse selection of means used to involve stakeholders in both the North Zone and the DMA process were identified, as well as important mechanisms used for capacity building. These were compared to those suggested by the *Minimum Requirements* (DWAF, 1998), and also a range of tools and techniques listed for public participation in environmental decision-making (Fell and Sadler, 1999) - and found to be compatible with and representative of both. Where applicable, the means and mechanisms were also examined for their compatibility with the outcome measures of empowerment (Barr, 1995; Schuftan, 1996). In the final section interviewees offered a range of opinions about the success or failure of these means.

Briefly, the techniques used to facilitate contact were - media advertisements and articles, posters and banners, newsletters with comment forms, mailshots and telephone calls. In terms of explicit and implicit capacity building measures used for the North Zone process, a range of means were used which included - staffed open house display days, public meetings, an elected site evaluation committee with its own terms of reference, workshops, landfill site visits, a site ranking process, and a Social Impact Assessment. These capacity building means to facilitate public participation were in turn enhanced by accompanying information media such as - booklets, pamphlets, posters, models, maps, drawings, graphs and reports.

On the balance of the evidence presented, it is firstly posited that this ambitious and expensive public participation exercise failed, in that it neglected to reach groups of the most important primary stakeholders in the process living adjacent to the proposed sites, timeously. Specifically considering the means used for stakeholder involvement and capacity building, not enough attention was paid to:

- ensuring the accommodation of differing literacy and education levels;
- promoting effective liaison with different levels of community structures and leaders;
- monitoring that SEC representatives were reporting back to their constituencies, and carrying feedback from these constituencies to the SEC process.

Significantly, these primary stakeholders were subsequently recently involved in the process through the SIA where capacity building was undertaken with this neglected group around landfill siting, and their issues and concerns around the proposed landfill sites were recorded.

Secondly, it is suggested that the means of involvement and capacity building chosen were largely too technical in nature, especially in terms of jargon, and were therefore more suited to a first world audience. The groups of primary stakeholders favoured experiential knowledge (e.g. site visits) over technical ways of knowing, and it is posited that a concentration on the latter for the North Zone process could prove to be the stumbling block in the exercise to locate the landfill sites in the North of the DMA.

If the issues and concerns this group raise about the proposed sites are deemed by the authorities to be legitimate and yet to have not been accommodated and mitigated by the developer in terms of statutory requirements (DWAF, 1998), permission could be delayed or even denied to develop a landfill site in the desired location.

The second part of the chapter set out to establish if the capacity building actions associated with the public participation process in the North Zone of the DMA made the process democratic, in terms of the specific inclusion of democratic principles of local government (Craythorne, 1990 in Clapper, 1996).

It is concluded in terms of democratic principles of local government, that:

- By having the opportunity of forming a SEC with a formally constructed Terms of Reference, capacity was built among I&APs of the North Zone public participation process to partake in the form of elected representation in a local government driven process to develop landfill sites in the region.
- By engaging in a capacity building and public participation process, it is argued that the developer (DSW) was attempting to fulfill the democratic principle of caring and working for prosperity and development of all.
- In ensuring capacity was built among I&APs to recognise and exercise their right to appeal against decisions and actions, and right to submit requests, complaints and suggestions, the public participation process was democratic; although there were some stakeholders claims that these rights were accommodated by the developer and Facilitator selectively.
- As many of the North Zone SEC members and wider community of the DMA appeared to be aware of the right to employment before joining the public participation process, they did not necessarily learn about this democratic right via capacity building in the process.
- The promotion of the notion of public welfare over group interests has been actively promoted by the authorities throughout the North Zone public participation process via capacity building processes such as workshops.
- As the need for the awareness and acceptance of the right to appeal by the public is entrenched in the statutory requirements governing public participation in landfill siting, it is posited this principle was incorporated by the developer into some of the North Zone and DMA capacity building initiatives for stakeholders. It was however, specifically emphasised by the DAEA, as the regulating authority, at several of the capacity building workshops for I&APs.
- Informed and objective criticism was welcomed in the process via the capacity building initiatives undertaken for the North Zone public participation process.

In summary, based on the above evidence, it is posited that capacity building actions made the public participation process democratic in terms of the suggested indicators of democracy in local government, but were severely curtailed by the prescribed legal function of the SEC which as advisory only, as well as by the limited funding available.

The third and final part of the chapter, set out to establish if the capacity building actions associated with the public participation process in the North Zone of the DMA made the process procedurally equitable (Cock, 1995 in Scott and Oelofse, 1999). The compatibility of these actions with the concepts of sustainable development (WCED, 1987 in Pezzoli, 1997), and thus by association also to education for sustainability (Sterling/EDET Group, 1992 in Fien, 1996) were interrogated.

In summary, in terms of principles of procedural equity, it is concluded that:

- The constitutional right of all individuals to participate in decision-making using a bottom-up and socially just approach is partially satisfied, but limited to the extent that stakeholders on the SEC play an advisory role only and do not make any final decisions.
- The need for social differentiation and respect for diversity has not been wholly fulfilled as some disadvantaged groups were only included late in the public participation process; few women were in evidence on the North Zone SEC; and the developer has been resistant to considering I&AP suggestions of more holistic ways to manage waste.
- Not all elected representatives on the SEC have been accountable to their constituencies for decisions and feedback, specifically the IRC Councillors.
- A degree of education and information sharing has been evident throughout the North Zone SEC public participation process via various capacity building measures undertaken.
- Capacity building has informed decision-making particularly through the formation of the SEC and its Terms of Reference, and in the various capacity building sessions undertaken such as open days, meetings, workshops and site visits.
- The integration of local and technical knowledge is not in evidence as the former has been markedly privileged over the latter as demonstrated with the perception by most North Zone SEC members that technically the Buffelsdraai site is favoured over Summerpride and will be developed first in preference because of this. This is despite both sites being equally rated socially by the SEC.
- A neutral Facilitator and meeting venues (not DSW venues), plus some translation was provided for the North Zone public participation process. However there were some problems. First, most meetings were held in Verulam which contributed to a greater percentage of the Verulam community being present as opposed to the almost total absence of the Tongaat community. This led to a NIMBY syndrome with the favouring by SEC members of Summerpride at Tongaat over the Buffelsdraai site at Verulam for

the establishment of the landfill site. The translation was a constant problem in that either it was absent or inadequate at the meetings, workshops and site visits. It is also mooted that the facilitation style chosen by the Facilitator, who was paid by the developer, plus a lack of trust between the community and developer/consultant resulted in the perception by some community stakeholders that the Facilitator was not neutral.

- Although the goal of the North Zone SEC public participation process was to strive for consensus over issues and decisions, this was not always achieved as the siting of a landfill is by nature contentious. In these instances, it is proposed a majority decision was taken.
- The North Zone process has been completely open to public scrutiny, not only via invitations extended to the general public to participate, but also through the SEC and review procedures as laid down by the statutory requirements.
- As there were problems with popularising technical terminology, a total absence of translation at several capacity building sessions, and constant difficulties with translating technical terms from English into Zulu; it is posited that there has not been open access to multi-lingual information.
- The active engagement of all participants has not been achieved as certain I&AP groups were either not part of the SEC, or were absent from the majority of capacity building activities undertaken as part of the public participation process. Therefore, it is proposed that not all voices have been heard and the process was not equitable.

From the above, it is concluded that principles of procedural equity are evident in the North Zone public participation process to the limited extent to which circumstances such as statutory requirements and funding permitted this.

The study now concludes in Chapter 7 with the provision of recommendations based on the results and conclusions.

CHAPTER 7

CONCLUSION AND RECOMMENDATIONS

'In its noble efforts to modernise, South Africa is entwined in a triple helix...a combination of economic redistribution, social justice via democratisation and shared opportunity, and environmental protection linked to public health' (O'Riordan, 1998: 101)

Introduction

The broad aim of this study is to assess the role of capacity building in the public participation process which is taking place as part of the landfill site selection in the North of the DMA.

In order to satisfy this aim, the following objectives were identified for the study:

a. Identify the type of public participation and associated capacity building process that has already taken place in the North Zone of the DMA.
b. Investigate the means by which capacity building was achieved in the North Zone process.
c. Analyse the extent to which capacity building made the North Zone public participation process democratic and equitable.
d. Make recommendations to improve and strengthen capacity building within the North Zone, and by extension the DMA, public participation process to locate, site and develop landfill sites in the area.

The purpose of this chapter will be firstly to give a brief summary of the research process. This will be followed by a comprehensive summary of the data analysis, and recommendations will be given on the basis of the findings and conclusions reached.

The focus of the chapter is a series of schematic diagrams in the form of ovals with lines radiating out of the centres which will be used to schematically represent the conclusions reached in the study (Figures 7.1 to 7.5).

A final section will be devoted to making recommendations to improve and strengthen capacity building within the public participation process.

Background Summary

Durban Solid Waste (DSW) is undertaking a comprehensive exercise to locate, plan, develop and operate new solid waste landfill sites to manage and dispose of the waste that is to be generated in the area over the next century. There is an urgent need to establish a new landfill site in the North Zone of the DMA as the existing site in the area is to close in December 2000, and diverting the waste to the next nearest site which is some 30km distant will double the removal costs to the local ratepayers.

This is being accomplished with the aid of an extensive public participation process with I&APs involving capacity building which is a statutory requirement in terms of the *Minimum Requirements for Waste Disposal by Landfill* (DWAF, 1998). The issue of public participation is key to the landfill siting process, in the interests of informed decision-making. If the I&APs affected by the proposed site can show just cause as to why it should not be developed, this can constitute a 'fatal flaw' in the eyes of the authorities who will delay the issuing of a permit or permission to proceed on the development of the site, which can in turn incur prohibitive costs for the developer.

The efforts of DSW have been contextualised within a legal and spatial framework. Chapter 2 presents a brief introduction to the history of landfill site development in the region which underscored the previous (pre-1994) lack of consultation with the public under apartheid, and especially the fact that sites were often situated next to marginalised communities.

An overview of current statutory requirements as they relate to the process is outlined emphasising the importance of soliciting I&AP input into the landfill site selection process, and further listing specific principles for public participation in terms of the DWAF (1998) guidelines. An overview of landfill development initiatives currently underway in the DMA is presented. This provides a backdrop against which the ambitious public participation and capacity building process undertaken to facilitate stakeholder input, in the landfill site selection for the North Zone, is examined and analysed in Chapters 5 and 6.

In summary, it should be stated that even though all DSW actions are predicated on statutory requirements, when they embarked in November 1996 on the landfill site selection process in the DMA as managed by DWAF (1994), few of the guidelines for the public participation process were available, and did not appear until the revised 1998 version of the *Minimum Requirements*. Even though DSW and its consultants decided to adopt the precautionary principle by planning a comprehensive public participation process, the complication of starting out with few guidelines, coupled with an ongoing struggle to reform or reconstruct undemocratic local government structures and procedures in favour of more participatory governance, has meant that the landfill site selection process has been far from smooth. However, as it was an experimental process, the first of its kind undertaken for the siting of landfills in South Africa, it must be recognised as a benchmark for future such siting processes.

Literature Review Summary

Chapter 3, which forms the literature review, provides a conceptual framework for research into the role of capacity building in the public participation process for landfill site selection in the North of the DMA.

The global and local shift in favour of sustainable development is examined as a foundation for discussion around different modes of environmental education, and specifically education for sustainability (Sterling/EDET Group, 1992 in Fien, 1996) with its basic tenets of empowerment and active participation. Education for sustainability has emerged in support of sustainable development, and is posited as central to achieving adequate capacity building in any public participation process associated with sustainable development in a democratic environment.

Included in the literature review is a brief discussion around the importance of social and environmental justice, and equity in relation to their centrality to education and the achievement of sustainable development in a newly democratic South Africa. This provides the context in which democracy and trust in South Africa is discussed and analysed in relation to the current move away from participative towards representative democracy, at all levels of government and in civil society. Democratic local government which is the form of government closest to the

people, is expected to provide goods and services along with its citizens in a decentralised and representative manner.

Barriers to ensuring democratic local government are presented and discussed. One of these is the continuing disparities and backlogs in the majority of communities from apartheid which means that all stakeholders do not have equal resources, skills or power to engage in public participation processes and so capacity building is needed to ensure equity. Another barrier is an ongoing lack of trust by the community of local government due to past apartheid planning and policy. A further barrier is the constraints on time and money available from government to engage stakeholders in public participation processes which will expose I&APs to the technicalities and trade-offs associated with negotiations in any planning process.

Various types of public participation are then presented and examined which included: nominal, instrumental, representative and transformative (White, 1996). Along with the proposal that projects could typically involve a mix of any of them, it is posited that transformative participation is the most suitable medium through which adequate capacity building and empowerment of the public can be enabled and promoted. Impediments to transformative participation and stakeholder involvement are also discussed. Most importantly these include the need to level the playing fields of power between stakeholders for transformative participation to take place, and the cyclical nature of participation due to the dynamic nature of community leadership. Specific outcome indicators or measures of empowerment (Barr, 1995; Schuftan, 1996) are then presented, and their link to transformative participation examined.

A selection of different tools and techniques of public participation in environmental decision-making (Fell and Sadler, 1999) are listed and explained, and their use demonstrated in the presentation of some local case studies on public participation in development which are germane to this study. In order to ensure a robust approach which enables adequate and thorough participation of all stakeholders, it is suggested that: appropriate mechanisms be used within each societal context; care should be taken to analyse the audience and include marginalised communities; and a variety of techniques should be used which are suited to different audiences that make up the stakeholder body.

A number of conceptual frameworks were constructed in order to answer the research questions. These frameworks were specifically constructed from: basic principles of public participation from the *Minimum Requirements* (DWAF, 1998); a definition of education for sustainability (Sterling/EDET Group, 1992 in Fien, 1996); principles of the application of procedural equity (Cock, 1995 in Scott and Oelofse, 1999); indicators of democracy in local government (Craythorne, 1990 in Clapper, 1996); types of public participation (White, 1996); outcome measures of empowerment and capacity building (Barr, 1995; Schuftan, 1996); and tools and techniques of public participation in environmental decision-making (Fell and Sadler, 1999).

Methodology Summary

A case study format is chosen for this thesis, to provide an intensive examination of the public participation and capacity building process for landfill site selection in the North of the DMA. The study employs a qualitative methodology.

Examples of the primary and secondary documentary data sources used are: minutes, reports, personal communications with key stakeholders, studies, and journals. Primary oral data was gathered through overt participant observation and attendance at capacity building activities for the North Zone process, as well as semi-structured personal interviews with stakeholders.

For the construction of the interview schedule, recurrent themes on public participation and capacity building in environmental decision-making were drawn from the literature and through participant observation of the North Zone process. For the data interpretation, frameworks constructed from the secondary data reviewed, are used to interpret interviewee responses and various documents accessed as primary data for the study. The data is thus categorised and interpreted in an iterative manner to explore interesting relationships along various axes of interpretation, with different dimensions.

The study suffers from a number of boundaries and limitations due to the research method chosen, the chief of which is the subjective nature of case studies which are susceptible to manipulation by the researcher. To counteract this, it is emphasised that there was a need to triangulate data sources and their interpretation, to maximise understanding and ascertain if the research is reliably and validly conducted.

The type of Public Participation and associated Capacity Building process in the North Zone of the DMA

Chapter 5 is concerned with presenting the type of public participation and associated capacity building process that took place, in the North Zone landfill siting process.

To summarise the results, three schematic diagrams are presented (see Figure 7.1, 7.2 and 7.3) in the form of ovals with lines radiating out of the centres which will be used to schematically represent the conclusions reached in the study. In the schematic diagrams, each line represents different dimensions or principles of the frameworks used for the data analysis. The length of the lines represent the degree of satisfaction of each of the relevant principles or criteria of each issue. The shorter they are, the less satisfactory the public participation process was in achieving this dimension or principle.

Figure 7.1 illustrates that none of the statutory principles of public participation as laid down by the *Minimum Requirements* (DWAF, 1998) for landfill siting have been implemented satisfactorily by the developer, consultants and I&APs in the North Zone public participation process.

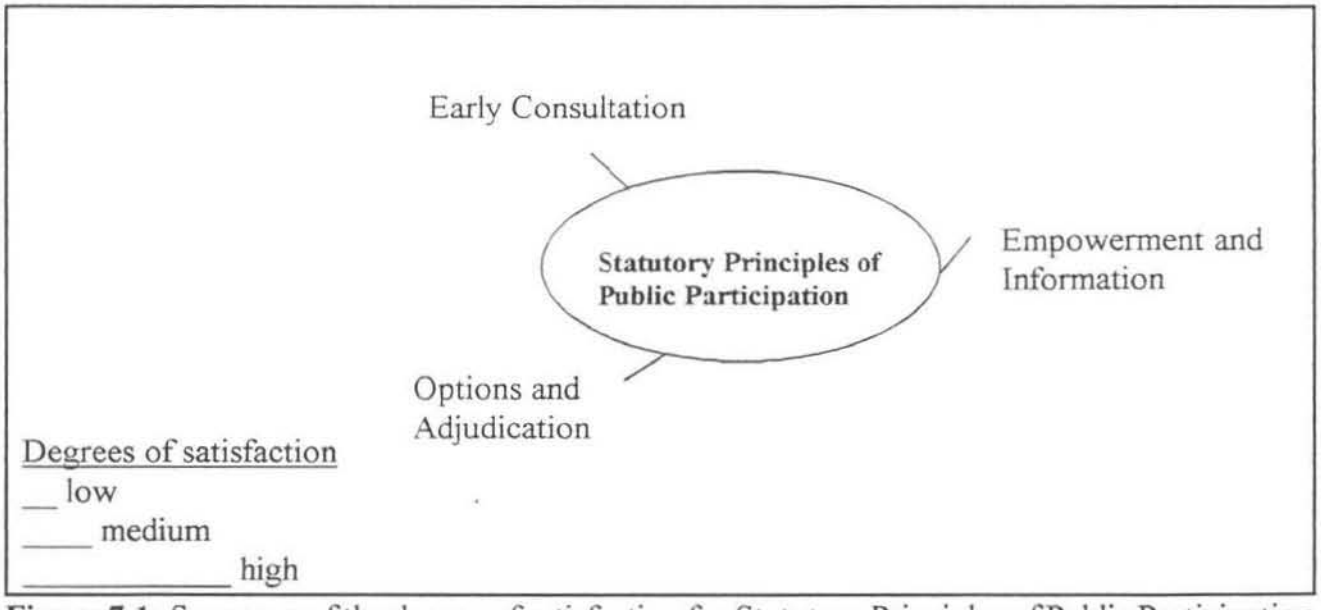

Figure 7.1: Summary of the degree of satisfaction for Statutory Principles of Public Participation in the public participation and capacity building process for the North Zone

In explanation, specifically, the primary stakeholders living adjacent to the proposed sites who are the most important group needed for consultation were initially excluded as their elected representatives failed to attend meetings and report back to them on progress.

In addition, it is debatable if the information supplied was sufficient to empower all I&APs to contribute effectively to the decision-making process for the North Zone, as it was too technical for general stakeholder education and literacy levels. Often only the positive and not the negative aspects of landfill siting were presented by DSW and the consultants.

Lastly, too few proposed site options were presented for consideration. While technical consultants explained this was due to technicalities such as the planned size of the sites, some stakeholders on the North Zone SEC ascribed more sinister motives to the developer for these limited choices, e.g. the sites having been selected long before the start of the public participation process which then became no more than 'window dressing'.

Figure 7.2 illustrates the predominant type of public participation (White, 1996) taking place in the North Zone process. The degree to which each type is exhibited in the process is also evident.

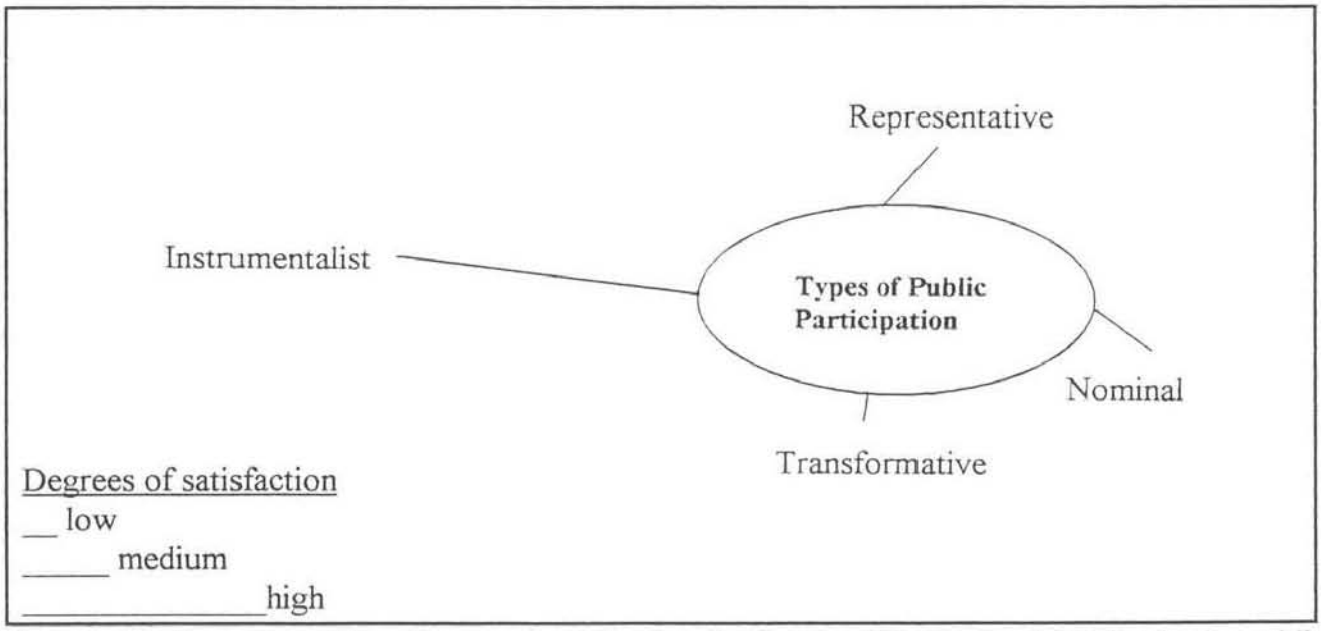

Figure 7.2: Summary of the degree of satisfaction for Types of Public Participation in the public participation and capacity building process for the North Zone

From Figure 7.2, it can be concluded that while the process being followed in the North Zone of the DMA is a mix of nominal, representative, instrumental and transformative (White, 1996), it is predominantly instrumental. This is due to the dictates of the statutory requirements (DWAF, 1998) which provide for a limited advisory role for the SEC. The process is exhibiting the seeds of transformation, a move not anticipated by the developer and consultants, in that the community are using the information gained from capacity building in the public participation process to fight the injustice and limitations of this advisory role.

A further schematic diagram is presented (see Figure 7.3), which illustrates that outcome measures of empowerment and capacity building (Barr, 1995; Schuftan, 1996) are in evidence to a limited degree only.

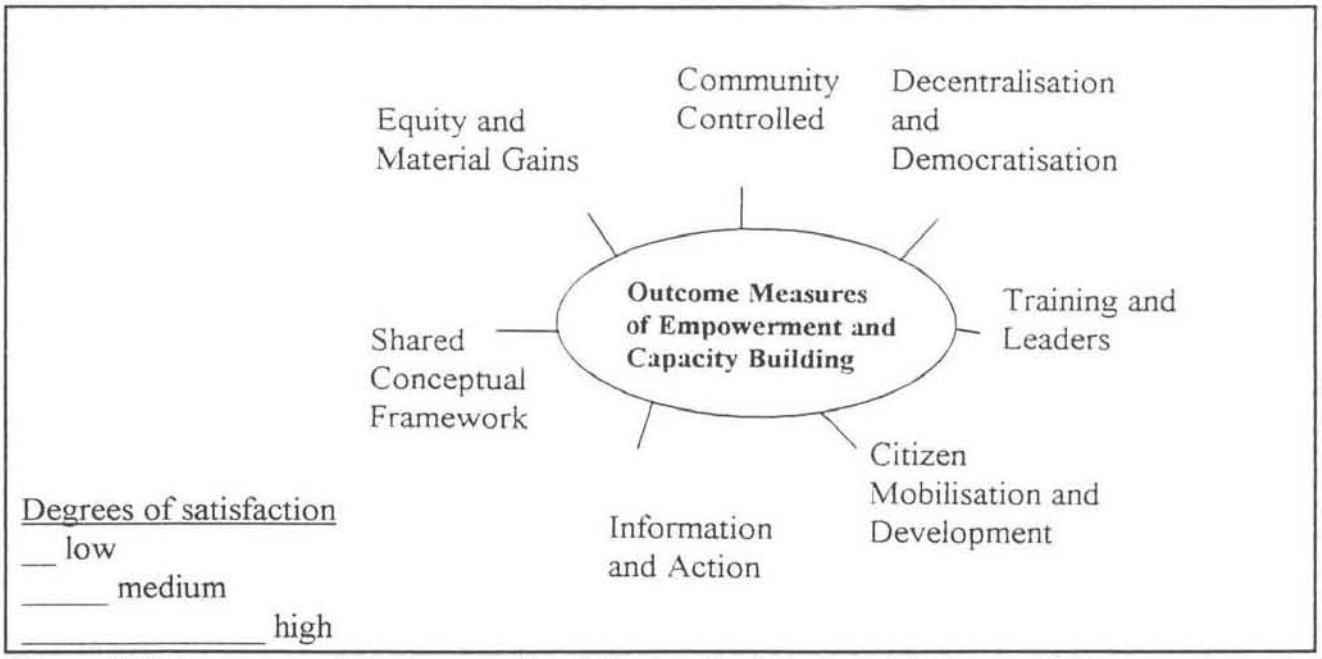

Figure 7.3: Summary of the degree of satisfaction for Outcome Measures of Empowerment and Capacity Building in the public participation and capacity building process for the North Zone

Transformative public participation is necessary in order to ensure the demonstration of these outcome measures, rather than nominal, representative and instrumental form of public participation (White, 1996). The degree to which transformative public participation is satisfied is explained as follows:

- The North Zone public participation process is not wholly community controlled. Apart

from the community, the SEC's membership includes the TWC and authorities.

- A degree of decentralised and democratised direct public control of local affairs is taking place through the SEC. This enables stakeholders to understand the process and legitimise their claims, but is limited by statutory requirements which leave ultimate control of policy and process with DSW and the authorities.
- It is not yet evident if the training provided via capacity building in the SEC process is stimulating the emergence of new leaders.
- There is some evidence of citizen mobilisation and development. From outside the process, in the form of protest marches due to the exclusion of certain groups of primary stakeholders from the SEC process. Inside the SEC process, I&APs actively lobbied the developer and authorities to be heard.
- Stakeholders have been exposed to information that enabled those with a degree of technical knowledge to use it for action. Problems were experienced, however, with inadequate adaption of technical jargon for those with low literacy and education levels.
- The adoption of a shared conceptual framework early in the process was not wholly successful as some I&APs were excluded. This was attempted through the formation of the North Zone SEC and it's own Terms of Reference.
- Equity was a principle of the policy process for the North Zone SEC. This was through the adoption of procedural equity principles as part of the Terms of Reference. It not certain, however, whether the practical outworking of this process will include the provision of material gains for the disadvantaged, such as jobs.

In summary, in light of the constrained role by law of the SEC, and the instrumental goal of the developer to obtain a site for landfill development at all costs, it is difficult to attain transformative public participation, accompanied by the empowerment of stakeholders.

The means by which Capacity Building was achieved in the North Zone public participation process

In Chapter 6, in order to investigate the means by which capacity building was achieved in the public participation process, the actual activities are listed, compared to means suggested in the

statutory requirements, and evaluated as to the degree of compliance. Finally, opinions offered by interviewees, evaluating the means, are recorded.

Table 7.1, summarises the means used in the North Zone, categorises them into verbal or written tool and techniques, and also includes interviewee evaluation.

Table 7.1: Summary of the means used for capacity building in the North Zone public participation process

MEANS	VERBAL OR WRITTEN	STAKEHOLDER EVALUATION
Newspaper advertisements & articles	Written	No comment
Banners & posters	Written	No comment
Newsletters + comment forms (in English & Zulu)	Written	No comment
Mailshots + reply forms (in English & Zulu)	Written	No comment
Telephone calls	Verbal	No comment
Staffed open house displays days: English & Zulu translation information media - booklets, newsletters (in English and Zulu), maps, models, drawings, posters, graphs, reports, overhead projector slides	Verbal and written	Positive stakeholder feedback but translation problems
Public meetings: English & Zulu translation information media - booklets, newsletters (in English and Zulu), maps, models, drawings, posters, graphs, reports, overhead projector slides	Verbal and written	Positive stakeholder feedback but translation problems
SEC meetings & formation of Terms of Reference: English & Zulu translation information media - booklets, newsletters (in English and Zulu), maps, models, drawings, posters, graphs, reports, overhead projector slides	Verbal and written	Positive stakeholder feedback but translation problems
Landfill site visits: English & Zulu translation	Verbal	Positive stakeholder feedback but translation problems
Capacity building workshops: English & Zulu translation information media - booklets, newsletters (in English and Zulu), maps, models, drawings, posters, graphs, reports, overhead projector slides	Verbal and written	Insufficient number of sessions with translation problems
Meeting & workshop minutes	Written	Negative stakeholder feedback
SEC social ranking of sites: English & Zulu translation	Verbal and written	Negative stakeholder feedback
Social impact assessment: English & Zulu translation Postal questionnaires Personal interviews Focus groups, & workshops Selected information media (e.g. photographs)	Verbal and written	No comment

This summary table shows, that:

- The open house displays, meetings, site visits and workshops were well received by I&APs as DSW and the consultants verbally explained the technical information and answered questions. There were problems, however, with inadequate translation of technical terms into Zulu, and the understanding of the information media in English only.
- Apart from telephone calls, written means were initially employed to invite stakeholder participation in the capacity building process. It is posited this is the reason the process failed to include primary stakeholders early in the process, who had low education and literacy levels. They were only identified and included later, partly via the SIA which employed a cross-section of verbal and written means of contact and capacity building.
- Negative stakeholder feedback was received about the inaccuracy of the minutes of meetings and workshops. It is suggested that this is due to inadequate translation being available with some stakeholder comments misinterpreted and incorrectly recorded. The minutes were also only available in English.
- The site ranking process, using social criteria, was not well received by members of the North Zone SEC. It is posited that many did not value or take part in the ranking process as they did not fully understand it and the Social Probe on which it was based.

On the balance, it can be concluded that a range of means was successfully used to both involve stakeholders in the public participation process, and build capacity. However this process might have ultimately failed in the North Zone of the DMA in that it neglected to reach important marginalised primary stakeholders. These I&APs favoured experiential learning, such as landfill site visits, due to literacy and language difficulties. Further, the exclusion of this stakeholder group might prove to be a 'fatal flaw' (DWAF, 1998) in the public participation process. This could occur if any objections or issues that they raise are deemed by the authorities not to have been sufficiently mitigated by the developer. Permission to develop the landfill sites might then be delayed.

The extent to which Capacity Building made the North Zone public participation process democratic

Evidence presented in Chapter 6 suggests that capacity building made the North Zone public participation process democratic, in terms of demonstrating the inclusion of local government principles laid down for democracy.

To summarise the results, again a schematic diagram is presented (see Figure 7.4) in the form of ovals with lines radiating out of the centres to represent the conclusions reached in the study. Each line represents different principles of the framework used for this specific data analysis. The length of the lines represent the degree of satisfaction of the relevant principles. The shorter they are, the less satisfactory the public participation process was in achieving this principle.

Figure 7.4 illustrates that all but one of these local government principles for democracy have been adopted to make the public participation process for the North Zone democratic.

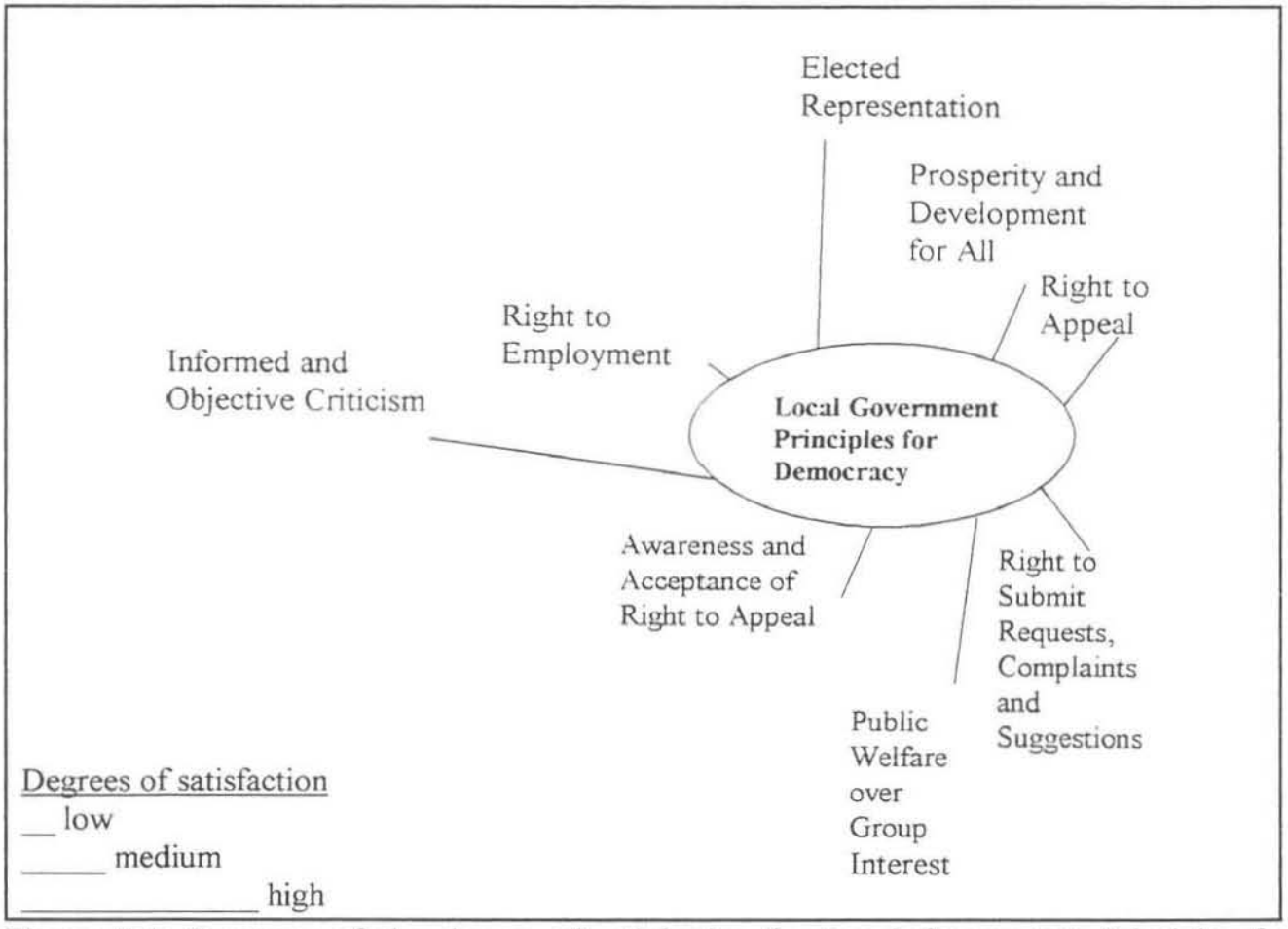

Figure 7.4: Summary of the degree of satisfaction for Local Government Principles for Democracy in the public participation and capacity building process for the North Zone

In summary, firstly, the developer and authorities demonstrated working for the prosperity and development of all by actively promoting public welfare over group interests. This was undertaken on an ongoing basis as part of the capacity building activities to engage stakeholders in the public participation process, albeit as part of the statutory requirements (DWAF, 1998).

Secondly, the developer welcomed informed and objective criticism and recognised the right of citizens to appeal against decisions and actions, and submit requests, complaints and suggestions to the authorities throughout the process. Not only is this entrenched in the law governing public participation in landfill siting (DWAF, 1998), but awareness of these principles was fostered among I&APs by the developer who incorporated them into capacity building initiatives for the stakeholders.

Thirdly, elected representation was the basis for membership of the North Zone SEC through the Terms of Reference, and thus capacity was built among stakeholders to partake in this form of representation in a local government driven process to develop landfill sites in the DMA.

Finally, the only democratic principle not demonstrated in the process was the awareness of the right to employment. It is posited the public were aware of this before joining the public participation process, and thus did not learn about it in the capacity building activities for the North Zone.

The extent to which Capacity Building in the North Zone made the public participation process equitable

In Chapter 6, principles of procedural equity along with dimensions of sustainable development and facets of education for sustainability, were used as frameworks to analyse if capacity building in the North Zone made the public participation process equitable. Elements of all three are deemed necessary to be in evidence if the public participation process is to be judged equitable.

Again to summarise the results, a schematic diagram is presented (see Figure 7.5) in the form of ovals with lines radiating out of the centres to represent the conclusions reached in the study. Each line represents different principles of the framework used for this specific data analysis. The length of the lines represent the degree of satisfaction of the relevant principles. The shorter they are, the less satisfactory the public participation process was in achieving this principle.

Figure 7.5 shows that while two of the procedural equity principles were fully adopted in capacity building activities to make the North Zone public participation process equitable, the majority were only partially or poorly adopted.

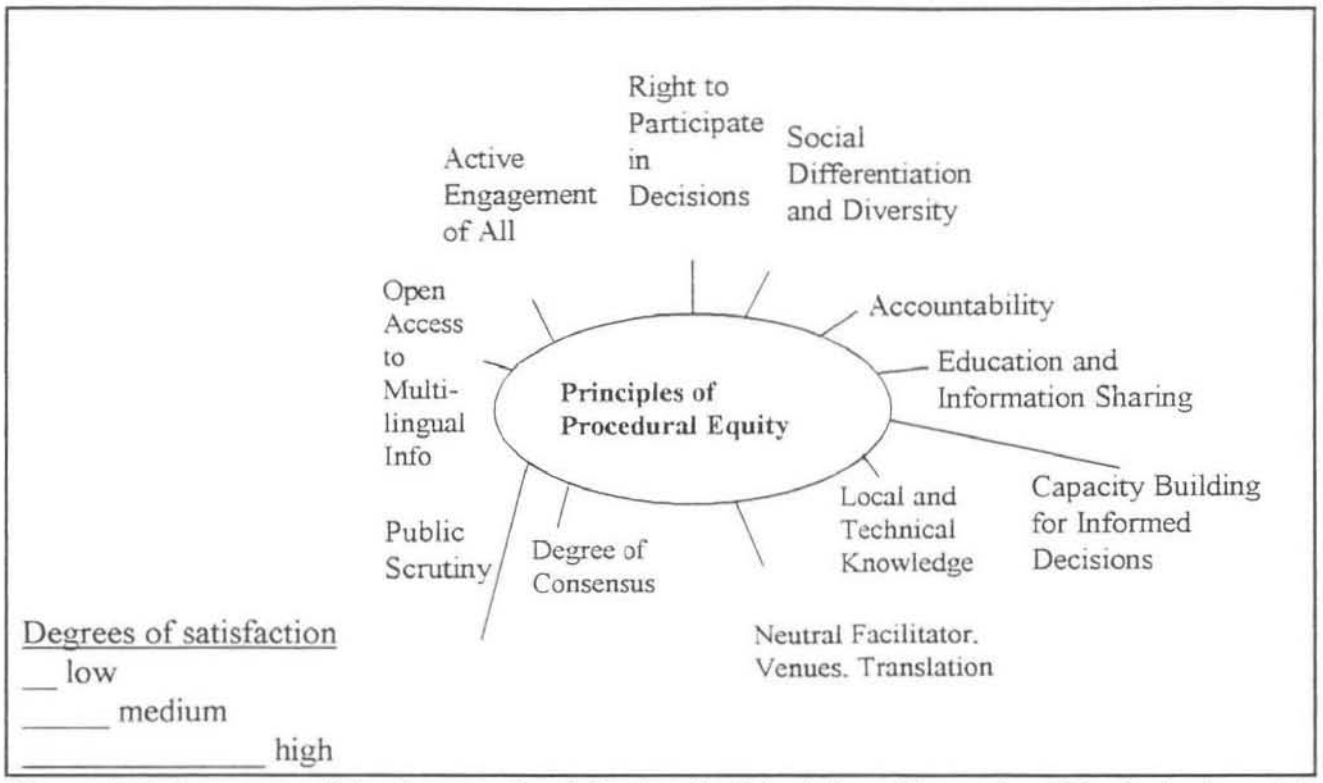

Figure 7.5: Summary of the degree of satisfaction for Principles of Procedural Equity in the public participation and capacity building process for the North Zone

In summary, firstly, although capacity building has informed decision-making through the SEC, its Terms of Reference, and capacity building sessions; the right of all stakeholders to participate in decision-making is limited as the SEC play an advisory role and does not make any final decisions.

Secondly, the need for social differentiation and respect for diversity was only partly fulfilled, as some primary stakeholders were only included late in the process, there were few women on the North Zone SEC. The developer also resisted considering I&AP suggestions of more holistic ways to manage waste. Linked to this, the integration of local and technical knowledge on the SEC is not in evidence, as the technical knowledge is being privileged by a technically superior site being developed first in the north, which some stakeholders consider has serious flaws in terms of social criteria.

Thirdly, some elected representatives on the SEC have not been accountable to their constituencies, and the active engagement of all participants has not been achieved. As certain

I&AP groups were either not part of the SEC, or were absent from the majority of capacity building activities for the public participation process, not all voices were heard and so equality has not been achieved.

Fourthly, while a degree of education and information sharing has been evident in the North Zone and DMA public participation processes via capacity building initiatives which have been open to public scrutiny, there has not been open access to multi-lingual information. There were problems popularising technical terms, an absence or inadequacy of translation at several capacity building sessions, and difficulties with translating technical terms into Zulu.

Finally, even though the Facilitator of the North Zone public participation process strived for consensus rather than majority decisions over issues, this was not always achieved as landfill siting is contentious. Further, although chosen by the SEC, the Facilitator was perceived by some I&APs to be biassed towards the developer as he was paid by them. Added to this, most meetings were held in Verulam so a greater percentage of that community was present as opposed to the almost total absence of the Tongaat community. This lead to the favouring by North Zone SEC members of the Summerpride site (Tongaat) over the Buffelsdraai site (Verulam) for development.

It is thus proposed that the current capacity building actions, when compared to past landfill siting policy, made the public participation process more equitable in terms of attempted inclusion of the posited principles of procedural equity, but only to the extent to which circumstances such as statutory requirements (DWAF, 1998), developer will, a shortage of time, and adequate funding permitted.

Recommendations to improve and strengthen capacity building within the public participation process for the DMA

Statutory requirements

1. It is recommended that the developer, along with those involved in the public participation process, lobby central government to change the statutory requirements (DWAF, 1998) to line up with the precepts and principles of democratic local government. The present advisory role played by SECs is not supportive of transformative participation which

involves the public in practical decision-making and collective action to attain social and environmental justice. This form of public participation is posited to ensure effective capacity building activities and empowerment.

2. It is recommended the law specify the use of a diverse range of tools and techniques (not necessarily the most expensive) for participation, that are appropriate to each different audience involved in the process, and which are mostly experiential and participative in nature as people learn by doing. A 'one-size-fits-all' participation and capacity building process is not suitable as I&APs have differing education and may need to move at different paces.

3. It is recommended that the statutory requirements for public participation in landfill siting state as mandatory, the undertaking upfront by the developer (or appointed consultants) at the earliest planning stages before the formation of a SEC, a formal community or social profiling exercise to ensure the identification and inclusion of all stakeholder groups and the recording of their concerns. This early inclusion will avoid suspicion on the part of the I&APs of the pre-selection of sites for landfills by the developer.

4. It is recommended that DSW, as a metro and future unicity authority (December 2000) exert pressure on the authorities to spell out the function of the SEC to all stakeholders at several capacity building initiatives if needed, and also clearly indicate which parties should be involved from which stages of the process.

Building trust

1. Due to past apartheid-influenced planning regarding landfill siting, the active building of trust is recommended between developers and I&APs, even though this will take time and resources. As the restoration of trust requires a degree of openness and involvement with the public that goes far beyond the public relations exercised of 'two-way communication', levels of genuine power sharing and direct public participation in decision-making needs to be actively entertained and attempted. This needs to be coupled with an open and transparent process which it is suggested will limit stakeholder lobbying and activity from outside of the process, with independent peer review of all reports submitted.

2. It is recommended that funds be allocated to securing the services of a 'technical expert', approved by the community, who could review the information supplied by consultants. This expert could also be tasked with capacitating the community on technical issues for the landfill siting public participation and capacity building process.

Equity

1. It is recommended that stakeholders need to be empowered by being involved experientially in capacity building initiatives in the public participation process for landfill siting. The developer however, needs to be aware of their limited means, and if possible provide (at the very least) compensation for transport costs to meetings for the process. I&APs who do not have equal access to resources, also frequently do not have the skills or power to engage equally with more powerful and well-resourced parties in a participation process.

2. In order to promote equity, it is recommended that for those parties who will be immediately affected (primary stakeholders) by the development of a landfill site, adequate and just compensation, for example employment opportunities and/or infrastructure provision, should be negotiated directly and timeously with them. This should be accompanied by an ongoing capacity building exercise to explain their rights and the actual long-term value of this compensation through the construction and operational phases.

3. It is further recommended that in terms of procedural equity, a neutral Facilitator and venue, both recommended and approved by the I&APs, be supplied by the developer for capacity building initiatives in the public participation process. An independent facilitator will ensure the process is viewed as open, accessible and fair to all participants. The venue, above all, needs to be accessible to all stakeholders, especially those making up the primary stakeholder group.

4. To facilitate the achievement of equity, it is also recommended that the process strive for consensus rather than majority made decisions, with adequate time allocated by the Facilitator in order to reach true consensus.

5. In terms of respecting social differentiation and diversity, which is essential to achieving procedural equity, it is recommended that genuine attempts be made by the developer to incorporate local knowledge into the capacity building and associated public participation

process, with equal weight given in the site ranking exercise to social and technical criteria. Serious consideration, with a view to timeous incorporation, should also be given by the developer and consultants to alternative options of managing and disposing of waste as suggested by I&APs involved in the public participation process. It is mooted that this will ensure the expensive and time consuming process to locate and develop landfill sites will be worthwhile as waste diverted (albeit temporarily) from the landfills by these alternative options, will ensure the sustainability of these end-of-pipe repositories of refuse.

Means used for capacity building

1. It is recommended that intensive efforts be made to build capacity amongst the marginalised stakeholders living around any proposed landfill sites, and specifically for the North Zone of the DMA where their presence was latterly uncovered by the SIA. In terms of the DMA, this needs to be done with extreme urgency, as the local landfill site is to close in December 2000, and without the co-operation and acceptance of this important group of stakeholders of the proposed new site/s, the project could be delayed with the applications for landfill permits rejected by the authorities.

2. It is recommended that the use of highly technical information and terms be either limited, adequately explained to all stakeholders (using the capacity building tool most suitable to each separate audience), or avoided altogether. It is necessary for the developer for a highly technical process such as landfill siting and development, to draw up a glossary explaining technical terms well in advance of the public participation and capacity building process. Translators also require expert training in advance of the start of the process, and there needs to be agreement on the meaning of terms to be used, as well as their translation into different languages. The provision of multi-lingual verbal and written information is recommended at all capacity building initiatives and where possible illiterate I&APs should be accommodated with face-to-face capacity building activities.

3. In the North Zone public participation process, events where the developer and a range of consultants were present to answer questions, such as site visits and open days, were most popular with stakeholders interviewed. It is thus recommended that in general a sufficient number of site visits and open days should be included in any public participation process for landfill siting. More site visits were in fact recommended by North Zone stakeholders to explain difficult technical concepts, with meetings held as near to the communities

around the proposed sites as possible. This type of learning was visual, experiential and practical which is the method favoured by nearly all I&APs over technical lectures, diagrams, maps and reports.

4. In light of 3. above, it is recommended also that more photographs and models be used for capacity building.

5. In terms of the often incorrect recording of minutes commented on by nearly all of those interviewed for this study, it is recommended that all written and verbal media be available in at least two languages (eg. Zulu and English), and that the proceedings be taped to form a permanent record of the meetings which can be accessed if there is any dissension around the minutes. At times the Facilitator was tasked with recording the minutes. It is suggested an administrator or secretariat needs to be appointed by the developer and tasked with this function.

6. It should also be recognised that just as the community need capacity building around technical issues, so the technicians need capacity building around social justice, public participation and equity issues. It is recommended this be accommodated formally and explicitly in the capacity building process by the developer.

Democracy

1. It is recommended that elected representatives not be relied on, without a monitoring mechanism, to report proceedings back to their constituencies. This is especially relevant in relation to the stakeholders immediately surrounding the proposed sites.

2. The relevant media or press need to be pro-actively informed about and involved in disseminating this information on an ongoing basis, which it is proposed will prevent 'negative press' from those with their own agendas.

3. It is further recommended that from the outset of the public participation process, a common understanding be negotiated with all I&APs involved in the process around what exactly constitutes an elected representative for the SEC body and what powers and duties this representative has, not only in the eyes of the SEC but also in those of the constituencies they represent.

In conclusion, it should be reiterated that the public participation and capacity building process presented in this project is the most comprehensive and ambitious undertaken to date in South Africa for the location, evaluation, selection and development of solid waste landfill sites.

Further, it should also be repeated that as when DSW embarked on the process in 1996, the latest *Minimum Requirements* (DWAF, 1998) had not yet been published, and the recommendations for public participation were far less clear in the 1994 version, it is commendable that this developer took the decision to adopt the precautionary principle by seeking to involve the public to a far greater degree than that recommended in 1994.

While recommendations have been made here to strengthen the process, the question however remains at what cost to the developer and by extension to the ratepayer can they be pursued today in South Africa? O'Riordan (1998) hints at the answer to this question by commenting that while it is inevitable at this ongoing time of transition for South Africa from bureaucracy to democracy, that there are still a myriad of paradoxes and tensions around the transformation process, ultimately - the 'relationship between global economic pressures, sustainability, and the maintenance of a democratic civil society will remain a close call for South Africa' (99).

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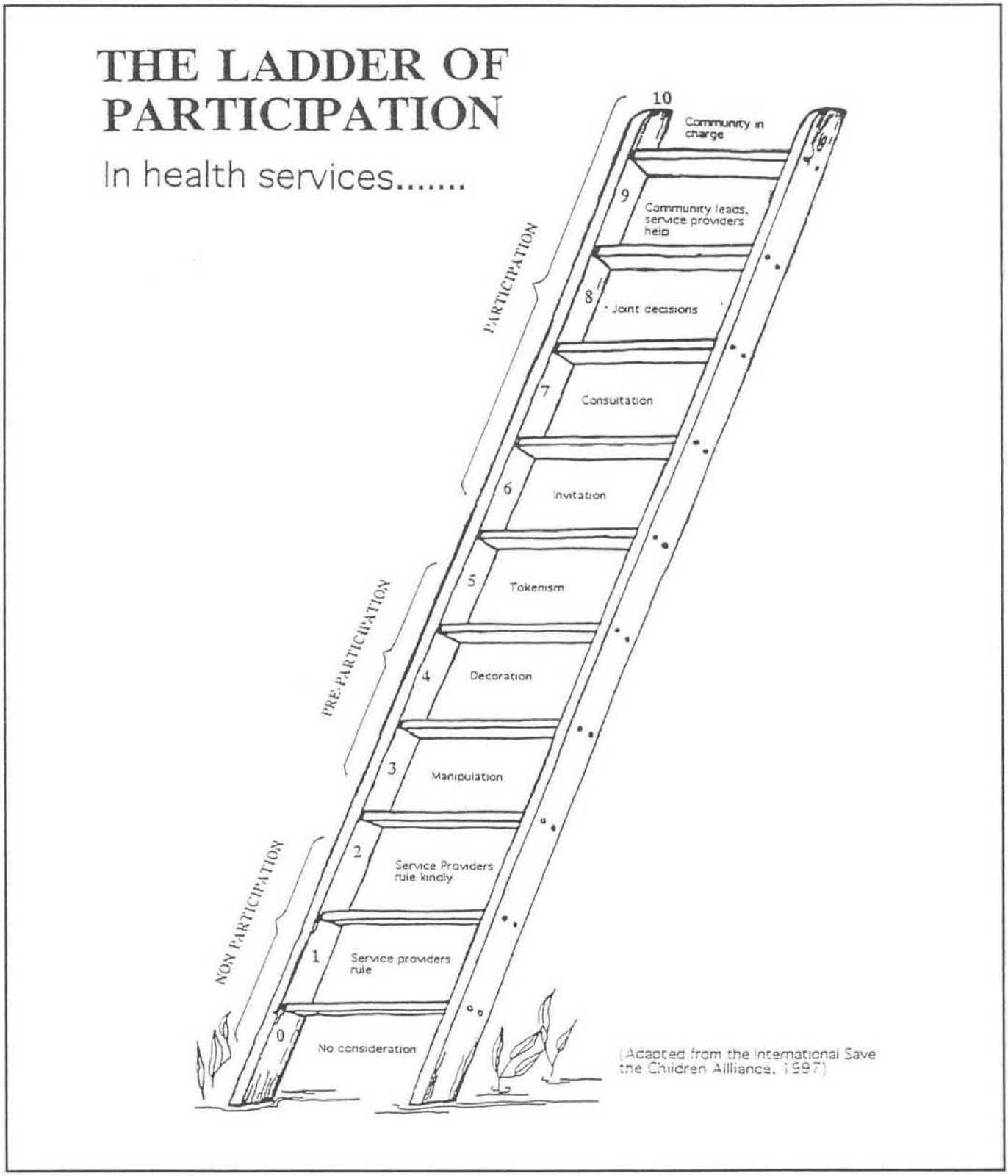
APPENDIX 1
Arnstein's Ladder



APPENDIX 2

INTERVIEW SCHEDULE

1. Are you aware that a similar public participation process is occurring in the West and the South?

2. Is there a need for new landfills in which to dispose of waste because the existing ones are full?
A. Can you suggest a more sustainable solution to dealing with waste?

3. Do you agree with the existing purpose of the landfill site selection committee for the north?
A. What do you think it should be?

4. One of the proposed windows for the landfill sites in the north is near Verulam (called Buffelsdraai), and the other window is near Tongaat (Summerpride).
A. How far do you live from each? (roughly in kms)

5. Who are you representing at the meetings? (Eg. Community group, civics, local authority, provincial government, central government, environmental interest group, developer, yourself, etc)
A. What issues are you concerned about?
B What is the main interest that your body is here to represent?

6. How did you hear about the site selection committee meetings and process? (Eg. Friend, advert in the newspaper or radio, banner, etc)

7. How long have you been part of the landfill site selection process? (Eg. Since inception in October 1998, 6 months, 3 months, less than 3 months)
A. If you came into the process late, did you find yourself at a disadvantage?

8. What documents have you received for the meetings?
A. Notice of meetings and workshops
B. Minutes of meetings and workshops
C. Copies of the Technical Reports.
D. Copy of the Social Probe

9. Is this by:
A. telephone (notice of meeting)
B. post
C. fax
D. personal delivery
E. Some other way?

10. Did you know that the technical reports were lodged in the library? Have you consulted these documents?

11. What was your impression of waste and landfill sites before you started coming to the site evaluation committee meetings?

12. The public participation process for the landfill site selection has cost R1.2 million to date.
A. Do you think it is worthwhile?

B. Are you aware this money is coming out of your rates? (You are a ratepayer whether you own a property or pay rent.)

Information, Skills and Relationships

13. In your opinion, are the meetings, workshops and visits to the windows and landfill sites well organised with regard to:
A.Time?
B. venue?
C. dates?
D. facilitation?
E. procedure followed?
F. equipment used like overhead projectors?
G. Translation available? Is it adequate? Is it accurate?
H. Other?

14. Do the meetings, workshops and visits to the windows and landfill sites provide you with enough information?

15. Does this information enable you to give the input you are required to for the process on behalf of the group you represent?

16. Is this information available in the language of your choice?

17. In your opinion is the terminology used understandable?

18. Out of all the meetings you have attended, what have you learnt?
A. Are there any skills you have learnt?
B. What relationships have your formed?
C. What have you learnt about other groups viewpoints?

19. Has the organisation your represent at the meetings been strengthened in any way? Give examples...

20. Did you find any of the following useful in terms of improving your skills:
A. minutes
B. documentation
C. newsletters
D. reports
E. Site visits.

21. Did you find any of the following useful in terms of fostering relationships with others on the committee:
A. minutes
B. documentation
C. newsletters
D. reports
E. Site visits.

22.Did you find any of the following useful in terms of improving your knowledge and information:
A. minutes

B. documentation
C. newsletters
D. reports
E. Site visits.

23. Do you feel you have personally changed through this process? How?

24. How do you feed back the information from the process to the group you represent?

Equity and Rights

25. In your opinion which stakeholders dominated the meetings?

26. On the committee each group was represented by a person.
A. In your opinion were all the important stakeholders represented?
B. Should there be more of one group than another? Why?
C. Did the Councillors represent the opinions of the people? Do you think they are accountable?
D. Did the Civics and Community Based Organisations represent the opinions of the people? Are they accountable?

27. Do you think people should sit as individuals on the committee representing themselves, rather than groups?

28. Do you know of any stakeholders who have left the process?
A. Who are they?
B. Do you know why they left?
C. Have they been replaced?
D. Who still remains on the site evaluation committee?
E. Why are they still there?

29. How were the decisions arrived at for the meetings?

30. Do you feel you have any influence on the decisions being made:
A. At the meetings?
B. In the overall process to select landfill sites for the north?
C. Informally among the other stakeholders that you talk to?

31. What in your opinion has made the process fair or unfair?

32.What is your opinion of the facilitation of the meetings?
A. Did the facilitator given everyone a chance to speak and be heard?

33. What did you think of the venue?
A. Was it accessible and neutral?
B. Did you feel the atmosphere was constructive and allowed the learning process to occur?
C. Did the atmosphere enable you to ask about things you were unfamiliar with?

34.*The South African Constitution* says that:
- Everyone has the right to an environment that is not harmful to their health or well being.
34 A. Do you think meetings have protected people's rights to a healthy environment?

The South African Constitution says that:
- Everyone has the right of access to any information held by the state or another person that is required for the exercise or protection of rights.
34 B. Have you been able to get hold of enough information about landfill sites in order to protect your rights?

35. The *Minimum Requirements for Waste Disposal by Landfill* required by the Department of Water Affairs and Forestry who are the regulating body say that:

- The public must be consulted and given opportunities to participate in the landfill site selection process.
35 A. Have people been consulted and given opportunities to voice their opinions through the landfill site selection process?

- The public must be given the opportunity to be involved from the earliest planning stages?
35 B. Has the public been involved in the planning to select landfill sites from the beginning?

- The public must be informed and empowered so they can contribute effectively to the decision making process.
35 C. Have the stakeholders been sufficiently informed so they can make sound decisions in the landfill site selection process?

- Information on which decisions are taken must be adequate (sufficiently detailed, accurate and understandable).
35 D. Has the information provided been adequate and clear, so you can make decisions in the landfill site evaluation process?

- There must be alternative options presented to choose from.
35 E. Have different options been presented by the technical experts as well as the community to choose from in the landfill site selection process?

- Reasons for decisions must be given and these must be sufficient to show that input from everyone has been considered and given appropriate weight.
35 F. Have reasons been provided for the selection of Buffelsdraai over Summerpride for continued investigation?
Have all the factors been considered fairly?
Should some be given more weight or importance that others?
Can this decision be changed or appealed against. Do you know how to do this?

36. The windows for the landfill sites were selected by using maps and rejecting areas which don't allow a site to be built on them due to what are described as "fatal flaws".
A. Do you think this is the best way to find the windows?
B. Can you suggest another way?

37. A lot of time was spent on defining a Terms of Reference for the committee.
A. What value do they have?
B. Have they contributed to the process?

38. How do you feel the public participation process followed has benefited you as...
A. A member of the public?
B. A representative of the group you report back to?

39. The windows for the north were ranked as being better or worse than each other.
A. The outcome for the social ranking said that both Buffelsdraai and Summerpride were equal. Do you agree with this?
B. The Technical Working Committee ranked the Buffelsdraai site as being more technically suitable than Summerpride due to its bigger capacity. In your opinion was the North committee happy with this decision?
C. In your opinion was the ranking process fair or unfair, and please state why?
D. Do you have suggestions for a better ranking system?

40. A desk top social study (probe) was done in the north to discover the impact on those living around the proposed sites, and the broad community in the North Local Council.
A. Did the presentation on the social probe contribute to your understanding of the social issues?
B. What do you think about the findings of the study?
C. In your opinion have the comments from the social study been adequately considered in the ranking process?
D. The north committee were asked to verify the outcomes of the social probe and add to and update it. Do you feel you were able to contribute to this?

41. Future Regional development plans were presented at the meetings for the different councils in the area (Hazelmere, Ilembe and North Local Council).
A. Did these presentations help you understand the development proposals for the area?

B. Do you think the impact of the landfill sites on these proposed future plans has been adequately considered?

42. Different workshop sessions were held explaining the design and construction of landfill sites, and the problems associated with their operation.
A. What did you think of the terminology used? Was it understandable to you?
B. Were there any terms you didn't understand by the end of each particular workshop session? Give examples...
C. Did these workshops and meetings change your impression of landfills?

43.Choose the option that best describes the type of public participation you think has been evident in the north landfill site selection process:
A. Limited public participation with authorities and developer making all decisions.
B. Authorities and developer requesting public participation but still making most of decisions with limited attention paid to public inputs.

C. Joint decisions taken by the public, authorities and developer.
D. Public taking all decisions which are fully accepted by authorities and developer.

Demographics

Details to assist in the analysis of the survey as a whole:

44. What is your age?
Under 18 18- 4 25-29 30-39 40-49 50-59 60 plus

45. Gender?
Female Male

46. Home Language?
English Zulu Afrikaans Other (please specify)....

47. What is the highest level of education you have completed?
Primary school
Some high school
Matric/Senior certificate
Post Matric Diploma
Technikon Diploma
University Degree
Postgraduate Degree (Honours, Masters, Doctorate)

48. What is your main occupation?
Full-time housewife/househusband
Domestic worker
Professional/Senior Management
Manager in Business
Secretarial/Clerical
Adverts/Sales/Public Relations/Marketing
Service/Trade
Labourer/Manual Worker
Academic/Teacher
Student/Scholar
Retired/Pensioner
Self employed/business owner
Farmer/Agriculture
Unemployed
Work from Home
Government employee
Environmental Professional/Consultant
Other.....

49. Where do you live?
North Local Council
Ilembe Regional Council
North Central Council
South Central Council
South Local Council
Other (please specify)....

50. What is your gross income per family per month (before tax)
No income
State Pensioner
Under R1000 R1000-R2999 R3000-R4999 R5000-R6999 R7000-R10 000 R10 000 plus

APPENDIX 3

TERMS OF REFERENCE
FOR THE DSW NORTHERN LANDFILL COMMITTEE: DSW (NLC):
FINAL VERSION:

ADOPTED ON THE 13TH OF FEBRUARY 1999 AT THE VERULAM COUNCIL CHAMBERS:

1. Preamble:
1.1.This Committee is a vehicle for effective participation, consultation and dialogue to discuss, debate and share respective interests and positions regarding the landfill site development process with the intention of reaching consensus for consideration of the respective authorities
1.2.The context within which all the proceedings take place is within the legislative and institutional framework of the country
1.3.This Committee in no way, incidental or otherwise, replaces the de jure powers and functions of the respective authorities

2. Vision / Aims:
The overall aim of the Northern Landfill Committee is to: -
2.1.Support an integrated waste management strategy within the Northern Zone
2.2.That during the landfill site development process due and equal consideration will be given to the economic viability of the proposed site, its social and public acceptance and the potential environmental impacts thereof
2.3.That the proposed land-use is compatible with existing and proposed land-use within the surrounding area
2.4.To ensure that waste minimisation and recycling occur simultaneously with the landfill site development process.

3. Status of the Committee:
3.1. Advisory but with representation on the DSW Technical Working Group

4. Goals and Objectives:
4.1.To ensure that the landfill site development process is in accordance with the Minimum Requirements for Waste Disposal by Landfill (Second Edition 1998), as well as Provincial and National Policy and Guidelines for Waste Disposal by Landfill, with specific reference to it being socially (i.e. in respect of proximity to residential areas, odour, relocation, etc) and environmentally (i.e. potential impact on ground and surface water by leachate and/or impact on vegetation, topography, drainage etc) acceptable.
4.2.Through waste minimization and recycling, to increase the life expectancy of the landfill
4.3.To minimize the cost of waste disposal, particularly transport costs by reducing haul distance from waste generation areas (i.e. through the identification of appropriately situated transfer stations)
4.4.To promote job opportunities through waste recycling, reclamation, etc.
4.5.To ensure full and meaningful participation in the landfill site development process through the capacity building and empowerment of participants in this process
4.6.To minimize the risk to public health
4.7.To ensure that the proposed use is compatible with the existing and proposed use of the surrounding area (i.e. North Local Council IDP and future plans within the Ilembe Regional Council)
4.8.Pending the outcome of the site selection process, to propose the management strategy/ies to be adopted in the management of the landfill site.

5. Purpose and Functions:
5.1.To evaluate the feasibility of establishing a General Waste Regional Landfill Site in the Northern Zone

5.2.To evaluate the suitability of locating a General Waste Landfill Site within the proposed General Waste Regional Landfill Windows based on the physical, social, economic and environmental criteria and guided by the relevant policy and legislation.
5.3.To identify a suitable location for the General Waste Regional Landfill Site within the proposed windows in accordance with the Minimum Requirements for Waste Disposal by Landfill.
5.4.To encourage waste minimization and job creation through for example, recycling and waste separation.
5.5.To review the purpose and functions of the Terms of Reference of the Committee as and when necessary.
5.6.To determine appropriate end-use and closure requirements pending the outcome of landfill site development process

6. Guiding Principles:
6.1.Appendix 3 - Part A: Guidelines for Procedural Equity in a Participatory Process is supported (attached)

7. Composition, Size and Membership:
7.1.The Technical Working Group and Lombard & Associates acting for DSW need to be proactive in facilitating as broad a representation
7.2.The initial representation should be as broad as possible ensuring that there are representatives from a range of stakeholder groups, i.e. those groups who have an interest in the issue of General Landfill Siting and particularly those that are likely to be directly affected.
These stakeholders can be broadly grouped into:
* DSW who is the developer (the regulated),
* Community (civics & councillors/business/conservation/NGO's) (the affected)
* And authorities (the regulators)
7.3.The constitution of the Northern Landfill Committee should be such that the authorities and DSW do not outweigh community/conservation/business representation.
7.4.The community should be viewed as a wide range of groups representing different sectors of the community. Therefore, relevant NGOs may represent certain factions of the community; the Substructure Councils provide democratically elected representation; and diverse civic bodies that have shown an interest also form an important sector, which should be represented.
7.5.Representation from the Regional Councils would be necessary for those communities living outside the DMA on the border of proposed windows, as well as those communities affected by windows, which lie within the Regional Council areas. Representation of those who would be directly affected is particularly important especially marginalized and vulnerable social groupings.
7.6.Once the Committee is operational, the representation should be reviewed by members on an ongoing basis to ascertain whether there are any further interested parties that would enhance its accountability. Therefore representation is likely to change as the process continues.
7.7. All interested parties should be welcome to attend the Committee meetings but may only participate in decision-making when their long-term interests and credentials have been established and their constituencies known via a written submission of their commitment to the process, with their and their alternate's contact details.
7.8.Each stakeholder group representative should have an alternate, and it is the responsibility of the representative to instruct his/her alternate to attend meetings if he/she is unable to do so. The contact numbers of representatives and alternates should be furnished to the administrator of the Committee along with the written submission of intent to join.
7.9.Each representative will undertake to report to his/her constituency regarding the proceedings of the meetings and obtain a mandate for any decisions, which need to be taken on their behalf.
7.10.In order to ensure continuity, the absence of any representative from a stakeholder group for two consecutive meetings should be investigated as to whether the representative has withdrawn from the

process. It is proposed that it is the duty of the Administrator to determine the constraints facing the representative and act promptly to solve the problem of representation regarding the particular stakeholder group.
7.11.The Committee shall be as inclusive as possible. No restriction should be placed on the size of the Committee other than restricting representation to one representative from each type of organization, e.g. authority, business or community organization. Organisations are listed in Appendix 2. The size will stabilize once the parties, which have shown a concerted interest, maintain their representation with other less interested parties falling away.
7.12.The Committee may request the advice of technical expert advisors; or invite participants from interested parties or bodies as deemed relevant to the issues at hand.
7.13.Observers may attend and contribute as and when considered appropriate. Such members will play no direct part in the decision-making process of the Landfill Site Development Committee.
7.14.Representatives of organisations should be bona fide representatives (i.e. they have a constituency to whom they report and their participation in this process is fully supported by the organization they are representing).

8. Quorum:
8.1.The quorum shall constitute at least one representative from each of the three identified categories of stakeholders, i.e. the applicant (i.e. DSW); the authorities and the community.
8.2.In the event of a lack of quorum, a subsequent meeting shall be called by all those present at the said meeting and those present at the subsequent meeting shall constitute the quorum.
8.3.The subsequent meeting called by the aborted meeting shall be no less than seven days after the aborted meeting and the administrator must, of necessity, inform all identified members of the Committee, stating clearly that the said scheduled meeting is as a result of a lack of quorum at the aborted meeting .

9. Decision-making Procedures:
9.1.The Environmental Impact Assessment Process must be used as a tool for decision-making
9.2.Decisions are to be reached by consensus within the Committee, failing which, deadlock breaking mechanisms are to be employed
9.3.A representative of the Committee shall be elected by the members to report to and report-back on decisions taken and recommendations made by the Technical Working Group
9.4.The Technical Working Group shall report back to the Committee on decisions taken / recommendations made and the reasons therefore
9.5.The relevant Ministers shall report back to the Committee on decisions taken and the reasons therefore.
9.6.The procedural principles outlined in the Annexure are to provide the basis for decision-making

10. Deadlock-breaking Mechanisms:
10.1. Every reasonable attempt shall be made to reach consensus within the Committee.
10.2. However, the members recognize that this will not always be possible, at which time a deadlock will be declared by the facilitator/chairperson.
10.3.Regarding a deadlock on procedural matters, the presiding person shall have the authority to rule.
10.4.In the event of a deadlock regarding substantive matters, and in the context of the preamble, the various differing positions shall be recorded in the minutes of meetings and presented to the relevant authority/party should the point of contention around the deadlock be required for a decision.

APPENDIX 3 PART A: Guidelines for Procedural Equity in a Participatory Process (after Cock 1995 in Scott and Oelofse, 1999)

- The public need to be included through all stages of a development plan.
- The process should give power to previously disempowered groups to influence decisions, which affect their livelihood and quality of life.
- The process should be an open transparent process subject to public scrutiny.
- The participatory process cannot be prescribed from beginning to end, as a number of deviations, additions and amendments are likely to be made according to the needs perceived by the parties involved. However, the broad outlines of a likely route which it might take can be pre-designed.
- The process of participation needs active participation from as many stakeholders as possible who have an interest in the decision-making process.
- The process requires a recognition of social differentiation and a respect for diversity. This requires attention to social organisations as a means for gaining access to social groupings.
- All parties are to be accountable to their constituencies to make decisions and participate on their behalf and undertake to feed back information to them. They need also to be accountable to the process that they have agreed to establish.
- The stakeholders will guide and steer the process as it proceeds in accordance with their needs.
- All outcomes are to be the choices of these stakeholders and agreed upon.
- In order that all stakeholders have an equal opportunity to participate, it is proposed that an education and information sharing process is a necessary prerequisite and therefore an integral part of the process. The method and content of this education process is to be prompted by the participants according to their interests. Participation should therefore involve capacity-building.
- The use of outside facilitators/mediators in most stages of the process will maximize the potential for achieving consensual solutions as it will allow the parties to move beyond adversarial positions and explore their underlying interests in a non-threatening environment. Participation in such a manner will allow for the sustainability of the process of participation when it moves into the operationalizing the outcomes of the process.
- All the facilitators and other personnel working on the process should have no Interests in the conflict and therefore would provide a neutral and non-judgmental position with regard to the issues that emerge.
- The choice of a neutral venue and a round table approach will ensure the equalizing of power differentials. This will provide a human rights culture in which all participants can speak freely, promote their interests and hold decision-makers accountable.
- The process should be documented with outputs in the form of reports from each stage in the process which would be fed back to stakeholders.
- The process needs to recognize that all individuals have a constitutional right to participate in the decision-making process.
- There needs to be a commitment to an integration of local and scientific knowledge in an interactive, on-going process between an informed public bringing their local knowledge to bear and the scientific experts.
- There needs to be free and open access to all information, available in the languages of the stakeholders.
- Mechanisms for appeal or conflict resolution procedures should be available in the absence of consensus.

- The equitable provision of resources if necessary to facilitate equitable participation. This may be necessary for travel purposes.
- Participation requires active engagement - this implies co-operation, dissent, debate, problem-solving and negotiation.
- Care must be taken that participation does not mean legitimation and that the process becomes one of co-opting local élites and leadership for exogenously derived programmes.
- The process needs to be purpose driven - people need a reason to enter the process.
- Participation requires realistic deadlines.
- It must be noted that participation is a requirement of the Integrated Environmental Management (IEM) process and a number of the above listed principles are requirements of the IEM process (Department of Environment Affairs, 1992).

APPENDIX 4 - Attendance at 15 Northern Zone SEC Meetings by Grouping - October 3, 1998 - December 11, 1999

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Total
	3.10.98	7.11.98	14.11.98	23.1.99	13.2.99	6.3.99	27.3.99	17.4.99	29.5.99	26.6.99	10.7.99	21.8.99	30.9.99	30.10.99	11.12.99	
Authorities -DWAF/DEAT							1	1	1	1	1	2		1	2	8
Ilembe Regional Council (IRC)				1			1	1		2	2	2	3		1	8
North Local Council (NLC)	6	4	2		2	1	2		2	2	2	3	4	1	1	13
Durban Metro council (DMC)	1		2	2								1				4
Consultants/TWC/Facilitator	4	5	1	2	3	2	5	5	4	5	7	6	3	3	2	15
Environmental Organisations	1	2	2		1	1	1		1	1	1	1				10
Conservancies	1	2	1	2	1		1	1		1	1	1			1	10
Recyclers	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	15
Cottonlands Development Committee		1	2						2	2	2	2	2	1	2	9
Buffelsdraai Development Committee		1	1	2		1	1		1				3	2	1	9
Amaotana Civic	2	2	2	2	2		1	2	2	2	2		1		2	12
Osindisweni Development Forum													1	2	1	3
Verulam Civics	8	6	7	7	4	4	1	3	1	7	4	2	1	4	1	15
Verulam NGOs and CBOs		1		1		1	1	4	1	1	1		1	1	1	11
Landowners (in NLC and IRC areas)	3	2	2	2	2	3	3	3	4	4	2	2	2	2	1	15
Business - Verulam	2	2	2	2	1	1	1	2	2	1	1		1		1	13
Business - General	1	1		1												3
Residents - Verulam												3		1		2
Residents - Other			1	1												2
Academics/Educational Institutions		2		1		1	1	1	1	1	1	2				9
Durban Solid Waste - Developer	2	2		1	1	1	1	1	1	1	1	1	1	1	1	14
Tongaat Civics			1													1

APPENDIX 5

Cover and sample page (Source: Durban Solid Waste (1997): *20 Questions about waste in the Durban Metro area: Information for stakeholders*, Creda Press, Durban)