

Public consultation in the developing world – a case study from South Africa

Paper prepared for the Greening of Industry Network Conference, Rome, November 1998
By Dr. Erika Reynolds, Sasol Limited, Johannesburg

Introduction

For many years, industry all over the world neglected communications with relevant publics. In South Africa this situation was particularly acute because of our political history and secrecy surrounding industries considered to be national keypoints. Communicating openly and truthfully with the public, informing communities and even employees about potential environmental and health risks, and in general taking social issues into consideration in environmental management, occurred on an *ad hoc* basis. These issues were also seen as “soft” and “fuzzy” issues, not part of ‘real’ business management and therefore largely underestimated.

However, in recent times there have been many examples of communities and pressure groups halting or delaying development projects with negative financial repercussions for the developers. The St Lucia dune mining debacle and the proposed surface extension of an underground Sasol mine on the banks of the Vaal River, are cases in point.

Environmental management does not mean managing the environment but managing and adapting one’s activities to accommodate environmental aspects. Integrated environmental management demand that activities are modified to take into consideration the entire spectrum of what the environment entails. This includes people: the forgotten and mostly neglected element of the environment.

When conducting an environmental impact assessment and setting up community fora today, companies have to deal directly with people not previously included in their management plans. Worse still, other than the traditional objects of study and management like fauna, ground water or chemical processes, people as study objects talk back, have opinions and throw curved balls.

Legal and other requirements for public participation.

There are a few legal and also voluntary requirements for public participation.

The Draft National Environmental Management Bill includes the principle of public participation, clearly indicating that the government is serious in considering the opinions and concerns of the wider community. Environmental management processes should consider the interests, needs and values of all stakeholders in decision-making to secure overall progress in environmental performance. “Open information” is stressed by stating that this transparency of information must enable people to access, work with and demand the information they need for informed participation and decision-making. The principle of participation recognises that all interested and affected parties have a right to participate in environmental management and decision-making. Participation should include meaningful and timely consultation with interested and affected parties in order to contribute to effective and informed decision-making. Participation implies a particular emphasis on hearing the voice of those previously excluded in order that policy development, decision-making and environmental management processes are truly representative.

In the Integrated Pollution and Waste Management Policy, the role of civil society is that of watchdog and seen as valuable in furthering environmental management and in placing pollution control and waste management high on the public and political agenda. This function of community based organisations, labour unions and NGO's will be promoted in integrated pollution control.

In the regulations under Section 21 of the Environmental Conservation Act, it is made very clear that full public participation is required to arrive at balanced and fair development decisions. Provincial authorities need to see proof of a description of the public participation process followed, a list of interested and affected parties consulted and their comments. There is also the requirement that ample opportunity was afforded these parties to express their views during the scoping process of the environmental impact assessment (EIA).

Apart from legal requirement the following voluntary initiatives also require public participation:

ISO 14001 has a section on "Communication" which states that, with regard to its environmental aspects and management system, the organisation shall establish and maintain procedures for not only internal communication but also for receiving, documenting and responding to relevant communication from external interested parties. The organisation shall also consider processes for external communication on its significant environmental aspects and to record its decisions in this regard.

The Guiding Principles for the Responsible Care® initiative also states that signatories should respond to community concerns about their operations and their chemicals, give advice to customers and other affected parties on the safe use, storage and transportation of our chemical products, and to co-operate with customers, authorities and affected parties to resolve problems created by the handling and disposal of chemical substances. A management practice standard on Community Awareness and Emergency Response (CAER) also exists to guide member companies in public involvement and external communications.

The International Chamber of Commerce (ICC) Business Charter for Sustainable Development of which a number of SA companies are signatories, has 16 principles that require adherence. Number 15 is titled "Openness to concerns". It is required of companies to foster openness and dialogue with employees and the public, anticipating and responding to their concerns about the potential hazards and impacts of operations, products, wastes and services.

UNEP (United Nations Environment Programme) is about to introduce its APELL programme in SA. Awareness and preparedness for emergencies at local level are stressed and give clear guidelines for industries and local authorities on how to embark on such a programme. It is complementary to CAER.

Most company environmental policies today state that they will *inter alia* not only promote environmental awareness and responsibility with their workers, clients, suppliers and larger public, but to also maintain open relations with employees, relevant authorities and the community.

Increasingly it is also required of companies to report publicly about their environmental performance. Either as part of the annual financial report or in a separate environmental report, annual or bi-annual quantified information is given on resource use, emissions,

effluents and wastes. Feedback is also given on audit results, management systems used and community involvement. Although not a legal requirement, it is good business practice and a feather in a company's cap if they do this.

Purpose of public participation

The reasons for stressing community involvement in environmental management are numerous. A few are:

- to achieve better decision-making: decisions will be more democratic and commitment regarding a decision will be more for all the parties involved
- better co-operative actions are possible, opposed to a top-down approach one sided-coercion
- cost and time delays are minimised if all parties concerned have been given a chance to air their views and have their concerns integrated into development plans. If this is not perceived as being the case, worst case scenario's ensue where opponent throw themselves in front of bulldozers and chain themselves to trees to prevent projects from commencing.
- in public participation forums, information can be given about a company's business, proposed projects, plans and other activities and policies. They can also later give feedback regarding progress in this regard.
- the community is given the chance to air their views, voice their concerns and fears and also provide valuable local knowledge essential in greenfield developments.
- with regular contact, companies and community representatives arrive at a mutual understanding. Even if it is just to agree to disagree, the positions of the parties are clear, agendas become more apparent, personal contact is made and the company and community cease to be "faceless". There is also an increase in confidence in the activities and motives of a company if the community becomes aware of who and what exactly they are dealing with.
- regular and structured contact with the public certainly also improves emergency preparedness, vital in the chemical industry. A number of years ago, a fire at a chemical plant in Midrand created chaos as not even the local emergency services had ever been informed about this company's activities, the chemicals they deal with, etc. Therefore, they arrived totally unprepared with insufficient protective gear and inappropriate fire extinguishing materials.

The identity and characteristics of the public.

Although frequent reference is made in most legal and voluntary documents to 'the public' and 'interested and affected parties', it is not always clear who these parties are. It depends largely on the company to cast a wide net initially in order to achieve broad stakeholder participation.

Who the public is with which one has to deal largely depends on the issue at hand. Should one want to lay a pipeline, the effected parties would be the ones over whose property the line will go and interested parties may be the local authorities, ratepayers associations, farmers' associations, etc. Should one want to open a new mine, one should definitely consult with the people who own the surface rights and the local community who might be affected by noise, dust, increase in traffic. The local authorities, green groups and also labour unions should be involved in this instance.

However, depending on the company, the site and perceived threatened habitats, the wealth and influence of the interested and affected parties (IAP's) or the political incorrectness the process is handled, the public that becomes involved can extend to a regional, national or even international level. In fact, in the new political and legal dispensation, the principle of *locus standi* has been extended. Almost anyone who has an interest in or may potentially be affected by a project or activity, now has legal standing and his/her opinions count.

If this is the case, it is safe to say that public participation would at least include immediate neighbours, employees, contractors, clients, authorities, trade unions, shareholders, general citizens and the media.

These groups or individuals can vary in their characteristics. For instance they can be totally uninformed about the project, the company or the issues at hand or they can be highly informed and educated regarding these matters. They can be activist with lively participation or can be apathetic, hardly responding to communications regarding a subject. They can also be united in their opposition, support specific opinions and concerns or be divided amongst themselves concerning the advisability or progression of the project. There is also the silent majority who may be so perturbed that they are also known as the "seething majority" or they are generally not too concerned - but they are watching every move and waiting for anything to go wrong which they can criticise after the fact.

It is also important to know whether the people one is facing in a meeting, are representative of the community and issues of concern or whether they are a small minority who is very voluble.

The social aspects to consider.

When doing an EIA and considering the opinions of IAP's or dealing with the local community in various forums, numerous social aspects have to be taken into consideration. In volume 5 of the 6 volume series of guidelines published by the Department of Environmental Affairs in 1992, about 70 such issues are mentioned. Although some of them may appear frivolous to the more insensitive project managers, they are real issues of concern to the public. The value attached to some of them vary from person to person such as aesthetic quality, sense of place and land claims. People are concerned about the influx of vagrants, clashes between local labourers and non-locals for new employment opportunities and the threat of community displacement due to large-scale development projects. Most communities do not want their life style stability to be affected and do not want unnaturally skewed biographical compositions in their populations, e.g. many more men than women, many more older than young people, etc. or people with foreign lifestyles. Buildings should not overlook private spaces, nor overshadow other structures, and ample parking should be provided. The special needs of the disadvantaged and handicapped should be taken into consideration as well as the incidence of disease. This in a Southern African situation is important because of potential use of local labour for construction or operation of a plant. Existing threats to health should not be exacerbated and religious and cultural attitudes should be respected. The adequacy of community services and the potential influence on the day to day movement of people should not be forgotten.

Company requirements to deal with the social aspects of IEM

- The most important requirement certainly for a company would be a commitment to openness; not just to communicate the good but also the bad, the threats and disadvantages of a project or operation.
- Sensitivity to the public's concerns and patience in dealing with them, are important.

- The company should comply with relevant laws. It cannot hope to tell the public about all the good things they are doing or are planning to do while they are transgressing laws and in effect lying and setting themselves up for a fall.
- Communication with the public should be goal-oriented with clear programmes in place and should not just occur on an *ad hoc* basis according to someone's whims or in the event of a crisis or emerging issue.
- Constant touch with the community is necessary, which would require a permanent liaison officer who can be up to date with regard to issues, concerns, groupings, etc. Lists of interested and affected parties need to be constantly updated and feedback on promises and projects need to be continuously fed back to the community using various media.
- Information needs to be adapted or translated into a format that can be comprehended by the target communities. Addressing the stakeholder groups and writing for them requires training of personnel.
- This continuous contact through meetings and media will also require a commitment of resources such as time and finances. Infrastructure need to be established to facilitate communications such as a toll-free number, an office with resource materials, a news letter and electronic media or other ways of making contact with members of the community.
- The process, content and effectiveness of stakeholder participation have to be audited to ensure success.

Obstacles to effective communication with stakeholders

Company obstacles

- Communication skills: For a company dealing in technical issues, employing people with technical backgrounds and having to communicate highly technical information to interested and affected parties, is a major challenge. Training of personnel to "tone down" the information and pitch it at the correct level is required - but easier said than done. Many company presentations are still riddled with phrases like 'forward integration', 'cluster symbiosis', 'synthesis of molecules and the production of flocculants'.
- The Public Relations department doing this job is not much better. Their style of communication is using flowery language, saying really nothing of substance in glossy magazines, using smoke screens, clever arguments and catch phrases. This does not send out a credible message and is condescending.
- People skills like empathy, patience and compassion are not always in over-supply in the businesses and technical milieus which require personalities and people trained in profit-making, focusing only on facts and not perceptions and feelings, who have deadlines to meet, whose careers depend on the successful, timeous and cheapest commissioning of a project.
- The history of a company is another major obstacle in communications with the public. For a company who has never had a good environmental record, who have had acrimonious labour relations, massive retrenchments and have often broken promises - not just environmental - with local communities and other stakeholders, the odds against effective communications when needed, are stacked high. Previous secrecy, not just because of our political past but also because of arrogance and callousness on the part of many industries, have created much mistrust and also an incredible backlog of information to communicate. Should a company like this now wish to engage stakeholders in a discussion around a current, pressing issue, it will take months to first establish links, communicate basic information such as the production processes and products, and other general information about the facility before being able to address the issue at hand. A company may also have had negative experiences with locals and employees in the form of strikes, protests, vandalism, theft during social gatherings, disorderly conduct during

meetings, etc. Understandably such a company is not keen to rush off organising contact opportunities. These bad experiences also result in a 'numbing effect' on the people having to deal with the stakeholders, making them rather callous and mercenary in negotiations.

This inherent nature, history and attitude of some companies have ill prepared both themselves and the public for democratic participation and decision-making.

Community obstacles

- Most local communities and other interested and effected parties in SA today are hampered in social contact situations by a severe lack of knowledge regarding
 - ⇒ the technical issues of the project discussed such as pipelines, gas, mining etc.,
 - ⇒ environmental issues other then the popularised ones and
 - ⇒ effective and internationally accepted mitigation methods to reduce impacts of a project or process on the environment.
- Even communities who are highly educated and well off are unfamiliar with democratic principles where all are afforded an opinion and that compromises can be reached even if it is to agree to disagree - and without resorting to physical violence or acting out of the normally accepted procedures for human interaction. Basics such as how a meeting is conducted, i.e. a certain starting time, an agenda, minutes, etc. are unfamiliar to some stakeholders.
- Different conceptions of time creates situations where invited participants arrive 30 minutes late, having missed a lecture, a video and industrial theatre and then complaining that the subject matter at hand is too technical and they do not understand what is going on.
 - The historic issues listed under the company obstacles above, act as barriers to trust. The community stakeholders cannot easily start believing in what a company does or says. Even the truth communicated with every good intent, is taken with a pinch of salt. This is not surprising considering the rumour that the adjoining land to some refineries (generally perceived as sources of pollution), being national keypoints during the years of the oil embargo, were deliberately populated with the disadvantaged communities. This was done to prevent sabotage of these refineries as the suspected political terrorists were largely drawn from the same or similar communities. Knowing that their 'own people' were going to be hurt, was expected to act as a deterrent to bomb these facilities.
 - The majority of stakeholders to be consulted are disadvantaged and logistics can hamper communication and contact opportunities. Due to the lack of adequate public transportation systems, it is at times difficult for the communities to attend meetings after hours and venues therefore have to be carefully selected. Dates of meetings should not coincide with any of the many national or religious holidays or even pay day as most members of the community are standing in queues in banks or are spending their money and not able or interested in public meetings.
 - Dealing with representatives of a variety of ethnic groups is not without complication. Food served should take cognisance of religious and other differences as well as different preferences. Cultural and political structures also have to be considered in initiating public meetings. This can not happen unless the provincial and then the local leaders, followed by a meeting with the chiefs have occurred. Snap, off the cuff individual decisions and opinions cannot be hoped for. Most local communities first want to discuss the issues amongst themselves and then express a group sentiment.
 - New political structures and groupings are formed on a weekly basis - or so it seems - and these groupings have to be included in consultations. Due to employment or personal

circumstances, representatives of the various groupings vary from meeting to meeting making continuity and progress in communications rather difficult.

Conclusion

The social aspects of integrated environmental management has proved to be more significant as was previously perceived. Public participation and including 'people' aspects in planning are also not as easy due to numerous factors. In short, these issues are never to be underestimated - in fact, they have in many instances become the real, decisive and crucial aspects in environmental management. Particularly in developing countries where this is a new experience for all and both industry and communities may be largely naïve regarding various aspects of the process, public consultation presents a special challenge.