

Symposium Synopsis

Ethics of Urban Development in the Western Cape

Introduction

The Unit for Environmental Ethics in the Philosophy Department of the University of Stellenbosch hosted a Symposium in June 2006 entitled, "Ethics of Urban Development in the Western Cape." The aim was to unearth some of the moral challenges faced by stakeholders in the process of rapid and widespread urban development currently witnessed in the Western Cape.

Participants included a resident (with a legal background), architect, activist, town planner, economist, development consultant, and government official. The Symposium was chaired and facilitated by Professor Johan Hattingh, assisted by Leanne Seeliger and Peter Esser.

The goal of this report is to provide a brief summary of the distinct issues brought to the table and to identify some emerging themes common to them.

The Resident's Frustration

If the Constitution gives rights to human dignity and equality then the state has a responsibility to provide this through legislative means. The reasonable mechanism for doing so is the densification of urban space and the development of some public open spaces in existing neighbourhoods, to accommodate so-called integrated low-cost housing. Such development intentions by local government must however also be balanced with the rights and interests of those residents of suburbs where development is to take place, as well as those for whom the development is intended. To ensure this, a public participation process is prescribed through which democratic decisions regarding development projects could, in principle, be reached.

The resident's view is one of concern over the local authorities' treatment of the public participation process, which was seen to lack transparency and pay lip service to participation. By following the letter of the law municipalities were able to employ ambiguous communication and the complexities of bureaucratic procedure to circumvent full and direct public participation.

From the perspective of those frustrated by the process, property developers with expert knowledge of procedure seemed to enjoy a privileged position in the dialogue with local government, at the expense of other stakeholders who stood to benefit or bear the indirect costs of development. As such the process is criticised as not being in the service of people, but of profit, and thus the good faith and integrity of local government is brought into question. There is a duty on local government to afford residents, old and new, the dignity of adequate living conditions without detracting from the dignity to be heard.

The Architect's Ideals

The spread of urban developments within the pristine landscapes of the coastal region between Gordon's Bay and Hermanus is a cause for concern.

At the root of this form of urban sprawl are two things. The first is the attitude towards virgin land as something with the inherent potential for development and a return on investment (The gendered discourse of "virginity" is instructive in this regard). The second is the ironic consequences of the escapism of urbanites wishing to partake in nature, but unable to let go of urban sensibilities. From the perspective of stewardship ethics, both these are objectionable.

We need to re-examine the attitude towards pristine settings as sites for human profit supported by the assumption that humans can and may exploit nature. Room needs to be made for responsibilities toward the natural world, including its aesthetic value.

Escapist motivations, although understandable in principle, result in practices that transform nature from the pristine to the manicured, and from the public to the private. Distributive justice issues are raised when that which had been aesthetically available to all, (temporarily) becomes the privileged domain of the few who can afford it. In addition, an injustice is done to future generations, who might prefer to partake of nature in a less conspicuous manner.

The ethics of restraint practised by archaeologists can be taken as a model for more sensible engagement with pristine settings. An acknowledgement of current "blind spots" in knowledge, techniques and motivations, prompts the archaeologist to leave most of an excavation site untouched. Like pristine nature, sites of ancient civilisation are rare, inherited spaces, deserving of care and preservation, rather than exploitation. Thus pristine nature too must be (mostly) left untouched, for once developed it is out of reach of most living and all future generations.

The Activist's Nightmare

The development application process of the Dreamworld Film City and Residential Estate at Faure has raised objections from the conservation community. It exemplifies some of the ethical issues pertaining to the conflicts between conservation priorities and that of economic development. The crux is that environmental constraints on the project were not considered early enough and not given the priority they deserve by decision makers.

When environmental impacts are considered only in the end phase of a planning process, economic and social considerations tend to militate against an adequate consideration of environmental issues. Vocal political support, drawing on the discourses of economic benefits to people and the region, are powerful leverages for development. Yet, socio-economic benefits, or the promises of them, remain narrowly focused. The associated hidden costs and the onus of their responsibility are rarely given the scrutiny they deserve.

The conceptual basis of “sustainable development” is anything but clear and unproblematic. Much ambiguity is found in phrases like “justifiable development” and “fair trade-offs.” Assigning monetary value to natural systems, such as a wetland, and adding this as a cost to be paid to green initiatives designed to offsets environmental damage, creates the impression that such natural resources and their services can be assigned a fiscal value and traded. The counterargument is that such resources are indeed priceless and indispensable.

Processes employed in public participation phases should also come under scrutiny. Policies designed to protect environmental resources remain difficult to enforce. Without the force of law and rigorous audit, decision makers can abide by minimum adherence to guidelines. Cooperative governance also falls short of ideals due to internal politics and flawed coordination between departments. Appeals are eventually presided over by politicians, for whom issues of popularity may easily outweigh environmental concerns. Recourse to judicial review remains prohibitively expensive.

The result is that, in the ostensible balance between environmental, social and economic priorities, environmental voices are systematically assigned to the background and eventually silenced.

[The Planner's Vision](#)

Urban landscapes reflect the values of society and as such current urban development planning in the Western Cape should consciously incorporate the values of social and economic justice and environmental sensibilities.

The sustainability concept has the potential to provide strategic direction to the challenges of urban planning and development in the context of rapid, mass urbanisation (a global phenomenon). But its implementation in the form of a mere acknowledgment of environmental impact, rather than a recognition of and commitment to a long-term systemic approach, is its downfall.

The urban development sphere is currently characterised by a fragmented conflict between the interests and ideologies of capitalist business, socialist government and green political factions. There is a lack of a holistic integration of planning policy throughout legislative levels, undermining sustainability imperatives and exacerbating problems of resource scarcity, pollution, environmental degradation, and social and economic injustice.

Conceptual and procedural integration should be guided by a moral imperative to create a human-made landscape that provides for sustainable, quality living. This moral imperative finds its expression in a sensible approach to place, history, craft, nature and limits (approximating a bioregional ethic).

In planning terms, a nodal development pattern and the employment of public-private-community partnerships, can potentially provide a framework in which to achieve such holistic integration and commitment to sustainability ideals.

The Economist's Challenge

Wesgro, the official investment and trade promotion agency for the Western Cape, endeavours to attract foreign investment, grow exports and promote the Western Cape as a business destination. Wesgro assists investors with, amongst other things, municipal regulations (e.g. rezoning procedures) and environmental issues (e.g. environmental impact assessments).

Wesgro has experienced such assistance as particularly challenging, due to the long time frames involved and investors' impatience and frustrations in trying to negotiate the lines of reporting and authority within and between the DEAD&P and municipalities. In this respect Wesgro provides a valuable service in supporting investors. It is imperative that the DEAD&P and municipalities reflect critically on their policies and procedures and work toward creating a user-friendly environment, so that undue frustration (and costs) are avoided, whilst respecting the necessary regulatory frameworks. Sustainable development is contingent on economic development and the sources of capital that drive it.

The Consultant's Calling

Environmental Assessment Practitioners (EAPs) play a well-described role as information providers in the formal environmental assessment process, with the necessary professional independence with regards to the final decision clearly prescribed by the National Environmental Management Act (NEMA). There is however much potential value EAPs may add after decisions have been reached and conflicts emerge. No such role has, as yet, been explored.

Given the familiarity with the process and documentation, EAPs are in an ideal position to mediate conflict and facilitate conciliation between dissenting parties, especially where particular needs of individuals or groups conflict with those of the development proponent. Public participation processes are not always the appropriate forums for clarification and solution of such conflicts, and appeals present a lengthy and costly administrative burden on the state.

Whilst the EIA is designed to uncover conflict, it does not mandate a role for the EAP in the solution of it. On the other hand, NEMA makes specific provision for conflict management as additional mechanism to resolve disputes. It is here the EAP is in a position to assist the parties and the process, during the 10-day appeal notification period.

In a conflict management role, the EAP will have to contend with the following issues:

- Ensuring fair play and avoiding prejudice within a context of unequal power
- Sustaining trust gained through professional conduct during the EIA process
- Due diligence and commitment regarding agreements during conflict management
- Confidentiality of discussion during conflict management

Thus the extended role of the EAP as conflict mediator will demand a well-articulated ethic concerning professional responsibilities and practices.

The Official's Reply

The practice of Environmental Impact Assessments is mainly concerned with ethics inasmuch as it guides the appropriate participation of stakeholders in order to ensure the integrity of the process. In this regard, the following debates remain alive in the EIA field:

- *Independence of the EAP* – it remains questionable whether true independence of view can be maintained in situations of direct financial relationship between developers and practitioners.
- *Appropriate expertise of the EAP* – no formal structures and regulatory body currently exists for practitioners and guidelines regarding relevant qualifications and experience remain ambiguous.
- *Accountability and responsibility* – the question of “who is the client?” Unbiased information, the goals of sustainable development, and the environment as such are all contenders.
- *Quality of information and the credibility of the EIA process* – a burden that should be extended to other stakeholders in the process and not be borne by the EAP alone.
- *Transparency and accountability* – ideologies and power politics undermine the integrity of the process and need to be addressed.
- *Definitions of the term environment* – a broad, holistic and commonly accepted definition is needed and should be utilised with sensitivity to contextual variation.
- *Focus on key issues* – the abuse of clauses such as ‘reasonable alternatives’ and contention regarding procedural issues in service of stakeholder objectives detract from EIA’s purpose of identification and assessment of substantive information.
- *Government’s decisionmaking role* – the ultimate power player in the process should predicate its decisions on a balance between constitutionally inscribed fundamental rights and principles of sustainability, within a long term and strategic framework.

Divergent ethical viewpoints and conflict between fundamental motivations can undermine the ethos of the EIA process, or it can enhance it when approached as a process of managing differences through a virtuous application of rational thought.

The Facilitators’ Conclusions

The theme of disempowerment was found to be at the centre of the distinct objections to the processes of urban development in the Western Cape. Whether through political, commercial or bureaucratic processes, individual voices were

unheard, drowned out, silenced, ignored, and frustrated. In the delicate weighing of sustainability priorities, the loss of full participation in the process elicits objection, not so much to the substantive decisions, but to the way in which they are reached.

The various issues raised during the symposium represent diverse narratives, all competing for attention, are expressed through the languages of power, of justice, of reason, and of aesthetics. The thread that binds these rival tongues is a search for meaningful engagement and dialogue between them all.

On a broader scale, a mood of technological optimism was noted – the sense that technologies, both scientific and organisational, have sufficient potential for attaining sustainable development goals. However, progress is marred by failure to address social and environmental justice issues. Historically, our urban development crisis stems from a legacy of ideological constraints and abuses of power. This remains so to the day, even though the format has changed from blatantly political to complexly societal. Distributive justice issues, competing constitutional rights and the loss of a sense of place and of community characterise these concerns.

In summary, it is the concerns about the integrity of processes and the recognition of democratic freedoms and rights that become the moral foci, perhaps best described as the *ethics of professionalism and social justice in urban development*.