

# AN ETHICS SURVEY OF THE ENVIRONMENTAL DECISION-MAKING PROCESS IN CAPE TOWN & SURROUNDS

## SECTION A: BIOGRAPHICAL INFORMATION

1. What is your professional or organisational affiliation?

Provincial Department of Planning, Local Government and Housing	1	Western Cape Standing Committee on Local Government, Environmental Affairs and Development Planning	8
Provincial Department of Environment Affairs and Cultural Affairs and Sport (DECAS)	2	Centre for Scientific and Industrial Research (CSIR)	9
Local Government. (Please specify eg. Tygerberg, Stellenbosch Local Authority)	3	Cape Regional Chamber of Commerce and Industry	10
Western Cape Nature Conservation Board	4	International Association of Impact Assessors in South Africa (Cape Town & surrounds Branch)	11
National Department of Environmental Affairs and Tourism (DEAT)	5	Environmental Justice Network Forum (EJNF)	12
National Portfolio Committee on Environment Affairs and Tourism	6	Wildlife and Environment Society of South Africa (WESSA)	13
National Council of Provinces (Select Committee on Land Affairs and Environment)	7	Other (Specify: .....)	14

2. What is your present role within your professional or organisational affiliation?

Director/Manager	1	Politician	6
Consultant	2	Scientist	7
Developer	3	Steering Committee Member	8
Environmental Department Official	4	Ordinary Member	9
Planning Department Official	5	Other (Specify: .....)	10

3. How many years experience do you have in your present role? ..... (years)

4. What is your gender?

Female	1
Male	2

5. How old are you? ..... (years)

6. (a) What is your highest formal qualification and when was it obtained?

Grade 11/Standard 9 or less	1
Matric	2
First university degree	3
Postgraduate university degree	4
First technikon degree/ national diploma/ national higher diploma	5
Advanced technikon degree/ masters diploma/ Laureatus	6
Other (Specify: .....)	7

(b) If you have a university degree or technikon degree/diploma, in what broad science field did you graduate? (*Question applies to the highest degree obtained*)

Medical & Health Sciences	1
Natural & Engineering Sciences	2
Social Sciences & Humanities	3
Other (Specify: .....)	4

7. (a) Did you receive any training in Ethics?

Yes	1
No	2

(b) If yes, what was the nature of the training?

Formal university course	1
Module in Ethics	2
Workshop in Ethics	3
Part of professional training	4
Other (Specify: .....)	5



## SECTION B: ETHICAL ISSUES IN ENVIRONMENTAL DECISION-MAKING

### B.1. THE ROLE PLAYERS

8. To what extent do you think the following role players are taking ethics seriously in the process of environmental decision-making in Cape Town & surrounds? (Please tick a rating for EACH role player.)

	Large extent	Some extent	Little extent	Not at all
(a) Officials in DEAT	1	2	3	4
(b) Officials in Provincial Department of Planning, Local Government and Housing	1	2	3	4
(c) Officials of DECAS	1	2	3	4
(d) Officials in Local Government	1	2	3	4
(e) National Portfolio Committee on Environment and Tourism	1	2	3	4
(f) National Council of Provinces (Select Committee on Land Affairs and Environment)	1	2	3	4
(g) Provincial Minister of Environment Affairs and Planning	1	2	3	4
(h) Local Government Politicians	1	2	3	4
(i) Western Cape Standing Committee on Local Government, Environmental Affairs and Development Planning	1	2	3	4
(j) Consultants	1	2	3	4
(k) Developers	1	2	3	4
(l) Wildlife and Environment Society of Southern Africa (WESSA)	1	2	3	4
(m) Environmental Justice Networking Forum (EJNF)	1	2	3	4

10. How do you rate the competency of the following role players to make informed environmental decisions in Cape Town & surrounds? (Please tick a rating for EACH role player.)

	Very competent	Competent	Incompetent	Totally incompetent
(a) Officials in DEAT	1	2	3	4
(b) Officials in Provincial Department of Planning, Local Government and Housing	1	2	3	4
(c) Officials of DECAS	1	2	3	4
(d) Officials in Local Government	1	2	3	4
(e) National Portfolio Committee on Environment and Tourism	1	2	3	4
(f) National Council of Provinces (Select Committee on Land Affairs and Environment)	1	2	3	4
(g) Provincial Minister of Environment Affairs and Planning	1	2	3	4
(h) Local Government Politicians	1	2	3	4
(i) Western Cape Standing Committee on Local Government, Environmental Affairs and Development Planning	1	2	3	4
(j) Consultants	1	2	3	4

(k) Developers	1	2	3	4
(l) Wildlife and Environment Society of Southern Africa (WESSA)	1	2	3	4
(m) Environmental Justice Networking Forum (EJNF)	1	2	3	4

11. To what extent are the following role players in Cape Town & surrounds actually adhering to legislation to protect the environment? (Please tick a rating for EACH role player.)

	Large extent	Some extent	Little extent	Not at all
(a) Officials in DEAT	1	2	3	4
(b) Officials in Provincial Department of Planning, Local Government and Housing	1	2	3	4
(c) Officials of DECAS	1	2	3	4
(d) Officials in Local Government	1	2	3	4
(e) National Portfolio Committee on Environment and Tourism	1	2	3	4
(f) National Council of Provinces (Select Committee on Land Affairs and Environment)	1	2	3	4
(g) Provincial Minister of Environment Affairs and Planning	1	2	3	4
(h) Local Government Politicians	1	2	3	4
(i) Western Cape Standing Committee on Local Government, Environmental Affairs and Development Planning	1	2	3	4
(j) Consultants	1	2	3	4
(k) Developers	1	2	3	4
(l) Wildlife and Environment Society of Southern Africa (WESSA)	1	2	3	4
(m) Environmental Justice Networking Forum (EJNF)	1	2	3	4

## B.2. THE NATURE AND CAUSES OF ETHICAL CONCERNS

13. Ethical problems in environmental decision-making in Cape Town & surrounds mainly have to do with ... (Tick only ONE. If the main reason isn't listed below, please specify.)

Corruption	1
Conflicts of interest among consultants	2
Developers are forced to go ahead with projects due to time delays in approval	3
Developers that are more interested in profits than environmental protection	4
Other (specify: .....)	5

14. Unethical behaviour in the environmental decision-making process in Cape Town & surrounds is caused by ... (Tick ALL that apply)

Inadequate legislation/regulations	1
Inadequate enforcement of legislation/regulations	2
Lack of awareness among role-players on the question what ethical behaviour is	3

Severe time constraints put on decision-makers (i.e. hasty decisions)	4
Lack of training among government staff who are implementing environmental policy	5
High workload of officials who have to make decisions	6
Other (specify: .....)	7

15. To what extent do you, in your personal capacity, regard the following as unethical behaviour/practice? (Please tick a rating for EACH issue listed.)

	Large extent	Some extent	Little extent	Not at all
To proceed with a development project without proper approval by authorities	1	2	3	4
Consultants doing impact studies being paid by developers	1	2	3	4
Officials “daddy” reports for developers through the EIA process	1	2	3	4
Consultants doing work outside their field of competency	1	2	3	4
To delaying a project so that it is too expensive to proceed	1	2	3	4
Developers with personal contacts in decision-making structures	1	2	3	4

16. To what extent do you, in your professional capacity, regard the following as unethical behaviour/practice? (Please tick a response for EACH issue listed.)

	Large extent	Some extent	Little extent	Not at all
To proceed with a development project without proper approval by authorities	1	2	3	4
Consultants doing impact studies being paid by developers	1	2	3	4
Officials “daddy” reports for developers through the EIA process	1	2	3	4
Consultants doing work outside their field of competency	1	2	3	4
Delaying a project so that it is too expensive to proceed	1	2	3	4
Developers with personal contacts in decision-making structures	1	2	3	4

17. Please rate how much you agree or disagree with the following statements concerning various aspects of environmental concern in the Cape Town & surrounds. (Please tick a response for each issue listed)

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
<b>GENERAL</b>					
Consultants conduct sham participation processes that do not allow for adequate public engagement with environmental issues	1	2	3	4	5
Developers use personal contacts in the environmental decision-making spheres to get projects approved	1	2	3	4	5

Local authorities and provincial departments do not co-operate effectively in the environmental decision-making process	1	2	3	4	5
Developers appeals are too easily upheld by the Minister of Environmental Affairs and Planning					
Environmental activists deliberately delay development projects	1	2	3	4	5
Heads of departments within provincial government do not work effectively together in environmental decision-making	1	2	3	4	5
Politicians push through development projects to the detriment of environmental concerns because it gives them more votes	1	2	3	4	5

17. (Continued)

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
<b>GENERAL (CONT.)</b>					
Politicians make development decisions that are politically motivated rather than environmentally informed	1	2	3	4	5
Political pressure causes hasty development decisions to be made which have negative environmental consequences	1	2	3	4	5
Environmental activists make uninformed statements about environmental issues	1	2	3	4	5
There is widespread agreement among environmental decision-makers about what constitutes ethical behaviour	1	2	3	4	5
<b>ENVIRONMENTAL LEGISLATION</b>					
Current national environmental legislation is too vague to be properly implemented	1	2	3	4	5
Current national environmental legislation is full of loopholes that make prosecution difficult	1	2	3	4	5
Magistrates are well-informed of environmental issues	1	2	3	4	5
There is sufficient legislation available on national level for adequate protection of the environment	1	2	3	4	5
Penalties for the enforcement of environmental legislation are not severe enough	1	2	3	4	5
Local authorities are reluctant to take legal action because they fear costly court battles	1	2	3	4	5
There is sufficient legislation available on provincial level for adequate protection of the environment	1	2	3	4	5
Industry is ignorant about environmental regulations	1	2	3	4	5
Legal opinion on environmental matters is too costly for the poor to access	1	2	3	4	5

There is widespread confusion about how to implement the National Environmental Management Act	1	2	3	4	5
There is excessive environmental legislation on a local government level	1	2	3	4	5
<b>ENVIRONMENTAL IMPACT ASSESSMENT (EIA)</b>					
Consultants and officials are often ignorant about all the relevant legislation impacting on Environmental impact assessments	1	2	3	4	5
The public are unable to understand the language used in EIA public participation processes	1	2	3	4	5
Environmental impact assessments are seldom able to adequately address environmental problems	1	2	3	4	5
EIA reports often do not contain the relevant information on which to base an informed decision	1	2	3	4	5
Onsite environmental control officers are employed by contractors and can't be expected to give impartial evaluations	1	2	3	4	5

17. (Continued)

	<b>Strongly agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>Strongly disagree</b>
<b>ENVIRONMENTAL IMPACT ASSESSMENT (CONT.)</b>					
Developers dominate public participation in EIA procedures	1	2	3	4	5
Environmental impact assessments are unnecessarily delayed because of a clash between the Land Use Planning Ordinance (LUPO) and the National Environmental Management Act (NEMA) processes	1	2	3	4	5
Government departments, because they lack capacity themselves, expect too much from consultants working on environmental impact assessments	1	2	3	4	5
Environmental impact assessments are a smokescreen for development to go-ahead as planned	1	2	3	4	5
Environmental impact assessments are used to promote job creation not to protect the environment	1	2	3	4	5
The general public is informed about EIA legislation	1	2	3	4	5
NGOs deliberately delay EIA procedures so that it becomes too costly for development to continue	1	2	3	4	5
The advertising of EIA procedures in newspapers is effective	1	2	3	4	5

There is too much focus on process rather than the substance of Environmental impact assessments	1	2	3	4	5
Developers seldom fully consider all the alternatives that are required by environmental impact assessment legislation	1	2	3	4	5
Environmental impact assessments are ineffective because they are conducted in a profit-driven economy	1	2	3	4	5
Competition between consultants results in cheap and superficial environmental impact assessments	1	2	3	4	5
Environmental impact assessments are unable to uphold environmental principles (eg. the precautionary principle and environmental justice)	1	2	3	4	5

18. What do you regard as the two main ethical concerns in the process of environmental decision-making in the Cape Town & surrounds? Please motivate your answer.

(1) .....

.....

(2) .....

.....

.....

19. For EACH principle below, please rate how effective provincial, local and national governments are in the implementation thereof. (Please tick for EACH principle listed)

	Highly effective	Effective	Ineffective	Highly ineffective
<b>PROVINCIAL DEPARTMENT OF PLANNING, LOCAL GOVERNMENT &amp; HOUSING</b>				
The polluter pays principle				
The precautionary principle				
Sustainable development				
Environmental justice				
<b>DEPARTMENT OF ENVIRONMENTAL AFFAIRS, CULTURE AND SPORT (DECAS)</b>				
The polluter pays principle	1	2	3	4
The precautionary principle	1	2	3	4
Sustainable development	1	2	3	4
Environmental justice	1	2	3	4
<b>LOCAL GOVERNMENT</b>				
The polluter pays	1	2	3	4
The precautionary principle	1	2	3	4
Sustainable development	1	2	3	4



Environmental justice	1	2	3	4
<b>NATIONAL GOVERNMENT</b>				
The polluter pays	1	2	3	4
The precautionary principle	1	2	3	4
Sustainable development	1	2	3	4
Environmental justice	1	2	3	4

20. To what extent do you support EACH of the following principles as central to the process of environmental decision-making in Cape Town & surrounds?

	Large extent	Some extent	Little extent	Not at all
(a) The polluter pays	1	2	3	4
(b) The precautionary principle	1	2	3	4
(c) Sustainable development	1	2	3	4
(d) Environmental justice	1	2	3	4

### B.3. MEASURES TO ADDRESS UNETHICAL PRACTICES IN THE PROCESS OF ENVIRONMENTAL DECISION-MAKING

21. Please rate how much you agree or disagree with the following statements concerning measures to address unethical practices in environmental decision-making in the Cape Town & surrounds.

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
Environmental consultants working on environmental impact assessments should be appointed and paid by an independent third party	1	2	3	4	5
All officials (provincial, local and national) need to be trained in environmental ethics	1	2	3	4	5
The EIA process needs to be transformed	1	2	3	4	5
A provincial blueprint which indicates where no development is allowed	1	2	3	4	5
An environmental protection agency that is able to prosecute environmental offenders is needed	1	2	3	4	5
Strategic environmental assessments should replace environmental impact assessments	1	2	3	4	5
The Land Use Planning Ordinance (LUPO), National Environmental Management Act (NEMA) & Planning and Development Act processes should be combined to form one streamlined development application process	1	2	3	4	5

21. (Continued)

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
There should be an audit of the level of co-operation between the three tiers of government involved in environmental decision-making procedures					

There should be an audit of environmental decision-making procedures in each of the three tiers of government	1	2	3	4	5
Environmental consultants working on environmental impact assessments should ascribe to a professional code of conduct	1	2	3	4	5
A provincial ethical committee that reviews all provincial, national and local development applications is needed	1	2	3	4	5
The rezoning of land should be a provincial competency not a local government function	1	2	3	4	5
Political decision-makers need to be made more accountable for environmental decision-making	1	2	3	4	5
Government needs to develop an enforceable penalty system for environmental transgressions	1	2	3	4	5

22. Please identify the two main measures that could be taken to address the problem of unethical practices in the process of environmental decision-making in the Cape Town & surrounds.

- (1) .....
- .....
- .....
- .....
- (2) .....
- .....
- .....
- .....

**SECTION C: ETHICAL VALUES AND EXPERIENCES OF ETHICAL DILEMMAS**

23. Please rate how much you agree or disagree with the following general statements on environmental ethics.

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
Environmental issues are rich people's concerns, poor people have to worry about jobs	1	2	3	4	5
Wilderness will have to be sacrificed to satisfy basic human needs in South Africa	1	2	3	4	5
It is impossible to place an economic value on biological diversity	1	2	3	4	5
The way in which we currently live in South Africa will ensure that our children inherit a clean and healthy environment	1	2	3	4	5

Natural life is valuable in itself, regardless of its use for human beings	1	2	3	4	5
Environmental benefits like clean air can always be traded like other economic benefits	1	2	3	4	5
Ownership of land gives me the right to do anything on it					
Economic activity should stay within the confines of the supporting eco-systems of an area	1	2	3	4	5

24. (a) If you notice that a colleague of yours is behaving unethically, would you ever blow the whistle on him/her?

Yes	1
No	2

(b) Please give a reason for your answer to 24(a):

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.....

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.....

.....

25. Have you ever done any of the following in your current profession?

	Yes, more than once	Yes, once	No, never
Compromise your personal principles to satisfy your client/applicant	1	2	4
Compromise your professional code to satisfy your client/applicant	1	2	4
Break the law to satisfy your client/applicant	1	2	4
Withheld information to get a project proposal rejected	1	2	4
Withheld information to get a project proposal approved	1	2	4

26. In your current profession, have you ever been in any of the following situations?

	Yes, more than once	Yes, once	No, never
Your payment has been dependent on the opinion that you express	1	2	3
You were <i>asked explicitly</i> by someone in higher authority in your institution/organization to approve/support a project that	1	2	3

you know did not comply to regulations			
You were <i>put under pressure</i> by someone in higher authority in your institution/organization to approve/support a project that you know did not comply to regulations	1	2	3
You were <i>asked explicitly</i> by a politician to approve/support a project that you know did not comply to regulations	1	2	3
You were <i>put under pressure</i> by a politician to approve/support a project that you know did not comply to regulations	1	2	3

27. Is there anything else that you would like to raise? Anything not covered by this questionnaire or maybe something about the questionnaire itself?

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**THE END.**  
**THANK YOU VERY MUCH FOR YOUR CO-OPERATION!**