

ETHICS AND ENVIRONMENTAL DECISION-MAKING

A case study in Cape Town and surrounds

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ABSTRACT

The Unit for Environmental Ethics at Stellenbosch University is in the process of completing research on environmental decision-making in Cape Town & surrounds. A number of focus group discussions have been held and an ethics survey conducted among a range of stakeholders involved in environmental impact assessments and other environmental decision-making processes. This included developers, consultants, government and the non-governmental sector. In our analyses and interpretation of the data we have benchmarked the current level of confidence in environmental decision-making, identified key ethical problem areas and are now seeking possible paths to improved environmental decision-making. In this paper, we argue that value analysis, along with structural and capacity improvements, are the key factors to be considered when striving for better environmental decision-making.

INTRODUCTION

Concern about the environment is not a new phenomena in the late 20 century, but a relatively new pre-occupation in the history of human beings' existence on the planet. Recently, there have been several world conferences on the environment. However, despite all this talk about pollution, the use of fossil fuels, carbon emissions, dwindling water resources, desertification and sustainable development these issues continue to plague countries the world over. This should come as no surprise given that the world population has jumped from 1 billion in the 1800s to over 6 billion now

and the consumptive lifestyles of the more affluent countries remain the sought after ideal of so many in developing countries. There are some environmental ethicists who make the point that with all these increasing demands we are beginning to bump up against nature's thresholds for the first time, since human beings have existed. (VanDe Veer and Pierce 2003: xviii)

It is for this reason that the need for a discipline like environmental ethics has developed. We can no longer continue to regard our natural environment as a resource that will be available to us in abundant supply for all time. Our impact, due to our numbers and demands, are so much greater now than it was in the past. Therefore, our decisions relating to our use of environmental resources have become all the more serious, as are our water and energy policies and all legislation concerned with environmental protection. (VanDe Veer and Pierce 2002: xvii) We need to begin looking at ways of wisely weighing up our human demands with the ability of the environment to provide us with resources in our generation and those to come. This is especially so in the developing world where the very basics of human needs like housing and water have yet to be fulfilled.

In our attempts to weigh up what appears to be competing concerns, we are forced to ask ourselves questions of value. How much value do we place on the environment? Is it merely a resource there for our use or do plants, animals and ecosystems have value in and of themselves? We are forced to rethink how much value we place on human needs. Is there a difference between real needs and felt preferences? Are Western lifestyles appropriate in a developing country like South Africa. Can conservation be reconciled with the development needs of South Africa? Environmental ethics as a discipline seeks to unearth these values and assess which of them are being or should be called upon in a given context. In cases of persistent and deep-seated environmental conflict, there is often more than one value being highlighted by the disputing parties. One of the ways of resolving this kind of dispute, is to identify the different value orientations and look at which of these is the most appropriate in a given context.

The Unit for Environmental Ethics at the University of Stellenbosch is one such service and research body that focuses on the independent analysis and critical

evaluation of the values informing environmental policy and decision-making. We seek to improve the quality of environmental decision-making in South Africa by creating an awareness and critical understanding among leaders in business, non-governmental organizations and government of the values informing environmental policy and decision-making.

BACKGROUND TO OUR STUDY

One of our projects last year, for which we received funding from the Cape Town Municipality, involved conducting an ethics survey in environmental decision-making in Cape Town and surrounds. In the first part of the year we concentrated on free-flowing focus-group discussions. Nine homogenous groups were constituted, representing particular stakeholders or sectors including community based NGOs, politicians at provincial level, businessmen and developers, consultants, researchers and scientists, officials from local authorities, provincial officials predominantly dealing with environmental matters, and provincial officials primarily responsible for development planning.

In order to observe the interaction between stakeholder groups, two further heterogeneous groups were constituted from all these sectors. In all cases between 8 and 12 persons participated in the respective discussions, each taking between one and one and a half hours to complete. In each case the participants were asked to comment on the aspects of environmental decision-making in Cape Town and surrounds that were of ethical concern to them. A working definition of ethical concern was introduced at the start of each session, referring to it as those grey areas in the decision-making process where people can, and therefore tend to take chances or cut corners. All of the discussions were taped, and subsequently transcribed into typescript. These transcripts were then analysed with a view to identify issues and areas of concern that could be further scrutinised in the questionnaire survey that was conducted during the second part of 2002.

This questionnaire consisted of a wide variety of questions that covered broad areas of concern, including the extent to which role-players in environmental decision-making took ethics seriously and adhered to legislation, their competency and effectiveness,

the nature and causes of unethical behaviour within this sphere, professionalism, personal values, environmental values, environmental legislation, impact assessments, and measures suggested to overcome the problems that were identified. A comprehensive report interpreting the findings of our research in all of these areas is currently in the process of being completed.

One of the general findings of the research revealed that it was not outright bribery and corruption that was one of the main causes of ethical concern but rather a number of other problems, seven of which included unethical relationships, issues of co-operative governance, loopholes and over-regulation in legislation, flaws in the Environmental Impact Assessment process, the capacity and competency of roleplayers, unsatisfactory public participation and ineffective strategic thinking. We discovered that this all, coupled with the inability to recognise and manage deep value clashes, lead to many stalemates in decision-making where stakeholders with competing value orientations delayed or retarded each other's progress in getting projects approved or prevented.

In this conference, we will restrict our focus to two areas of ethical concern regarding environmental decision-making that emerged in the Cape Town survey. These will include the issue of "troublesome" relationships in environmental decision-making and problems with competency and capacity. Finally, we will show how, while addressing ethical concerns related to these structural matters remain important for improved environmental decision-making, this alone will not be able to address the environmental challenges we are faced with. In addition, we also need to assess the deep value clashes that exist amongst interest groups and look at ways of addressing these in specific ethical contexts.

FINDINGS REGARDING "TROUBLESOME" RELATIONSHIPS

In the survey, we discovered a number of "troublesome" relationships that gave rise to problems in decision-making. Here we defined "troublesome" relationships, as relationships which in themselves might be legal but which respondents believed were filled with mistrust and in some instances entailed direct conflicts of interest. These

“troublesome” relationships often lead to compromised environmental decision-making. Among those recorded were the following:

- a) developers and consultants.
- b) developers and environmental control officers.
- c) developers and politicians.
- d) developers and government officials.
- e) officials and politicians.

We will briefly discuss each one of these relationships and why respondents believed they sometimes resulted in ineffective or ethically unacceptable decision-making.

RELATIONSHIP BETWEEN DEVELOPERS AND CONSULTANTS

The relationship between the developer and the consultant was one of the most prominent areas of ethical concern in the focus group discussions. Respondents were of the opinion that because the developer paid the consultant this compromised the ability of the consultant to produce impartial reports in Environmental Impact Assessments (EIAs) and made them vulnerable to manipulation by the client.

- 69% of respondents agreed that consultants should be appointed by an independent third party, with only 4% of respondents disagreeing.

Among those who expressed concern within the focus groups and the survey were government employees, activists, a developer, consultants and a politician. It was felt by some that the relationship between the developer and the consultant even resulted in skewed public participation. It was suggested that consultants should rather be appointed by someone else, suggestions include the municipality, the province, an Environmental Protection Agency or the community.

RELATIONSHIP BETWEEN DEVELOPERS AND ENVIRONMENTAL CONTROL OFFICERS

The relationship between environmental control officers and the developer was also

perceived to result in a conflict of interest by some survey respondents, especially those in the local government sector.

- 54% of all respondents in the survey were of the opinion that on-site environmental control officers were employed by contractors and could not be expected to give impartial evaluations.

RELATIONSHIP BETWEEN DEVELOPERS AND POLITICIANS

The relationship between politicians and developers was another area of ethical concern in the survey and the focus group discussions. This was also linked to general views about the competency of political decision-making and the ethics of both politicians and developers.

- 85% of respondents in the survey thought that development decisions were politically motivated rather than environmentally informed.
- 86% of respondents thought that political pressure caused hasty development decisions to be made which had negative environmental consequences.
- 51% of respondents thought that appeals were too easily upheld by the Provincial Minister of Environmental Affairs and Development Planning.
- 61% of respondents stated that local government politicians adhered to legislation only to a little extent or not at all.
- 69% respondents rated local government politicians to have little to no regard for ethics in environmental decision-making.
- 86% of all respondents claiming that developers showed little to no concern about ethics in environmental decision-making.

RELATIONSHIP BETWEEN DEVELOPERS AND GOVERNMENT OFFICIALS

Concern was expressed about some government officials being linked to developers and not serving the public interest when it was their job to do so. Activists complained of developers lobbying officials to get what they wanted. Officials also complained that there was pressure to “jump the queue” and that when a particular development

application had a very powerful lobby behind it they would get pressurised to hurry up with the decision.

The relationship between municipalities and developers also came under fire with municipalities being accused of being very development orientated. One provincial official said that local authorities could be very focused on rates income and the rates base. They said: “But watch out for it as you go through these environmental assessments you will often find the role being played by municipalities often to the detriment of sound environmental assessment.”

THE RELATIONSHIP BETWEEN GOVERNMENT OFFICIALS AND POLITICIANS

Officials expressed concern that they were put under pressure by politicians to sometimes make unsound environmental decisions because the politicians felt they needed to deliver to the public or score political points.

- 86% of respondents were of the opinion that political pressure caused hasty development decisions to be made which had negative environmental consequences.
- 95% of respondents expressed the need for political decision-makers to be made more accountable for environmental decision-making.
- 12% of respondents to the survey claimed that they had been put under pressure by a politician to approve/support a project that they knew did not comply with regulations.

GENERAL COMMENTS ON “TROUBLESOME” RELATIONSHIPS

In the first two examples of “troublesome” relationships there is a direct conflict of interest where both the consultant and the environmental control officer find themselves having to police the very company that is paying them their salary. This is clearly not a very effective or healthy means of ensuring compliance. While bigger companies with several well-paying clients on their list might be able to be frank

about their clients lack of legal compliance, it is unlikely that smaller companies who are dependent on the income of single clients for survival are likely to have much ability to enforce environmental legislation. By allowing the consultant to be dependent on the developer for income, we are creating a structural conflict of interest that encourages subjective monitoring of environmental protection and at worst, possibly even bribery and corruption.

One of the solutions, suggested by many of the respondents in the survey themselves is worthy of further research. This involves consultants, and possibly also environmental control officers, being appointed by government. Government in turn could pay the consultants and environmental control officers from a fund that would be financed by developers who have to pay a levy for each Environmental Impact Assessment application. There is the one danger that this in itself might create a closer than necessary relationship between consultants and government officials. However, there is no doubt that this would be an improvement on the present situation where there is a direct conflict of interest between the consultant wanting to give objective advice, or in the case of the environmental control officer, ensure real compliance and on the other hand being obligated to keep the client free of prosecution.

In the last three cases mentioned above there is nothing that is structurally unethical about the relationship between a developer and a politician or between a developer and a government official or a government official and a politician. These relationships cannot be avoided. However, it is obvious that an effective code of conduct for public officials would need to be in place. Failure to comply with this code of conduct should result in heavy penalties. These matters of the personal or financial interest in developments of people holding public offices are very much in the media at present. It would be worthwhile to specifically research the content and effectiveness of these codes of conducts as well as how often failure to comply has lead to prosecution.

ISSUES OF CAPACITY AND COMPETENCE

There was a general complaint that all decision-makers, including government officials, consultants, developers, the public and activists, were not properly qualified

or experienced enough to make many of the important environmental decisions they were confronted with. It was suggested that their lack of capacity left them poorly informed and open to persuasion.

- A total of 46% of respondents to the survey were of the opinion that unethical behaviour itself was caused by a lack of training among government staff who were implementing environmental policy.

Some were of the opinion that there was also a general lack of awareness and training about ethical issues in particular among decision-makers and it was felt that this left them largely driven by political agendas or the most aggressive party which did not result in good governance and development.

- A total of 53% of respondents were of the opinion that a lack of awareness among roleplayers about what constituted ethical behaviour was one of the causes of unethical behaviour in environmental decision-making in Cape Town and surrounds.

In this section we, will examine six different sectors namely government (provincial, local government and national government officials), consultants, developers, activists, the public and politicians in terms of both their own perceptions as well as the perceptions of others regarding their capacity, competency and ethical awareness.

GOVERNMENT DEPARTMENTS

National government

In the survey, national government compared favourably to the other sectors regarding perceptions about their competency.

- 58% of respondents were of the opinion that they took ethics seriously.
- 50% thought that national government officials were competent.
- 56% believed they adhered to legislation.

The National Department of Environmental Affairs and Tourism themselves complained that they lacked the capacity and capital resources to implement the decision-making framework they wanted to. This was backed up by provincial politicians who claimed that there was no-one to check if the conditions for developments set by the National Environmental Management Act (NEMA) were adhered to. Similarly, local government authorities like the Stellenbosch local authority claimed that some national departments simply did not have sufficient capacity to deal with the issues that were put before them.

Provincial Government

The Provincial Department of Environmental Affairs and Development Planning was perceived along with the national department officials to be among the most competent, the most likely to take ethics seriously and the most likely to adhere to legislation.

- 59% of respondents believed they took ethics seriously.
- 56% were of the opinion they were competent.
- 55% agreed they adhered to legislation.

However, despite them having being generally well-regarded in comparison to some other sectors, there was still concern about capacity problems from many quarters, including from provincial department officials themselves. One official complained of having to deal with 60 or 70 or more applications on their desk as well as phone-calls and meetings. There were times when officials were unable to stick to their scheduled priority list. Officials sometimes relied on consultants to make them aware of issues that were significant in EIAs. Information was occasionally withheld, sometimes on purpose or due to ignorance. However, it was simply not possible for officials to apply their minds to the things at hand, if information was left out. The department was trying to rectify this by issuing guidelines for scoping reports.

Consultants, in turn, complained of a lack of consistency with the manner in which provincial officials dealt with projects. One consultant said that officials were moved around, the processes changed rapidly and different officials treated the same sorts of projects differently, leaving consultants confused. There was also the problem that consultants had to first educate officials and then ironically, get feedback from them.

Training was another item that was high on the agenda of the provincial department of environment affairs and development planning. One of the members of the department themselves complained that there was a lack of experienced staff. They said there were very few middle managers and young graduates were faced with high caseloads. The Department of Environmental Affairs and Tourism (DEAT) agreed that there was insufficient training of provincial and local government officials. A proper needs analyses should be done on all training needs, said a member of the national department.

It was maintained that better co-ordination was required to ensure that what is expected by national legislation was translated into proper training programmes by various institutions and then made accessible to officials on provincial and local level. There was the problem that some authorities did not want to allow their officials time to go for training. DEAT officials called for training for the provinces that included NEMA and other policies and legislation, the implementation of international conventions, biodiversity and conservation, Environmental Impact Assessments (EIAs), waste and pollution, coastal management and sustainable development issues as well as how to integrate environment with specially economic and social issues.

Local government

Respondents in the survey had considerably less confidence in the competency and capability of local government officials than provincial and national officials. This is also significant given that local government officials represent 29% of the respondent sample size.

- 43% of respondents were of the opinion that officials in local government took ethics seriously.

- 38% of respondents thought local government officials were competent.
- 33% were of the opinion that they adhered to legislation.

The lack of competency at a local government level was also highlighted by DEAT who stated that the workload at a local government level was too heavy, which left insufficient time for these officials to attend relevant staff training courses when local government needed it most. Some training on environmental management had been done but this had not been sufficient.

One of the most significant capacity problems was found in rural areas. Here the capacity of local authorities to handle environmental issues was seriously lacking. The absence of the green lobby group in these areas left many problems unchecked and it was claimed by an activist that rural municipalities had no idea about what processes had to be followed for development proposals.

A Wildlife and Environment Society in Southern Africa activist raised concern about the municipality's ability to spend ratepayers money responsibly. They claimed that municipalities spent money for the sake of spending it and not necessarily for the wisest choices. But it was not only from the outside that there was the perception that environmental issues were not taken seriously enough. Within the Cape Town City Council, environmental issues needed to be taken more seriously, said one environmental official. They said that the environment was seen as an emotive issue and that environmental officials were not seen as professionals and their opinion was not respected.

CONSULTANTS

In the section on unethical relationships consultants came under fire for bias because they were paid by the developer, but in the survey confidence levels among respondents regarding consultants were reasonable in comparison with government officials.

- 56% of all respondents thought that consultants took ethics seriously.

- 63% of respondents thought they were competent.
- 60% of respondents believed that consultants adhered to legislation.
- 65% of respondents were of the opinion that consultants were ignorant about all the relevant legislation impacting on environmental impact assessments.

Concerns around their conduct were focused on whether consultants offered a professional service when conducting environmental impact assessments.

- 95% of all respondents were of the opinion that environmental consultants working on environmental impact assessments should ascribe to a professional code of conduct.
- 48% of all respondents were of the opinion that consultants conduct sham participation processes that did not allow for adequate public engagement with environmental issues.
- 42% of respondents were of the opinion that competition between consultants resulted in cheap and superficial environmental impact assessments.

Some were of the opinion that a critical review of consultants' work was necessary. One consultant admitted there was not nearly enough questioning on what is actually going on in the field and certainly not enough training exposure. Another member of the International Institute of Impact Assessors (IAIA) said that environmental consultants were not prepared to critically review others. They suggested that this could be because of a lack of maturity and felt if this review happened it might be able to set some limits for ethical behaviour.

Another IAIA member suggested a board for peer review was created within IAIA's own structures. This peer review should occur before the work was subjected to other processes, they suggested. However, the status of IAIA would need to be addressed if it were to function as a certification body of professionals. Presently, they had no entrance criteria and nobody had any right to judge a fellow members, said one member

On the issue of professional confidence, a researcher made the point that clients always expected a scientist to be confident about their findings when as a scientist one knew that the only view of confidence could be statistical. There was also concern within the organisation that consultants were commissioned to do work that they were not qualified to do. For example, a person who specialises in rivers could comment on an estuarine environment and pressurised officials might let some thing unethical like this slip through.

DEVELOPERS (Slide 10)

Developers inspired some of the least confidence in environmental decision-making.

- 11% of the respondents to the survey believed that developers were likely to take ethics seriously.
- 17% of the respondents thought developers were competent in environmental decision-making.
- 23% believed developers adhered to legislation.
- 51% of respondents thought that industry was ignorant about environmental regulations.

Other general opinions regarding developers that were gleaned from the survey included:

- 84% of respondents to the survey were of the opinion that developers seldom fully considered all the alternatives that are required by environmental impact assessments.
- 31% of respondents believed that ethical problems in environmental decision-making in Cape Town and surrounds mainly had to do with the fact that developers were more interested in profits than environmental protection.
- A total of 42% of respondents were of the opinion that developers dominated public participation in EIA procedures.

There was concern by one planner that there had not been enough time to build solid relationships between administrators and developers. Another official claimed that business could be opportunistic. They lobbied senior management in their individual capacity and took advantage of the length of time it took Council to act on legislation. One environmental official in the City of Cape Town said in the advertising industry by the time Council acted – business had had their advertising up for a year already and had made money. Activists also complained of industry's opportunism. An Environmental Justice Network Forum member said that developers sometimes approached “ignorant politicians” with proposals. These politicians who wanted to be seen to be doing something for the community were sometimes not aware of the need for public participation processes.

In the developers’ focus group discussion, the issue of needing to improve standards and training was raised. A member of the Cape Town Chamber of Commerce and Industry called for the need to improve environmental standards in business with tools like ISO 14 000. Another participant complained of the problems of a deskilled building industry. They said that many contractors hired people off the street with no environmental understanding. While responsible developers did induction courses for tradesman on site, trying to do training in a third world country with a skills shortage was not an easy task, said a member of the building industry.

POLITICIANS (Slide 11)

Confidence in the competency and capacity of politicians was very low. General comments on the competency of politicians in the survey included:

- 86% of respondents were of the opinion that political pressure caused hasty development decisions to be made which had negative environmental consequences.
- 85% of respondents believed that politicians promoted development decisions that were politically motivated rather than environmentally informed.
- 59% of respondents believed developers used personal contacts in the environmental decision-making spheres to get projects approved.

- 51% of respondents were of the opinion that developer's appeals were too easily upheld by the Provincial Minister of Environmental Affairs and Development Planning.

In the focus group discussions some concern was expressed about the lack of training of politicians and their resulting lack of capacity to make informed decisions. One activist said that some politicians, eager to be seen to be doing something for the community, jump at developers' proposals without being aware of the fact that there was a need for public participation processes. Capacity building among counsellors was needed and it was felt that no-one without training should be allowed to make value judgements.

Officials at all levels of government were concerned about capacity problems among politicians. A municipal environment official said that politicians did not make decisions consistent with their pledge and appeared to give in under pressure. An official from the Stellenbosch local authority claimed politicians put their vote where the most voting power lay and because people were more interested in housing, sewerage and water this led to less emphasis on the environment. One provincial official was of the opinion that the minister did not understand the difference between a political decision and an administrative appeal. A DEAT official also made the comment that politicians needed further education.

ACTIVISTS AND GENERAL PUBLIC

There was some discrepancy between how the two activist organisations, the Environmental Justice Network Forum and the Wildlife and Environment Society of South Africa, were perceived in the survey. The discrepancy between the confidence expressed in Wildlife and Environment Society of South Africa (WESSA) and the Environmental Justice Network Forum (EJNF) could also be due to a lack of knowledge about the latter, especially since WESSA is a member of the umbrella organisation EJNF. Many people noted that they were ignorant about EJNF's activities.

WESSA was perceived by:

- 76% of respondents in the survey to take ethics seriously.
- 77% found them competent in environmental decision-making.
- 72% were of the opinion that they adhered to legislation.

EJNF was perceived by:

- 42% of respondents to take ethics seriously.
- 41% to be competent in environmental decision-making.
- 45% to adhere to legislation.

Other general comments on communities, activists and members of the public found in the survey were the following:

- 67% of respondents were of the opinion that the general public was not informed about EIA legislation.
- 40% of respondents believed that the public were unable to understand the language used in EIA public participation processes.
- 57% of respondents believed that environmental activists deliberately delayed development projects.
- 50% of respondents were of the opinion that activists made uninformed statements about environmental issues.
- 73% of respondents believed that legal opinion on environmental matters was too costly for the poor to access.

There is a clear indication in the focus group discussions with EJNF and WESSA that capacity building was needed among members of the public so they could engage effectively in EIA public participation processes. It was said that:

- People did not know how the different government departments worked and needed to be informed.
- Information about meetings in community newspapers was not an effective means of communication to all community members.
- Limited numbers of people, skills and capacity within EJNF meant that they

were not always able to attend all the development meetings or always able to receive and respond to information on time.

- People in Khayelitsha were not empowered to engage in issues like objecting to rezoning.

A provincial planning official was critical of the competence level of people in non-governmental organisations. They said very few had training in environmental studies. They claimed that NGO activists were “struggle people” who had now turned their attention to the environment. These activists were working with money which they got for nothing and had no to little responsibility about how they spent that money or what actually happened on the ground. Similarly, other government departments had concerns about communities' ability to look after the environment. There was concern that land with endangered species should not be given over to communities without careful consideration because species might be lost.

COMMENTS ON THE CAPACITY AND COMPETENCY FINDINGS

It is clear from the above analysis that not one sector is without a need to increase their competency and capacity. This should be understood in South Africa against the background that environmental legislation, policy and enforcement is an area of relatively new importance in government. This is apparent when one compares our levels of environmental awareness in government with that of Europe and the United States of America. Environmental legislation, although given a big boost by NEMA, remains piecemeal and still in its infancy.

This is also understandable given our country's history of oppression which has resulted in a sharp focus on human rights rather than environmental issues. This is not to mention the serious concern about HIV/Aids and poverty alleviation. While this is necessary, it is also naïve to suggest that such things as HIV/Aids, poverty alleviation and human rights can be addressed without taking environmental issues into consideration. All of these responsibilities and needs are interlinked and have an impact on environmental concerns.

It is therefore necessary if we are serious about providing for the needs of present and future generations, to begin addressing this lack of competency and capacity within the various sectors.

In the first sector, that of government, it has been expressed by those outside of government and within, that there is a need for increased training in environmental capacity at all levels of government but especially at local government level. Exactly, in what form this training and capacity building would need to be would have to be further researched. A recent budget analysis by the Unit for Environmental Ethics revealed that if one removes the amount of money spent on the World Summit on Sustainable Development last year from DEAT's budget, it becomes evident that the department has not received increased priority in government funding when inflation is taken into account. Moreover, further analysis showed that their staff component has dropped in numbers (Seeliger et al 2003: 13). Serious attention needs to be given to this because there is no sense in increasing environmental legislation or policy if there are no officials to implement policy.

In the previous section on "troublesome" relationships we discussed problems that arose due to the fact that consultants were appointed by developers. We would like to suggest that if consultants were to be appointed by government then it would be far easier for government to ensure that consultants were properly qualified and trained to conduct environmental impact assessments. Similarly, if there was a "single employer" i.e. government, it would be far easier for organisations like the International Association of Impact Assessors to instil an enforceable code of conduct and/or an accompanying training component on its members. This, we believe, would be a big step towards affording professional consultants increased credibility and integrity in Environmental Impact Assessments.

Addressing the competency of politicians is another important factor to be taken into consideration. The approach to this, we believe should be two-fold: on the one hand it should be the priority of political parties to ensure that their representatives are adequately trained for the portfolios that they uphold. On the other hand, parliament through the use of non-governmental organisations/research units and institutes that

specialise in environmental education, could be commissioned to assist in the training of committees tasked with environmental portfolios. Committees such as the National Portfolio Committee on Environmental Affairs and Tourism and the National Council of Provinces Select Committee on Environmental Affairs could all be given a basic training course, irrespective of party affiliation.

Lack of understanding and competence in the activist and public sectors needs to be addressed through funded public participation components in EIA procedures. Present public participation processes are too superficial, leaving communities and activists confused and ignorant about the technical and bureaucratic procedures of some development projects. It is the duty of government and developers to inform the public of the environmental hazards that specific projects might bring about. The public needs to be made aware of the dangers they might face so that they are in a position to make informed decisions. The funding of such an education drive in public participation could be administered by government through a public participation levy imposed on development projects.

If government beefs up its competency to address environmental issues with adequately trained staff and consultants who are paid through an independent fund, unscrupulous developers will have a hard time pushing through developments that have negative environmental impacts. The more scrupulous developers are also likely, through self-regulation, to try and distinguish themselves from those with “bad reputations” through company environmental codes of conduct and standard setting within the industry.

CONCLUSION

In conclusion, we wish to make the point in this paper that even if all “troublesome” relationships were put right and all politicians, government officials, activists and developers sufficiently well-informed and trained, some environmental disputes would remain unresolved. The reason for this, we believe, is that behind some of these long-standing environmental disputes where all the structural and competency issues have been addressed, lie deep-seated value clashes.

Clashes which will not be resolved with more training and better policing but instead require a different approach, i.e. that of value analysis.

Value analysis begins by attempting to identify the core values that disputing parties are alluding to in their argument. For example, a developer may make the point that their development will provide a boost to the ailing local economy, creating many much-needed jobs in a region where unemployment is sitting at 70% of the adult population. The same development may also be located in a geographically unique wetland where there are several plant species on the verge of extinction causing environmental activists worldwide to be in uproar over the development. In the middle, you may have the National Portfolio Committee on Environmental Affairs and Tourism who have listened to both arguments, have been advised by officials that developers are willing to comply with all regulations and procedures, and are at odds with how to make a responsible decision. In this case, those in favour of the development are making an anthropocentric point by placing value on the environment merely as a resource for human consumption, whereas those wishing to save the wetland are valuing the environment for its intrinsic worth, regardless of its distinct use for human beings.

How will the identification of these distinct values assist us in coming to a resolution? Firstly, the identification of the value differences as the source of the dilemma will to a large extent stop those making the decision from looking for solutions in the tightening of administrative procedures or the silencing of one of the disputing parties. Secondly, by acknowledging that both groups have differing, though equally justifiable value claims, a path to greater understanding will have been created. It is not necessary when identifying these value differences to make judgement claims about either choice being more or less acceptable than the other. Once this level of understanding has been reached, then a platform has been created that may or may not lead to consensus on a possible creative way forward.

The consensus may take many forms, one of which may be that the “no-go option” should be pursued and the development halted. The ideal answer might be that both values should be upheld and the critical section of the wetland left wild and the rest open to development. It may even be decided to go ahead with the development and

destroy all of the natural wetland. We believe that if government justifies this more severe action with an outright acknowledgement that in this instance they are more concerned about creating jobs in the region than protecting the biodiversity of endangered wetlands, they are likely to meet with less opposition than if they provide no justification and attempt to silence any disputing voices. It is our opinion that by promoting better understanding about the nature of conflicting values much can be achieved to finding workable solutions to persistent environmental problems.

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