

10 LESSONS LEARNT

10.1 Introduction

In this chapter we draw together a set of lessons identified through reflecting on the case studies. This reflection has been undertaken by using the framework provided by the best practice model set out in Chapter 3. This chapter is divided into the following sections:

- Process design lessons;
- Stakeholder interest lessons;
- Capacity and resource lessons;
- Communication lessons;
- Dialogue and conflict management lessons; and ,
- Broader benefit lessons.

Each of these sections is further sub-divided into a range of lessons grouped under logical headings.

10.2 Process Design Lessons

10.2.1 Creativity and Flexibility

- The ability to make significant changes to the participation process during its course when required, can be of benefit to the environmental assessment exercise.

In the Transvaal and Delagoa Bay Collieries process, the project team recognised that broader awareness raising was required, which resulted in major changes to the process..

- A conscious effort to use innovative and creative participation techniques can stimulate and energise an environmental assessment process.

In introducing changes to the Transvaal and Delagoa Bay Colliery process, the client encouraged creative and diverse approaches in an effort to overcome the problems initially experienced. This allowed for innovation on the part of the consultants and greater endorsement of the process on the part of the stakeholders. A township play and school theatre workshops were two of the innovative techniques developed by the project team which actively engaged with stakeholders.

- Significant aspects of the public participation process within environmental assessments can be channeled through specialist studies.

Extensive participatory research techniques were used in the specialist socio-economic study for the Sasol Natural Gas Project. This allowed a group of “grassroots” stakeholders to be drawn into the process which would otherwise not have been the case given the design of the public participation process.

In the Sun International Hotel Development, the specialist study on archaeology and cultural history similarly engaged a wide range of people immersed in traditional structures.

10.3 Stakeholder Interest Lessons

10.3.1 Incorporating Social, Political and Economic Factors

- The full spectrum of stakeholder groups should be identified and involved in environmental assessment processes in appropriate ways.

In the Sasol Natural Gas project, there was a highly diversified set of stakeholders. These covered two countries and numerous social, political and economic categories. It was necessary to both involve all relevant stakeholders, while at the same time retaining the efficiency of the process. As a result a diversified and textured approach was adopted which saw all groups identified and involved in diverse ways.

- The appropriate level of stakeholder group should be involved depending on the focus of the assessment process.

In the Sasol Natural Gas case it was agreed with the Mozambican government that the main process of involving stakeholders within the environmental assessment process would extend down only as far as district level stakeholders. This was primarily due to concerns that engaging with stakeholders at a lower level would encourage unreasonable expectations of the project. The latter group of stakeholders was engaged with, however, during a specialist study on socio-economic issues.

The relative isolation of the Skorpion Zinc project, as well as its national significance meant that stakeholders within the immediate area of the proposed project, as well as high level national stakeholders were involved.

- The researching and drafting of a social profile assists in identifying and appreciating the nature of all relevant stakeholders to be involved in the environmental assessment process.

A key activity in the Transvaal and Delagoa Bay Colliery process was the preparation of a social profile. It allowed the project team to develop a refined understanding of the relevant stakeholders, relationships between them, and information needed for the design of an improved participation process.

- Discrete participation processes may be required in the public participation aspects of trans-boundary projects, although every effort should be made to align and coordinate the respective exercises.

In the Sasol Natural Gas project case, conditions varied greatly between the two countries involved, namely Mozambique and South Africa. They had distinct legal, political, social, cultural and

economic conditions. As a consequence the participation processes were designed quite distinctly, while seeking the common outcome of constructive stakeholder involvement.

In the Popa Falls Hydropower Project a similar dynamic existed between the two countries, namely Namibia and Botswana. In this case two separate participation practitioners conducted distinct processes in the two countries.

- Parallel processes associated with, but outside of the environmental assessment, need to be factored into the design and implementation of the participation process.

In the Sasol Natural Gas project, there were processes related to land negotiation which fell outside of the environmental assessment processes within both Mozambique and South Africa. In addition the proponent, Sasol, conducted an independent stakeholder engagement process with the stakeholders involved in the environmental assessment process. Government in South Africa treated the successful conclusion of the land negotiations as a necessary condition for approving the environmental assessment. These factors contributed to a host of activities being conducted in conjunction with the environmental assessment process. In reflecting on these activities many stakeholders could not draw a distinction between them, or clearly recall the specifics of the environmental assessment process. This is not necessarily a problem, as the environmental assessment was concluded successfully, and probably reinforced and enhanced by the associated activities.

- Government agencies and officials can make a significantly positive contribution to the participation process.

In the Sasol Natural Gas project a healthy and close working relationship was forged with government in both Mozambique and South Africa through close and cooperative contact.

In the Skorpion Zinc case a constructive relationship was established between the project team and Government officials which allowed issues to be dealt with effectively throughout the course of the process.

- Public participation processes are enhanced in environmental assessment exercises in which the development proponent has an independent, constructive and ongoing stakeholder engagement strategy.

In the Sasol Natural Gas project, the environmental assessment process took place in a context in which the development proponent had a broader ongoing stakeholder engagement strategy. As this strategy was both conceived and implemented in a way which sought to promote a genuine dialogue between the company and stakeholders, it was found that the independent environmental assessment process benefited in that stakeholders were positive in their engagement in it.

10.3.2 Responding to Stakeholder Needs

- Stakeholders may possibly not participate in environmental assessment processes if they do not see any direct benefit in it for themselves. It may be necessary to articulate the value of participation for such stakeholders so as to motivate their involvement.

Many stakeholders stopped participating in the Transvaal and Delagoa Bay Collieries process when they realised that there would be no direct financial benefit as a result of their participation.

- Stakeholder involvement in the design of the participation process enhances the overall assessment exercise.

Through regular meeting with a core group of stakeholders involved in the Transvaal and Delagoa Bay Colliery process, the project team obtained valuable input on proposed communication and participation activities. The activities were consequently appropriate for the targeted group of stakeholders.

- Stakeholder involvement in the selection of the project consultants enhances the credibility of the process and its outcomes.

In the Port of Durban exercise stakeholders were given the opportunity to conduct independent research on the proposed project consultants and come to their own conclusion regarding their appropriateness for the exercise. They were requested to either endorse or reject the proposed team. Later in the process, stakeholders were once again called on to apply their minds on the appointments of specialist consultants.

10.3.3 Engaging Marginalised Groups

- Environmental assessment processes within the region require a conscious effort to identify issues of importance to traditional communities through the participation of the affected stakeholders.

Detailed discussions involving traditional healers were part of the process of pipeline alignment in the Sasol Natural Gas Project in Mozambique.

In the Sun International Hotel Development process a specialist study on archeological and cultural history issues, which extensively involved affected stakeholders from traditional groups, ensured the participation of the affected groups in the process, as well as the detailed consideration of issues of direct concern to them. This was reinforced by the active participation of the traditional leaders in the core environmental assessment activities.

- Engaging with traditional communities requires both a recognition of the appropriate channels of communication, as well as a recognition of their limits. Efforts need to be made to overcome relationships of power which militate against broad-based participation due to traditional power structures.

In the case of the Sun International Hotel Development process it was said that the pattern of traditional governance was such that the Chief, a popular local figure, could confidently speak on behalf of all of his subjects.

In reflecting on the Popa Fall process concern was expressed that the local chief's participation may have served to intimidate ordinary members of the community from raising concerns that could be perceived as opposing the project.

The participation of marginalised communities can be limited by a range of factors such as the role of powerful bodies or organisations acting as “gate keepers”, as well as factors like language and culture. Creative strategies for overcoming these limitations need to be sought.

In the case of the Skorpion Zinc project the experience of the small settlement of Rosh Pinah points to the limited power of a community directly dependent on a single company. Access to the community was through the company. The limitation this placed on participation was reinforced by perceived cultural and language obstacles to participation. The overall effect was to limit participation by this community in the environmental assessment process.

- Environmental assessment processes, unless deliberately structured to avoid it, run the risk of including the participation of mainly affluent people to the exclusion of the poor.

A concern expressed by observers of the Sun International Hotel development process was that very few, if any, poor people participated in the processes. Various factors were suggested to explain this, including that the poor had other priorities and, more significantly, that the mode of public participation was not consistent with that conventionally used to involve poor people in developmental processes locally.

10.3.4 Inclusivity

- The language used in the participation process will have a direct bearing on which stakeholders are involved.

In the case of the Sasol Natural Gas Project the core environmental assessment activities in Mozambique were conducted in Portuguese, while documents were produced in English. The former had the effect of excluding many local stakeholders not versed in Portuguese, while the latter required that documents needed to be translated in order for government officials to review them. The specialist study which targeted local villagers was conducted in the indigenous languages of the people, thus facilitating participation.

In both the Sun International hotel development and the Popa Falls Hydropower process, translators were used to facilitate participation. In the Zambian project, translators were used in particular to interpret complex technical language for stakeholders to better understand the report back on the specialist studies conducted.

- Formal meetings can be both advantageous and disadvantageous to the environmental assessment process, depending on the purpose to which they are used and their context.

In the Popa Falls Hydropower process, some stakeholders interviewed were of the view that meetings were too formal, thus acting to constrain participation.

In the Skorpion Zinc case it was felt that meetings were well-conducted and served to build relationships between stakeholders.

- Meetings with individuals and small groups can make a useful contribution to the assessment process.

In the Popa Falls Hydropower project a focus group meeting with a small group of local scientists was considered highly constructive.

In the Skorpion Zinc case meetings were held with individual farmers in the surrounding district due to the great distances involved and the difficulty this posed to farmers in attending open public meetings on the project.

- A diversity of events and activities creates scope for broad participation from a wide range of groups.

In the Port of Durban process there was a wide range of activities which created diversified and ongoing opportunities for stakeholder engagement. These included formal open public meetings, smaller individual interviews, dedicated focus group sessions, creative workshops, open house and exhibition events, as well as formal structured committee meetings. The combination of all of these contributed to a stimulating participatory environment.

- Events, activities and communications organised around the needs of stakeholders will add to the success of the public participation process.

The Port of Durban process provides an example of how events and practical arrangements were made to ensure that the majority of stakeholders could both find the time and cover the costs of participation.

10.3.5 Equality between, and Respect for, Stakeholders

- The appropriate attitude of project consultants, clients and government bodies in the form of a fundamental respect for the interests, views, and needs of stakeholders will allow the public participation process to have a profound impact on the environmental assessment exercise.

In the case of the Port of Durban process, the project team was explicit in publicly treating all stakeholders equally, including its client who was the proponent of development. This included calling the client to task at one point in the process. This attitude served to both build trust and confidence amongst stakeholders, as well as create an environment conducive to a deep and constructive dialogue which added value to the final outcome of the process.

- Overemphasis on the interests of one set of stakeholders can disadvantage the contribution of others in the environmental assessment process.

The Port of Durban case presented a situation where certain stakeholders perceived the project team to be giving undue emphasis to ecological concerns. This gave the impression that environmental interest groups were being favoured in relation to others, notably business and labour interests. Due to the design of the process and the extensive opportunities for dialogue, these concerns were recognised and corrected in the course of the exercise.

- Undue political influence can have a detrimental consequence on the credibility of the participation process.

Numerous stakeholders were of the view that the Sun International Hotel development was the object of high level political intervention during the course of the environmental assessment process. This served to undermine the legitimacy of the environmental assessment process, and the value of stakeholder participation in it.

The lack of political interference in the Popa Falls process, helped to improve the legitimacy of the process, in contrast to a previous environmental assessment process undertaken by Nampower.

- Undue client influence can have a detrimental consequence on the credibility of the participation process.

In the Sun International Hotel development case there was pressure from the client to expedite the finalisation of the environmental assessment process. This meant that the process was conducted within a period which was considerably shorter than that desired by the environmental assessment team. It also placed pressure on the public participation process.

10.3.6 Commitment and Integrity

- A deep commitment to the independence and integrity of the environmental assessment process by the development proponent can contribute to the success of the public participation process.

In the Skorpion Zinc process, the company proposing the development was perceived by outside stakeholders, notably those from Government as showing a deep commitment to a fair and transparent environmental assessment process. This was particularly noted as this environmental assessment process was one of the first undertaken in terms of Namibia's new regulations.

In the Popa Fall Hydropower case, the development proponent had previously had very difficult experiences in engaging with stakeholders. In this case it sought to learn from these, and consciously developed a constructive process of stakeholder engagement. This served to enhance the environment within which the environmental assessment process was implemented.

- Slow progress in implementing the assessment process can undermine the trust and the success of the participation exercise.

Bureaucratic tendering and other processes have served to slow down the implementation of the rehabilitation recommendations in the Transvaal and Delagoa Bay Colliery process. This has frustrated stakeholders, some of whom have withdrawn from participating in the exercise.

10.4 Capacity and Resource Lessons

10.4.1 Budgets

- The larger the budget for public participation, the greater the scope for innovation, creativity and broad-based process success.

The Port of Durban, the Sasol Natural Gas and the Transvaal and Delagoa Bay Colliery processes had generous budgets for public participation. This allowed for significant creativity and extensive activity within the participation processes. This was to the general advantage of these processes.

10.4.2 Timeframes

- Sufficient time should be given for stakeholders to adequately participate in the environmental evaluation process. Where time frames are pressurised and a briefer time than would be ideal is available, every effort should be made to ensure that the circumscribed process satisfies key principles of good practice as set out in the model of best practice contained in Chapter 3.

In the Sun International Hotel Development process severe time constraints were placed on the process by a combination of the efforts of the development proponent and government actors. The environmental assessment team acknowledged the constraints this imposed, and determined to conduct the process as closely as they could within the bounds of good practice.

10.4.3 Practical Support

- Practical support to give assistance to stakeholders in their participation in environmental assessment processes can be beneficial, but needs to be cautiously dealt with.

In the Sasol Natural Gas project case, funds were set aside to cover the travel, accommodation and subsistence costs of participants in the environmental assessment process. Without such support, many government officials would either have had to cover these costs personally as there were not government funds available for them, or they would not have participated at all.

In the Transvaal and Delagoa Bay Colliery process, intervention from a participating non-governmental organisations led to funds being set aside for transport and food for participants. This, it was found, led to increased and more effective participation.

10.4.4 Consultants and Process Facilitators

- The environmental assessment and public participation process is deemed credible where the consultants implementing it demonstrate their independence of the project proponent.

Stakeholders interviewed noted that in all of the cases, the consultants demonstrated their independence. This served to underscore the legitimacy and credibility of the final products of the environmental assessment processes.

- Local Non-Governmental Organisations can play an important role as intermediaries between community groups and the project consultants.

In the Popa Falls Hydropower project a local Non-Governmental Organisation independently undertook a process of consultation with local community members in order to communicate community concerns and issues to the environmental assessment process. These consultations were undertaken in the local language and in a manner that allowed the issues to emerge.

In the Transvaal and Delagoa Bay Colliery process a local Non-Governmental Organisation took on the function of community liaison on behalf of the project team. This proved to be very effective in allowing for good communication and involvement from community members.

- Close co-operation within the consultant team between environmental assessment and public process practitioners can enhance the process.

In the Port of Durban process there was an integrated working arrangement between the technical and process professional involved. They approached the overall project as a joint exercise and perceived their collective role to be facilitators of the process. The task of ensuring that the core principles of participatory process were adhered to was thus a joint one. This created a seamless and productive working relationship, and also created a single point of reference for stakeholders.

- A project steering committee drawing in representatives of local stakeholder groups, as well as the development proponent and the consultants can give important insight and direction to the process.

In the Sun International Hotel development case, a joint steering committee drew together representatives of government Departments and specialist agencies as well as the client and project team. It provided useful guidance on ways to approach and implement the public participation process. A risk in this situation was that the parties involved in the Committee were also stakeholders in the process and, if not cautious in their dealings, could risk experiences of conflict of interest. This appears to have not been the case.

10.5 Communication Lessons

10.5.1 Emphasis on Accessible Communication

- A diverse range of communication methods enhances awareness of the process and promotes participation in it.

In the Skorpion Zinc process, communication activity increased in frequency and diversity as the project proceeded. Diverse means of communication were used including newspapers, radio, leaflets, local newsletters, word of mouth and direct contact with specific individuals and organisations.

In the Transvaal and Delagoa Bay Colliery process, diverse means were used to communicate ranging from conventional meetings and correspondence to newsletters, and interestingly the use of

community theatre. The latter was well received and proved to be an excellent medium of communication.

- A dedicated and creative media strategy can create a supportive environment within the mass media for the environmental assessment process.

The Port of Durban process stressed the importance of using local newspapers as an important means of public communication. A dedicated strategy and media liaison specialist were used. Relationships were built with journalists in order to promote the possibility of regular and accurate reporting on the process. This consequently proved to be the case.

- The use of email as a means of communication has both positive and negative consequences.

In the Popa Falls Hydropower project case email was used. While this served to reach many of the stakeholders, many did not have access to the technology, thus excluding them from a critical information flow.

- Information needs to be drafted and presented in forms which are accessible to stakeholders so as to facilitate their active involvement in the environmental assessment process.

In the Transvaal and Delagoa Bay Colliery process, newsletters were produced on a regular basis which had differing levels of communication from graphic through to text forms. This “multi-tiered” approach allowed for a broad range of readers to gain access to the information.

In the Port of Durban process specialist writing skills were drawn on to rework technical material into accessibly drafted summaries. All documentation was made accessible in this way through all phases of the process.

10.6 Dialogue and Conflict Management Lessons

10.6.1 Real Dialogue and Debate

- Trust and credibility in the environmental assessment process is built through the consultants being seen to actively follow up on stakeholder concerns.

All of the case studies were marked by follow through on issues raised by stakeholders. The Skorpion Zinc case was interesting in that stakeholder comments and discussion of them was closely integrated into the body of the environmental impact report.

- Stakeholders recognise the value of environmental assessment processes where opportunity is given for debate and free expression, thus reinforcing the legitimacy of the outcome.

In the Sun International Hotel development case, stakeholders noted that the process was a first in presenting opportunities for substantial debate on key development issues. Prior to this there had been a long history of civil society exclusion from such processes.

- The appropriate process for considering alternatives is an important basis for rationalising the conclusions reached within an environmental assessment process.

In the Sasol Natural Gas Project case, an incremental process of first establishing a proposed development corridor, and subsequently determining a route was followed. The participation of high level stakeholders in the former phase of activity, followed by more broad based participation in the latter allowed not only for the examination of alternatives, but for the appropriate level of participation in the various aspects of the process of considering variables.

- The participatory development of a collective vision by all stakeholders can be used as a basis for building dialogue and a mutually agreed framework for assessment.

In the Port of Durban Process, a visioning exercise was conducted as a collective activity involving all stakeholders at an early stage in the process. This contributed greatly to the process in building a collective commitment, trust, as well as early agreement regarding a long-term outcome associate with the area under consideration.

- Often major points of conflict and dispute that need to be addressed emerge only at a relatively late stage in the process, notably once specialist studies have been conducted.

In the Port of Durban case significant issues of dispute emerged at the point at which specialist studies were conducted. These were acknowledged and all stakeholders participated in collectively identifying terms of reference for further investigation, as well as the commissioning of experts to conduct these. As a result the outcome of the further study was based on a collectively determined process and set of study ground rules that all stakeholders bound themselves to.

10.6.2 Conflict Management

- Treating environmental assessment as a process of facilitated problem solving allows for conflict management to be at the core of the public participation process methodology.

The Port of Durban process was designed and implemented in all respects as an exercise in collective problem solving. This meant that attention had to be placed at all times on ensuring that stakeholders endorsed each step of the process, as well as its outcomes. This included the commissioning of professional work, and the appointment of consultants. A structured vehicle for negotiating the final outcome rounded the process off.

- Conducting parallel processes of negotiation on issues related, but not directly part of, the environmental assessment process facilitates improved public participation.

In the Sasol Natural Gas project case there was a close integration between negotiations on access to land, and the environmental assessment process. This was in keeping with the South African national government requirement that there be resolution on the land issues before it would approve the outcome of the environmental assessment process.

In the Skorpion Zinc project there was a parallel negotiation on labour issues during the course of the environmental assessment process. This served to allow this issue not to dominate the environmental assessment process.

- The establishment of a negotiating forum representative of all stakeholders can facilitate a consensus-based outcome to the environmental assessment process.

In the case of the Port of Durban process a forum was established through a negotiated process which served as a proxy client for the process. The effect of this was that it led to a broad-based consensus arising from the process. The success of the forum was largely dependent on the space given for its coming into being and mode of operation by the proponent of development.

10.7 Broader Benefit Lessons

- Well-planned and implemented public participation processes within environmental assessments can build long-term relationships and social capital.

It was suggested that in the Sun International Hotel development case, local stakeholders had derived a broader benefit through their participation in the environmental assessment process. It had allowed them to develop a deeper appreciation of heritage and economic development issues, as well as their potential role in it.

In the Port of Durban case a long-term benefit to arise from the environmental assessment process was the building of a constructive working relationship between the port authorities and the city government, which had not previously been the case.

10.8 PUBLIC PARTICIPATION PROCESS REVIEW TEMPLATE

A public participation review template has been prepared. It is based on the model of public participation best practice and the lessons learnt from the case studies. The template is intended to assist companies and institutions in improving their respective public participation processes in order to realize better project and development outcomes.

The review template comprises a 'form' which serves as a guide for the reviewer in analysing how well civil society participated in an environmental assessment. The template should be used as a guide in undertaking the review. The template can also be used as a reference to assist the planning and implementation of a public participation process.

The template is contained in Appendix 2.

