

Article

The limits of public participation in environmental impact assessment processes: the case of indigenous communities in Mapela, Limpopo Province

Bekezela Moyo, Teresa Dirsuweit and Ann Cameron

bekezelam@gmail.com; dirsutc@unisa.ac.za; ann.cameron@wits.ac.za

Abstract

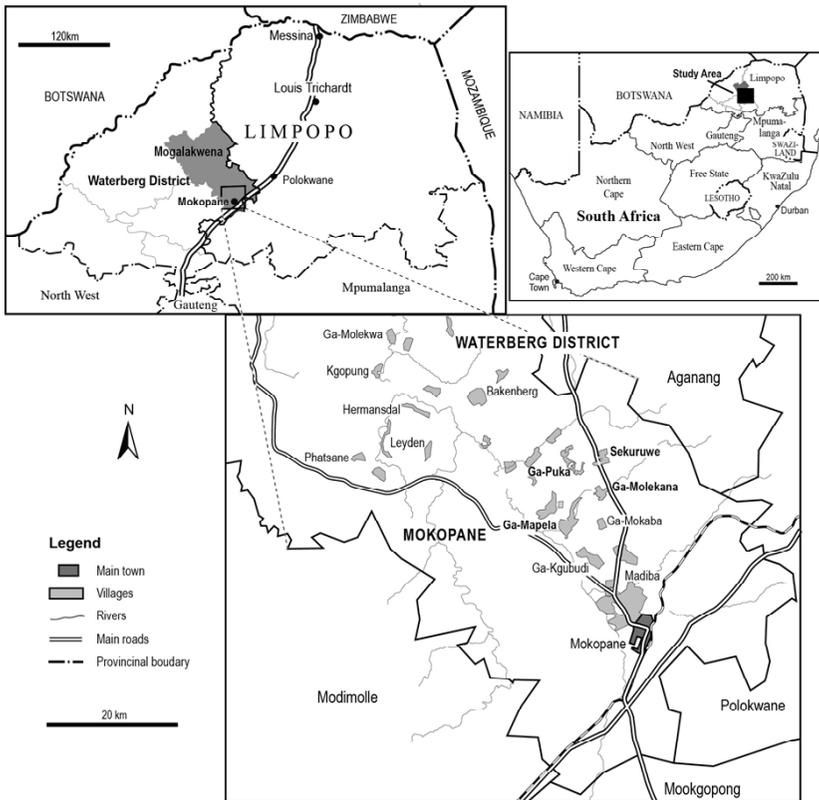
The paper reports a case study of a public participation process in Mapela, Limpopo Province, South Africa. A deliberative democracy framework was used to assess the process. Developers relied on a functional managerial approach to the public participation process, but it was found that this was to the detriment of the process itself, as well the long term outlook for members of the affected communities who had been relocated. A technocratic model underpinned the public participation process. In this paper, we explore the perceptions of the affected Mapela community regarding the public participation process. These perceptions are documented and discussed in relation to public participation policy and practices and in relation to the philosophical underpinnings of deliberative democracy.

Introduction

Since the passing of Principle 10 of the Rio Declaration in 1992, public participation is *de rigueur* for development. Public participation is the praxis of deliberative democracy. An analysis of the application of public participation thus presents opportunities to expand the efficacy of public participation and reflect on the philosophical underpinnings of deliberative democracy. The public participation process had profound implications for three rural villages in the Mapela communal lands located in Limpopo Province in South Africa which were affected by the expansion of the Mogalakwena Mine – owned by Amplats, a subsidiary of Anglo American

(see Figure 1). ActionAid with Jubilee South Africa (2008, nd) and the SA Human Rights Commission (2008) have documented the events, processes and concerns of the Mapela community in relation to this expansion in detail. Farrell et al (2012) have analysed the community engagement of Amplats from a corporate governance perspective. In this paper, we analyse community perceptions of the public participation process undertaken as part of an Environmental Impact Assessment for the expansion of the mine in the context of literatures on public participation and deliberative democracy.

Figure 1: Location of the villages of Sekuruwe, Ga-Puka and Ga-Molekana in Limpopo Province, South Africa



The area in which the Mapela communities are located is the site of one of the geologic wonders of the world: the Bushveld Igneous Complex, which is famous for its mineral deposits. Platinum mining in this area began in the 1920s but initially remained small and marginal (Capps 2012). In the Mapela district, mining began in 1926 with the development of the Potgietersrus Platinum mine, but about 70 years later things began to change: improvements in mining machinery in the early 1990s and an increase in demand for platinum saw the implementation of large scale mining (Jones 1999). The original Potgietersrus Platinum mine is now a vast transnational mining concern, the Mogalakwena Mine. As the need for platinum increased, the mining operations sought to expand from the original workings into the neighbouring lands. But this land belonged to rural communities. It was where the three villages that are the focus of this study were located, ie Ga-Puka, Ga-Molekana and Sekuruwe. The surrounding land was used by the people of these villages for communal grazing and subsistence farming. The land also provided natural resources such as the plants used by herbalists for medicines. Traditional lifestyles were followed by most villagers, with a traditional leadership system controlling most of the day-to-day activities in the community. The land around the villages was also used as the location of traditional burial grounds. But below this ground lay rich reserves of platinum, and for the mine to be able to exploit these mineral reserves, the villages would have to be moved. In order to do this, the mine had to undertake an environmental impact assessment, which required the participation of the villagers who would be affected by the expansion of the mine.

Public participation and deliberative democracy

Public participation has been theorised around two central traditions of deliberative democracy (Mouffe 2000): these are the Rawlsian and the Habermasian models of deliberation. The Rawlsian framework emphasises a rational model of civic engagement, where diverse communities engage to deliberate on the best possible outcome for all stakeholders. The emphasis in this model is on justice. In the Habermasian deliberation framework, the speech act is emphasised. Here all participants must have an opportunity to express their position and to draw up the central questions of the deliberation. The emphasis in this framework is on legitimacy. Coenen (2008) introduced two further useful analytical categories: functional arguments for public participation, where

participation is viewed as a pragmatic process to increase legitimacy, provide information to participants and government, and improve knowledge of environmental issues for communities; and normative arguments, which emphasise the potential of participation for deepening democracy and transforming society.

In attempting to reconcile these different approaches to participation, a number of authors have analysed the different purposes, approaches and procedures associated with the process (Bishop and Davis 2002, O’Faircheallaigh 2007). In her classic paper on the subject, Arnstein (1969) suggests that public participation can be seen as a ladder, with each rung representing a method of participation. The lowest rungs represent manipulation and therapy methods of participation. Here lie development projects where the community is not informed and there is no public participation at all. The middle rungs include informing, consultation and placation. These participation methods are collectively labelled as tokenism. Here there is some consultation, where experts and government often seek opinions from people just to win community approval for the project. However, there is limited assurance that peoples’ opinions will be taken into account during decision-making. Public participation is carried out as a technocratic process, meeting the requirements set out in the national Environmental Impact Assessment legislation (Cornwell and Coelho 2007), but it remains symbolic rather than genuine. Coenen (2008) expands this point, arguing that this form of participation reflects a managerial perspective of participation. This perspective reflects a modernist scientific method approach and reifies scientific expertise over public involvement. Here scientific expertise is trusted to solve problems. The top rungs of the ladder represent varying degrees of community participation through partnerships, power delegation and citizen control (Choguill 1996). It is at these top levels of Arnstein’s ladder where the local community is meaningfully involved and is able to influence and even control decision making.

Another way to view the public participation process is to see it as a continuum, with varying degrees of public participation (Wagner 2004, O’Faircheallaigh 2010). Bishop and Davis (2002) describe public participation as ‘pseudo’, ‘partial’ or ‘full’, where it may range from just offering reassurance to communities without substantively engaging them (much like Arnstein’s therapy stage) to rare instances where participation of locals can influence outcomes. Choguill (1996:439-40) also sees

public participation as a continuum, starting with people being neglected or rejected (including notions of ‘self-management’ and ‘conspiracy’), followed by manipulation (‘informing’, ‘diplomacy’ and ‘dissimulation’). At the highest level of support the government conciliates people through top-down approaches of consultation. At this level, ‘partnerships’ are formed with stakeholders that also empower them. O’Faircheallaigh (2010) and Wagner (2004) explain public participation as a process through which stakeholders influence and share control over priority decision making. The process of public participation should include what is referred to as democratic deliberation, the purpose of which is to allow people of different backgrounds to air their thoughts and together come up with agreeable solutions (Gunderson 1995, Cornwell and Coelho 2007). This may be complicated by differing perspectives and values, especially in situations where the agendas of participating groups may be in opposition to each other and where issues of power relations come into play. In theory, when issues that impact on local communities are under consideration, the public participation process becomes critical, as both experts and local residents should work collectively, with joint decisions resulting in a better outcome than if the experts had worked independently (Greyling 2005). However, for this kind of public participation to occur, both locals and experts are required to be open to having their beliefs challenged, and to shifting their perceptions and rethinking their values so as to connect and work together (Gunderson 1995, Cornwell and Coelho 2007).

Public participation and sustainable development in South Africa

In South Africa, as in many other countries, any development requires by law that environmental issues must be taken into consideration. For example, South Africa established the Environmental Conservation Act (ECA) 100 of 1989, which provided for the creation of environmental management strategies. In 1996, the South African constitution was developed and clause 23 ensures the mandate for environmental management at national and provincial government levels in South Africa. The environmental impact assessment (EIA) was developed as a process that would fulfil the principles of sustainable development and democratise the environmental management agenda. South Africa thus has a long history of environmental and natural resource management and conservation, dating back to the early 1970s. Like many other developing

countries, including African countries such as Ghana, Zimbabwe, Mozambique, Nigeria, and Kenya (Appiah-Opoku 2000), South Africa has adopted the EIA process as one of the many strategies to be used in environmental management. Central to environmental legislation is the involvement of local communities. For example, the supporting objectives of goals 4 and 5 of the White Paper on Environmental Management Policy of 1998 (DEAT 1998a:35) clearly indicate the involvement of local communities in EIAs by stating that ‘the responsible authority should...develop public participation mechanisms and processes that are fair, [that] will promote participation of marginalized sectors of society ... and [that will] encourage and support involvement of special interest groups such as ... traditional healers and the elderly’. While public participation is thus a legal requirement for developers who conduct EIAs in South Africa, research has shown that compliance in this regard is still a challenge for developers (Sidaway 2005, Rist and Dahdouh-Guebas 2006). Consequently, many developers rely on functional managerial approaches to public participation, where expert opinion is central. It is against this background that we investigated the nature and meaningfulness of participation by local communities in Mapela in the EIA process associated with the expansion of the Mogalakwena Mine.

The Mapela case study

In line with environmental policy developments of the early 1990s that regulate mining operations, in 2002 a large independent environmental consulting firm, SRK Consulting South Africa, which is part of an international organisation, was commissioned to carry out an EIA process for the Anglo Platinum Mogalakwena Section mine, with regard to their proposed expansion. This EIA process involved various environmental specialists including ecologists and technical auditors. It also, in accordance with policy requirements, involved local communities. The EIA outcomes and recommendations that were to guide the then current mining expansions, and any that could occur in the future, are specified in the EIA report (SRK Consulting South Africa 2002).

The land belonging to the villagers of Ga-Puka, Ga-Molekana and Sekuruwe was bought out as per the recommendations of the EIA that was completed in 2002. The villagers of Ga-Puka and some from Ga-Molekana were then relocated to a new area in 2008 on a farm called ‘Armoede’, so called by the original white settlers because of the poor life style of

people whom they found living there (Du Plooy 1996). 'Armoede' is an Afrikaans word that means 'poverty' (Drewaski 1977:183). The new village that was created by the mine and named 'Armoede' after the farm, was supplied with basic social services including brick and tile houses, communal piped water, electricity, gravel roads, well equipped schools and a clinic. The heads of households were also compensated through direct payment, according to the value of their possessions and size of the erf (a plot of land), as per criteria established by the technical audit (Ndaba 2009). But the name 'Armoede' was prophetic in terms of the feelings of the villagers. As far as they were concerned, there were three major consequences associated with their removal to the new village: firstly, they lost their agricultural land and other natural resources. Secondly, they had been removed from their homes. Thirdly, their ancestral burial grounds were lost and so graves had to be dug up and relocated, leaving a deep sense of unease. At the time of negotiation and relocation, the villagers had been in agreement with the relocation and compensation arrangements. It was only after the fact that they started to realise what had been lost and at the time they were interviewed for this research study, many were still reeling from confusion and conflicting understandings related to the mining development. Many felt they had been hoodwinked. There was a deep sense of disillusionment and of having been cheated.

There are several accounts of the events and processes associated with the relocation of the residents of Mapela. In the account provided by ActionAid South Africa (2015), an international advocacy group, the Mapela community and mine officials have had embattled relationship for over 100 years. The public participation processes for the extension of the mine began in 1998, when the mine approached the Motlhotlo's traditional leader Kgoshigadi Langa (SAHRC 2008). Two relocation Committees were formed in the same year and a team of professionals was constituted in 2002 (SAHRC 2008). There were two actors in relation to public participation processes. The first was SRK, who completed a public participation process as part of the EIA, holding key stakeholder workshops and 12 focus group discussions with community members (SAHRC 2008). Focus/Hararo, who were appointed as project managers by the relocation committees, held the second set (SAHRC 2008). After two community meetings, an agreement was reached between Amplats and the relocation committee in 2002. This agreement stated that the community consented to the relocations (SAHRC 2008, ActionAid nd). The Relocation

Committees were subsequently formed into section 21 companies in 2003 at the legal advice of attorneys appointed by Amplats to act for the Mapela community (SAHRC 2008, ActionAid nd). However, a number of people held the perception that the members of the Section 21 companies had not been elected democratically.

Amidst negotiations for settlements with household heads, site visits facilitated by community liaison officers (who were also appointed by Amplats), a group emerged which resisted the relocations and expressed their concern about the new settlements at Armoede (SAHRC 2008). This group was named the Motlhotlo Development Committee (MDC) and, in 2007, members were elected to their steering committee with the assistance of the Independent Electoral Committee. The group represented the concerns of those who felt that the Mapela community had not had sufficient engagement with the mine concerning the relocation. Other issues of concern included water quality, the loss of arable land, compensations, food security, poorly constructed houses and air pollution (ActionAid nd). This grouping was neither endorsed by traditional leadership, nor engaged by the mining authorities in a substantive way (SAHRC 2008). The Motlhotlo Relocation Resistance Committee was formed out of this group and represents those who have resisted relocation altogether. Many of these are still living in the mining site in difficult circumstances (ActionAid nd). In 2008, ActionAid and Jubilee South Africa submitted a report and a request to the South African Human Rights Commission to investigate potential human rights abuses associated with the relocations (SAHRC 2008). There were a number of protests coinciding with visits by the South African Human Rights Commission (ActionAid nd). There were, and still are, claims of continued harassment by the South African police in the area (ActionAid nd, Farrell et al 2012). There were also a series of legal cases brought against Amplats, most of which were thrown out of court (Farrell et al 2012). Resistance continues in the community to this day and ActionAid has continued to advocate for the Mapela community (ActionAid nd)

Case study methodology

A qualitative research design was selected for this case study as we wanted to investigate the nature of public participation in what Neuman (1997) describes as a natural setting, ie one where public participation actually took place. Case study research involves empirical inquiry to generate an

in depth understanding and knowledge of a specific topic (Simons 2009), even where the interviewed sample may be small (Trochim 2006, Naidoo 2007).

After seeking permission in August 2010 from the traditional local leader to carry out the research, data was collected by the primary researcher through face to face interviews and a focus group discussion. Three two-day visits to the research site in the Mokopane District of the Limpopo Province were undertaken during September 2010 and November 2010. Informed consent was sought and permission was granted to audio-tape each interview and the focus group discussion. The interviews and focus group discussion were carried out through an interpreter who had been assigned to this work by the traditional leader. The participants were all people recommended by the interpreter as having had contact with the EIA process, and 25 participants were interviewed (see Table 1). The participants comprised 14 women and 11 men, 18 of whom were elderly people and nine of middle age. The key participants included the traditional leader, the traditional healer, the chairperson and an NGO worker. Some participants were interviewed more than once to verify or expand on information that had been supplied.

Table 1: Participant Information

Participant	Armoede	Ga-Molekana	Sekuruwe	Total
Traditional Leader	1			1
Former Committee Member	1			1
NGO Worker		1		1
Chairperson; new committee		1		1
Traditional healer			1	1
Villagers	5	4	5	14
S21 committee member	1	1	1	3
New committee member	1	1	1	3
Total	9	8	8	25

The focus group discussion was held in November 2010 with six participants, two from each of the original villages of Ga-Puka, Ga-Molekana and Sekuruwe. They had all been previously interviewed on an individual basis, with the focus group serving to build on the data collected during the interviews (Kitchin and Tate 2000). The focus group was valuable in enabling a better understanding of issues because the interaction

between villagers opened up opportunities for the participants to remind each other of what happened. The interviews and the focus group discussion were transcribed shortly after each took place. These transcriptions provided the empirical data which were combined with secondary data obtained through the analysis of relevant documents such as the policies and the EIA report. The initial analysis was to produce a set of 'categorised notes' (Gillham 2000, Creswell 2003) through identifying common ideas that emerged around the public participation process. The categorised notes were then sorted into themes, which were described and explained in relation to the research questions (Attride-Stirling 2001).

Case study results

An EIA, commissioned by Anglo Platinum Mogalakwena Section mine, was carried out in 2002 to cover for the then current, and future, mining expansions in that area (SRK Consulting South Africa 2002). The ECA (Environment Conservation Act) 100 of 1989 and NEMA (National Environment Management Authority Act) 107 of 1998 regulations specify that the EIA process should involve public participation by local community members, as well as receiving input from various environmental specialists such as ecologists and technical auditors (DEAT 1998b). Ideally, the public participation process is a substantive engagement between developers and communities. It should be a negotiated process in which both sides present their case. The mechanics of power should be recognised and mitigated through various advocacy programmes and communities should feel that they have been heard. Where there is development, all parties involved should feel a sense of fairness and equity, if not a sense of having gained from the process. It should provide an opportunity for different parties to come up with mutually beneficial solutions to any problems that arise, and to reassess and offer redress if required.

The environmental consultants and the mining company followed the public participation requirements of South African law; however, the spirit of these requirements is that development should take place in a way that affords communities a sense of dignity and agency. In this case, while the requirements were met *de jure*, the perception of the community is that their *de facto* needs were not met. Many participants in the research believed they had not been heard and that their compensation amounted to the bare minimum to fulfil the legal requirements. The question that arises is how can it be that policies and procedures designed to protect and

empower, result in the opposite for those they are designed to protect? To answer this question we examine the community perceptions of the process as it unfolded in Mapela.

That an EIA was carried out and that there was public participation cannot be questioned. Villagers who participated in the interviews remembered that consultations were carried out with local communities through several village meetings. They remembered that discussions were held on issues relating to the expanding mining operations. Some participants stated that in the meetings, people were told about the relocations and the way in which they would be compensated. The findings of our study indicate that it was these meetings that were heavily relied on to prove public participation. An analysis of the Environmental Impact Assessment Report (SRK Consulting South Africa 2002) revealed that the prescribed EIA stages of screening, scoping, assessing and evaluating impacts and suggesting mitigation measures were all carried out during the EIA process. Policy was thus followed as required, but it appears that the meetings with community members served the purpose of informing rather than consulting: a traditional leader from Armoede explained that ‘During meetings, the mine representatives assured us that the money we were to get would cover all the losses that we were going to occur because of the expanding mine operations’ (Participant A, October 24, 2010). The issue then is not that procedures were not followed, but rather that the villagers did not understand the purpose of their involvement in the various stages of the EIA. Only two of the 25 participants in the study had any knowledge about EIA procedures. One of them (Participant D, October 23, 2010) said, ‘Yes, I heard about the EIA study but I am not sure whether it was done for this community. Actually, I have a copy of the EIA report that was carried out in 2002 for Mogalakwena Mine; it is not clear whether it was carried out for all the villages affected by this mine’. The other (Participant B, October 24, 2010) said ‘Sometimes I hear people saying the mining company is using recommendations of an EIA study that was done long ago for expanding activities in our village so we are not very sure’. There were clear indications in our discussions with the research participants, that the public participation process was dissociated for many of them. Some were not aware of the process, others attended the meetings but either had little say in discussions or were confused about the process.

Having concluded the EIA and other required negotiations before their

planned expansion, the mine took ownership of the land and villagers from Ga-Puka moved into the village of Armoede where they were provided with housing and other social services. A review report of the Anglo Platinum Mogalakwena Section mine (Anglo Platinum Mogalakwena Mine 2009:15) indicates that at least 432 households (87 per cent) of the Ga-Puka villagers were relocated from their old village to Armoede, with 65 households (13 per cent) refusing to leave. This group formed the core of the Motlhotlo Relocation Resistance Committee. These households received no compensation, but were then impacted as a consequence of the relocation of the schools and the clinic to the new site. They were also impacted later by noise and air pollution. It can be inferred from the report that this was not a forced removal: villagers were given the option to leave, with compensation, or to stay without compensation. For those who decided to move to Armoede, the choice came with what for them was an unforeseen cost: they came to realise that they had not only lost their homes and neighbours and the familiar patterns of social interactions and community support built up over many years, they had also lost their traditional grazing and agricultural lands. Furthermore, they had lost access to other natural and cultural resources, such as herbs for medicinal purposes and their grave sites. Available farming land has become scarce in Armoede, so people are no longer able to grow crops. The villagers who relocated to Armoede now face socio-economic hardships that they blame on the expanding mining operations.

In the Rawlsian tradition, National Environment Management Authority (NEMA) and EIA regulations require meaningful participation of local communities in EIAs, where a two way communication process is used in order to come up with decisions agreeable to all. However, neither the regulations of the ECA (100 of 1989) and NEMA (107 of 1998), nor environmental policy documents (DEAT 1998a, 1998b) clearly spell out how this should be done. The lack of detail with regard to procedure tends to allow developers their own discretion in interpreting what is meant by public participation. Consequently developers may carry out EIAs functionally without meaningfully engaging the local communities, at a level where the people truly understand the EIA concept. In this study it was clear that the villagers ‘participated’ without understanding the meaning of an EIA; without understanding the long term implications of the compensation; and without understanding the managerialist approach adopted by the mine.

The developers could be viewed as having gone beyond the letter of the law, in not only creating a new village for the communities that had to make way for the development, but in supplying brick and mortar housing and financial compensation for villagers who agreed to the relocation. These compensation packages, according to the villagers, ranged between R8,000 and R20,000. Anglo Platinum (2008) reports that compensation was worked out in accordance with World Bank guidelines and amounted to ‘\$3,000 in 2004 Rand terms’. Anglo Platinum (2008), again following World Bank guidelines, also provided infrastructure that went as far as schools and a clinic to serve this community. Anglo Platinum (2008) has been quick to demonstrate how this infrastructure far exceeds the quality of existing infrastructure. The mine and the developers were thus able to tick all the legal procedural boxes.

A Habermasian legitimacy framework, however, would encourage a full understanding of all perspectives regarding the implementation process of the EIA. It would also require developers to allow people to give voice to and address the consequences of the development. While the public participation process may have been wide and inclusive in terms of involving a large number of villagers, most of the participants in the research study claimed that having their concerns addressed during meetings was a problem and they did not feel that the meetings meant anything substantial to them. It can thus be argued that meetings with community members amounted to ‘going through the motions’, to being compliant with policy requirements but without fully creating levels of participation that would ensure that all of the implications of the relocation were fully explained or understood. When concerns were raised about the legitimacy of the consultation process and some of the negative consequences of the development, the response was to shut down engagement with these dissenting voices (SAHRC 2008) and to become defensive about the development (Farrell et al 2012).

Bishop and Davis (2002) report that while NEMA and EIA regulations should promote and encourage meaningful participation – which necessitates the understanding of both short and long term impacts of development by local people – developers concentrate on short term benefits so that they can get buy-in from the people. They describe such engagement as being a ‘symbolic gesture’ (Bishop and Davis 2002:16). Related to this is the issue that the developer pays for the EIA, with the potential that the outcome will be to the benefit of the paymaster (Choguill

1996, Bynoe 2006). The challenge inherent in such a process, especially where economic transactions are included, is how the various aspects are viewed and understood by the different parties. It appears that there was very little substantive feedback from different community members as to how they would like Armoede to be developed. Rather, the development was presented to the participants as a completed product. Some participants from Armoede reported that the houses they were promised were different from those they actually got. They felt that when they were relocated, the houses that were built for them were not in accordance with the model house that was used to demonstrate the type of house they were going to get.

A similar sense of let-down was experienced in relation to the compensation packages that were paid out by the mine. During the interviews it became clear that the villagers were not properly informed how the compensation packages were determined or that the money paid out as compensation was a 'once-off deal'. In his report on the EIA for Anglo Platinum Mogalakwena Section mine, Ndaba (2009) highlighted that a technical audit, which considered the size of the house, the number of rooms, the size of the yard and so forth, had been done to determine the compensation packages for villagers affected by the relocation and grave exhumation cases. However, almost all the participants claimed that they did not know how the mine representatives came up with the compensation figures, nor did they know that the compensation was a once off payment. Rather, they thought they were going to be paid continuous compensation over a long period of time. Some participants claimed that in addition to not having been consulted about the content of the compensation package, they only received a part of the compensation money and were to be given the remaining amount when everyone had relocated. Where there were direct consultations with households, Amplats tended to consult with male heads of household and not the household as a whole (ActionAid nd). Thus where there were multiple families living in one household, compensation was only received by the direct family of the household head. In addition, women, the youth and children had little say in these discussions (ActionAid nd). At the time of this study, some villagers claimed that they had not received the remaining amount of money. Sentiments of betrayal arose in the responses of many participants as they claimed that their views were not transparently sought concerning these issues. One of the villagers (Participant C, November 27, 2010) said, 'We

want fresh talks with the mine, talks that will make us get what we deserve. The money they gave us is too little. We do not know how they came up with that small figure. I finished mine in just one year’.

One of the most traumatic developments in the process, however, was in relation to the relocation of graves. The developers recognised this as part of the requirements for obtaining the land. But complications arose, based on very different perspectives related to this deeply emotive aspect of the acquisition of the land. Some villagers were willing to be compensated for the exhumation and relocation of the graves of their ancestors. Some were not. One elderly villager (Participant E, September 26, 2010) from Sekuruwe, who had disagreed with the idea of relocation of graves to a new site, explained their position: ‘I refused to have my relatives’ graves dug. I did not give them the names of my deceased relatives. Not me only, even other people refused, but the graves were dug still’. In their efforts to conclude the process, the developers relied on attendance registers taken at meetings to prove that consultation and agreement had been reached regarding issues such as the exhumation and relocation of graves. NEMA and EIA regulations oblige experts to keep attendance registers of interested and affected parties who attend meetings during the public participation process, but research has shown that developers sometimes maintain registers that then get used as a ‘rubber stamp’ (Choguill 1996:438) to allow development to commence regardless of different concerns that were raised by the community. While it is clear that attendance registers were drawn up during every meeting that was held, some participants claimed that they heard that the registers were used to endorse the decisions taken by the mining company – as if all who attended the meeting had agreed to the meeting deliberations. Participant K (October 26, 2010), a member of the community committee, disputed the claim, saying, ‘Nothing like that was done. Because the mine went ahead to exhume the graves does not mean they depended on the register to show that people agreed. Instead the mine removed graves because a lot of people agreed to that and they even got compensated before the graves were removed’. The conflicting agendas, and the views and emotions associated with the ways of understanding the process and its products is no more clearly visible than in the situation as it unfolded with the relocation of the graves.

There was also recognition that ‘there was too much fighting during meetings’ (Focus group, November 28, 2010). Some participants argued

that had the mine followed proper procedures, conflicts between the mine and the community regarding the fairness of compensation would not have occurred. Participant Q (November 28, 2010) explained, ‘We want development in our area, I support the mine, but they must make sure that they listen to people and come to agreements, instead of forcing and threatening people to accept everything they have planned’. This feeling of coercion is identified in a different study by Bernard and Khumalo (2004) who indicate that it is not only developers who coerce local communities, but that local leaders who position themselves as intermediaries often receive rewards from the developer and threaten community members who are seen to cause trouble during meetings between the community and the developer.

Discussion: the limitations of functional managerial perspectives

The pain, bewilderment and financial suffering of the communities that eventually constituted Armoede, demand that intellectuals, practitioners and developers embark on some hard reflection about the efficacy of public participation. In this case several problems emerge. It could be argued that mining, rather than using the public participation process to forge and cement a partnership with relevant stakeholders, viewed the public participation process as a threat that needed to be managed. The model of a home and the planning of Armoede as a new village were simply presented to the participants, rather than developed together with the participants. The compensation packages were the result of a technical audit – again with no meaningful discussions. Ancestral graves were moved without engaging the community about what would constitute a respectful manner in which this could be achieved. It appears meetings were used to inform and explain rather than to engage and consult to find mutual solutions that would suit all stakeholders. The rational decision-making model, central to Rawlsian deliberative democracy, was not adhered to.

What of Habermas’s emphasis on the ‘speech act’ (Mouffe 2000:5)? It appears that some villagers were able to voice their positions. Many, however, felt coerced into approving decisions or felt that they had attended a meeting to express an opposing opinion, only to suspect that their attendance could be viewed as consent and agreement through attendance registers. Scientific experts, in the form of consultants from SRK Consultants and project managers, made long term decisions on

behalf of the community, but may not have fully understood the different positions presented by laypeople and were perceived to be contemptuous of input from the community members. This problem was clearly articulated by one of the villagers (Participant B, October 24, 2010) who said ‘The mining company and these educated people – even some politicians – look down upon us. They think we are poor and not educated and so they treat us like idiots’. Furthermore, the EIA was for current and future expansions. Once completed, public participation was foreclosed. Habermasian legitimate participation cannot work in this way. For the process to be legitimated, the call for ‘fresh talks’ from members of the community could be considered, but this is unlikely to be well received by the mine.

In the Mapela case, the EIA appears to have been carried out to meet all legal requirements, but it demonstrates the damage that a pragmatic managerial approach to participation can result in. In emphasising a scientific modern method, it fails to acknowledge power differentials, linked to education and beliefs systems, and of the need for transformation, to clarify and guide the affected parties to a transparent and inter-subjective understanding of how they would be affected in the short term and the long term. In contrast with this kind of functional pragmatism, honesty, trust and fairness should be the starting point for public participation. The first step in a more transformative approach to participation would have ensured that villagers were not only briefed about the meaning of an EIA and the role and function of public participation. Care would have been taken to confirm that the communities fully understood what was happening and were able to make supported choices and decisions based on such understanding.

Issues of communication at several levels, including language, world view and literacy levels, as well as respect for value systems, and greed, all play significant competing roles in transformation. The communication gap and the lack of acknowledgement of different value systems led to significant loss for already marginalised communities. The findings of this study indicate that even though South Africa has produced relevant policies for public participation, there is still a lot of work that has to be done to ensure that the implementers of these policies are able to practise effectively policy requirements on the ground and that such participation is truly meaningful. The consultants and specialists involved in EIA should ensure that the actions undertaken create mutual benefits for all, including recognition and respect for other people’s cultures and other points of

view.

While it may not be necessary for lay people to know environmental policy and technical processes, for public participation in EIA to be fully transformative, there is a need for the redistribution of power. Power redistribution may occur when EIA proponents and experts teach and explain issues to locals. Aylet (2010) explains that empowering locals deepens democracy and creates meaningful public participation because the people then position themselves within the proposed development project and can articulate their concerns in terms of the project at hand. However, Brownlie and Wynberg (2001) pointed out that governments still lack the political will to educate people about the importance of their involvement in environmental and development issues that impact on their lives. The fact that the villagers in this study lacked general or basic knowledge about the EIA process that took place in their area reveals the disconnect that exists between policy and reality. They believe that the participation of local communities in environment and development issues is widely recognised in theory, but that practice falls short of the principle. More recently White and Bourne (2007) have reported that some governments are encouraging and enforcing the participation of indigenous communities in EIAs through environmental awareness campaigns. In his research in Canada and Australia, O'Faircheallaigh (2007) found that some indigenous communities demand to be heard: locals want the opportunity to contribute to decisions that affect their lives, and to ensure that locals benefit from any developments undertaken in their localities.

Reflecting on deliberative democracy

One of the more discomfoting aspects of this case study is the conflictual nature of the participation processes and the dismissal of the dissenting voice of the MDC. Mouffe (2000) would probably not be surprised by this and neither would she be surprised by the outcome of the public participation process in Mapela. She argues that although the objective of deliberation is different for Rawls and Habermas, both approaches are flawed in their privileging of rationality and consensus: as if the strong emotions associated with participation can be excised from the process for its duration by higher order democratic consensus (DiSalvo 2010). Emotion and conflict are not to be seen as damaging to the participation process, but rather an essential part of it. Power, Mouffe (2000:15)

argues, constitutes social relations and should be acknowledged:

The novelty of democratic politics is not the overcoming of the us/them opposition – which is an impossibility – but the different way in which it is established. The crucial issue is to establish this us/them discrimination in way that is compatible with pluralist democracy.

Mouffe argues that the antagonism associated with conflict be channelled to an adversarial model of engagement which is respectful of the expression and the defence of ideas. This is termed agonistic pluralism; Kapoor (2002) is concerned with maintaining respect for difference as well as acknowledging the workings of power. The objective of agonistic pluralism is ‘conflictual consensus’ which remains open to further change. This is an uncomfortable model for developers since it requires decisions to sit in dynamic and changeable space.

Conclusion

The case of Mapela presents several difficult challenges to academics, practitioners, government and capital. It reflects deep seated problems with the conceptualisation and application of public participation and the philosophical framing of deliberative democracy. In this research, the functional managerial approach to public participation served as a major impediment to social justice and legitimacy. It pointed to a primary tension between functional and normative approaches to deliberation (Coenen 2008). While there are cases where these two approaches work in conjunction, in this case functional approaches to deliberation dominated, to the detriment of marginalised rural citizens. So while these approaches may coexist, the form of the relationship needs to be clearly negotiated. Practitioners are at the coalface of taking cognisance of and implementing measures to ensure that one does not dominate the other. Furthermore, there is a need for further consideration about the ways in which government policies enable the functional managerial approach.

The second major challenge that this case study illustrates is one of the ethics of care (Popke 2003). To further their corporate agenda, developers have a pragmatic need for the closure of the participation process. Environmental impact assessments, once completed, may give far reaching, blanket permission for new development. In this case, once the EIA was completed, participation was closed. There was no sense of an ongoing partnership or responsibility to this group of people who had undergone

a fundamental and traumatic change. This lack of closure is ethically problematic. If developers had ongoing responsibility for the communities that their developments affected, it follows then that they would be far more careful about the sustainability of their interventions and the wellbeing of these communities.

The case highlights the question of the role of government and non-governmental organisations. The EIA and the participation practitioners were paid for by the mine. In this context, there was little room for the extension of the mine to be rejected altogether. The result for the Mapela community was disappointment, conflict and ultimately horror as many witnessed what they perceived as the desecration of their ancestors' graves. Ideally, both government and to a lesser extent, NGOs, have considerable power to advocate for the poor and marginalised. In this case it is only after the community had protested against grave exhumation that ActionAid and the South African Human Rights Commission got involved. ActionAid has supported the community in having their concerns addressed. Legitimacy issues have beset the process: the Section 21 companies were not viewed as legitimate. Lawyers were perceived as biased and task groups which were intended to assist with the resolution of concerns were not trusted. At the same time, dissenting voices were dismissed at critical periods where they should have been acknowledged and concerns should have been handled openly and constructively. The consequence of this is that there is a deep distrust impasse amongst the actors associated with the development.

This case study invites a renewed deliberation on the public participation process as a whole. Are there inherent flaws in the way Rawlsian and Habermasian models of deliberative democracy handle power and the emotional well-being of participants? In the context of coercion, intimidation and the everyday constitution of the political lives of participants, the current format of public participation needs to be reviewed and overhauled. Mouffe (2000) offers a substantive move towards an approach which embraces and channels conflict. It is thus important for academics, practitioners, government and developers to engage ways in which this set of ideas or other fresh ways of thinking through the politics of participation and the ethics of care associated with development could benefit vulnerable communities such as those in the Mapela case.

References

- ActionAid (2008) *Precious Metal: the impact of Anglo Platinum on poor communities in Limpopo*. Johannesburg: ActionAid.
- ActionAid (no date) *Precious Metals II: a systemic inequality*. Johannesburg: ActionAid.
- Arnstein, SR (1969) 'A ladder of participation', *Journal of the American Institute of Planners* 35(2).
- Anglo Platinum (2008) *The Facts: Anglo Platinum's response to ActionAid allegations* (2nd Edition). Johannesburg: Anglo Platinum.
- Anglo Platinum Mogalakwena Mine (2009) *Mogalakwena Mine: general updates on community issues*. Johannesburg: Anglo Platinum. Online at: <http://www.angloplatinum.com/investora/news/releases/2009.asp>
- Appiah-Opoku, S (2000) 'Environmental impact assessment in developing countries: the case of Ghana', *Environmental Impact Assessment Review* 21(1).
- Attride-Sterling, J (2001) 'Thematic networks: an analytic tool for qualitative research', *Qualitative Research* 1(3).
- Aylet, A (2010) 'Conflict, collaboration and climate change: participatory democracy and urban environmental struggles in Durban, South Africa', *International Journal of Urban and Regional Research* 34(3).
- Bernard, P and S Khumalo (2004) 'Community based natural resource management, traditional governance and spiritual ecology in southern Africa: the case of chiefs, diviners and spirit mediums', in C Fabricius, E Koch, S Turner and H Magome (eds) *Rights, Resources and Rural Development: community-based natural resource management in southern Africa*. London: Earthscan.
- Bishop, P and G Davis (2002) 'Mapping public participation in policy choices', *Australian Journal of Public Administration* 61(1).
- Brownlie, S and R Wynberg (2001) 'Integration of biodiversity into national environmental impact procedures: national case studies in South Africa, Case Study 10'. Online at: http://www.unep.org/bpsp/EIA/case_studies.pdf
- Bynoe, ML (2006) 'Citizen participation in the environmental impact assessment process in Guyana: reality or fallacy?', *Law, Environment and Development* 2(1).
- Capps, G (2012) 'Victim of its own success? The platinum mining industry and the apartheid mineral property system in South Africa's political transition', *Review of African Political Economy* 39(131).
- Choguill, MBG (1996) 'A ladder of citizen participation in underdeveloped countries', *Habitat International* 20(3).
- Coenen, FHJM (ed) (2008) *Public Participation and Better Environmental*

- Decisions: the promise and limits of participatory processes for the quality of environmentally related decision-making.* Berlin and Heidelberg: Springer.
- Cornwell, A and VS Coelho (2007) *Spaces for Change? The politics of participation in new democratic arenas.* London: Zed Books.
- Creswell, JW (2003) *Research Design: quantitative, qualitative and mixed approaches.* London: Sage Publications.
- DEAT (Department of Environmental Affairs and Tourism) (1998a) 'White Paper on Environmental Management Policy for South Africa', *Government Gazette* 35(18894) Online at: <http://www.info.gov.za/speeches/2006/313151001.htm>.
- _____ (1998b) 'Guideline document: EIA regulations, implementation of sections 21, 22 and 26 of the ECA'. Pretoria: *Government Gazette*.
- DiSalvo, C (2010) 'Design, democracy and agonistic pluralism', in D Durling (ed) *Design and Complexity: proceedings of the Design Research Society Conference.* July 7-9, 2010. Montreal (Quebec), Canada: Université de Montréal. Online at: www.drs2010.umontreal.ca/data/PDF/031.pdf
- Drewski, J (1977) 'Poverty: its meaning and measurement', *Development and Change* 8(2).
- Du Plooy, J (1996) 'Die Ontstaans-en-vestigingsgeskiedenis van Potgietersus'. Unpublished MA dissertation. Potchefstroom se Universteit vir Christelike Hoër-Onderwys.
- Gillham, B (2000) *Case Study Research Methods.* London and New York: Continuum.
- Greyling, T (2005) 'Integration of public issues and technical assessment in Environmental Impact Assessment (EIA): NE'ER the twain shall meet'. Pretoria: Golden Associates Africa. Online at: http://www.saiea.com/calabash/html/Integration_of_public_issues_twain_shall_meet.pdf
- Gunderson, AG (1995) *Environmental Promise of Democratic Deliberation.* Wisconsin, Madison: University of Wisconsin Press.
- Farrell, LA, R Hamann and E Mackres (2012) 'A clash of cultures (and lawyers): Anglo Platinum and mine-affected communities in Limpopo Province, South Africa', *Resources Policy* 37(194).
- Jones, RT (1999) *Platinum Smelting in South Africa.* Randburg: Mintek.
- Kapoor, I (2002) 'Deliberative democracy or agonistic pluralism? The relevance of Hebermas-Mouffe debate for third world countries', *Alternatives, Global Local political* 27(4).
- Kitchin, R and N Tate (2000) *Conducting Research in Human Geography: theory, methodology and practice.* London and New York: Routledge.
- Mouffe, Chantal (2000) *Deliberative Democracy or Agonistic Pluralism.* Vienna: Institute for Advanced Studies.

- Naidoo, N (2007) 'Indigenous knowledge in the National Curriculum Statement: from policy to practice for environmental education'. Unpublished PhD thesis. Johannesburg: University of the Witwatersrand.
- Ndaba, D (2009) 'SAHRC finding highlights issues of community relocation to make way for mining', *South African Human Rights Mining Weekly News*. Online at: <http://www.miningweekly.com/topic/south-african-human-rights-commission>.
- Neuman, WL (1997) *Social Research Methods: qualitative and quantitative approaches*. London: Pearson.
- O'Faircheallaigh, C (2007) 'Environmental agreements, EIA follow-up and aboriginal participation in environmental management: the Canadian experience', *Environmental Impact Assessment Review* 27(4).
- _____ (2010) 'Public participation and environmental impact assessment: purposes, implications, and lessons for public policy making', *Environmental Impact Assessment Review* 30(1).
- Popke, EJ (2003) 'Poststructuralist ethics: subjectivity, responsibility and the space of community', *Progress in Human Geography* 27(3).
- Rist, S and F Dahdouh-Guebas (2006) 'Ethno sciences: a step towards the integration of scientific and indigenous forms of knowledge in the management of natural resources for the future', *Environmental Development and Sustainability* 8(4).
- Sidaway, R (2005) *Resolving Environmental Disputes: from conflict to consensus*. London: Routledge.
- Trochim, W (2006) 'Research methods knowledge base'. Online at: www.socialresearchmethods.net/kb/sampling/php
- Simons, H (2009) *Case Study Research in Practice*. London: SAGE Publications.
- South African Human Rights Commission (SAHRC) (2008) *Mining-related observations and recommendations: Anglo Platinum, affected communities and other stakeholders, in and around the PPL Mine, Limpopo*. Johannesburg: SAHRC.
- SRK Consulting South Africa (2002) 'Proposed mine development for Anglo-Platinum: PPRust North Project, Ecological Specialist report'. Robertson: SRK Consulting SA.
- Wagner III, JA (2004) 'Use participation to share information and distribute knowledge', in EA Locke (ed) *Handbook of Principles of Organizational Behaviour*. Hoboken, NJ: John Wiley and Sons Ltd.
- White, L and B Humphrey (2007) 'Voices and values: linking values with participation in operational research and management science', *Omega* 35(5).