Public participation as a factor in the development of policy:
A case study of the KwaZulu-Natal Waste Management Policy process, 1996-2001

Roderick Royce Vercoe Bulman

B Com (UNISA), GCE (London)

Student No: 201509335

A research portfolio submitted in partial fulfilment of the requirements for a Master of Social Science degree in Policy and Development Studies in the Faculty of Human and Management Sciences, University of Natal, Pietermaritzburg.

November 2002

ABSTRACT

This study reviews some of the trends in the theory and practice of public participation processes as an element of policy development. It attempts to locate public participation within a theoretical framework for policy development based on the work of Kingdon (*Agendas, Alternatives and Public Policies*. 2nd ed. 1995) on policy streams, and that of Roe (*Narrative Policy Analysis*. 1994) on the use of discourse analysis.

It uses the KwaZulu-Natal Waste Management Policy process as a case study and shows that it is possible to combine these two theories to come to a better understanding of the way in which policy is arrived at. The policy streams proposed by Kingdon are identified in the case study and the 'crisis', which moved the issue of waste management onto the decision agenda, is described. Two dominant narratives that emerge from a series of interviews are discerned, together with two counter narratives. By comparing and contrasting these a metanarrative is developed that meets Roe's criteria for telling a better story and so becomes the basis for the final policy. Public participation is shown as being a useful way of ensuring that alternative 'stories' are included in the shaping of policy and so allowing a metanarrative to emerge.

Some conclusions about the implications of the analysis for future processes are drawn.

Contents

ABSTRACT i

List of Tables vi

List of Figures vi

List of acronyms vii

Acknowledgements viii

PART I – THEORETICAL FRAMEWORK 1

1 Introduction 2

1.1 Types of public participation 2

1.2 Public participation in South Africa 4

1.3 Reasons for the growth of public participation in South Africa 4

1.4 The contribution of public participation to governance 5

2 Outline of problem and research question 8

2.1 Scope of this study 8

2.2 Difficulties of ensuring meaningful participation 8

2.3 Outcomes of the study 9

2.4 Choice of case study 9

3 Theoretical framework 10

3.1 Policy 10

3.2 Policy process 10

3.3 Policy streams and communities 11

3.3.1 The agenda 11

3.3.2 Problems 12

3.3.3 Policies 13

3.3.4 Political 13

3.3.5 Windows 13

3.4 Interest groups 14

3.4.1 Participation and democracy 14

3.4.2 The participatory ideal 15

3.4.3 Expert vs. popular participation 16

3.4.4 Policy space 18

3.5 Critical discourse analysis 18

3.5.1 Discourse analysis as a policy tool 19

3.5.2 Criteria for assessing a process 20

3.5.3 Narrative policy analysis technique 20

3.5.4 Stories, counter-stories and non-stories 21

3.5.5 Meta -narratives 22
3.5.6 Summary of the approach 22

4 Framework for analysis 23

4.1 The policy streams 23
4.1.1 Agendas 23
4.1.2 Problems 23
4.1.3 Policies 24
4.1.4 Political 24
4.1.5 Windows 25

4.2 The interest groups 26
4.2.1 Government 26
4.2.2 Business 27
4.2.3 Organised labour 28
4.2.4 Civil society 28

4.3 The narratives 29
4.3.1 Dominant narratives 29
4.3.2 Counter-narratives 29
4.3.3 Metanarrative 30

4.4 Criteria for assessing the process 31

4.5 Format for analysis 31

PART 2 – CASE STUDY 32

5 The KwaZulu-Natal case 33

5.1 Background 33
5.1.1 Waste Management as a policy issue in South Africa 33
5.1.2 The policy environment 36
5.1.3 Provisions for public participation in South Africa post 1994 38

6 Methodology 40

6.1 Methods employed 40
6.1.1 Formal record 40
6.1.2 Participants 41

6.2 Constraints 42
6.2.1 Formal records 43
6.2.2 Interviews 43

7 Chronology of events 44

7.1 Origin of the problem 44

7.2 1996-1997 45
7.2.1 Establishment of a Steering Committee 46
7.2.2 Sectoral workshops 47
7.2.3 Public workshops and consultations 47
7.2.4 Draft Policy 47

7.3 1998 47

7.4 1999 – 2000 ..... *48*

7.5 2001 ..... *48*
7.5.1 Bureaucratic changes 48
7.5.2 Steering Committee 49
7.5.3 Public consultation 49
7.5.4 Updated Policy 50

8 Analysis 52

8.1 The policy streams *52*
8.1.1 Agendas 52
8.1.2 Policies 53
8.1.3 Political 54
8.1.4 The interest groups 58
8.1.5 Windows 60

8.2 The narratives *60*
8.2.1 Dominant narratives 60
8.2.2 Counter-narratives 62
8.2.3 Non-stories and counter arguments 64
8.2.4 Metanarratives 64
8.2.5 Stakeholder views on the process 67

9 Participation criteria 68

9.1 Evaluation of the participation *68*

9.2 The influence of participation on the final policy *69*

10 Conclusion 70

10.1 Kingdon's framework *70*
10.1.1 Agendas 70
10.1.2 Problems 70
10.1.3 Policies 70
10.1.4 Politics 71
10.1.5 The window 71

10.2 Roe 's framework *71*

10.3 The contribution of public participation *72*

10.4 Implications for future processes *73*
10.4.1 Shortcomings of this process 73
10.4.2 Successes of the process 73

10.5 Final word *74*

Appendix 1: Form letter requesting an interview 75

Appendix 2: Questions used as the basis for interviews 76

Government officials interview questions *76*

Stakeholder interview questions *78*

Bibliography 80

Primary sources *80*
Legislation, Policy and Reports 80
List of Interviews 81
Secondary sources *82*

List of Tables

Table 1: Features of the two extremes of public participation 2
Table 2: Spectrum of the impact of public participation* 3
Table 3: Degrees of influence over policy 12
Table 4: Classification of types of participation 17
Table 5: Methods and mechanisms of public participation 17
Table 6: Table illustrating strategic integrated approach to waste management planning 36
Table 7: Sectors and organisations approached 41
Table 8: Interviewees, showing sector and organisation 42
Table 9: Sectors and organisations represented on the 1997 Steering Committee 46
Table 10: Sectors and organisations represented on the 2001 Steering Committee 49
Table 11: 'Administration' stakeholders in the waste policy process 49
Table 12: Measuring the participation in the two processes 68
Table 13: List of interviews (by sector) 81

List of Figures

Figure 1: Diagram showing public participation continuum 2
Figure 2: Waste management hierarchy (adapted from the NWMS (DEAT, 1999c) 34

List of Acronyms

CAIA	Chemical and Allied Industries Association of South Africa
CBO	Community Based Organisation
CONNEP	Consultation on a National Environmental Policy
CONNEPP	Consultation on a National Environmental Policy Process
DAEA	Department of Agriculture and Environmental Affairs
DEAT	Department of Environmental Affairs and Tourism
DETR	Department of the Environment Transport and Regions (UK)
DTEA	Department of Traditional and Environmental Affairs
DWAF	Department of Water Affairs and Forestry
ECA	Environment Conservation Act No. 73 of 1989
EJNF	Environmental Justice Networking Forum
IAP2	International Association of Public Participation
IWMP	Integrated Waste Management Plan
IWMS	Integrated Waste Management Strategy
KZN	KwaZulu-Natal
MEC	Member of the Executive ~~Committee~~ Council
NEMA	National Environmental Management Act No. 107 of 1998
NGO	Non-governmental Organisation
NWMS	National Waste Management Strategy
SACOB	South African Chamber of Business
SDCEA	South Durban Community Environmental Alliance
UNCED	United Nations Conference on Environment and Development (the 'Rio Earth Summit')
UNED	United Nations Environment and Development
WESSA	Wildlife and Environment Society of South Africa

Acknowledgements

I would like to record my gratitude to the officials of the KwaZulu-Natal Department of Agriculture and Environmental Affairs Chief Directorate: Environmental Management whose courtesy and willingness to make records available and to be interviewed enabled this study to be undertaken. The teaching programme at CENGOPO gave me insights into processes that made my study a rewarding experience. The interviewees, whose recollections and perspectives contributed to my interpretations and analysis of the policy process, gave my questions and probing their serious attention, for which I am grateful – any inaccuracies or misinterpretations are mine, not theirs.

Finally, thank you to my family, who believed it would happen.

PART I – THEORETICAL FRAMEWORK

1 Introduction

1.1 Types of public participation

Public participation is the process whereby policy makers consult those who will be affected by proposed policy. However, it is not an unambiguous term. "The word participation is imbued with many meanings and is subject to divergent interpretation across a number of historical and political contexts" (Levieux, 1998:51).

As an element of public policy formulation, it can be located on a continuum between two extremes, as illustrated in Figure 1.

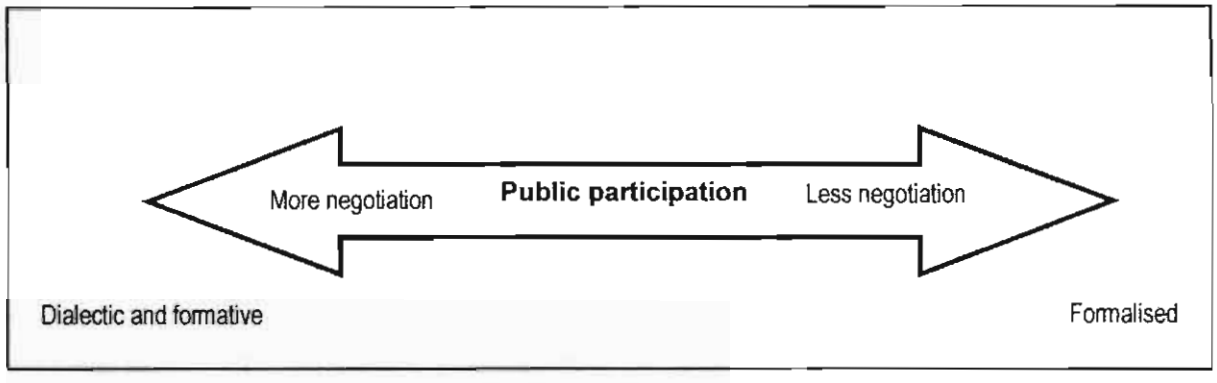

Figure 1: Diagram showing public participation continuum

At one end of the continuum the form of participation is highly formalised and permits members of the public only to comment on proposed policy, at the other end the participation is dialectic and formative and includes elements of negotiation and capacity building. Some of the features of these two poles are shown in Table 1.

Table 1: Features of the two extremes of public participation

Formative	Formal
Authorities and public talk *with* each other	Authorities and public talk *to* each other
Authorities and public discuss positions jointly before making a decision	Authorities receive submissions and make a decision
Discussion format used	Hearings format used
Negotiation a prominent feature	Negotiation very limited
Potentially larger number of participants	Number of participants often limited
Process more complex	Process relatively straightforward

The International Association for Public Participation has developed a public participation spectrum that reflects a similar continuum to that shown in Figure 1 above. In this

spectrum the highest impact of public participation is achieved when the process empowers the public as shown in Table 2.

Table 2: Spectrum of the impact of public participation*

Increasing level of public impact →				
Inform	**Consult**	**Involve**	**Collaborate**	**Empower**
Objective: To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, and/or solution.	**Objective:** To obtain public feedback on analysis, alternatives and/or decisions.	**Objective:** To work directly with the public throughout the process to ensure that public issues and concerns are consistently understood and considered.	**Objective:** To partner with the public in each aspect of the decision including the development alternatives and the identification of the preferred solution.	**Objective:** To place final decision-making in their hands of public.
Promise to the Public: We will keep you informed.	**Promise to the Public:** We will keep you informed, listen to and acknowledge concerns, and provide feedback on how public input influenced the decision.	**Promise to the Public:** We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	**Promise to the Public:** We will look to you for direct innovation in formulating solution and incorporate your advice and recommendation sin the decisions to the maximum extent possible.	**Promise to the Public:** We will implement what you decide.

* Based on The IAP2 Public Participation Spectrum, 2002.

One of the reasons for the developing interest in, and use of, public participation is the increasing emphasis on participatory democracy.

> Participatory democracy is needed to support representative democracy, which can no longer account for the diverse interests of citizens, the increasingly complex and uncertain threats to society, and the need to develop informed public preferences, knowledge and commitment to societal good. Public participation in environmental decision-making has become a required means of giving people more say in government (The Department of the Environment, Transport and the Regions (DETR), 1998) (Petts, 2001).

Some authors have regarded participation itself as the right. For example, Lister contends that the right of "participation in decision-making in social, economic cultural and political life should be included in the nexus of basic human rights" (Lister, 1998: 228).

1.2 Public participation in South Africa

Public participation processes in South Africa tend to fall at the more formal end of the continuum, largely because the concept of public participation in policy-making is new in South Africa.

The Constitution (Act 108 of 1996) introduced the formal legislative requirement for public involvement in policy-making by requiring that "[p]eople's needs must be responded to, and the public must be encouraged to participate in policy making" (s 195 (1) (e)). This constitutional imperative provides the framework within which subsequent policy and legislation has been formulated. An account of the various policies and laws that have followed this prescription for public participation is outside the scope of this discussion however it is important to note that the environmental legislation adopted since 1994 has made specific reference to the need for public involvement in policy-making. For example, the framework act, the National Environmental Management Act No. 107 of 1998, at s 2, provides that

> (f) The participation of all interested and affected parties in environmental governance must be promoted, and all people must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured.
> (g) Decisions must take into account the interests, needs and values of all interested and affected parties, and this includes recognising all forms of knowledge, including traditional and ordinary knowledge.
> (h) Community wellbeing and empowerment must be promoted through environmental education, the raising of environmental awareness, the sharing of knowledge and experience and other appropriate means.
> (i) The social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must be appropriate in the light of such consideration and assessment.
> (j) The right of workers to refuse work that is harmful to human health or the environment and to be informed of dangers must be respected and protected.
> (k) Decisions must be taken in an open and transparent manner, and access to information must be provided in accordance with the law.

1.3 Reasons for the growth of public participation in South Africa

In the 1980s and early 1990s throughout the world "civil societies organized to press for democratic elections and greater participation in decision making" (Grindle, 1997: 4). This impetus for more public participation in policy development was supported by, and largely developed within, civil society around issues of human rights.

> A more radical version of people's participation increasingly came to be seen as a 'third option for social policy' – one that would go beyond the more paternalistic versions of the welfare state and narrow consumerist approaches to user involvement... this approach began to talk about participation not only in terms of having a say and being involved in the delivery of existing programmes, but also about all active participation in provisioning and in policy formulation. Moreover no longer was the opportunity to express voice seen as being at the discretion of the social service provider – rather it grew from a more fundamental claim to basic civil rights, which the state had the responsibility to support and enable (Cornwall and Gaventa, 2001: 10).

In South Africa, prior to 1990, this phenomenon was particularly evident in the pressure put on the then government by various elements of civil society to enter negotiations with the then banned liberation movements. At the same time various talks and consultations were taking place, often outside the country, between private citizens, representing various interest groups, and the liberation movements. The Dakar talks were the most prominent of these, but there were others, such as the Economic Policy Group, which met first in Lusaka and later in Harare and Johannesburg in which I participated. In all these discussions the emphasis was on the contribution that members of the public could make to the formulation of policy. These were prime examples of the way in which

> [d]emocratic reformers ... grew to recognise the importance of well-defined and functioning institutions of governance for the stability and legitimacy of new modes of participation and conflict resolution (Grindle, 1997: 4).

It is therefore not surprising that with a change in government the new ruling party should seek to institutionalise its experience of public participation in policy-making and entrench it in the Constitution. In fact "[t]he central drive behind the ruling government's policy is to enhance public participation" (Roefs and Liebenberg, 1999: 2).

1.4 The contribution of public participation to governance

This central drive has found expression in many different ways, but for the purposes of this study the effect on environmental governance will be the focus. In the period from 1990 onwards there has been a fundamental shift in the governance paradigm in South Africa and it is these "patterns of social and political transformation ... [that] provide a context within which various forms of environmental governance are constructed and implemented" (Pas-ong, 2000: 1).

I am deliberately using the term 'governance' as opposed to the more usual 'government' because, in this context, it more accurately conveys the activities that I wish to discuss. I will use the concept in the way it is described by Kooiman (1999: 70), i.e. as comprising

> [a]ll those interactive arrangements in which public as well as private actors participate aimed at solving social problems, or creating social opportunities, and attending to the institutions within which these governing activities take place.

In similar vein Kickert, Klijn and Koppenjan (1997: 2) believe that "governance can roughly be described as 'directed influence of social processes'". In other words it is the **process** of governing, rather than the **institution** of government that is focussed on.

This is reflected in the Department of Environmental Affairs and Tourism's statement in the White Paper on Environmental Management Policy that:

> In fulfilling its commitment to participatory environmental governance, that people can participate in, the DEAT will involve interested and affected people in:
> - developing and implementing environmental policy
> - developing legislation *and regulations*
> - setting norms and standards
> - monitoring environmental impacts (DEAT, 1999a: 95).

Each of these is clearly a governance function and reflects the prevailing paradigm shift towards a participatory form of governance in which the people, or public, have a right to participate.

However,

> a ... procedural criticism ... charges that various involved parties, usually those without much social power, have been excluded from participation in decisions about environmental maters that will affect them ... [and that] ... environmental policies are formulated by elitists and exclude the voices of the ordinary citizen (Clayton, 2000: 2).

This, too, is recognised in the 1999 White Paper referred to above, and is reflected in the principle that

> [t]he government must create opportunities to develop people's understanding, skills and general *capacity* [original emphasis] concerning the environment. This will enable people to participate in achieving sustainable development and the sustainable use of resources (DEAT, 1999: 32).

Majone advances another important reason for the growth of public participation in his discussion of post-decision arguments. He contends, "public participation and policy

deliberation are greatly facilitated when administrators have to give reasons for their decisions" (Majone, 1998: 623).

This reflects the general background and serves as an introduction to the reason for this study.

2 Outline of problem and research question

2.1 Scope of this study

This study uses the KwaZulu-Natal Waste Management Policy as a case study to examine what effect, if any, public participation has had on the development of policy, and in which policy areas; how the effect was achieved; and if there has been no effect, what factors prevented any effect. It further attempts to show how the theory of policy-making can be extended to provide a more useful and pragmatic understanding of the process and make a contribution to a more meaningful interpretation, and management, of the public participation process.

Succinctly stated the problem being examined is the development of a theoretical framework for analysing the impact of public participation on policy-making and the use of this framework to analyse and design public participation processes that are meaningful and contribute to good governance.

2.2 Difficulties of ensuring meaningful participation

> The problem of how to ensure meaningful participation arises within a context of antagonistic interests. In public participation processes, what mechanisms should be employed in order that participation moves beyond the protection of sectoral interest to work for the common interest? (Levieux, 1998:44).

This problem is one that lies at the heart of the uneasiness about public participation processes expressed by some, and is a reason for the sometimes superficial way in which it is conducted.

The difficulties and problems that beset any public participation process in policy-making

> ... beg the question of the purpose of participatory processes of this kind. The fact that a pre-determined agenda had been set with regard to the focus of the project, suggests that a bottom-up participatory process ... [is] ... not possible. A distinction should be made between participation as a means – defined as a process which accomplishes the aims of a project more efficiently, effectively or cheaply; and participation as an end – where a community or group is responsible for its own development process (Nelson and Wright, 1995) (quoted in Levieux, 1998:51).

A further difficulty is that "experience has shown that the public-participation requirement could be used by powerful economic interests in order to delay regulatory decisions" (Majone, 1998: 613). This, in itself, is a good reason for trying to ensure that the public participation process is more than a token observance of a legislative requirement.

2.3 Outcomes of the study

The purpose, then, of this study is to generate a theoretical framework that will allow the public participation process to be analysed and understood in such a way that the

- Interests being advanced, and their fate, are accounted for; and
- The participation process realises the legislators' intention.

It is further hoped that future processes can be designed to take these factors into account, minimising their negative effects and maximising the potential contribution of public participation to policy-making.

2.4 Choice of case study

I have chosen to use the development of a Waste Management Policy for KwaZulu-Natal as a case study because it appears to contain all the elements outlined above, viz.:

- The legislature, bureaucracy and civil society all appear to be involved in the process;
- Powerful economic interests appear to be impacted on;
- There appear to be attempts to initiate a bottom up process;
- The process used appears to be located at different points on the continuum at different times; and
- The final policy appears to be a 'compromise' achieved by negotiation.

Each of these facets will be examined later in the study.

3 Theoretical framework

3.1 Policy

A useful way to look at policy is to use the definition offered by Pressman and Wildavsky (1973) who view "policy as a hypothesis containing initial conditions and predicted consequences. If X is done at time t_1, then Y will result at time t_2" (1973: *xiv*).

Using this definition as a basis the framework for the analysis has to be able to account for the factors that made it necessary to develop a policy on waste management in the first place, i.e. the initial conditions, as well as the predicted consequences. I shall use this as a starting point for the analysis in later chapters.

3.2 Policy process

However, as important as the starting point and predicted ends of a particular policy are, it is the set of links in the chain, the **process,** of making policy that is under scrutiny in this study. This chain of events has been described as

> a set of processes, including, at least, (1) the setting of the agenda, (2) the specification of alternatives from which a choice is to be made, (3) an authoritative choice from among those specified alternatives ... and (4) the implementation of the choice (Kingdon, 1995:3).

It is the factors that influenced the 'specification of alternatives' and the process of making an 'authoritative choice from among those specified alternatives' that are of interest in this study. These include, among others, such issues as the relative powers of participating interest groups, access to the process, and timing.

There is no single theory that provides for analysis of both these aspects. However I propose that a combination of two compatible theories of policy development, those of Kingdon, (1995) and Roe, (1994) would generate an appropriate framework. Kingdon's theory enables one to account for the way in which public policy is developed at a macro level, while Roe's allows for the examination of the nature of the interaction among participants in policy-making.

3.3 *Policy streams and communities*

Kingdon sets out to provide answers to two primary questions: "Why some subjects rise on governmental agendas, while other subjects are neglected, and why some people in and around government pay serious attention to some alternatives at the expense of others" (1995: 196). His framework is built largely on three earlier theories: Rationality[1], Incrementalism[2] and Garbage Cans (or organised anarchy)[3]. While he critiques these theories as being insufficient to explain the complexity of agenda setting, he uses elements from them to elaborate on, and contribute to, aspects of his framework.

Kingdon proposes that there are three streams of processes that operate largely, but not entirely, independently of each other. He labels these streams Problems, Policies and Political. Subjects appear, or rise, on the governmental agenda as the result of the coupling of these three streams by a policy entrepreneur at propitious moments, which he calls windows. In terms of his model the public, in this case both as ordinary citizens and as represented by organs of civil society, would be expected to engage the process somewhere on the continuum referred to shown in Figure 1 in section 1.1 above.

3.3.1 The agenda

Kingdon categorises the government agenda as "the list of subjects or problems to which government officials, and people outside of government closely associated with those officials, are paying some serious attention at any given time" (1995: 3). He further distinguishes a list of subjects from within this list, which are "up for an active decision", as the decision agenda.

3.3.1.1 Factors influencing the agenda

Topics appear on the government agenda as a result of various influences. One such influence is that a problem is perceived, often because of some change in an indicator such

---

1 **Rationality** is, briefly, a process whereby policy makers define their goals, canvass and systematically compare alternatives in terms of costs and benefits and choose the least cost alternative (Kingdon, 1995, 78).

2 **Incrementalism** occurs when decision makers "take what they are currently doing as given, and make small, incremental, marginal adjustments in that behaviour" (Kingdon, 1995, 79).

3 The **Garbage Can** model is based on an understanding of organisations as organised anarchies that have three general properties: problematic preferences, unclear technology and fluid participation. Four separate streams run through these organisation: problems, solutions, participants and choice opportunities. A choice opportunity is defined as 'a garbage can' into which the various problems and solutions are dumped by participants. The outcome is a function of the mix of garbage in the can and how it is processed (Kingdon, 1995: 84-86).

as statistical records. A second influencing factor is the "process of gradual accumulation of knowledge and perspectives among the specialists in a given policy area" (Kingdon, 1995: 17). The third influencing factor identified by Kingdon is that of the political process, especially a change in government that opens the gates to new priorities and perspectives (1995: 17ff).

Kingdon proposes that a top-down model of agenda setting is "surprisingly accurate" (1995: 31) and shows that, in the United States of America at least, the President and his political appointees (referred to as the administration) are central to agenda setting; bureaucrats to implementation and the legislature to alternatives. This can be summarised in the matrix shown in Table 3 below.

Table 3: Degrees of influence over policy

	Agenda	Alternatives	Implementation
Administration	High	Medium	Low
Legislature	High	Medium	Low
Bureaucrats	Low	Medium	High

For the purposes of this study it is the agenda setting and alternatives that are of interest. The matrix in Table 3 suggests that it will be important to examine particularly the influence of the government (administration in American terms) and the legislature, while the influence of the bureaucracy can be expected to low.

3.3.2 Problems

In the problem stream various problems come to capture the attention of people in and around government. These come to their attention through different mechanisms. The first of these are indicators, such as statistical returns, which indicate particularly a change in the pattern of some phenomenon. The second is a focussing event, crisis or symbol, such as a dramatic crash that captures attention and is widely reported and discussed. The third is feedback, which is a term borrowed from electronics and refers to the process whereby a system generates information about its own performance and uses that as input for further processing. In the case of agenda setting it refers to the information that agencies gather about their own performance and use to monitor the progress of their programme(s) (1995: 90). He also devotes some space to problem definition. For Kingdon "conditions become defined as problems when we come to believe that we should do something about them"

(1995: 109). Any one of the mechanisms outlined above could trigger the realisation that a condition has become a problem, i.e. that something can and should be done about it.

3.3.3 Policies

In the policies stream, policy is discussed and prepared by various sectors, including the general public. The policies stream is characterised by Kingdon as a "primeval soup" (1995: 116) in which ideas float about looking for opportunities to recombine as policies or solutions to problems. The players in the stream are members of policy communities composed of specialists in various areas. These players come into contact with each other and ideas are diffused throughout the community, hence the notion of recombination, rather than invention of new ideas, as solutions to problems. Important players in this stream are the policy entrepreneurs who invest resources in advocating policies which will show them some return, either in the form of the adoption of policies of which they approve, personal satisfaction or even aggrandisement (Kingdon, 1995: 123). These policy entrepreneurs also "soften up" the general public, specialised interest groups and the policy community to be receptive to their particular policy and so get it on the agenda. In this way they try to increase the chances of their policy meeting the criteria of "technical feasibility, value acceptability within the policy community and a reasonable chance for receptivity among elected decision makers" (Kingdon, 1995: 131). If a policy does meet these criteria it has a greater chance of making it onto the short list of ideas being seriously considered.

3.3.4 Political

The political stream is defined quite narrowly to include only "electoral, partisan or pressure group factors" (Kingdon, 1995: 145). The political stream is influenced by a number of factors, including: the national mood, which refers to a number of people in the country thinking along similar lines; organised political forces; and the government itself in the form of both elected officials and bureaucrats. An important element of the work done in the political stream is that of consensus building. This is achieved by knitting together coalitions of influential people or groups, by means of both bargaining and persuasion, to mobilise support for (or opposition to) a particular agenda item.

3.3.5 Windows

Policy windows are "opportunities for action on given initiatives" (Kingdon, 1995: 166). Windows are opened by a change in administration (the party in power), a turnover in

political actors or a problem becoming pressing. As a window opens the policy entrepreneur brings the participants in the streams described above together. They dump their problems, their solutions and political forces into the 'garbage can' presented by this choice opportunity. In this way elements from the three streams, coupled appropriately, and which catch the window at the right time, move from the more generalised government agenda onto the more select decision agenda, which is in turn a more active status and improves their chances of being implemented.

3.4 *Interest groups*

A further important influence on the policy making process is that of interest groups. In this connection a distinction is often made between elite and democratic forms of participation. Elite participation usually consists of people outside of government who are granted a "role in decision-making because they possess professional expertise that is needed by decision makers" (Fiorino, 1996: 194). In a democratic form of participation "people take part as citizens, not as experts or interest advocates" (*op cit.*: 195). The two forms presuppose the existence of very different types of interest groups.

One of the motives for democratic participation is to make government decisions more legitimate. However it has been suggested that

> the more government agencies try to make their decisions legitimate by relying on scientific advice and analysis without the benefit of democratic participation, the wider will be the gap between the expectations of citizens and their ability to influence decisions. As that participation gap widens confidence in democratic institutions and addresses they make will decline (Fiorino, 1996: 197).

3.4.1 Participation and democracy

One reason advanced for the importance of public participation is its contribution to the furtherance of democracy. So, for example, van der Zwiep (1994) contends that:

> In a democratic society openness, and therefore, public participation are of major importance. They guarantee that the decision making process of the government is checked and thus prevent arbitrary rule.

Similarly, the UNED Forum (2001a), believes that

> The extent to which people feel able to, and actually do take part in decision-making about society and the environment is widely felt to be an important measure of the "health" of a democratic society. It reflects the strength of political and social institutions.

Participation theorists however, are critical of what they regard as an elite democracy theory and especially of its basis in group pluralism, pointing out that this approach assumes that everybody will have an opportunity to participate. This in turn, begs the question of the form of participation or the form of democracy that prevails. Mansbridge, for example, distinguishes 'adversarial democracy' (based on self-interest, secret voting and majority rule) from 'unitary democracy' (based on common interests, the search for consensus and face-to-face contact)" (cited by Fiorino, 1996: 199).

The supporters of group pluralism believed that public policy is the "equilibrium reached in the struggle among competing group interests at a given moment" (Majone, 1998: 610). The general consensus was that "all active and legitimate groups in society would be able to make themselves heard at some stage in the process" (Majone, 1998: 612). This view has been contested, and the new emphasis on efficiency and rational policy-making has given rise to the view that policy credibility can be gained through public participation. For example Majone suggests that "unanimous agreement, freely reached, guarantees that the solution is the Pareto-efficient"[4] (1998: 619). In other words Majone is suggesting that a credible policy, obtained through optimal public participation, will create a situation where no one person can gain any more except at the expense of another. The difficulty with this description is that it assumes that public participation and policy-making are zero-sum games[5]. The essence of democratic participation in policy-making is that the game is positive-sum, and I propose to show that, by using the critical discourse analysis proposed by Roe (1994), it is possible to take account of the different viewpoints, in effect making it a positive-sum game.

3.4.2 The participatory ideal

Fiorino has described a participatory ideal, which includes the following

> (1) allows for the direct participation of amateurs; (2) enables citizens to participate with administrators and experts on a more equal basis; (3) creates a structure for face-to-face interaction over time; and (4) allows citizens to share in decision-making (Fiorino, 1996: 200).

---

[4] Maurice Allais offers a neat description of Pareto-efficiency, or a Pareto-optimal position, as an allocation between alternatives where there is an "absence of distributable surplus" (e.g. Allais, 1943, p.610).

[5] A zero-sum game is a game in which one player's winnings equal the other player's losses (McCain, 2002).

Given the existence of this participatory ideal, it is important to distinguish what forms of democratic participation are appropriate at which stages of policy development. Participation is possible at three stages of policy-making: "(1) setting the policy agenda; (2) developing the frameworks used to make policy choices; and (3) making policy choices" (Fiorino, 1996: 203).

Majone has advanced the view that policy making has become dominated by the imperatives of efficiency, which he describes as "the process by which the diffuse, ill-organised, broadly encompassing interests sometimes succeed in overcoming particularistic and well-organised interests" (Majone, 1998: 620). To this extent it is going to be important to examine the mechanisms and the effects by which these interests interact with each other in the policy-making process.

3.4.3 Expert vs. popular participation

When considering the type of participation, especially in the formulation of policy, a number of factors have to be taken into account. These include: quantity or quality and sampling, going to scale, how much participation is required, time factors and, frequently, the need to reinvigorate the process (UNDP, 2000). Each of these factors is in fact a decision on whether participation is to be by experts or by individuals. Expert participation favours quality over quantity, smaller numbers within a shorter timeframe. 'Expert' participation does not always mean technical expertise; in many cases the expertise is the necessary skill to understand the policy process and participate in it.

The classification of participation into expert and individual is problematic, as it does not allow for a gradation of expertise, suggesting that participants are either 'experts' or 'lay' people. In the policy process a number of non-governmental organisations (NGOs), or other organs of civil society, can become involved. These groups are characterised by their voluntary nature and are not often regarded as expert in the sense described above. However they frequently possess a great deal of knowledge that goes beyond that of the 'man in the street' in their particular field of interest. I will therefore use the following schema.

Table 4: Classification of types of participation

Type of participation	Characteristics
Expert	Individuals or groups with specific technical expertise, including professional associations.
Civil society	Voluntary groups, or associations, of concerned citizens with a specific interest in the topic, but who are not necessarily formally qualified in the policy area.
Individuals	Individuals, who have an interest, but are not organised or specifically qualified, except as an interested and affected party.

The methods used by organs of civil society to participate in the policy process and the mechanisms open to them are summarised in the following table, adapted from that presented by the Regional Environmental Center (sic) for Central and Eastern Europe.

Table 5: Methods and mechanisms of public participation

Development of environmental policies	
Methods	**Mechanisms**
• Public/NGOs participate in the development of national environmental program • Public/NGOs participate in the development of international environmental programs • Public/NGOs participate in the development of political party programs • Public/NGOs take the initiative in proposing environmental policies • Public/NGOs participate in the environmental impact assessment (EIA) of proposed government policies • Advisory committee(s), including representatives of public, are established • Environmental ombudsman acts as public advocate • Public/NGOs conduct demonstrations, write-in campaigns, etc.	**Right to Know** • Disclosure to the public of information about proposed and finalized environmental policies • Dissemination of information about opportunities for participation • Media coverage **Right to be Heard** • Legal right to comment on proposed environmental policies (including adequate notice and time to comment) • Legal right to submit policy proposals to the government • Legal right to public hearings on proposed policies **Right to Affect Decisions** • Requirement that comments of the public/ombudsman/ advisory committee are incorporated into/seriously considered in the final policy • Requirement that decision makers provide reasoned basis for decisions and respond to comments • Advisory committees represent public in the policymaking • Ombudsman represents the public in policymaking • Right of appeal if the right to participate is denied

Adapted from Nagy et al, 1994.

3.4.4 Policy space

An important function of the participatory process is the way in which it opens up space for alternative views to be heard.

> Participatory processes can provide a means by which 'policy space' (Grindle and Thomas, 1991) can be levered open for the emergence of alternative interpretation of 'needs', and with this, alternative policy solutions. Yet processes geared at simply asking people for their views on social policy issues can serve to produce 'echoes' of the dominant discourses, rather than alternative framings of policy issues. The role of *deliberative and critically reflective knowledge generation* processes becomes crucial in enabling citizens to analyse and articulate their own concerns, which may lie beyond the frames of reference of *pervasive policy discourses* (Cornwall and Gaventa, 2001: 14; emphasis added).

Cornwall and Gaventa's contention that the process should go beyond providing 'echoes' of the dominant discourse requires a further analytic tool to expand our understanding of the policy process outlined by Kingdon (1995). This tool could be Roe's narrative policy analysis (Roe, 1994).

One of the difficulties of the public participation process is that policy makers are often constrained by their own interpretation of, and concern with,

> their political interests and the policy networks they are part of ... [and] by the frames of reference within which the particular policy issue is interpreted (Shore and Wright, 1997; Keeley and Scoones, 1999) (Cornwall and Gaventa, 2001: 14).

By combining Kingdon's theories of policy streams (1995) and Roe's narrative analysis (1994) it should be possible to obtain a clearer idea of the influence of public participation on the policy process.

3.5 Critical discourse analysis

Literary theory, in particular post-structuralism, has developed a methodology of applying "a set of considerations to a text, and then showing how uncertainty and complexity in the text are to be valued" (Roe, 1994: 1) and is used to help identify the 'story behind the story'. Discourse analysis is sometimes defined as the analysis of language "beyond the sentence" (Tannen, 2002).

> In other words, Discourse Analysis will enable [us] to reveal the hidden motivations behind a text or behind the choice of a particular method of research to interpret that text.... Discourse Analysis will, thus, not provide absolute answers to a specific problem, but enable us to understand the conditions behind a specific "problem" and make us realize that the essence of that "problem", and its resolution, lie in its assumptions; the very assumptions that enable the existence of that "problem". By enabling us to make these assumption explicit, Discourse Analysis aims at allowing us

> to view the "problem" from a higher stance and to gain a comprehensive view of the "problem" and ourselves in relation to that "problem". Discourse Analysis is meant to provide a higher awareness of the hidden motivations in others and ourselves and, therefore, enable us to solve concrete problems - not by providing unequivocal answers, but by making us ask ontological and epistemological questions (Anon., 2002).

Roe proposes that a similar technique can be applied to policy analysis, but starting with the "highly valued uncertainty and complexity ... appl[ying] the same set of considerations, ... and see[ing] what kind of 'text' one ends up with" (1994: 2). The usefulness of this technique is that it recognises the centrality of the "stories commonly used in describing and analysing policy issues [as] a force in themselves" (*ibid*). Furthermore, these stories

> often resist change or modification in the face of contradicting empirical data, because they continue to underwrite and stabilise the assumptions for decision-making in the face of high uncertainty, complexity and polarisation (*ibid*).

To analyse the interaction of policy positions put forward by different participants it is proposed to use the framework developed by Roe (1994). He suggests that policy can be analysed using a technique based on critical discourse analysis. In terms of his theory the final policy generated will be the metanarrative that emerges from a comparison of the dominant narrative and counter narratives.

3.5.1 Discourse analysis as a policy tool

Discourse analysis has become recognised as a useful tool in the search for an appropriate model for analysing public participation processes in environmental decision-making.

> One of the most popular decision-making models in the academic literature is discoursive (or deliberative) democracy (e.g. Dryzek, 1990; Benhabib, 1996; O'Mahony and Skillington, 1996), based on Habermas's critical theory; other models proposed alternative decision-making mechanisms (e.g. Young, 1990). The elements of discoursive democracy have been proposed as the building blocks of public participation in environmental decision-making by several authors (e.g. Kemp, 1985; Fiorino, 1989; Laird, 1993; Webler, 1995), but rarely are these translated into guiding principles at a practical level (Palerm, 2000).

This view is very similar to that proposed by Mueller:

> [T]he political *process* ... is one of discussion, compromise and amendment, continuing until a formulation of the issue is reached benefiting all. The key assumptions underlying this view of politics are both that the game is cooperative and positive sum, that is, that a formulation of the issue benefiting all exists, *and* that the process can be completed in a reasonable amount of time, so that the transaction costs of decision-making are not prohibitive (Mueller, 1989: 192; emphasis in the original).

3.5.2 Criteria for assessing a process

In evaluating a participatory process a number of issues, or evaluation criteria, have been evolved. Petts (2001) has produced the following the criteria for assessing a process. He suggests the following questions be posed

> in terms of whether the process:
> 1. ensures that the participants are representative of the full range of people potentially affected and that barriers which may bias representation are minimised;
> 2. allows participants to contribute to the agenda and influence the procedures and moderation method;
> 3. enables participants to engage in dialogue, and promote mutual understanding of values and concerns;
> 4. ensures that dissent and differences are engaged and understood;
> 5. ensures that 'experts' are challenged and that participants have access to the information and knowledge to enable them to do this critically;
> 6. reduces misunderstanding and ensures that the authenticity of claims is discussed and examined;
> 7. makes a difference to participants, e.g. allows for development of ideas, learning and new ways of looking at a problem;
> 8. enables consensus about recommendations and/or preferred decisions to be achieved;
> 9. makes a difference to decisions and provides outcomes which are of public benefit;
> 10. ensures that the process is transparent and open to those not directly involved but potentially affected.

The most useful approach to this type of analysis is that offered by narrative policy analysis.

3.5.3 Narrative policy analysis technique

Narrative policy analysis is a technique recommended for complex, uncertain and highly polarised policy issues. In his book, Narrative Policy Analysis: Theory and Practice, Emory Roe outlines a method of policy analysis that has its origins in literary analysis and critical theory (1994: 2). The method was developed by semioticians whose concern is with constructing meaning from the "signs" revealed in a narrative (Roe, 1994: 17), which can accommodate the different perspectives that different readers can have of the same story.

The basic approach proposed is the consideration of the texts or narratives of the issue(s) as told by the various parties in the debate over a policy issue and then generating a metanarrative that accommodates the conflicting points of view. The importance of the metanarrative is that it is a 'new' story or narrative, which, while remaining true to the

elements in the different accounts of the issue, provides the analyst with a story that is more amenable to other, more traditional, analytic methods.

3.5.4 Stories, counter-stories and non-stories

The method suggests that within the contest over a highly polarised, complex and uncertain policy issue there could be four types of narrative, viz. stories, counter-stories, non-stories and metanarratives.

3.5.4.1 Stories

Stories have a beginning, middle and an end. This means that a policy narrative, to qualify as a story, must progress, more or less logically, from a beginning point, proceed through an elaboration of the issue and its implementation and come to an identifiable conclusion. Such stories/narratives can be cast as arguments, with premises and conclusions or as scenarios, which are stories about possible future outcomes if the events or positions are carried out (Roe, 1994: 36).

3.5.4.2 Counter-stories

Counter-stories are equally stories as described above, but they offer an alternative account that has the potential to displace the original story (Roe, 1994: 40). A distinguishing feature of the counter-narrative is that it is not a refutation of the narrative and its empirical accuracy, but rather a narrative that "tells a better story" (*ibid*). Notwithstanding the existence of such a 'better' narrative, some narratives are very persistent, for example the Tragedy of the Commons as it was applied to the policy of land registration in Kenya (Roe, 1994: 41), where the counter-narrative was not able to dislodge the dominant narrative, even though it offered a better account of the problem.

3.5.4.3 Non-stories

Non-stories are often circular arguments. As they have a beginning, but no end, they cannot qualify as a story or narrative. Often critiques of policy issues appear to be stories in that they take the form of "point by point rejoinders ... [and] ... may have the outlines of a conventional story" (Roe, 1994: 53). However, if they are only telling us "what to be against without completing the argument as to what we should be for" (*ibid*), they are also non-stories, as they have no end or conclusion.

Circular arguments or point-by-point rebuttals of another narrative do not qualify as counter narratives. In fact,

> the extent to which a critique is effective at the narrative level in overthrowing a policy is often the extent to which it undermines at the metanarrative level its own ability to underwrite and stabilize the assumptions for decision making in the face of complexity and uncertainty (Roe, 1994: 69).

3.5.5 Meta -narratives

A metanarrative is "not 'consensus' or 'agreement', but rather a 'different agenda,' which allows us to move on issues that were dead in the water on their older agendas" (Roe, 1994: 52). The advantage of the metanarrative is that it allows both the story and the counter-story to exist side by side and makes no judgements about the veracity of either. Instead, by shifting the agenda, the issue becomes recast as a scenario that is open to other methods of policy analysis. The metanarrative "finds a set of common assumptions that make it possible for opponents to act on an issue over which they still disagree" (Roe, 1994: 156).

3.5.6 Summary of the approach

Summarized, the basic approach consists of four steps:

- Identify the policy narratives that qualify as stories and that dominate the issue;
- Identify the other narratives that do not qualify as stories, i.e. the counter-stories and non-stories, which run counter to the dominant policy narrative;
- Compare the two sets of narratives to generate a metanarrative, i.e. the story told by the comparison;
- Determine if, and how, the metanarrative retells the story in a way that makes more conventional policy analysis methods possible (Roe, 1994: 155ff).

In the case of the KwaZulu-Natal Waste Management Policy the research will investigate whether there is a dominant narrative and a counter narrative and who is propounding them. If such narratives are discerned, the extent to which the final policy qualifies as a metanarrative will be investigated.

4 Framework for analysis

This section outlines a framework for analysis based on the theories described above.

4.1 The policy streams

4.1.1 Agendas

In the context of this study a number of agendas are likely to be observed. The broad environmental agenda has been gaining in prominence in South Africa. This is evident in the large number of environmentally focussed pieces of legislation that have been passed recently. The prime example is the National Environmental Management Act No 107 0f 1998, which is intended to be framework legislation within which a whole suite of environmental legislation would be enacted. Within the arena of environmental legislation waste management has been one item on the agenda. It moved from being on the "governmental agenda" to the "decision agenda" (Kingdon, 1995: 4) and became an issue that was being actively considered and debated. The reasons for this movement will be important.

4.1.2 Problems

According to Kingdon problems are identified as such because of one or more of the following factors. The first of these are indicators that can arise from the monitoring activities of both governmental and non-governmental agencies (Kingdon, 1995: 90). Kingdon suggests that decision makers "use the indicators in two major ways: to assess the magnitude of a problem and to become aware of changes in the problem" (Kingdon, 1995: 91). Problems sometimes become identified as the result of a focusing event, crisis or symbol. "An issue becomes a burning issue when it reaches crisis proportions" (Kingdon, 1995: 95). A third mechanism by which problems are identified is that of feedback. Feedback can take the form of monitoring and evaluation, complaints received from the public, or the administrative experience of bureaucrats they themselves.

In this study the way in which the problem became a burning issue and moved onto the decision agenda will be identified.

4.1.3 Policies

Kingdon refers to the policy stream as the "policy primeval soup" (Kingdon, 1995: 116) to which various policy communities contribute. These policy communities are "composed of specialists in a given policy area" (Kingdon, 1995: 117). These policy communities are largely located within government and while independent of each other they have in common that "they are concerned with one area of policy problems" (Kingdon, 1995: 117). Kingdon suggests that the more loosely-knit the community is, the freer the agenda is to shift "from one time to another in a more volatile fashion" (Kingdon, 1995: 121).

A particular policy is likely to attract the attention of a policy entrepreneur. Entrepreneurs are advocates for an idea and their defining characteristic is "their willingness to invest resources – time, energy, reputation and sometimes money – in the hope of a future return" (Kingdon, 1995: 122). The process of developing a policy is "evolutionary, a selection process in which some ... ideas survive and flourish" (Kingdon, 1995: 124), hence the term 'primeval soup'.

In order to have their ideas gain wider acceptance policy entrepreneurs have to engage in a softening up process which involves floating their idea in every forum possible, both within government and in the public arena. The policy ideas that survive are those that meet the criteria of "technical feasibility, value acceptability within the policy community, tolerable cost, anticipated public acquiescence, and a reasonable chance for receptivity among elected decision makers" (Kingdon, 1995: 131). It is both the content of the ideas themselves and political pressure resulting from the softening up process that succeeds in moving some subjects higher up on the governmental agenda.

For the purposes of this study, technical feasibility, acceptability within the policy community, costs, anticipated public acquiescence, and the chances for receptivity among elected decision makers of the policy proposals are going to be important criteria.

4.1.4 Political

Kingdon defines the political stream rather narrowly, for example describing political motivations as "politicians' attention to voter reactions, their skewering of members of the opposition political party, and their efforts to obtain the support of important interest group leaders" (Kingdon, 1995: 145). He identifies the political stream as an "important promoter

or inhibitor of high agenda status" (Kingdon, 1995: 163). The political stream is influenced, "in particular, [by] the complex of national mood and elections" (Kingdon, 1995: 164). His analysis suggests that the national mood on its own is important, but when election imperatives are added to the mix, items on the agenda, which coincide with the national mood, are likely to be promoted. This factor is particularly strengthened by consensus building in the political arena, which Kingdon defines as taking place "through a bargaining process rather than by persuasion" (Kingdon, 1995: 163).

For this study it will be important to identify the ways in which the political stream and the national mood influenced the outcome of the policy process.

4.1.5 Windows

Kingdon identifies a policy window as "an opportunity for advocates of proposals to push their pet solutions, or to push attention to their special problems" (Kingdon, 1995: 165). A policy window is therefore an opportunity for action on a particular initiative. The importance of the policy window lies in the fact that it provides the policy entrepreneur an opportunity to bring together the separate streams, previously discussed, and couple them appropriately. Windows may open for the policy entrepreneur as a result of a change in administration, a turnover in political actors, or the problem becoming pressing (Kingdon, 1995: 168). However the window does not stay open long, as the problem may be addressed by other means, participants may fail to get action, or the events, which caused the issue to becoming pressing, may pass. The personnel involved in the creation of the policy may also change causing the policy proposal to be reviewed, or looked at in a new light.

The coupling of the policy streams is a crucial part of the process. "None of the streams are sufficient by themselves to place an item firmly on the decision agenda" (Kingdon, 1995: 178). In short, it is the unique coupling of all these elements (or the mix in the garbage can) that pushes an item from the governmental agenda onto the decision agenda.

In this study I will attempt to identify the window that opened and the reasons for its opening.

4.2 *The interest groups*

Kingdon distinguishes between "actors inside of government ... [and] actors outside of government", but acknowledges that the "distinction is partly artificial" (1995: 21). For the purposes of this study this distinction is ignored, and all the actors are considered as interest groups, as each has specific interests that they wish to either promote or protect.

4.2.1 Government

Kingdon lists the "administration, civil servants and congress" (ibid) as part of the government grouping. In the South African context 'administration' comprises the political appointments made by the government in both the national and provincial spheres, while 'Congress' can be equated to the legislature, both national and provincial.

4.2.1.1 Administration

It will be important to define just which elements of the administration have interest in the waste management issue. At a national level the Minister of Environmental Affairs and Tourism is mandated by NEMA to ensure that policy is formulated and appropriate legislation is enacted. The responsibility for implementation is shared with the provincial MEC; in KwaZulu-Natal this is the MEC for Agriculture and Environmental Affairs.

These actors respond to various stimuli in initiating, or participating in, a particular policy arena and promoting an issue higher on the action agenda. In general terms they respond to political pressure. They are sensitive to such issues as public opinion and public response to crises, perceived or actual. They also have to respond to the demands of their constitutional responsibilities, for example the constitutional right to "an environment that is not harmful to their health or well-being" (Constitution: s 24(a)). Similarly politicians have to respond reactively to international treaties and conventions, or proactively to international trends and research. An example is the Kyoto Protocol (United Nations, 1997) on greenhouse emissions, which requires signatories to reduce waste emissions according to specified targets.

4.2.1.2 Civil servants

A team of civil servants in turn supports these political heads. Within each department there are many different sections, most often organised as Chief Directorates. In the national sphere, for example, the issue of waste management is dealt with in a different

section from tourism issues. There are obvious overlaps and issues of mutual concern, but the policy process originates in a different place. Similarly in the provincial sphere, the KwaZulu-Natal Department of Agriculture and Environmental Affairs is clearly divided according to functions that have an environmental focus and those that have an agricultural focus[6]. Within the environmental component champions of certain issues arise. In the case of the KwaZulu-Natal Waste Management Policy it will be important to identify who these are and how their 'stories' unfold.

4.2.1.3 Legislature

The role of the legislature as an interest group is to consider policy and enact legislation emanating from that policy. However, in the South African context, an important mechanism exists, in the form of portfolio committees, both in the national parliament and in the provincial legislatures. In these committees members of the legislature exercise an oversight function.

> Oversight primarily entails that the Committees require organs of state to report to them on their budgets, their policies, structures and current issues of public interest. In addition, the committees have the power to investigate and make recommendations on any matter relating to government Departments, including budgets, rationalisation, restructuring, organisation, structure, function, personnel and policy formulation (Currie & de Waal, 2001: 161, 162).

Oversight by committees thus covers a broad range of categories, including budget; policy development; structural issues; current issues or events; and legislation, giving them many opportunities to engage in, and initiate policy.

In the case of the KwaZulu-Natal Waste Management Policy it will be important to try and discern the role of the KwaZulu-Natal Portfolio Committee on Environment and Nature Conservation.

4.2.2 Business

Kingdon (1995) recognises four types of interest groups, among them business and industry. He notes particularly the importance of the power of companies in the policy process (1995: 47). Not all companies will be directly involved in the process preferring to make submissions and representations through an association. Organised business, in the

---

[6] In 1996/7 when the development of the KwaZulu-Natal Waste Management Policy was begun, the environmental function was housed in the Department of Traditional and Environment Affairs.

form of Chambers of Industry or Commerce, are perhaps analogous to NGOs as they represent the views of a number of individuals. Their strength is derived from the size of their constituency base and the degree to which they 'speak with one voice'. In the case of the KwaZulu-Natal Waste Management Policy process it will be important to discern what, if any, influence organised business had.

4.2.3 Organised labour

Another of the interest groups described by Kingdon (1995: 45) is that of organised labour. Kingdon notes that this group is "involved less frequently than the industry or professional groups" (ibid). In South Africa the Congress of South African Trade Unions (COSATU), who may select a representative from one of their member unions, most often represents organised labour. Unfortunately, there has been a tendency for such representatives not to attend meetings or make submissions, unless workers' benefits are directly threatened. In the KwaZulu-Natal Waste Management Policy process the role of organised labour will have to be noted.

4.2.4 Civil society

Among the interest groups, NGOs are often very important as they frequently represent more closely the views of the 'public'. NGOs engage in policy debates for a number of reasons, sometimes because of perceived shortcomings or in the efficiencies in existing policies, or in order to advance a particular agenda.

> NGOs may like to engage in policy influencing ... :
> - to encourage better implementation of a government programme that has the essential components of a participatory approach. NGOs may work to promote more appropriate mechanisms and procedures within public agencies.
> - to ensure that participatory features are integrated into policy formulation, an NGO may try to associate itself to a programme to influence policy changes.
> - to persuade public agencies to put issues that are important for a participatory approach onto their agenda. For example, by promoting gender awareness in development programmes (Shah, 1996).

Shah (1996) contends that those NGOs interested in influencing the policy process should follow much the same route is that outlined by Kingdon (1995). He acknowledges the preoccupation of policy makers with implementation and other policy issues, and suggests that the NGOs should select the issue (analogous to Kingdon's policy stream), devise a plan to bring the ideas for policy change to the attention of the decision maker (analogous to Kingdon's contention that an event or pressure could bring a policy issue to the fore), and in the event of rejection of the policy idea "wait until... a more favourable situation

develops" (Shah, 1996). This resonates with Kingdon's references to garbage cans and waiting for a policy entrepreneur to take advantage of a window of opportunity. As Shah puts it, policy makers face a situation where "their basket is full, the bus is crowded" (Shah, 1996), which implies that the interest groups, in this case an NGO, who wishes to influence policy must enter into the policy stream.

The net result is that NGOs play the policy 'game' in much the same way as the other policy communities described by Kingdon.

In South Africa the terms 'civil society' and 'NGO' are often used interchangeably. However it should not be assumed that civil society is only represented by NGOs, as there are other mechanisms available. It will therefore be important in this study to try to gauge the extent to which civil society and/or NGOs played a part in the shaping of the policy.

4.3 The narratives

Roe characterises policy narratives as "the scenarios and argumentation on which policies are based" (1994: 2). It will therefore be important to identify these scenarios and argumentation in the development of the KwaZulu-Natal Waste Management policy. Following Roe (1994), the narratives will be classified as dominant or counter-narratives.

4.3.1 Dominant narratives

These narratives will be those that gain acceptance and credence; they become the scenario most people subscribe to. In a situation great uncertainty there are likely to be a variety of stories, or narratives, to account for the situation. In order to survive a narrative needs people to tell the story, especially in the "absence of both evidence and the means of proof" (Roe, 1994: 58) that characterises complex and uncertain situations. More than one dominant narrative may well exist side by side with each other.

4.3.2 Counter-narratives

A critique of another narrative (often the dominant narrative) is not of itself a counter-narrative. To qualify as a counter-narrative the story has to conform to the requirement of having a beginning, middle and an end. Therefore it must offer a credible alternative explanation, or account, of the situation to that of the dominant narrative.

In this study, marked as it is by controversy and emotions, the presence of counter-narratives is highly likely. It will be important to ensure that they are recognised and not mistaken for a true narrative.

4.3.3 Metanarrative

Roe highlights the asymmetries between narratives in difficult policy issues. He points out that "[t]he potential for uncertainty or risk increases with one of the competing narratives is not really a conventional story at all but rather a critique" (Roe, 1994: 74). The factors of uncertainty and risk are what make the policy issues, in this case waste management, complex and uncertain. Roe suggests that

> the analyst who wants to identify risks associated with a complex and difficult policy issue is well advised to spend ... time on determining ... the narratives' structural differences and possible equivalence in terms of some shared index (ibid).

Thus the metanarrative is a narrative that allows "opposing parties ... [to tell] functionally the same story – a story that in turn empowers all concerned to the extent [that] it reduces uncertainty and complexity at the metanarrative level" (Roe, 1994: 73). The metanarrative is derived by analysing the stories being told by the actors in the policy process and comparing them in order to understand and construct a story that each of the actors can accept, or at least recognise.

In this study identifying the metanarrative will be an important tool in explaining why and how particular elements of the final policy came to be included.

It is worth noting that "[p]ower is being worked out in these controversies; it is open-ended and not perforce a zero-sum game" (ibid). In other words the metanarrative does not disadvantage any one of the actors; instead it provides an opportunity for all the participants to reach a consensus, in terms of which a "better" story is told. This is the power of narrative policy analysis.

The confrontation between the actors in the case study is likely to be characterised by marked differences in power. The extent of this power differential and the metanarrative's ability to mediate this will be important.

4.4 Criteria for assessing the process

The criteria suggested by Petts (2001) and described in 3.5.2 above offer a means of assessing the extent to which the participation promotes participative democracy. This aspect will be important for understanding the KwaZulu-Natal Waste Management Policy and its chances for acceptance and implementation.

4.5 Format for analysis

The process of developing the KwaZulu-Natal Waste Management Policy will be assessed in the Part II using the following framework.

- **The policy streams**: An attempt will be made to identify how the issue arose, how it moved onto the active agenda, and which actors became involved. An attempt will also be made to identify the policy window and how it opened.
- **The interest groups**: A number of interest groups exist. These include the government, business, organised labour and civil society. It will be important to discern the role of each of these in the development of the policy.
- **The narratives**: It is hoped that by identifying and analysing the stories being told by the actors it will be possible to isolate the dominant narrative, counter-narratives and finally to test whether a recognisable metanarrative is reflected in the final policy.
- **Participation criteria**: The extent to which the process meets Petts' (2001) criteria will be discussed.

PART 2 – CASE STUDY

5 The KwaZulu-Natal case

5.1 Background

5.1.1 Waste Management as a policy issue in South Africa

Waste management as a policy issue for South Africa first arose in the post-Rio era. Following the United Nations Conference on Environment and Development (the Earth Summit), held in Rio de Janeiro in 1992 and the global policy issues that arose from this, waste generation became recognised as an increasing 'problem' for many countries (UNCED, 1993). Major efforts were applied to finding ways of dealing with waste that had already been generated (DEAT, 1999b: Foreword). The problem was originally conceived of as one of finding 'end-of-pipe' solutions that were more sophisticated and more efficient. However, many of those involved in waste and waste management began to explore the possibility of alternative solutions, which involved more pre-emptive approaches.

> Effective mechanisms to deal with unavoidable waste will remain necessary, but much greater attention must be directed to the introduction of preventative strategies aimed at waste minimisation and pollution prevention. Ever increasing urban and industrial development throughout the world is leading to levels of pollution which seriously threaten the natural resources upon which humankind depends for its survival (DEAT, 1999b: Foreword).

This pre-emptive approach is often referred to as the hierarchy of waste management, and is illustrated in Figure 2 taken from the National Waste Management Strategy (NWMS) (DEAT, 1999c: 18).

The White Paper also recognised the need for policy to be developed by a group wider than government alone.

> Pollution and waste management is not the exclusive preserve of government. The private sector and civil society have crucial roles to play. The fostering of partnerships between government and the private sector is a prerequisite for sustainable and effective pollution and waste management to take place. Similarly, the spirit of partnerships and co-operative governance between organs of state is equally important due to the crosscutting nature of pollution and waste management (DEAT, 1999b: Foreword).

Figure 2: Waste management hierarchy
(adapted from the NWMS (DEAT, 1999c)

Several government departments have responsibilities for environmental matters and these took the view that it was important to develop a more integrated and holistic policy that would address both the growing need to find solutions to the 'waste problem' and the fragmentation of legislation and responsibilities. This fragmentation is illustrated in the following excerpt from the NWMS.

> The Constitution of the Republic of South Africa (Act 108 of 1996) states that the people of South Africa have the right to an environment that is not detrimental to human health, and imposes a duty on the state to promulgate legislation and to implement policies to ensure that this right is upheld. Steps taken to date to ensure the environmental right include: the publication of the Environmental Management Policy for South Africa (1998); the preparation of the Draft White Paper on Integrated Pollution and Waste Management (1998); the National Water Act (1998); as well as the promulgation of the National Environmental Management Act (1998) (DEAT, 1999c: 11).

The National Water Act assigns responsibility for the protection of water sources, and by extension waste landfills sites, to the Department of Water Affairs and Forestry. NEMA assigns responsibility for environmental issues to the Department of Environmental Affairs and Tourism. Alongside these, two other departments also have responsibility for waste related issues, viz. the Department of Minerals and Energy (for mining related waste) and the Department of Health (for medical waste and for environmental health). In addition

> [a]ccording to the Constitution of the Republic of South Africa (1996), responsibility for waste management functions is to be devolved to the lowest possible level of

> government. However, concern has been expressed about the limited resources that are available at the provincial and local government level to assume the additional waste management responsibilities (op. cit.: 14).

The difficulties associated with the fragmentation of legislation, assigned responsibilities and competence is captured in the Legislative Review produced as part of the Starter Document for Integrated Waste Management Planning, produced by the Department of Environmental Affairs and Tourism.

> As has been seen, the primary allocation of functions is made by the Constitution, which allocates lawmaking and administrative functions between national, provincial and/or local governments. The present allocation of functions gives a wide range of government agencies responsibilities for "environmental management". Agencies with specific law-making or executive functions, can assign or delegate those functions to another government institution. It is clear that in the case of numerous environment-related functions, more than one sphere of government has legislative and/or executive and administrative authority and that this authority is often exercised concurrently by different government agencies. Relevant to this Review, the White Paper [on Environmental Management] highlights the following:
>
> *"Functions relating to refuse dumps and solid waste disposal present another example [of concurrent competency]. In terms of the Constitution, provincial and local government have concurrent competence in these areas, to the exclusion of national government. The Environment Conservation Act (73 of 1989) provides that no-one may establish or operate a refuse dump without a permit from the Minister of Water Affairs. The Act also authorises the Minister of Environmental Affairs and Tourism to make regulations with regard to waste management"* (original emphasis) (DEAT, 2000: 27).

In an attempt to address this state of affairs, during 1997, the

> Department of Water Affairs and Forestry (DWAF) and the Department of Environmental Affairs and Tourism (DEAT), with financial support from the Danish Co-operation for Environment and Development (Danced), initiated a project for the development of a National Waste Management Strategy (NWMS) for South Africa. The overall objective of this strategy is to reduce the generation of waste and the environmental impact of all forms of waste and thereby ensure that the socio-economic development of South Africa, the health of the people and the quality of its environmental resources are no longer adversely affected by uncontrolled and uncoordinated waste management (DEAT, 1999d: 8).

This project was carried out in consultation with a wide range of stakeholders. The stakeholders included government at all levels, non-governmental organisations (NGOs), community based organisations (CBOs), labour, business and industry (including mining). It was undertaken because government felt the need for a "far reaching plan for addressing key issues, needs and problems experienced with waste management in South Africa (1997/8)" (DEAT, 1999c: 9). This new strategic thrust is summed up in Table 6, taken from the National Waste Management Strategy (NMWS) (DEAT, 1999c: 11).

Table 6: Table illustrating strategic integrated approach to waste management planning

Existing Waste Management Approach	Strategic Objectives for Integrated Waste Management
Limited focus on control mechanisms	Focus on sustainable environmental protection
Inadequate waste collection services	Adequate waste collection services for all
Adverse effect on the environment and public health	Sustainable protection of the environment and public health
Fragmented approach with single media focus	Consolidated multimedia approach
Conflict of interests	Transparency in conflict resolution
Insufficient information	Integrated Waste Information System
Inadequate environmental planning	Holistic integrated environmental planning and capabilities
Inadequate R&D programmes	Focused investigations that take cognisance of cross-cutting implications
Fragmented regulatory approach	Integrated regulatory approach
Regulations inadequately enforced	Enforcement facilitated
Full waste management costs not realised	Polluter Pays Principle and total cost accounting

Thus several factors combined to bring waste management onto the KwaZulu-Natal government agenda, although not yet onto the action agenda. In summary these were:

- The international attention being given to waste and waste management issues;
- The legislative environment created by the new Constitution, the Consultation on a National Environmental Policy (CONNEP) process which culminated in the National Environmental Management Act No. 107 of 1998; and
- A change in thinking about waste management from a reactive 'end-of-pipe' approach to a more strategic integrated and planned approach that took account of the waste management hierarchy.

5.1.2 The policy environment

5.1.2.1 National policies

A number of national policies define the policy arena within which the waste policy is developed. These include the Constitution, the White Paper on Environmental Management, the White Paper on Integrated Pollution and Waste Management, The

National Environmental Management Principles in terms of the National Environmental Management Act, Principles in terms of the Development Facilitation Act, and the Draft Green Paper: Development and Planning (DEAT, 2000).

5.1.2.2 International conventions

In addition South Africa has either signed or acceded to a number of international conventions. Some of these have not been included in national legislation, but have a great deal of weight in defining policy. They include the Basel Convention, and the Convention on the Ban of Import into Africa and the Control of Transboundary Movement and Management of Hazardous Waste within Africa, 29 January 1991 (Bamako) (DEAT, 2000).

5.1.2.3 National legislation

Besides the policies listed above there are also several pieces of national legislation that have direct bearing on the waste management policy arena.

These include national legislation dealing with local government, such as the Local Government Transition Act 209 of 1993, the Municipal Demarcation Act 27 of 1998, the Organised Local Government Act 52 of 1997, the Local Government: Municipal Structures Act 117 of 1998, and the Local Government: Municipal Systems Bill (DEAT, 2000).

Other more directly environmentally related legislation includes the National Environmental Management Act 107 of 1998, the Environment Conservation Act 73 of 1989 and The Mine, Health and Safety Act 29 of 1996.

Legislation with waste management implications, but which are not immediately obvious includes the Minerals Act 50 of 1991, and the Mine, Health and Safety Act 29 of 1996 and acts relating to nuclear energy such as the Nuclear Energy Act 131 of 1993, the Nuclear Energy Act 46 of 1999, and National Nuclear Regulator Act (DEAT, 2000).

Added to this policy 'primeval soup' are regulations promulgated in terms of other national legislation such as the National Roads Act 54 of 1971, the National Building Regulations and Building Standards Act 103 of 1977, the Human Tissue Act 65 of 1983, the Atmospheric Pollution Prevention Act 45 of 1965, the Animal Diseases Act 35 of 1984,

The Road Traffic Act 29 of 1989, the Abattoir Hygiene Act 121 of 1992, the Hazardous Substances Act 15 of 1973, the Health Act 63 of 1977, the Housing Act 107 of 1997, the National Water Act 36 of 1998, The Water Services Act 108 of 1997, the Advertising on Roads and Ribbon Development Act, the Seashore Act 21 of 1935, and the Fertilisers, Farm Feeds and Agricultural Remedies Act 36 of 1947 (DEAT, 2000).

All these policies and acts meant that in KwaZulu-Natal there was no clarity on policy, legislation, regulations or competence to administer the various provisions. This provided a setting in which the need for greater clarity became increasingly urgent. In order to develop policy, however, the requirement for public participation has to be borne in mind. The provisions for public participation are discussed in Section 5.1.3 below.

5.1.3 Provisions for public participation in South Africa post 1994

Current South African legislation lays great emphasis on the need for public participation in the development and implementation of policy. The Constitution Act 108 of 1996, in s41(1)(c), which requires "effective, transparent, accountable and effective government", lays the basis for this consultation and participation. This is expanded in s57(1)(b), which stipulates that the National Assembly may make rules "with due regard to representative and participatory democracy, accountability, transparency and public involvement". Section 59(1)(a) requires the National Assembly to "facilitate public involvement in the legislative and other processes of the Assembly and its committees". Similar requirements are stipulated for the National Council of Provinces (s72(1)(a)) and provincial legislatures (s118(1)(a)). The requirement for public participation is most clearly set out in s159(1)(e), which states that "people's needs must be responded to, and the public must be encouraged to participate in policy-making".

The National Environmental Management Act (No 107 of 1998) is the framework act for all environmental policy and legislation. It, too, provides for public participation stating, in the preamble, that "that the law should establish procedures and institutions to facilitate and promote public participation in environmental governance". Section 23(2)(d) states that one of the objectives of integrated environmental management is "to ensure adequate and appropriate opportunity for public participation in decisions that may affect the environment"; while s24(7)(d), which requires "public information and participation, independent review and conflict resolution in all phases of the investigation and assessment

of impacts" as part of the minimum procedures specified for the investigation, assessment and communication of the potential impact of activities.

Waste Management in South Africa is further provided with a specific framework in the form of the national Integrated Waste and Pollution Management Strategy (DEAT, 1999c), which has the following goal in paragraph 5.2.4:

> Goal 4: Participation and partnerships in integrated pollution and waste management governance.
>
> - To establish mechanisms and processes to ensure effective public participation in integrated pollution and waste management governance.

The White Paper states that this goal has the following

> short-term deliverables:
>
> - To develop mechanisms to ensure public participation and community involvement in processes relevant to integrated pollution and waste management;
> - To make the involvement of the public mandatory in waste management decisions, where people will or can be affected; and
> - To investigate extending the use of environmental monitoring committees, which involve representation and participation of the public, to monitor all waste disposal sites and other sensitive waste management projects. This strategy will also encourage continued ad hoc monitoring by involving interested and affected parties and deliberate involvement of communities in enforcement and compliance in line with provisions of NEMA (DEAT, 1999a).

In section 6.4.6, which outlines the role of the public, the White Paper states:

> Recognizing the value and potential of a well-informed and committed citizenry for effecting positive change, the Department of Environmental Affairs and Tourism encourages meaningful public involvement in integrated pollution and waste management issues. Public participation in the regulatory process will therefore be expanded using consensus-based approaches and negotiated rule making. New ways will also be established to make information more directly accessible and relevant to the public, to build capacity and raise awareness of integrated pollution and waste management issues (DEAT, 1999a).

The National Waste Management Strategy, compiled in terms of the White paper, requires provinces to compile provincial policies, plans and implementation strategies (DEAT, 1999c). These have to conform to the national policies, including the requirements for public participation.

It is against this background that the KwaZulu-Natal Waste Management Policy was developed.

6 Methodology

6.1 *Methods employed*

In undertaking the research for this project a number of approaches for collecting appropriate data were considered. Those most appropriate for the aim of the research were a consideration of the formal record including records held by the KwaZulu-Natal provincial Department of Agriculture and Environmental Affairs, and interviews with selected participants.

This approach was chosen for the following reasons:

- **The formal record** provides a chronology and record of decisions taken. It is also seen as the permanent record to which other researchers, who might wish to draw different conclusions, would have access in the future. These papers provide a basis for tracking the process of policy development in terms of Kingdon's model (Kingdon, 1994). The records of decisions also provide an interesting view of the 'consensus' reached.
- **Participant interviews** provide a different perspective. They reveal the underlying perspectives and approaches of the participants, which are the sources of different proposed resolutions to the problems that the policy is meant to address. These can lead to tensions and opposing 'stories' as suggested by Roe's model (Roe: 1994). An understanding of these stories leads to the identification of the narratives and allows for the identification of the metanarrative.

6.1.1 Formal record

6.1.1.1 Government records

Permission was granted by the KwaZulu-Natal Department of Agriculture and Environmental Affairs to consult and use the records of the 1997/8 and 2001 processes, in the form of minutes and submissions. Accordingly the following sources were consulted:

- Cabinet memoranda;
- Proceedings of meetings;

- Policy proposals put forward by the different role-players;
- Records of the Multi-stakeholder Steering Committee;
- Records of the participatory workshops; and
- The final policy document.

These documents were used to establish the chronology of events during the policy process and as a source of comparison for the verbal stories told by the participants who were interviewed.

6.1.2 Participants

Key role-players were selected and sent a written request for an interview. A copy of the letter is shown in Appendix 1. These included the Department of Agriculture and Environmental Affairs officials ultimately responsible for the policy, and the representatives on the Steering Committee of the different stakeholder constituencies. These stakeholders were not chosen at random, but were selected on the basis of the following criteria:

- **Representivity**: People who represented a specific sector; and
- **Participation**: People who participated in the 1997 process and/or the 2001 process.

The following table (Table 7) shows the sectors and organisations approached.

Table 7: Sectors and organisations approached

Sector	Organisation
Business	Waste Services
Organised Business	SA Chamber of Business
NGO	Wildlife and Environmental Society of SA
NGO	South Durban Community Environmental Alliance
Organised Industry	Chemical and Allied Industries Association
Politician	KwaZulu-Natal Portfolio Committee: Environment
Politician	KwaZulu-Natal Department of Agriculture and Environmental Affairs
NGO	groundWork
Local Government	Umgungundlovu District Municipality
National Government	Department of Water Affairs and Forestry
Professional Organisation	Institute of Waste Management
Provincial Government	KwaZulu-Natal Department of Agriculture and Environmental Affairs
Provincial Government	Ezemvelo KZN Wildlife

However, not all those approached responded or were willing to participate. Interviews were successfully held with the people listed in Table 8.

Table 8: Interviewees, showing sector and organisation

Sector	No	Organisation
National Government	1	Dept Water Affairs and Forestry
NGO	2*	groundWork
	2*	groundWork
	3	South Durban Community Environmental Alliance
	4	WESSA
Organised Business	5	SACOB
	6	CAIA
Professional Organisation	7	Institute of Waste Management
Provincial Government	8	KwaZulu-Natal Department of Agriculture and Environmental Affairs
	9	KwaZulu-Natal Department of Agriculture and Environmental Affairs
	10	Ezemvelo KwaZulu-Natal Wildlife

* Two people from this organisation were interviewed simultaneously.

The interviews were designed to ascertain the respondent's perspective on the processes, with particular reference to the extent to which 'public opinion' influenced the shape of the policy and how this was achieved. The data was gathered by means of semi-structured interviews. A list of questions was produced, which was sent to the respondents together with the request for an interview and a further copy given to them at the beginning of the interview. The questions were intended to provide an overview of the sorts of areas of interest, and were not intended to confine the range of issues that the respondents could address. Copies of these questions are shown in Appendix 2.

At the beginning of each interview respondents were asked what they remembered of the events of the policy process in a conversational style. The purpose of the interview was explained and the proposed method of analysis discussed. Each respondent was encouraged to 'tell their story' with minimal interruption and prompting from me. They were encouraged to use the questions as a rough guide only, providing an overview of the sorts of areas in which I was interested, rather than as a 'script' to be followed. Each respondent was asked for permission to record the interview, which was later transcribed verbatim.

These transcripts were then analysed to identify the narratives, if any.

6.2 Constraints

The methods employed were subject to certain constraints, which only surfaced during the course of the data gathering.

6.2.1 Formal records

When the formal records, in the form of the 'paper trail', were consulted they were found to be sketchy and in some cases missing, especially those for the 2001 process. This meant that the debate around, and/or reasons for, certain decisions were inaccessible. Where possible my own records were used to supplement the missing information however these are not official records and are therefore not part of the public record.

6.2.2 Interviews

The biggest constraint initially was that some interviewees were extremely difficult to locate, or get a response from.

During the interviews other, more methodological constraints surfaced. The most frequent was a reluctance to talk without prompting. This meant that I often had to rephrase questions trying to open up an area of discussion without putting words in the interviewee's mouth. Another constraint was that some of the interviewees had no clear idea of the policy development framework within which they had participated. This led to the frequent statement that "we don't know where this came from, or where it was going". Their inability to locate their participation in a broader framework was an obvious source of frustration and disillusionment for many participants. This placed some limitations on the insights they were able to provide, but it did provide me with a rich source of 'critiques' of the process.

Technical difficulties were also encountered, such as interviewees who spoke softly, or with a marked accent. I did not want to interrupt the flow of their discourse by asking them to repeat remarks. This means that in places the audiotapes are inaudible or difficult to decipher. This was overcome by interpolation and extrapolation from the context.

7 Chronology of events

The KwaZulu-Natal Department of Agriculture and Environmental Affairs is the lead agent for environment and waste matters in the province. In terms of the national legislation, the department

> is empowered to legislate on environmental issues taking into consideration KwaZulu-Natal's specific geographic and socio-economic characteristics. The Department is also tasked with the development and implementation of strategic planning to ensure that waste management considerations are integrated with development planning and decision-making (DAEA, 2001a: 4).

In 1997 a KwaZulu-Natal Waste Management Policy Steering Committee initiated a fully consultative process that culminated in the Draft KwaZulu-Natal Waste Management Policy, which was submitted to the Provincial Cabinet (DAEA, 1997 & 1998). This policy, still in its draft format, underwent an updating process in 2001 before being submitted to the Provincial Cabinet again.

7.1 Origin of the problem

There are widespread issues in KwaZulu-Natal relating to poor waste management, e.g.

> [c]asual estimates put the annual quantity of solid waste in KZN being disposed of at landfill sites at approximately 3 060 000 tonnes (excluding mining, agricultural and power generation wastes). This figure includes some 22 300 tonnes of high hazardous waste which is transported out of the Province for treatment or disposal at high hazard waste facilities in other provinces (DAEA, 2001a: 5).

In KwaZulu-Natal current disposal methods include landfilling, incineration and disposal to sea via marine pipeline. There are

- In excess of 60 municipal landfill sites in the Province, not counting small community sites;
- Several industry-specific sites for the sole use of those particular industries;
- 51 landfill sites in KwaZulu-Natal that are permitted by the Department of Water Affairs and Forestry (including the privately-run, industry-specific, dedicated sites) with an additional 21 landfill permit applications pending;
- Only one (provisionally) licensed incinerator dealing with Health Care Risk Waste, i.e. medical waste;
- 17 marine outfalls (pipelines discharging effluent into the sea) that are used by several coastal municipalities and industries to dispose of liquid wastes to sea, some

of which may at times not be operating within the permitted limits (DAEA, 2001a); and

- Two low hazard (H:h) sites with permits and no high hazard waste sites (Phelamanga Projects, 1997: 1)

Concern was also raised about incidents of illegal dumping of hazardous waste on land and in watercourses, incidents of uncontrolled discharges of noxious gases into the atmosphere and illegal discharges of untreated effluents into water bodies and estuaries. Furthermore,

> desktop studies show that some 45% of medical waste generated in the province cannot be accounted for, suggesting that it is being illegally dumped, buried or burnt somewhere (DAEA, 2001a: 5).

The provincial government recognised the increasing pressure for the development of a province-specific policy.

> The situation calls for urgent government regulation and enforcement of legislation. At the same time there is a need for coordination at a provincial level, and for cooperative initiatives in order to optimise our resources and to work together towards a common goal. Increasingly, businesses that have dealings with overseas principals are required to manage their waste to the highest possible standards. Waste Management is also an important element of any Environmental Management System and therefore has to be adequately addressed (DAEA, 2001a: 6).

7.2 1996-1997

In October 1996 the then KwaZulu-Natal MEC for Traditional and Environmental Affairs, Inkosi Ngubane, and the Portfolio Committee on Environment and Nature Conservation initiated a process of developing a policy. The Head of Department, in turn instructed the then Director of Pollution Control to run the process (Interview 8). A multi-stake holder Task Team, later Steering Committee, was set up, representative of the following sectors:

- Business and Industry;
- Civil society (NGOs);
- Labour
- Local Government Councils;
- Local Government Departments;
- National Government Departments;
- Provincial Government Departments; and
- The Provincial Legislature (DAEA, 1997; Phelamanga Projects, 1997a, b).

The organisations represented are shown in Table 9.

Table 9: Sectors and organisations represented on the 1997 Steering Committee

Sector	Organisation
Business and Industry	Chemical and Allied Industries Association
	Durban Chamber of Commerce and Industry
	Institute of Waste Management
	Newcastle Chamber of Business
	Waste Contractors Association
	South African Chamber of Commerce
	Zululand Chamber of Industry
Labour	South African Municipal Workers' Union
Local Government Departments	Durban North and South Central Health Department
	Durban Physical Environment Unit
	Durban Solid Waste
	Pietermaritzburg/Msunduzi Health TLC Department
Local Government Councils	Richards Bay TLC
Local Government	KwaNaloga
National Government Departments	Department of Environmental Affairs and Tourism
	Department of Labour
	Department of Water Affairs and Forestry
NGOs	Earthlife Africa
	Environmental Justice Networking Forum
	KwaZulu-Natal Recycling Forum
	Regional Economic Forum
	Wildlife and Environment Society
Provincial Government	Department of Health
	Department of Local Government and Housing
	Department of Traditional and Environmental Affairs
Provincial Legislature	Provincial Portfolio Committee: Environment and Nature Conservation

Source: Phelamanga Projects, 1997b.

7.2.1 Establishment of a Steering Committee

Flyers were distributed to as many organisations in the province as possible. These included all municipalities, provincial government departments, national government departments with a presence in KwaZulu-Natal, civic organisations, labour unions, sporting clubs, conservancies, environmental NGOs, Chambers of Commerce and Industry, professional associations, farmers' associations, and local Development Forums. The flyer invited "responses around such issues as membership of the Steering Committee, Terms of Reference [for the process] and burning issues" (Phelamanga Projects, 1997a: 2).

The responses were collated into Discussion Document that was sent to all respondents (Phelamanga Projects, 1997b: 3) to the flyer in April 1997, with an invitation to publicise

the document and invite other people or organisations to request copies and register as Interested and Affected Parties.

The Steering Committee held ten meetings and oversaw "the process of public consultation and the drafting of the Draft Policy on Waste Management" (Phelamanga Projects, 1997b: 2)

7.2.2 Sectoral workshops

The sectors to which the discussion document was sent, whether represented on the Steering Committee or not, were encouraged to hold preparatory sectoral workshops to discuss the issues raised and make submissions to the Steering Committee. These submissions were to be used as a source for the draft Waste Management Policy.

7.2.3 Public workshops and consultations

Four regional workshops were held to which all respondents and organisations were invited. The workshops were held in Eshowe, Margate, Ladysmith and Durban and attended by between 60 and 120 people each. A provincial conference was held on 8 and 9 August 1997 in Pietermaritzburg, attended by delegates from each of the regional workshops at which a first draft of the Draft Waste Management Policy was considered.

7.2.4 Draft Policy

The first Draft Policy document was considered and amended by the Steering Committee. "The second draft was considered at a meeting Steering Committee on 28 October 1997 ... [and t]he third draft ... submi[tted] to the Steering Committee on 19 November 1997" (Phelamanga Projects, 1997b: 3). A fourth and final draft was approved at a meeting of the Steering Committee on 1 December 1997.

7.3 1998

The final

> Draft Policy was presented to the Honorable [sic] Minister of Traditional and Environmental Affairs and the Chairperson of the Portfolio Committee on Environmental Affairs and Nature Conservation on 3 June 1998 (DTEA, 1998: 2).

The Secretary of the Department of Traditional and Environmental Affairs prepared a Cabinet Memorandum dated 21 August 1998, endorsed by the Minister on 2 September 1998, recommending that

> Cabinet resolves to note the Draft Policy Document on Waste Management and the fact that it has been referred to the Portfolio Committee for Environmental Affairs and Conservation (DTEA, 1998: 3).

There the matter rested.

7.4 1999 – 2000

The Portfolio Committee did not get around to considering the Draft Policy, as they were apparently concerned with the forthcoming elections and there were changes in the composition of the Committee.

> "The thing is now that the Portfolio Committee has changed so dramatically ... so one's almost got explain to the Portfolio Committee all over again what their role in this has been, and what they need to do with it next. But, it was basically ... the major break in the momentum was around the 1999 elections" (Interview 8).

Nothing further happened until 2001.

7.5 2001

7.5.1 Bureaucratic changes

The Environment component was transferred from the Department of Traditional and Environmental Affairs to the Department of Agriculture and Environmental Affairs following a Cabinet re-shuffle and restructured. A new Directorate: Pollution and Waste Management formed. This new bureau, with newly appointed 'bureaucrats' revived the Waste Management Policy Process.

The new Directorate took the view that

> In spite of the enlightened policy and legislative initiatives, there are still widespread needs in KZN relating to poor waste management. In KZN current disposal methods feature landfilling, incineration and disposal to sea via marine pipeline. ... Several pollution and waste management problems have been highlighted in this province in recent times. There have been incidents of illegal hazardous waste dumping on land and in watercourses, incidents of uncontrolled discharges of noxious gases into the atmosphere and illegal discharges of untreated effluents into water bodies and estuaries. ... Desktop studies show that some 45% of medical waste generated in the province cannot be accounted for, suggesting that it is being illegally dumped, buried or burnt somewhere (DAEA, 2001a: 5).

In addition to these concerns the principle of cooperative governance was taking hold and pressures were being experienced by business and industry for them to conform to international waste management practices.

> At the same time there is a need for coordination at a provincial level, and for cooperative initiatives in order to optimise our resources and to work together towards a common goal. Increasingly, businesses that have dealings with overseas principals are required to manage their waste to the highest possible standards. Waste Management is also an important element of any Environmental Management System and therefore has to be adequately addressed. This requires education and training within the broader context of environmental management (DAEA, 2001a: 5).

The Department took the view that it was not necessary to redo the entire process, but that attention should be given to "revising the KZN Waste Management Policy and looking at ways of implementing the NWMS" (DAEA, 2001b).

7.5.2 Steering Committee

A new multi-stakeholder Steering Committee was formed which included similar representation as the previous (1997) Committee, but with some different organizations and faces. The sectors and organizations represented are shown in Table 10.

Table 10: Sectors and organisations represented on the 2001 Steering Committee

Sector	Organisation
Business and Industry	Compass Waste Enviroserv Huntsman Tioxide Institute of Waste Management of SA SA Emergency Services Institute Waste Services
Diplomatic	American Consulate
Local government departments	Durban Solid Waste
National government departments	Department of Minerals and Energy Department of Water Affairs and Forestry
NGOs	groundWork Wildlife and Environmental Society of SA
Provincial government departments	Department of Agriculture and Environmental Affairs Department of Health Dept of Works

Source: DAEA, 2001d.

7.5.3 Public consultation

Accordingly a new public participation process was initiated.

> DAEA has identified the need to provide an opportunity for key role players and the public in the Province to be updated on developments relating to waste; and to discuss matters relating to provincial policy, legislation, regulations and strategies in order to give clear direction to provincial pollution prevention and waste management planning (DAEA, 2001a: 6).

A new Discussion Document was prepared and circulated, together with an invitation to a provincial waste management workshop held on 19-20 October 2001 at the International Convention Centre in Durban. The objective of the workshop, advertised as an 'Imbizo', was to debate the issues which had arisen in the four years since the Draft Policy was created.

> This Discussion Document has been prepared with the following purpose:
> - to update stakeholders on policy and strategy developments in the waste management arena over the past four years;
> - to identify priority issues in waste management which require immediate action;
> - to supply information about these issues; and
> - to put forward possible solutions which will be used to initiate debate at the provincial workshop (DAEA, 2001a: 6).

Approximately 200 people representing a wide range of stakeholders attended the Imbizo. Invited papers were presented on issues that had been identified by the Technical Working Groups, followed by parallel small group discussions.

The topics selected for attention were

- Coastal Water Quality;
- Hazardous Waste Management;
- Fidelity Trust Fund issues;
- Health Care Waste Management;
- Integrated Waste Management Planning; and
- KZN Waste Management Policy, Waste Management Master Plan and Stakeholder Advisory Forum (DAEA, 2001c).

The outcomes of these discussions were captured, reported to, and commented on by, the plenary sessions. A report on the Imbizo was prepared and circulated for comment. The comments were incorporated into a final report, which was submitted to the Department of Agriculture and Environmental Affairs, Directorate: Pollution and Waste Management.

7.5.4 Updated Policy

The Report on the Imbizo was used as a basis for updating the 1998 Draft Policy document. A first draft was prepared by the consultants and submitted to the Department of Agriculture and Environmental Affairs for comment. A copy was also distributed to all members of the Steering Committee. Responses to the Draft Policy were received from the

Department of Agriculture and Environmental Affairs Directorate: Pollution and Waste Management and the Agriculture and Environmental Affairs MEC (Singh, N. *pers comm*). The Draft Policy was revised a further three times before being finally accepted by the Department of Agriculture and Environmental Affairs.

This idea emphasised the need for cleaner production by reducing or minimising waste at source. Any waste still remaining should be recycled by re-using the salvaged components wherever possible, recovering valuable fractions included in the waste or composting organic material. What waste remains should then be treated physically or chemically and only the irreducible minimum should then be disposed of. This hierarchy is shown in a diagram, Figure 2, on page 34.

This was a new paradigm for both waste generators and waste operators, requiring a complete rethink of their business operations. While for civil society, especially the environmental NGOs, it represented an opportunity to press for a redress of the environmental injustices of the apartheid era, which had seen landfill sites located away from white areas in predominantly black areas (Hallowes and Butler, 2002 and Ruiters, 2002).

Less dramatically, but still a significant issue, was the increasing awareness that landfilling was an expensive option. The Department of Water Affairs and Forestry's Minimum Requirements for landfill sites are designed to prevent pollution of the water resources by leachate from landfill sites (DWAF, 1998). These are onerous requirements necessitating specialised construction on geo-morphologically suitable sites. The costs of construction are high, and the locations often necessitate relatively long journeys from the waste source. The industry was therefore exploring alternative technologies, especially incineration using waste as an energy source at the waste generator's plant. Incineration is a contested technology, as opponents maintain that even when incinerators are operated at the recommended temperatures the emissions to atmosphere are themselves hazardous. This is therefore not regarded as safe disposal, but as a conversion from type of waste to another, less manageable, type (groundWork, 2002).

8.1.3 Political

8.1.3.1 Government

In the political stream there were also a variety of actors. At national level the responsible department is the Department of Environmental Affairs and Tourism. The environmental component was relatively new and struggling to come to terms with the constitutional requirement of ensuring "a safe and healthy environment" (Constitution Act 108 of 1996: s

24). It was also severely under funded when measured against the enormity of the task it was facing. For this reason foreign aid for policy development, and implementation, was sought and obtained. The aid was largely from Scandinavia (Denmark), where environmental issues were firmly entrenched as a policy arena. In particular waste and its management had high political priority. The national department was therefore exposed to relatively sophisticated European thinking, norms and standards.

The national Department of Environmental Affairs and Tourism had a responsibility in terms of the Environment Conservation Act No. 73 of 1989 to manage waste, but had no capacity. This function was therefore delegated to the Department of Water Affairs and Forestry, who had regional structures, expertise in terms of water protection and capacity

> "[DWAF issues] permits in terms of the Environment Conservation Act which we administer (although its an Environment Conservation Act) ... section 20 of the Environment Conservation Act. Its been handed over to DWAF because of water quantity management guidelines and all those sort of things" (Interview 1).

The effect of this was that the notion of cooperative governance became strained at times, with two departments having to share responsibility. Waste management functions were further fragmented by the assignment of responsibility for mining waste to the Department of Minerals and Energy, and health waste to the Department of Health in terms of their own sector-specific legislation.

To this list of departments in the national sphere, must be added actors in the provincial and local government spheres. The Constitution Act 108 of 1996, in Schedules 4 and 5, defines pollution and waste control as an area of competence for both provincial and municipal government.

Other provincial departments also saw themselves as stakeholders in the waste issue, such as the Department of Economic Affairs and Tourism, through their role of encouraging investment in the province, the Department of Health and the Department of Transport. Collectively these groupings could be regarded as a policy community, or at least a subset of the waste policy community. Each grouping had their own agenda and interests; each had a different set of priorities; and each occupied a different political space, with different power relations, boundaries and 'turf'.

> "It will be interesting to hear from [another official] and the others, particularly from Water Affairs, as to how they view this, because there was still quite a strong territorial

thing at that point in time. And of course now we are back into those debates because of the Waste Management Bill which is finally being drafted and redrafted" (Interview 8).

8.1.3.2 Administration

Kingdon (1995) uses the term 'administration' to describe the politicians elected, or appointed by the President, to office. In the South African context this would encompass the members of the national and provincial Cabinets. For this study the persons shown in Table 11 would fall within this definition.

Table 11: 'Administration' stakeholders in the waste policy process

Sphere	Minister of
National	Agriculture Environmental Affairs and Tourism Health Minerals and Energy Land Affairs Trade and Industry Water Affairs and Forestry
Provincial	Agriculture and Environmental Affairs Economic Development and Tourism Health Traditional and Local Government Affairs Transport Works

Based on Stanton, 2000: 13.

During the period covered by this study, 1996-2001, there were a number of changes in the people appointed to these positions. The result was that various topics, reflecting the particular Minister's interests, rose and fell on the broad government agenda. Pollution control and waste management, as a policy issue, suffered a similar fate.

Furthermore none of the records consulted indicated an involvement by any of these people in the policy process, apart from the two successive KwaZulu-Natal provincial MECs responsible for the environment. Of these two it seems that MEC N Singh was more pro-active than his predecessor, having supported the 2001 revision of the Draft Policy to the extent of acquiring funding for the process from the Flemish government (Phelamanga Projects, 2001).

In the local government sphere very few municipalities became involved, and those that did were, not surprisingly, the larger municipalities, Durban, Pietermaritzburg and Newcastle.

Each of these municipalities are experiencing relatively rapid industrialisation and growth with attendant waste and pollution problems. In each of these centres there were also relatively active NGOs who were challenging the authorities. It would seem that the municipalities who were not facing any particular pressure did not regard the waste issue as being 'on their agenda'.

All in all it seems that once the initial process was commenced at a national level the politicians left it up to civil servants to run the process and bring it to fruition.

8.1.3.3 Civil servants

The responsible KwaZulu-Natal department was the then Department of Traditional and Environmental Affairs. The environmental component was embryonic, with a single Director of Pollution Control, responsible for all pollution and waste matters for the entire province. This official, stationed in Eshowe at the time, with very few staff, was faced with an onslaught of complaints and issues such as

- Atmospheric pollution by industries in the development corridors along the coast (Durban, Isithebe and Richards Bay) and along the N3 (Durban/Pietermaritzburg, Ladysmith and Newcastle); and
- The landfill crisis described above (section 8.1.1), and conflicting pressures from the industrial lobby, the provincial legislature, and civil society.

The lone responsible official had a very direct interest in seeing a policy developed and adopted.

Later, a Directorate: Pollution and Waste Management was created.

> "[The component] then become Agricultural and Environmental Affairs. There was at least a recognition then that one of the first things we needed to do was to re-investigate our organization and establishment. And arising out of that there was recognition that pollution control was too big and that the way that things were shaping up it was definitely two different portfolios. It was the EIA ... Environment Impact Management portfolio and the Pollution and Waste Management" (Interview 8).

The newly appointed Director had a similar interest in getting a policy on the table to give his Directorate a provincial mandate.

8.1.3.4 Legislature

In 1996/7 the KwaZulu-Natal Legislature did not regard waste management as a particularly pressing issue. Matters receive attention in the legislature as a result of the agenda set by Portfolio Committees.

The Portfolio Committee on Environment and Nature Conservation lent their weight to the initial process, but later seemed to lose interest. The preoccupation with the 1999 election and changes in composition of the Committee (Interview 8) were one reason. However a contributing factor was that the Portfolio Committee were spending much time working on the amalgamation of the old KwaZulu Bureau of Natural Resources with the existing Natal Provincial Administration's environmental component and the then Natal Parks Board. This was a political hot potato and therefore loomed larger on the agenda than waste management.

The political landscape, in this policy arena, in KwaZulu-Natal, at the time, was therefore fairly densely populated with political (government) stakeholders, both departmental officials and the politicians, many of who were struggling to define their 'turf' or the boundaries of their areas of legislative and regulatory competence and responsibility.

8.1.4 The interest groups

The set of actors and stakeholders is not confined however, to government and organs of state. It also included various stakeholders outside of government, what Kingdon (1995) refers to as interest groups. In the KwaZulu-Natal Waste Management Policy process it is possible to identify a number of different interest groups.

8.1.4.1 Business and industry

Business and industry became involved in the process both as individual businesses and as representative organisations. The individual businesses were those who are directly involved as waste operators, e.g. WasteTech, EnviroServ, Compass Waste. The organisations involved were representative of broad business interests, e.g. SACOB and local chambers of business, with the exception of the Chemical and Allied Industries Association.

This latter organisation could be regarded as 'expert' in terms of the schema proposed in Table 4. The organisation had recently embarked on a safety, health and environment (SHE) programme nationally and was undertaking a great deal of education and awareness raising work among its members. This was an attempt to be proactive and influence policy in a direction more acceptable to the industry. The business and industry representatives, for example, were keen to see self-regulation as a prominent regulatory mechanism.

8.1.4.2 Organised labour

Organised labour was represented on the 1996/7 Steering Committee by the SA Municipal Workers Union. While labour representatives attended the workshops in 1997 and the Imbizo in 2001 their participation in the management of the process was minimal.

8.1.4.3 Civil society

In Table 4 I adopted a classification of civil society as voluntary groups, or associations, of concerned citizens with a specific interest in the topic, but who are not necessarily formally qualified in the policy area. In the case investigated there were several such organisations. These included Earthlife Africa, Environmental Justice Networking Forum (EJNF), KwaZulu-Natal Recycling Forum, Regional Economic Forum, and the Wildlife and Environment Society of SA (WESSA). Of these WESSA served on the steering committee in both the 1996/7 and 2001 steering committees. EJNF was directly represented on the first committee and indirectly on the second by groundWork.

Besides those participating in the Steering Committee(s) a further number of NGOs and CBOs participated in the consultation processes. In the 1996 process a variety of organisations located within some 50 to 100 km from the regional workshop venues attended. Unfortunately no written records of their attendance are available. In the 2001 process some 18 different organisations registered, all of which were based within the eThekweni Unicity boundaries (Phelamanga Projects, 2001).

It would seem that the choice of venue and method of participation used makes a difference to the spread of civil society organisations able to participate.

8.1.5 Windows

Kingdon (1995) describes windows of opportunity, which a policy entrepreneur takes advantage of, to get a policy out of the primeval soup of ideas, link it to the political stream and place it on the active agenda. In this case study the window that opened in 1997 was the crisis induced by the unplanned closure of the Umlazi 4 landfill site. At the same time the provincial government was susceptible to increasing pressure in the media and in parliament from the various interest groups. The time was right, and a window of opportunity presented itself.

In the 2001 process a restructuring of, and change in personnel in, the responsible provincial department opened the window. The combination of a new MEC and new Director: Pollution and Waste Management moved the issue onto the provincial government's active agenda. The process was given an added boost by the national Department of Environmental Affairs and Tourism's promotion of an Integrated Waste Management Plan, which requires subsidiary plans to be prepared in the provincial and local government spheres. A provincial policy was needed to underpin any provincial plans.

8.2 The narratives

In the course of the interviews conducted as part of this research a variety of narratives emerged. Some of these are described below.

8.2.1 Dominant narratives

These narratives were categorised as dominant for a number of reasons. Firstly they represented the 'received wisdom', i.e. they were widely held and were presented as the 'reasonable approach'. They conformed to the dominant end-of-pipe approach prevalent at the start of the process. They were also largely conservative.

8.2.1.1 Dominant narrative 1

The first identifiable story is of the need for a landfill site for waste classified as high hazard (H:H) – Class 1 and 2 wastes in terms of Department of Water Affairs and Forestry's Minimum Requirements (DWAF, 1998).

Business and industry's story starts with their view that industry was growing, especially in the Durban area. This industrial growth meant an increase in the volume of hazardous waste that was generated.

> "[T]hen it was a case of saying, "Look, we need to have industrial growth", because that's one of the economic drivers of the country. And if we are going to have industrial growth then we got to have Waste Management practices to suit, we got to have the infrastructure to support that" (Interview 8).

Disposal of this waste was limited by the fact that KwaZulu-Natal had only two landfill sites that were licensed to take hazardous waste, but these were restricted to Class 3 and 4 wastes, i.e. the sites were classified as H:h. Any Class 1 or 2 waste had to be transported to other provinces, at considerable expense. Therefore a new site licensed to accept high hazard waste (H:H) of Classes 1 and 2 was needed.

> "[W]hen the communities finally said 'nee ons is nou gat vol' ... and you push the pressure button and say, 'close [the landfill site]', then obviously everybody turns around and says, 'Crisis: we need a dump'" (Interview 2)

Business and industry's view was that a new dump would enable them to reduce costs, promote economic growth, stay within the law and dispose of their waste in a safe and responsible manner.

> "The problems they have in trying to achieve things like zero waste and effluent, the cost. Because South Africa in isolation had been in a situation, it was mainly doing things for the home market. And therefore a lot of industry is not economically sized when now suddenly faced with competing in the outside world and that the costs of putting in some of these measures, to not just prevent, but reduce pollution – particularly now I am thinking of emissions – would be prohibited and possibly shut them down and therefore put people out of work" (Interview 7).

8.2.1.2 Dominant narrative 2

An equally dominant story was the need for self-regulation. This story suggested that industry was the main generator of waste and therefore knew the type and composition of their waste. Government was seen as under staffed and therefore unable to police the application of any regulations effectively. Government itself was conscious of these limitations

> "[B]ecause ... our crystal ball at that point was definitely down and out. So we had no idea of where we were going in terms of capacity, funding and so on" (Interview 8).

Business and industry would be more able to police their own members by the use of peer pressure and encouragement to apply for prestigious ratings such as the ISO 14 000 series. This would benefit everybody as conforming businesses would enjoy competitive

advantages, the authorities would be freed to attend to other, more appropriate, tasks and the environment would benefit. Environmental issues would only become important if they were necessary to continue in business.

This was a typical market approach to a policy problem that fitted the neo-liberal approach favoured by business.

> "And, you know, industry will maintain the status quo. Industry focuses on ensuring the quality of the product and the continuity of their production. And being able to optimise costs of production against the accepted cost in the market place. And it's difficult for them to take their eye off that focus and that's why they bring in, now they're bringing in people to look at the environmental issues as being part of safety and health in the environment. And this whole thing of sustainability in the broader context escapes those who drive those issues. They're not environmentalists, they're not scientists in any form. They're not technocrats either. They're generally accountants. They have no concept of environmental degradation or the requirements for it" (Interview 5).

Costs were a major concern for business and industry.

> "[W]e have been advocating people to look very carefully at minimizing waste for the implications of disposal but also the cost of waste, people are just wasting money and it really is not a good idea" (Interview 7).

8.2.2 Counter-narratives

The counter-narratives were largely being proposed by civil society. Their approach to the problem was that end-of-pipe solutions were self-defeating as they treated the symptoms and not the cause of the waste problem. This was considered a rather radical approach when contrasted with the position adopted by business and industry.

8.2.2.1 Counter narrative 1

On the other hand civil society organisations were telling a different story. Their contention was that the industrial and business practices were generating waste in an unsustainable manner. The answer to the problem of waste lay in a different approach. Rather than generating waste in an uncontrolled manner and then disposing it by landfill it would be better to use the waste hierarchy approach. The waste hierarchy is shown in Figure 2 on page 34, and described in section 8.1.2. They proposed a strict application of the minimise-reuse-recycle approach before any consideration of treatment of and disposal could be entertained.

> "No, the debate is we don't need a H:H site and I will continue advocating that. I think the H:H stuff is stuff that we can deal with at source and find mechanisms of reducing that to a very small amount and make that special treatment" (Interview 2).

They maintained that this approach was more sustainable in all respects: economically it made sense as by minimising and reusing inputs costs would be reduced as would the costs of treatment and disposal; environmentally it created less harmful waste that had to be treated and disposed of; and socially it reduced the nuisance value of landfill sites. Furthermore landfill sites are inherently unsafe.

> "[I]ts wrong to have the Chatsworth landfill site there, to have it going through communities. The Shongweni site is forever going to be pulled by gravity – I won't say anything else – its forever going to be pulled by gravity and no amount of engineering is going to say 100% that it will never happen in future. So we need to look for another very stable landfill site in KwaZulu-Natal and that is just not happening and sooner or later Shongweni is going to have another slip. Another problem, the community in Chatsworth is going to go to the streets and it will become a crisis then again and it will be just perpetuated" (Interview 2).

This approach was derived largely from the growing international concern with sustainable development (see e.g. UNCED, 1993; Serageldin & Steer, 1994) in which the interrelationship between economic, social and environmental factors was recognised.

8.2.2.2 Counter narrative 2

Self-regulation by industry and business was regarded as an unworkable option by civil society.

> "The self-government is absolute nonsense. Getting industry to start governing themselves, that's just passing the buck. But it's easier for the government. That is how the public perceive it; they are just passing the buck. On every level from national, provincial, whatever, they're passing the buck to industry. "Govern yourself". I mean, come on ... the dollar is the bottom line and they're not going to ... why are they going to decrease their dollar input ... I mean, it's not going to happen, you know" (Interview 4).

Civil society organisations did not believe that self-regulation, especially in the form of voluntary agreements, could work without strong laws and regulations in place.

> "The only useful mechanism obviously if you have got law behind it and law has been met and then you take this to a step further. More importantly if you have got a good company fine, but when the company's base line is profit, the voluntary agreement will soon go out the window if the profits are being questioned" (Interview 2).

Instead they proposed that a set of enforceable regulations were required. These would create a climate where proper waste management became a habit. From this base it would be possible to begin to enter into voluntary agreements. In other words the system of self-

regulation and voluntary agreements could only be used as a mechanism to obtain performance that was better than the minimum set by legally enforceable regulations.

8.2.3 Non-stories and counter arguments

The confrontation between the two stories became sharper in 1997 with the closure, by Minister Asmal, of the Umlazi 4 (H:h) site. This raised the stakes and consequently the degree of heat in the debate. Positions were stated with increasing vehemence, but were couched as rebuttals, rather than as argument.

> "[Civil society was] saying, 'No we don't want this', and [business and industry were] saying, 'But why not? Justify your position', rather than them actually advancing arguments for any of those" (Interview 8).

Industry regarded themselves as being unjustly criticised

> "[T]he chemical industry ... always has fingers pointed at it as being a dirty industry and very wasteful and polluting, it is a very serious issue" (Interview 7).

While civil society accused business and industry of only going through the motions, having already lobbied the politicians.

> "[Business and industry] have been discussing this with the minister so in terms of big business they've already had those discussions in terms of that policy and the question is does other business sectors have the same discussions with ministers before the bills are passed" (Interview 2).

Neither of these positions advanced very far in the policy process. They are rebuttals and counter-arguments and are therefore regarded as non-stories.

8.2.4 Metanarratives

The metanarrative that emerges from a comparison of these stories is that of the need to manage waste in a way that does the minimum of harm while not imposing unreasonable costs. This is summed up in the words of a government official

> "and its always been my view that on the one hand Government has got all these economic development policies and so on and so forth, and ... we got to be able to provide the right kind of circumstances for those economic policies and so on to go forward and be realized, but at the same time make sure that what is happening is sustainable over a longer term" (Interview 8).

However in order for this metanarrative to take hold it was necessary for the opposing parties to move beyond their established rhetoric and be able to hear an alternative formulation. This did in fact happen. A participant from industry believed that one of the benefits of the process was

> "[g]etting to know people, getting to understand things that we have never thought about before. Industry sits behinds its walls and actually didn't ... never thought about the problems outside. [They] didn't understand community issues, didn't really understand that they went home, but their facility remained part of the community and the potential impacts it had because they never had to deal with it before. So I think that was a really important outcome that we learnt to learn about each other and talk to each other and understand each other and take a way forward from that" (Interview 7).

This willingness to listen to opposing narratives was also evident in the civil society camp. One such person, a self-classified activist said

> "I know industry has a problem and we have our problem – so how you get the steering committee people to effectively get that message flowing back and forth to those that were there and other people ... is the difficulty" (Interview 2).

Another civil society representative who was deeply involved in the process and had been very critical of business, industry and the regulatory authorities expressed a similar view.

> "I think, yes...I'll tell you what I did do. I've got a better understanding of waste management companies and the problems they're up against. And that was quite interesting. Also, I feel that, not in that process, but running parallel with that process, I've become quite involved with the [local] Chamber of Commerce environmental committee. And I'm also seeing things, for the last few years I've had a chance to see things from an industrial point of view as opposed to just this side. So you get a more balanced view, yes" (Interview 4).

An industry representative reflected that he had begun to understand the view of civil society and its rights based approach.

> "But, you see, if you're exposed to – let's take for instance this factory in town, ... It's unacceptable that you are subjected for long periods of time to the kind of smell that emanates from the factory. I think the Constitution has rightly said that you have a right to a clean environment" (Interview 5).

This view represented a considerable shift from the position this same interviewee had held earlier, stating emphatically that his role in the process was

> "to ensure that there was balance...that development, the needs of development were taken into consideration – against those of conservation" (Interview 5).

A similar shift took place in the positions being taken by civil society. Unfortunately the minutes meetings of the Steering Committee(s) have not been preserved and so it in not possible to map out the debate and the shifts as they occurred.

However, the final Draft Policy document does provide an insight to the way in which the metanarrative prevailed, as a story in which all the stakeholders could recognise their position, thus turned out to be the implementation of a system of regulation and self-

government that allowed for economic development, but which promoted a more pro-active approach to waste management. The policy states that the overarching goal is

> "To establish an equitable, just, integrated and holistic system of waste management, involving all stakeholders in waste education, minimisation, reduction, recycling, elimination where possible, and safe disposal of unavoidable waste" (DAEA, 2002: 8).

The following (extensive) extract from the vision put forward in the Draft Policy illustrates the extent to which the opposing views described above were absorbed into the metanarrative.

> The ideal vision in KwaZulu-Natal has been expressed as one of zero waste. However, as an interim step towards this vision, a more realistic short-term goal is the generation of as little waste as possible with the minimum of negative impacts on the environment.
>
> The vision, underpinned by a commitment to the establishment of clear, easy to follow, moral and ethical principles, includes:
> - the avoidance of waste;
> - a decrease in over-consumption, especially of non-renewable resources and non-recyclable materials;
> - encouraging government departments and industries to use recycled paper and materials;
> - facilitating the marketability of recycled materials;
> - the generation of less waste without an increase in concentration or the degree of hazard;
> - the implementation of clean processes;
> - the development and adoption of alternative methods and technologies to avoid waste;
> - the production of recyclable products, and the establishment of a recycling infrastructure;
> - the empowerment of the people by capacitating them on how to turn waste into a resource;
> - the setting, and achievement, of waste reduction targets even at the procurement stage;
> - the provision of adequate waste disposal services for all residents in the province;
> - the identification of appropriate sites and the timely establishment of waste disposal facilities that take full account of the need for equity and environmental justice;
> - the provision of better information and comprehensive databases, including audit trails and life-cycle analyses;
> - integrated legislation supported by an integrated management approach with capable institutions;
> - cooperation between public and private sectors;
> - the active involvement of all communities and workers in waste management processes;
> - the protection of the health and safety of the community and workers;
> - clear, easy to follow planning guidelines that are ecologically sustainable; and
> - a cleaner environment for future generations (DAEA, 2002: 4).

8.2.5 Stakeholder views on the process

In order to test whether this final product did indeed represent a metanarrative acceptable to all interviewees were asked whether they were satisfied that there concerns had been addressed. Responses ranged from the enthusiastic businessperson's:

> "No we were very pleased with it and in fact we bandied it about in other provinces and said we have it and you don't, come to us if you want to see a waste management policy that comes with a consultative process and has all the perspectives built into it, so no we were very positive about it and promoted it" (Interview 7),

to the rather jaundiced community activist's:

> "Communities are not happy with the process, because along the line government did not take the concerns of communities seriously and government has just adopted its own policy and their own thinking towards the community" (Interview 3).

These represent two extremes. The most frequent response was more like the view expressed by another businessperson that:

> "certainly from my side here, I can't remember anything that was unacceptable" (Interview 5),

alternatively, that articulated by a different activist:

> "I definitely think it was worthwhile. No, I think it was worthwhile. From my point of view, from what I learnt there, and also from my input. And I think I would believe a bit of cognisance was taken of what we said" (Interview 4).

Government, too, appear to satisfied with the final product.

> "I was actually quite chuffed with what we put together. You know, this was actually quite a sensible, logical document. It said, to my mind, everything we needed to say about life cycle of waste and so on. And ... where was it ... I was at Wastecon the other day sitting and listening to one of [the] presentations, and she was saying that you know things are now going not so much focused on the Waste Management Hierarchy but on lifecycle. I said, 'But you know, in our policy we actually had both aspects', because we had to look at each stage in the way it is processed and look at how the hierarchy could apply to that. So I was quite chuffed with what we put together" (Interview 8).

It therefore appears that the narratives, or stories, being told were accommodated in the final policy document to the extent that it "finds a set of common assumptions that make it possible for opponents to act on an issue over which they still disagree" (Roe, 1994: 156).

9 Participation criteria

9.1 *Evaluation of the participation*

Petts' (2001) criteria for assessing a process were outlined in section 3.5.2 above. Using his criteria the process outlined in this study can be assessed on the following 'score sheet' (Table 12). The observations recorded below are based on the interviews and opinions expressed by participants.

Table 12: Measuring the participation in the two processes

Criterion	1997/8 process	2001 process
Ensures that the participants are representative of the full range of people potentially affected and that barriers which may bias representation are minimised	The decentralised regional workshops made it possible for a range of people to attend (Section 7.2.3)	The single, centralised workshop (Imbizo) tended to restrict participation (Section 7.5.3)
Allows participants to contribute to the agenda and influence the procedures and moderation method	The multi-stakeholder steering committee allowed full input into the agenda, procedures and moderation (Section 8.2.5)	The multi-stakeholder steering committee was charged with running the workshop and therefore had less influence over the agenda or procedures (Section 7.5.3)
Enables participants to engage in dialogue, and promote mutual understanding of values and concerns	The regional workshops, provincial conference and numerous meetings of the steering committee promoted this (Section 8.2.5)	The possibility for mutual dialogue were limited by the format of the Imbizo (Section 7.5.3)
Ensures that dissent and differences are engaged and understood	Differences and dissent were engaged and understood	There was little opportunity for engagement
Ensures that 'experts' are challenged and that participants have access to the information and knowledge to enable them to do this critically	'Experts' had no specific role in the process	'Experts' presented papers at the Imbizo, but there was not much opportunity to challenge them
Reduces misunderstanding and ensures that the authenticity of claims is discussed and examined	Claims were regularly challenged and debated	Claims were challenged, but with little opportunity for resolution
Makes a difference to participants, e.g. allows for development of ideas, learning and new ways of looking at a problem	Many ideas and positions were changed or at least modified	Some learning took place
Enables consensus about recommendations and/or preferred decisions to be achieved	Consensus was achieved through debate and repeated engagement with the issues	Consensus was not necessarily achieved
Makes a difference to decisions and provides outcomes which are of public benefit	The final policy represents an outcome of public benefit	The final policy represents an outcome of public benefit
Ensures that the process is transparent and open to those not directly involved but potentially affected	The process was entirely transparent and open	The process was transparent, but less open

9.2 *The influence of participation on the final policy*

The analysis presented in Section 8 seems to indicate that without a public participation process the policy might have been less acceptable to the public to whom it will become applicable. Various stakeholders maintain that the participation process was valuable.

> "[I]t is valuable to have those public sessions as well as have a task team because if you just have a task team, you have got the danger of personal opinion coming through time and time again and if you have a couple of public sessions with large numbers it gives you that ability to sort of take in other and sometimes make you stop and think wow, there is something outside what I have been thinking and saying, so it all has value" (Interview 7).

> "[S]o [public participation is] what's important and where do you put your resources and so you've got to make the man in the street the watchdog, the person who buys in, the person who says dumping waste illegally is socially unacceptable" (Interview 7).

> "I think [scientists] need to set the actual practical guidelines framework within which something can or can't take place, because they can actually determine this is as far as you can go before there is a critical impact, or whatever, and then within that the public have to decide what they can or want to live with and that's where you need that consultation" (Interview 10).

> "I think it was one of the early stages, one of the first stages, of public participation and this transparency. And I think that the stakeholders have played an important role" (Interview 5).

> "I think you do need public participation of policy, definitely, otherwise you're not going to get a buy-in from the public. I think you've got to get a wide range of things, you can't just pick the people you want to speak to, you've got to get a wide range" (Interview 4).

However, not all subscribed to this view, expressing some reservations.

> "So I say it's a good thing but its got to be very heavily controlled and you have got to be careful about who you get on board, I would imagine that you need people with reasonably good credentials to deal with that sort of problem" (Interview 1).

> "Its people who have strong oral traditions and a different level of education that will need to be together, so that's the important difference. So we are not saying that government must have participation workshops for everything, we are saying there are specific times when you need to make a judgment call as to when you have to have participation workshops" (Interview 2).

It would seem that the consensus is that participation is generally a good thing, besides being a constitutional requirement, and that it contributes to the validity of the final policy.

10 Conclusion

This study has attempted to trace the making of a particular policy, the KwaZulu-Natal Waste Management Policy, showing how the issue first arose on the agenda.

10.1 Kingdon's framework

Kingdon's (1995) framework suggests that policy solutions to problems are generated as a result of the coming together of the four streams: agendas, problems, policies, and politics.

The case study reported in this study conforms to this general framework.

10.1.1 Agendas

The administration, in the form of politicians, and government officials were aware of a growing problem with waste from the feedback, in the form of monitoring and evaluation and complaints received from the public (Kingdon, 1995: 90). Various policy options were being explored in both the national and provincial spheres. These included bigger and better landfill sites, 'waste-by-rail', which involved shipping waste in special trains from its point of generation to remote landfill sites and alternative technologies, such as incineration.

10.1.2 Problems

However, the issue remained on the provincial government's general agenda and it took a 'crisis' to bring the matter on to its active agenda (Kingdon, 1995: 95). This crisis was the 'problem' caused by the closure of the Umlazi 4 H:h landfill site.

10.1.3 Policies

In this study, technical feasibility, acceptability within the policy community, costs, anticipated public acquiescence, and the chances for receptivity among elected decision makers of the policy proposals were important criteria.

The policy community, in the form of the government officials (bureaucrats) concerned with waste issues were faced with a choice between 'bigger and better' landfill sites and an alternative waste management hierarchy approach. The latter, while technically feasible and likely to gain public acquiescence, had to be 'sold', in particular to business and industry. It would seem that the politicians involved were willing to consider any solution

that did not compromise their commitment to economic growth. For them a solution that had public acceptability and business support would be ideal.

10.1.4 Politics

Kingdon defines the political stream is defined quite narrowly to include only "electoral, partisan or pressure group factors" (1995: 145). The political stream is influenced by a number of factors, including the national mood.

It would seem that in this case the KwaZulu-Natal politicians were subject to a number of indicators of the public mood. These included the gathering international consensus that waste had to be managed strategically, rather than just with bigger and better disposal sites together with the increasing public pressure, especially in the South Durban basin. Arraigned against this was the pressure of the business and industrial lobby that were opposed to anything that increased their input costs.

10.1.5 The window

Kingdon suggests that windows may open for the policy entrepreneur as a result of a change in administration, a turnover in political actors, or the problem becoming pressing (1995: 168). In this study the problem became pressing and the crisis referred to above (section 10.1.2) became an opportunity. It has not been possible to identify a single policy entrepreneur, as several people and organisations claim this honour – the KwaZulu-Natal Portfolio Committee on Environment and Nature Conservation, the provincial MEC responsible for environmental matters, the bureaucrats involved and the NGOs. This seems to show that Kingdon's contention that the process is a result of "a bargaining process rather than ... persuasion" (1995: 163) is correct in this case. The metanarrative "finds a set of common assumptions that make it possible for opponents to act on an issue over which they still disagree" (Roe, 1994: 156).

10.2 Roe's framework

Using Roe's (1994) framework of narratives, counter narratives and metanarrative number of stories that meet his test of having a beginning, middle and an end (1994: 36) were uncovered. The dominant and counter-narratives were identified and by contrasting them a metanarrative was constructed. Roe suggests that a metanarrative is "not 'consensus' or

'agreement', but rather a 'different agenda.' which allows us to move on issues that were dead in the water on their older agendas" (1994: 52).

In this study the issue of building a high hazard waste landfill site was 'dead in the water' because of the diametrically opposed views of civil society, as represented in this process by CBOs and NGOs, and business and industry.

The metanarrative, the need to manage waste in a way that does the minimum of harm while not imposing unreasonable costs, prevailed, despite the power differentials, because it does not disadvantage any one of the actors; instead it provides an opportunity for all the participants to reach a consensus, in terms of which a "better" story is told.

10.3 The contribution of public participation

The public participation process used was a mixture of a more formative process in the 1997 process and a more formalised format in 2001.

In the process studied it was possible to observe consensus building in the political arena, which Kingdon defines as taking place "through a bargaining process rather than by persuasion" (Kingdon, 1995: 163).

From the analysis it seems that in this study 'public opinion' influenced the shape of the policy. This was evident in the fact that the final policy, outlined in section 8.2.4 above, reflected a great many of the views advanced by civil society.

The policy itself was thus the product of the interaction of a variety of stakeholders, government and civil society organisations as well as 'ordinary' members of the public. In the process of developing the policy apparently opposing views were expressed and positions taken. These were accommodated in a metanarrative, which was expressed in the final policy document.

It seems therefore that the policy process can best be understood by using a combination of the frameworks developed by Kingdon (1995) and Roe (1994).

10.4 Implications for future processes

10.4.1 Shortcomings of this process

An important issue arose in the course of researching the attitude of participants. Many respondents, while convinced about the worth of the process and its importance, expressed disillusionment that government had not yet formally adopted the policy and so the process was incomplete. It was suggested that "the loop had not been closed" (Interviews 3, 4, 7, 8, 10).

This shortcoming creates a level of frustration among the public and other stakeholders who begin to experience 'stakeholder fatigue' and adopt a cynical attitude towards public participation exercises in general. This is exemplified in the following statements.

> "Because there was that whole debate at the Imbizo that it was going to be a White Paper and it was meant to be going to parliament, and from that we did not hear any outcome of it. So we're just invited to this big indaba at the ICC where government spent money and there was no legislation, no law" (Interview 3).

> "[Y]ou get that stakeholder fatigue when something actually has been going on too long and usually that happens when there is no clear direction given and you are going round and round" (Interview 10).

> "There's a very bad lack of communication. They get everybody there. You go through the process. You have the Imbizo. You've got what you produced afterwards. But no one's come back to us afterwards and said, listen it's now gone to portfolio committee, it's been held up, but we will contact you. You know, that is where I think the public see a real lack again" (Interview 4).

10.4.2 Successes of the process

Despite these shortcomings the various role-players and participants seem to have found the process useful and helpful, and are able to 'live with' the outcome, and in some cases be enthusiastic about it.

This study seems to show that a public participation process is a useful way of ensuring that alternative stories are included in the policy development. However, to be effective and transparent it requires more than a token meeting. Furthermore it is necessary for those responsible for the process to ensure that the fate of the policy is communicated to the stakeholders that participated in the process.

10.5 Final word

The final word, perhaps, belongs to a government official, who declared,

> "It was actually quite an interesting policy process ... and between ... because ... remember on the Steering Committee we had a different, essentially opposing, interests groups. And we had those who said we are going do it this way and we want this in it, and we had others saying well, we going to do it that way and we want that in it ... and so it was quite interesting within the Steering Committee. But then in terms of the general policy process, I think it was probably one of the more robust processes that I have seen as yet. ... I think it still gave us a very good platform, and ... I think the notion of taking it out to the different centres was good, ... probably again it set the model for the way forward with all of these [processes]" (Interview 8).

Appendix 1: Form letter requesting an interview

«Hon» «Name» «Surname»
«Organisation»
«Address»
«City»
«Postcode»

Per fax: «Dial» «Fax»

Dear «Name»

Policy research

As part of the research project (required as part fulfilment of the requirements for the Master of Social Science degree in Policy and Development Studies at the University of Natal) I am investigating public participation in the development of policy, using the KwaZulu-Natal Waste Management Policy process, 1997-2001 as a case study. The motivation for the research is to try to locate the role of public participation in policy formulation within a theoretical framework and to draw lessons that may assist in planning better processes in the future.

As you were a participant in the KwaZulu-Natal Waste Management Policy process I would greatly appreciate an opportunity to discuss your perceptions of the process with you. The sort of questions to which I am seeking answers are shown on the attached questionnaire.

If you are willing to be interviewed I will telephone to make an appointment at a time that is convenient to you.

I would be more than happy to discuss any aspect of this request, or the proposed research, should you want to.

I look forward to hearing from you.

Yours faithfully

RRV Bulman

Endorsement

I confirm that Mr RRV Bulman (Student No 201509335) is a bona fide student, registered for the Masters programme in Policy and Development at the University of Natal, Pietermaritzburg. He is working on a research project as part of the Masters programme as described above.

Prof R Lawrence
Head: School of Human and Social Studies, University of Natal.

Appendix 2: Questions used as the basis for interviews

Government officials interview questions

1. How did the issue of waste management arise as a policy issue?
   What was you or your organisation's involvement in this?
   What did it take to get the issue 'on the table'?

2. How did you or your organisation come to be involved in the process?

3. At what stage did you join the process?

4. What were your general impressions of the policy process?

5. What did you think of the public participation element?

6. Were the views you expressed or positions you took 'mandated' by the department?
   If so, how was that departmental position or view arrived at?
   How was your mandate formulated?

7. How did you contribute the department's views?

8. What were the major points of conflict in the process, and with whom?

9. Did issues that were contentious or disputed arise during the process?
   What were the opposing views?
   Who was proposing them?
   How was it resolved, if at all?
   How do you and/or the department feel about that?
   Are you and/or the department able to 'live with' the outcome?

10. Are you and/or the department satisfied with the outcome of the process?

11. Do you believe that you and/or the department made any impact on the process or its outcomes?

12. What aspects of the process assisted you and/or the department to make a contribution?

13. Is public participation in policy making a 'must' or a 'nice to have'? Why?

Stakeholder interview questions

1. How did the issue of waste management arise as a policy issue?

   What was you or your organisation's involvement in this?

   What did it take to get the issue 'on the table'?

2. How did you or your organisation come to be involved in the process?

3. At what stage did you join the process?

4. What were your general impressions of the policy process?

5. What do you remember about the process?

   What was useful about it?

   What was not useful?

6. What did you think of the public participation element?

7. Did you participate in the process as an individual or as a representative of an organisation?

   If representing an organisation:

   Which one?

   Is your organisation local, provincial or national?

Were the views you expressed or positions you took 'mandated' by the organisation?

   If so, how was that organisational position or view arrived at?

   How was your mandate formulated?

   If as an individual:

   What informed your position?

8. How did you contribute your or your organisation's views?

9. What were the major points of conflict in the process, and with whom?

10. Did issues that were contentious or disputed arise during the process?

What were the opposing views?

Who was proposing them?

How was it resolved, if at all?

How do you and/or your organisation feel about that?

Are you and/or your organisation able to 'live with' the outcome?

11. Are you and/or your organisation satisfied with the outcome of the process?

12. Do you believe that you and/or your organisation made any impact on the process or its outcomes?

    If yes, what was the impact?

    If no, why not?

13. What aspects of the process assisted you and/or your organisation to make a contribution?

14. Is public participation in policy making a 'must' or a 'nice to have'? Why?

Bibliography

Primary sources

Legislation, Policy and Reports

Constitution of the Republic of South Africa Act No 108 of 1996.

Department of Agriculture and Environmental Affairs. 1997. *Discussion Document: KwaZulu-Natal Waste Management Policy.*

Department of Agriculture and Environmental Affairs. 1998. *Draft KwaZulu-Natal Waste Management Policy.*

Department of Agriculture and Environmental Affairs. 2001a. *KwaZulu-Natal Waste Management Workshop Discussion Document.*

Department of Agriculture and Environmental Affairs. 2001b. *Minutes of the Integrated Waste Management Planning Technical Working Group held on 8 June 2001.*

Department of Agriculture and Environmental Affairs. 2001c. *Imbizo Programme 19-20 October 2001.*

Department of Agriculture and Environmental Affairs. 2001d. *Minutes of the 3rd meeting of the Steering Committee of the Waste Management Workshop held on 03 September 2001.*

Department of Agriculture and Environmental Affairs. 2002. *KwaZulu-Natal Policy on Waste Management.*

Department of Environment Affairs and Tourism. 1999a. *White Paper on Environmental Management Policy.*

Department of Environmental Affairs and Tourism. 1999b. *White Paper on Integrated Waste Pollution and Waste Management for South Africa.*

Department of Environmental Affairs and Tourism. 1999c. *National Waste Management Strategy, version D.*

Department of Environmental Affairs and Tourism. 1999d. *Action Plan for Integrated Waste Management Planning, Version B.*

Department of Environmental Affairs and Tourism. 2000. *Programme for the implementation of the National Waste Management Strategy: Starter Document for Integrated Waste Management Planning: Review of current legislation.*

Department of Traditional and Environmental Affairs. 21 August 1998. *Memorandum to the Cabinet: KwaZulu-Natal Draft Policy on Waste Management.*

Department of Water Affairs and Forestry. 1998. *Minimum requirements for Waste Disposal by Landfil* [sic]: *Second Edition.* [Online], Available: www.dwaf.gov.za/Documents/ [2002].

Environment Conservation Act No. 73 of 1989

National Environmental Management Act No. 107 of 1998.

Phelamanga Projects. 1997a. *KwaZulu-Natal Waste Management Policy Process Discussion Document.* Pietermaritzburg: KwaZulu-Natal Department of Traditional and Environmental Affairs.

Phelamanga Projects. 1997b. *Briefing on KwaZulu-Natal Waste Management Process.* Pietermaritzburg: KwaZulu-Natal Department of Traditional and Environmental Affairs.

Phelamanga Projects. 2001. *Report on Imbizo held at the ICC on 19 and 20 October 2001.* Pietermaritzburg: KwaZulu-Natal Department of Traditional and Environmental Affairs.

Singh, N. 2001. Personal communication: Annotated copy of Draft Waste Management Policy.

Wiechers Environmental Consultancy & Nancy Coulson. 2001. *CONNEPP History: Final Report.* Pretoria: Department of Environmental Affairs and Tourism.

List of Interviews

Table 13: List of interviews (by sector)

No	Sector	Organisation/Position	Interview date
1	National Government	Dept Water Affairs and Forestry: Asst Director Landfill	04/11/02
2	NGO	groundWork: Director	30/10/02
2		groundWork: Fieldworker	30/10/02
3		South Durban Community Environmental Alliance	30/10/02
4		Wildlife and Environment Society of SA	30/10/02
5	Organised Business	South African Chamber of Business: Executive Member	25/10/02
6		Chemical and Allied Industries Association: Director	01/11/02
7	Professional Organisation	Institute of Waste Management: Past President	04/11/02
8	Provincial Government	KZN DAEA: Former Director of Pollution Control	28/10/02
9		KZN DAEA: Director Pollution and Waste Management	08/11/02
10		Ezemvelo KZN Wildlife: Conservation Planner	01/11/02

Secondary sources

Allais, M., 1943. Traité d'Economie Pure. *In*: *A la Recherche d'une Discipline Economique* 1952 edition. Paris: Impremerie Internationale.

Anonymous. 2002. *Discourse analysis*. [Online], Available: http://fiat.gslis.utexas.edu [2002].

Boulle, LT. 1987. *Limiting state power: Opportunities for greater public participation in policy decisions*. Institute for the Study of Public Policy, Dept of Political Studies, University of Cape Town.

Bullard, RD. 2000. Environmental Justice: Grassroots activism and its impact on public policy decision-making. *Journal of Social Issues*. Fall 2000.

Clayton, S. 2000. Models of justice in the environmental debate. *Journal of Social Issues*. Fall, 2000.

Collin, RW, & Collin, RM. 1998. The role of communities in environmental decisions: Communities speaking for themselves. *Journal of Environmental Law and Litigation*, 13: 3789.

Cornwall, A. & Gaventa, J. 2001. *From users and chooses to makers and shapers: repositioning participation in social policy*, IDS Working Paper 127. Brighton: Institute of Development Studies.

Currie, I. & de Waal, J. 2001-2002. *The New Constitutional & Administrative Law*, volume 1. Lansdowne: Juta Law.

Fiorino, DJ. 1996. Environmental policies and the participation gap. *In*: Laffert, JM, & Meadowcroft, J. *Democracy and the Environment: Problems and Prospects*. Cheltenham: Edward Elgar.

Fischer, R., Ury, W., & Patton B. 1991. *Getting to yes*. New York: Penguin.

Gregory, R. 2000. Using stakeholder values to make smarter environmental decisions. *Environment*, June 2000.

Grindle, MS. (ed). 1997. *Getting Good Government: Capacity building in the public sectors of developing countries*. Harvard Institute for International Development, Harvard University Press. Cambridge, Mass., USA.

groundWork. 2002. *National Civil Society Strategy Workshop on Health Care Waste and Incineration*. Pietermaritzburg: groundWork.

Hallowes, D, & Butler, M. 2002. Power, Poverty, and Marginalized Environments: A Conceptual Framework. *In*: McDonald, DA, ed. *Environmental Justice in South Africa*. Cape Town: University of Cape Town Press.

IAP2. 2000. *IAP2 Public Participation Spectrum*. [Online], Available: www.iap2.org [2002].

Keeney, R.1991. *Value-focused thinking: A path to creative decision making.* Cambridge, Mass.: USA Harvard University Press.

Kingdon, JW. 1995. *Agendas, Alternatives and Public Policies*, 2nd ed. New York: HarperCollins College Publishers.

Lister, R. 1998. 'Citizen in action: citizenship and community development in the Southern Ireland context', *Community Development Journal*, Vol. 33, No 3: 226-35.

Levieux, CA. 1998. *The meaning of community and participation in public service delivery: Whose interests are served?* M SocSci thesis, University of Natal, Pietermaritzburg.

Majone, G. 1998. Public Policy and Administration: Ideas, Interests and Institutions. *In*: Goodin, RE. & Klingemann, H-D. eds. *A new handbook of political science.* Oxford, Oxon.: Oxford University Press.

McCain, R. 2002. *Introductory Sketch of Game Theory.* [Online], Available: http://www.william-king.www.drexel.edu [2002].

Mueller, DC. 1989. *Public Choice II.* Cambridge: Cambridge University Press.

Nagy MN, Bowman M., Dusik J., Jendroska J., Stec S., van der Zwiep K. & Zlinszky J. (eds). 1994. *Manual on Public Participation in Environmental Decisionmaking: Current Practice and Future Possibilities in Central and Eastern Europe.* Budapest: The Regional Environmental Center for Central and Eastern Europe.

Palerm, JR. 2000. An empirical-theoretical analysis framework for public participation in Environmental Impact Assessment. *Journal of Environmental Planning & Management*, Sep 2000, Vol. 43 Issue 5, p 581.

Pas-ong, S. 2000. Political transformation and the environment in southeast Asia. *Environment*, Oct 2000.

Peele, E. 1988. Beyond the NIMBY impasse II: Public participation in an age of distrust. *Proceedings of Spectrum '88*, 575-582. Washington.

Petts, J. 2001. Evaluating the effectiveness of deliberative processes: Waste management case studies. *Journal of Environmental Planning & Management*, Mar 2001, 44 (2), 207.

Pressman J., & Wildavsky A. 1973. *Implementation.* Berkley, USA: University of California Press.

Renn, O. 1999. A model for an analytic-deliberate process in Risk Management. *Environmental Science & Technology,* 33 (18), 3049-3055.

Roe, E. 1994. *Narrative Policy Analysis.* Durham: Duke University Press.

Roefs, M., & Liebenberg, I. 1999. *Notes on public participation in South Africa.* Paper delivered at the Congress of the SA Political Science Association & SA Sociological Association, Saldanha.

Ruiters, G. 2002. Race, Place and Environmental Rights: A Radical Critique of Environmental Justice Discourse. *In*: McDonald, DA, ed. *Environmental Justice in South Africa*. Cape Town: University of Cape Town Press.

Serageldin, I. and Steer, A. (eds.) 1994 *Making Development Sustainable: From Concepts to Action*. New York: World Bank.

Snyman, I. 1989. *Some perceptions of the public on privatisation & on community participation*. Pretoria: Human Sciences Research Council.

Stanton, A. 2000. *Case Study 4-2000: Environmental Management*. Pietermaritzburg: Cengopo, University of Natal.

Tannen, D. 2002. *Discourse Analysis*. [Online], Available: http://www.lsadc.org/web2/discourse.html [2002].

UNCED. 1993. *Earth Summit Agenda 21: The United Nations Programme of Action from Rio*. Geneva: United Nations Publications.

UNDP. 2000. *Guidebook on Participation*. [Online], Available: www.undp.prg/csopp/ [2002].

UNED Forum. April 2001a. *Promoting Involvement in the search for sustainability – We are all stakeholders now*. [Online], Available: www.lifeonline.org [2002].

UNED Forum. April 2001b. *Whose decision is it anyway? Decision making processes at the national & international level*. [Online], Available: www.lifeonline.org [2002].

United Nations. 1997. *Kyoto Protocol*. [Online], Available: http://www.unfccc.de [2002]

van der Zwiep, K. 1994. Public Participation as an Instrument for Environmental Protection. *In*: Nagy MN, et al. eds. 1994. *Manual on Public Participation in Environmental Decisionmaking: Current Practice and Future Possibilities in Central and Eastern Europe*. Budapest: The Regional Environmental Center for Central and Eastern Europe.