

UNIVERSITY OF BERGEN

Department of Administration and Organization Theory

AORG350

Master's Thesis

SPRING 2018

**Justice and Public Participation in
Renewable Energy Projects**

A Comparative Case Study of Renewable Energy
Auction Systems in Brazil and South Africa

Maria Sofie Sortvik Barosen

ABSTRACT

This study aims to explore how and to what extent planning and decision-making processes of renewable energy projects (RE) in Brazil and South Africa are inclusive on behalf of the local affected communities. In particular, the study focuses on wind projects procured through the renewable energy auction (REA) systems in the countries. Based on a content analysis of primary and secondary documents, these systems are compared to discuss how they affect the provision for public participation. The analysis of each case is based on a division of the planning and decision-making process within three phases; 1) political-administrative 2) procurement and 3) implementation. This is followed by a comparative discussion of the extent and type of this participation and influence, reflecting both how it is promoted and what are the main obstacles. The analytical framework consists of theories on public participation, procedural and distributive justice and principles of environmental and climate justice. The thesis argues that the opportunity to participate in planning and decision-making of the RE projects is influenced by the way that the REA systems are organised. Both the organisation and the provision of public participation opportunities are further affected by the institutional and political environment in the countries. A result of this, it will be argued, is that planning and decision-making processes provides varying degrees of participation and opportunity to exercise influence. The main causes for this, is that project development is outsourced to the private sector, while the environmental licensing (EL) and environmental impact assessment (EIA) that largely provide for public participation in these processes, is increasingly subject to streamlining. The outsourcing through the REA systems causes different development objectives to be incorporated and promoted, but lack of guidance on community interaction results in variable efforts to engage the locals.

ACKNOWLEDGEMENTS

I am truly grateful for all the support I have been given during the process of writing my master's thesis. At the University of Bergen, Department of Administration and Organisation Theory, first I would like to thank my supervisor, Professor Jan Froestad, for constructive criticism, helpful guidance, and for giving me access to valuable data material. I want to thank the members of the research group Knowledge, Politics and Organisation (KPO) at the department, for taking the time to read and comment my drafts. The feedback has been very helpful. A special thanks to PhD student Agnete Hessevik, for being available and responsive to all my questions and for useful advice along the way. Finally, I want to thank the Centre for Climate and Energy Transformation (CET), for giving me the opportunity to present my thesis to a multidisciplinary group of researchers and providing constructive advice.

Thank you, Lara Cortes, at Christian Michelsens Institute (CMI) for debriefing the topic with me and providing me with helpful information. I want to thank Hordaland Fylkeskommune for the scholarship I was awarded. To the people that took their time to help me when I inquired them for advice, Kathryn Hochstetler (LSE), Einar Braathen (NIBR), Solveig Aamodt (CICERO) and Adryane Gorayeb (Universidade Federal do Ceará), thank you.

Finally, thank you mamma and pappa, for your help, endless support and encouragements along the way, Bjørn for being my rock and always cheering me up, and friends for enlightening the process! I appreciate the support and encouragements from all of you.

Bergen,
June 1st, 2018

Maria Sofie Sortvik Barosen

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ACRONYMS & ABBREVIATIONS

ABEOLICA	<i>Associação Brasileira de Energia Eólica</i> , Brazilian Association of Wind Energy
ANC	African National Congress
BAR	Basic Assessment Report
BEE	Broad-Based Black Economic Empowerment
BNDES	Brazilian National Development Bank
BRICS	Brazil Russia India China South Africa
CONAMA	<i>Congreso Nacional del Medio Ambiente</i> , National Environmental Council
DBSA	Development Bank of South Africa
DNT	Department of National Treasury
DoE	Department of Energy
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Report
EIS	Environmental Impact Study
EL	Environmental licensing
EPE	<i>Empresa de Pesquisa Energética</i> , Energy Planning Enterprise
FIT	Feed-in tariff
FPIC	Free Prior and Informed Consent
FUNAI	<i>Fundação Nacional do Índio</i> , National Indian Foundation
IBAMA	<i>Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis</i> , Brazilian Institute of Environment and Renewable Natural Resources
ICCPR	International Covenant on Civil and Political Rights
IEA	International Energy Agency
IPP	Independent Power Producer
MMA	<i>Ministério de Meio Ambiente</i> , Ministry of Environment
MME	<i>Ministério de Minas e Energia</i> , Ministry of Mines and Energy
MP	<i>Ministério Público</i> , Public Prosecutor
NDP	National Development Plan
NEMA	National Environmental Management Act of South Africa
NERSA	National Energy Regulator of South Africa
NGO	Non-governmental organisation
PPA	Power Purchasing Agreement

PROFINA	<i>Programa de Incentivo às Fontes Alternativas de Energia Elétrica</i> Programme for Incentives of Alternative Electricity Sources
RAS	<i>Relatório Ambiental Simplificado</i> , Simplified Environmental Report
RE	Renewable Energy
REA	Renewable Energy Auction
REDZ	Renewable Energy Development Zones
REI4P	Renewable Energy Independent Power Producer Procurement Programme
SANCOOP	South Africa-Norway research Co-operation Project
SAWEA	South African Wind Energy Association
SED	Socioeconomic Development
UiB	University of Bergen
WB	World Bank

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1 INTRODUCTION

Huge and vital steps remain to solve our problems of the changing climate and its destructive consequences. There are multiple interdependent means to this end, and they are often treated as separate challenges. Protection of biodiversity, ecosystems and wildlife must be stepped up, deforestation has to stop, and we need to reconstruct damaged ecosystems. Pollution must be limited, and CO₂ emissions considerably reduced, while renewable energy technology is in need of faster development. In addition, the population growth has to stop, and globally, the dominating economic system based on eternal growth need to be reconsidered, or even reconstructed (Christoff & Eckersley, 2013). The last point in particular, requires major transformation in human behaviour and attitude, and might be the most complicated obstacle for progress in climate change mitigation and adaptation.

Progress in adaptation and mitigation varies across the world, and so does the impacts of climate change and the associated policies. The tendency points to an unequal distribution, where the weakest and most vulnerable people are the ones suffering the most – particularly in developing countries – as a result of both natural and humanly constructed causes (Pelling, 2011). While many policies aim to combat these challenges, they also tend to favour those who are better off at the expense of the less advantageous people. Renewable energy is one example of a policy field of this kind, with the goal to both mitigate the effects of, and adapt to, the changing climate and the socioenvironmental challenges that follows. In efforts to increase production in effective and cost-efficient ways, procurement of renewable energy has increased during the last decades (Lucas et.al., 2013). The measures taken often lead to large-scale projects for the development and production of renewable energy technologies, resulting in massive construction sites for building the necessary infrastructure. This is where the policy measures directly interfere with the people on the ground.

As the technologies are dependent upon good access to natural resources, and often requires vast areas for construction – especially hydropower, wind, and sometimes solar – they tend to be placed in relatively remote and sparsely populated areas. This is practical for obvious reasons, but also politically convenient in the way that the projects are, to a lesser extent, likely to meet protests from the local inhabitants of these areas.

For instance, large-scale renewable energy projects might be located in areas where they interfere with or interrupt local communities and cause devastating consequences upon them. Although these are meant to serve the population by providing more energy access and enhancing the transition to sustainable energy production and consumption, economic growth also serves as an important driver and target in such measures. This creates situations where minorities may be left to cope with the consequences and bear the cost for the benefit of the majorities and aims of economic growth.

This generates trade-off challenges, between sustainable development on the one side and human and environmental rights on the other. Moreover, one may question if such development is to be proceeded for the “greater good” at the expense of those rights – that is, if renewable energy development should be carried out even when this implies injustice for a minority of people. These are quite complicated and controversial issues that are perceived in both normative and pragmatic ways. However, justice is a fundamental part of, and prerequisite for, climate change adaptation (Paavola & Adger, 2006; Klinsky et.al., 2016). This illustrates the importance of inclusive planning and decision-making processes for those who are affected by the policies and the trade-offs they may cause – to secure their rights, and that the outcomes of the “greater good” also benefits their communities.

1.1 RESEARCH QUESTIONS AND OBJECTIVES

The purpose of this study is to explore how public participation is accounted for in planning and decision-making processes of renewable energy (RE) projects, that are proposed and contracted through Renewable Energy Auction (REA) systems. The primary problem statement for this study is thus formulated as follows:

How and to what extent are local communities included in the planning and decision-making processes of renewable energy projects in developing countries?

By using the cases of Brazil and South Africa, I will first study these processes within the two countries, and then compare them. This will give insight in both cases, while also enable a broader perspective that aims to call attention to contrasts and similar patterns. The case studies and comparison will be conducted by taking a closer look at certain stages of the planning and decision-making processes of the RE projects. To analyse these, this study proposes that the process can be understood as consisting of different phases: The first, is the

political-administrative phase of enactment, where overarching decisions are taken, and requirements are set on the national level. Second, in the *procurement phase* renewable energy production is procured and the main planning and decision-making related to each project are conducted. This is done by private companies, and mostly conducted before the final auction are set out. Third, the *implementation phase* includes the construction and outcomes of the projects.

In all of these stages leading up to the outcomes, important decisions are taken, that have consequences for local inhabitants surrounding the project sites. To understand what the existing possibilities for participation in these processes are, it will be necessary to start with identifying its procedures. Not least, whom are involved and what power they have. A fundamental part of the study will thus be to map the actors that are part of the planning and decision-making in the different phases – including public officials, private entrepreneurs (project developers) and the local inhabitants. Further, the analysis will then approach the main problem statement, by trying to sort out the *how* and the *extent* of the inclusion in the first research question:

In what way do the different phases of the process enable participation for those who are affected by the projects?

Furthermore, political, institutional and organisational factors will be examined to explore how these may influence the provision of public participation. The second research question will attempt to accentuate this:

How is participation promoted, and what are the main obstacles?

Based on the research questions, this thesis will seek to do a partly descriptive, partly explorative case study of the provision for public participation in South Africa and Brazil. It will do so based on a collection of documents; these mainly consists of interview transcriptions, secondary research documents and public documents. The theoretical framework applied combines theories of public participation, procedural and distributive justice, and principles of environmental and climate justice. The cases will be compared, in effort to find possible explanations for the state of participation in the organisation of the REA systems, and moreover, in the broader national political contexts.

1.2 WHY STUDY PARTICIPATION WITHIN REA SYSTEMS?

This study seeks to reach a better understanding of how structural inequalities in society are influenced by the politics of climate change adaptation and their outcomes, and how this affects communities in different ways. This requires an exploration of the extent to which the inclusion of those affected are treated as an important or indifferent substance in planning and decision-making. As such, the study will emphasize the societal influences of energy policies, not the technical aspects.

Human and environmental rights are often viewed in relation to the extraction of natural resources, that causes people to leave their homes or lands, or disrupting their livelihoods. For instance, in cases of land grabbing for purposes of getting hold of fossil fuels, or resources needed for medical purposes, or for mining industry. But what about the situations where the extraction is aimed at making the utility of collective resources better for both humans, the environment and the planet? And for both adapting and mitigating climate change? Such utility, although allegedly aimed to be better in every way, will pose negative impacts upon several groups in society, and is likely to be inevitable. However, “it is not just that some should have less in order that other may prosper” (Rawls, 1971:3).

The inclusion of affected societies – often indigenous or traditional communities – is therefore fundamental, to secure both their human and environmental rights, and that they will benefit from the outcomes. This has proven to be quite variable in practice. It is anticipated that social, economic and political inequalities and injustices influence the ability to participate in planning and decision-making that affect peoples’ lives. In particular, that the benefit for the majority of the people comes at the expense of the rights of minorities. Literature review on the field indicates that participatory activities during project development is seen as an obstacle to efficiency, and opposition to projects indicates that the processes of planning and decision-making and outcomes may be deemed as unjust.

The thus study aims to explore how the participation in planning and decision-making of RE projects may be influenced by the organisation of the REA systems. Further, if this can be explained by characteristics of the broader national political and institutional environment, and the provision of justice and rights to public participation. What made the REA systems interesting, is the two-folded relationship of renewable energy as: 1) An important climate

change coping measure, that also increases the access to sustainable electricity for all, and 2) the way that these measures – with its complex nexus of political economy, national interests of socioeconomic development and private companies gathered in the form of RE projects – from time to time, tend to collide with the rights of the people living in the local communities affected by them.

It is a paradox that sustainable development and human rights are often understood as companionable. While sustainable development is argued as a human right, the means to this end does not necessarily comply with human rights – as depicted above through the collective-versus-minority-framing. Also, as the REAs are public procurement systems based on competition between private entrepreneurs – with the aim of achieving the largest while also cheapest amount of energy possible for *all* – it is embedded within these an economic interest that often trumps human rights. As a result, in many cases, trade-offs arise between sustainable development and human rights. The relationship between these two very important concepts can thus, sometimes, be perceived as conflicting, or even competitive.

1.3 THE CHOSEN CASES

Brazil and South Africa are selected as cases for this study because they are defined as developing by the World Bank (ISI, 2018). They are nevertheless part of a group of countries, that do not completely fit within the stereotypical notions of “developed” or “developing”. Although they are developing in different ways, they rather find themselves somewhere in the middle, in a political and economic “transition” (Heller, 2012). What is evident, is that their power and place on global and regional levels are continuously increasing. With this, comes the ability to influence and lead other countries towards common goals, such as climate change adaptation and mitigation (Giddens, 2011). And even more specific, in influencing other countries to adopt their RE policies. They have both done efforts to transform their energy systems through the REA systems, aimed at expanding the production of cleaner energy, while also making it affordable and more accessible to all inhabitants. The case selection will further be elaborated in chapter 4.1.2.

1.4 DELIMITATIONS

Due to limitations of this study, I will not be able to look at all renewable energy projects nor technologies, as the different technologies – whether renewables or not – have somewhat

different implications and consequences for the environment and society. Instead, I find it reasonable to look at wind projects¹ that are developed within the REA systems – in which projects have been planned and/or contracted in Brazil since 2007, and in South Africa between 2011-2015. This enables a partly descriptive, partly explorative analysis on each case and their commonalities and differences, without doing this at the expense of the depth.

The phases suggested are a means of analysing the participation systematically. This study will not elaborate on the provision of general participation in the political-administrative phase, neither will it focus on the outcomes. Rather, it seeks to focus on participation that happens during the main planning and decision-making process for each specific project – which turns out to be conducted mainly within the procurement phase, and partly in the implementation phase. The political environment, outcomes and impacts will mainly serve as context in the study, further interspersed in the discussion. Organisational and political-institutional factors will largely contribute to explain the state of participation. However, since the thesis seek to emphasise public participation, these factors will not be given weight as concepts in the theoretical framework, but rather supplement it in the discussion.

1.5 STRUCTURE

The study will be structured as follows; chapter 2 will give an introduction to the research field, present a range of previous studies and discuss relevant literature on the topic. It will also clarify the contribution of this study. Chapter 3 will present the analytical framework. The study will combine three normative literatures and apply them to the empirical material. These consists of theories on public participation, procedural and distributive justice and principles of environmental and climate justice. My interpretation of these and the way I intend to apply them, are represented in the analytical model in the end of the chapter. Chapter 4 discusses the research strategy, the methods used for data collection, and the analysis technique. A complete overview of the data sources is provided in Appendix 1 and 2. Chapter 5 will give a brief but concise presentation of the cases, providing information about political and societal characteristics, renewable energy policy and REA systems, as well as the state of public inclusion in the countries. The chapter will take a comparative form. The empirical material and analysis of each case will be presented in chapter 6 and 7, elaborating on the findings in Brazil and South Africa respectively. Drawing on each case analysis the

¹ I use the terms «wind» and «RE» interchangeably throughout the thesis.

discussion will seek to reconcile the main findings with the theoretical framework, in order to answer the research questions and the main problem statement. This is divided in two parts: Chapter 8 will comparatively discuss key findings on participation in the countries. Chapter 9 will discuss organisational, institutional and political factors that are presumed to influence the participation. The discussion will be focused around the conformity between what is “just political practices” according to theories of justice, rights and public participation – and in line with overarching laws and regulatory frameworks for such practices – and what evidence of this I have been able to find within the actual practice. Chapter 10 will provide a concluding discussion of the study and give some suggestions for further research.

2 JUSTICE, PARTICIPATION AND RENEWABLE ENERGY POLITICS

This chapter will give an introduction to the field of justice and public participation related to renewable energy politics. It will start by outlining a global perspective of the rights to participate in climate change politics. Further, the field of public participation in renewable energy projects will be presented. The final section will argue for the contribution of this study.

2.1 JUSTICE IN A GLOBAL PERSPECTIVE

Literature concerning questions affiliated to social inequalities and justice in international climate negotiations is evolving continuously (Paavola & Adger, 2006; Parks & Roberts, 2010; Hochstetler, 2012; Klinsky et.al., 2016). This is no coincidence considering the vast general development on the field. On an international scale, attention is paid to the distribution of costs and benefits among countries. The debates concerning justice have, inherent in its normative nature, been subject to ambivalent narratives. Consequently, this has provoked a constructed division between countries, causing problems of defining whether a certain country is developed or industrial. These notions, *developing* country or *industrial* country, have further set the standard for their standpoints, and appropriate – or even just – responsibility in the climate negotiations. Some scholars argue that the international climate regime – that is, the conventions, reports and agreements – has failed to adequately emphasise the principles of justice and inequality (Paavola & Adger, 2006). For instance, by failing to arrange just and equal participation among states in the international negotiations (ibid:606). The same tendencies are present on national and local levels, between different groups in society.

2.1.1 Public inclusion and the right to participate

The importance of public inclusion in political processes is continuously stressed by international organisations and in the literature on climate change and energy politics. There is a strong consensus claiming that the creation of just and legitimate climate and energy policies, requires the inclusion of everyone affected by the actual climate changes, and by the policies created to handle them. Public inclusion in the planning and decision-making

processes is perceived as a human right (FAO, 2016), necessary for dealing with conflicts, and for the public acceptance of energy transition in society (Nkoana, 2016:241).

2.1.1.1 International frameworks and environmental and climate justice movements

The issues of Environmental and Climate Justice are key in the debate of climate change and energy transition. In this perspective, the effect on both environment and human beings are viewed within the framework of human rights, social justice and the rights of indigenous peoples. These movements argue that climate change is not only an environmental issue, but also a social one, concerned with inequalities among different people and nations. The impacts tend to strike the most vulnerable people that rarely are able to participate in the different forums addressing the problems (Cox, 2013:262-263). In 1969, the United States National Environmental Policy act created the Environmental Protection Agency and introduced the Environmental Impact Assessment (EIA) routine of proposed plans, policies, programs or projects. This included consultation with affected communities and have ever since been an important institution for including people in such decision-making. These innovations spread across the world with the environmentalists, and many organisations began to adapt similar regulations (Hochstetler & Tranjan, 2016:498).

Participation in decisions affecting communities and their local environment is perceived as a universal human right to self-determination (FAO, 2016). It is specifically stated by a range of international frameworks and organisations, including The International Labour Organization’s Indigenous and Tribal Peoples Convention no. 169 (ILO 169), the framework of Free, Prior and Informed Consent (FPIC), and more recently the World Bank. It is also implemented in international law, through the International Covenant on Civil and Political Rights (ICCPR), and especially regarding areas of environment. For instance, under the ICCPR Right to Development, people have a right to “active, free and meaningful participation”. This encompasses all facets of developmental work, including government initiated RE projects (FAO, 2016:14).

2.1.1.2 Obstacles to implementation

These frameworks are international, but not signed or necessarily upheld by all countries. A key challenge to proper implementation is political will to secure and respect these rights –

which is often absent in the highest levels of governance (DPLF, 2015). As many national economies often depend upon extraction of natural resources, there is a tendency that corporate interests are favoured at the expense of minorities' rights. In addition, all principles of public participation are not necessarily applicable to all contexts; universal models addressing the particularities of each community does not exist. This means that the specific rights of minority peoples must be ensured by enabling effective participation in national and local forums, where decisions affecting these rights are made (DPLF, 2015).

2.2 RENEWABLE ENERGY PROJECTS AND PUBLIC PARTICIPATION

The development and use of renewable energy technologies has gone through a rapid expansion in recent years. The promotion has largely been driven by policies designed to achieve other important objectives as well – such as socioeconomic development, energy diversification and, in more recent years, sustainable development. Sustainable development is not a new concept. It was defined by the World Commission on Environment and Development in the *Brundtland Report* (1987), as “development that meets the needs of the present generation without sacrificing the needs of future generations” (Christoff & Eckersley, 2013:55). Renewable energy auctions (REA) combines all three aspects. The REA policies in Brazil and South Africa are further elaborated in chapter 5.

Although the REA systems promotes a more sustainable energy production, the RE projects may nevertheless not be sustainable by all means. On a global level it has become harder to gain licenses and permits needed for the construction of renewable energy projects. One of the reasons for this, is the increasing local opposition against these projects (Phadke, 2013; Ogilvie & Rootes, 2015). The growth of the environmental and climate justice movements during the recent decades have contributed to the resistance.

Wind farm projects have shown to be licensed more easily compared to other technologies (Lombard & Ferreira, 2013), due to the perceived low-impact of these projects. The pollution and water consumption are limited, low risk of insecurity related to supply, and they do not produce CO₂. The installation is also relatively rapid, due to the equipment being industrially produced and quickly installed and connected to the distribution grids (Gorayeb & Brannstrom, 2016:102). They do not require large teams for operation and maintenance, and

operation can be done and controlled by computers (Arújo & Freitas, 2008). Neither do wind farms interfere with human activities such as livestock or agriculture to a large extent, or relocate communities (Gorayeb & Brannstrom, 2016:108). Many places they have contributed to local income, increased electricity availability as well as improvement of infrastructure (Nkoana, 2016; Araújo & Freitas, 2008). The most common impacts of wind farms, is the threat to local bird life, visual intrusion in the landscape and noise. Noise issues depends upon the equipment and may vary, while visual impacts are one of the most critical issues, especially for social acceptance. It may interfere with scenic landscapes, tourism, or the locals (Garcia et.al., 2016; Jaber, 2013).

However, studies from Brazil show that impacts upon local communities have also been profoundly negative, especially in terms of damages related to construction as well as interference with subsistence livelihoods (Meireles et.al., 2013; Santos, 2016; Brannstrom et.al., 2017; Gorayeb et.al., 2018). Considering these implications, the sustainability of wind farms has been questioned (Santos, 2016; Brannstrom et.al., 2017). Economic development outcomes for communities have also been questionable many places (Munday et.al., 2011; Brown, 2011).

A large part of the literature on the field is concentrated on attitudes towards wind projects – such as social acceptance and the level of resistance. Some studies found that this is often related to the distribution of outcomes (Lombard & Ferreira, 2013; Gross, 2007; Hall et.al., 2013), impact on birds (Hochstetler, 2018) or the communities (Santos, 2016; Hochstetler & Tranjan, 2016) and the type of compensation mechanism provided (Garcia et.al., 2016). Trust between the communities and the actors involved in planning and decision-making (Ellis & Robinson, 2007; Eltham et.al., 2008; Hall et.al., 2013), as well as the inclusiveness of these processes (Ogilvie & Rootes, 2015; Hall et.al., 2013; Gross, 2007) are also important determinants. Others point to factors such as siting and place attachment (Not-in-my-back-yard, or NIMBYism) – that is, the proximity of projects (Bell et.al., 2013; Sena, Ferreira & Braga, 2016). Importantly, some findings also suggest that opposition seldom have major influences upon the planning and decision-making, other than causing delays and extra costs (Hochstetler & Tranjan, 2016; Aitken et.al., 2008).

Moreover, there seem to be a wide agreement about the importance of involving local communities in planning and decision-making processes, for the projects to be successful

(Hochstetler, 2011; Phadke, 2013; Rajão, 2013; Tait et.al., 2013; Lombard & Ferreira, 2013; Nkoana, 2016; Gorayeb & Brannstrom, 2016). Both in terms of planning and implementation. Participation in the South African RE project processes have been under documented (Nkoana, 2016), but are increasingly criticised for their top-down approaches and lack of inclusive procedures (Tait, 2012; Bode, 2013; McDaid, 2014; Wlokas, 2015; McEwan, 2017). In Brazil, the licensing processes of the RE projects have in particular been criticised for not properly including local people, due to simplification of such procedures (Duarte et.al., 2017; Hochstetler, 2017; Santos, 2016). The way that the government tends to neglect traditional knowledge and perceptions is also criticised (Rajão, 2013; Santos, 2016). In South Africa, there have been particular challenges related to defining the local communities that should benefit from the projects (McEwan et.al., 2017; Tait et.al., 2013), while in both countries, challenges related to land ownership have posed difficulties for public participation in siting decisions (Nkoana, 2016; Gorayeb & Brannstrom, 2016; Brown, 2011).

2.3 THE CONTRIBUTION OF THIS STUDY

The research field is largely developed throughout many years of battling for human rights, environmental justice and public participation in policy-making. This study will draw on many of the works mentioned above combined with interview data in effort to unfold the aspect of public inclusion and participation. It will not aim to develop new theories about participation, nor will it contribute with new and exceptional empirical findings or make any universal and representative conclusions. However, the field lacks elaboration on how participatory mechanisms operates within the relatively new framework of REA systems as part of the RE project development. How these policy tools may lay out the conditions for the affected peoples' participation is especially interesting with regard to the trade-offs that evolve between fundamental justice frameworks and the necessary sustainable development.

The REA systems in Brazil and South Africa are largely focused on national developmental objectives, primarily socioeconomic. As a result, the literature highly reflects these aspects in exhaustive ways. The mere focus on the extent of public participation within the REA systems, and the trade-offs between the equally important dimensions of sustainable development and justice and rights, needs – although debated – further examination. The aim of this thesis is to shed light on this tension.

The literature does not provide a clear, systematic overview of the ways and abilities of people to take part in the project planning and decision-making. This study seeks to establish such an overview, by examining public participation within the different phases of the RE projects. I suggest that such a way of understanding the process, will be helpful to stress and explore the actual opportunities of participating in planning and decision-making of the project, and help reveal to a certain extent how participation is enabled in practice.

While the literature largely argues for the importance of sufficient participation in planning and decision-making processes of the RE projects, this study will seek to explore whether the organisation of these processes within the REA systems in the countries, influences the ability for participation and just procedures – whether this is promoted or not. Through the application of theories on public participation and procedural and distributive justice, and an analysis of the project phases in the countries, I will attempt to examine this further.

3 THE ANALYTICAL FRAMEWORK

This chapter will lay out the theoretical framework applied in this study. These theories are normative, and the first section will give a clarification of such concepts. The second section will present and discuss different conceptualisations of public participation, based on the pillars of democracy and justice. The final section will operationalise these theoretical concepts and explain how they are intended to be applied on the empirical material.

3.1 A NORMATIVE FRAMEWORK

3.1.1 The importance of justice

When studying climate change adaptation policies and the impacts of these, the justice aspect is fundamental. Adapting to a changing climate is something that concerns everyone, while the distribution of negative and positive effects is quite unequal. This is largely rooted in huge structural inequalities within economic development, political power and resources. In fact, the focus on environmental rights and climate justice has been the core driver of continuous shifts in energy policies of the recent decades (Shue 1992, ref. in Klinsky et.al., 2016:2). Discussing human wellbeing is a duty within political science, and implicit in that responsibility, is thus the discussion of justice and inequalities, in which climate change and adaptation measures pose upon society (Klinsky et.al., 2016:2).

In the large RE projects that follows from climate change adaptation policies – such as those contracted through the REAs – it often appears to be lack of adequate consideration of these matters. These are prominent examples of situations where justice (both distributive and procedural) and inequality, capitalism and power merge, at the expense of those who are most vulnerable. This makes it important to explore what the circumstances for the affected are to actually take part in these processes, by adapting a theoretical framework that is deeply rooted in rights and justice.

As the chapter will elaborate below, public participation is a core concern within the justice discourse. The RE politics, more specifically the REA systems, is a means of adapting to the consequences of climate change. What these theoretical concepts (and the study as a whole) will build upon, is the view that if the local people cannot take part in the planning and decision-making regarding such adaptation measures, their needs and interests will not be

taken under sufficient consideration. People have the right to participate in matters that concerns their lives. The consequences of this might thus be, that the outcomes of adaptation policies, such as RE projects, contribute to preserve the structural inequalities in society, instead of improving them (Paavola & Adger, 2006:602).

3.1.2 Human and political rights

A clarification of the justices and rights discussed in this thesis is thus necessary. While some rights are legal, other rights are based on moral claims, and reflect what individuals *should* be entitled to. This is connected to a social justice theory, perceived by social-democratic and modern liberals as referring to a way of reconstructing the social order in accordance with moral principles, to counteract injustices. In that sense, social justice is a defensible way to redistribute benefits in society (Heywood, 2004:294). Social justice can also be understood as referring to fair relations between the state and society. Human rights are fundamental and perceived as universal, in the sense that they belong to any human being regardless of anything (Heywood, 2004:188). Human beings also hold rights by being citizens of a country. T.H. Marshall (1963, ref. in Heywood, 2004:207) suggested the rights of citizens to be divided in civil, political and social rights. Civil rights include for instance freedom of speech, assembly, movement, right to equality before the law and to own property. These are dependent upon the broader political context. Political rights imply the opportunity to participate in politics; the right to vote, stand for election and to hold public office. This however, requires the political context to be democratic. Social rights indicate rights such as basic economic welfare and social security, in which requires the context of a welfare state. Rights and justice are nevertheless contested concepts, and relative to each context.

3.1.3 The limitations of normative theories

Justice, rights and participation are normative concepts, both in theory and practice. This implies that finding one universally right way to put these ideas is simply impossible. Nevertheless, normative concepts like these are crucial to debate. It is necessary to underline that theories about justice, rights and democratic participation have evolved and been interpreted in different contexts throughout the world. It is argued that many of the interpretations were first articulated in the west, especially that of democracy (Heywood,

2004:221), however rights are perceived as a somewhat universal concept, although with different interpretations (Donnelly, 1982; Panikkar, 1982).

This means that interpretations from another political context are not necessarily fully applicable to the context of Brazil and South Africa (see chapter 5). Although these countries have been democratic states for a while, it is important to acknowledge that contextual factors such as traditions, culture and history influence the political regimes and their views on rights and justice. Not least, theories usually depict normative ideals. In that sense, rights, justice, democracy and the means of participation is relative to each context. In addition, since these democratic concepts are normatively contested, they may be of various interest for citizens. That is, not everyone finds it necessary or attempting to exercise the inherent rights of democracy. In this case, when talking about injustices that have consequences for peoples' lives, the thesis assume that locals have interest in those rights.

3.2 PUBLIC PARTICIPATION

Inclusive political processes might be understood interchangeably as public participation, empowerment or stakeholder engagement. These are inclusive processes with more or less degree of involvement and influence on the process. Accordingly, this concept is a broad one and can be defined and discussed in various means. Public participation is often used as the more general category or reference. This is core to the study. This study uses inclusiveness as a broader definition, because as will be clarified below, not all forms of public participation is truly participative. They may be inclusive, without necessarily giving people opportunities to express their views or to exert influence (Arnstein, 1969).

3.2.1 Democracy and participation

To understand what inclusion and public participation encompasses, it is useful to draw on democratic theory. "Participation of the governed in their government is, in theory, the cornerstone of democracy" (Arnstein, 1969). Thus, participation can be understood as a crucial fundament in democracy, contributing to discipline and strengthen governance (Olsen, 2010:186). Democracy is yet another theory with many conceptualisations. The purpose here is not to extensively discuss theories of democracy, but rather how participation is a fundament in democratic contexts and perceived as a political right – considering that both Brazil and South Africa are democracies. Public participation can promote legitimacy, justice

and effectiveness, in which are key democratic values (Fung, 2015). Three main types of democracy are useful to understand the further theoretical discussion on public participation.

First, a common division is that of direct and indirect democracy. These are in turn divided into different types, but I will only present the two main types. Put quite simple, *representative democracy* is an indirect form of citizen participation, where these have collectively chosen their representatives. Other than that, they rarely exercise power themselves, because the representatives are then mandated to govern on behalf of the people. This is the form that bears most resemblance with modern democratic states today. In the direct form for *participatory democracy* on the other hand, the citizens govern directly, through broad participation in politics. Second, *deliberative democracy* emphasises public debate and consensus-building, where citizens through public discussions strengthens their sense of the common good (Heywood, 2004:221-222).

In a social justice perspective, representative democracy tends to withhold the pre-existing structural inequalities by empowering the resourceful with participation, while excluding others. Participatory democracy in contrast, is seen as to succeed where the representative system fails, by including and encouraging the excluded to promote their needs (Aylett, 2010:100). However, participatory processes can be used in ways that do not necessarily empower the people or enable them to influence planning and decision-making. An important distinction is thus that of participation and power (Arnstein, 1969). This will be further elaborated below in section 3.2.3.

In a constitutional democracy that is well established, citizens can participate in different ways, although they are not necessarily able to exercise power. For instance, they can participate *directly* in public spheres, local initiatives, referenda, consultative meetings, political parties, elections, public service, interest groups, dissent, protest, civil disobedience, or rebellions. They can also participate *indirectly*, through relations of trust with their elected representatives, public servants, courts, intermediary organisations, and especially media-facilitated discussions (Tally, 1999:171). The term ‘direct’, should be understood as a direct way of *contributing to the discussion* of how things are to be done, and not necessarily direct participation in or influence on the actual decision-making. That is, these contributions are not always considered, although they have been expressed, as will be elaborated in the following sections. Quite often decisions are taken behind closed doors (Chambers, 2004). These forms

of direct participation may nevertheless have influence on the content and the processes of the planning and decision-making.

3.2.1.1 Consensus versus negotiation?

James Tally (1999) seeks to explain citizen participation in relation to citizen freedom, by looking at the different forms of citizen participation, and the different practices of governance in which they participate. In democracies, citizens participate in that they have the political right to express their views and to negotiate on whom are to exercise the power and how. Thus, a democratic government involves a dialog between the exercisers of this power and those who are “exercised” or affected by it. As all of these different perspectives will somehow involve contentious elements, the political dialogues are also likely to be *agonic* – that is, potentially spurring political conflicts (Tally, 1999:170).

Habermas perceived consensus as the ideal of political dialogues (Tally, 1999:167-8). This is core to the deliberative democracy theory. Emphasising mutual communication or deliberation between equal participants, the aim is not compromise as result of bargaining or aggregation of interests, but rather a genuine agreement based on consensus (Elster, 1997). Foucault and Arendt in contrast, see agreements as always open to questioning, non-consensus and negotiation (Tally, 1999:167). In practice however, it is argued for the necessity to promote a combination of both (Heller 2001, ref. in Aylett, 2010:112). Arendt perceived the rules and constituents of democracy – such as the possession of different rights and duties, fundamental principles of justice and shared values – to be the “elaborate framework” for participation, but not the activity in itself (Arendt 1977:164, ref. in Tally, 1999:170). These rules are also contested and open to question and negotiation. In this sense, politics are the *agonic* “game” in which such a framework – as the “rules of the game” – can be deliberated and amended in the course of the game (Tally, 1999:170). The participation in such political dialogues on how and whom are exercising power thus constitutes and shapes our identities as citizens. This generates solidarity and a sense of belonging to the broader political association of “the people” (Tally, 1999:170).

As agreements are potentially open to reasonable disagreement, participation is a strategic-communicative activity of political discussion and interaction. Such activities are what shapes and holds people together as citizens. When these activities are not available, the people

become subjects to the exercise of power rather than citizens, because they are not able to have their say. In this case, the political association rather becomes an imposed, dominating structure or force – often perceived as illegitimate and as restricting individual freedom (Tally, 1999:171). This underpins the importance of participation in a democratic perspective and serves as a point of departure. The next sections will discuss what the extent of participation should be in more detail.

3.2.2 Participation in procedural and distributive justice

This theoretical framework is not original to the topic of participation in planning and decision-making of RE projects (Smith & McDonough, 2001; Gross, 2007; Paavola & Adger, 2006; Aylett, 2010; Pelling, 2011; Lombard & Ferreira, 2013; Knudsen et.al., 2015).

Procedural and distributive justice are core principles of John Rawls' Theory of Justice (1971). He was an advocate of the egalitarian vision that all people are equal and deserve equal rights and opportunities (Heywood, 2004:298). According to Rawls, a just society is characterised by a social contract between the state and its citizens, that ensures just and inclusive political processes as well as fair outcomes, that maximises welfare for the most vulnerable in society (Pelling, 2011:49). In a well-ordered society, effectively regulated by a shared conception of justice, there is also a public understanding of what is just or unjust (Rawls, 1971:49), although there may exist both just and unjust institutions within the social system (ibid:50).

His interpretation of “justice as fairness” conveys the idea that principles of justice are agreed upon in an initial situation that is fair, although in reality, there are differences in the initial situation. Further, he argues, those in the initial situation can choose between two different principles; equality in the assignment of basic rights and duties, or that social and economic inequalities are only just if they compensate everyone, particularly the least advantaged (Rawls, 1971:13). Further, he implies that;

These principles rule out justifying institutions on the grounds that the hardships of some are offset by the greater good in the aggregate. It may be expedient but it is not just that some should have less in order that others may prosper. (Rawls, 1971:13)

In his view then, inequalities are only justifiable if they are to the benefit of the least advantaged. This is what he called the “difference principle”²;

Social and economic inequalities are to be arranged so that they are both:

- a. *To the greatest benefit of the least advantaged.*
- b. *Attached to positions and offices open to all under conditions of fair equality of opportunity. (Rawls, 1971:266)*

Procedural justice in this matter implies that every aspect of planning and decision-making in political processes are equally inclusive for all affected parties. Power distribution among actors and the degree to which parties are included, accordingly becomes central principles within this perspective, and decisive of the legitimacy of the outcomes (Paavola & Adger, 2006:601). The concept of *distributive justice* can be perceived as dualistic; at one hand, it refers to the existence of equality of opportunity and access to resources that enable participation in political processes (Rawls, 1971). On the other, it is concerned about the just distribution of costs and benefits in outcomes of political processes (Heywood, 2004:299). For the process to be just according to these principles, Smith & McDonough (2001) and Gross (2007), further applied by Knudsen et al (2015) have suggested key factors for this to be achieved; information, representation, consideration, voice, logic and influence. These are described in the table 3.1 below. The following sections will elaborate on the extent of participation and influence.

Table 3.1: Key factors affecting the perception of justice

<i>Information</i>	Type, how, and to whom it is distributed. If it is objective and given early enough.
<i>Representation</i>	Whether transparency and broad involvement of relevant actors in communities is ensured.
<i>Voice</i>	To what extent the individuals or public are able to express their opinions.
<i>Consideration</i>	Whether and how opinions are responded to and valued.
<i>Logic</i>	Whether locals perceive the project/proposal as reasonable.
<i>Influence</i>	Whether locals’ opinions, suggestions and concerns are reflected in the outcomes.

Source: Knudsen et.al. (2015), based on Smith & McDonough (2001) and Gross (2007).

² This is the second of two principles within his «justice as fairness» theory. The first principle states that «Each person is to have an equal right to the most extensive liberty compatible with a similar liberty for others». This is not elaborated any further here, as it is a discussion that extends beyond the main focus of the thesis.

3.2.3 Participatory governance

Participatory governance has the potential to facilitate involvement and empower people in decision-making processes that impact their lives (Nkoana, 2016:240). Participation is seen to make governance more effective, transparent and trust-enhancing. It improves adaptation to people's preferences – thus improving benefit distribution and gaining more support and public understanding so as to increase public acceptance (Knudsen et.al., 2015; Lombard & Ferreira, 2013; Aylett, 2010; Irvin & Stansbury, 2004; Arnstein, 1969). It is also argued to enhance the quality of service delivery (Fischer, 2012). For the government, procedural advantages also include obtaining more legitimate decisions and establishing strategic alliances. In addition, an educational component, provides learning and information sharing between citizens and government (Irvin & Stansbury, 2004:56). In principle, participation is acknowledged by most people. In practice, however, the situation is more complex and subject to contention. There are different views on how participation in decision-making should be structured, what it should look like and what role and authority the public ought to have in these processes (Renn et.al., 1993:189).

A core concern is the distribution of power. Participation can be understood as the redistribution of power and has been subject to a polarised debate – In both discrete ways as “citizen involvement”, and more exaggerated, as “absolute control” (Arnstein, 1969:216). Arnstein (1969:216) suggests that citizen participation is a categorical term for *citizen power*; a redistribution of power enabling disadvantaged and excluded people (i.e. poor or minorities) to be included in political and economic processes. Further, she argues that there is a significant difference between the activity of participating itself and possessing the power to influence the outcomes of the process. In such, participation without power becomes insignificant; “It allows the powerholders to claim that all sides were considered but makes it possible for only some of those sides to benefit. It maintains the status quo.” (Arnstein, 1969:216).

Based on community development work, Arnstein proposes a ladder of citizen participation – a typology of eight different levels indicating the extent of power within participation (Table 3.2). This illustrates that participation exists in different degrees. The first two levels of non-participation are *Manipulation* and *Therapy*. They are not genuine, but rather artificial forms of participation aiming to educate or “curing” the participants instead of enabling them

(Arnstein, 1969:217). The three degrees of tokenism are symbolic measures, that appear more superficial than actually giving any opportunity to influence decisions. Through *informing* about participants’ rights, responsibilities and options, and *consultation* by inviting their opinions, participants may hear and speak, and they might be heard. But their voices are not necessarily considered any further by those in power. The participants lack the power to ensure this – and accordingly, to change the status quo. In environmental management, informative or consultative public hearings are common as a “review and comment” methodology, in which the policy are decided upon before it is introduced to the public (Irvin & Stansbury, 2004:57). While *placation* is a higher degree of tokenism, as the participants can express advise, those in power are nevertheless the ones making decisions (Arnstein, 1969:219-220). Citizen power for participation starts to arise in *Partnership*, through negotiation and engagement with powerholders, were power is redistributed among them (ibid:221). Further, through *Delegated power* and *Citizen control*, the participants obtain the right to decision-making and management to a greater or complete extent (ibid:217).

Table 3.2: The ladder of citizen participation

Citizen control	<i>Degrees of citizen power</i>
Delegated power	
Partnership	
Placation	<i>Degrees of tokenism</i>
Consultation	
Informing	
Therapy	<i>Non-participation</i>
Manipulation	

Source: Arnstein (1969)

While acknowledging that the powerholders also differ in the extent of power they may hold, this will not be addressed here, as the focus of the thesis is delimited to the participation of local communities – the affected citizens.

The thesis anticipates that there is an implicit contentious relationship between those who are included and those who are excluded, enabled and empowered within planning and decision-making processes of the RE projects. While Arnstein’s model has an oppositional character in its way of viewing participation, other models of citizen participation exist. Renn et.al. (1993:190) proposes another more cooperative framework for public participation in decision-making, emphasising that different groups in society represent different types of knowledge; 1) common sense and personal experience 2) technical expertise 3) social interests and

advocacy. These are further assigned with different tasks. Stakeholders contribute by proposing their concerns and develop evaluative criteria, as their interests are at stake. Experts provide data and the functional relations between options and impacts. Citizens are the ones bearing the potential benefits or burdens, and thus the best suited to evaluate the different alternatives, on the basis of the concerns and impacts revealed through the other two groups. This framework is more consistent with the egalitarian procedural and distributive justice dimensions. More recently, approaches also build on rights-based approaches to participation and development (Aylett, 2010). The latter have especially become a norm within the field of international development, among different development institutions and NGOs. A similar approach often used in development planning, will be discussed below.

3.2.4 Participatory planning

This framework proposes an approach focusing on participation in planning in particular. Planning can be perceived as conducted in two different forms; *top-down* and *bottom-up*. The former is a more expert-based approach, characterised by decisions being made centrally, by private or public actors that are external or remote from the project area. Stakeholder participation are limited to information or consultation, and often aims to improve efficiency. The plans are often designed as “universal” or general, predetermined models for projects based on quantitative data and numerical estimations (Cooksey & Kikula, 2005:4). This approach to planning is heavily criticised for not properly acknowledging complexities and heterogeneity, local and traditional knowledge and experiences, needs or interests (McEwan, 2016; Lombard & Ferreira, 2013, Tait et.al., 2013; Cooksey, Kikula, 2005; Arnstein, 1969).

The latter is often referred to as participatory planning. Participation in planning – and especially developmental planning – has a long history (McEwan et.al., 2017). By some scholars it have been perceived as a means to improve *efficiency*. If the people are involved in the planning processes, they are more likely to support the project/development at issue – as with participatory governance. Others perceive participation as a *right* (Pretty, 1995:1251). Alternatively, it is seen as an instrumental *tool* to reach a specific aim, close to the former, or as a *process* of empowerment where the participation in itself is the aim, resembling the latter (McEwan et.al., 2017:35; Knudsen et.al., 2015:300).

During the 1970s, bottom-up development processes and empowerment of the disadvantaged were heavily debated and eventually became more acknowledged as the way of pursuing development (McEwan et.al., 2017:35). Comparative studies of development projects in the 1980-1990s showed that participation was “one of the critical components of success”, that gave a range of positive procedural and distributive effects; improved cost-effectiveness and efficiency, increased stakeholder ownership, improved understanding and social cohesion, improved transparency and accountability, and empowerment of the disadvantaged. It has thus become a common language among a wide range of development actors (Pretty, 1995:1251). The view that participation is necessary for the projects to be successful still seem to be a widely held perception (Santos, 2016; Lombard & Ferreira, 2013; Tait et.al., 2013; Rajão, 2013; Bode, 2013).

Participatory planning may take different forms. Seven types of participatory planning have been suggested and are presented in the table 3.3 below. It resembles Arnstein’s ladder of participation in governance but adds a few types and elaborates on the power relations between the parties.

Table 3.3: Typologies of participatory planning

Typology	Characteristics
<i>1. Manipulative participation</i>	Participation as pretence.
<i>2. Passive participation</i>	People participate by being told what has been decided or already happened. It involves unilateral announcements by an administration or project management, without any listening to people’s responses. Information belongs to external professionals only.
<i>3. Participation by consultation</i>	Participation by being consulted or by answering questions. No room for shared decision-making between stakeholders and professionals. Professionals are not obligated to further consider people’s views. Needs, and priorities may be ignored.
<i>4. Participation for material incentives</i>	People participate by contributing resources (i.e. labour, land) in exchange for material incentives such as food, cash or other motivations. The relationship is interdependent. The activities and the participation end when the material incentive stops.
<i>5. Functional participation</i>	Participation is seen by external agencies as a means to achieve project goals, such as reduced costs. People may participate by forming groups to meet predetermined project objectives. This may involve shared decision-making, but mostly after major decisions have already been made by external agents. At worst, people may only be co-opted to serve external goals.
<i>6. Interactive participation</i>	Participation in joint analysis, development of action plans and formation or strengthening of local groups or institutions. Participation is seen as a right, not just a means to achieve project goals. Learning methods are used to seek multiple

	viewpoints. Groups take control over local decisions and determine how available resources are used, and so have a stake in maintaining structures or practices.
7. <i>Self-mobilisation</i>	Participation is initiated independent of external institutions. People develop contacts with external institutions for resources and technical advice but retain control over how resources are used. Self-mobilisation can spread if governments and NGOs provide enabling frameworks of support. Such mobilisation may or may not challenge existing distributions of power.

Source: Based on Cooksey & Kikula (2005) and Pretty (1995).

Public hearings are the most widely used form for public participation (Fung, 2015:1), and may be perceived as synonymous to *passive participation* or *participation by consultation* depicted in the table 3.3 above. This resembles Arnstein’s degrees of tokenism (table 3.2). These are generally open to anyone interested. Usually participants are informed, and they may contribute with their views, but they have little power or influence (Fung, 2015:2-3). *Interactive participation* and *self-mobilisation* can be understood as degrees of citizen power (Arnstein, 1969), and the latter approximates a bottom-up planning process.

3.2.5 Obstacles to participation

There are problematic aspects of participation. The typologies depicted above does not consider the obstacles to participation, although they implicitly indicate that they are there. While authorities are dependent upon public support, broader participation is nevertheless associated with slower planning processes, and perceived as harder to manage (Irvin & Stansbury, 2004:58; Pretty, 1995:1252; Thomas & Grindle, 1990:1172-73). Seen from the top-down perspective of those in power, obstacles to participation may include resistance to power distribution, paternalism, racism or discrimination. Other resulting disadvantages may be less resources to implement the projects (Irvin & Stansbury, 2004). On the community’s side, obstacles may be rooted in insufficient political and socioeconomic infrastructure and knowledgebase, difficulties of organising representatives because of distrust and alienation, or simply lack of power to influence decisions (ibid, 2004:59; Arnstein, 1969:217). In addition, disadvantages for citizens may be the risk of even worse decisions, if the processes are highly influenced by opposing interest groups (Irvin & Stansbury, 2004:58).

At the same time, there is also the willingness of citizens to participate in planning and decision-making processes. The cost aspect – which may be underestimated in debates about the value of participation – is a relatively large barrier to public participation, both in terms of

time and resources. Irvin & Stansbury (2004:58) emphasises the importance of acknowledging such costs as something that many citizens may prefer to avoid. Furthermore, they argue that top-down governance or planning may be more efficient than participation within satisfied communities, or where communities are likely to support the mandate of the decision-makers (Lawrence & Deagen 2001, in Irvin & Stansbury, 2004:58). Those who do wish to devote their time and resources to such participation – given that they are able to do so – are often the ones being widely affected by the decisions (Fung, 2015; Irvin & Stansbury, 2004). These may be individuals as well as representatives of government agencies or businesses. This is risky, as it may cause decisions to be biased, dominated by strong views and special interests (Curry 2001, in Irvin & Stansbury, 2004:59).

All of the mentioned circumstances will however depend upon the context. Participation is likely influenced by political culture and institutional rules on both national and subnational levels. In addition to formal obstacles to equal participation, there are also political-economic obstacles, such as inequality and lack of capacity (Fung, 2015:3; Paavola & Adger, 2006:605). Fung (2015) especially accentuates three challenges to successful participation; absence of systematic leadership, lack of popular or elite consensus on the place of direct participation, and limited scope and power of participatory innovations. The second and third imply a lack of shared conception of justice and rights.

3.2.6 Participation in environmental and climate justice

The environmental and climate justice movements developed out of the grassroots, based on principles of human rights and social justice. The discourse of *environmental justice* concerns the local circumstances of communities that are directly affected. According to Robert Cox (2013:246), environmental justice refers to;

- a) the recognition and halt of the disproportionate burdens imposed on poor and minority communities by environmentally harmful conditions,
- b) more inclusive opportunities for those who are most affected to be heard in the decisions affecting their communities, and
- c) a vision of environmentally healthy and economically sustainable communities.

In 1991, the First National People of Colour Environmental Leadership Summit was held in Washington D.C by the U.S. environmental movement. This event marked a change from the traditional environmental movement – mainly focused on environment as detached from

humans (Schlosberg & Collins, 2014:360) – to the emergence of the environmental justice movement, that combined the original environmental protection principles with those of social justice (Cox, 2013:252). During this summit, the exclusion of coloured people from decisions affecting their communities were particularly brought into the discourse. Initially, environmental justice was about the unequal distribution of environmental risks and governmental protection. The fact that poor communities (and communities of colour) were exposed to more vulnerability than richer (and white) communities, led to the expansion of environmental justice organizing. Demands for participation and procedural justice were important as well, as the exclusion from decision-making caused inequitable distribution and injustice in vulnerable communities (Schlosberg & Collins, 2014:361).

During the summit, the *17 Principles of Environmental Justice* were agreed upon, in effort to shout out the rights to participate directly in environmental decisions. These have shaped the vision of the movement ever since (Cox, 2013:252). Some of the principles are particularly relevant to this study. For instance, Environmental justice:

- *Demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.*
- *Affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.*
- *Demands the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation.*
- *Protects the right of victims of environmental justice to receive full compensation and reparations for damages as well as quality health care.*
- *Considers governmental acts of environmental injustice a violation of international law, the Universal Declaration on Human Rights, and the United Nations Convention on Genocide.*
- *Calls for the strict enforcement of principles of informed consent.*

Source: Adopted from the original Principles of Environmental Justice, 1991.

The *climate justice* discourse also focuses on the local impacts, the disproportionate share of vulnerabilities, compensation for both environmental and social damages, and the importance of protecting community voice and sovereignty by providing for autonomy and procedural justice (Schlosberg & Collins, 2014:267). All of the principles emphasised within the environmental justice movement are reflected in the climate justice framework as well (Schlosberg & Collins, 2014:361). In 2002, the Bali Principles of Climate Justice were laid out by the International Climate Justice Network, using the Principles of Environmental Justice from 1991 as a blueprint (Ibid.). The further expansion of this movement however, draws the attention more towards the global picture.

The human rights approach is concurrent within both movements; climate change is seen as a way of violating basic human rights – such as life, health and subsistence – and thus, environmental and climate justice is to provide for those rights. These however, are ideas from academic theories, while the articulations within the grassroots movements of both climate and environmental justice tend to be rather disconnected (Schlosberg & Collins, 2014:365).

3.3 ANALYTICAL MODEL

This section will elaborate on how I intend to use the theoretical framework in combination with the gathered information to answer the research questions. The environmental and climate justice principles largely build upon many of the elements from the overarching principles of justice and participation, and thus fit well within the framework.

The planning and decision-making of RE projects is interpreted as consisting of different phases. First, the *political-administrative phase* consists of enactment based on national renewable energy policies, such as the REA policy. This phase involves the broader regulative framework of the policies and may include general project decisions about technology and capacity. Second, this determines the planning and decision-making in the *procurement phase*. After being procured, this is where most decisions are taken, and the particular projects are planned, proposed and possibly chosen in the auctions. This is done by the private sector. Third, the *implementation phase* consists of construction and compensation. This is where the outcomes of the project eventually occur. This phase is also likely to indicate whether the planning and decision-making processes have been just and inclusive. Notably, this analysis will not focus on public inclusion in the politics or policy formulations in the first phase. The countries are rather presumed to be representative democracies (see chapter 5.1.1).

As discussed in previous sections, there are different types and degrees of inclusion. Inclusive political processes may imply consultation with the affected parties, or more empowered forms of participation. The type often reflects the political context in the country. In transitioning developing countries, this is interesting – and complex – because recently “introduced” principles for public behaviour is not necessarily entrenched. For instance, there

may be inconsistency between the institutional aspect of participation and the activity itself (Heller, 2012:652). In this study, public inclusion will be understood as different kinds and degrees of public participation and involvement in political processes, such as those presented above. Public hearings are the main participatory activity found in the empirical material.

In the context of this study, public inclusion can be connected to different fields. First, it can be seen in relation to project development, and how citizens are involved in the planning and decision-making of such processes. Second, it is related to the field of environmental governance and sustainable development, since the RE projects lies within the societal transition towards renewable energy, and how people are included in the political processes of such transitions. Third, it is connected to development, as the RE projects come with specific developmental objectives – be it broader national development goals, socioeconomic development of the affected communities or other types of development. Fourth, it is also connected to rights, equality and justice, because participation in decision-making that affect peoples' lives is perceived as a political, environmental and human right.

Inclusion may be understood by both distributive and procedural means. On one hand, as a procedural activity, such as different types of participation. On the other, included as in being distributed with access and opportunities, or with outcomes. The degree of participation can hence be understood as a grade between procedural inclusion and distributive inclusion, whereas the more leaning towards procedural, the higher degree of actual participation. These are however interconnected. A higher degree of distribution may provide for more just participation, but not necessarily imply that the activity is undertaken to a high extent. The ideal outcome would require a combination of both. Again, procedural justice is not necessarily synonymous with the highest possible degree of participation and power – the procedure may be perceived as just and legitimate, even in the form of “tokenism”. The analytical model below (Figure 1) is based on the chosen theoretical framework of procedural and distributive justice, public participation and the principles of environmental and climate justice. It reflects how the concepts are understood and intended to be applied in the analysis and serve as the basis for the discussion (chapter 8 and 9). Further I will explain the elements and how these are connected, in relation to what I want to study.

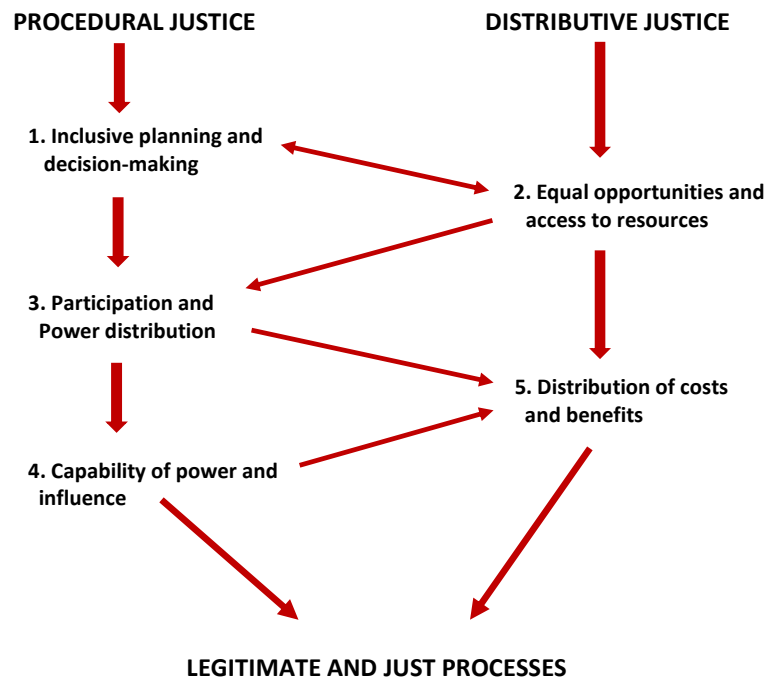


Figure 1: Analytical model based on my own interpretation and systematisation of the connection between the theoretical concepts of public participation and procedural and distributive justice.

The *Procedural justice* dimension considers participatory aspects related to the *process* of planning and decision-making of the RE projects. This is the main focus of the analysis. The *distributive justice* dimension considers both the distribution of *opportunities and access* – in which might be understood as a precondition to the extent of inclusion in the process – and the distribution of *outcomes*, as the results of the process and the project itself. Due to the limits of the study, I will not focus considerably on the latter in my analysis. This part will mostly serve as additional contextual information contributing to explain the processes.

Inclusive planning and decision-making (1) is treated as an aspect of procedural justice and is further divided into different degrees of public inclusion, consistent with those presented above (chapter 3.2). Some of these also serve as overarching categories in the analysis (see chapter 4.3.1.1), because they are anticipated to indicate the extent to which the locals are involved. This is further interpreted to both be in need of, and foster, *equal opportunities and access to resources (2)* (in this model, subject to the dimension of distributive justice), as this

is viewed as prerequisites for the ability to participate. This is usually dependent upon the broader political, economic and social context of the society in which the process operates, and whether institutions exist to facilitate this. It serves as important background information that will help explain the patterns of interest. Furthermore, this is presumed to influence the pattern of *participation and power distribution* (3) and indicate the extent of inclusion in planning and decision-making processes within the countries. In particular, to determine what type of participation is enabled amongst local communities. This is closely related to, and often contingent upon the power distribution in the different phases of planning and decision-making in the RE projects – that is, the mandates and authorities. Opportunities to participate, access to resources and the power distribution is further assumed to determine the local inhabitants' *capability of power and influence* (4), as well as the extent to this influence, that they need to actually be able to affect the processes. All the above factors are anticipated to have considerable effects on the consequences of the project and its processes, and the *share of costs and benefits* (5) for the local communities. Impacts, and the majority versus minority aspect, serve as supporting information related to this. Finally, these dimensions and aspects are together perceived as determining the legitimacy and fairness of the planning and decision-making processes of the RE projects.

The idea is, that by securing all these aspects of both the procedural and distributive dimensions, one will reach legitimate and just planning and decision-making processes. By ensuring that the process is fair and inclusive, the acceptance of the outcomes is likely to be improved as well (Knudsen et.al., 2015:300; Gross, 2007). Opposite to this, is the anticipation that, if the procedures are perceived as unjust, the outcomes are likely to be unjust. The study will use these normative theoretical concepts to explore the participation in the planning and decision-making processes. Furthermore, whether the organisation of the REA systems or other political-institutional factors influence the possibility to realise the values of participation and justice.

4 METHODOLOGICAL DESIGN

This chapter will render the strategies, methods and techniques used in this study. The challenges related to this will be clarified, and so will the procedures carried out to deal with them.

4.1 RESEARCH STRATEGY

The “ways of knowing” in social sciences – the methodologies – consists of different ways of understanding the world. Accordingly, different tools and techniques are used to solve research problems (Moses & Knutsen, 2012). The two most prominent approaches are argued to be derived from the naturalist and constructivist philosophies of science. Whereas the naturalists view the world as objective – that is, a world that can be understood through observing it objectively – the constructivists see the world as socially constructed, and hence reject the notion of pure objectivity (ibid:7-9). Within social sciences, in the first approach, the world is commonly studied by employing quantitative strategies and methods, through collecting quantifiable data and testing hypothesis to generalise facts about the world. The second approach tends to use both quantitative and qualitative methods, whereas in the latter, qualitative data are used to describe and understand human actions and attitudes in more subjective, specific and discursive ways (King et.al, 1994:3-4). Qualitative and quantitative approaches have the same logic of inference – to collect, describe and explain facts about the real world – but through different styles (ibid:5).

This study builds on the stands of the second approach, arguing first that the aspects and organisation of justice and public participation are socially constructed, that can hardly be seen as universal principles. Second, neither can they be studied in a purely objective way (Moses & Knutsen, 2012). Although there is broad consensus on certain aspects concerning these principles – such as the right to participate – they are relative concepts to each specific context and understood in different ways. In practice, this means that the interpretations in this study may show signs of subjective understandings, whereas other researchers may not hold the same impressions. As this study seek to explore the particular type of participation in the RE projects, it requires a more profoundly study of these types. The qualitative approach will be applied, because it allows for a more detailed examination (King et.al., 1994:5).

The research process started inductively (Tjora, 2017:24), as it was driven by exploration of the empirical stance of participation in planning and decision-making within the REA systems, but theories and perspectives have also been considered along the way (ibid:33), for instance in guiding the data analysis. The research process thus interchangeably moved between theory and empirics.

As justice and participation are normative concepts, they cannot be understood by universal means, nor through a completely objective lens. Keeping objective throughout the research process has been a challenge, especially when having anticipations of what the findings may suggest, as well as being engaged in the topic. In effort to avoid being biased, I have also searched for information that indicated the opposite of my anticipations, thus trying to disprove it. Normative concepts require insights into people's attitudes, abilities and perceptions, in which are relative to both individual and context.

4.1.1 Comparative case study

To explore how public participation in planning and decision-making processes of the RE projects is provided for within the REA systems, it is useful to examine more than a single case to study this practice. By choosing two cases, a comparative strategy can be applied. All research requires comparison of some sort (Ragin, 2014:1). Whereas the quantitative strategy focuses on more or less *degree* (general) of similarity, the qualitative strategy focuses on more or less similarity in *type* (specific) (King et.al., 1994:5). Cases are perceived as configurations of different characteristics, that are studied in their entirety (Ragin, 2014:2-3). In that sense, these characteristics and configurations are compared between the cases, and the comparison is holistic (ibid:17). When applied, this means that a multitude of information is gathered and regarded from different angles and taken into account as means of studying the cases in their totality (Van Thiel, 2014:140).

In this study, the complexity of configurations that were anticipated to influence public participation, required an elucidation of particularities in the political and social contexts in the countries (Ragin, 2014:11). "By examining differences and similarities in context it is possible to determine how different combinations of conditions have the same causal significance and how similar causal factors can operate in opposite directions". That is, they may give different results (Ragin, 2014:49). As a result, the comparison was delimited to two

countries, in order to study the types of the REA systems and the state of public participation more thoroughly. Such a holistic approach is also an encompassing task that needs clear limitations (Yin, 2014:55). This was accounted for by focusing on subunits of the REA systems, the planning and decision-making of the RE projects within them, and the provision of participation in particular.

The countries were chosen based on the anticipation that they had a lot of similar socioeconomic and political challenges, but also relatively different organisation of the REA systems. Since there are a lot of projects contracted through these systems, I chose to limit the analysis on wind farm development that have become increasingly popular technologies within both countries. In case of variations of participation depending on type of technology – that may also depend on the particular impacts of each technology – this was a strategic choice to make sure that the processes could be compared systematically, by means of “controlling” some of the potential variations. The cases should in one way or another, be representative for a larger sample. By looking at the same type of RE technology, a comparison is easier to systematize within the boundaries of this study. It implies that the projects are likely to have similar challenges with regard to project design, location and siting, licensing and inclusion of affected people, implications for the environment and the locals, as well as requirements within the REA procedures.

An alternative option initially attempted, was to compare two cases of solar and wind in each country, to see if there were any differences or similarities between the countries and the technology types. Another was to find four wind projects, two in each country. This could have given a more systematic comparative analysis. Based on an overview provided by Hochstetler (2018), I started this process by searching for information about specific projects that had been contentious, acknowledging that these could probably generate both results from former studies and news articles indicating the inclusion of the affected people. However, project specific information was difficult to obtain for the South African case in contrast to the Brazilian, making this approach difficult to proceed with. As I was nevertheless able to find a lot of information about the processes in general, I chose to focus on these instead of specific projects. This made it possible to conduct a more general analysis of the institutional and organisational conditions of participation. Parts of the project specific information I was able to find, serves as exemplifying these processes, particularly in the Brazilian case. The data material is further presented and discussed in chapter 4.2.

The appreciation of complexity is important in a study like this. Hence, this is given precedence, rather than seeking to achieve generality. The goal of the qualitative comparison is to produce limited or empirical generalisations, of the causes of theoretically defined categories of common empirical characteristics (Ragin, 2014:35). Although adding a few more cases to the selection would potentially make it possible to indicate more systematic tendencies, differences and similarities between the countries, such a task would have been beyond the scope of this thesis. It would have diminished the quality of each case study as well, which is an important aim, for the purpose of understanding the complexities within each case. By focusing on the two cases, it was possible to zoom out just enough to study the subject in a larger picture, but still keep to the deeper examination of each case.

4.1.2 Selection of cases

The field of climate and energy politics is encompassing, and very rapidly changing. Inequalities are also a very broad field – often specifically related to climate, energy and environment. The exclusion of minority groups in infrastructural development is not a new phenomenon. It has a long history (Brannstrom et.al., 2017). Accordingly, it was necessary to choose a part of the field that could be manageable within the limits of this study. As I was fortunate to be provided access to interviews that focused on the energy systems in Brazil and South Africa (section 4.2.2), the difference between their REA systems provided an interesting subject for analysis. Further review of existing literature indicated that public participation within these systems were debated but lacking a clear overview. Thus, I decided to focus on the provision of participation in the RE projects within these REA systems. The choice of comparing two cases instead of studying one single case, is a result of aiming to examine whether the type of participation could be influenced by the type of REA system, or other political and institutional factors. Yet, without doing this at the expense of proper insight in each case. As Brazil and South Africa were comparable due to their REA systems, I chose to not include other countries due to delimitations of this thesis.

The BRICS countries are popular subjects to comparative research, due to their growing global influence, recently particularly related to climate change adaptation and mitigation. The interview transcriptions conducted in a research project on energy transitions in

developing countries, including the southern BRICS, made it possible to get more insight in the REA systems, as well as public inclusion in these processes.

Brazil and South Africa both represent a range of interesting features relevant for the purpose of this study. They are active in terms of climate and energy politics – for instance through expanding the RE production – and have become central in international climate negotiations. They are what Anthony Giddens (2011:205) calls “pivotal states”, implying that they have significant influence in their regions and increasingly also on global level. What happens there will most likely have direct or instrumental effects on the surrounding countries. This implies that they have the power and strength to serve as both regional and global pioneers for evolvement and progress in the path towards a sustainable future.

Brazil and South Africa is defined as developing countries (ISI, 2018). In general, they fall somewhat between developing countries on the one side, and industrial countries on the other. They are probably best understood as countries in transition (Heller, 2012), facing comprehensive and complex challenges in general – political, social and economic – that needs to be managed concurrently. Social inequalities and the gap between the rich and the poor is comprehensive, while economic and industrial growth is high (Nkoana, 2016; Oxfam Brazil). Both countries are characterised by a historical and persistent background of segregation and discrimination, and the political system is pervaded by corrupt public officials and political elite. Given these indications of structural inequalities, injustices and vast corruption, it is reasonable to expect that such circumstances are likely to hamper just and fair policies for climate change adaptation – that is, to the greatest benefit for *all*. It is important to understand the place of social and political rights for individuals in countries characterised by such structural inequalities, in which Brazil and South Africa share many of the same challenges. Especially for individuals that become the minority subject to the majority, and how their rights are perceived in relation to the “greater good”.

The choice of Brazil and South Africa was based on a combination of their relatively similar contextual social and economic challenges, as well as the quite different local contribution component in their REA systems (see Chapter 5.2). These systems have both similarities and differences making them interesting in a comparison. In both countries bidders are required to contribute to economic development. In South Africa this is an integrated part of the REA system, while in Brazil, it is only required for bidders that seek to finance their projects

through BNDES. In South Africa, this is more strictly regulated than in Brazil, and is also part of the selection criteria of the government. This makes South Africa a unique case. While the South African requirement is at 30%, this is also directed towards local community socioeconomic development. In Brazil, it is as high as 60%, but in contrast, directed towards industrial development, and not necessarily in local communities (Lucas et.al., 2013). REA systems are a means of making energy production cheaper and more efficient. Thus, it provides a new kind of circumstance for public participation, making it interesting to examine how these systems may provide room for participation. This, combined with the different characteristics of the systems, makes a comparison interesting and important.

4.2 DATA COLLECTION PROCESS

When conducting a study, it is important to document and report all the steps and choices that are ultimately made throughout the search and selection process (Van Thiel, 2014:55). This section will specify the data sources that have been used as basis for analysis, that consists of different types of documents. It will also summarize the data generation and processing methods, recapitulating the sampled units of the study, the selection procedure, and discuss why and what choices have been made. I have used a qualitative content analysis method to collect the data. This suits the holistic strategy of case studies, as it ensures a solid information base for the analysis.

4.2.1 Literature review

I started out conducting literary search on the topic, primarily using searching motors like Google Scholar as well as UiB's Oria. This led me to a lot of reports from various international organisations, and different scientific articles from previous research on the field. I further used the bibliography in the most relevant documents, tried to track the sources on the internet, some of which could be found and accessed online. Scholars that conducting a lot of research on the topic were also looked up, and some were contacted. In addition, I got many suggestions for literature from my supervisor.

4.2.2 Data material

The data material is based on a comprehensive literature review and data collection; in this study, the literature on the research field serves not only as background information, some of

the research articles were also analysed. This was done to make sure that the basis for analysis was holistic enough to avoid selection bias (Gerring, 2007:211). In addition to public documents and reports from international organisations, many of these also provide contextual information on the cases. These data were further combined with interview data.

4.2.2.1 Documents

The data material partly constitutes a sample of different documents. The documents are mainly secondary sources, that refers to earlier research findings (Van Thiel, 2014:104). For the Brazilian case, 10 scientific articles, 2 book chapters, 1 discussion paper and 1 article in Carbon Trade Watch were used as basis for the analysis. For the South African case, 5 scientific articles, 2 scientific and 1 discussion paper, 1 book chapter, 2 reports, 1 review, 2 master theses, 1 public guideline for environmental management, one issued call for public participation from NERSA (appendix 3), and 3 presentations from public hearings were analysed. All of these were accessed online, except from one chapter comparing South Africa and Brazil, which is an unpublished manuscript that I was given access to by the author. This chapter and one of the scientific articles were used in the analysis of both cases. A complete list of the data material can be found in appendix 2. Some of the secondary sources have served multiple purposes in this study because they contributed with both research findings (chapter 2.3) and contextual information (chapter 5). How these sources were used as data in the empirical analysis will be discussed in section 4.4.

4.2.2.2 Interviews

I was given access to a comprehensive set of interview transcriptions conducted during field trips in Brazil and South Africa in 2014. The data was gathered for research purposes under the South Africa–Norway research Co-operation Project (SANCOOP), a South African focused comparative project on “Transition to sustainable energy systems in emerging economies”. While all interviews were read, not all were relevant for my study. Altogether, I ended up subtracting data from 11 interviews; 6 from South Africa and 5 from Brazil (see appendix 1). These primary or raw data – originally collected for other research purposes – supplemented the secondary material and contributed with information and perceptions that were not yet reproduced by other researchers (Van Thiel, 2014:102). The use of the sources is described below. The reuse of both interviews and documents is assessed in section 4.5.

4.2.3 Selection procedure

The main advantage of using existing data is that there is a lot of information available. It is however time consuming, and requires a systematic approach (Van Thiel, 2014:107). Data collection is often an incremental process, implying it will continue throughout the study (ibid:105). Whenever an important connection or a missing link appears – be it on one of the topics, cases or anything related to these – it usually seems necessary to do yet another literary search. The selected documents and interviews alike, will be treated over and over again. This is one of the challenges when using existing data and research results, as it might become easier to “float on” rather than to restrain the amount of data gathered. It is a very interesting approach, as it often leads to new and important angles or viewpoints but can also be confusing as one has to limit the scope of the study. For instance, as I initially was directing the data gathering towards information about the REA systems and procedures, the justice dimension and participation within these, the purpose was to get an impression of how much information I could actually find on these topics. The justice part was then acknowledged as an interesting angle for my project, as this was definitely not neglected nor new within the field, but subject to debate within these affairs in both countries. However, as for the participation part, although I could find relevant documents about this subject, I had to look harder for the information I was most interested in, that actually answered my questions. Hence, participation naturally became my subject of analysis, as this was what I was most eager to find out.

The key then, when using this method, is to subtract the information that are most useful to the purpose of the study. This, along with the critical assessment of the data, is the real job, and a complex and encompassing one (Van Thiel, 2014:107). Certain critical aspects of the existing data must be assessed before they are included in the study. First, the *availability*, in principle to ensure that the documents provide a wide enough basis to be able to answer the research problem and questions in an unbiased way (Grønmo, 2016:136). This was ensured by conducting an encompassing literary search and review. Documents were then collected with basis in the *relevance* towards the chosen topics (ibid.). The main focus when collecting the data (both secondary material and interviews), was for it to be consistent with the main research problem; they needed to shed light on the planning and decision-making processes related to the REA systems and RE projects (particularly wind) in the countries, as well as provide for some information about the aspects of justice. Justice in this case, was treated as

any kind of participation in the processes, and the distribution of opportunities and outcomes. *Authenticity* of the sources is also important. This is easier to judge by interview transcriptions, than by secondary sources, especially since the latter represents reproduced and reinterpreted information (Van Thiel, 2014:104). I did not however find any reasons to suspect the authenticity of any of the sources. When using existing data, it is nevertheless important to acknowledge what context the data were collected in, its quality, who produced it and their possible position and interests (Van Thiel, 2014:105). Finally, the *credibility* was assessed. The secondary material consists of research documents that frequently have been cited and were deemed as relatively trustworthy. Their purpose was nevertheless taken into account. The interview transcriptions were treated as individual perceptions – some of which could seemingly be connected to their occupation – and not necessarily general facts. They thus served as additional information. Some statements were also checked up/verified with other sources, to be sure how to handle that information. There was considerable consistency between the interviews and secondary material, thus an indication of a high degree of credibility.

Using categories systematically has also been a strategy to cope with the encompassing selection of information. This makes it easier to extract the specific information that answer my questions – despite vast amounts of data. In addition, it has been in help of separating the contextual information from the more concrete material for the analysis. It is important though, to balance the fluctuation on the one hand, and the categorisation on the other, as using the categories too stringent may further restrain the study from finding new leads and connections.

To start with, the criteria for selecting documents and interviews were that they contained information about any of the chosen topics, despite not being perfectly matched with my research questions. For instance, some texts were chosen that only were of relevance to energy auctions or energy policy in the respective countries, others to climate and environmental justice, others to participation, and so on. Another strategy was to search for projects that had been conflicted, as they were presumed to indicate the justice dimensions (discussed in section 4.5.1). All the documents and interviews that were gathered were read and coded systematically, whereas the processes of the REAs, national energy policies, licensing processes, planning and decision-making processes were studied. Specific relevant information for my research questions was also extracted.

In studying and mapping public processes, such as those of REAs, official documents are of great importance as they serve as the “cookbook” for these. However, they might only give the recipes of how these processes are intended to be carried out, while not giving any information about how they are actually practiced in reality. Other research documents are necessary, such as previous case studies for instance, that provide insight about how the processes are in fact carried out. As a result, different types of documents were intentionally collected, and the data material finally consists of a wide range of data.

4.3 ANALYTICAL APPROACH

The research process has gone back and forth between empirics and theoretical framework. It started out inductively, as research questions were formulated on the basis of comprehensive literature review of different documents, including interview transcriptions. The theoretical framework came along, inspired by existing literature on the field. The combination of theories was then connected to the research questions, and the analytical model became the result of my interpretation of this connection (chapter 3.4). The analytical model further served as guiding the analysis. This will be elaborated below.

4.3.1 Content analysis

In qualitative content analysis, the boundaries between information are not always clear. This means that structuring the different units of information in codes is necessary, to create the right configurations (Van Thiel, 2014:108). This is a means of categorising or subdividing the data, so that the information can be compared at a later stage of analysis.

The analysis was first based on categories derived from the analytical model, for the purpose of limiting the data units. I argue that this was necessary, considering that I had a significant amount of data material, and that the selection of data material consisted of either previous research or primary data serving other research aims than my own. Thus, I used the categories to select the most important data units for my research problem. At first, these were roughly selected, and read thoroughly in their context. Further, they were amended and adjusted (Van Thiel, 2014:146). New codes were continuously generated along the way, that were closer to the empirical material, but mainly still coherent with the initial topics and categories. Codes were made for units describing the *conditions* of inclusion (i.e. degree, type, for whom, when,

where). Another set of codes were generated for potential *causes* for these conditions (i.e. specific situations, obstacles, promotions, institutional, socioeconomic and political characteristics as well as characteristics of the REA system). Together these sets of codes formed a wide and holistic base for further analysis.

The codes were further grouped as to find main patterns in each country (Van Thiel, 2014:147), organised within three phases (see chapter 3.3). The result of this systematisation was a more concise specification of the main topics that reappeared in the material. The phases served as an analytical tool to systematise the data, in order to make an outline of the conditions for participation during the different phases of planning and decision-making. The units were then placed according to what part of the process they gave information about. The main effects (the conditions) and their potential causes found within these phases were then combined, in effort to gradually organise possible explanations in each country (Van Thiel, 2014:148). They were also analysed comparatively, by noting similarities and differences during the whole procedure. Alternative explanatory factors were additionally considered.

4.3.1.1 Systematizing the data units

The most important initial categories were *participation*, *consultation*, *representation*, *inclusion* and *empowerment*, as well as *planning* and *decision-making*. These were chosen as they were anticipated to give a good indication on the extent of involvement among the affected people. These categories were also anticipated to indicate whether the projects were just, through the extent of inclusiveness (see analytical model and description, section 3.3). *Inclusion* was included as an extra category for those factors that were better explained as “inclusion by other means”, that didn’t fit directly in the other three. Using the categories of *planning* and *decision-making* helped me structure the data needed for the first part of the study, of what characterises the process of the RE projects as well as what actors and patterns of power were reflected in the documents and interviews. Further, the *consultation* category appeared as the most prominent in the gathered data. *Public hearings* were added as this reoccurred continuously.

I also used NVivo along the way, which is a data program for qualitative data analysis, to help me systematically extract and document all the relevant data from each data source. The relevant background or contextual information to the data units were documented as well. By

using this tool, I could more easily place the most relevant units of information within the most suitable categories and get a systematic overview of all the data. This process of categorizing was documented to keep oversight of what texts were read, what they were used for (context, analysis, theory etc.), as well as what categories were used.

4.3.2 Comparison

The analysis of the inclusion of local communities within the Brazilian and South African REA systems, intends to highlight how participation is provided for in the planning and decision-making processes of the RE projects. Comparison between countries often tend to focus around similarities and differences between them, to examine their commonalities. Most Similar Systems Design and Most Different Systems Design are often used. The first compare different outcomes across similar countries, while the latter compare similar outcomes across similar countries (Landman & Carvalho, 2017:34). However, a strict systematic comparison of similarities or differences on specific variables is not the intention of this comparison. Rather, the intention is to explore the combination of factors that can *possibly* explain the conditions of participation in each country. Further, since the cases have both similarities and differences, these conditions of participation within the specific contexts are highlighted and discussed comparatively. In that sense, the comparison is partly descriptive and partly explorative.

The comparison was conducted throughout the whole process, whereas important similarities and differences were noted during both literature review to obtain a good overview and during the analysis and categorisation of data. The main systematic comparison was conducted after data had been systematised in the different phases for each country, and possible explanations had been explored and considered. Eventually the analysis got more focused as the main findings appeared. The findings from the countries were then compared across the different phases. The main patterns of similarities and differences were given emphasis and discussed, by again applying the analytical model, that was a means of demarcating the most relevant findings that could answer the research questions. The research questions and the analytical model served as guidelines for the resulting discussion (chapter 8 and 9).

4.4 DATA QUALITY AND GENERALISATION

In qualitative research, assessment of data quality is often indicated by its validity and reliability. The main validity and reliability threat to qualitative analysis, is that the research process can be quite subjective.

The *reliability* of the study is high if it is possible to for another researcher to repeat and control it, while also obtain the same results (replication). It is therefore fundamental to properly report the process (Yin, 2014:46). First, this study followed a replication logic (ibid:63), whereas cases were selected on the basis of the anticipation that they may provide similar results (literal replication) due to similar contexts (ibid:57). Despite differences in their REA systems, the broader contexts were expected to be of importance. Second, during the whole process I continuously wrote a protocol to keep track of the process. This contained summaries of the different tasks conducted on a day to day basis, as well as more encompassing notes about the choices that have been made, what methods and techniques are used and the challenges I have been facing by using them. I logged all decisions that were taken regarding selection, delimitations, categorising and coding. This has been helpful to see progress and served as a memory bank for putting all the pieces together in the final document. This careful reporting of decisions taken along the way, help limit the reliability problem. This chapter have documented all the important decisions made during the process.

The internal validity, or more specifically the *Construct validity* (Van Thiel, 2014:49) is high when there is accuracy between the concepts and the measures of the study (Yin, 2014:238). It is thus important to operationalise and define clearly the concepts is going to be studied (Van Thiel, 2014:49; Yin, 2014:46). The concepts of inclusion and participation were based on both definitions in the documents and theory. This was clearly defined in chapter 3, by using different theoretical approaches to public participation, that further served as basis for categorising and systematising the collected data. The convergence between the concepts and the measures can thus be deemed as high. Further, using more than one source of data strengthens the construct validity of the study, as this ensures the convergence of inquiry of multiple sources. This increases the likelihood of findings and conclusions to be more accurate and convincing (ibid:120). The data sources in this study are based on a triangulation of different sources, to ensure such convergence (Van Thiel, 2014:105).

The findings of the study have *external validity* if it can be generalised beyond the study itself (Yin, 2014:48). This study does not directly seek generalisation, but rather to study the conditions within and across these specific contexts. As such, it may rather contribute to analytic generalisation, based on the strengthening, modifying or rejecting the theoretical concept (ibid:41). The findings may nevertheless extend to other cases, with similar theoretical concepts and principles (ibid:237).

4.5 ASSESSING THE RESEARCH PROCESS

4.5.1 Data availability

For the contextual part of this study, in outlining the background concerning the current states of social, economic and political contexts in the two countries, there were a lot of available information. Primarily, this information was accessed through the internet, in the form of previous research and public documents. Many international organisations, like the International Energy Agency (IEA), World Bank (WB), and the United Nations for instance, practice high transparency logics of conduct, and thus continuously publish their work on their public webpages. This way, reports, statistics and other informative documents are easily accessible to anyone interested.

I had some difficulties finding documents with information about the REA processes with regard to participation for local communities, that helped me to study the extent of participation more thoroughly. One reason may connect to the fact that participatory activities is not fully or properly regulated. Particularly not in Brazil. Another reason might be that most of the research on this topic have mainly focused on the economic and developmental effect of this policy in terms of broader national goals. For instance, most reports and articles on the South African case were focused on the economic dimension of equity and inequality, and not as much on the procedural dimension. As a result, most literature seem to be built up around the socioeconomic or economic development factors around the REAs. These are at bottom line a strategy to foster economic development. Hence the literature tends to be more technical and pragmatic in nature, whereas I was looking for the social dimensions of the affected societies.

I also attempted to search for articles published in newspapers and on NGOs websites, as it was anticipated that both successful and contentious projects were likely to get media

publicity and indicate whether the affected people had been involved or not (Hochstetler & Tranjan, 2016). Such data could be a good supplement to the secondary material. However, I did not manage to find articles in the South African context that were relevant enough to my research problem and questions. This problem was partly solved by adding previous research results in the form of scientific articles that elaborated more on the social dimensions. During the further process of analysing the documents, it became clear that the environmental licensing procedures served as the main regulative framework for participation. This field provided additional relevant information and made it possible to still provide an overview of the state of participation in the countries. In general, this mixture of reports and scientific articles have given me a balanced array of information, from the perspectives of both theory and practice.

One of the main challenges in terms of data availability and access related to the selection of cases, was the language barrier. To begin with, I worried that this would be a major obstacle to find sufficient amounts of information on the Brazilian case. Although I acknowledge that a large amount of data – potentially more precisely relevant for my study – may have been missed out, I nevertheless experienced the language barrier as only moderate, if not modest. Many of the NGOs and agencies working on the environmental justice and human rights field, have a lot of publications in English, and the research field is also quite international. This was also the case for the REA systems. Fortunately, the activism in general, especially related to the Amazon, gets a lot of publicity (Hochstetler & Tranjan, 2016), and so relevant material in the form of research articles, interviews, news articles and the like are relatively available if one just spends some time searching for it on the internet. A disadvantage might be that only the cases most controversial are to be found, and further, may give a less good or “true” overview of the general practice. However, these are often well studied, and a range of different sources of information are to be found on these cases. In an effort to slightly overcome this obstacle in the case of Brazil, I also contacted people that either work on the field, or have other relevance to the topic, that have been very helpful in providing me with suggestions for literature.

4.5.2 Reuse of qualitative data

According to Tjora (2017:193), using interview transcriptions collected by others is not that common. The challenge of using primary data collected by someone else – or any existing

data for that matter – is exactly that; it is not my own. When reading the interview transcriptions conducted by my supervisor and his colleagues, I perceived it as a bit more challenging than I initially thought. Considering that these are “raw data” that is not yet processed in a systematic way, they are often more confusing and fluctuating than other processed material. This is inevitably because they are produced for another (yet similar) purpose, with other questions and intentions, and indeed to build the basis for another project. A problem with this may be the lack of contextual information, or simply just the relationship to the interviewees (Tjora, 2017). Although the broader context of the research field was pretty much the same, the relationship to the informants were still absent. Nevertheless, this is much more convenient than for instance the reuse of observations. As the transcriptions ensured that I could physically see the language, in contrast, I would not be able to see the observation – no matter how good the explanations and descriptions were (ibid:193).

Thus, I was forced to be quite vigilant when reading this material. However, using the preliminary categories while reading made this process gentler. As a result, the process was not completely inductive – that is, coded as close to the empirical material as possible (Tjora, 2017:197) – but rather went back and forth between empirics and theory. To conduct interviews myself would have been a well-suited method to gather the data I needed, considering the intention to explore the practice of a process in reality, which is often quite subjective and relative to each context. This was unfortunately not possible within the limits of this study. However, the interview data was very crucial, as such data may give information that is closer to the reality of people’s perceptions and meanings. A lot of the information was relevant for my project – largely as contextual information, but also for the main purpose. This enabled using the data in another way than they were initially intended to be used; the combination of these interview data and the selected documents are thus new and have not previously been combined. It also allowed me to interpret the perceptions of different informants in an intimate way. This provided valuable information that was not processed or influenced by other researchers (except from their purpose and preparatory work), in contrast to many of the research documents. Although I may have been slightly influenced by the broader research field and anticipations, this made it possible to extract other interesting perceptions, angles and topics.

There are similar challenges to using existing secondary data, as these are already processed by another researcher. They are produced for a specific purpose; they aim to enlighten a

particular subject, and all the gathered data are combined in a compound way that makes them fit the subject of interest (which is exactly what I have done here). Accordingly, it can especially be difficult to extract and use the information in a way that concurs with another research subject (Van Thiel, 2014:106). The drawback is thus, that the original meanings and perceptions that were close to the reality have been processed in a way that makes them coloured by the designers of the resulting information. Accordingly, secondary data risks giving “polished” information, with someone else’s finishing touch. For instance, public reports that aim to give a positive expression of the success of the REAs and how they contribute to socioeconomic development, may not necessarily contain the most honest, hard facts about the actual state of empowerment and involvement of the affected people in these projects. However, I managed to gather and systematise a range of different data and I believe that these are sufficient to answer my questions within the scope of this master thesis. The potential biases or influences of the researchers were also kept in mind when treating the data.

Another pitfall related to the selection of documents, was that when searching for particular and well disputed cases (wind projects), with the intention to find something that could answer my questions, it was challenging to detach this process from my own expectations of what I would probably find. It is almost inevitable to not be steered by this. On the other hand, it is also hard to find information about the less highlighted cases (as there are many of them). Partly because of the language barrier and the fact that I was not able to go out in the field and gather the information myself. But also, because a lot of them does not receive that much public attention. Based on this however, I decided it was necessary to look at the cases that have been disputed (initially, both in media and moreover) in the literature, and use these as pillars in my study. It must be noted, that during this process, I also attempted to search for positive experiences, but these were harder to find, especially in Brazil due to the language barrier, and not relevant enough to the questions I asked. They were largely focused on the socioeconomic aspects of promoting renewable energy technologies – not the project processes. It might also be harder to say something about the extent to participation in projects that are not conflicted. If locals are only positive to the RE project, and happy with whatever compensation they might get, they may not feel the need to participate in the process. However, non-contentious projects are not necessarily synonymous to full acceptance. If the local community is poor, they may not see any other option than to accept the offered compensation (i.e. money). Nevertheless, this study has taken a qualitative

approach, and so the goal is not for it to be fully representative, but instead shed light over the characteristics of the chosen cases that might also be transferable to other similar cases.

4.6.2.1 Ethical considerations

Especially regarding my reuse of the interview data, the ethics becomes a central concern. It is important to handle such information in a gentle way, making sure that it is always kept safe and prevented from becoming lost or violated. Often such information is confidential and may constitute sensitive data about the individuals or research objects. All interviews used in this study have been anonymised.

4.6.3 Data triangulation

In effort to avoid the threshold of being biased or short in data – both being a potential consequence of using existing data material – I have used a mix of data types. This enhances both reliability and validity of the study (Van Thiel, 2014:105). When using different types of data, it can be challenging to keep a clear overview of what information are withdrawn from what sources, and not least, what types of sources. This was nevertheless managed by a detailed systematisation. Despite the challenges of reusing existing data, both types of data – primary and secondary – give information that are fruitful for the purpose of this analysis. Using a combination of them have the potential to give a broader, more holistic insight in how the same issue is treated and viewed in different settings and circumstances, and from different perspectives (Van Thiel, 2014; Yin, 2014).

5 CASE DESCRIPTIONS

This chapter will elaborate on the contexts of Brazil and South Africa and discuss some of the similarities and differences. This will serve as important background information for the findings and discussion in chapters 6, 7 and 8. The political background and characteristics within society will be presented first. Trends in energy policy will then be introduced, followed by a short discussion of the REA systems. The last section will discuss the state of public inclusion in the countries, an understanding of which is fundamental to provide meaningful answers to the research questions.

5.1 POLITICS AND SOCIETY

Brazil and South Africa have – as discussed in chapter 4.1.2 – a lot in common within their broader political contexts, that are likely to influence whether their policies are inclusive to those who are affected by them. Some particular aspects will be discussed below, that are crucial to understand the circumstances of public participation discussed in chapter 8.

5.1.1 Democracy

Brazil and South Africa are both “flawed democracies” according to the Democracy Index (DI), implying that they are fragile on some of these categories; electoral processes and pluralism, civil liberties, the functioning of government, political participation and political culture. Flawed democracies are fragile on some of these categories. In South Africa, this particularly considers the political culture, while in Brazil both political culture and political participation is particularly fragile (The Economist Intelligence Unit, 2016). Brazil and South Africa are both representative democracies (since 1989 and 1994 respectively), but despite consolidation of formal representative institutions and rights, representative democracy does not necessarily imply that all citizens are de facto able to exercise their political and civil rights (Heller, 2012:646; Marshall, in Heywood, 2004:207). This is especially the case in developing or transitioning countries – that is, changing societies – that have recently adopted democracy (Heller, 2012).

Brazilian politics have been characterised by a plural, competitive environment, whereas the South African politics have been dominated by the African National Congress (ANC) party since independence in 1994 (Heller, 2012). As for civil society mobilisation and participation,

this has implicated that the Brazilian political configuration has been relatively open to collaboration in effort to establish political support. The *Partido dos Trabalhadores* (Worker's Party) has particularly favoured participatory reforms to strengthen subordinate groups in society (Heller; 2012:651; Boschi, 2014:132).

In contrast, the ANC has not had the same incentive to collaborate with civil society, and instead, their objective has been to control public institutions. After independence, the South African anti-apartheid project resulted in great efforts to facilitate participatory democracy, decentralise governance, to de-racialize society and close the service gap between the citizens (Heller, 2012:655). Public participation was both legalised and constitutionalised (ibid:648). However, after a few years, the ANC replaced the redistributive strategy to the benefit of a market-driven development strategy (ibid:655). Governance in South Africa became increasingly centralised, and both quality and extent of participatory processes were considerably reduced. As they perceived the civil society's role as complementary to its own, it was rather subordinated than enabled. As a means of making service delivery more rapid, and decision-making processes more efficient, privatisation and outsourcing of key government functions hollowed out the local spaces for public participation and influence (Heller, 2012:655). As such, the autonomous spaces for public participation were either controlled by the party, or replaced by technocratic forms of decision-making (Heller, 2012:658).

5.1.2 Structural Inequality

Structural inequalities between the people in the countries – political, social and economic – often hampers the development of effective democratic institutions, that enables and ensures participation, and the possibility to hold the government accountable (Heller, 2012:645). This has implications for especially subordinate, or minority groups in society.

In South Africa, the inequalities between rich and poor are growing. While the top 10% of the workforce receives half of all the wage incomes, the bottom half receives only 12% (ILO, 2016). However, the government have taken some measures to this problem, by increasing taxes on rich corporations and individuals (Oxfam, 2018). The unemployment rate is about 40%, and one of the most pressing challenges in the country. In the transition to a low carbon

society, it is a huge additional challenge for the government to secure that the coal workers will have a place in the renewable energy economy (CER, 2018).

Brazil managed to reduce poverty by millions of people during the recent decades, particularly under Lula da Silva's rule (2003-2011), through national aiding programs (i.e. Bolsa Familia). Although the inequality was reduced at the same time, the inequality between rich and poor are still huge, and poses a threat to this progress by reversing it (Oxfam Brazil). More just taxation policies and less concentration of land tenure are some of the structural challenges to improve inequalities (Georges, 2017). Recession in the country in 2015 however, led to a sharp increase in poverty again, especially in the Northeast parts of the country. This was largely due to decreased labour incomes (WB, 2017). The challenges have intensified since the post-impeachment government took over in 2016 (Georges, 2017:12). Inequalities in Brazil are among the world's most unequal, whereas more than 16 million people live under the poverty line. According to World Bank projections, millions will fall back into poverty in the near future (Georges, 2017:12).

The importance of land rights is relevant in this context. According to Oxfam (Oxfam South Africa (a)), black people in South Africa have access to only 20% of agricultural land, whereas the rest of it is still owned by white people. In recent years, increasingly there has been focus on how rural development policies inherent from the neoliberal politics, such as the commercialisation of agriculture, are in need of transformations – both for the sake of the environment, and for justice. People living in the rural areas of South Africa are still marginalised (Oxfam South Africa (a)). They are increasingly disempowered and their ability to exercise voice, especially with regard to the distribution of resources, is due to “an extension of laws that pre-dated 1994 and existed within the Apartheid era” (Oxfam South Africa (b)). In that sense, democracy for rural people in South Africa has been, and still are weak. Main challenges are especially the violation of customary land rights, and exploitation and eviction of farm workers (Oxfam South Africa (b)). Currently, property rights are also in danger due to the new and heavily debated land reform aimed at speeding up the economic transition, by expropriating and reallocating land without offering compensation (Montanari, 2018). In Brazil, land ownership is very opaque, characterised by a deficient demarcation of public and private land. Land tenure rights poses insecurities especially for people living in rural areas, as there is a lack of formal legal titles to land (Gorayeb et.al., 2018:83) and policies guaranteeing rights to access (Gorayeb & Brannstrom, 2016:107).

5.1.3 Corruption, the state and the private sector

Both Brazil and South Africa have had intrinsic challenges with corruption, of which has been reflected in several of their national leaders. South Africa is characterised by neo-patrimonialism and clientelism in its public-private sector ties; procurement processes are often abused as those with connections to the state are awarded with contracts, and political support have largely been subject to exchange of goods and services (Nattrass, 2014:158). In Brazil, private interference in the public sphere is a prominent problem, and many chosen representatives use their position for private interests. Favours for companies and organisations linked to politicians are common areas of appropriation, of which public spending suffers (Georges, 2017:69). This has also been the case on federal state level, where local governments have tended to be dominated by clientelist configurations (Heller, 2012:659). A common opinion is that corruption is the greatest challenge in the country, and this have implications for the people's belief in democratic institutions (Georges, 2017:69).

5.2 RENEWABLE ENERGY POLITICS

South Africa has a quite energy-intensive economy and has for a long time been extremely dependent upon coal; about 93% of the total electricity production, and about 70% of primary energy comes from coal. While 86% of the total population have access to energy, almost 30% of the rural population still lacks access (IEA, 2014a). Energy poverty in South Africa is high in general – households spend on average 14% of their incomes on energy – but especially among the poorest (72%) (McEwan, 2017:10). As a means of improving energy security, there have been some developments aimed at promoting RE technologies in the electricity mix. The Renewable Energy Independent Power Producer Procurement Programme (REI4P) was established in 2011 to support the development of the RE sector (Baker et.al., 2014:808). In general, the incumbent coal-generated electricity regime enjoys close ties with government and has been able to withhold more profound transition and changes (Baker et.al., 2014:809). The public utility Eskom has been criticised for its unwillingness to give up monopoly on power generation, some perceiving this as an obstacle to the previous efforts. However, with the REI4P, the control is in the hands of the Department of Energy (DoE), with the assistance of the Department of National Treasury's (DNT) Public-Private Partnership (Eberhard et.al., 2014:9).

In Brazil, about 45% of primary energy demand is met by renewable energy. This makes Brazil's energy sector one of the least carbon-intensive in the world (IEA, 2013). While large hydropower plants account for about 64% of the electricity generation, reliance on other RE sources and technologies are growing, for instance that of wind (IEA, 2014b). In contrast to South Africa, Brazil does not have the same problems with access to electricity; 99,65% of the total population and 97% of the rural population have access. Ministry of Mines and Energy (MME) is in charge of the general planning of the energy sector (Shaeffer et.al., 2015:10). Within, they are characterised by both reformist pro-climate influence and renewable energy interests, and conservative anti-climate forces that lobby for fossil fuels. Besides MME, Eletrobras (the state-owned power company) are the most important institution for RE policies. The Ministry of Environment (MMA) has played an increasing role in incentivising the promotion of RE as well. Another relevant stakeholder in RE policy, is the Brazilian Association of Wind Energy (ABEOLICA) (Shaeffer et.al., 2015:12).

5.2.1 Renewable energy auction systems

Renewable Energy Auctions (REA) (also called procurements) are processes where the government requests for proposals on instalment of a certain capacity of electricity based on renewable energy (RE). In effect, this implies that all participants in the procurement, competitively submit their bids with the price at which they are able to deliver the given amount of electricity (Lucas et.al., 2013:6). The bids are evaluated in accordance with a range of qualification requirements and criteria, in addition to the offered price, before the final project bidder is selected and writes a Power Purchasing Agreement (PPA) with the government. The REA operates opposite from other tariff-based support mechanisms for RE, such as the feed-in tariff (FIT) system, that operates with a set price while the market actors determine the amount of electricity generated within this price (Lucas et.al., 2013:9).

The REA system has become a popular tool, allegedly because – when properly designed – it has proven to be an effective way of increasing the number of potential private entrepreneurs to participate in the auctions, as well as decreasing the costs of RE. It is also sought as a way of achieving progress in other important national priorities, like social and economic development. Despite this, the REA system is also criticised for its tendency to favour large actors that can afford the associated transaction costs (Lucas et.al., 2013:6), and the extent to

which the policy actually spurs social and economic development in society has been disputed.

Brazil and South Africa have established REA systems to increase national renewable energy production. Whereas Brazil were among the first countries in the world to adopt the REA scheme in 2004 (first round 2007), in South Africa it was implemented in 2009 (four rounds between 2011-2015). The REA systems combine price competition with promotion of local socioeconomic development. The latter is formally done in South Africa, and de facto in Brazil (Froestad & Shearing, 2017).

5.2.1.1 The REA development in Brazil and South Africa

Brazil implemented the first FIT scheme Programme for Incentives of Alternative Electricity Sources (PROFINA) in 2002. This was initiated to support growth in wind, solar, biomass and small-hydropower. Although it spurred the growth of RE, tariffs were set to high, and were thus not efficient enough. Several causes delayed projects. The selection criterion for these projects were based on the date of environmental licenses – whereas the oldest were prioritised – and were often difficult to obtain. This resulted in a black market for environmental licensing. PROFINA also included special local content requirements for wind projects, where 60% of the equipment and 90% of the services had to be sourced locally, to receive funding from the Brazilian National Development Bank (BNDES) (Lucas et.al., 2013:17). The aim to reduce electricity prices (Shaeffer et.al., 2015) were more successful with the switch to the REA system (also called alternative energy auctions), both in terms of greater capacity and lower prices (Lucas et.al., 2013). Brazil had its first technology-specific auction for wind in 2009 (Lucas et.al., 2013:17). The years of 2009-2011 and 2013-2014 saw a lot of contracted wind projects through REAs – peaking in 2013 with capacity of about 2500 MW (IRENA, 2017:51) – whereas North-eastern Brazil with its favourable conditions for wind energy generation has received most of the funding from BNDES (Santos, 2016:153). The years after 2014 have seen little contracted wind (IRENA, 2017).

South Africa introduced a FIT program in 2008, initiated to increase private sector participation in the electricity generation that was dominated by Eskom. Despite much conflict over its organisation as a FIT or competitive system (Baker et.al., 2014), it was quickly replaced by the Renewable Energy Independent Power Producer Procurement

Programme (REI4P) in 2011, to support a more competitive RE generation (Lucas et.al., 2013:37). This helped reduce prices considerably, and already after the first round, the government also recognised it as a successful program and decided to continue supporting it (Eberhard et.al., 2014:32). The REI4P was then established by the Department of Energy (DoE), the Department of National Treasury (DNT) and the Development Bank of South Africa (DBSA), with the purpose of procuring energy while also contribute to national development objectives (DoE, DNT & DBSA, 2017). More specifically, such objectives included job creation in particular, and inclusive social and economic development for all in more general terms. Considering the encompassing problems of both high unemployment rates and social and economic inequalities, the promotion of socioeconomic development objectives became an integrated part of the design from the beginning, through its qualification requirements (Baker et.al., 2014).

An important part of developing RE projects is the process of environmental impact assessment (EIA). These processes conduct reports assessing the impacts on the environment of certain economic activities. They also propose alternatives or ways of improving the activities, in addition to alternative compensation mechanisms for the impacts. Based on these assessments, state agencies decide whether to give licenses for the projects or not, and they may also request changes (Hochstetler & Tranjan, 2016:500).

5.2.2 Local development contribution requirements

The REA systems have stringent requirements for its bidders – these are private entrepreneur companies, referred to as independent power producers (IPP) under the REI4P, but often called project developers (I use the term *developers* hereafter) – in terms of financial and environmental criteria, and the processes are well regulated. They also have requirements for local socioeconomic development contributions, in which differs between the countries.

The Brazilian developers must comply with several requirements to participate in the auctions; These include an environmental license, which is approval of the activity in terms of its impact in environmental considerations; a preliminary grid-access authorisation (approval); financial guarantees; and conducted studies on natural resources. Requirement criteria for wind projects in the Brazilian REA system is particularly stringent; the developer has to submit three years of wind measurement data, at least, for estimating the maximum

amount of energy it can offer (IRENA, 2017:59). The South African REA system is a bit different. It consists of two phases, whereas the first, the qualification stage resembles that of the Brazilian, with general requirements; they must provide declarations on land acquisition, financial and technical evidence, and a bid guarantee. Environmental Impact Assessment (EIA) is a requirement from the South African National Environmental Management Act (NEMA). To get environmental authorisation, the developers must either prepare an Environmental Impact Assessment Report (EIAR) for larger projects with larger capacity, or a Basic Assessment Report (BAR) for smaller ones (Eberhard & Naude, 2017:13). In addition, they must provide a preliminary plan for their contribution to local socioeconomic development (SED). If the developers qualify, they move on to the second phase of selection. Whereas the Brazilian selection process is based 100% on the price offered, the South African criteria in contrast, is based on 70% price and the remainder 30% on SED contributions.

SED requirements are further divided into different categories, given different weight due to their respective importance relative to the broader National Development Plan (NDP) objectives; job creation (25%), local ownership (15%), socio-economic development (15%), enterprise development (5%), local content (25%), management control (5%), preferential procurement (10%) (Eberhard, Kolker & Leigland, 2014). The first four of these criteria must take place within the local communities, defined as those located within a 50 km radius of the project (Baker & Wlokas, 2015:19; Eberhard et.al., 2014:29). Local content encompasses all domestic expenditure, and hence is not necessarily limited to the affected community in particular (Montmasson-Clair & das Nair, 2015:16).

All of these requirements are specifically aligned with the national Broad-Based Black Economic Empowerment (BEE³) act (Baker & Wlokas, 2015), with the objective of enhancing the economic empowerment and inclusion of coloured people in the economy (Wlokas, Boyd & Andolfi, 2012:47). Although the SED criteria remain secondary to the price, the REI4P is explicit in ensuring that especially disadvantaged citizens participate, own and benefit from the renewable energy activities in South Africa (Montmasson-Clair & das Nair, 2015:16). The key purpose is to create jobs and local ownership (Eberhard et.al., 2014:29). The policy requires developers to invest about 1-1,5% of the project value in the local communities. They also need to give approximately 2,5-5% of the share to the

³ “Black” referring to all African, Coloured and Indian South African Citizens (Wlokas, Boyd & Andolfi, 2012:47).

community, and structure the local communities into their equity shares. This is often assisted by DBSA or another development finance institution (Baker & Wlokas, 2015:23).

There are no requirements for local content or socioeconomic development in the Brazilian REA system. However, the BNDES – used by nearly any developer for financing – still require that local content must account for 60% of the equipment costs (De Lovinfosse et.al., 2013). Thus, the socioeconomic requirements sneak in through the backdoor in Brazil. Any contribution to local communities beyond this, is ultimately up to each developer.

The South African REI4P is clearly more detailed and regulated than the Brazilian REA system. Keeping costs under control is an inevitable factor for developing countries in order to increase the use of RE technologies that may be more expensive than alternatives (Eberhard et.al., 2014:32). The difference in these requirements nevertheless shows that while the Brazilian REA system is aimed at national economic development, the South African is focused on including socioeconomic development on national and local levels.

5.3 PUBLIC INCLUSION

South Africa has a long history of discrimination, segregation and oppression. Although the Constitution provides for the social, economic and political rights of indigenous and minority groups, many of these lacks economic power to influence local politics and policies, and are still marginalised (Mukundi, 2009:25). Since the emancipation in 1994, there has been increased focus on, and continuing battles for equality in the country. The BEE Act of 2003 is one example, which is central to corporate social responsibility and reflected within the SED requirements of the REI4P (Wlokas, Boyd & Andolfi, 2012:47). These approaches however, is mostly concerned about the economic dimension of equality and inclusion, and central to the broader national development goals of the country. The rights of local communities to be involved in project developments is stated in the South African Law (Wlokas, Boyd, Andolfi, 2012:49). This is reflected in the NEMA of 1998, for environmental licensing (EL) and EIA. These regulations require that public participation must be done after submission of an application for either BAR or EIAR (DEA, 2010:241).

Brazil has very similar experiences with political and economic inequality, and one of the root causes to inequality that still persist, impacting especially indigenous and traditional groups, is discrimination. In Brazil, this has become entrenched over centuries, and still permeates the

state apparatus. Exclusion is one type of this inequity, but this has slightly improved due to increased mobilisation among indigenous communities, organisations and increased awareness among government officials (DPLF, 2015). The need to implement consultation mechanisms in project developments for instance, has increasingly been acknowledged, but the question of how to effectively implement them are nevertheless present – in regulatory, institutional and practical means. One of the key challenges is proper political will – which seem to be absent or variable in the apex levels of governance – to secure and respect these rights (Ibid.). There are no specific bodies responsible for consultation mechanisms, and the Brazilian constitution does not explicitly state or contain the right to consultation, although it holds other rights, recognizing the rights of indigenous or Afro-Brazilian communities (*quilombos*). Some states have nevertheless regulated certain aspects of prior consultation. While the country is a signatory of the ILO Convention 169, they do not grant specifically constitutional status (rank) to human rights treaties within their legal system. They are higher-ranking than ordinary laws, but still inferior to the constitution, and thus do not form part of the constitutional law (ibid:3). Instead, these interactions have been sponsored by the government sectors that are responsible for the projects, and supporting foundations representing specific minority groups (i.e. FUNAI, for indigenous peoples) are to be notified if any of these are directly affected (ibid:20). The EIA routine, implemented in 1986, has been the main provider for inclusion of affected people of RE projects, and served as an important mechanism to increase democratic policy-making (Bragagnolo et.al., 2017). The Brazilian EL and EIA procedures have been criticised for being ineffective and has undergone many adjustments both on national and federal levels. This threatens public inclusion in decision-making processes, as consultation and participation diminish from the procedures (ibid.).

The following chapters will present the main findings from the analyses of the cases, starting with Brazil in chapter 6, followed by South Africa in chapter 7.

6 PUBLIC PARTICIPATION IN THE BRAZILIAN REA SYSTEM

Wind energy policy in Brazil is largely centralised; it is characterised by large wind farms with concentrated production in certain areas (Santos, 2016:157). This however, has often implicated impacts to a greater extent, and less participation in the planning and decision-making processes (ibid.:169). The EL/EIA procedure proves to be an important element within these processes because they determine whether the projects can be proceeded with or not. This is also where a great proportion of the public inclusion in the processes are facilitated. However, amendments of the EL/EIA in effort to increase cost-effectiveness have posed critical threats to inclusion of the local people, by diminishing the participation in these processes. This chapter will present the findings from the case analysis of Brazil. The first section describes the main characteristics of planning and decision-making of RE projects, while the second will focus on findings related to the participation in these processes.

6.1 CHARACTERISTICS OF PLANNING AND DECISION-MAKING

6.1.1 Environmental licensing and Environmental Impact Assessment

The socioenvironmental aspects of the RE projects are mainly evaluated by the Energy Planning Enterprise (EPE), a partly anonymous agency for planning, associated with the MME. Through large-scale assessments of the physical environment, anthropogenic use and potential consequences, they propose recommendations of what types of electricity projects ought to be placed across the country (Hochstetler, 2018:13).

The EL/EIA is mainly carried out by governmental licensing agencies, developers and their hired consultants; the developers prepare the reports, usually assisted by consultants, while the licensing agency evaluates them and approve or disapprove them (Hochstetler & Tranjan, 2016:500). The Brazilian Institute of Environment and Renewable Natural Resources (IBAMA) in the MMA is responsible for the licensing of federal level projects, as well as more complex and multistate projects. Their role is to avoid conflicts between states (Informant 7, IBAMA). According to an informant from Abimaq, The Brazilian Machinery Builders' Association, IBAMA is quite cooperative because of the encompassing licensing difficulties with hydroelectricity in the country. Obtaining license for wind projects is rarely difficult (Informant 9), and less than 10% of the projects IBAMA assess, are being denied

(Informant 7). Smaller projects are managed by state licensing agencies (Hochstetler, 2017:6). If the projects have regional consequences, they are usually assessed by the state environmental agencies, while the local governments handle those of more local importance (Duarte et.al., 2017:293). In addition to EPE, both IBAMA and subnational licensing agencies include social, economic and environmental impacts of the proposed projects, as part of the EL/EIA procedure. They also consider the judgements of other agencies, on issues such as indigenous impact and historical heritage (Hochstetler, 2017:6).

While most countries operate with a single license, the Brazilian EL/EIA process operates with three – making it a scrutinising process (Hochstetler, 2017:6). First, an environmental impact study (EIS) must be conducted – usually by a consultancy firm hired by the developer – then reviewed by the environmental agency. If approved, it is given a *previous license* for planning. Second, an *implementation license* for construction is granted after the approval of an environmental management plan, where mitigation and compensation measures are described. Third, when all conditions are met, the *operation license* is given (Duarte et.al., 2017:294). The informant from IBAMA says that in all these stages, they conduct reliability checks of how and where the information was gathered. They visit the proposed sites and talk to people, and the compensations decided and offered by developers, are analysed in relation to the impacts of the project. Accordingly, this process is very time-consuming (Informant 7).

6.1.2 Streamlining of the licensing processes

The Brazilian EL/EIA process has been subject to a contentious debate. Policy makers and economic actors on the one hand, criticises the licensing process for being too expensive and ineffective. Environmental activists on the other hand, see the process as ineffective with regard to achieving sustainability, both socially and environmentally (Hochstetler, 2017). The EL/EIA procedure has been subject to several amendments, both on national and state levels, in effort to increase the efficiency of the system. This is described as a way of *streamlining* the process of project approval and implementation. As a result of the biggest electricity crisis in the country, in 2001 the Simplified Environmental Report (RAS) was implemented as a federal law by the National Environmental Council (*CONAMA*). The RAS is aimed at making licensing procedures easier and faster for small-impact electricity projects (Hochstetler, 2018:11). It was applied for most wind projects after the crisis (*ibid*) and was again institutionalised in 2014 (Gorayeb et.al., 2018). These are often produced by hired

consultancies and contains information of environmental aspects related to site, installation, operation, environmental impacts (including means of controlling them), mitigation and compensation (Gorayeb & Brannstrom, 2016:106).

The RAS however, is based upon superficial knowledge and does not always suit the complex socioenvironmental conditions of the project sites (Hochstetler, 2018:12). This is exemplified in a wind farm project in Cumbe community in Ceará state (North-eastern Coast). Basic information was insufficient, probably due to lack of data. Information from previous work was recycled and contained low standards of reliability and quality (Gorayeb & Brannstrom, 2016:107). Such factors can potentially increase negative impacts caused by the wind farms. In Cumbe, a range of impacts were not considered, and there were no suggestions for alternative siting. Ceará's licensing agency (*SEMACE*) however, banned the RAS procedure from the coastal wind farms in the state, after much criticism (Santos, 2016:163). And In 2014, several environmental managers within the state of Ceará and the owner of the largest consultancy firm producing RAS in the area, were sentenced to prison for producing biased EIS and issuing licenses that should not have been granted (Gorayeb & Brannstrom, 2016:106-107).

6.1.3 Outsourcing: The autonomy of project developers

Through the REA system, project developers are given a great deal of autonomy to design their projects, before the MME selects the wind projects that are to be contracted (Hochstetler, 2018:15). The role of the government is beyond that limited to providing the existing regulatory frameworks in the country as well as conducting the EIA/EL. An informant from Instituto Socioambiental (Informant 10) criticises this, because;

the government goes out and the conflict stays in the ground with the communities and the companies. It's not positive for anyone, just for the government, because then the government can say that they have no problem, but what they are doing is just avoiding the issues.

In this sense, they are leaving the concerns of the communities, their development, benefits and impacts, up to the developers. This is a form of *outsourcing* the responsibility to the private sector.

In Brazil, the only RE technology of which location are decided by the government is hydroelectricity, because water is a public good that involves and affects many stakeholders in society. The locations of wind projects and other technologies however, are decided by the developers (Informant 8, BNDES). Although the EPE proposes recommended areas for wind farms based on broad assessments, the project developers choose locations themselves. In Cumbe community, the siting of the wind farms was based on an Atlas of Wind Potential, which did not consider land use or protected areas (Santos, 2016:162). The result of this were a range of impacts on the local community, such as having to build proper roads for all the trucks, that further buried lakes and disturbed the infiltration of rain water (ibid:162). While siting decisions are part of the first steps in the project planning, impact studies concerning land use, environment or territorial conflicts are not required beforehand. These are first brought up after, as part of the second licensing stage in the Brazilian EIA (ibid:163).

6.2 PARTICIPATION IN THE PROCESS

6.2.1 Openness in the government

In general, the planning and decision-making processes in the Brazilian environmental policy tend to be based on scientific data and representations – perceived as the “official knowledge” – while local perceptions and experience are either neglected or adjusted through the production of official knowledge and discourses (Santos, 2016; Rajão, 2013). This is a problem rooted in “governance discourses that value satellite imagery and scientific data above local views and experience.” (Rajão, 2013:448). As local perceptions are contextual and based on experience, they do not match the positivist scientific representations within the official knowledge (ibid:450).

There are concerns about the way both state actors and project developers use their language or certain discourses in ways that legitimise the trade-offs between sustainable development and human rights, the greater good and the minorities. State actors and government may say that projects are a matter of national security, national demand, or simply that Brazilians should be proud of being citizens in a country that invests in clean energy sources (Rajão, 2013:450). It has also been stated by an ex-director of the MMA that local knowledge often was used to “justify a decision that had already been taken, based mainly on deterministic representations of satellite images and mathematical models.” (ibid.). Thus, projects may be approved although these shouldn’t have been accepted (Santos, 2016:170). Companies on the

other hand, may also withhold information or present the outcomes of the projects incorrectly. For instance, they may say that the projects have no significant impact on livelihoods, or that they will bring progress and development into the communities through employment opportunities and enhanced infrastructure (ibid.).

The MME give information about general energy plans in the country and invite public hearings online for these plans (Informant 7, IBAMA). However, one informant addresses concern about its openness to the public; “especially in the last 8 years I would say the Ministry is very closed to dialogue especially with civil society in environmental areas or sectors.” (Informant 10, Instituto Socioambiental). This is interlinked with the expressed concerns about distrust, informal power relations between private and public actors (such as corruption and vested interests) and state scepticism (Hochstetler, 2018; Santos, 2016). The informant further addresses the concern about power relations. The problem is that the planning processes do not include socioenvironmental issues. Rather decisions are based on arguments of demands (Informant 10):

We had a little bit of hope that we would be able to have a different way of planning. But in fact, I think that in the last years it was worse because – when we look how the Minister was chosen and what are the reason why he is at the top of the MME. It doesn't give us confidence that we have a real public interest and providing energy in a better way for the country as a whole (Informant 10)

In the National Commission on Energy Policy there is also a seat for civil society, but this seat has never been nominated (Informant 10) “because they never call for an open process to fill it” (Informant 11, Greenpeace). The ties between companies and politicians are perceived as strong. For instance, companies involved in RE construction may also be financiers of the election in the country (Informant 11). As a result, the processes are often subject to a lot of interests, making it hard to deem whether the planning is done in best possible way, or as a means of ensuring all the interests in the chain are being guaranteed (Informant 10).

Openness to participation at the local governmental scale also seem to be limited; In Ceará, a Chamber for Wind Energy was held in 2009, with the aim of integrating private and public actors working for the consolidation of wind power in the state. However, affected

communities, nor their representatives, were invited to participate. Accordingly, the consequences or benefits for these people were not directly considered (Santos, 2016:169).

It is not easy to prevent a RE project from happening in Brazil. Experience from the many hydroelectric projects gives many examples of protests and court cases, where the Public Prosecutor (MP) on the behalf of the communities pursue litigations against the government (Hochstetler & Tranjan, 2016). The MP has the power to bring legal charges to any actor that are deemed to violate collective social interests (Ibid:504). The same method has been used to fight several wind projects in Ceará, where the MP pursued several cases against the state and the local municipal governments – some of which caused delays in projects (Brown, 2012:10). According to one informant, of “all the regulations about consultation in Brazil, no regulation guarantees that civil society can deny a project like that” (Informant 10). Further, the informant indicates that the projects are usually in the government’s interest, so they “don’t discuss the core issue of the lawsuit”. Rather, most processes are;

protocol processes that would put people together, that discuss things, that guarantee that people can bring their demands, but at the end in the majority of cases the decision of the government will be the final decisions (Informant 10)

The government can use a legislative “security suspension” for projects perceived as important, and thus by doing that, preventing them from being stopped (Informant 10).

6.2.2 Lack of transparency

The EL/EIA procedures in Brazil is fairly transparent, and most documents related to the process have been available on the internet since 2005 (Hochstetler, 2017:5; Informant 7, IBAMA). Information about the project impacts are hence available to the public. However, according to a survey studying the quality of the EIA procedures in Brazil, there is still high dissatisfaction concerning the performance of public participation and consultation during the EIS reviews, thus representing one of the biggest weaknesses with the Brazilian EIA⁴ (Duarte et.al., 2017:296). In many cases, communities are only marginally – or not at all – represented in the project proposals (Goayaeb & Brannstrom, 2016:107).

⁴ Respondents (N=414) from environmental agencies, consultancy firms, CSOs, developers, public ministries, research institutions. Only 5% were speaking from the point of view of wind projects (Duarte et.al., 2017).

In Cumbe community, main causes for the socioeconomic impacts of the wind project appeared to be the lack of sufficient transparency and participation during licensing. Misleading information were used as a means of achieving their support (Santos, 2016:165). One informant states that it is easier to engage people when “the majority of information that comes to them is much more about what they should have as benefits, than on impact.” (Informant 10, Instituto socioambiental).

In other communities in North-eastern Brazil (Brown, 2012) the locals were initially widely supportive of the proposed benefits. This changed however, when the public hearings appeared as top-down procedures, and developers “made few visible attempts to collect local concerns or preferences for wind farm plans, but made presentations that some residents refer to as ‘advertising’.” (ibid:5).

According to the informant from IBAMA, “how bad you affect some population is discretionary” and trying to please both project developers and local communities, is a difficult task (Informant 7). The lack of regulatory standards that are actually constituted, is thus a source of criticism towards the system (Informant 7).

6.2.3 Public participation and community interaction requirements

The EIA is the biggest institution for consultation with communities in Brazil (Hochstetler, 2016:15). However, according to a comprehensive review of academic papers on the topic, consultations with affected communities and evaluation of socio-economic impacts is some of the weakest parts of the Brazilian EIA (Duarte, Dibo & Sánchez, 2017:275-277). According to the informant from IBAMA, the licensing and regulatory systems should be improved, especially the public hearings (Informant 7). They take too long and usually do not answer to the expectations of the attendants. They believe that they can participate in the decisions about the projects, but in reality, most of these decisions are political and already taken by the government and the developers before the licensing process starts. As the ability to influence the project becomes more limited the later the hearing is held, preferably, the hearings should then be part of the actual planning (Informant 7). The informant also underpins the importance of appropriate communication with the locals, as the confusion about their role

seem to generate a lot of conflict. Especially when there might be significant impacts on their environment and livelihoods (Informant 7).

In Cumbe, public hearings were held to consult the locals about the RAS reports and the approval of the project. The *SEMACE*, project developers, government representatives, local residents and other interested parties attended. The community were not however able to prevent the further proceedings of the project. Despite public access to reports from the licensing procedures, this acquired either internet access or the ability to travel to the office of *SEMACE* in the state capital. The language used (both during hearings and in the reports) were quite technical and made it difficult for locals to actually assess these reports prior to the hearing (Santos, 2016:165).

The effort done by developers to engage with communities during planning and decision-making is quite variable, extending from extensive consultations with the affected communities, negotiation with community leaders, to not involving them altogether (Hochstetler, 2016:26). Some project developers hire consultancies to manage the communication part appropriately. This is not however a criterion for the license (Informant 7, IBAMA).

While the BNDES do not require the developers to consider or consult with the communities (Hochstetler, 2018:29), they are however expected to follow principles of social and environmental responsibility (ibid:30). The informant from Instituto Socioambiental explains the local content criteria from the BNDES as a result of insufficient consideration of socioenvironmental impacts. Historically, these costs have not been considered, because they may cause projects to be environmentally questionable. “So they put it aside, but of course in the territory people do not disappear, impacts do not disappear, demands are there. So they will have to pay for that.” (Informant 10). The BNDES thus made a plan for how parts of the funding could be implemented as means of ensuring compensations. It is unclear whether these compensations may be directed towards the local communities specifically, since the criteria of 60% local content may imply local, as in *Brazilian*.

Consultation is however mandatory during the first step of the EL/EIA, when the EIS is reviewed (Devlin et.al., 2005:490). This is mandatory, and conducted by the environmental agency, while the project developer with assistance from their consultants must present the

projects and answer the questions of the attendants (Duarte et.al., 2017:294). While IBAMA or the subnational licensing agency is in charge of the hearing, the project developers pays for its facilitation (Informant 7, IBAMA). Although public hearings are required and offered through the EIA procedure – when impacts are considered to be significant – it can also be conducted on the basis of request from the Public Ministry, MPs, Mayors or if 50 or more citizens requests it (Informant 7). As most choices have already been made, according to the informant from IBAMA, these hearings are “about getting the projects right” (Informant 7). However, if RAS is conducted, public hearings is not mandatory (see section 6.2.6).

Further, there is indication that local communities are perceived as obstacles for proceeding with the projects; “Indigenous people are always listed as the “challenges” the “problems” of the project, not as stakeholders engaged in the process” (Informant 10, Instituto Socioambiental). It seems to be a common observation that minorities are perceived by elites to be surviving “elements from the past”, that now occupy lands with desired natural resources and potential for large infrastructure projects (Brannstrom et.al., 2017:66). The informant also adds that environmental NGOs are “minority sectors that are not recognised as stakeholders in the discussions” (Informant 10). Another informant implies that NGOs often organise their own hearings, but that they don’t regularly mobilise locals to ask for public hearings to be conducted by the developers, unless the villages are very small (Informant 7, IBAMA).

6.2.4 The challenges of land ownership

Ownership of land appears as another important and controversial aspect in Brazil. In rural Northeast Brazil, “property rights for potential wind sites are often hotly disputed between local fishers, shrimp farmers and local government” (Brown, 2011:352). In this area, most wind projects are located on beaches or sand dunes, that in federal law have been claimed as public land (ibid.:352). In Ceará, land tenure is a great insecurity for local people, as demarcation of private and public land has never been conducted (Gorayeb et.al., 2018:83). In Cumbe, there were conflicting comprehensions among the locals; many claimed that the wind farms were located on public property. While supporters of the project suggested that the land was owned by a resident that received rental incomes from the wind projects, opponents to the project on the other hand, claimed that this land was obtained illegally, through bribes (Brown, 2011:350). Municipal government officials in Ceará claimed that project developers

mainly rent land and were as such exempted from local property taxes. The municipalities hence received few direct benefits from wind farms (ibid:352). As a result of these demarcation issues, the locals – many of whom are traditional fishers without formal entitlement to land – were restricted from the coastal areas surrounding the wind farms. This caused comprehensive socioeconomic impacts on their communities (Gorayeb et.al., 2018; Santos, 2016; Brown, 2012; Brown, 2011).

6.2.5 Compensation mechanisms

Compensation mechanisms differ and are being negotiated for each project (Hochstetler, 2016:26). Typical benefits offered may be local jobs, modernization of or building of new infrastructure, improving schools or health care and the like (Brown, 2012:5). The locals within the hosting communities can also choose themselves, whether they want to be collectively compensated, or individually – for instance by receiving a fixed amount of money (Informant 7, IBAMA). One informant says that this is different throughout the country; whereas people are more organised in the South, they tend to choose collective compensation, while in the North individual negotiation and compensation is more common. Doing both is also an option, if some people wants individual compensation, and others want collective. However, “the entrepreneur prefers to pay individually” (Informant 7). “I think they have more incomes if they negotiate collectively, because they can have infrastructure, such as schools and other facilities” (Informant 7). Observations points towards a tendency for the social acceptance of wind projects being high, when the positive benefits and payments of landowners are visible (Groyaeb & Brannstrom, 2016:108).

6.2.6 Development objectives versus participation and opposition

There have been some positive attempts to make planning and decision-making processes more participative in Brazil (Informant 10, Instituto Socioambiental). However, the development objectives seem to have conquered the aspect of public inclusion. The informant from Instituto Socioambiental stresses the tendency that such attempts are rarely used as models, by making a reference to the controversial Belo Monte hydroelectric dam in the Amazon;

*if they did all the assessments that should have been done (...) perhaps in the analysis of the economic value (...) they would have difficulties saying 'it's worth paying all this to make it'.
(Informant 10)*

Many of the streamlining efforts have been criticised because the ability to ask for information about the projects is limited, and they give less room for public input (Hochstetler, 2017:8). For instance, within the RAS, the projects perceived as crucial to increase electricity supply are given a licensing period of maximum 60-days. Public hearings are set aside during this period of time; however, people may write comments and request informative meetings (Hochstetler, 2018:11).

Such streamlining of project approvals has met resistance in Brazil. In 2016, a Manifesto was signed by 136 organisations, against recent amendment proposals for Brazilian licensing procedures. The critique stated that; “To eliminate the spaces for direct participation by affected and interested people is the least efficient way of facing the conflicts inherent in big infrastructure projects” (Instituto Socioambiental, 2016 ref. in Hochstetler, 2017:8). This has to a greater extent caused the affected to use conflictual strategies to promote their views (Hochstetler, 2016:22).

However, in a study of 302 electricity projects in Brazil (Hochstetler & Tranjan, 2016), of which 138 were wind energy projects, only 21% of these wind projects were subject to conflict. The study indicates that conflicts related to RE projects are not that common (Hochstetler, 2016:11). When they occur, usually this happens during the EL/EIA procedures when consultations are conducted (ibid:27). They also tend to rely upon the ability of communities to mobilize together with other civil society actors, such as NGOs (ibid:18). Much of the opposition to projects within local communities tend to be related to socioeconomic concerns, rather than environmental issues (ibid:22). However, a crucial problem is that there is no institution for the communities to communicate their feedback after the project has been implemented, when the outcomes become more apparent, “as a result, even fairly small community demands end up presented through conflictual strategies, including road blocks, protests, and legal challenges” (Hochstetler, 2016:15).

The wind projects have caused large implications on local communities, despite being perceived as a “low-impact” technology.

(...) after heavy rains, the poor quality of the road constructed inside the community had generated so much mud that only the company trucks could use it, while neither people nor cars could pass. By contrast, the road used only by the firm was made of high-quality material and was not affected. (Santos, 2016:171)

These circumstances from Cumbe illustrates a typical situation of the consequences that projects may bring, and the unjust distribution of those consequences. In Cumbe, the public hearings conducted in advance did not sufficiently inform the locals about the negative impacts. Promises of compensation were not fulfilled, and although access to beaches and lakes were promised to remain free, the locals were for a long time restricted from these areas – preventing them from doing their jobs (Santos, 2016:165-166; Brown, 2012:6).

Accordingly, the community were more supportive of the project prior to the installation (Santos, 2016). While the locals stated that they had been promised a range of compensatory community contributions, the project developer on the other hand unvalidated this claim (Brown, 2011:350). It is hard for communities to hold project developers accountable for the outcomes of the project, as there is no system for registering the promised compensations, and because it is hard to foresee the outcomes of projects in a long-term perspective (Hochstetler, 2018:30).

In North-eastern Brazil, opponents to the wind projects were found to perceive these as an intrusion, as a part of the broader inequities within the country (Brown, 2012:11). For instance, some opponents stated that it was highly unlikely that such infrastructure were to be built on the most popular and touristic beaches (Brown, 2012). In Cumbe, there were also protests when uninformed impacts occurred and promised compensations were not provided. This caused comprehensive expenses upon the developer – approx. US\$145,000 per day – for stalled labour and equipment. Although negotiations led to some compensation finally being provided for, most of the key demands were still missing (Brown, 2011:351). After opposition in another community in Ceará, there were considerable improvements in the effort to engage the locals. Managed by a subcontracted firm, regular public meetings were established with the locals, to collect their main demands, and the promises of collective compensation were finally implemented (Santos, 2016:173).

7 PUBLIC PARTICIPATION IN THE SOUTH AFRICAN REI4P

The planning and decision-making process of the RE projects is characterised by top-down procedures. Nevertheless, public inclusion through public hearings are expressed as an important fundament in relation to environmental rights, both in environmental assessment legislation and by the Constitution (Bond et.al., 2014:51). The ability to actually influence decisions appears to be variable, although relatively limited. The degree of participation for the communities is largely determined by the extent to which developers are willing and open to engage with the locals. Involvement of communities is perceived as risky, and hence they often hire consultants to deal with this interaction (Wlokas, 2015:31). This chapter will further present the findings from the case analysis of South Africa. It follows the same structure as the preceding chapter, elaborating on the characteristics of planning and decision-making of the RE projects in the REA system, followed by the participation in these processes.

7.1 CHARACTERISTICS OF PLANNING AND DECISION-MAKING

7.1.1 Outsourcing of public services – motives and scepticism

The REI4P has worked very well in South Africa and has become internationally recognised for its success. One informant from the Department of Environmental Affairs and Development Planning in Western Cape Government expresses part of the success of the program, as due to the fact that it is placed outside the government, independent from it, which allows it to be more efficient (Informant 4, Western Cape Government).

However, another informant from the Electricity Governance Initiative in South Africa addresses concern about this “privatisation” or outsourcing of local economic development in the REI4P, and how this programme was in the interest of some public officials and private actors (Informant 2). Although the Constitution implies that energy service is a basic right, “that’s not going to come from IPPs. IPPs have no interest in producing energy services to meet a basic right.” (Informant 2). This outsourcing is also explained as a result of lack of capacity both within the local government (Informant 2) and the state:

It's almost an acknowledgement by government that they cannot do service delivery as they want to and so they are outsourcing service delivery in rural areas to renewable energy developers. (Informant 1, SAWEA)

Unemployment rates in the country is seen as yet a reason for outsourcing, by an informant from the South African Wind Energy Association (SAWEA, Informant 1). The government needs to create both education for people without “proper schooling” and jobs for millions of people, “so they are looking for all the help they can get” (Informant 1). This is one of the greatest challenges for the South African government.

7.1.2 Decision-making authority, public-private cooperation and lack of capacity

Decision-making authority in the energy sector is very centralised, that is, within national government and not in local or regional governments; “they might have to make a land use decision, but the rest is a national decision” (Informant 4, Western Cape Government). While the EL/EIA is done by national authorities, local governments are rather involved in planning the particular projects. They do not however, have decision-making authority in these processes, except for some components related to land decisions. This authority is granted to developers (Informant 4).

The projects are developed by several different IPPs together, but usually one developer represents the project publicly (Wlokas, 2015:35). The developers are granted a lot of autonomy for planning and decision-making of the RE projects. They decide the location for the project themselves, although guidance for these choices exist. They must however, conform with certain requirements. The most prominent of these are the EL/EIA and the REA frameworks – the former being a crucial part of the latter. In addition to fulfilling these requirements, in applications for both the EIA and the REA they must motivate why they have chosen the specific sites (Informant 4).

There is however a considerable lack of guidance in terms of how developers should handle or conduct the socioeconomic development (SED) aspects of the REI4P (Wlokas, 2015; Tait et.al., 2013:13). According to developers, this concerns several aspects; the extent of detail regarding the SED plans, the roles of different stakeholders during the project process (i.e.

local municipalities) and appropriate governance structures. In addition, “there is no reference to community engagement or participatory approaches to development” (Tait et.al., 2013:13). A study conducted for WWF (Wlokas, 2015:34), nevertheless outlines six groups of stakeholders that are either involved or affected in the early planning of community development work through REI4P. These include; the IPP Unit in the Government, the project company (responsible for planning and implementation of SED and benefits – usually the developers), community liaison personnel (hired consultants dealing with community communication), local government, community trustees and representatives of beneficiary organisations, and general beneficiary local communities.

The outsourcing thus appears to have suffered from insufficient implementation and unclear rules for the private sector. For instance, there have been concerns about the cooperation between project developers and the local governments. Some developers have hesitated such cooperation, in which have been found to relate to the fear of being associated with local authorities with bad reputations. Basically, they want to avoid exposing their projects to risk (Wlokas, 2015:32). One informant addresses this concern, pointing towards two main reasons within the local governments; lack of capacity, and lack of local community representatives that project developers can engage with (Informant 2, Electricity Governance Initiative).

A renewable energy company can be really willing to work with local government and do things to empower people, but if you don't have a functional local government, then they've got to go out there and find out who represents the community. It's inappropriate for companies to be in that position. (Informant 2)

A South African project developer express experience with such cooperation challenges:

We had to pay a lobbyist and that person knew all the local people and because he was respected and known they eventually did their work and that helped us a lot. But it is not supposed to be. Hiring someone to press on the shoulders of everyone so that they do their work is a bit of a pain (Informant 5, Project developer)

Another state that the interest from the local municipalities to cooperate has grown, especially related to the SED component (Informant 4). A review of the first three bidding rounds (Wlokas, 2015), do however indicate that not many projects actually engage with local

government when planning their projects and SED contributions – although local economic development is in fact the local government’s mandate. The REI4P do not require developers to consult with them. This causes local governments to question national government (Wlokas, 2015:32).

7.1.3 Environmental licensing and streamlining of the processes

The environmental legislation (NEMA) in South Africa is strong, and the EIA process has been characterised by many prescriptions, giving licensing officials limited autonomy to make sound judgements. Consequently, the aim of integrating issues of both development and environment to achieve more sustainable outcomes has “eroded over time through a combination of overcomplicated legislative amendments and weak capacity” (Bond et.al., 2014:50).

In South Africa, public hearings are conducted during the EIA, when the project developers apply for the licenses that they need to submit their bids in the REA. The EIA both considers environmental impacts and conducts socioeconomic assessment. The latter typically involves issues that may arise during the implementation phase of the projects, such as impacts on job creation, tourism, local expenditures, visual impacts and disturbance from construction work. Usually the EIA also includes recommendations for improvements on the proposals (Tait, 2012:39-40).

National and regional governments (i.e. Western Cape) have recently conducted Strategic Environmental Assessments to identify the most appropriate areas for wind facilities (Informant 4, Western Cape Government). This was done to relieve the pressure on Department of Environmental Affairs (DEA), from developers seeking project approvals (McEwan, 2017:6). The developers are not however obligated to place the projects within these zones. The aim has rather been to make the processes of approval more streamlined;

They will have identified all the potential impacts in this site, it will be a lot easier for someone to get approval. So it doesn't mean you can't put a wind farm outside one of those, it just means it will be easier to get approval if you are in the zone. (Informant 4)

Streamlining has been done as a means of improving efficiency and effectiveness, without compromising basic environmental rights and quality. This is a result of the governments concerns about the delays and costs related to the EIA, and how this impacts economic growth and development (Bond et.al., 2014:50). It also appears to have been some dissatisfaction among the project developers with the licensing process being too slow.

The problem that's inherent with the current regulation is that anybody, if you want you can appeal just because you don't like the face of one person. You can delay the whole project by one year (Informant 5, Project developer)

Achieving environmental authorisations can take up to 24 months (Eberhard & Naude, 2017:14). The project developer seems to be satisfied with the streamlining of the licensing process.

7.1.4 Project implementation and accountability problems

After the developers have won the bids through the REA, they usually sell the projects ahead to other companies. Subsequent to the REAs then, it may arise challenges in determining whom is (or ought) to be responsible for different parts of the projects. Consequently, accountability problems arise, related to the planning of different elements, participation and interaction, outcome distribution, and upholding the promises and expectations within the communities (Wlokas, 2015:35). In addition, the developers often appoint not-for-profit organisations to implement or deliver the SED contributions – that may or may not have the full capacity to do so (ibid:237). These may also be located far away from the beneficiary communities. This contributes to creating a distance between the communities and the planning of the projects that affects them (ibid:243). Such accountability problems are factors that also implicates the social acceptance of the projects (ibid:242). Social acceptance is not necessarily determined by the technology, nor the environmental impacts. The next section outlines the stage of public participation under the circumstances presented above.

7.2 PARTICIPATION IN THE PROCESS

7.2.1 Public awareness, activism and openness to involvement

Despite the positive reputation, the public awareness of the REI4P is weak (Wlokas, 2015:37), and perceived as relatively isolated from public scrutiny, as it is “hardly known or understood in the public sphere in South Africa” (Bode, 2013:107). Access to information about the programme is “basically non-existent” (Wlokas 2015:4). Environmental organisations in South Africa are very active in the politics of siting energy projects, especially within the coal and nuclear industry. However, concern about wind power projects amongst national activist organisations remains to be developed. Accordingly, broader support for mobilisation against these projects have been somewhat absent (Hochstetler, 2018).

BirdLife South Africa for instance, was the only environmental organisation actively involved in the siting of wind farms under the REI4P. They did not aim to block the projects, but rather wanted to *shift* the locations in terms of impact on birds (Hochstetler, 2018:24-25). But when changes in the procurements were conducted by government behind closed doors, there was not any public resistance to this undemocratic procedure. This suggests that civil society and environmental organisations are relatively weak (Bode, 2013:107).

The bidding rounds is perceived as relatively transparent on behalf of the project developers, and the application for the REAs is described as such; “the documentation is very complex, but the process is fairly efficient and so there is no risk of collusion or corruption” (Informant 5, Project developer). On the other hand, “communities’ voices are not well represented in policy formulation and other processes and negotiations” within the REI4P (Tait et.al., 2013:21). In addition, one informant from the German Society of International Cooperation (GIZ) South Africa states that “The DoE and REI4P offices are very reluctant to make changes.” (Informant 3, GIZ). In that sense, the REI4P is not that transparent, nor open to the public.

The plans for community development is not made public by the developer. Many people within the 50 km zones are unaware of the benefits they may be receiving from the proposed projects (Wlokas, 2015; McDaid, 2014), while others seem to have been under the impression that there are no other benefits to them than contemporary construction jobs (Wlokas,

2015:37). Project developers communicate little with each other, and tend to keep their SED proposals in secrecy, due to their competitive value during REA bidding rounds (ibid:25). The limited collaboration seems to be a problem especially where projects overlap the same beneficiary communities (ibid:4). Further, the company in charge of the community benefits (not necessarily the project developer, see 7.1.2) are often involved in other projects as well, which may cause a halt on their focus and capacity (ibid.:35). Communities are often kept out of the early planning stages of the project, and often lack sufficient information. Accordingly, these people are not able to participate in planning their own local development (McEwan, 2017:8; McDaid, 2014).

7.2.2 Community interaction requirements and public participation

It appears to be a problem that the government are relatively vague in terms of requirements of consultation with local communities. Besides through the public hearing conducted during the EIA, there is no mandatory process nor guidance for the interaction with communities within the REI4P (Wlokas, 2015:2-3). In practice, the degree of community participation in planning and decision-making is thus up to the developers, and is often associated with high risk (Wlokas, 2015:4) especially in terms of creating high expectations (Informant 3, GIZ). Sometimes, they may get some guidance from the local governments, or even the communities, but this usually depends on the locations and on the local authorities' or community leaderships' capacity to inform and guide them (Wlokas, 2015:31).

According to a comparative study of public participation opportunities in EIA procedures (Devlin et.al., 2005), public input is required to be requested in all stages of the project. It can also be triggered by high concern among civil society (Devlin et.al., 2005:490). It is the developers' responsibility to inform the citizens of their obligation to involve the local communities (Wlokas, Boyd & Andolfi, 2012:49). According to NEMA (see chapter 5.2.2.1);

Public participation is the most important process in environmental impact assessment. It allows interested and affected parties the opportunity to give their viewpoint, influence the process and inform the competent authority to make appropriate environmental decisions. It is important to note that there is no exemption to undertake public participation process in the EIA because people have a right to be informed about potential decisions that may affect them and to be afforded an opportunity to influence those decisions. (DEA, 2010:249)

The EIA further has to respond to the comments raised during these consultations (Tait, 2012:41). The public input is not required to be implemented in the EIA reports (EIAR or BAR). This happens only on request (Devlin et.al., 2005). However, the developers must include any objections that may have been raised, when they submit the reports.

The calls for public hearings are issued by NERSA (national regulatory agency), inviting all interested and affected parties to attend. The call for IPP applications in 2012, shows that the announcement contains overview of time and venues, where all proposed projects within each province were presented within a timeframe of 5 hours in the same venue. In both Western Cape and Eastern Cape, there were 5 proposed projects on different locations within the districts. The call was issued approximately 10 days before the hearing date, and all interested parties had one week to register their attendance (NERSA, 2012, see appendix 3). Several presentations (see appendix 2) gives some insight in what these public hearings are concerned about, such as the SED contributions. For instance, the presentation of MetroWind Van Stadens project in Eastern Cape promoted the following contributions;

Educational leaders, ward councillors, community leaders and NGOs have identified sustainable projects in some of the following areas: agriculture and food security, energy security, water, sanitation, conservation and education, health care for socio-economic development around the wind farm (McGillivray, 2012)

It also stated the identified beneficiary communities of the project, as well as number of jobs that were offered. This shows that public hearings have taken place, and that there is openness and, to some extent, access to information about the projects.

Developers identifies their beneficiary communities within the 50 km radius surrounding the project. NGOs or smaller community projects are common recipients of funding (Wlokas, 2015:37). There have been difficulties with some projects overlapping the same communities, or even splitting them. This causes problems of injustice and exclusion, and some areas may benefit more than others (Wlokas, Boyd & Andolfi, 2012:48). It also appears to be easier for project developers to define and manage the smaller communities, leading them to select these above more complex urban spaces (McEwan, 2017:8). Furthermore, there are

challenges of determining how exactly communities will benefit, and to what extent they should be enabled to participate in this part of the project planning (Nkoana, 2016:242).

Other issues related to siting and the interaction between project developers and communities, is that of land ownership. In nearby communities that lacks electricity for instance, communication becomes crucial to explain why these won't be electrified despite construction of an electricity-generating wind farm close to their homes. Again, energy services are the responsibility of the municipalities – not the developers (Wlokas, Boyd & Andolfi, 2012:49). When project developers choose the sites for their projects, this is done based on the willingness of local land owners to rent or sell parts of their land. Local land owners are usually (in remote rural areas) traditional leaders or commercial farmers, whereas especially the latter is likely to not involve the community in these decisions (Nkoana, 2016:242). The remaining community members are thus mainly not involved in this process, which happens before the licensing and before the public hearings thereof is held (Lombard & Ferreira, 2013:394).

7.2.3 Challenges of communication

The interaction with the communities is expressed as important, but insufficient. Especially with regard to community development planning. There are concerns about the SED requirements being regarded as “add-ons” by the project developers, and thus not being accounted for properly in the preparations for the bids (Wlokas, Boyd & Andolfi, 2012:49). For instance, the project presentations (as referred to above), are quite vague in the words of one informant (Informant 1, SAWEA), and they often contain quite technical information. Another informant argues that;

They are happy to do it, but they just don't really want to be bothered with it (...) they keep saying we will deal with that later, but the problem is that you are working with people in communities in which you have created certain expectations (Informant 3, GIZ)

This reflects the concern that project developers are not used to deal with the responsibility for these community interactions. Several sources argue that communication is flawed (Wlokas, Boyd & Andolfi, 2012:49; Tait, 2012; Informant 3).

Project developers are used to negotiate with land owners and having to deal with stakeholder engagement during the EIA (public hearings) – although they often hire consultants to manage this. But development planning is far from their business as usual (Wlokas, Boyd & Andolfi, 2012:49). The hired consultants are thus important actors for dealing with communication and community interaction in proper ways. However, they also have a challenging task. Their work is confidential, meaning they can't share their experiences across different projects, and in general there is little experience within this sector, since wind projects mainly arrived in South Africa through the REI4P (Wlokas, 2015:36).

However, contribution to social development also seem to be recognised as important, and a part of business philosophies within the private sector (Tait, 2012). Corporate social and environmental responsibility is prominent in South Africa, especially through the BBE policy, closely related to the agenda of redressing the injustices of apartheid. The compliance with BBE requirements is an obligation through business interactions with government, and thus within the REI4P (ibid:18). Nevertheless, the efforts put into the community engagement and interactions appears to be quite variable among the developers (Tait et.al., 2013:43-44).

7.2.4 Community resistance and opposition

There have not been much community opposition or resistance against wind farms in South Africa, and it seems like developers have chosen sites to minimise this risk (Hochstetler, 2018:28). The project developer says:

We have the wind map and then we have the Eskom grid map and we try to find the best place (...) we are typical project developers, so our business model is to basically take the risk down. (Informant 5)

However, developers seem to experience growing resistance:

At the beginning not much, but now anti-wind lobby groups are starting to get organised (...) within the industry we know a few people that are opposing and appealing systematically projects. (...) Private individuals that just decide to oppose... they just don't like wind (Informant 5)

The resistance appears to be understood as due to “visual impact, it’s going to kill the birds, kill the bats, what else? That’s about it.” (Informant 5). The informant expresses resistance as a difficult challenge for them, both considering local people, activists and specialists with “narrow views”. They nevertheless try to avoid areas where visual impact may be a concern and choose locations where there’s nobody around (Informant 5).

Although wind farm projects have not been subject to much opposition, there have, nevertheless, been protest some places, due to the feeling of being excluded from the process (Nkoana, 2016:237). One informant also states that because people did not see their expectations met in terms of job creations, this have caused demonstrations. The lack of sufficient communication with the communities seem to be proposed cause (Informant 3, GIZ). Impoverished local people may however be unable to attend the hearings due to time and transport costs, or simply be unaware of the proposals (Tait, 2012:41). There are also indications of tendency towards direct causality between both the scale and number of project proposals in the area, and the degree of opposition. This was the case in Western Cape in which had a lot of project proposals, with a lot of resistance generated within the communities (Tait, 2012:41).

7.2.5 Compensation mechanisms and community empowerment

The REI4P will benefit local communities by creating jobs, giving them ownership of the project and some economic aid (see chapter 5.2.2) – especially directed towards black South Africans that previously were disadvantaged community members. In South Africa, the promotion of SED through the REI4P requirements are being treated as positive benefits offered to the hosting communities. This is instead of offering compensation for the project impacts that are measured through EIAs (Hochstetler, 2016:25).

However, local socioeconomic priorities exist and differ from one community to another. Recurring examples of these are local employment opportunities, infrastructure related improvements, opportunities for the youth and improved education systems (Wlokas, Boyd & Andolfi, 2012:50). The extent to which communities are able to express these priorities, and whether they are acknowledged in the planning, is quite variable. Some developers have initiated community projects to promote social needs and empowerment, as part of their SED contributions (Tait et.al., 2013; Tait, 2012:44). Some developers conduct consultations

through public hearings, for assessing their needs, but other developers base their SED plans on document reviews – for instance of municipal development plans (*Integrated Development Plans*) (Wlokas, 2015:25). There is also a tendency that developers formulate similar SED plans for all their projects (ibid:25).

(...) it is evident that plans differ in length and depth from merely mentioning what ED, SED and local ownership funds will occur and how they will be spent in local communities; to 100-page reports outlining detailed plans for the projects and programmes that are to be implemented with the funds. (Wlokas, 2015:25)

Another problem with the planning of the REI4P regards the guidelines for the benefit distribution. The project process takes time, and benefits may not occur to the communities before many (10-15) years after the project is proposed (Bode, 2013:90), depending on the financial set up of the projects. This is an obstacle to community development planning (Tait et.al., 2013:4). The appointment of not-for-profit organisations to deliver the contributions – including activities such as setting up the community trust, managing the profits allocated to the communities and assisting community-based organisations – is also a problem. These organisations are often located far away from the respective community, and thus beyond reach both to locals, and to the hired consultants dealing with communication (Nkoana, 2016:243).

Another subject to debate has been the community trust in which is part of the SED requirements. The community trust is supposed to ensure that parts of the project incomes will be directed towards local development (McDaid, 2014:27), and consists of several trustees that governs the fund on behalf of the community (Tait et.al., 2013:18). One debated aspect concerns the appointment of community trustees, and whether these are truly representative of the respective communities.

They [community trusts] are seen as being exclusive rather than inclusive, difficult to manage operationally and introducing many challenges to representing communities and local politics. (Tait et.al., 2013:18)

While many locals are uneducated, elites – such as community chiefs, educated or political leaders – may take advantage of their position (Nkoana, 2016:242). Concerns have been raised regarding whether the selection of these trustees have been conducted in a participatory

manner; often they are appointed by project developers, rather than elected by the communities themselves (Tait et.al., 2013:19). Some also argue that this “compensation mechanism” – the community trust – may appear as a tactical strategy to buy support for the project (Tait, 2012:41). This might “lead to a community feeling that their support has been ‘bought’ with gifts of investment” (Lombard & Ferreira, 2013:393). In the words of one informant from SOLA Future Energy; “The moment they buy into it everyone is on the same side” (Informant 6).

8 THE INCLUSIVENESS OF PLANNING AND DECISION-MAKING IN THE RE PROJECTS

This chapter will comparatively discuss the key findings on participation in Brazil and South Africa, based on the three project phases. Overall, the first impression – in accordance with the initial assumption – is that there is little participation in the RE projects. Each case analysis nevertheless suggests that these circumstances are more complex, and varying degrees of participation are facilitated in the different phases.

A large proportion of the data material points towards the importance of proper participatory processes in planning and decision-making of the RE projects. Both for the success of planning, and for the success of implementation, as means of avoiding or dealing constructively with conflicts. A reasonable assumption based on the theoretical framework laid out in chapter 3, is that if public participation has been facilitated during the process – especially if this has enabled influence – the project may also be implemented with less constraints. Vice versa, if there has been a lack of participation, difficulties with implementing the projects are more likely. For instance, if public hearings are not undertaken, or if people feel excluded from the process – neither heard, considered or able to influence during participatory activities – discontentment is likely to appear.

8.1 KEY COMPARATIVE FINDINGS

Key similar findings suggest that both the REA systems lack proper guidelines for community engagement and participation. Developers are granted a high degree of autonomy for planning and decision-making of RE projects. A consequence of both these factors is that the extent of involvement, participation and influence varies considerably between projects. The data material indicates that in many cases in both Brazil and South Africa, there is a lack of inclusion of affected communities in the planning and decision-making processes. The extent of inclusion varies within both countries; in some cases, there have been strong efforts to facilitate participation for the local people, through several consultative activities during different phases of the projects. In other cases, the efforts have shown to be limited. Sometimes, it has been very poor, or even completely absent. Both countries have met resistance to wind projects, although this have been more apparent in Brazil.

Key differences on the other hand, is that while the REA system in Brazil is more aimed at national economic development by reducing the electricity prices, the South African system has clearly embedded national socioeconomic development objectives to a greater extent. This is reflected in the way that contribution to *local* socioeconomic development in South Africa counts for 30% of the bidding and selection criteria – primarily aimed at improving the unemployment situation in the country. In Brazil, similar criteria are set out for *national* industrial development, by a separate but attached institution, the BNDES, requiring 60%. These 60% are not part of the REA regulations or selection criteria, neither are they directed towards local communities in specific. This does not however imply that participation is more provided for within the South African REA system.

8.2 IN WHAT WAY DO THE DIFFERENT PHASES ENABLE PARTICIPATION?

Within the three project phases analysed, there is least participation by affected locals in the political-administrative phase (1). In the procurement phase (2), there is more. In the implementation phase (3), the participation seems perhaps most evident of all the phases.

This tendency can be explained by the fact that the public hearings in the EL/EIA – that constitutes the most certain participatory procedures – are part of the procurement phase of the planning and decision-making process. It is during this second phase that the projects are planned specifically, and most of the general decisions about location and siting, size and the like are taken. In the first phase, the planning and decision-making constitutes the choice of preferred technology, amount of capacity, and general requirements for the projects. The more complicated trade-offs and decisions that includes interaction with those who are affected is – as with the construction – outsourced to developers, and thus becomes subject to the second and third phase. The governments give the developers wide autonomy within their procurement requirements, to design the projects, how to consider and engage with the affected people and compensate them for the project. This implies that much of the power and decision-making authority is redistributed to the private sector. In that sense, the governments and ministries are the initiators of the processes, and they lay out the regulative frameworks, but they do not interfere much with how exactly the processes of inclusion are conducted. Accordingly, this is the main reason why participatory activities are facilitated in the

procurement and implementation phase – either through EL/EIA procedures, or during negotiations on compensation – and not the political-administrative phase.

In the procurement phase, many developers hire external consultants to deal with interaction and engagement specifically, because they themselves are not necessarily familiar with this type of “community development” work. For this reason, experts are brought in to clarify local needs, demands and expectations. Any extra efforts or means of participation in this phase – beyond the mandatory EL/EIA hearings – is not required, but rather ad-hoc, and thus vary considerably among projects.

In the implementation phase, the details are adjusted to the local circumstances to a greater extent. This is also where the appearance of participation becomes most evident in the analysis, in the sense that this part of the process tends to indicate the satisfaction or dissatisfaction of the affected locals – either through additional consultations, or opposition to the projects. During this last phase, the local concerns about environmental and social impacts, or compensation and distribution of project outcomes, becomes more emphasised. As these topics are widely discussed in the material, the participation aspect becomes more central. In practice, while the ability to participate here may be a result of opposition among locals, it is still of limited influence (see section 8.3.1). It must be clarified, that since planning and decision-making of the RE projects happen partly in the first phase and mainly during the second phase, participation in the third phase is not necessarily going to change these decisions. Rather they are about making the projects or compensations “right” (Informant 7). In that sense, it is important to divide between the participation in the second and the third phase, as they appear to have completely different means. I will elaborate this below.

8.3 TYPE OF PARTICIPATION

The type of participation is likely to affect the ability to influence, as the theoretical framework suggests (chapter 3). In both South Africa and Brazil there are direct and indirect ways of participating (ref. Tally, 1999). These can further be divided in institutionalised and non-institutionalised ways of participating (Hochstetler, 2016).

8.3.1 Institutionalised participation

The most prominent provision of public participation in the countries, is the mandatory public hearings that are institutionalised through the EL/EIA process in the procurement phase, in which the locals participate *directly*. The second most prominent type of public participation is public hearings facilitated during the implementation phase of the project. This is not however mandatory, but dependent upon each developer, and differs more between the countries. These differences will be further discussed below.

8.3.1.1 *Participation during licensing procedures – before the auction*

Neither the REI4P or the BNDES require within their policies, that developers involve local communities in the planning and decision-making of the projects. Public hearings are however required by law in both Brazil and South Africa. Usually these are conducted through the EL/EIA processes, in which is a compulsory element within the REA systems, and a criterion for submitting bids. In both countries, the participation in the procurement phase is mostly limited to these procedures. The public hearings are mainly characterised by tokenism, varying between information and consultation, with flawed ability or opportunity to influence (Arnstein, 1969). This is because the hearings in this phase usually presents the plans and decisions *already* conducted. Whether local views are considered in the final licensing decisions is somewhat unclear, but in South Africa, any objections must be implemented in the environmental reports that are submitted in the bids.

A problem especially in Brazil, is the lack of information about the roles of the communities in the public hearings and project processes (Informant 7, IBAMA). Ideally, they should be properly informed about the purpose of participatory activities, how they can take part and why they are given the opportunity to do so. The same challenges appear in South Africa. Poor communication and clarity on the project proposals and the purpose of public hearings creates high expectations, both in terms of influence and distribution of outcomes (see more section 9.1.3).

8.3.1.2 *Participation during the implementation – after the auction*

It is reasonable to suggest that participation within the implementation phase becomes somewhat “symbolic”, since planning and decision-making is already undertaken. Sometimes however, it may nevertheless resemble placation, or even delegated power (Arnstein, 1969).

Table 3.2). The participation in this regard is connected to compensation planning for the communities. There are however some differences between the countries; whereas the compensation planning in Brazil resembles a bottom-up process, the South African case is rather implemented top-down.

In Brazil, the communities are able to negotiate with the developers for each project, and they can decide to have individual or collective compensation – or a combination of both. Because they negotiate, their participation during this phase resembles that of “partnership”, a degree of citizen power as suggested by Arnstein (1969, Table 3.2). Alternatively, it can be viewed as “interactive participation” (Cooksey & Kikula, 2005; Pretty, 1995, Table 3.3), as the communities are able to take some control over local decisions. Such as how resources are to be used or allocated for instance. Nevertheless, their participation is not necessarily acknowledged –it may as likely be a means of achieving project goals. This evidently varies among different developers. Notably, unfortunate instances of briberies and threats occur in Brazil as well (Brown, 2012), and in such cases, any degree of participation or influence becomes unworthy, or simply that of manipulation. Since the participation in the implementation phase is ad-hoc in Brazil, it is unclear whether these negotiations happen through fixed procedures.

In South Africa, the inclusion resembles more that of *receiving* benefits (distributive justice), rather than actively partaking and exercising influence during planning and decision-making procedures related to compensations. In this sense, the REI4P tackles the trade-offs in a distributive just way. Since the REI4P has initially outlined the compensation on their behalf, it can be argued that locals are included in a more representative way, with very limited participation in the process. For instance, they do not have the power or ability to choose the compensation mechanism. As such, they have less influence compared to Brazilian communities. However, instead of negotiating specific compensation for each project, the locals are rather empowered after the implementation (Hochstetler, 2016:25), through community trusts and project ownership. In that sense, they are relatively excluded from the main planning and decision-making process itself, but nonetheless “secured” both resources and the right to engage in their own local development planning – after the project is implemented. Locals are then given more control, but mainly after planning and decision-making processes are done. This empowerment has arguably been implemented top-down, and hence developers are still the main powerholders of planning and decision-making.

Whether the locals have complete control is also unclear for several reasons. First, representatives are managing the trusts and concerns about the interests of these trustees have been raised. Second, on one hand – since the REI4P emphasises that revenues are to be directed towards building local industry and creating jobs – some developers have detailed plans for the spending of the funds (Wlokas, 2015), thus largely controlling it (McEwan, 2017). In that sense, parts of these decisions on how revenues are to be allocated, are already laid out on behalf of communities – without their participation. Moreover, as projects are sold off by developers after implementation (Informant 5), this makes it hard to know whom to hold accountable and may implicate the social acceptance of the projects (Nkoana, 2016:242). This is a problem in both countries, but the community trust component in South Africa may serve as a safer condition for ensuring compensations. On the other hand, the community trusts have been argued to serve as a tactical strategy for avoiding resistance and gaining support for the projects. However, this is only subject to suspicion, and such claims can hardly be proved within this study. From the basis of power and whom holds it, it can however be connected to, and possibly explained by, the fear of redistributing this power or of generating conflicts that will cause costly delays. From a participatory perspective, when communities are “bought off” with financial compensation – especially if empowerment is restricted within the utilisation of these funds – this can also be argued as a sort of manipulation or persuasion without enabling influence on important decisions (Arnstein, 1969; Pretty, 1995).

In sum, it can be argued that local communities in both Brazil and South Africa have limited influence on the planning and decision-making processes of the RE projects. The processes are often top-down rather than bottom-up, and such processes are more likely to generate conflict (Wlokas & Soal, 2016:11). In that sense – although the ability to speak exists (Table 3.1) – it can be argued that the affected people to a greater extent becomes *subjects* to the exercise of power, rather than *citizens* (Tally, 1999:171). Yet, in cases where opposition occur, these may otherwise disprove such a framing (see discussion in 8.3.2). The same can be argued with South African projects, where the planning and decision-making initially are top-down but may potentially lead to bottom-up processes towards the end. Whether these processes are just and legitimate, depends on the importance of the decisions deemed by the communities that are excluded from them.

8.3.2 Non-institutionalised participation

Although the ability to influence directly is limited within the EL/EIA institutions, other ways of participating exist. Hochstetler (2016:22) refers to these as “non-institutionalised”. In contrast to institutionalised types, they are not facilitated as means of providing public participation in the planning and decision-making. Protest for instance, is a *direct* participation form that has evidently occurred in both cases. This tend to depend on whether communities and activists mobilise and team up with other actors, such as NGOs, activist groups or actors within the university sector to support them (Hochstetler & Tranjan, 2016). A more *indirect* form, is that of appealing projects through the court system, which is possible in both countries. Both these types can be understood as types of opposition resulting from public participation not being sufficiently provided for in the existing institutions.

8.3.2.1 *Opposition against wind projects*

Resistance to wind projects have occurred in both countries, although to a higher extent in Brazil. Although Brazil has considerably more wind projects than South Africa, the share of contentious projects is still higher in Brazil (Hochstetler, 2018). The resistance in Brazil is mostly related to dissatisfaction with the compensations, the impacts, or the distribution of costs and benefits, and not necessarily the project or the technology itself (Hochstetler & Tranjan, 2016; Santos, 2016). This contrasts from South Africa, where resistance appear to be rooted in environmental and visionary impacts, or with the planning of the projects (Informant 5, Project developer; Hochstetler, 2018; Lombard & Ferreira, 2013). A study from Western Cape investigating citizens attitudes towards wind projects, found that opponents did not resist wind power development itself, but rather disapproved with the planning of these projects (Lombard & Ferreira, 2013:397). The project developer (Informant 5) however, focused on the visual and environmental impacts as causes for the resistance. The informant did not seem to consider socioeconomic or procedural and distributive characteristics as a potential cause. These concerns are supposed to become clear and stressed during public participation in the planning of the projects. However, this implies that sufficient participatory mechanisms have not been in place.

Opposition is nevertheless shown to improve the outcomes of some wind projects in Brazil (Santos, 2016:173), in similarity to experiences with several hydroelectricity projects (Hochstetler, 2011:370). In that sense, locals may still have some degree of influence on

certain decisions through oppositional strategies. However, Hochstetler (2016:22) argues that keeping institutional routes open to adequate participation – such as the EL/EIA – may reduce opposition, and hence be the fastest way to implement projects. In that sense, streamlining of the EL/EIA procedures is not necessarily the most efficient way to speed up project implementation if it causes opposition and other costly demands later on.

8.3.2.2 *The effect of socioeconomic status on participation and influence*

Socioeconomic status is a crucial factor regarding the ability to participate or exert influence in the planning and decision-making process, especially in terms of non-institutionalised forms. This is an important element, due to the structural inequalities in the countries.

Environmental justice argues that “investors with economic and political power tend to transfer the negative externalities of their activities to peripheral areas where underprivileged groups live or make their living” (Acselrad 2010, ref. in Santos, 2016:154). This has clearly been the case in Brazil, as many wind projects are located in poor communities (Hochstetler, 2018:28). In South Africa, the tendency is similar, as projects are mostly located in remote rural areas with unskilled labour (Nkoana, 2016:242). Poor people have less alternatives and opportunity to move away from risk areas or avoiding damages, while they also have “less political influence, to ensure their interests are respected in political decision-making” (Acselrad 2010, ref. in Santos, 2016:154). Thus, developers often install their projects in locations where people have less political power, are less organised and less able to resist these interferences.

Tilly (1991:594) suggests that domination and control oppressing minority groups does not necessarily lead to resistance against this domination, unless they have a reasonable amount of resources and capacity to actually mobilise. This may imply a different basis for negotiation for the poor. Stiglitz (2013) also emphasise that primarily, the concerns of the poor are characterised by being short-term and related to economic security. Hence, they are likely to be more reluctant to long-term aims, such as those the RE policies may bring. The poor may thus be more willing to accept high socio-environmental costs in return for limited benefits – such as a new road, or individual payments (Santos, 2016:155). Costs and benefits are often quite unevenly distributed among social groups (Santos, 2016:155), but if sufficient compensation is offered, projects are less likely to be opposed (Hochstetler, 2018:8). In that sense, considering scarce time and resources to mobilise, opposition may depend on the

compensation offered, as well as *if*, and when it arrives. Opposition in Brazil appeared to be related to this.

The rich people in contrast, have more resources to mobilise and opposition among them is likely to be less dependent on the compensation. This may relate to differences in the way they view the impacts of wind projects; while the poor are concerned about access to land and how it affects their economy and livelihoods (Santos, 2016; Brown, 2012), the rich may be more concerned about esthetical circumstances and infrastructure. Findings of a study assessing the experiences of several developers with community interaction in South Africa, suggests that wind farm objectors “mostly on the basis of their visual intrusion, tend to be wealthier middle and upper landowners” – consistent with the view of the project developer (Informant 5) – while “impoverished black and coloured communities (the targeted beneficiaries of developer contributions) typically are unlikely to raise objections” (Tait, 2012:41).

This however, contradicts findings in the southern Brazilian state of Rio Grande do Sul suggesting that wind farms have not been subject to conflicts. Instead, these have become tourist attractions (Hochstetler, 2018:28). This is a wealthy area compared to the north-eastern region, in which a study from Ceará contrarily found that wind projects posed negative consequences for the tourism industry (Brown, 2012). Moreover, poor communities have tended to resist wind projects in many Brazilian cases. In that sense, the anticipation that projects located in poor communities are less likely to generate opposition, does not hold (Hochstetler, 2018:27-28). This indicates the difficulty of explaining resistance based on characteristics related to income and class (Hochstetler & Tranjan, 2016). However, it is nevertheless more likely and clear (Duarte, Dibo & Sánchez, 2017; Fung, 2015; Weber, 2000; Russell & Vidler, 2000) that socioeconomic factors contribute to determine the ability and opportunity to participate, as well as the extent of the influence in that participation.

9 CONTEXTUAL INFLUENCE ON PUBLIC PARTICIPATION

The opportunity to participate in planning and decision-making is likely to be influenced by the organisation of the REA systems and the political and institutional factors in the countries. This chapter will seek to explain how, by comparatively discussing key factors that affects the opportunities to participate and access to resources, as well as the ability to influence these processes. This context is likely to affect the ability to realise the values of public participation and justice, as well as setting the stage for participation – by limiting or promoting it.

9.1 ORGANISATIONAL INFLUENCES

The opportunity to participate in planning and decision-making is likely to be influenced by the organisation of the REA systems. This section will highlight the main causes.

9.1.1 Socioeconomic factors and insufficient communication

Structural inequalities are often naturally embedded in normative discussions about justice. Socioeconomic factors such as income and education affect both ability and opportunity to participate, as well as the access to resources. Findings from Bahia state in Brazil, shows that the degree of participation varies according to the socioeconomic status of communities (Assunção et.al. ref. in Duarte, Dibo & Sánchez, 2017:268). Similar to the discussion on opposition above (8.3.2.2), those who are able to devote their time and resources to participate – given that this opportunity is provided – are often the community members that can actually afford to (Fung, 2015; Weber, 2000; Russell & Vidler, 2000).

Certain characteristics of the organisation of the REA systems can contribute to explain how this appears in the RE projects. The public hearings during the EL/EIA are conducted by developers and licensing agencies as a separate procedure from the REA, without no reference to how these should be adapted to the local communities. Although all interested parties can participate in these public hearings, and despite the project information being available to the public, not all have the opportunity to access these resources.

One factor relates to the practical access, either to internet, or because of long traveling distances. Another factor relates to the presentation of the information, that tends to be technical and poorly communicated. This indicates that the information may not be sufficiently adapted to the recipients (Knudsen et al., 2015; Gross, 2007; Smith & McDonough, 2001). Both factors make it difficult for the locals to assess the reports prior to the public hearings and accordingly “to learn about the impacts, to question the reports and to debate with each other about the possible benefits or burdens in order to take a well-informed position on the project” (Santos, 2016:165).

In South Africa, the SED proposals are vague at the time of the hearings, giving non-concise information that is very general and hardly able to comment. Public hearings also fail to communicate the impacts on the communities sufficiently, and rather focus on the conducted assessments, results and contributions. While in South Africa they tend to focus mainly on the positive aspects of the projects, in Brazil, there are clear indications of misleading information. This is argued to be a means of achieving the locals’ support for the projects (Santos, 2016; Tait, 2012; Informant 10, Instituto Socioambiental). In that case, the hearings are more informative than consultative, or even manipulative, and the participation is thus passive (Cooksey & Kikula, 2005; Pretty, 1995; Arnstein, 1969). This concurs with other critics, arguing that the way NGOs and developers attempt to promote community participation in specific projects, is rather a means of reaching legitimacy for their projects. That is, the *procedure* is not necessarily the core objective (Cornwall & Coelho, 2007).

Reasonable participation requires knowledge about the REA systems, the purpose of the projects and its aims. If this is not adequate, this may lead to resistance later, if presentations and promises do not concur with the outcomes. Similarly, manipulative public hearings cause participation to be non-reasonable, and moreover, a waste of time and resources for both parties. This risk generating demands later on, requiring extra time and resources to be spent.

9.1.2 Outsourcing and lack of guidance

Both REA systems can be understood as organised in a way that outsources public services to meet demands in society, including energy, improved access to energy and socioeconomic development. In *practice*, both countries incorporate two important development objectives into the very same REA system.

There is however a main difference. In the Brazilian system this is an indirect result of the requirements of the BNDES and the wide autonomy given to developers. The BNDES seem to have initiated local content requirements out of previously bad experience with infrastructural projects in the country, as a means of compensation (Informant 10, Instituto Socioambiental). However, this appear to operate parallelly to the REA system, as the requirements only apply to developers seeking their financial support. In that case, these requirements can be understood as not being particularly embedded in the Brazilian REA system or policies. Accordingly, only the South African system were explicitly designed to incorporate both objectives. The SED serves as incentives for developers in the REI4P, as the more they (propose to) contribute to community benefits, the higher score they get in the bidding processes (Eberhard et.al., 2014:29). In that sense, the trade-off between sustainable development and human rights has already been taken into account in the REI4P policy because the SED in local communities are made a requirement to participate in bids.

Since these projects are outsourced to the private sector, it comes with a certain autonomy among the developers. They are obligated to comply with several requirements and criteria – such as contribution to local or national development, and mandatory EL/EIA processes – but in both countries, these are relatively vague. They are critically argued to lack sufficient guidelines, especially as to how developers ought to manage their interaction with the communities, and in particular, how locals should be involved (Wlokas & Soal, 2016:4).

This critique is most evident in South Africa. Although the REI4P requires developers to identify community needs (Eberhard et.al., 2014:25), according to Wlokas et.al. (2017:36) it makes no reference to participatory practices and overlooks an experienced community development history in South Africa (ibid:39). However, it can be argued that the REI4P has already taken it into account, by empowering locals through community trusts and, a quite weak, but existent, ownership component.

As guidelines for participation is also sought to enhance the service delivery (Fischer, 2012) and legitimacy (Tait, 2012:51), one may question why the REI4P and the BNDES have not provided these more clearly. A possible explanation can be rooted in elements within the public-private partnership cultures. For instance, as the REA systems are competitive, the already strict requirements for development contributions, supplemented with additional

interfering procedural guidelines for community involvement, may in fact serve as disincentivising. Accordingly, the lack of proper guidelines can be understood as a result of the outsourcing – hence governments do not interfere much with how developers engage with locals in the planning and decision-making.

Moreover, outsourcing this responsibility to the private sector is arguably pragmatic, as the governments obtain assistance in meeting the public demands – demands that they may not otherwise have the capacity to sufficiently manage. Lack of capacity seem to be a clear justification and objective for the outsourcing, especially in South Africa, as the government is largely in need of improving the unemployment situation. This is probably also why the REI4P turned out as regulated as it did.

However, recent findings indicate that the SED plans submitted in the REI4P, may not be taken into consideration during the approval or rejection of bid proposals (Wlokas, 2015:3). Neither are they given any feedback on these plans (Ibid:4). As such, the SED may fade within the 30% “package” and is not the main focus. This implies that by outsourcing, the responsibility for communities and how to interact with them has also been left to the private sector. One explanation may nevertheless be, that the goal of the REA systems is mainly to meet or supplement the energy demands, not the services. Hence, since the goal is the driver, the processes of reaching it, nor the issue of improving those services, is not prioritised.

Due to the great extent of autonomy for developers, the result is that their engagement with the locals, and effort to involve them, is highly variable (Wlokas, 2015; Hochstetler, 2016). The interaction with communities is thus a shared concern within both countries, and several sources points towards good communication as key for successful accomplishments and social acceptance (Informant 7, IBAMA; Informant 3, GIZ; Baker & Wlokas, 2015; Wlokas, Boyd & Andolfi, 2012). Although it is not required by the REA systems, it is common to hire consultants to make sure it is managed properly. Interestingly, this constitute an additional link of outsourcing. What this means for the ability to participate, and whether it makes a difference or not, provides potential for future research. According to Wlokas (2015:3), the competition between different developers in the REA system also lead them to isolate most of their planning. Instead of consulting with local communities and governments, they consult with other private actors. This contributes to explain why the public knowledge about the REI4P and its anticipated benefits has been relatively weak.

Some developers are very engaged. In South Africa there have been efforts to establish community organisations to promote community needs and empowerment in local development (Tait et.al., 2013; Tait, 2012:44). However, many developers also appoint remotely located not-for-profit organisations to manage and represent the local development. Consequently, the locals remain without ability to participate and influence their own development (Nkoana, 2016:242). McEwan (2017:8) argues that while the private sector controls how the SED revenues are spent, this lacks accountability, and there are no mechanisms in place to improve community engagement and representation. Thus, institutions for public participation may not be sufficiently developed (Wlokas, 2015), and largely depend upon the efforts within the private sector.

Among many developers, the participatory aspect is shown to be perceived as an obstacle or hamper to the project process (Informant 5). This can be explained in different ways. First, encompassing social impact assessments and public hearings are criticised for being too time-consuming (Hochstetler, 2017). A public hearing is often set out because it is either required or expected. Second, potential resistance and opposition to the implementation causes problems for the developers, such as expensive delays. This was made very clear by a South African developer (Informant 5).

Accordingly, it must be acknowledged that it is probably in the best interest of the developers to manage these relationships cautiously, because if they fail to do so, it may cause encompassing costs on them. Accordingly, many of them intend to provide for peaceful processes, to minimise the risks (Informant 5). Further, many may be willing to do their best to comply with the values of participation and justice, although they are not explicitly required. When developers manage to be sufficiently engaged, and take these responsibilities seriously, the SED component have great potential to promote both participation and justice.

9.1.3 The facilitation of participation and the bid requirements

Participation is usually anticipated in a positive manner; it is sought to be a good thing for planning, implementation and outcomes, as well as public acceptance for such developments (see Chapter 3.2). It is likely to reduce conflicts and project delays (Hochstetler, 2016).

Participation is perceived as both necessary, and as a right – both a general human right, and a political and environmental right in particular.

In Brazil and South Africa, inclusion is regarded as facilitated too late in the planning process, when decisions are already taken (Wlokas, Boyd & Andolfi, 2012; Tait et al., 2013; McEwan, 2016; Informant 7, IBAMA). This concurs with a study from Australia, and accordingly, is not special to these cases (Gross, 2007). On one hand, this is an obstacle to participatory rights, as it is argued that the affected should be included earlier, where they can contribute to main decisions about siting and other practical matters related to the construction process. When it is facilitated too late, it causes the participation to be more symbolic, or characterised by tokenism (Arnstein, 1969). It is conducted, but rather because it is “ought to” or required, and don’t necessarily have any effect upon the planning and decision-making process. Based on the framework of procedural and distributive justice, procedures that are inclusive, fair and legitimate are less likely to meet opposition. Assumedly then, participation in the implementation phase, or the risk of facing additional demands, is probably somewhat avoidable if the process is participatory from the start.

On the other hand, it may be necessary to limit early participation, at least until the project is contracted, to avoid creating expectations. In South Africa in particular, the preliminary SED plans could alternatively be presented in detail after the project is contracted, not before. However, within the accomplishment of the mandatory EL/EIA public hearings, developers are required to inform the surrounding communities. Raising certain expectations during these hearings is probably unavoidable. As projects will have more or less consequences for the local communities surrounding the sites, it is likely to cause engagement. In that sense, participation to a certain extent in the early planning stage is – no matter how complicated it potentially make the process – inevitable. In this sense, the design of the SED-requirements, or the REI4P moreover, creates contradicting issues between the rights and needs to include local people, but also to limit participation.

9.2 POLITICAL AND INSTITUTIONAL EXPLANATIONS

There are several reasons to suggest that the ability to participate in planning and decision-making will be influenced by the political and institutional environment. This section will discuss key factors that became evident during the analysis.

9.2.1 The organisation and streamlining of the EL/EIA

In South Africa, the EL/EIA is conducted by national authorities, the DEA, while in Brazil, depending on the project type and location, the processes will be handled by state licensing agencies or IBAMA. In general, while local governments in South Africa lack decision-making authority to a greater extent, governments on local and state levels have more authority in planning and decision-making of RE projects in Brazil. This is probably linked to the Brazilian federal system, whereas governance in South Africa is highly centralised. In that sense, the EL/EIA approach in Brazil may be closer in institutional level proximity to the locals, than in South Africa.

However, such proximity is no necessarily synonymous with better opportunities to participate. While in South Africa these processes are conducted from a higher institutional level, they do nevertheless have strict regulations emphasising the right to participate. Public hearings must be conducted before, during and after the project construction (Devlin et.al., 2005; Nkoana, 2015). The South African regulative framework for licensing (NEMA) also emphasises public participation as the most important process in the EIA – but whether this actually happens, is unclear. Hence, the consultation requirements in the EL/EIA appears to be more rigid in South Africa than both the ordinary EIA and the simplified RAS in Brazil.

In Brazil, the dissatisfaction with the EL/EIA procedures has been more evident, and efforts to make them more streamlined have been more encompassing. The use of hired consultants to conduct impact studies (EIS or RAS) seem to be problematic; on the one hand, they are bought and payed for, have a clear purpose, are often simplified and may thus easily be biased. On the other, recycling of information tends to affect their quality and reliability (Gorayeb & Brannstrom, 2016:107). This may especially have consequences for the inclusion of communities if RAS is conducted instead of the EIA procedure. The South African EL/EIA has also been criticised for being too inefficient, but it has not been streamlined to the same extent, and allegedly, without compromising environmental rights (Bond et.al., 2014). This is likely because public participation is supported as a fundamental right by NEMA. Streamlining of the EIA process in South Africa may still have eroded some of the participatory rights in practice (ibid:51). The call for public hearings (NERSA, 2012) indicates little time for affected people to register for them, and the extent to which they are informed, as well as when, is up to the developer (Wlokas, Boyd & Andolfi, 2012).

Streamlining in South Africa has happened more recently than in Brazil, mainly evident through the recent development of the Renewable Energy Development Zones (REDZ). These are based on detailed assessments of environmental and socioeconomic factors (McEwan, 2017:6). They allow developers to site projects without environmental authorisation, although some additional local authorisations are required. Allegedly, local consultations have been undertaken during these procedures. However, findings suggest that many communities did not know of these assessments (McDaid, 2014:20). These zones also risk generating land grabbing issues and potentially increasing corruption, as they may lead to the interpretation that available land for wind projects are too small (McEwan, 2017:6). As developers may avoid environmental authorisations for projects located within these zones (ibid.), they will probably be exempted from the regular EIA process that requires public hearings – in which has been the normal procedure in the REI4P. In that case, future wind projects undergoing these new procedures, reduces the opportunity to participate, and locals risk becoming subjects rather than citizens (Tally, 1999).

Brazil has had much conflictual experience with licensing of hydroelectric projects. As wind is perceived as a low-impact technology, streamlining appear to get wide acceptance by many public and private sector actors, including IBAMA (Informant 9, Abimaq); less than 10% of the projects they assess are being denied (Informant 7, IBAMA). This indicates the broader national aim of economic development (see section 10.6). In addition, policy makers are not in favour of more evidence beyond the perceived “official knowledge” – in which is more effectively gathered – in fear of hampering the project proceedings (Hochstetler, 2017:10). This may explain why the MME has been less willing to dialogue with civil society on environmental concerns (Informant 10, Instituto Socioambiental). Altogether, these political-institutional factors contribute to sustain the neglect of environmental rights for minorities. These are political barriers to participation in Brazil, both on national and subnational levels (Santos, 2016:169), that can be understood as rooted in systemic political and social inequalities.

9.2.2 Flexibility in the EL/EIA procedures

While the EL/EIA procedures in South Africa are more or less encompassing depending on the size of the projects (Eberhard & Naude, 2017), they are nevertheless strict with less

autonomy for licensers to make sound judgements. In contrast, the EL/EIA framework in Brazil is rather more open to “reasonable” judgements because licensing agencies are granted discretionary power. Brazil in that sense, has a more flexible licensing system. Discretion is perceived as a type of power, and an institutional factor within representative democracies (Olsen, 2010:85). Discretionary power is often thought to be located within formal policy making, however, in practice it also happens during executing and implementing formal decisions and laws (ibid:86). This power puts licensing agencies in the position where they must decide, based on reason, whether to assess proposals in favour of the developers, the communities or the environment, in situations where these parties are opposed.

When the mandate of the licensing authorities is flexible, accordingly the licensing procedures appears more flexible too. This may contribute to explain why the degree of participation and influence is relatively limited during these procedures, as the EL/EIA pose an institutional obstacle to proper public participation in Brazil. These flaws of the EL/EIA system, causes activists to argue that many impacts are neglected at the expense of locals (Hochstetler, 2018:10). This may contribute to explain the trade-off problem in Brazil, where energy demands tend to outshine impacts on socioenvironmental rights. These concerns are expressed to a higher extent in the data from Brazil than South Africa, thus also making it consistent with the higher level of contentiousness related to Brazilian projects (Hochstetler, 2018. See section 8.3.2.1).

However, assessing socioeconomic impacts is not the main task for the licensing agencies, and the fact that socioeconomic demands seem to dominate within communities, is a pressure upon thresholds of capacity within these institutions (Hochstetler, 2016:17). Discretionary power may cause licensers to be biased, in terms of whether they focus on environment or the locals, despite acknowledging judgements from other agencies on these matters. In that sense, the local consultations should not probably be handled only through the EL/EIA routines and institutions – that primarily are designed to deal with the environmental aspects. Nevertheless, this is the only institutionalised way for people to express their concerns. The alternative way is that of protest, or appeal through the court system (Hochstetler, 2016:22). In that sense, the main problem for opportunities to participate and influence is that, in most cases, public hearings are only institutionalised through the EL/EIA procedures. A separate institution for the public hearings focusing on the specific socioeconomic impacts, or an improvement of the capacities within the licensing agencies would probably be better. There are exceptions,

where some developers may provide consultations outside the EL/EIA. However, this is not an institutionalised procedure, but rather ad-hoc.

9.2.3 The room for mobilisation in the political environment

The difference in the institutional environment in the political sphere may contribute to explain the tendency that licensing procedures are “allowed” to be more flexible in Brazil, as well as why there have been more opposition to projects there. In Brazil, there have been more room for civil society mobilisation, due to the competitive political environment. This has led to promotion of participatory activities and mobilisation to strengthen the political support (Heller, 2012:648). In that sense, it can be argued that the “rules” of the democracy – such as justice and rights – have been more open to negotiation in Brazil (Tally, 1999). However, they are not necessarily agreed upon between the exercisers of power and “the exercised”. For instance, Brazilian environmental justice activism and movements have a long history (Costa, 2014; Porto, 2012). This is a result of the dominant development model characterised by economic and political power, that have excluded and discriminated minority groups that are more prone to environmental risks (Porto, 2012:102). The neglect of minority communities in Brazil has been more profound, as they have been perceived by the elites as “obstacles” to large-scale economic development (Informant 10, Instituto Socioambiental; Brannstrom et.al., 2017). Hence, the public perception of justice diverges between citizens and elites (Rawls, 1971:49). While millions of people were lifted out of poverty through national aiding programs (i.e. Bolsa Familia) during Lula da Silva’s rule, this may have increased their ability to mobilise. However, the long history of fighting for environmental justice throughout the country, especially the experience from the Amazon (see for instance Bratman, 2014), have probably influenced the mobilisation culture in the country, and moreover, the resistance culture in general. As a result of such oppression, the fights for the rights of indigenous and traditional communities now have a stronger footing in Brazil, through national agencies such as FUNAI (DPLF, 2015).

This contrasts from South Africa, where politics have been more uniform after independence. The political configuration dominated by the ANC has been less convenient for mobilisation, since the ANC as part of their “hegemonic project” have contained civil society to a larger extent (Heller, 2012:652). As a result, the political environment in South Africa has not been well disposed for mobilisation, nor public participation (Heller, 2012:651). Although there

has been much mobilisation related to coal and nuclear in South Africa, mobilisation against wind projects has occurred at local levels, but still, less profoundly compared to Brazil. Such activism has nevertheless been under-documented in contrast to Brazil and is probably related to the less developed concern about wind farms (Hochstetler, 2018).

However, resistance regarding project impacts are increasing according to the project developer (Informant 5), and hence some developers have intentionally chosen locations that reduces risks of resistance (Informant 5; Hochstetler, 2018). Another possible explanation is that the REI4P presumably have cultivated hope and expectations of employment opportunities, and in fact raised social acceptance. The uneven clustering of projects that causes some communities to benefit considerably more than others, nevertheless risks both generating conflicts and creating new patterns of uneven development (McEwan, 2017:8; Wlokas, 2015). However, as the outcomes of projects are premature and not yet fully apparent, it may be too early to say whether resistance related to compensation is likely to occur among communities.

Heller argues that while the institutions for participation are more developed in South Africa – largely a result of the anti-apartheid project – the actual activities have been more developed in Brazil (Heller, 2012:652). First, this concurs with the way NGOs are not recognised as stakeholders in the Brazilian projects, and the unwillingness of the MME to invite civil society to participate in environmental concerns. Second, NGOs may nevertheless organise their own hearings (Informant 10, Instituto Socioambiental) in more ad-hoc terms.

Interestingly however, it seems like the South African planning and decision-making process is more open for organisations to be involved. For instance, BirdLife South Africa participated during all the bidding rounds under the REI4P. Institutions for participation nevertheless turn out not to be developed properly under the context of the REI4P (Wlokas, 2015. See section 9.1.2). Although there are no exceptions to conducting public hearings during the South African EL/EIA, it is possible to be exempted from certain parts of the process. It looks like the degrees of citizen power, or simply influence, may have been granted such an exemption. After all, although any objection must be included (Eberhard & Naude, 2017), implementing the public viewpoints from the public hearings in the EIA report is not required (Devlin et.al., 2005:490).

However – as a result of the limited openness of the government and their lack of efforts to communicate it to the public – weak public awareness and knowledge about the REI4P (Wlokas, 2015; Bode, 2013) also contributes to explain why there have been lack of activism and demands of participation during the project processes. It has been argued that there is little mobilisation in the South African civil society to improve undemocratic procedures in general, despite the voices of the communities not being represented sufficiently in negotiations and formulations of policies (Tait et.al., 2013:21). Accordingly, the lack of openness is as such a political and institutional obstacle to participation in South Africa.

9.2.4 Informal ties and corruption

Both countries are characterised by corruption, strong vested interests and informal ties between the public and the private sector. These are important factors that are likely to play a significant role in affecting the ability to participate and exercise influence in practice – independent on *type* of political-institutional system. It is also likely that EL/EIA processes are allowed to be more flexible under such unfavourable circumstances – to suit the different interests – since discretionary power is presumably more disposed to the influence of strong interests and informal public-private ties.

In Brazil, licensing has been more dependent on the strength of interests linked to the accomplishment of specific projects. One tendency is that the more interest among both state and private actors for a specific project to be accomplished, the more flexible these licensing procedures have been. One explanation is the “security suspension” mechanisms used by the government. This often causes public hearings to be more symbolic, than prone to the influence of the affected. Although projects can be appealed through the court system, the final decision nevertheless lies within the government (Informant 10, Instituto Socioambiental).

In South Africa, the political environment is highly influenced by clientelism, and many community “councillors” are suspected to have personal or vested agendas (Wlokas & Soal, 2016:13) In Brazil there is an entrenched culture of both corruption and discrimination. These are crucial systemic obstacles to rights, justice and participation for minorities. Although there seem to have been better efforts by South African government to improve inequalities, by integrating national anti-apartheid policies into the REI4P, neither of the REA systems can be

argued to directly delimit such tendencies, because they are entrenched in the political culture. The competitive nature of the REA systems also means that the incentive is economically charged – not aimed at the purpose of justice for the affected communities. However, improved communication and transparency are perceived to reduce (or unveil) this problem (Wlokas & Soal, 2016:13).

9.2.4.1 Land issues

Land issues in both countries poses obstacles to public participation and have major effects on both procedural and distributive justice, especially for minorities (Gorayeb & Brannstrom, 2016; Oxfam South Africa (b)). In Brazil, demarcation of public and private land is deficient and seem to be characterised by vested interests, informal ties and corruption. Especially in rural north-eastern parts of the country where public property has tended to be subject to land grabbing (Hochstetler, 2018:31), or obtained illegally. The fact that municipal actors also claim that developers rent land (Brown, 2011), makes it a bit unclear if there are any regulated procedures for this. The choice of siting does not always recognise what these areas means to subsistence-based communities (ibid; Santos, 2016), and arguments of regional development rather seem to favour the elites, in which is an entrenched phenomenon in Brazil (Brown, 2012). This causes siting decisions to be taken beyond the reach of local people.

In South Africa, land is usually owned by traditional leaders or commercial farmers. As land has to be licensed and contracted before the bids, the siting decisions are done based on the willingness of land owners to rent or sell parts of their land (Nkoana, 2016). Thus, land owners participate in these decisions, by negotiation with developers, but this participation is for material incentives, and arguably only exchange-based (Pretty, 1995). The remaining locals are usually left out of these negotiations (Lombard & Ferreira, 2013). The siting decisions in both countries thus resembles more or less informal business relationships, indicating a low degree of public participation and influence. This political-institutional factor makes it difficult to include people in the early planning and decision-making.

9.2.5 The overarching aims of the REA systems

The aim of the Brazilian REA system is primarily to reduce electricity prices (Shaeffer et al., 2015). This objective arguably contributes to explain why the EL/EIA processes are allowed to be more flexible and streamlined – rather than using considerable amounts of time and

resources in order to account for the concerns of the locals and their rights to participate. Moreover, it implicates why institutions for proper participation is under-developed. These circumstances also contribute to explain why there has been more evident resistance there, compared to South Africa.

While it is unclear whether political will to implement locally directed policies exist in the central government levels in Brazil, the South African REA system is more aimed at improving socioeconomic challenges. Socioeconomic targets and compensation mechanisms are clearly embedded in the program and may be a reason for not having as much resistance towards the projects. Rather, many communities may be satisfied with the compensation offered, or may have been more patient because the projects will offer jobs – in which is a great insecurity otherwise. These community contributions are also part of the bidding contract, as it is embedded in the REA requirement. Hence, the compensations are more secured in a practical sense, through the establishment of community trusts and ownership in the projects. In that sense, the REI4P may appear as meeting many of the expectations of the locals, to a higher extent than in Brazil. The locals may also have been more familiar with what exactly to expect – although, overall public knowledge seems to be weak. This accordingly depends on the effort to communicate the project properly to the communities.

In Brazil in contrast, there are no way to ensure that compensation promises are held (Hochstetler, 2018). The projects may be more prone to corrupt behaviours, and if the collective compensation is chosen, promised benefits may be withheld. Experiences from hydroelectricity projects in the Amazon show that while municipalities receive benefits, this may not necessarily revert to the communities (Informant 7, IBAMA). Neither is there any institution for the locals to communicate their feedback after the implementation. Rather, the feedback is often represented through more conflictual strategies, that probably lead to more costly processes than if they were conducted in procedural just ways from the beginning. If the information about impacts is inadequate before the compensation negotiations, this may also lead people to choose the “wrong” type of compensation. Such circumstances arguably stress reasons to ask whether the inclusion has been adequate.

Whether or not the promises of compensations are being held, remains to be seen in many cases within both countries, due to the timeframe of wind projects. In South Africa, a monitoring and evaluation team has been established by the DoE, to assess matters such as

engagement with surrounding communities. “Whether or not this monitoring and evaluation team holds IPPs to their promises remains to be seen” (Nkoana, 2016:242).

9.3 THE PROMOTIONS AND LIMITATIONS OF PARTICIPATION

This section will summarise the discussion by stressing the ways that public participation is promoted and limited, in light of the consistency of theory and practice.

9.3.1 Promotion of participation

Although participation is not a requirement, the SED contribution requirements from REI4P nevertheless gives *implicit* requirements of involving the local communities; contributing to local development in a reasonable manner can hardly be done without involving the affected in the planning process. Hence, the South African REA system promote inclusion to a greater extent, compared to if there were no such requirements at all. While participatory governance may give marginalised groups the opportunity to empower themselves, the community trusts set forward by the REI4P also give some residents the opportunity to act as citizen representatives and articulate the interests of their communities (Gustafson & Hertting, 2017). This however, is likely to be influenced by socioeconomic factors, whereas the more privileged residents are likely to obtain such roles.

Another assumption is that these systems provide better opportunities to involving locals than other energy projects. In Brazil, hydroelectricity projects have tended to be implemented top-down to a greater extent and have largely been subject to vested interests in the state and the private sector. For instance, the government stopped the process of recognition of land rights in the Amazon in order to proceed with a hydroelectricity project. This, according to the informant from Instituto Socioambiental, is a “political decision completely against the idea of participation, of respect of human rights” (Informant 10). It can be anticipated that the coal industry in South Africa has been subject to similar vested interests. One explanation could be that these energy sources have been largely dominant in the countries, and hence implemented with stronger force. The RE technologies such as wind however, are relatively new in comparison, and still constitute a minor part of the total energy matrix in the countries. As such, they may be more open to “experiments” of local inclusion.

9.3.2 Limits to participation

It can further be argued that the most ideal participation in theory – with complete citizen control (Arnstein, 1969), or at least stronger ability to influence – is not consistent with the complex configurations in reality. The many potential parameters that are likely to affect their transferability to reality are not always taken into consideration. Presumably, the more participatory (and influencing) a decision-making process is, the less effective it will be. Deliberation and consensus is very unlikely, as taking every view into consideration may be an infeasible process. Although negotiation and conflictual means of reaching agreements are more likely (Tally, 1999), either one requires a considerable amount of time and resources. They may thus not be the best solutions, in terms of communicating an expressing community perceptions and views on how the projects should be implemented.

Restricted capacity, time and resources are evident in these cases too, and contribute to restrain the provision of participatory processes in planning and decision-making.

Accordingly, full and equal opportunity to participate in and influence these processes by all stakeholders, is arguably inefficient. Such limitations often restrain decision-making and contribute to explain why participatory activities tend to be characterised by top-down approaches. Under such circumstances, decisions are not a result of ideal “rational choices” (Simon, 1953), but rather satisfying enough. In that sense, there is not enough time or resources to conduct full participation, nor would it be effective enough. But it is required, and hence conducted in a satisfying way.

As a result, inclusion often resembles representation more than direct participation. Allegedly, the risk that affected people may be underrepresented is highly present – as is the risk of certain point of views to diminish, or simply fade out. Nevertheless, as Tait (2012:52) argues, assessing the needs of communities and undertaking development planning is not an effective form of long-term development if it does not include broader participatory processes.

Referring to the social contract, representatives are chosen and trusted to make decisions and facilitate both participatory and distributive justice (Rawls, 1971; Pelling, 2011). Further, this indicates that the power exercisers must be trusted to set clear frames for how inclusive the processes should be, in order to make sure that they are efficient enough to actually complete the tasks. In that sense, a neat balance is necessary; public participation must inevitably be

restrained to a certain extent, but also provided for, to make governance more effective and adapted to those who are affected (Irwin & Stansbury, 2004; Arnstein, 1969).

A key challenge in South Africa, is that the developers are required to propose development plans before the actual bid. This organisational factor of the REA system is a core obstacle to public participation. First, extensive participation of the local people risks giving them expectations of benefits and revenues that they under no circumstances are guaranteed to receive (Informant 3, GIZ). The proposed projects may not be contracted at all. The same challenges may appear in Brazil because the projects presented during the EL/EIA public hearings may also create expectations about outcome distributions – although they are not specifically directed towards a community development component. This causes insecurity for the locals, if they are to continually receive offers that “may” be realised. This is a flaw of the REA systems, and to be more effective in terms of long-term development (Tait et.al., 2013:4), they need innovative solutions.

Second, not involving the locals in this early planning stage may nevertheless compromise the quality and adaptation of the proposed plans. For the SED contributions to succeed, it is crucial that they are targeted appropriately. Involving the locals is thus argued to be the obvious means to achieve this (Tait, 2012:52). Both however, risks weakening further relations between the developers and the communities (ibid:51). Adequate communication with the local communities is key to achieve and sustain good relations. Especially important is clarifying the project proposals, what to expect and not, as well as the role of the communities in both the participatory activities and in the project process itself.

An interesting thing to explore, is whether the specific participatory procedure would have an effect on the outcomes. For instance, consider that public hearings may not work in the particular community’s cultural setting; people may not be aware of how such interactions operate, the forum or arena may be alienated, or this form of interaction may simply not appellate to the people it is concerned. The question then, becomes one of what particular procedure is best suited. The answer is probably contextual, not universal or derived from established theories on public participation. In that sense, perhaps the participatory procedures need innovation.

9.3.3 Are the planning and decision-making processes legitimate and just?

There are clear indications that participation is perceived as insufficient, both in terms of the extent to which it is facilitated, as well as when (Wlokas, 2015). Arguably, from a theoretically accorded standpoint, the process cannot be deemed properly just. There are not equal opportunities to participate, and people are not equally included in the processes (Paavola & Adger, 2006; Rawls, 1971). Neither are they sufficiently included in crucial decisions in all phases of the process, and the streamlining of the EL/EIA procedures risk further discriminating affected people. This largely reflects environmental and social injustice.

Instances of opposition in the countries is a probable indicator on the legitimacy of both procedures and distribution of outcomes, in similarity to what have been the case in other countries (Gorayeb et.al., 2018:83; Knudsen et.al., 2015; Gross, 2007; Smith & McDonough, 2001). In Brazil and South Africa, both types of injustices seem to generate considerable concern – such as the limited ability or opportunity to access information, the insecurities of land rights, the participatory processes, or the compensations (Gorayeb & Brannstrom, 2016; Nkoana, 2016; Santos, 2016; Wlokas, 2015). The latter may be of less concern in South Africa, while in Brazil it is of considerable importance. Arguably, this does not concur with the “justice as fairness” theory (Rawls, 1971:13). In Brazil, resistance have nevertheless shown to help improve the dissatisfactory compensations. In situations where communities are satisfied with the compensations and outcomes, the processes may nonetheless be deemed as just – probably even independent on the level of participation or influence. Trust is nevertheless an important factor regarding legitimacy (Ellis & Robinson, 2007; Eltham et.al., 2008; Hall et.al., 2013).

Within the “difference principle” as proposed by Rawls (1971), the planning and decision-making processes cannot be deemed as just if compensations are not resulting as promised. If they do, in contrast, one may argue that the trade-offs between sustainable development and human rights are legitimate. Although structural inequalities exist, at least the processes lead to benefits for the least advantaged, or those who lack the opportunity and ability to influence. The REI4P is for instance designed to benefit the least advantaged and can thus be interpreted as more in accordance with the “Justice as fairness” theory (Rawls, 1971). The same can be argued about the ad-hoc efforts in Brazil – although not the REA system itself – as these also contribute to compensate affected communities, and particularly the least advantaged.

10 CONCLUSIONS

This study aimed to explore how and to what extent planning and decision-making processes of RE projects in Brazil and South Africa were inclusive on behalf of the affected communities. In particular, the study focused on wind projects procured through the REA systems in the countries. These systems were compared to discuss how they affected the provision for public participation. The analysis of each case was based on a division of the planning and decision-making process within three phases; 1) political-administrative 2) procurement and 3) implementation. This was followed by a comparative discussion of the extent and type of this participation and influence, reflecting both how it was promoted and what were the main obstacles. It did so by applying theoretical frameworks of public participation, procedural and distributive justice and principles of environmental and climate justice.

10.1 SUMMARY OF MAIN FINDINGS

In both countries, it becomes clear from the analysis that public participation exists. In general, public participation is limited to informing and consulting local people through activities such as public hearings – as such, it is largely characterised by tokenism. This is particularly evident in two different parts of the planning and decision-making process; within the procurement phase during the mandatory EL/EIA procedures in which public hearings is required, and during the implementation phase, mostly concerned with compensatory matters.

The EL/EIA institutions and procedures play an important role for facilitating public participation, and how these are regulated largely determine the extent to which local communities are included in planning and decision-making. Although the rights to participate are inherent in the EL/EIA regulations of both countries, streamlining of these processes have eroded such opportunities in practice. Especially in Brazil, this appear to be a significant threat to the local peoples' abilities to participate and exercise influence.

The participatory practices in the implementation phase is different in the countries. In Brazil these relate to the compensation for local communities and are negotiated for each project. In South Africa, the compensations are characterised by top-down planning and decision-making during the procurement phase before they are “handed over” to the communities after the implementation of the project. Although the REI4P allegedly will benefit local communities

by creating jobs, ownership and economic aid, proper consultation with the affected during the planning process has in general been relatively absent.

The degree to which public participation is provided for in planning and decision-making processes, and whether this participation also encompasses the ability to influence, vary among different projects. This is especially the case beyond the EL/EIA hearings, and is largely due to the autonomy of the private sector in developing the RE projects. The outsourcing of project development through the REA systems causes different development objectives to be incorporated and implemented, but lack of guidance on community engagement results in variable efforts to engage the locals, and pass on the responsibility of these trade-offs to the private sector. Consequently, the degree of inclusion is highly variable – from manipulation, to degrees of more or less citizen control.

Importantly, outsourcing has likely improved the provision of participation in several projects. However, it may also have constrained it. In South Africa, there have been insufficient guidelines as for how developers should include communities. Thus, despite the REI4P being a good policy, implementation may have been poor in terms of participatory governance (Nkoana, 2016:237). In Brazil, there have been no guidelines at all, implying that any appearance of participation is mostly ad-hoc. Hence, the same holds for participatory governance, although the difference is that the REA policy have less requirements, and thus give more room for discretion in implementation.

Overall, in Brazil, the opportunities for public participation seem to be affected by structural social and political inequalities in the society. Such systematic inequalities form a core challenge to public participation, and if these root causes are allowed to persist, changes in the practical activities risk only being superficial. Real changes to the system requires solid transformations not only in the activities and institutions, but also in values and attitudes. Such changes are crucial, albeit very difficult to undergo.

In South Africa, while public participation is emphasised as the most important process in the EL/EIA, it appears as the outsourcing of community development and streamlining of the process weaken the implementation of participatory processes. This is reflected in the insufficient guidelines for developers, misinterpreted importance of inclusion and weak accomplishment of both the right and opportunity to participate in a reasonable, just manner.

While participation may have institutional support, the activities nevertheless remains underdeveloped.

In general, there seem to be a divided interpretation of public participation and its importance in development projects, including the RE projects. One on hand, it is sought to be ineffective, thus presenting risks to project proceedings. On the other hand, projects without participation of those who are affected by them, is neither an effective means of development. This is evident in both cases, as increasing resistance towards RE projects may serve as an indicator that they are deemed as unjust in procedural and/or distributive ways.

It appears like the limited opportunity for participation largely lies within the trade-offs between sustainable development and community development, between sustainable development for the majority of people and human rights for the minority. This, according to Rawls (1971), is not justifiable when it does not work to the betterment of the least advantaged. Many elements of the planning and decision-making process can be perceived to lack both distributional and procedural justice. Hence, much of the opposition generated related to the projects are likely to be caused by such injustices.

In terms of effectiveness, the most participatory and influencing forms of public participation is not the best options. These will require too much time and resources. On one side of the equation, this may affect or even hamper the transition to a more sustainable society. On the other side, there is still considerable potential for increasing the communities' ability to influence, to comply with and respect their rights, by at least securing that their expressions and views are taken into account. This should ideally also be reflected in the outcomes. This is likely to reduce costs and time spent on the implementation as well, thus being a win-win situation – simply because, if the procedure is deemed legitimate and just, the outcomes are more likely to be legitimate and accepted.

Governments need to outline clearer guidelines and strategies for coping with these biases. The trade-off between sustainable development for the majority and justice and rights for the minorities, is neither sustainable if it is allowed to be biased. As of now, it appears as the governments have outsourced the latter concern to the private sector, without providing a thorough framework for managing such responsibilities.

It is unclear whether a drive or political will to implement more locally directed policies exist in the central government levels. This is interlinked with the aims of the REA systems, and may clearly be a crucial factor contributing to determine the effort of governments to provide sufficient guidelines for how public participation should be accounted for.

10.2 THE LIMITS OF THE ANALYSIS AND THE CONTRIBUTION OF THIS STUDY

The extent of inclusion is largely dependent upon each developer in both countries, and some of the possible explanations have been discussed throughout the study. Due to limitations, it was not however possible to conduct a thorough study of the extent of participation and influence in particular projects. The main challenge with regard to studying the participation processes within the three phases, was the lack of sufficient data to elaborate on the participation in the third phase of implementation.

As justice and legitimacy is relative to each context and subject to the perceptions of those affected by the processes, this study would probably have benefited from applying a method that would better provide for the affected peoples' viewpoints. This would also have made the frameworks of procedural and distributive justice in participatory processes, participatory governance and participatory planning more fruitful, as they highlight key factors of such processes in which are likely to be more assessable through the direct access of the affected peoples' perceptions. The data selection of documents and interview transcriptions did however provide a basis for discussing the participation to a certain extent, and to compare it along the characteristics of the REA systems in the countries. I nevertheless believe that collecting additional data through conducting interviews would have given more concise information.

The fact that participation is less documented in South Africa – partly because it may be too early to judge whether the extent of inclusion may have influenced the outcomes of the projects – accordingly made it difficult to describe participation in a concise way. It also indicates the necessity of advancing this documentation. Whether local communities in South Africa are actually empowered through the compensation mechanisms of community trusts and ownership, and whether they are able to control how these revenues are to be spent, remains unclear. This would require a study of the projects that are implemented, where

revenues are commenced. In the Brazilian case, there were two particular challenges to the exploration; first, the language barrier restricted my access to potential data, and second, the processes were largely ad-hoc. A key challenge for exploration in both countries, was the huge variation between different projects. This suggests that the field needs more clarification and exploration. Despite the weaknesses, this study nevertheless contributed with an overview that points to key characteristics of the provision of participation within these systems.

The study has to a great extent drawn on information about the negative aspects of participation – that is, the shortcomings and obstacles – and have been somewhat influenced by this. As a result, it was challenging to focus on how participation was actually promoted. In contrast, the analysis largely contributed to confirm previous findings about the state of participation during the wind project development in the countries. This is a consequence of the conducted strategy of searching for projects with contentious experiences.

Although the study has largely confirmed previous findings about the state of participatory practices related to wind projects, it nevertheless did so with a somewhat different angle: This study has argued that the way the REA systems are organised influences the opportunity to participate in the planning and decision-making processes of the RE projects. This is likely to be the case for not only wind projects, but also other renewable energy technologies that are included in the South African REI4P (solar) and the Brazilian alternative energy auctions (small-hydro, biomass, solar). The outsourcing of project development and the streamlining of the institutions that secure public participation in these processes contributes to determine such opportunities.

Although there is a key difference between the REA systems, whereas the SED contribution design in South Africa is far more regulated and directed towards local community development, this does not however provide more participation in the process for that matter. Much of the planning and decision-making is already outlined – albeit without sufficient guidelines for engagement. Hence, in South Africa there seem to be a wish for more regulation on this aspect. This may be of benefit for the conduction of participatory processes. In Brazil the process may also benefit from establishment of such guidance on community engagement. But, as variation are still wide due to autonomy in both cases, the Brazilian processes does not necessarily have less participation, despite having no guidance at all. In

that sense, the implementation of the SED-contributions does not necessarily ensure more participation, compared to if these were not required in the REA system.

The same can be argued about the aims of the REA systems; the national economic development aim nor the national and local socioeconomic development aim do not necessarily imply that the latter will provide more participation than the former. Rather, these aims become detached in the outsourcing of local development responsibilities to the private sector, and accordingly, the issues of participation and influence becomes dependent upon developers.

10.3 SUGGESTIONS FOR FURTHER RESEARCH

As have been discussed throughout the analysis, outsourcing of community development – In South Africa in particular – and the wide planning and decision-making autonomy of developers in both REA systems in general, causes the possibilities of participation and influence to be quite variable. Whether locals that attend public hearings are considered in the final licensing decisions is somewhat unclear, and a comparison of the influence in the hearings and the actual project outcomes is therefore important.

This implies that the field and the topics have great potential to be explored further within the private sector. Given that this thesis has discussed the many organisational and political-institutional explanatory factors that influence the inclusion, perspectives of organisational and institutional theory on participation are likely to provide a suitable framework for analysis. The relatively “ad-hoc” nature of developers’ efforts to engage communities implies an exploration beyond the REA system, and into the private sphere. Corporate social responsibility is presumably a good place to start. While outsourcing seem to be a result of either lack of capacity or as a means of evading responsibility, or both – possibly, the situation of inclusion would not necessarily have been better without it. Conceivably even worse. This however is a relatively similar condition in both countries and would have been interesting to explore more in depth.

Taken the weaknesses of this study into account, I believe that future research may nevertheless have a fruitful field that needs further exploration and clarification. Data collection methods such as interviewing or observation (for projects under development or in start-up phase) are potential suitable to serve this purpose.

Future examinations may also have good potential in analysing and comparing multiple renewable energy technologies, to explore how different technologies may lead to different impacts, different types of public inclusion, and not least, different reactions amongst affected communities. Furthermore, it can be important to explore further whether it is the case, that some RE technologies are pushed through (despite resistance) more easily than others, under the apprehension that it have “less impacts than the other alternatives”. In Brazil, the streamlining of licensing procedures especially for wind projects seem to indicate such circumstances, and as discussed, this may pose critical challenges to both the procedural and distributive rights of affected communities.

Finally, the REA systems have become an increasingly used tool in many countries, including developing countries (Lucas et.al., 2013). Considering the growing need to address the issues of justice and rights related to climate change adaptation measures (Klinsky et.al., 2016), the applied framework in this thesis is thus likely to be fruitful in studying participation in REA systems in other countries as well – and developing countries in particular.

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APPENDIX 1: INFORMANTS

Interviews conducted for the South African focused comparative project on “Transition to sustainable energy systems in emerging economies” under the SANCOOP.

Code	Occupation	Date/Country
Informant 1	South African Wind Energy Association (SAWEA)	<i>2014, South Africa</i>
Informant 2	Electricity Governance Initiative South Africa	<i>2014, South Africa</i>
Informant 3	GIZ (German Society for International Cooperation) South Africa	<i>2014, South Africa</i>
Informant 4	Department of Environmental Affairs and Development Planning, Western Cape Government	<i>2014, South Africa</i>
Informant 5	Project developer	<i>2014, South Africa</i>
Informant 6	SOLA Future Energy	<i>2014, South Africa</i>
Informant 7	IBAMA	<i>Nov-Dec. 2014, Brazil</i>
Informant 8	BNDES	<i>Nov-Dec. 2014, Brazil</i>
Informant 9	Abimaq, The Brazilian Machinery Builders' Association	<i>Nov-Dec. 2014, Brazil</i>
Informant 10	Instituto Socioambiental	<i>Nov-Dec. 2014, Brazil</i>
Informant 11	Greenpeace	<i>Nov-Dec. 2014, Brazil</i>

APPENDIX 2: DOCUMENTS

Brazil	
Source	Type
Brannstrom, C., Gorayeb, A., Mendes, J. S., Loureiro, C., Meireles, A. J. A., Silva, E. V., Freitas, A. L. R. & Oliveira, R. F. (2017) “Is Brazilian wind power development sustainable?”	Scientific article

Insights from a review of conflicts in Ceará state”. <i>Renewable and Sustainable Energy Reviews</i> , vol. 67: p. 62-71.	
Brown, K. B. (2012) “Wind Farms on Our Copacabana: The Wind Industry Experiment in Northeastern Brazil”, <i>Carbon Trade Watch</i> , May 2012.	Article (<i>Carbon Trade Watch</i>)
Brown, K. B. (2011) “Wind power in northeastern Brazil: Local burdens, regional benefits and growing opposition”. <i>Climate and Development</i> , vol. 3 (4): p. 344-360.	Scientific article
Devlin, J. F., Yap, N. T. & Weir, R. (2005) “Public Participation in Environmental Assessment: Case Studies on EA Legislation and Practice”. <i>Canadian Journal of Development Studies</i> , vol. 26 (3): p. 487-500.	Scientific article
Duarte, C. G., Dibo, A. P. A. & Sánchez, L. E. (2017) “What does the academic research say about impact assessment and environmental licensing in Brazil?” <i>Ambiente & Sociedade</i> , vol. 20 (1): p. 261-292.	Scientific article
Duarte, C. G., Dibo, A. P. A., Siqueira-Gay, J. & Sánchez, L. E. (2017) “Practitioners perceptions of the Brazilian environmental impact assessment system: Results from a survey”. <i>Impact Assessment and Project Appraisal</i> , vol. 35 (4): p. 293-309.	Scientific article
Gorayeb, A. & Brannstrom, C. (2016) “Towards Participatory Management of Renewable Energy Resources (Wind-Farm) in Northeastern Brazil”. <i>Mercator</i> , vol. 15 (1): p. 101-115.	Scientific article
Gorayeb, A., Brannstrom, C., Meireles, A. J. A. & Mendes, J. S. (2018) “Wind power gone bad: Critiquing wind power planning processes in Brazil”. <i>Energy Research & Social Science</i> , vol. 48: p. 82-88.	Scientific article
Hochstetler, K. (2018) <i>Chapter 5 – People and place: Siting Wind and Solar Plants in Brazil and South Africa</i> [manuscript].	Book chapter (<i>unpublished manuscript</i>)
Hochstetler, K. (2017) “Environmental impact assessment: evidence-based policy-making in Brazil”. <i>Contemporary Social Science, Journal of the Academy of Social Sciences</i> .	Scientific article

Hochstetler, K. A. (2016) <i>Conflicts Between State and Civil Society Related to Infrastructure Projects</i> . Institute for Applied Economic Research Discussion Paper 217, Brasília October 2016.	Discussion paper (Research Institute affiliated to the Ministry of Planning, Development and Management)
Hochstetler, K. & Tranjan, J. R. (2016) “Environment and consultation in the Brazilian democratic developmental state”. <i>Comparative Politics</i> , vol. 48 (4): p. 497-516.	Scientific article
Rajão, R. (2013) “Fighting to include local voices in environmental policy-making in Brazil”. <i>World Social Science Report 2013: Changing Global Environments</i> . ISSC, UNESCO, p. 448-452.	Scientific article (UNESCO’s International Social Science Council World Social Science Report)
Santos, A. N. G. (2016) “Wind energy in Brazil and socio-ecological conflicts: The role of knowledge in power struggles”. Kapferer, E., Kock, A. & Sedmak, C. Eds. <i>Appreciating Local Knowledge</i> . Newcastle: Cambridge Scholars Publishing, p.153-178.	Chapter in book

South Africa	
Source	Type
Bode, C. C. (2013) <i>An analysis of collective ownership models to promote renewable energy development and climate justice in South Africa</i> [Master thesis] South Africa: Potchefstroom Campus, North-West University.	Master thesis
Bond, A., Pope, J., Morrison-Saunders, A., Retief, F. & Gunn, J. A. E. (2014) “Impact assessment: Eroding benefits through streamlining?”. <i>Environmental Impact Assessment Review</i> , vol. 45: p. 46-53.	Scientific article
Cennergi Powering Progress (14.08.12) “Tsitsikamma Community Wind Farm Project. Nersa Generation License Public Hearing”. Nersa. http://www.nersa.org.za/Admin/Document/Editor/file/Consultations/Electricity/Presentations	Project proposal presentation (NERSA public hearing, 13. August 2012)

<p>/Tsitsikamma%20Community%20Wind%20Farm%20Project%20%28Pty%29%20Ltd.pdf (Downloaded: 22.03.18)</p>	
<p>DEA (2010) <i>Public Participation in the Environmental Impact Assessment Process</i>. Public Participation 2010, Integrated Environmental Management Guideline Series 7. Department of Environmental Affairs, Pretoria, South Africa.</p>	<p>Guideline for environmental management (<i>Department of Environmental Affairs</i>)</p>
<p>Devlin, J. F., Yap, N. T. & Weir, R. (2005) “Public Participation in Environmental Assessment: Case Studies on EA Legislation and Practice”. <i>Canadian Journal of Development Studies</i>, vol. 26 (3): p. 487-500.</p>	<p>Scientific article</p>
<p>Eberhard, A. & Naude, R. (2017) <i>The South African Renewable Energy IPP Procurement Programme. Review, Lessons Learned & Proposals to Reduce Transaction Costs</i>. University of Cape Town. Available from: https://www.gsb.uct.ac.za/files/EberhardNaude_REIPPPReview_2017_1_1.pdf (Accessed: 27.05.18)</p>	<p>Scientific article</p>
<p>Hochstetler, K. (2018) <i>Chapter 5 – People and place: Siting Wind and Solar Plants in Brazil and South Africa</i> [manuscript].</p>	<p>Book chapter (<i>unpublished manuscript</i>)</p>
<p>Hochstetler, K. A. (2016) <i>Conflicts Between State and Civil Society Related to Infrastructure Projects</i>. Institute for Applied Economic Research, Discussion Paper 217, Brasília October 2016</p>	<p>Discussion paper (<i>Research Institute affiliated to the Ministry of Planning, Development and Management</i>)</p>
<p>Lombard, A. & Ferreira, S. (2014) “Residents’ Attitudes to Proposed Wind Farms in the West Coast Region of South Africa: A Social Perspective from the South”. <i>Energy Policy</i>, vol. 66: p. 390-399.</p>	<p>Scientific article</p>
<p>McDaid, L. (2014) <i>Renewable Energy Independent Power Producer Procurement Programme Review 2014</i>. Electricity Governance Initiative South Africa, supported by World Resources Institute.</p>	<p>Review</p>

<p>McEwan, C. (2017) “Spatial Processes and Politics of Renewable Energy Transition: Land, Zones, and Frictions in South Africa”. <i>Political Geography</i>, vol. 56: p. 1-12.</p>	<p>Scientific article</p>
<p>McGillivray, D. (02.03.12) “MetroWind Van Stadens Wind Farm”, Rubicept. Nersa. http://www.nersa.org.za/Admin/Document/Editor/file/Consultations/Electricity/Presentations/MetroWind%20Van%20Stadens%20Wind%20Farm%20%28Rubicept%29%20Pty%20Ltd.pdf (Downloaded: 11.04.18)</p>	<p>Project proposal presentation <i>(NERSA public hearing, 12. March 2012)</i></p>
<p>Micawber (13.08.12) “Nersa generation public hearing – West Coast 1”, Nersa. http://www.nersa.org.za/Admin/Document/Editor/file/Consultations/Electricity/Presentations/Micawber%20862%20%28Pty%29%20Ltd-%20West%20Coast%201.pdf (Downloaded: 22.03.18)</p>	<p>Project proposal presentation <i>(NERSA public hearing, 13. August 2012)</i></p>
<p>NERSA (2012) “Public hearings on the applications for the renewable energy power plants license applications”. National Energy Regulator of South Africa, 21. February, 2012. (<i>See appendix 3</i>)</p>	<p>Invitation to public hearings <i>(issued by NERSA, 21. February 2012)</i></p>
<p>Nkoana, E. M. (2016) “Participatory Governance and Social Acceptance Challenges in Utility-Scale Renewable Energy Deployment in South Africa: A Bird’s Eye View”. Sebola, M. P. & Tsheola, J. P., eds. <i>South African Association of Public Administration and Management</i>, The 5th Annual Conference on “20 Years of South Africa’s Post-Apartheid Local Government Administration”. Limpopo, South Africa: SAAPAM Limpopo Chapter, p. 237-245.</p>	<p>Scientific paper</p>
<p>Tait, L., Wlokas, H. L. & Garside, B. (2013) <i>Making communities count: Maximising local benefit potential in South Africa’s Renewable Energy Independent Power Producer Procurement Programme (REIPPPP)</i>. International Institute for Environment and Development, London.</p>	<p>Report</p>

<p>Tait, L. (2012) <i>The potential for local community benefits from wind farms in South Africa</i> [Master thesis] Cape Town, South Africa: Energy Research Centre, University of Cape Town.</p>	<p>Master thesis</p>
<p>Wlokas, H. L., Boyd, A. & Andolfi, M. (2012) “Challenges for local community development in private sector-led renewable energy projects in South Africa: an evolving approach”. <i>Journal of Energy in Southern Africa</i>, vol. 23 (4): p. 46-51.</p>	<p>Scientific paper</p>
<p>Wlokas, H. (2015) “A review of the local community development requirements in South Africa’s renewable energy procurement programme”. <i>World Wildlife Foundation Technical report</i>, South Africa.</p>	<p>Report <i>(WWF, South Africa)</i></p>

APPENDIX 3: PUBLIC ISSUE BY NERSA



PUBLIC HEARINGS ON THE APPLICATIONS FOR THE RENEWABLE ENERGY POWER PLANTS LICENCE APPLICATIONS

The National Energy Regulator of South Africa (NERSA) is a regulatory authority established as a juristic person in terms of Section 3 of the National Energy Regulator Act, 2004 (Act No. 40 of 2004). NERSA's mandate is to regulate the electricity, piped-gas and petroleum pipelines industries in terms of the Electricity Regulation Act, 2006 (Act No. 4 of 2006), Gas Act, 2001 (Act No. 48 of 2001) and Petroleum Pipelines Act, 2003 (Act No. 60 of 2003).

NERSA invites all stakeholders and the public to attend a public hearings on the generation licence applications as tabled below.

Members of the public and stakeholders wishing to attend or to present at the hearings must register by **16h00 on Tuesday, 28 February 2012**. Details are as follows:

Date and time of the Public Hearing	Project Name	Province	Venue
Thursday, 01 March 2012 10:00 – 15:00	1. SlimSun Swartland Solar Park 2. CPV Power Plant 1 3. Solar Capital De Aar 4. Dassiesklip Wind Energy Facility 5. Hopefield Wind Farm	Western Cape (Cape Town)	Strand Tower Hotel Corner Strand and Loop Streets, Cape Town, 8001
Friday, 02 March 2012 10:00 – 15:00	1. MetroWind Van Stadens Wind Farm 2. Red Cap Kouga Wind Farm. 3. Dorper Wind Farm 4. Jeffreys Bay Wind Farm 5. Cookhouse Wind Farm	Eastern Cape (Port Elizabeth)	Pine Lodge Resort and Conference Centre 1 Marine Drive, Port Elizabeth
Monday, 05 March 2012 10:00 – 15:00	1. Mulilo Renewable Energy Solar PV De Aar 2. Mulilo Renewable Energy Solar PV Prieska 3. Greefspan PV Power Plant 4. Noblesfontein 5. Kalkbult 6. Letsatsi Power Company 7. Herbert PV Power Plant 8. S A Mainstream Renewable Power, De Aar Solar PV	Northern Cape (Kimberley)	Kimberly Club 35 Currey Street, Kimberly
Tuesday, 06 March 2012 10:00 – 15:00	1. SA Mainstream Renewable Power Droogfontein 2. Lesedi Power Company 3. Khathu Solar Energy Facility 4. Khi Solar One 5. KaXu Solar One 6. Konkoonsies 7.Solar 7. Aries Solar	Northern Cape (Postmasburg)	Postmansburg town hall 19 Springbok Street, Postmasburg
Thursday, 08 March 2012 10:00 – 15:00	1. Soutpan Solar Park 2. Witkop Solar Park 3. RustMo 1 Solar Farm	Limpopo (Bela Bela)	Elephant Springs 31 Sutter Road, Bela Bela

For more information please contact Shirley Kgope at **Tel: +27 (0)12 401 4715**
Email: publichearings@nersa.org.za.

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