THE ROLE OF PUBLIC PARTICIPATION IN ACHIEVING SOCIAL JUSTICE: A CASE STUDY OF EIAs IN SOUTH DURBAN

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Public Participation in Environmental Decision-making

- Environmental policies (NEMA) emphasize importance of public participation in including the voices of the marginalized;
- To address apartheid policies that have prevented any form of participation in decision-making processes;
- However, there is no agreed definition;
- Environmental impact assessments (EIAs) undertaken to determine the impact of developments on the environment (biophysical, social, economic & cultural);
- Public participation used as a tool to incorporate the views of those that are interested & affected by a development.
Current Context: Public Participation

- EIAs dominated by scientific & technical data, sidelining social issues (Scott & Oelofse, 2005; Eden 1996);
- Public participation process in EIAs under 1997 regulations hinder the incorporation of social issues & voices of the marginalized in EIAs in South Durban (Hoosen, 2005);
- Scaling down of EIA process (2006 regulations) to ensure more effective public participation & efficient completion of EIAs;
- Recent debates on implications of 2006 regulations for effective & informed public participation (Murombo's, 2008; Patel, 2009).

Hindrance/Handicaps of Public Participation in 2006 Regulations

Murombo's (2008):
• No definition of ‘public participation’;
• No further guidance on participation to assist in implementation other than specifics on advertising;
• No opportunity provided for I&APs to be involved in project design or conception;
• No provision for inclusion of views of I&APs after EIA has been authorized especially in monitoring & evaluation of the EMP.

Are these evident within EIAs in South Durban???
South Durban Context

- Past & current experiences of environmental injustice;
- Pollutants from noxious industries - close proximity to communities;
- Result of apartheid planning – South Durban Industrial Zone (SDIZ);
- Strong community resistance to industrial expansion since 1960s;
- Collective voice – South Durban Community Environmental Alliance (SDCEA).
South Durban Context cont…

- EIAs currently used as an avenue to participate in addressing potential environmental impacts by industries/developments;
- Public participation process of past EIAs (1997 regs) showed evidence of hindrance of social issues & voices of the marginalized (Hoosen, 2005);
- Total empowerment of marginalized people in which stakeholders have the opportunity to consider options in the decision-making process was not achieved;
- Necessary to assess the quality of public participation in EIAs under 2006 regs in shaping decisions taken.
Aim:

- To investigate the extent to which public participation is achieving social justice in EIAs in South Durban

Objectives:

- To determine the role & extent of the quality of public participation (in influencing the decision-making process) in EIAs undertaken under the 2006 regulations;
- To assess the extent to which the changes in the new regulations signal a shift to an environmental justice approach;
- To examine the broader implications of environmental democracy for social justice.
Conceptual Framework

Environmental & Social Justice

• closely entwined;
• Environmental justice refers to “fairness in the distribution of environmental well being” (Low and Gleeson, 1998);
• Social justice “concerns the distribution of a society’s benefits & burdens & the institutional arrangements involved” (Smith, 1995);
• Relatively a new discourse in South Africa;
• Principles introduced in post-apartheid policies;
• Public participation to promote the implementation of these principles;
• However: Not much evidence on the ground in achieving these principles = severe gap between policy & practice in environmental assessment (Patel, 2006).
Conceptual Framework cont...

Environmental Democracy

- Allows for public interest groups to provide input into environmental aspects of decision-making;
- Interest groups = environmental groups & community organizations;
- Representation of the public;
- Using the language of science (Scott & Barnett, 2007);
- Role of science in the understandings of the environment.
Methodology

• Qualitative Research Style;
• Sampling of EIAs;
  ➢ Purposive non-probability sampling of industrial EIAs in South Durban (location, size, status);
  ➢ 4 EIAs;
• Un-structured interviews;
  ➢ Environmental assessment practitioners (EAPs) (x4);
• Focus group discussions/ small group interviews;
  ➢ I&APs (community members, community organizations (SDCEA) & NGOs) (x4).
South Durban EIAs

4 EIAs
1. South African Breweries Ltd (SAB) – Prospection
2. SI Group - South Africa – Prospection, Mobeni
3. Sasol Gas Ltd - Isegen Pty (Ltd), Isipingo
4. Divfood - Mobeni
## Characteristics of South Durban EIAs

<table>
<thead>
<tr>
<th></th>
<th>Size</th>
<th>Environmental Impact</th>
<th>Public Meeting</th>
<th>Number of Participants</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
<td></td>
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<tr>
<td>2.</td>
<td>SI Group - South Africa</td>
<td>Basic Assessment (BA)</td>
<td>Positive</td>
<td>10 (5 I&amp;APs)</td>
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<td></td>
<td></td>
<td></td>
<td>Yes</td>
<td></td>
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<tr>
<td>3.</td>
<td>Sasol Gas Ltd - Isegen Pty (Ltd),</td>
<td>Scoping &amp; Environmental Impact Report (EIR)</td>
<td>Significant Negative</td>
<td>No</td>
</tr>
<tr>
<td>4.</td>
<td>Divfood</td>
<td>Basic Assessment (BA)</td>
<td>Significant Negative</td>
<td>Yes</td>
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## Extent of Public Participation in EIAs in South Durban

- Low turn out of actual public & low levels of comments at public meetings

<table>
<thead>
<tr>
<th>THEMES</th>
<th>I&amp;APs PERSPECTIVES</th>
<th>EAPs PERSPECTIVES</th>
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<tbody>
<tr>
<td>Trust</td>
<td>1. Do not trust EAPs and proponent as no respect is given by EAPs &amp; proponent</td>
<td>1. I&amp;APs are against the proponent &amp; project &amp; bring in other agendas</td>
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<td>Lack of Participation</td>
<td>2. There is no definition of participation hence differing expectations &amp; overall there is no participation taking place in EIAs in South Durban</td>
<td>2. Low comment response from public is assumed that there is less interest in the project.</td>
</tr>
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<td>Participation Agenda</td>
<td>3. Feel the agenda is already set &amp; is a rubber stamping process</td>
<td>3. Feel that if they comply with PP procedures (regulations) then this is enough.</td>
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### Evidence: Hindrance of EIA Regulations for Public Participation

<table>
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<tr>
<th>IMPLICATIONS (Murombo's)</th>
<th>EVIDENCE</th>
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<tr>
<td>1. No definition of public participation</td>
<td>• I&amp;APs outline a lack of definition hence confusion of what is expected</td>
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<td>2. No further guidance on participation to assist in implementation</td>
<td>• Insufficient advertising &amp; commenting time frames</td>
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<td></td>
<td>• Inappropriate public meeting times</td>
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<td></td>
<td>• Reporting summary not sufficient - excludes relevant information</td>
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<td>3. Public not involved in project design or conception</td>
<td>• Public only made aware of the EIA once authorization has been granted.</td>
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<td>4. No provision for the inclusion of public views after authorization, in M&amp;E &amp; compliance to EMP</td>
<td>• Lack of information feedback = non-transparency</td>
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<td>• Lack of compliance &amp; monitoring by competent authority</td>
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Evidence: South Durban Context

Legitimacy of Environmental & Community Organizations

• I&APs & EAPs - Competent authority focuses on comments from bigger organizations & whether these are addressed;
• SDCEA concern - role as a representative of the South Durban community*
• Corporatization of public participation – excludes general public/community concerns;
• Encouraged by scaled down fast-tracked participation process enforced by regulations.
Evidence: South Durban Context

Existence of Knowledge Differential

• Dominance of scientific & technical methods of assessing environmental impacts;
• Dependence on expert knowledge & specialist inputs;
• Dominance of power (environmental & community organizations) over the decision-making process;
• SDCEA equip with technical & scientific knowledge BUT not always representing the views of community/public;
• Creation of a *gap* between representatives & community/public;
• Those who are really affected are not given the conducive environment & opportunity to participate;
• Results in a *barrier* for achieving effective participation.
Public participation process includes voices of those who participated (representatives of the public) in EIA reports;

HOWEVER:

- Public are not participating = No PUBLIC participation;
- Not all concerns taken into account in making decisions;
- Evidence show regulations are hindering the inclusion of voices of I&APs as debated by Murombo's (2008) in EIAs in South Durban as well as South Durban context;
- 2006 regulations not signaling a shift to an environmental justice approach
Role of Public Participation: Way Forward

Recommended by I&APs & EAPs:

• Context specific guidance on advertising & on the use of participation techniques (public meetings etc);

• Quota system - number of people required to participate in an EIA should be stipulated by competent authority;

• One official to partake in full EIA process to eliminate any bias & ensure all concerns are taken into account;

• Independent environmental organization to assign EAPs to proponents & facilitate payment (standard).
Thank you!