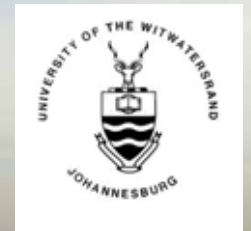


THE ROLE OF PUBLIC PARTICIPATION IN ACHIEVING SOCIAL JUSTICE: A CASE STUDY OF EIAs IN SOUTH DURBAN

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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):

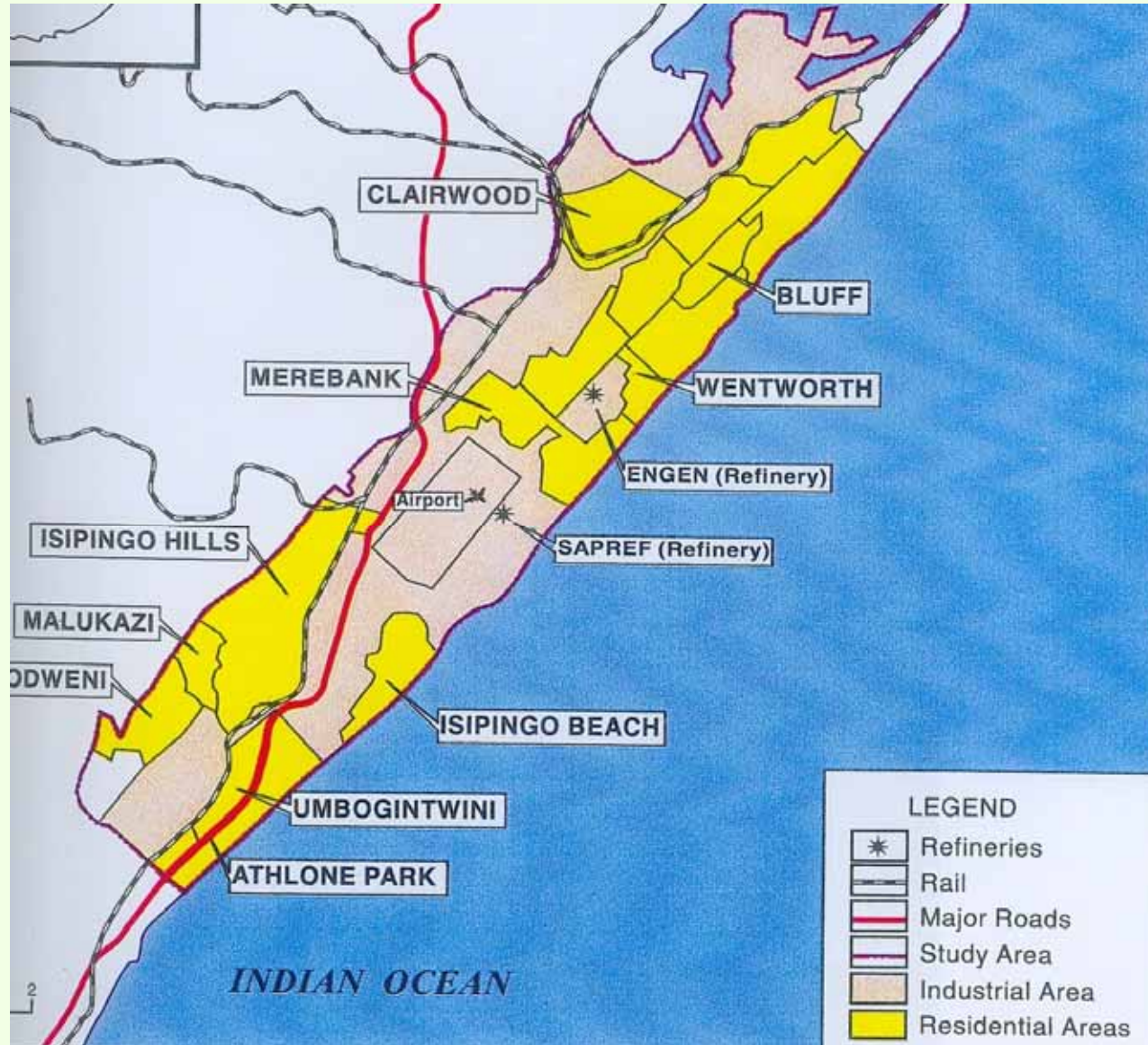
- No definition of 'public participation';
- No further guidance on participation to assist in implementation other than specifics on advertising;
- No opportunity provided for I&APs to be involved in project design or conception;
- No provision for inclusion of views of I&APs after EIA has been authorized 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 Area



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.

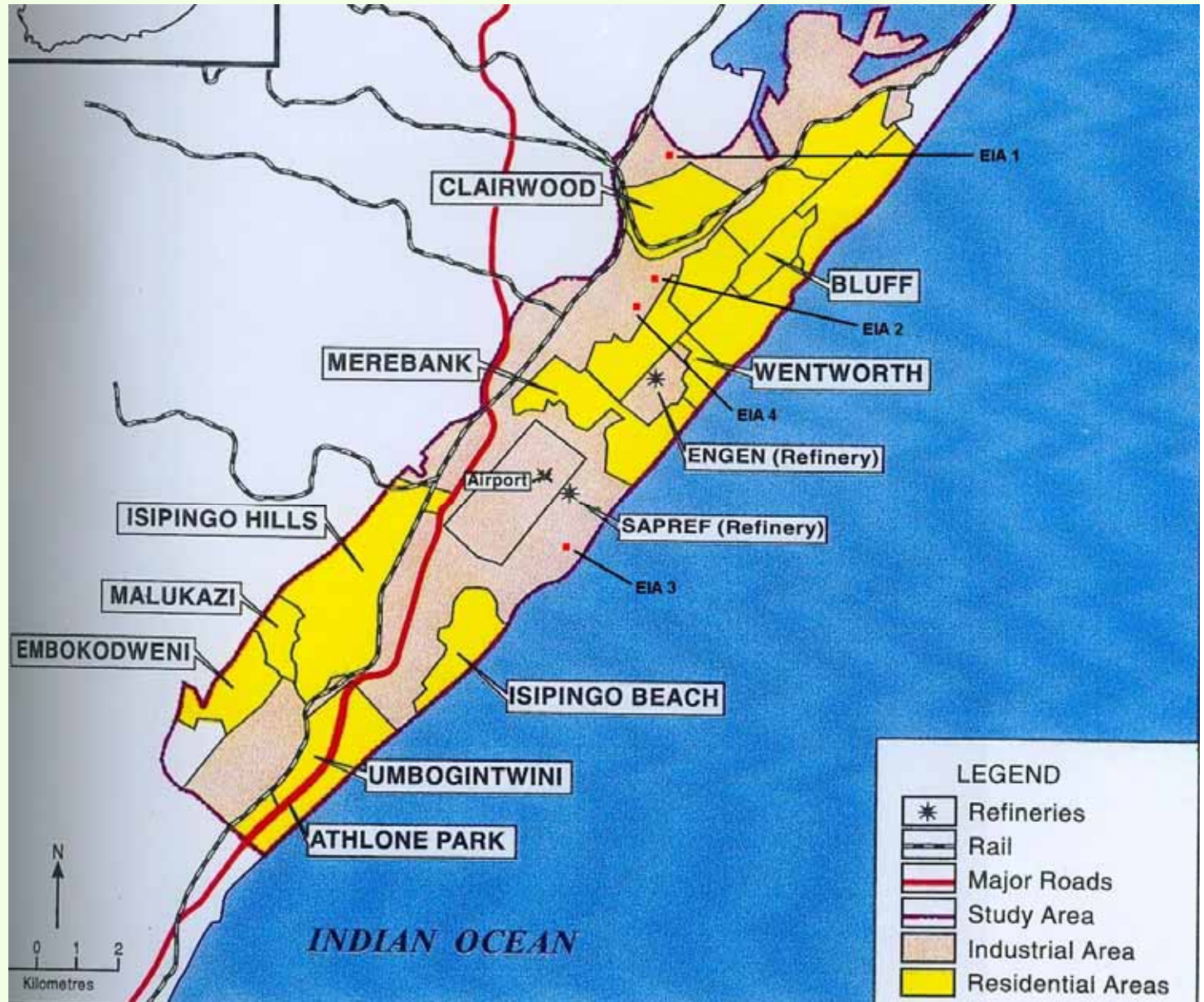
Methodology

- 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

	Size	Environmental Impact	Public Meeting	Number of Participants
1. South African Breweries Ltd (SAB)	Basic Assessment (BA)	Positive	Yes	9 (4 I&APs)
2. SI Group - South Africa	Basic Assessment (BA)	Positive	Yes	10 (5 I&APs)
3. Sasol Gas Ltd - Isegen Pty (Ltd),	Scoping & Environmental Impact Report (EIR)	Significant Negative	No	N/A
4. Divfood	Basic Assessment (BA)	Significant Negative	Yes	10 (5 I&APs)

Extent of Public Participation in EIAs in South Durban

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

THEMES	I&APs PERSPECTIVES	EAPs PERSPECTIVES
Trust	1. Do not trust EAPs and proponent as no respect is given by EAPs & proponent	1. I&APs are against the proponent & project & bring in other agendas
Lack of Participation	2. There is no definition of participation hence differing expectations & overall there is no participation taking place in EIAs in South Durban	2. Low comment response from public is assumed that there is less interest in the project.
Participation Agenda	3. Feel the agenda is already set & is a rubber stamping process 4. Public participation is privatized - not all I&APs informed <i>"I don't want to even go to these things because I have come to the realization that I am...wasting my time, wasting my money, wasting my effort"</i>	3. Feel that if they comply with PP procedures (regulations) then this is enough.

Evidence: Hindrance of EIA Regulations for Public Participation

IMPLICATIONS (Murombo's)	EVIDENCE
1. No definition of public participation	<ul style="list-style-type: none"> • I&APs outline a lack of definition hence confusion of what is expected
2. No further guidance on participation to assist in implementation	<ul style="list-style-type: none"> • Insufficient advertising & commenting time frames • Inappropriate public meeting times • Reporting summary not sufficient - excludes relevant information
3. Public not involved in project design or conception	<ul style="list-style-type: none"> • Public only made aware of the EIA once authorization has been granted.
4. No provision for the inclusion of public views after authorization, in M&E & compliance to EMP	<ul style="list-style-type: none"> • Lack of information feedback = non-transparency • Lack of compliance & monitoring by competent authority

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.

Extent of Influence on Decision-Making Process

- 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!

