

Public Participation in Environmental-Decision making in the new South Africa

UCT/UNITAR Project
2007

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- Study was undertaken by the Environmental Evaluation Unit and the Occupational and Environmental Health Research Unit at UCT.
- In collaboration with UNITAR
- Funded by the Foreign Commonwealth Office of the U.K.

Background

- The involvement of the public in activities and decisions that affect their lives has been recognized as a fundamental right and principle.
- Incorporated into a number of international initiatives and policy agreements.
- Rio declaration, Aarhus convention etc.

- Public participation in administrative and legislative decision-making has become an integral and important aspect of environmental governance in many democratic countries.
- Including developing countries.
- Within this context that this particular study was conducted.

Project Objectives

- Assess if current public participation is meeting stakeholders' expectations and how it can be improved.
- Examine different aspects of public participation within environmental decision-making (degree of inclusiveness, nature of deliberation and sharing of decision authority).

- Envisaged that lessons learnt could inform the design of future decision processes that will be undertaken in the country.
- Long term-project might contribute to strengthening the relationship of government with and its clients within civil society.
- Enhance the trust of the public in government.

- At the international level, the project contributes towards international information exchange on public participation in environmental decision-making. It will in particular, inform the development of UNITAR guidance and resource materials aimed at assisting countries in strengthening their national capacities for developing and implementing public participation in environmental decision-making.
- The methodology can also be used to undertake similar studies in other countries adding to a potential body of case study research on public participation.

Methodology

- The project was implemented through a number of stages.
- The first stage was conducted through collaboration of UCT's Occupational and Environmental Health Research Unit (OEHRU) and UNITAR and focused on identifying general issues and concerns relevant to public participation in environmental decision-making in South Africa.

- Relevant information was obtained from initial interviews with governmental officials and stakeholder representatives in South Africa during the course of 2003-2004.
- Insights gleaned from these interviews helped shape the methodology that was subsequently employed in the case study research.
- The second stage involved the examination of a number of case studies that analyzed procedural issues as well as government and stakeholder perceptions of the participation processes.

- The next stage of the project involved conducting a *National Review Workshop on Public Participation in Environmental Decision-making in South Africa*.
- *This Workshop was held* in June 2006 with 90 participants who had either participated in the research or who were involved in public participation issues in South Africa.
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- The main objective of the workshop was to present and review the results of the case study research and provide an opportunity for dialogue between researchers, government representatives, members of civil society, and the business community.
- The Workshop also provided an opportunity for developing practical recommendations to decision-makers involved in designing and implementing public engagement processes, to assist them in strengthening effective public participation in South Africa.

Respondents

- Business and Industry (ranging from large corporations to small companies);
- Professional consultants;
- Public interest and community groups;
- Research and Academia
- Government
- Other (consisting of non-affiliated members of the public).

Challenges of Designing and Implementing Public Participation

- Who is the public?-Which groups should be invited to participate in order to ensure representation?
- Which participation techniques are most appropriate?-notice/comment, face to face discussions, workshops?
- At what stage in a particular decision making process should the public be involved?

- What type of information needs to be available to ensure meaningful participation?
- How can participation processes become more efficient while remaining open and transparent?
- Skills and capacities required to ensure that participation processes are professionally managed and implemented?
- How can governments ensure that stakeholders are satisfied with the procedural aspects of the decision process?

Summary of Research Findings

- Key issues emerging from the case studies:
- A significant number of respondents indicated that public participation should be initiated earlier in the process.
- There was recognition that significant time and effort is spent at the outset of these processes through internal discussions amongst various relevant government departments and publication of draft documents prior to involvement of the public.

- Stakeholders feel that they should be engaged at the outset of these processes and once options are still open.
- Often, an initial meeting or hearing at the outset of the process would allow for the lead agency to get a sense of stakeholder perspectives.

- Accessibility of documentation at all levels was considered by many respondents to be a key issue for promoting good governance.
- Accessibility entails making technical information available in user-friendly language, making legal documents understandable to the lay public and making documents available in languages other than English, as appropriate.

- In a number of case studies related to national level processes, respondents expressed concern over the late release of drafts of documents (bills, strategies, etc).
- Some stakeholders in various case studies were only able to get drafts through “inside” contacts.
- The late access to documents, some of which were earlier versions, made it difficult to provide informed and meaningful comments.

- In a number of national processes, respondents felt that public workshops and meetings were held mainly to relay information, rather than facilitate two-way communication and meaningful interaction amongst participants.
- Respondents across case studies emphasized that announcements should be accessible and timely.
- With relation to national processes, Government Gazettes and websites, in their present form, were not considered an accessible means of communication.
- In terms of reaching disadvantaged communities, it was found that notices in written media were not effective.

- Many respondents also indicated that communication should be on-going throughout the process, not only when there was an opportunity for public input, such as a workshop or comment period.
- In most national decision-processes, respondents expressed dissatisfaction with the lack of feedback after comment periods and workshops.
- Respondents indicated that they were often not given reasons regarding how their input was addressed and integrated into the document.

- Visible engagement and presence of the government in public participation activities was deemed in the majority of case studies to have a positive effect on the participation process.
- In cases where representatives of the decision-making agency were present at public engagement activities (e.g. workshops, meetings), respondents felt a sense of goodwill was created between the government or the proponent and stakeholders

- Other issues emerging from research:
- Emerged through respondent's responses, interviews with key role-players and discussions during the National Review Workshop in June 2006.

- Some case studies dealt with highly technical issues and required scientific understanding of the issues.
- A balance between technical and nontechnical stakeholder participation should be considered and discussed at the outset of the process, in order to determine the most suitable and acceptable mix of participants

Recommendations

- Make public participation a strategic priority within government departments.
- Develop a department wide strategy on effective stakeholder engagement.
- Strengthen stakeholder engagement and management skills of government staff.
- Develop Public Involvement Plans for key policy, strategy, legal, planning and project processes.
- Support specific capacity-building interventions to ensure effective participation of disadvantaged groups.

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