



Talking Conservation Drie Valleyen

Public Participation : A Cornerstone of Democratic Governance

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Public participation is an essential element of our democracy. It allows us to shape decisions that affect our lives and environment. It is a dynamic process that promotes transparency, accountability, and inclusivity in governance. In South Africa, public participation is constitutionally mandated.

What Is Public Participation?

Public participation allows individuals and communities to influence public decisions and contribute to policy development. It includes activities like attending public hearings and submitting comments on draft legislation. In the context of Environmental Impact Assessments (EIA), public participation informs the public about proposed developments and engages them in identifying potential risks and opportunities. The results of public engagement must be considered in deciding whether a project should be allowed and what measures should be taken to protect the environment. The "public"

includes any individual or group or stakeholders or anyone else who may be affected directly or indirectly by decision outcomes.

Consultation during the EIA stage can build ongoing relations between companies and communities, determining whether future interactions will be constructive or problematic. Poorly managed consultations can erode trust and undermine a company's social license to operate, potentially leading to appeals against development approvals. South Africa's National Environmental Management Act (NEMA) requires public participation in decisions affecting the environment. No permits or project authorisations can be issued without consulting affected members of the public.

At its core, public participation is based on the foundation that those affected by a decision have a right to be involved in that decision-making process. It ensures that authority is responsive to the public's needs, values, and concerns.

Environmental Public Participation

According to NEMA, an interested and affected party (I&AP) is anyone interested in,

or affected by, an activity. An EIA process requires an Environmental Assessment Practitioner (EAP) to consider who may be directly or indirectly affected, whose activities/ interests may be impacted, and who may have relevant knowledge or expertise. Registered I&APs must be informed and involved throughout the process. Public meetings should be accessible, informative, and conducted with respect and transparency.

The EAP must respond to all matters raised and maintain a comprehensive record. Public participation extends beyond the EIA process and can include requesting information, contacting the applicant to raise concerns or argue for a negotiated solution, signing petitions, and monitoring activities. Even launching campaigns, staging peaceful protests/demonstrations or appealing a decision made by the Competent Authority. Public participation allows you to file a court application against a decision and become involved in inspections and monitoring activities during the construction and/or operation phase. These activities are an important and legitimate avenue for your opinion to be heard and for you to make a difference.

Key Principles of Effective Public Participation

Effective public participation is guided by principles such as inclusiveness, transparency, accountability, responsiveness, empowerment, and openness. These principles ensure meaningful engagement and the ability to influence real change. Participation must never be

symbolic, but substantive - capable of influencing the right decisions, not for short-term gains, but long-term sustainability. **It is the right for our future, demand it.**

The Right to Public Participation in South African Legislation

The approach to public participation is guided by the principles and procedural requirements that are set out in relevant South African laws. These include the Constitution, national laws and statutes, and specific regulations in terms of these laws and statutes. The National Environmental Management Act (NEMA) ensures everyone has the right to be informed and participate in environmental decisions. Public participation must follow principles and procedures outlined in South African laws.

Public participation is not merely a procedural requirement - it is our right, in terms of our legislation, to take part in the conduct of public affairs, either directly or through elected representatives.

Importantly, the right to participate is linked to other fundamental rights, including freedom of expression, access to information, and freedom of association. Together, these rights create an enabling environment for civic engagement.

However, meaningful participation requires more than legal provisions. It demands political will, institutional capacity, and active citizenship.