

CIVIL SOCIETY

A Snapshot View of this Chapter

ROLES AND RESPONSIBILITIES

Roles: Your role may vary depending on your position on the proposed process and the plans of the process facilitator. It could include commenting, providing information, representing broader groups, proposing alternatives, or providing input to decision making. See **3.1.1** for more information.

Right to Participate: Most countries in the SADC region provide civil society with the opportunity to get involved in environmental assessment processes. See **3.1.2** for more information.

Relationship to other Stakeholders: Be aware of the different stakeholders and the roles they play in the process. These include civil society, the practitioner, the developer and the decision makers. See **3.1.3 and 3.2.3** for more information.

Good Behaviour: Follow rules of good behaviour, such as:

- Commit to the process;
- Listen actively;
- Respect other opinions and perspectives;
- Be open;
- Be assertive, not aggressive; and,
- Be informed.

See **3.1.4** for more information.

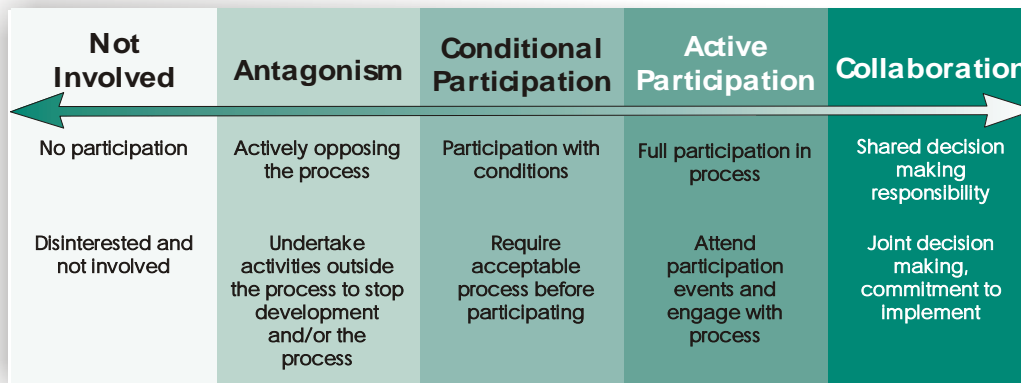
ACTION PLANNING

Understand the Project Context and Nature: Make sure you understand what the project is about. Establish if it will affect you, and how. See **3.2.1** for more information.

Clarify Participation Opportunities: Check what public participation is planned. Does it meet the requirements of the law? Does it meet your needs? Are the practical arrangements appropriate? If you need to, seek better participation opportunities. See **3.2.2** for more information.

Resources: Do you have the necessary skills, time, finances and knowledge to participate? Find ways to build your capacity such as obtaining assistance, doing training,

Choose your Participation Approach: You have the right to choose whether and how you might participate in an environmental assessment process. The figure below sets out the broad options. See 3.2.5 for more information.



INFORMATION AND INFORMING

Find Information: Information is a good resource that you can draw on to assist you in your participation. You can obtain information from a variety of sources, including the assessment process practitioners, the media such as radio and newspapers, the internet if you have access, and from government sources. You can also gather information directly about your environment if this will be useful to your involvement. See 3.3.1 for more information.

Communicate Clearly: You will need to get your message out as part of your involvement. When you communicate be clear about the following:

- What you want to communicate;
- Why you want to communicate;
- Who you want to communicate with; and,
- How you want to communicate.

See 3.3.2 for more information.

Use the Best Way to Communicate: There are many communication methods to choose from. See Annexure B for details. See Annexure D for sample letters. See 3.3.3 for more information.

INTERACTING

Formal Opportunities: The formal public participation process will create opportunities for your involvement. There are many different ways that practitioners can go about this. See Annexure C for a description of the ways. Look at the review template in Annexure D to help you decide if the process and the opportunities for your participation are adequate. See 3.4.1 for more information.

Practicalities: Make sure that the practical arrangements for public activities suit you. Also make sure you prepare for these events. This means that you must read and understand the information on the project; and, you should think through questions and views you might have. See **3.4.2** for more information.

Work with Your and Other Organisations: When you participate make sure that you have clear communication with your organisation. Ensure that you elect your representatives well and that they have a clear mandate. Work to create networks, alliances or coalitions with other organisations that share your approach to the process and the issues. Make sure you prepare for your involvement by caucusing your views. Make sure you give good reports on your participation. See **3.4.3** for more information.

Stages of the Environmental Assessment: Environmental assessment processes go through distinct stages. Understand these and how you fit into them. See **3.4.4** for more information.

The Issues: Make sure that you raise your issues and concerns. Check that they have been properly recorded and dealt with. Get help in understanding the complicated technical issues. Ask the practitioner for assistance. Get the help of a specialist, but remember that you need to manage their role. See **3.4.5** for more information.

MANAGE CONFLICT

Conflict is normal in environmental assessment processes. Be creative and positive. Follow the approach of managing conflict. See **3.5** and **Chapter 6** for more information.

DECISION MAKING

Government officials are responsible for taking decisions on the environmental assessment. Make sure that you obtain the decision as soon as possible. If you disagree with the decision, consider making an appeal. Your appeal may be because you agree with the overall decision, or because there is a specific detail that you disagree with. See **3.6** for more information.

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This chapter provides guidelines and tips for members of civil society who wish to participate in environmental assessments. Civil society is made up of a very broad group of people and organisations. These include all groups outside of government, such as:

- Faith based organisations;
- Community based organisations (CBOs);
- Non governmental organisations (NGOs);
- Trade Unions;
- The private sector e.g. businesses;
- Individuals including professionals; and,
- Tertiary Institutions.

This chapter provides:

- ◆ An overview of your roles and responsibilities in the public participation process;
- ◆ A detailed guideline on the planning you need to undertake if you wish to be involved in an environmental assessment;
- ◆ Guidelines and tips on finding information as well as communicating with others;
- ◆ A discussion on how to engage in the public participation process as well as how you can engage other members of your community or NGOs; and,
- ◆ Assistance on how to deal with decisions made by government at the conclusion of an environmental assessment.

3.1 ROLES AND RESPONSIBILITIES

3.1.1 Roles

You have an important role to play as a participant in an environmental assessment. You should see yourself as a valued contributor to the process. Your role may vary depending on the level of engagement planned by the public participation practitioner. You could:

- Comment on, as well as raise issues and concerns about project proposals;
- Provide information and share your experiences and knowledge;
- Represent the interests of broader social groups;
- Participate in suggesting and developing alternatives to initial proposals and identify ways to improve developments;
- Provide input into the decision making process; or,
- Actively participate in decision making in a collaborative process.

TIP

Clearly understand the process and your role within it. You may need to lobby for more participation.

Most SADC countries provide members of civil society with the opportunity to become involved in an environmental assessment.

Remember that with the right to participate in a public participation process come responsibilities to fulfill your role within the process. You are accountable for your actions and behaviour.

Note:

You do not have to confine your role to the formal public participation process. If you are involved in the process, you can still use other measures to raise your issues e.g. you can still decide to argue against a development if you wish to.

3.1.2 Relationships between Various Roleplayers

There are different groups that participate in an environmental process.

You could:

- Be involved in the process as an independent participant raising your own issues and concerns;
- Link up with other individuals with whom you have common interests and participate as a group;
- Be a representative of an organisation or community and represent the organisations interests; or
- Be a member of an NGO interested in assisting local communities to participate in the process.

Public participation practitioners need to be independent and act as facilitators. Their role is to enable the participation of all other parties. They are there to record your issues and concerns and ensure that you can participate in the process.

Environmental Impact Assessment practitioners are responsible for assessing the consequences of the proposed development and determining, in conjunction with stakeholders, ways in which the development could be approved.

Developers are stakeholders as well, entitled to participate in the process and raise issues and concerns. While they will be promoting their development their issues and concerns should not have precedence over those raised by other stakeholders.

TIP:

Developers are entitled to promote their proposed development ideas, but not without listening to stakeholders! Similarly, you are entitled to a different opinion but not without listening and constructively engaging in debate

The government is the decision maker and has the responsibility of deciding whether or not and under what conditions a developer may proceed. It has the responsibility to consider all the information on a project and to consider the opinions, thoughts and feelings of those who will be affected by its decision.

Another group who may be directly or indirectly involved in the environmental assessment process, are the institutions that may provide funding for the proposed development. This could include organisations such as the World Bank or the

International Finance Corporation (IFC). Many financial institutions have their own standards and requirements for environmental assessments of the projects they will be funding.

3.1.3 Principles of Behaviour

As with your normal social interactions your conduct and behaviour will influence the perceptions of other roleplayers and the way they will interact with you.

To get the most from the process:

- Commit to the process – become familiar with the facts and get involved in events;
- Listen actively – hear what people are actually saying not what you think they are saying;
- Respect other peoples opinions and perspectives – this does not mean you have to agree with them;
- Be open – commit yourself to seeking solutions;
- Be assertive and not aggressive – address the issues and avoid personal attacks; and
- Be informed – know what is proposed and what the issues are. Speak up when things are unclear and ask for help if you need it. Make sure of your facts.

TIP:

Be open and seek solutions rather than obstruct a process. This may help you to gain more and realise your goals.

Conversely – you have a right to stand up for your issues. Insist that your issues are addressed. Be assertive, not aggressive.

Annexure A provides more information on listening and communicating.

3.2 ACTION PLANNING

Just as public participation practitioners plan for their processes and developers plan their projects, you should also plan how and when you will participate in the environmental assessment process.

Being prepared is the best way to ensure that your participation has the maximum impact.

In preparing a plan, you need to gather information and consider:

- The project context and nature;
- Participation opportunities;
- Other roleplayers; and,
- Resources.

You need to consider this information and decide on a plan of action. You must choose how you want to participate in the environmental assessment process.

Tips on gathering information are also provided in Section 3.3.1.

3.2.1 The project context and nature

Find out what is planned – the box provides a list of the kinds of questions you should consider.

- Determine whether you or your group will be impacted or wish to be involved in the environmental assessment.

Be aware that in some cases, developers may decide to start with environmental assessments very early in the process of planning their developments. In such cases, the details of a project may not have been finalised and there may not be much information available.

Processes which are started early in the planning of a development give you good opportunities to ensure that your issues can be incorporated into the project design.

Early consultation means that issues are raised before the design is finalised. This enables your concerns to be incorporated into the design.

Questions about the Project

- What is the project about?
- How big is the project?
- Why is the project planned for here? Was anywhere else considered?
- What benefits and costs will the project have?
- Does the project impact on your interests?
- How will this project impact the environment?
- How long will the project last?
- What obvious changes will happen to your community and livelihood?
- Are there other projects linked to this project that may also have impacts?
- Will this project result in cumulative impacts?

Tip:

Very complex and large processes may require considerable time and resources on your part. Be very clear how the project relates to your life, the goals and objectives of your organization, and why you wish to be involved.

Case Study

An environmental assessment was undertaken during pre-feasibility phase for a proposed hydropower project at Popa Falls on the Okavango River in Namibia. The process started before the power plant was designed or sites for the plant were selected. As a result, local stakeholders influenced the choice of site away from Popa Falls. It also enabled significant issues raised by stakeholders to be addressed in the design.

3.2.2 Participation opportunities

Environmental assessment and public participation processes will differ from project to project and from country to country. Practitioners may plan for different levels of public participation (see Section 2.2.5).

Check what public participation is planned. Check what the legal requirements are in your country. Does the process meet the legal requirements? Also check whether the process meets the requirements of the project funder if there is one.

CAUTION:

Check that the proposed process is a participatory process and not just an 'information' process. Being informed – while important – is not sufficient. You have a right to be involved and provide input.

However, do not just focus on the legal requirements. Also consider what would be best for your interests. The practitioner may have planned a process that is inadequate in your view. It may be necessary to lobby for assistance and greater participation. When considering the proposed public participation process, also consider the practical matters that could introduce

barriers and hinder your participation. Is enough time provided for you to comment? Are meetings proposed for suitable venues and at times when you can attend? Check whether the arrangements are reasonable. If they are unreasonable, be very clear about your requirements and insist on more reasonable arrangements. You need to make your needs known to the practitioner.

Be aware that in many cases, the public participation practitioners will be outsiders appointed by the developers. They may not have specific local knowledge of your culture and traditions. This could result in them proposing interactions that you do not

TIP:

If you are experiencing difficulties and are unhappy with the proposed process or the nature of the public participation process, you may need to motivate to the practitioner, developer or government why it is important that you and your community are actively involved in the environmental assessment.

First consider how the project may affect you. Write down the key points. Use these points in explaining that you have a right to participate. In addition, consider who your audience is and talk to them about the benefits of public participation as outlined in Section 1.5.

regard as appropriate. You need to raise these issues with the practitioner. Take responsibility for communicating your cultural needs and issues to practitioners.

3.2.3 Other Roleplayers

Its important to know who you will be interacting with during the process.

- Find out what the **developer's** track record is. Some developers may have a track record of poor processes and ignoring outside stakeholders – or the opposite.
- You need to be satisfied and comfortable with the **practitioner** running the process. The practitioner plays an extremely important role in facilitating the process. Ask for the practitioners' credentials and check whether they have a good track record for dealing with all stakeholders fairly.

- Find out who the **decision makers** are. Find out names and telephone numbers. You may need to approach them and lobby for additional participation or assistance.
- Identify allies in other **civil society groups** – other groups could boost and assist you in getting your message across and resources can be pooled and shared. But other groups may act against your interests. Section 3.4.3 provides tips on coalitions and alliances.

Sources of Information

- Ask the developers what other developments they have done. Ask the participation practitioners what other Environmental Assessments or public processes they have completed.
- Consult regional or local NGOs in the area.
- Get in touch with communities in the vicinity of other developments that the developer or practitioner has been involved in.
- Check newspapers and phone radio stations
- Search the Internet if you have access.

Involvement of women and other marginalised groups

Often women or other marginalised or special interest groups are excluded from processes. These people can be valuable allies and rich sources of information in a process. In addition, women are often impacted in ways that men are not. Women and marginalised groups may also have knowledge that may not be shared with other groups.

Be conscious that women and marginalised groups must be involved in public participation processes.

3.2.4 Resources

The resources you have will to some extent determine your level of involvement and your strategy. Consider the skills, time, finances and knowledge in your community or organisation. Be clear about what you require and why you require assistance. If you need assistance you could:

- Lobby practitioners, developers or government for help such as financial assistance or transport to meetings;
- Identify training courses or workshops to attend;
- Approach other organisations for assistance, such as local or larger scale NGOs; or
- Undertake fundraising and awareness raising campaigns to generate support.

Case Study

During a process to raise community awareness of the dangers of an old abandoned coal mine in South Africa, local community groups asked for and obtained assistance. The local community groups were participating in the process of identifying and managing interactions with the broader community. To enable their participation in planning meetings, they asked for assistance with transportation to the meetings.

In highly technical projects you may need assistance in interpreting and understanding information produced by specialists. The practitioner should provide and make assistance available. This may not occur or you may wish to appoint someone else to

assist you in interpreting information. You may need to secure funding if you wish to appoint a specialist, although there are some organisations that may undertake the work for free such as universities and large NGOs. More information on understanding and interpreting information is provided in Section 3.4.5.

3.2.5 Participation Approaches

Once you've gathered the information above, you need to decide:

- What the objectives of your involvement are;
- When you want to be involved;
- How you wish to be involved, e.g., being actively involved or mobilising opposition outside the environmental assessment process; and,
- Who should be involved from your community or organisation.

There are numerous ways of being involved in, and influencing, a process. Information and engagement techniques are discussed in the following sections. Consider on the basis of the information you have gathered so far what you wish your strategy to be:

- Active involvement in the public participation process associated with the environmental assessment. Your involvement in a properly run process can produce many benefits.
- If you are concerned about the nature of the proposed public participation process, you may wish to not be actively involved in the process until your concerns are addressed, or be conditionally involved.
- If you are concerned about the attitude of the practitioner or the developer, you may wish to use other techniques to lobby for support and oppose or raise concerns about the development in addition to being actively involved in the process or, you may choose not to be involved in the process at all, and only use these other techniques.

Your involvement in the public participation process, can also be seen as being on a continuum as illustrated in the figure below. At the far end of the spectrum, collaboration means that you work with the developer to mutually agree on a solution that meets your needs and the needs of the developer.

TIP:

You can change the way you participate in a process during the process. You do not have to continue participating actively if you do not wish to. In addition, you could choose to actively participate as well as be active outside of the process.

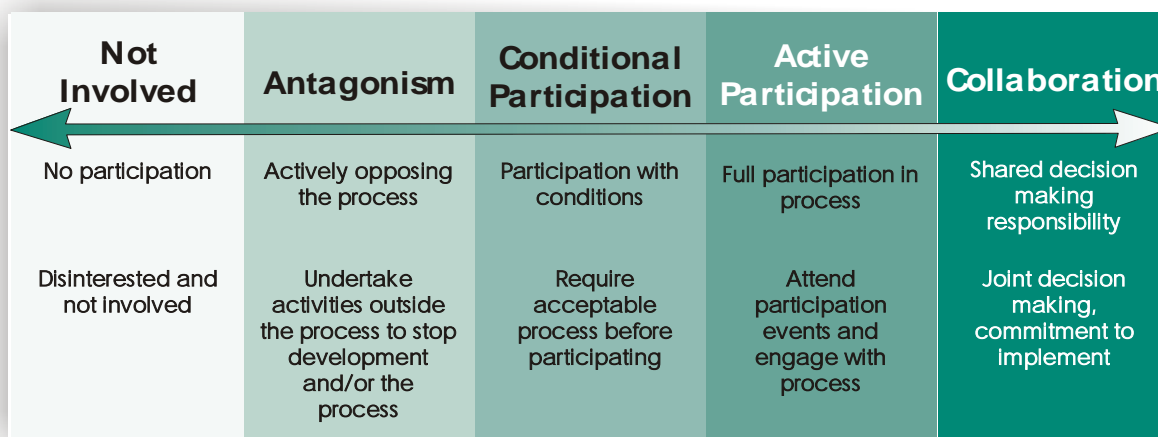


Figure 3: Continuum of possible civil society involvement in a public participation process

Note: You can oppose a development while being actively involved in the process.

In planning your involvement, bear in mind that you will not only need to attend events organised by the public participation practitioner, but also plan and strategise with your community or organisation before and after events to plan your input.

If you believe that the practitioners are either not independent or are not undertaking their job properly, you should raise these concerns. Raise your concerns with the relevant government officials or with the developer.

3.3 INFORMATION AND INFORMING

Information plays a key role in a public participation process. You need to:

- Find information about the project, its potential effects and other roleplayers;
- Communicate your information to other roleplayers.

Detail of different communication methods is provided in Annexure A.

3.3.1 Information Sources

Information is an important resource. Sound, accurate information enables you to best understand how proposals will affect you and to plan your strategy.

You should have information about a proposed development and how it will affect your community and livelihood.

Sources of information can vary widely. The public participation practitioners should be able to provide you with basic information on the proposed development. If they do not have the information you need, you may be able to approach the developer directly for information.

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However, you should not rely on the developer or participation process only in your information quest. Scan local newspapers and listen to the radio. You could also approach your local radio stations or newspaper and ask whether they have any information about proposals.

Government officials may also have information that they would be willing to share. Approach your local council representative or chief. They could also assist you in approaching other individuals or groups to get information.

Another important source of information is other civil society groups in your area or the local non-governmental organisations. Possibly approach more large scale NGOs which work nationally or internationally. Universities are also important sources of information.

If you have access to the internet, this can be a useful source of information. Use search engines when looking for relevant websites. A list of websites with information on public participation, and environmental assessment is provided in Annexure D. There are also chat groups and email networks which you can tap into for information.

You can also gather your own information about your surrounding environment. As a community, you can decide on what resources and areas are important to you and why. Classify and define areas according to a system that is accepted by the community. This can provide you with a base on which to compare classifications and evaluations that may arise from the environmental assessment process. Alternatively you could provide this information to specialists and the practitioners to use in undertaking their assessments. Do this if you feel secure enough about sharing your knowledge.

3.3.2 Communication

Effective communication with other roleplayers in the process is vital. It will ensure that your issues are understood and addressed.

When you inform and communicate consider:

- What? – you want to communicate
- Why? – you want to communicate it
- Who? – you want to inform
- How? – you communicate

Clear, simple and directed communication is more effective than overloading people with large volumes of information and issues. Annexure B provides different communication methods.

Getting the Facts Right

Exaggeration of facts or misrepresentation of situations will often be exposed. It can create enemies of other roleplayers and reflects on your integrity. If other parties do not trust you, you will struggle to communicate your issues. You are also less likely to be taken seriously.

What

Be very clear about what you want to tell people. You may have important information about your area or wish to raise concerns about what is proposed. Prioritise your

messages. Don't try to tell people everything at once. Carefully select what information you wish to convey at different times.

If you are raising concerns about proposals, consider whether there are any potential solutions?

Don't exaggerate facts and make sure you have your facts correct the first time. Confused messages cloud communication and undermine your integrity.

Caution

You could be sued for libel if you deliberately misrepresent facts or set out to undermine other roleplayers by spreading false information.

Most information exchanged in a public participation process is public. Your messages thus reflect your knowledge, credibility and contribute to your 'public' image.

Why and Who

Before communicating with people be very clear about what you wish to achieve with your communication. Are you seeking to gain support or do you want assistance?

You also need to consider the audience you will be communicating with. You need to use a style appropriate to the audience. For example, if you are trying to lobby government you may use a different style than if you are trying to mobilise your community to participate.

How

There are many different means ways to communicate your message as outlined below.

Just as technical people or scientists sometimes communicate in what seems a completely incomprehensible fashion to anyone outside their specialty, your message may not be comprehensible to others, unless you make an effort to keep it accessible.

Some Issues you may wish to communicate about include:

- Your rights to participate in the environmental assessment process
- How you wish to be consulted
- Issues that are of significance to you
- Information about the project and the assessment process
- Assistance from NGOs, the media or other roleplayers

The most important point is to keep it simple. Avoid jargon or expressions that outsiders may not understand. Express one idea per point and don't try to fit too many ideas into one message.

3.3.3 Using the right information tool

Once you have decided on what, why and who there are many different methods you can use.

Annexure A contains details on some of the methods. Each has pro's and cons Your audience will to some extent play a large role in determining the best tool to use. The nature of the message you are trying to convey will also. Are you challenging the status quo? Do you want to indicate that you are willing to work with others? You may use a

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petition in the first instance whereas a letter or a meeting may work better in the second instance. Some ways of conveying information are more confrontational than others.

Annexure F contains samples of letters you may wish to use in communicating with proponents, the practitioner, other NGOs or the government.

Media

The media can be powerful allies in a public participation process. This includes newspapers, television and radio. Radio stations, in particular local community radio, may be particularly useful.

In dealing with the media, keep your message simple and be message driven. Establish four or five key points you wish to get across and write these down. Stick to these points when being interviewed and do not get defensive when challenged.

Journalists often have many competing demands. Issues that are important to you may or may not be worthwhile news to a journalist. The media can assist in garnering you support but make sure you have your facts straight. You can lose support as fast as you can gain it.

You can also approach the media. For example, you could issue a press release or invite them to a press conference.

If you wish to actively approach the media, consider very carefully what you wish to achieve. The media can be used to:

- Convey your issues to a broader audience;
- Gain support for your issues; or
- Put pressure on a developer.

Using the media may, however, influence your relationship with other stakeholders in the process. It could, in certain circumstances create additional tensions.

Make sure that you are completely sure of your facts. Be prepared to work hard. Many developers have more resources than civil society and can buy advertisement space in newspapers to run 'smear' campaigns.

The media may not be the best channel through which to engage in a constructive debate with other parties. It can, however be used to bring parties around the table to engage in debate.

See Annexure A for more tips on dealing with the media.

3.4 Interacting

3.4.1 Participation opportunities and techniques

Public participation practitioners normally plan a series of formal and less formal interactions with the various stakeholders in a process. The range of techniques they can use is illustrated in Annexure B. These include formal public meetings, site visits or more informal workshops.

CAUTION:

Beware of mass public meetings where you are asked to vote for or endorse a particular outcome. These should not be decision making forums as they are often not fully representative of the spectrum of opinion on a particular development.

You should have the opportunity to be involved in the environmental assessment. Generally, the larger the development, the bigger its potential impacts or the more sensitive the environment (whether biophysical, social or cultural), the more opportunities you should have for involvement. As an absolute minimum you may only be asked to submit comments on a

proposal and may not have the opportunity to meet in a forum with other stakeholders. Ensure that you have the opportunity to make your views and opinions known and that these will be considered in decision making. Use the review template in Annexure C, to check the adequacy of the public participation process.

When engaging in formal public participation events and with others, follow the guidelines on engagement. Above all, listen to what others have to say. Effective listening is a powerful tool for understanding other peoples' positions and interests. Understanding these will assist you in getting your messages across.

Guidelines on interacting

- Agree on a set of ground rules and abide by these. Ensure you know what the boundaries of the debate are. If you are unhappy, negotiate around them.
- Be honest and polite.
- Listen to what others have to say. Do not assume you know what they will be saying.
- Be flexible and responsive – be open to solutions.
- Communicate your views directly and clearly

Listening

Listening is critical for effective communication. Most of us don't actually listen to other people – we spend the time thinking about what we would like to say!

To listen effectively:

- Listen actively – focus on what the other person is saying and not on what you would like to say in response
- Listen to *everything* they say – not just the first words
- Ask questions of clarification and check back with them that you heard them correctly
- If you disagree with what has been said, do not argue directly – ask an 'open' question to gain more information or better understanding before opening a discussion.

Annexure A has more tips on listening.

3.4.2 Practical Arrangements

Engaging in a public participation process requires resources and time. Ensure that the public events suit your needs as well as those of other stakeholders. Let the public participation practitioner know when people in your community are available and where the best place for an event may be.

Do your 'homework' thoroughly before an event – it will maximise your participation on the day and get you the best results:

- Make sure you have read and understood all the information provided by the practitioners prior to the event;
- Draw up a list of questions before the event on those aspects you need clarification on;
- Ensure you know the aim of the event and prepare a view before attending the event. Assess the extent to which you can be flexible in your view; and,
- Be prepared to work when you attend events.

Checklist for a Good Event

When you attend an event, there are certain basic things that should be in place and questions you should ask. These include:

- Is there an agenda or plan for the event?
- Will the event and outputs and issues raised at the event be recorded? The record doesn't have to be in the form of minutes. It could be a workshop report or maps prepared by participants for example.
- How will your issues and any information you provide at the event be dealt with?
- Have local customs and traditions been respected?

3.4.3 Interactions outside of the formal public participation process

You may participate in a public participation process as a representative of an organisation or a community. You may be part of a group represented by someone else. You may be seeking to raise support for your position or develop formal alliances.

You may need to meet to elect representatives, debate positions and give feedback to community members who are not as involved. Alternatively, you may wish to organise a meeting with your community and invite the developer to attend and listen to your concerns or proposals.

Representatives and Mandates

- You may want a single individual or small group of individuals to

Caution:

Beware of self appointed representatives or 'gatekeepers'. Some people may approach practitioners and developers and claim to be talking on your behalf, even if you have not elected them. They may withhold information or interfere in the process. Make sure you are represented by someone you trust

represent your community or organisation's view at public events.

- Choose your representatives carefully and consider their skills. Think of the planned events and the style of engagement that may happen. People have different strengths in different circumstances. You may want someone who is very diplomatic in certain circumstances, while in others, someone who fully understands and can grapple with highly technical information may be more effective.
- Ensure that most people in the group are happy with the chosen representative.
- As a representative, be aware that you are representing interests of other people and not only your own. You have a responsibility to ensure that their views and opinions are communicated effectively.

Make sure your representatives have a clear mandate. This mandate could vary from moving the responsibility to discuss your issues, through to the power to negotiate on your behalf.

Case Study

In a process for new Sun International Hotel at Victoria Falls, the chief, a popular local figure, spoke on behalf of his subjects.

Traditional Structures

Traditional structures can be a powerful means of discussing and negotiating around your issues in the environmental assessment. For example, if a chief is well liked and respected and regarded as legitimate the issues he raises on a community's behalf will carry weight. But beware of the possibility of certain issues and interests being excluded.

In many societies women may be excluded from discussions and meetings of traditional structures and their issues may not get a fair hearing. Women have important issues that can differ significantly from the issues men raise. A space should be created for women to be consulted separately if they cannot be accommodated within traditional structures.

Networks, Alliances and Coalitions

A network, alliance or coalition with other organisations may assist you in the public process.

Look widely, you may find unlikely allies. Traditional 'opponents' may turn out to be allies in certain situations. Agree on your common interests. Be aware that while you have certain positions in common your potential partners may have different interests from you.

Be creative with differences in opinion.

They can help to strengthen your position as you discuss and work through them with your partners.

Know your partners' strengths and weaknesses and divide the work between you, as required.

Informal networking can also be a powerful way of sharing information. You may not have a formal coalition or alliance with another group, but may just agree to share information.

Networks are useful

- There is support and they help to spread the load
- There is power in numbers – greater representivity may give you a greater voice and more resources
- There is less duplication of effort
- There is a broader information and skills base which you can draw on to assist your involvement
- New and exciting ideas can often be generated by interacting with others

Tip:

In certain cases, government departments or bodies which will not be taking a decision on an environmental assessment can be powerful allies in ensuring your issues are taken up, if they are similar to their own interests. For example, if you are concerned about the potential pollution of your drinking water, approach the government agency responsible for managing water resources in your country. They may be equally concerned and willing to take up the issue in the environmental assessment process.

Non Governmental Organisations

NGOs can play a very important role in supporting community involvement in environmental assessment processes. NGOs often have access to resources, which may not be available to communities.

As an NGO you may be able to assist communities to attend events, notify them of the process and often supply assistance in interpreting information and gaining access to specialists. To a community, an NGO may be a powerful ally in a process, adding weight to its issues and concerns. An NGO can assist in communication and networking as well as providing assistance in understanding the broader political factors that may be at play in an environmental assessment.

As a community and NGO working together, consider whether your goals and objectives are the same. Be aware of where they differ. If they do, this can affect your working relationship. As an NGO, make sure you understand the needs of the community you are assisting. Be open and transparent with the community about your own goals and objectives. These may not be the same as those of the community.

Case Study

During a process to raise local community awareness and identify issues around an abandoned unsafe coal mine in Witbank, South Africa, a local NGO played a valuable role. The organisation assisted local communities in accessing information about the project. The NGO acted as a 'bridge' between the practitioners and grassroots communities of the area.

Caucusing and Reporting

- Caucus before public events. Obtain opinions in your community and determine your strategies.
- Be clear about what you are wanting to achieve as a group:
 - Are you seeking to stop a development?
 - Do you want to have meaningful involvement or benefits from a development?
 - Do you want to propose measures that will reduce impacts?
- Keep notes on all decisions you make as a group.
- Ensure that, as a representative, you report back to your constituency.

Tip:

Make sure you hear the opinions of everyone in your community. Sometimes women or young people may be excluded from providing input. Avoid excluding such groups. They may have valuable knowledge or advice that would assist you.

Techniques for Your Own Activities

When you select a technique, consider their pros and cons in relation to:

- The purpose of your activity. What you want to achieve may be easier to achieve using a particular technique rather than another. For example, a field visit may be a more effective means of providing information to others about your local environment than a public meeting.
- The nature of your audience. Certain people may be more comfortable speaking up in an informal workshop situation than a public meeting;
- The time available.
- The knowledge and capacity of the participants.

There are also techniques that you can use to raise awareness or oppose a proposal outside of the formal process such as petitions and protests.

More information on techniques is provided in Annexure B.

3.4.4 Stages of Environmental Assessment

As outlined in Chapter 1 an environmental assessment has different stages with quite distinct objectives. These have implications for your engagement and for the outcomes.

Scoping

- Scoping is generally aimed at identifying issues, concerns and potential alternatives.
- The scope of the assessment of issues and impacts that will follow is determined.

Ensure that you have raised all of your issues at this stage and that you have received a commitment to address them. The practitioners may not be able to answer all of your questions at this stage. The aim is to determine what questions need to be answered in the following stages of the Environmental Assessment process.

Assessment

- Assessment is concerned with gathering information and assessing the impacts and implications, of the development. This assessment is based on the terms of reference generated during the scoping stage.
- Often much technical information is generated. You need to be able to engage with this information. Check it. Ensure that the issues you raised and questions you asked during the scoping stage have been satisfactorily addressed.

3.4.5 The issues

Verifying your issues

An important goal of the environmental assessment process is to identify potential issues, benefits, impacts and opportunities of a development. It is also to ensure that these are either enhanced or that measures are put in place to limit negative effects.

CIVIL SOCIETY

Ensure that you raise your issues and that these have been recorded and that they are addressed. Read reports and the minutes of meetings. Notify the public participation practitioner when you are unhappy with the way in which your issues have been represented or if they have not been captured. Try as far as possible to record your issues and concerns in writing.

If you don't agree with the way one of your issues has been addressed, notify the practitioner. Build a clear argument and address all the points with which you are unsatisfied. Make suggestions on how your issue could be addressed.

If the practitioner does not respond to your concerns appropriately by either correcting mistakes or addressing your issues, consider notifying the developer or government officials about problems you are experiencing.

TIP:

Your issues should be addressed. It is not sufficient for the practitioners to state that your issue is 'noted' in their reports. Your issue may not be addressed when you first raise it, as further information may be required. This should be stated. However, all your issues should be addressed in the final reports.

TIP:

When you raise an issue, be very clear what your issue is about. For example, it is not sufficient to say that you are concerned about 'water'. Ask yourself what are you actually concerned about. Pollution of your drinking water? Loss of irrigation water?

Be precise and specific about your concerns. Phrase your issues as specific questions e.g. What will the impact be on the quality of my drinking water?

Clarifying technical information

The technical information in an environmental assessment can seem quite inaccessible. However, most information can be made accessible and be explained in terms that a layperson can understand. You don't have to be an expert to have sufficient understanding to be able to comment on the aspects that will affect your life.

The practitioner should provide you with accessible information and also provide assistance in interpreting information. It is extremely important that you ask questions and insist that specialist reports are explained to you.

Remember that you have your own knowledge to contribute to the environmental assessment process and often may know of local environmental conditions that outside specialists are not aware of. Speak up if you disagree with specialists. Specialists are not always right, but if you disagree you must be able to back up your points. Specialists should also respect your points and respond to them proactively.

TIP:

Check the credentials of the specialists. Make sure that they are well respected and have a reputation for professional independence.

If you are not satisfied with a specialist in an environmental assessment process, consult outside experts that you trust or appoint your own specialist. You could approach NGOs or universities for assistance, they may be willing to do work for free or at a reduced fee.

Managing your own specialist

If wish to appoint your own specialists, make sure that you draw up a Terms Of Reference for them:

- Clearly set out what you wish them to do. Do you want them to review another specialists work? Do you want them to undertake a second study for you?
- Stipulate the terms and conditions of their payment and the timeframes in which you wish the work to be completed.

Ensure that the specialist is accountable to your organisation as you are engaging them to assist you.

3.5 Managing Conflict

Conflict is a normal part of society. Conflict can often arise in environmental assessments between stakeholders with different interests and opinions.

Conflict is not a bad thing unless it develops into hostility. It is important to acknowledge and address conflict before it develops into hostility. If you actively manage conflict, it leads to creative solutions to problems. You should regard conflict as an opportunity to find common ground with other stakeholders.

See Chapter 6 for tips on managing conflict.

Caution:

Certain developers may use legal avenues to threaten you and prevent your participation. This could be in the form of letters from lawyers or in the form of court interdicts or actions. These actions are sometimes known as “SLAPP” suits or ‘strategic legal action against public participation. If this occurs remember:

- You do have a right to participate in an environmental assessment;
- Keep copies of all your correspondence;
- Approach local legal aid clinics or assistance centres; and,
- Notify relevant government officials.

3.6 Decision Making

An environmental assessment process concludes with a decision that is made by a government official who either approves or turns down a proposed development. Certain conditions may be attached to the decision.

It is important that you know who will be making the decision. Ask the practitioners undertaking the environmental assessment when the decision will be expected. Inform them that you wish to know when the decision will be taken and that you want to know what the decision is.

As a participant in the environmental assessment, you have a right to know what the final outcome of the process has been.

Once a decision has been made, check that the points you have raised and the outcome as you understood it from the environmental assessment has been respected in the decision. The decision maker should provide reasons for their decisions.

Discuss the decision with your community. In many countries there is provision for an appeal process if you are unhappy with the decision. If you are going to appeal a decision or notify the authorities that you are unhappy with the decision consider the following:

- Are you unhappy with the overall intent of the decision, i.e., that the development has been approved or turned down?
- Are there specific aspects of the decision that concern you, e.g., specific conditions that you wanted the developer to adhere to that have not been included in the decision.
- Was insufficient opportunity provided for you to be involved in the process? Was your right to participate compromised?

When you appeal against the decision you need to be very clear about what you are not satisfied with and why you are not satisfied with the decision. Once you have discussed these aspects with your community, prepare a letter clearly setting out:

- What you are appealing – the whole decision or aspects of the decision;
- What about the decision you are unhappy with and the details of your problem;
- Why you are dissatisfied with the decision or aspects of the decision and the consequences of the decision for you; and,
- Your proposals for a better decision.

This appeal letter should be addressed to the government officials who made the decision. You should also send copies of your letter to the practitioners, the developer and, if you wish, any media who may have had an interest in the process. Annexure F has a template of possible appeal letter as well as other useful templates and letters you may wish to use during a public participation process.

If your appeal is unsuccessful, you may wish to consider the option of other legal remedies. You will need to consult with a lawyer to determine whether or not there are other legal remedies and to determine your rights.

Note:

The decision makers will take a number of factors into account when they make their decision. They will consider:

- The issues raised by participants and how these are addressed;
- The short and long term impacts of the proposed development; and,
- The national as well as local impacts.

The final decision will have to balance a wide range of interests and issues. It is not always possible for decision makers to make a decision that will please everyone. However, the reasons for a decision should always be clearly stated by the decision makers.