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1.1 How to Use this Guide

This handbook is a practical, one-stop guide to assist you with public participation in environmental assessment processes in the SADC region. It

The handbook is to help four key sectors in the Southern African region:

- Practitioners – those who are appointed to design and implement public participation processes
- Civil Society – those who will become involved in public participation processes as a development may affect them or it may be of interest to them
- Government – those who must make a decision about whether a development should proceed on the basis of information arising from the environmental assessment process; and,
- Developers – those who wish to undertake a particular development.

The handbook is unique in that it provides a perspective of public participation from the point of view of each of the four groups. This enables each group to appreciate the other groups' actions and views in a public participation process.

The handbook includes an overview of environmental assessment and public participation. There are tips, guidelines and advice for each sector. The handbook also gives advice on the key issue of managing conflict in environmental assessment processes.

The handbook contains annexures that provide brief descriptions of communication and engagement techniques for stakeholders and summary information of the legal rights to participation.

There is also a glossary of terms as well as references relevant to different sectors.

This handbook is not a recipe book for public participation. Use what is useful for you. Mix and match from different parts of the guide. No two public participation processes can be the same.

1.2 Background to this Guide

Achieving sustainable development in the Southern Africa Development Community (SADC) region is a major challenge as it is elsewhere in the world. Environmental assessments are one way of working towards sustainable development.

However, stakeholders often do not have the resources or knowledge to become effectively involved in these processes.

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The Southern African Institute for Environmental Assessment initiated the Calabash Project in 2003 to enhance public participation in environmental assessment within the region. This handbook is part of the Calabash Project. It follows the drafting of a set of six case studies on best practice in public participation in environmental assessment in the region. Many lessons were drawn from these case studies which provide valuable experience and knowledge.

These lessons have been used in preparing this handbook. Brief illustrations drawn from the case studies have been inserted into this handbook (see Section 1.6).

A two day workshop was also held in Windhoek in December 2004 with participants from throughout the region, some of whom were involved in the case studies. Workshop participants assisted in the drafting of this handbook.

1.3 The Southern African Context

We see increasingly positive processes of public participation in environmental assessments in Southern Africa. This is associated with the growth of democracy and development. Political, economic, social and cultural conditions in the region are highly varied, but also distinct.

While conditions vary from country to country in the region, there are common features that affect environmental assessment and public participation. Below are some key problems and challenges posed by conditions in the region. Don't read this as a full overview of the region. It only sets out some major challenges.

1.3.1 Governance Issues

Due to the challenges of underdevelopment in the region, governments find themselves in a difficult position.

Limited Capacity: Constrained in capacity, they often have a limited ability to guide and decide on environmental assessment processes. This limited capacity is because in several of the countries in the region, there are new and emerging government institutions. There are also often too few suitably qualified officials to implement government policies.

Political Interference: There has been a problem with the involvement of high level politicians in environmental assessment processes before they are completed. This challenges both the independence and integrity of the environmental assessments as well as the public participation processes. Political representatives have been known to fear the outcome of these independent processes when they may threaten their political interests.

Participation Rights: People in the region are largely unaware of the rights that they have to participate in environmental assessment processes. There are diverse understandings of democracy and participation throughout the region. Governments do not all give the same importance to the involvement of people in key decision making processes.

Lack of Experience and Confidence: Participation processes are new in many places in the region, and people lack experience and confidence in them. There is a further challenge in the hierarchical traditional and formal political structures. Traditional leaders and political representatives are often very powerful. Their opinions are viewed as most important, often leading to silence from their immediate communities.

1.3.2 Development Issues

Underdevelopment is a major challenge in the region. Below are some of the key challenges this presents for public participation in environmental assessments:

Poverty: The lack of access to basic needs and resources is a fundamental challenge. The priority for most people in the region is to meet the daily test of survival. There isn't much time or priority for most public participation processes. Poverty, though, is a major issue that can be addressed through many of the developments which are the focus of environmental assessments in the region. Employment, shelter, food security, access to resources and opportunities can flow from these developments. We need to hear the voice of the poor in them.

Financial Resources: Financial resources are very unequally spread in the region. This is both between, and within, countries. Often investment capital is thinly spread, with minimal finances devoted to good planning, assessment and participation processes. Investors argue that spending too much on these aspects will reduce their profits. Governments also lack financial resources. They often are unable to support participation processes, even if they want to.

Typical Industries: Tourism and extractive industries, like mining, are dominant within the region. These industries have a significant impact on the people. New investments in these industries present both opportunities and threats. People have the opportunity to participate in the process and can benefit from long term development. But they can also lose their land and existing livelihoods if the process is poorly implemented.

Health Issues: The prevalence of HIV and AIDS, as well as other major health problems are ravaging the region. The social impact has seen families and communities destroyed. Children often head families. This is very significant for participation in environmental assessment processes. People are too sick, have other priorities or lack the maturity and confidence to get involved.

Infrastructure: Southern Africa is a big region with its population spread between large urban areas, and often very remote rural areas. There is a challenge in all of the geographic contexts to reach out to people. Often it is physically difficult to reach people. Roads are poor, and there are limited telecommunication networks in many parts of the region.

1.3.3 Cultural Issues

There are many cultures in the region. This presents its own challenges.

Traditional Values: Many people identify with old traditions and tribal customs. They find this important as it supports their identity and they draw strength from it. This is positive. It also poses the challenge, however, of many people falling within hierarchical structures where traditional leaders are very powerful and can limit people's participation.

Marginalised Groups: Women, youth and disabled people face many challenges in the region. They are often marginalised within their societies and their voices are not heard loudly enough in participation processes. This is a very difficult issue as most governments in the region support the rights of marginalised people. But many in their societies do not give the same support.

1.3.4 Communication Issues

There are many communication challenges in the region.

Languages: There are numerous languages spoken throughout the region. Within a single environmental assessment process there may be stakeholders who come from several different language groups. This poses a significant challenge to ensure that all stakeholders can both be informed and be part of the dialogue.

Communication Technology: There is a wide disparity in the availability of information and communication technology in the region. While many in the more developed urban areas have access to telephones, the internet and electronic media, the same is not the case in many rural areas. It is appropriate to assume that communication over wide distances is not easy in the region.

Literacy: There is a very high level of illiteracy in the region. Many people who choose to participate in environmental assessment processes do not have the skills to read the most basic documents produced. The more technical reports, which are typical of these processes, are well beyond their capacities. This is a major challenge.

1.4 Overview of Environmental Assessment and Public Participation

Environmental assessments are undertaken throughout the SADC region although there are differences in approach.

They do, however have common overarching goals and, in general, public participation forms part of the process.

1.4.1 What is an Environmental Assessment?

An environmental assessment is a process to identify, evaluate and assess the potential effects on the environment of a proposed development before a major decision or commitment is made. The main aims of the assessment are to:

- Understand the consequences or impacts of the proposed development on the environment;
- Identify ways in which the development can be improved. These could include ways to minimise negative impacts and ways to enhance its benefits; and,
- Provide this information to decision makers.

Ultimately, the aim of an environmental assessment is to ensure that developments are sustainable and do not detrimentally affect people's lives or the natural environment.

In an assessment the "environment" is seen in a broad way. It includes:

- The biophysical environment – this includes plants, trees, animals, the soil and water; and,
- The socio-economic and cultural environment – this includes societies, cultures and economic systems.

1.4.2 What is Public Participation?

Public participation is the involvement of all parties who may potentially have an interest in a development or project, or be affected by it. It entails a wide range of activities that can range from providing information, through consultation to direct involvement of the public in aspects of the decision-making process.

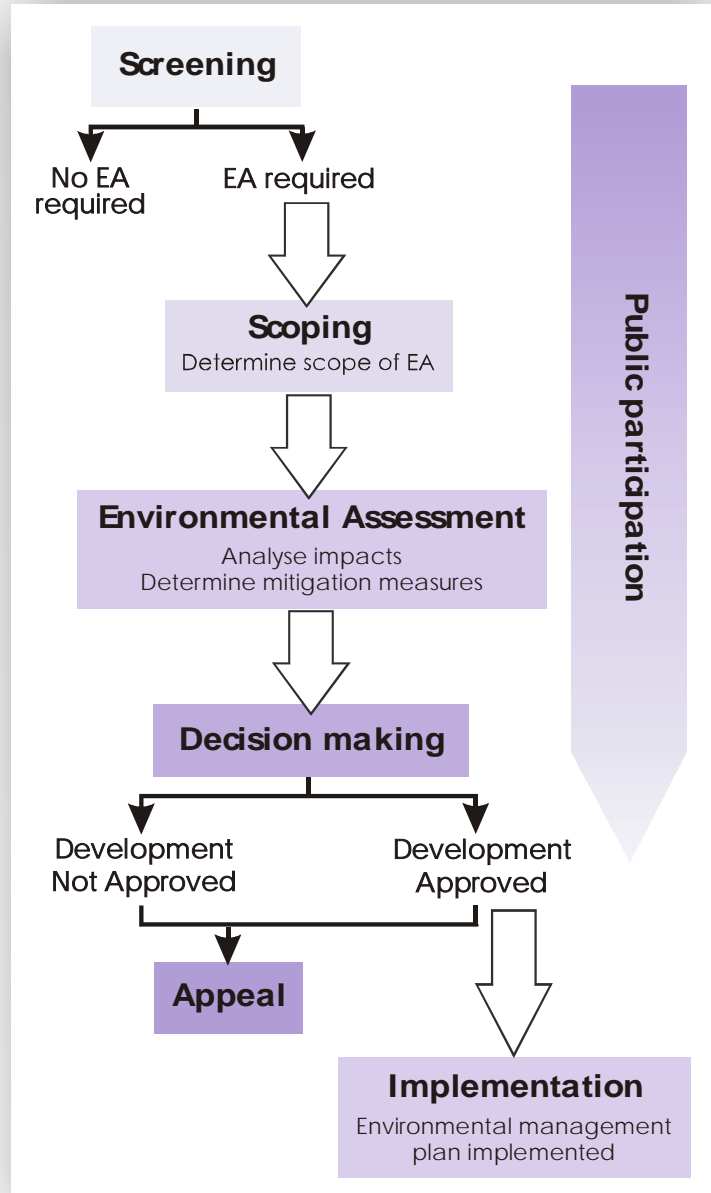
1.4.3 Stages of Environmental Assessment

An environmental assessment normally consists of a number of steps. The precise steps may vary from country to country.

You can break the process into a number of typical steps. These are illustrated in Figure 1. Below you will find a brief explanation of each of these steps.

1. **Screening** is the process of determining whether or not a proposed development requires a full scale environmental assessment and what the level of assessment should be.
2. **Scoping** is a process to determine the nature and extent of the environmental assessment. You identify key issues that require further investigation. You screen out issues that are not likely to be significant. Normally, stakeholders interact and assist you to identify key issues and alternatives.
3. **Impact Assessment** is the phase in which you identify and assess in detail the potential impact of the proposed development on the environment. You identify and analyse impacts and predict their significance. You also identify measures to reduce negative impacts and increase benefits.
4. **Decision-making** is when government decision-makers decide whether to either approve the proposed development, approve it with conditions, or reject it. After approval, stakeholders may appeal against the decision if they disagree with the decision reached by the authorities.

- 5. **Implementation** follows if the development is approved. The developer may have to implement an environmental management plan for construction, operation and in some cases, decommissioning of the project. An environmental management



plan ensures delivery on promises and that mitigation measures and monitoring requirements are implemented throughout the project.

Figure 1: Steps in the environmental assessment process

1.5 The Benefits of Public Participation in Environmental Assessment for You

You can stand to benefit from public participation in environmental assessment processes.

CIVIL SOCIETY

Your participation will result in a number of benefits including:

- You will build your capacity through playing an active role during the process. The skills you learn can be used in other community projects;
- You can exercise and protect your rights by participating;
- Your inputs will influence the form and nature of the development and lead to better development that takes your needs into account; and,
- You may identify and gain new insight into your own knowledge.

DECISION MAKERS

You will benefit from public participation in the process because:

- It will improve your decision as you will have access to a broader range of perspectives and opinions on the proposed development;
- The development you need to approve is likely to be more sustainable as it takes peoples needs and views into account; and,
- Governance and the legitimacy of government will be improved as people will have contributed to your decision.

DEVELOPERS

You will benefit from public participation as:

- Your development may improve as you could access knowledge of local conditions you were not aware of;
- You may save costs, as key issues are identified through participating early in the development process. Studies are focussed on these key issues as opposed to a broad range of issues;
- Measures to reduce impacts and enhance benefits will be identified with stakeholders;
- Relations with communities in the vicinity of your development will be improved;
- Potential delays in decision making may be reduced because of good participation early in the process; and,
- Your image and reputation will be enhanced.

PRACTITIONERS

You will benefit from public participation because:

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- It provides a good basis for accountability;
- Stakeholders can help you by providing information and identifying alternatives, problems and solutions; and,
- The quality of the environmental assessment will be improved as it will be grounded in public concerns.

1.6 Other Tools and Documents

Other documents and tools that have been produced as part of the Calabash Project are listed below. You may wish to consult these in learning more about public participation. The documents can be obtained from SAIEA directly or at www.saiea.com. Contact details for SAIEA can be found in **Error! Reference source not found.**

Case Studies: Integrated Report on Public Participation in the SADC Region

The Case Studies document experiences of public participation in six different environmental assessments in the SADC Region. Lessons arising from the case studies are documented in the report.

Legal Rights Provisions for Public Participation in the SADC Region

This report documents the legal provisions for public participation in the different countries in the SADC region.

Public Participation Template for Terms of Reference Related to Environmental Assessment and Public Participation (EA/PP) in the SADC Region

This report provides templates for Terms of Reference for Public Participation.