



ENDANGERED
WILDLIFE TRUST

Know your environmental rights!

Is someone planning an irresponsible development in your area?

THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA STATES THAT:

“Everyone has the right to an environment that is not harmful to their health or well-being; and to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that **prevent pollution and ecological degradation;** promote conservation; and secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”

To protect this right of all citizens, prospective developers are bound by **law** to employ an independent Environmental Assessment Practitioner (EAP) to implement an **Environmental Impact Assessment (EIA)**. An integral part of the EIA process is public participation. This leaflet describes how to become part of this process to protect you and your community's **RIGHTS** and what steps to follow if you feel these rights are being infringed upon.



EIAs **must include public participation** to ensure there is full transparency and that local concerns and indigenous knowledge are taken into account.

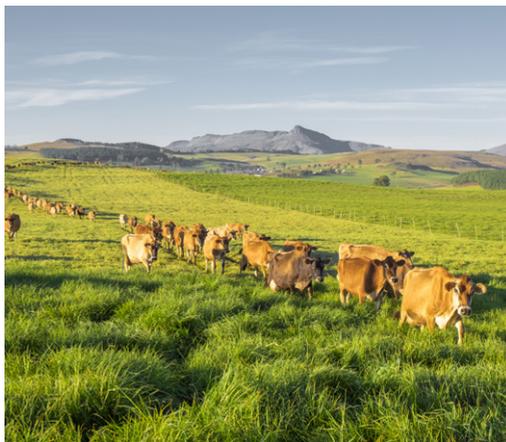
Landowners, persons in control of land, and occupiers of land on adjacent to, or communities affected by the site of proposed development must be alerted to the proposed development and allowed the opportunity to **register as Interested and Affected parties (I&APs)** within 30 days of the notice being published (not including public holidays or the December break).

I&APs must be provided with clear information on the nature and location of the development, where further information can be obtained, how and who to contact in respect of the application and the date and location of public participation sessions. I&APs can comment on all reports and submissions and bring to attention any issues which they believe may be of significance.

All comments from I&APs must be recorded, along with responses, **and attached with all submissions** to the authority who ultimately makes the decision of the development proposal.

Reasonable alternate **methods of accessing information and providing comments must be provided** by the EAP in the case of illiteracy, language barriers, disability or other disadvantages.

If the development is accepted, the EAP must inform you of the ability to **appeal the decision** to the Directorate: Appeals and Legal Review (appealsdirector@environment.gov.za) within 20 days of the decision.



Contact details of organisations which can offer assistance if you feel your rights have been infringed upon

Government Authorities

Department of Environment, Forestry & Fisheries

Email: callcentre@environment.gov.za

Tel: 086 111 2468

Violations Hotline: 0800 205 005

Chapter 9 Institutions

South African Human Rights Commission

Email: info@sahrc.org.za (National)/

kboyce@sahrc.org.za (KwaZulu Natal Office)

Tel: 011 877 3600 (National)/ 031 304 7323 (KwaZulu Natal)

NGOs & Law Clinics

Centre for Environmental Rights

Website: www.cer.org.za

Email: info@cer.org.za

Tel: 021 4471647

Lawyers for Human Rights

Website: www.lhr.org.za

Email: durban@lhr.org.za

Tel: 011 339 1960 (National)/ 031 301 0531 (KZN)

Legal Resources Centre

Website: www.lrc.org.za

Email: info@lrc.org.za

Tel: 011 836 9831 (National)/ 031 301 7572 (KwaZulu Natal Office)

Action Aid

Website: south-africa.actionaid.org

Email: info.za@actionaid.org

Tel: 011 731 4560

What You Should Look Out For

- Environmental Impact Assessments (EIAs) are required by law in South Africa to ensure full transparency during the development process. Local concerns and indigenous knowledge must be taken into account and your environmental safety, ecosystem services and cultural heritage must be preserved.
- As an I&AP, you can comment on all stages of the process and your concerns must be acknowledged and addressed.
- All proposed developments require a water use licence, make sure that your constitutional right to access to clean water is not going to be compromised.
- Make sure that the mitigation hierarchy has been implemented. This means that the EIA should have taken the following approach: first avoid, then minimise, then reduce/rehabilitate and then consider offsets (in that order and including all of the steps).
- Be watchful for false promises of jobs and other benefits. Even if jobs might be available think about the long-term future of your community and your ancestral land rather than short-term job provision.
- Make sure that your cultural heritage, including grave sites, sites of cultural significance and sacred sites have been taken into consideration.
- Think about what will be left after the developers are done! Have you been adequately compensated for the pollution (water, air and soil) and loss of ecosystem services for generations to come?

**This work is proudly brought to you by the Endangered Wildlife Trust
supported by Rand Merchant bank**

www.ewt.org.za and www.eia.org.za

