

**BEYOND PUBLIC PARTICIPATION: THE DISJUNCTURE BETWEEN
SOUTH AFRICA'S ENVIRONMENTAL IMPACT ASSESSMENT (EIA) LAW
AND SUSTAINABLE DEVELOPMENT**

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Summary

One of the key strategies for achieving sustainable development is the use of the process of evaluating the potential environmental impacts of development activities. The procedure of environmental impact assessment (EIA) implements the principle of integration which lies at the core of the concept of sustainable development by providing a process through which potential social, economic and environmental impacts of activities are scrutinised and planned for. Sustainable development may not be achieved without sustained and legally mandated efforts to ensure that development planning is participatory.

The processes of public participation play a crucial role in ensuring the integration of the socio-economic impacts of a project into the environmental decision-making processes. Public participation is not the only process, nor does the process always ensure the achievement of sustainable development. Nevertheless, decisions that engage the public have the propensity to lead to sustainable development. The public participation provisions in South Africa's EIA regulations promulgated under the National Environmental Management Act 107 of 1998 show a disjuncture between the idea of public participation and the notion of sustainable development. The provisions do not create a framework for informed participation and leave a wide discretion to environmental assessment practitioners (EAPs) regarding the form which

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participation should assume. In order for environmental law, specifically EIA laws, to be effective as tools to promote sustainable development the laws must, among other things, provide for effective public participation. The judiciary must also aid in the process by giving content to the legal provisions on public participation in the EIA process.