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The Right to Public Participation in Advancing Environmental Sustainability in South African Cities

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ABSTRACT

Promoting environmental sustainability in South Africa's cities through public participation is vital for fostering inclusive governance and equitable decision-making. Currently, 63% of South Africa's population—and 64% of its youth—live in urban areas, with this figure expected to rise to nearly 80% by 2050. Rapid urbanisation brings significant environmental challenges, including air and noise pollution, greenhouse gas (GHG) emissions, and inadequate waste management. Globally, cities contribute over 70% of GHG emissions and consume two-thirds of the world's energy. South African cities face similar issues: worsening air quality in regions like the Highveld, water scarcity, urban flooding, waste management problems, and biodiversity loss due to urban sprawl. This article explores how South Africa's constitutional and legislative frameworks support public participation in promoting urban environmental sustainability. Using doctrinal research, it examines key legal instruments—including the Constitution and environmental laws—that establish participatory rights and promote transparency, accountability, and inclusivity. The article draws on court decisions and case studies to highlight ongoing barriers to meaningful participation, particularly for marginalised communities. These include administrative inefficiencies, political interference, and unequal access to information and resources. The article concludes by proposing strategies such as capacity-building initiatives, the integration of traditional knowledge systems, and enhanced institutional coordination to strengthen public participation and improve urban environmental outcomes, addressing both global environmental pressures and South Africa's unique urban sustainability challenges.

Keywords: Environmental Sustainability; Cities; Public Participation; Constitution and Legislation

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1. Introduction

Cities contribute more than 80% of the global Gross Domestic Product (GDP), and when properly managed, urbanisation can fuel sustainable growth by boosting productivity and innovation ^[1]. However, cities also contribute to environmental challenges ^[2]. Although urban areas house nearly half of the world's population, they occupy only 2.8% of the Earth's land, which intensifies the environmental pressure from human and economic activities ^[3]. Environmental challenges have emerged as significant global concerns, profoundly affecting human society, economic growth, and ecological stability. Problems such as climate change, biodiversity decline, and pollution of air and water not only endanger human existence and advancement but also increase the fragility of Earth's ecosystems, resulting in serious consequences for public health, economic productivity, and overall quality of life. Active public involvement in environmental governance is essential for promoting a balanced and sustainable interaction between society and the natural environment ^[4]. Hence, public support is vital for governments to successfully implement environmental protection measures ^[5].

Various international legal instruments explicitly connect the attainment of environmental law objectives with public participation (PP) ^[6]. Notably, the *1998 Aarhus Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters* seeks to strengthen the role of public involvement in environmental governance. It mandates states to facilitate PP in decisions related to a range of specific development activities ^[7]. Similarly, the 1992 Rio Declaration on Environment and Development formally embraced PP principles, which are further supported by Agenda 21 ^[8,9]. The successful implementation of Agenda 21's goals, policies, and frameworks depends on the 'meaningful engagement' of all societal groups. Thus, it emphasises the necessity for "innovative forms of participation" and the...

"...need of individuals, groups, and organisations to participate in environmental impact assessment procedures and to know about and participate in decisions" (Agenda 21, Chapter 23, particularly paragraphs 23.1 and 23.2) ^[10].

The fundamental values and principles of PP stem from the belief that individuals affected by a decision have

the right to be actively involved in the decision-making process ^[11]. It ensures that public input is not only considered but also has the potential to shape outcomes ^[11,12]. Furthermore, environmental PP theory asserts that access to environmental information, engagement in environmental decision-making, and participation in ecological regulation are fundamental public rights ^[13]. Consequently, in Europe, PP in environmental decision-making is legally recognised. This right was established through the Aarhus Convention, which has since reinforced the idea that participation is not only a matter of justice and democracy but also a practical requirement for achieving sustainability ^[14].

It is essential to recognise that, beyond the theoretical framework of environmental PP as fundamental public rights ^[13], environmental rights are intrinsically linked to human rights. According to du Plessis ^[6], environmental rights comprehensively reflect the interconnectedness between humans and their surroundings, legally recognising individuals' entitlement to a certain standard of environment. These rights extend beyond the natural environment to encompass cultural heritage, human settlements, and public health ^[6]. This perspective aligns with Section 24 of the *Constitution of the Republic of South Africa, 1996*, which guarantees the right to a healthy environment and imposes a duty on the state to ensure environmental protection for both present and future generations.

In South Africa, the environment is considered a public trust, with environmental resources intended to serve the public interest. Furthermore, the environment is recognised as a shared heritage that must be protected for the benefit of the people ^[15]. Consequently, the country has progressively enacted legislation to promote environmental sustainability while fostering grassroots participation in environmental governance. The legal framework for PP in environmental sustainability is anchored in the Constitution and reinforced by a range of supporting legislative instruments. These include the *National Environmental Management Act* (NEMA), 107 of 1998; the *Spatial Planning and Land Use Management Act* (SPLUMA), 16 of 2013; the *National Environmental Management: Protected Areas Act* (NEMPAA), 57 of 2003; the *National Environmental Management: Biodiversity Act* (NEMBA), 10 of 2004; the *Municipal Systems Act*, 32 of 2000; the *Municipal Structures Act*, 117 of 1998; the *National Environmental*

Management: Integrated Coastal Management Act (NEMICMA), 24 of 2008; the *National Water Act* (NWA), 36 of 1998; the *National Environmental Management: Waste Act* (NEMWA), 59 of 2008; the *Air Quality Act* (AQA), 39 of 2004; and the *Climate Change Act* (CCA), 22 of 2024, provide a robust legal framework for PP in achieving environmental sustainability in South African cities. This article examines the extent to which South Africa's constitution and legislative framework safeguard the public's right to meaningful participation in environmental sustainability decision-making within urban areas.

2. Methods and Review Approach

This article examines the extent to which PP is enshrined as a legal right within South Africa's legislative frameworks to promote environmental sustainability in urban areas. To achieve this objective, a doctrinal research approach is employed to analyse legal sources, including statutes, case law, and regulations. This approach involves analysing, interpreting, and integrating legal materials to address legal questions or formulate legal theories^[16]. As a conventional method in legal research, doctrinal research is usually carried out in a law library and concentrates on identifying authoritative case law, pertinent legislation, and supporting secondary sources^[17].

The case studies are purposefully selected using a purposive sampling strategy. According to Agyemang^[18], the purposive sampling technique, also called judgment sampling, involves the thoughtful selection of participants for research based on the qualities they possess. Hence, a purposive sampling technique was adopted to identify cases illustrating how barriers to public participation affect marginalised communities across different legal and socio-political contexts. Selection focused on three criteria: (1) relevance to public participation, prioritising cases where participation processes were central to the dispute; (2) impact on marginalised groups, such as indigenous peoples, rural communities, or low-income populations; and (3) judicial or legal significance, ensuring substantive legal insights or influence on participation norms. Qualitative methods, including desktop research and secondary data analysis, were used, with keywords like 'public participation', 'community engagement', 'environmental right', 'constitution', and 'legislation' guiding the search. The

article begins in Part 2 by outlining the research methodology used to achieve its objectives. Part 3 provides a literature review on environmental challenges in cities, with a focus on South African cities. This section also examines the role of PP in environmental sustainability, emphasising its importance in advancing environmental goals. Additionally, it presents selected case studies on PP and environmental sustainability in South Africa and other parts of the world. Part 4 evaluates how South Africa's legal framework recognises and enforces the right to PP in achieving environmental sustainability. Part 5 explores and interprets the article's findings by analysing the data and discussing the role of PP to evaluate its implications for advancing environmental sustainability in South African cities, within the framework of South African legal structures and relevant international case studies. The final section, Part 6, offers recommendations and concludes the discussion.

3. Literature Review

Urban areas across the globe are facing escalating environmental challenges driven by rapid urbanisation, population growth, and climate change. Effectively addressing these issues requires inclusive and participatory approaches, with public involvement playing a critical role in empowering communities to influence environmental decision-making. This literature review explores the intersection between urban environmental challenges and PP in promoting sustainability.

3.1. Environmental Challenges in Cities

About 56% of the global population, or 4.4 billion people, currently live in urban areas, a figure expected to rise to nearly 70% by 2050^[1]. By 2030, 60% of the population will be urban, increasing to 6.5 billion by 2050^[19]. This rapid urban expansion, particularly in developing nations, presents significant challenges for sustainable development^[19]. While regions such as North America, Latin America, and Europe are highly urbanised, Africa remains predominantly rural, with only 43% of its population living in cities^[20]. The Integrated Urban Development Framework (IUDF) projects that South African cities will experience an increase of 7.8 million residents by 2030, followed by another 6 million by 2050, placing significant pressure

on housing, services, and infrastructure. Currently, around 63% of the population and 64% of the youth live in urban areas, underscoring the urgent need for a labour-absorbing economy to support this growth ^[21]. The United Nations forecasts that by 2030, 71.3% of South Africa's population will live in urban areas, with that figure rising to nearly 80% by 2050 ^[21].

Cities contribute significantly to poor air quality, worsened by urbanisation and transportation patterns ^[22]. Air pollution, a major public health and environmental issue, affects 41% of cities, exceeding the World Health Organisation's (WHO) recommended air quality levels ^[22]. In 2021, air pollution caused 8.1 million deaths globally, making it the second-leading risk factor for death among children under five ^[23]. Many air pollution sources, such as fossil fuel use, also increase greenhouse gas (GHG) emissions, further contributing to climate change ^[23]. Urban areas consume two-thirds of global energy and generate over 70% of GHG emissions ^[1], while climate change worsens air pollution through factors like wildfires and higher temperatures ^[23].

In South Africa, while air quality is often perceived as good, regional pollution levels are underestimated ^[24]. Air pollution, including indoor pollution from domestic fuel use, poses significant health risks, particularly in low-income areas. In the Highveld, pollution often exceeds health standards, with particulate matter (PM) and ozone (O₃) levels violating National Ambient Air Quality Standards (NAAQS) ^[24]. Additionally, 40% of the population lacks access to air quality monitoring within 25 km, limiting data for informed action ^[22]. As a result, air pollution is South Africa's second-largest health threat, causing 25,800 premature deaths in 2019. The country has the fourth-highest PM_{2.5}-related death rate in Africa, with most people exposed to air exceeding WHO guidelines. As the twelfth largest global GHG emitter, South Africa's emissions stem mainly from electricity, metals, and transport sectors ^[22]. Heavy reliance on fossil fuels makes it the continent's top sulphur dioxide (SO₂) emitter, linked to asthma and bronchitis ^[22].

Table 1 below presents death rates per 100,000 people due to PM_{2.5} air pollution in various cities from 2000 to 2010, revealing notable public health trends. Sofia, Bulgaria, has the highest death rate, starting at over 200 in

2000 and declining to about 171.4 by 2010. Beijing, China, sees rates rise from nearly 100 to about 124.9, indicating persistent air pollution. Warsaw, Poland, maintains stable rates around 100, suggesting effective governance. Jakarta, Indonesia, fluctuates between 90 and 100, while Dhaka, Bangladesh, averages 75.3. Accra, Ghana, and London, United Kingdom, report lower rates (56.2 and 34.6, respectively), indicating better air quality management. Johannesburg, South Africa, and Rio de Janeiro, Brazil, consistently record the lowest rates, with Johannesburg at 32.8.

Table 1. Cities' Death Rates Attributed to Air Pollution.

City	Country	2000 Death Rate (per 100,000)	2010 Death Rate (per 100,000)
Sofia	Bulgaria	>200	171.4
Beijing	China	~100	124.9
Warsaw	Poland	~100	~100
Jakarta	Indonesia	90–100	90–100
Dhaka	Bangladesh	-	75.3
Accra	Ghana	-	56.2
London	United Kingdom	-	34.6
Johannesburg	South Africa	-	32.8
Rio de Janeiro	Brazil	-	<40

Source: Adapted from CAF (n.d).

Cities, as major energy consumers and GHG emitters, are vital in addressing climate change and achieving the Paris Agreement's goals ^[2]. They face increasing climate-related disasters, including floods, droughts, and rising sea levels. About 130 port cities with populations over one million are at risk of coastal flooding, and one billion people in informal settlements are highly vulnerable ^[2]. In South Africa, droughts have impacted urban water supplies, with further water scarcity expected, particularly in the central and northern regions ^[25]. Flood risks are also projected to increase nationwide, with KwaZulu-Natal, Eastern Cape, and Limpopo the most vulnerable ^[25].

Also, rapid urbanisation, population growth, and industrialisation are heavily polluting urban rivers, especially in developing regions where untreated sewage and wastewater are often discharged directly into water bodies ^[26]. Over 80% of wastewater is untreated globally, with the rates exceeding 95% in some developing countries ^[26]. High-income countries treat about 70% of wastewater, while low-income countries treat as little as 8% ^[26]. In Sub-

Saharan Africa, minimal treatment occurs, leaving urban rivers in low-income areas highly polluted and threatening sustainability and public health ^[26]. The disparity in wastewater treatment poses risks to public health, food security, and water availability, particularly in water-scarce regions ^[26]. The 2022 Green Drop Report found 334 wastewater systems in 90 South African municipalities in critical condition, often discharging untreated effluent into rivers. As such, the Vaal River is heavily polluted, with sewage contamination contributing to cholera outbreaks ^[27].

Moreover, rapid urbanisation, limited resources, and low policy priority are creating solid waste management challenges in many cities ^[28]. Municipal waste generation is expected to double by 2025, reaching 3.4 billion tonnes annually by 2050, making waste the fastest-growing environmental pollutant ^[29]. Currently, 33% of global waste is poorly managed, contributing to pollution, disease, flooding, and GHG emissions, with waste disposal accounting for 3–5% of urban GHG emissions, projected to rise to 2.38 billion tonnes of Carbon Dioxide equivalent (CO₂e) by 2050 ^[29]. In South Africa, waste generation has increased due to population growth, urbanisation, rising incomes, and straining municipal services ^[30]. In 2018, 12.2 million households received refuse removal services, while 323,478 did not ^[31]. Approximately 12.7 million tonnes of domestic waste are generated annually, with 3.67 million tonnes uncollected, leading to illegal dumping ^[30]. Urban sprawl threatens ecosystems and biodiversity, which are vital for clean air, water filtration, and climate adaptation ^[2].

The WHO defines noise pollution as levels exceeding 65 decibels (dB), with harmful effects starting at 75 dB and pain occurring above 120 dB ^[32]. Recommended noise levels should be below 65 dB during the day and under 30 dB at night for restful sleep ^[32]. Urban acoustic quality is increasingly threatened by noise from traffic, industry, construction, and social events, with road traffic noise being the primary concern in large cities ^[33].

Table 2 below presents noise levels in global cities, compiled from the United Nations' *Frontiers Report* (2022) ^[32]. Dhaka, Bangladesh, ranks first at 119 dB, followed by Moradabad, India, at 114 dB, with both exceeding the safe limit of 70 dB. Other cities with high noise levels include Islamabad (105 dB), Ho Chi Minh City (103 dB), and Rajshahi (103 dB). Cities such as Ibadan, Nigeria

(101 dB), and Toronto, Canada (95 dB), are also listed. This highlights the widespread issue of noise pollution, particularly in South Asia, and the urgent need for effective urban planning and policies.

Table 2. Noise Levels in Global Cities.

Rank	City	Country	Noise Levels in dB
1	Dhaka	Bangladesh	119
2	Moradabad	India	114
3	Islamabad	Pakistan	105
4	Ho Chi Minh City	Vietnam	103
5	Rajshahi	Bangladesh	103
6	Ibadan	Nigeria	101
7	Algiers	Algeria	100
8	Kupondole	Nepal	100
9	Bangkok	Thailand	99
10	Toronto	Canada	95

Source: Adapted from Iberdrola (n.d).

Urbanisation, the third greatest threat to species on the International Union for Conservation of Nature (IUCN) Red List, contributes to land-use changes, nitrogen deposition, and the spread of invasive species, impacting ecosystems ^[2]. Urbanisation transforms sparsely occupied areas into dense cities, causing deforestation, habitat loss, and freshwater extraction, reducing biodiversity ^[34]. Cities consume up to 80% of resources, driving deforestation, with 6–9 million hectares of forests cleared annually, largely due to urban expansion ^[35]. In 2019, 3.8 million hectares of tropical forest were lost, with rural communities pressured to clear forests despite sustainable practices ^[36]. Deforestation indirectly impacts cities, contributing to over 8% of GHG emissions, resulting in rising sea levels, extreme heat, storms, and wildfire smoke, which causes 340,000 premature deaths annually ^[35].

3.2. Public Participation in Environmental Sustainability

While the government plays a key role in developing policies, regulations, and institutional frameworks for sustainable development, active PP is equally crucial. Without strong public engagement, achieving sustainable development goals becomes challenging. Therefore, it is vital to

promote a broad understanding and acceptance of sustainable development among the public. When this concept is deeply ingrained in public values and beliefs, individuals are more likely to participate in sustainability efforts ^[4]. According to Davids ^[37], PP refers to a comprehensive process to enhance democracy through structured mechanisms. He asserts that genuine public involvement includes participation in decision-making, implementation, monitoring, evaluation, and equitable distribution of benefits from governance and development initiatives. This process requires organisations to engage with affected individuals, groups, and government entities before decisions are made, characterised by reciprocal communication and collaborative problem-solving for better outcomes ^[38]. Public participation reflects a people-centred development approach, focusing on involvement, communication, changes in government attitudes, and mutual influence ^[39]. It goes beyond decision-making, laying the groundwork for implementation, monitoring, and evaluation, starting before decisions are made and continuing afterwards ^[40]. Public participation is the process of engaging and encouraging the involvement of individuals who may be affected by or have an interest in a decision ^[12]. In the context of PP in environmental sustainability, this study adopts the definition of PP provided by Van der Merwe ^[41], which refers to the various national processes and mechanisms that enable the public to express their needs and opinions, access information, and actively engage in environmental decision-making. Environmental sustainability, a component of sustainable development, refers to the natural environment's capacity to maintain its functions within natural limits over time, ensuring a consistent supply of goods and services to meet economic and social needs (Chapter 2 of NEMA) ^[42]. The *Municipal Systems Act* 32 of 2000 defines "environmentally sustainable" municipal services as those that minimise environmental and health risks while maximising benefits to both the environment and human health, ensuring compliance with relevant laws.

Public participation in environmental governance can take two primary forms: first, individuals engage in personal environmental protection actions, such as conserving energy and avoiding littering; second, the public plays an essential role in reporting pollution and highlighting unusual environmental conditions in their communities ^[4].

While governmental bodies typically make decisions with significant environmental impacts, many polluting activities occur secretly, leading affected citizens to report these issues to the authorities. This underscores the global push for bottom-up citizen involvement in environmental governance, which has been encouraged since the 1980s ^[4]. Moreover, PP in environmental governance subjects local government to public scrutiny over environmental matters. In this context, growing environmental problems push the public to apply social pressure on local governments, prompting stricter environmental regulations to reduce the harmful effects of pollution ^[13].

In various contexts, communities have demonstrated the power of grassroots mobilisation and PP in influencing environmental governance. In South Africa, Makhanda, Eastern Cape, residents mobilised against poor waste management and illegal dumping through groups such as Keep Grahamstown Grahamstown and the Makhanda Environmental Forum. Their actions, including town hall meetings and petitions prompted short-term municipal responses and heightened local awareness of environmental accountability ^[43]. Similarly, the Fuleni community near Hluhluwe-iMfolozi Park successfully opposed a proposed coal mine by Ibutho Coal through the Mfolozi Community Environmental Justice Organisation (MCEJO), with support from non-governmental organisations. By engaging in public consultations and submitting Environmental Impact Assessment (EIA) objections, they helped safeguard biodiversity and protect local livelihoods ^[44]. Further afield, an experiential study conducted in Dodoma and Zanzibar Municipalities in Tanzania illustrated how structured PP can enhance sustainable waste management practices. In response to municipalities' inability to manage solid waste, authorities initiated community engagement through clean-up days, leading to the formation of community groups responsible for household waste collection (excluding hospital waste). These groups operated independently, charging modest fees to support operations, while municipal councils facilitated capacity building and networking with Non-Governmental Organisations (NGOs). Success stories included the formation of 20 groups in Dodoma and 12 in Zanzibar, with around 90% of them being women-led, creating employment for 10 to 15 people per group, reducing street refuse, and lowering incidences of cholera.

Community ownership and financial support through training in income-generating activities proved vital for scaling the initiatives, despite challenges such as inadequate waste facilities, limited community knowledge, and insufficient municipal funding ^[45].

Collectively, these cases show how communities use legal frameworks and grassroots action to drive environmental decisions, reaffirming PP as a catalyst for justice, sustainability, and inclusive governance. **Table 3** below presents Community-Led Environmental Action and Its Impact: Case Studies from South Africa and Tanzania, highlighting how grassroots mobilisation in Makhanda, Fuleni, Dodoma, and Zanzibar has driven environmental change and influenced local governance and sustainability.

Nonetheless, the cases of the *Sustaining the Wild Coast NPC and Others v Minister of Mineral Resources and Energy and Others* [2022] ZAECKMHC 55, Shell in Nigeria, and in the United States of America (USA), the Sioux Tribe's resistance against the Dakota Access Pipeline (DAPL) all highlight the systemic barriers to PP that marginalised communities face when their land, environment, and livelihoods are threatened. In *Sustaining the Wild Coast*, the Eastern Cape High Court found that the consultation processes for granting seismic exploration rights were fundamentally flawed: critical information was inaccessible, notices were published in uncommon languages and media, and affected communities were effectively excluded ^[46]. In Nigeria, as early as 1889, colonial laws monopolised oil concessions for British interests, culminating in Shell's dominance over the country's oil resources without local participation. The Ogoni people's

resistance, beginning in 1958, arose from the alienation of landowners, environmental degradation, and the erosion of traditional livelihoods, intensified by broader socio-political upheavals ^[47]. Similarly, in 2016, the Sioux Tribe opposed DAPL's construction beneath Lake Oahe, asserting violations of treaties and the international principle of free, prior, and informed consent (FPIC). Their mobilisation reflected a broader strategy of using extra-national legal frameworks to challenge systemic exclusion and environmental injustices ^[48].

These examples reveal how information gaps, procedural hurdles, cultural exclusion, and resource constraints hinder PP, deepening inequalities and eroding trust in institutions. They highlight the importance of meaningful participation in environmental justice and protection of vulnerable communities. **Table 4** below presents key barriers, consequences, and lessons from these case studies, highlighting how marginalised communities' struggles for meaningful PP have been shaped by systemic exclusion, cultural disregard, and the need for stronger legal protection.

Achieving urban environmental sustainability demands PP and a collective commitment to quality projects, necessitating a mindset shift among stakeholders influencing urban development ^[49]. Effective resolution of environmental issues requires collaboration between the government and the public, highlighting the need for strong environmental governance ^[6]. According to du Plessis ^[6], PP in environmental decision-making is crucial for establishing priorities, offering solutions to challenges, and ensuring accurate decision-making, and it is important for several reasons:

Table 3. Community-Led Environmental Action and Its Impact: Case Studies from South Africa and Tanzania.

Case	Community Action	Outcomes	Lessons Learned
Makhanda, Eastern Cape (South Africa)	Mobilisation through groups like Keep Grahamstown Grahamstown and the Makhanda Environmental Forum, town hall meetings, and petitions.	Prompted short-term municipal responses; increased local environmental accountability.	Grassroots mobilisation can influence municipal action and foster environmental awareness.
Fuleni Community, near Hluhluwe-iMfolozi Park (South Africa)	Opposition to the proposed coal mine through MCEJO; engagement in public consultations; submission of EIA objections.	Protected biodiversity and local livelihoods; strengthened community agency.	Public consultations and legal objections can safeguard environmental and community interests.
Dodoma and Zanzibar Municipal Council (Tanzania)	Municipality-initiated clean-up days; formation of independent community groups for waste management, and quarterly feedback meetings.	Creation of 20 groups in Dodoma and 12 in Zanzibar (90% women-led); employment for 10–15 people per group; reduced waste and cholera cases.	Community ownership, structured participation, and capacity-building are crucial for sustainable environmental governance.

Source: Author's Construction (2025).

Table 4. Key Barriers, Consequences, and Lessons from Case Studies on Marginalised Communities' Struggles for Meaningful Public Participation.

Case	Key Barriers	Consequences	Lessons Learned
Sustaining the Wild Coast (South Africa)	- Information inaccessible to local communities. - Exclusion due to technical complexity. - Ignored indigenous communication and cultural practices.	- Threat to traditional livelihoods and ecosystems. - Corporate interests prioritised over community welfare. - Deepened mistrust in public institutions.	- Consultations must be meaningful, accessible, and culturally appropriate. - Procedural flaws expose deeper systemic exclusion.
Ogoni People (Nigeria)	- Lack of knowledge, consent, and participation. - Limited technical and organisational resources. - Disregard for local languages and indigenous governance.	- Devastated livelihoods and environment. - Oil wealth deepened inequality. - Sparked resistance movements like MOSOP.	- Resource exploitation without consent entrenches injustice. - Need for stronger legal protections for indigenous participation.
Sioux Tribe (DAPL, USA)	- Overlooked treaty rights and FPIC. - Reliance on external networks for mobilisation. - Neglect of sacred sites and cultural values.	- Threatened water and sacred lands. - Infrastructure projects reinforced injustices. - Catalysed Indigenous rights advocacy.	- Centrality of FPIC. - Cross-border legal and advocacy strategies can challenge injustices.

Source: Author's Construction (2025).

- Affected individuals, often unrepresented in environmental assessments, are given a chance to voice their views.
- Communities provide valuable information, especially when cultural, social, or environmental values are difficult to quantify.
- Accountability is enhanced when environmentally relevant processes are open to the public, pressuring administrators to follow required procedures.
- Failure to integrate citizens' viewpoints can delay environmental policy implementation.
- Public participation fosters community ownership of decisions and outcomes.
- Stakeholder engagement can foster partnerships or alliances between interested parties and local governments.
- Public confidence in decision-makers increases when citizens see that all relevant issues are carefully considered.

In South Africa, despite the advantages of PP in environmental sustainability, various departments face challenges in its effective implementation. Key challenges include budgetary constraints, insufficient feedback on citizen concerns, inadequate human resources, weak institutional arrangements, poor planning, translation issues, and political dynamics. Although 44% of departments possess functional PP units, 56% depend on online func-

tion directorates to execute PP^[11]. Some departments have established PP units to tackle these challenges. According to the Public Service Commission^[11], 44% of departments had functional public participation units responsible for facilitating PP. However, 56% of departments did not have such units; instead, public participation was executed through line function directorates.

In addition, the United States Environmental Protection Agency (USEPA) highlights that^[50], while South Africa's Constitution and environmental laws support PP, significant challenges persist, including:

- Legislation lacks clarity on effective participation tools, and newspaper notices often fail to reach illiterate or remote communities.
- Government departments and project proponents often dismiss public input, perceiving PP as an obstacle to decision-making.
- Participation typically occurs too late, after key project decisions are made, with few genuine alternatives presented.
- Environmental practitioners often favour developers, and post-approval engagement is limited to appeals, despite the emergence of impacts during implementation.
- Access to information is frequently obstructed; technical reports are rarely made accessible or translated, and public submissions seldom influ-

ence final reports.

- Financial barriers, poorly timed public comment periods (e.g., during holidays).
- Inadequate consultation during policymaking further hinders effective participation.

In light of the above challenges, the USEPA proposes the following strategies ^[50]:

- Increased media advocacy to demand comment extensions.
- Organising meetings with the government and using litigation when necessary.
- The Department of Environmental Affairs must treat communities and NGOs as partners and improve access to expert support.
- While the legal framework is robust, practical implementation must be enhanced to ensure inclusive and transparent environmental governance.

4. Results

This section presents the findings of the article on the right to PP in environmental sustainability within South Africa's legal framework. It examines how this right is recognised and applied through constitutional provisions, legislation, and case law.

4.1. Right to Public Participation in Environmental Sustainability in the South African Constitutional Framework

Public participation is a fundamental principle in the *1996 South African Constitution* ^[51], reflecting a commitment to democratic governance and inclusive decision-making. Sections 1, 59(1), and 72(1) emphasise accountability and openness, requiring public involvement in the legislative processes of the National Assembly and the National Council of Provinces (NCOP). In addition, Section 118(1) mandates provincial legislatures to promote PP, while Section 152(1)(e) directs local governments to engage communities in governance, recognising their closeness to the people. Additionally, Section 195(1) calls for accountability and transparency in public administration, encouraging public involvement in policymaking and service delivery. Also, Section 33 guarantees the right to just administrative action, allowing the public to engage

in and challenge administrative decisions affecting their rights, including environmental matters. Moreover, Section 152(1) outlines local government objectives focused on democratic participation, community welfare, sustainable service delivery, economic development, and a healthy environment. This emphasis on inclusivity fosters trust, enhances service delivery, and ensures the representation of all citizens' needs. These constitutional provisions collectively affirm the centrality of PP as both a democratic right and a mechanism for enhancing the legitimacy and responsiveness of government decisions, especially in environmentally sensitive contexts.

4.2. Right to Public Participation in Environmental Sustainability in the South African Legislative Framework

4.2.1. National Environmental Management Act 107 of 1998

The NEMA aimed at promoting sustainable environmental management ^[42]. It establishes a framework for balancing environmental, social, and economic considerations in decision-making and emphasises sustainable development. Section 2(4)(f) of NEMA requires the promotion of participation by all interested and affected parties in environmental governance, ensuring meaningful engagement for everyone, including vulnerable and disadvantaged groups. Moreover, Section 2(4)(g) insists that decisions must consider the interests, needs, and values of all stakeholders, including various forms of knowledge, such as traditional and indigenous knowledge. Also, Section 2(4)(q) recognises the crucial roles of women and youth in environmental management and advocates for their full involvement.

Section 23(2)(d) of NEMA supports the goal of integrated environmental management by ensuring ample opportunities for PP in environmental decisions. Section 24(4)(a)(v) mandates that public information and participation procedures must allow all interested and affected parties, including relevant state organs, to participate meaningfully. In support, section 24G (1) requires individuals who have started a listed or specified activity without the necessary environmental authorisation or have conducted waste management activities without a license to prepare a report detailing the PP process, including feedback re-

ceived and how issues were addressed. Also, Section 25(3)(f) permits the Minister to introduce legislation or regulations to implement international environmental agreements, including those related to public participation.

Additionally, Section 35(2)(b) requires that environmental management cooperation agreements be made only after adhering to prescribed PP procedures. Section 45(1) empowers the Minister to establish regulations concerning the procedures for concluding environmental management cooperation agreements, which must include PP processes. Finally, Section 24(5)(b) of the Act authorises the Minister, or a Member of the Executive Council (MEC) with the Minister's approval, to create regulations consistent with subsection (4) regarding consultation procedures with landowners, lawful occupiers, and other interested parties. However, challenges remain in the effective implementation of PP under NEMA. One issue is the retrospective application of participation requirements in section 24G(1), which raises concerns about whether such engagement genuinely influences decision-making or is merely procedural. Additionally, the discretionary power granted to the Minister in sections 25(3)(f), 35(2)(b), and 45(1) may lead to inconsistencies in participatory processes, depending on political will and institutional capacity.

Discretionary powers vested in the Minister (Sections 25(3)(f), 35(2)(b), and 45(1)) pose risks of uneven implementation, contingent on political will and institutional capacity. This underscores the need for stronger oversight mechanisms and more consistent participatory standards across the board. Overall, while NEMA provides an inclusive framework, practical implementation challenges, such as tokenistic consultations and limited access to information, may undermine its transformative potential.

4.2.2. Spatial Planning and Land Use Management Act 16 of 2013

The SPLUMA promotes sustainable land use by providing a framework for land coordination and empowering municipalities to develop Spatial Development Frameworks (SDFs) and Land Use Management Systems (LUMSs) ^[52]. Section 7 of SPLUMA introduces the concept of "good administration," which requires that all spatial plans, policies, land use schemes, and development application procedures involve transparent PP. This process

enables all affected parties to provide input on relevant issues, ensuring that diverse perspectives shape development decisions. Section 12(1)(o) of the Act further mandates that national and provincial governments, along with municipalities, develop spatial development frameworks that reflect meaningful public engagement. To facilitate this, SPLUMA encourages direct involvement through public meetings, exhibitions, debates, media coverage, and other methods that allow communities to share their perspectives. Additionally, Section 28(2) requires municipalities to undertake PP when amending land use schemes, granting affected parties the right to submit representations, objections, and appeals concerning proposed changes. To support these participatory principles, Section 54(1) authorises the Minister, following public consultation, to issue regulations aligned with SPLUMA's objectives. These regulations may address several areas, including requirements set by the Act, national norms and standards for spatial development planning, directives for land use management, and implementation of the development principles outlined in Chapter 2. Despite the protection of the right to PP under SPLUMA, challenges persist in ensuring effective, accessible, and inclusive engagement, particularly in rural and informal urban areas, where technical and linguistic barriers may hinder participation.

4.2.3. National Environmental Management: Protected Areas Act 57 of 2003

The NEMPAA focuses on conserving the country's natural heritage by managing protected areas ^[53]. It provides a framework for the sustainable use of national parks, nature reserves, and marine protected areas, promoting biodiversity, tourism, and community involvement while aligning conservation with local development goals. Section 2(f) of the NEMPAA establishes the goal of involving local communities in the management of protected areas when appropriate. Per Section 31(a) of the Act, and subject to Section 34, before issuing a notice under Sections 18(1), 19, 23(1), 24(1), 26(1), 28(1), or 29, the Minister may engage in a consultative process as necessary but is required to (c) consult, in the prescribed manner, any lawful occupier with rights in the affected area, and (d) ensure PP as outlined in Section 33. Furthermore, Section 41(2)(e) mandates that management plans must include procedures

for PP, involving the owner (if applicable), local communities, and other interested parties. Nonetheless, in practice, the implementation of these provisions can be patchy, with local communities often excluded from meaningful decision-making despite their proximity to and dependence on protected areas.

4.2.4. National Environmental Management: Biodiversity Act 10 of 2004

The NEMBA aimed at conserving biodiversity. It provides a framework for sustainable biodiversity use^[54], protecting species and ecosystems, regulating threatened species, and integrating conservation with development goals. Public participation is fundamental to the consultative process established by the NEMBA, specifically governed by Section 100. This section mandates that the Minister must publish a notice of any proposed exercise of power in the Government Gazette and at least one widely distributed newspaper, either nationally or regionally, depending on the issue's scope. The notice serves to invite public submissions and must include sufficient information to allow the public to make informed representations or objections. Additionally, Section 100(3) accommodates oral representations under certain circumstances, ensuring that the consultative process is inclusive and not solely reliant on written submissions. The Minister is obliged to consider all objections and representations before making a final decision, as specified in Section 100(4).

Furthermore, Section 47(1) reinforces the consultative requirement by stipulating that the Minister must undertake a consultative process before adopting or approving key biodiversity frameworks and management plans. This ensures that decisions affecting biodiversity are made collaboratively, involving relevant stakeholders to prevent isolated decision-making. Section 47(2) extends this requirement to provincial authorities, mandating that the MEC for Environmental Affairs in the respective province also adhere to the consultative process when adopting or amending bioregional plans.

In addition, Section 63(1) enforces a similar consultative process for any notifications published under specific sections of the Act or for amendments or repeals of such notifications. Section 63(2) echoes this by requiring the MEC for Environmental Affairs to follow the consulta-

tive process before making any relevant announcements. The framework for public consultation is further enhanced by Section 79(1), which requires the Minister to engage in consultation before publishing or amending notices related to biodiversity management. Section 79(2) places the same obligation on the MEC, ensuring a consistent approach to PP across various levels of government.

At the core of these procedural requirements is Section 99, which outlines the legal basis for the consultative process. This section mandates the Minister to consult with Cabinet members whose responsibilities may be impacted and engage with the MEC for Environmental Affairs in relevant provinces. Importantly, Section 99 emphasises public participation, reflecting the principles of cooperative governance articulated in Chapter 3 of the South African Constitution. This focus on public engagement ensures that biodiversity management decisions are inclusive and representative of the interests of various stakeholders, particularly those who may be directly affected by such decisions. Crucially, these mechanisms ensure that the development and implementation of biodiversity plans are not technocratic exercises but rather inclusive processes that integrate local priorities and knowledge.

4.2.5. Municipal Systems Act 32 of 2000

The *Municipal Systems Act* is designed to enhance municipal governance and service delivery^[55]. It establishes a framework for municipalities to provide effective, transparent, and accountable services, mandating the creation of Integrated Development Plans (IDPs) to outline development priorities, ensure public involvement, and set financial management standards. One of the key objectives of the Act is to promote community participation. The preamble acknowledges that active community engagement is fundamental to the new local government system, particularly in planning, service delivery, and performance management. Section 16(1)(a) of the Act requires municipalities to develop a culture of participatory governance that complements formal representative government. This involves encouraging and creating conditions for community participation in municipal affairs, including the preparation, implementation, and review of the integrated development plan as outlined in Chapter 5.

Also, Section 17(1)(a) specifies that community

participation should occur through political structures established under the Municipal Structures Act, while Section 17(1)(b) addresses the mechanisms, processes, and procedures for participation under this Act. Section 17(2) (a) further mandates that municipalities establish appropriate mechanisms for receiving, processing, and considering petitions and complaints from the community. Moreover, Section 18(1) requires municipalities to communicate information to the community regarding mechanisms and procedures to facilitate participation. Section 22(1)(b) allows the Minister, as contemplated in Section 120, to make regulations or guidelines that facilitate community participation.

Again, Section 28(1) of the same Act mandates that each municipal council, within a prescribed period after the start of its term, must adopt a written process guiding the planning, drafting, adoption, and review of its integrated development plan. Section 28(2) requires municipalities to consult the community before adopting this process, using the appropriate mechanisms outlined in Chapter 4. Section 29(1)(b) further requires that the drafting and adoption of the plan include community consultation on development needs and priorities, as well as the participation of organs of state, traditional authorities, and other stakeholders.

Under Section 55(1)(n), the municipal manager is responsible for facilitating community participation in municipal affairs, subject to the council's policy directions. Section 80(2) requires municipalities to establish mechanisms for community consultation and information dissemination before entering into a service delivery agreement. The content of such agreements must be communicated to the community through the media. According to Section 85(2)(a), before establishing an internal municipal service district, the municipality must consult the community on the proposed boundaries and the nature of the service to be provided. Section 85(2)(b) adds that the municipality must obtain the consent of the majority of community members in the proposed service district who will contribute to the service. Section 85(3)(e) allows the municipality to establish a consultative and advisory committee representing the community in the service district, ensuring gender representation. This Act reinforces constitutional principles of accountability, responsiveness, and transparency (Section 195 of the Constitution), positioning local communities as agents of development rather than their objects.

4.2.6. Municipal Structures Act 117 of 1998

The *Municipal Structures Act* outlines the framework for local governance in South Africa^[56], including the creation of municipalities, division of powers, and council composition. It defines municipality types (e.g., metropolitan, district, local) and sets guidelines for elections and the roles of councillors and mayors, aiming to ensure democratic governance, service delivery, and transparency. The preamble of the *Municipal Structures Act* emphasises that municipalities fulfil their constitutional obligations by ensuring sustainability, providing effective and efficient municipal services, promoting social and economic development, and fostering a safe and healthy environment. This is achieved by working with communities to create environments and human settlements where people can lead uplifted and dignified lives. Section 62(1) of the *Municipal Structures Act* stipulates that if a metropolitan municipality decides to establish metropolitan sub-councils, it must do so through a process of public consultation. Section 19(2) requires that a municipal council annually reviews its processes for involving the community. Section 19(3) mandates that municipal councils develop mechanisms to consult with the community and community organisations in performing their functions and exercising their powers. Furthermore, Section 56(3) of the Act requires the executive mayor, in performing their duties, to annually report on the involvement of communities and community organisations in municipal affairs. The mayor must also ensure that public views are considered and report on how the consultation has influenced the council's decisions. Overall, this Act deepens participatory local governance by ensuring that public consultation is not ad hoc but systematically integrated into municipal functions. The obligation for mayors to report on the influence of public inputs (Section 56(3)) introduces a feedback loop essential for accountable governance.

4.2.7. National Environmental Management: Integrated Coastal Management Act 24 of 2008

The NEMICMA promotes sustainable coastal management, focusing on planning, ecosystem protection, and regulating coastal activities to balance environmental pro-

tection with economic development ^[57]. The NEMICMA is a key legislative document that promotes environmental sustainability through public participation. Under Section 8(2) of the NEMICMA, 24 of 2008, the Minister must consult with interested and affected parties before declaring state-owned land as coastal public property. Similarly, Section 10(2) stipulates that before designating state-owned land or withdrawing such a designation, the Minister must consult with both the managers of the state-owned land and interested and affected parties under Part 5 of Chapter 6.

Section 19 of the NEMICMA reinforces the requirement for consultation before designating or withdrawing designation from state-owned land. Section 23(2) mandates that before declaring an area as a special management area, the Minister must offer interested and affected parties an opportunity to make representations, following the procedures outlined in Part 5 of Chapter 6. Furthermore, Section 25(1) requires the MEC to establish or amend coastal setback lines through regulations published in the Gazette. These setback lines aim to protect coastal public property, private property, and public safety, as well as preserve the coastal protection zone and aesthetic values. Section 25(2) mandates that before making or amending these regulations, the MEC must consult with the relevant local municipality and provide interested and affected parties with the opportunity to make representations under Part 5 of Chapter 6.

More so, Section 27(3) similarly requires that before excluding any area from coastal public property, the Minister must consult with interested and affected parties as per Part 5 of Chapter 6. Section 60(2) stipulates that before issuing a repair and removal notice, the Minister or MEC must consult with any relevant organ of state authorised to undertake or propose the activity concerned and provide the recipient of the notice with an opportunity to make representations. Additionally, Section 13(4) requires the Minister to initiate a public participation process before approving the imposition of any fee, allowing interested and affected parties to present their views. Section 34(1) mandates that the responsible body developing an estuarine management plan must also follow a public participation process by Part 5 of Chapter 6.

According to Section 48(4), a municipality may prepare and adopt a coastal management program as part of its integrated development plan and spatial development

framework. Compliance with public participation requirements under the *Municipal Systems Act* for these plans will be considered as meeting the NEMICMA's public participation requirements. Moreover, Section 55(1) allows the MEC to review a municipal coastal management program at any time. Section 55(2) requires the MEC to ensure that the program is prepared with effective participation from interested and affected parties. Lastly, Section 72(1) grants the Minister the authority to waive any prescribed procedures, including consultation and public participation processes, for applications related to dumping permits if such dumping is necessary to avert an emergency posing significant risks to the environment or human health and safety, and no other feasible solution is available. This provision could undermine the core participatory ethos of the NEMICMA, especially when emergency decisions have long-term environmental consequences. The NEMICMA reinforces principles of procedural environmental justice, ensuring that affected communities are not sidelined in decisions affecting their livelihoods, landscapes, and cultural connections to the coast.

4.2.8. National Water Act 36 of 1998

The NWA governs the management and protection of South Africa's water resources ^[58], ensuring equitable allocation, water quality protection, and pollution prevention. It regulates water use licensing and establishes institutions for effective governance and conservation. The NWA is essential for promoting integrated water resource management in South Africa, emphasising public participation in decision-making. The Act's preamble highlights the significance of collaborative management approaches that engage stakeholders at regional or catchment levels, allowing local communities to influence decisions regarding their water resources. Section 9 mandates that catchment management strategies incorporate public involvement, empowering local communities to engage actively in governance. The establishment of catchment management agencies, as defined in Part 3 of the Act, is critical for fostering community engagement and promoting inclusive decision-making processes regarding water resources.

Part 1 of the NWA requires the Minister to develop a national water resource strategy in consultation with the public, creating a framework for the protection and man-

agement of water resources. Part 5 grants the Minister authority to regulate controlled activities that may negatively impact water resources, ensuring that stakeholders are informed and can contribute to decisions regarding potentially harmful actions. Part 1 also empowers the Minister to establish a pricing strategy for water use following public consultation, grounded in the principles of “user pays” and “polluter pays.” This economic framework incentivises responsible water usage and conservation. Moreover, Part 2 requires public consultation when developing water management regulations, subject to oversight by the National Assembly and the National Council of Provinces. This oversight reinforces accountability and ensures that regulations reflect societal interests. Establishing catchment management agencies involve public consultation and stakeholder engagement, ensuring that water resource management is equitable and effective. Section 90(2) emphasises the need for adequate representation and consultation with various stakeholders, promoting collaborative governance and inclusive management of water resources. Part 6 introduces procedures for general authorisations, allowing a responsible authority to grant permission for specific water uses after public consultation, thereby promoting transparency and maintaining public trust. The NWA is thus pivotal in operationalising substantive and procedural environmental rights (Section 24 of the Constitution), linking participation with sustainability and equity in resource use.

4.2.9. National Environmental Management: Waste Act 59 of 2008

The NEMWA provides a framework for waste management in South Africa^[59], focusing on pollution prevention, recycling, and responsible disposal while regulating waste facility licensing and supporting a circular economy. The NEMWA provides a robust framework for waste management in South Africa, underscoring the significance of public participation and transparency in its processes. By implementing clear provisions, the Act seeks to enhance accountability among waste management authorities, promote sustainable practices, and encourage community involvement in environmental governance.

One of the critical components of NEMWA is outlined in Section 30, which mandates the Minister or MEC to furnish detailed information regarding industry waste

management plans when issuing relevant notices. This requirement ensures that waste management plans are comprehensive and informative, promoting public awareness of the environmental impacts associated with waste-generating products or packaging. Additionally, Section 31 emphasises the necessity for those developing waste management plans to inform relevant state organs, interested parties, and the public, thereby facilitating effective communication and stakeholder engagement. The Act also promotes public acknowledgement of achievements in waste management. Section 42 empowers waste management officers to establish programs that publicly recognise significant efforts in waste avoidance and minimisation. This initiative not only highlights successful community practices but also inspires further engagement in sustainable efforts.

The licensing processes under the Act are designed to foster public involvement as well. Section 47 ensures that applicants can address objections and comments regarding their applications, requiring notifications to be published in at least two local newspapers to maintain transparency and encourage community trust. When considering licensing applications, Section 48 obliges authorities to consider diverse perspectives from stakeholders, further emphasising the importance of public input in decision-making.

Moreover, the Act allows for modifications to waste management licenses when necessary to address socio-economic impacts. Section 54 mandates that any proposed changes that might increase environmental impacts require notification to relevant stakeholders and publication in local newspapers, keeping communities informed about potential changes to waste management practices. To enhance effective waste management, NEMWA establishes a national waste information system under Section 61, aimed at providing essential data for planning and monitoring waste management practices. This system is crucial for tracking the health and environmental impacts of waste, thereby facilitating informed decision-making and accountability.

Public participation procedures are reinforced throughout the Act. Section 69 grants the Minister authority to regulate public involvement processes, while Section 73 mandates public announcements for proposed actions, allowing at least 30 days for public submissions. In cases where additional information is needed, Section 75 allows the Minister or MEC to request information from

applicants and directs public participation if a proposed exemption could affect community rights. These provisions demonstrate a procedural commitment to inclusivity, though their effectiveness depends on the meaningfulness of engagements and the responsiveness of authorities to community inputs.

4.2.10. Air Quality Act, 39 of 2004

The AQA aims to improve air quality in South Africa by regulating pollutants, setting standards, and monitoring air pollution^[60]. It manages emission sources, establishes air quality plans, and creates monitoring networks to reduce health and environmental impacts. The AQA emphasises public involvement and transparency in managing air quality. Section 7(2) mandates that national norms and standards must provide opportunities for public participation in air quality protection and improvement. It also ensures public access to air quality information. Complementing this, Section 8(c) requires the national framework to establish standards for data collection and management, which are essential for evaluating the public's access to relevant information. To encourage proactive engagement, Section 31 authorises air quality officers to create programs that recognise notable achievements in pollution prevention. Section 38(3)(a) further strengthens public engagement by requiring applicants to inform relevant authorities, interested parties, and the public about air quality-related applications through notices published in at least two local newspapers.

When reviewing applications for atmospheric emission licenses, Section 39(h) stipulates that the licensing authority must consider input from state organs, interested parties, and the public. Additionally, Section 40(2) obliges licensing authorities to provide written reasons for their decisions or disclose them publicly upon request, ensuring transparency in decision-making. In the case of transferring an atmospheric emission license, Section 44(4)(a) requires applicants to notify interested parties and the public by publishing notices in at least two newspapers, allowing reasonable time for comments or objections. Section 44(4)(b) clarifies that these notices must include details on how and where to submit objections. For license modifications, Section 46(1)(c) allows changes to address socio-economic impacts when they are necessary and in public interest.

However, if the modification would increase environmental impact, Section 46(3) mandates that the license holder notify relevant authorities, interested parties, and the public, including publication of notices in at least two newspapers.

Public participation is further reinforced in Section 56(2)(c), which ensures that consultations include public involvement, as described in Section 57. According to Section 57(2), notices must invite public comments or objections within 30 days of publication in the Gazette, providing sufficient information to allow for informed and meaningful feedback. Section 57(3) also permits oral representations or objections, and Section 57(4) requires the Minister or MEC to consider all submissions before making any decisions. Finally, Section 59(3)(a) mandates that the Minister must ensure the publicization of exemption applications and notify relevant parties, promoting openness throughout the process. Overall, the AQA advances clean air through regulation, monitoring, and public involvement, but its success depends on effective engagement and information access.

4.2.11. Climate Change Act 22 of 2024

The CCA establishes a framework for mitigating and adapting to climate change, focusing on emissions reduction and climate resilience^[61]. It sets up tracking systems, requires regular updates, and creates institutions for coordinating actions. The Act emphasises public participation, transparency, and funding mechanisms for climate projects. Central to this participatory framework is Section 3, which articulates key principles guiding the interpretation and application of the Act, with a particular emphasis on enhancing public awareness regarding the causes and effects of climate change.

A fundamental aspect of the CCA's commitment to public engagement is outlined in Section 32, which details the essential procedures for public consultation. Section 32(2) mandates that any notice issued under the Act must invite the public to submit written representations or objections to the Minister, MEC, or mayor within 30 days of publication in the Gazette. Moreover, Section 32(3) broadens public participation opportunities by allowing the Minister, MEC, or mayor to accept oral representations or objections from interested individuals or communities. This flexibility acknowledges the diverse ways communi-

ties engage with climate change issues, thereby enabling a more comprehensive understanding of public sentiment. Section 32(4) further reinforces the importance of public input by requiring that all representations and objections received be duly considered before any relevant functions or powers are exercised.

In addition to PP mechanisms, the CCA established the Presidential Climate Commission (PCC) as a vital body for climate governance. According to Section 15(1), the PCC is responsible for submitting its reports, studies, strategies, recommendations, and related information to the National Assembly and relevant Ministers within 30 days of finalisation. Section 15(2) further emphasises the PCC's accountability by requiring it to provide the National Assembly with any additional information requested in writing regarding its activities. This responsiveness enhances the PCC's accountability and reinforces legislative oversight in climate governance. Furthermore, Section 15(3) allows the National Assembly to request a report from the PCC on any advice or guidance it has provided to the government, promoting transparency in the Commission's advisory role.

Crucially, Section 15(4) mandates the PCC to make its reports publicly accessible through publication on its website. This commitment to transparency ensures that the public can access critical information about climate strategies and recommendations, fostering greater awareness

and engagement in climate action initiatives. Finally, Section 15(5) requires the Executive Director of the PCC to submit reports to the Minister, further enhancing the flow of information between the Commission and government entities.

Despite its strengths, the CCA faces several implementation challenges, particularly in public participation. Section 32 mandates structured consultations, but there is a risk that these may be superficial or fail to engage marginalised communities meaningfully. Ensuring consultations influence policy decisions remains a concern, especially if underrepresented populations are not adequately reached.

Another issue is the accessibility of the PCC's reports. While mandated to be public, digital access and literacy barriers may prevent vulnerable groups from engaging with them. Additionally, reliance on centralised institutions like the PCC raises concerns about bureaucratic delays, which could hinder timely climate action, limiting the CCA's effectiveness. In sum, the CCA advances climate action through governance, public participation, and oversight, but faces challenges in ensuring inclusive and accessible engagement.

Table 5 below outlines key legal findings on public participation in environmental sustainability in South Africa, emphasising the recognition of public participation as a right and a critical mechanism for advancing environmental sustainability within the country's legal frameworks.

Table 5. Key Findings on Public Participation in Environmental Sustainability in South African Law.

Law/Act	Focus	Key Sections	Right to Public Participation
Constitution (1996)	Foundational rights, governance, and service delivery	1, 59, 72, 118, 152(1)(e), 195(1), 33	Guarantees public involvement, transparency, and access to information
NEMA (1998)	Environmental management principles and authorisations	2(4)(f)(g)(q), 23–25, 35, 45	Mandates inclusive participation in decisions, including vulnerable groups
SPLUMA (2013)	Land use and spatial planning	7, 12, 28, 54	Ensures open planning processes and public objection or input
NEMPAA (2003)	Protected area management	2, 31, 33, 41	Requires community input in the area declaration and management
NEMBA (2004)	Biodiversity governance	47, 63, 79, 99–100	Calls for publication, submissions, and stakeholder engagement
<i>Municipal Systems Act</i> (2000)	IDPs and service delivery	16–18, 22, 28–29, 55, 80, 85	Encourages participatory governance and gender inclusion
<i>Municipal Structures Act</i> (1998)	Municipal accountability	19, 56, 62	Requires mechanisms for community consultation and feedback
NEMICMA (2008)	Coastal zone management	8–10, 13, 19, 23–25, 27, 34, 48, 55, 60, 72	Involves the public in coastal planning, regulations, and fee-setting

Table 5. Cont.

Law/Act	Focus	Key Sections	Right to Public Participation
NWA (1998)	Water resource protection	Preamble, 9, 90; Parts 1–6	Promotes collaborative water governance with stakeholder input
NEMWA (2008)	Waste minimisation and regulation	30–31, 42, 47–48, 54, 61, 69, 73, 75	Supports public access to plans and recognition of community initiatives
NEMAQA (2004)	Air quality and emissions control	7–8, 31, 38–40, 44, 46, 56–59	Enables community submissions and ensures access to data and decisions
CCAct (2024)	Climate resilience and governance	3, 15, 32	Institutionalises participation via the climate commission and reporting

Source: Author's Construction (2025).

4.3. Right to Public Participation in Environmental Sustainability in the South African Case Law

Despite constitutional and legislative provisions guaranteeing PP, particularly in environmental sustainability within South African cities, case law reveals persistent challenges. In *Earthlife Africa Johannesburg v Minister of Environmental Affairs and Others* ^[62], the Court highlighted the difficulties marginalised communities face in challenging decisions, as the Minister failed to consider climate change impacts when approving a coal-fired power station. Similarly, in *Le Sueur and Another v eThekweni Municipality and Others* ^[63], the Court found that the municipality breached environmental regulations by neglecting impact assessments and public consultation, reinforcing the need for participation and accountability. Other cases underscore these challenges. In *South Durban Community Environmental Alliance v MEC for Economic Development, Tourism and Environmental Affairs* ^[64], the

KwaZulu-Natal Department failed to address industrial pollution.

Beyond the environmental sphere, other rulings expose similar weaknesses in the participatory landscape. Political interference is evident in *Merafong Demarcation Forum and Others v President of the Republic of South Africa and Others* ^[65], where a municipal boundary change was approved despite public opposition. Similarly, in *Matatiele Municipality and Others v President of the Republic of South Africa and Others* ^[66], the Constitutional Court ruled that the KwaZulu-Natal legislature failed to ensure meaningful public involvement. Also, *Doctors for Life International v Speaker of the National Assembly and Others* demonstrated how administrative inefficiencies undermine public engagement ^[67].

Table 6 below presents key case law on PP in environmental sustainability, and beyond in South Africa, highlighting the core issues and challenges, and emphasising the barriers faced by marginalised communities in engaging with environmental governance.

Table 6. Key Legal on Public Participation in Environmental Sustainability, and Beyond, in South African Case Law.

Case Law	Key Findings	Challenges
<i>Earthlife Africa Johannesburg v Minister of Environmental Affairs and Others</i> (2017)	The need to consider climate change impacts.	Barriers for marginalised communities challenge decisions.
<i>Le Sueur and Another v eThekweni Municipality and Others</i> (2013)	Breach of environmental regulations and neglect of consultation.	Lack of accountability and consultation.
<i>South Durban Community Environmental Alliance v MEC for Economic Development, Tourism and Environmental Affairs</i> (2020)	Failure to address industrial pollution.	Inaction on environmental concerns.
<i>Merafong Demarcation Forum and Others v President of the Republic of South Africa and Others</i> (2008)	Boundary changes despite opposition.	Political interference is undermining participation.
<i>Matatiele Municipality and Others v President of the Republic of South Africa and Others</i> (2006)	Lack of meaningful public involvement.	Superficial engagement processes.

Table 6. Cont.

Case Law	Key Findings	Challenges
<i>Doctors for Life International v Speaker of the National Assembly and Others</i> (2006)	Administrative inefficiencies exposed.	Poor processes weaken engagement.

Source: Author's Construction (2025).

5. Discussion

As noted in Part 3.2 of the article, across the cases of the Sustaining the Wild Coast litigation in South Africa, Shell's operations in Nigeria, and the Sioux Tribe's resistance to the DAPL in the USA, a consistent pattern emerges: barriers to meaningful PP are not isolated administrative failures but are symptomatic of deep-seated historical and structural inequalities. These barriers are rooted in colonial legacies, systemic marginalisation, and persistent power imbalances that continue to disenfranchise Indigenous and rural communities in resource governance and environmental decision-making.

Marginalised communities bear the brunt of the resulting harm. In each instance, environmental degradation, cultural erosion, and dispossession are not incidental outcomes but are directly linked to the exclusion of these communities from critical decision-making processes. In South Africa, the flawed consultation processes in granting exploration rights disregarded the language, cultural practices, and economic realities of coastal communities, placing their environment and traditional livelihoods at risk. In Nigeria, the Ogoni people were alienated from their lands and livelihoods as multinational oil interests prioritised profit over environmental stewardship and local well-being. For the Sioux Tribe, the construction of the DAPL threatened not only their water sources but also sacred cultural sites and treaty rights, reflecting a long history of disregard for Indigenous sovereignty. In sum, the experiences of the Ogoni, the Sioux, and the Wild Coast communities illuminate the urgent need for a more just and inclusive framework of participation—one that transcends procedural box-ticking and addresses the structural roots of exclusion.

Public participation is fundamental to democratic governance and achieving environmental justice. However, in reality, marginalised communities often encounter significant barriers to meaningful involvement, which exacerbate existing inequalities and sidelines vulnerable groups

from decisions that profoundly affect their lives. Effective PP, therefore, cannot be reduced to a mere procedural formality; it must be rooted in substantive justice and the recognition of historical wrongs. Central to this is the legal recognition and enforcement of the right to FPIC, particularly for Indigenous and historically marginalised groups. Genuine participation also requires the use of inclusive and culturally appropriate communication methods that bridge linguistic, cultural, and technological divides, ensuring that all affected parties can fully understand and engage with the processes at hand. Beyond communication, there is a pressing need to strengthen community governance structures and invest in capacity-building to enable communities to advocate effectively for their rights and interests.

However, these measures alone are insufficient without structural reforms aimed at dismantling entrenched power asymmetries within decision-making systems. Participation must not merely invite communities into processes already dominated by corporate or state interests; rather, it must empower them as co-decision-makers with meaningful influence over outcomes. Without confronting and transforming these systemic inequities, efforts at PP will remain tokenistic, and the cycle of environmental injustice, cultural marginalisation, and dispossession will persist.

Despite these challenges, inspiring examples from South Africa and Tanzania reveal the transformative potential of grassroots activism and community advocacy in reshaping environmental governance. In South Africa, initiatives such as Keep Grahamstown Grahamstown and the Makhanda Environmental Forum in Makhanda demonstrate how local actions, through town hall gatherings, petitions, and strategic public engagement, can pressure municipal authorities to respond and promote a culture of environmental accountability. Similarly, the Fuleni community's opposition to coal mining, led by the MCEJO, showcases how communities can effectively deploy legal tools like Environmental Impact Assessments (EIAs) to protect biodiversity, safeguard livelihoods, and uphold

their rights. In Tanzania, examples from Dodoma and Zanzibar further illustrate how structured participation, through community clean-up campaigns and independent waste management initiatives, can foster sustainable waste practices, create jobs, and enhance public health. These cases collectively underscore that community-led initiatives, when backed by supportive legal frameworks and capacity-building efforts, are essential for realising environmental justice, advancing sustainable development, and promoting truly inclusive governance.

Also, the discussions in Parts 4.1 and 4.2 reveal that South Africa's environmental governance system, anchored in the Constitution and supported by various legislative instruments, provides a strong legal framework for PP. As Van der Merwe (2003) highlights, this framework includes national mechanisms that allow the public to express opinions, access information, and engage meaningfully in environmental decision-making. However, despite this robust legal foundation, the practical implementation of PP often falls short, with participation frequently reduced to a procedural formality, particularly for historically marginalised groups. This observation resonates with the concerns raised by Davids (2005) and Legislative Sector – South Africa (2013), who emphasise that genuine participation requires reciprocal communication, collaborative problem-solving, and sustained engagement throughout the entire decision-making process—from planning to evaluation.

A significant barrier to effective participation is the capacity constraints within both government institutions and communities, which perpetuate structural inequalities. Kotzé's (1997) people-centred approach advocates for meaningful participation through open communication and mutual influence, a view that aligns with the Public Service Commission's (2008) findings. The Commission notes that while some government departments have established functional PP units, many remain reliant on under-resourced line function directorates, resulting in weak institutional arrangements and poor coordination. This lack of capacity hampers the realisation of meaningful participation, particularly in marginalised communities.

Moreover, while South Africa's environmental legislation theoretically supports PP, USEPA (2013) identifies several critical challenges in its implementation. These include the lack of detailed guidance on effective partici-

pation tools, the failure to publish participation notices to reach illiterate or remote communities, and the perception of PP as an obstacle to decision-making and socio-economic development. In practice, public involvement tends to occur only after key project decisions have been made, leaving citizens with little opportunity to influence the outcomes. Environmental assessment practitioners, though intended to be independent, often align with project proponents, and post-approval participation is typically limited to appeals. By this time, many environmental and social impacts have already emerged, making enforcement difficult.

Du Plessis (2008) emphasises that inclusive participation enhances legitimacy, accountability, and the effective implementation of environmental policies. However, access to information remains a significant barrier. Despite laws such as the Promotion of Access to Information Act (PAIA), many bodies obstruct or delay the release of essential environmental information, and technical reports are rarely made accessible or translated into local languages. Even when the public submits detailed feedback, final reports often mirror draft versions, reducing the impact of public input.

Given these challenges, Dai (2024) advocates for a solution that emphasises civic education, targeted capacity-building, and improved public access to information. These measures are essential for empowering communities to actively participate in environmental decision-making and to align public understanding with sustainable development goals. Bridging the gap between policy and practice requires South Africa to adopt inclusive and collaborative governance models, empowering communities as co-creators of sustainable solutions. This is echoed by Lewis-Lettington (n.d.) and Tang and Li (2020), who call for bottom-up engagement and enhanced local government accountability in addressing environmental challenges.

The case law discussed in Part 4.3 above demonstrates that, despite South Africa's constitutional and legislative frameworks strongly supporting the principle of PP, its effective implementation remains hindered by procedural inefficiencies, administrative shortcomings, and political interference. This is consistent with the observations made by USEPA (2013), which notes that although South Africa's progressive Constitution guarantees environmental rights and provides extensive legislative support for PP, the actual practice of PP faces significant barriers. These

include the lack of clear guidelines on effective participation tools and the tendency for government departments and project proponents to dismiss public input, regarding it as an obstacle to decision-making and development.

The judiciary's endorsement of meaningful PP aligns with the participatory ideals emphasised by Kotzé (1997), Bekker (1996), and Van der Merwe (2003), who stress the importance of reciprocal communication and people-centred development in governance. Similarly, Dai (2024) and Davids (2005) argue that meaningful PP is crucial not only for sustainable development but also for democratic governance. However, as USEPA (2013) highlights, key challenges such as the lack of access to information, the tendency for PP to occur too late in the process (often after key project decisions have been made), and the exclusion of marginalised groups persist, undermining these ideals.

Further, as reported by the Public Service Commission (2008), the absence of dedicated participation units in many government departments points to a lack of institutional capacity, which continues to hinder the realisation of participatory ideals. USEPA (2013) echoes this sentiment, noting that despite legal frameworks supporting PP, the practical implementation remains weak due to bureaucratic and logistical challenges, such as poorly timed public comment periods and lack of access to critical documents. These issues often lead to the public being excluded from meaningful decision-making until it is too late to influence key decisions.

To bridge this gap, Dai (2024) suggests that robust participatory structures can be established through civic education, targeted capacity-building, and the integration of accountability mechanisms, which would help overcome the barriers described by USEPA (2013). Du Plessis (2008) also supports this view, arguing that such interventions would not only improve decision-making processes but also foster community ownership and administrative accountability. Ultimately, transforming PP from a procedural formality into a substantive pillar of governance requires comprehensive reforms, as outlined by both Dai (2024) and USEPA (2013). These reforms should focus on ensuring that the public's input is valued and incorporated into both the decision-making and implementation processes, fostering more inclusive, transparent, and effective environmental governance.

6. Conclusions and Recommendations

Advancing environmental sustainability in South Africa's cities through PP is essential for promoting inclusive governance and ensuring equitable decision-making in environmental matters. This article explores the advancement of environmental sustainability through PP within South Africa's constitutional and legislative frameworks. The Constitution of South Africa, along with other legislative instruments such as NEMA, SPLUMA, NEMPAA, NEMBA, the *Municipal Systems Act*, the *Municipal Structures Act*, NEMICMA, NWA, NEMWA, AQA, and CCA, lays a strong foundation for PP, emphasising democratic values, transparency, and accountability.

Despite these constitutional and legislative guarantees, practical challenges persist. Case law has shown that PP is often treated as a procedural formality or undermined by political interference, administrative inefficiencies, and resource constraints. Marginalised communities, in particular, face significant barriers to meaningful engagement, with limited access to resources and platforms, such as retrospective participation, discretionary regulatory powers, and resource disparities undermine the potential for fostering truly participatory processes that would allow them to influence environmental decisions that directly affect them. These barriers limit the effectiveness of PP and hinder its ability to drive meaningful environmental outcomes, particularly in marginalised communities.

To meaningfully enhance PP in advancing environmental sustainability in South Africa's cities, the following integrated recommendations are proposed:

- Support capacity-building for marginalised communities by providing financial, technical, and legal assistance, as well as targeted environmental education. Empowering communities in this manner will enable active engagement in governance processes, address systemic inequalities, and build long-term resilience.
- Ensure timely, inclusive, and accessible participation by conducting consultations within clearly defined time frames and utilising diverse communication platforms. Special attention should be given to rural and low-income areas to guarantee

broad engagement across all sectors of society.

- Enforce robust accountability mechanisms to ensure that consultations are substantive rather than mere procedural formalities. Community input must be properly integrated into decision-making processes, supported by transparent reporting and independent monitoring systems.
- Integrate traditional knowledge systems by actively involving traditional leaders and local custodians of ecological knowledge. Their insights can foster more sustainable and culturally appropriate environmental solutions.
- Strengthen political will and intergovernmental coordination across national, provincial, and local spheres of government. In this context, greater alignment of legal frameworks, institutional responsibilities, and resources is essential for consistent and cohesive policy implementation.
- Learn from shared experiences by systematically reflecting on past initiatives, building on successes, and proactively addressing previous shortcomings in participatory processes.
- Improve civic education programmes to enhance public awareness, environmental literacy, and meaningful engagement in governance. Informed communities are better positioned to advocate for sustainable and equitable outcomes.
- Expand and strengthen institutional capacity to ensure that participatory practices are well-resourced, professionally managed, and effectively embedded in environmental governance systems.
- Recognise communities and NGOs as equal partners rather than adversaries in decision-making processes. Genuine collaboration fosters trust, shared ownership of outcomes, and more just and sustainable environmental solutions.

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Conflicts of Interest

The author declares no conflict of interest. The funders had no role in the design of the study; in the collection, analyses, or interpretation of data; in the writing of the manuscript; or in the decision to publish the results.

References

- [1] World Bank Group, 2023. Urban Development. Available from: <https://www.worldbank.org/en/topic/urbandevelopment/overview> (cited 12 March 2025).
- [2] GEN (Geneva Environmental Network), 2024. Cities and the Environment. Available from: <https://www.genevaenvironmentnetwork.org/resources/updates/cities-and-the-environment/> (cited 20 January 2025).
- [3] Dodman, D., McGranahan, G., Dalal-Clayton, B., 2024. Integrating the environment in urban planning and management: key principles and approaches for cities in the 21st century. United Nations Environment Programme: Gigiri Nairobi, Kenya.
- [4] Dai, M., 2024. How to Enhance Public Participation in Environmental Governance? Evidence from China. *Sustainability*. 16(8), 3154. DOI: <https://doi.org/10.3390/su16083154>
- [5] Berry, L.H., Koski, J., Verkuijl, C., et al., 2019. Making space: how public participation shapes environmental decision-making. Stockholm Environment Institute: Stockholm, Sweden.
- [6] Du Plessis, A., 2008. Public participation, good environmental governance and fulfilment of environmental rights. *Potchefstroom Electronic Law Journal*. 11(2), 1–34.
- [7] UNECE (United Nations Economic Commission for Europe), 1998. Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters (Aarhus Convention). Available from: <https://treaties.un.org/>

- doc/treaties/1998/06/19980625%2008-35%20am/ch_xxvii_13p.pdf (cited 25 March 2025).
- [8] United Nations, 1992a. Rio Declaration on Environment and Development. Available from: https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf (cited 25 March 2025).
- [9] UNDP (United Nations Development Programme), n.d. Principle 10. Available from: <https://www.unep.org/civil-society-engagement/partnerships/principle-10> (cited 10 February 2025).
- [10] United Nations, 1992b. Agenda 21: United Nations Conference on Environment & Development. Available from: <https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf> (cited 25 March 2025).
- [11] Public Service Commission, 2008. Report on the assessment of public participation practices in the public service. Government Printers: Pretoria, South Africa.
- [12] Yvonne, M., 2010. Public participation for sustainable development in local cities. Proceedings of the 46th ISOCARP Congress; 19–23 September 2010; Nairobi, Kenya. pp. 1–7.
- [13] Tang, J., Li, S., 2022. Can public participation promote regional green innovation? —threshold effect of environmental regulation analysis. *Heliyon*. 8(10), e11157. DOI: <https://doi.org/10.1016/j.heliyon.2022.e11157>
- [14] European Environmental Agency, 2023. The case for public participation in sustainability transitions. Available from: <https://www.eea.europa.eu/publications/the-case-for-public-participation> (cited 25 March 2025).
- [15] Maphanga, T., Shale, K., Gqomfa, B., et al., 2023. The state of public participation in the EIA process and its role in South Africa. *South African Geographical Journal*. 105(3), 277–305.
- [16] Sepaha, P., 2023. Doctrinal and non-doctrinal research. Available from: <https://lawcolloquy.com/publications/blog/doctrinal-and-non-doctrinal-research-/269> (cited 18 January 2025).
- [17] Singhal, A.K., Malik, I., 2014. Doctrinal and socio-legal methods of research: Merits and demerits. *Educational Research Journal*. 2(7), 252–256.
- [18] Agyemang, F., 2024. The extent to which South Africa’s legal frameworks empower traditional leadership to achieve SDG 11. *Town and Regional Planning*. 85, 19–36.
- [19] SDG Indicators, 2020. Sustainable Development Goals. Available from: <https://unstats.un.org/sdgs/metadata> (cited 15 January 2025).
- [20] UNDESA (United Nations Department of Economic and Social Affairs), n.d. 68% of the world population projected to live in urban areas by 2050. Available from: <https://www.un.org/development/desa/en/news/population/2018-revision-of-world-urbanization-prospects.html> (cited 10 January 2025).
- [21] Department of Corporate Governance and Traditional Affairs, South Africa, 2024. Integrated Urban Development Framework: Draft for Discussion. Available from: <https://www.cogta.gov.za/wp-content/uploads/2016/06/The-Intergrated-Urban-Development-FrameworkIUDF.pdf> (cited 12 January 2025).
- [22] CAF (Clean Air Fund), 2024. Cities and air pollution. Available from: <https://www.cleanairfund.org/theme/cities/> (cited 10 July 2024).
- [23] HEI (Health Effects Institute), 2024. State of Global Air 2024. Available from: <https://www.healthdata.org/sites/default/files/2024-06/soga-2024-report.pdf> (cited 10 January 2025).
- [24] John, J., Perumal, S., Mlambo, M., et al., n.d. Air quality and health. Available from: <https://www.hst.org.za/publications/District%20Health%20Barometers/> (cited 20 February 2025).
- [25] World Bank Group, 2021. Climate Risk Profile: South Africa. Available from: https://climateknowledgeportal.worldbank.org/sites/default/files/country-profiles/15932-WB_South%20Africa%20Country%20Profile-WEB.pdf (cited 10 March 2025).
- [26] Xu, Z., Thomas, C., Jin, W., et al., 2019. Making cities sustainable through rehabilitating polluted urban rivers: Lessons from China and other developing countries. *UN-Habitat: Nairobi, KENYA & Tongji University: Shanghai, China*. pp. 1–110.
- [27] South African Government, 2023. Water and Sanitation on Pollution of Rivers. Available from: <https://www.gov.za/news/media-statements/water-and-sanitation-pollution-rivers> (cited 10 February 2025).
- [28] UN-Habitat (United Nation-Habitat), 2018. Module 5 Solid Waste Management in Cities. Available from: https://unhabitat.org/sites/default/files/2019/02/Indicator-11.6.1-Training-Module_Solid-waste-in-cities_23-03-2018.pdf (cited 10 February 2025).
- [29] C40 Cities, 2024. Waste Management. Available from: <https://www.c40.org/what-we-do/scaling-up-climate-action/waste-management/> (cited 10 October 2024).
- [30] Polasi, L.T., Matinise, S., Oelofse, S., 2024. South African Municipal Waste Management Systems: Challenges and Solutions. Available from: <https://www.researchgate.net/Publication/346025379> (cited 15 February 2025).
- [31] Statistics South Africa, 2018. General Household Survey. Government Printer: Pretoria, South Africa.
- [32] Iberdrola, n.d. Noise pollution: How to Reduce the Impact of an Invisible Threat? Available from: <https://www.iberdrola.com/sustainability/what-is-noise-pollution> (cited 20 February 2025).
- [33] De Paiva Vianna, K.M., Cardoso, M.R., Rodrigues, R.M., 2015. Noise pollution and annoyance. *Noise and Health*. 17(76), 125–133. DOI: <https://doi.org/10.4103/1463-1741.155833>

- [34] Understanding Global Change, n.d. Urbanization. Available from: <https://ugc.berkeley.edu/background-content/urbanization/> (cited 8 March 2025).
- [35] Anderson, J., Pool, J., Haniy, S.U., et al., 2024. Cities Are Surprising Leaders in Forest Conservation. Available from: <https://www.wri.org/insights/ways-cities-help-forest-conservation> (cited 20 October 2024).
- [36] Light, W., Francisco, S., Alexander, S., 2022. Cities can reduce commodity-based deforestation. Available from: <https://www.wri.org/update/cities-reduce-commodity-based-deforestation> (cited 19 January 2025).
- [37] Davids, I., 2005. Voices from below: Reflecting on ten years of public participation: The case of local government in the Western Cape Province. Foundation for Contemporary Research: Cape Town, South Africa.
- [38] Legislative Sector – South Africa, 2013. Public participation framework for the legislative sector. Available from: <https://sals.gov.za/wp-content/uploads/simple-file-list/ppf.pdf> (cited 30 October 2024).
- [39] Kotzé, D.A., 1997. Development administration and management. JL van Schaik: Pretoria, South Africa.
- [40] Bekker, J.C., 1996. Citizen participation in local government. Van Schaik Uitgewers: Pretoria, South Africa.
- [41] Van der Merwe, C., 2003. Public participation in environmental governance [PhD thesis]. North-West University: Potchefstroom, South Africa.
- [42] South Africa, 1998. National Environmental Management Act 107 of 1998. Government Printer: Pretoria, South Africa.
- [43] GroundWork, 2024. United community of Fuleni blocks coal mining. Available from: <https://groundwork.org.za/united-community-of-fuleni-successfully-blocks-another-potential-coal-mining-operation-in-the-area/> (cited 20 January 2025).
- [44] Etengeneng, D., 2012. Municipal solid waste management in Grahamstown [Master's thesis]. Rhodes University: Grahamstown, South Africa.
- [45] USEPA, 2013. Public participation in environmental decision-making – Rabat. Available from: <https://www.epa.gov/sites/default/files/2014-05/documents/dodoma.pdf> (cited 23 April 2025).
- [46] High Court of the Republic of South Africa, 2018. Baleni and Others v Minister of Mineral Resources and Others. Case No. 73768/2016, 2 November 2018.
- [47] Obi, C.I., 1997. Globalisation and local resistance: The case of the Ogoni versus Shell. *New Political Economy*. 2(1), 137–148.
- [48] Young, S.M., 2017. The Sioux's Suits: Global Law and the Dakota Access Pipeline. *American Indian Law Journal*. 6(1), 173–238.
- [49] Lewis-Lettington, R., n.d. UNICEF Aarhus Convention. Available from: https://unece.org/sites/default/files/2022-10/Item%205_UN-Habitat_LEWIS-LETTINGTON.pdf (cited 19 January 2025).
- [50] Environmental Protection Agency, 2014. Public participation in environmental decision-making: South Africa. Available from: <https://www.epa.gov/sites/default/files/2014-05/documents/southafrica.pdf> (cited 23 April 2025).
- [51] South Africa, 1996. Constitution of the Republic of South Africa, 1996. Government Printer: Pretoria, South Africa.
- [52] South Africa, 2013. Spatial Planning and Land Use Management Act 16 of 2013. Government Printer: Pretoria, South Africa.
- [53] South Africa, 2003. National Environmental Management: Protected Areas Act 57 of 2003. Government Printer: Pretoria, South Africa.
- [54] South Africa, 2004. National Environmental Management: Biodiversity Act 10 of 2004. Government Printer: Pretoria, South Africa.
- [55] South Africa, 2000. Municipal Systems Act 32 of 2000. Government Printer: Pretoria, South Africa.
- [56] South Africa, 1998. Municipal Structures Act 117 of 1998. Government Printer: Pretoria, South Africa.
- [57] South Africa, 2008. National Environmental Management: Integrated Coastal Management Act 24 of 2008. Government Printer: Pretoria, South Africa.
- [58] South Africa, 2008. National Water Act 36 of 1998. Government Printer: Pretoria, South Africa.
- [59] South Africa, 2008. National Environmental Management: Waste Act 59 of 2008. Government Printer: Pretoria, South Africa.
- [60] South Africa, 1996. Air Quality Act, 2004. Government Printer: Pretoria, South Africa.
- [61] South Africa, 2024. Climate Change Act 22 of 2024. No. 5050, 23 July 2024.
- [62] High Court of the Republic of South Africa, 2017. Earthlife Africa Johannesburg v Minister of Environmental Affairs and Others. Case no. 65662/16, 6 March 2017.
- [63] High Court of South Africa Kwazulu-Natal, 2013. Le Sueur and Another v Ethekwini Municipality and Others (9714/11) [2013] ZAKZPHC 6. CASE NO. 9714/11, 30 January 2013.
- [64] Supreme Court of Appeal, 2020. South Durban Community Environmental Alliance v MEC for Economic Development, Tourism and Environmental Affairs: KwaZulu-Natal Provincial Government ZASCA 39. Case Number: 231/2019, 6 March 2020.
- [65] Constitutional Court of South Africa, 2008. Merafong Demarcation Forum and Others v President of the Republic of South Africa 2008 (5) SA 171 (CC). Case CCT 41/07, 13 June 2008.
- [66] Constitutional Court of South Africa, 2006. Matatiele Municipality and Others v President of the Republic of South Africa (CCT73/05) [2006] ZACC 2. Case CCT 73/05, 27 February 2006.
- [67] Constitutional Court of South Africa, 2006. Doctors for Life International v Speaker of the National Assembly 2006 (12) BCLR 1399 (CC). Case CCT 12/05, 17 August 2006.