

# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

Vol. 519

Pretoria, 15 September 2008

**No. 31415**

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**GENERAL NOTICE**

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**NOTICE 1138 OF 2008**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS  
AND TOURISM (DEAT)**

**SECOND EDITION ENVIRONMENTAL  
IMPLEMENTATION AND MANAGEMENT PLAN  
(EIMP)**

March 2008



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Department  
Environmental Affairs and Tourism  
REPUBLIC OF SOUTH AFRICA

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**LIST OF ACRONYMS**

DEAT	Department of Environmental Affairs and Tourism
EIMP	Environmental Implementation and Management Plan
EIP	Environmental Implementation Plan
EMP	Environmental Management Plan
IDP	Integrated Development Plan
MINTEC	Technical Committee for MINMEC Environment
MINMEC	Minister and MEC Committee for Environmental Affairs and Tourism
NEM	National Environmental Management
NEMA	National Environmental Management Act (Act 107 of 1998)
WPEM	White Paper on Environmental Management Policy

## SECTION ONE: INTRODUCTION

### 1. PURPOSE OF ENVIRONMENTAL MANAGEMENT AND IMPLEMENTATION PLANS

The National Environmental Management Act (Act 107 of 1998) (NEMA), Section 15 (1), requires scheduled departments to prepare Environmental Implementation Plans (EIPs) and/or Environmental Management Plans (EMPs) every four years.

The EMP focuses on the Department's environmental management functions, policies and laws and highlights efforts to ensure compliance by other departments with these environmental policies and laws.

The EIP is concerned with priority Departmental policies, plans and programmes that may impact on the environment and how these will comply with the NEMA principles and national environmental norms and standards.

The Department of Environmental Affairs and Tourism (DEAT) is listed in both Schedules 1 and 2 of NEMA, as responsible for functions that involve management of the environment (including those dealing with environmental quality and protection; biodiversity and conservation; and non-consumptive use of marine resources) and functions that impact on the environment (namely Tourism and consumptive use of marine resources).

DEAT is therefore required to prepare an Environmental Implementation and Management Plan (EIMP).

The First Edition EIMP for DEAT was gazetted in March 2002. This Second Edition EIMP has been prepared in line with the guidelines for the Second Edition EIPs and EMPs prepared by DEAT.

### 2. OVERVIEW OF DEAT VISION, MISSION AND STRUCTURE

#### 2.1 VISION, MISSION AND FOCUS AREAS

**Vision:** A prosperous and equitable society living in harmony with nature.

**Mission:** To lead sustainable development of our environment and tourism for a better life for all, through:

- Creating conditions for sustainable tourism growth and development for the benefit of all South Africans.
- Promoting the conservation and sustainable utilization of our natural resources to enhance economic growth.
- Protecting and improving the quality and safety of the environment.
- Promoting a global sustainable development agenda.
- Transformation and good governance.

**Key Focus Areas**

*Focus Area 1:* Create the conditions for responsible tourism growth and development for the benefit of all South Africans.

*Focus Area 2:* Promote the conservation and sustainable utilization of natural resources to enhance economic growth and poverty eradication.

*Focus Area 3:* Protect and improve the quality and safety of the environment

*Focus Area 4:* Promote a global sustainable development agenda.

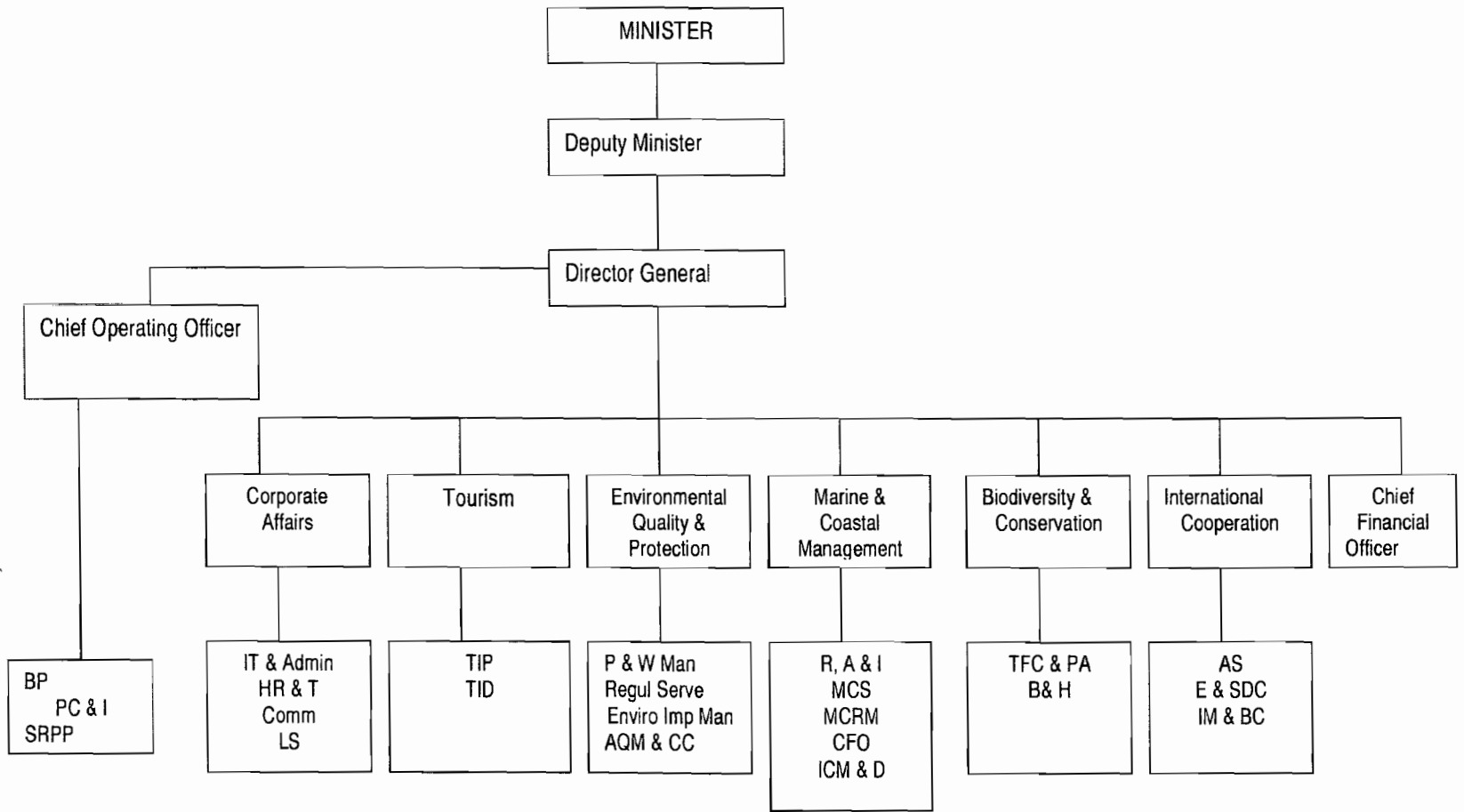
*Focus Area 5:* Transformation.

**2.2 STRUCTURE OF THE DEPARTMENT**

The core functions of DEAT are organised into five Branches:

- Environmental Quality and Protection;
- Biodiversity and Conservation;
- Marine and Coastal Management;
- Tourism; and
- International Cooperation and Resources.





## SECTION TWO: ENVIRONMENTAL MANAGEMENT PLAN (EMP)

### 1. OVERVIEW OF SECTION

This chapter provides specific information for DEAT's Environmental Management Plan, including:

- Description of environmental management functions.
- Description of specific environmental laws, norms or standards applied by these functions.
- Description of extent of compliance.
- Constraints or limitations with respect to ensuring compliance.
- Programmes for implementation/ensuring compliance.
- Arrangements for co-operation.

### 2. OVERVIEW OF CORE ENVIRONMENTAL MANAGEMENT FUNCTIONS

The following table provides an overview of the core functional areas of DEAT in relation to functions that require management of the environment and functions that impact on the environment.

FUNCTIONS INVOLVING MANAGEMENT OF THE ENVIRONMENT		
Quality & Protection	Biodiversity & Conservation	Marine and Coastal Management
<ul style="list-style-type: none"> <li>• Promote and conserve our biological diversity and cultural and local natural resources and ensure the sustainable utilisation of resources for the benefit of the people of South Africa</li> <li>• Protect the environment in the interest of the health and well being of the people of South Africa</li> <li>• Provide environmental information in support of effective environmental management and public participation in environmental governance</li> </ul>	<ul style="list-style-type: none"> <li>• Produce legislation, policies, programmes and plans for the conservation and sustainable use of biodiversity and cultural heritage resources</li> <li>• Manage and coordinate the implementation of relevant international agreements</li> <li>• Promote the equitable sharing of benefits derived from biological and cultural resources.</li> <li>• Ensure the effective establishment of Trans-Frontier Conservation Areas (TFCAs) in each of the areas identified by government and coordinating the activities of all relevant government departments with the implementation agency. Ensure effective consolidation, establishment and management of protected areas in each of the main bio regional areas</li> </ul>	<ul style="list-style-type: none"> <li>• Develop and conserve marine and coastal resources to ensure the sustainable utilisation of such resources, as well as to maintain marine ecosystem integrity and quality.</li> </ul>

Key environmental management priority areas identified by the Department for the next four years include:

- Refining systems, processes and enhancing national capacity around Environmental Impact Assessments (EIAs), risk assessment tools and other planning and assessment tools to meet with demands of our developmental state.
- Working closely with industry and local government through Project Consolidate in the delivery of environmental services such as waste management; and
- Increasing compliance with environmental law as well as stepping up enforcement efforts to protect the environment from illegal activities.

### **3. OVERVIEW OF POLICIES, LAWS AND CONVENTIONS**

#### **3.1 ENVIRONMENTAL POLICIES AND LAWS APPLICABLE TO DEAT**

The White Paper on Environmental Management Policy (WPEM) is an overarching policy framework that sets out a vision, policy principles and strategic goals for environmental management and sustainable use of natural resources in South Africa. Sectoral policies must subscribe to this policy framework.

The National Environmental Management Act, 1998 (NEMA) is the first step in giving legal effect to the environmental right in the Constitution (section 24) and to the White Paper on Environmental Management Policy. NEMA is applicable to all functions of the Department as indicated in the policy and legislative framework table.

DEAT has subsequently promulgated a suite of legislation on biodiversity and protected areas, air quality management, environmental impact assessment, compliance and enforcement to give effect to the legislative reform requirements of other sectoral environmental policies, namely:

- The White Paper on Conservation and Sustainable Use of South Africa's Biological Diversity
- The White Paper on Integrated Pollution and Waste Management for South Africa
- The White Paper on Sustainable Coastal Development in South Africa.

The specific pieces of legislation include:

- NEM: Protected Areas Act (Act 57 of 2003) and Protected Areas Amendment Act (Act 31 of 2004) provide for the protection and management of ecologically viable areas representative of South Africa's biological diversity and its natural landscapes and seascapes.
- NEM: Biodiversity Act (Act 10 of 2004) sets out the mechanisms for managing and conserving biodiversity, protecting species and ecosystems, the sustainable use of indigenous biological resources, access to and sharing of the benefits arising from the use of biological resources as well as bio-prospecting.
- NEM: Air Quality Management Act (Act 39 of 2004) provides framework legislation for the management and regulation of air quality, including the setting of ambient air quality and emission standards
- NEM Amendment Act (Act 46 of 2003) (1st Amendment Act). This deals with compliance and enforcement and provides for Environmental Management Inspectors (EMIs). The role of the EMIs is not only to investigate offences committed in terms of environmental legislation, but also to investigate breaches in terms of conditions of permits or other authorisation issued in terms of NEMA or other environmental management legislation.

- NEM Amendment Act (9 of 2004). This primarily relates to Environmental Impact Assessments.
- NEM: Coastal Zone Bill provides for the sustainable development of the coastal environment, states the law relating to the seashore and other coastal land and the regulation of marine and coastal pollution control.
- NEM: Waste Management Bill. This provides measures for the prevention of pollution and ecological degradation, national norms and standards regulating waste management monitoring, management and control by all spheres of government.

NEMA has replaced most of the provisions of the Environmental Conservation Act (ECA), however some sections still remain and have particular relevance for DEAT:

- In accordance with Section 18, the Prince Edward Islands were declared Special Nature Reserves
- Sections 19 and 19a provide for a general prohibition against littering and the removal of litter
- Section 20 deals with waste management, including the establishment and operation of waste disposal sites. Such sites may only be operated under a permit issued by the Minister of Water Affairs
- Section 21 provides for the identification of waste and sewerage disposal and chemical treatment activities by DEAT, specifically those activities which may have a substantial detrimental effect on the environment. Certain mariculture activities can be classified as Section 21 activities
- Section 24 allows the Minister to make regulations with regard to waste management
- Section 26 (b, c, and j) provides for regulations for collection of information on generation and disposal of waste.

The table below summarises South African policies and laws applicable to DEAT's environmental management functions:

QUALITY AND PROTECTION	BIODIVERSITY AND CONSERVATION	MARINE AND COASTAL MANAGEMENT
<b>GENERAL POLICY</b>		
White Paper on Environmental Management Policy (April 1998)		
<b>SPECIFIC POLICY</b>		
<ul style="list-style-type: none"> <li>• White Paper on Integrated Pollution and Waste Management (2000)</li> </ul>	<ul style="list-style-type: none"> <li>• White Paper on Conservation and Sustainable Use of South Africa's Biological Biodiversity (1997)</li> </ul>	<ul style="list-style-type: none"> <li>• General and Specific Policy on the Allocation and Management of Long term Commercial Fishing Rights (2005)</li> <li>• White Paper on Sustainable Coastal Development in South Africa (2000)</li> <li>• Marine Fisheries White Paper for South Africa (1997)</li> </ul>
<b>GENERAL LEGISLATION</b>		
National Environmental Management Act (107 of 1998) and Amendments (2003)		
Environmental Conservation Act (73 of 1989) and Amendments (2003)		

QUALITY AND PROTECTION	BIODIVERSITY AND CONSERVATION	MARINE AND COASTAL MANAGEMENT
<b>SPECIFIC LEGISLATION</b>		
<ul style="list-style-type: none"> <li>Waste Management Bill (2006)</li> <li>Environmental Impact Assessment Regulations (2006)</li> <li>Air Quality Management Act (2005)</li> <li>Air Pollution Prevention Act (1965)</li> </ul>	<ul style="list-style-type: none"> <li>Regulations for the Proper Administration of Special Nature Reserves, National Parks and World Heritage Sites (2005)</li> <li>Biodiversity Act (2004)</li> <li>Protected Areas Act (2003)</li> <li>World Heritage Convention Act (1999)</li> <li>National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004): Threatened or protected species regulations (2007)</li> </ul>	<ul style="list-style-type: none"> <li>Marine Living Resources Act (18 of 1998) and Amendment (2000)</li> <li>Regulations Regarding Activities in Various Sensitive Coastal Areas (Notices of 1996 and 1998)</li> <li>Antarctica Treaties Act (60 of 1996)</li> <li>General Policy for the Control of Off-Road Vehicles in the Coastal Zone (Notice 858 of 29 April 1994)</li> <li>Sea Fisheries Act (12 of 1988)</li> <li>Marine Pollution Act (Control and Liability) (16 of 1981)</li> <li>Dumping at Sea Control Act (73 of 1980)</li> </ul>
		<ul style="list-style-type: none"> <li>Dumping at Sea Control Act (73 of 1980)</li> <li>Sea Birds and Seals Protection Act (46 of 1973)</li> <li>Sea-Shore Act (21 of 1935)</li> </ul>

### 3.2 INTERNATIONAL CONVENTIONS APPLICABLE TO DEAT

South Africa has ratified a number of international environmental conventions, which require implementation by DEAT (see Table below). Where applicable, environmental management policies, legislation and programmes reflect the principles and targets reflected in these international agreements.

INTERNATIONAL CONVENTIONS RATIFIED/ACCEDED TO BY SOUTH AFRICA
<b>QUALITY AND PROTECTION FUNCTION</b>
<ul style="list-style-type: none"> <li>Agenda 21 – Rio Convention</li> <li>Convention for the Protection of the Ozone Layer</li> <li>Convention on Prior Informed Consent (PIC)</li> <li>Convention on the Control of Trans-Boundary Movements of Hazardous Wastes and Disposals (Basel Convention)</li> <li>Kyoto Protocol</li> <li>Montreal Protocol on Substances that Deplete the Ozone Layer</li> <li>Persistent Organic Pollutants (POP's)</li> <li>United Nations Framework Convention on Climate change</li> </ul>
<b>BIODIVERSITY AND CONSERVATION FUNCTION</b>

<b>INTERNATIONAL CONVENTIONS RATIFIED/ACCEDED TO BY SOUTH AFRICA</b>
<ul style="list-style-type: none"> <li>• Biosafety Protocol</li> <li>• Convention on Biological Diversity (CBD)</li> <li>• Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention)</li> <li>• Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)</li> <li>• Convention on Wetlands (Ramsar Convention)</li> <li>• United Nations Convention to Combat Desertification (UNCCD)</li> <li>• World Heritage Convention</li> </ul>
<b>MARINE AND COASTAL MANAGEMENT FUNCTION</b>
<ul style="list-style-type: none"> <li>• Agreement for the Implementation of the Provisions for UNCLOS Relating to Management and Conservation of Straddling Fish Stocks and Highly Migratory Fish Stocks</li> <li>• Antarctic Treaty</li> <li>• Convention on Biological Diversity in Marine and Coastal Habitats</li> <li>• Convention on Biological Diversity: Jakarta Mandate (CBD)</li> <li>• Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matters (London Convention)</li> <li>• FAO Conduct of Responsible Fishing</li> <li>• MARPOL: Particularly Sensitive Sea Areas</li> <li>• Protocols under the Abidjan and Nairobi Conventions/ SADC Protocol</li> <li>• UNESCO: Biosphere Reserves</li> <li>• United National Law of the Sea Convention (UNCLOS)</li> <li>• World Heritage Sites</li> </ul>

#### **4. OVERVIEW OF CO-OPERATIVE GOVERNANCE ARRANGEMENTS FOR ENVIRONMENTAL MANAGEMENT FUNCTIONS**

This section provides an overview of institutional arrangements including structures, procedures and mechanisms implemented by DEAT to facilitate co-ordination and co-operation with national, provincial and local government departments and environmental stakeholders.

The Constitution has created the framework for environmental governance in South Africa, by:

- Creating the right to an environment that is not harmful to health and well-being.
- Balancing the right to have the environment protected, with an emphasis on promoting valid economic and social development.
- Allocating environmental functions to a wide range of government agencies, in all spheres.
- Requiring co-operation between government agencies and spheres.

A key objective of the National Environmental Management Act is to establish institutions that promote co-operative environmental governance, and procedures for coordinating environmental functions exercised by all organs of state.

As lead agent in environmental governance, DEAT is responsible for:

- Establishing national environmental norms and standards.
- Ensuring compliance with national policy, laws, norms and standards on environmental management.
- Establishing procedures to review the environmental impacts of all government policies, plans and programmes.

- Ensuring compliance with environmental norms and standards.
- Facilitating co-ordination of environmental functions of organs of state.

#### 4.1 STRUCTURES FOR COORDINATION AND COOPERATION WITH NATIONAL AND PROVINCIAL GOVERNMENT DEPARTMENTS

##### Directors-General Clusters

The main programmes of the Department are integrated into various Directors-General cluster programmes and priorities, which allows for the integrated implementation of DEAT programmes in clusters made up of national departments.

DG CLUSTER	INTEGRATED IMPLEMENTATION OF DEAT ENVIRONMENTAL MANAGEMENT PROGRAMMES IN CLUSTERS
Economic and Employment	<ul style="list-style-type: none"> <li>• Promulgation and implementation of the new EIA Regulations in terms of NEMA</li> </ul>
International Relations, Peace and Security (IRPS)	<ul style="list-style-type: none"> <li>• World Summit on Sustainable Development follow-up</li> <li>• NEPAD and SADC Environment Programmes</li> <li>• Transfrontier Conservation Areas</li> </ul>
Social Sector	<ul style="list-style-type: none"> <li>• Ensuring sustainable livelihoods</li> <li>• Integrated Sustainable Rural Development and Urban Renewal Programmes</li> <li>• Municipal Infrastructure Grant expenditure</li> <li>• Access to basic services (waste management – backlogs)</li> <li>• Coordination of environmental planning across the three spheres of government</li> </ul>
Governance and Administration	<ul style="list-style-type: none"> <li>• Local Government Focus               <ul style="list-style-type: none"> <li>- Local Economic Development (SRPP projects)</li> <li>- Project Consolidate</li> <li>- Improved Basic Service Delivery (waste management)</li> <li>- Support to Local Government</li> <li>- Credible Integrated Development Plans (IDPs) and implementation of five-year strategy for local government</li> </ul> </li> <li>• Organisation of State (inter-governmental relations; integrated service delivery; Batho Pele)</li> <li>• Integrated monitoring and evaluation system</li> </ul>
Justice, Crime, Peace and Security (JCPS)	<ul style="list-style-type: none"> <li>• Compliance and enforcement of environmental laws</li> <li>• Trans-frontier Conservation Areas</li> </ul>

The need has been identified by DEAT for a Director-General Cluster that focuses on the environment to ensure integration of environmental issues into the policies and programmes of all three spheres of government.

##### Committee for Environmental Coordination (CEC)

The Committee for Environmental Coordination was established through Chapter 2 of NEMA and was intended to provide national and provincial government departments with a structure for co-ordination on high profile government initiatives including the National Strategy for Sustainable

Development, preparations for annual sessions of the United Nations Commission on Sustainable Development, and activities under various other international environmental instruments.

The CEC has not been functional since the end of 2004 for the following reasons:

- It has been experiencing difficulties regarding its strategic functioning. The committee's discussion items are not strategic and the agenda is often driven by DEAT, rather than by members of the CEC.
- The level of attendance at the CEC is mostly of lower ranks as opposed to Directors-General and Heads of Departments of relevant departments and provinces whose functions have managing and impacting effects on the environment.
- This led to a poor functioning of the committee often with no mandate for effective decision-making on issues of co-operative environmental management and that has led the committee to an information sharing session rather than a decision making body.
- Poor undefined relationship including links between CEC and the Cluster system has also emerged as a problem in uplifting the general strategic functioning of the committee.

A review of the CEC was commissioned in 2006 and the amendments of NEMA Chapter 2 are still underway to be approved by the Minister for submission to cabinet by July 2008.

The status of the CEC sub-committees is as follows:

- Law Reform sub-committee – functioning
- EIP and EMP sub-committee – functioning
- Biodiversity and Heritage sub-committee – has not functioned for the past two years

#### *Law Reform Sub-Committee*

The law reform sub-committee is required to give effect to the CEC's law reform function, and has adopted criteria, conditions and a process for referring legislation to the CEC in terms of sections 7(3)(h) and 24(4) of NEMA.

Important functions of the CEC in respect of law reform include:

- Section 7 (3) (h): Endeavoring to ensure compliance with the principles in section 2 by making recommendations, requiring reports from its members and advising government on law reform
- Section 24 (4): Evaluation of the regulations on impact management procedures, prescribed under section 24 (3) b) of the Act. The Committee's brief is described in section 24 (4).

#### *EIP/EMP Sub-Committee*

The EIP/EMP sub-committee gives effect to the CEC's environmental management and implementation plan function. It scrutinizes every EIP and EMP and makes recommendations to the CEC on adoption or the extent to which the EIP/EMP fails to comply with NEMA principles; the purpose and objectives of EIPs; and any relevant EMP. This sub-committee has developed guidelines for the evaluation of the content of EIPs and EMPs.



MINTEC

Interaction with the provinces takes place through the MINTEC and its working groups. Provincial departments also participate in a range of function specific structures and projects. MINTEC is a structure set up to facilitate co-ordination between the National Department of Environmental Affairs and Tourism, and Provincial Environmental departments.

Four Working Groups have been established under the Environment MINTEC as follows:

- Biodiversity and Heritage
- Impact management (including pollution and waste management)
- Sustainable development (including Agenda 21 implementation, environmental monitoring and reporting, and environmental capacity building)

Specific Environmental Management Function Structures

The following table provides information on the structures used by specific functions in DEAT to facilitate cooperation and coordination with national and provincial stakeholders in the implementation of environmental policies, legislation and programmes.

FUNCTION	STRUCTURES FOR ENGAGEMENT WITH NATIONAL AND PROVINCIAL DEPARTMENTS
<b>QUALITY AND PROTECTION</b>	
Environmental Impact Management	<ul style="list-style-type: none"> <li>• National departments:               <ul style="list-style-type: none"> <li>- Participation in the cluster system, with relevant task teams and working groups</li> <li>- Coordination forum with the department of Public Enterprises which is from an EIA perspective DEAT's main client (highest proportion of EIA applications)</li> <li>- Section 6 (NEMA EIA Regulations 2006) and other cooperation agreements with following national departments/State Owned Enterprises are in the process of being developed: Department of Minerals and Energy; Department of Water Affairs &amp; Forestry; and National Nuclear Regulator (NNR).</li> </ul> </li> <li>• National and Provincial departments:               <ul style="list-style-type: none"> <li>- Mining EIA task team</li> </ul> </li> <li>• Provincial departments:               <ul style="list-style-type: none"> <li>- MINMEC, MINTEC and MINTEC working groups – especially Working Group 2 where EIM has a dedicated workplan</li> <li>- EIA Regulation implementation workshops. These are held with provinces on a quarterly basis to discuss implementation issues.</li> </ul> </li> </ul>
Air Quality Management & Climate Change	<ul style="list-style-type: none"> <li>• The National and Provincial Air Quality Officers Forum forms part of MINTEC Working Group 2; established in 2006 and meets quarterly.</li> <li>• Air Quality Coordinating Forum. An annual conference for national, provincial and local government officials dealing with air quality issues. Provides an opportunity for capacity building.</li> </ul>
Pollution and Waste Management	<ul style="list-style-type: none"> <li>• National Task Team in Human Settlement and free basic services coordinated by Departments of Housing and Water Affairs</li> <li>• Municipal Infrastructure Task Team coordinated by DPLG</li> <li>• Mintech Working Group II coordinated by DEAT</li> <li>• Expanded Public Works Programme</li> </ul>

<b>FUNCTION</b>	<b>STRUCTURES FOR ENGAGEMENT WITH NATIONAL AND PROVINCIAL DEPARTMENTS</b>
Regulatory Services	Consultation with provinces and other organs of state in which Environmental Management Inspectors are designated (SANPARKS, all provincial parks entities) take place in the Working Group IV: Compliance and enforcement.
<b>BIODIVERSITY AND CONSERVATION</b>	
Biodiversity Conservation & Resource Use	<ul style="list-style-type: none"> <li>Working Group 1 (WG1) (Biodiversity and Heritage) deals with biodiversity issues and is composed of officials of DEAT, provincial authorities responsible for biodiversity conservation and entities (SANParks and SANBI). This structure reports to MINTEC.</li> </ul>
<b>MARINE AND COASTAL MANAGEMENT</b>	
Integrated Coastal Management	<ul style="list-style-type: none"> <li>A National Coastal Committee is planned, not yet in place.</li> <li>Provincial Coastal Committees are in place in four provinces (Western Cape; Eastern Cape; Northern Cape; and KwaZulu-Natal) and meet quarterly. These Committees consists of DEAT, provincial environment departments, DWAF and Department of Agriculture.</li> </ul>
Monitoring, Control and Surveillance	<ul style="list-style-type: none"> <li>Operational commitments with SANDF (Airforce; SA Navy and SAPS involving the Waterwing and the Special Task Force)</li> <li>Operational commitments with SANParks; SARS; NPA and AFU</li> <li>Operational commitments with SAMSA</li> </ul>
Research, Antarctica and Islands	<ul style="list-style-type: none"> <li>Provides an internal service to Marine and Coastal Management and does not have formal structures for engagement with other national or provincial departments.</li> </ul>

#### Intra-departmental Cooperation

The '4-D' structure provides a forum for interaction between the Department of Environmental Affairs Director-General; Deputy Directors-General; and Chief Directors to discuss and make decisions on crosscutting policy issues.

#### **4.2 STRUCTURES FOR COORDINATION AND COOPERATION WITH LOCAL GOVERNMENT**

National and provincial departments address local government issues through the Governance and Administration DG Cluster. Some functions in DEAT have developed structures to engage with local government to facilitate cooperation and coordination in the implementation of specific environmental policies, legislation and programmes. The following table provides information on these structures.

<b>FUNCTION</b>	<b>STRUCTURES FOR ENGAGEMENT WITH LOCAL GOVERNMENT</b>
<b>QUALITY AND PROTECTION</b>	
Environmental Impact Management	<ul style="list-style-type: none"> <li>Currently no formal linkages with local government.</li> </ul>
Air Quality Management & Climate Change	<ul style="list-style-type: none"> <li>Air Quality Coordinating Forum. An annual conference for national, provincial and local government officials dealing with air quality issues. Provides an opportunity for capacity building.</li> <li>Provinces have Provincial Air Quality Officers Forums that engage municipalities in service delivery coordination and compliance monitoring.</li> </ul>
Pollution and Waste Management	<ul style="list-style-type: none"> <li>Currently no formal structure with local government for coordination.</li> </ul>

<b>FUNCTION</b>	<b>STRUCTURES FOR ENGAGEMENT WITH LOCAL GOVERNMENT</b>
Regulatory Services	<ul style="list-style-type: none"> <li>• Consultation on national environmental compliance and enforcement projects takes place jointly with provinces and municipalities on a project basis.</li> </ul>
<b>BIODIVERSITY AND CONSERVATION</b>	
Biodiversity Conservation & Resource Use	<ul style="list-style-type: none"> <li>• There are no formal linkages with municipalities; however, some programmes include officials of municipalities. The South African Local Government Association (SALGA) was one of the major stakeholder groups during the development of the National Biodiversity Strategy and Action Plan (NBSAP).</li> </ul>
<b>MARINE AND COASTAL MANAGEMENT</b>	
Integrated Coastal Management	<ul style="list-style-type: none"> <li>• The Marine Living Resources Act requires the establishment of Local Coastal Management Committees. Provincial MEC's are required to ensure this happens.</li> </ul>
Monitoring, Control and Surveillance	<ul style="list-style-type: none"> <li>• MOUs with Swellendam, Lamberts Bay and West Coast Municipalities to assist with enforcement functions</li> </ul>
Research, Antarctica and Islands	<ul style="list-style-type: none"> <li>• Provides an internal support service to Marine and Coastal Management and does not have formal structures for engagement with other national or provincial departments.</li> </ul>

#### **4.3 STRUCTURES FOR COORDINATION AND COOPERATION WITH NATIONAL ENVIRONMENTAL STAKEHOLDERS**

##### National Environmental Advisory Forum (NEAF):

The National Environmental Management Act (NEMA) recognises the establishment of the National Environmental Advisory Forum (NEAF) as the National Environmental Advisory Forum that is established to advise the Minister on any matter concerning environmental management and governance, specifically the setting and achievement of objectives and priorities for environmental governance, and appropriate methods of monitoring compliance with the principles set out in section 2 of the Act. The Forum will also inform the Minister of the views of the stakeholders regarding the application of the principles set out in section 2 of the Act.

The role of NEAF is to:

- Inform the Minister of Environmental Affairs and Tourism (the Minister) of the views of stakeholders, and/or experts, regarding the application of the principles set out in section 2 of the Act;
- Advise the Minister on any matter concerning environmental management and governance, specifically the setting and achievement of objectives and priorities for environmental governance as well as appropriate methods of monitoring compliance with the principles set out in section 2 of the Act. A sub-committee of NEAF deals with air quality issues;
- On its own initiative, and after consultation with the Director-General, draw the Minister's attention to any matter concerning environmental management requiring attention; and,
- Consider any matter that the Minister may refer to the Forum.
- Provides an important vehicle for the engagement of the Minister with stakeholders on environmental matters.
- Provide possible solutions to environmental governance and management issues that may arise through their special expertise and knowledge.

- Advise the Minister on the development of environmental policies and legislation, international engagement issues and the application of the principles of Section 2 of NEMA.
- Influence and contribute to national positions with regard to international environmental agreements. These positions may form the basis of certain international negotiations.

The Forum consists of fifteen members appointed by the Minister and representing stakeholders from organised labour, organised business, non-governmental organisations and community-based organisations, and persons that have experience, expertise or skills necessary to enable the Forum to carry out its functions. Consideration was also given to the appointment of women and youth, and ensuring representation of vulnerable and disadvantaged persons.

#### 4.4 PROCEDURES AND MECHANISMS FOR CO-OPERATIVE ENVIRONMENTAL GOVERNANCE AND SUSTAINABLE DEVELOPMENT

The Department is implementing a coherent and strategic process of planning for co-operative environmental governance, and setting and monitoring of targets for sustainable development. Key components of this system include:

- Co-ordination of environmental functions across all spheres of government. This is achieved through the Environmental Implementation and Management Plans, provided for in chapter 3 of NEMA.
- Setting and monitoring of targets for sustainable development. The draft National Strategy for Sustainable Development is currently being prepared as part of South Africa's commitment to implementing the 2002 Johannesburg Plan of Implementation (JPOI). Sustainable development targets are monitored through the Annual Performance Report on Sustainable Development
- Integration of environmental targets in local government plans.
- Integrated environmental management.

##### 4.4.1 Co-ordination of Environmental Management Functions

The Environmental Implementation and Management Plans are central to the system that promotes co-operative governance. Their purpose is to co-ordinate and harmonise the environmental policies, plans and programmes of organs of state, and to provide a basis for monitoring performance on environmental sustainability targets.

Scheduled departments and provinces whose activities impact on the environment, or whose activities involve the management of the environment gazetted their First Edition EIPs/EMPs between 2001 and 2003:

Departments Impacting on the Environment	Date Gazetted
Agriculture	15 May 2002
Defence	16 February 2002
Environmental Affairs and Tourism	28 March 2002
Housing	16 March 2001
Land Affairs	July 2000
Trade and Industry	28 March 2002
Transport	13 Déceber 2002

Water Affairs and Forestry	14 December 2001
<b>Departments Managing the Environment</b>	<b>Date</b>
Environmental Affairs and Tourism	28 March 2002
Health	March 2003 (adopted). Date of gazetting was never provided to DEAT)
Labour	27 May 2002
Land Affairs	July 2000
Minerals and Energy	23 February 2001
Water Affairs and Forestry	14 December 2001
<b>Provinces</b>	<b>Date</b>
Eastern Cape	26 September 2003
Free State	13 December 2002
Gauteng	22 February 2002
Kwa Zulu Natal	July 2004
Mpumalanga	1 November 2001
North West	10 April 2003
Northern Cape	23 February 2001
Northern Province	15 May 2002
Western Cape	4 November 2002

It took a period of three years for the submission, review and gazetting of twenty EIPs/EMPs by the CEC EIP/EMP Sub-Committee.

Some departments and provinces are in the process of preparing their second edition EIMPs. Guidelines were developed by DEAT to facilitate the development of these plans.

In terms of the National Environmental Management Act No. 107 of 1998, section 16, DEAT is required to monitor compliance by national departments and provinces to their EIPs or EMPs. These organs of state are required to report annually to the DG of DEAT and the CEC within 4 months of the end of its financial year on the implementation of its adopted EIP or EMP

In addition, each provincial government must ensure that each municipality within its province complies with the relevant provincial EIP. Municipalities must adhere to the relevant provincial EIPs and EMPs and the principles contained in section 2 in the preparation of any policy, programme or plan, including the establishment of integrated development plans and land development objectives

Annual Reports on progress made in implementing these plans were provided by all Departments and provinces, where required, for the 2002/03 and 2003/04 financial years. Only four Annual Reports were submitted for the 2004/05 and 2005/06 financial years: Western Cape, North West, Trade and Industry and Land Affairs. Some departments have completed the implementation of their first edition EIPs/EMPs and have nothing further to report; they are in the process of preparing their second edition plans. For other departments and provinces, one of their main challenges in submitting annual reports is limited capacity and high staff turnover and loss of institutional memory about the purpose and content of EIMPs. DEAT has agreed to provide technical assistance to provincial departments to prepare their Annual Reports, where required.

#### **4.4.2 Setting Targets for Sustainable Development and Monitoring Performance**

In 2006, a draft Strategic Framework for Sustainable Development in South Africa was developed by DEAT. The purpose of this Framework is to make known South Africa's (including government, business and civil society) vision for sustainable development and to indicate its intended interventions to reorientate South Africa's development path toward sustainability.

The framework does not present detailed strategies or actions but rather proposes a framework that includes a national vision, principles, trends, strategic priority areas and a set of implementation areas that will enable and guide the development of a national strategy and action plan.

It describes in broad terms how the existing activities of government and its social partners will be strengthened, refined and realigned in a phased manner to achieve inter-related sustainable development goals relating to the economy, society and the environment, and how governance systems will be capacitated to facilitate this process.

#### **4.4.3 Integration of Environmental Targets in Local Government Plans**

All spheres of government are responsible for environmental management functions. Local governments' role in this respect is described in both the Constitution and the Municipal Systems Bill as providing environmentally sustainable service delivery and promoting a safe and healthy environment within the municipal area. In practice, this means that local government is responsible for:

- Implementing the environmental policies, plans and programmes of national and provincial government.
- Ensuring alignment between local government Integrated Development Plans (IDPs) and Provincial Environmental Implementation Plans.
- Ensuring that IDPs comply with NEMA principles.

In 2003 DEAT developed a toolkit to assist local governments to integrate sustainability issues, including Agenda 21, into the IDP process. This toolkit was piloted in three municipalities to assess implementation requirements and identify gaps. However, the Integrated Development Planning (IDP) hearings held by the Department of Provincial and Local Government (DPLG) highlighted the lack of the incorporation of environmental issues into the IDPs as well as some of the key problems and challenges faced by municipalities in environmental management and local economic development.

The environment sector, through MINTEC, has started to develop a common approach to address some of the critical and immediate issues that were raised during the hearings. Apart from the more immediate interventions identified through the IDP hearings, and the subsequent Municipal Izimbizos that are being held across the country, this process also highlighted the following issues:

- The need to review the national and provincial planning regimes and how better to integrate and streamline the various legal and other requirements with local government processes, focusing especially on implementation thereof.
- How DEAT and provinces can better co-ordinate their engagement with local government and address issues of non-alignment with priorities faced by local government.
- How DEAT and provinces can assist local government with unlocking opportunities for local economic development.

In 2005, DEAT officials, together with provincial Environmental departments, developed a draft Local Government Support Strategy for Environment and Tourism Sectors to address these and other issues. It is intended that the Strategy also assist DEAT and the provinces to ensure that when local government projects are proposed through various processes such as the Expanded Public Works Programme (EPWP), that they are supportive of the NSDP principles and the needs of the various district and local municipalities.

DPLG has requested DEAT to form part of their post Integrated Development Plan (IDP) hearings. Training workshops will be provided by DEAT to assist IDP managers with understanding the various environmental management requirements.

The implementation of this Strategy will be undertaken through Working Group 3 and MINTEC as well as a Local Government Task Team established by DEAT.

#### **4.4.4 Integrated Environmental Management**

Integrated Environmental Management (IEM) is a tool used to assess the environmental impacts of development. IEM is designed to ensure that the environmental consequences of development proposals are adequately considered in the planning process so as to be able to mitigate any negative impacts and to enhance any positive aspects of development proposals. Environmental Impact Assessments (EIA) and Environmental Potential Atlases (ENPAT) are tools for Integrated Environmental Management.

##### Environmental Impact Assessment (EIA)

The new Environmental Impact and Assessment (EIA) Regulations came into effect on 3 July 2006 and they are now being implemented. The list of activities requiring an EIA has been thoroughly reworked into 9 thematic areas including property development, energy generation, and industrial activities. These have been further divided into two schedules based on the nature and associated risk of the activity – those in schedule one, such as transformation of land to develop residential areas larger than three hectares, will now be subject to only a Basic Assessment process, whilst those in schedule two, like power stations, will require a thorough assessment process (scoping and EIA). It is estimated that these lists, and the introduction of development thresholds, will see the number of EIA applications reduced by up to 20%.

DEAT together with provincial environmental authorities (implementing partners) administrate the Environmental Impact Assessment (EIA) Regulations promulgated in 2006 in terms of the National Environmental Management Act (NEMA).

This entails the processing of EIA applications where the national department is the competent authority; issuing of Environmental Authorisations in this regard, monitoring of compliance against conditions of such authorizations, and, where justified and where all attempts to implement corrective measures failed; initiate enforcement actions where non-compliance with the regulations or with conditions of authorizations persist. DEAT (and provincial EIA authorities) are also processing applications for rectification of unlawful activities submitted in terms of Section 24G of NEMA.

DEAT is also in the process of funding certain environmental management frameworks (EMFs) in some provinces. It is hoped that, once these EMFs are in place, they will assist in identifying areas where listed activities can be excluded from the EIA process or alternatively highlight sensitive areas where more control should be exercised.

#### Environmental Potential Atlas (ENPAT)

A national ENPAT has been developed as well as an ENPAT for each province with the exception of Gauteng.

An Environmental Potential Atlas (ENPAT) is a Geographical Information System (GIS) decision support tool for environmental management, including the scoping phase of environmental impact assessments (EIAs). In an ENPAT the environment is firstly evaluated for its inherent sensitivity for development, using various available data categories of environmental information (digital maps). All the data categories are overlaid to compile a graded general sensitivity map, representing the total number of reasons for sensitivity. Secondly, environmental management parameters for various development categories are provided to ensure the protection and sustainable management of sensitive environments.

ENPATs can also be used for development planning since it also indicates the environment's potential for development

## **5. ENSURING COMPLIANCE WITH ENVIRONMENTAL LAWS, NORMS OR STANDARDS APPLIED BY DEAT'S ENVIRONMENTAL MANAGEMENT FUNCTIONS**

### **5.1 QUALITY AND PROTECTION FUNCTION**

#### **5.1.1 Environmental Impact Management**

##### Priority legislation requiring administration and enforcement

DEAT together with provincial environmental authorities administrate the Environmental Impact Assessment (EIA) Regulations promulgated in 2006 in terms of the National Environmental Management Act (NEMA). This entails the processing of EIA applications where the national department is the competent authority; issuing of Environmental Authorisations in this regard, monitoring of compliance against conditions of such authorizations, and, where justified and where



all attempts to implement corrective measures failed; initiate enforcement actions where non-compliance with the regulations or with conditions of authorizations persist.

DEAT (and provincial EIA authorities) are also processing applications for rectification of unlawful activities submitted in terms of Section 24G of NEMA.

Challenges in enforcement of Environmental Impact Management legislation at provincial and local government levels and programmes to address these

Challenges:

- Local Government does not have any mandate in terms of EIA legislation.
- Capacity, financial resources, absence of tools and systems are some of the factors inhibiting provinces ability to administer the EIA function efficiently and effectively.

Most of the programmes mentioned below will assist in addressing these challenges.

Priority programmes for the Environmental Impact Management function for the next 3-4 years

- Implementation and amendment of the 2006 EIA Regulations and the Environmental Impact Management (EIM) provisions in NEMA.
- Development and implementation of a comprehensive EIM Strategy and action plan, including:
  - Review of efficiency and effectiveness of the EIA system
  - Rationalisation of EIA by introduction of other more appropriate tools
  - Integration of EIM in other legislative processes such as land use planning
  - Promotion of self-regulation
- Development of integrated EIA decision support system
- Establishing adequate EIA governance capacity through:
  - Training
  - Procedural and technical Guidelines
  - Structure/organogram reviews and guidelines
  - Roll out of decision support tools to provincial authorities
  - Financial and technical assistance to deal with backlogs
- Building EIA capacity amongst external stakeholders, focusing on:
  - Provide "extension" services to people with disabilities; illiteracy or where other limiting factors prevail
  - Empowering interested and affected parties to meaningfully participate in EIA processes
- Transformation of the EIA practitioner industry

### **5.1.2 Air Quality Management & Climate Change**

Priority legislation requiring administration and enforcement

- National Air Quality Act (Notice 39 of 2004).

- The Atmospheric Pollution Prevention Act (Notice 65 of 1966) is still in place until the new Act is implemented.
- In the process of identifying activities to be listed under the new legislation and developing emission standards for new activities.

Challenges in enforcement of Air Quality Management legislation at provincial and local government levels and programmes to address these

- There has been some improvement in the enforcement capacity of national and provincial air quality management officers since the previous DEAT EIMP. Staffing levels have been increased – there are now air quality officers in each province and in the metros - and the establishment of a National and Provincial Air Quality Officers Forum in 2006 has boosted coordination and cooperation. Some metros are in the process of acquiring air quality management functions which will enable them to monitor and enforce compliance with legislation.
- Data on air quality emissions has improved somewhat. Comprehensive monitoring systems are in place in three metros and a new monitoring system has been put in place in the Vaal Triangle – and air quality ‘hot spot’.
- There is a need to develop a national air quality management system that will integrate all the information collected from the different monitoring systems countrywide.
- It is intended that the monitoring of the new Act will be a function of the National and Provincial Air Quality Officers Forum.
- The Chief Directorate Regulatory Services does some air quality compliance monitoring (Need input from this section).

Priority programmes for the Air Quality Management function for the next 3-4 years

- The Atmospheric Pollution Act Review involves converting old registration certificates issued for scheduled processes into a format that will look like the new emissions licenses under the National Air Quality Act. In this review process the top 50 polluting sectors were prioritised and all industries falling within these sectors will be reviewed. DEAT, provincial environmental departments and local government/metros will be involved in reviewing the certificates of each industry. This process involves building capacity of local governments/metros as they are the licensing authorities in terms of the new Act.
- Development of a National Framework to implement the National Air Quality Act. This framework will include norms, standards and procedures for listing activities, declaring controlled emissions and fuels, and monitoring ambient air quality standards.
- Identification of Listed Activities and the development of related emissions standards for these activities.
- Finalising National Air Quality Ambient Standards – these are legally enforceable standards to protect human health.
- Air Quality Planning Management Regime – developing guidelines and procedures for air quality management plans. The Air Quality Management Act requires that all departments that are required to develop EIPs/EMPs have to develop Air Quality Management plans as well.
- Development of an Air Quality Management Plan for the Vaal Triangle.

- Greenhouse Gas inventory – updating the inventory and reporting to UNCCC as per our commitments.

### 5.1.3 Pollution And Waste Management

#### Priority legislation requiring administration and enforcement

Section 20 of the Environmental Conservation Act – permits issued in terms of this section is not enforced and municipalities are the worst in complying with permit conditions.

- Waste management regulatory framework: this will include regulations in support of the Waste Act, National Waste Management Strategy and the National Integrated Waste Management Plan.
- Strategy on reducing the backlog on waste service delivery
- Reducing the backlog of unauthorised waste disposal facilities

#### Challenges in enforcement of Pollution and Waste Management legislation at provincial and local government levels and programmes to address these

Solutions will and must entail among other formation of national waste management structures that include all 3 spheres of government at Operational level not strategic level so that all concerned can understand the requirements and challenges collectively.

#### Priority programmes for the Pollution and Waste Management function for the next 3-4 years

None planned but it should be empowerment of the Waste management officers and forming a forum that meets at least once a year – similar structures as those formed by Air Quality

### 5.1.4 Regulatory Services

#### Priority legislation requiring administration and enforcement

The Chief Directorate Regulatory Services is responsible for implementing and enforcing pollution and waste management policy and legislation in a manner that encourages compliance with pollution and waste management authorisations, directives and agreements in order to protect the people's right to an environment that is not harmful to health and well-being. Functions include:

- Administer and process all departmental pollution and waste related authorisations.
- Enforce compliance with authorisations and initiate legal proceedings in respect of pollution and waste offences.
- Investigate emergency incidents and possible cases of non-compliance notices, directives, court rulings, etc.

Challenges in enforcement of Regulatory Services legislation at provincial and local government levels and programmes to address these

- the lack of skills and resources at provincial and local government levels for compliance and enforcement, particularly where the legal mandate lies with the province or municipality; and
- lack of awareness in municipalities of the requirements of environmental laws, leading to non-compliance with pollution, waste and EIA legislation.

Priority programmes for the Regulatory Services function for the next 3-4 years

Priority programmes for the Chief Directorate: Regulatory Services include:

- expanding current compliance and enforcement capacity through the creation of additional posts;
- finalising a compliance monitoring strategy in relation to the pollution, waste and EIA legislation;
- expanding existing national strategic compliance monitoring projects to more industry sectors;
- improving the number of criminal cases that are prosecuted, and prosecuted successfully;
- developing preventative programmes in relation to non-compliance trends.

## **5.2 BIODIVERSITY AND CONSERVATION FUNCTION**

### **5.2.1 Biodiversity Conservation**

Priority legislation requiring administration and enforcement

NEMA provides the overarching legislation that guides the National Environmental Management: Protected Areas Act (Act 57 of 2003) which makes provision for the protection and conservation of ecologically viable areas representative of the country's biological diversity, its natural landscapes and seascapes. It further provides for the establishment of a national register of protected areas, the management of these areas, co-operative governance, public participation and matters related to protected areas.

The National Environmental Management: Biodiversity Act (Act 10 of 2004) provides for the management and protection of the country's biodiversity within the framework established by NEMA. It provides for the protection of ecosystems and species in need of protection, sustainable use of indigenous biological resources, equity in bioprospecting and the establishment of a regulatory body on biodiversity—the South African National Biodiversity Institute (SANBI).

Challenges in enforcement of legislation at provincial and local government levels and programmes to address these

Challenges include lack of capacity and expertise and experience at provincial and local level, as well as a high turn over of staff. Uncoordinated efforts at biodiversity conservation often result in initiatives falling through the cracks.

A National Biodiversity Strategy and Action Plan (NBSAP) was developed over a period of two years and provides a short to medium term framework to address the challenges. One of the activities identified, for instance, is to provide technical support to municipalities to integrate biodiversity into

planning and environmental management. SANBI embarked on such a programme with municipalities in 2005. Many other actions were identified, of which the most urgent and pressing ones are contained in the National Biodiversity Framework - a legal obligation in terms of Section 38 of the Biodiversity Act).

#### Priority programmes for the Biodiversity Conservation function for the next 3-4 years

A myriad of initiatives are being conducted by a multitude of stakeholders engaged in biodiversity conservation, but from a national perspective and with the emphasis on the implementation of the Biodiversity Act (2004), the following are priority programmes for the next 3-4 years:

- The publication and implementation of the National Biodiversity Framework;
- Development of a useful, accessible and integrated Information Management System and Decision Support System;
- Building of scientific capacity for natural resources management;
- The publishing of bioregional plans;
- The development of biodiversity management plans for species and ecosystems according to certain norms and standards;
- The publishing of a list of ecosystems that are threatened or in need of protection according to certain criteria;
- Publishing of regulations on threatened or protected species;
- Publishing of regulations regarding alien and listed invasive species;
- Development of national norms and standards for the management of elephant populations in South Africa;
- Development of a National Biodiversity Monitoring and Reporting Framework; and
- Publishing of a Genetically Modified Organisms (GMO) risk assessment framework.

#### **5.2.2 Resource Use**

##### Priority legislation requiring administration and enforcement

- National Environmental Management Act, 1998 (Act No.108 of 1998) and its amendment
- National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)
- National Environmental Management: Protected Areas Act, 2003 (Act No. 53 of 2003)

##### Challenges in enforcement of biodiversity legislation by the Resource Use function at provincial and local government levels and programmes to address these

Challenges:

- Bio-prospecting permits are currently issued in terms of provincial ordinances, which tend to be fragmented.
- Currently, there is a huge gap with regard to the protection of rights and interests of holders of indigenous knowledge of potential indigenous biological resources earmarked for bio-prospecting projects. Many bio-prospectors have benefited from the indigenous knowledge, of

which the holder of such knowledge has never been asked for permission to use their knowledge and has not received any benefit from the use of their knowledge. This is referred to as Bio-piracy.

- Lack of alignment of various provincial ordinances with other national legislations has led to over-regulation of some environmental aspects.

#### Solutions

- Publication of the regulations on bio-prospecting, access and benefit sharing would assist in addressing the above-said challenges by introducing a uniform permitting system for bio-prospecting projects. Further to this, these regulations will designate powers of issuing research permits for bio-prospecting projects to the provincial departments.

#### Priority programmes for the Resource Use function for the next 3-4 years

- Publishing of regulations on bio-prospecting, access and benefit sharing
- Establish a Bio-prospecting Trust Fund
- Review of all existing benefit-sharing agreements for bio-prospecting projects
- Awareness raising campaign
- Capacity building at the provincial level
- Harmonisation and standardisation of bio-prospecting permitting system
- Facilitate negotiations between applicants and stakeholders with respect to material transfer and benefit sharing agreements
- Develop a database of bio-prospecting projects and update continuously

### **5.3 MARINE AND COASTAL MANAGEMENT**

#### **5.3.1 Integrated Coastal Management**

##### Priority legislation requiring administration and enforcement

- Marine Living Resources Act (Notice 18 of 1998) and Amendment (2000).
- Regulations Regarding Activities in Various Sensitive Coastal Zone Areas (Notices of 1996 and 1998).
- General Policy for the Control of Off-Road Vehicles in the Coastal Zone (Notice 858 of 1994).
- Marine Pollution Act (Control and Liability) (Notice 6 of 1981).
- Dumping at Sea Controls Act (Notice 73 of 1980).
- Sea-Shore Act (Notice 21 of 1935) – still relevant to some degree. Will be replaced by the Coastal Zone Management Bill which is still being consulted with the public.

##### Challenges in enforcement of Integrated Coastal Management legislation at provincial and local government levels and programmes to address these

- One of the main challenges is that there is no integrated system to monitor coastal management issues. The Chief Directorate: Monitoring, Control and Surveillance does compliance monitoring but is mostly geared to the monitoring of fisheries. They have people on the ground along the coastline who monitor compliance with 4x4 regulations and illegal

developments. They don't focus much on pollution monitoring. Some municipalities have Environmental Units and they are performing some compliance monitoring functions in relation to coastal management. KZN Wildlife and Eastern Cape Parks Board provide assistance with monitoring Marine Living Resource Areas. The Coast Care programme is also used to monitor coastal pollution issues. This programme used to be with Marine and Coastal Management but was moved to the Expanded Public Works Programme.

- There is a need to boost the capacity of Provincial Coastal Management Committees so they can do compliance monitoring. This could also be a function of Local Coastal Management Committees.
- There is a need to establish linkages with the environmental inspectors that will monitor compliance with DEAT's Pollution and Waste Management function. Need to look at how to use this structure to monitor coastal pollution issues.

#### Priority programmes for the Integrated Coastal Management function for the next 3-4 years

- Promulgate and implement the Coastal Zone Management Act. The implementation of this Act will address compliance issues.
- Establish two Marine Protected Areas.
- Develop and implement the National Estuarine Protocol.
- Implementation of the National Programme of Action for Land Based Sources of Pollution. This programme looks at the management of coastal pollution from a holistic perspective starting with how pollution from agriculture impacts on the coast. The programme of action includes coordination with other land pollution management departments including the Department of Agriculture and Department of Water Affairs and Forestry.
- Development of the South African Coastal Management Information Centre. The idea is to develop a GIS-based information management system that will provide information for coastal management that can be used by development planners to identify coastal 'hot-spots'.
- Development and publication of a State of Coast Report.
- Development of a regional coastal management programme as required by the Abidjan and Nairobi Conventions.

### **5.3.2 Monitoring, Control and Surveillance**

#### Priority legislation requiring administration and enforcement

- Marine Living Resources Act (Notice 18 of 1998) and Amendment (2000).
- Regulations Regarding Activities in Various Sensitive Coastal Zone Areas (Notices of 1996 and 1998).
- General Policy for the Control of Off-Road Vehicles in the Coastal Zone (Notice 858 of 1994).
- Marine Pollution Act (Control and Liability) (Notice 6 of 1981).
- Dumping at Sea Controls Act (Notice 73 of 1980).
- Sea-Shore Act (Notice 21 of 1935) – still relevant to some degree. Will be replaced by the Coastal Zone Management Bill which is still being consulted with the public.
- Criminal Procedures Act, Act 51 of 1997
- National Environmental Management Act, 1998, 2003
- National Environmental Management: Marine Protected Areas Act, 2003

- Sea Birds and Seals Protection Act, 1973

Challenges in enforcement of Marine & Coastal Management legislation at provincial and local government levels and programmes to address these

There are a number of challenges to the enforcement of marine and coastal legislation in the four coastal provinces including the following:

- The number of role players and rights holders in the fishery sectors, especially in relation to recreational fisheries;
- The limited resources (human; financial and skills) available for monitoring, control and surveillance functions;
- The length of time involved in ensuring successful investigations and convictions of transgressors;
- The increasing sophistication of poaching syndicates;
- The interface between South African legislation in relation to export points and international co-operation;
- The low level of fines, penalties and sanctions for transgressions;
- The extent of the South African coastline and the high seas for monitoring purposes
- The complexities of ensuring 24 hour coverage, seven days a week.

Priority programmes for the Monitoring, Control and Surveillance function for the next 3-4 years

- The development of a compliance strategy and capacity that is better equipped to deal with the land and ocean-based enforcement functions through the effective deployment of Vessel Monitoring Systems (VMS) and Environmental Protection Vessels (EPVs).
- Co-ordination of a monitoring, control and surveillance approach with South Africa's immediate coastal neighbours through honouring existing SADC agreements;
- The design and roll-out of comprehensive monitoring, control and surveillance strategies and programmes specific to the hake and abalone fishery sectors
- Reduction of transgressions within Marine Protected Areas and Estuaries and by off-road vehicles
- Strengthening of compliance partnerships with communities, the fishing industry and other enforcement agencies

### **5.3.3 Research, Antarctica and Islands**

Priority legislation requiring administration and enforcement

It must be noted that the Research, Antarctica and Islands is not enforcement Chief Directorate; the Chief Directorate Compliance Monitoring performs this function. In addition to providing logistical support for research on Antarctica and Marion Islands, this section conducts research into the state of fisheries and stock assessments, which lead to recommendations on Total Allowable Catch and Effort. This information on biological harvest limits is critical for the Chief Directorate Resource Management in allocating fishing rights and determining fishing quotas and conditions to ensure sustainable fisheries. This section also does surveys of other non-consumptive species: dolphins, sharks, seabirds and whales.



#### Challenges in the provision of research support services

- The provision of logistical support for research on Antarctica and Marion Islands follows guidelines set by DEAT and international standards. Because of the extreme weather conditions and transport constraints, it is not possible for other DEAT officials to conduct an independent assessment of whether these conditions are being complied with (stated very simply).
- All industrial fisheries rights holders have to submit catch reports to this section including the size of the catch and fish caught. This information is analysed over a period of time to determine trends and the development of 3 - 5 year management procedures for different categories of fish. The section (through an outsourced contract) has trained 200 scientific observers that accompany at least 10% of all boats that go out to sea to monitor catch and are not there specifically to monitor compliance with permit conditions – the challenge is that there are too few of these observers. A preliminary analysis of results has shown that boats with scientific observers land poorer catches on average which is an indication that they are complying with permit conditions e.g. landing all fish that are caught irrespective of size.

#### Priority programmes for the Research, Antarctica and Islands function for the next 3-4 years

- Provide logistical support for research on Antarctica and Marion Islands - the management of the science at these sites is the responsibility of the Department of Science and Technology. There is a plan to declare these islands Marine Protected Areas which would mean even more stringent development guidelines.
- Produce annual reports on fisheries surveys and annual stock assessments of consumptive and non-consumptive species.
- To provide a description of the marine physical that is allowed by the current oceanography equipment.

#### **6. ACTION PLAN TO ENSURE COMPLIANCE AND IMPROVE COOPERATION**

The following table provides information on actions to be taken by DEAT to ensure compliance with environmental management policies and legislation and to improve coordination national, provincial and local government departments.

ACTION	OUTPUT	TIMEFRAME	SERVICE DELIVERY INDICATOR
<b>ENVIRONMENTAL QUALITY AND PROTECTION</b>			
<i>Environmental Impact Management</i>			
Implement the 2006 EIA Regulations and the Environmental Impact Management (EIM) provisions in NEMA	<ul style="list-style-type: none"> <li>▪ National EIA regulations finalised and implemented</li> </ul>	2005-2010	<ul style="list-style-type: none"> <li>▪ % of EIM applications to DEAT processed within stipulated timeframes</li> </ul>
Develop and implement a comprehensive EIM Strategy and action plan	<ul style="list-style-type: none"> <li>▪ Review of efficiency and effectiveness of the EIA system</li> <li>▪ Rationalisation of EIA by introduction of other more appropriate tools</li> <li>▪ Integration of EIM in other legislative processes such as land use planning</li> </ul>	2005-2010	<ul style="list-style-type: none"> <li>▪ Government Gazette</li> <li>▪ Implementation guidelines</li> </ul>
Develop an integrated EIA decision support system	<ul style="list-style-type: none"> <li>▪</li> </ul>	2005-2010	<ul style="list-style-type: none"> <li>▪ None</li> </ul>
Establish adequate EIA governance capacity	<ul style="list-style-type: none"> <li>▪ Training programmes</li> <li>▪ Procedural and technical guidelines</li> <li>▪ Structure/organogram reviews and guidelines</li> <li>▪ Roll out of decision support tools to provincial authorities</li> <li>▪ Financial and technical assistance to deal with backlogs</li> </ul>	2005-2010	<ul style="list-style-type: none"> <li>▪ None</li> </ul>
Build EIA capacity amongst external stakeholders	<ul style="list-style-type: none"> <li>▪ "Extension" services provided to people with disabilities; illiteracy or where other limiting factors prevail</li> </ul>	2005-2010	<ul style="list-style-type: none"> <li>▪ Interested and affected parties empowered to meaningfully participate in EIA processes</li> </ul>
Transformation of the EIA practitioner industry	<ul style="list-style-type: none"> <li>▪</li> </ul>	2005-2010	None

ACTION	OUTPUT	TIMEFRAME	SERVICE DELIVERY INDICATOR
<b>Air Quality Management and Climate Change</b>			
Conduct the Atmospheric Pollution Act Review	<ul style="list-style-type: none"> <li>Revised APA registration certificates</li> </ul>	2006 – 2008	<ul style="list-style-type: none"> <li>Top 50 polluting sectors prioritised and all industries have been reviewed</li> <li>Competent Air Quality officers at provincial and local level</li> </ul>
Develop a National Framework to implement the National Air Quality Act	<ul style="list-style-type: none"> <li>National Framework gazetted</li> </ul>	September 2007	<ul style="list-style-type: none"> <li>Norms, standards and procedures for listing activities, declaring controlled emissions and fuels, and monitoring ambient air quality standards.</li> <li>National Air Quality Ambient Standards finalised</li> </ul>
Identify Listed Activities and the development of related emissions standards for these activities.	None	June 2008	<ul style="list-style-type: none"> <li>None</li> </ul>
Develop an Air Quality Planning Management Regime	<ul style="list-style-type: none"> <li>Guidelines and procedures for preparing Air Quality Management plans</li> </ul>	June 2008	<ul style="list-style-type: none"> <li>Air Quality Management plans submitted by scheduled departments and provinces</li> </ul>
Implement the SA Air Quality Information System Project	<ul style="list-style-type: none"> <li>None</li> </ul>	2008 – 2010	<ul style="list-style-type: none"> <li>National integrated system provides air quality information to all stakeholders</li> </ul>
Develop an Air Quality Management Plan for the Vaal Triangle	<ul style="list-style-type: none"> <li>Vaal Triangle Air Quality Management Plan</li> </ul>	September 2007	<ul style="list-style-type: none"> <li>Improved air quality in priority area</li> </ul>
Update the Greenhouse Gas inventory	<ul style="list-style-type: none"> <li>Updated Inventory</li> </ul>	Mid-2009	<ul style="list-style-type: none"> <li>Reporting on greenhouse gasses included in air quality information system</li> </ul>

ACTION	OUTPUT	TIMEFRAME	SERVICE DELIVERY INDICATOR
			<ul style="list-style-type: none"> <li>• Report to UNCCC as per our commitments</li> </ul>
<b>Regulatory Services</b>			
Improving compliance and enforcement capacity at provincial and local government levels	<ul style="list-style-type: none"> <li>• Increase in trained and designated Environmental Management Inspectors in provinces and local government</li> </ul>	2005-2010	None
Expanding current compliance and enforcement capacity for pollution, waste and EIA compliance and enforcement through the creation of additional posts	<ul style="list-style-type: none"> <li>• Additional posts for inspectors and investigators in DEAT</li> </ul>	2005-2010	None
Implementing a compliance monitoring strategy in relation the pollution, waste and EIA legislation	<ul style="list-style-type: none"> <li>• Fully implemented compliance monitoring strategy</li> </ul>	2005-2010	None
Expanding existing national strategic compliance monitoring projects to more industry sectors	<ul style="list-style-type: none"> <li>• Additional sector-based compliance and enforcement projects</li> </ul>	2005-2010	None
Improving the number of criminal cases that are prosecuted, and prosecuted successfully	<ul style="list-style-type: none"> <li>• Increased number of complete criminal dockets handed to the National Prosecuting Authority for prosecution</li> </ul>	2005-2010	None
Developing preventative programmes in relation to non-compliance trends	<ul style="list-style-type: none"> <li>• Preventative programmes developed and implemented</li> </ul>	2005-2010	None
<b>Pollution and Waste Management</b>			
Conclude the Permitting Backlog strategy.	<ul style="list-style-type: none"> <li>▪ Strategy and implementation plan including estimated cost for</li> </ul>	2007-2010	<ul style="list-style-type: none"> <li>▪ Absence of unauthorized waste disposal sites owned by local</li> </ul>

ACTION	OUTPUT	TIMEFRAME	SERVICE DELIVERY INDICATOR
	municipalities to deal with their unauthorised waste disposal sites.		government.
Promulgate and implement the Waste Act	<ul style="list-style-type: none"> <li>Waste Act promulgated and implemented</li> </ul>	2008 - 2009	Waste Management Act promulgated
Develop, promulgate and implement the regulations that support the Waste Act	<ul style="list-style-type: none"> <li>Regulations</li> </ul>	2008-2009	Regulations developed and promulgated
Develop National Waste Management Strategy	<ul style="list-style-type: none"> <li>Strategy for dealing with waste</li> </ul>	2008 - 2010	Waste Management Strategy published
<b>BIODIVERSITY AND CONSERVATION</b>			
Publish and implement the National Biodiversity Framework	<ul style="list-style-type: none"> <li>Framework for biodiversity management gazetted</li> </ul>	November 2007	None
Publish bioregional plans	<ul style="list-style-type: none"> <li>Guidelines for determination of bioregions and the preparation of and publication of bioregional plans gazetted</li> </ul>	November 2007	<ul style="list-style-type: none"> <li>Bioregional plans published according to guidelines</li> </ul>
Develop biodiversity management plans for species and ecosystems according to certain norms and standards	<ul style="list-style-type: none"> <li>Norms and standards for biodiversity management plans for species gazetted</li> </ul>	November 2007	<ul style="list-style-type: none"> <li>Biodiversity management plans for species developed and published</li> </ul>
Publish a list of ecosystems that are threatened or in need of protection according to certain criteria	<ul style="list-style-type: none"> <li>Draft list of ecosystems that are threatened or in need of protection gazetted</li> </ul>	March 2008	<ul style="list-style-type: none"> <li>Draft list of threatened ecosystems needing protection in place</li> </ul>
Publish regulations on threatened or protected species	<ul style="list-style-type: none"> <li>Regulations published</li> </ul>	February 2007	<ul style="list-style-type: none"> <li>Number of threatened or protected species listed</li> </ul>
Publish a Genetically Modified Organisms (GMO) risk assessment	<ul style="list-style-type: none"> <li>Guidelines available for conducting environmental risk assessments for</li> </ul>	March 2008	<ul style="list-style-type: none"> <li>GMO releases supported by appropriate management</li> </ul>

ACTION	OUTPUT	TIMEFRAME	SERVICE DELIVERY INDICATOR
framework	GMOs		practices
Development of national norms and standards for the management of elephant populations in South Africa	<ul style="list-style-type: none"> <li>Uniform national norms and standards</li> </ul>	December 2007	None
<b>Resource Use</b>			
Publish regulations on bio-prospecting, access and benefit sharing	<ul style="list-style-type: none"> <li>Bio-prospecting, Access and Benefit Sharing regulations published</li> </ul>	September 2007	<ul style="list-style-type: none"> <li>Final regulations</li> </ul>
Establish a Bio-prospecting Trust Fund	<ul style="list-style-type: none"> <li>Guideline for the administration of the Bio-prospecting Trust Fund</li> </ul>	2008	<ul style="list-style-type: none"> <li>Functional Bio-prospecting Trust Fund</li> </ul>
Review all existing benefit-sharing agreements for bio-prospecting projects	<ul style="list-style-type: none"> <li>Database of reviewed existing benefit-sharing agreements for bio-prospecting projects</li> </ul>	2008	<ul style="list-style-type: none"> <li>Number of new benefit sharing agreements</li> </ul>
Awareness raising campaign	<ul style="list-style-type: none"> <li>Communication strategy</li> </ul>	2007-2010	<ul style="list-style-type: none"> <li>Communications materials</li> <li>Number of workshops held</li> </ul>
Capacity building at the provincial level	<ul style="list-style-type: none"> <li>Training programmes</li> </ul>	2007-2010	<ul style="list-style-type: none"> <li>Number of bio-prospecting project applications to DEAT and provinces processed within stipulated timeframes</li> </ul>
Harmonise and standardise the bio-prospecting permitting system	<ul style="list-style-type: none"> <li>Uniform bio-prospecting permitting system</li> </ul>	2007-2008	<ul style="list-style-type: none"> <li>Number of bio-prospecting permits issued</li> </ul>
Facilitate negotiations between applicants and stakeholders with respect to material transfer and benefit sharing agreements	<ul style="list-style-type: none"> <li>Parties entered into Material Transfer Agreement and Benefit-Sharing Agreement</li> </ul>	2008-2010	<ul style="list-style-type: none"> <li>Number of Material Agreement and Benefit Sharing Agreement entered</li> </ul>
Develop a database of bio-prospecting projects and update continuously	<ul style="list-style-type: none"> <li>Database of bio-prospecting projects developed and often updated</li> </ul>	2008-2010	<ul style="list-style-type: none"> <li>Number of bio-prospecting projects registered</li> </ul>

ACTION	OUTPUT	TIMEFRAME	SERVICE DELIVERY INDICATOR
<b>MARINE AND COASTAL MANAGEMENT</b>			
<i>Integrated Coastal Management</i>			
Promulgate and implement the Coastal Zone Management Act.	<ul style="list-style-type: none"> <li>Coastal Zone Act promulgated and implemented</li> </ul>	2008-2009	<ul style="list-style-type: none"> <li>Coastal management regime with national and provincial coastal management programmes</li> </ul>
Establish two Marine Protected Areas	<ul style="list-style-type: none"> <li>2 MPAs declared with management plans</li> </ul>	2008-2009	<ul style="list-style-type: none"> <li>2 MPA management plans</li> </ul>
Develop and implement the National Estuarine Protocol	<ul style="list-style-type: none"> <li>Development and implementation of a National Estuarine Protocol in consultation with other role players</li> </ul>	2008-2010	<ul style="list-style-type: none"> <li>Co-ordination of agencies involved in estuarine management</li> </ul>
Implement the National Programme of Action for Land Based Sources of Pollution	<ul style="list-style-type: none"> <li>Development and implementation of a National Programme of Action (NPOA) in consultation with other role players</li> </ul>	2007 – 2010	<ul style="list-style-type: none"> <li>Coordination in the management of land-based sources of pollution</li> </ul>
Develop the South African Coastal Management Information Centre	<ul style="list-style-type: none"> <li>GIS-based information system on coastal areas</li> </ul>	2007-2010	<ul style="list-style-type: none"> <li>Real-time GIS based information</li> </ul>
Develop and publish a State of Coast Report	<ul style="list-style-type: none"> <li>State of the Coast Reports</li> </ul>	2007-2010	<ul style="list-style-type: none"> <li>Number of provincial and national state of the coast reports</li> </ul>
Develop a regional coastal management programme as required by the Abidjan and Nairobi Conventions.	<ul style="list-style-type: none"> <li>Regional coastal management programmes</li> </ul>	2007-2010	<ul style="list-style-type: none"> <li>Regional management plan and co-ordination</li> </ul>
<i>Monitoring, Control and Surveillance</i>			
Strengthening of compliance partnerships with communities, the fishing industry and other enforcement agencies	Co-ordinated MCS strategies in partnership with other role players	2007-2010	Number of MOUs and co-operation agreements

ACTION	OUTPUT	TIMEFRAME	SERVICE DELIVERY INDICATOR
MCS approach with South Africa's immediate coastal;	<ul style="list-style-type: none"> <li>• Implementation of SADC agreements</li> </ul>	2007-2010	<ul style="list-style-type: none"> <li>• SADC agreements and number of joint patrols</li> </ul>
MCS strategies and programmes specific to the hake and abalone fishery sectors	<ul style="list-style-type: none"> <li>• Increased compliance in Hake and reduced poaching in abalone fisheries</li> </ul>	2007-2010	<ul style="list-style-type: none"> <li>• Integrated Hake and Abalone MCS strategies</li> </ul>
Reduction of transgressions within Marine Protected Areas and Estuaries and by off-road vehicles	<ul style="list-style-type: none"> <li>• MPA and Estuarine compliance strategies</li> </ul>	2007-2010	<ul style="list-style-type: none"> <li>• Number of permits , exemptions and fines issues</li> </ul>
<b>Research, Antarctica and Islands</b>			
Provide logistical support for research on Antarctica and Marion Islands		Annual	<ul style="list-style-type: none"> <li>• Number of voyages resulting in the successful transportation of equipment and personnel</li> </ul>
Produce annual reports on fisheries surveys and annual stock assessments	<ul style="list-style-type: none"> <li>• Annual reports and assessments</li> </ul>	Annual	<ul style="list-style-type: none"> <li>• Fishing quotas and conditions informed by reliable, up-to-date, scientifically based information</li> </ul>
<b>STRUCTURES, PROCEDURES AND MECHANISMS FOR COORDINATION AND COOPERATION</b>			
Coordinate the development of a national strategy for sustainable development	<ul style="list-style-type: none"> <li>▪ NSSD launched and implemented</li> </ul>	2008 – 2010	<ul style="list-style-type: none"> <li>• National Strategy for sustainable development document and implementation reports</li> </ul>
Promote the integration of environment objectives in national, provincial and local government planning processes	<ul style="list-style-type: none"> <li>▪ Reviewed NSDP, PGDS and IDP's reflect environment objectives</li> </ul>	2007 – 2010	<ul style="list-style-type: none"> <li>• Revised NSDP, PGDS and 6 Metro IDPs reflect environment objectives by 2007</li> <li>• By 2010, 25 District IDPs reflect environment objectives</li> </ul>



## SECTION THREE: ENVIRONMENTAL IMPLEMENTATION PLAN (EIP)

### 1. OVERVIEW OF SECTION

This section provides specific information for DEAT's Environmental Implementation Plan, including:

- Description of environmental impacting functions namely: Consumptive Use of Marine Living Resources; Mariculture; and Tourism.
- Key environmental policies and legislation associated with priority functions.
- Extent of compliance with environmental policies and legislation.
- Arrangements for cooperation with the environmental sector.
- Programmes and plans to ensure compliance.

### 2. OVERVIEW OF CORE ENVIRONMENTAL IMPACTING FUNCTIONS

DEAT's priority functions that impact on the environment include those Marine and Coastal Management functions that are concerned with the management of the consumptive use of marine living resources including the allocation of fishing rights and resource development (marine aquaculture); and the Tourism functions.

FUNCTIONS WITH AN IMPACT ON THE ENVIRONMENT (EIP)	
Marine and Coastal Management	Tourism
<u>Consumptive Use of Marine Living Resources</u> <ul style="list-style-type: none"> <li>• Allocate fishing rights and promote transformation in the fishing industry</li> <li>• Administer the fisheries (by means of regulating the fleet and gear types; setting limits on seasons and areas; collecting the fisheries landing information; making decisions on allocation of resources)</li> </ul>	<ul style="list-style-type: none"> <li>• Support the transformation of the tourism industry, particularly in respect of providing opportunities for black business participation in the industry.</li> <li>• Facilitate the implementation of tourism investment programmes that supports the development of South Africa as a leading international tourism destination. Undertake focused research towards promoting tourism development and transformation.</li> <li>• Manage the tourist guide registration process, promotion and awareness of tourism, human resources development and quality assurance in the tourism sector.</li> </ul>
<u>Resource Development (Marine Aquaculture)</u> <ul style="list-style-type: none"> <li>• Marine Aquaculture research</li> <li>• Marine Aquaculture management</li> <li>• Allocation of marine aquaculture rights</li> </ul>	

### 3. CONSUMPTIVE USE OF MARINE LIVING RESOURCES

#### 3.1 FUNCTIONS AND PRIORITY FOCUS AREAS

Chapter 3 of the Marine Living Resources Act, 1998 sets in place a variety of mechanisms and procedures to facilitate fisheries planning and management for the commercial, recreational and subsistence fishing sectors. The Act makes provision for the Minister to determine total allowable catch and total applied effort, to declare special management areas and to suspend fishing in the case of an emergency where stocks are endangered.

Functions include:

- Management of 26 fisheries industries; subsistence and small scale fisheries; and recreation fishing.
- Allocation of fishing rights and quotas for fisheries industries and subsistence and small-scale fisheries.
- Administration of permits for fisheries industries; subsistence and small scale fisheries; and recreational fishing.
- Licensing of fishing vessels.

### **3.2 POTENTIAL ENVIRONMENTAL IMPACTS OF PRIORITY PROGRAMMES**

- South African fisheries include damsel fishery (dominated by deep-sea trawling for Cape hakes), pelagic fishery (anchovies, pilchards and herrings), rock lobster fishery, abalone fishery and line fishery. The productiveness of coastlines varies from a highly productive West Coast, in common with other marine ecosystems throughout the world, to the considerably less productive East Coast.
- The living marine resources of South Africa have been exploited for many centuries. Expansion of this activity is limited by natural productive capacity. It is therefore necessary to limit and control the total harvesting pressure according to what the resources can sustain on a long-term basis.

### **3.3 ENVIRONMENTAL POLICIES AND LEGISLATION APPLICABLE TO THE MARINE LIVING RESOURCES**

Priority functions are required to comply with environmental policies and laws in order to manage their environmental impacts. Relevant policy and legislation includes:

- Regulations in Terms of the Marine Living Resources Act 18 of 1998.
- The Marine Living Resources Act 18 of 1998.
- National Environmental Management Act, 1998.
- White Paper on a Marine Fisheries Policy for South Africa, 1997.

### **3.4 ACTIONS TO ENSURE COMPLIANCE WITH ENVIRONMENTAL POLICIES AND LAWS**

- The Chief Directorate Research, Antarctica and Islands makes scientific recommendations based on their research on Total Allowable Catch or Effort. This information is used by the Chief Directorate Consumptive Use of Marine Living Resources to make decisions on the allocation of fishing rights, quotas and permit conditions. Permits that are issued specify the quotas and conditions of use – collectively these quotas do not exceed the recommendations of Total Allowable Catch or Effort.
- The Chief Directorate Compliance Monitoring monitors compliance with permit conditions and fishing vessel licenses (need input from this section). Every fishing vessel has to report their catch to the Compliance Monitoring officers.
- The KZN Wildlife Society provides assistance in monitoring compliance with permit conditions for recreational fishing.

#### **4. RESOURCE DEVELOPMENT (AQUACULTURE)**

##### **4.1 FUNCTIONS AND PRIORITY FOCUS AREAS**

Aquaculture can be sea or land-based and the functions focus on:

- Aquaculture research.
- Aquaculture management.
- Allocation of aquaculture rights.

##### **4.2 POTENTIAL ENVIRONMENTAL IMPACTS OF PRIORITY PROGRAMMES**

- Coastal development in the form of marine aquaculture can alter coastline ecosystems, increase pollution, lead to over-exploitation of resources and allow the introduction of alien species.
- Marine aquaculture has the potential to produce a substantial detrimental effect on biodiversity, particularly with respect to alien introductions. In South Africa, alien mussels, oysters and some scallop are cultured on an economic scale and culturing alien scallop and turbo has been attempted on an experimental basis.
- Benthic biodeposition from suspended culture and finfish farms leads to excessive organic loading of benthic sediment and biodiversity disturbance. This is especially a problem in sheltered bays with limited circulation and the resultant likelihood of eutrophication.
- Changes in circulation patterns, created by suspended cages, rafts and long-lines, induce change in local hydrography and plankton cycles and perhaps an increase in toxic blooms
- Confining animals in mass culture and high densities increases the incidence and spread of diseases.
- Chemicals can be introduced to enhance growth. Accidental release of spawning products or alien species leads to an impact on biodiversity.

##### **4.3 ENVIRONMENTAL POLICIES AND LEGISLATION APPLICABLE TO THE RESOURCE DEVELOPMENT FUNCTION**

- Biodiversity Regulations.
- Environmental Impact Assessment Regulations, 2006.

##### **4.4 ACTIONS TO ENSURE COMPLIANCE WITH ENVIRONMENTAL POLICIES AND LAWS**

- Monitoring of compliance with environmental policies and legislation has been limited because of a lack of capacity.
- Provinces are also responsible for aquaculture development by ensuring Environmental Impact Assessments on land are conducted. If provinces have industrial zones, DEAT is suggesting that they set aside space for aquaculture development and include this activity in the EIA assessment for the broader industrial zone development.
- Current and planned Aquaculture Monitoring Programmes include:

- Development of a South African fish health management and regulation programme to ensure protection of aquatic animal health and implementation of emergency disease response mechanisms;
- The South African Molluscan Shellfish Monitoring and Control Programme has been developed and implemented to manage and minimise the risk of human poisoning through consumption of contaminated shellfish and to provide quality assurance to local consumers and international buyers (European Union requirements) for export purposes. This programme assesses the potential levels of toxins in shellfish through the quarterly sampling of water and provides remedial actions to address harmful levels of actions. Each aquaculture farm is required to have its own aquo management plan. The use of vaccines must be disclosed.
- Development of an Environmental Management Plan for South African Aquaculture focusing on promoting the sustainable development of aquaculture whilst ensuring the mitigation of negative environmental impacts associated with aquaculture.
- All alien species should undergo a Risk Assessment before permission could be granted for farming.
- DEAT has proposed the establishment of an in-house shellfish monitoring laboratory that can provide immediate results on water sample tests. Currently this function is being performed by the CSIR but because it is not their core function there are often delays in providing the results.
- Development of an aquaculture Environmental Management plan to minimize the potential environmental impacts from aquaculture operations.
- DEAT is working very closely with the Department of Agriculture (DOA) on issues of animal health and/or support and extension services the DOA could provide. In some provinces – Gauteng and KZN – environmental and agricultural functions fall under the same department which could facilitate the alignment of functions.
- DEAT is also looking at how to involve municipalities in aquaculture development.

## 5. TOURISM FUNCTION

### 5.1 FUNCTIONS AND PRIORITY FOCUS AREAS

The Tourism Branch of DEAT promotes and develops tourism to generate revenue, create jobs and transform the tourism industry, encouraging the participation of previously disadvantaged individuals. The Branch consists of the following Chief Directorates:

CHIEF DIRECTORATE	FUNCTIONS
Tourism Development	<ul style="list-style-type: none"> <li>• To support the transformation of the tourism industry, particularly in respect of providing opportunities for black business participation in the industry.</li> <li>• To facilitate the implementation of tourism investment programmes that supports the development of South Africa as a leading international tourism destination.</li> <li>• To undertake focused research towards promoting tourism development and transformation.</li> </ul>
Tourism Support	<ul style="list-style-type: none"> <li>• Management of the tourist guide registration process.</li> <li>• Promotion and awareness of tourism.</li> <li>• Human resources development and quality assurance in the tourism sector.</li> </ul>

Key priority areas for Tourism for the next 4 years have been identified as follows:

- Tourism products and skills development targeted at hosting a world class 2010 FIFA soccer world cup. Tourism development activities are focused on the successful implementation of the 2010 World Cup. DEAT has completed a 2010 Organisational Plan and every Branch and Statutory Body has incorporated 2010 preparations and objectives into its activities.
- Promote the sharing of benefits from the Tourism Industry through the implementation of the Tourism SMME Support Programme, Tourism Black Economic Empowerment Charter and Scorecard, as well as the transformation of the sector.

**5.2 POTENTIAL ENVIRONMENTAL IMPACTS OF PRIORITY PROGRAMMES**

2010 World Cup

It is expected that around 400 000 foreign visitors will attend the tournament along with more than 10 000 international media representatives, 5 000 VIP guests and more than 500 FIFA officials. Direct and indirect spending before and during the event will support around 159 000 jobs and generate some R11 billion in direct tourism spending.

Tourism SMME Support Programme

Training programmes for SMME tourism development does not cover issues of sustainable or responsible tourism. The focus is on the development of competitive products and facilitating exposure to international trade fairs

Tourism Black Economic Empowerment Charter

The Tourism BEE Charter is a series of commitments from the side of the tourism industry to achieve specific targets within an agreed timeframe to change the face of tourism in South Africa.

The Tourism BEE Charter is a measurement tool to help participants in the tourism industry identify their current levels of BEE, gaps in their profile, and how profiles can be improved.

**5.3 ENVIRONMENTAL POLICIES AND LEGISLATION APPLICABLE TO THE TOURISM FUNCTION**

The Tourism White Paper (1996) promotes the concept of responsible tourism, while NEMA provides principles to guide the development of tourism in a sustainable way. In the following table, the linkages between NEMA principles and the fundamental policy principles as set out in the Tourism White Paper are displayed. Policy principles for tourism development in South Africa are clearly in line with the NEMA principles, with a strong focus on environmental and social responsibility.

NEMA PRINCIPLES RELEVANT TO TOURISM	TOURISM WHITE PAPER PRINCIPLES
<i>Sustainable development</i> Waste and pollution	Avoid waste and over-consumption
Disturbance of landscapes	Use local resources sustainably
Use of renewable resource	Market tourism that is responsible, respecting local, natural and cultural environments

NEMA PRINCIPLES RELEVANT TO TOURISM	TOURISM WHITE PAPER PRINCIPLES
Risk aversion and cautious approach Negative impacts to be anticipated	Tourism development will be underpinned by sustainable environmental practices
Integration of environmental considerations into decision-making Impacts to be assessed Environmental responsibility throughout lifecycle of plan or programme.	Assess environmental, social and economic impacts as a prerequisite to developing tourism Conduct Integrated Environmental Management procedures for all new tourism projects
<i>Participation, empowerment and transparency</i> Participation of interested and affected parties in decision-making Community well-being and empowerment Transparent decisions Access to information Role of women and youth	Involve the local community in planning and decision-making Ensure communities are involved in and benefit from tourism Effective community involvement will form the basis of tourism growth Tourism will be used as a development tool for the empowerment of previously neglected communities and should particularly focus on the empowerment of women
<i>Environmental Justice</i> Impacts not to unfairly affect anyone Equitable access to environmental resources to meet basic needs Polluter pays principle Needs of people to be at the forefront of environmental management	Monitor impacts of tourism and ensure open disclosure of information
<i>Ecological Integrity</i> Minimise disturbance of ecosystems and loss of biodiversity Specific management for vulnerable ecosystems	Maintain and encourage natural, economic, social and cultural diversity Support mandatory environmental management practices in ecologically sensitive areas
<i>International responsibilities</i> To be discharged in the public interest (for example Agenda 21 for Tourism)	

In addition to policy principles, the Tourism function is required to comply with the Environmental Impact Assessment procedures as prescribed in NEMA and given effect in the Environmental Impact Assessment Regulations (2006).

The Tourism function recognises that they tend to respond on an ad hoc basis to environmental issues and very little has been done to ensure compliance with laws to manage environmental impacts. This has largely been due to capacity gaps. NEMA also makes provision for retrospective

clean-ups to prevent environmental degradation arising during the construction and maintenance of tourism developments.

#### **5.4 ACTIONS TO ENSURE COMPLIANCE WITH ENVIRONMENTAL POLICIES AND LAWS**

The Tourism function has not had a strong focus on ensuring compliance with NEMA principles or environmental impact regulations. The First Edition EIMP outlined a plan for the Tourism Function to ensure that tourism development would be designed and managed in line with relevant policies and legislation; however limited progress was made with implementing this plan. In this section, actions to be taken by the Tourism function to manage the environmental impact of priority programmes are outlined.

##### 2010 World Cup

DEAT intends mitigating the anticipated negative environmental impacts of the 2010 World Cup through implementing a 'Green Goal' programme similar to the one implemented for the World Cup in Germany in 2005. The Green Goal programme entails 'greening' the World Cup by focusing on the basis of four pillars: conservation of water and energy, waste management, transport and mobility, and a carbon offset campaign.

##### Tourism SMME Support Programme

Training programmes for SMME tourism development does not cover issues of sustainable or responsible tourism. The focus is on the development of competitive products and facilitating exposure to international trade fairs.

##### Tourism Black Economic Empowerment Charter

The Tourism BEE Charter is a series of commitments from the side of the tourism industry to achieve specific targets within an agreed timeframe to change the face of tourism in South Africa.

The Tourism BEE Charter is a measurement tool to help participants in the tourism industry identify their current levels of BEE, gaps in their profile, and how profiles can be improved.

In 2005, the Minister of Environmental Affairs and Tourism appointed the members of the Tourism BEE Charter Council whose responsibility it is to achieve the following mandate:-

- Monitor implementation
- Report on progress
- Develop verification capacity and processes
- Provide support tools
- Incentivise
- Facilitate implementation of programmes to fast track BEE
- Advise the Minister

**Transformation of the Tourism Industry**

The Tourism BEE Charter Scorecard is currently being aligned to the Department of Trade and Industry's codes of good practice. The Tourism Scorecard provides a guideline for transformation within the Tourism Industry. The 7 elements that the Tourism Industry must score points are as follows:-

- Ownerships
- Management Control
- Employment Equity
- Skills Development
- Preferential Procurement
- Enterprise Development
- Corporate Social Investment

There are two milestones in place and both have targets set against each element of the Tourism Scorecard. Transformation in the Tourism Industry is set to take place against the targets set for each milestone. The milestones are 2009 and 2014.



KEY DEPARTMENTAL OBJECTIVE	OUTPUT	SERVICE DELIVERY TARGET OR MILESTONES	SERVICE DELIVERY INDICATOR
<b>RESOURCE DEVELOPMENT (MARINE AQUA-CULTURE)</b>			
Develop an Environmental Monitoring Plan for South African Aquaculture focusing on promoting the sustainable development of aquaculture whilst ensuring the mitigation of negative environmental impacts associated with aquaculture. This will also incorporate the Shellfish Monitoring, and Control Programme and the Fish Health Management and Regulation Programme	<ul style="list-style-type: none"> <li>Aquaculture Environmental Impact Management plan</li> </ul>	March 2008	<ul style="list-style-type: none"> <li>Reduced environmental impacts</li> </ul>
<b>TOURISM</b>			
Transformation	<ul style="list-style-type: none"> <li>Ensure transformation within the Tourism Industry.</li> </ul>	<ul style="list-style-type: none"> <li>2014 as per the Tourism Scorecard Targets.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure the Tourism Industry achieve the targets of the Tourism Score card.</li> <li>Ensure all organs of state procure from Tourism BEE compliant businesses</li> </ul>

This Second Edition of DEAT EIMP is hereby submitted to the Committee for Environmental Coordination (CEC) for the financial year of April 2008-March 2011 implementation period



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**DATE: 19/03/2008**