

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 549

Pretoria, 3 March
Maart 2011

No. 34063

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GENERAL NOTICE

NOTICE 117 OF 2011



DEPARTMENT: RURAL DEVELOPMENT AND LAND REFORM

**DRAFT SECOND EDITION CONSOLIDATED
ENVIRONMENTAL IMPLEMENTATION AND MANAGEMENT PLAN
-Incorporating the new Rural Development Mandate-**

November 2010

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ACRONYMS AND ABBREVIATIONS

| | |
|--------|---|
| AGRISA | Agriculture South Africa |
| CEC | Committee for Environmental Co-ordination |
| CEIMP | Consolidated Environmental Implementation and Management Plan |
| DANCED | Danish Co-operation for the Environment and Development |
| DEA | Department of Environmental Affairs |
| DFA | Development Facilitation Act 67 of 1995 |
| DG | Director General (of a national department) |
| DRDLR | Department of Rural Development and Land Reform |
| DM | District Municipalities |
| DCoG | Department of Co-operative Governance |
| DTA | Department of Traditional Affairs |
| DTI | Department of Trade and Industry |
| DAFF | Department of Agriculture, Fisheries and Forestry |
| EDST | Environmental Decision Support Tool |
| EIP | Environmental Implementation Plan |
| EMP | Environmental Management Plan |
| ESTA | Extension of Security of Tenure Act 62 of 1997 |
| ESAG | Environmental Sustainability Assessment Guidelines |
| GPS | Global Positioning System |
| IDP | Integrated Development Plan |
| IDTT | Inter-departmental Task Team |
| IEM | Integrated Environmental Management |
| IPILRA | Interim Protection of Informal Land Rights Act |
| LRAD | Land Redistribution for Agricultural Development |
| LTA | Labour Tenants (Land Reform) Act |
| LUMB | Land Use Management Bill (current, based on the White Paper) |
| MOU | Memorandum of Understanding |
| NEMA | National Environmental Management Act |
| NEIP | National Environmental Indicators Programme |
| NSDP | National Spatial Development Perspective |
| PLRSC | Provincial Land Reform Steering Committee |
| PSLDC | Provincial State Land Disposal Committee |
| SALGA | South African Local Government Association |
| SDF | Spatial Development Framework |
| S/LAG | Settlement/Land Acquisition Grant |
| TRANCA | Transformation of Certain Rural Areas Act |
| ECF | Environmental Compliance Forum |

GLOSSARY

Agrarian transformation: the movement towards the economic activity of agriculture (for rapid fundamental change in the relation of land, livestock, cropping and commodity).

Agricultural land: the use of land for the production of food and fibre, including farming, dairying, pasturage, agriculture, horticulture, viticulture, and animal and poultry husbandry.

Bio-diversity: the rich variety of plants and animals that live in their own environment.

Built Environment: buildings and infrastructure constructed by human beings.

Communal land: land that is owned and managed communally, generally by traditional authorities.

Community: a group of people living in a particular local area.

Comprehensive Rural Development Programme (CRDP): to create vibrant, sustainable and viable rural communities across South Africa. The CRDP strategy is based on a three-pronged strategy which includes *Agrarian transformation; Rural Development; and Land Reform.*

Conservation: protecting, using, and saving resources wisely, especially the bio-diversity found in the area.

Development Facilitation Act (DFA): To introduce extraordinary measures to facilitate and speed up the implementation of reconstruction and development programmes and projects in relation to land; and in so doing to lay down general principles governing land development throughout the Republic.

Economic Growth: the increase in a nation's capacity to produce goods and services, usually expressed as a rate of change in output from one year to the next.

Ecosystem: the relationship and interaction between humans, plants, animals and the non-living environment.

Emission: a noise or a liquid or gaseous effluent that is discharged into the environment.

Environment: the surroundings within which humans exist.

Environmental Impact Assessment (EIA): the process of identifying, predicting, evaluating and mitigating the biophysical, social and other relevant effects of development proposal before major decisions are taken or commitments made. The EIA regulations require that specific procedures be followed, and reports (scoping and/or EIA reports) prepared for those activities listed as potentially having a substantial detrimental effect on the environment.

Environmental Implementation Plan (EIP): a statutory instrument for promoting cooperative governance for environmental management among different spheres of government.

Environmental Management: the deliberate and multidisciplinary process of managing environmental resources, which requires the careful preparation, planning and administration of environmental policies and standards. It aims to ensure that environmental concerns are included in all stages of development, so that development is sustainable and does not exceed the carrying capacity of the environment.

Environmental Sustainability: Meeting the needs of the present without compromising the ability of future generations to meet their needs. Encompasses, e.g. keeping population densities below the carrying capacity of a region, facilitating the renewal of renewable resources, conserving and establishing priorities for the use of non-renewable resources, and keeping environmental impact below the level required to allow affected systems to recover and continue to evolve.

Food security: The ability of individuals and/or a household to obtain sufficient food (in terms of quality and quantity) on a day-to-day basis as required for a healthy, active and productive life.

Forestry: the use of land primarily for timber production, tree farms, forest nurseries, the gathering of forest products, or the performing of forest services.

Green House Gas (GHG): any gas that absorbs infrared radiation in the atmosphere, thus allowing heat to enter the earth's atmosphere but not leave it.

Intergovernmental Relations: refers to relations between national, provincial and local governments that facilitate the attainment of common goals through co-operation.

Integrated Development Plan (IDP): is a constitutional and legal process required of municipalities. Planning in general and the IDP in particular, is a critically important management tool to help transformation, growth and development at local government level. It is an approach to planning that involves the entire municipality and its citizens in finding the best solutions to achieve good long-term development.

Integrated Environmental Management (IEM): a code of practice to ensure that environmental considerations are fully integrated into the management of all activities, so as to achieve a desirable balance between conservation and development.

Land Reform Biodiversity Stewardship Initiative (LRBSI): an initiative that promotes conservation stewardship as a way to engage with owners of land on which such biodiversity occurs. Mutually beneficial scope exists for the biodiversity sector to work in partnership with the land owner most of them being land reform beneficiaries.

Land Reform: redistribution of land to recognise the rights of all citizens. As anticipated in the 1994 RDP policy framework, government's response to land reform has three major elements, which are *redistribution; restitution; and tenure security.*

Land Redistribution: is to provide the poor with land for residential and production purposes in order to improve their livelihoods. Priority will be given to the marginalized and to women in need; to projects which can be implemented quickly and effectively.

Land Restitution: to restore land and provide and provide remedies to people dispossessed by racially discriminatory legislation and practice. This is done in such a way as to provide support to the process of reconciliation and development.

Land Tenure Reform: is a particularly complex process. It involves interests in land and the form that these interests should take. Tenure reform must address the difficult problems created in the past. The solutions to these problems may entail new systems land holding, land rights and forms of ownership, and may therefore have far-reaching implications.

Land use: what is physically on the property or the activities taking place on a given piece/portion of land.

Land use change: changes in the purpose for which land is used, as, for example, where land that was previously used for pasture becomes a human settlement.

Land Use Management System (LUMS): a land Use Management System in its broader sense refers to the codification and simulation of all actions required by the municipality and other role-players to manage land use and regulate land development. It is one element in a suite of land management tools, and is intended to promote coordinated, harmonious and environmentally sustainable development.

Local Economic Development (LED): is the process by which public, business and non-governmental sector partners work collectively to create better conditions for economic growth and employment generation. The aim is to improve quality of life for all.

Millennium Developmental Goals: the set of development goals contained in the Millennium Declaration of 2000, which are intended to guide actions for development globally.

Natural environment: all living and non-living things occurring naturally on Earth or some region thereof.

Natural resources: the basic minerals and resources that are produced through the Earth's own inherent natural processes and systems.

Overgrazing: grazing by wildlife or livestock to the point where grass cover is depleted, leaving bare, unprotected patches of soil, with a corresponding increase in erosion by water and wind.

Pollution: the concentration of substances that are beyond the environment's capacity to handle. It refers to any substance released to air, water, or soil by any process, which is capable of causing harm to humans or any other living organisms supported by the environment. Pollution comes in many forms, including liquid effluent, solid waste, air emissions, noise and smells.

Poverty: a certain level of material deprivation below which a person suffers physically, emotionally and socially.

Rural Areas: the sparsely populated areas in which people farm or depend on natural resources, including the villages and small towns that are dispersed through these areas. In addition, they include the large settlements in the former homelands, created by apartheid removals, which depend for their survival on migratory labour and remittances.

Rural Communities: a group of people or a population living in a particular rural area.

Rural Development: assisting rural people set the priorities in their own communities, through effective and democratic bodies, by providing the local capacity and access to funds for them to plan and implement local economic development; investment in basic infrastructure and social services; improving income and employment opportunities and by broadening access to natural resources; organising spatial and framework for development; resource conservation; and justice, equity and security of the rural population, especially that of women.

Soil erosion: the loss of soil as the result of the action of the natural elements, e.g. water, wind, drought, and attrition, or from other inappropriate activities, e.g. agriculture or other use or development of the land that results in the washing away or loss of the soil.

Spatial Planning: refers to a planning process that is inherently integrative and strategic, takes into account a wide range of factors and concerns and addresses how those aspects should be arranged on the land.

Spatial Development Framework (SDF): a useful and effective tool with which to manage and monitor growth and development in a specific municipality, and informs investors about what they are 'buying' and where development opportunities exist in the short and longer term. An SDF is required by law as part of the municipality's Integrated Development Plan (IDP).

State Land: the land that is vested in national or provincial government, and includes the land below the high water mark and the Admiralty Reserve, but excludes land belonging to a municipality.

Strategy: The direction and scope of an organization over the long term; matching resources to the changing environment, and in particular to its markets, customers or clients, so as to meet stakeholder expectations.

Sustainability: the ability to meet the needs of present and future generations through the responsible use resources.

Sustainable Agriculture: agriculture that does not degrade the soil or other resources on which it depends.

Sustainable development: development that meets the needs of the current generation without compromising the ability of future generations to meet their needs, in turn.

Wetland: land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports, or would support, vegetation, birdlife, etc. typically adapted to life in saturated soil.

1. INTRODUCTION

1.1. Background of the Document.

The Department of Rural Development and Land Reform's (DRDLR) Consolidated Environmental Implementation and Management Plan (CEIMP) is required in terms of Section 11(3) of the National Environmental Management Act 107 of 1999 (NEMA). The department is listed in Chapter 3 (Procedures for Co-operative Governance), as having functions that both impact on the environment and those that involve environmental management. For this reason, the Department is required to compile both an Environmental Implementation Plan (EIP) and an Environmental Management Plan (EMP). These are consolidated into one document called the Consolidated Environmental Implementation and Management Plan (CEIMP). The purpose of the CEIMP is to assess how the Policies, Programmes and Plans (PPP) of the department are taking environmental management into account. It also gives effect to the principle of co-operative governance as stipulated in Chapter 3 of the Constitution of the Republic of South Africa, secure the protection of the environment across the country as a whole, and enables the Minister of Environmental Affairs to monitor the achievement, promotion, and protection of a sustainable environment across government departments. It also ensures that the department complies with policies and legislation of other departments with inherent environmental management competency.

Department of Environmental Affairs (DEA) has published the Guidelines for compilation of the Environmental Implementation Plans (EIPs) and Environmental Management Plans (EMPs). DEA identified that the first round of EIPs/EMPs that were produced fell short of the co-operative governance function for all departments. The Second Edition CEIMP should also stress the co-operative governance rhetoric with regard to relevant parastatals and broader civil society. Moreover the CEIMP must contain a clearly defined set of outputs. The CEIMP should identify key environmental risks or key mandates of each department that may compromise the environmental sustainability of the mandate of each department. Appropriate indicators to measure these outputs are also required to strengthen the monitoring and evaluation of compliance with objectives of the CEIMP.

At its 13 March 2009 meeting, the Committee on Environmental Coordination (CEC) had recommended the adoption of the DRDLR's 2nd Edition CEIMP. The DRDLR did not proceed with the process of gazetting the CEIMP as required by Section 15(1) (b) of NEMA, due to the new mandate that was given to the then Department of Land Affairs (DLA), now the Department of Rural Development and Land Reform. Gazetting the document as it was would have meant that the CEIMP would not have incorporated the new rural development functions of the department that clearly have impact on the environment.

As a result of the 10 May 2009 announcement on government reconfiguration by the President, the above attributes of the adopted CEIMP had to be effected in one way or the other. The CEC had discussed the matter and resolved that it would not be relevant and appropriate for departments that have inherited new mandates to continue with the gazetting and implementation of their current EIP/EMP's and subsequently do annual reports as required by legislation. The Department has since deemed it necessary to revise the adopted 2nd Edition CEIMP to incorporate the new rural development mandate.

1.2. The DRDLR's Strategic Objectives

1.2.1. Strategic Objectives

One of the key strategies of the DRDLR is 'agrarian transformation' – it denotes 'a rapid and fundamental change in the relations (systems and patterns of ownership and control) of land, livestock, cropping and community'. These are the pillars of sustainable development and prosperity. The objective of the strategy is 'social cohesion and sustainable development'.

The DRDLR has strategic objectives at two levels, namely:

Rewards

- Ensure sustainable land reform aligned to CRDP
- To contribute to the availability of and increased access to food security by all
- Contribute to sustainable rural development and livelihoods
- Increased income and access to job opportunities

Supportive Outputs

- Provision of efficient and effective cadastral surveys
- Provision of efficient deeds registration that underpins security of land tenure
- To ensure efficient and effective functionality of the Department to support the core vision

The DRDLR has also adopted the outcome-based approach of government to implement, monitor and evaluate progress made towards the achievement of its goals and objectives. This approach is designed to ensure that the department is focused on making visible and measurable impact to the lives of the communities and its intended beneficiaries in particular, on identified areas of service delivery.

The Presidency distinguishes between the "change and the sustained agendas". The agenda for change is premised by the five (5) priorities which government derived from the manifesto of the ruling party. These priorities includes

- Creation of decent work and sustainable livelihoods,
- Education,
- Health,
- Rural development, food security and land reform, and,
- The fight against crime and corruption.

The sustained agenda refers to what the previous administrations were doing right, and such acceptable service standards should be upheld by the new administration going forward. These priorities were further expanded to produce 10 statements of intent collectively referred to as the Medium Term Strategic Framework (MTSF). To implement these MTSF priorities, government identified 12 Broad Outcomes on which more collaborative interventions by the civil society, private and public sectors need to be made. Certain departments were given an opportunity to coordinate other role players that contribute towards the achievement of certain outcomes. The DRDLR is responsible for the coordination of Outcome 7, namely "*Vibrant, equitable and sustainable rural communities with food security for all*". Each outcome has a limited number of measurable high-impact priority outputs and sub-outputs with targets. In turn, each output is linked to a set of activities that will help achieve the targets and contribute to the outcome.

This implies that more focus will be paid on the Delivery Agreement for these outputs. However, the DRDLR should strike a balance as it is expected to continue with the implementation of the sustained agenda as stipulated in its strategic plan and lead the effort to make a visible impact in terms of Outcome 7 implementation.

This document will consider activities, policies and programmes that are derived from both the outcome-based agenda and the line function mandate of the department.

Within the outcome regime, the work of the department is defined by five (5) strategic outputs as per the Minister's Performance Agreement with the President, namely,

- Output 1: Sustainable Agrarian Reform
- Output 2: Improved access to affordable and diverse food
- Output 3: Improved rural services to support livelihoods
- Output 4: Rural job creation and promoting economic livelihoods
- Output 5: Enabling institutional environment for sustainable and inclusive growth

1.3. The DRDLR's Vision and Mission

1.3.1. Vision

To create vibrant, Equitable, Sustainable Rural Communities

1.3.2 Mission

To facilitate integrated development and social cohesion through participatory approaches in partnership with all sectors of society

1.4. The DRDLR's Core Clients and partners

- Rural communities;
- Landless and tenure insecure communities;
- Emergent black farmers;
- All spheres of government;
- Users of spatial information;
- Land owners;
- Non- governmental organisations; and
- Private sector
- Research and tertiary institutions

1.5 Structure of the DRDLR

The Department of Rural Development and Land Reform is responsible for driving comprehensive rural development and spatial planning as well as land management. These major functions are executed through the following relevant branches of the Department, namely:

- **Land and Tenure Reform:** To develop and co-ordinate policies and programmes in support of the implementation of land reform.
- **The Commission on Restitution of Land Rights:** To manage the process of access to rights in land including land ownership and sustainable development.
- **Geo-Spatial Services, Technology Development and Disaster Management:** To provide geo spatial, technology research and development as well as rural disaster mitigation services.
- **Rural Infrastructure Development (RID):** To facilitate rural infrastructure development strategies for socio-economic growth.
- **Social, Technical, Rural Livelihood and Institutional Facilitation (STRIF):** To provide social, technical, enterprise and institutional facilitation by way of providing social organization and mobilization, institution building and mentoring, technical support, skills development and nurturing, rural livelihoods and food security;
- **Cadastral Survey Management:** To provide a national cadastral survey management system in support of an equitable and sustainable land dispensation that promotes social-economic development.
- **Deeds Registration:** To provide a high quality deeds registration system whereby secure titles are registered, and speedy and accurate information is provided.
- **Support Services:** To render support service. Develop policy and legislation; Oversee the Departmental strategic planning process and monitor and evaluate performance; Manage human resources; Provide ICT, knowledge and information management services; Render corporate services; and to Provide financial and administrative support.

2 ENVIRONMENTAL IMPLEMENTATION PLAN (EIP)

2.1. An Overview of the Environmental Implementation Plan (EIP)

This plan entails the following:

- A description of priority policies, plans and programmes as per the mandate of the DRDLR that may significantly affect the environment, namely through the Comprehensive Rural Development Programme (CRDP).
- A description of the manner in which the department ensures that these policies, plans and programmes referred to above will comply with the principles set out in Section 2 of NEMA as well as any national norms and standards as envisaged under Section 146(2)(b)(i) of the Constitution of the Republic of South Africa and set by other departments with a mandate for environmental management.
- A description of the manner in which the department ensures that its functions are exercised so as to ensure compliance with relevant legislative provisions, including the principles set out in Section 2, and any national norms and standards envisaged under Section 146(2)(b)(i) of the Constitution of the Republic of South Africa and set by departments with a mandate for environmental management.
- Recommendations for the promotion of the objectives and plans for the implementation of Integrated Environmental Management (IEM).
- The Role of Local Government in so far as Spatial Development Plans (SDPs)

2.2. A Description of priority Policies, Plans and Programmes of the DRDLR that have impacts on the environment

2.2.1. A description of priority policies of the department

The legislation related to the DRDLR's activities as well as the laws for which the DRDLR is the implementing authority, are described below. These descriptions have been included in the CEIMP since the implementation and regulation of these laws are one of the DRDLR's main functions which involve environmental impact and management.

The Constitution of the Republic of South Africa provides some of the overarching constitutional responsibilities for the DRDLR. Section 24 states that everyone has the right - (a) to an environment that is not harmful to their health or well-being; and (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that - (i) prevent pollution and ecological degradation; (ii) promote conservation; and (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development. This includes the need to protect human rights, and in the case of the DRDLR, property rights and environmental rights. The Constitution also contains the following three statements in Section 25 of Chapter 2 which address land redistribution, land restitution and tenure reform

- (5) 'The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis'.
- (6) 'A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress'.
- (7) 'A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress'.

Table 1. Priority Policies and legislation of the Department

| Programmes | Relevant Policies and Legislation | Objective/s |
|-------------------|---|--|
| Restitution | Restitution of Land Rights Act 22 of 1994 | To provide for the restitution of rights in land in respect of which persons or communities were dispossessed under or for the purpose of furthering the objects of any racially based discriminatory law |
| Redistribution | Provision of Land and Assistance Act 126 of 1993 | To provide for the designation of certain land; to regulate the subdivision of such land and the settlement of persons thereon; to provide for the rendering of financial assistance for the acquisition of land and to secure tenure rights This act was amended to also provide for the rendering of financial assistance for the acquisition of moveable property such as agricultural assets. |
| | The Abolition of Racially Based Land Measures Act, 1991 (Act No. 108 of 1991) | It has introduced mechanisms to repeal certain racially based land-related laws. |
| | The Distribution and Transfer of Certain State Land Act, 1993 (Act No. 119 of 1993) | To provide for the distribution and transfer of state land to persons or descendants of persons who were removed from such land and, prior to 27 April 1994, had submitted applications to the then Advisory Commission on Land Allocation who in turn had confirmed their possible entitlement to such land. It empowers the Minister of Rural Development and Land Reform to designate such land to be dealt with in terms of the Act and also appoint a Land Distribution Commissioner to investigate and make awards to such persons who are found to have legitimate claims to such land; |
| | The Transformation of Certain Rural Areas Act, 1998 (Act No. 94 of 1998), | To provide for the transfer of certain land to municipalities and certain other legal entities; the removal of restrictions on the alienation of land; matters with regard to minerals. |
| Tenure | Extension of Security of Tenure Act 62 of 1997 | To provide for measures with State assistance to facilitate long-term security of land tenure; to regulate the conditions of residence on certain land; to regulate the conditions on and circumstances under which the right of persons to reside on land may be terminated; and to regulate the conditions and circumstances under which persons, whose right of residence has been terminated, may be evicted from land; |
| | Interim Protection of Informal Rights Act 31 of 1996 | To provide for the temporary protection of certain rights to and interests in land which are not otherwise adequately protected by law |
| | The Upgrading of Land Tenure Rights Act, 1991 (Act No. 112 of 1991) | To provide for the upgrading of various forms of tenure to ownership |
| | Land Reform Labour Tenants Act of 1996 | To provide for security of tenure of labour tenants and those persons occupying or using land as a result of their association with labour tenants; to provide for the acquisition of land and rights in land by labour tenants. |
| | The Sectional Titles Act, 1986 (Act No. 95 of 1986) | To regulate sectional title schemes; |

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| | The State Land Disposal Act, 1961 (Act No. 48 of 1961) | To empower the Minister to control, manage and dispose of state land for which s/he is responsible. |
| | The Communal Property Associations Act, 1996 (Act No. 28 of 1996), | To provide for the establishment of legal entities enabling communities to acquire, hold and manage land on an agreed basis in terms of a constitution. |
| Deeds Registration | The Deeds Registries Act, 1937 (Act No. 47 of 1937), | To provide for the administration of the land registration system and the registration of rights in land; |
| | The Land Titles Adjustment Act, 1993 (Act No. 111 of 1993), | To regulate the allocation of private land in respect of which one or more persons claim ownership, but do not have registered title deeds. It empowers the Minister to designate such land to be dealt with in terms of the Act and to appoint a Titles Adjustment Commissioner to investigate and make findings on such claims. |
| | The Abolition of Certain Title Conditions Act, 1999 (Act No. 43 of 1999) | To provide for the cancellation of title conditions requiring the consent of the holders of obsolete offices. |
| | The Removal of Restrictions Act, 1967 (Act No. 84 of 1967) | To provide for the alteration, suspension or removal of certain undesirable title conditions. |
| Cadastral Surveys Management | The Professional and Technical Surveyors Act, 1984 (Act No. 40 of 1984) | To regulate the professional and technical surveyors' profession; |
| | The Land Survey Act, 1997 (Act No. 8 of 1997) | To regulate the surveying of land in the Republic; |

| | | |
|----------------------|---|--|
| Geo-spatial Services | The Development Facilitation Act, 1995 (Act No. 67 of 1995), | To provide for extraordinary measures to facilitate and speed up the implementation of reconstruction and development programmes and projects in relation to land; |
| | The Planning Profession Act, 2002 (Act No. 36 of 2002), | To provide for the establishment of the South African Council for Planners and regulates the planning profession; and |
| | The Spatial Data Infrastructure Act, 2003 (Act No. 54 of 2003) | To provide the technical, institutional and policy framework for the capture, maintenance, distribution and use of publicly held spatial information. |
| | The Physical Planning Act, 1991 (Act No. 125 of 1991) | To regulate certain aspects of spatial planning and land development, and it is anticipated that they will be repealed as they no longer meet the needs of the developmental state. |
| Rural Development | The Green Paper on Agrarian Transformation, Rural Development and Land Reform | To develop a policy that will regulate rural development activities in South Africa. |
| Various | The KwaZulu-Natal Ingonyama Trust Act, 1994 (KZN Act No. 3 of 1994) | It was passed by the then KwaZulu Legislative Assembly and was amended by the (national) KwaZulu-Natal Ingonyama Trust Amendment Act, 1997 (Act No. 9 of 1997). It provides for the establishment of the Ingonyama Trust with Ingonyama of Isizwe sakwaZulu as the sole trustee, the establishment of the board (KwaZulu-Natal Ingonyama Trust Board), which administers the affairs of the trust and its land and for the vesting of all the land that originally fell within the legislative jurisdiction of the former KwaZulu Legislative Assembly and land that may have been acquired for purposes of transfer to the then KwaZulu Government; and for the transfer of that land to the affected communities. It also provides that the Trust Land shall be subject to the national land programmes administered by the Minister for Agriculture and land Affairs. The Act is implemented by the Secretariat of the Ingonyama Trust Board on behalf of the Minister. |
| | The Kimberley Leasehold Conversion to Freehold Act, 1961 (Act No. 40 of 1961) | To provide for the conversion of certain land in the Northern Cape to freehold title. |
| | The Land Administration Act, 1995 (Act No. 2 of 1995) | To empower the Minister to delegate any power conferred by or under a law regarding land matters. |

2.2.2. A Description of Programmes (Strategic Mandate) of the DRDLR

Rural development and job creation have been included amongst the key priorities of government for the MTSF period 2009 - 2014. The Performance Outcome 7 broke it down into five (5) outputs, namely:

- Sustainable agrarian reform
- Improved access to affordable and diverse food
- Improved rural services to support livelihoods
- Rural job creation and promoting economic livelihoods, and
- Enabling institutional environment for sustainable and inclusive growth

The DRDLR has a mandate to coordinate the implementation of this performance outcome. In essence, the inclusion of the rural development mandate to the department necessitated significant changes within the Department of Rural Development and Land Reform (DRDLR), including a re-conceptualization of the development approach, vision, mission and the strategic objectives, as well as the implementation strategy for rural development and land reform. The Comprehensive Rural Development Programme (CRDP) was introduced as an all encompassing strategy that is intended to create social cohesion and development in rural areas. The strategy is premised on three pillars, namely land reform, agrarian transformation and rural development.

The Comprehensive Rural Development Programme (CRDP) is a three pronged strategy focused on enabling rural people to take control of their destiny, with the support from government, and thereby deal effectively with rural poverty through the optimal use and management of natural resources. This will be achieved through a coordinated and integrated broad-based agrarian transformation as well as the strategic investment in economic and social infrastructure that will benefit the entire rural communities.

The following are the pillars of the strategy and what they entail, viz: agrarian transformation, rural development and land reform alongside their environmental impacts. The five outputs mentioned above provide a blueprint on how to realize these three key programmes.

2.2.2.1. Agrarian transformation includes, but is not limited to the following:

- increased production, and the optimal and sustainable use of natural resources including land, grass, trees, water, natural gases, mineral resources etc;
- livestock farming (cattle, sheep, goats, pigs, chickens, turkey, game, bees, fish, etc), including the related value chain processes;
- cropping (grain, vegetables, fruit, spices, medicines, etc), including the related value chain processes;
- the establishment and strengthening of rural livelihoods for vibrant local economic development;
- the use of appropriate technology, modern approaches and indigenous knowledge systems; and
- Food security, dignity and an improved quality of life for each rural household.

The department intends to increase the number of recapitalizations on smallholder farmers. This will be accompanied by a growing number of smallholder farmers producing for sale. This programme will also ensure that poor households produce some of their own food and improve their income as a result of the community, institutional and school gardens that will be established. Agriculture's use of water needs to be reduced as well, which will ensure the sustainable use of these resources.

The Recapitalisation and Development Programme (RADP) aims to provide support and inputs to land reform projects, especially to projects that were not successful and sustainable. The aim is to ensure that projects become sustainable and productivity and work opportunities are enhanced.

2.2.2.2. Rural Development includes, but is not limited to the following:

Improved economic infrastructure such as roads, railways, ports, farm facilities, community gardens, production/marketing stalls, distribution and transport networks, electricity networks, communication networks (land lines, cell phones, radio, television, etc), irrigation schemes for small scale farmers, water harvesting, water basin and water shed management systems (dams etc), post office services and internet cafes, rural shopping malls, etc.

It is envisaged the programme will augment government's efforts to increase universal access to clean water, improved sanitation and electricity. The department will invest in technology research and development in these areas to ensure sustainability and suitability. These projects will substantially contribute towards job creation. More people will be appointed in commercial farms, agri-processing plants. Many other jobs will be created through the Expanded Public Works Programme (EPWP) and the Community Works Programme (CWP) which will provide value-added service in rural areas, ranging from working for fire, working for fisheries, land care, farmer extension, fencing, etc.

Improved social infrastructure through social mobilization to enable rural communities to take initiatives, establish savings clubs and cooperatives for economic activities, wealth creation and the productive use of assets, communal sanitation and ablution systems to improve health conditions and many other government amenities,

This includes several initiatives that the department will intervene to assist in enabling institutional environment for sustainable and inclusive growth. Rural municipalities will have systems for disaster management and mitigation to facilitate rapid response to rural disaster, Small farmers will be organized in producer associations or marketing cooperatives to give them collective bargaining power. The department aims to reinforce municipal capacity to mobilize their communities.

2.2.2.3. Sustainable Land Reform includes the following:

- Land Tenure Systems Reform - The challenges to the implementation of land reform have made a strong case for the urgent review of our land tenure system. Reform of the current tenure systems of the country and the promotion of tenure security is therefore critical to unlock development potential and increase investment in rural areas.

The questions of land ceilings and ownership, land uses, land availability and the cost of land have been raised. Other pertinent questions relate to the forms of ownership. All of these point to the fact that clear land tenure systems will be the bedrock to addressing power relations relative to productive land in South Africa and to safeguard our limited agricultural land.

Redistribution - The Redistribution Programme is largely implemented through the Provision of Land and Assistance Act, 1993 (Act 126 of 1993). Prior to 2008, this Act had limited applicability which focused on land acquisition but certain key amendments in the latter part of 2008 such as acquisition of moveable properties will now make it possible for development interventions aligned to the broader CRDP.

The Pro-Active Land Acquisition Strategy is currently the primary strategic land reform intervention which caters for land acquisition in different situations.

At the National Land Summit in 2005, and drawing from the demands of participants and the inputs made, the Department asserted that one of the measures that needs to be in place *"to ensure that land and agrarian reform moves to the new trajectory that will contribute to the higher path of growth, employment and equity by 2014"* is the *"introduction of proactive land acquisition by the state for targeted groups in the land market."*¹ A PLAS concept document had already been developed and approved by the Department and the then Minister in 2003. While the PLAS had been approved "in principle" the Minister required that an implementation plan should be developed prior to the implementation of the Strategy. A first implementation manual was then developed and approved in 2006 and the programme was rolled-out. Over the years, as the Department has learnt from the experience of rolling out the programme, the PLAS has been revised.

The Proactive Land Acquisition Strategy is a **strategic land reform intervention** that involves the acquisition of land and other property (movable and immovable) that is then held by the state for the use by beneficiaries of the programme. Such land is provided to beneficiaries for a "trial-lease" period with support. If the beneficiaries prove themselves capable of managing the land and conducting sustainable production on the land, they will then enter into a long term lease with the Department – the length dependent on the land use and the commodity and the intention of the beneficiary

- To date 5.9 million hectares of land have been acquired through redistribution and restitution. The tenure issues of millions of South Africans living and working on farms, communal areas and small rural towns still leaves much to be desired despite the efforts of government to regulate relationships between owners and occupiers and tenants. In addition, 16 years into democracy has not seen significant improvement in the living conditions of rural households.

Within the improved land reform programme, the core objective is to redistribute 787629 hectares of previously white-owned agricultural land which has to be linked to a clear programme of support and capacity building that would ensure socio-economic development of all land reform beneficiaries. Repossessed properties will be acquired from relevant institutions and warehoused. One of the key targets is to improve land acquisition instruments in order to improve beneficiaries' access to land. In addition, the Department will over the Medium Term Expenditure Framework (MTEF) period 2010- 2013 be implementing programmes to recapitalize 1307 farms that are in distress, acquired since 1994 through land restitution and redistribution.

- Restitution - The Commission on Restitution of Land Rights established in terms of the Restitution of Land Rights Act, 1994 (Act 22 of 1994), will continue to provide redress to victims of land rights disposessions as a result of discriminatory laws and practices since June 1913. The department has allocated a substantial amount of money as part of the recapitalization and development of the farms restored under restitution. This will form part of the post settlement support which will adopt the CRDP principles during implementation. The outstanding 460 restitution claims will have to be resolved in an integrated development approach that takes into account the new mandate of the DRDLR.

2.2.3. Environmental Impacts of the CRDP

In all its forms, the CRDP entails land development, changes in land use and ownership and extraction of natural resources.

2.2.3.1. Environmental impact of Agrarian Transformation- Agrarian transformation seeks to increase production on livestock and crop farming as well as the transformation of natural resources such as land, grass, trees, water, natural gases, mineral resources etc, for the local economic development of the rural communities. Primarily people will be allocated land through various land reform programmes or use existing parcels of land for grazing and arable purposes, as well as the construction of processing plants.

Inability to control grazing may pose an environmental risk. In tribal lands livestock move wherever they wish since land is unenclosed and available for use theoretically by all members of the tribe. If funding is availed to rural people without necessarily considering the carrying capacity of their apartheid inherited fragile land, overgrazing is more likely to reverse any gain and positive spin offs of such a programme. Overgrazing may result in many other forms of land degradation such as soil erosion, desertification, flooding, siltation of open water bodies as well as the loss of nutrients from the limited arable and grazing lands.

If not well planned, implemented and monitored, agrarian reform may result in the logging and clearing of land. When these areas are not reforested or cultivated properly they rapidly lose their economic potential and experience the same problems as is the case with overgrazing. The operations of irrigation projects may have further impacts in the form of surface and ground water contamination as well as potential leaching of soil nutrients because of increased use of agrochemicals associated with crop intensification. By 2005 agriculture contributed 8% of the Green House Gas Emissions which make it the fourth largest contributor at global level. Agricultural emission sources include agriculture soil management (result in nitrous oxide emission), cow dung (methane), and manure management (methane) and fossil fuel consumption (carbon dioxide).

Moreover the development of processing plants will results in wastes generation such as rubble during construction as well as waste from the production process. The cradle to grave principle needs to be applied. But in the main, waste will have to be avoided, minimized, reused, recycled or be disposed of in a responsible manner as stipulated in (NEMA Section (2) (4) (a) (iv).

2.2.3.2. Environmental impact of Rural Development – Infrastructure projects would normally affect the environment due to clearing of vegetation during construction phase. It is associated with the loss

of biodiversity and natural aesthetic character and transforms it to a brown landscape. If not properly planned and/or implemented, infrastructure projects have a potential of creating profound imbalances in the ecosystem. Alongside constructed roads there should be an appropriate storm water drainage system without which donga erosion is bound to occur that in turn destroys the very new roads.

Environmental friendly technology needs to be deployed to ensure sustainability of these projects. Issues of waste, water usage and control as it relates to irrigation as well as air pollution control require a particular consideration.

2.2.3.3. Environmental Impact of Land Reform - Land reform may impact on the environment as it may result in a change in the type and intensity of agricultural production or any production system. In most cases, land reform beneficiaries do not have adequate resources and/or skills such that land use selection is poorly done. Under such circumstances, the carrying capacity of land is often neglected thereby leading to land degradation. These impacts would include possible ground and surface water pollution due to inadequate sanitation where beneficiaries opt for increased settlement, soil erosion due to poor agricultural practices, as well as impacts on the fauna and flora due to high dependence on natural resources for livelihood.

These land use change and production intensification might negatively impact on the environment in instances where they exceed the carrying capacity of a particular piece of land. In essence, land use changes and/or land use intensification that accompany land reform are intended at improving rural livelihoods by protecting the environment from unsustainable use, and restoring it if necessary. However a number of unintended consequences that impact on the natural resources base may also occur.

2.3. A description of how the DRDLR ensures compliance with sustainability principles as stipulated under section 2 of NEMA and any other relevant national norms and standards for environmental management

The concept of Comprehensive Rural Development (CRDP) is one of the priorities of government. It is linked to other priorities of government as contemplated on the MTSF, including but not limited to "Priority 9: implement sustainable natural resource management; Priority 7: Develop cohesive and sustainable Communities; and Priority 1: Speeding up growth transforming economy creates decent work and sustainable livelihoods" It is a mechanism that government will be using to attain its Millenium Developmental Goals targets as well as Sustainable development priorities as contained in the draft National Strategy on Sustainable Development (NSSD).

Since CRDP projects depend on natural resources for supporting rural livelihoods, the adoption of an Integrated Environmental Management (IEM) approach makes it a sustainable programme that conforms to world environmental standards. Its implementation places people and their needs at the forefront. CRDP holds high that development must be socially, environmentally and economically sustainable. Table 2 below shows how different programmes comply with sustainability principles as enshrined in NEMA.

Table 2: Norms and standards to ensure environmental compliance

| NEMA Principles | DRDLR Functions | | |
|---|--|--|--|
| | Land Reform | Agrarian Reform | Rural Development |
| Sustainable Development | <ul style="list-style-type: none"> • Status quo report. <p>Linkages to SDF/IDP and other sector plans</p> | <ul style="list-style-type: none"> • Status quo report. <p>Linkages to SDF/IDP and other sector plans</p> | <ul style="list-style-type: none"> • Status quo report <p>Linkages to SDF/IDP and other sector plans</p> |
| Integrated Environmental Management (IEM) | <ul style="list-style-type: none"> • Design of Spatial Plans <ul style="list-style-type: none"> ○ Linkages to SDF/IDP and other sector plans ○ Environmental Authorisation when necessary. | <ul style="list-style-type: none"> • Design of Spatial Plans <ul style="list-style-type: none"> ○ Linkages to SDF/IDP and other sector plans ○ Environmental Authorisation when necessary. | <ul style="list-style-type: none"> • Design of Spatial Plans (RDP) <ul style="list-style-type: none"> ○ Linkages to SDF/IDP and other sector plan ○ Environmental Authorisation when necessary. |
| Participation/ Environmental Governance | <ul style="list-style-type: none"> • Conducting socio-economic surveys • Interact with people's physical, psychological, developmental, cultural and social interests | <ul style="list-style-type: none"> • Conducting socio-economic surveys • Interact with people's physical, psychological, developmental, cultural and social interests. | <ul style="list-style-type: none"> • Conducting socio-economic surveys • Interact with people's physical, psychological, developmental, cultural and social interests. • CRDP are based on community identified needs |
| Environmental Justice and equity | <ul style="list-style-type: none"> • Land Reform policy is by nature about redressing the past imbalances. The community takes responsibility for all environmental problems that may arise from their own action. • On other land acquired for land reform, control | <ul style="list-style-type: none"> • The most vulnerable groups (rural communities) are at the centre of development. They take responsibility for all environmental problems that may arise from their own action | <ul style="list-style-type: none"> • The most vulnerable groups (rural communities) are at the centre of development. They take responsibility for all environmental problems that may arise from their own action |

| | | | |
|-----------------------------|--|---|--|
| | mechanisms, such as lease contracts, have stipulations to protect the environment. | | |
| Ecological integrity | <ul style="list-style-type: none"> • Conduct Environmental Sustainability Assessment (ESA) in all land reform projects as a screening procedure by qualified environmental officers or specialists • Build in environmental measures into lease agreements for all PLAS projects such as firebreaks, grazing, pollution and crop control • Adoption of the Zero Emissions Research Initiative (ZERI) - A system design technique that ensures zero waste through energy conservation and conversion (finding economic use of normal waste streams e.g. use of clear vegetation to grow mushroom at commercial level | <ul style="list-style-type: none"> • Conduct Environmental Sustainability Assessment (ESA) in all projects as a screening procedure • Adoption of the Zero Emissions Research Initiative (ZERI) | <ul style="list-style-type: none"> • Conduct Environmental Sustainability Assessment (ESA) in all projects. as a screening procedure • Adoption of the Zero Emissions Research Initiative (ZERI) |
| Intergovernmental Relations | <ul style="list-style-type: none"> • Variety of Inter-governmental coordination and cooperation initiatives | <ul style="list-style-type: none"> • Council of Stakeholders and Work Streams | <ul style="list-style-type: none"> • Council of Stakeholders and Work Streams |

CRDP holds the spirits of environmental governance in high regards. Throughout the process, the programme embraces the participation of all interested and affected parties. Consultation with all relevant stakeholders is done from the time a project site is selected through to planning until the implementation of the project. Rural communities are consulted on development applications, in terms of procedures prescribed by the DRDLR and IPILRA (Interim Protection of Informal Land Rights Act, Act no 31 of 1996). Community resolutions are the instrument for recommendations and DRDLR staff participate in the meetings. The consequent developments are subject to environmental legislation, where authorization is required.

CRDP also complies with the provision of several spatial planning and land use management plans, policies and legislation. It conforms to LUMS, SDF, EMF, SEA, IDP's, LED strategies, etc that exists with the beneficiary communities. It subscribes to the principles of the Land Use Management Bill, Development Facilitation Act, and related land use planning legislation.

2.4. Interventions to ensure compliance.

At project level the CRDP is implemented by the Council of Stakeholders where every relevant department and/or sphere of government as well as State-owned Enterprise (SoE) has an opportunity to contribute in various ways. It considers the private sector and the civil society as strategic partners who can mobilize resources and capacity in rural communities. During the planning of CRDP projects all these stakeholders are brought along.

As part of planning process for land reform and CRDP projects, an Environmental Sustainability Assessment Work Stream (Working Group) should be established consisting of the environmental specialist from DRDLR, DEA, Provincial Environmental Departments, the relevant local government officials.

Provincial Shared Services Centers (PSCC's) also build into the lease agreements the environmental measures for all PLAS projects namely firebreaks, grazing, pollution and crop control

The Spatial Planning and Information (SPI) Chief Directorate within the DRDLR houses a team of environmental specialists who looks at environmental issues associated with projects that are implemented by the department. The team compiles the natural resources status quo as well as to compile the environmental sustainability assessment. The team has the responsibility to capacitate rural development practitioners at provincial level on the use of the Environmental Sustainability Assessment Guidelines (ESAG). The Chief Directorates: Rural Disaster Mitigation Services and Technology Research and Development have environmental scientist whose focus is on environmental risk disaster management and research respectively.

Table 3: The DRDLR's plans to ensure compliance of its functions with environmental legislation.

| Intervention | Purpose |
|--|--|
| 1. Policy for the integration of environmental planning into the land reform process. | To provide a departmental policy directive on the integration of environmental planning into land reform projects and land development. |
| 2. Guidelines for the integration of environmental planning into land reform and land development. | To provide guidelines on the implementation of departmental environmental planning policy as well as tools for environmental planning. |
| 3. Implementation of Environmental Sustainability Assessment Guidelines (ESAG). | To provide scientific methods that can be used to assess ecological, social and economic impacts of land reform project |
| 4. Review of ESAG to incorporate considerations of CRDP. | To ensure that the environmental impacts of CRDP are proactively identified and effectively addressed. |
| 5. Consolidated Environmental Implementation and Management Plan (CEIMP). | To provide for environmental cooperative governance. |
| 6. Establishment of internal CEIMP Forum | To monitor CEIMP implementation in DRDLR |
| 7. Spatial Development Framework Guidelines | To assist municipalities with the formulation of Spatial Development Frameworks (SDFs) that: a) Comply with the requirements of the Municipal Systems Act (Act 32 of 2000) b) Reflect and implement the principles for spatial development set out in the Development Facilitation Act (Act 67 of 1995) |
| 8. Rural Livelihood Climate Change Adaptation Framework | DRDLR is required in terms of the National Climate Change Adaptation Policy Framework to develop a Climate Change Adaptation Sector Plan covering livelihoods and/or interventions that support adaptation requirements at household level, specifically on resource dependent communities such as those in rural areas. |
| 9. Revitalisation of Small Rural Towns | It is a guideline to revitalize rural towns. To regenerate, restore strength, to give new life or vigour, activity, energy to a situation or an area. At the same time <i>sustainably</i> utilizing natural resources and protecting the environment |

2.4.1. The Role of Provincial and Local Government in Comprehensive Rural Development Programme (CRDP) Project Plans.

The department produces the Rural Development Plan (RDP) for every CRDP projects. The RDP vertically aligns itself with planning documents such as the Provincial Growth and Development Strategies (PGDS's), Provincial Spatial Development Frameworks (PSDF's), Municipal Integrated Development Plan (IDP's), Municipal Spatial Development Frameworks (SDF's), Strategic Environmental Assessment (SEA) and Environmental Management Frameworks (EMF's), Local Economic Development (LED) strategies and Land Use management Systems (LUMS). It also incorporates other existing sector plans namely, Integrated Transport Plans (ITP's) Integrated Waste management Plans (IWMP's), Social Deprivation Indices etc.

The Land Summit of July 2005 proposed the need for a mechanism to facilitate the alignment between sector departments, parastatals, and the municipal development agendas with land and agrarian programmes. The department developed Area Based Plans (ABPs) for that purpose. The objectives of the ABP include but not limited to:

- To enhanced economic development of the area
- To integrate land reform into provincial and municipal development frameworks;
- To improve the sustainability of the land reform projects;
- To promote sector alignment: agriculture, LED, Integrated Sustainable Human Settlements, tenure security / upgrade linked to the provision of basic services.
- To promote the objectives of intergovernmental relations with municipalities and sector departments;
- To empower communities to participate actively in project formulation and implementation of land reform projects.

It is therefore expected that provincial and local governments should also consider these two (2) important plans if they exist in their area of jurisdiction when drafting or reviewing their various plans.

However, the department is in the process of developing another planning instrument that will be used to incorporate both rural development and land reform into integrated development planning, which will replace the ABP's.

3 ENVIRONMENTAL MANAGEMENT PLAN (EMP)

This section details information that pertains to DRDLR's Environmental Management Plan (EMP) such as the following:

- A description of the functions exercised by the DRDLR in respect of environmental management.
- A description of environmental norms and standards, including norms and standards contemplated in Section 146(2)(b)(i) of the Constitution of the Republic of South Africa, that are set and/or applied by department.
- A description of the policies, plans and programmes of the DRDLR that are designed to ensure compliance with its policies by other organs of state and persons
- Actions to ensure environmental compliance and to improve institutional cooperation.
- A description of the extent of compliance with the relevant department's policies by other organs of state and persons

3.1. Description of Environmental Management functions

The Department of Rural Development and Land Reform, as listed by NEMA, exercises both "functions which may affect the environment" and "functions involving the management of the environment". Functions, which may affect the environment, are largely associated with Land Reform and CRDP projects, while functions which involve the management of the environment have been categorised as those components dealing with, spatial planning and public land support services, disaster mitigation and management, rural technology research and development and Natural Resource Conservation, and to a certain extent technical support and skills development.

Key environmental management priority areas identified by the Department:

- Capacitating Land Reform/ Rural development implementers (RLCC/(PRDLROs)) around environmental management issues, implementation of PGIEP and other environmental tools from other Departments.
- Working closely with local government through the IDP process.
- Ensuring environmental governance through partnering with a network of environmental programmes outside the Department, e.g. natural resources stewardship programmes.
- Ensuring comprehensive environmental sustainability analysis in all CRDP project sites.
- Ensuring that DRDLR increase compliance with environmental laws.
- Conducting research on appropriate rural technologies, eg. Sanitation, alternative energy, alternative building materials, etc.
- Rural disaster mitigation and management
- Training communities on enterprise activities that involve waste management and natural resource utilisation

Table 4 : DRDLR's functions which involve environmental management

| Geo-spatial Services, Technology Development & Disaster Management | Public Land Support Services | Social, Technical, Rural Livelihood and Institutional Facilitation | Rural Infrastructure Development |
|--|--|--|--|
| <ul style="list-style-type: none"> • Formulate and manage national policy, legislation and regulations on spatial planning and land use management. • Inform and capacitate various levels of government and other stakeholders on the requirement of these policies, legislation and regulations. • Provide spatial and environmental planning support to the land reform process. • Formulate, monitor and prepare annual compliance report on the implementation of DRDLR's Consolidated Environmental Implementation and Management Plan • Ensure the implementation of DRDLR's Environmental Policy and Guidelines on Environmental Management. • Integrate, co-ordinate and implement policies and disaster management frameworks with special emphasis on mitigation of disasters in rural areas • Develop and adapt innovative and appropriate technologies within rural areas • Conducting Resource management plans for natural resource management and waste management • Develop and manage standards as well as guidelines for the formulation of national, provincial and local Spatial Development Frameworks. | <ul style="list-style-type: none"> • Conduct land use investigations and land audits, as well as to obtain, gather and maintain relevant information on public land (including state land) in order to identify superfluous land for land reform. • State Land Lease Data System (SLLDS) • Formulate and oversee the application of Land administration guidelines and agreements,(eg lease contracts), where the environment conservation is taken into consideration • Promotion of vesting of state ownership (national or provincial government) of land acquired before 27 April 1994. Ownership is essential to determine where responsibilities are the | <ul style="list-style-type: none"> • Training communities (youth in particular) on enterprise activities that involve waste management and natural resource utilisation • Implementation at provincial level of lease system and conclusion of leases, and execute inspections and ensure maintenance and capacity building/training • Implementation of vesting system and procedures and training | <ul style="list-style-type: none"> • Construction of immovable capital assets, like, storm water management, water treatment works, agricultural fencing, animal fences (grazing camps), community waste recycling facilities. • Rolling out alternative energy technologies that will result in less dependency on natural resources for lighting, heating and cooking. |

| | | | |
|--|---|--|--|
| <ul style="list-style-type: none"> • Develop and implement systems and processes for evaluating spatial development frameworks • Provide technical support to the municipalities and provincial government regarding the development of spatial development frameworks and to ensure the implementation of standards and guidelines • Develop effective spatial information tools to support the land reform process. | <p>environment lie. This is done jointly with other custodians of state land.</p> | | |
|--|---|--|--|

3.2 Description of Environmental Management Tools and their extent to ensure Compliance.

The DRDLR has a number of tools which help the department to comply with the NEMA section 2 principles. These tools examine both direct and indirect environmental impacts, primarily concerning land reform.

The most important tools are described below:

3.2.1 Guidelines for the Integration of Environmental Planning into Land Reform and Land Development

Although there is a plan to review this document to incorporate considerations for the rural development mandate, it will be used until such time as the revised guidelines are adopted by the minister as an official document of the department. These guidelines primarily aim to improve environmental planning in land reform projects to ensure environmental sustainability, and thus help to facilitate sustainable livelihoods. The Guidelines advocate the consideration of the environment early in the project planning phase and give standardised procedures for doing this in all land reform projects.

The Guidelines are used by DRDLR officials, the Department of Agriculture Forestry and Fisheries and service providers involved in planning land reform projects, with the aim of increasing awareness of environmental issues related to particular types of projects. This allows all those involved to make more informed decisions. If environmental concerns are dealt with effectively in the early stages of a project, then fewer EIAs may be required (i.e. exemptions may be granted in some cases).

The Guidelines include a generic model for integrating environmental planning into land reform. This model can be adapted for the main types of land reform processes (redistribution, restitution and tenure reform) as well as the LRAD, IDP, state land disposal and commonage project life cycles. There are three main phases to the model, namely:

3.2.1.1. Conceptualisation of the proposed project – this involves contact between the potential beneficiaries, DRDLR planner and, where appropriate, an agricultural extension officer. The general project structure is agreed to, and is assessed for compatibility with the DRDLR's budget, capacity and structure. The DRDLR planner will also check other applicable laws and policies related to the project.

3.2.1.2. Pre-feasibility Assessment – It is Chapter 6 of the Guidelines which entails the EDST. It has been recently reviewed and it is referred to as the Environmental Sustainability Assessment Guidelines (ESAG). It was intended at checking the land's natural resources and the effects that various land uses could have on the environment. In this phase, the DRDLR will decide whether the project should continue to the third phase, be re-conceptualised in phase 1 or be cancelled. The guidelines should also help the DRDLR planner to determine whether an EIA will be required.

The Guidelines recommend that at a minimum, the following people should be involved: an ecologist with the environmental authority, an agricultural extension officer, a representative from the municipality, and a DRDLR planner. The project may also require additional expertise, though the core representation should remain constant.

3.2.1.3. Detailed Project Planning – Land use planning principles are used for this phase and an assessment is made of the land's suitability and capacity for the proposed land use options. A business plan for the project is drawn up in this phase, and the planning grant may have to be used for the required expertise.

If, after phase three is complete, the project will still be implemented, and the internal implementation planning must take place within the DRDLR. This process should ensure sound project management which takes any environmental measures into account. The roles of the various spheres of government will also be clarified at this point.

3.2.2 The Environmental Sustainability Assessment Guidelines

The Environmental Sustainability Assessment Guidelines (ESAG) is an intervention that was meant to replace its predecessor tool, the Environmental Decision Support Tool (EDST). The EDST is a tool that

was intended to assist land reform planners in determining the bio-physical impacts of a proposed land reform project. The major shortcoming of the EDST was the fact that it did not take issues of social or economic sustainability into account, and thus the potential environmental impacts associated with socio-economic problems are not considered. For that reason, EDST has been replaced by ESAG.

The ESAG is an intervention which is more user-friendly and considers socio-economic and cultural issues as part of sustainable development of society, thereby being more relevant than the EDST. The ESAG is grounded in the concept of Environmental Sustainability Assessment which is defined as "a formal process of identifying, predicting and evaluating the potential impacts of an initiative (such as legislation, regulation, policy, plan programme or project) and its alternatives on the sustainable development of society".

The ESAG is also going through a review process to include the rural development mandate of the department. It will be ready by the first quarter of 2011/12 financial year.

ESAG attempts to provide guidance on:

- How to manage the process of integrating environmental planning into land reform and development;
- Identifying the necessary specialist studies where required;
- Defining the terms of reference for these studies;
- Integrating these studies to inform decision-making; and
- Implementing the recommendations.

It is a generic approach and therefore may be applied in different contexts. It generally seeks to integrate the biophysical environmental, social and economic pillars of sustainability into various stages of the land reform planning and decision-making process. The other advantage of ESAG is that it does not assume that a land reform planner has environmental assessment expertise, instead it avails the generic Terms-of-Reference (ToR) for different scientific studies relevant to the land reform process. Therefore a planner may use such ToR to direct and outsource a particular study as and when necessary for decision-making purposes.

The key steps in undertaking an ESA include the following:

- Formulation of a project team;
- Gathering information (desktop analysis);
- Understanding a field assessment of the status quo of the site;
- Identifying environmental opportunities and constraints;
- Preparing maps and reports highlighting the environmental characteristics of the site;
- Using this information to inform the planning and implementation phase; and
- Identification of suitable indicators for monitoring and evaluation.

3.2.3 Quality of Life Reports (QLR) and Environmental Reports

The Quality of Life Reports, which are carried out by the Performance Monitoring and Evaluation, monitor the socio-economic impact that Rural development projects have had on the lives of beneficiaries, and whether the projects are occurring as planned. These reports involve taking a sample of projects as well as re-evaluating the previous sample of projects, and collecting information on beneficiaries and the projects.

Some of the information collected includes:

- a profile of the beneficiaries (level of education, age, gender etc)
- the services and facilities that the beneficiaries have access to (housing, water and electricity);
- their economic profile (income, expenditure, savings and livelihood strategies);
- the project activities (types of activities, number of people working on the project, food security etc);
- an institutional profile (types of legal entities, use of profits, community conflicts);
- beneficiary satisfaction or dissatisfaction and suggestions for improvements, this may include dissatisfaction with environmental impact of a project under review.

In addition to socio-economic issues, the QOL reports cover the environmental impact of the projects which would help to determine whether implementation of projects promotes sustainable development

principles. This also allows the DRDLR to identify problems and constraints in the CRDP and to assess the extent to which the objectives of the programme have been met.

It is also important to note that land acquisition in terms of numbers of hectares and sustainable use thereof by beneficiaries is one of the DRDLR's main objectives. For this reason it is important for DRDLR to employ appropriate monitoring and evaluation systems to ensure sustainable development.

3.2.4 Spatial Development Frameworks (SDFs)

All municipalities are required to prepare SDFs in terms of the Municipal Systems Act (Act No. 32 of 2000) [Section 26]. It states that an IDP must include an SDF, however, due to a lack of clarity regarding the requirements of a SDF, few of developed SDFs are credible. The land use management legislation that the DRDLR is developing will state what the requirements of a SDF are. These requirements are also spelled out by the White Paper on Spatial Planning and Land Use Management of 2001 as follows:

- a policy for land use and development;
- guidelines for land use management;
- a capital expenditure framework showing where the municipality intends spending its capital budget; and
- a strategic environmental assessment.

Each of the above components of the spatial development framework must guide and inform the following within the municipality:

- Plan for desired spatial growth of a municipal area, viz, directions of growth, major movement routes;
- Guidelines for Land use management within municipality
- special development areas for targeted management to redress past imbalances;
- conservation of both the built and natural environment;
- areas in which particular types of land use should be encouraged and others discouraged; and
- areas in which the intensity of land development could be either increased or reduced.

The SDF components will also each have to clearly show how they reflect and operationalize the principles and norms for land use and land development set out in the LUMB (which will replace the DFA chapter one principles).

The main aim of the SDF is to characterise the spatial development goals of a municipality that result from an integrated consideration and assessment of the spatial implications of different issues raised by different sectors. The spatial development framework should not attempt to be comprehensive, but should rather be a broad framework that indicates the minimum public actions required to fulfil the plan. It must also have sufficient clarity to guide decision-makers in respect of development applications. The existing and potential future spatial patterns should be considered so that integrated, efficient and sustainable settlements are possible.

To ensure that the SDFs throughout the country are of high quality standards and credible, the DRDLR is developing the Guidelines for the compilation of SDFs.

SDFs greatly improve the way in which the environment is considered during development planning. This planning includes land reform and other DRDLR projects such as state land disposal, and thus many of the DRDLR's functions will be more environmentally and socio-economically sustainable.

3.2.5. CRDP Planning Process

The Status Quo Report: The first documentation to be compiled at CRDP project site is the status quo report. The status quo report makes situational analysis of the beneficiary community in an integrated manner. One part of the document ensures that all natural parameters are profiled.

The Rural Spatial Development Plans (RSDPs): Based on the findings of the status quo report the department assembles the RSDP which also incorporates the Environmental Sustainability Assessment reports (ESA). ESA is an environmental assessment whose philosophy is based on the principles of integrated environmental management. In summary, the purpose of this tool is to integrate the biophysical

environmental, social and economic pillars of sustainability into various stages of the planning and decision-making process.

The process followed during CRDP planning will apply to projects concerning the Revitalisation of Rural Towns. The intention of this programme is to bring back life into rural towns and in the process provide sustainable livelihoods for the poor in the surrounding villages and towns.

3.3. Description of Specific Environmentally Inclined Policies, Norms and Standards

The DRDLR has an environmental policy termed the Policy for the Integration of Environmental Planning into the Land Reform Process. This policy was approved in 2003, and enables the DRDLR to better incorporate environmental issues into the land reform approval process (project cycle). This will assist the DRDLR in complying with NEMA, the Environment Conservation Act, the DRDLR's Second Edition CEIMP, and other environmental legislation. The policies will also be of assistance to ensure that project beneficiaries achieve a sustainable livelihood. Table 5 describes all environmentally inclined policies, norms and standards.

3.4. Actions to ensure environmental compliance and to improve institutional cooperation

Table 6 represents an action plan to ensure environmental compliance and to improve institutional cooperation. For four years the Environmental Compliance and Implementation Forum will monitor and evaluate progress made on these targets and indicators.

Table 5: Specific Environmentally Inclined Policies, Norms and Standards

| Spatial Planning and Information | |
|--|---|
| 1. The Development Facilitation Act, 1995 (Act 67 of 1995) | <p>Provides for extraordinary measures to facilitate and speed up the implementation of reconstruction and development programmes and projects in relation to land</p> <p>The Development Facilitation Act (No. 67 of 1995) [DFA] was promulgated as an interim measure to bridge the gap between the old apartheid era planning laws and a new planning system reflecting the needs and priorities of the democratic South Africa. The Act, however, did not wipe the slate clean with the result that the national and provincial laws relating to planning promulgated before 1994 are still in existence. The DFA thus operates parallel to the existing laws, until such time as they are replaced. The DFA nonetheless was an interim measure. It did not repeal existing laws. As a result, parallel and complex systems of spatial planning and land management continued to operate.</p> <p>The DFA has been implemented nationally but not all provinces and municipalities are applying it. The provinces which have established tribunals and are using the DFA are; Eastern Cape, Gauteng, KwaZulu Natal, Limpopo, Mpumalanga and Northwest</p> <p>Notwithstanding the purpose of the DFA, its primary use has been to deal with municipal development, where applications for rezoning and township establishment have been brought before provincial tribunals for decisions.</p> <p>Chapters V and VI of the DFA were declared unconstitutional and were suspended for 24 months, with effect from 18 June 2010 to allow Parliament sufficient time to rectify defects. The relevance and powers of the development tribunals were put under the spotlight. The development tribunals can no longer apply within the City of Joburg and Ethekewini Metropolitan areas</p> |
| 2. The Spatial Data Infrastructure, 2003 (Act 54 of 2003) | Provides a technical, institutional and policy framework for the capture, maintenance, distribution and use of publicly held spatial information |
| 3. Policy for the integration of environmental planning into land reform | It confirms DRDLR's policy on the integration of environmental planning into land reform, based on the outputs of the DRDLR |
| 4. The Physical Planning Act, 1991 (Act No. 125 of 1991) | To regulate certain aspects of spatial planning and land development, and it is anticipated that they will be repealed as they no longer meet the needs of the developmental state. |
| 5. Land Use Management Bill | <p>To provide for a uniform, effective, efficient and integrated regulatory framework in the Republic for land use and land use management that promotes the public interest;</p> <p>To provide for directive principles and compulsory norms and standards for land use management in the Republic;</p> <p>To address the imbalances of the past and ensure that there is equity in land use management by promoting cooperative governance, socio-economic benefits and the achievement of land reform objectives;</p> <p>To provide for land use schemes;</p> <p>To establish Land Use Regulators in all spheres of government and a National Land Use Commission; to repeal certain laws;</p> |

Table 6: Actions to ensure environmental compliance and to improve institutional cooperation

| ACTION | OUTPUT | TIMEFRAME | SERVICE DELIVERY INDICATOR |
|--|---|------------------|--|
| Increase DRDLR's Capacity for Implementing IEM | Presenting on the environmental mandate of DRDLR on every annual induction for new staff members Environmental management courses attended | 2011 –ongoing | Environmental mandate of DRDLR presented at induction programme |
| Conducts ESA's for all CRDP and land reform project as part of the planning process | For all CRDP and land reform projects ESAs are conducted to determine the type of environmental measures to be implemented | 2011 –ongoing | Number of ESA reports |
| Build in environmental measures into lease agreements for all PLAS projects such as conducting firebreaks, measures to prevent overgrazing, prevent water pollution etc. | All lease agreements of PLAS projects should have environmental measures such as firebreaks, grazing, pollution, and irrigation control etc incorporated. | 2011 –ongoing | Number of Lease Agreement with environmental clauses |
| Participate in IDP analysis sessions | Participate in annual IDP analysis sessions. | 2011 – ongoing | DRDLR to be represented in all provincial IDP analysis sessions. |
| | A land sector IDP analysis template for DRDLR developed | 2011- ongoing | Template developed |
| Establish an Environmental Compliance Forum (ECF) | ECF established to monitor CEIMP implementation | 2011 | Forum established |
| Quality of Life Report | M &E of the impact of departmental programmes | 2012 | Report produced |
| SDF Guidelines | To produce guidelines that are credible by covering relevant sector considerations | 2011 | Guideline document adopted |
| 25 SDFs | Credible SDFs for rural municipalities compiled with the input from relevant department (SEA and EMF considered) | 2011 | SDF developed |

| | | | |
|--|---|---------------|--|
| Climate change adaptation framework for rural livelihood | Rural livelihood Sector Climate Change Adaptation Framework compiled on behalf of the whole sector | 2012 | Framework document submitted to DEA |
| Site specific rehabilitation of degraded land on CRDP projects | EPWP Environment and Culture projects implemented (Land care, working for the coast, Working for water, etc) | 2013 | No of hectares rehabilitated/ no of jobs created |
| Revise PGIEP to incorporate the rural development mandate. | Revising PGIEG to incorporate the rural development mandate. | 2011 | 2 nd Edition PGIEP document |
| Roll out training for 2 nd Edition PGIEP document | Training conducted. | 2013 | % DRDLR regional offices trained |
| Spread awareness about the policy and the guidelines for the integration of environmental planning into land reform process. | Marketing material printed and distributed | 2013 | Number of marketing materials distributed. |
| Monitor internal CEIMP performance | Annual monitoring report | 2011-2012 | CEIMP annual report submitted to the Committee on Environmental Coordination (CEC) |
| Implement the policy and guidelines for the integration of environmental planning into land reform and land development process. | All projects complied with the document | 2011-ongoing | Number of projects completed using the document |
| Support land reform/communal land biodiversity stewardship initiative | Number of land reform projects identified for the Land Reform Biodiversity Stewardship Initiatives (LRBSI) as per the National Protected Areas Expansion Strategy (NPAES) | 2011- ongoing | LRBSI annual report |
| Enact the Land Use Management Bill (LUMB) | LUMB enacted. | 2011/12 | Land Use Management Act |

4. CO-OPERATIVE GOVERNANCE

The need and importance of co-operative governance concerning environmental issues has been acknowledged on Chapter 3 of NEMA and Section 41 of the Constitution. Section 41(1) (h), is particularly relevant as it states that all spheres of Government and organs of State must co-operate in mutual trust and good faith by informing and consulting each other concerning matters of common interest, co-ordinating actions and legislation, and adhering to agreed procedures.

Environmental co-operative governance should be achieved through the tabling of the Environmental Implementation and Management Plans in the Committee on Environmental Coordination (CEC) for adoption. A new dimension was introduced by the performance monitoring and evaluation dispensation of the 2009-2014 government. In the main, Delivery Agreements (DAs) on performance outcomes are negotiated within the ambit of the intergovernmental relations regime. In essence, the outcome based approach seeks to reinforce co-operative governance initiative.

In this section of the document, the DRDLR has to outline how it gives effect to the priority policies, plans and programmes. In order to achieve this, it is necessary to describe the institutional arrangements around environmental management, from the perspective of the department. This component of the CEIMP is at the heart of cooperative governance around environmental management. It should identify external relationships with other national and provincial departments as well as local government and statutory bodies. The *internal* relationships between the department, and its agencies, parastatals or concessionaires should be contextualized as well.

In essence, the priority functions and the manner of compliance with relevant legislative provisions should be described in terms of the:

- institutional mechanisms (such as committees, procedures and MOUs) which ensure coordination between the relevant department and other departments that are mandated with environmental management;
- management systems and procedures in place to ensure compliance with the identified legislative provisions, by the department and
- capacity (in terms of people and budget) to perform the priority functions, and particularly to ensure effective implementation and functioning of the mechanisms, systems and procedures for coordination.

The implementation of multinational agreements also requires the DRDLR to have well defined working relations with other public institutions to realise government's commitment to some of these agreements.

4.1. Internal Structure

The DRDLR's functions that relate to policy, strategy, monitoring and support are undertaken at the Pretoria Head Office. Implementation is carried out by the regional offices.

4.1.1. Internal Provincial and National CRDP Delivery/Implementation mechanisms (Outcome 7)

The outcome 7 Delivery/Implementation mechanism starts taking shape from inside the department. The Provincial Shared Services Centres (PSSC) are required to define the delivery targets and their implementation plans. The implementation plans are amongst other tools required to incorporate environmental planning. The same is expected from the National CRDP Delivery/Implementation Forum. These forums have paid more emphasis on establishing mechanisms to ensure natural resource management. The Chief Directorates: Rural Livelihood and Food Security, Spatial Planning and Information (SPI), Technology Research and Development (TRD) and Rural Disaster Mitigation Services (RDMS) are at the heart of implementation of all programmes that will ensure natural resource management. This may include but not limited to:

- Developing disaster mitigation strategy to address rural disaster management

- Establishment of Thusong Service Centers with Disaster Management Help Desks in rural municipalities
- Compilation of the Guidelines for drafting Spatial Development Frameworks as well as piloting with several rural municipalities.
- Jobs created in the Expanded Public Works Programme (EPWP) Environment and Culture Sector and Community Works Programme (CWP) to provide value-added services in rural areas, ranging from working on fire, working for fisheries, land care, farmer-to-farmer extension, fencing, etc.
- Establishment of Agriparks through CRDP
- Conducting research on available and appropriate technologies with particular emphasis to renewable energy, water and sanitation as well as Indigenous Knowledge Systems (IKS)
- Compilation the Rural Livelihood Sector Climate Change Adaptation Plan
- Revising the Policy and Guideline on the Integration of Environmental Planning (PGIEP) in to land Reform and land Development to include the Rural Development Mandate
- Compilation of Environmental Sustainability Assessment (ESA) for all CRDP Sites

For every CRDP project the department dispatches a team of specialists comprising of Environmentalists, Town and Regional Planners and GIS practitioners. This team is responsible for compiling the Status Quo Reports, Spatial and Implementation Plans. The Status Quo Report profiles amongst other things the natural resources available in the study area. This ranges from the hydrology, climate, rainfall figures, soil capabilities, geology, vegetation as well as sensitive environments. The Environmental Sustainability Assessment (ESA) becomes an integral part of the Spatial Plan.

The other team includes Social Facilitators, researchers and engineers to look at social and economic infrastructural proposals as proposed by the Spatial Plans. Whatever recommendations, environmental considerations are at the heart of planning for those projects

On land reform projects the department's revised business process is that once a claim is validated (accepted as a valid claim), the CRDP must come into effect. All concerned stakeholders must be duly informed. Each valid claim must be submitted to a Joint Planning Committee (JPC) between the members of the Commission and the other land reform programmes within the Department, regarding settlement. (Restitution to provide more information)

4.1.2. The Environmental Compliance and Implementation Forum (ECIF)

To ensure that the DRDLR implements the provision of this CEIMP, an Environmental Compliance and Implementation Forum (ECIF) will be established. The forum will be comprised representatives from all units of the department whose programmes, plans and functions have impact on the environment and/ or enhance environmental management.

4.2. External Relationships

4.2.1. Intergovernmental Relations (IGR) Structures

Intergovernmental Relations Framework Act, No 13 of 2005 (IGRFA) stresses the importance of addressing challenges facing the country through a concerted effort by government in all spheres to work together and to integrate as far as possible their actions in the provision of services, the alleviation of poverty and the development of the people and the country in general. The Act provides for the formation of the intergovernmental relations structures at all tiers of government. It provides that any Cabinet member may establish a national intergovernmental forum to promote and facilitate intergovernmental relations in the functional areas for which that cabinet member is responsible. These national intergovernmental forums will be comprised of political consultative forum (MINMEC) and its administrative arm (MINTEC).

The DRDLR has established these structures. This structure is used for amongst other issues to coordinate the activities of the Performance Outcome 7: Vibrant, equitable, sustainable rural communities contributing towards food security for all. However this out come may not be viewed and implemented in isolation, it has inherent linkages with other outcomes and/or intergovernmental relations structures led by other departments, namely,

- Outcome 4: Decent employment through inclusive economic growth
- Outcome 5: A skilled and capable workforce to support an inclusive growth path
- Outcome 6: An efficient, competitive and responsive economic infrastructure network
- Outcome 8: Sustainable human settlements and improved quality of household life
- Outcome 9: Responsive, accountable, effective and efficient Local Government system
- Outcome 10: Environmental assets and natural resources that is well protected and continually enhanced

The DRDLR has committed to support the realisation of commitment by these Delivery/Implementation Forums. It has set specific measurable targets with timeframe within MTEF priorities that contribute towards the realisation of other outcomes.

Other external co-operation relationship is with the Department of Agriculture, Fisheries and Forestry which is essential in projects that involve the redistribution of agricultural land to ensure that agriculture is carried out in a sustainable way.

Other main agreements, Memoranda of Understanding (MOUs) and forums are discussed below for each of the units which have an environmental function.

- Geo-Spatial Services, Technology Development and Disaster Management
 - The multi-sector Committee for Spatial Information- is one way of ensuring the implementation of the Spatial Data Infrastructure Act, 2003 (Act 54 of 2003)
 - IDP process and integration of SDFs into IDPs – This involves meetings with municipalities to capacitate them with regard to integrating SDFs into IDPs. The department participate in IDP analysis forums country wide.
 - Inter-departmental Task Team (IDTT) – includes all national departments, all provinces and SALGA.
 - An agreement with DEA regarding the use of the Environmental Decision Support Tool (EDST)/ESAG – The DRDLR would like to use this tool as part of the screening process in Land Reform projects. This will not replace EIAs or compliance with any other environmental legislation. Discussions are still underway.

4.2.2. CRDP Coordination (Council of Stakeholders)

- The provincial government under whose jurisdiction the selected beneficiary communities fall act as a coordination hub for the implementation of the CRDP projects. They chair the Council of Stakeholders that is established to implement the CRDP projects in that specific site. The council will then nominate champions for the Working Streams identified according to the work that needs to be done on the ground, e.g. DAFF or their provincial counterparts may chair the agrarian reform work stream. The usual key stakeholders include but not limited to Human Settlement, Education, Health, SAPS, DWA, DAFF, CoGTA, OTP's, ESKOM, DPW,

4.2.3. Land Reform Implementation Management Committees

- National State Land Disposal Committee and Provincial State Land Disposal Committees – Co-operation with the Department of Public Works takes place to identify and address problems regarding State Land disposal. The vesting of state land to state departments is also resolved.
- Commonage Management Committees – The DRDLR funds municipalities to extend commonages. Environmental impacts and other problems are also discussed.

- The Land Reform Empowerment Facility – This involves amongst others, the DRDLR, the Department of Trade and Industry and DEA. This facility provides wholesale agricultural financing, subsidised interest rates, and the encouragement provide investment for land reform projects.
- Forestry Task Team – This is a task team involving DRDLR through its RLCCs, DAFF, Department of Public Enterprises (DPE) and Forestry South Africa. The task team seeks to ensure that all claims in forestry areas are researched by 2010.
- Forum with DAFF concerning the privatisation of state forests

4.2.4. Restitution Management Support

- Memorandum of Understanding (MOU) with DEA concerning conservation land – This MOU states that where land claims occur on conservation land, most of the land will not be used for resettlement, but the claimants will own the land and lease it back to the conservation authorities.
- Proposed MOU with AgriSA – This MOU should assist the Commission in approaching farmers regarding restitution claims and the acquisition of land. AgriSA will evaluate any environmental issues that the farmers may have. This is national agreement that should filter down into the regions.
- Aside from the co-operative agreements, committees and forums listed in above, there are also numerous regional examples of co-operative governance on specific projects. Including the following:
 - District Screening Committee – This is a formal sub – committee of the Provincial Grant Approval Committee (PGAC) of the National Department of Rural Development and Land Reform: Eastern Cape Land Reform Office that will assist in the implementation of the Redistribution Programme. For compliance and coherence, assess projects feasibility and eligibility for approval by the PGC and provide any interventions on the proposed project prior to PGC approval.
 - Provincial Grants Committee (PGC) – This is to consider land reform projects within the framework of the Department of Rural Development and Land Reforms' Land Redistribution and Tenure Reform Programmes and priorities developed within the Provincial Land Reform Plan.
 - Agricultural Provincial Approval Committee – This is for the assessment and approval of Community Planning Fund (CPF) for Land Reform projects.
 - Local Land Reform Coordinating Committee – This is to assess the viability of projects, identify the planning requirements (e.g. pre-feasibility, scoping/EIAs, evaluation), check alignment with IDP and SDF and recommend the release of the planning services funds.
 - Mbombela Local Municipality Environmental Management Forum - This is to fight against degradation of environmental values such as sand mining, wetland degradation, waste and building rubbles. According to their service delivery implementation plan, the environmental management section must conduct workshops targeting areas which are highly affected with environmental issues and the forum seeks to do that with the involvement of all government departments that is involved in environmental issues.

4.2.5. Land Reform Biodiversity Stewardship Initiative (LRBSI)

The Land Reform Biodiversity Stewardship Initiative aims to address the challenge of biodiversity conservation on sites that are put aside or targeted for land reform. This is to be done using the stewardship model. Conservation stewardship is an element of the National Protected Area Expansion Strategy adopted by the Department of Environmental Affairs (DEA). The overarching goal is to establish a network of learning and community of practice regarding land reform and biodiversity stewardship between the land and conservation sectors across the country and to demonstrate the successful delivery of both socio-economic and conservation benefits at a project level. The initiative is collectively implemented by DEA, DRDLR and the South African National Biodiversity Institute (SANBI).

5. RECOMMENDATIONS

5.1. Increasing DRDLR's Capacity for Implementing IEM

Since Environmental Planning Support Unit (EPSU) is short-staffed and cannot support both land reform and CRDP at project level at the moment, it is recommended that the capacity in this unit be beefed up, such that there should be one environmental official per regional or provincial-based land reform office. Furthermore, specific courses on environmental sustainability must be incorporated into the Personal Development Plans (PDP's) of relevant officials.

5.2. Participation in IDP

The second requirement that DRDLR officials should be involved in IDP process which involves:

- An IDP forum to ensure that public participation takes place in the IDP process;
- An IDP project formulation task team, to design projects that flow from the IDP; and
- An IDP project management team which carries specific responsibility for managing those projects.

The DRDLR should also develop a comprehensive land sector IDP analysis template that will aid in scrutinising IDPs.

5.3. Integration of CRDP Projects into Municipal IDPs

It is recommended that the *Guidelines for the integration of CRDP projects into municipal IDPs* be formulated so that rural development issues may not be sidelined.

5.4. Refocusing Function of Directorate: Monitoring and Evaluation

The Directorate: Monitoring and Evaluation should assist in developing indicators for environmental performance.

5.5. Policy reform.

It is also recommended that the department in collaboration with DAFF look at developing a suite of policies to regulate livestock and crop farming linked to rural development.

5.6. General Recommendations

The DRDLR should ensure that it exercises consistency regarding environmental management for its different types of projects and programmes. The revision of the Guidelines for the integration of environmental planning into land reform and land development will help the DRDLR to achieve this goal. These guidelines also need to be reviewed.

The inclusion of CRDP in municipal IDPs and SDFs needs to be considered. This will allow two objectives to be more effectively achieved that of: (1) ensuring that beneficiaries have access to municipal infrastructure and are close to areas which have many opportunities for generating a livelihood, and (2) the effects of CRDP can be monitored because the planning process will include baseline data regarding environmental and social conditions in the municipality. If the environment is considered in this early, strategic phase, then the quality of project selection and sustainability will improve, and fewer EIAs will be required. It is clearly in the best interests of sustainable development that CRDP projects are properly integrated into municipal planning.

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Annexure 1: Baseline document on DLA indicators (Chapter 6)