

Chapter 6: Environmental management and governance

6.1: Introduction

The term environment is often very difficult to define. Within the context of sustainable development it encompasses the social, economic, biophysical and political spheres. Section 24 of the Constitution of the Republic of South Africa (RSA, 1996) legally mandates the government to ensure the people of South Africa are not harmed by the environment and the environment is protected against abuse. The Constitution also provides for co-operative government.

The White Paper on Environmental Management Policy (DEAT, 1997a) refers to the conditions and influences under which any individual or thing exists, lives or develops. Culture, economic considerations, social systems, politics and value systems determine the interaction between people and the environment, the use of natural resources, and the values and meanings that people attach to life forms, ecological systems, physical and cultural landscapes and places. People are part of the environment and are at the centre of concerns for its sustainability (DEAT, 1997a).

In summary, environmental management and governance comprise a system of tools which include principles, policies, legislation, regulation and practice. Each of these has a spatial element, i.e. occurs at global, regional, national, provincial, local, and/or neighbourhood scales. In turn, each of these elements might have components for which government, non-government organisations or civil society would be responsible.

In a South African context, the Eastern Cape provincial government through the Department of Economic Affairs, Environment and Tourism (DEAET) has certain governance responsibilities in terms of the environment, along with national government. The strategic objective of the Chief Directorate: Environmental Affairs in the Province has been defined as "To ensure sustainable environmental management in the Province" in the Provincial Business Plan for DEAET of 2003/04. The functions can be listed as:

- Programme Outcome 1: Ensuring environmental quality, protection and promotion of integrated environmental management;
- Programme Outcome 2: Ensure biodiversity, conservation and coastal zone management; and
- Programme Outcome 3: Monitor services rendered by the Eastern Cape Wildlife Services (ECWS) and other parastatals (MBB Consulting, 2003).

Prior to 1999, environmental management was the responsibility of two separate departments, namely Nature Conservation and Environmental Protection. In 1999 there was a restructuring and Nature Conservation and Environmental Protection were housed together under the Chief Directorate of Environmental Affairs. In 2001 the Department motivated for two Directors under the Chief Director: Impact Management and Biodiversity and Coastal Management. These Directorates operate through teams based in 5 regional offices (Table 6.1).

Table 6.1: Distribution of environmental management regional offices in the Eastern Cape Province (Sokupa, *pers comm.*, 2004)

Region	Location
Western	Port Elizabeth
Central	East London
Northern	Queenstown
Eastern	Umtata
EG/Kei	Kokstad
Head Quarters	Bisho

In the future Section 20 (permitting of landfills) of the Environment Conservation Act 73 of 1989 (RSA, 1989) may be devolved down to provincial government. The Department is thus looking at establishing another Directorate on waste management in the next financial year. As of 01 April 2004, the Province will also be forming a Parks Board. This Board will sit under the Department as a parastatal. The Directorate's organogram will thus change to accommodate waste management responsibilities as well as the creation of an Eastern Cape Parks Board. The new functions of the Chief Directorate: Environmental Affairs will likely be EIA, community services (environmental education), biodiversity, waste management, and coastal management. The Department is thus trending from environmental protection and nature conservation towards more developmental issues. At the same time, the Department is becoming more focused and the regional officers more competent.

The actions of Eastern Cape government departments in terms of environmental management and the environmental governance linkage with the public sector is the focus of this chapter.

6.2: Key Indicators

The indicators selected for reporting on environmental management and governance in the Eastern Cape Province includes:

- Budgetary allocation to environmental management, research, education and awareness;
- Institutional capacity for environmental management;
- IDP commitment to environmental management;
- Voluntary adoption of environmental management systems; and
- Compliance with environmental legislation.

Information on these indicators is presented in the following pages to provide a reflection of the state of environmental management and governance in the Eastern Cape Province.

6.2.1: Budgetary allocation to environmental management, research, education and awareness

This indicator measures provincial government expenditure on environmental management, research, education and awareness in the Province. The budget allocation reflects the priorities of the provincial government. Trends of budget allocation over time give an indication as to whether the environmental management portfolio is increasing or decreasing over time.

The data reflected in Figure 6.1 below was obtained from the DEAET (Sokupa, *pers comm.*, 2004). The budget is allocated to three broad programmes including:

- Impact Management;
- Biodiversity and Coastal Management; and
- Research and Information.

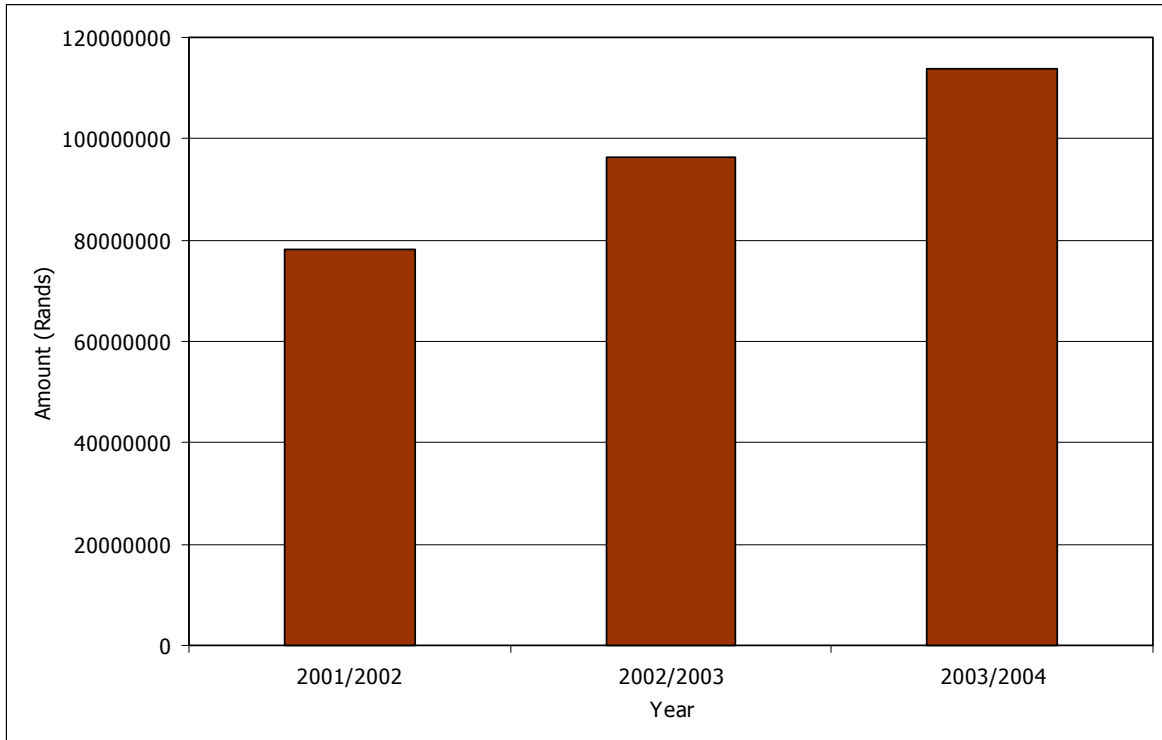


Figure 6.1: Budgetary allocation to environmental management, research, education and awareness in the Eastern Cape Province (Sokupa, *pers comm.*, 2004)

The budget for environmental management is allocated by the Legislature on the basis of business plans submitted by the Departments. The departmental budget is in turn based on costed business plans submitted by the regional offices to the Department. Figure 6.1 shows that there has been an increasing trend in expenditure of the environmental management budget in the Eastern Cape Province. This trend is positive as it suggests that environmental management continues to receive support from the provincial government.

6.2.2: Institutional capacity for environmental management

Institutional capacity for environmental management is a serious problem for many of the provincial departments. Institutional capacity is critically important to ensure that there are sufficient personnel to implement policies and to enforce and monitor compliance with the legislation. This indicator measures the current institutional capacity versus the required institutional capacity for the Department to operate effectively. The data for this indicator are shown in Table 6.2 as the current posts filled compared to the ideal posts allocated.

Table 6.2: Actual and required institutional capacity for environmental management within DEAET (Sokupa, *pers comm.*, 2004)

Region	Current posts filled	Posts allocated
EG/Kei	9	13
Northern (Queenstown)	12	14
Central (E.L.)	6	8
Eastern (Umtata)	7	8
Western (P.E.)	9	10
Head Quarters	5	5

The indicator reflects that in the regional offices, there are additional posts still to be filled. The data for this indicator do not however provide a complete picture. The Impact Management Directorate will be going through a process of restructuring in the 2004/2005 financial year and there will be substantial changes to organisation and responsibilities of the various programmes. The data presented thus reflect a temporary situation until a new organogram is conceived for the Directorate. Notable changes for the new year include the creation of an Eastern Cape Parks Board as a parastatal body, and the introduction of waste management responsibilities at the provincial level. It is thus likely that there will be a need for greater capacity for the Directorate in future years.

6.2.3: IDP commitment to environmental management

Whilst the bulk of this chapter has focused on the responsibility of the provincial government to manage the environment, local government also has a responsibility for environmental management and governance. This indicator seeks to measure how Local Municipalities address environmental issues through their Integrated Development Plans (IDPs). IDPs are the master plan for local development, and thus the manner in which the environment is addressed in this plan is a measure of the role and responsibility the municipality accepts for environmental management. In order to measure this indicator, several IDP documents were evaluated against a set of questions. The IDPs selected for review were those that had been completed and the reviewed documents are available publicly through the official website of the Province of the Eastern Cape (2004). The questions were as follows (adapted from Morris, 2002):

1. Does the IDP show an understanding of the policy and legislative framework surrounding the environment?
2. Does the IDP show an understanding of the implications of the above policy and legislative framework for the municipality and their day-to-day operations?
3. Does the IDP provide a structure and mechanisms for the responsibility and accountability of environmental issues?
4. Does the IDP provide Localised Strategic Environmental Guidelines for the development of strategies?
5. Is there an Integrated Environmental Program?
6. Is there an Integrated Waste Management Plan?
7. Have any projects related to the following been identified?
 - a. Sanitation and water
 - b. Energy
 - c. Integrated land and human settlement planning
 - d. Environmental health
 - e. Integrated pollution and waste management
 - f. Biodiversity and sensitive areas

- g. Parks and open spaces
 - h. Community based natural resource management
8. Throughout the IDP, is the *environment* considered in an holistic manner, or does it merely relate to conservation or 'green' issues?

The IDPs selected for evaluation included (Province of the Eastern Cape, 2004):

1. Alfred Nzo;
2. Cacadu;
3. Chris Hani;
4. Emalahleni;
5. Gariiep;
6. Great Kei;
7. King Sabata Dalindyebo;
8. Kouga;
9. Maletswai;
10. Nxuba;
11. Nyandeni;
12. Qaukeni;
13. Senqu;
14. Sunday's River Valley; and
15. Ukhahlamba.

The results of the evaluation are presented in Table 6.3 with positive responses recorded for each question. The results were obtained through an analysis of each Municipality's IDP document. The results show that in general, IDPs are weak in identifying and addressing environmental issues. At a strategic level, there is some recognition of national environmental legislation with 73% of IDPs identifying significant environmental legislation such as the National Environmental Management Act 108 of 1998 (RSA, 1998) and the Environment Conservation Act 73 of 1989 (RSA, 1989). However, the translation of policy implications into the activities of the municipality and the responsibilities of municipal structures is poor (46% and 20% positive responses respectively). Some guidance on environmental planning through the presence of Localised Strategic Environmental Guidelines, Integrated Environmental Programmes and Integrated Waste Management Plans exists, however these guidelines tend to be pitched at the level of generic principles rather than practical actions.

In terms of practical projects prioritised within the IDP and financed through the Medium Term Expenditure Framework, there is a stronger emphasis on the developmental environmental projects rather than the conservation projects. Water and sanitation, energy, human settlements and waste projects were more evident in the IDPs than those projects dealing with biodiversity management, open spaces and community based natural resource management. This is partly a reflection of the level of poverty in the Eastern Cape Province and the need to focus on meeting basic needs.

In general, the IDPs prioritised infrastructure development and economic development far above environmental management.

Table 6.3: IDP commitment to the environment in the Eastern Cape Province – 2003 (Ramasar, 2004)

Question	Total number of positive responses	Percentage of positive responses
Does the IDP show an understanding of the policy and legislative framework surrounding the environment?	11	73
Does the IDP show an understanding of the implications of the above policy and legislative framework for the municipality and their day-to-day operations?	7	46
Does the IDP provide a structure and mechanisms for the responsibility and accountability of environmental issues?	3	20
Does the IDP provide Localised Strategic Environmental Guidelines for the development of strategies?	10	66
Is there an Integrated Environmental Program?	9	60
Is there an Integrated Waste Management Plan?	11	73
Have any sanitation and water projects been identified and budgeted for?	15	100
Have any energy projects been identified and budgeted for?	11	73
Have any integrated land and human settlements projects been identified and budgeted for?	9	60
Have any environmental health projects been identified and budgeted for?	3	20
Have any integrated pollution and waste management projects been identified and budgeted for?	11	73
Have any biodiversity and sensitive areas projects been identified and budgeted for?	4	26
Have any parks and open spaces projects been identified and budgeted for?	4	26
Have any community based natural resource management projects been identified and budgeted for?	3	20
Throughout the IDP, is the <i>environment</i> considered in an holistic manner, or does it merely relate to conservation or 'green' issues?	1	6

6.2.4: Voluntary adoption of environmental management systems

As environmental governance extends beyond the responsibilities of provincial and local government, this indicator measures the commitment of the private sector to managing their environmental impact. Environmental management systems are programmes put in place by businesses to ensure environmental governance. There are numerous environmental management systems used globally. One of the most commonly used and internationally recognised systems is the ISO 14001 certification system.

Through this system, a company is certified by an external auditor on its compliance with the ISO 14001 requirements. There are many companies that provided accredited certification, however not all these companies were forthcoming with data on certification in the Eastern Cape Province. Data from the South Africa Bureau of Standards (SABS) and NOSA shows that 18 Eastern Cape companies have been certified for ISO 14001 (SABS, 2004; van Heerden, *pers comm.*, 2004).

As economic development continues at a rapid rate in the Eastern Cape Province (ECDC, 2003), this indicator will be very important to track the environmental commitment of the private sector to environmental management.

6.2.5: Compliance with environmental legislation

This indicator tracks compliance with environmental legislation in the Province. This indicator should report on the number of provincial responsibilities (mandated nationally) that the Province is adhering to, such as adherence to the environmental management plan agreed to in environmental impact assessments. The Directorate: Environmental Impact Management processed 2216 EIAs from 05 September 1997 to end December 2003 (Sokupa, *pers comm.*, 2004). Monitoring enforcement and compliance with these approved EIAs is thus a substantial job.

At present however there are no data for this indicator. The Standing Committee on Economic Affairs, Environment and Tourism (Legislature of the Province of the Eastern Cape, 2003) recognised the weakness of the Department in environmental impact compliance and monitoring. The Committee recommended that corrective measures be put in place to address underperformance in this area.

6.3: The state of environmental management and governance in the Eastern Cape Province

As described in the introduction to this chapter, environmental management and governance is a multi-faceted theme and involves role-players from all levels of government, the private sector and civil society. Environmental management and governance is also a cross-cutting theme which is closely linked to the success and failure of all themes of natural resource management.

The budgetary allocation and institutional capacity of the provincial government for environmental management suggest that there is political support for this responsibility of government. The budgetary allocation has shown an increasing trend over the last few years and the indications are that this will continue to grow as the provincial government takes on added responsibilities of waste management. The provincial government also has most of its required posts filled thus suggesting that the required institutional capacity is available to deliver environmental management commitments of the Department. However, the Department will be

going through a restructuring process in the new financial year starting April 2004 (Sokupa, *pers comm.*, 2004). This restructuring may involve the creation of a waste management unit and personnel moving from the Department in to the newly established Eastern Cape Parks Board. As the responsibilities of the Department change, the capacity requirements may also change thus creating a different picture from that reflected in Table 6.1. One area that DEAET appears to be weak in is enforcement and compliance monitoring. Insufficient data were available to provide an accurate picture of this indicator. The lack of capacity for monitoring has however been recognised by the Department.

At a local government level, the review of IDPs suggested that there is less commitment and prioritisation of environmental issues by municipalities. In many cases, the municipalities only focused on the environmental issues that directly relate to human needs such as water, sanitation and waste removal. Conservation issues were not considered a priority and thus local governments do not appear to be investing in maintenance of biodiversity and ecosystem protection.

Private sector's role in environmental management and governance was measured through the use of environmental management systems by companies. The data suggest that many of the large companies are compliant with international environmental management standards. However, as environmental enforcement and compliance monitoring is weak in the Province, it is difficult to judge whether environmental legislation and good environmental management practice is being applied in all the companies in the Province. As the Eastern Cape's economic development continues to grow around nodes such as Coega, private sector commitment to environmental management will become more important.

The overall picture of environmental management and governance in the Eastern Cape Province suggests that there are promising signs of progress in some areas (provincial government), lack of data in others (private sector and enforcement and compliance monitoring) and a need for greater integration of environmental issues into development in still others (local government). This suggests that environmental management and governance must be looked at more broadly in the Eastern Cape Province so that all role-players recognise their responsibility in this area.