

# SECTION 3: THE SOCIO-ECONOMIC ENVIRONMENT

## 3.5 THEME: GOVERNANCE

### 3.5.1 ISSUE: POLITICAL

#### OVERVIEW

Previously known as the Krugersdorp Local Council, Mogale City is named after chief Mogale – wa – Mogale, the young heir to the Po chiefdom of the Batswana. The Po tribe (the Ndebele migrant group) were among the early groups to occupy the Mogale City area. Later, surrounded by the Batswana – ba – Bafokeng and Bakwena people, their Nguni culture and language were gradually replaced by that of the Batswana. The Po occupied the region from the Magaliesberg and extended as far east as present day Northcliff Ridge and Haartebeespoort to the northwest (MCLM IDP, 2002).

Chief Mogale – wa – Mogale is recognised as one of the first freedom fighters in the country. Generations have been inspired by his bravery and his tireless attempts at restoring ancestral land to his people (MCLM IDP, 2002).

With this history, the Mogale City has a strong political base, and the Municipality is driven by a clear vision and mission:

**Vision**

Mogale City will be a desirable place to live, invest and visit; where all people may enjoy a sustainable quality of life.

**Mission**

- To create a people centred and economically viable city where all have equal access to –
  - Basic social services;
  - Education and skills enhancement programmes;
  - Job and entrepreneurial opportunities.
- To enjoy –
  - A clean and sustainable environment and
  - Safety and Security
- Are governed by a –
  - Participative, professional, transparent and accountable administration.

*MCLM IDP, June 2002*

#### WHAT ARE THE PRESSURES?

South African society has moved into the realm of cooperative governance, which calls for new partnerships within government and between government and the private sector.

## WHAT IS THE STATE?

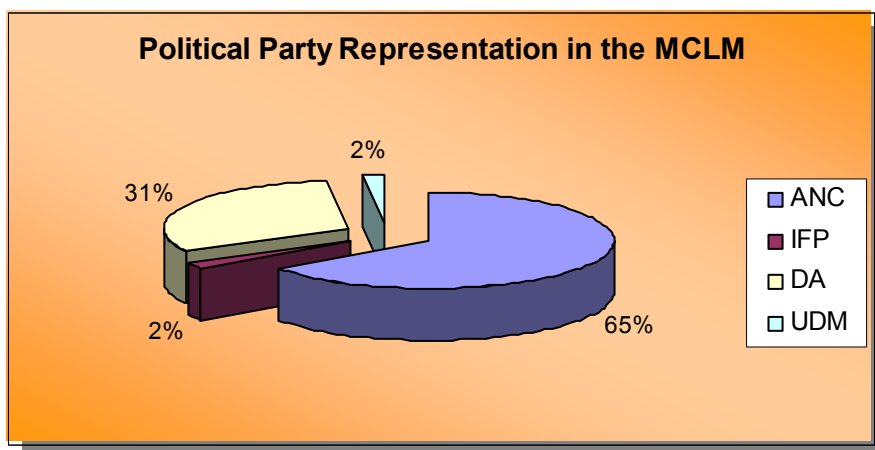


Figure 30: Political party representation in the MCLM

### The priorities

- Mogale City currently promotes a seamless, open, ethical, professional and accountable system of governance by:
  - Continuously engaging the broader community in the decision making process through appropriate public, private and development sector partnerships;
  - Ensuring social, ethical and political accountability;
  - Developing appropriate monitoring, evaluation and reporting systems and processes; and
  - Building the capacity and capability of all relevant governance bodies within Mogale City.
- The Council employs an Executive Mayoral System in accordance with the Municipal Structures Act and has 10 Mayoral Committee members representing the various portfolios.
- Mogale City has a staff complement of 1 750, with satellite offices in Kagiso, Magaliesberg and Hekpoort.
- The mandate of the municipality has been determined by the Constitution of the Republic of South Africa, with the Standing Rules and Procedures for the municipality outlining the committees that constitute the governance structures.

**Cooperative Governance:** Chapter Three of the Constitution sets out principles of cooperative government and intergovernmental relations that govern the relations between all spheres of government and all organs of the state within spheres. Amongst those important for environmental management are the obligations to preserve the peace and national unity of the Republic; secure the well-being of its people; provide effective, transparent, accountable and coherent government; respect the powers, functions and institutional integrity of other spheres of government; inform, consult, assist and support other government agencies; co-ordinate actions and legislation; adhere to agreements; and avoid legal proceedings against other government agencies. This chapter provides for structures to facilitate intergovernmental relations and resolve conflicts.

*White Paper on Environmental Management Policy, 1997*

- According to the MCLM IDP (2002), a new structure has been proposed to enable the Council to perform its mandate. It ensures integrated, efficient and sustainable service delivery. The structure will be implemented in the next financial year and is reflected in Figure 31 below.

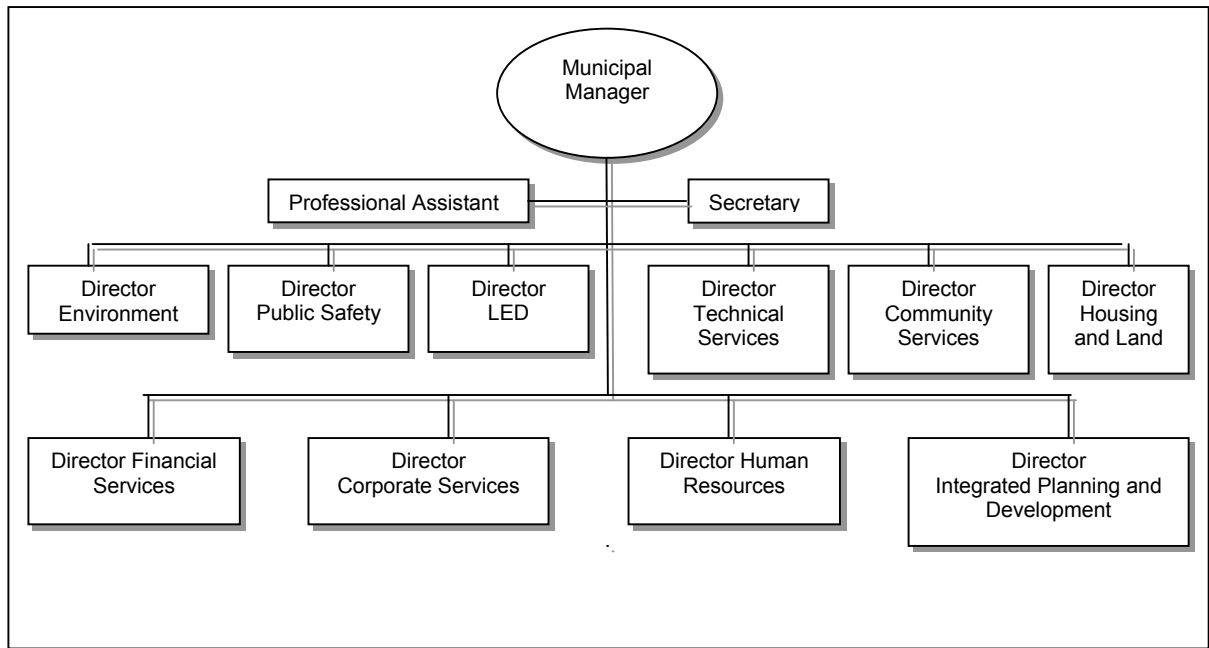


Figure 31: Proposed municipal structure of the MCLM

#### Design Objectives (MCLM IDP, June 2002)

The new structure will:

- Facilitate the implementation of the new strategic priorities of Mogale City;
- Comply with all legislative requirements;
- Provide seamless, accountable, sustainable and participatory governance and service delivery;
- Ensure equity, development and career progression;
- Optimise the deployment, utilisation, support and development of staff;
- Clearly define roles, responsibilities, lines of authority and accountability; and
- Ensure financial viability and sustainability.

#### Design Principles Underpinning the Proposed Structure (MCLM IDP, June 2002)

The design principles underpinning the new structure are:

- Participation;
- Transparency;
- Accountability;
- Innovation;
- Integration;
- Seamless Delivery; and
- Value for Money.

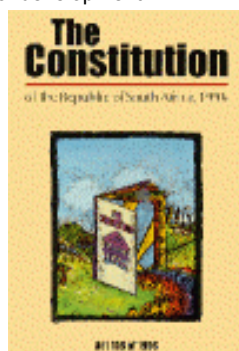
## WHAT IS THE RESPONSE?

- The adoption of a democratic Constitution and Bill of Rights has made the government

South Africa's Constitution (<http://www.polity.org.za>) is the first in the world to include environmental rights.

Briefly, the Constitution states that: "Everyone has the right -

- to an environment that is not harmful to their health or well-being; and
- to have the environment protected for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation, promote conservation and secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development."



accountable to the people. This Constitution clearly spells out the principles of cooperative governance and intergovernmental relations. It also lists the various functions of national, provincial and local government.

- The National Environmental Management Act (NEMA), 1998 for South Africa describes the essential requirements for effective environmental governance and proposes steps to achieve cooperative and coordinated governance. According to Section 16(4)b of NEMA, municipalities should adhere to and comply with the sustainable development principles in NEMA in the preparation of their IDPs.
- According to the Municipal Systems Act of 2000, all municipalities must undertake an Integrated Development Planning Process to produce an IDP (Integrated Development Plan). IDP's are the

principle strategic planning instruments, which guide and inform all planning, budgeting, management and decision-making in municipalities.

Mogale City has a:

- Population of voting age, who believe that they are given the necessary information and opportunities to influence the running of local government in their area.
- Presence of a LA21 programme.
- Presence of public participation process.
- Presence of Law ensuring access to public documents.
- Presence of land use policies.
- Presence of statutory body open to appeal of planning decisions.
- Access to court by local bodies regarding planning decisions.
- Existence of mediation mechanisms for environmental disputes.

## WHAT ARE SOME OF OUR PROPOSED INDICATORS?

1. (%) *Staff trained*
2. (%) *Decrease in fraud and corruption*
3. *Participation in governance structures and processes*
4. *Compliance with legislative requirements*
5. (%) *Planned programmes achieved*
6. (%) *Growth in SMME involvement in Mogale City Goods and Service Contracts*

State of the Environment Report for Mogale City Local Municipality, Gauteng  
Prepared by Strategic Environmental Focus

## WHAT CAN YOU DO?

- You can shift to more transparent processes and greater participation processes in your organisation, community, business and industry;
- Be more aware of environmental issues and demands in the neighbourhood;
- Take ownership of resources and use them sustainably; and
- Know your environmental rights.

## 3.5.2 ISSUE: ENVIRONMENTAL MANAGEMENT

### OVERVIEW

The purpose of an Integrated Environmental Management (IEM) Strategy for MCLM is to provide a means to achieve Integrated Environmental Management within the Mogale City Local Municipality (MCLM). By definition, Integrated Environmental Management requires the recognition of all functions and roles that have a bearing on the environment and their integration. A draft strategy dated July 2002 has been developed for MCLM with the objective of effecting Integrated Environmental Management within the local municipality.

**Sustainable development** is development, which meets the needs of the present, without compromising the ability of future generations to meet their own needs.

*Brundtland Report, 1987*

This strategy can only be achieved through a paradigm of sustainable development, based on integrated and coordinated environmental management that addresses:

- People's quality of life and their daily living and working environments
- Equitable access to land and natural resources
- The integration of economic development, social justice and environmental sustainability
- More efficient use of energy resources
- The sustainable use of social, cultural and natural resources
- Public participation in environmental governance

Integrated Environmental Management contains two key concepts, namely the concept of needs, in particular the essential needs of the world's poor, to which overriding priority should be given, and the idea of limitations, imposed by the state of technology and social organisation on the environment's ability to meet present and future needs.

### WHAT ARE THE PRESSURES?

The lengthy approval process of EIAs by GDACEL is problematic for developments in the area (MCLM Directorate: Housing and Land & Directorate: Local Economic Development, 2002).

## WHAT IS THE STATE?

- Currently the environmental management function resides within the Directorate: Integrated Environmental Management.
- A vision for Integrated Environmental Management within MCLM was developed, with objectives realize the vision.
- The draft IEM strategy (July, 2002) stipulates functional elements and generic issues such as staff profiles, financial support and legal frameworks, whereas subject elements focus on the state of the environment with the jurisdiction of the MCLM and include issues like biological diversity, wetlands and pollution. Objectives have been developed for both the functional and subject elements of Integrated Environmental Management within the MCLM.
- A key requirement of the IEM strategy is alignment with the MCLM's Integrated Development Plan (IDP), and the requirements of the various municipal strategies as described in the IDP guidelines.
- A planning matrix has been developed that provides for a 'checklist' function for the various line functions and dimension strategies developed within the IDP.
- The checklist function provides for the rapid assessment of the other sector and dimension strategies to ensure that the environment has been adequately considered in those strategies.

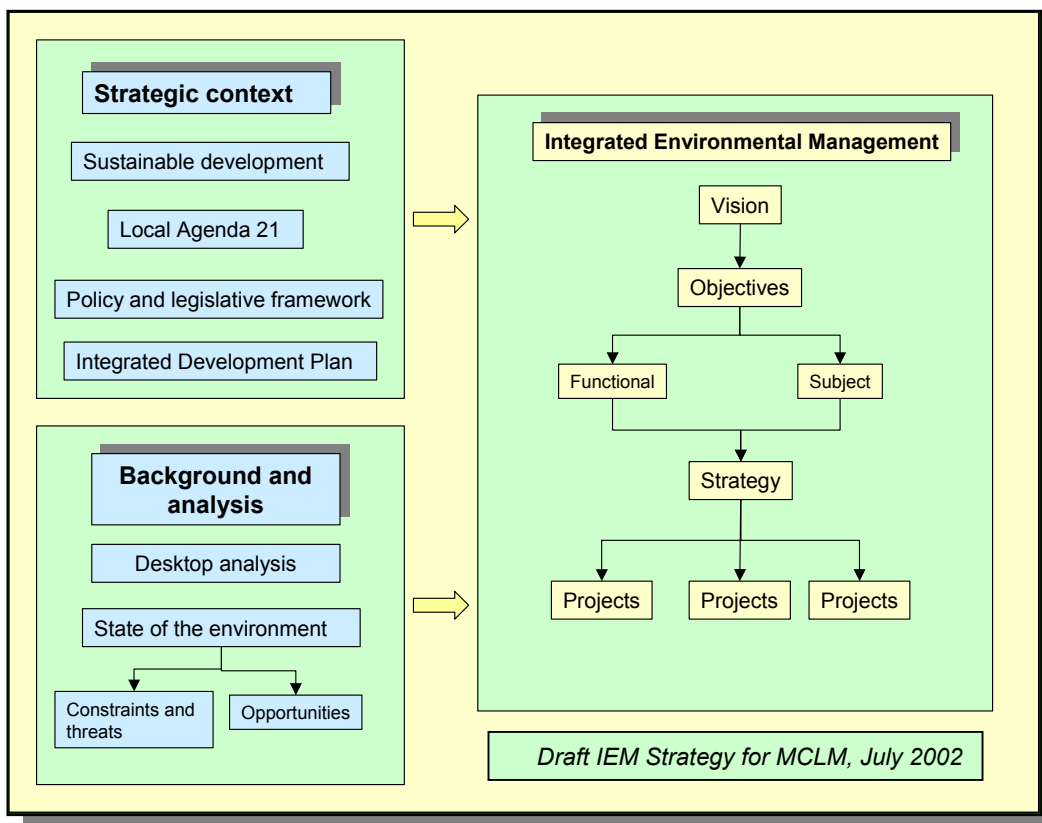


Figure 32: Diagrammatic overview of the process followed to formulate a strategy for Integrated Environmental Management

- Environmental Management functions also include:
  - Inclusion of Integrated Environmental Management (IEM) into IDPs and SDIs;
  - Budgetary allocation to environmental research;
  - Conciliation cases;
  - Voluntary adoption of environmental management systems;
  - Voluntary use of environmental accounting and reporting;
  - Government capacity for environmental management; and
  - Environmental reporting by government departments.

### Objectives map

The objectives for MCLM's Integrated Environmental Management are schematically presented in Figure 33 below. The map shows the conditions that will be required for the vision of Mogale to be realised. The objectives map must be read from the top (the vision), and each block then reflects a necessary condition. For example, for the vision to be met, conditions 1, 2, 3, 4 and 5 will have to be met. For condition 1 to be met, conditions a and b will have to be met, and for condition a to be met, conditions i and ii will have to be met.

Using the map, the strategy can be 'unpacked' and plans developed for meeting the 'necessary conditions'. In this manner, the strategy becomes the blueprint for all Integrated Environmental Management planning within the MCLM. Please note that the objectives map only addresses the functional elements; the subject elements are addressed in the section that follows.

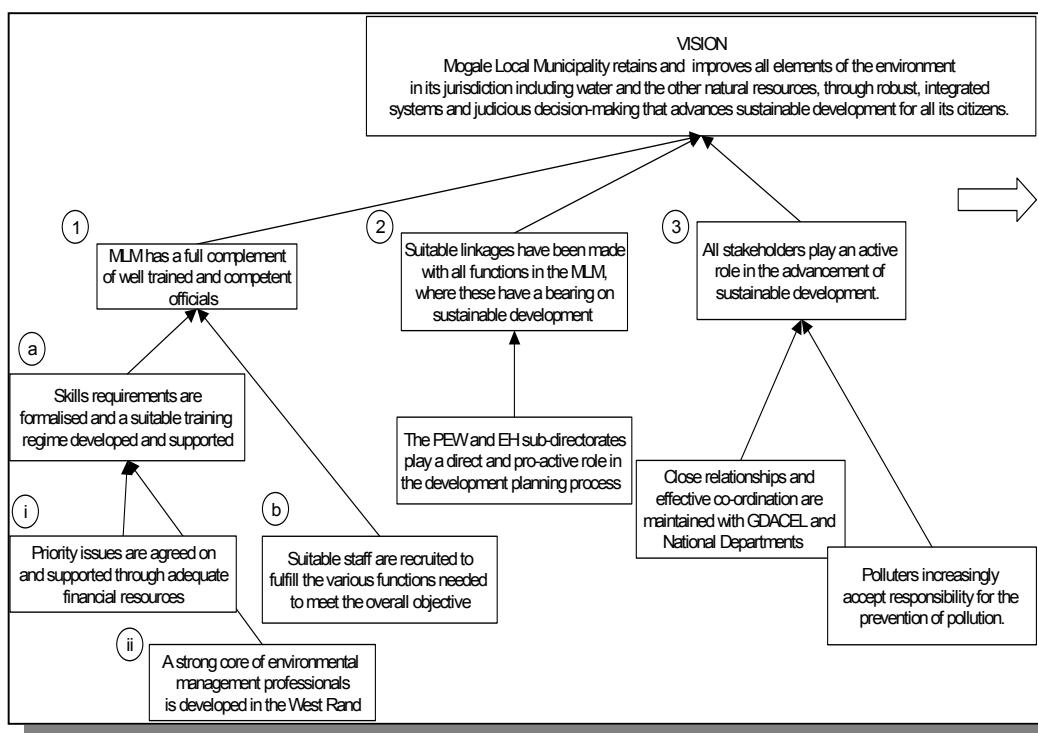


Figure 33: The Objectives for Integrated Environmental Management (Draft IEM Strategy for MCLM, July 2002)

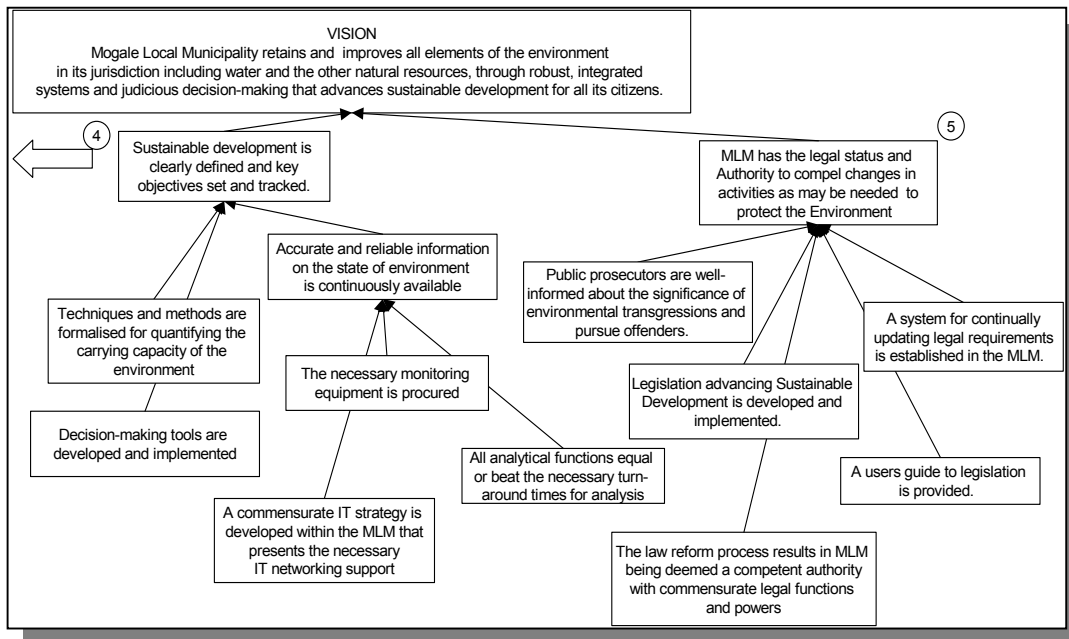


Figure 34: Objective map for the Environmental Management Function within the City Local Municipality showing the conditions that must be met, for the vision to be met (Draft IEM Strategy for MCLM, July 2002)

## WHAT IS THE RESPONSE?

### National

The Environmental Management Policy for South Africa has a section on information management, which indicates steps to be taken to develop an effective environmental information management system that will ensure informed decision-making and enable the measurement of progress in policy implementation. The Department of Environmental Affairs and Tourism will take a leading role in strengthening the capacity of all government levels to collect, analyse and use relevant information. This Department also coordinates the Cities State of the Environment programme in South Africa, a key tool for making informed decisions regarding sustainable development.

**What is:**

- **The Constitution** is the supreme law of the Republic i.e. the set of foundation principles on which the country and society will be governed. It is the baseline for policy and legislation, and is itself legislated by the Bill of Rights, and enforced by the Constitutional Court.
- **A policy** is a government document, which sets out guidelines for decision-making and action. In a democratic environment it is the product of government's involvement in a consultative process with communities, and helps to set priorities and allocate resources.
- **Framework policies** are the executive policy documents. These provide broad principles for action, and guide a wide range of operational policies and activities. Framework policies include the Reconstruction and Development Programme, and the Environmental Management policy.
- **A Framework strategy** is similar to a framework policy in that it may impact across sectors and departments, but differs from a policy in that it specifies targets, action programmes and activities. The Growth, Employment and Redistribution (GEAR) strategy is a framework strategy. Amongst its goals are 6% real growth in GDP per annum, the creation of 400,000 new jobs, and reducing the budget deficit to 3%, all by the year 2000
- **Cross-cutting policies** impact on a range of sectors, but have a less broad focus. Examples include policies on Biodiversity, Integrated Pollution Control and Waste Management, and Coastal Management.
- **Sectoral policies** are focussed on specific natural resources such as water, forestry, marine resources, and land, or activities, which impact on them such as Energy generation and Mining.
- **Legislation**, in the form of Bills and Acts, which have been passed through the parliamentary process, documents the legally binding processes by which policies are enforced (although framework policies and strategies do not always have to go through this process). The usual process is as follows:
- **Green paper** (or Discussion document): Formulated by the Department concerned, generally in consultation with specialists, the Green paper sets out the principles of the policy. This is published in the Government Gazette for comment by the public and stakeholders. Once comments have been received, it may be revised, and formulated into a White paper.
- **The White paper** is then submitted to cabinet for approval, and published in the Government Gazette for further comment. It is then drafted into a Bill (with or without amendments).
- **The Bill** sets out the legal implications of the policy principles. It is submitted to the National Council of Provinces, the National Assembly, and Cabinet for approval.
- The Bill becomes an **Act** once it has been signed by the President. The Act is published in the Government Gazette, with the promulgation date on which it comes into effect.
- **Regulations** are specific departmental ground rules or codes of conduct, standards or procedures, which must be followed in order to comply with legislation. Environmental Impact Assessment regulations and emissions regulations are examples.
- **Legislation** and regulation provide the framework by which government:
  - Responds or intervenes to address an environmental concern;
  - Gives effect to environmental policy; and
  - Ensures that environmental factors are taken into account in decision-making.
- An **International Convention** is an agreement that has been drafted by an international, independent organisation (e.g. the Convention on Biological Diversity was set up to promote sustainable use of biological resources, effected through regional cooperation of signatory countries), which various governments then sign, to support certain actions.
- **A Treaty** is a written agreement between two or more states or Sovereigns, governed by international law.
- **A Protocol** is a set of regulations or boundaries to operation, recommended by a Convention or Commission, in order to comply with the agreement, convention or treaty. For example the Montreal Protocol (signed by 175 countries, including South Africa) commits governments to reduce emissions of ozone-depleting CFCs over a certain time period.

*National State of Environment Report, 1999*

## WHAT ARE SOME OF OUR PROPOSED INDICATORS?

1. Total people employed to manage the environment by local government
2. Total Environmental Impact Assessment (EIA) applications per year
3. (%) EIA for sensitive ecosystems and outcome
4. Adoption of local environmental management plan / policy
5. (%) Council's budget allocation to natural resource management
6. Budgetary allocation to environmental research
7. Inclusion of IEM into IDP s and SDI's
8. Number of conciliation cases achieved
9. (%) Filled government posts related to Environmental Management
10. (%) Councils budget allocation to environmental planning and environmental education
11. Has Mogale complied with the national environmental management principles set out in section 2 of the National Environmental Management Act (NEMA) and the province(s)' environmental implementation plan in the compilation of its integrated development plan, to the satisfaction of the relevant provincial authorities, in accordance with section 16 of NEMA?
12. Number of parks developed
13. (%) Reductions in levels of pollution
14. Clean City

## WHAT CAN YOU DO?



As the changes and amendments to environmental policy in this country are still new and the impacts of these policies are largely still unknown, the responses to them few.

Environmental responsibility begins at the individual level, and is first and foremost a state of mind, an attitude and commitment to take responsibility, followed by appropriate behaviours. Many people also question "What difference can anything I do make?" The answer to this is critical: it is the combined impact of everyone's activities, which will make a difference, just as democracy only works if people take the

time and effort to cast their individual votes, which added up, lead to what the majority desire! This combined impact of individual actions is the basis for the environmental slogan "Think Globally, Act Locally". If all citizens take care of their immediate surroundings and minimise their own individual resource use, then combined, these actions will make a difference.

- Recycling
- Minimization of waste
- Minimizing resource use
- Taking on an environmental project in the community