KNOW YOUR ENVIRONMENTAL RIGHTS
OVERVIEW

The Department of Environmental Affairs (DEA) is mandated to ensure the protection of the environment and conservation of natural resources, balanced with sustainable development and the equitable distribution of the benefits derived from natural resources. In its quest for better use and management of the natural environment, the Department of Environmental Affairs is guided by its constitutional mandate, as contained in section 24 of the Constitution of the Republic of South Africa.

The Department of Environmental Affairs fulfills its mandate through formulating, coordinating and monitoring the implementation of national environmental policies, programmes and legislation.
Service Delivery Charter

The Department of Environmental Affairs strives to provide citizens of our country with the best possible service and in doing so:

We pledge ourselves to protect your right:

• To be treated with dignity, respect and courtesy at all times
• To have access to our services within reasonable time
• Not to be discriminated against on any grounds
• To receive information requested, if possible
• To be advised on how, and to whom complaints should be addressed
• To be informed annually on how the Department is performing

Our work is to:

• Create conditions for sustainable growth and development
• Promote the sustainable development and conservation of our natural resources
• Protecting and improving the quality and safety of the environment
• Provide robust environmental management authorisations
• Regulatory systems and services for marine, coastal and terrestrial resources
• Prevent and reduce pollution and waste
• Improve air and atmospheric quality
• Support of skills development, job creation and environmental protection, through the Expanded Public Works Programme

VALUES

Driven by our Passion as custodians and ambassadors of the environment we have to be Proactive and foster innovative thinking and solutions to environmental management premised on a People-centric approach that recognises the centrality of Batho Pele, for it is when we put our people first that we will serve with Integrity, an important ingredient in a high Performance driven organisation such as ours. We are guided by the following values:

• Passion
• People-Centric
• Pro-Active
• Performance
• Integrity

THE CONSTITUTION

The constitution of a country guarantees basic human rights and provides guiding principles for society. The rights and the obligations that are expressed in the Constitution belong to each person and community in South Africa. In South Africa, we are fortunate to have a Constitution that recognises a healthy environment as a basic human right. This is not the case in all countries.

The Constitution guarantees:

1. The right to an environment that is not harmful to human health or well-being (Section 24 (a))
2. The right to have the environment protected (section 24 (b))

In order to fulfill its mandate, the DEA is divided into the following branches:

BIODIVERSITY AND CONSERVATION

The Branch is responsible for the establishment, management and maintenance of ecologically representative national and cross-border systems
of protected areas to advance the heritage of humankind as well as contribute to the three objectives (which are to conserve biological diversity, to use biological diversity in a sustainable way, and to share the benefits of biological diversity fairly and equitably) of the Convention on Biological Diversity (CBD) and Millennium Development Goals.

CLIMATE CHANGE AND AIR QUALITY

This Branch has been established to improve air and atmospheric quality, lead and support, inform, monitor and report efficient and effective international, national and significant provincial and local responses to climate change.

CHEMICALS AND WASTE MANAGEMENT

The Branch is responsible for the management of chemicals and waste management policies and legislation are implemented and enforced in compliance with chemicals and waste management authorisations, directives and agreements.

Environmental Advisory Services

This Unit provides strategic environmental advisory and implementation support services to the Department’s national and international environmental and sustainable development mandates.
ENVIRONMENTAL PROGRAMMES

The Environmental Programmes (EP), is responsible for identifying and ensuring implementation of programmes that employ Expanded Public Works Programmes (EPWP) principles to contribute towards addressing unemployment in line with the “decent employment through inclusive economic growth” outcome, by working with communities to identify local opportunities that will benefit the communities.

The main goal is to alleviate poverty and uplift households especially those headed by women through job creation, skills development, and use of Small Medium and Micro Enterprises (SMMEs) whilst at the time contributing to the achievement of the departmental mandate.

LEGAL AUTHORISATIONS AND COMPLIANCE INSPECTORATE

Promotes the development of an enabling legal regime, licensing/ authorization system that will promote enforcement and compliance

OCEANS AND COASTS

The Branch: Oceans & Coasts (OC) deals with the promotion, management and strategic leadership on oceans and coastal conservation in South Africa.
The key focus areas in driving oceans and coastal environment conservation are:

• The establishments of management frameworks and mechanisms for the ocean and coastal environment.
• The strengthening of national science programmes for integrated oceans and coastal management.
• The Development of and contribution to effective knowledge and information management for the sector.
• The participation and support to international agreements and bodies supportive of SA environmental and sustainable development priorities.

ENTITIES

The Department has been entrusted, by the state with four entities to assist the Department in delivering on its mandate.

1. South African National Biodiversity Institute (SANBI)

SANBI was established in 2004 and is based on the National Environmental Management: Biodiversity
Act, 2004 (Act No. 10 of 2004). The Act expands the responsibilities of SABI’s forerunner, the National Botanical Institute which was predominantly flora focussed, to include responsibilities relating to the full spectrum of South Africa’s biodiversity.

SANBI boasts an unmatched research record in the indigenous, naturalised and alien flora of southern Africa and beyond. Its research management covers systematics and collections expansion, conservation and applied biodiversity science, and climate change. SANBI is also responsible for ensuring that biodiversity knowledge influences policy, management and decision-making. The institute operate environmental education programmes within its national botanical gardens, while outreach greening programmes focus on promoting indigenous gardening at disadvantaged schools in surrounding areas.
2. iSimangaliso Wetland Park Authority

The iSimangaliso Wetland Park was inscribed as South Africa’s first world heritage site in December 1999. The Park has outstanding examples of ecological processes, superlative natural phenomena and scenic beauty, and exceptional biodiversity and threatened species.

The 332 000 hectare Park contains three major lake systems, eight interlinking ecosystems, 700 year old fishing traditions, most of South Africa’s remaining swamp forests, Africa’s largest estuarine system, 526
bird species and 25 000 year-old coastal dunes – among the highest in the world.

3 South African Weather Service (SAWS)

The SAWS provides useful and innovative weather, climate and related products and services. It is an authoritative voice for weather and climate forecasting in South Africa and as a member of the World Meteorological Organization (WMO) it complies with international meteorological standards. As an Aviation Meteorological Authority, SAWS is designated by the state to provide weather
services to the aviation industry, marine and a range of other identified clients and to fulfill a range of international obligations of the government. We provide two distinct services, namely public good services that are funded by government, and paid-for commercial services.

4. South African National Parks (SANParks)

The primary mandate of SANParks is to oversee the conservation of South Africa’s biodiversity, landscapes and associated heritage assets through a system of national parks. SANParks plays a significant role in the promotion of South Africa’s nature-based tourism or ecotourism business, targeted at both international and domestic markets. The eco-tourism pillar provides
for the organisation’s much needed self-generated revenues from commercial operations.

**WHY IS THE ENVIRONMENT IMPORTANT TO US?**

The term “environment” is used to refer to everything that is around us including land, water, the atmosphere, places of special importance, plant and animal life. The environment therefore has a tremendous influence on human life and the well-being of social communities.

The environment affects us all. We all need a healthy environment to live healthy lives: clean air and water, safe living areas and sufficient and healthy foods. When the environment becomes degraded, it affects us all in the long run, with poorer communities being the first to suffer.
We all strive for an improved quality of life – now and in the future. We all want our children to have better opportunities and to live healthy and happy lives. For that we need economic development, social justice and a healthy, sustainable environment.

In practice this means that

• Our daily living and working environments must be improved;
• All people must have equal access to land and natural resources;
• We must use social, cultural and natural resources in a sustainable manner; and
• We must promote public participation in decisions about how the environment is used.

**WHAT ARE YOUR ENVIRONMENTAL RIGHTS ACCORDING TO THE CONSTITUTION?**

The Constitution guarantees:

1. **The right to an environment that is not harmful to human health or well-being (Section 24 (a))**
   Everyone has this basic right and may take legal action to protect it.

2. **The right to have the environment protected (section 24 (b))**
Government must comply with our constitutional right to have the environment protected by taking the necessary protective steps. Government must make laws that

- prevent pollution and damage to the environment,
- promote conservation, and
- balance economic, social and environmental development.

Government must ensure that reasonable measures are taken to protect the environment against harmful activities that may accompany social and economic development, even if such development is much needed.

Government has initiated the promulgation of new laws to protect the environment. In 1998, the new National Water Act, the National Forest Act, the Marine Living Resources Act and the National Environmental Management Act were passed.

1. The right to equality and special measures to overcome unfair discrimination and disadvantage (section 9)

In the past unfair discrimination disadvantaged specific communities and many people had to live and work in unhealthy environments. Everyone has the right to such affirmative action as may be necessary to ensure environmental justice.
2. The right to just administrative justice (section 33)

Everyone has the right to expect Government to make fair decisions, listen to the concerns of people before decisions are taken, give reasons for its decisions and actions and provide dispute resolution by an independent court.

3. The right to a progressive realisation of basic human rights (section 7)

All the rights in the Bill of Rights must be respected and protected. If the rights cannot be fulfilled immediately, effective steps should be taken to promote actions through which their progressive realisation can be achieved.

LEGISLATION

The framework within which the department fulfils its mandate is guided by a number of policies and legislation. The National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998), establishes the concepts of participatory, cooperative and developmental governance in environmental management, as well as principles for environmental management and provides for structures to facilitate these. The NEMA establishes the concepts of participatory, cooperative and developmental governance in environmental management, as well
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provides for structures to facilitate these.

**What does NEMA say?**

- We all have a right to sustainable development; therefore all important environmental factors must be considered before development decisions are taken (section 2).
- Every person has the right to expect that the Government will make rational decisions that address the needs of people and ensure that development is socially, environmentally and economically sustainable. The environmental factors that must be taken into account include
  - Not disturbing ecosystems and cultural assets,
  - Not polluting and wasting resources, and
  - Being responsible and cautious when using resources where uncertainty exist about the effects of such use.

  **All stakeholders have the right to be consulted on environmental impact assessments (section 2 and Chapter 5)**
- The social, economic and environmental impacts of activities must be considered and the people affected must be consulted before decisions are made.
o **Everyone has the right to participate in dispute resolution (Chapter 4)**

• If a dispute relating to environmental matters arises, any person may ask the decision-maker to appoint an independent person to investigate the matter and to chair meetings where all arguments and facts can be heard.

o **Everyone has the right to refuse to do hazardous work (section 29)**

• A worker may not be held liable or be disciplined for refusing to do work that he/she honestly believes will pose an immediate or serious threat to the environment.

o **Everyone has the right to report risks (section 31)**

• A person may not be held liable or be disciplined for reporting what is honestly believed to be an environmental risk to a public interest.

o **Everyone has the right to information (section 31)**

• The State may obtain information that is necessary to fulfil its environmental responsibility and any member of the public may obtain such information from the State as long as it is in the public interest to be informed.

• This means that all persons responsible for threats to the environment, emissions into the soil, water
or air or the handling of hazardous waste, is under obligation to report thereon.

- **Everyone has the right to demand that the environment be taken care of (section 28)**

  - We all have a duty to take care of the environment. Any person who harms the environment must take reasonable measures to avoid or minimise such harm, even if it was authorised by law. A responsible environmental officer may order any person who harms the environment to take remedial measures, and if a responsible officer does not do so, any member of the public may make a court application to enforce the duty of care.

- **Everyone has the right to legal standing to enforce environmental laws (sections 32 and 33)**

  - Any person who is concerned with the protection of the environment may make a court application or act as criminal prosecutor to enforce environmental rights and laws, and such a person can recover the costs of the court proceedings.

Some of the other legislation guiding the work of the Department includes:

• National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008)
• National Environmental Management Laws Amendment Bill, 2013 (Act No. 14 of 2013)

DEA GREEN SCORPIONS

In a bid to curb environmental crimes and bring about law reform, the DEA created the Environmental Management Inspectorate (EMI), which is popularly known as the “Green Scorpions”. The Green Scorpions are tasked with, amongst others, holding businesses, institutions and individuals accountable for pollution, waste and the negative impacts their actions or inactions have on both aquatic and terrestrial biodiversity. The national network of Environmental Management Inspectors include park rangers and conservation officers, air quality officers, marine and coastal management officers, pollution and waste enforcement officials and officials monitoring urban developments.

The Green Scorpions receive substantial environmental complaints from the Environmental
Crimes and Incidents Hotline, as well as direct and referred complaints/incidents from other organs of state or the public. These complaints include criminal activities such as air pollution, water pollution, noise pollution, deforestation, illegal dumping, illegal operation, mining, poaching, amongst others. Through DEA’s collection of statistics, it has been noted that there has been a general decrease in the overall number of complaints reported since 2010.

If your legal rights are not respected, you may

• Take your case to court,
• Complain to the Human Rights Commission and the Public Protector,
• Ask advice from the special officer in the national Department of Environmental Affairs who deals with complaints,
• Ask your local, provincial or national government to appoint a conciliator, or
• Lodge a complaint with the police.
DEA Zero Emission and Electric-Hybrid vehicles
In February 2013, the Department of Environmental Affairs together with a commercial vehicle manufacturer launched a ground breaking, Electric-Hybrid Vehicle pilot programme. The launch was the first of its kind for the government of South Africa. The pilot programme seeks to reduce the country’s contribution to environmentally harmful gases, by promoting the use of cleaner sources of fuel and demonstrating the capability and readiness for South Africa to transition to a low carbon path in the transport sector. As part of the pilot programme, the Department of Environmental Affairs has four Electric-Hybrid Vehicles, also known as the green cars, in its fleet.
The rationale behind the green car

- Oil-powered cars release emissions that cause lung diseases as well as damage the ozone layer.
- Fossil fuels remain a big cost to the health of the environment.
- The automotive sector is one of the major sources of greenhouse gas emissions which result primarily from the burning of fossil fuels.
- The transportation sector accounts for 30% of carbon emissions in industrialized economies and about 20% worldwide. Globally, the sector is the third largest contributor to air pollution.
- The development of fuel efficient and environmentally friendly vehicles will play an important role in tackling a range of global challenges such as the impact of global carbon emissions on the environment and energy security.
- The fundamental motivation for the project is the urgent need for South Africa to transition to a job creating, sustainable, low carbon and green economy as clearly outlined in the National Development Plan.

Partners

The launch of the DEA Green Car Electric Vehicles pilot programme is a multi-stakeholder partnership
aimed at programme sustainability for many decades to come. The partnership stems from the 2011 United Nations Framework Convention on Climate Change (UNFCCC). The partners include:

• Department of Trade and Industry
• Department of Energy
• Department of Science and Technology
• South African Revenue Service
• Eskom
• Municipalities
• Nissan South Africa
• And other vehicle manufacturers

An increasing use of electric vehicles will transform lifestyles for the better. Electric vehicles will routinely be charged at home and drivers will also be able to take advantage of fast chargers available at shopping centres and other busy areas. The wider adoption of clean energy will see the construction of infrastructure such as park-and-ride lots and non-contact charging stations.

DEA GREEN BUILDING

In July 2012, after many years of planning, construction of the DEA green building, the site of the new head offices commenced. The construction of a green
building by the government of South Africa is another first for the country. As ambassadors and protectors of the environment, the building will be an example in this new era of Green buildings.

The Green Building is an investment by government, designed to meet green output specifications outlined in the Climate Change Policy which emphasises the use of sustainable building materials which promotes urban greening, energy and water efficiency. The building signals the beginning of a new era for DEA and for government as a whole as it is the first purpose built, not retro-fitted, green building for government, in the history of South Africa. It incorporates design, construction and operational practices that significantly reduce or eliminate the negative impact of development on the environment and occupants.
The rationale behind the green building

- Green buildings have the potential to make a significant impact in terms of reducing South Africa’s electricity consumption.
- The Green Building will become a resource centre with facilities including training, conference, catering for prominent international events, amongst other things. It will save the Department the expenses of hiring facilities which is currently the case.
- We ensure that our infrastructure can meet green output specifications outlined in the Climate Change Response Policy that advocates the use of sustainable building materials which promotes urban greening, energy and water efficiency.

The Green Building has become the first government building in Tshwane and in government to be awarded a six-star green star rating by the Green Building Council of South Africa (GBCSA). The Green Star GBCSA rating assesses how “green” the building is by looking at factors such as; materials used, land use, water, transport, energy, indoor environmental quality (IEQ); and emissions. It has also recorded the highest score to date for a large commercial office space. The Green building is expected to be complete by June 2014.
COASTAL ACCESS INFORMATION NOTICE

• The coast is a national asset and everyone has the right to access it;
• However, this right of access has limitations and must be exercised with responsibility;
• Limitations may include access to ports or harbours, the navy base, a proclaimed nature reserve and a mining area;
• Always make use of safe designated access paths and infrastructure.
• Avoid risky access paths or paths that degrade the environment;
• Vehicle access on the coastal zone is only
permissible to exempted personnel and permit holders in terms of ORV Regulations;

• Report illegal beach driving and private beaches (exclusive use) including any other illegal activities on the coastal areas;

• The coastal public property comprise of the area below the high water mark, it includes the sea, the beach, the rocky shores, and estuaries;

• Everyone entering the beach space must be treated with dignity and respect, must not undertake activities that may have an adverse impact on the environment nor hamper anyone to access and enjoy the coast;

• Public use of beaches and coastal areas is subject to Municipal By-laws, National Environmental Management: Integrated Coastal Management Act 24 of 2008, Marine Living Resources Act 18 of 1998 and any other applicable legislation.
SERVICES AVAILABLE 24 HOURS:

Share call to assist the public with environment queries: 086 111 2468

Hotline for anonymous tip-offs on workplace dishonesty and violation of these commitments: 0800 701 701

Hotline for tip-offs on Contraventions of Environmental Legislation: 0800 205 005

Should you wish to lodge a Complaint?

Complaints can be in writing, telephonic or via e-mail.

We will promptly address all complaints within a reasonable timeframe.

Fax: 012 359 3625

Email: callcentre@environment.gov.za

Postal address:

Private Bag X447

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Call Centre: 086 111 2468

Website: www.environment.gov.za

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