



Department of Economic Development
and Environmental Affairs

Chief Directorate: Environmental Affairs

Eastern Cape Environmental Implementation Plan

Second Edition

DRAFT
Work In Progress

J29119/200

Draft Environmental Implementation Plan



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EASTERN CAPE ENVIRONMENTAL IMPLEMENTATION PLAN 2nd Edition

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LIST OF ABBREVIATIONS

C

CEC Committee for Environmental Co-ordination
CSIR Council for Scientific and Industrial Research

D

DEA Department of Environmental Affairs
DEAT Department of Environmental Affairs and Tourism
DEDEA Department of Economic Development and Environmental Affairs
DoH Department of Housing
DRT Department of Roads and Transport: Eastern Cape
DWAF Department of Water Affairs and Forestry
DWEA Department of Water and Environmental Affairs

E

ECDPW Eastern Cape Department of Public Works
EIA Environmental Impact Assessment
EIP Environmental Implementation Plan
EMP Environmental Management Plan / Programme

I

IDP Integrated Development Plan
IEM Integrated Environmental Management
NEMA National Environmental Management Act (Act 107 of 1998)
NWA National Water Act, 36 of 1998

M

MoU Memorandum of Understanding (plural: Memoranda of Understanding)

P

PGDP Provincial Growth and Development Plan (same as PGDS)
PGDS Provincial Growth and Development Strategy
PPP Policies, Plans and Programmes

S

SoER State of the Environment Report

U

UCT University of Cape Town



DEFINITION OF TERMS

TERM	DEFINITION
Functions	Those functions assigned to provinces in terms of Schedules 4 and 5 of the Constitution. These form the basis for the development of departmental mandates.
Institutions	In this report the term institution is used to include the system of formal and informal <u>rules</u> for decision-making (e.g. formal procedures or informal norms and values), the <u>mechanisms</u> for rule enforcement (e.g. arrangements that structure the way that people interact) and the <u>organisations</u> that implement the rules and mechanisms within the public and private sectors.
Institutional capacity	The term institutional capacity is often used to refer to the organisational structures and capacity (systems) that operationalises development or management.
Instruments	May be a policy, plan or programme by means of which a provincial function is fulfilled, BUT instruments may also include guidelines which give effect to rules (e.g. formal procedures or legislation), or arrangements for cooperation (e.g. fora such as committees, or agreements such as memoranda of understanding).
Policies	Statements prepared on behalf of government, or local authorities, that define future actions. Policies may give rise to legislation, as in the case of the White Paper on Integrated Coastal Management. Alternatively policies may derive from legislation, as in the case of the Department of Water Affairs' approach to the application of the National Water Act requirements to small grower forestry.
Plans	Also termed strategies, provide the framework within which policies can be implemented by identifying the methods, physical extent and resources necessary to achieve policy aims.
Programmes	Set out the sequence of actions and time-scale for completing plans and strategies.

1 INTRODUCTION

The Constitution of the Republic of South Africa (Act 108 of 1996) sets the basis for both the protection of the environment (section 24 environmental right) and for co-operative government (Chapter 3 of the Constitution). The Bill of Rights further creates the basis for access to information and just administrative action, fundamental rights that are critical for promoting accountability in environmental management.

Various laws have since been enacted to give effect to these constitutional provisions. The following framework laws are of specific significance to environmental governance in the Eastern Cape:

- The National Environmental Management Act, which gives effect to the environmental right and introduces specific institutions to promote cooperative environmental governance.
- The Promotion of Access to Information Act that underscores the right of access to information, whether held by the state or another person, required for the exercise or protection of a right.
- The Promotion of Administrative Justice Act, which provides for the fulfilment of the Constitutional obligation on the State to provide a framework for transparent and accountable decision-making.
- The Intergovernmental Relations Framework Act, which gives effect to the requirements of section 41(2) of the Constitution.

The Intergovernmental Relations Framework Act (Act 15 of 2005) gives effect to the constitutional requirement for co-operative governance and provides the basis for the establishment of the institutions by means of which co-operative governance may be effected. Chapter 3 of the National Environmental Management Act (NEMA) (Act 107 of 1998) provides for the preparation and revision of Environmental Implementation Plans (EIP) by provinces, as the means by which the constitutional imperatives as mentioned above could be achieved.

Chapter 3 of NEMA is the only chapter of that Act in which no reference is made to the MEC for Environment. Instead it refers throughout to the province. Two implications arise from this. Firstly, that the Premier as head of a given Province has a leading role to play in ensuring provincial compliance with Chapter 3. Secondly, every provincial department has an obligation to participate in the development of and comply with the EIP. A provincial EIP is thus binding on all departments within a province.

1.1 Legal Requirement for an EIP

Chapter 3, Section 11 (1) of NEMA requires Provinces to prepare Environmental Implementation Plans at least every four years. The 4-year cycle takes cognisance of government's 5-year planning cycle and the need to use an EIP as an informant for government planning. The first edition EIP for the Eastern Cape was gazetted in 2003. It is therefore required that a second edition EIP be prepared.

1.1.1 Purpose and Objectives of the EIP

The purpose of the EIP is to:

- Co-ordinate and harmonise the environmental policies, plans, programmes and decisions of the various national departments that exercise functions that may affect the environment or are entrusted with powers and duties aimed at achievement, promotion, and protection of a sustainable environment, and of provincial and local spheres of government, in order to:
 - Minimize the duplication of procedures and functions; and
 - Promote consistency in the exercise of functions that may affect the environment;
- Give effect to the principles of co-operative government in Chapter 3 of the Constitution;
- Secure the protection of the environment across the country as a whole;
- Prevent unreasonable actions by provinces in respect of the environment that are prejudicial to the economic or health interests of other provinces or the country as a whole; and
- Enable the Minister to monitor the achievement, promotion and protection of a sustainable environment.

1.1.2 Content of EIPs

In terms of section 13 of the NEMA an EIP must contain:

- A description of policies, plans and programmes that may significantly affect the environment
- A description of the manner in which the relevant national department or province will ensure that the 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 and set out by the Minister, or by any other Minister, which have as their objective the achievement, promotion, and protection of the environment
- A description of the manner in which the relevant national department or province will ensure that its functions are exercised so as to ensure compliance with relevant legislative provisions, including the principles set out in section 2 of NEMA, and any national norms and standards envisaged under section 146(2)(b)(i) of the Constitution and set out by the Minister, or by any other Minister, which have as their objective the achievement, promotion, and protection of the environment
- Recommendations for the promotion of the objectives and plans for the implementation of the procedures and regulations referred to in Chapter 5 of NEMA

Although the Minister for the Environment may make regulations regarding the content of EIPs, no regulations have as yet been promulgated. Instead a guideline on the content of EIPs has been issued by the Department of Environmental Affairs. This guideline has been applied in the compilation of this EIP.

1.2 Process followed in Preparation of the 2nd Edition EIP

In preparing this edition of the EIP the following steps were followed:

- DEDEA as lead agent appointed an external service provider to assist in the review and preparation of the EIP
- An initial workshop/project steering committee meeting to which all stakeholders, including provincial and national government departments and municipalities were invited, was held to introduce the process
- Letters introducing the process and requesting co-operation/assistance in obtaining information were sent to key provincial departments
- The first edition EIP was reviewed and gap analysis undertaken to identify those areas which would require strengthening or amendment in the second edition EIP
- A status quo report outlining the findings of the review and proposing a framework for the EIP was prepared and submitted to the second workshop/project steering committee meeting for review and comment
- One-on-one interviews were conducted with key provincial departments to obtain information on departmental policies, plans and programmes which may affect the environment, and departmental capacity for environmental management
- A draft document was prepared (this document) and submitted to stakeholders for review and comment
- Comments on the draft document will be (were) incorporated into the final draft document, which will be () submitted to the provincial Governance and Administration Cluster for consideration
- The final draft will be (was) submitted to the Provincial Executive Committee (Provincial Cabinet) prior to its submission to the National Committee for Environmental Co-ordination for scrutiny and approval
- The EIP must be published in the provincial gazette within 90 days of the National Committee for Environmental Co-ordination's recommendation that it be adopted

1.3 Provincial Development Priorities and Environmental Issues

The draft mid-term Eastern Cape Provincial Framework (2009-2014_[MT1]), which aims to ensure alignment between the Provincial Growth and Development Plan (2004-2014) and the current national priorities (2009 political mandate), identifies eight strategic priorities for the Province. These are:

- Speeding up growth and transforming the economy to create decent work and sustainable livelihoods
- Massive programme to build social and economic infrastructure

- Rural development, land and agrarian reform and food security
- Strengthen education, skills and human resource base
- Improving the health profile of the Province
- Intensifying the fight against crime and corruption
- Building a developmental state and improving the public services, and strengthening democratic institutions
- Building cohesive, caring and sustainable communities

The provincial priorities should be contextualised against the National Framework for Sustainable Development that underscores provincial growth and development within ecological limits. The vision:

“South Africa aspires to be a sustainable, economically prosperous and self-reliant nation state that safeguards its democracy by meeting the fundamental human needs of its people, by managing its limited ecological resources responsibly for current and future generations, and by advancing efficient and effective integrated planning and governance through national, regional and global collaboration.”

Millennium Development Goals

Table: Millennium Development Goals and Targets^[MT2]

Goal		Target	Responsibility
Goal 1	Eradicate extreme poverty and hunger	Target 1: Halve, between 1990 and 2015, the proportion of people whose income is less than \$1 a day	Department of Labour; all organs of state indirectly responsible
		Target 2: Halve, between 1990 and 2015, the proportion of people who suffer from hunger	Departments of Agriculture, and of Social Development; relevant provincial departments
Goal 2	Achieve universal primary education	Target 3: Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling	National and provincial departments of Education
Goal 3	Promote gender equality and empower women	Target 4: Eliminate gender disparity in primary and secondary education preferably by 2005 and in all levels of education no later than 2015	National and provincial departments of Education
Goal 4	Reduce child mortality	Target 5: Reduce by two-thirds, between 1990 and 2015, the under-five mortality rate	National and provincial departments of Health
Goal 5	Improve maternal health	Target 6: Reduce by three-quarters, between 1990 and 2015, the maternal mortality ratio	National and provincial departments of Health
Goal 6	Combat HIV/AIDS, malaria, and other diseases	Target 7: Have halted by 2015 and begun to reverse the spread of HIV/AIDS	National and provincial departments of Health
		Target 8: Have halted by 2015 and begun to reverse the incidence of malaria and other major diseases	National and provincial departments of Health

Goal		Target	Responsibility
Goal 7	Ensure environmental sustainability	Target 9: Integrate the principles of sustainable development into country policies and programs and reverse the loss of environmental resources	All national and provincial departments, municipalities and other organs of state
		Target 10: Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation	Department of Water Affairs and Forestry; municipalities
		Target 11: Have achieved, by 2020, a significant improvement in the lives of at least 100 million slum dwellers	National and provincial departments of Housing; Department of Provincial and Local Government: provincial departments of local government; municipalities
Goal 8	Develop a global partnership for development	Target 12: Develop further an open, rule-based, predictable, non-discriminatory trading and financial system (includes a commitment to good governance, development, and poverty reduction—both nationally and internationally)	National Treasury; Department of Trade and Industry
		Target 13: Address the special needs of the least developed countries (includes tariff-and quota-free access for exports enhanced program of debt relief for HIPC and cancellation of official bilateral debt, and more generous ODA for countries committed to poverty reduction)	National Treasury; Department of Trade and Industry, and of Foreign Affairs
		Target 14: Address the special needs of landlocked countries and small island developing states (through the Program of Action for the Sustainable Development of Small Island Developing States and 22nd General Assembly provisions)	
		Target 15: Deal comprehensively with the debt problems of developing countries through national and international measures in order to make debt sustainable in the long term	National Treasury; Department of Trade and Industry, and of Foreign Affairs
		Target 16: In cooperation with developing countries, develop and implement strategies for decent and productive work for youth	Departments of Labour, Social Development and relevant provincial departments
		Target 17: In cooperation with pharmaceutical companies, provide access to affordable, essential drugs in developing countries	Departments of Trade and Industry and of Health
		Target 18: In cooperation with the private sector, make available the benefits of new technologies, especially information and communications	Departments of Science and technology, Government Communications

To further guide the Province in promoting economic growth and sustainable livelihoods, the Eastern Cape State of the Environment Report (2004) and the current State of the Environment Report (in preparation) identify the following as priority environmental issues:

- Coastal management
- Land transformation and degradation
- Waste management (both solid waste and sewerage)
- Climate change

The purpose of the EIP is to support provincial government in its development imperative through guidance in terms of environmental planning... focus their delivery planning on the environmental priorities that matter for sustaining growth...

Status Quo Report Framework:

- Legal requirements for EIP and process (including the provincial process for approving and publication of the EIP)
- Drivers for cooperative government and implications for the province:
 - Constitution Section 24 Right
 - Chapter 3 of the Constitution
 - Inter-Governmental Relations Act
 - NEMA as framework act for promoting cooperation
- Provincial context for cooperative governance:
 - The EIP does not belong to DEDEA
 - The Premier has a leading role and government as a whole has a duty
 - Provincial development priorities and environmental issues (explaining the pressures and drivers for development and the implications for sustainability, and for provincial compliance with the EIP).

This section of the EIP should:

- Set the context for co-operative environmental governance in the Province [legal requirements and process – NEMA Ch 3] Describe the process to be followed in approval and publication of the EIP [process within Province]
- Drivers for co-operative government and implications for Prov [Constitution s 24 and Ch 3, IGR Act – gives effect to Constitution, NEMA as framework Act for giving effect to Constitution S24 and Ch 3]
- Describe the provincial context with respect to environmental governance [EIP does not belong to DEDEA, Premier has leading role & all govt depts have a duty, Provincial (dev priorities and env issues) explaining pressures and drivers for development and implications for sustainability and compliance with legislation and EIP]

Useful quotations:

“The achievement of sustainable development is not a once-off occurrence and its objectives cannot be achieved by a single action or decision. It is an ongoing process that requires a particular set of values and attitudes in which economic, social and environmental assets that society has at its disposal, are managed in

a manner that sustains human well-being without compromising the ability of future generations to meet their own needs.”

Source: DEAT (2008) People – Planet – Prosperity: A National Framework for Sustainable Development in South Africa

National Vision:

“South Africa aspires to be a sustainable, economically prosperous and self-reliant nation state that safeguards its democracy by meeting the fundamental human needs of its people, by managing its limited ecological resources responsibly for current and future generations, and by advancing efficient and effective integrated planning and governance through national, regional and global collaboration.”

Source: DEAT (2008) People – Planet – Prosperity: A National Framework for Sustainable Development in South Africa

Governance Trends:

“Government therefore has a legal duty to act as a responsible custodian of the nation’s environment. The Constitution specifically places a duty on municipalities to discharge their obligations of service provision to local communities in a manner that is sustainable and promotes a safe and healthy environment.”

Source: DEAT (2008) People – Planet – Prosperity: A National Framework for Sustainable Development in South Africa

“Thus considerable progress has been made to restructure state organisations and build governance capacity with respect to social policies (welfare, education and health), local governance, economic policy and environmental governance. However, there is concern that cross-departmental coordination and policy integration towards achieving sustainable development, across sectors, needs to be strengthened. This is driven both by strong vertical flows of information within particular sectors with weak flows across sectors.”

Source: DEAT (2008) People – Planet – Prosperity: A National Framework for Sustainable Development in South Africa

“At all levels, we need to enhance capacity for cross-sectoral coordination and transdisciplinary thinking, as well as the mechanisms for integrating environmental considerations into sectoral policy and activities.”

Source: DEAT (2008) People – Planet – Prosperity: A National Framework for Sustainable Development in South Africa

2 MANDATES AND FUNCTIONS

This chapter provides details of the constitutionally mandated functions of provincial government, and arranges them in relation to their potential to affect the environment. The focus of the EIP is on these functions rather than on individual departments.

2.1 Functional Areas of Provincial Competence

Schedules 4 and 5 of the Constitution list the functions of government which fall within the provincial sphere of competence. Table 1 arranges these functions according to their potential to affect the environment.

Table 1: Provincial functions which may affect the environment. Source: Constitution of South Africa, 1996. (^m denotes those functions which also fall within the municipal sphere of competence.)

Areas of concurrent national and provincial competence	Areas of exclusive provincial competence
Administration of indigenous forests	Abattoirs ^m
Air pollution ^m	Municipal airports
Agriculture	Provincial planning
Animal control and diseases	Provincial roads and traffic
Disaster management	Veterinary services excluding regulation of the profession
Environment	Cemeteries, funeral parlours and crematoria ^m
Health ^m	Cleansing ^m
Housing	Facilities for the accommodation, care and burial of animals ^m
Industrial promotion	Noise pollution ^m
Nature conservation	Refuse removal, refuse dumps and solid waste disposal ^m
Pollution control	
Provincial public enterprises	
Public transport ^m	
Public works ^m	
Regional planning and development	
Soil conservation	
Tourism and local tourism ^m	
Trade	

Areas of concurrent national and provincial competence	Areas of exclusive provincial competence
Urban and Rural development	
Electricity and Gas Reticulation ^m	
Municipal planning	
Pontoons, ferries, jetties, piers and harbours	
Stormwater management systems in built-up areas ^m	
Water and sanitation services ^m	
Firefighting services	

2.2 Environmental Impacting Functions in the Province

Impacting functions have the potential to cause significant harm to the environment, thereby undermining the attainment of provincial development objectives. They are therefore obliged to consider issues of environmental management and balance competing Constitutional rights in exercising their mandates.

Priority functions of the Eastern Cape Provincial Government which impact on the environment include:

Table 2: Provincial functions which impact on the environment.

Function	Impact(s)	Mandated Department
Agriculture	Land transformation, biodiversity loss, water quality, ecosystem functioning	EC Department of Agriculture
Animal control and diseases, including veterinary services and abattoirs	Animal healthcare waste management, air quality (state vet boilers/incinerators), veterinary public health	
Health	Healthcare waste management, air quality (hospital boilers and incinerators)	EC Department of Health
Housing	Land transformation, biodiversity loss, water quality, ecosystem functioning	EC Department of Housing / Human Settlements
Public transport, including pontoons, ferries, jetties and harbours, and provincial roads and traffic	Land transformation, coastal and marine transformation, biodiversity loss, ecosystem functioning, pollution, water quality (both freshwater and marine)	EC Department of Public Works and Roads
Public works	Pollution, waste management, water quality, land transformation (rehabilitation through EPWP and Working for Wetlands)	
Industrial promotion, provincial public enterprises, tourism	Management of provincial public entities, development of provincial economic policy: wide range of impacts including land transformation; soil, air and water pollution; ecosystem functioning	DEDEA: Economic Development
Regional planning and	Land transformation, coastal transformation, water	Department of Local

development; urban and rural development; municipal planning	quantity, pollution, biodiversity loss	Government and Traditional Affairs
Provincial planning	Provincial planning and governance may have a wide range of impacts including: land transformation and degradation; ecosystem functioning; biodiversity loss; water quantity and quality; pollution	Office of the Premier

2.3 Environmental Managing Functions in the Province

Environmental managing functions provide guidance to those functions impacting on the environment, regarding the incorporation of environmental management issues in their policies, plans and programmes.

Priority functions of the Eastern Cape Provincial Government which manage the environment include:

Table 3: Provincial functions which manage the environment.

Function	Role	Mandated Department
Administration of indigenous forests*	Biodiversity and ecosystem protection, water resource protection	DEDEA: Environmental Affairs and EC Parks Board*
Environment and pollution control	Guidance on management of development related impacts, pollution control, waste management, compliance monitoring	
Nature conservation*	Biodiversity and ecosystem protection	
Soil conservation	Guidance on land protection	EC Department of Agriculture
Health	Guidance on healthcare waste management, public health management	EC Department of Health

* The role of EC Parks Board is restricted to protected areas such as provincial nature reserves.



2.4 Provincial Departments

2.4.1 Departments responsible for functions which impact on the environment

List of national environmental legislation applicable to all departments

- National Environmental Management Act, Act 107 of 1998
- National Environmental Management: Protected Areas Act, Act 57 of 2003
- National Environmental Management: Biodiversity Act, Act 10 of 2004
- National Environmental Management: Air Quality Act, Act 39 of 2004
- National Environmental Management: Integrated Coastal Management Act, Act 24 of 2008
- National Environmental Management: Waste Management Act, Act 59 of 2008

List of provincial environmental legislation applicable to all departments

- Problem Animal Control Ordinance, Ordinance 26 of 1957
- Environmental Conservation Decree, Decree 9 of 1992 (Transkei)
- Nature and Environmental Conservation Ordinance, Ordinance 19 of 1974
- Nature Conservation Act, Act 10 of 1987 (Ciskei)

List of provincial environmental policies and plans applicable to all departments

- Provincial Biodiversity Conservation Plan
- Eastern Cape State of the Environment Report (2nd edition in preparation)
- Eastern Cape Integrated Waste Management Plan (in preparation)
- Eastern Cape Hazardous Waste Management Plan (in preparation)
- National Framework for Sustainable Development

(a) Department of Agriculture

Priority Focus Areas	Environmental Issues affected by Priority Focus Areas	Recommendations
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Rural Development and Agrarian Transformation Strategy: - Promotion of sustainable agricultural production - Coordination of rural infrastructure development - Promotion and coordination of land reform	Biodiversity resources Climate change Land cover Loss of soil	1. Ensure that departmental policies, programmes, plans and projects comply with relevant environmental legislation 2. Ensure that the relevant provincial environmental policies and plans are taken into account in the development of departmental policies, plans and programmes 3. Evaluate all departmental policies, plans and programmes against the environmental management principles (NEMA Principles) set out in the Appendix
Veterinary Services: - Public veterinary health -	Waste management Water quality	

(b) Department of Economic Development and Environmental Affairs: Economic Development

Priority Focus Areas	Environmental Issues affected by Priority Focus Areas	Recommendations
Development and promotion of provincial economic policy	Biodiversity resources Climate change Ecosystem functioning Land cover Waste management Water quantity and quality	1. Link the economic strategic planning function with the environmental planning function 2. Ensure that economic policies, plans, programmes and strategies play to the environmental strengths of the province and protect environmental sensitivities 3. 4. Obtain input on environmental legal requirements, standards and contact details for establishing industrial developments in the province from DEDEA: Environmental Affairs for use in promotional materials distributed to prospective developers
Development of Provincial Cooperatives Strategy		
Development of Provincial Industrial Development Strategy		
Oversight of such provincial entities as: - Eastern Cape Development Corporation - Coega Development Corporation (Coega IDZ) - East London IDZ - Eastern Cape Liquor Board - Eastern Cape Gambling Board - Eastern Cape Tourism Board		



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(c) Department of Health

Priority Focus Areas	Environmental Issues affected by Priority Focus Areas	Recommendations
Provincial Health Care Waste Management	Contamination and pollution of air, soil and water resources with putrescible waste and pathogens	

(d) Department of Housing / Human Settlements

Priority Focus Areas	Environmental Issues affected by Priority Focus Areas	Recommendations
Development of Affordable Housing: - Provision of project management service to Local Government - Approval of subsidy applications for proposed housing projects - Expediting completion of stalled/blocked projects	Land degradation, including: - loss of soil cover - loss of biodiversity - draining and loss of wetlands - contamination and pollution of water resources (both ground and surface water) - loss of ecosystem services	



(e) Department of Local Government and Traditional Affairs

Priority Focus Areas	Environmental Issues affected by Priority Focus Areas	Recommendations
Provincial Spatial Planning:	Biodiversity resources Waste management Water quantity and quality	
- Development of a Provincial Spatial Development Framework		
- Integration of municipal planning such as municipal spatial development frameworks and IDPs		
Development of 5 Year Local Government Strategic Agenda		
Prioritise development of a provincial water quality strategy		

(f) Department of Public Works and Roads

Priority Focus Areas	Environmental Issues affected by Priority Focus Areas	Recommendations
Development of Road and Transport Infrastructure:		
- Construction of rural access roads		



Priority Focus Areas	Environmental Issues affected by Priority Focus Areas	Recommendations
- Construction and maintenance of provincial roads		
- Promote redevelopment of rail infrastructure		
Development of Provincial Freight Logistics Plan		
Provision of facilities for the provision of provincial government services:		
- Construction and maintenance of administrative buildings and associated infrastructure		
- Construction and maintenance of public facilities		

(g) Office of the Premier

Priority Focus Areas	Environmental Issues affected by Priority Focus Areas	Recommendations
Coordination of provincial planning, cooperative governance and reporting	Cross-cutting impacts	

Draft Prov Strat Framework
 Rapid Response Coordinating Committee (RRCC) of Provincial Government, industry, labour and Civil society. This will include the entire spectrum of the need for greater coordination and alignment of programmes across departments, spheres and entities

2.4.2 Departments responsible for functions which manage the environment



(a) Department of Agriculture

Priority Focus Areas	Key Areas of Guidance	Recommendations
Soil conservation	Soil conservation measures for emerging farmers	
	Safeguarding of high agricultural potential soils from non-agricultural development	Contribute to development of provincial spatial development framework, participate in IDP fora and development of municipal SDFs, contribute to mapping of environmentally sensitive areas

(b) Department of Economic Development and Environmental Affairs: Environmental Affairs

Priority Focus Areas	Key Areas of Guidance	Recommendations
Promotion of Integrated Environmental Management	Development and provision of environmental sensitivity analyses	
Management of Biodiversity Resources: - Eastern Cape Parks Board		

(c) Department of Health

Priority Focus Areas	Key Areas of Guidance	Recommendations
Provincial Health Care Waste Management	Collection, handling, storage, transport and disposal of medical / healthcare waste	Participate in the compilation of the Provincial Hazardous Waste Management Plan
Environmental Health Inspectorate	Management of public health related issues	



SQR Framework:

- Identifying functions that are relevant to the Eastern Cape
- Highlighting management vs impacting functions
- Focusing on the impact functions and PPPs as it relates to the EIP (use a table to identify – use UCT Report)

This section of the EIP should describe the roles and responsibilities of the three spheres of government in the Province with respect to the exercise of those constitutionally identified government functions which affect the environment.

[ID functions relevant to EC, highlight mgt and impacting functions, focus on impacting functions – desc as per UCT report]

Useful quotations:

“The Integrated Development Plans and Local Economic Development Plans at local level and the Provincial Growth and Development Strategies already provide working frameworks for integrated planning and strategy formulation. Lessons need to be learned and shared from positive initiatives, and there should be improved monitoring and synchronisation with this National Framework at national level. In particular, there is a need to ensure that the National Framework for Local Economic Development and the National Framework for Sustainable Development are connected and even integrated in order to make sure that the numerous local economic opportunities that flow from sustainable resource use activities are factored into LED strategies at the local level.”

Source: DEAT (2008) People – Planet – Prosperity: A National Framework for Sustainable Development in South Africa

3 INSTITUTIONAL ARRANGEMENTS

3.1 Provincial Government

The Office of the Premier (OtP) is responsible for oversight of the provincial planning function. In order to facilitate interaction between role players in the development and implementation of provincial plans the OtP operates a cluster based system of fora to ensure interdepartmental coordination and integration in the development of policies and programmes. Four clusters are in operation:

- Social Needs Cluster – deals with social sector plans, policies and programmes, such as basic needs and HIV/AIDS programmes
- Governance and Administration Cluster – deals with transversal issues of governance, such as institutions, instruments and infrastructure (e.g. information management systems) for improving the integration of different spheres of government
- Economic Growth and Infrastructure Cluster – deals with development related issues, such as the integration of physical infrastructure, sustainable use of natural resources, and industrial development policies, plans, programmes and strategies
- Justice, Crime Prevention and Security Cluster – deals with issues such as promotion of safety and security awareness, and support to the criminal justice system

It is understood that the cluster system is relatively new to the province, and that it does not yet receive the degree of support from all Departments that it needs to operate effectively. The system does however offer opportunities for mainstreaming environmental governance within each cluster. The EIP is an ideal instrument to be used by the Governance and Administration Cluster for improving the integration of environmental governance requirements.

The first edition EIP identified a plethora of fora by means of which DEDEA would seek to promote communication with other provincial and national departments on environmental issues. It would seem that most of these have fallen by the wayside after operating for a short while, if at all. Given that the EIP is a provincial plan, it is suggested that rather than a single department taking responsibility for implementation of co-operative governance institutions, use should be made of existing institutions under the aegis of the Office of the Premier as coordinator of provincial government.

3.2 Local Government

Line function / sector departments from provincial and national government spheres are required to participate in the development of municipal integrated development plans (IDPs). This is usually by means of participation in IDP fora.

There is nevertheless a need to strengthen the understanding of environment as a cross-cutting issue in these IDPs, thereby improving government's chances of achieving sustainable development. The responsibility of provincial departments in taking the environmental message to local government is underscored by the EIP, i.e. if provincial departments align their planning systems with environmental priorities it will automatically be aligned on a local level when they implement their priorities.

3.3 Institutional Gaps

The status quo report identified a number of critical areas and risks to the achievement of cooperative environmental governance requiring attention. Difficulties experienced in gathering information during development of this edition of the EIP have further emphasised these critical areas and risks.

- The EIP has not yet been institutionalised in provincial government.
- Implementation of the 1st Ed EIP has been weak predominantly because of capacity constraints but there seems to be a lack of political will involved in the state of affairs.
- There are concerns that based on the state of environmental governance; the Eastern Cape is not yet on a sustainable path. This seems to be confirmed by the State of Environment review that indicates that the state of the environment in the province is declining.

Communication within and between provincial departments, and between the provincial, local and national spheres of government are critical to effective cooperative governance. A significant risk therefore attaches to the apparent inability of the province to sustain coordinating institutions.

Status Quo Report Framework:

- [Reporting on existing arrangements \(e.g. fora, MoUs\)](#)
- [Reporting on critical areas and risks requiring attention \(the gaps identified around cooperation and instruments\)](#)

Useful quotations:

“While governance is generally felt to be coherent, particular challenges for government relate to capacity and resource constraints at the local municipal level. At all levels, we need to enhance capacity for cross-sectoral coordination and transdisciplinary thinking, as well as the mechanisms for integrating environmental considerations into sectoral policy and activities. Monitoring and evaluation systems need to be consolidated and fine-tuned so that they can better measure progress towards sustainability.”

Source: DEAT (2008) People – Planet – Prosperity: A National Framework for Sustainable Development in South Africa

4 RECOMMENDATIONS

- Office of the Premier to ensure that environmental management is integrated into the terms of reference of the appropriate provincial cluster(s)
- DEDEA: Environmental Affairs to participate in appropriate provincial cluster(s)
- Every department responsible for implementing an *impacting* function to ensure that their medium term strategic framework and annual performance plan includes operational and budgetary provision for giving effect to the consideration of NEMA section 2 principles and NEMA chapter 5 provisions for environmental management in the development of departmental policies, plans and programmes
- Every department responsible for implementing a *managing* function to ensure that their medium term strategic framework and annual performance plan includes operational and budgetary provision for the provision of advice, whether through the development of guidelines or participation on advisory panels/fora, to impacting departments
- **Status Quo Report Framework:**
 - List of recommendations emanating from EIP development process.

5 IMPLEMENTATION PLAN

ACTION	RESPONSIBILITY	TIMEFRAME	BUDGET
Integration of environmental management into cluster system (ToRs of clusters)	Office of the Premier	March 2010	?
Environmental representation at cluster meetings	DEDEA	Immediate	?
Inclusion of provision for meeting environmental management obligations in medium term strategic frameworks and annual performance plans	Agric DEDEA: Economic Development Health Housing/Human Settlements Local Government and Traditional Affairs Public Works and Roads OtP	2009/10	?
Inclusion of provision in medium term strategic frameworks and annual performance plans for providing of advice, development of guidelines and participation on advisory panels/fora, to impacting departments	Agric DEDEA: Environmental Affairs Health		

Status Quo Report Framework:

- Proposals for how recommendations may be implemented [strategy(key actions), time frames and responsibilities – budget is Provincial responsibility, be a positive benchmark figure] (including key actions, responsibilities, time-frames and an indication of budget)

6 PERFORMANCE MONITORING

Status Quo Report Framework:

- Legal requirements for performance monitoring
- Practical arrangements

Useful quotations:

“Towards meeting this goal, the development of a Government-wide M&E System (GWM&ES) has been initiated. This is an attempt by the public sector to monitor internal government performance and evaluate the nature of external outcomes and impacts on South African society. This system will monitor and coordinate progress with the implementation of government policies and improve effectiveness and efficiency in government operations by ensuring that strategic governmental policy goals are directly linked to departmental operational action plans and to the national budget.”

Source: DEAT (2008) People – Planet – Prosperity: A National Framework for Sustainable Development in South Africa

“Monitoring and evaluation systems need to be consolidated and fine-tuned so that they can better measure progress towards sustainability.”

Source: DEAT (2008) People – Planet – Prosperity: A National Framework for Sustainable Development in South Africa

7 APPENDIX: NEMA PRINCIPLES

National Environmental Management Act No. 107 of 1998 PRINCIPLES
Sustainable Development
<ul style="list-style-type: none"> • Development must be socially, environmentally and economically sustainable. • Pollution and degradation of the environment are avoided, or, where they cannot be altogether avoided, are minimised and remedied. • Waste is avoided, or where it cannot be altogether avoided, minimised and re-used or recycled where possible and otherwise disposed of in a responsible manner. • The use and exploitation of non-renewable natural resources is responsible and equitable, and takes into account the consequences of the depletion of the resource. • The development, use and exploitation of renewable resources and the ecosystems of which they are part do not exceed the level beyond which their integrity is jeopardised.
Environmental Justice and Equity
<ul style="list-style-type: none"> • Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interest equitably • The right of workers to refuse work that is harmful to human health or the environment and to be informed of dangers must be respected and protected. • The environment is held in public trust for the people, the beneficial use of environmental resources must serve the public interest and the environment must be protected as the people's common heritage. • Environmental justice must be pursued so that adverse environmental impacts shall not be distributed in such a manner as to unfairly discriminate against any person, particularly vulnerable and disadvantaged persons. • Equitable access to environmental resources, benefits and services to meet basic human needs and ensure human well-being must be pursued and special measures may be taken to ensure access thereto by categories of persons disadvantaged by unfair discrimination. • Negative impacts on the environment and on peoples environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied.
Participation, Empowerment and Transparency
<ul style="list-style-type: none"> • The participation of all interested and affected parties in environmental governance must be promoted, and all people must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged peoples must be ensured. • Decisions must take into account the interests, needs and values of all interested and affected parties, and this includes recognising all forms of knowledge, including traditional and ordinary knowledge. • Community wellbeing and empowerment must be promoted through environmental education, the raising of environmental awareness, the sharing of knowledge and experience and other appropriate means. • Decisions must be taken in an open and transparent manner, and access to information must be provided in accordance with the law. • The vital role of women and youth in environmental management and development must be recognised and their full participation therein must be promoted.
Cooperative Governance
<ul style="list-style-type: none"> • There must be intergovernmental coordination and harmonisation of policies, legislation and actions relating to the environment. • Actual or potential conflicts of interest between organs of state should be resolved through conflict resolution procedures. • Global and international responsibilities relating to the environment must be discharged in the national interest.
Ecological Integrity
<ul style="list-style-type: none"> • The disturbance of the ecosystem and loss of biological diversity are avoided, or, where they cannot be altogether avoided, are minimised and remedied. • The disturbance of landscapes and sites that constitute the nation's cultural heritage is avoided, or where it cannot be altogether avoided, is minimised and remedied. • The development, use and exploitation of renewable resources and the ecosystems of which they are part do not exceed the level beyond which their integrity is jeopardised. • Sensitive, vulnerable, highly dynamic or stressed ecosystems, such as coastal shores, wetlands and similar systems require specific attention in management and planning procedures, especially where they are subject to significant human resource usage and development pressure.
Integration of environmental considerations into decision – making
<ul style="list-style-type: none"> • Environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option. • Responsibility for the environmental health and safety consequences of a policy, programme, project, product, process, service or activity exists throughout its life cycle. • The costs of remedying pollution, environmental degradation and consequent adverse health effects and of preventing, controlling or minimising further pollution; environmental damage or adverse health effects must be paid for by those responsible for harming the environment. • A risk-averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions. • The social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must be appropriate in the light of such consideration and assessment • Negative impacts on the environment and on peoples environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied.

7.1 Heading Level 2 with a really long title that demonstrates how the table of contents deals with it

- Bullet
- Another bullet

7.1.1 Heading level 3 with a really long title that demonstrates how the table of contents deals with it

More text

- (a) Heading level 4 with a really long title that demonstrates how the table of contents deals with it

Normal Dbl Indent text

- Bullet Indent
- Another Bullet Indent

- (i) Heading level 5 with a really long title to demonstrate how the table of contents deals with it

- 1 A numbered list
- 2 Another item in the numbered list

A Heading with No Number and a really long title that will not appear in the table of contents

The style definition for 'Heading No Number' includes the two horizontal lines.

8 ANOTHER HEADING LEVEL 1

8.1 Another Heading Level 2

8.1.1 Another Heading Level 3

More Normal Indent text

DRAFT

DOCUMENT CONTROL SHEET (FORM IP180/B)

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TITLE OF DOCUMENT :
ELECTRONIC LOCATION : P:\J29119_DEDEA_Enviro_Plans\Task_100_PMWeb Page Docs\Environmental Implementation Plan – Work in progress draft.doc

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DATE	SIGNATURE	SIGNATURE	SIGNATURE

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