

CO-OPERATIVE ENVIRONMENTAL MANAGEMENT: THE APPLICABILITY OF A MULTI-DIMENSIONAL MODEL

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ABSTRACT

In South Africa, the term *co-operative government* is increasingly used in the context of environmental management whilst public participation is enshrined in the South African legal framework. Within the context of co-operative environmental management, concepts such as intergovernmental relations, partnerships, collaboration and co-management are brought into consideration; thus emphasising the importance of working together and soliciting public input to manage the environment in a sustainable manner.

The article argues that the notion of managing the environment on the basis of co-operative government principles and active stakeholder participation is currently a topical issue among the South African policy and development fraternity. In addition, various role-players argue that to promote sustainability, a multi-dimensional approach may be applicable as far as environmental management is concerned.

In South Africa and Sub-Saharan Africa, the fragmentation of public sector entities dealing with different elements of the environment, result in some measure of disjointed application of environmental policies and legislation. The article further contends that proper interaction and co-ordination among government departments in the management of the environment is crucial if individuals and institutions wish to honour the principles of co-operative government and intergovernmental relations as outlined in Chapter 3 of the *Constitution of the Republic of South Africa, 1996* and concomitant legislation.

The article examines and clarifies terminologies associated with co-operative environmental management as well as to provide an overview on the legal mechanisms for co-operative environmental management. It will circumvent and will further reiterate that the relevance of a multi-dimensional model for co-operative environmental management in South Africa is paramount to sustainable co-operative government in an era of new leadership and policy innovations.

INTRODUCTION

The fact that humans are social beings has for many centuries had a decisive influence on their development and that of their environment. During the course of many years, humans' increasing need for protection, and for the joint utilisation of resources and co-operation, resulted in the establishment and development of specific forms of associations (groups of people). As communities gradually became less isolated, they began to experience a need for an encompassing form of association to regulate the various groupings. These developments eventually led to the establishment of government, which is probably the most important form of association.

During the course of centuries, relations between government and the governed extended and developed to the extent that it eventually became necessary for such relations to be placed on some or other permanent footing. This gave rise to *Constitutionalism*, a phenomenon developed mainly in democracies, whereby a community is governed according to a prescribed set of rules. In the modern era, relations between government and society are regulated by means of a constitution – as is also the case in South Africa.

Development gave rise to the need for the government to delegate some of its responsibilities as challenges such as population increase, technological developments as well as increasing duties and responsibilities, eventually obliged governments to subdivide and classify their own powers.

It is, therefore, necessary to examine the constitutional provisions guiding co-operative government and intergovernmental relations in South Africa as well as to outline and define concepts associated with co-operative environmental management.

CLARIFICATION OF CONCEPTS

The study of relations among governmental bodies, which should include the study of relations among individuals in authority (political office-bearers and public officials) as well as the comprehensive range of relations among such individuals and institutions, is a challenge which extend far beyond mere pragmatic generalisations of constitutional and other legal-institutional requirements and frameworks. Understanding co-operative government, intergovernmental relations and other concepts related to co-operative environmental management, is infinitely complex and problematical due to the growing number of governmental functions progressively involved in all levels of human activity and service delivery, and necessitates an ever-increasing number of governmental institutions which of necessity become increasingly interdependent.

The interdependent and –connected nature of the components of sustainable environmental management renders unilateral methods of governance ineffective. As a result, governments are impelled towards collective action and co-operative behaviour, in which mechanisms for national, provincial and local environmental management are constructed (Conca, 1995:15).

Article

Definition of co-operative government

Co-operative government is based on the belief that all three spheres of government are able to work together by co-operating and providing the citizens of South Africa with the services that would benefit all. According to Mhone and Edigheji (2003:75) co-operative government is:

a partnership among the three spheres of government requiring each government to fulfil a specific role and give greater legitimacy to democratic regimes, their policies and outcomes which are products of accommodation, compromise and at times consensus rather than those based on the exclusion of key sectors of society, which in turn fosters conflict.

Because co-operative government is based on relationships among institutions in terms of certain policy areas (therefore structured- and rule-based relationships), it may enhance the capacity of the collective, while imposing constraints on individuals in the design and implementation of policy and legislation. The aforementioned may minimise corruption and enhance transformation. Co-operative government is therefore not an end in itself, but a means to an end, enhancing development and improving the standard of living of people.

Co-operative government represents the basic values of the government, such as national unity, peace, proper co-operation and co-ordination, effective communication and avoiding conflict, as well as the implementation of these values through the establishment of structures and institutions.

Definition of intergovernmental relations

Some authors' definitions of intergovernmental relations include:

Intergovernmental relations encompass all the complex and interdependent relations among various spheres of government as well as the co-ordination of public policies among national, provincial and local governments through programme reporting requirements, grants-in-aid, the planning and budgetary process and informal communication among officials (Fox and Meyer, 1995:66).

Intergovernmental relations are important interactions occurring among governmental institutions in all spheres. The distinctive features of intergovernmental relations suggest the increased complexity and interdependency of political systems (Anderson, 1960:3).

Intergovernmental relations is intended to promote and facilitate co-operative decision-making and ensure that policies and activities across all spheres encourage service delivery and meet the needs of the citizens in an effective way (DPLG, 1997:3).

From these definitions of intergovernmental relations it could be argued that the nature of the interaction among different spheres of government varies constantly in terms of the degree of co-operation, depending on the dynamics of the system and the role-players involved at

any given time and in accommodating and managing interdependence, geographical and social diversity, as well as ongoing comprehensive transformation.

Core co-operative government concepts

Various concepts are closely related to co-operative environmental management and are identified in the following paragraphs.

Partnership

The concept *partnership* is frequently used in an overarching fashion to signal adherence to the co-operative management model and synonymously employed with the term *collaboration* (Plummer and FitzGibbon, 2004:63). Brinkerhoff (2002:19) divides partnership literature into three main categories. The normative perspective critiques current practice on the basis of equity, democracy and empowerment in which the call for local involvement in natural resource management is largely found. The second perspective, taken by government and business, is reactionary and responds to the need for increased involvement by advancing policies and programmes containing partnership terminology. The final perspective is instrumental and focuses on the function of partnership. Notwithstanding these diverse perspectives, partnerships intuitively refer to a shared undertaking by more than one party and are thus a dynamic relationship among diverse actors, based on mutually agreed objectives (Brinkerhoff, 2002:20).

Collaboration

Collaboration is a process of constructively working together in planning processes concerning shared development objectives (Gauteng Department of Local Government and Economic Affairs, 2007:2). Multiple parties exploring a shared interest are at the heart of collaboration where resources are pooled together by multiple stakeholders to solve problems. Although strongly linked and frequently used interchangeably with the term partnership, collaboration emphasizes the process or interaction among actors, which is a hallmark of the network paradigm (Hall, 1999:274).

Co-management

Although variously defined, co-management is generally understood to involve sharing rights and responsibilities among institutions in the different spheres of government. Power is a critical element in co-management and within co-management arrangements; power may be retained by existing agencies as co-operative management regimes may at times be contrary to political culture (Meadowcroft, 1998:21).

Engagement, alignment, integration and co-ordination

The Gauteng Department of Local Government and Economic Affairs in South Africa (2007:2) defines the following concepts related to co-operative government:

- **Engagement:** a process by which outcomes, policy directions and/or strategies in various plans are aligned with those in other plans; as well as a process of ironing

out possible differences between plans, strategies and frameworks, preferable in a constructive way, by seeking to ensure synergy in priorities, the sharing of information and focussing on the same geographic areas of focus.

- **Alignment:** the result of co-ordination and collaboration in planning processes. Not a mechanistic process of trying to ensure that every action in every plan is linked or *lined-up* with every action in every other plan in the area.
- **Integration:** a process of bringing together different policies and ideas to ensure the achievement of shared objectives.
- **Co-ordination:** a process of bringing together different plans and ideas that can collectively ensure the achievement of key developmental outcomes; a process of constructively working together in planning processes around shared development objectives.

PRINCIPLES OF CO-OPERATIVE GOVERNMENT AND INTERGOVERNMENTAL RELATIONS

The *Constitution of the Republic of South Africa, 1996* envisages a state that supports interaction and co-operation among the three spheres of government on a continuous basis and therefore provides a set of principles to direct the manner and quality of those interactions. The principles of co-operative government and intergovernmental relations recognise the interdependence of the three spheres of government in South Africa (namely the national, provincial and local spheres) which are distinctive and interrelated and place a duty on the spheres of government to respect each other's powers, functions and institutions and to inform each other of new policies.

Section 41(1) of the *Constitution, 1996* also directs the three spheres of government to respect the constitutional status, institutions, powers and functions of government in another sphere and not to assume any power or function except those conferred on them by the Constitution. Spheres of government are expected to exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere.

The commitment of the South African government to co-operative government and the promotion of intergovernmental relations are also emphasised by Section 41(2) of

Distinctive	Means that the Constitution allocates specific functions and powers to each sphere of government which then has the final decision making power on those matters
Interrelated	Means that the exercise of autonomy by a sphere is supervised by the other sphere of government
Interdependent	Means that each sphere must exercise its autonomy to the common good of the country by co-operating with the other sphere

the Constitution, 1996, that stipulates that an act of Parliament must establish or provide for processes, structures and institutions to promote and facilitate intergovernmental relations and provide for appropriate mechanisms and procedures to facilitate settlement of intergovernmental disputes.

PRINCIPLES OF CO-OPERATIVE ENVIRONMENTAL MANAGEMENT

As previously mentioned, the term *co-operative government* is increasingly used in the context of environmental management. According to Forsyth (2000) co-operative government implies both the narrower concept of governance and mechanisms shared among different government departments and a broader concept of governance, which includes groups such as the public/stakeholder and industrial sector. In a paper presented by Boer, O'Beirne and Greyling in 2003, four principles, stated from an environmental co-operative management point of view, were identified. These principles are defined by the above authors as the following:

- **Fairness:** to give due consideration to the interests of all groups, including the authorities, stakeholders and the environment.
- **Accountability:** the ability and willingness to communicate, disclose and explain actions; as well as effective multi-way communication and engagement among authorities and stakeholders are prerequisites for accountability.
- **Transparency:** the ease with which an outsider can gain a reliable view of decisions, activities, the potential impacts of these and the way in which these are managed. Information sharing and/or reporting on performance, activities and monitoring actions are important in ensuring transparency.
- **Responsibility:** the obligation to take good care of the environment. It implies institution of systems and mechanisms to take decisions, monitor and manage.

It is only through adherence to the combination of these four principles that the true spirit of co-operative environmental management emerges. Should any one of the principles not be met, it will also impact on the others.

LEGAL MECHANISMS FOR CO-OPERATIVE ENVIRONMENTAL MANAGEMENT

In South Africa, the fragmentation of departments dealing with different elements of environmental management resulted in fragmented application of environmental policies and legislation. Even 14 years into the new dispensation, departments are struggling to rid them of past practices of non-co-operation and therefore the decision by President Jacob Zuma to restructure departments responsible for environmental management in 2009.

In a study done by Du Plessis (2005:1) it was found that the *National Environmental Management Act, 1998* (Act 107 of 1998) (NEMA) provides for integrated environmental management and prescribes particular sustainability principles that government should take into account in decision-making. The aforementioned Act provides for co-operation

among departments and spheres of government involved with environmental matters and several inter-ministerial committees in both the national and provincial spheres of government have been established. Despite these mechanisms, fragmentation still occurred and departments were making decisions regarding the environment in isolation. According to Du Plessis (2005:1), legislation of the former Department of Minerals and Energy, for example, indicated a strong trend in monopolising issues regarding the environment within its own departmental sphere, excluding the final decision-making from other departments. The former Department of Environmental Affairs and Tourism, proposed legislation (for example environmental impact legislation), which will provide it with authority in terms of energy and mining issues pertaining to the environment. The afore-mentioned scenario is in contrast with the constitutional mandate of co-operative government.

South Africa does not have a single environmental authority. Mackay and Ashton (2004:13) state the following with regard to co-operation in terms of decision-making pertaining to the environment: At the level of national government, the principles, policies and legislative instruments in each sector appear to be aligned closely with and fully support, the key principles embodied in the Constitution, however, the clear separation of line functions between different government departments (for example water, agriculture and conservation) makes it difficult to attain proper levels of alignment and coherence between these different functions, as each department operates independently within its area of mandate. Even though the previous Department of Environmental Affairs and Tourism strove to regain decision-making on matters regarding the environment, intergovernmental co-ordination and harmonisation of policies, principles and actions were lacking.

Structures and mechanisms for environmental intergovernmental relations

There are several structures that were established to enhance environmental intergovernmental relations in South Africa, and this article highlights some of these structures. A Committee for Environmental Co-ordination (CEC) is established in terms of sections 7 – 10 of NEMA and consists of directors-generals of government departments whose functions may affect the environment. The purpose of this committee is, amongst others, to align the policies, programmes and activities of government departments as set out in their environmental management plans. Sub-committees of the CEC were also established but experienced some problems ranging from a lack of decision-making power to the CEC not considering and evaluating their reports (Du Plessis, 2005:9). This led to some of the sub-committees being restructured and incorporated into working groups of the MinMEC meeting. The MinMEC (Committee of Ministers and Members of the Executive Councils of Provinces) is an executive national/provincial intergovernmental relations structure established to discuss environmental matters. These MinMECs are established to discuss matters of national interest within a specific functional area with provinces and, if appropriate, with organised local government. These structures should also discuss performance in order to detect failures and to

propose preventative or corrective action. In MinMEC meetings, the development of national policy and legislation relating to matters affecting the functional area is discussed as well as the implementation of these policies. Other matters for discussion should be the co-ordination and alignment of strategic- and performance plans as well as the priorities, objectives and strategies across national, provincial and local governments. The aforementioned structure can, however, only contribute if the meeting is attended by delegates who have the authority to make decisions and attend the meetings regularly. This seems not to have been the case in terms of the MinMEC dealing with environmental affairs. The restructuring of government departments by President Zuma, after becoming the President, will probably also lead to a change in the composition of the CEC and MinMEC structures for the environment.

The NEMA (Section 35) makes provision for environmental management co-operative agreements among organs of state and any person, legal entity or community to improve standards, set targets for fulfilling their undertaking, to provide for monitoring and measures to be taken in the event of non-compliance – herewith bringing in a new element to co-operative government and public participation.

Intergovernmental relations and co-operative government principles are also found in other legislation guiding decision-making pertaining to the environment, minerals and petroleum development, renewable energy, nuclear regulation and biodiversity management, but are not discussed in detail.

The mere existence of structures and mechanisms for intergovernmental relations and co-operative government pertaining to the environment may not guarantee that the principles for co-operative environmental management will be adhered to. It is the effective and efficient functioning of these structures and their commitment to developing a mindset of co-operation that may promote sound intergovernmental relations.

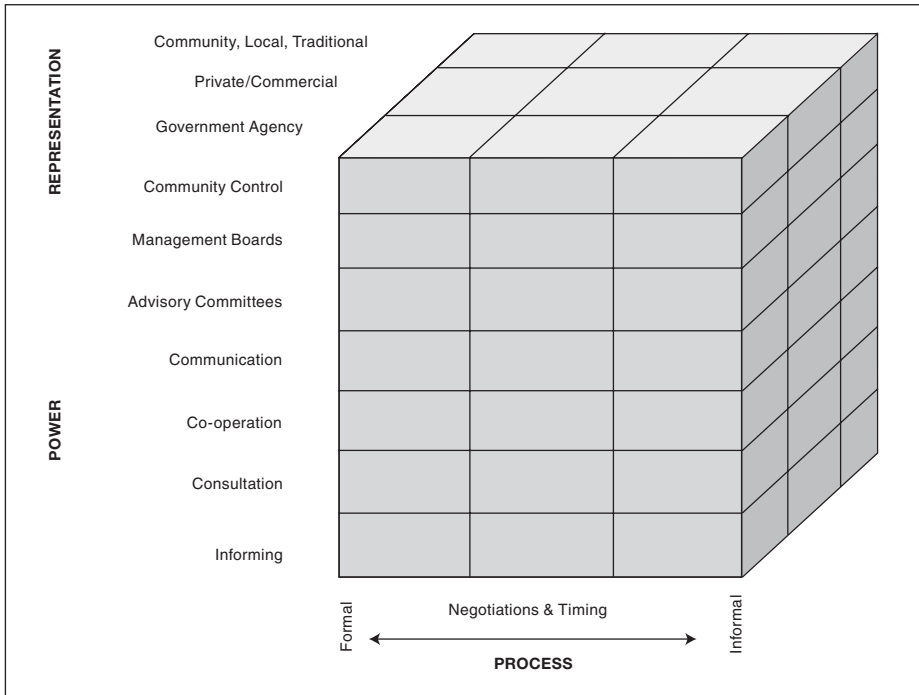
A MULTI-DIMENSIONAL MODEL FOR CO-OPERATIVE ENVIRONMENTAL MANAGEMENT

A multi-dimensional model of co-operative environmental management is suggested to enhance environmental intergovernmental relations in South Africa. This model was originally developed by Plummer and FitzGibbon (2004) and is adapted for the South African scenario (see figure 1).

According to Plummer and FitzGibbon (2004:15), the *first dimension* describes the nature of power sharing in partnership, collaborative and co-management relationships. For the purpose of this article, the nature of the power sharing will refer to the power the various stakeholders would have when discussing and negotiating decisions relating to environmental management. Power sharing should not be limited and may occur among all possible representatives serving on intergovernmental relations structures or forums addressing environmental policy making and planning.

The *second dimension* of the model details the scope of potential actors involved in co-operative environmental management. In this instance, everyone with a legitimate stake in environmental management should have the opportunity to participate in decision-making.

Figure 1: A multi-dimensional model for co-operative environmental management



Source: Adapted from Plummer, R. and FitzGibbon, J. 2004. Some observations on the terminology in co-operative environmental management. *Journal of Environmental Management*, 70(1). January 2004/ Pomeroy, R.S and Berkes, F. 1997. Two to tango: the role of government in fisheries co-management. *Marine Policy*, 21 (5).

In the South African context, participants in co-operative environmental management may involve representatives from government departments, organs of state, private sector institutions and municipalities/traditional authorities. According to Plummer and FitzGibbon (2004:16), failure to include those with a legitimate stake (for the purpose of this article – those stakeholders responsible for environmental management), is contrary to democratic theory and may underscore power differentials. A lack of representation erodes the process of constructing a solution to a shared problem relating to environmental management.

The *third dimension* of the model encompasses the institutional and operational process features (Plummer and FitzGibbon, 2004:16). Institutional arrangements are understood as:

- legislation and regulations;
- policies and guidelines;
- administrative structures;
- financial arrangements;
- political structures and processes;

- historical customs and values; and
- key participants or stakeholders.

The institutional arrangement, in which co-operative environmental management is set, may range from highly formalised to loosely defined or informal and determines the manner in which the process is made operational. In the case of South Africa, the existence and successful functioning of formal and informal intergovernmental relations structures and mechanisms and their ability to participate in, support and monitor institutional and operational processes for environmental management will play a crucial role in the promotion of co-operative environmental management.

CONCLUSION

Co-operative government signifies a shift to increasing involvement by stakeholders in environmental management. Partnership, collaboration and co-management are associated with the multi-dimensional model for co-operative environmental management. The utilisation of the multi-dimensional model for co-operative environmental management necessitates discernment. Dimensions of power, representation and process define the breadth of the model while the depth stems from the various levels of functioning and the range of applicable resources. The multi-dimensional model provides implications for environmental policy and management while a co-operative and intergovernmental relations perspective should be embraced to motivate changes in the mindset of stakeholders in terms of their interaction with one another. The model attempts to specify who will be involved in decision-making pertaining to the environment and also how power will be distributed among the representatives. Real and effective co-operative environmental management promotes a shared power with broad representation while an understanding of the institutional and operational processes applicable to environmental management is crucial. The afore-mentioned is not possible without sound intergovernmental relations and co-operative government. It would be a challenge for the newly established departments, responsible for environmental government in South Africa, to thoroughly embrace the principles of co-operative government and intergovernmental relations in their decision- and policy-making in order to improve sustainability.

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