

Environmental Governance at the Local Government Sphere in South Africa

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ABSTRACT

There has been a relatively systematic and ordered development of the environmental legal regime in the past 17 years in South Africa. The first dedicated piece of legislation was the Environmental Conservation Act, 100 of 1982. However it was not particularly effective as it sought to co-ordinate environmental matters as opposed to focusing on environmental management (Glazewski 1999:13). It was replaced by the Environmental Conservation Act, 73 of 1989 which provided an impetus for equitable development and environmental protection. The Act is based on the Constitution, 1996 to promote the notion of co-operative environmental governance which constitutes the basis of South Africa's environmental legislation. Critical to the process are four basic principles, namely fairness, accountability, responsibility and transparency. A particular focus is spreading the responsibility for the interconnection between social well-being and environmental protection across state departments and spheres of government. Considerable emphasis is placed on citizens' rights to be granted opportunities for effective democratic and economic involvement in future development processes (Hamman and O'Riordan 1999:3). The Act provided an enabling framework for far-reaching reform in environmental governance and can be viewed as a flagship statute of the National Department of Environmental Affairs and Tourism (DEAT). This article critically reviews the legislative and administrative arrangements for environmental governance in the local sphere of government in South Africa, highlighting challenges that have to be addressed. The principles of co-operative governance and particularly the role of local government in responding to local environmental issues will also be critically reviewed.

INTRODUCTION

The 1980s ushered in an era where fundamental changes in public policies were introduced not only in South Africa, but internationally. This heralded the shift from the centralised technocratic embodied approach of the past to the new system of governance that embraces sound democratic principles (Rossouw and Wiseman 2004:131). The new legislative and administrative arrangements for environmental governance in South Africa follow the constitutional vision based on social justice and improved quality of life of all the citizens (Gutto 2001:1). In South Africa, it was and still is not possible to divorce developmental issues from issues of governance and civil society. Furthermore, environmental governance refers to the process of decision-making in controlling and managing the environment and natural resources. Principles such as inclusivity, representivity, accountability, efficiency and effectiveness, as well as social equity and justice are the foundations of good governance ([http:// soer.deat.gov.za/27.html](http://soer.deat.gov.za/27.html)). This article highlights the key policies, legislative and institutional changes that have been introduced to ensure sustainable and effective environmental governance with particular reference to the local sphere of government.

ENVIRONMENTAL GOVERNANCE

According to the United Nations Development Programme of 2004, governance has been defined as the system of values, policies and institutions by which a society manages its economic, political and social affairs through interactions within and among the state, civil society and private sector. It is the way a society organises itself to make and implement decisions – achieving mutual understanding, agreements and actions. Governance, including its social, political and economic dimensions, operates at every level of human enterprise, be it the household, village, municipality, nation, region or globe.

Nealer (2009:76) describes governance as a relatively new concept that emerged as a policy idea during the 1990s. It flows from the recognition that power is assigned both inside and outside the formal structures of government and that the inter-relationships among government, private sector and civil society are critical factors affecting the performance of cities, regions and countries. It also stresses the *process* as the place where decisions emerge from a complex set of relationships among many actors with different agendas.

Environmental governance refers to the process of decision-making involved in controlling and managing the environment and natural resources. It also includes the manner in which decisions are made. Good environmental governance was identified as a critical factor for successful environmental management in South Africa ([http:// soer.deat.gov.za/27.html](http://soer.deat.gov.za/27.html)). The following factors constitute good environmental governance:

- governance should be responsible and accountable;
- regulations should be enforced;
- integrating mechanisms and structures that facilitate participation should be established;
- there needs to be inter-ministerial and inter-departmental co-ordination;
- the institutional responsibilities for regulating environmental impacts and



- promoting resource exploitation should be separate;
- people should have access to information; and
- there needs to be institutional and community capacity building.

The World Resources Institute has defined seven elements of environmental governance, which are similar to the point included above and provide a useful framework for monitoring environmental governance. (<http://soer.deat.gov.za/27.html>). An eighth element can be added, that is, the *mainstreaming* of environmental issues (that is, their inclusion into other sectors).

ELEMENTS OF ENVIRONMENTAL GOVERNANCE

The following are elements of environmental governance with particular reference to South Africa. (<http://soer.deat.gov.za/27.html>)

- Institutions and law: The policy framework is based on co-operative governance, in which enforcement of environmental law and policies are the joint responsibilities of national, provincial and local spheres of government.
- Participation, rights and representation: South African constitutional provisions that require public consultation in sectoral policies as well as specific development activities. All environmental impact assessments require public involvement processes, however, there is still insufficient and inappropriate engagement with poor, disadvantaged or rural communities.
- Authority level: The trend is to decentralise environmental management functions from national to provincial and local spheres.
- Accountability and transparency: Those who manage and hold natural resources are answerable by law. The Constitution, 1996 gives the right to information, as does the *Promotion of Access to Information Act*, 2 of 2000. In addition, the specific provisions in the *National Environmental Management Act*, 107 of 1998 support access to environmental information.
- Property rights and tenure: There is a mix of property rights systems, freehold, communal and state owned. The right to property ownership is upheld and land reform restores control and ownership of resources to the claimant group (depending on the nature of the claim).
- Markets and financial flows: An extensive review of the use of economic and financial instruments to improve resource protection and governance was commissioned in 2004 by National Treasury. Currently the possibilities of a carbon tax and property rates rebates for environmental improvements by landowners are being considered.
- Science and risk: There is a significant scientific capacity in the Environmental Impact Assessment process. Scientific knowledge is essential to assess the risk and mitigation measures necessary for any development project.
- Integration into other sectors: Legislation is required to enhance co-operation among different government departments in all spheres. The Committee for Environmental Co-ordination is the primary statutory body for integrating environmental issues in all spheres, including inter alia, disputes arising from conflicting economic, social and environmental interests (<http://soer.deat.gov.za/27.html>).

PRINCIPLES OF CO-OPERATIVE ENVIRONMENTAL GOVERNANCE

(Boer, O'Beirne and Greyling 2003:3) contend that there are four fundamental principles that encompass co-operative environmental governance. These include *inter alia*;

- Fairness: To the interests of all groups, including the authorities, the developer/company, stakeholders and the environment.
- Accountability: The ability and willingness to communicate, disclose and explain actions. Effective communication and engagement between authorities, the developer/company and stakeholders are prerequisites for accountability.
- Transparency: 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, monitoring, actions and policing are important.
- Responsibility: The obligation to take good care of the environment which 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 governance emerges. Should any one of the principles not be met, it will also impact on the others (Boer *et al.* 2003:3).

LEGISLATIVE ARRANGEMENTS FOR ENVIRONMENTAL MANAGEMENT

Rabie and Fuggle (1996:15) state that the first statute related to environmental conservation as opposed to wildlife protection passed by National Parliament was the *Irrigation and Conservation of Waters Act*, 8 of 1912. The Act had little positive environmental significance on integrated environmental management (Rabie and Fuggle 1996:5).

Glazewski (1999:2) states that South Africa passed its first dedicated environmental statute in 1980, namely the *Environmental Conservation Act*, 100 of 1982. He argues that the Act was not particularly effective: its stated policy being to co-ordinate environmental matters within government and did not include any substantive provisions regarding environmental management (Glazewski 1999:3). It was therefore repealed and replaced by the *Environmental Conservation Act*, 73 of 1989 (the ECA).

Smith (2002:84) argues that although the environmental statute dates back to 1982, much of the judicial interpretation of the Environment Impact Assessment (EIA) laws was clustered in a period from 1999 to 2003. Smith (2002:85) concludes by adding that it is during only the last ten or so years, that there has been a relatively systematic and ordered development of its environmental legal regime. The *Environmental Conservation Act*, 1989 is still relevant from the perspective of a range of discrete environmental management issues, namely, waste management as well as the provisions relating to the National Minister's statutory powers to order the cessation of activities where environmental damage, endangerment or detrimental effect may occur (Smith 2002:185). According to Boer, *et al.* (2003) the EIA Regulations provide and specify a number of requirements for engaging the public.



National Environmental Management Act, 107 of 1998 (NEMA) provides a launch pad for equitable development and environmental protection as it aims to implement co-operative environmental government (Hamman and O’Riordan 1999:3). The Act focuses on spreading the responsibility for the interconnection between social well-being and environmental protection across the state departments and spheres of government. It forms the basis for citizens’ rights to be granted opportunities for effective democratic and economic involvement in the future development process (Hamman and O’Riordan 1999:3). They concede that because of its principles, institutions and parameters for environmental decision-making, the Act functions as a sort of *mother-law*, creating a framework for wide-reaching reform in South Africa’s environmental legislation (Hamman and O’Riordan 1999:3).

Glazewski (1999:2) contends that the NEMA is effectively a flagship statute for the National Department of Environmental Affairs. He argues that the nature of a framework act embraces all three fields of environmental concerns, namely: resource conservation and exploitation; pollution control and waste management; and land use planning and development. Glazewski adds that the two prominent features of NEMA include *firstly*, the emphasis on the concept of sustainable development as defined and analysed by the Brundtland report. *Secondly* it is firmly embedded in the context of the transition to democracy in the country (Glazewski 1999:2).

ROLE OF LOCAL GOVERNMENT

South Africa’s reinvigorated local government was given a seal of democratic approval in the 1995/1996 elections and is by far the most democratic structure that emerged from the negotiated settlement (Hilliard 1999:2, Pycroft 1999:391; Swilling and Boya 1999:165). Local government is the sphere of government closest to the people (Geldenhuys 1996:11). The Constitution, 1996 has assigned key executive, regulatory, administrative, and/or service provision roles, responsibilities and functions to national, provincial and local government, which have particular implications for sustainable environmental management from a co-operative governance perspective (Bosman 2003:20).

Bosman (2003:21) argues that local government specifically has a dual role to play in this regard, both as a frontline regulator and as a provider of services. The role of local government is supported by the legal framework that directs environmental co-operative governance and management. The Constitution, 1996 also provides for the fundamental rights of individuals to an environment that is not detrimental to their health and well-being and charges the government to enact reasonable legislative measures to realise this aim. Schedule 5 Part B and Section 156(2) of the Constitution, 1996 mandates local government to use by-laws to administer local government matters. Every country should have an efficient and effective system of local government (Hilliard 1999:2). Adlem and Du Pisani (in Hilliard 1999:3) argue that such a local government should provide inhabitants with services on a sustainable basis.

The new local government dispensation is confronted with huge expectations and demands from local communities and from the national and provincial politicians. Local government starved of resources and expertise during the apartheid era, needs to acquire the financial and human resources to be able to meet this monumental challenge (Pycroft 1999:392). Furthermore, the challenge that exists is how far municipalities have been able to

raise its legal profile in order to ensure sustainable development in their areas of jurisdiction. It is imperative that all spheres of government co-operate with each other and maintain good intergovernmental relations in order to be effective and efficient in discharging their constitutional and legislative mandate (Struwig 2003:319).

Local government and the Constitution

The fact that the Constitution, 1996 recognises local government as a sphere of government means that the status of local government as a whole and that of municipalities has significantly been enhanced. It is this sphere of government that is seen as the instrument and catalyst for service delivery (RSA 1998:2). Section 40 of the Constitution stipulates that government is constituted of national, provincial and local spheres of government (RSA 1996:19). Chapter 3 of the Constitution deals with co-operative government and the principles are outlined in section 41 (RSA 1996:19). In terms of section 151 of the Constitution, 1996, a municipality has the right to govern the local government affairs of its community in a democratic and accountable manner (regulatory role). Section 155(7) provides the national government and the provincial government with the legislative and executive authority to monitor the effective performance of municipalities of their functions with respect to the matters listed in Schedule 4 and 5 (RSA 1996:66).

Local government and sustainable development

Rapid evolutions of environmental problems bring pressure on governments to unify sustainable development policies (Muller 2004:398). Local government is responsible for the efficient management of services as well as the built and green environment. With the aim of achieving environmentally sound development, municipalities require extensive planning to ensure that programmes, procedures and operations have minimal potential negative environmental impacts (Blaine 2000:11). Such an approach ensures that growth and development, which will improve people's lives, are not undertaken at the expense of the environment (RSA 1999:20).

The challenge is that while local government is building the foundations for sustainable development by limiting environmental impacts and preventing environmental disasters, it must also focus on meeting the basic needs of disadvantaged communities who were marginalised by the previous regime (RSA 1999:21). The impact of the disparities and backlogs that exist should be ascertained so that proper prioritisation could be done (Hilliard 1996:3). Stanton (2002:176) argues that there are concerns that if this is not done, the pressures of short-term needs will undermine the long-term goals of sustainable development. This statement supports an earlier remark by Stanton (2002:175) where she stated that sustainable development would only be achieved at a global level, if it were implemented at the local level.

Local government and environmental governance

According to Van Rooyen and Naidoo (2008:738) the governance function involves four aspects:



- development of environmentally related legislation in the local sphere;
- executive mandate to implement legislative arrangements;
- law enforcement function; and
- good governance in line with the Batho Pele Principles.

A municipality is responsible for the development of relevant local by-laws to ensure that all the relevant environmental aspects are governed within a legislative framework that is in line with national and provincial principles. A municipality also has an executive function (including co-governance arrangements) that is linked with law enforcement functions. This refers specifically to environmental aspects such as air pollution, land use management and waste management. Protecting the global common good is also an important element of this function (Van Rooyen and Naidoo 2008:738).

Local government and environmental law

The new dispensation in South Africa has led to enormous changes in the legal framework and these have brought far-reaching implications, especially for municipalities. Ngobese and Cock (1999:256) argue that the prevalent problems are:

- The country has a degraded environment. Southern environmental problems are a microcosm of the environmental problems threatening the planet.
- The second major environmental problem relates to the inadequate policy for environmental protection. Environmental controls are extremely fragmented and under-resourced. Functions are split among various departments and enforcement is minimal.

Municipalities have always had environmental responsibilities, whether in the provision of water, sewage or waste facilities (Craythorne 1990:452). Basson and Du Plessies (2004:51) contend that nearly all legislation dealing with the environment has some sort of reference whether before or after the new constitutional dispensation.

Environmental rights in the Constitution

The Constitution, 1996 is the cornerstone of environmental protection. Section 24 of the Constitution comprises two components, namely:

- ensuring an individual's right to an environment that will not harm his or her health or well-being; and
- imposition of the constitutional duty on local government to secure the rights of its people through reasonable measures either by enacting legislation or by other means.

A municipality has a right to govern the local government affairs, subject to compliance with national and provincial legislation. Basson and Du Plessies (2004:51) agree that municipalities, individually and in conjunction with each other, should not only adopt by-laws, but they should also implement and administer relevant national and provincial legislation pertaining to the environment. They further add that municipalities may limit the said environmental rights through reasonable and justifiable limitations.

Visser (2002:323) notes that Section 24 of the Constitution, 1996 allocates comprehensive environmental rights, while at the same time, imposing obligations on itself, business, industry and the general public to protect such rights. He concurs with earlier opinions by stating that the government has to promulgate the necessary legal instruments to protect environmental civil rights with respect to waste management, the impact of waste on the environment and waste within the context of sustainable resource use.

Brauteseth (2002:26) argues that further rights that have a direct bearing on the manner in which municipalities act to protect the environment are: the right to just administrative action in section 33; and the right to information in section 32. Section 33 of the *Promotion of Administrative Justice Act*, 3 of 2000 requires local government to act lawfully, procedurally fair, reasonably and to provide reasons for their actions when acting in the environmental sphere (Basson and Du Plessies 2004:51; Brauteseth 2002:30).

In its quest for delivery, the Constitution ensures that the provision of services to all is done in a sustainable manner whilst at the same time promoting a safe and a healthy environment involving communities (Bosman 2002:231). Section 152 assigned local governments the responsibility of providing democratic and accountable governance to its community, ensuring the provision of sustainable services and involving communities and community organisations in its matters, subject to compliance with national and provincial legislation (regulated role). This is echoed by Basson and Du Plessies (2004:51) who argue that the Constitution places a duty on municipalities to promote the health and safety of the people in their area of jurisdiction as well as the environment. They add that the local government obligations towards the environment should be seen within the framework of governance, which is required by the NEMA.

ENVIRONMENTAL CONCURRENT COMPETENCY

The national government and the provincial and local governments are independent of one another, but they are also interdependent and interrelated (RSA 1999:82 Bosman 2003:20). Basson and Du Plessies (2004:52) argue that in this situation, the relationship in the intergovernmental sphere is one of co-operation and mutual respect for each other's authority. From the analysis of the Constitution, it is evident that more than one of the government agencies can have the power to act on environmental matters at the same time. It is for this reason that Bosman (2003:20) contends that some of the responsibilities of various spheres of government overlap, or have a direct influence on each other. In these co-operative governance arrangements or agreements should be actively pursued, since the lack of such arrangements could potentially lead to conflict with regard to environmental management aspects.

The Constitution contains two schedules that are very important for environmental management. They are schedules 4 and 5 giving specific legislative powers to different spheres of government (RSA 1999:42; Visser 2002:323). The Schedule 4 Part B lists the matters for which a municipality also have concurrent responsibility.

The Constitution has assigned power to national government to pass legislation with regard to any matter. These include matters within a functional area listed in Schedule 4, as well as a matter within a functional area listed in Schedule 5 due to particular conditions,



and to provincial government the power to pass legislation for its province with regard to any matter within a functional area listed in Schedule 4 and Schedule 5. A municipality (section 156) has the right to administer the local government matters assigned in both Part B of Schedule 4 and 5 (Table 2).

Section 156 (1) of the Constitution, 1996 states that a municipality has executive authority in respect of, and has the right to administer the matters listed below.

Table 1 Matters listed in Schedules 4 and 5 of the Constitution that relate to the environment

Schedule 4: CONCURRENT NATIONAL AND PROVINCIAL LEGISLATIVE COMPETENCE.	Schedule 5: FUNCTIONAL AREAS OF EXCLUSIVE PROVINCIAL LEGISLATIVE COMPETENCE
Part A	Part A
Administration of indigenous forests Agriculture Animal control and diseases Cultural matters Disaster management Environment Health Services Housing Pollution Control Regional Planning and development Soil conservation Urban and rural development	Abattoirs Provincial planning Provincial cultural matters
Part B – local government matters	Part B – local government matters
Air pollution Building regulations Electricity and gas reticulation Municipal planning Municipal health services Storm water management systems in built-up areas Water and sanitation services limited to potable water supply systems and domestic waste-water and sewage disposal	Cemeteries, funeral parlours and crematoria Cleansing Control of public nuisances Facilities for the accommodation, care and burial of animals Municipal abattoirs Noise pollution Refuse removal, refuse dumps and solid waste disposal

Source (RSA 1996)

Pillay (2003:258) argues that the area of co-operative government that requires strengthening is that of local government. She maintains this view because a variety of acts reaffirm local government’s responsibility for promoting and giving effect to principles of sustainable development. The above statement by Pillay (2003:258) is in line with Section 156(4) which states that the national and provincial governments must assign to a municipality, by agreement and subject to any conditions, the administration of matters listed in Part A of Schedule 4 or Part A of Schedule 5 which necessarily relate to local government, if that matter would most effectively be administered locally; and the municipality has the capacity to administer it.

Further to this, in terms of the *Local Government: Municipal Structures Act*, 117 of 1998, a municipality has powers assigned to it in terms of Section 229 of the Constitution. The functions referred to above are environmental in nature. Section 84 differentiates between

the functions and powers of district and local municipalities. A district municipality has the following functions (Table 2):

Table 2 District Municipal Functions in terms of Schedule 4 and Schedule 5 of the Constitution of South Africa

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- Potable water supply systems
 - Domestic wastewater and sewage disposal systems
 - Solid waste disposal sites
 - Municipal roads
 - Health services
 - Fire fighting services
 - Establishment, conduct and control of fresh produce markets
 - Abattoirs
 - Cemeteries
-

Source (RSA 1996)

Local government is best positioned to respond to people in respect of the above functions as it is the government closest to the people.

ENVIRONMENTAL LEGISLATION

Two pieces of legislation i.e. the *Environmental Conservation Act*, 73 of 1989 and the *National Environmental Management Act*, 1998 can be regarded as environmental framework legislation with the aim of achieving environmentally sound development. Regulation 1182 of the *Environmental Conservation Act*, 73 of 1989 identifies activities which must follow the environmental impact assessment process stipulated in regulation 1183 before any “construction or upgrading begins” (Blaine 2000:1).

Basson and du Plessis (2004:53) add that the list would include activities undertaken by municipalities, include *inter alia*, diversions to the normal flows of water in a river, maintenance of channels and canals and construction and upgrading of sewage treatment plants and associated infrastructure (Blaine 2000:1). In terms of Regulation No R1184, the National Minister of Environmental Affairs and Tourism has designated the provinces competent authorities with power to issue authorisations in terms of the EIA regulations. The provinces may, in turn, designate municipalities as competent authorities when they are considered competent. Basson and Du Plessis (2004:53) argue that some municipalities also require environmental impact assessments in their by-laws.

The role of local government is limited by the fact that municipalities will have to operate within the national framework of sustainable and integrated environmental management, as spelt out by NEMA. Where it is appropriate, municipalities can develop its own by-laws and strategies to suit their specific needs and conditions within the framework of the policy. NEMA provides for integrated environmental management (Malan 2009:1143; Van Rooyen 2001:72).

Section 28 of NEMA places the general duty of care on responsible parties to take reasonable measures to prevent pollution and take remedial action where it is not possible to stop such pollution or degradation from occurring (RSA1998:41). Basson and Du Plessis (2004:53) argue that although municipalities may not be responsible for pollution, their involvement in terms



of general duty of care are two-fold, namely an indirect involvement by having to adopt the necessary municipal by-laws that set out the measures that parties are required to take to prevent pollution, or take remedial action that is required to address pollution.

IMPLEMENTATION OF ENVIRONMENTAL LEGISLATION BY MUNICIPALITIES

Municipalities have the power to pass by-laws for the effective administration of environmental matters (RSA 1996:65). However, due to apartheid, South Africa's municipal areas reflected service standards that were two worlds apart. One world portrays the opulent white suburb with municipal service standards comparable to affluent suburbs in developed nations and the other world presents a sprawling black township, one with little or no services at all (Rossouw and Wiseman 2004:132).

The implementation of environmental legislation is critical for local government as it has the duty of promoting and giving effect to the principles of sustainable development (Pillay 2003:259). The above statement by Pillay (2003) becomes valid when one scrutinises the *Local Government: Municipal Systems Act, 2000* which places environmental management obligations which must be accommodated by local government in the institutional framework and policies of the municipality. These include providing municipal services in a financially and environmentally sustainable manner and promoting a safe and healthy environment.

The *Municipal Systems Act, 2000* goes a long way in addressing these objectives as it requires local government to prepare an integrated developmental plan (IDP) which provides a framework for the developmental role of local government. Rossouw and Wiseman (2004:137) state that the Municipal Planning and Performance Management Regulations promulgated in 2001 in terms of the *Municipal Systems Act, 2000* state that the IDP must contain a strategic assessment of the environmental impact of the spatial development framework. Furthermore, the *White Paper on Spatial Planning and Land Use Management* requires each municipality to compile a spatial development framework including a strategic environmental assessment (RSA 2001).

CHALLENGES

Having completed a process of legislative reform, the environmental sector in South Africa is in a phase of implementation of the legislation, including compliance and enforcement. Improved training and capacity building is a priority throughout the sector, both for provincial and municipal officials. Ongoing budgetary reform in the sector should provide greater clarity on inter-provincial expenditure trends in the future (<http://soer.deat.gov.za/27.html>).

The key challenges facing the sector over the medium term centre on budget and capacity issues. Concerns have been raised about the need to identify adequate funding to enable the successful implementation of the relevant legislation. Three main challenges were identified by the environmental sector in the Medium Term Environmental Plan. The first includes the need for co-operative government and improved co-ordination, in order to implement environmental management and sustainable development legislation. Regulatory, monitoring

and compliance frameworks need to be co-ordinated, to ensure the consistent application of standards, procedures and services across the country. Successful reform of the budget process is essential for enabling meaningful regulation and monitoring of the sector (<http://soer.deat.gov.za/27.html>).

The second challenge concerns the need to harness and develop the financial, technological and human resources necessary to enable the implementation of legislation. Concerns have been raised about the lack of clear funding mechanisms for many of the new obligations stemming from the legislation (<http://soer.deat.gov.za/27.html>). The final challenge recognises the complex and fragmented nature of environmental management and sustainable development in South Africa, which are concurrent competencies and also concern multi- and cross-sectoral functions (<http://soer.deat.gov.za/27.html>). There is an ongoing need to harmonise planning and reporting systems amongst all actors in the environment sector.

CONCLUSION

Environmental governance is embodied in South Africa's environmental legislation. Hence, the South African Constitution, 1996 together with various other pieces of legislation places a responsibility on all municipalities to address environmental issues at a local level.

Environmental governance principles of fairness, accountability, responsibility and transparency are important ingredients for sustainable development. If municipalities are to realise the duty and objective of promoting a safe and healthy environment, they should start the process of generating environmental policies as a matter of urgency. Such policies must take into account the provisions of the Constitution, 1996 to ensure that all spheres of government must co-operate with one another by co-ordinating their actions and legislation with one another (RSA 1996:19).

Municipal politicians and officials need training in environmental and sustainable development concepts and issues. Furthermore, environmental education and awareness activities within municipalities are limited in scope, generalised and undertaken with limited resources. An environmental education and awareness strategy is a significant tool to assist in this regard.

It should be noted that more attention is being paid towards ensuring that the affected communities understand and feel empowered to participate in processes regarding decision-making with regard to projects and developments that may affect their constitutional environmental rights. Overall, a robust framework and system need to be reviewed for monitoring environmental governance and ensuring that it is implemented across all spheres of government.

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