



## THE SCIENCE OF ENVIRONMENTAL COMPLIANCE : EVIDENCE-BASED ACTIONS FOR EMIS

10TH ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT LEKGOTLA | 18 - 21 NOVEMBER 2024 | KZN

# 2023/24 National Environmental Compliance and Enforcement Report

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## Background

- The 2023-24 report is the **17th National Compliance and Enforcement Report** to be published.
- Its compilation was initiated in conjunction **with inception of** operations of the Environmental Management Inspectorate in 2006/7.
- The national report is the **main communication mechanism** that informs external stakeholders about the work of the Inspectorate in the preceding financial year.



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## Background

Report represents the work of **19 EMI Institutions** (national and provincial environmental and parks authorities) and several **local** authorities.







## Content Overview

**the compliance and enforcement capacity  
in the country;**



**the enforcement (criminal, administrative,  
civil) and compliance monitoring activities  
(proactive, reactive inspections);**





## Content Overview

**the most prevalent types of environmental crimes per institution**



**the legislation; court cases and sentences relating to environmental matters**



**the capacity-building interventions and joint operations with key stakeholders**





## General Trends

- There has been a **6% (3215 to 3404)** increase in the number of Environmental Management Inspectors (EMIs) at national, provincial and local spheres of government.
- A **general decrease in criminal enforcement** activities in 23/24 as compared to 22/23 (AOG fines, dockets, arrests and convictions).
- An **8% (1229 to 1327) increase** in the issuance of **administrative** enforcement notices.
- The **number of facilities inspected** rose significantly from 4432 in 22/23 to 5643 in 23/24 (**30%** ).
- The reported number of **reactive inspections** conducted in 23/24 more than **doubled** as compared to 22/23 (1107 to 2467)



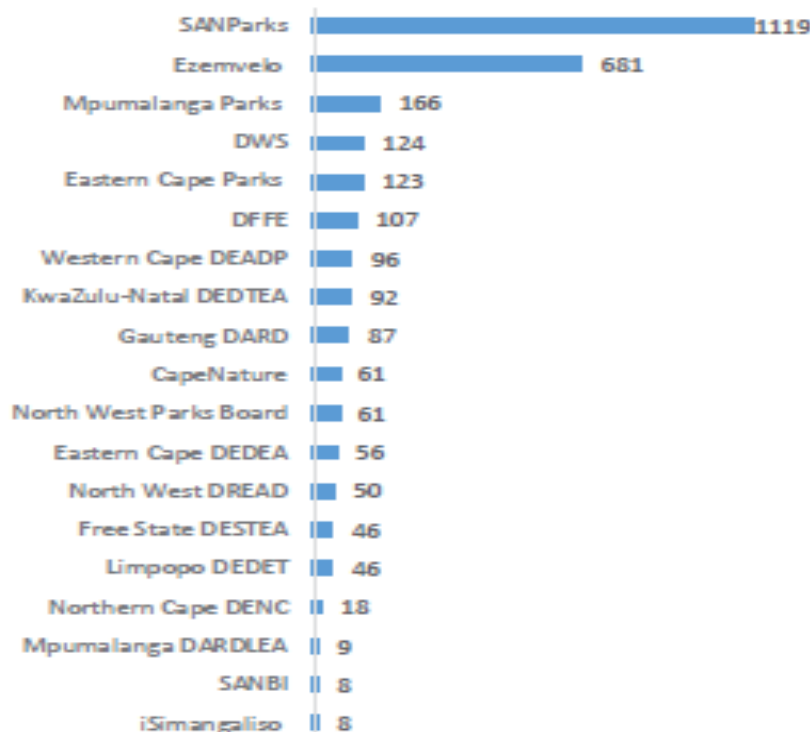
## 2. KEY FINDINGS

### 2.1 The Environmental Management Inspectorate

# The Environmental Management Inspectorate (EMI)

Overview of EMI designations

## National and Provincial designated EMI's per institution



5%

Increase in total number of EMI's on the National Register



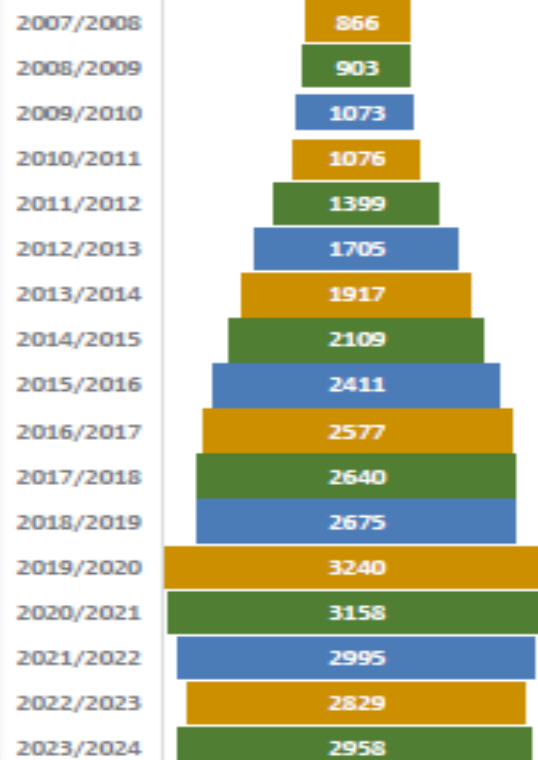
There has been a decrease in the number of Grade 5 EMI's

2200  
2022/2023

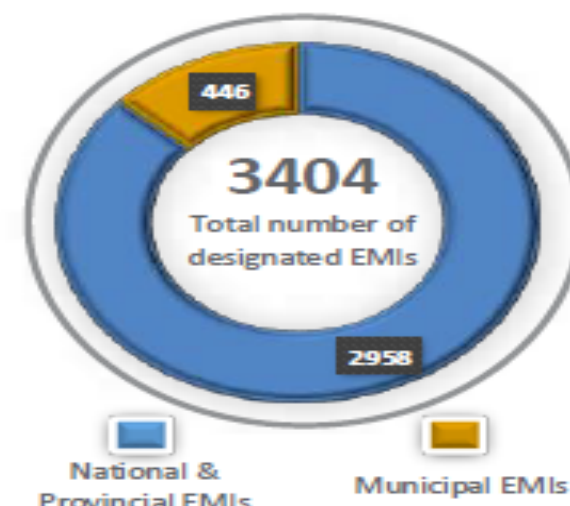


1999  
2022/2023

Total number of designated National and Provincial EMI's as reflected over the last 17 years



## Total Number of EMI's



2958

Total number of National and Provincial designated EMI's

1999

Are EMI Grade 5 (Field Rangers)

68%



413

2021/2022



386

2022/2023

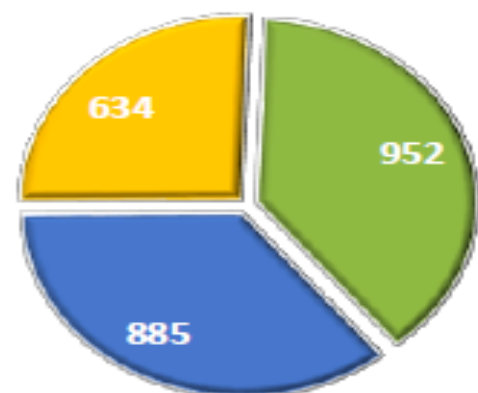


446

2023/2024

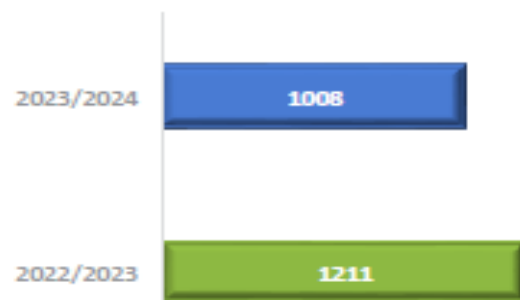
EMI's designated at local authority levels has increased over the past reporting year

## Dockets Registered



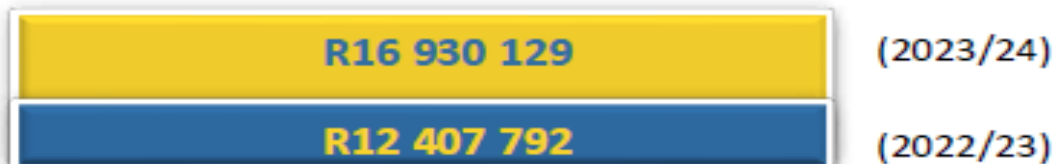
2021/2022 2022/2023 2023/2024

## Number of Admission of Guilt Fines Issued, slight decrease



## Overall National Enforcement Statistics

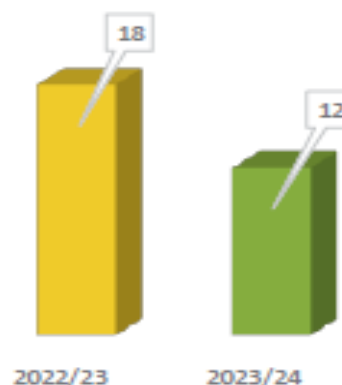
The total Rand amount of **section 24G** administrative fines paid **increased**



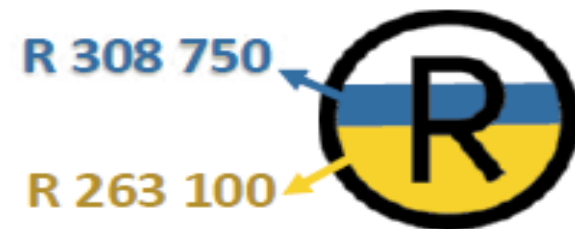
**Number of Criminal dockets** handed to the NPA, has decreased from 2022/23 to 2023/24



## Plea and Sentencing agreements



Total **value of admission of guilt fines paid** has decreased from 2022/23 to 2023/24



Total number of **Arrests** made by EMIs



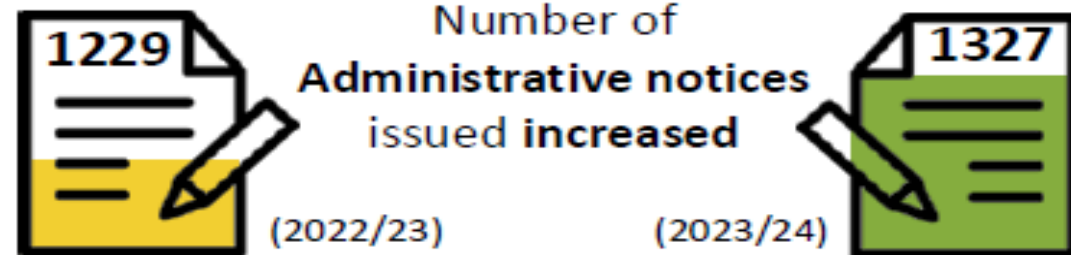
Number of **Acquittals** decreased from 1 (2022/23) to 0 (2023/24)



Number of convictions decreased by 27%



Number of **Administrative notices** issued **increased**







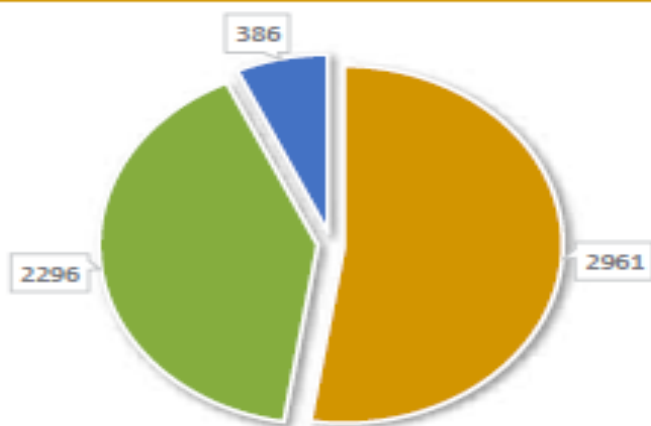
Number of **Facilities** that were inspected increased

**4333** (2022/23)

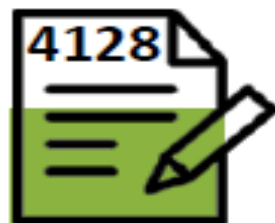
**5643** (2023/24)



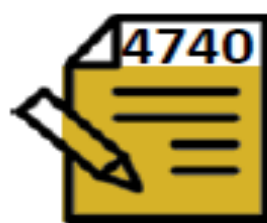
Of the number facilities inspected, **52%** (2961) were waste and pollution, **41%** (2296) biodiversity and **7%** (386) oceans and coast related



**5 643 inspections** were initiated by the following triggers:



There was a **15% increase** in the number of inspection reports finalised compared to the **2022/23 reporting year**

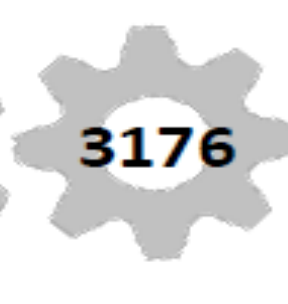


## Overall National Compliance Statistics



**3226**

2022/23



**3176**

2023/24

Total number of **proactive inspections** conducted, **decreased** from 2022/23 to 2023/24

Number of **Non-compliances** detected during inspections

2022-2023

2023-2024



**5421**



**3530**



**2204 brown**



**284 blue**



**1042 green**

Number of **Non Compliances** detected represented per sector

Total number of **reactive inspections** conducted, showed a **122%** increase compared to previous year

2022/23



1107

2023/24



2467



## Most prevalent types of environmental crimes

- Illegal possession and hunting of protected fauna/flora, illegal entry into protected area = **1090** non-compliances reported
- Unlawful commencement of Environmental Impact Assessment Listed/Specified Activity = **807** non-compliances reported





## A closer look at the national statistics...

	2021-22FY	2022-23FY	2023-24FY
Criminal Enforcement			
Arrests by EMIs	838	623	508
Criminal dockets registered	952	751	634
Cases handed to NPA	391	359	298
NPA declined to prosecute ( <i>nolle prosequi</i> )	17	8	4
Section 105A agreements (plea bargains)	6	18	12
Acquittals	5	1	0
Convictions (excl. J534s)	58	90	66
J534 (Admission of Guilt Fines): Total number issued	1091	1211	1008
J534: Total number paid	390	593	550
J534: Total value of fines paid	R408 730	R 308 750	R 263 100

Poor conversion of arrests, dockets to court outcomes OR lack of reporting?





## A closer look at the national statistics...

Institution	Pro-active Inspection (permit, routine, strategic)	Reactive Inspection (complaint)	Grand Total
North West DEDECT	319	885	1204
DFFE	766	72	838
Kwazulu-Natal EDTEA	469	216	685
DWS	414	13	427
Gauteng DARDE	362	20	382
Limpopo DEDET	368	65	433
Cape Nature	168	4	172
Eastern Cape DEDEA	164	–	164
Ezemvelo KZNWildlife	–	805	805
Mpumalanga DARDLEA	75	67	142
WCDEADP	26	294	320
Northern Cape DEANC	45	26	71
<b>Grand Total</b>	<b>3176</b>	<b>2467</b>	<b>5643</b>

At DWS, reactive inspections constitute **3%** of total inspections

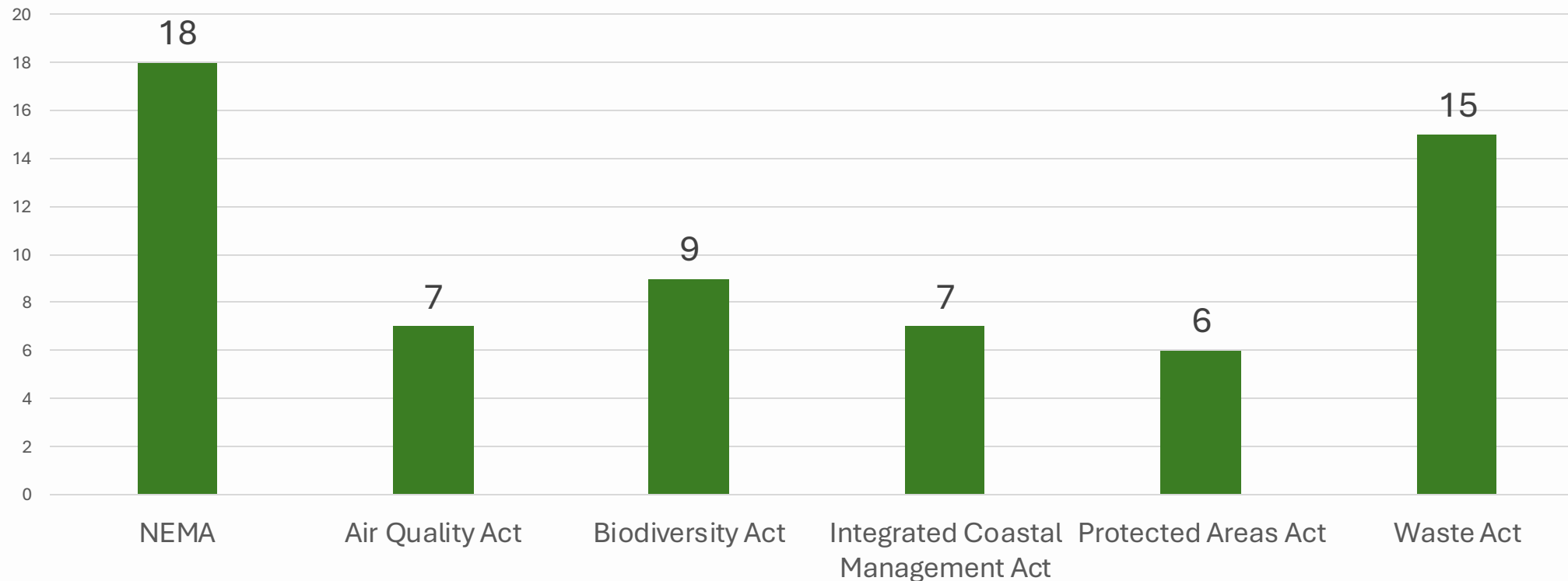
vs

At WCDEADP, reactive inspections constitute **92%** of total inspections



## Increasing legal mandate of EMIs: **62** new pieces of subordinate legislation added in 23/24

Number of new pieces of subordinate legislation added to mandate of EMIs in 23/24

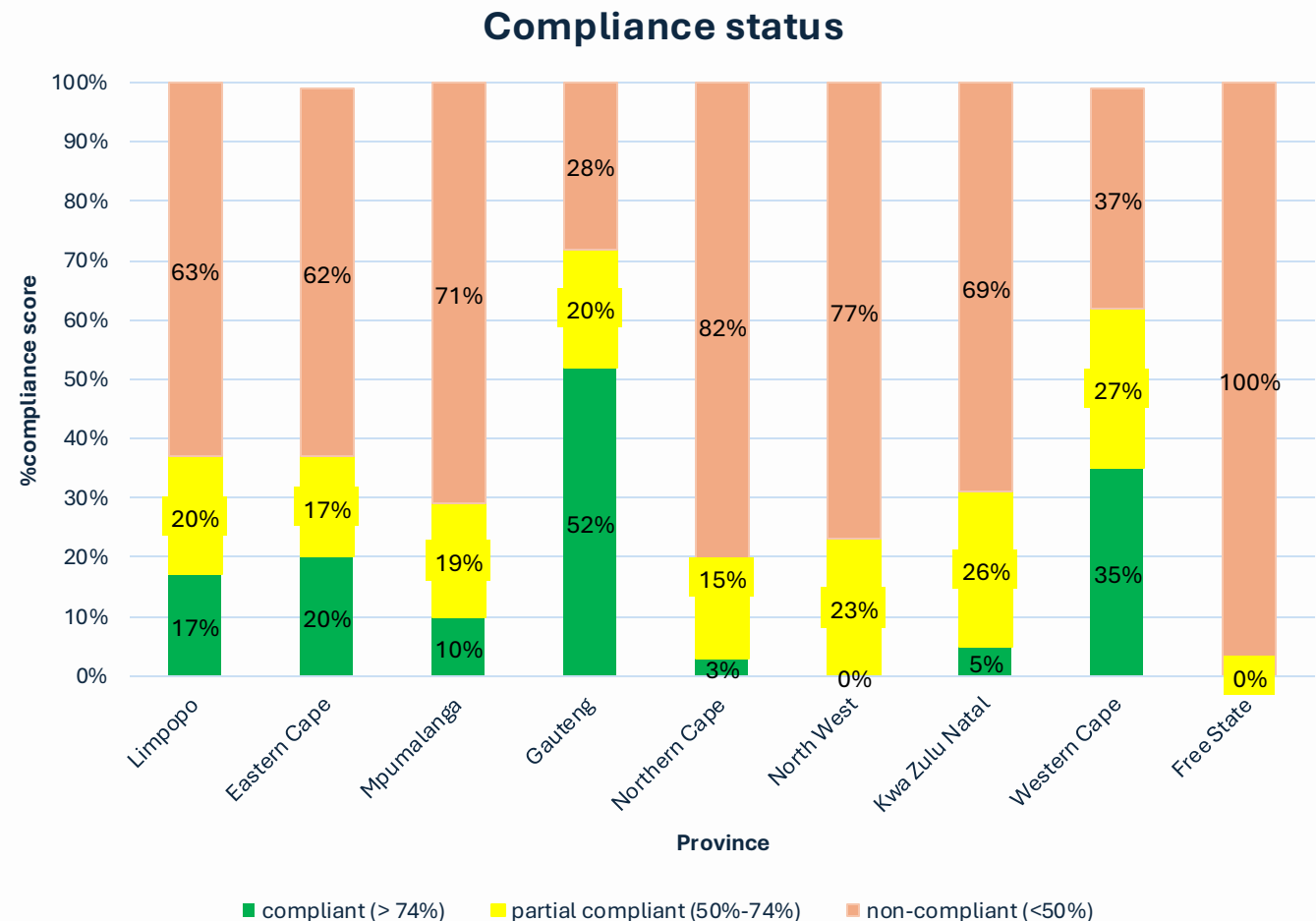


The growth in environmental legislation / legal requirements is not matched by a corresponding increase in EMI capacity to implement



## Strategic EMI Projects/Operations (Municipal Landfill Sites)

- A total of **357 sites** have been monitored for compliance over the period of **5 years**.
- Monitoring includes baseline inspections, follow-up on action plans and commitments made in response to enforcement action.
- To date, a total of **52 criminal cases** have been opened against municipalities for non-compliant landfill sites
- Despite the interventions made thus far, the status of compliance has not improved with **only 19% (67) of the 357 inspected sites found to be compliant**.







## Strategic EMI Projects/Operations (Ocean and Marine Crime Priority Committee (Initiative 5): Enhanced and Coordinated Compliance and Enforcement )

Operations focused on:

- The mitigation of illegal harvesting of marine resources;
- Marine Protected Areas (MPA's) infringements and other environmental priorities;
- Contraventions of maritime safety legislation;
- Illicit economy, illegal, unreported, and unregulated (IUU) fishing;
- **43** joint operations:
  - ✓ Western Cape – 16
  - ✓ Eastern Cape – 11
  - ✓ Northern Cape – 8
  - ✓ KwaZulu-Natal – 8

Initiative 5 of Phakisa Operations: Eastern Cape and Northern Cape: Seizures	
Abalone	R71 119 436,00
Equipment and vehicles/vessels	R 3 923 800,00
Narcotics	R 1 497 042,00
<b>TOTAL</b>	<b>R76 538 278,00</b>





## Prosecution of environmental crimes: 23/24 sentences

### The State v Shadrack Matambo; Thabani Lusiko Sibanda and Sibusiso Leonard Khumalo (Cycads)

Charges	Sentence
<ul style="list-style-type: none"><li>• Theft read with section 51(2) of the Criminal Procedure Act 105 of 1977 – Theft of 50 cycads</li><li>• Contravening section 49(1)(a) of Immigration Act 13 of 2002</li></ul>	<ul style="list-style-type: none"><li>• Accused 1: <b>10 Years direct</b> imprisonment, 3 Months suspended for 5 years</li><li>• Accused 2: <b>12 Years direct</b> imprisonment</li><li>• Accused 3: <b>8 Years direct</b> imprisonment</li></ul>

### State v Lekwa Local Municipality (Sewage)

Charges	Sentence
<ul style="list-style-type: none"><li>• 7 counts relating to the failure to comply with conditions stipulated in the Waste Management Licence and the unauthorised disposal of waste</li><li>• The failure to comply with a compliance notice and directive.</li><li>• Unlawfully conducting a water use, causing significant pollution to the environment and unlawfully and negligently disposing and distributing raw untreated sewage</li></ul>	A fine of <b>R70 million</b> to be used to repair the non-functioning infrastructure over the next three years.

### S v Baadjies and 4 others (Abalone)

Charges	Sentence
<ul style="list-style-type: none"><li>• Managing and participating in the affairs of an enterprise, money laundering in terms of section 6 of Prevention of Organised Crime Act 121 of 1998,</li><li>• Corruption,</li><li>• Abalone-related charges,</li><li>• Defeating the administration of justice</li></ul>	<ul style="list-style-type: none"><li>• Accused 1, 2 and 3: <b>10 years direct</b> imprisonment of which 3 years imprisonment was suspended.</li><li>• Accused 4 and 5: <b>10 years direct imprisonment</b> of which 6 years imprisonment was suspended.</li></ul>



## Environmental Crimes and Incidents Hotline

Nature of Complaint	Financial Years			
	2021-22	2022-23	2023-24	Totals
Air pollution	297	361	272	930
Deforestation	18	40	14	72
Illegal dumping and waste issues	46	146	228	420
Illegal development	10	30	34	74
Illegal activities	77	75	159	311
Mining	22	36	46	104
Noise pollution	5	16	7	28
Poaching	297	380	140	817
Spillage	275	50	46	371
Water pollution	51	155	215	421
Alien and Invasive species	7	101	299	407
Import and Export species	1	4	16	21
Others	17	31	3	51
<b>Total</b>	<b>1123</b>	<b>1425</b>	<b>1479</b>	<b>4027</b>





## EMI Capacity Development Programme 23/24:

During 2023/24, a total of **596 EMIs** and **other regulatory authorities** received training as follows:

- **151** officials attended EMI basic training
- **315** EMIs attended EMI specialized training (docket management, wetlands, self-defence, sampling and SA BOLD)
- **118** external regulatory authorities (BMA, SARS, NPA and Judiciary)
- **15 EMIs** received Grade 5 train-the-trainer training





## Conclusion

- Whilst the number of criminal enforcement activities decreased in the year under review, we are seeing more **impactful sentences**
- **Intensified monitoring** underscores a stronger culture of accountability and environmental stewardship and indicates focused attention on reported non-compliance incidents
- Pervasive issues must still be addressed - **untreated sewage** discharge to land, freshwater, and coastal areas; pollution impacting **air quality**; illegal activities associate with **waste management & disposal** and ecosystem degradation resulting from **invasive species**
- Environmental compliance and enforcement authorities must be innovative, focusing resources on the country's **most urgent environmental threats** - the Lekgotla provides the platform to focus the strength of the combined EMI network to address these issues



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# THANK YOU



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