



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

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

The Meandering Reflections of a new old EMI

Abimbola Olowa



Call centre: +27 86 111 2468

www.dffe.gov.za



**forestry, fisheries
& the environment**

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA





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Introduction



Financial Resources



Visibility of EMIs



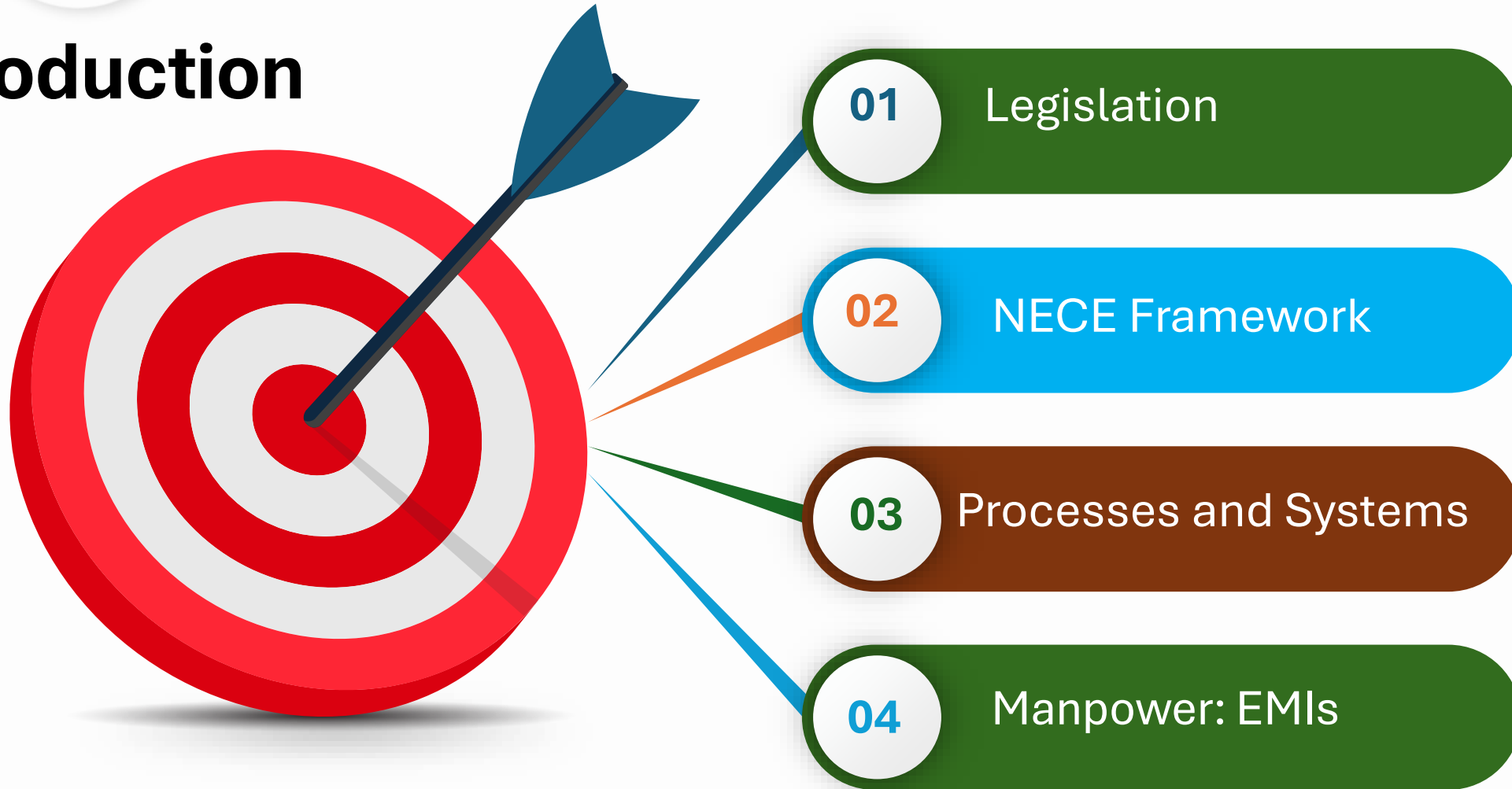
Specialised Environmental Courts



Concluding Remarks



Introduction





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01

Financial resources for EMIs

03

All fines collected go to the fiscus –
no 'benefit' to environmental
departments

02

Section 24G Admin Fines (5 years):
R54 999 700

04

How do we leverage on
s24G fines?

Financial Resources





Polluter Pays Principle

- Part of the 1992 Rio Declaration principles (principle 16)
- Party responsible for producing pollution responsible for paying for the damage done to the natural environment
- Cost efficiency: it promotes cost efficiency - Saves public funds by transferring responsibility for cleanup and restoration to violators.
- Legal justice: it promotes justice.

Section 24G administrative fine

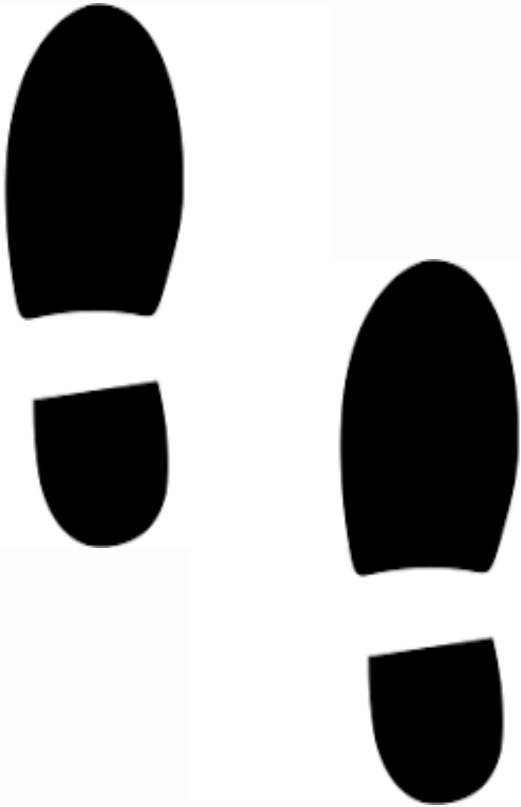
- The fine is based on the polluter pays principle
- Gauteng experience: Section 24G fines under appeal.
- The Minister or an MEC may, after considering such an appeal, confirm, set aside or vary the decision, provision, condition or directive **or make any other appropriate decision**, including a decision that the prescribed fee paid by the appellant, or any part thereof, be refunded (43(6))

Proposal One

- Introduce and implement non-monetary fines as a complementary or alternative enforcement mechanism for environmental non-compliance
- Amendment of Section 24G – monetary and non-monetary fines



Visibility of EMIs



**Are we
visible?**

**More boots
on ground?**

**How do we
become
more
visible?**



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Improved visibility of Environmental Management Inspectors (EMIs) is critical to fostering:

- public trust,
- ensuring accountability, and
- deterring non-compliance

What we are doing well

- ✓ **Brand Identity for Inspectors**
- ✓ **Collaborative Inspections**
- ✓ **Visible in Policy Spaces**

Digital Engagement and Transparency

- **Interactive Websites:**
 - Create a user-friendly website for public access to EMI reports, statistics, and updates.
 - Highlight key successes and enforcement actions (online newsletter etc)
- **Social Media Presence:**
 - Regularly update platforms with inspection highlights, environmental tips, and compliance stories.
 - Use live updates during significant inspection events.
- **Gamified Reporting Tools:**
 - Create apps where citizens can report environmental issues and track EMI responses, earning badges or points for participation.

Examples: US EPA (Instagram, Twitter, FB,); MySAPS (App)

Proposal Two

Improve EMI visibility:

- Social media presence
- Interactive website
- APP for reporting



Specialised Environmental Courts (SEC)

- SEC Purpose: strengthen judicial systems, develop jurisprudence and promote accountability
- As at 2021 - 2115 SECTs in 67 countries

Hermanus
Environmental Court
(2004 – 2007)

Too few environmental
cases?

Ireland: 87cases (2020)

Major challenge:
political will

Having a SEC will
influence allocation of
resources, focus on
environmental issues



South Africa:

- Has the requisite legal structure in place – an established court system
- has not shied away from implementing policies, promulgating legislation, and putting structures in place to address its socio-economic challenges.
- has clear environmental goals which are entrenched in the Constitution and the National Development Plan
- the political environment in South Africa is relatively stable and largely responsive to environmental issues

However, the lack of political will remains a concern – Department of Justice – complex logistics to establish SEC.

Proposal Three

Consider strongly lobbying for a Green court model as a start



Concluding Remarks

The Inspectorate has developed well over the years

**Making our role clear is key – not everything
environment is environment**

Creative (legal) means of boosting financial resources

Key to develop good relationship with our line function



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