

04/11/2011



THE
DEPARTMENT OF
ENVIRONMENTAL
AFFAIRS

ENVIRONMENTAL IMPACT ASSESSMENT AND MANAGEMENT STRATEGY

**SUBTHEME 10: • .Subtheme 10: Co-operative
Governance: EIM tools**



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

.....the Green connection

Subtheme 10: Co-operative Governance: EIM tools: To ensure suitable, acceptable and efficient co-operative governance within the context of EIAM

Contents

1. INTRODUCTORY REMARKS:.....	2
2. PROBLEM STATEMENT	2
3. OBJECTIVES	2
4. BACKGROUND.....	3
5. CONTEXT	3
6. METHODOLOGICAL APPROACH	4
7. STATUS QUO	5
8. ANALYSIS.....	14
9. SYNTHESIS.....	26
10. RECOMMENDATIONS:.....	30
12. REFERENCES:.....	38

1. INTRODUCTORY REMARKS:

This subtheme report poses a problem statement that assumes that MOUs between government departments would assist with cooperative governance. This report examines the conditions under which MOUs would be the best mechanism and also analyses the success of other mechanisms.

Since the 2008 review conference, the Department of Environmental Affairs has taken a number of steps to address the goals as outlined below. In order not to duplicate the department's ongoing actions towards cooperative governance, this report has attempted to build on what has already been achieved.

The research uncovered a wealth of cooperative governance mechanisms that government officials had put in place in order to drive sound environmental management practice.

2. PROBLEM STATEMENT

The necessary MOUs for integrating permitting, inter- and intra- governmental agreements, cooperation and efficiency within the context of EIA have not been established.

3. OBJECTIVES

To ensure suitable, acceptable and efficient co-operative governance

GOALS

Goal 1: To evaluate existing mechanisms for co-operative governance per existing tool

Goal 2: To determine extent of existing duplication and fragmentation in application processes and decision making cycle

Goal 3: To determine/clarify responsibilities and mandates of decision makers

Goal 4: To establish checks and balances to ensure NEMA principles and objectives are applied in decision making when functions are delegated through MOU's

Goal 5: To give effect to sections 24(K) and (L) without undermining the objectives and principles of NEMA

Goal 6: To determine what other co-operative governance options exist.

4. BACKGROUND

The study must be informed by the findings of sub-theme 1 and sub-theme 9, and locate its conclusions in a manner that integrates into the outcomes of this DEA EIA&MS project. Sub-theme one looks at the legally constituted co-operative governance mechanisms that are institutionalized but are not necessarily related to environmental management tools. In order to be effective, co-operative governance arrangements must relate and align with the formal legislated co-operative governance mechanisms.

The environmental management tools (sub-theme nine) create the environment for co-operative governance. Environmental management tools can be enabling of co-operative governance. As such, the quality of environmental tools of sub-theme nine should be informed by the imperatives for co-operative governance as described in this report.

This study investigated current practice in co-operative governance at the local, provincial and national government level. Whilst the study focused on co-operative governance mechanisms operating within the framework of EIA processes, it was not limited to these processes.

5. CONTEXT

The sub-theme 9 draft report highlights the broad range of environmental mechanisms that could be regarded as environmental tools. Although the common tool is the EIA, this tool itself consists of a variety of other tools that feed into the EIA, for example, heritage impact assessments, social impact assessment (SIAs) etc. Subtheme 9 prefers to look at environmental management tools in the context of a reference framework that follows a project cycle of 4 phases. Our final recommendations are also presented in this way.

Co-operative governance is a cross-cutting theme. The Constitution establishes a governance system that forces “all spheres of government and all organs of state” to cooperate with one another in “mutual trust and good faith” (Constitution – Act 108 of 1996). This should therefore be taking place across and within all departments, regardless of the activity, and its location in the project cycle. The National Environmental Management Act (NEMA), and the National Water Act,

support cooperative governance, for example, through the provision for arrangements such as catchment management agencies and environmental cooperation agreements. As such, good governance should not be isolated to any one sector in the cycle above. Rather, it is a pre-requisite for effective governance in all stages of the project cycle. Unfortunately, the perception exists that co-operative governance is primarily required only in the “implementation” phases, specifically during the permitting and licensing processes associated with EIAs.

6. METHODOLOGICAL APPROACH

Senior officials working in the environmental management field at the national, provincial and local government levels were interviewed to gain an understanding of current co-operative governance practice, specifically when connected with EIA processes. EAPs were also consulted with. A list of interviewees is provided in Appendix 1.

The interviewees were provided with a set of questions in order to guide discussion

(see Appendix 2).

Having considered the questions in advance, interviewees generally spoke broadly concerning their experiences of co-operative governance (or the lack thereof), rather than with respect to each question.

The results of these interviews, together with additional case studies drawn from relevant literature, and documentation forwarded from DEA, were then analysed and discussed, ending with the formulation of a number of strategic outcomes and accompanying recommendations.

The additional case studies were also chosen to try to address the concerns raised at PSC level.

The workshop held with the PSC on 1 April 2011, provided some guidance on areas to be expanded or clarified in order to finalise the report. This will be done over the 6 week review period.

Limitations

The subtheme studies were initially envisaged to take about three and half months to complete but the actual timeframe for completion was subsequently shrunk to 4 ½ weeks.

For this particular subtheme, the Department of Environmental Affairs (DEA) had already initiated its own actions in respect of the overarching objective and particularly with respect to some aspects of goals 1-5. This report has therefore focused on building on the results of the Departmental initiatives, and did not undertake investigations that duplicated the national legal audit and cooperative governance actions underway already.

Although this subtheme needs to align very closely with subtheme 1 and 9, there was insufficient time to do this adequately. One meeting was held between the authors of the various subthemes

and earlier drafts of the respective reports were shared. In finalizing the overall EIAMS strategy, there will be a need to ensure that these subthemes are aligned.

The tools that most interviews covered were the EIA, IDP, SDFs and EMF. However, other tools were assessed through looking at case studies in literature.

Attempts were made to contact representatives from all provincial departments, and some larger metropolitan areas. This proved extremely time-consuming as phone calls and emails were not returned, the relevant individuals had left the provincial departments or were not available. However, the individuals we did speak with provided a wealth of information and their contributions were extremely valuable.

7. STATUS QUO

Literature review

A comprehensive legal review has not been undertaken as part of this study, as this function is understood and was agreed¹ to be the responsibility of the authors for subtheme one (Governance and Administration).

(a) Cliffe Decker Hoffmeyer legal audit

A legal audit of all environmental management legislative requirements was completed during mid 2010 by Cliffe Decker Hoffmeyer. This legal audit (appendix 5) is a comprehensive spreadsheet based compilation and analysis of how resources and tools are managed by different pieces of legislation and points to whether there is provision for cooperative governance. The results of this audit, while initially aimed at an investigation of an integrated permitting system, “ illustrates duplication, fragmentation and lack of coordination”.

In order to illustrate the usefulness of the audit, a few results are described below:

In the area of minerals, the legal audit determined that it was possible that four different departments, covering twelve different acts would be involved in various permits that would be needed. However, according to the audit, in implementing a strategic tool, such as a prohibition or restriction of mining, the cooperative governance mechanism only includes a “representation from stakeholders by invitation”.

In the area of coastal issues, there are twenty different pieces of legislation that could apply. The various permits or authorisations applicable were also analysed and one of the aspects of analysis was whether there was specific cooperative governance mechanisms within the legislative framework. Some of the triggers for a permit included letting of coastal land, or a permit for removing any material from the sea shore, but there are no specific cooperative governance mechanisms in place for these specific cases.

¹ Meeting between Green Connections and Enact, Enact Offices, Thursday 10 March, 2011

A third example is that of wetlands where there is a cooperative agreement in place. According to the legislation audit, issues relating to wetlands are covered by two departments and seven acts. However, the MOU that deals with wetlands is an agreement between three or four departments including Dept of Agriculture. According to the legal audit however, the Dept of Agriculture has no legislative responsibilities in the area of wetlands.

These cases are provided as an illustration of the findings of the legal audit. The document is a complex array of nine spreadsheets, and our examples were merely used illustratively to show the types of information that is contained therein. One spreadsheet lists over 570 activities, while another lists over 300 specific tools such as permits or authorisations. Some of these apply at the national level and some at the provincial level and it is anticipated that the subtheme 1 would draw out the institutional and legislative implications in more depth.

It is apparent that the Department of Environmental Affairs (DEA) has already taken some steps to improve cooperative governance and there are a number of initiatives underway that address the problems identified by the PSC and others. Appendix 3 is an internal DEA document that provides a progress report on how certain activities and specific departments are attempting to align with the NEMA regulations. It is important to note that most of these alignment issues are being addressed through regular meetings and that many of these issues are new initiatives. In the interviews conducted to determine how cooperative arrangements are working, the problems highlighted in the literature have been confirmed. However, in a year's time, once the new initiatives have been implemented, the co-operative governance practice on the ground might look quite different.

(b) Draft Guideline on Section 24(8), 24(K) and 24(L)

Another of DEA's efforts to improve alignment is the development of a guideline that has been drafted in order to improve cooperative governance. Entitled Guideline on Section 24(8), 24(K) and 24(L) of the National Environmental Management Act, 1998 (Act No 107 of 1998)², but this has not yet been finalized, the closing date for comments was mid March 2011 (see appendix 4).

Relevant Sections of NEMA:

24(k) Decisions must be taken in an open and transparent manner, and access to information must be provided in accordance with the law.

24(l) There must be intergovernmental co-ordination and harmonisation of policies, legislation and actions relating to the environment.

24(m) Actual or potential conflicts of interest between organs of state should be resolved through conflict resolution procedures.

24(8) Authorisations or permits obtained under any other law for an activity listed or specified in terms of this Act does not absolve the applicant from obtaining authorisation under this Act and any

² DEA, 2010. Draft Guideline on Sections 24(8), 24(K) and 24(L) of the National Environmental Management Act, 1998 (Act No 107 of 1998), Department of Environmental Affairs (DEA), Pretoria, South Africa

such other authorisations or permits may only be considered by the competent authority if they are in compliance with subsection (4) (d).³

Key components of the draft guideline (see appendix 4), that should inform co-operative governance practice, are discussed below.

Where the NEMA EIA listed activities are also covered by other legislation, the competent authorities would work together to avoid duplication. Importantly, aspects of the two processes may be aligned which may mean that one comprehensive process is followed or that the two processes are integrated in that the competent authorities agree as to which procedure or process is to be followed at any particular stage of the authorization process.

The draft guidelines refer to “show-stoppers”, significant challenges that need to be identified and addressed in order to conclude a meaningful agreement. These “show-stoppers” can be administrative, for example, the lack of sufficient personnel or budget to participate in MOU related meetings and a general lack of willingness to cooperate from one of the stakeholders. Other show stoppers could include substantive legislative requirements are not compatible, and may require some amendment of the law in order to address. An example provided is the legal requirement within the Minerals and Petroleum Resources Development Act (MPRDA) to submit EMPs within a timeframe of 30-180 days depending on the type of permission sought, whereas the NEMA requirements require a much longer time-period.

The guideline suggests that EIAs are probably the most comprehensive environmental impact assessment tool and that, where other departments have different legal requirements, EIAs might be used as information gathering tools to inform these other decisions.

The guideline suggests that EAPs be used in an integrated process, even if they are not required by other legislation. The guideline proposes that if different authorities make joint decisions or if an integrated approach is used, a conservative approach be used, i.e. the longer timeframes and the most comprehensive processes be chosen in designing the integrated process.

The guideline also points out that depending on the alignment of functions in provincial and national departments, the integration may prove difficult and suggests that in those cases, it would be more effective to align the processes rather than try to produce one integrated process.

A point is made that in instances where NEMA does not provide regulation, that other legislative procedures be adopted, for example, the withdrawal of permits. In the issue of appeals, if the decisions are made as part of an aligned process but separate authorizations are issued, the appeal procedures will need to be kept separate. Where an integrated permitting process is following the parties to the agreement will need to decide which appeal process to follow.

The draft guideline highlights the need for a coordinating mechanism that physically meets, but acknowledges that capacity constraints may make the formation of new institutional bodies logistically difficult and proposes other mechanisms such as email.

³ NEMA 24.4. (d) refers to the need to ensure participation of interested and affected parties including organs of state and all spheres of government.

The draft guideline proposes that monitoring and compliance procedures be agreed to in the MOU but then suggests that if conflict arises, that the matter be referred to the respective MECs or Ministers and that such a procedure should also be detailed in the MOU.

The draft guideline draws on some of the specifications outlined in the IGRFA, including the allocation of financial responsibility, conflict resolution mechanisms and a commitment to act in good faith.

The draft guideline suggests that in line with the Intergovernmental Fiscal Relations Act (IGFRA), that the MOU “ *This clause will also usually indicate that the Agreement does not make any legal or otherwise enforceable commitments on behalf of any of the Parties, nor does it in any way limit any statutory powers and functions of the Parties*” . this appears counter-intuitive as one assumes that the purpose of the MOU is to provide an enforceable integrated permitting procedure; such a procedure would not contravene any legal requirements of either party but one hopes it would “*make enforceable commitments*” on behalf of both parties.

The draft guidelines also contains a blanket confidentiality clause. In order to foster transparent, accountable governance, it is unclear why anything connected with the MOU should be confidential. It would in fact, one assumes, be beneficial that all relevant departments be informed of the details of the cooperation agreement in order to ensure that they could assist with implementing it. It would be suggested that the guideline be amended to reflect the legal requirements of access to information a contained in PAIA.

The guideline document and the legal audit and summary of alignment issues document indicate a pro-active approach by the national department of DEA. In order to build on the proposals, a number of interviews were held with provincial and local government officials to determine how cooperative governance is taking place at the moment.

The end conclusions of this report attempt to draw from the various mechanisms available under the various act in order to provide an illustrative recommended integrated process. Amendment of the law and institutional change may be required and this would then need to be integrated with subtheme recommendations.

(c) PSC findings

The concerns raised by the PSC concerning cooperative governance highlights the same issues as emerge from literature and interviews.

Sector specific concerns

The comments often mention specific departments or issues such as biodiversity or planning, or the institutions eg SANBI , or specific reference to local government. However most of the concerns raised could occur across any departments or issues. Concerns include:

“What I really want is that we see a far closer, deliberate, intentional alignment of SANBI’s initiatives with those of the Department of Environmental Affairs and Tourism”.

“While it is great to have expertise in big municipalities, it is an administrative nightmare for both officials and EAPs to get all relevant departments’ comments. THIS NEEDS TO BE ADDRESSING IN COMMENTING TIMEFRAMES!!”

Capacity concerns

Other comments related to the capacity of officials to respond and give inputs to other departments.

“Is it really worthwhile for other departments to make comments – how can value be added to the comments received?”

“Are the comments from other departments really worth anything? It is usually the same generic comments namely that the relevant department agrees with the application subject to certain conditions.”

“The competent authorities should give feedback to other state departments on the problems that are experienced with regard to the comments as received.”

Strategic concerns

Another set of comments related to the need for a more strategic approach:

“I would really encourage that as a department you begin to look at a way of rationalising those application processes and instruments, but also that we really begin to look at those strategic plans, be they at the local or at provincial level, as a basis for making those initial or detailed decisions preferably used within strategic context”

“To redirect the environmental impact management process from a reactive requirement to a proactive planning instrument”

This report attempts to find some case studies of best practice to address these specific concerns.

(d) International literature

A European Union study that looked at integrating environmental issues into policy also address the issue of cooperation at different levels of government. Although some countries had permanent networks that communicate around environmental policy issues, in general the report found that, “The establishment of ad hoc or issue specific communication and coordination mechanisms, for example, appears to be rather widespread.”(EEA, 2005)

The European Union member states appear to use a combination of general arrangements and specific issue based arrangements. Both have their strengths and weaknesses. General arrangements ensure that particular issues are not ignored, although the report found that they

only result in a limited degree of coordination or communication. The quality of the coordination depends on various factors including the quality of the relationship between the individuals that serve on such bodies.

As the European Union report points out, “*The problem of institutional fragmentation is not just an environmental one, but a major challenge facing governments more widely, particularly encompassing issues such as poverty and education. At worst, fragmentation undermines the delivery of competing policy areas or objectives, frequently to the detriment of relatively ‘weaker’ objectives that relate to social or environmental issues; at best it represents a less than optimal use of public resources.*” (EEA, 2005)

(e) Local case studies

The following cases highlight the challenges and useful lessons for how cooperative governance could be implemented with regard to particular tools. The lessons learnt can then be applied as best practice to propose some recommendations.

Co-operative governance for locating landfill sites

The national Dept of Water Affairs has a set of guidelines – the minimum requirements for waste disposal by landfill. However, wherever a landfill site is situated, it falls within a municipality and as a consequence would be subject to IDPs, zoning schemes, SDF’s or other planning tools. The integrated waste management strategy enables district municipalities to formulate waste development plans, and Jameson and Dacomb (2004) argue that one way of implementing this cooperative governance effectively might be for local authorities to establish no-go zones for landfill sites, for example, public open space, sensitive environments etc. Planning processes at local level might be able to designate marginal land as possible landfill sites but this does not guarantee that such land would meet the minimum requirements for landfill sites specified by DWA – such requirements also relate to a buffer zone between landfill sites and residential areas, which may “vary between 500 and 1000m in width, depending on the classification of the landfill site” Jameson and Dacomb (2004).

Co-operative governance from the mining sector

Using an example of a gold mine, the typical operational issues to be addressed by an EMP, include: surface water management, groundwater aquifers, air quality management, waste management, radiation management, land management and management of fauna and flora. Theoretically, this means that once an EMP is submitted to the Dept of Minerals for approval, the Dept of minerals is then required to get comments from all the other relevant departments, within specified timeframes. Key recommendations were then highlighted, providing some insights into how the mining industry perceives co-operative governance and how it could be improved:

- It is important that officials of the department (minerals affairs) have a good understanding of environmental management and can relate written documents to physical situations
- Processing of applications is subject to certain timeframes – it is the responsibility of the department to ensure these objectives are met

- It is the responsibility of the department to ensure that the correct level of staffing is achieved to effectively carry out their duties, and that fully trained and experienced personnel are employed
- Roles and responsibilities of officials at the national and provincial levels has overlapped in the past, causing duplication and delays
- With many pieces of environmental management legislation residing with numerous government departments, it is essential that the DM efficiently plays the role of lead agent for the mining industry, ensuring effective co-operative governance between all relevant government departments. (Amis, 2004)

Co-operative governance during strategic planning

A SEA process was conducted by the Ports Authority, for the ports of Richards Bay and Cape Town. Key stakeholders were involved in actively defining the strategic vision and identifying key issues. Given that the ports are located within local authorities of Cape town and uMhlathuze, these two stakeholders were identified as the key stakeholders and a more intense consultation process with these stakeholders was undertaken.

This cooperative governance mechanism took place within a SEA that was mandated by both the White Paper on national commercial ports authority and the NPA itself (Govender, Kogi, et al, 2004). The end result of the SEA was a sustainability framework that outlined the guidelines for future sustainable port development and a monitoring programme for key indicators. Both the local authorities had key roles to play in implementing the guidelines and thus the cooperative mechanism continues post the conclusion of the SEA (Govender, Kogi, et al, 2004). A key tool that was compiled during the SEA process was a state of the environment report (SOE). This SEA was then provided into the process of compiling the IDP for the Umthluzze municipality in a later process. However, Govender identifies a number of lessons learnt, a few of which are highlighted here as they apply to cooperative governance. The SEA and IDP were run by different consultants, working on two different processes and the actual integration of the SEA results into the IDP was limited.

Because the SEA was not legislated, the motivation for identified SEA projects into the IDP was weak. There was no prioritization of environmental projects (SEA or IDP) and this resulted in a wish list of projects that then competed for budget allocation within the Local authority.

Subsequently, the local authority has taken a number of substantive steps to address gaps in information, environmental performance indicators and compliance. The Umthluzze municipality has also taken on a capacity building programme, part of a “green governance” initiative, and includes a series of capacity building workshops with staff, and councillors (van der Wateren, T, 2004). This green governance initiative built the capacity of medium sized Municipalities and was made possible through funding from the Konrad Adenauer Stiftung.

Another example of co-operative governance during strategic planning is illustrated below:

The St Lucia wetland Park, established in November 2000, in terms of the World Heritage Convention Act. The mandated authority to manage the park is the Greater St Lucia Wetlands Park Authority (GSLWP) and there is provision in the World Heritage Convention Act that allows

the GSLWP to enter into cooperative governance arrangements. The GSLWP reports to the National Department of Environment Affairs and also engaged with KZN Parks Board (now KZN Ezemvelo Wildlife) and the GSLWPA sought to establish MOAs with local and district governments to work out roles and responsibilities and to align the IMP of the park with the local IDPs.

In addition, the GSLWP proposed to enter into a cooperative, co-management agreement involving private forestry companies. The aim of the partnership was to establish a buffer zone. In terms of the act, the park authority needed to prepare an Integrated Management Plan (IMP), and subsidiary documents for the IMP also include a buffer zone policy. A special working group was established to achieve this. The special working group consisted of representatives from government, private sector, state owned enterprises and civil society groups as well as a number of specialists. The government sectors included were the province (KZN) and national Department of environmental affairs (DEA). The working group made a number of recommendations, including the establishment of a liaison committee. This case provides an interesting array of cooperative arrangements. There is a process related multi-stakeholder working group that has provincial and national representation. It is not clear if local government were involved but if not, the addition of local government would strengthen the arrangement. In addition, some of the practical management would be implemented through a public private partnership and a liaison committee or management committee was established.

One further step would be to ensure that local communities are represented on such a liaison body. This may be the case although, according to Scott and Zaloumis (2004), the local community was only “informed”, the justification given was that all the activities proposed were taking place on state land.

Example : North West integration of planning - the North West Land Use Management Bill, the Provincial Spatial Development Framework and the North West Biodiversity Conservation Plan.

“It is not possible to ensure sustainable development by only applying environmental tools on a project specific level (for instance EIAs). Strategic planning tools (such as EMFs, SDFs) are very important to ensure that environmental and biodiversity issues are considered already at the spatial planning stage of an area, because that will allow for more informed decision-making when coming to EIAs and other project specific processes”(Boshoff et al 2008).

The North West Department of Agriculture, Conservation & Environment proposed a system of integrated environmental planning in order to ensure the “wise use of the land”. Bioregional plans will be developed and then feed into a provincial SDF. The SDF would have four zones ranging from zone 1 (existing economic growth areas) to zone 4 (environmentally sensitive areas). The aim would then be that biodiversity priorities at the provincial level are able to be integrated into local planning. The stated result would be that *“Development projects that are not consistent with principles of sustainable land use and with strategic developmental goals will not be authorized”* (Boshoff et al 2008).

Additional case studies are provided in appendix 6 [note to reader – these will be finalized during the review period]

(f) Interview results

The table below outlines the formal and informal mechanisms of co-operative governance in operation at the moment, as determined from the interviews, and provides an indication of their

effectiveness. Officials subjectively rated these co-operative governance mechanisms and provided reasons for their answers.

Table 1: Effectiveness of formal and informal co-operative arrangements

Co-operative governance mechanism	Effective (Yes/No)	Comment
EIA forums	Yes	Attended by senior officials
Provincial Committees for Environmental Co-ordination	Yes	Regular but infrequent. Focus on EIAs and EMFs
Ad-hoc inter-departmental meetings	Yes	Champion needed to bring people together & drive meeting
Environmental and Water Affairs liaison forum	Yes	Enables DWA and DEA to present united front
REMDEC	Yes	Ministerial approval, formal processes, therefore good attendance by senior officials
Local intra-governmental co-operation	Yes	Facilitate streamlined EIA process when local department of environmental management has adequate capacity
Catchment committees	? Too early to judge	Dept Water Affairs taken lead but some confusion of who should be lead department
Environmental forums	? Too early to judge	Dept Water Affairs taken lead but some confusion of who should be lead department
MOA related meetings at provincial level re planning and environmental management	Yes	People get to know each other and build relationships, which has value
Regular meetings between officials over matters of environment	Yes	Work through planning and approval process Time consuming, but reach a more optimal solution. Duplication is reduced
Development Facilitation Unit liaises between local and provincial government departments	Yes	Ensures that IDPs and SDFs are informed by provincial environmental information, and processes are aligned
Training workshops for non EIA government departments	Yes	Ad hoc to foster relationships and enable other departments to understand EIAs
NEMA Task Team	Not yet	Supposed to draw up MOUs with key departments working with EIAs, but lack capacity (same staff are trying to fulfill their primary mandate, therefore

		they lack time to engage in “extra” activities).
“Implementation Protocols” “Working agreements” “Gentlemen’s agreements”	Yes	Helps all parties know their roles and responsibilities.

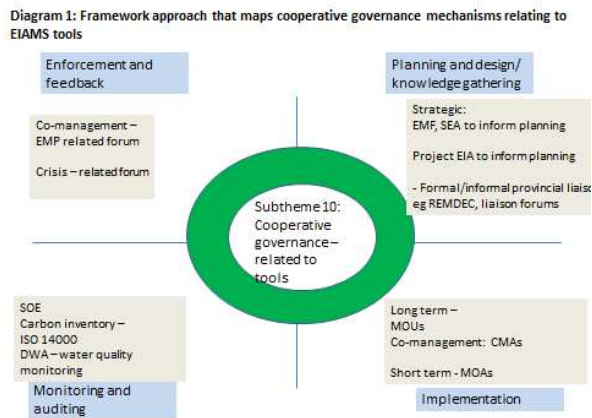
8. ANALYSIS

The subtheme report is supposed to reflect on how co-operative governance is taking place with respect to Environmental impact Management system tools. As mentioned before, this approach depends heavily on the results of subtheme 9, the final result of which was not available at the time of finalizing this report.

However, the following analytical framework was adopted.

Initial collection of information as described through tools such as SIAs etc or EIAs would feed into a planning phase whose outcomes are plans or projects. Such plans or projects are then implemented, possibly maintained through steering committees or joint implementation structures. A later phase includes the monitoring of progress and the enforcement of any agreed commitments. Such information is then captured via tools such as the SOE reports that are then used again to plan further.

This framework approach is captured in the diagram below:



However, the results of the literature review and the interviews reveal that the nature of the cooperative governance is not dependent on the EIAMS tool but rather can be categorized as process or outcome orientated. The success of cooperative governance depend on a number of factors, including those identified as show-stoppers in the draft guideline document.

In order to arrive at a set of recommendations, it was useful to analyse the success of cooperative governance as discussed by the interviewees and in the literature.

What are the barriers to cooperative governance?

Barriers to co-operative governance:

From the discussions and literature, the following additional barriers to cooperative governance can be presented:

Table 2: Barriers to co-operative governance

Legislative and institutional issues	Confusion as to “ who is lead department”
	Different provincial institutional arrangements with respect to location of environmental management functions
	Failure of government to reach common understanding of goal of sustainable development
	Misalignment of functions, for example the location of economic development and environment under one MEC – economic development then “trumping” the environmental management considerations, leading to flawed EIA decisions
	Unnecessary duplication of effort for separate permitting processes leads to tension between the different departments involved.
	Inappropriate and inflexible application of tools such as EIA can absorb financial resources that might have been better spent elsewhere
Capacity issues	Other relevant department officials unfamiliar with nature and purpose of EIA
	Overloaded officials fail to attend meetings because they cannot be in two places at the same time
	Lack of resources such as email, telephone and transport prevent co-operative governance meetings taking place and/or officials attending meetings
	Lack of capacity amongst environmental government staff concerning EMFs and other tools
Co-operative governance MOU issues	MOUs limited to procedural issues such as timeframes, roles and responsibilities and often have little effect in practice.
	Establishing MOUs can be slow and time-consuming, requiring high level signatures to approve or amend agreements, they are not flexible
	Formalizing existing informal arrangements is not easy – lack of capacity and staff cannot be compensated for by MOUs

3.1. The institutional arrangements of those key departments that shape the strategic environmental management context, are different in almost every province

Officials need to know who to speak to/include in the EIA/IDP commenting/reviewing process. The right people need to meet.

The nine provinces each have their own institutional arrangements and planning processes at the municipal level. One of the “biggest problems” identified by several respondents was the lack of understanding within provinces concerning their institutional (national, provincial and municipal) arrangements associated with planning and development activities. It was proposed that key departments that “shape the strategic planning context” become familiar with each others processes, build relationships whilst acquiring knowledge and understanding of other departmental requirements and processes, and subsequently work together. Improved co-operation, integration of processes and integrated decision-making requires that those key departments at a minimum, understand the linkages and associated processes. Ideally, they subsequently organize themselves functionally (if not physically) to work together.

One of the respondents indicated that one department managing both planning and environmental matters, was “definitely the most logical and the way forward”. In this case, the respondent indicated that they had tried, six or seven years ago, to restructure their province accordingly, but that despite several years of effort, this had not yet been achieved. This province has however established a Memorandum of Agreement with the department in which planning function is located, and they meet regularly to discuss EIA-related issues.

Another respondent indicated that the provincial department of environment should “stand alone”, and not be located amongst other departments, particularly when there is often conflict. For example, in this case, the department is “Department of Environment and Economic Development.” This respondent indicated that this results in their MEC “in conflict all the time”, as he tries to “sign off development” that is being “blocked” from an environmental perspective.

The nine provinces each have their own institutional arrangements, and planning processes. One of the “biggest problems” identified by some respondents was the lack of understanding within provinces concerning their institutional arrangements associated with planning and development activities. Improved co-operation, integration of processes and integrated decision-making requires that departments, at a minimum, understand the linkages and associated processes. Ideally, they subsequently organize themselves functionally (if not physically) to work together. For the Western Cape, the establishment of one department of environment and development planning, combining environmental approvals with planning processes, has been successful. There exists strong working relationships between these two parties, and this facilitates environmental management as well as planning.

It was proposed that key departments that “shape the strategic planning context” become familiar with each others processes, build relationships whilst acquiring knowledge and understanding of other departmental requirements and processes, and subsequently work together.

Example 1: Development Facilitation Unit

Municipalities shape development. As such, it is imperative that they generate plans which have considered the environmental opportunities and constraints. Environmental parameters should be considered through municipal integrated development plans (IDP’s) and spatial development frameworks (SDF’s) which include environmental management frameworks (EMF’s), as required by law. The Western Cape Department of Environment and Development Planning is working alongside municipalities building capacity through their Development Facilitation Unit (comprising 3 planners and 3 environmentalists) such that their strategic planning context is informed by the

environmental characteristics of the region. This provincial support is required in terms of NEMA section 16, where provincial authorities are compelled to ensure municipalities comply with their environmental responsibilities and NEMA when planning.

Example 2: Environmental and Water Affairs Liaison Forum

The Environmental and Water Affairs Liaison Forum has been established for the Gouritz Water Management Area, and comprises DEADP (Environmental Compliance section, George Office) and DWA. They meet once a month, and are chaired at the Deputy-Director level, and include representatives of the Blue Scorpions (who monitor and enforce water quality and water use issues) and the Green Scorpions (who ensure compliance regarding environmental issues more broadly). This Forum investigates issues arising in the area and decides operationally, how to proceed. Although this is a recently launched Forum (Dec 2010), it has already been recognized as serving the valuable purpose of DWA and DEADP presenting a “united front”, with “one consistent approach” when responding to water management issues.

Example 3: MOA regulating informal meetings

In Kwazulu Natal the Department of Agriculture, Environmental Affairs and Rural Development are working effectively, through a Memorandum of Agreement with the Department of Traditional and Local Government Affairs by COPTA (Co-operative Governance and Traditional Affairs), where there are regular meetings “people know each other”, and they are “working well together”.

Recommendation:

The alignment of planning and environment functions within one provincial department was regarded as advantageous and a means to improve the effectiveness of EIAMS. Although the provincial structural arrangements regarding the location of the environmental function at a provincial level is outside of the DEA’s mandate, it was recommended that DEA forward this recommendation to the National Planning Commission and any other organ of state for their attention.

The alignment of economic development function and the environmental management function appears to hinder ecologically sound EIAMS, and should not be encouraged.

A cooperative working arrangement around particular issues, for example, compliance, can assist in presenting a united front as government and in that way, address particularly non-compliance issues.

3.2. EIAs are seen as a barrier to broader co-operative governance as they are not appropriate EIAMS tool in all situations

“...the EIA regulations have no scope for discretion”

“...nobody can exempt or exclude anything ever”

“...EIA is failing, in particular, it is a tragedy for service delivery in this country”

All informants agreed with the statement that integrated permitting and co-operation within the EIA process is lacking. It was reported that as a result, there is “unnecessary duplication of effort”, “public participation fatigue and confusion”, and unnecessary economic costs (“money is wasted”). As a result, “resentment” is established between all parties involved in the process, namely government departments, environmental assessment practitioners (EAPs) and the public. These feelings do not assist in promoting co-operation between any of the parties involved in the EIA process.

Respondents felt that the existing NEMA regulations do not currently provide much scope for enhanced inter-governmental co-operative governance efforts to genuinely facilitate the EIA process. Rather, the EIA regulations are so specific that there is “no room for discretion”. “There is no opportunity for government authorities to collectively exempt or exclude certain tasks from the process”.

It would appear that this arises from the EIA as the “one size fits all” tool, and the incorporation of other tools might address this concern.

Example 1:

One metropolitan government official reported that the Department of Housing “hate” the requirements for EIAs, when they “consume” the very small budget (around R40 000 per house) allocated from different departments for social housing projects. The budget is supposed to fund all costs associated with building the house (licensing and approvals, bulk services installation, housing construction, etc.). Typically, the legal requirements of obtaining and ROD from an EIA absorb much of the funding that could otherwise be going into providing shelter for needy people. As a result of this phenomenon, the building of positive relationships, fundamental for co-operative governance, is undermined. The official indicated that “the same EIA process that is required for a private developer building a luxury hotel in a sensitive area, is required to be followed by a government social housing project in an area which is not environmentally sensitive”.

The official indicated that the “one size fits all” NEMA EIA approach (specifically the EIA Regulations) needs to be “reconsidered”, such that “reason and common sense prevails”. Presently the official perceives that the “uncompromising EIA regulations” that “must be applied in all circumstances” is problematic. The “regulations are upfront”, and there is “not a lot of legal space” for any form of co-operative governance, even if it were deliberately attempted, “to make much difference”.

Example 2:

The EIA process “regularly requires a minimum of two, but often, on average, between two and five different license applications”. For example, the upgrading of an existing waste water treatment works requires licensing in terms of the National Environmental Management: Air Quality Act (NEM: AQA), the NEM: WA and the NEMA. Respondents have indicated that significant amounts of time, and therefore money, regularly go into completing these processes, and are “wasted”, rather than being invested in the engineering solution being applied for “to fix the problem” and “protect the environment”. Respondents indicated that increasing EIA capacity of departments to

enable them to initiate programmes of legal alignment could (“eventually”) substantially “enhance EIA efficiency”.

Given that, typically the necessary licensing processes generally fall under the same Ministry, viz. the Ministry of Water and Environmental Affairs, it seems “reasonable to conclude that inter-governmental co-operation be entered into in order to undertake alignment of related legislation”.

Example 3:

Similarly, for example, the “Working for Wetlands” programme is aimed at providing employment whilst conserving biodiversity. Peat is the typical soil type found in wetlands, as wetland ecosystems make peat. Digging in a wetland, as part of the rehabilitation exercise, triggers an EIA be completed. “Significant amounts of time, energy and funds” are “being wasted” on unnecessary tasks, because there exists no room for “discretion” and “common sense”.

In this example, funding is required to be directed towards “unnecessary EIA’s”, despite all parties involved being fully aware that the limited funds available should be directed elsewhere. The respondent suggested that “legal teams” need to be appointed to “draft amendments” such that room for “discretion” can be allowed within the EIA process.

Recommendation:

The EIAMS review project in its entirety is attempting to address this particular issue of EIAs not being appropriate in all circumstances but although it is not a specific cooperative governance issues, the use of the wrong tool has implications for cooperative governance.

The inclusion of other tools in situations where EIAs are clearly not helpful should support cooperative governance.

However, it is also not recommended that the use of EIAs be halted unless and until suitable replacement tools are identified and implemented.

It is suggested that the draft guidelines on cooperative governance could effectively be used to create an integrated permit system for situations where exemption from some aspects of the EIA would actually result in an improved quality of ecosystem service.

The legal audit highlights the amount of duplication and further law reform may address the frustrations outlined above. The final subtheme 9 report is anticipated to provide recommendations that would give some guidance as the use of different tools, other than EIAs, and the compilation of a set of criteria that would guide which tool is applicable where would further address these concerns.

3.3. Memoranda of Understanding are not THE solution to ensure co-operative governance

“Having a MOU sounds right and is great if it works effectively in practice – but that is the problem.”

Respondents reported that “Memoranda of Understanding (MOU) have little power to change anything substantial”, as legally the EIA process is tied to the regulations. Memoranda of Understanding were therefore generally limited to directing how various departments will work together, and their roles and responsibilities (when they will meet, where, with what anticipated deliverables and within which timeframes etc.). These sometimes add value through improving EIA efficiency arising from increased inter- or intra-governmental communication but often have “little effect in practice” or “work well for a limited period of time”.

Example 1:

A large engineering consultancy is involved with the Working for Wetlands programme which has, after ten years, realised that certain programme activities trigger EIA’s. Generally at least four government agencies (Department of Water Affairs, Department of Agriculture, Department of Public Works and Department of Environment) are involved in this programme. Whilst all departments are in agreement that this programme should go ahead, with all available resources being utilised for providing employment and rehabilitating wetlands in order to conserve biodiversity, negotiations have been underway for two to three years, regarding how these authorities are going to work together. As such, time and effort directing the process of developing draft MOUs are “not helping yet”. The EIA and related processes still have to “go through the same hoops, within the same timeframes”.

Recommendation:

Capacity constraints and other show-stoppers, as outlined in the draft guideline must be addressed as a pre-requisite for any MOU to be successfully implemented.

3.4 The use of informal flexible cooperative arrangements

The City of Cape Town engineering department typically has over fifty EIAs submitted for consideration in the application process. Well established channels of communication, supported by EIA capacity building programmes (on environmental procedures and legislation) with these engineering departments (led by the Environmental Resource Management department), facilitate the EIA process by ensuring that the Terms of Reference and scope of the EIA are accurately established, and submitted correctly to the relevant department. In this way the EIA process is made more efficient.

Example 1:

The Western Cape Department of Environment and Development Planning is working alongside municipalities, building capacity through their Development Facilitation Unit (comprising three planners and three environmentalists) such that the municipal strategic planning context (captured in municipal IDPs and SDF’s) are informed by the environmental characteristics of the region and the principles of NEMA.

3.5 The lead agent – the “champion”

“...identifying who should take the lead is problematic”

“...legislation governing overlapping processes, operating towards the same end, need to be aligned”

Respondents indicated that co-operation within, and between, government departments can, and does, facilitate the EIA process to the degree that communication and information-sharing takes place when all the relevant parties are present simultaneously. It was noted that sometimes the success of this is based entirely on a “champion” who arranges the “meeting that brings together all relevant parties”.

Some respondents indicated that due to the fragmented and overlapping nature of the legislation, they are not attempting integrated permitting, mostly due to the “confusion” that then exists concerning “who is the lead department”.

As legislation has been promulgated regarding water, air and waste licensing processes, there is a need for clarity concerning which department is the lead agent for initiating co-operative governance around decision-making, compliance and enforcement. Presently, perhaps because the National Water Act legislation has been in place longer than the NEM:AQA and NEM:WA, the Department of Water Affairs has been establishing “Catchment Committees” and “Environmental Forums” for various water management areas, initiating co-operative governance.

In some provinces the lack of capacity has left the “environmental” departments unable to take the lead in establishing co-operative governance mechanisms, although these departments recognize that they are the most well placed, as the “umbrella organization” to establish any mechanisms necessary to promote co-operative governance.

One of the more capacitated environmental management provincial authorities indicated that identifying who is the lead department “is problematic”. Integrated permitting and consolidating decision-making, whilst being a “nice idea”, needs to have “clear leadership and understanding of roles and responsibilities”. Presently, clarity in this regard is lacking.

3.6 Prioritisation through political delegation

Example 1: REMDEC meetings – Regional Mining, Development and Environmental Committee
The Western Cape REMDEC comprises DWA, DEA, Cape Nature, DMR, Department of Agriculture, Cape Town city and the Petroleum Agency. This body assesses mining applications for which objections have been lodged. They meet approximately once a month (as called for by the DMR secretariat, and have been running effectively for the last year. The representatives on this Committee are nominated in writing and signed onto the Committee by the Minister of Mineral Resources. As such, representatives are obligated to prioritise and attend these meetings. The meetings are minuted, and a quorum is necessary in order to reach conclusions. Consensus is “generally reached on every matter”, and this advice is submitted to the Minister of Mineral Resources, who is ultimately the decision-maker.

Committee for Environmental Co-ordination (CEC)

The Premier for KwaZulu Natal ensures that all provincial departments attend the CEC which meets four times a year, in order to discuss issues including EIA’s and EMF’s. The CEC has been established for one or two years, and is presently perceived to be “working well”.

Due to lack of capacity within a vast number of key government departments, the “right people” may not prioritise a meeting, despite recognizing that their participation is critical. However, upon receipt of an instruction at the political level, they are sometimes more likely to be part of a meeting

“...by involving the premier or MEC, bringing them into the debate and convincing them that a certain forum/summit/meeting needs to happen...results in political drive and momentum...that can force officials to take action...and solve the problem.”

A few respondents indicated that sometimes, despite officials being aware of their responsibilities, they are simply too overloaded to be able to participate/take action despite being aware that this action needs to be taken. However, upon their receipt of an instruction from a politician, they are forced to take the action, and sometimes this is what is needed to help parties move forward.

Obviously, in order to the politicians to issue an instruction, the politicians need to be aware of environmental issues, and the integrated nature of environmental management. Increased training and capacity building of politicians is therefore also required in order for this strategy to be adopted to improve co-operative governance.

Example

The Environmental MEC of Mpumalanga began to recognize the need for strategic level thinking regarding extremely high sensitivity biological conservation issues and issues concerning the loss of high potential agricultural land. Both these issues being threatened by massive mining operations. Due to the awareness of the need for integrated strategic planning, the politicians provided the drive and momentum to bring together the relevant stakeholders, with the intention of the province hosting a “Mining Summit”. As things worked out, the summit was never held, but the series of meetings that were co-ordinated as part of this process forced the right people to sit together, table the issues, listen to each other, and jointly develop solutions. Everyone recognized the need for collective input, and everyone recognized and understood the compromises and trade-offs that were established.

In this instance, the interviewee indicated that to his knowledge, this was the first time that Section 49 of the Mineral and Petroleum Resources Development Act was instituted, where the Minister of Mineral Resources placed a restriction on granting reconnaissance, prospecting and mining rights and permits on mining in a certain area for the next three years at least.

3.7 Financial and staffing constraints

It was also reported however, that regular meetings with so many officials present, are “time consuming”, and it is sometimes “very difficult to get officials to attend the meetings”. “Inadequate departmental capacity, lack of staff, and time constraints” resulted, in one case, that “regular formal meetings were eventually abandoned”. According to this respondent, such meetings were not considered to be an appropriate solution to improve EIA efficiency. Rather, this respondent suggested that only for the “more complicated cases” should “ad hoc” inter-departmental meetings be arranged.

The right people will not come together if they don't know why they need to come together. Until the right people understand why their input is important, they will not prioritise a meeting. To understand why their input is essential, they need to understand environmental processes. To understand environmental processes, they need training and capacity building.

“Never underestimate capacity building”

“...national government needs to be assisting in educating the broadly (public and officials) on EIA”

“co-operative governance is enabled if people have knowledge”

All government departments shape development. Municipalities in particular, play a significant role. As such, it is imperative that municipalities in particular, generate plans which have considered the environmental opportunities and constraints. Environmental parameters should be considered through municipal integrated development plans (IDP's) and spatial development frameworks (SDF's) which include environmental management frameworks (EMF's). IDP's and SDF's are required by law.

Provincial authorities tasked with environmental management responsibilities are required, in terms of NEMA section 16 (4) (b), to provide the support necessary for municipalities to consider NEMA and associated principles during their planning processes.

All respondents were in favour of substantially increased capacity building at all levels, such that officials across departments became familiar with the nature and purpose of EIA, and its process. Increased awareness and understanding of EIA was seen by all respondents to be highly effective in enhancing co-operation between departments.

Two of the relatively well capacitated provinces and two of the well capacitated metropolitan authorities deliberately undertake significant capacity building efforts with whichever departments are deemed necessary, on a relatively *ad hoc* basis. At least two of the respondents indicated that a weakness was no long term training strategy and no dedicated training officers in their staff.

One respondent also indicated that efforts should be undertaken at the national level to raise awareness and educate broadly on environmental matters, and how EIA fits into environmental management. As such, “one set of materials (posters, flyers etc), be produced at the national level, and made available for all provinces”. Citizenry and officials would then receive “one consolidated message”, and “financial resources and time” in producing the awareness raising materials would be “once off”, rather than being “duplicated in effort and resources in each province.”

Respondents indicated that new legislation should be drafted inline with the NEMA “mother act”, such that it is “integrated into the EIA process”. Presently respondents perceive that government agencies tasked with different aspects of environmental management are unfamiliar with the EIA process and requirements. Respondents suggested that government capacity needs to be developed, such that environmental legislation can be aligned as it is developed.

The Greener governance project was a collaborative project of the Centre for environmental management (CEM) at the North West University, and KAS that focused on local municipalities in

the SADC region. According to the results of the Greener governance project (2004), the Umhlatuze municipality had established partnerships that covered 1) different departments in the same local authority, between local authorities, business and local communities, and 3) between local authorities and other spheres of government and between different local authorities on an international level. The local authority has achieved results in the areas of environmental policy, integrating spatial planning into decision-making, awareness and training, and developing an EMS. (Du Plessis, and le roux, 2004).

“Lots of vacant posts....we lose competent people because their salaries are not competitive”

Due to lack of capacity and financial resources, some respondents reported that they are unable to attend meetings, despite desiring to attend. They simply lack transport, and/or budget for transport. One respondent indicated that he and his staff lack the essentials for co-operative governance, such as a landline telephone, and access to email.

Example 1:

The provincial department of one province indicated that they have not had a landline telephone for five months, and that some staff have not had a computer for three months. Staff were unable to access the email at work, and use their own financial resources to visit an internet café in order to access email!

Example 2:

The Department of Agriculture, Environmental Affairs and Rural Development in KwaZulu Natal indicated that “when they start receiving too many phone calls”, and being “accused of holding up development”, they approach that department and arrange typically “small group one-on-one type workshops”, which have been successful, until, with time and staff turnover, institutional memory is lost, whereafter the training is repeated.

3.8 The role for Memoranda of Understanding

“Having a MOU sounds right and is great if it works effectively in practice – but that is the problem.”

“...lack of capacity (knowledge and manpower) cannot be solved by MOUs covering as co-operative governance”

“MOUs are not being used effectively due to a lack of staff capacity and resources, but they have potential”

Respondents reported that “Memoranda of Understanding (MOU) have little power to change anything substantial”, as legally the EIA process is tied to the regulations. Memoranda of Understanding were therefore generally limited to directing how various departments will work together, and their roles and responsibilities (when they will meet, where, with what anticipated deliverables and within which timeframes etc.). These sometimes add value through improving EIA efficiency arising from increased inter- or intra-governmental communication (see Findings section

5.2), but, if they are successfully drafted, often have “little effect in practice” or “work well for a limited period of time”.

On the other hand, some respondents, particularly the Department of Public Enterprises, indicated that they have MOU’s with DEA for a “range of issues”, and that they “work effectively”. Other respondents indicated that MOU’s have “potential”, which “should be harnessed”.

Some respondents indicated that “working arrangements” and “gentlemen’s agreements” are “significantly more effective than MOUs”. MOUs have specifically been found to have limited value when text needs to be amended, as any amendments, (no matter how small), usually require several signatures of senior, often political officials. As such, MOU amendments become a slow and time-consuming processes.

Respondents also reported that MOUs have the risk of over-specification, such that “people on the ground” are unable to implement them. It was suggested that MOUs have more value when they are “broad”, and aim simply to “force engagement and communication”. They must however allow for flexibility in the nature of the engagement, such that all parties can “make it work”.

One of the respondents indicated that they have established a “NEMA Task Team” which is dealing with the new provisions, including section 24(o). One of the functions of the Task Team is to draw up MOU’s with key departments working with EIA’s. Thus far they have however reported that whilst this Task Team was established in early 2010, the development of MOU’s has had “limited success” as it is “very time consuming”, and it is “difficult to get everyone together”. The respondent indicated that, “in most cases”, they “know who to talk to”, but “formalizing the existing, informal relationships” in writing, is not easy.

Respondents also noted that “lack of capacity and lack of manpower” are two significant challenges facing government, and that “co-operative governance through MOUs” cannot “cover these problems”.

Example 1: MOU’s effective

The national Department of Public Enterprises (DPE) has identified certain projects as “Strategically Important Developments (SID’s), which then become registered as SID’s. These projects (TRANSNET and ESKOM) then meet on a quarterly basis to report any “blockages”, specifically in the EIA process. DPE then have an MOU with DEA which allows them to intervene in the EIA process, and “facilitate resolution of the blockages”. This process has been found to be effective.

Example 2: MOUs not worth the effort

The Working for Wetlands programme has realised that certain programme activities trigger EIA’s. Generally at least four government agencies (Department of Water Affairs, Department of Agriculture, Department of Public Works and Department of Environment) are involved in this programme. Whilst all departments are in agreement that this programme should go ahead, with all available resources being utilised for providing employment and rehabilitating wetlands in order to conserve biodiversity, negotiations have been underway for two to three years, regarding how

these authorities are going to work together. As such, time and effort directing the process of developing draft MOUs are “not helping yet”. The EIA and related processes still have to “go through the same hoops, within the same timeframes”.

Example 3: MOU equivalents

The KwaZulu Natal Department of Agriculture, Environmental Affairs and Rural Development have, for the past four years been working with an “implementation protocol” with KZN Wildlife, “which has the same effect as an MOU”. The Protocol specifies KZN Wildlife’s responsibilities in terms of reviewing EIA applications, and has been effective in ensuring KZN Wildlife’s issues inform EIA decision-making. Mpumalanga have a similar arrangement with the Parks Board, who give biodiversity recommendations in the EIA process.

Example 4: MOUs might be helpful

The Gauteng Department of Agriculture, Conservation and Environment would support an MOU which provided guidance on integrated permitting. In this case, there exists dispute in terms of the interpretation of the Gauteng Health Care Waste Regulations and the waste regulations introduced in the NEM: Waste Act. The national authorities claim that the Gauteng regulations fall away, and that the national authority can issue a waste license, in this case, for a medical waste incinerator in Johannesburg. Gauteng province believes however that the metropolitan Health Care regulations still need to be complied with. This respondent indicated that an MOU, which was based on discussion and agreement on process, between national and provincial authorities, would be useful.

9. SYNTHESIS

The outcomes approach

The concept of an “umbrella act”, such as the National Environmental Management Act (NEMA), under which all related legislation is promulgated, has been identified by respondents as a positive approach for environmental management in South Africa. However, it is critical that communication and inter-governmental co-operation takes place particularly during the development of related legislation, such that this legislation is aligned and integrated into the EIA process. Without integration, additional processes (advertising, public participation etc) are established, with time frames and requirements that are unreasonable within the context of the existing EIA process.

On the other hand, intra-departmental governance has in some cases, facilitated EIA effectiveness through regular, but infrequent (four times a year) meetings (e.g. “EIA Forums” and “Provincial Committees for Environmental Co-ordination”). These are attended by senior officials from different government departments in order to “discuss any problems relating to EIAs”, and have been found to be “relatively effective”. Similarly, respondents indicated that inter-departmental governance, again, whilst driven by a champion, exists, and have been “effective” in improving EIA efficiency.

For the majority of respondents however, it was felt that there is a place for both formal structures for meeting, and informal *ad hoc* meetings – both can, and are, effective in streamlining EIA process.

The right people, now altogether at a meeting, need to communicate: present their concerns and listen to the concerns of others.

Some respondents indicated that whilst government is aware of its responsibilities in terms of the NEMA principles section 2(k) and (l), individuals representing the diverse departments fail to easily align their approach due to their diverse interpretations and understanding of the key concepts such as “sustainable development”. Whilst all parties agree that the end goal is “sustainable development”, what activities need to take place in order to achieve this goal, and what this goal should be, might be in conflict, depending on your point of view.

From an environmental/ecological perspective, the overall outcome of EIAMS should be to focus on sustainability. Cooperative governance arrangements should be judged according to their ability to contribute to environmental sustainability.

Some respondents have indicated that the establishment of an “outcomes” approach to governance, as recently promoted by national government, should help alleviate this problem (See Box 1).

BOX 1: The Outcomes Approach

“The outcomes approach means planning backwards from the outcome we need to achieve to work out how best to achieve it... If we focus on the outcome, it is clear which role-players will need to be involved in order to ensure the outcome is achieved. Plans will involve identifying what outputs will ensure we achieve it, what activities we must do to achieve the outputs, and what resources are needed to achieve the activities⁴.”

In the main, the Outcomes Approach⁵:

- Focuses on results
- Makes explicit and testable the chain of logic in planning
- ...provides a clear basis for discussion, debate and negotiation about what should be done and how it should be done

⁴ Guide to the Outcomes Approach, page 10, May 2010.

<http://www.thepresidency.gov.za/dpme/docs/guideline.pdf> (accessed 4 March 2011)

⁵ Guide to the Outcomes Approach, page 10, May 2010.

<http://www.thepresidency.gov.za/dpme/docs/guideline.pdf> (accessed 4 March 2011)

- ...enables learning and regular revising and improving policy, strategy and plans through experience
- ..makes co-ordination and alignment easier

Based on the Election Manifesto and the Medium Term Strategic Framework, a set of twelve outcomes have been developed. Amongst the twelve key outcomes identified and agreed to by cabinet are:

- a responsive, accountable, efficient, effective local government system, and
- environmental assets and natural resources that are well protected and continually enhanced;
- an efficient, effective and development oriented public service and an empowered, fair and inclusive citizenship

From the barriers identified in the previous section and drawing on some of the key recommendations, a range of factors relating to the capacity of staff, the use of flexible informal arrangements and the need for ongoing sustained working relationships were identified irrespective of the EIAMS tools involved.

In returning to the problem statement and the goals of this subtheme report, the following conclusions are reached. It is important to highlight that since the EIA review conference at the end of 2008, the DEA has taken a number of steps to address the cooperative governance question and the conclusions and recommendations of this report attempt to build on this initiative, and not duplicate it.

Goal 1: To evaluate existing mechanisms for co-operative governance per existing tool

- Existing mechanisms are both formal and informal, and are applied to a range of tools. However, the success of co-operative governance mechanisms applies across a range of tools and is not tool specific.
- The interviews and case studies illustrate that key factors that influence success are:
 - Institutional arrangements e.g. the planning and environmental management function in one institution
 - Capacity within the participating government departments e.g. time, budget to implement cooperative governance arrangement, come to meetings etc
 - A strategic approach that attempts to apply a systems approach to environmental management, often based on spatial planning tools, e.g. SEA, IMP.
 - Political direction that ensures cooperative governance mechanisms receive priority from senior officials

Goal 2: To determine extent of existing duplication and fragmentation in application processes and decision making cycle

- The Department of Environmental Affairs has undertaken a legal audit that provides a detailed comprehensive analysis showing exactly how environmental management is applied across resource sectors, different government departments and in different stages of the application process.
- The results from the interviews confirm that current application and decision-making processes are not aligned, and that this is frustrating sound environmental management. However, it is important to note that government officials have put in place informal working arrangements to address these frustrations

- An internal DEA document (appendix 3) has also been drafted summarizing various mechanisms that can be implemented to align existing processes
- The interviews confirmed that these new mechanisms had not had time to bed down into the system yet and their efficacy would need to be reviewed at a later date

Goal 3: To determine/clarify responsibilities and mandates of decision makers

- The comprehensive legal audit highlights which competent authorities have responsibilities for cooperative governance.
- The results illustrate that although cooperative governance is necessary in order to ensure effective decision-making, for many activities, applicable laws do not mandate cooperative governance.
- Case studies and interviews provide examples of the implications of this status quo and informal arrangements and MOUs put in place to address this.
- Where there is no lead agent, confusion exists and interviews suggest that no-one takes responsibility – ideally environment Depts should be lead agent but in practice lack capacity
- While officials that were interviewed were not against MOUs or other formal high level arrangements, they did caution against using MOUs that could be very restrictive where government departments lacked the capacity to participate in MOU related structures.

Goal 4: To establish checks and balances to ensure NEMA principles and objectives are applied in decision making when functions are delegated through MOU's

- The DEA has drafted a guideline that attempts to address this effectively highlighting show stoppers and referring to NEMA principles.
- The interviews and case studies provide practical examples of how this guideline could be applied and challenges that would need addressing
- Good Relationships between officials from government departments that need to cooperate are vital for the success of any cooperative governance. Strong interpersonal relations allows for flexibility, trust and enables institutional alignment.
- The lack of capacity to participate in cooperative governance mechanisms has been highlighted as a barrier to success.

Goal 5: To give effect to sections 24(K) and (L) without undermining the objectives and principles of NEMA

- The legal audit has analysed the gaps in achieving this in comprehensive details and the DEA draft guideline in effect, specifically addressed this.
- Interviews and case studies have highlighted the practical considerations of giving effect to these principles
- Capacity constraints and other show-stoppers, as outlined in the draft guideline must be addressed as a pre-requisite for any MOU to be successfully implemented.
- A key part of any co-operative agreement must include the determination of who finances the agreement

Goal 6: To determine what other co-operative governance options exist?

- The case studies and interviews provide a range of mechanisms that are currently in place, some of them institutionalized in the form of departmental units (for example development facilitation unit), some that have relied on informal meetings when necessary.
- The nature of the cooperative arrangement can be short term in order to produce a specific outcome (e.g. IDP,) or a permanent arrangement to address long term implementation (e.g. alignment of mining and environmental management)
- Should the project be of national strategic significance, more formal instruments, such as MOAs can also be put in place. For example NNR/DEA proposed agreement.
- A second type of cooperative governance deals with ongoing maintenance of working relationships between departments.
- This can be a formal structure where different government departments come together, for example, REMDECs or mintech working groups, or it can be informal working arrangements where, for example, planning and environmental officials meet on a regular basis to consider all EIAs that need processing.
- A third type of cooperative governance that seeks to involve stakeholders, outside government, is co-management where government officials, resource users, businesses, civil society groups sit together to discuss the various aspects of environmental management. These arrangements can also be temporary and issue based, or longer term permanent structures. An example of longer term arrangement is Catchment management forums – water users, local government, national government, local farmers, and civil society.

From the analysis it is clear that different officials are using different mechanisms for achieving co-operative governance in certain areas.

Ultimately any forum or structure that brings the right people together, at the right time with the right resources will facilitate efficient co-operative governance at the intra- and inter-governmental level.

10. RECOMMENDATIONS:

Strategic level approach focused on planning within ecological constraints:

There exists a need for EMFs to be incorporated into SDFs within IDPs.

If you get the right people together upfront (once and for all), and produce environmentally sensitive plans, you will reduce the need for them together repeatedly in the future (fewer inappropriate development applications). This was the sentiment arising from the interviews carried out for this subtheme.

Getting planning aligned with environmental characteristics at the strategic level would reduce conflict at the project level

Some respondents articulated the need for forward planning to be informed by the environmental characteristics of the region in order to streamline EIA processes. It was noted that an Environmental Management Framework (EMF) should inform the spatial development framework, by highlighting the nature of sustainable development opportunities on the landscape. That is, the

EMF will highlight what might be considered “desirable” or “undesirable” for a particular area. This should facilitate the EIA process, with developers ‘knowing the risks” in terms of their development application, and, ideally, “not submitting development applications that are not aligned with the EMF/SDF”.

This requires that all government departments associated with planning need to become familiar with EMF’s (their purpose). When departments that have functions potentially affected by EMF’s understand the purpose of EMFs, they would recognize their need to participate in the EMF development process. Much capacity building is needed at all levels to raise awareness of EMFs in order to get “buy in” and genuine participation.

Example:

If, for example, a municipality plans a major industrial development programme, and anticipates that all industrial waste is incinerated, they will need to apply for permits in terms of the Waste Act and the Air Quality Act, which may be approved. However, when they move through the EIA process, they are told that incineration is not an option, due to the existing and cumulative air pollution impacts associated with incineration. The EIA process is then perceived as “undermining development”.

If the IDP had already identified, through the Environmental Management Framework within the Spatial Development Framework, that air pollution was a potential constraint, limiting the nature of development for that municipality, this programme would “not have been planned for in the first place”. Clearly “getting the strategic context right”, through genuine integrated development planning (IDPs) would immediately improve EIA process.

The literature and case studies point to a number of strategies for cooperative governance that are effective and it is clear that there is no magic tool that will fit all situations.

Table 3: Interview results - Key recommendations for enhancing co-operative governance

Legislative and institutional issues	Align planning and environment departments within each province
	Avoid the establishment of combining conflicting departments such as economic development and environment- rather separate “environment” out into its own department (or merge with planning as suggested above).
	Ensure planning aligned with environmental issues at the strategic level (IDPs and EMFs)
Capacity issues	Develop a national strategy for environmental capacity-building that includes one national education pack on EIAs to inform other government departments and all spheres of government and distribute. Strategy must also focus on training related to strategic planning (e.g, IDP and EMF purpose and function) – by helping people get the forward planning right, there should be, in the long term, less conflict at the EIA project level.
	Build capacity of non- environmental management officials and politicians to enhance common understanding of EIAs

	Provide resources to under-capacitated provincial environmental departments
	Provide “Occupational Specific Dispensation” to assist in attracting and retaining skills in environmental management within departments by allowing for long-term continuous professional development in the work place.
Co-operative governance mechanism	Involve politicians to instruct key officials to attend meetings
	Apply national “Outcomes Approach” to co-operative governance in order to enable co-operation and solution-finding rather than a “stand off” due to different departmental interpretations of “sustainable development”.
	Use whatever works or is working, in order to foster co-operation. MOUs can work effectively but “ working arrangements” are often as effective.
	MOUs can be used to force engagement and communication. But they must allow for flexibility to allow agreement to work.
	MOUs can be useful way of clarifying roles and responsibilities in the case of new legislation being promulgated

The recommended outcomes of this subtheme report are presented in terms of their applicability to the various phases of the project cycle model:

1. Information/Data collection/Planning
2. Implementation
3. Monitoring and auditing
4. Enforcement and feedback

1. Information/data collection/Planning

There is a recognition of the need to collect information in a manner that does not duplicate efforts and there is a need to keep a repository of information in order to prevent contradictory actions and or duplication of data collection by government departments.

Fundamentally, EIAs (or SEAs, EMFs) can be used as a means to gather primary information and to use this knowledge of ecological constraints to inform all planning or implementation decisions – effected through finalization of draft guideline.

Co-management arrangements could help to fill a gap here. The bucket brigade example allowed communities to gather their own information and to share it with authorities.

The state of the environment (SOE) assessments can build a link between monitoring and information gathering, and the SOE should provide some measurement of the success or failure of cooperative governance mechanisms.

A key part of information gathering is an understanding of how various authorization processes are applied, and that key departments that “shape the strategic planning context” become familiar with

each other's processes, build relationships whilst acquiring knowledge and understanding of other departmental requirements and processes, in order to subsequently work together.

Key successes are the institutional arrangement that allow environmental and planning functions to sit under one department. The alignment of planning and environment functions within one provincial department was regarded as advantageous and a means to improve the effectiveness of EIAMS.

Environmental departments need to be the "champion" of cooperative governance

The alignment of economic development function and the environmental management function have been found to hinder ecologically sound EIAMS

Plans are specific outcomes. In practice, cooperative governance is based on informal working arrangements between relevant spheres of government or between government officials in different departments but at the same sphere of government that can be instigated and then dropped when the outcome is achieved.

The planning quadrant is one where capacity building of government officials to facilitate the adoption of formal EIAMS processes such as EIAs, would be most useful as it can then reduce duplication and conflict at implementation stage. DEA need to build environmental capacity through a strategy that provides all nine provinces with the same message related to strategic planning (e.g, IDP and EMF purpose and function). By helping people get the forward planning right, there should be, in the long term, less conflict at the EIA project level.

2. Implementation

Implementation is often concerned with long term, ongoing functions, and formal arrangements such as MOUs are then worth the lengthy time and effort that is needed to have them approved and signed off.

Given that the implementation takes place over time, this phase is most vulnerable to loss of institutional memory, especially if there is a high turnover of staff. A structured MOU provides some continuity and allows the parties to the agreement to "understand the rules" even when individual champions leave the department.

MOUs and other cooperative agreements should only be implemented with the requisite staff and budget that is necessary for successful implementation. Failure to do so would result in participation fatigue and non-delivery.

It is suggested that the draft guidelines on cooperative governance could effectively be used to create an integrated permit system for situations where exemption from some aspects of the EIA would actually result in an improved quality of ecosystem service. The criteria must relate to improving the quality of the environment. However, it is also recommended that the use of EIAs not be halted unless and until suitable replacement tools are identified and implemented.

Until such time as effective replacements are introduced, EIAs should be acknowledged as the most comprehensive environmental impact tool available in South Africa. There is therefore a strong case for basing all other permits/authorisations on the results of an EIA. However, there would be two caveats to this recommendation.

1. EIAs have been criticized for a reductionist approach to environmental management that fails to achieve its core purpose, to advance sustainable development.
2. All evidence suggests that a higher level strategic approach is necessary to achieve effective environmental management. Should other strategic level tools such as SEAs be legislated, then either these tools or EIAs could then be the information base for other authorisations.

3. Monitoring/Auditing

A common complaint from communities is the EAPs failure to explain the negative implications of the approval, and that conditions of approval for EIAs are not adhered to.

Co-management arrangements such as the bucket brigade can work with the government to be ‘their eyes and ears’, gathering information about illegal dumping etc. The success of this initiative is dependent on field worker who can help communities to monitor.

4. Enforcement and feedback

A cooperative working arrangement can assist in presenting a united front for government and in that way, address particularly non-compliance issues – for example, the alignment of the DWA and DEA green and blue scorpions.

Crisis committees tend to be reactive, focusing on monitoring what has gone wrong but they allow stakeholders to sit together in one space and work towards a common solution.

Environmental Management committees that monitor post decision progress should involve all relevant stakeholders, and play a role in both capacity building and compliance

Illustrative Best Practice – recommendation:

Arising out of the exchange of ideas and discussion at the PSC meeting (28th March to 1 April 2011), the following best practice recommendation is put forward for review. During the review period, a diagrammatic representation will be attempted in order to illustrate the concepts further.

The strategic context:

In order to enhance ecological sustainability, it is vital that environmental information is used to underpin planning decisions.

EMFs should be conducted – initiated first in areas of particular sensitivity.

EMFs should be integrated into provincial SDFs and local government IDPs

Cooperative governance to achieve this:

Long term:

Environmental and planning function to be contained within same provincial department.

Formal environmental management unit established between local government and provincial department.

Use of MOUs to formalize integration of environmental information into decision-making.

Medium term:

Environmental forums between Environmental Dept officials and other relevant departments to ensure spatial development frameworks are aligned with environmental priorities.

Short term:

Use of section 24(o) commenting periods to input into planning frameworks
 Use of formal cooperative governance structures under other legislation in order to motivate for EMF or SEA as basis for planning decisions. For example, CMA, REMDEC etc.

Implementation:

Project level EIAs: steps towards cooperative governance

1. Strategic level environmental planning framework in place
2. A project level assessment is triggered, e.g. eia
3. An provincial level Environmental forum (informal working arrangement between prov dept enviro and other depts., local government) meets. Their role could be to decide on the appropriate tool for assessment, or if the EIA is triggered, their inputs are then used to determine scope of EIA such that its results would be useful for subsequent permitting by other departments.
4. Once the EIA is underway, the individual departments input into EIA either via forum or separately.
5. Public input takes place as per best practice⁶
6. EIA decision made by competent authority
7. EIA ROD used as input to other permitting processes. This would either be as one integrated permitting process (provided for via MOU) or EIA ROD used by individual departments as the environmental input into their specific decision-making processes. If individual departments have participated in earlier EIA process, their issues should have been addressed as part of the EIA – their permitting processes should therefore be streamlined.
8. Post decision – The use of EMCAs to set up environmental monitoring committee (EMC) to monitor compliance with EMP. Such a EMC should involve stakeholders outside government and should have means to respond quickly to non-compliance (through link with law enforcement for example)

Diagram 2 is a first attempt to demonstrate the above steps in a diagrammatic manner, and will be revised as part of the review.

There is a need to ensure that post ROD, outputs from monitoring, auditing of environmental performance and failure to meet compliance targets, can be fed back into the amendment of the EMP.

Long term:

Ensure MOUs in place so as to facilitate integrated process of one application that is then internally processed to result in integrated permit.

Medium term:

Implementation of the DEA draft guideline

The establishment of EIA units within environmental departments at provincial level that ensure all relevant departments are consulted.

Short term:

⁶ Refer to subtheme 7.

Working arrangements that enable environmental dept to act as lead department and to meet with all other relevant departments both at local and provincial government.

There is a need to align timeframes for commenting to ensure that all relevant departments can apply their minds and produce quality comment, and that the competent authority receives various departmental comments within the legal timeframes. (see departmental alignment document - appendix 3)

Compliance and monitoring:

The EMP is used to manage post ROD compliance. Although the EMP prescribes that a person must take responsibility for operationalizing the EMP and reporting, there is no formal mandatory structure, e.g. an environmental monitoring committee (EMC) that has broad stakeholder representivity and can advise government on lack of compliance.

Provisions within other pieces of legislation could be used where appropriate and the use of EMCAs under section 35 should be explored.

Cooperative governance – involvement of stakeholders other than government.

Various other pieces of legislation contain cooperative arrangements that could be drawn on to formulate guidelines or regulations to improve cooperative governance arrangements that include stakeholders outside of government.

The Air Quality Act (AQA – Act 39 of 2004) provides for the establishment of priority areas and each priority area must then develop a management plan. A committee of role players must be established who will be responsible for the implementation of the plan (AQA section 19.6.c).

The use of section NEMA section 35 provisions could possibly be used to provide that such a committee could be involved in monitoring and auditing broader environmental outcomes such as the conditions of a ROD of an EIA.

The Waste Act (Act 59 of 2008) provides that part of the license may include the establishment of committees “ for the participation of interested and affected parties” (section 51.2.r).

Section 64 of the MPDRA (act 28 of 2002) provides for the establishment of REMDECs and the formation of ad hoc working committees or sub committees of the MPRD board. These committees are able to have members that are outside the usual membership of the board or REMDECs.

(2) The Board may establish such other permanent or ad hoc committee as it deems 30
 necessary to assist it in the performance of its functions, and any such committee may
 include members who are not members of the Board.
 (section 64.2 of MPRDA)

NEMA and EIA regulations provide that EMPs can be revised and amended.

The recommendations from a cooperative structure such as outlined above, could be fed into a environmental department review process in order to ensure that the EMP remains appropriate for the context of the project.

The use of NWA, LAAC type cooperative governance arrangements should be accommodated within NEMA. Section xx of NWA sets out the range of stakeholders to be involved and the scope of the committee's responsibilities. The arrangement enables both government and non-government stakeholders to be involved from a planning stage through to the operational stage of the activity. (see appendix 7 for an example of LAAC in KZN) [note to reader, this will be finalized during the review period]

Compensation for contributions at cooperative governance structures.

The value of community representatives on cooperative governance structures is clear and an issue has been raised of the need to compensate such volunteers for their contributions at such meetings. The MPRDA contains a clause that applies to advisory committees that include stakeholders outside of government.

Remuneration of members of Board, committees and working groups

4

66. A member of the Board, a committee or working group, except a member who is a full-time employee of the State, must be appointed on such conditions, including conditions relating to the payment of remuneration and allowances, as the Minister may determine with the concurrence of the Minister of Finance.

(Section 66 of MPRDA)

The National Nuclear Regulator board also has representatives from civil society on the board and such members receive some financial honorarium to compensate them for the time and efforts at board level. Similar financial arrangements could be adopted for EMCs.

The illustrative examples above require institutional change and possibly law reform. Specific legal and institutional recommendations are beyond the scope of this subtheme and would be taken up within the ambit of subtheme 1 or the DEA law reform process. Their inclusion here is to reflect the possibilities that have arisen as a result of discussion during the review of this report.

Concluding Remarks:

It is important to recognize that cooperative governance arrangements can be both formal or informal and that both have merit within the governance system.

A key part of effectively aligning authorization processes that have environmental implications is to ensure adequate time to achieve the desired level of environmental quality without unduly delaying decision-making. From the interviews, it appears that such alignment depends on relationships amongst officials that is built up over time. It would appear therefore that any liaison responsibility for ensuring an aligned approach between line function departments should be driven by experienced officials who have established a wide network of colleagues in the necessary departments.

Cooperative governance agreements must be in place for the entire planning cycle, and the extension of cooperative governance to include partners outside government could be an effective method of government extending its monitoring and compliance role, building an heightened environmental awareness amongst citizens, or in fact an implementation role where partner organisations take on specific roles and responsibilities.

It is encouraging to see departmental progress in this regard. Cooperative governance is a systematic approach to achieving sustainable development. It is our view that its success is closely linked to institutional arrangements and capacity and resources within the different spheres of government, rather than being determined by the particular tools.

Links to other subthemes:

Subtheme 1: Procedures and Organisational Structures

The need to amend and align environmental functions at the provincial level and the possible need for legal amendments.

Subtheme 3: public participation

The need to ensure that the public participation process ensures that non-government representatives are also involved in cooperative governance structures where appropriate

Subtheme 7: Participation by vulnerable and marginalized communities

The need to ensure that vulnerable affected communities are able to participate in cooperative governance in a way that enables them to monitor and ensure compliance with any ROD that affects them.

Subtheme 8: Skills of EAPs and Government Officials

The need for all government officials, including those from non-Environmental departments to understand the goals of sustainable development, and the aims and procedures of EIAMS

Subtheme 9: Existing and New Tools

The need to ensure that cooperative governance mechanisms proposed in subtheme 10 are applicable to various tools outlined in subtheme 9

12.REFERENCES:

Amis, John. 2004. The rights and responsibilities of mining companies and government departments in implanting operational environmental management programmes. IAIA Conference papers, IAIA 2004

Cliffe Dekker Hofmeyr (Terry Winstanley and Justine Sweet)

Du Plessis, Anel and le Roux, Eben, 2004. Towards Sustainability: a case study report on 17 medium sized local authorities in the southern sadc. IAIA Conference papers, IAIA 2004

Jameson, Ian and Dacomb, peter (2004) Human buffer zones: solutions for waste disposal? IAIA Conference papers, IAIA 2004

Scott, Dianne and Zaloumis, Andrew (2004), The Ecotrack: Cooperative Governance in the buffer zone of the Greater St Lucia Park, IAIA Conference papers, IAIA 2004

[Need to add]