



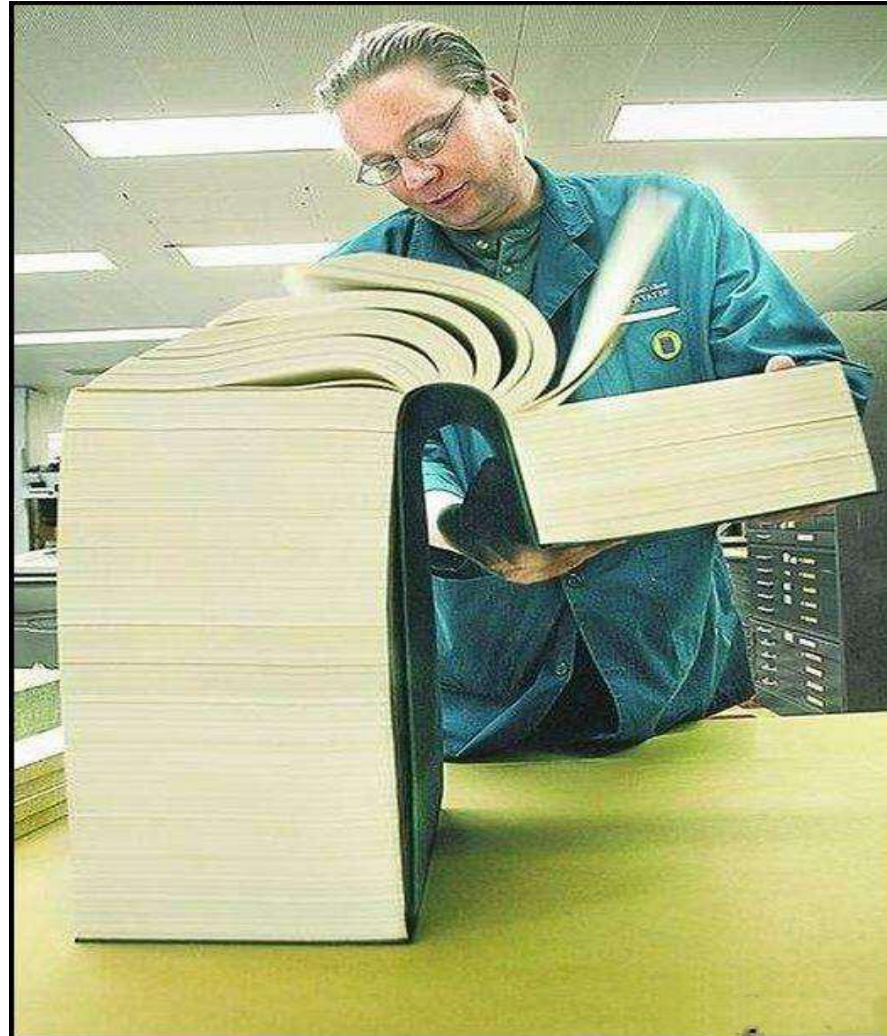
Governance & Partnerships: Streamlining the permitting process with a view to creating a more effective administrative environment

CAPE Partners' Conference

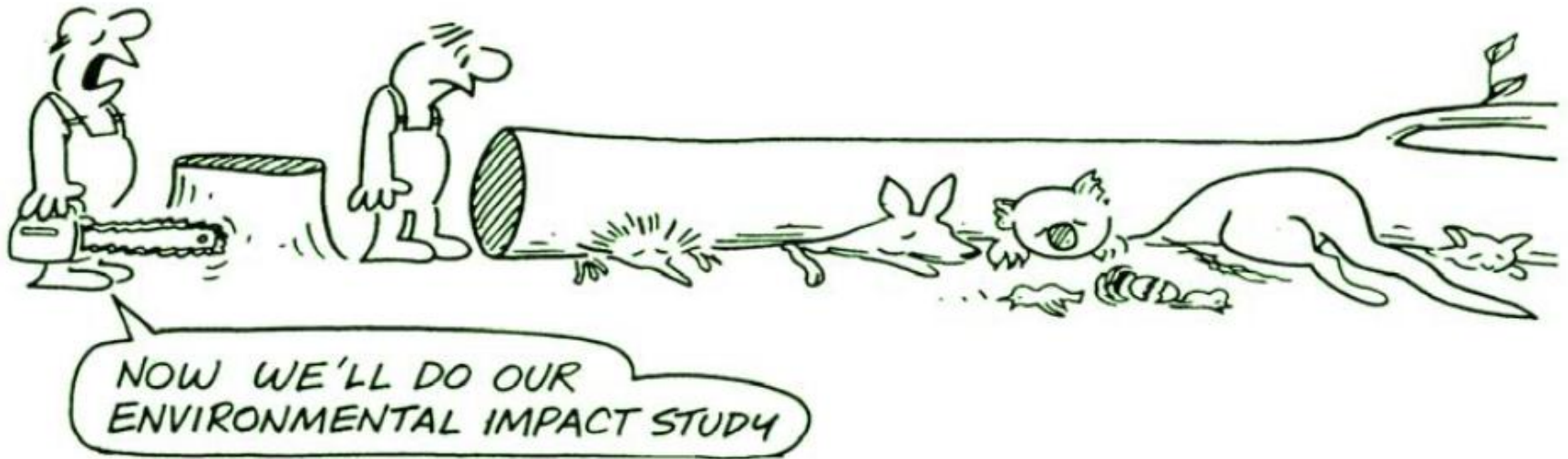
23-24 June 2011

**Gerhard Gerber
Development Facilitation Unit (DFU)**

New guideline EIAs



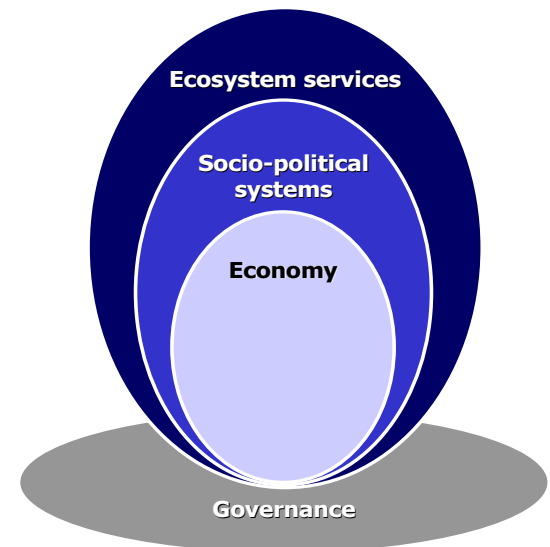
Why do we do EIAs?



EIA a means to an end: the pursuit of Sustainable Development

- Procedural compliance AND the achievement of **substantive outcomes**
- EIA about the “the selection of the best practicable environmental option” - the option that:
 - provides the **most benefit** &
 - causes the **least damage** to the environment as a whole (social, economic & ecological),
 - at a cost **acceptable** to society,
 - in the **long term** as well as in the **short term**. (NEM Principle)

EIAs must address/ensure **ecological integrity, social justice & economic efficiency**.



EIAs are about the progressive realisation of people's fundamental rights

- Environmental Right (SA Constitution 1996)

S24: Everyone has the right –

(a) to an environment that is not harmful to their health or well-being; &

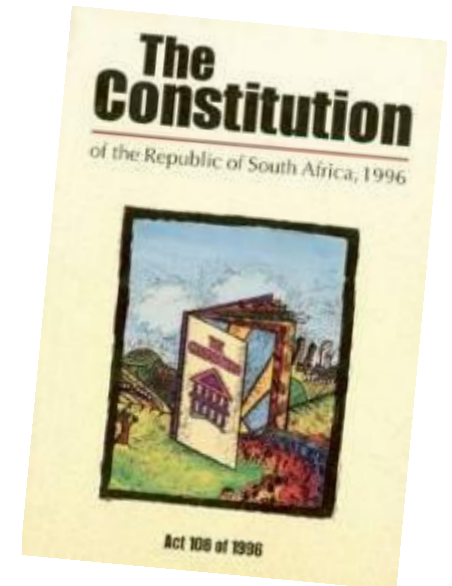
(b) to have the **environment protected**, for the benefit of present & future generations, through reasonable legislative & other

measures that- (i) **prevent** pollution &

ecological degradation; (ii) promote **conservation**; &

(iii) secure **ecologically** sustainable development & use of natural resources while promoting **justifiable** economic & social development.

- Sec 2(2) of NEMA: Environmental management must place **people & their needs at the forefront of its concern**, & **serve their** physical, psychological, developmental, cultural & social **interests** equitably. (present & future generations)



Despite the world's best efforts...

An estimated 1 out of every 5 people in the world (~1 billion people):

- is **malnourished**,
- do not have access to **clean water**,
- is a **slum dweller** &
- has to survive on **less than US\$ 1 a day**,



while

- an alarming 2/3s of the life-supporting **ecosystems** of the world are either **degraded** or are being unsustainably used

SA unfortunately is no exception...

After 16 yrs of democracy, >10 yrs of IDPs & 13 yrs of EIAs in SA:

- **unemployment** remains high
 - (1st Q 2011 = 25%)
(increased by 227 000 from the 4th Q of 2010 to the 1st Q of 2011)
- **poverty** remains widespread & persists alongside affluence (income poverty in 2006):
R 218/p/mnth (2½\$/day in 2000 prices) = 34.8%;
R 322/p/mnth (“cost of basic needs”) = 47.99%),
- **slums** remain a reality (2008: 25% of SA’s people live in slums)



while

- **inequalities** are growing (Gini Coefficient 0,685 in 2006), &
- SA’s life-supporting ecosystems continue to **deteriorate** at an alarming rate

EIAs & Environmental Decision-Making

- **Context:**
 - decisions are **not made in a vacuum**
 - the **bigger issues** (“big picture”) must be taken into account
 - while it is important to get the answers right, it is just as important to **get the questions right**
- **“Complexity” & “Wicked Problems”**
 - complex systems
 - constant change
 - impacts unclear
 - uncertainty (about the questions & answers)

EIAs & Environmental Decision-Making (2)

great socio-economic needs

+

limited resources

+

degraded ecology

= need for **responsible & informed decision-making** of how to best use the limited resources for maximum socio-economic benefit in the short & long term

Responsive, Reasonable & Developmental Administration

- **Responsive**
- **Reasonable (Accountability)**
- **Solutions driven (“from red tape to red carpet”) & Outcomes focussed**

...BUT we cannot do it alone

- **Within the ambit of what the legislation allows, make use of the existing empowering provisions to allows for improved environmental management**

“Emergency Incidents” in rivers i.t.o. NEMA

- **unexpected sudden occurrence**
 - **responsible person**
- = empowers the authority to urgently direct someone to take the steps necessary to address the incident.**
- **if something done illegally = apply for rectification i.t.o. Section 24G of NEMA**

Anelene Louw took these photos in De Doorns, Thursday 13 November 2008



<http://www.news24.com/News24/Gallery/Home.aspx?galleryid=3889>

“Maintenance” work in rivers i.t.o. the EIA Regulations



- “Reconstruction” (“reconstruction of the same facility in the same location, with the same capacity & footprint”) is not construction.
- Authority may agree to a **Maintenance Management Plan (MMP)** for earth moving activities in a river (activity 18 of Listing Notice 1).

“Development Setback Lines” along rivers i.t.o. the EIA Regulations

Hex River Valley



<http://www.news24.com/News24/Gallery/Home/0,,galleries-1-6889,00.html>

“development setback means a setback line as defined or adopted by the competent authority and where none has been defined or adopted it will be assumed that no setback line applies”

Geographical Areas, EMF, identifying areas for agriculture & combined applications

Section 24(2) of NEMA: “Listing & unlisting” activities in specific **geographical areas**

EMF Regs: Adoption of Environmental Management Frameworks

EIA Regs: Activity 14 of LN3:
The clearance of an area of 5ha or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for: purposes of agriculture or afforestation inside **areas identified** in spatial instruments adopted by the competent authority **for agriculture** or afforestation purposes. (Then only listed if activity 16 of LN2 is triggered: The physical alteration of virgin soil to agriculture... of 100 hectares or more.)



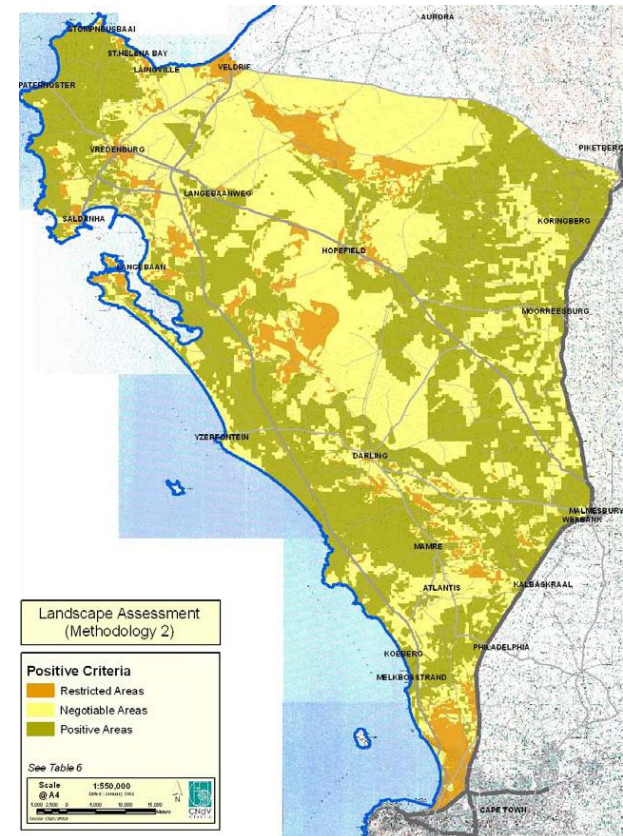
EIA Regs: **Combined applications** (Regulation 14)

Geographical Areas, EMF & identifying areas for agriculture

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Development of Standards i.t.o. NEMA



- **“The Minister, or an MEC with the concurrence of the Minister, may identify- activities... that may commence without an environmental authorisation, but that must comply with prescribed norms or standards”**

Section 24K & L Agreements i.t.o. NEMA

- Allows the environmental authority to enter into an **agreement** with any other organ of state responsible for administering legislation relating to any aspect of a listed activity.

= allows **1 integrated process** to be followed (must only meet the **Section 24(4)** minimum requirements) & even allows **integrated decisions**.



Mainstreaming environmental management & regulatory compliance into the agricultural sector

From re-active ad hoc project-level EIAs to pro-active strategic environmental assessment

Van “'n Boer maak 'n plan” tot “Die plan maak die boer”



THANK YOU

“There is nothing so useless as doing efficiently that which should not be done at all.” (Peter F. Drucker)

“If you don't know where you are going, you will probably end up somewhere else.” (Lawrence J. Peter)

“Failing to plan, is planning to fail.” (Anon)

“We do not inherit the Earth from our ancestors, we borrow it from our children.” (Anon)

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