

SOUTH AFRICAN CASE STUDY,EGM on NSDS in Conflict-Affected Countries,18 -19 November,2009 UNON,Nairobi Kenya

B.C.CHIKULO,Ph.D
Professor of Development Studies



NORTH-WEST UNIVERSITY
YUNIBESITI YA BOKONE-BOPHIRIMA
NOORDWES-UNIVERSITEIT
MAFIKENG CAMPUS

1.GOVERNANCE STRUCTURES

- **There three government levels:**
 - ✓ **National.**
 - ✓ **Provincial.**
 - ✓ **Municipality.**
- **Autonomy of the three levels embedded in the Constitution.**
- **Emphasis placed on cooperative governance between the level.**
- **The Constitution also provides for:**
 - ✓ **Bill of Right guarantees human rights.**
 - ✓ **The right to socio-economic development.**
 - ✓ **Human security.**

2. Legal Underpinnings of the NSDS Process.

- The NSDS is heavily embedded in legislation.
- South Africa established Sustainable Development as a constitutional right in the 1996 Constitution.
- The vision of sustainable development is contained in the South African Constitution and is an important theme in most of the major policy and legislative frameworks that have been promulgated since the introduction of the new democratic dispensation in 1994.
- The Bill of Rights within the Constitution provides for the right of citizens to “an environment that is not harmful to their health or well-being (Ch 2 s24(a)).
- The Constitution (Ch 7 s152(1)) further states that: “(1) The objects of local government are –
 - a) to provide democratic and accountable government for local communities;

Legal Underpinnings continued

- b) to ensure the provision of services to communities in a sustainable manner;
- c) to promote social and economic development;
- d) to promote a safe and healthy environment; and
- e) to encourage the involvement of communities and community organizations in the matters of local government.”
- The national Environmental Management Act(NEMA) No. 107 of 1998 provides the context for environmental management.
- The NEMA provides a framework of legislation, which includes principles for decision-making on matters affecting the environment, and procedures for coordinating the functions related to the environment of various organs of state.

3. Content of the National Sustainable Development Strategy

- South Africa has adopted an integrative approach to sustainable development. South Africa's Department of Environmental Affairs and Tourism (DEAT) issued the "White Paper on Environmental Management Policy". This crosssectoral strategy is the overall government policy approach to environmental management in South Africa; essentially the Environmental Management Policy is South Africa's approach to the environmental pillar of a national sustainable development strategy.
- Sustainable Development is defined in the National Environmental Management Act (NEMA) No 107 of 1998 (Definitions, S(1)(xxix)) as "the integration of social, economic and environmental factors into
- planning, implementation and decisionmaking so as to ensure that development serves present and future generations."
- Thus the SD principles are integrated into the definition in the Environmental Management Policy.

4.LINKAGE WITH OTHER POLICY FRAMEWORKS

- **South Africa has introduced innovative policies to implement SD: NSDS is linked to the poverty reduction strategy: called the Anti-poverty Strategy which consists of a number of policy frameworks:**
 - ✓ **Reconstruction and Development Program(RDP),**
 - ✓ **Growth ,Employment and Redistribution(GEAR),**
 - ✓ **Accelerated and Shared Growth Initiative for South Africa(AsigSA)**
 - ✓ **As well as other sector specific strategies such as the : Urban Tenure Reform, Urban development strategy, Integrated Sustainable Rural Development Strategy (ISRDS),Human Resource development Strategy and National Environmental Management policy,etc.**

5.LEAD AGENCY

- The Department of Environmental Affairs and Tourism(DEAT) has been appointed as the lead agent responsible for ensuring the integrated and coordinated implementation of policy on environmental management and this critical leading role is entrenched in NEMA.
- Consequently, DEAT is the custodian for South Africa's environment, and is responsible for ensuring that the environmental rights of this country's citizens are enforced .
- NEMA provides for cooperative governance by establishing structures and principles that deal with matters affecting the environment.
- Cabinet has given the responsibility of coordinating sustainable development to the International Relations, Peace and Security (IRPS) Committee.

LEAD AGENCY CONTINUED

- The objective of this Committee it is to “promote the integration and coordination of environmental functions by the relevant organs of state, and in particular to promote the achievement of the purpose and objectives of environmental implementation plans and environmental management plans” as set out in the Act. This Committee is chaired by the DEAT and consists of representation of nine national departments and all provinces. There two other committees:
 - ✓ The Committee for Environmental Coordination established by the National Environmental Management Act. The objective of this Committee it is to “promote the integration and coordination of environmental functions by the relevant organs of state, and in particular to promote the achievement of the purpose and objectives of environmental implementation plans and environmental management plans” as set out in the Act.

LEAD AGENCY CONTINUED

- ✓ **The National Environmental Advisory Forum whose objectives are to inform the Minister of the Department of the views of stakeholders regarding the application of the national environmental management principles, and to advise the Minister on matters of environmental management, governance, and monitoring compliance.**

6.The Planning Process

- In South Africa ,local government is responsible for developing local policies and regulations in alignment with provincial and national policies.
- *Planning must be developmentally oriented* and must be geared towards fulfilling the objectives and duties of Sections 152 and 153 in the Chapter 7 of the Constitution.
- Thus, planning by developmental local government must also realise, together with other organs of state – the rights to a safe and healthy environment; protection of property; housing; health; care; food; water; social security and education.

- Constitutionally ,local government in South Africa has been given a critical role to play in addressing the social and economic needs of communities while ensuring that the resource base upon which life depends is conserved and well managed.
- The developmental role of local government, is supposed to be achieved through a framework called *Integrated Development Planning (IDP)* .
- Integrated Development Planning (IDP) is a process by which municipalities prepare 5-year strategic plans that are reviewed annually in consultation with communities and other stakeholders.
- These plans seek to promote integration by balancing social, economic and ecological pillars of sustainability without compromising the institutional capacity required in the implementation, and by coordinating actions across sectors and spheres of government.

Planning (continued)

- The objectives of IDP are closely aligned with the principles of sustainability, and therefore IDPs are viewed as strong vehicles for promoting sustainable development approaches and practices at the local level.
- The legislative context for municipal planning is provided by the Municipal Systems Act No 32 of 2000. Chapter 5 of this Act specifically deals with Integrated Development Planning.
- The Municipal Systems Act (Ch 5 s25(1)) requires each local authority to adopt a single, inclusive plan for the development of the municipality area of jurisdiction.

Planning (continued)

- Thus as the level of government closest to communities, local government plays a vital role in educating and engaging with the public to promote sustainable development. The Municipal Planning and Performance Management Regulations, promulgated in 2001 in terms of the Municipal Systems Act, (Chapter 2, s2(4)(f)) state that the spatial development framework reflected in the municipality's IDP must “contain a strategic assessment of the environmental impact of the spatial.

6. Implementation of NSDS

- Although DEAT is the lead agency, responsible and accountable for coordinating environmental functions in all spheres of government, the implementation function is decentralized.
- Due to the fragmentation of environmental functions throughout South Africa's government institutions, the policy recognizes that all national departments and other organs of state in all spheres must comply with the government's national policy on environmental management to achieve integrated and holistic environmental management.
- However, it is the municipalities which are expected to coordinate the planning and implementing NSDS.

7. Monitoring, Reporting and Adaptation Issues

- **DEAT is responsible for monitoring and enforcing compliance of the policy and reports on a variety of environmentally-related sustainable development initiatives.**
- **DEAT is also response for the reporting and adaption functions.**
- **Highlights of some of these environmental-related sustainability reporting in South Africa include:**
 - ✓ **State of the Environment Reports are available nationally and for all nine provinces, five cities, and five local governments.**
 - ✓ **The National Environmental Management Act requires the Minister to initiate an Annual Performance Report on Sustainable Development to meeting the government's commitment to Agenda 21 .**
 - ✓ **South Africa CSD-12 Country Report includes South Africa's national status report focusing on water, sanitation and human settlement.**

8. Stakeholder Participation

- There is a formal requirement for stakeholder involvement in development and on-going of NSDS policy: Civil society, NGOs actors. other stakeholders are involved through a comprehensive participatory process such as the Consultative National Environmental Policy Process (CONNEPP), s National Environmental Advisory Forum.
- At the local municipality level t the participatory processes include representatives from the social, economic and biophysical sectors. Groups that should be represented in participation processes include: authorities, Non- Governmental Organisations (NGOs), Community-Based Organisations (CBOs), Business, Social Groups, environmentalists, women, labour and the youth.

9. CHALLENGES

- There are a number of challenges.
- The challenges are related policy content and sector specific strategies relate to the linkages between institutions set up at national level for specific policy initiatives and those responsible for planning, implementation, monitoring, review ,and adaptation at sub-national and local levels.
- **Coordination:** The challenge lies in developing the institutional structures required for a cross sectoral approach to addressing sustainable development issues.
- In addition, to national line ministries, and nine provincial governments , there Local government is made up of about 284 local municipalities.

CHALLENGES CONTINUED

- **Capacity deficits:** The challenge are related the local government capacity deficits to effectively carry out the planning and implementation function at the sub-national and local levels, as well as align these policies with provincial and national policies to ensure the sustainability of strategies and projects within the IDP process.
- **Ensuring that there is adequate human and financial capacity within the municipalities to effectively plan, implement and manage interventions for the strengthening of sustainability.** There are three different spheres of government (national, provincial and local) with each sphere having constitutional autonomy.

THANK YOU

