
GENERAL NOTICE

NOTICE 1138 OF 2008

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS
AND TOURISM (DEAT)**

**SECOND EDITION ENVIRONMENTAL
IMPLEMENTATION AND MANAGEMENT PLAN
(EIMP)**

March 2008



environment & tourism

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

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LIST OF ACRONYMS

DEAT	Department of Environmental Affairs and Tourism
EIMP	Environmental Implementation and Management Plan
EIP	Environmental Implementation Plan
EMP	Environmental Management Plan
IDP	Integrated Development Plan
MINTEC	Technical Committee for MINMEC Environment
MINMEC	Minister and MEC Committee for Environmental Affairs and Tourism
NEM	National Environmental Management
NEMA	National Environmental Management Act (Act 107 of 1998)
WPEM	White Paper on Environmental Management Policy

SECTION ONE: INTRODUCTION

1. PURPOSE OF ENVIRONMENTAL MANAGEMENT AND IMPLEMENTATION PLANS

The National Environmental Management Act (Act 107 of 1998) (NEMA), Section 15 (1), requires scheduled departments to prepare Environmental Implementation Plans (EIPs) and/or Environmental Management Plans (EMPs) every four years.

The EMP focuses on the Department's environmental management functions, policies and laws and highlights efforts to ensure compliance by other departments with these environmental policies and laws.

The EIP is concerned with priority Departmental policies, plans and programmes that may impact on the environment and how these will comply with the NEMA principles and national environmental norms and standards.

The Department of Environmental Affairs and Tourism (DEAT) is listed in both Schedules 1 and 2 of NEMA, as responsible for functions that involve management of the environment (including those dealing with environmental quality and protection; biodiversity and conservation; and non-consumptive use of marine resources) and functions that impact on the environment (namely Tourism and consumptive use of marine resources).

DEAT is therefore required to prepare an Environmental Implementation and Management Plan (EIMP).

The First Edition EIMP for DEAT was gazetted in March 2002. This Second Edition EIMP has been prepared in line with the guidelines for the Second Edition EIPs and EMPs prepared by DEAT.

2. OVERVIEW OF DEAT VISION, MISSION AND STRUCTURE

2.1 VISION, MISSION AND FOCUS AREAS

Vision: A prosperous and equitable society living in harmony with nature.

Mission: To lead sustainable development of our environment and tourism for a better life for all, through:

- Creating conditions for sustainable tourism growth and development for the benefit of all South Africans.
- Promoting the conservation and sustainable utilization of our natural resources to enhance economic growth.
- Protecting and improving the quality and safety of the environment.
- Promoting a global sustainable development agenda.
- Transformation and good governance.

Key Focus Areas

Focus Area 1: Create the conditions for responsible tourism growth and development for the benefit of all South Africans.

Focus Area 2: Promote the conservation and sustainable utilization of natural resources to enhance economic growth and poverty eradication.

Focus Area 3: Protect and improve the quality and safety of the environment

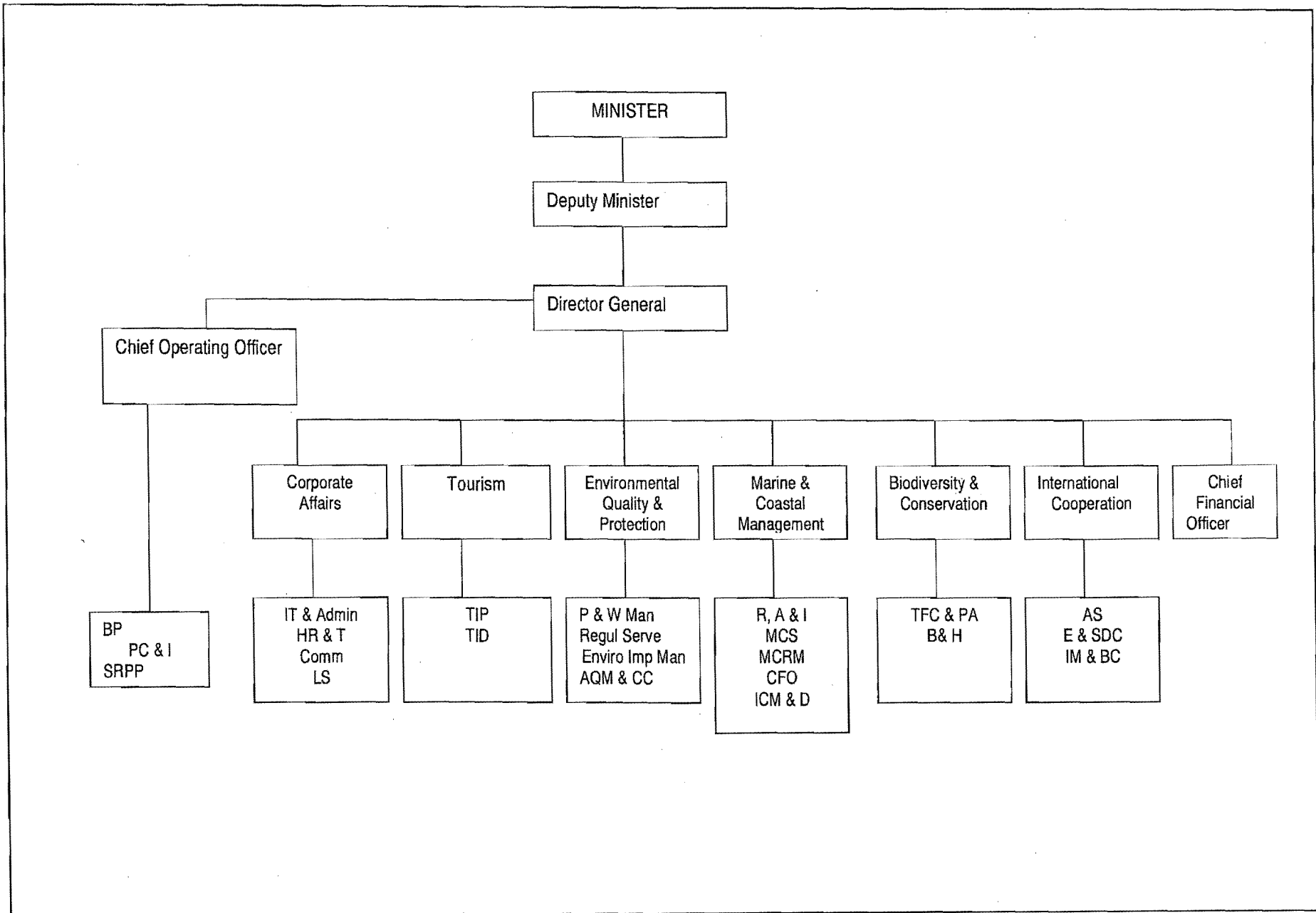
Focus Area 4: Promote a global sustainable development agenda.

Focus Area 5: Transformation.

2.2 STRUCTURE OF THE DEPARTMENT

The core functions of DEAT are organised into five Branches:

- Environmental Quality and Protection;
- Biodiversity and Conservation;
- Marine and Coastal Management;
- Tourism; and
- International Cooperation and Resources.



SECTION TWO: ENVIRONMENTAL MANAGEMENT PLAN (EMP)

1. OVERVIEW OF SECTION

This chapter provides specific information for DEAT's Environmental Management Plan, including:

- Description of environmental management functions.
- Description of specific environmental laws, norms or standards applied by these functions.
- Description of extent of compliance.
- Constraints or limitations with respect to ensuring compliance.
- Programmes for implementation/ensuring compliance.
- Arrangements for co-operation.

2. OVERVIEW OF CORE ENVIRONMENTAL MANAGEMENT FUNCTIONS

The following table provides an overview of the core functional areas of DEAT in relation to functions that require management of the environment and functions that impact on the environment.

FUNCTIONS INVOLVING MANAGEMENT OF THE ENVIRONMENT		
Quality & Protection	Biodiversity & Conservation	Marine and Coastal Management
<ul style="list-style-type: none"> • Promote and conserve our biological diversity and cultural and local natural resources and ensure the sustainable utilisation of resources for the benefit of the people of South Africa • Protect the environment in the interest of the health and well being of the people of South Africa • Provide environmental information in support of effective environmental management and public participation in environmental governance 	<ul style="list-style-type: none"> • Produce legislation, policies, programmes and plans for the conservation and sustainable use of biodiversity and cultural heritage resources • Manage and coordinate the implementation of relevant international agreements • Promote the equitable sharing of benefits derived from biological and cultural resources. • Ensure the effective establishment of Trans-Frontier Conservation Areas (TFCAs) in each of the areas identified by government and coordinating the activities of all relevant government departments with the implementation agency. Ensure effective consolidation, establishment and management of protected areas in each of the main bio regional areas 	<ul style="list-style-type: none"> • Develop and conserve marine and coastal resources to ensure the sustainable utilisation of such resources, as well as to maintain marine ecosystem integrity and quality.

Key environmental management priority areas identified by the Department for the next four years include:

- Refining systems, processes and enhancing national capacity around Environmental Impact Assessments (EIAs), risk assessment tools and other planning and assessment tools to meet with demands of our developmental state.
- Working closely with industry and local government through Project Consolidate in the delivery of environmental services such as waste management; and
- Increasing compliance with environmental law as well as stepping up enforcement efforts to protect the environment from illegal activities.

3. OVERVIEW OF POLICIES, LAWS AND CONVENTIONS

3.1 ENVIRONMENTAL POLICIES AND LAWS APPLICABLE TO DEAT

The White Paper on Environmental Management Policy (WPEM) is an overarching policy framework that sets out a vision, policy principles and strategic goals for environmental management and sustainable use of natural resources in South Africa. Sectoral policies must subscribe to this policy framework.

The National Environmental Management Act, 1998 (NEMA) is the first step in giving legal effect to the environmental right in the Constitution (section 24) and to the White Paper on Environmental Management Policy. NEMA is applicable to all functions of the Department as indicated in the policy and legislative framework table.

DEAT has subsequently promulgated a suite of legislation on biodiversity and protected areas, air quality management, environmental impact assessment, compliance and enforcement to give effect to the legislative reform requirements of other sectoral environmental policies, namely:

- The White Paper on Conservation and Sustainable Use of South Africa's Biological Diversity
- The White Paper on Integrated Pollution and Waste Management for South Africa
- The White Paper on Sustainable Coastal Development in South Africa.

The specific pieces of legislation include:

- NEM: Protected Areas Act (Act 57 of 2003) and Protected Areas Amendment Act (Act 31 of 2004) provide for the protection and management of ecologically viable areas representative of South Africa's biological diversity and its natural landscapes and seascapes.
- NEM: Biodiversity Act (Act 10 of 2004) sets out the mechanisms for managing and conserving biodiversity, protecting species and ecosystems, the sustainable use of indigenous biological resources, access to and sharing of the benefits arising from the use of biological resources as well as bioprospecting.
- NEM: Air Quality Management Act (Act 39 of 2004) provides framework legislation for the management and regulation of air quality, including the setting of ambient air quality and emission standards
- NEM Amendment Act (Act 46 of 2003) (1st Amendment Act). This deals with compliance and enforcement and provides for Environmental Management Inspectors (EMIs). The role of the EMIs is not only to investigate offences committed in terms of environmental legislation, but also to investigate breaches in terms of conditions of permits or other authorisation issued in terms of NEMA or other environmental management legislation.

- NEM Amendment Act (9 of 2004). This primarily relates to Environmental Impact Assessments.
- NEM: Coastal Zone Bill provides for the sustainable development of the coastal environment, states the law relating to the seashore and other coastal land and the regulation of marine and coastal pollution control.
- NEM: Waste Management Bill. This provides measures for the prevention of pollution and ecological degradation, national norms and standards regulating waste management monitoring, management and control by all spheres of government.

NEMA has replaced most of the provisions of the Environmental Conservation Act (ECA), however some sections still remain and have particular relevance for DEAT:

- In accordance with Section 18, the Prince Edward Islands were declared Special Nature Reserves
- Sections 19 and 19a provide for a general prohibition against littering and the removal of litter
- Section 20 deals with waste management, including the establishment and operation of waste disposal sites. Such sites may only be operated under a permit issued by the Minister of Water Affairs
- Section 21 provides for the identification of waste and sewerage disposal and chemical treatment activities by DEAT, specifically those activities which may have a substantial detrimental effect on the environment. Certain mariculture activities can be classified as Section 21 activities
- Section 24 allows the Minister to make regulations with regard to waste management
- Section 26 (b, c, and j) provides for regulations for collection of information on generation and disposal of waste.

The table below summarises South African policies and laws applicable to DEAT's environmental management functions:

QUALITY AND PROTECTION	BIODIVERSITY AND CONSERVATION	MARINE AND COASTAL MANAGEMENT
GENERAL POLICY		
White Paper on Environmental Management Policy (April 1998)		
SPECIFIC POLICY		
<ul style="list-style-type: none"> • White Paper on Integrated Pollution and Waste Management (2000) 	<ul style="list-style-type: none"> • White Paper on Conservation and Sustainable Use of South Africa's Biological Biodiversity (1997) 	<ul style="list-style-type: none"> • General and Specific Policy on the Allocation and Management of Long term Commercial Fishing Rights (2005) • White Paper on Sustainable Coastal Development in South Africa (2000) • Marine Fisheries White Paper for South Africa (1997)
GENERAL LEGISLATION		
National Environmental Management Act (107 of 1998) and Amendments (2003)		
Environmental Conservation Act (73 of 1989) and Amendments (2003)		