**EXPLANATORY MEMORANDUM**

The Southern African Development Community (SADC) Protocol on Environmental Management for Sustainable Development was signed by President Zuma on behalf of South Africa at the 34th SADC Summit in Victoria Falls, Zimbabwe on 18 August 2014. It is intended to facilitate harmonisation of policies, strategies and legal frameworks to enhance regional integration amongst Member States of SADC in the field environmental management. The main objective of the Protocol is to promote sustainable utilisation and trans-boundary management of the environment, which is of interest to SADC Member States.

The SADC Protocol on Environmental Management for Sustainable Development focuses on the following areas:

1. Contributing towards sustainable development through the adoption of sound environmental management principles and procedures;
2. ensuring equitable access and sharing of benefits that accrue from genetic resources;
3. ensuring that gender equality and equityis mainstreamed into environmental management for sustainable development;
4. ensuring that sustainable development objectives are mainstreamed into trade and socio-economic policies, programmes and plans in the region;
5. promoting trade in environmental goods and services for the development of the economies of the State Parties;
6. facilitating value addition and beneficiation of the region’s natural resources to maximise benefits;
7. enhancing the restoration, rehabilitation and remediation of degraded and polluted environments;
8. promoting complementarity in implementing transboundary environmental management activities;
9. facilitating harmonisation of environmental policies, legislation, law enforcement and natural resources governance;
10. monitoring and reporting on environmental trends and implementation of transboundary programmes in the region including development and implementation of early warning systems and environmental risk assessments;
11. facilitating the development, implementation and coordination of environmental assessment procedures, environmental management instruments and standards;
12. developing and implementing co-ordinated and where feasible joint climate change mitigation and adaptation strategies and implementation of co-ordinated environmental disaster management responses;
13. managing the collection, storage, movement and disposal of trans-boundary waste and hazardous chemicals including radioactive materials;
14. preventing and controlling air, water and soil pollution and degradation of the region’s natural resources;
15. promoting sustainable land management practices so as to prevent soil erosion, land degradation, deforestation, desertification, overgrazing and bush encroachment; and
16. promoting the use of environmental economics and natural resources accounting in development planning.

The SADC Protocol on Environmental Management for Sustainable Development contains the following self-executing clauses:

1. Article 22: Institutional Framework – establishment of the Committee of Ministers Responsible for the Environment; Committee of Senior Officials Responsible for the Environment; and Technical Committee on Environmental Management.
2. Article 26: Specialist Committees and Technical Working Groups – Specialist Ad-hoc Committee on Environmental Management Education and Training; and Specialist Ad-hoc Committee on Environmental Standards

The SADC Protocol on Environmental Management for Sustainable Development is consistent with South Africa’s constitution, particularly Section 24 on Environment of the Bill of Rights which advocates for conservation and sustainable natural resource use and its ratification will not compromise the territorial integrity of South Africa. Furthermore, the Protocol calls for State Parties to undertake gender mainstreaming of all environmental management, climate change and sustainable development policies, programmes, projects, strategies and budgets.

The Protocol recognises that the environment is linked to global security in respect of issues such as climate change, desertification, biodiversity loss, diminishing water resources and the degradation of the Earth’s capacity to assimilate pollution and waste, although it does not mention any specific security-related measures to be undertaken by SADC Member States in this regard. Furthermore, the Protocol calls for the facilitation of the harmonisation of environmental policies, legislation, law enforcement and natural resources governance and provides for collaboration in environmental law enforcement between State Parties.

In terms of financial implications, there are no Membership Fees required by the Protocol. However, the Protocol states that State Parties shall endeavour to allocate the necessary funds for the effective implementation of this Protocol at the national level. These would need to be sourced from the national budget allocations of the Department of Environmental Affairs, as well as relevant Provinces where transboundary environmental programmes have been adopted for implementation, as the cost of administering and managing the activities of this Protocol shall be borne by State Parties.

Furthermore, the Protocol states that the SADC Council of Ministers shall ensure that adequate resources are allocated to support the relevant implementation of the provisions of this Protocol and that State Parties may establish a regional financing mechanism to finance transboundary and regional environmental programmes to be approved by the SADC Council.

In terms of Article 35, the Protocol shall come into force thirty (30) days after the instruments of ratification have been deposited by nine (9) Member States. Although 10 Member States have signed, only one Member State has ratified this Protocol to date. Therefore, South Africa’s ratification of this Protocol would demonstrate commitment to strengthening regional efforts to conserve transboundary natural resources and promote sustainable development within SADC.