

**Draft Legacy Report of the Portfolio Committee on Environmental Affairs on its activities undertaken during the *5th Parliament* (June 2014 – March 2019), dated 19 March 2019.**

**Key highlights**

1. **Reflection on committee programme per year and on whether the objectives of such programmes were achieved**

The strategic objective of the Portfolio Committee during the *5th* Parliament is to promote and ensure environmental sustainability in a manner that is not harmful to the health or well-being of people; and to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation; promote conservation; and secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development. The Committee does this by undertaking:

* Proactive oversight, comprising:
* Holding of the Department of Environmental Affairs (DEA) and its entities (the iSimangaliso Wetland Park Authority, South African National Parks [SANParks], South African National Biodiversity Institute [SANBI] and the South African Weather Service [SAWS]) as well as other relevant organs of State, insofar as environmental sustainability is concerned, accountable;
* Monitoring and evaluation of the implementation of legislation and programmes that affect the environment; and
* Influencing, lobbying, mobilising, monitoring and ensuring that appropriate budgets are allocated for the implementation of legislation, policies and programmes that seek to promote and ensure environmental sustainability.
* Creation of opportunities for the members of the public to participate in matters that relate to the environment. Consequently, the Committee ensured that none of its meetings in the period under review occurred in camera.
* Ratification and/or oversight of international agreements, whereby the Committee most importantly adopted the report for the ratification of the Paris Agreement on Climate Change, which was duly debated and passed by Parliament, the Southern African Development Community (SADC) Protocol on Environmental Management for Sustainable Development, the Minamata Convention on Mercury and the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer. The Committee further ensures compliance with international and regional treaties that bear on the environment, and monitor the implementation thereof.
* Cooperative governance due to the concurrent nature of the environmental sector, which the Committee had been able to fulfil by holding joint public hearings on legislation and during oversight visits with relevant members of provincial legislatures and municipal councils.
* Formulation, consideration and passing or rejecting of laws, which influence the environmental sector and also participate in ensuring the mainstreaming of environmental sustainability in certain key policies, legislation and programmes of government.
1. **Committee’s focus areas during the 5th Parliament**

The Portfolio Committee on Environmental Affairs oversees the work of the Department of Environmental Affairs and entities in giving effect to the right of citizens to an environment that is not harmful to their health or well-being, and to have the environment protected for the benefit of present and future generations. Thus, the Committee ensures that the Department provides proper leadership in environmental management, conservation and protection towards sustainable development for the benefit of South Africans and the global community by ensuring that:

* Environmental economic contribution is optimised;
* Environmental/ecological integrity is safeguarded and enhanced;
* Communities area socially transformed and transitioned to better or desired outcomes;
* Global agenda are influenced and obligations are met; and
* A capable and efficient Department[[1]](#footnote-1) is established and maintained.

The Committee further oversees the Department of Environmental Affairs’ delivery on, and coordination of the work and priorities outlined in Outcome 10 (*Environmental Assets and Natural Resources that are Valued, Protected and Continually Enhanced*) of the 12 Government Outcomes, and also the Department’s contribution to other outcomes, mainly Outcome 4 (*Decent Employment through Inclusive Economic Growth*). The Committee essentially oversees the implementation of the relevant key sub-outcomes of Outcome 10 from the National Development Plan (NDP) Vision 2030 that of ensuring that “*Ecosystems are sustained and natural resources are used efficiently*” and that of ensuring that “*The productive sector account for a growing share of production and employment*”. This is consistent with the focus of the *Fifth Parliament*, which is overseeing the implementation of the National Development Plan.

1. **Key areas for future work**
* Hands-on oversight to ensure that the Department regains its good name as a well-performing Department by attaining clean audit outcomes, beginning in the 2018/19 financial year. The same is applicable to the *four* departmental entities.
* Closely scrutinise the implementation of the Air Quality Act, especially the implementation of the Minimum Emission Standards (MES) in the *three* Air Quality Priority Areas (i.e., Air Quality Hotspots), and why major emitters (Eskom and Sasol) consistently apply for postponements and are now actually asking for the MES to be compromised for them to meet the standards for certain pollutants.
* There is therefore an urgent need to effectively monitor air pollution in air pollution hotspots throughout the country, and hold relevant industries and factories that emit various gases, toxins and particulate matter, accountable for negatively influencing the country’s air quality standard, thereby imposing serious socio-economic costs.
* Formulation and finalisation of South Africa’s *National Climate Change Law* to give effect to existing climate change policy frameworks in government.
* Stemming the tide of multi-billion dollar environmental crimes industry, which threatens South Africa’s iconic wildlife species, such as rhinos and elephants as well as flora, for example, cycads. The Committee will need to increasingly push for legislation that categorises biodiversity-related offences as serious crime, thereby requiring the imposition of minimum sentences.
* Initiating, as a matter of urgency, a policy and legislative review of Captive Breeding of Lions for hunting and Lion bone trade, with a view to putting an end to this practice and that the Minister of Environmental Affairs should submit quarterly reports to the Portfolio Committee on the progress of this policy and legislative review.
* Resolving the challenges associated with the *One Environmental System*, especially the implementation of environmental management in the mining sector.
* Ensuring the effective implementation of the National Protected Area Expansion Strategy *of South Africa* 2016 (*NPAES* 2016), including the further gazetting of Marine Protected Areas, and removing associated bottlenecks in the process.
1. **Key challenges emerging**
* Key ongoing environmental challenges facing the country that the Committee has been and will always be occupied with:
* **Increasing budget cuts in recent years:** government’s cost containment measures for departments, constitutional institutions and public entities listed in *Schedules 2* and *3* to the Public Finance Management Act (PFMA), constrain the capacity of the Department and the entities from fully implementing their mandates of environmental protection, as certain positions remain vacant and hence certain targets could not be fully achieved, as per the plan. Notwithstanding, the environmental sector is increasingly subjected to many anthropogenic and non-anthropogenic pressures.
* **Climate change and variability:** climate change poses a massive threat to human development and in some places, it is already undermining efforts to reduce extreme poverty and hunger. South Africa is already under pressure from climate stresses; with further climate change, climate is predicted to become more variable and extreme weather events such as droughts and floods are predicted to be more frequent and severe, challenging biodiversity conservation efforts, *inter alia*.
* **Air quality:** air pollution by industries and factories that emit various gases, toxins and particulate matter, is imposing serious socio-economic costs in air pollution hotspots and densely populated settlements throughout the country. Prevalence of respiratory ailments and even deaths area attributed to poor air quality standards in air quality priority areas in the country. Lack of capacity to effectively deal with the issues of air pollution are indeed an ongoing challenge, especially at the Local Government level.
* **Biodiversity:** many species are under threat from natural and human pressures, and extinction rates in the southern African region are high by global standards. Factors threatening biodiversity include: climate change, pollution, introduction and invasion of alien species; poaching, hunting and illegal trade in particular species, such as elephant tusks, rhino horns and leopard skins. Additional factors are government policies that encourage agriculture, forestry and human settlement.
* **Land degradation:** unsustainable land use practices result in habitat and land degradation in dry land areas, which constitute a significant part of South Africa’s landscape. Large scale soil erosion and desertification could lead to food insecurity in dry parts of the country.
* **Waste and littering:** South Africa is fast becoming a throw-away society and one of the principal problems municipalities face is the disposal of solid waste produced by modern lifestyles. South African lifestyle has been such that waste, hitherto an alien material to land, is no longer alien, but becomes, it seems, part of the environment, for example, disposal of plastic bags, empty cans and bottles that are littering some city streets, the peri-urban fringes, and the stop- and rest-places on roadways or highways. Illegal and/or unlicensed waste landfills are indeed a key challenge for the country.
1. **Recommendations**
* The Committee should recommend for more budgetary support to the work of the Department and the *four* departmental entities.
* The Committee should facilitate the Department and entities to find optimal solutions to the ongoing challenges of climate change and variability (including the promulgation of the *National Climate Act*), biodiversity, land degradation and waste and littering.
* The Committee should scrutinise and/or investigate the underlying reasons for non-compliance of major emitters with MES, and the Department’s rationale to comprise the MES by increasing the emission levels of certain pollutants to allow polluters to meet those adulterated standards. What would the standards be called, if changed further below the MES?
1. **Introduction**
	1. **Department/s and Entities falling within the committee’s portfolio**
2. **Department of Environmental Affairs**

The Department is mandated to ensure the protection of the environment and conservation of natural resources, balanced with sustainable and climate change-resilient development and the equitable distribution of the benefits derived from natural resources. In its quest for better use and engagement of the natural environment, the Department is guided by its constitutional mandate, as contained in *Section 24* of the Constitution of the Republic of South Africa of 1996, which stipulates that “Everyone has the right to an environment that is not harmful to their health or well-being; and to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that:

1. Prevent pollution and ecological degradation;
2. Promote conservation; and
3. Secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”

The Department fulfils its mandate through formulating, coordinating and monitoring the implementation of national environmental policies, programmes and legislation with the additional support from entities such as the IWPA, SANBI, SANParks and the SAWS. As the national partner in a concurrent function, the Department leads the environmental sector by setting the policy and legislative framework and the norms and standards required for environmentally sustainable development.

The Department has seven programmes that are positioned to achieve the Department’s strategic policy priorities and its constitutional mandate:

* The *Administration* Programme provides leadership, strategic centralised administration and executive support, corporate services and facilitates effective cooperative governance, international relations and environmental education and awareness.
* The *Legal, Authorisations, Compliance and Enforcement* Programme promotes the development of an enabling legal regime, licensing and authorisation system that ensures enforcement and compliance.
* The *Oceans and Coasts* Programme promotes, manages and provides strategic leadership on oceans and coastal conservation, including relevant research.
* The *Climate Change and Air Quality* Programme formulates policies, administers legislation and implements systems to improve regulation, monitoring and compliance over climate change and air quality. This Programme also improves air and atmospheric quality, leads and supports, informs, monitors and reports efficient and effective international, national and significant provincial and local responses to climate change through the South African Weather Service (SAWS).
* The *Biodiversity and Conservation* Programme ensures the regulation and management of all biodiversity, natural heritage and conservation matters in a manner that facilitates sustainable economic growth and development. It is in the *Biodiversity and Conservation* Programme where the departmental entities such as the South African National Parks (SANParks), South African National Biodiversity Institute (SANBI) and the iSimangaliso Wetland Park Authority are situated.
* The *Environmental Programmes* Programme is the largest departmental programme (in terms of budget allocation) and deals with the implementation of Expanded Public Works Programme (EPWP) and Green Economy projects in the environmental sector.
* The *Chemicals and Waste Management* Programme manages and ensures that chemicals and waste management policies and legislation are implemented and enforced in compliance with chemicals and waste management authorisations, directives and agreements.
1. **Entities:**

| **Name of Entity** | **Role of Entity** |
| --- | --- |
| **South African Weather Service (SAWS)**  | The South African Weather Service (saws) is a *section 3a* entity established in terms of the South African Weather Service Act (Act No 8 of 2001) as amended, Public Finance Management Act (PFMA) and associated treasury regulations. Accordingly, SAWS mandate is to provide *two* distinct services, i.e., the public good service, which is funded by the Government of South Africa and commercial services where the user-pays principle applies. |
| **South African National Biodiversity Institute (SANBI)** | The South African National Biodiversity Institute was established in September 2004, in terms of the National Environmental Management: Biodiversity Act (Act No 10 of 2004). The mandate of the Institute is to monitor and report regularly on the status of South Africa’s biodiversity, all listed threatened or protected species, ecosystems and invasive species; and the impact of any genetically modified organism that has been released into the environment. The Institute is also mandated to act as an advisory and consultative body on matters relating to organs of State and other biodiversity stakeholders; coordinate and promote the taxonomy of South Africa’s biodiversity; manage, control and maintain all national botanical gardens, herbaria and collections of dead animals that may exist; and advise the Minister of Environmental Affairs on any matter regulated in terms of the Act, and any international agreements affecting biodiversity that are binding on South Africa. |
| **South African National Parks (SANParks)** | The South African National Parks was established in terms of the National Environmental Management: Protected Areas Act (Act No 57 of 2003), with the mandate to develop, expand, manage and promote a system of sustainable national parks that represents the country’s biodiversity and heritage assets through innovation and best practice for the just and equitable benefit of current and future generations. |
| **iSimangaliso Wetland Park Authority (IWPA)** | The iSimangaliso Wetland Park Authority in KwaZulu-Natal was established in 2002 in terms of the World Heritage Convention Act (Act No 49 of 1999), with the mandate to ensure that effective and active measures are implemented in the Park for the protection and conservation of World Heritage Convention values; promote empowerment of historically disadvantaged communities living adjacent to the Park; promote, manage, oversee, market and facilitate optimal tourism and related development in the Park; and encourage, sustain, invest and contribute to job creation. |

* 1. **Functions of committee:**

Parliamentary committees are mandated to:

* Monitor the financial and non-financial performance of government departments and their entities to ensure that national objectives are met.
* Process and pass legislation and
* Facilitate public participation in Parliament relating to issues of oversight and legislation.
	1. **Method of work of the committee (if committee adopted a particular method of work e.g. SCOPA.)**

The meaning of the principles outlined in key documents by the Executive needed to be transformed within institutional in terms of Parliament governing oversight. The management of legislative and oversight programmes by the Portfolio Committee have had to focus on the set agenda items of Executive documents, which comprise the following:

* State of the Nation Address (Annual fixed agenda item);
* Medium-Term Expenditure Framework (Annual fixed agenda item);
* Strategic plans of departments (Annual fixed agenda item);
* Annual reports of departments and entities (Annual fixed agenda item);
* Budget Votes (annual fixed agenda item);
* Current legislation;
* Conducting Colloquiums (annual fixed agenda)

The form, shape and structure of the above encompassed the following:

* Public hearings/ Colloquiums
* Calling on department/entities to account and provide relevant information;
* Report submission to Parliament;
* Oversight visits to provinces; and
* Oversight of legislation;
	1. **Purpose of the report**

The purpose of this report is to provide an account of the Portfolio Committee on Environmental Affairs work during the 5th Parliament and to inform the members of the new Parliament of key outstanding issues pertaining to the oversight and legislative programme of the Department of Environmental Affairs and its entities: SAWS, SANBI, SANParks and IWPA. This report provides an overview of the activities the Committee undertook during the 5th Parliament, the outcome of key activities, as well as any challenges that emerged during the period under review and issues that should be considered for follow up during the 6th Parliament. It summarises the key issues for follow-up and concludes with recommendations to strengthen operational and procedural processes to enhance the committee’s oversight and legislative roles in future.

1. **Key statistics**

The Table below provides an overview of the number of meetings held, legislation and international agreements processed and the number of oversight trips and study tours undertaken by the Committee, as well as any statutory appointments the Committee made, during the 5th Parliament:

| **Activity** | **2014/15** | **2015/16** | **2016/17** | **2017/18** | **2019/2020** | **Total** |
| --- | --- | --- | --- | --- | --- | --- |
| Meetings held | **13** | **24** | **27** | **40** | **14 (February-March 2019** | **118** |
| Legislation processed | **0** | **0** | **0** | **2** | **n/a** | **2** |
| Oversight trips undertaken | **1** | **3** | **1** | **3** | **n/a** | **8** |
| Study tours undertaken | **0** | **0** | **0** | **0** | **0** | **0** |
| International agreements processed | **1** | **1** | **1** | **2** | **n/a** | **5** |
| Statutory appointments made | **0** | **0** | **0** | **0** | **0** | **0** |
| Interventions considered | **0** | **0** | **0** | **0** | **0** | **0** |
| Petitions considered  | **0** | **0** | **0** | **1** | **n/a** | **1** |

1. **Stakeholders:**
* Government departments and Entities;
* Business/industry;
* Civil society organisations, including non-governmental organisations (NGOs);
* Academic and research institutions;
* Media; and
* Members of the public.
1. **Briefings and/or public hearings on critical issues**

The issues that derived from the public hearings on the Marine Spatial Planning Bill and the National Environmental Management Amendment (NEMLA) Bill were fully addressed in the context of the two Bills; otherwise, refer to the *fourth* section (Key challenges emerging) under “*Key highlights*” above.

1. **Legislation**

The following pieces of legislation were referred to the committee and processed during the 5th Parliament:

| **Year** | **Name of Legislation** | **Tagging** | **Objectives** | **Completed/Not Completed** |
| --- | --- | --- | --- | --- |
| **2014/15** | 0 | n/a | n/a | 0 |
| **2015/16** | 0 | n/a | n/a | 0 |
| **2016/17** | 0 | n/a | n/a | 0 |
| **2017/18** | **Marine Spatial Planning Bill [B9- 2017]** | **Section 76** | To provide - * A framework for marine spatial planning in South Africa;
* For the development of marine spatial plans;
* For institutional arrangements for the implementation of marine spatial plans and governance of the use of the ocean by multiple sectors; and
* For matters connected therewith.
 | Yes |
| **2017/18** | **National Environmental Laws Amendment Bill [B14-2017]** | **Section 76** | **To amend the—*** National Environmental Management Act, 1998, so as to correct the citation to the definition of **"**Constitution"; to add new definitions of "audit", "black", "environmental management instrument", "latent environmental impacts", "municipal council", "municipality", "municipal manager", "mitigate", "rehabilitate", "remediate", "residual environmental impacts"; to correct the definition of "environmental mineral resources inspector"; to provide clarity to the definition of "financial provision"; to add a new environmental management principle promoting diversity in the sector; toprovide clarity on what an environmental management instrument is; to use the term environmental management instrument consistently in the Act, to remove a duplicated provision for making regulations for laying down the procedures for the adoption of environmental management instruments; to provide for a register and making available the register, of all environmental management instruments adopted in terms of the Act; to provide clarity that the Minister responsible for mineralresources is responsible for activities constituting prospecting, exploration, mining and production as well as those directly related to prospecting, exploration, extraction, primary processing of a mineral or petroleum resource; to clarify that the MEC can be regarded as the competent authority for providing environmental authorisation in the event that Cabinet identifies that the Minister should be the competent authority, when there is agreement between the Minister and the relevant MEC; to providefor simultaneous submission of the National Environmental Management Act and the specific Environment Management Act applications for purposes of the one environmental system, in order to enable integrated environmental authorisation; to provide for a trigger for the simultaneous submission of a National Environmental Management Act or specific environmental management Act applications after acceptance of mining right; to provide clarity that a successor in title or personwho controls the land may also lodge a section 24G application relating to an environmental authorisation or a waste management licence; to empower the Minister to prescribe the information that must be contained in an environmental management programme; to enable an environmental assessment practitioner to undertake the consultation to be undertaken with a State Department on application for environmental authorisation; to provide clarity on what is to be audited in relation tofinancial provisioning; to provide the Minister with the power to prescribe instances for which financial provisioning is required; to provide clarity that an applicant or holder of an environmental authorization, holder, holder of an old order right relating to mining activities must set aside financial provision for progressive rehabilitation, mitigation, mine closure and the management of post closure environmental impacts; to identify the vehicles which must be used when providing the financialprovision; to allow the Minister responsible for water affairs access to the financial provision to undertake rehabilitation and remediation if the holder of an environmental authorisation, holder, holder of an old order right fails to do so; to make it clear that the financial provision may only be used for the purposes of progressive rehabilitation, decommissioning, closure and post- closure activities as prescribed; to allow for a three year review of the financial provision and to require that the reviewdecision be published within five days; to make it a requirement for the rehabilitation which can be undertaken annually to be undertaken; to provide for the Minister responsible for mineral resources in consultation with the Minister and the Minister responsible for Water Affairs to allow an annual drawdown of funds as prescribed within a certain timeframe before decommissioning and closure; to require the transfer of funds provided for latent or residual environmental impacts tothe Minister responsible for mineral resources on the issuing of a closure certificate; to require the Minister responsible for mineral resources to access funds provided for latent and residual impacts upon the issuing of a closure certificate; to include the holder of an environmental authorisation for a listed and specified activity for, or directly related to prospecting or exploration of a mineral or petroleum resource or extraction and primary processing of a mineral or petroleum resource, holder, holder ofan old order right, under the provisions related to environmental liability and the requirement to plan, manage and implement mine closure procedures; to provide clarity that residue stockpiles and residue deposits must be managed in terms of this Act; to provide clarity that a section 28(4) directive may also be issued to an owner of the land, a person in control of the land or a person that has a right to use the land in question; to empower Director-General of the Department responsible for mineral resources andmunicipal manager to issue section 28(4) directives; to empower the Minister responsible for mineral resources to designate environmental mineral and petroleum inspectors from an organ of state that executes regulatory function; to empower the Member of Executive Council to designate environmental management inspectors to undertake compliance and enforce in respect of provincial environmental legislation; to empower the Minister to prescribe a Code of Conduct for environmentalmanagement inspectors and environmental mineral and petroleum inspectors; to provide clarity that an environmental mineral and petroleum inspector must also undergo approved training before designation; to provide clarity on functions and general powers of environmental management inspectors when conducting investigations; to provide clarity that the conducting of a "search" is not the primary purpose of an environmental management inspector undertaking a routine inspection; toprovide clarity that an environmental management inspector may detain an item for further analysis or verification for purposes of determining compliance or not with applicable legal requirements; to provide clarity that the Minister’s power to develop regulations on admission of guilt fines contextualizes the related provisions of the Criminal Procedure Act, 1977; to empower the Minister responsible for Mineral Resources, Minister responsible for water affairs and a municipal manager todelegate functions and duties in terms of this Act; to provide clarity that a person may appeal a section 28(4) directive issued by a person acting on delegated authority; to empower the Minister of Environmental Affairs to act in circumstances necessary to address significant harm to the environment caused by prospecting and mining activities; to provide for appeal against a decision made by a licensing authority in terms of the National Environmental Management: Air Quality Act; to provide clarity oncircumstances where an appeal against a directive or other administrative enforcement notice that is aimed at addressing significant harm to the environment does not automatically suspend it; to provide clarity that an appeal against a directive must be lodged with the appropriate appeal authority; to correct references and cross references to offences and penalties, to make failure to comply with certain sections of the financial provisioning an offence and to update the list of offences and penalties;
* National Environmental Management: Protected Areas Act, 2003 so as to provide for the Chief Financial Officer of the South African National Parks to be a member of the Board; to provide for the process of application and the criteria under which a section 48 permission may be issued or rejected; to create a new offence for non-compliance with section 48A which prohibits certain activities in marine protected areas; to rectify incorrect references to offences;
* National Environmental Management: Biodiversity Act, 2004, so as to provide clarity on definition of "control" and to insert definitions of "eradicate" and "well-being"; to ensure that indigenous biological resources are used in an ecologically sustainable manner; to ensure that certain species remain in State custody despite their escape from land under the State’s control; to empower the Minister to prohibit certain activities that may negatively impact on the well-being of faunal biological resources; toprovide for the Chief Financial Officer of the South African National Biodiversity Institute to be a member of the board; to provide clarity on measures to be undertaken to eradicate listed invasive species; to provide clarity on the steps, actions or methods to be undertaken to either control or eradicate listed invasive species; to ensure that the MECs responsible for environmental affairs follow the consultation process set out in sections 99 and 100 before exercising a power in terms of a provision under the Act;
* National Environmental Management: Air Quality Act, 2004, so as to provide the Minister with discretion to establish the National Air Quality Advisory Committee; to provide clarity on the consequences of unlawful commencement of a listed activity; to provide clarity that a provincial department responsible for environmental affairs is the licensing authority where a listed activity falls within the boundaries of more than one metropolitan municipality or more than one district municipality; to provide for textual amendment to section 36(5)(d); to provide for revocation or suspension of atmospheric emission licence;
* National Environmental Management: Integrated Coastal Management Act, 2008, so as to allow for the removal of structures erected prior to commencement of the Act; to repeal Chapter 9 in order to align appeals with section 43 of the National Environmental Management Act, 1998;
* National Environmental Management: Waste Act, 2008, so as to move all definitions from Schedule 3to section 1; to provide for textual amendment to the definitions of "residue deposits" and "residue stockpiles" and "waste"; to provide for the exclusion of residue stockpiles and residue deposits from the provisions of the Act; to provide for the Waste Management Bureau to be established as a public entity; to provide for the simultaneous submission of the site assessment report and remediation plan relating to contaminated land; to provide clarity that the Minister must keep a national register of allcontaminated land; to provide clarity that the Minister responsible for mineral resources is responsible for implementation of the waste management system in so far as it relates to a waste management activity that is directly related to prospecting, exploration, primary processing of a mineral or petroleum resource; to empower the Minister to take a decision in the place of the provincial licensing authority under certain circumstances; to provide for the payment of a processing fee for thevariation of a waste management licence; to increase the fines that could be imposed in terms of regulations made under the Act; to provide clarity that there will be no exemptions provided from obtaining a waste management licence; to repeal Schedule 3;
* National Environmental Management Amendment Act, 2008, so as to clarify that an environmental management programme or plan approved in terms of the Mineral and Petroleum Resources Development Act on or before and after 8 December 2014 is valid under the National Environmental Management Act; to provide clarity that an appeal against an environmental management programme or plan lodged in terms of the Mineral and Petroleum Resources Development Act must be finalised under that Act;
* To provide for transitional provisions regarding residue stockpiles and residue deposits approved in terms of the National Environmental Management: Waste Act, 2008; to provide for transitional provisions regarding the continuation of the Waste Management Bureau; and to provide for matters connected therewith.
 | **Yes**  |
| **2018/19** |  |  |  |  |

1. **Challenges emerging**

The following challenges emerged during the processing of legislation:

The Marine Spatial Planning Bill [B9-2017] and National Environmental Management Bill [B14 -2017] were processed and adopted by the Committee. Both Bills were remitted (referred back by the late Minister of Environmental Affairs).

1. **Issues for follow-up**

The 6th Parliament should consider following up on the following concerns that arose:

1. **Oversight trips undertaken**

The following oversight trips were undertaken:

| **Date** | **Area Visited** | **Objective** | **Recommendations** | **Responses to Recommendations** | **Follow-up Issues** | **Status of Report** |
| --- | --- | --- | --- | --- | --- | --- |
| **28-30 October 2014** | **Gauteng and Mpumalanga**  | The aim of the oversight was to determine Eskom, Sasol, BHP and other chemical and steel manufacturing companies were doing in complying with the air quality emission standards set by the National Environmental Management: Air Quality Act of 2004 (Act No 39 of 2004), in the context of increasing concerns of air pollution by local communities in the Vaal Triangle Air Pollution Hotspot and the Highveld Air Quality Priority Area, respectively. It is a matter of great concern to the members of the Portfolio Committee that companies continue to emit unacceptably high levels of pollution when Section 51(1)(e) has explicitly stated that “A person is guilty of an offence if that person contravenes or fails to comply with a condition or requirement of an atmospheric emission license”. In respect to the penalties, Section 52(1) states that “A person convicted of an offence referred to in section 51 is liable to a fine not exceeding five million rand, or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction, to a fine not exceeding R10 million rand or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.” | * This oversight visit should serve as a benchmark for further engagements with the Department, Civil Society Organisations, Industry, such as Eskom and Sasol etc. during the course of the Fifth Parliament;
* Parliament must monitor the effects of municipal and provincial government responses and activities to the air quality laws and regulations viz NEM: Air Quality Amendment Act of 2013 through its oversight activities;
* The Department should ensure that companies that contribute to pollution in our communities should shoulder their responsibility of the health hazards that accompany such pollution activities. They therefore must be penalised and compensate for polluting and causing health hazards to our communities. A law that makes these companies to compensate for health hazards caused to individuals/citizens must be enacted;
* The Department should clarify the composition of the Compliance Team and frequency of enforcement visits. The Department should also clarify whether its officials undertake joint compliance enforcement visits with provincial government officials;
* The Department and Parliament should satisfy themselves on the appropriateness of the penalties that polluters are subjected to;
* The Portfolio Committee would continuously through oversight, ascertain whether the National Government as a whole, including Municipal and Provincial spheres, have the necessary and adequate capacity to monitor and enforce our air quality laws and regulations;
* Government as a whole, and specifically the Department, should take the responsibility for measuring and monitoring the impact of air and water pollution on our communities;
* Communities are barometers for measuring the effectiveness of government service delivery, which in this case is the provision of safe environment that is not harmful to their wellbeing, including clean air. It is therefore important for the Committee to maintain open lines of interaction with communities to be in tune with the processes of policy and legislation implementation on the ground;
* The Government, and specifically the Department of Energy and its entities should urgently ensure that communities and households that are still without electricity are provided with electricity so that they do not depend and use air polluting energy sources;
* The Portfolio Committee would, on a continuous basis engage the Department and affected Stakeholders on air quality, namely the Communities in the air quality hotspots, Community-based organisations/NGOs, Municipal and Local Government and the industry; and
* The Department working with the industry should urgently to undertake or commission studies to determine the *externalities of air pollution* in priority areas to particularly assess economic costs (e.g., loss of useful life, wage losses, decline in agricultural productivity, etc.); social costs (medical services costs and loss of life expectancy); and environmental costs, that is, damage to the various components of ecosystems.
 |  |  | Adopted |
| **09 June 2015**  | Kirstenbosch National Botanical Garden in Cape Town | The Portfolio Committee on Environmental Affairs visited the Kirstenbosch National Botanical Garden, one of the nine national botanical gardens, to assess the effectiveness of national botanical gardens that fall under the management of the South African National Biodiversity Institute (SANBI), after having won the Garden of the Year 2015, in Toronto, Canada.  | * The Committee recommended that more concerted effort should be put to promote botanical gardens by getting communities involved and instilling the sense of ownership in them in the process.
* The Committee further recommended the holistic calculation of the *natural capital[[2]](#footnote-2)* value of the Kirstenbosch National Botanical Garden and all other national botanical gardens and use these estimates as the basis for soliciting public funds for biodiversity conservation and other relevant activities in those gardens.
 | ?? | None | Adopted |
| **21-31 July 2015** | KwaZulu-Natal and MpumalangaProvinces  | * To complete the oversight visit that the Committee made to the Gauteng and Mpumalanga provinces from the 28th to 30th October 2014, but was recalled to come back to Parliament to attend an urgent sitting of the House;
* To determine the relationship between the Department of Environmental Affairs (DEA), provincial and local authorities in terms of air quality management as these spheres of Government have responsibilities for ensuring air quality safety;
* To determine financial, human capital and infrastructural capacity of local authorities in delivering on constitutionally mandated air quality management responsibilities;
* To assess what specific industries were doing in air quality management, insofar as adherence to the existing air quality standards is concerned and the existing capacity for realising compliance; and
* To understand why certain industries had applied for postponement and the measures they have put in place to become compliant in 2020, consistent with the postponement application conditions.
 |  |  |  |  |
| **13-18 September 2015** | KwaZulu-Natal province  | The Parliamentary Portfolio Committees on Environmental Affairs; Tourism; and Arts and Culture organised a joint oversight visit to the Mtubatuba Local Municipality; iSimangaliso Wetland Park; Ncome Cultural Heritage Museum; Isandlawana Heritage Development Precinct; Drakensburg World Heritage Site; Mandela Capture Site; Chief Albert Luthuli Museum; and the eThekwini Metropolitan Municipal Offices from 13th to 18th September 2015, in the KwaZulu-Natal Province. The oversight visit was undertaken within the National Provincial Week themed "Advancing infrastructure and development for better services to communities,". The broad range of sites for the joint oversight visit reflects the overall mandate of the three portfolio committees that undertook the oversight. However, it was agreed at the onset of the oversight visit that although the three portfolio committees would jointly visit these sites, except during the last day (i.e., 18th September) when committees were expected to focus on aspects that were only unique to their mandates and oversight work, each portfolio committee would develop its own report for the joint oversight visit, focusing on those issues that appealed to its law-making and oversight functions, highlighting where necessary crosscutting issues. This was necessitated by the distinct natures of the portfolio committees, as they oversee the implementation of sector-specific policies, programmes and legislation. | * Should consider supporting communities who are involved in biodiversity conservation, for example, those at the Manukelana Indigenous Tree Nursery, with the aim of upscaling such initiatives and replicating them elsewhere. There is a need for the Department to facilitate the young people who are currently involved in such biodiversity conservation initiatives and are passionate about conservation to pursue graduate studies in conservation biology in the nearby universities.
* Prepare a status report on access to beaches in the iSimangaliso Wetland Park.
* Prepare a status report on invasive species on extent and magnitude of funding needed.
* The Director-General should communicate to the Minister about the treatment and/or status of traditional leaders at Park entrances — how they should be treated: as ordinary South Africans or as dignitaries.
 |  |  | Adopted |
| **13- 16 May 2016** | SA Alghulas Open Day in Port Elizabeth. Eastern Cape Province | The Committee was invited by the late Minister of Environmental Affairs, Ms BEEE Molewa to attend the SA Algulhas II Exhibition in Port Elizabeth. The Committee received presentations the departmental officials relating to the vessel data gathering exercises and monitoring, which the Department of Environmental Affairs is involved in through the Oceans and Coasts Management Programme. This is of utter significance to the work of the Portfolio Committee, in light of Operation Phakisa, in which the Department plays a critical role. |  |  |  | Adopted |
| **31 January 2017** | Kirstenbosch National Botanical Garden, Western Cape Province | To see SANBI’s operations and how they respond to the challenges of biodiversity conservation in national botanical gardens;To interact with SANBI on the implementation of Climate Adaptation Projects, having been appointed as the National Implementing Entity (NIE) to the Adaptation Fund (AF); andTo receive the second performance quarterly report for the | To see SANBI’s operations and how they respond to the challenges of biodiversity conservation in national botanical gardens;To interact with SANBI on the implementation of Climate Adaptation Projects, having been appointed as the National Implementing Entity (NIE) to the Adaptation Fund (AF); andTo receive the second performance quarterly report for the |  |  | Adopted |
| **26-28 June 2017** | Mpumalanga and KwaZulu-Natal Provinces | The Committee resolved at the end of the meeting that the Department should submit a specialist report on the potential impact of coalmining on the Mabola Protected Environment, which is a key water catchment area, if there was any compiled. It was further resolved that the Department should avail a copy of SANBI’s opinion on coalmining in the Mabola Protected Environment, as the Department indicated that it worked with SANBI, in this regard. The Committee also agreed to visit the area in order to interact with relevant stakeholders to see their views on the proposed development, and to have a broader understanding of the likely impacts of coalmining on the catchment area. The Committee also wanted to find out the underlying reason for coalmining to take place specifically in the Mabola Protected Environment and not in other less environmentally sensitive area. The Committee further decided to combine a long overdue visit to the South Durban Industrial Complex as part of this oversight visit. It is noteworthy that this was one of the most challenging oversight visits that the Committee had ever undertaken. | * There was a need for a parliamentary inquiry into disruption of parliamentary oversight meetings and events, particularly as there seems to be a growing trend.
* It would be appropriate to determine why the previous MEC of Environment in the Mpumalanga Provincial Government decided to exclude the site of the proposed coalmine from the Mabola Protected Environment before the mining right was given to the Atha-Africa Ventures.
* It must be placed on the record that it is incorrect that Atha-Africa Ventures (Pty) Ltd.’s mining right application was “essentially an application for renewal of mining rights, as the prospecting rights for the area were previously held by BHP Billiton until 2011.” In law, a prospecting right previously held does not give the holder of that right an entitlement to a mining right. Secondly, this area was declared a protected environment before the mining right was awarded to Atha-Africa. When notice was published of the intention to declare the Mabola Protected Environment, Atha-Africa was one of a number of mining companies that objected to the proposed declaration. The declaration was made after consideration of those objections by the MEC. None of these mining companies took any legal action to challenge the declaration at the time, and why argue only now for co-existence of coalmining and environment when we know that this is not possible in this particular area and Atha-Africa had ample time to lodge any legal challenge before the declaration?
* The South Durban Development Network in partnership with the South Durban Basin Area Based Management and eThekwini Health Department, hosted Health and Wellness Open Days Wentworth Merebank and in the Lamontville Residents. It would be appropriate to know whether that was a once off event or an ongoing initiative and whether the number of stakeholders had increased over the years. It would also be appropriate to determine the role of major emitters in this initiative.
* Determine from major emitters located in South Durban whether there they have emergency plans for the South Durban Basin, considering that numerous incidents, such as explosions, fires, flares and leaks at major refineries have occurred in the area, and what do those emergency plans entail.
* Determine whether the recommendations of the South Durban Health Study have been implemented by the City of eThekwini, especially the need to establish:
* Early warning systems linked to schools that are close to pollution sources, and undertake and promote asthma awareness and asthma education;
* An enhanced Volatile Organic Compound (VOC) monitoring network, particularly where residents live in close proximity to the oil refineries;
* Robust and permanent PM**2.5** monitoring sites, with traffic-oriented, industry-oriented, population-oriented and background sites oriented; and
* Whether housing conditions have improved and the use of paraffin and similar fuels without proper ventilation has been discouraged and ideally phased out, as assessment of residential environments showed that 20 per cent of people surveyed used paraffin stoves, leading to high levels of indoor pollution, particularly carbon monoxide, PM and VOCs, which cause serious health effects.[[3]](#footnote-3)
 | No action, as this matter is currently the subject of ligation. However, for the protracted case of air pollution in South Durban, the Committee intends to organise follow-up visits to the area to assess mechanisms for holding polluters to account. |  | Adopted |
| **13 September 2018** | National Zoological Garden in Pretoria, Gauteng Province | the Portfolio Committee conducted an oversight visit to the zoo to thoroughly understand the nature of the work of the National Zoological Gardens, and to interact with the senior staff of the Gardens.  | * There was a dire need for government to invest in this institution;
* The Board develop a marketing strategy and identify other sources to generate revenue from;
 |  |  | Not adopted |

1. **Challenges emerging**

The following challenges emerged during the oversight visit: None

1. **Issues for follow-up**

The *6th Parliament* should consider following up on the following concerns that arose: None

1. **Study tours undertaken: None**
2. **International Agreements:**

The following international agreements were processed and reported on:

| **Date referred** | **Name of International Agreement** | **Objective** | **Status of Report** | **Date of enforcement** |
| --- | --- | --- | --- | --- |
| **30 April 2015****04 May 2015** | * Acceptance of the BAN Amendment of the Basel Convention on the control of trans-boundary movement of hazardous wastes and disposal
* 2014/2015 Yearly Report to Parliament on international environmental instruments for 2014-2015 in terms of Section 26(1) of NEMA, 1998 (Act no. 107 of 1998)
 | An international Treaty designed to reduce the movements of hazardous waste from developed to less developed countries. Also, to minimise the amount and toxicity of wastes generated to ensure sound management hazardous and other wastes generate.  | **Adopted****Adopted** |  |
| **24 August 2016** | 2015/2016 Yearly Report to Parliament on international environmental instruments for 2014-2015 in terms of Section 26(1) of NEMA, 1998 (Act no. 107 of 1998) | To provide the status of the international environmental instruments. | **Adopted** |  |
| **20 October 2016** | Paris Agreement on Climate Change | To arrive at a legal binding Climate Treaty to deal with threats of climate change across the board. | **Adopted**  |  |
| **20 February 2018** | The Southern African Development Community Protocol on Environmental Management for Sustainable Development, tabled in terms of Section 231 (3) of the Constitution, 1996. | To enhance the protection of the environment; promote equitable and sustainable use of natural resources and the environment; promote shared management of trans-boundary environment and natural resources and promote effective management and response to impacts of climate change and variability. The harmonise policies, strategies and legal frameworks to enhance regional coordination of environmental management, as well as regional integration and provided a legal framework for trans-boundary environment and natural resources. | **Adopted** |  |
| **12 June 2018** | Minamata Convention on Mercury, referred to it, recommends that the House, in terms of section 231(2) of the Constitution, 1996, approves the said Convention. | To protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds. | **Adopted**  |  |
| **12 February 2019** | Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer | To phase down the production and usage of hydrofluorocarbons (HFCs) | **Adopted** |  |

1. **Challenges emerging**

Lack of financial resources may hamper the full implementation of these multilateral environmental agreements (MEAs).

1. **Issues for follow-up**

The *6th Parliament* should monitor and evaluate the implementation of all MEAs that South Africa has ratified in the period under review (2014−2019).

1. **Statutory appointments: None**
2. **Interventions: None**
3. **Petitions**

The following petitions were referred to and considered by the committee:

| **Title** | **Date referred** | **Current status** |
| --- | --- | --- |
| Petition from residents of the Kempton Park, calling on the National Assembly to investigate the enforcement of the National Environment Management: Waste Act, 2008 (Act No. 59 of 2008) in the Ekurhuleni Metro to ensure regular and reliable refuse collection, submitted in terms of Rule 347 (Mr M Waters). | ………………………………………..………………………………………………………8 October 2018 | To receive an investigation report from the Department of Environmental Affairs and thereafter invite the Mayor of the Ekurhuleni Metro and the Gauteng Department of Agriculture and Environmental Affairs to present to the Committee. The Committee received an initial briefing from the Petitioner, Ms A Davison on 14 November 2018. |

1. **Challenges emerging**

The following challenges were experienced during the processing of petitions:

* There was no any person from the Ekurhuleni Metropolitan Municipality during the parliamentary hearing on the petition. Similarly, the relevant competent authorities from the Gauteng Provincial Government refused to honour the invitation to attend the processing of the petition policy guidelines, especially as the norms and standards for municipal waste collection resides at the provincial level. Thus, the purpose of inviting the provincial authority was to holistically deal with the petition to ensure that it does not recur, or that the petition has no implications for solid waste management policy.

**b) Issues for follow-up**

* The Committee met with the competent authorities from the City of Ekurhuleni and the Gauteng Department of Agriculture and Rural Development on 19 March 2019 to determine how they had responded to the petition of the residents of Kempton Park in Johannesburg. The Committee was satisfied by their joint response to the issues raised by the petitioners. However, the Committee encourages the relevant Portfolio Committee in the *Sixth Parliament* to further engage with the petitioners to ensure that the waste collection issues that they had raised were indeed resolved to their satisfaction.
1. **Obligations conferred on committee by legislation:**

The Department of Environmental Affairs and its *four* entities, namely: the South African National Parks (SANParks), iSimangaliso Wetland Park Authority (IWPA); South African Weather Service (SAWS) and the South African National Biodiversity Institute (SANBI), fall within the constitutional mandate of the Portfolio Committee on Environmental Affairs.

12.1 Department of Environmental Affairs and its Entities

The Department of Environmental Affairs is mandated to ensure the protection of the environment and conservation of natural resources, balanced with sustainable development, and the equitable distribution of the benefits derived from natural resources. In its quest for better use and management of the environment, the Department of Environmental Affairs is guided by its constitutional mandate, as contained in *section 24* of the Constitution, 1996, as well as Acts of Parliament, regulations and policies. The work of the Department is supported by the following departmental entities:

*South African National Biodiversity Institute (SANBI)*

The South African National Biodiversity Institute (SANBI) was established on 1st September 2004, in terms of the National Environmental Management: Biodiversity Act (Act No 10 of 2004). The mandate of SANBI is to play a leading role in South Africa’s national commitment to biodiversity management, now and into the future. In partnership with the Department of Environmental Affairs and the biodiversity sector, SANBI is tasked with leading the biodiversity research agenda.

*South African Weather Services (SAWS)*

The South African Weather Service (SAWS) was established in accordance with the South African Weather Service Act (Act No 8 of 2001). Its mandate is gazetted in the Act. In terms of its vision statement, the SAWS is striving “to be the foremost provider of relevant services in respect of weather, climate and related products, which contribute to sustainable development in South Africa and the African continent.

*South African National Parks (SANParks)*

South African National Parks (SANParks) was established in terms of the National Environmental Management: Protected Areas Act, 2003 (Act No 57 of 2003). In terms of this Act, the primary mandate of SANParks is to oversee the conservation of South Africa’s biodiversity, landscapes and associated heritage assets through a system of national parks.

*iSimangaliso Wetland Park*

In December 1999 the iSimangaliso Wetland Park was inscribed as South Africa’s first world heritage site as an area of exceptional and outstanding universal heritage significance. The natural values in terms of which the iSimangaliso Wetland Park was inscribed on the World Heritage List include outstanding examples of ecological processes, superlative natural phenomena and scenic beauty, and exceptional biodiversity and threatened species. The iSimangaliso Wetland Park has thus received recognition under three of four natural criteria recognised by the World Heritage Convention.

**12.2 Challenges emerging and issues for follow-up**

Experienced environmental challenges, such as climate and environmental change; air, land and water pollution; land and habitat degradation and fragmentation; solid waste pollution; urbanisation; overexploitation of biodiversity resources through illicit use (poaching); and invasive alien species and bush encroachment as well as the concerns with the implementation of *One Environmental System*, are well-presented in the “*Key highlights*”, *section 3* of this Report and also in the following Table below *section 13*.

1. **Summary of outstanding issues relating to the department/entities that the committee has been grappling with**

The following key issues are outstanding from the committee’s activities during the *5th Parliament*:

| **Responsibility** | **Issue(s)** |
| --- | --- |
| Department of Environmental Affairs | * Full compliance with the National Treasury’s accounting methodologies, as they relate to Modified Cash Standards in respect to departmental transfers to *Working for/on Programmes* for which the Department attained *adverse audit opinion with findings* in the past *two* consecutive financial years*.*
* Inadequate implementation of environmental management in the mining sector under the current regulatory regime of the *One Environmental System*.
* Lack of full compliance with the minimum emission standards by major emitters in Air Quality Priority Areas (or Air Pollution Hotspots) due to protracted approval of postponement applications lodged by major emitters despite growing evidence that South Africans in pollution hotspots suffer ill health. Granting of permission to build new coal-fired power stations, especially in the Highveld Priority Area is an issue of major concern as well as the poor status of some of the government-owned air quality monitoring stations in priority area.
* Formulation and finalisation of South Africa’s *National Climate Change Law* to give effect to existing climate change policy frameworks in government.
* Stemming the tide of multi-billion dollar environmental crimes industry, which threatens South Africa’s iconic wildlife species, such as rhinos and elephants as well as flora, for example, cycads. The Committee will increasingly push for legislation that categorises biodiversity-related offences as serious crime, thereby requiring the imposition of minimum sentences.
* Initiating, as a matter of urgency, a policy and legislative review of Captive Breeding of Lions for hunting and Lion bone trade, with a view to putting an end to this practice and that the Minister of Environmental Affairs should submit quarterly reports to the Portfolio Committee on the progress of this policy and legislative review.
* Ensuring the *continued* effective implementation of the National Protected Area Expansion Strategy *of South Africa* 2016 (*NPAES* 2016), including the gazetting of Marine Protected Areas, and removing associated bottlenecks in the process.
* Ensuring the effective implementation of *consequence management* in order to hold departmental officials accountable for *fruitless and wasteful expenditure is expenditure*, which would have been avoided had reasonable care been exercised.
* Holding off the implementation by the Department of the reduced minimum emission standards for certain pollutants that it effected in response to the request of certain emitters until the Panel of Experts looking into the issue of compliance with the minimum emission standards, has completed its work/report.
* Ensuring that the Director-General of the Department immediately ceases to serve as the Acting Chief Executive Officer (CEO) for the Waste Bureau now that the Bureau is operational and hence should have its own CEO. The incoming Committee should follow why this reasonable request has not been adhered to when this request was made to the Department in 2018.
* Reviewing of the contract between the Working on Fire Programme and the Kishugu Holdings before its term elapses in 2021, as this contract is highly skewed in favour of the Kishugu Holdings.
* Reviewing the procurement of service providers for the Waste Bureau, notably the appointment of the company called Magogudi.
* Finalisation of Industry Waste Plans should be prioritised to effectively deal with this significant source (industrial) of waste in the country.
 |
| South African Weather Service  | * The need to bring expeditious stability in the organisation by minimising the negative effect of the Board of the South African Weather Service on the recently appointed Chief Executive Officer (CEO) of the organisation in light of the fact that the contract of the former CEO was prematurely terminated, thereby incurring fruitless expenditure in the process. That also let to the exodus off senior personnel from SAWS.
* Ensuring the speedy finalisation of the suspension of the incumbent Chief Executive Officer.
* Ensuring increased radar data availability by progressively overcoming some of the current and/or ensuing constraints.
* Ensuring the effective implementation of *consequence management* in order to hold officials accountable for *fruitless and wasteful expenditure is expenditure*, which would have been avoided had reasonable care been exercised.
 |
| South African National Biodiversity Institute | * Ensuring that SANBI improves its audit come in the current financial year (2018/19).
* Proper profiling of the National Zoological Gardens (NZG) properly, considering that this is an important institution of our country. Consequently, there is a need to develop a marketing strategy with a specific target market to assist with generating the much needed funding for infrastructure maintenance and upgrade in the NZG.
* Ensuring the effective implementation of *consequence management* in order to hold officials accountable for *fruitless and wasteful expenditure is expenditure*, which would have been avoided had reasonable care been exercised.
 |
| South African National Parks | * Reducing the number of rhino and elephant fatalities significantly in national parks to match the public efforts invested in protecting South Africa’s biodiversity resources, in terms of human capital, financial resources and logistics, *inter alia*.
* Ensuring that annual rhino fatality indicators that reflect reduction in poached rhinos in a given year should be backed up by an up-to-date rhino survey to ensure that the reported reduction in poached rhinos is indeed the case, as there are concerns that the reduced fatalities could also indicate that rhinos have generally been depleted in the wild and hence poachers are having difficulty in locating them.
* Demystifying the underlying reasons why the fence was dropped between the Kruger National Park and Associated Private Nature Reserves (APNRs); the process followed in dropping the fence; whether those assumptions for dropping the fence are still relevant today, considering SANParks *public good* mandate in respect to the hunting that takes place in APNRs; and whether the *New Agreement* needs to build on those assumptions, if found to be inappropriate; and whether there is a need to reconsider putting up the fence and what that would entail, etc.
* Ensuring the effective implementation of *consequence management* in order to hold officials accountable for *fruitless and wasteful expenditure is expenditure*, which would have been avoided had reasonable care been exercised.
 |
| iSimangaliso Wetland Park Authority | * Ensuring that the iSimangaliso Wetland Park Authority maintains its well-established record of *clean audit outcomes* to nudge other entities to do the same.
* The iSimangaliso should strive to pursue, develop and maintain good neighbourly relationships with the communities living adjacent to the Park as well as facilitate economic opportunities for the communities.
 |

1. **Other matters referred by the Speaker/Chairperson (including recommendations of the High Level Panel): None**
2. **Recommendations**

Please see the “*Key highlights” section* at the start of this Report and the above Table. In addition, the Committee encourages the relevant Portfolio Committee in the *Sixth Parliament* to continue with the hosting of *parliamentary colloquia* on topical environmental issues, which the Portfolio Committee on Environmental Affairs had successfully convened on *Anti-rhino Poaching Measures; the Ocean Economy; Air Quality in Air Quality Priority Areas; Climate Change Finance; the Circular (Waste) Economy; Wildlife Economy; Captive Lion Breeding for Hunting and for Lion Bone Trade; and One Environmental System*. It is noteworthy that those parliamentary events often turned out to be useful knowledge sharing forums and hence facilitated capacity development of members of the Committee in specific thematic areas within the environmental sector. The outcomes of those colloquia greatly influenced the Committee’s oversight work as well as shaped and deepened the Committee’s law-making function. It is in this regard that the Portfolio Committee on Environmental Affairs in the *Fifth Parliament* recommends this vital capacity-building tool to the relevant Environmental Affairs Committee in the *Sixth Parliament*.

1. **Committee strategic plan (see attached).**
2. **Master attendance list (see attached).**
1. Including entities. [↑](#footnote-ref-1)
2. [↑](#footnote-ref-2)
3. [↑](#footnote-ref-3)