

**Ref:02/1/5/2**

**MINISTER**

**QUESTION NO. 2223 FOR WRITTEN REPLY: NATIONAL ASSEMBLY**

A draft reply to **Ms D Carter (Cope)** to the above-mentioned question is enclosed for your consideration.

**MS NOSIPHO NGCABA**

**DIRECTOR-GENERAL**

**DATE:**

**DRAFT REPLY APPROVED/AMENDED**

**MRS B E E MOLEWA, MP**

**MINISTER OF ENVIRONMENTAL AFFAIRS**

**DATE:**

**NATIONAL ASSEMBLY**

(For written reply)

**QUESTION NO. 2223 {NW2580E}**

**INTERNAL QUESTION PAPER NO. 21 of 2015**

**DATE OF PUBLICATION: 12 June 2015**

**Ms D Carter (Cope) to ask the Minister of Environmental Affairs:**

Whether the Government had conducted any in depth analysis of townships and informal settlement areas to determine whether the residents who stay there were enjoying their full rights as set out in section 24(a) and (b) of the Constitution of the Republic of South Africa, 1996; if not, why not; if so, what are the relevant details?

**2223. THE MINISTER OF ENVIRONMENTAL AFFAIRS REPLIES:**

Yes

**LOCAL GOVERNMENT SUPPORT**

The environment sector is mandated to ensure environmental sustainability in terms of the Constitution of the Republic of South Africa (Act No. 108 of 1996); the National Environmental Management Act, Act 107 of 1998 (NEMA), as amended; as well as other Specific Environmental Management Acts (SEMAs). The right to a safe and healthy environment which is not dangerous to human life, which is enshrined in the Constitution, makes it imperative that there should be a balance between addressing the current development needs and protecting the natural environment. The principles set out in Chapter 1 of the Constitution lay a solid foundation on how environmental justice could be realised and participation in environmental governance ensured. The NEMA and all its SEMAs are all premised on these principles, and embedded in them are specific provisions, tools, systems and structures to ensure that the environmental right is realised and the above principles are adhered to.

In response to these legislative imperatives, the environmental sector (National and Provincial Departments of Environmental Affairs) in consultation with other stakeholders (South African Local Government Association (SALGA), Department of Cooperative Government and Traditional Affairs (COGTA), South African National Biodiversity Institute (SANBI) and municipalities developed a five year Local Government Support Strategy for the Environment Sector, 2014-2019. In drafting the strategy, a survey was conducted to determine the level of capacity of municipalities to deal with environmental management and governance. The questionnaire specifically sought to determine the level of compliance by all 278 municipalities with NEMA and SEMAs. Questionnaires were differentiated in terms of municipal geographic location (inland/coastal) and environmental functions each municipality is expected to perform. The scores (converted into percentages) were then used to divide municipalities into three categories as follows: 0-29% = Establishment Phase, 30-59% = Consolidation Phase,
60% upwards = Sustainability Phase. The results of the survey were as follows:

* Local Municipalities (LMs): 51% establishment phase, 41% consolidation phase, 8% sustainability phase
* District Municipalities (DMs): 32% establishment phase, 48% consolidation phase, 20% sustainability phase
* Metropolitan Municipalities (Metros): 0% establishment phase, 11% consolidation phase, 89% sustainability phase

Based on these findings, the implementation plan was developed to address challenges identified. In 2014/15, specific focus was given to the establishment and formalisation of environmental governance structures within municipalities to provide a platform of engagement with all citizens on environmental governance structures. These structures were successfully established and they are now operational. The performance of these structures is monitored through the 2015/16 Implementation Plan, and reports are provided to the relevant Intergovernmental Structures. Below is an outline of specific interventions for key thematic areas i.e. Air Quality and Climate Change; Waste Management.

1. **AIR QUALITY AND CLIMATE CHANGE**

Prior to the advent of democracy, little was known about the quality of ambient air that the majority of the citizens of South Africa were breathing, as well as the potential health impact of that quality of air. However, since the dawn of democracy a number of measures have been put into motion to address this challenge. The use of coal and other energy sources that result in air pollution poses a major threat to citizens enjoying their full rights as set out in section 24(a) and (b) of the Constitution of the Republic of South Africa. Since the promulgation of the National Environmental Management: Air Quality Act (Act No. 39 of 2004) and the subsequent development of its National Framework for Air Quality Management in South Africa, the Department has facilitated, in partnership with the different spheres of government; the initiation of ambient air quality monitoring programmes.

The main objectives for monitoring are to provide information fundamental to decision-making; identifying air pollution that is non-compliance with National Ambient Air Quality Standards (NAAQS); and defining intervention strategies to evaluate the efficacy of air quality management strategies. Ambient air quality monitoring is also being used to identify areas in need of restoration and their prioritisation, such as in the national air quality priority areas of Vaal Triangle, Highveld and Waterberg-Bojanala. Currently, there are close to 85 government owned ambient air quality monitoring stations across the country. The stations monitor a range of criteria pollutants, including ozone (O3), particulate matter (both PM10 and PM2.5), carbon monoxide (CO), sulphur dioxide (SO2), oxides of nitrogen (nitrogen dioxide NO2, and nitric acid NO), lead (Pb), hydrogen sulphide (H2S) and the relevant meteorological parameters.

The observations from the ambient air quality monitoring networks have informed the development of air quality management plans (AQMPs) by all spheres of government, in accordance with the air quality management challenges faced. Municipalities, for example, are required to have these AQMPs incorporated in their Integrated Development Plans (IDPs). This requirement elevates air quality issues in the planning processes of each of the municipalities.

The Department has developed priority area AQMPs, and has allocated specific funding for the implementation of these plans. In addition, and as part of the implementation of these plans, the Department has established Implementation Task Teams (ITTs) and Multi-Stakeholder Reference Group (MSRGs). These structures, amongst other things, facilitate the participation of communities in tackling air quality challenges facing them. There has been an increase in the participation of Non-Governmental Organisations (NGOs) and Community Based Organisations (CBOs) in these areas, and the Department acknowledges that awareness is key in addressing air quality issues in these areas.

The Department is also in the final stages of developing the Strategy to Address Pollution in Dense, Low Income Communities. The objectives of this strategy are:

* to establish a forum that will ensure that the interventions that address air pollution in dense low-income communities are carried out in a coordinated manner, with integration of policies and interventions from various departments/institutions;
* to facilitate, through the forum, the implementation of interventions within air pollution priority areas in order to ensure the air that is not harmful to health and wellbeing;
* to plan and co-ordinate the implementation of future interventions to address the problem; and
* to monitor and report progress annually to the Minister of Environmental Affairs.

The strategy offers a great opportunity for all the identified role players to work together and improve on the gains made thus far in tackling air quality challenges that are faced by the citizens of the Republic.

1. **WASTE MANAGEMENT**

Government through Statistics South Africa (StatsSA) undertakes surveys at different intervals to establish trends in many different aspects, including provision of services. The Department works closely with Stats SA in relation to monitoring waste service in the country.

Waste services seem to be low in rural areas. However, we have discovered that this could be due to lack of understanding of the different service levels for waste services. The National Waste Collection Standards prescribe different service levels for different geographic areas. The Department is therefore currently capacitating municipalities on these collection standards. Municipalities are in turn required to educate their communities to ensure accurate reporting.

The Department also developed a number of waste management tools/measures to protect the environment and human health of all South African citizens by making sure that impact is managed appropriately.

These include:

* Waste Management and Classification Regulations; Norms and Standards for Assessment of Waste for Disposal; and Norms and Standards for Assessment of Landfill for waste disposal – which regulates the management classification of wastes in a manner that supports and implements the provisions of the Waste Act and prescribes the requirements and timeframes for management of certain wastes, among others.
* Draft Healthcare Risk Waste Management Regulations – which sets minimum requirements for management of waste from healthcare facilities, from cradle to grave.
* Licenses to ensure that facilities are operated in compliance with environmental legislation, ensuring that impacts are managed to protect the environment and human health.

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