The use of Environmental Impact Assessments (EIAs) in promoting Sustainable Development

By

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I would like to thank God Almighty for giving me strength throughout my studies because it is only through him that things are possible. I would like to thank my supervisor Mrs. Bernadette Snow for her patience, guidance and support throughout the research study. I would also like to thank the Business & Economic Sciences Department for their assistance. I would like to thank my family for their support, prayers and words of encouragement and for just being there when they were needed.
Abstract

The overall aim of the case study was to investigate the effectiveness of EIAs in NMB and to determine whether EIA legislation and implementation can lead to the promotion of sustainable development practices. The research made use of the qualitative research methodology and followed the inductive approach by critically evaluating the EIA process in the NMBM using the case study approach. This was supported by a survey which was administered to willing participants chosen at random whose extensive experience is relevant to this research topic. Interviews involved direct personal contact with participants who were asked to respond to questions relating to the research study. The research sample consisted of eight participants. The local authority was represented by two participants, the Environmental Assessment Practitioners were represented by five participants and the Non-Governmental Organization was represented by 1 participant.

The first objective of the study was to evaluate the role of government during the EIA process. The results showed that EAPs in NMB municipality are relatively satisfied with how the municipality is handling the EIA process with regards to commenting on both internal and external applications. There was however a view that most municipalities lack sufficient capacity to be able to comment on EIA applications as required by legislation and that human resource issues were one of the contributing factors where skills are concerned.

The second objective of the study was to examine and evaluate the role of civil society and NGOs during the EIA process. The results showed that NGOs are quite vocal and very much involved in driving the sustainable development agenda and that in South Africa NGOs are usually the ones that are responsible for getting the message across in the form of environmental education and awareness through the translation of environmental knowledge into practical on the ground conservation.
The third objective of the study was to analyze the responsibilities of Environmental Assessment Practitioners (EAPs) in the EIA process. The EAPs had a very good knowledge of the EIA process and what was required of them in terms of the process.

The fourth objective was to evaluate compliance to the Environmental Management Plan (EMP) by the applicant once Environmental Authorisation (EA) has been granted by the responsible authority. The results showed that all the participants were in agreement in terms of the need for EMPs but their lack of enforcement was highlighted as a very serious problem which is in need of urgent attention sooner rather than later. It was also highlighted that EMPs were generally not adhered to due to their lack of legal status and that many developers viewed EMPs as guideline documents rather than something that has legally enforceable provisions.

The study concluded that EIAs are not effective in meeting the requirements of NEMA and promoting sustainable development agenda. The IEM planning process which has largely been focused on EIAs as a tool to support decision-making by specialists and hence promote sustainable development has its weaknesses and has not been successful in driving the sustainable development agenda in Nelson Mandela Bay.
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### Glossary of acronyms

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<tr>
<td>EA</td>
<td>Environmental Authorisation</td>
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<tr>
<td>EAP</td>
<td>Environmental Assessment Practitioner</td>
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<td>EIR</td>
<td>Environmental Impact Report</td>
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<td>IEM</td>
<td>Integrated Environmental Management</td>
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<td>I&amp;AP</td>
<td>Interested and Affected Parties</td>
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<td>LA21</td>
<td>Local Agenda 21</td>
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<td>JPOI</td>
<td>Johannesburg Plan of Implementation</td>
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<td>MDG</td>
<td>Millennium Development Goals</td>
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<td>NGO</td>
<td>Non-governmental Organization</td>
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<td>NFSD</td>
<td>National Framework for Sustainable Development</td>
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<tr>
<td>NMB</td>
<td>Nelson Mandela Bay (geographical area)</td>
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<td>NMBM</td>
<td>Nelson Mandela Bay Municipality (institution)</td>
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<td>NSSD</td>
<td>National Strategy for Sustainable Development</td>
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<td>PPP</td>
<td>Public participation process</td>
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**UNCED**  United Nations Conference on Environment and Development  
**UNFCCC**  United Nations Framework Convention on Climate Change  
**WSSD**  World Summit on Sustainable Development

### Environmental legislation

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<tr>
<td>ECA</td>
<td>Environment Conservation Act</td>
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<td>NEMA</td>
<td>National Environmental Management Act</td>
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### Government structures

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<td>DEAT</td>
<td>Department of Environmental Affairs and Tourism (now DEA)</td>
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<td>DEDEAT</td>
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### Environmental instruments or tools

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<td>Environmental Management Framework</td>
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<td>Environmental Management Systems</td>
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<td>IEP</td>
<td>Integrated Environmental Policy</td>
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<td>IEMP</td>
<td>Integrated Environmental Management Plan</td>
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<td>NMB MOSS</td>
<td>Nelson Mandela Bay Metropolitan Open Space System</td>
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<td>SEA</td>
<td>Strategic Environmental Assessment</td>
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<td>SDF</td>
<td>Spatial Development Framework</td>
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<td>SoeR</td>
<td>State of the Environment Report</td>
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### Planning terminology

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<td>IDP</td>
<td>Integrated Development Plan</td>
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<td>IEM</td>
<td>Integrated Environmental Management</td>
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<td>NGP</td>
<td>New Growth Path</td>
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Chapter 1: Introduction and background

The concept of sustainable development was introduced in the 1980’s and was later accepted as a basis for environmental management by the Bruntland Commission (Barnard 1999). The United Nations has over many years been urging countries to pursue coordinated and strategic actions for sustainable development through the development of national strategies for sustainable development. The first call was made at the United Nations Conference on Environment and Development (UNCED) commonly known as the Earth Summit in 1992 and this has been translated into Agenda 21, the long-term action plan for sustainable development (Urquhart and Atkinson 2000). The key feature in Agenda 21 is working through partnerships in order to achieve sustainable development. The role of local authorities is emphasized and translated through Local Agenda 21 (LA21) as many of the problems listed in Agenda 21 have their roots in local activities and thus require action at a local level (Urquhart and Atkinson 2000), this can only be done by integrating sustainability principles into IDPs (DEAT, 2003).

Most recently the World Summit on Sustainable Development (WSSD) held in Johannesburg in 2002 called on all countries to move forward in the formulation of national strategies for sustainable development, this resulted in the formation and launching of partnerships programmes with other spheres of government and other sectors, these were referred to as (Summit Outcome Type 2) and they were mainly designed to accelerate the implementation of LA21 strategies (DEAT, 2003). Local governments made the commitment of eradicating poverty and reducing inequality while some countries have been active in terms of developing such strategies, specific policies and putting plans and programmes in place to deal with sustainable development issues (DEAT, 2003). South Africa, being a global player has had to align itself with such line of thought and has responded to the United Nations call by developing a National Framework for Sustainable Development and also promulgating environmental legislation aimed
at promoting sustainable development and putting in place control measures which will protect the environment against negative environmental impacts.

The path to sustainable development in South Africa is guided through the Integrated Environmental Management planning (IEM) process. IEM is defined as “a holistic framework that can be embraced by all sectors of society for the assessment and management of environmental impacts and aspects associated with an activity for each stage of the activity life cycle, taking into consideration a broad definition of environment and with the overall aim of promoting sustainable development” (DEAT IEM information Series, 2004). In the past IEM was largely focused on one tool, namely EIAs and they primarily focused on new projects or activities. The focus has since shifted and includes the integration of a wider range of tools and not only EIAs in promoting sustainable development. This means that consideration for a particular project will not only focus on the environmental impacts but also on areas such as feasibility, planning, operation and decommissioning phase i.e. “cradle to grave” approach.

This research will determine through qualitative research the effectiveness of the EIA process in particular in promoting sustainable development in NMBM and analyze the responsibility of all stakeholders, paying particular attention to communities and to what extent they are empowered to be able to make the right decisions that will affect the surrounding environment and themselves. Institutional arrangements between local and provincial government will be reviewed to determine if the decisions that are taken are in the best interest of the environment or the applicants.

**Research problem**

In developmental countries like South Africa, tools like EIAs are most often seen or perceived as hindrances to development and are therefore not easily accepted by the general public. This case study investigates the effectiveness of EIAs in
NMB and determines whether EIA legislation and implementation can lead to the promotion of sustainable development practices.

**The objectives of the research were:**

1. To examine and evaluate the role of government during the EIA process.
2. To examine and evaluate the role of civil society and NGO’s during the EIA process.
3. To analyze the responsibilities of Environmental Assessment Practitioners (EAP) in the EIA process.
4. To evaluate compliance to the Environmental Management Plan (EMP) by the applicant once Environmental Authorisation (EA) has been granted by the responsible authority.

My research foundation was framed by the following ontological position:
That written words, text, documents and records are meaningful constituents of the social world because through them the social world can be expressed or represented. My epistemological position is that words, text, documents and records can provide or count as evidence of these ontological properties.

**Scope of research**
The research was focused in the Nelson Mandela Bay Metropolitan Municipality.
Chapter 2: Literature review

2.1 The National Framework for Sustainable Development (NFSD)

The National Framework for Sustainable Development (NFSD) was developed primarily to address the absence of a national strategy that would be responsible for guiding sustainable development in South Africa (DEAT, 2008). The main aim of the NFSD is to provide a basis upon which a national strategy and action plan for sustainable development can be developed. The NFSD highlights economic growth, poverty eradication and the rising levels of natural resource use and waste per capita over time as the three main challenges facing South Africa. The main problem for local government is how to ensure that economic and social development is reconciled with environmental protection (DEAT, 2008).

![Diagram showing elements of sustainable development]

Figure 1: The elements of sustainable development (Source: National Framework Document, DEAT, 2003)

The NFSD defines sustainable development as development that meets the needs of present generations without compromising the ability of future generations to support themselves, this is illustrated in Figure 1, (Fitzgerald et al.,
Many institutions and organisations have adopted different definitions of sustainable development but almost all of the definitions emphasize the key characteristic of adopting a long term approach towards the improvement of quality of life now and for the future and also implies that this can only be achieved through development that is environmentally sound. This can only be achieved through making sure that the economic system, socio-political and ecosystem are compatible and specific interventions by government are be prioritized. The NFSD highlights the following as principles that must be met in order to have a sustainable society (DEAT, 2008):

- Efficient and sustainable use of natural resources
- Socio-economic systems must be embedded within and dependant upon eco-systems and
- Basic human needs must be met to ensure that resources necessary for long-term survival are not destroyed for short term gain

According to the NFSD, numerous strategies have been developed by government in order to respond to the Millennium Development Goals (MDGs), Johannesburg Plan of implementation (JPOI) and a host of other international obligations in order to meet the targets of sustainable development. The NFSD highlights five strategic focus areas which, if implemented correctly, will lead the country into fulfilling its declared aims of sustainable development, these are:

- Enhancement of systems for integrated planning and implementation
- Sustenance of ecosystems and efficient use of natural resources
- Economic development through sustainable infrastructure investment
- Creation of sustainable human settlements and
- Appropriate response to emerging human development, economic and environmental challenges
According to the NFSD, a coordinated response is needed to achieve and implement the above focus areas and involvement of multiple stakeholders is essential. The role of implementation should not be left to government alone but should involve all major sectors in society. The NFSD further highlights the role that community structures should play in the implementation of the NFSD, so as to promote an inclusive approach and promote sustainable practices at the local level. According to (Ayre and Callway, 2005) the participation of non-state actors has become an essential component of success and the participation of people in good governance for sustainable development has and is leading to better long-term and positive outcomes.

The role of government should rather be to co-ordinate, monitor and evaluate performance and report to the global community (DEAT, 2008), this means a change from being a services provider to actively engaging and managing external partners (Ayre and Callway, 2005). It is also the government’s responsibility to make sure that there is adequate resources and capacity to deal with the implementation imperatives especially at local government level (DEAT, 2008).

The role of NGOs and civil society organisations is also highlighted as critical to the implementation of the NFSD. The National Strategy for Sustainable Development (NSSD) which is an action plan of the NFSD highlights the importance of a participatory approach during the implementation of the action plan. According to (Ayre and Callway, 2005) the participation of interest groups from civil society and business is essential in improving ultimate outcomes by creating shared responsibilities, improving transparency and better targeting services to community needs.

The Department of Environmental Affairs and Tourism (DEAT) now referred to as the Department of Environmental Affairs (DEA) is the lead agent for sustainable development and it is its responsibility to make sure that local authorities are
capacitated and that sustainable development and its planning principles are mainstreamed into various sector plans and strategies at provincial and at a local level (DEAT, 2008).

In addition to South Africa heeding a call by the United Nations to develop national strategies for sustainable development as mentioned previously, South Africa has been leading in the development and promulgation of environmental policies and legislation. Section 24 of the Constitution of South Africa (Act 108 of 1996) guarantees everyone the right to *inter alia* “an environment that is not harmful to their health or well being”. The legislation clearly recognizes the health of human beings as dependant on nature, this stresses the important linkage between the social, economic and environmental pillars of sustainable development, all of which are underpinned by health. The legislation further provides an overarching environmental principle for any activity that will be undertaken and commits all spheres of government including the Nelson Mandela Bay Municipality (NMBM) to sustainable development.

The new growth path which is intended to respond to the economic downturn and hence accelerate development by providing jobs and reducing inequality and poverty also recognises the need to be mindful of environmental obligations through the generation of a more inclusive and greener economy which is going to be achieved by expanding the existing public employment schemes to protect the environment and the production of biofuels, promoting recycling schemes geared towards greening the economy and therefore creating public employment and supporting energy efficiency and renewable energy (The New Growth Path – The Framework, 2010).

The environmental problem which confronts humanity at the present moment is the capacity of the environment to perform its economic roles such as (life-supporting role, resources-providing role, waste assimilation role and recreational and aesthetic role) that is being impaired by human activity and the problem of
the depletion of non-renewable resources is therefore not so much an environmental problem but rather an economic problem (Fitzgerald et al., 1997) hence the inclusion of effective ways of using non-renewable resources and the inclusion of recycling into South Africa’s planning framework.

The National Climate Change Response white Paper which was released in October 2011 is guided by the principles set out in the Constitution, Bill of Rights, NEMA, MDGs and the UNFCC and it recognises that a sustainable economy and a healthy society depend on the services that well-functioning ecosystems are able to provide (DEA, notice 757 of 2011). The approach of the South African government to climate change seeks to achieve climate resilience through the development of effective adaptation strategies and responses. Such adaptation responses include early warning and forecasting for disaster risk reduction and medium to long-term climate projections that will be able to define the range of future climate conditions (DEA, notice 757 of 2011).

3. Environmental legislation related to EIAs in South Africa
The section below looks at some of the environmental legislation relevant to EIA legislation.

3.1 The Constitution of South Africa Act (Act 108 of 1996)
The Constitution of South Africa is the supreme law of the country and as such all other legislation is required to be consistent with its provisions and principles. The Constitution of South Africa contains a Bill of Rights with a number of clauses related to the environment and sustainable development. The powers and functions of each level of government, including local government are also stipulated. Section 24(a) of the Constitution states that “everyone has the right to an environment that is not harmful to their health or well-being” (Constitution of South Africa Act 108 of 1996. s.24(a)). This fits well into the spectrum of internationally accepted principles of protecting the quality of life. Section 24(b) states that “everyone has the right to have the environment protected for the
benefit of present and future generations, through reasonable legislatives and other measures” (Constitution of South Africa Act 108 of 1996. s.24(b)).

This places a duty on the government to act by passing appropriate environmental legislation and in addition provides an overarching environmental principle for any activity and further commits all spheres of government especially local government, to sustainable development (Constitution of South Africa Act 108 of 1996. s.7). In addition to specific duties being placed on government, Section 24, also empowers communities to be able to force the hand of government where environmental issues are concerned (Urquhart and Atkinson 2000). The progressive measures of the Constitution indicate a commitment to sustainable development and does relate to the NFSD in terms of providing a foundation for environmental sustainability in the supreme law of the country.

3.2 National Environmental Management (NEMA) Act (Act 107 of 1998)
This is the legislation that was enacted by the National Government to give effect to Section 24 of the Constitution of South Africa and also translates the policy principles of the 1997 White Paper on Environmental Management Policy into law (Urquhart and Atkinson 2000). NEMA also known as the overarching framework legislation provides for co-operative environmental governance by establishing principles for decision-making matters affecting the environment institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of the State (Urquhart and Atkinson 2000).

In addition, there is provision for environmental management, pollution control, enforcement of environmental laws and prosecution. The Act defines sustainable development as “the integration of social, economic and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations” (NEMA Act 107 of 1998. s.24(a)). Section 2, lists a set of principles that apply to organs of state alongside
other considerations including socio-economic considerations (NEMA Act 107 of 1998. s.24 (a)).

These principles guide the administration and interpretation of environmental management legislation. These principles are captured in NMBM’s Environmental Framework and draft Integrated Environmental Management Policy. Section 24 of the Act deals with the implementation of Environmental Management Authorisations or EIA process and calls for the consideration, investigation, assessment and reporting of potential impacts of listed activities. NMBM is also obliged to obtain an environmental authorization for any activity which is listed in terms of this Act. This will be discussed in greater detail in the section below.

3.3 The IEM planning process in South Africa and the EIA process

The IEM process was established as far back as 1984, with the aim of a management system that integrates environmental management with development and therefore guides the path to sustainable development in South Africa (Barnard 1994). The primary objective of the IEM procedure was to ensure good design in the initial stages of a project and incorporated the following principles (Barnard 1994):

• Informed decision-making by the relevant authorities;
• Accountability for the information on which decisions would be based;
• Participation of interested and affected parties in the planning process;
• The consideration of alternatives;
• Timeous identification of negative environmental impacts and the mitigation thereof and;
• The establishment of proper monitoring and auditing procedures.

The reason why IEM is necessary is that it chooses or prefers the least environmentally damaging alternatives taking into account the economic benefits and the risks associated with a particular development or activity on the
environment. According to Barnard (1996) the IEM process ensures that all stakeholders are involved in the planning of a particular development through an interactive planning procedure.

In 1989 the IEM approach was revised to indicate a general approach that integrates environmental considerations across all stages of the planning and development cycle (DEAT, 2004). This resulted in the promulgation of the first set of EIA regulations in terms of Section 22 of the Environment Conservation Act, Act 73 of 1989.

The objectives of the Environment Conservation Act were to provide for the effective protection and controlled utilisation of the environment. It was only with the enactment of this act that provision was made to determine environmental policy which would guide decision-making and the preparation of environmental impact reports (DEAT, 2004). Despite its shortcomings, the Act provided for the development of an Environmental Management System (EMS) and contained principles and procedures for environmental management, measures for nature conservation, for pollution control and for waste management (Barnard 1996). Parts of this act have since been repealed including the EIA Regulations which have since been gazetted under NEMA.

The implementation of IEM in South Africa has largely been focused on EIAs as a tool to support decision-making by specialists and hence promote sustainable development (DEAT, 2004). There are other IEM tools that are used to promote sustainable development in South Africa in addition to EIAs and the choice of tools is mostly informed by the type activity being undertaken (e.g. project, plan, programme or policy) and the stage of the activity life cycle, some of these tools include the following (DEAT, 2004):

- **Environmental auditing** – this involves the testing of an organisation’s environmental performance against requirements such as defined environmental policies and legislative requirements (DEAT, 2004).
Environmental audits provide a snapshot of the environmental management situation at any given time, they do not predict potential impacts of planned. They are very important in terms of liability provisions within NEMA (Urquhart and Atkinson, 2000).

- **State of the environment Report (SoeR)** – are used to highlight changes in the environment, the causes of the changes and the appropriate responses. The process involves the compilation of information on environmental and sustainable development issues from various sources and the analysis of that information so that appropriate action can be taken in order to protect human health and well-being (DEAT, 2004, Urquhart and Atkinson, 2000).

- **EMS** - provides guidance on how to manage the environmental impacts of activities, products and services of an organisation (DEAT, 2004) and should be integrated into an organisation’s operations and functions (Urquhart and Atkinson, 2000).

- **Environmental Policy** – this details an organisation’s aims and principles of action with respect to the environment, this is developed in a participatory fashion and is implemented through an EMS (DEAT, 2004, Urquhart and Atkinson, 2000, NMBM IEP, 2011).

- **Environmental Management Plan (EMP)** – an EMP forms part of an EMS and typically specifies how an activity is going to be managed in order to minimise potential impacts on the environment throughout the life-cycle of an activity. EMPs also ensure that the conditions of an Environmental Authorisation associated with a particular activity are fulfilled (DEAT, 2004).

- **Public participation and/or stakeholder engagement** - community engagement is paramount and should take place throughout the planning,
assessment and implementation stages of a particular activity so that buy-in and support for a particular activity can be ensured (DEAT, 2004, Urquhart and Atkinson 2000).

- **Strategic Environmental Assessments (SEA)** – SEAs evaluate the opportunities and constraints that the environment places on a development (DEAT, 2004) and is generally carried out at a strategic level and aims to integrate environmental considerations into the earliest phase of policy, plan or programme development, together with economic and social consideration (Urquhart and Atkinson, 2000).

- **Sustainable Procurement Practices** – local authorities with their extensive purchasing power should be encouraged to buy products that will have less harm to the environment (Urquhart and Atkinson, 2000).

- **Awareness campaigns** – spheres of government should try by all means to generate a willingness on the part of the public to engage in sustainable development plans and programmes (Urquhart and Atkinson, 2000).

### 3.4 Environmental Impact Assessment defined

EIAs are underpinned by the IEM planning process which is a philosophy that prescribes a code of practice that ensures that environmental considerations are fully integrated into all stages of the development process to achieve a desirable balance between conservation, development and human needs (CEM-05.1, 2006, DEAT, 2004). IEM planning ensures that environmental justice, environmental awareness and education, the protection of the environment as people’s common heritage and co-ordination and harmonisation of policies and actions which relate to the environment are taken into account during the planning phase of projects (Komen, 2011).

EIAs are one of the most commonly used IEM tools and unlike other tools, which have been discussed above focus on new project proposals by predicting their
impacts (DEAT, 2004, Urquhart and Atkinson, 2000, CEM-05.1, 2006). The primary purpose of an EIA in South Africa is to serve as a key implementing instrument in ensuring sustainable development and this is done by avoiding, mitigating significant negative impacts on the environment (Komen, 2011).

An EIA identifies potential positive and negative impacts on the environment (biophysical, socio-economic and cultural) and examines alternatives and or management measures to minimise negative and optimise positive consequences and as a result prevents substantial detriment to the environment by a proposed activity (CEM-05.1, 2006). The current EIA Regulations are promulgated under section 24(5), 24M and 44 of NEMA under Government Notice R543, 544, 545 and 546 of June 2010 and apply to a list of activities and set out a process that must be followed by developers, consultants or Environmental Assessment Practitioners (EAP) and authorities during the EIA process (Urquhart and Atkinson, 2000). The Regulations commenced in August 2010.

3.4.1 The roles and responsibilities of the applicant in the EIA process

- The applicant must provide the EAP with access to all available information regarding the application, whether such information is favourable to the applicant or not;
- The implications of the public participation process for the applicant are that the applicant should:
  - Not take final investments decisions before the public participation process has been completed
  - Not adopt a defensive attitude during interaction with I&AP and
  - Have empathy and patience with an Interested and affected Person (I&AP) who do not possess the relevant background knowledge.
- Is to notify all Interested and affected parties of the decision of the EIA process.
3.4.2 The roles and responsibilities of the EAP in the EIA process

- Is to be independent
- Have expertise in conducting EIAs
- Be objective
- Design the public participation process
- Communicate with I&AP in order to provide them with information to enable them to participate in a meaningful way
- Have an ability to separate issues from personalities, cultural perspectives and emotions and
- Allow for all the different viewpoints to be heard.

3.4.3 The roles and responsibilities of the I&AP in the EIA process

The EIA Regulations define an I&AP as any person, group of persons or organisation interested in or affected by an activity contemplated in an application or any organ of state that may have jurisdiction over any aspect of the activity. The roles of I&APs include the following:

- Register as I&APs and become involved as early as possible in the process
- Not attend meetings merely to drive their own private agendas
- Recognise that the process is confined to issues that are directly relevant to the application.
- Assisting in the identification and prioritization of issues that need to be investigated.
- Contributing information on public needs, values and expectation
- Contributing local and traditional knowledge

3.4.4 The roles and responsibilities of the competent authority in the EIA process

- Is to receive the application on behalf of the applicant.
- Provide the applicant or EAP access to any guidelines, policies or information in the possession of the competent authority that will be relevant to the application.
- Advise the applicant or EAP of the nature and extent of any of the processes that must be followed in order to comply with the Act and the regulations.
- The competent authority is entitled to all information that has or may have the potential of influencing any decision with regard to an application unless access to that information is protected by law.
- Must meet time frames applicable to competent authorities in terms of the Regulations
- Notify the applicant or EAP of the decision and also give reasons for the decision if requested to do by a registered I&AP.
- Required to consult with other state departments that administer a law relating to a matter affecting the environment relevant to that particular application for an environmental authorisation.
- Must keep a register of all applications received by the relevant Department.
- Keep a record of all decisions in respect of Environmental Authorisations

3.4.5 The roles and responsibilities of local government in the EIA process
- Also subjected to the same EIA process and are required to follow the EIA application process as stated in the Regulations.
- Local authorities are required to provide comments within 40 days from the date on which the competent authority requests information regarding a particular application.

3.5 National Environmental Management: Waste Act (Act 59 of 2008)
The National Waste Act was enacted by the National Government to give effect to the White Paper on Integrated Pollution and Waste Management for South Africa which was published in March 2000. The aims of the White Paper were to
primarily address issues of fragmentation and duplication pertaining to waste issues and the preparation of a single piece of legislation that would deal with all the waste and pollution matters. The duties of local government as stipulated in the White Paper were to:

- Compile and implement general waste management plans
- Implement public awareness campaigns
- Collect data for use in the Waste Information System
- Provide general waste collection services and management of waste disposal facilities
- Implement and enforce appropriate waste minimisation and recycling initiatives
- Establishment of landfill sites and management thereof.

This resulted in the promulgation of the National Environmental Management Waste Act, which aims to promote a sustainable system that is:

- Appropriate to the local conditions in which it operates
- Capable of maintaining itself over time without reducing resources

As well as an integrated system that:

- Uses a range of inter-related collection and treatment options
- Involves all stakeholders, be the governmental or non-governmental. Formal or informal, profit or non-profit orientated and
- Takes into account interactions between the waste management systems and other urban systems.

3.6 National Environmental Management: Air Quality Act (Act 39 of 2004)

The act aims to regulate air quality in order to protect the environment by providing reasonable measures for the prevention of pollution and ecological degradation and for securing sustainable development while promoting economic and social development, the act also provides for air quality standards and air quality monitoring, management and control by all spheres of government.
3.7 National Environmental Management: Protected Areas Act (Act 57 of 2003)
The act provides for the conservation and protection of ecologically areas representative of South Africa’s biodiversity and its natural landscapes and also declares and protects areas that meet certain protection criteria and regulates certain activities in those areas.

The act provides for the conservation and management of South Africa’s biodiversity within the framework of the National Environmental Management Act 107 of 1998, it also provides for the protection of species and ecosystems and the sustainable use of indigenous biological resources. The application of this act is guided by the national environmental management principles set out in Section 2 of NEMA. The act also provides for the development of bioregional plans which identify priority areas for conservation action and contain measures for the effective management of biodiversity within a region.

3.9 Development Facilitation Act (DFA) (Act 67 of 1995)
This act facilitates and speeds up the implementation of reconstruction and development programmes and projects in relation to land. One of the general principles for land development that apply include the encouragement of environmentally sustainable land development practices and processes (DFA Act 67 of 1995. s.3(viii)). Section 27, further stipulates that land development objectives must be able to relate to the sustained utilisation of the environment (DFA Act 67 of 1995. s.2(ii)).

One of the objectives of the act is to integrate the activities of all spheres of government for the overall social and economic upliftment of communities, this
must be done in harmony with the local natural environment (Local government: Municipal Systems Act (Act 32 of 2000). The act also calls for the development of IDPs which is the principle planning instrument that guides and informs all planning and development in a municipality (DEAT, 2003). Furthermore, the act recognises the links between environment, development and poverty and states that it is the general duty of a municipality to provide municipal services that are both financially and environmentally sustainable as well as in a manner that is equitable and accessible to all communities, residents and ratepayers.

The act states that service provision must also be carried out in a manner that makes effective use of resources and is conducive to the improvement of standards of quality over time (DEAT, 2003). The Municipal Systems Act defines environmentally sustainable services as those services where the risk of harm to the environment and to human health and safety is minimized and the potential benefits maximized as far as reasonably possible (Local government: Municipal Systems Act 32 of 2000 as amended by Act 7 of 2011.s.2(4)(2)(d,i,j), DEAT, 2003)

4. Review of environmental assessment and management

In 2007, DEAT now DEA commissioned a review of the EIA system, the main objective was to determine if the EIA process fulfilled its purpose as per the requirements of the legislation and if it was effective in doing what it was meant to achieve since its inception in 1997. The study comprised of the utilization of general questionnaires solicited from a wide range of stakeholders, the evaluation of statistical information held by authorities and the evaluation of other environmental management instruments (Komen, 2011). Some of the views that were expressed in the review included the following:

- The importance of capacity and adequate resources in government to improve effectiveness and efficiency
- Concerns regarding political interference with EIA administration
- Utilization of other instruments in combination with or instead of EIAs.
• Cost implications of the process
• The bureaucracy of EIAs
• EIAs serve to motivate interests activities rather than assess whether or not activities should be permitted
• EIAs executed without taking sufficient account of the broader context within which the application occurs which means that they fail to make a contribution to the quality of the decision that is made in the context of a specific area.
• Process should focus more on ensuring sustainable development than administration
• The capacity in terms of qualifications and experience of EAPs should be improved
• The interference by applicants in the assessments process which often undermines the independence of EAPs and prevents the objective evaluation of EIAs by officials should be prevented.
• Professional registration of EAPs should be mandatory as this will increase the quality of EIAs.
• Enhancement of the roles of SEAs and SDFs in environmental planning
• Enforcement of EMPs and compliance monitoring require urgent attention.

The review concluded that sustainable development is seldom reflected deliberately and comprehensively and that the biodiversity conservation imperatives set by NEMA were often not adequately reflected in the process especially where site specific issues impact the broader biodiversity context (Komen, 2011). The review further concluded that:
• A stronger emphasis on indirect cumulative impacts in Environmental Impact Management was needed.
• There should be a strong focus on policies, programmes and plans for the areas within which EIAs are undertaken
• That should be a stronger emphasis on the elements that underpin sustainable development
The review concluded that the effectiveness of the EIA process in South Africa is marginal in terms of meeting the requirements in terms of NEMA however it is rather implemented relatively efficiently however the issue of cost of EIAs should be addressed and ways to render assistance to small businesses and young entrepreneurs should be explored (Komen, 2011).

5. Other methods and tools for sustainable development
Local government in South Africa has a key role to play in addressing the social and economic needs of communities while ensuring the resource base upon which life depends is conserved and well managed. Meeting these responsibilities is especially demanding given the inequitable development patterns and the variety of environmental context that exists in the country. It is within this context that focus in terms of planning has shifted away from the control of land use and development activities towards a more developmental role which includes the goal of facilitating sustainable development. Thus planning and environmental management in South Africa aims to primarily use the limited and scarce resources wisely so as to achieve a greater level of equity, service provision and sustainability in the country (DEAT, 2003).

The constitutional mandate of developmental local government and sustainable development is challenging and local authorities are required or expected to actively prioritize sustainable development principles while at the same time providing basic services such as housing, sanitation, jobs and electricity. The integration however of sustainable development principles into the municipality’s IDP and thus into the operations of the Municipality does assist to a certain extent but is not enough.

The National Department of Environmental Affairs and Tourism, now DEA has developed a host of methods and tools to assist local authorities in achieving their sustainable development goals some have been discussed in greater detail in the sections above and these are (Urquhart and Atkinson 2000):
Environment and sustainable development databases
State of the Environment reporting (SoeR)
Environmental policies and environmental management systems
Indicators
EIAs
Strategic Environmental Assessment
Environmental auditing
Municipal regulations
Tendering and procurement for sustainable development
Creating partnerships with civil society

5.1 The Nelson Mandela Bay Municipality context
NMB is located in the Western regions of the Eastern Cape Province (Figure 2) in South Africa. It is a coastal Municipality bordered by 110 km of coastline which includes two island groups, famous sandy beaches and Algoa Bay which supports a wealth of marine life. The large Swartkops and Sundays Rivers flow through the area. NMB has floral and faunal diversity to be proud of. It is floristically extremely diverse, being located in the eastern extreme of the Cape Floral Kingdom. Dominant vegetation biomes include Fynbos and Sub-tropical Thicket. Regrettably, approximately one third of the natural environment has already been lost due to urban expansion, cultivation, overgrazing, mining and alien plant infestation and hence there is a strong need to correctly conserve and manage the remaining environment (NMBM IEP, 2011). Fauna is well represented both on and off-shore and up to nine species of whales, dolphins and seals are found along our coast.

The NMB borders the Groendal Wilderness Area and the southern section of the Addo Elephant National Park, with its approximately 550 elephants. The value of this diversity cannot be over emphasised, nor can the importance of conservation thereof (NMBM IEP, 2011).
NMBM is the only Metropolitan Municipality in the Eastern Cape Province, and the economic hub of the Province. It is a national and international tourist destination famed for its water sports and being a launch pad to the Garden Route.

It is in this diverse setting that the approximately 1.1 million diverse people of NMB live. The Municipality recognises that the natural environment is valuable, not only because of its inherent diversity, but also because of the significant environmental services it offers (NMBM IEP, 2011)
5.2 Situational analysis of sustainable development planning in the NMBM

The Constitution of South Africa enshrines the rights of every individual to *inter alia* “an environment that is not harmful to health or well being” (Section 24). The Municipal Systems Act (Act 32 of 2002) as well as the National Environmental Management Act (Act 107 of 1998) also place environmental responsibilities on all spheres of government. This means that economic, social and environmental issues have to be balanced in the implementation all services and products delivered by government, therefore promoting sustainable development.

Local government’s responsibility for land use management and development is enacted through the Municipal Systems Act (Act 32 of 2000). The act requires preparation of a municipal Integrated Development Plan (IDP) and Spatial Development Framework (SDF), which must:

- Include basic guidelines for land use management in the municipality
- Link, integrate and co-ordinate a municipality’s sector plans
- Align the municipality’s resources and capacity with the development objectives of the municipality

The IDP commits to striving to promote sustainable development at all times in the execution of the Municipality day to day operations (Draft NMBM IDP, 2010/2011).

This is also emphasized in the Municipality’s IEP. The Policy presents the Municipality’s intentions and commitment to the promotion and delivery of environmentally sustainable activities and services within the NMBM area and areas over which the municipality can be reasonably expected to have an influence.

In addition, the Municipality’s IEP further highlights principles which will be applied in order for the municipality to meet its environmental obligations and also environmental compliance (Draft IEP, 2011).
The Municipality’s Integrated Environmental Management Plan (IEMP) consists of:

- A spatial component
- An environmental policy framework component

5.2.1 Spatial Plan
This includes:

- **NMB MOSS Conservation Assessment and Plan** – a fine scale systematic conservation assessment which identifies and maps the most important ecological assets of the municipality (e.g. areas of greatest biodiversity importance, important resources such as water, important agricultural land) and ensuring that sufficient areas are maintained to ensure their continued existence. This has already been achieved through the refinement of the Conservation Assessment Plan and gazetting of the Bioregional Plan which is currently in process (NMBM Draft Bioregional Plan, 2010).

- **Strategic Environmental Assessment (SEA)** – assesses and informs the current municipal SDF with regard to proposed short and medium terms developments in terms of biodiversity considerations.

5.2.2 Environmental Policy Framework
This includes:

- **IEMP** - serves a framework for all other policies, strategies, plans and programmes to consider environmental issues

- **Environmental Management Systems** - manages the impacts of the Municipality’s activities on the environment through continuous improvement and the audit component identifies environmental issues and risks and makes sure that controls are in place to prevent and detect non-
compliance with laws and regulations and mitigates specific environmental risks.

- **State of the Environment Report (SoeR)** - highlights changes in the environment by identifying the causes of the changes and identifying the appropriate responses.

- **Coastal Management Plan** - guides the management of the coastal zone, including the coastal areas of the NMB MOSS Conservation Network.

- **Alien invasive Plant Control Plan** - guides the planning, development and implementation of Invasive Plant Control within the NMB MOSS Conservation network.

- **Integrated Air Quality Management Plan** - controls and manages air pollution.

- **Integrated Waste Management Plan** - manages waste effectively in line with the national waste management hierarchy.

The NMBM Mayoral Council has also just approved the establishment of a climate change unit however funding for the new unit is still pending. The Municipality has however identified certain projects which are part of the Climate Change response strategy for the Municipality and these projects have already been initiated, i.e. Green Procurement Strategy for the NMBM. The figure below is a summary of the institutional context and the relationship between the IDP and other sectoral plans and municipal plans and policies.
Figure 3: NMBM Institutional context (Source: NMBM Draft Bioregional Plan, 2010).
Chapter 3: Research Methodology

The research made use of the qualitative research methodology and followed the inductive approach by critically evaluating or examining projects in the NMBM using the case study approach, this was supported by a survey which was administered to willing participants (Gibson and Brown, 2009) chosen at random whose extensive experience is relevant to this research topic. Interviews involve direct personal contact with the participant who is asked to respond to questions relating to the research study (Bless and Higson-Smith, 2000). According to Hesse-Biber and Leavy (2011, p.9) the inductive method approach begins with the collection and analysis of specific data and this leads to a better or broader understanding of the topic.

The case study approach allows for an in depth examination of a phenomenon (Yin, 2009) and are mostly used when one wants to know “why” and “how” decisions or a set of decisions are taken. Hesse-Biber and Leavy (2011, p.256) define a case study as an in depth exploration of a particular project and is normally used when one wants to gain an in depth understanding of that particular subject matter or topic.

In addition, the research methodology followed the interpretive approach which seeks understanding and meaning from small interactions between humans, this type of approach values perspective and personal experiences as important sources of knowledge (Hesse-Biber and Leavy, 2011). Semi-structured non-scheduled interviews were conducted, such interviews are quite flexible (Mason, 1996) in terms of the wording and the aim is to ask all the questions on the list but not in any particular order but bearing in mind the sensitivity to the developing conversational structure (Gibson and Brown, 2009).

According to Hesse-Biber and Leavy (2006) individuals are used as the point of departure in in-depth interviews and it is assumed that they have important
knowledge about the social world and this knowledge can be imparted through verbal communication. Such interviews are characterized by allowing respondents some latitude and freedom to talk about other issues that are of interest or importance to them without necessarily disrupting the natural flow of the conversation in to other directions (Bless and Higson-Smith, 2000; Gibson and Brown, 2009, Vanderstoep and Johnston, 2009). The benefits of using semi-structured interviews are that participants can in most cases reveal other information that might be beneficial to the researcher and this also allows for the exploration of new topics that are relevant to the interview (Gibson and Brown, 2009; Hesse-Biber and Leavy, 2011, Vanderstoep and Johnston, 2009), another benefit of using semi-structured interviews is that the comments received from participants can be probed further to obtain a more completed or better understanding of what a the participant is trying to say (Babbie, 1994, Maree and Van der Westhuizen, 2009, Vanderstoep and Johnston, 2009).

Another advantage of semi-structured interviews is that the participants do not have to be able to read or write (Bless and Higson-Smith 2000), the method involves asking direct questions to the research participant and them been given a chance to respond (Gibson and Brown, 2009).

The degree of control in semi-structured interview is medium, even though the interview is allowed to digress but there is also some degree of control to the conversation and the researcher is responsible for driving the conversation to the desired direction (Gibson and Brown, 2009).

The weakness in semi-structured interviews is the level of biase that may be introduced by the researcher if he/she is not careful (Bless and Higson-Smith, 2000), these interviews are also known to be time-consuming and hence expensive (Bless and Higson-Smith 2000; Gordon and Brown 2009) and participants are required to respond immediately and there is no time to reflect on
the answer for too long (Gordon and Brown, 2009). Some criticism that has been leveled against interviews is that the process is not regarded as completely neutral because participants might be influenced or intimidated by the academic status of the person doing the interview and this might result in the participant not opening up and expressing oneself (Henning et al., 2004).

The interview comprised a set of questions that were asked in a face-to-face situation and the participants were given a chance to respond to those questions. The interview was conducted mainly in English. A recording device was used during the interview in order to prevent bias and make sure that no information was left out. The advantage to using mechanical recording devices during interviews is that one is able to analyze the data long after the data has been collected (Labovitz and Hagedon, 1981) and they assists in the verification of the data because they give accurate and complete descriptions of events because they contain more information (Labovitz and Hagedon, 1981) and another advantage of using a mechanical recording device is that it makes it easier to check repeatedly, exactly what was said by the participant (Walliman, 2006).

In addition to using the mechanical recording device fieldnotes (Gordon and Brown, 2009) were also taken during the interview and included a summary of the key points which were raised during the interview sessions, data that may not necessarily be related to the key research questions was summarized and was analyzed at a later stage.

In addition to the semi structured interviews, data collection also included primary data collection which was generated by myself (Gibson and Brown, 2009) and document analysis (Maree and Van der Westhuizen, 2009, Vanderstoep and Johnston, 2009) of secondary data sources such as government records, magazines, journals, written documents such as environmental legislation, this also included policy documents and municipal records (Walliman, 2006; Gibson and Brown, 2009).
These secondary data sources were analyzed and interpreted using the single narrative method (Maree and Van de Westhuizen, 2009), this was augmented with tabular display. I believe that the above-mentioned data collection methods approach was appropriate for my research study and it fits my key research questions, I feel that I was able to receive a lot of information from both the interviews and the secondary data collected in order to address my research problem and gain a better understanding of the EIA process and its impact on sustainable development in the NMBM context.

3.1 Sampling and selection method

The purposive convenience or theoretical sampling method was used for this study (Babbie, 1992; Bless and Higson-Smith, 2000; Hesse-Biber and Leavy, 2011; Mason, 1996). This method allows the researcher to manipulate their analysis, theory and sampling activities during their research process and therefore the process of sampling, data generation or collection and data analysis are viewed more interactively (Mason, 1996). One of the things to consider with this type of sampling approach is that it is rather subjective as it relies heavily on the considerations and judgment of the researcher (Babbie, 1992, Mason, 1996, Vanderstoep and Johnston, 2009) but on the other hand it is considered to have some value especially in cases where the researcher knows the population under study quite well (Bless and Higson-Smith 2000). The weakness with purposive or theoretical sampling is that it is often regarded as vague and ad hoc if not employed systemically (Mason, 1996).

The research sample consisted of eight participants as they are referred to in qualitative research (Maree and Van der Westhuizen, 2009). The local authority was represented by two participants, the Environmental Assessment Practitioners were represented by five participants and the Non-Governmental Organization was represented by 1 participant. According to Bless and Higson-Smith (2000); Walliman (2006) and Mason (1996) samples must be
representative of a population so that generalization of the results can be allowed. Samples were chosen in order to best represent the stakeholders involved with the EIA process and other related issues on a daily basis and who were able to make meaningful contributions so that comparisons could be made in relation to my research study.

All the participants involved in the study confirmed their willingness and availability to participate, they were all chosen on the basis of their specialized knowledge and a wide range of experience in dealing with EIAs and other related issues and therefore I believe that they were appropriate in terms of the research goals that this study wants to achieve. All interviews were conducted at a suitable venue chosen by the participants.

3.2 Data analysis

After all the data was collected both in the written and recorded format it was checked for data entry errors. This was followed by displaying the data in table format (see Chapter 4). Responses from participants were given a rating of between 1 and 5, 1 being poor and 5 being very good. The lowest rating of 1 was awarded for responses that did not contain content in terms of a particular set of key words that were expected or knowledge of that particular subject and the a rating of 5 was awarded for responses that contained information that is technical in nature and which highlighted key concepts and words or phrases. A rating of 3 was awarded for responses that displayed some understanding of the concepts and definitions that was required or responses that were more or less related to what was required and what was considered some understanding of the particular topic.

The study validated the information received from the interviews by sending the information by email to the interviewees and requesting them to verify the information as well as going through the information after the interview and asking if the information received was a true reflection of what was expressed.
The study also used the data triangulation method (Hesse-Biber and Leavy, 2011) as a tool of validating the research results. This was done by combining the different data sources mostly secondary data, government documents and legislation with the responses from interviews. Triangulation involves the use of more than one method to study the same research question, this also includes using different data sources for the same method (Hesse-Biber and Leavy, 2006, 2011).

**Validity**
According to Hesse-Biber and Leavy (2011, p48) validity is the process where the researcher attempts to check their data in order to make sure that the understanding of social reality as explained by the respondents has been properly captured and understood.

3.3 Ethical considerations
Ethical values were considered in this research study and were observed in the following way:

- All participants were asked to give their verbal consent before their participation in the study, they were not required to sign a consent form, they were also informed that their identities would be protected and their comments would be kept confidential. It was made clear at the beginning of the interview that their consent includes the right to use the data generated through the interview in whichever way I see fit including the right to interpret, analyze and publish the data.
- Participants were informed of their right to refuse to participate in the interview and that would be respected.
- Participants were informed that their participation in the research is strictly voluntary and they could refuse to divulge information which they felt was obtrusive.
• The nature of the study was explained at the beginning of each interview session.
• The participants were made aware of how their participation in the project will contribute to the research’s goals.
• The research study did not involve or include vulnerable populations or individuals.
• The privacy of the participants was be respected at all times and participants were not be made to feel uncomfortable in any way.
• Participants were informed of their choice to discontinue the interview at any time that they were made to feel uncomfortable.
• The participants were assured that the data provided by them was strictly confidential and would be used for the purpose of the research and would not be distributed to anyone other than the research supervisor for examination purposes and that no other person would have access to the interview data.
• The participants were given a chance to ask questions or raise concerns if they so wished.
• Interview questions were not asked in a blunt way and there was no attempt to ask trick questions.
Chapter 4: Results

A total of 8 participants were interviewed. The local authority was represented by 2 participants, the EAPs were represented by 5 participants and 1 participant was from a local NGO. The samples were chosen in order to best represent the stakeholders involved with the EIA process and other related issues on a daily basis and who were able to make meaningful contributions so that comparisons could be made in relation to my research study. The results presented in Table 1 are from the interview session held with the EAPs working in different consulting firms but in the environmental management field, municipal officials working in the Environmental Management Sub-Directorate and a local NGO. Most of the EAPs have been working for approximately a minimum of 5 years in the field of environmental management and have a wide experience especially in dealing with EIAs.

The municipal officials have been working for the municipality for a period of not less than 4 years, they have extensive experience in environmental management issues and institutional issues associated with implementing projects. The local NGO is largely involved in the sustainable and equitable management of the country’s natural resources base by building society’s environmental sensitivity and competence through community engagements and individuals. The NGOs mission is to promote public participation in caring for the environment and this is expressed in the diverse and dynamic collaborative partnerships that the NGO has. The NGO also works within the vital sectors of water, biodiversity, energy and waste and it is involved in implementing projects at a national, regional and international scale.

The names have been withheld for ethical reasons but they will be referred to as participant no.1, 2, 3, 4 and 5 respectively for the purposes of this research. The names of consulting firms for which the participants are working for have also been withheld for ethical reasons as the views of the participants do not necessarily reflect the views of the companies the participants are presently
working for. The rating in terms of participant’s responses to the different interview questions is given in the table below. The presentation of the results has been divided into sections as per interview questionnaires and are presented as follows:

**Table 1: Responses from interview with Environmental Assessment Practitioners**

<table>
<thead>
<tr>
<th>Participant</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
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<tbody>
<tr>
<td>Sustainable Development</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>What is your understanding of Sustainable Development, what does it mean to you?</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Are you familiar with the NFSD that was developed by National Department of Environmental Affairs</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Are you aware of any systems/plans or strategies in place that have been developed by NMBM in order to adhere to Environmental legislation</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>EIA’s</th>
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<tr>
<td>What is your understanding of EIA’s?</td>
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<td>Do you think that the Municipality is competent in fulfilling its role in the EIA process?</td>
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<td>Is there anything that you would want to improve with the current system?</td>
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<tr>
<td>Would you say that EIA’s as a tool are successful in promoting sustainable development in the Municipality’s context?</td>
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<tr>
<td>EMP's</td>
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<tr>
<td>Do you think that EMP's are necessary</td>
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<td>Are they properly enforced</td>
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<tr>
<th>Environmental Management tools</th>
<th>No</th>
<th>No</th>
<th>EMS and Bioregional plan</th>
<th>No</th>
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<tr>
<td>Are there any other systems/plans or strategies/tools that you are aware of that are currently being used in streamlining environmental processes in the Municipality's planning processes</td>
<td>No</td>
<td>No</td>
<td>EMS and Bioregional plan</td>
<td>No</td>
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Responses from Environmental Assessment Practitioners

4.1 The concept of sustainable development

All participants had a very good knowledge of what the concept of sustainable development is and what it entails, they mentioned that it aims to value natural resources while at the same time being mindful of the social and economic needs. Their interpretation of what sustainable development is and should be was also similar. Participant no.1 stressed that development should consider natural resources because life itself is not possible without natural resources. Participant no.2 went on to highlight the fact that many decisions are taken based on the political and economic aspects at the expense of the environment. Participants no.3 and no.4, said that sustainable development aims to create a balance between the social, economic and environmental aspects. Participant no.5 said that sustainable development is about responsible and being mindful of the environment because we don’t really know what the needs of the future will be but we can try and do what we do in a way that will not harm the environment.
4.2 National Framework for Sustainable Development
Participants no.3 and 4 did not know what the NFSD is about but participants no.1, 2 and 5 said that they were aware of it but did not really know what it is about.

4.3 Environmental Management planning in NMBM
Participant no.1 had a good knowledge of what the municipality is doing in terms of plans and processes in place to comply with environmental legislation, she mentioned plans such as Green Procurement, the Conservation Assessment and Environmental Policy. Participants no.2 and no.3 were not aware of any environmental plans being developed by the municipality. Participant no.4 had a fair knowledge of environmental plans being developed by the municipality and she mentioned the illegal dumping strategy, the EMS project for the WC 2010 stadium and the integrated Environmental Policy. Participant no.5 had a good knowledge about environmental sector plans developed by the municipality and a few were mentioned.

4.4 Environmental Impact Assessment
All participants had a good understanding of what EIAs are and the EIA process in general. They mentioned that EIAs are mainly meant for project specific developments and are aimed at making sure that such developments take place in a way that will have little negative impact to the environment. Participant no.5 also went on to say that EIAs do have some value but are unprescribed and in many case useless in the sense that they are about following a specific process or a “tick in the box approach”. He went on to say that they are not really good in terms of providing information about what is good for a particular area or not. Participant no.1 felt that EIAs have managed to raise some awareness among developers in terms of environmental obligations however there is some level of exploitation that is taking place with regards to the cost of EIAs and this could be curbed by the introduction of some regulations which could speak to the gazetting of prices similar to the practice in the engineering field.
She also mentioned that EIAs do have a role to play but more emphasis should be put on SEAs and EMFs rather than EIAs. Participant no.1, 3, 4 and 5 felt that the municipality is quite competent in fulfilling its role of commenting in EIA applications with the exception of participant no.2, who felt that municipalities are not competent in fulfilling their role in the EIA process, she mentioned a general lack of skills and technical ability as a problem with municipal officials. She felt that the process was good generally and she mentioned time constraints as a major disadvantage of the system.

4.5 Environmental Management Plans
All participants felt that EMPs are necessary not only for adhering to EA conditions but also for activities that don’t require EIAs. Enforcement was identified as a big problem and some participants felt that more resources should be allocated to boosting capacity at provincial level as they are the relevant authority for ensuring enforcement and compliance in terms of the EIA Regulations. Participant no.4 further mentioned that EMPs need to be included as part of the tender document especially for sensitive environments so that contractors can be aware upfront of environmental compliance measures which need to be included as part of the project specification.

In addition, participant no.5 stated that EMPs are ignored and not taken seriously most of the times, he further mentioned that they should be included as part of the tender documents and methods statements should be submitted so that they can be legally binding and enforceable.

4.6 EIAs as a tool in promoting sustainable development
All participants felt that EIAs are contributing minimally or to a certain extent towards the promotion of sustainable development in NMBM. Participant no.3 mentioned that the introduction of cleaner production mechanisms in the initial stage of projects should also be a priority. The installation of rainwater tanks and solar panels before the approval of building plans and for RDP houses was also
mentioned as one of the things that would promote sustainable development. Participant no.4 mentioned that since the introduction of EIAs, contractors have been able to changes their perceptions pertaining to environmental issues and have managed to create some awareness among the general public. Participant no.5 said that EIAs focus on the biodiversity aspect and they don't really deal with sustainability and energy issues such as waste recycling, quality of building material and recycling of water and that their only concern was approving a project with specific focus on the biodiversity issues. He further mentioned that EIA guidelines relating to sustainability and energy are needed, these would be able to look at the project as a whole and recommend in terms of the type of material that can be used for building.

**Responses from NMBM Environmental Management: Sub-Directorate officials**

The local authority was represented by 2 participants currently working in the Environmental Management Sub-Directorate. Both participants are conservation officers responsible for co-ordinating EIAs and land matters and biodiversity conservation respectively. They have both been in the employ of the municipality for not less than 4 years and are also responsible for a wide range of activities as per their job descriptions and required reporting functions. The results are presented in Table 2 below.

**4.7 The concept of sustainable development**

Both participants had an understanding of what sustainable development means and the pillars that inform sustainable development at a planning level.

**4.8 National Framework for Sustainable Development**

Both participants were familiar with the NFSD but they had not read the document in detail.
4.9 Environmental Management planning in NMBM
The participants mentioned most of the spatial and framework policy documents that are in place.

Table 2: Responses from interview with NMBM Environmental Management: Sub-Directorate officials

<table>
<thead>
<tr>
<th>Interview Questions</th>
<th>Participant 6</th>
<th>Participant 7</th>
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<tr>
<td>Sustainable Development</td>
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<td>What is your understanding of Sustainable Development, what does it mean to you?</td>
<td>5</td>
<td>5</td>
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<tr>
<td>Are you familiar with the NFSD that was developed by National Department of Environmental Affairs</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Are you aware of any systems/plans or strategies in place that have been developed by NMBM in order to adhere to Environmental legislation</td>
<td>5</td>
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<table>
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<tr>
<th>EIA's</th>
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<tbody>
<tr>
<td>What is your understanding of EIA's?</td>
<td>5</td>
<td>5</td>
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<tr>
<td>What is the Municipality's role in the EIA process?</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Do you think that the Municipality is competent in fulfilling its role in the EIA process?</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Is there anything that you would want to improve with the current system?</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Would you say that EIA's as a tool are successful in promoting sustainable development in the Municipality's context?</td>
<td>Not really</td>
<td>No</td>
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<tr>
<th>Rating</th>
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<td>3</td>
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<td>2</td>
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<tr>
<td>Poor</td>
<td>1</td>
<td></td>
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</tbody>
</table>
EMP’s
Do you think that EMP’s are necessary

Yes
Yes

Are they properly enforced

No
No

Environmental Management tools
Are there any other systems/plans or strategies/tools that you are aware of that are currently being used in streamlining environmental processes in the Municipality’s planning processes

Yes
Yes

4.10 Environmental Impact Assessment
The participants explained that EIAs are largely responsible for on the ground developments and that EIAs generally involved site-specific applications. Both participants were clear in terms of the municipality’s role in the EIA process and went on to elaborate that the municipality has a dual role of commenting and being the applicant in some applications.

4.11 Environmental Management Plans
Both participants felt that EMPs are very necessary especially for EIA occurring in sensitive areas, but they felt that more effort was needed on the enforcement side.

4.12 EIAs as a tool in promoting sustainable development
Participant no.6 felt that EIAs are not sufficient in promoting sustainable development, however she felt that EIA are assisting to a certain extent in making people think about environmental issues. She also mentioned that for large developments EIAs are necessary but she was not really sure if they made an impact for small developments.
Participant no.7 felt that EIAs are not making a contribution towards sustainable development. She said that were lots of other operational issues that needed as much attention and that EMPs were not doing much to deal with those due to the lack of enforcement by the Provincial department. She said that EIAs were not
really contributing to sustainable development as they were only focusing on an activity during the construction phase and there is nothing to measure the long term impacts of a particular activity.

Responses from Non-Governmental Organization
The local NGO was represented by 1 person. He is a conservation officer by profession with an MSc degree from the University of Cape Town. He has more than 5 years experience in the EIA and environmental management field. He is largely responsible for translating environmental knowledge into practical on the ground conservation. He works mostly with other NGOs, local authorities and businesses. The results of our interview sessions are presented in Table 3 below.

4.13 The concept of sustainable development
The participant knew what the concept of sustainable development means however he felt that it is a utopian dream and he believes that the municipality will never be able to reach a point where development is sustainable. He also mentioned the current housing backlog that is facing the municipality at the present moment as well as other socio-economic issues such as poverty, inequality and the influx of immigrants into the country and the city and how this influx of people is putting a strain on the ability of the municipality to provide basic services.

4.14 National Framework for Sustainable Development
The participant knew what the NFSD is and was aware of some components of the documents. He said that it is aligned with the MDG’s however he said that it is a fantastic document and it highlights plans and programmes that need to be implemented by government.
4.15 Environmental Management planning in NMBM

The participant was aware of some of the planning sector plans that have been developed by the municipality such as the SoER, EMF, Bioregional Plan and Stewardship Framework.

Table 3: Responses from an interview with a local NGO

<table>
<thead>
<tr>
<th>Interview Questions</th>
<th>NGO</th>
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<tbody>
<tr>
<td><strong>Sustainable Development</strong></td>
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<tr>
<td>What is your understanding of Sustainable Development, what does it mean to you?</td>
<td>5</td>
</tr>
<tr>
<td>Are you familiar with the NFSD that was developed by National Department of Environmental Affairs</td>
<td>3</td>
</tr>
<tr>
<td>Are you aware of any systems/plans or strategies in place that have been developed by NMBM in order to adhere to Environmental legislation</td>
<td>5</td>
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**EIA's**

<table>
<thead>
<tr>
<th>Question</th>
<th>Rating</th>
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<tbody>
<tr>
<td>What is your understanding of EIA's?</td>
<td>5</td>
</tr>
<tr>
<td>What is the Municipality's role in the EIA process?</td>
<td>3</td>
</tr>
<tr>
<td>Do you think that the Municipality is competent in fulfilling its role in the EIA process?</td>
<td>Yes</td>
</tr>
<tr>
<td>Is there anything that you would want to improve with the current system?</td>
<td>Yes and no</td>
</tr>
<tr>
<td>Would you say that EIA's as a tool are successful in promoting sustainable development in the Municipality's context?</td>
<td>Yes, to a certain extent</td>
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<td>Very good</td>
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<td>Fair</td>
<td>2</td>
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<tr>
<td>Poor</td>
<td>1</td>
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</table>
**EMP's**

| Do you think that EMP's are necessary | Yes |
| Are they properly enforced       | No  |

**Environmental Management tools**

| Are there any other systems/plans or strategies/tools that you are aware of that are currently being used in streamlining environmental processes in the Municipality's planning processes | No |

4.16 Environmental Impact Assessment

The participant had a very good understanding of the EIA process. He said that they promote civil society responses and seek environmental justice. He also stated that EIAs are starting to force government to look at priorities of the country and the science as well. He highlighted the NGOs role in the EIA process which is to capacitate communities to respond to EIAs.

4.17 Environmental Management Plans

The participant felt that EMPs are necessary but he highlighted the lack of enforcement thereof as a bigger problem

4.18 EIAs as a tool in promoting sustainable development

The participant felt that EIA are contributing to sustainable development on a smaller scale but not a bigger scale and he felt that local authorities need to do more than what they are doing in driving the sustainability agenda especially in poorer communities. He said that there are too many people drawing a lot of resources hence population growth is an issue. He mentioned that immigration was an important issue that needs to be looked at as it is stretching the limited resources that are available for the citizens of this country. He also mentioned that politics are the driving factor in the sustainability agenda and that the president is under pressure to provide jobs, houses and basic services.
Some challenges highlighted by participants at the municipal level

Some of the challenges highlighted by all participants especially with regards to the problem of implementation at municipal level were that the municipality has a short term approach in dealing with issues. There is a general lack of skills and insufficient capacity. Another issue that was raised is that the Eastern Cape is one of the poorest provinces and that job creation and the provision of housing, water and sanitation is of paramount importance in terms of the Provincial Growth Strategy of the Province.
Chapter 5: Discussion

The concept of sustainable development has been used so much throughout the years, it means different things to different people, is open to multiple interpretations and has as a result lost its grounding. It has been used by many politicians to garner votes and by private developers and governments to drive their own selfish agendas. The question that we should be asking is whether it is possible to achieve economic growth without depleting the environment, bearing in mind the benefits of economic growth that have been achieved by the Western countries at the expense of the environment through their neo-liberal policies that have led an increasingly market-based global economy and as a result caused an increase in inequality and poverty. These are the issues that are being faced by South Africa at the moment and in most cases environmental issues end up taking a back seat when compared with the so called “bread and butter” issues.

The conventional response to the above-mentioned challenges has been the resort to EIAs in the hope that that they will solve the country’s environmental problems and at the same time promote sustainable development. The overall aim of the case study was to investigate the effectiveness of EIAs in NMB and to determine whether EIA legislation and implementation can lead to the promotion of sustainable development practices.

The results of the research have shown that EIAs are not effective in promoting or driving the sustainable development agenda. The participants highlighted that EIAs are project specific and only concerned with indentifying impacts for a given development and identifying mitigating mechanisms for such projects. This is in agreement with the review study that was conducted by DEAT in order to measure the effectiveness and efficiency of EIAs in South Africa. The constitution which is the supreme law of the country, the NFSD and NEMA place a duty on government to act by passing appropriate environmental legislation and further commit all spheres of government especially local government, to sustainable development.
The IEM planning process which has largely been focused on EIAs as a tool to support decision-making by specialists and hence promote sustainable development (DEAT, 2004) has not been successful in driving the sustainable development agenda, this could be due to a number of factors. Some of the problems associated with EIAs according to the interviewed participants were that EIAs don’t consider the long term impacts of developments they only consider the short term negative impacts of a development.

Another problem that was identified is that EIAs should come in later on in the planning process or should rather be informed by the SEA and the SDF planning processes rather than the other way around as is the case in many local authorities. SEAs, SDFs and EMFs evaluate the opportunity and constraints that the environment places on a development (DEAT, 2004) and are generally carried out at a strategic level and they often assist in eliminating the need to undertake EIAs (Urquhart and Atkinson, 2000) whereas EIAs only focus on a specific project.

The NMBM however has been quite proactive in this regard and has developed and implemented a number of sector plans as part of its integrated Environmental Management Plan which includes a spatial plan and an environmental framework, the objectives of which are to mainstream and deal with environmental issues in an integrated approach.

There are challenges however with local authorities and each local authority exists in a specific context and has different priorities, however resource constraints and bureaucratic systems, budgeting cycles and the silo approach are realities for most municipalities. Policy overload and constant change at the local government level mean that too often crisis management is the order of the day. In addition to crisis management local authorities are expected to develop integrated and creative visions for municipal development as a whole in partnership with civil society, these are not only a challenge for most local authorities but they need to be done in a holistic way that will ensure the
integration of sectoral issues (such as roads, water, economic development and health care) with each other.

The process of EIA as practiced in South Africa has also been shown to be technocratic and concerned with “scientific” as opposed to indigenous knowledge of local communities. Social factors have largely been underplayed especially at grassroots level and this is one of the legacies of apartheid. In order for the environment to be sustainably managed in this country there is a need for the current IEM procedure to recognize and strengthen local communities structures and provide for the incorporation of grassroots perspectives and indigenous knowledge systems.

The first objective of the research was to examine and evaluate the role of government during the EIA process.

The current EIA Regulations promulgated under Section 24(5), 24M and 44 of NEMA under Government Notice R543, 544, 545 and 546 of June 2010 are clear in terms of setting out a process that must be followed by developers, consultants or Environmental Assessment Practitioners (EAP’s) and authorities during the EIA process (Urquhart and Atkinson, 2000). Local authorities are subjected to the same EIA process and are required to follow the EIA application process as stated in the Regulations, in addition, local authorities are required to provide comments within 40 days from the date on which the competent authority requests information regarding a particular application. The EAPs are relatively satisfied with how the NMBM is handling the EIA process with regards to commenting on both internal and external applications.

There was however one EAP who felt that most municipalities lacked sufficient capacity to be able to comment on EIA applications as required by legislation but this was not directed to the NMBM in particular but rather to other municipalities that EAP had dealt with in the past. Municipal officials expressed their concern
especially where human resource issues are concerned and highlighted this as a problem that should receive special attention.

The Department of Environmental Affairs is the lead agent for sustainable development and it is their responsibility to make sure that local authorities are capacitated and that sustainable development and its planning principles are mainstreamed into various sector plans and strategies at both provincial and local level (DEAT, 2008). It is therefore the responsibility of the National Department to develop a national strategy for environmental capacity-building that includes an education pack on EIAs to inform government departments and all other spheres of government and also build capacity of non-governmental management officials and politicians to enhance a common understanding of EIAs throughout the country.

**The second objective of the research was to examine and evaluate the role of civil society and NGOs during the EIA process.** Public participation and/or stakeholder engagement is one of the components that form part of the IEM planning process in order to achieve sustainable development. Community engagement is paramount and should take place throughout the planning, assessment and implementation stages of a particular activity so that buy-in and support for a particular activity can be ensured (DEAT, 2004, Urquhart and Atkinson 2000).

The results of the study showed that NGOs are quite vocal and very much involved in driving the sustainable development agenda and that in South Africa NGOs are usually the ones that are responsible for getting the message across in the form of environmental education and awareness through the translation of environmental knowledge into practical on the ground conservation. The role of NGOs and civil society organisations is also highlighted as critical to the implementation of the NFSD.
The NSSD which is an action plan of the framework highlights the importance of a participatory approach during the implementation of the action plan. According to (Ayre and Callway, 2005) the participation of interest groups from civil society and business is essential in improving ultimate outcomes by creating shared responsibilities, improving transparency and better targeting services to community needs. One of the key areas that I have observed with NGOs from this country in particular is that they don’t really reflect the demographics. The dominance of environmental issues by organizations that are white needs to change. There needs to be a better articulation of environmental issues essentially especially to the African communities, this has to be extended in schools, churches, stokvels, taverns and so on, essentially this means that there is a dire need for environmental issues to be redefined into a simple language that will be understood by everyone and this will result in environmental issues being anchored in wider debates and hence shift away from your typical upper and middle class communities.

The third objective of the research was to analyze the responsibilities of Environmental Assessment Practitioners (EAP) in the EIA process. The current EIA Regulations promulgated under Section 24(5), 24M and 44 of NEMA under Government Notice R543, 544, 545 and 546 of June 2010 are clear in terms of what is expected from EAPs. One of the requirements from EAPs in particular is that they have to have some knowledge of the EIA process and also some knowledge of environmental management and planning principles. The results of the study showed that all the EAPs that were interviewed as part of the research did not have any knowledge of what the NFSD is, only 3 out of the 5 EAPs that were interviewed knew of the document but they had never read it. This is very worrying considering the fact that these people are regarded as people with high technical expertise. In addition only 1 out of 5 was aware of any other tools/systems that the municipality has or is developing in terms of streamlining environmental issues into the land planning processes. This shows an absolute lack of willingness to learn or be informed on their part. There needs
to be a concerted effort from the part of DEA to train EAPs so that they can be able to understand and evaluate findings from various disciplines and combine into a coherent whole that advances sustainable development and helps decision-makers. The EAPs did however display a very good knowledge of the EIA process and what was required of them in terms of the process.

The fourth objective was to evaluate compliance to the Environmental Management Plan (EMP) by the applicant once Environmental Authorisation (EA) has been granted by the responsible authority. EMPs are generally required as one of the conditions when an Environmental Authorisation is issued by the relevant authority. The compliance audit and enforcement function of an EMP lies with the authority issuing the Environmental Authorisation and it is the relevant authority’s responsibility to make sure that the EMP is adhered to and executed as contained in the management plan. The results show that all the participants were in agreement in terms of the need for EMPs but their lack of enforcement was highlighted as a very serious problem which is in need of urgent attention sooner rather than later. One of the participants also mentioned that EMPs were generally not adhered to due to their lack of legal status and that many developers viewed EMPs as guideline documents rather than something that has legally enforceable provisions. I think the problem might also be exacerbated by the fact that the process whereby the EMP is meant to be implemented is not entirely clear and this causes some confusion with authorities as well as the applicants responsible for developing such EMPs.
Chapter 6: Conclusions and recommendations

The aim of the research study was to investigate the effectiveness of EIAs in NMB and to determine whether EIA legislation and implementation can lead to the promotion of sustainable development practices in the municipality.

The results of the research showed that EIAs are not effective in meeting the requirements of NEMA and promoting or driving the sustainable development agenda. The process is considered efficient to a certain extent even though there are some EIAs which might not fall into this category.

The objectives of the research study were:

1. To examine and evaluate the role of government during the EIA process.
   The results showed that government is efficient in fulfilling its role as per current EIA Regulations promulgated under Section 24(5), 24M and 44 of NEMA under Government Notice R543, 544, 545 and 546 of June 2010 however a shortage of skills and capacity were identified as key issues facing government at the present moment.

2. To examine and evaluate the role of civil society and NGOs during the EIA process.
   The results showed that NGOs are quite vocal and very much involved in driving the sustainable development agenda and are usually responsible for getting the message across in the form of environmental education and awareness campaigns through the translation of environmental knowledge into practical on the ground conservation.

3. To analyze the responsibilities of Environmental Assessment Practitioners (EAP) in the EIA process.
   The results showed that the EAPs are knowledgeable of the EIA process and what it entails and they are aware of what is required of them throughout the
process however there is some ignorance from their side in terms of being up to date with the latest environmental policies and plans at a national and local level.

4. To evaluate compliance to the Environmental Management Plan by the applicant once an Environmental Authorisation has been granted by the responsible authority.

The results showed that EMPs are necessary but their lack enforcement was highlighted as a very serious problem which is in need of urgent attention. EMPs are generally not adhered to by developers due to their little or no legal status and they are in most cases regarded by many developers as a guideline document rather than one that has legally enforceable provisions.

Recommendations

- There is currently a neglect of social factors in the EIA process and the PPP process seems inadequate, more emphasis should be put on Social Impact Assessments (SIA) as they provide a voice for indigenous communities who are likely to be mostly affected by development.

- Presently EIAs are mostly concerned with presenting scientific data in the form of specialist reports, in most cases one needs to be technical if one is to understand the information that is presented by an EAP during a public meeting. This often leads to the exclusion of other communities from the public participation process. Participation by all individuals from all races is essential in a democratic society as it serves to strengthen scientific knowledge with indigenous knowledge from communities and results in an inclusive and fair decision making process.

- There is a need to improve intersectoral co-ordination in order to reduce conflicts over the use of natural resource base, this has to occur at the local, provincial and national levels.
• There is a strong need for education campaigns so that public opinion becomes more sensitive to the environmental issues.

• The legislative grip on environmental damage should be tightened, enforcement needs to be improved and fines increased, DEA should relook Section 24G of NEMA which speaks to illegal development.

• There should be an environmental steering committee which is driven by the municipality. This should include NGOs, civil society, the private sector and academic institutions. The steering committee must be responsible for driving sustainable development issues including climate change in the NMBM.

• The current IDP should include climate change as one of the projects that needs to be looked at, this should be complimented by a budge that is shaped by social and environmental indicators which are identified in the SoER.

• Executive Directors should be made accountable for the implementation of environmental management projects and they must be made to report on those issue, this should form of their Key Performance Indicators.

• Functions are splintered between different government departments and enforcement is minimal, there needs to be a clear separation between implementation and monitoring functions within government.

**Limitations of the research study**

Qualitative research differs from quantitative research because it does not employ the use of statistical tools to prove or disprove research findings and can therefore not be able to generalize its findings to larger populations (Hesse-Biber and Leavy, 2011) due to sample sizes being smaller and no representative. That limitation is characteristic of this study as well. The results of this study cannot be used to generalize as South Africa has different communities all of which are
unique and will differ in culture in values. The sample size that has been used for this study is small bearing in mind that this is a guided research module and has to be completed within a set time frame and has specific boundaries. However the findings are an important step in unveiling the dynamics and realities of implementing EIAs as a tool to promote sustainable development and the challenges faced by all spheres of government and other stakeholders in working towards sustainable development. In addition with a wide scope of analysis and time constraints this report cannot claim to be exhaustive, nevertheless every effort has been made to ensure that key issues are highlighted and in some cases discussed in order to unpack the status quo and emerging issues. The participants from the provincial government were unavailable for the study due to unforeseen circumstances. It would have been good to have an interview with at least one person representing provincial government so that we could have been able to know the conditions that they work under and their extent of adherence to NEMA principles.
Chapter 7: References


**Publications**


Information accessed over the internet


Course material

Acts and policies of Parliament
Constitution of the Republic of South Africa Act No. 108 of 1996. (c.2&7), South Africa, Department of Constitutional Development.

Development Facilitation Act No. 67 of 1995. (c.1&4), South Africa.

Local government: Municipal Systems Act No. 32 of 2000 as amended by Act 7 of 2011. (c2), South Africa:


National Environmental Management: Biodiversity Act No. 10 of 2004, South Africa: Department of Environmental Affairs and Tourism.

National Environmental Management: Protected Areas Act No. 57 of 2003, South Africa: Department of Environmental Affairs and Tourism.


Municipal policies and sector plans

Appendix A

1. What is the function/mandate of your Directorate within the Municipality (for municipal officials) and can you briefly tell us what your job entails specifically?

2. What do you understand by the term Sustainable Development / what does it mean to you?

3. Have you seen or are you familiar with the National Framework for Sustainable Development?

4. The Constitution, NEMA, the Municipal Systems Act and other specific SEMA’s require that the Municipality manage their activities in an environmentally sustainable manner, what is the municipality doing currently to make sure that they adhere to the requirements of these legislation?

5. The conventional response to environmental problems in South Africa has been to resort to EIA’s, what is your understanding about EIA’s and your role in particular?

6. Would you tell me how the EIA process takes place in the Municipality (or where it fits in) what is the municipality’s role?

7. Would you say that the Municipality is competent in fulfilling this role (mentioned in question 6) according to the EIA process?

8. Is there anything that you would want to improve with the current system? If yes, what?
9. What is good about the system?

10. Do you think that EMP’s are necessary and if so, are they properly enforced?

11. Would you say that EIA’s as a tool are successful in promoting sustainable development in the context of the Municipality?

12. Are there any other systems/tools that you are aware of that the Municipality is using or is in the process of developing in terms of streamlining environmental issues into the land use planning processes? And if so what?

13. Is there anything else that you would like to add?

Thank You for your time and effort in taking part in this questionnaire. I will be sending you a summary of what you have said in order to validate the information and make sure that your responses have been captured correctly.